

STATE OF IOWA  
1941

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# JOURNAL OF THE SENATE

OF THE

## FORTY-NINTH GENERAL ASSEMBLY

▼ ▼ ▼

Convened January 13, 1941

Adjourned April 10, 1941



GEORGE A. WILSON, Governor

BOURKE B. HICKENLOOPER, President of the Senate

ROBERT D. BLUE, Speaker of the House

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## FORTY-NINTH GENERAL ASSEMBLY

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### OFFICERS OF THE SENATE

LIEUT. GOVERNOR BOURKE B. HICKENLOOPER, President.....Cedar Rapids  
FRANK C. BYERS, President Pro Tempore.....Cedar Rapids  
WALTER H. BEAM, Secretary.....Martensdale  
W. J. SCARBOROUGH, Assistant Secretary.....West Des Moines  
IRA BUCKLES, Reading Clerk.....Lake City  
HOPE HULL, Journal Clerk.....Fairfield  
EDNA GILLESPIE, Assistant Journal Clerk.....Des Moines  
MARGARET E. SANTEE, Engrossing Clerk.....Cedar Falls  
FLORENCE WATTLES, Enrolling Clerk.....Waukon  
VIRGINIA VAN NOSTRAND, Enrolled Bills Clerk.....Newton  
JOHN OLSON, General Clerk.....Calamus  
FRANK D. LOGAN, Sergeant-at-Arms.....Glenwood  
IRA B. ROUSE, Assistant Sergeant-at-Arms.....Grundy Center  
DON HERRIOTT, Assistant Sergeant-at-Arms.....Stuart  
J. E. RISDEN, Chief Doorkeeper.....Cedar Rapids  
JOHN I. KEMMERER, Bill Clerk.....Independence  
HARRY UPHAM, File Clerk.....Fredericksburg  
ELLWOOD ANDERSON, Assistant File Clerk.....Keosauqua  
MAXINE MAXSON, Lieutenant Governor's Clerk.....Cedar Rapids  
HATT E C. VANCELEAVE, Secretary's Clerk.....Pella  
L. MAE BANKS, Postmistress.....Montour

**ELECTIVE STATE OFFICERS**  
**Official Address, Des Moines, Iowa**

NAME	OFFICE	RESIDENCE
Geo. A. Wilson.....	Governor.....	Des Moines
Bourke B. Hickenlooper.....	Lieutenant Governor.....	Cedar Rapids
Earl G. Miller.....	Secretary of State.....	Des Moines
Chet. B. Akers.....	Auditor of State.....	Ottumwa
Willis G. C. Bagley.....	Treasurer of State.....	Mason City
Mark G. Thornburg.....	Secretary of Agriculture.....	Emmetsburg
John M. Rankin.....	Attorney General.....	Keokuk
Barr Keshlear.....	Commerce Commissioner.....	Shenandoah
Carl W. Reed.....	Commerce Commissioner.....	Cresco
B. M. Richardson.....	Commerce Commissioner.....	Cedar Rapids
Jessie M. Parker.....	Superintendent of Public Instruction.....	Lake Mills
Wm. L. Bliss.....	Judge of the Supreme Court.....	Mason City
T. G. Garfield.....	Judge of the Supreme Court.....	Ames
Oscar Hale.....	Judge of the Supreme Court.....	Wapello
Frederic M. Miller.....	Judge of the Supreme Court.....	Des Moines
R. F. Mitchell.....	Judge of the Supreme Court.....	Fort Dodge
Ralph A. Oliver.....	Judge of the Supreme Court.....	Sioux City
E. A. Sager.....	Judge of the Supreme Court.....	Waverly
Carl B. Stiger.....	Judge of the Supreme Court.....	Toledo
C. F. Wennerstrum.....	Judge of the Supreme Court.....	Chariton

SENATORS—FORTY-NINTH GENERAL ASSEMBLY

NAME	Residence	Age	Occupation	Politics	District	Counties Composing District	Former Legislative Service
Augustine, A. E.	Oskaloosa	50	Broker and Farmer	Dem.	14	Mahaska	46X 47 48
*Baldwin, Howard C.	Cascade	36	Editor and Publisher	Dem.	35	Dubuque	45X 46 46X 47 48
*Bekman, E. K.	Ottumwa	40	Attorney	Rep.	13	Wapello	48
*Benson, Ralph E.	Jefferson	33	Farm Manager	Rep.	48	Carroll, Greene, Sac	48
*Berg, John P.	Cedar Falls	52	Merchant	Rep.	38	Black Hawk, Grundy	46 46X 47 48
Byers, Frank C.	Cedar Rapids	56	Attorney	Rep.	26	Linn	43 44 45 45X 46 46X 47 48
Clark, Clarence L.	Corydon	63	Abstracter of Titles	Rep.	4	Lucas, Wayne	48
*Corwin, E. P.	Fruitland	57	Farmer	Rep.	20	Muscatine, Louisa	46 46X 47 48
*Cromwell, Fred	Burlington	35	Attorney	Rep.	9	Des Moines	48
*Dewey, A. Claire	Washington	54	Businessman and Orchardist	Rep.	10	Washington, Henry	46 46X 47 48
*Donohue, E. P.	New Hampton	41	Attorney	Rep.	44	Chickasaw, Floyd	46 46X 47 48
Dykhouse, J. T.	Rock Rapids	50	Real Estate and Insurance	Rep.	49	Lyon, O'Brien, Osceola, Sioux	47 48
Elthon, Leo	Fertile	42	Farmer	Rep.	41	Mitchell, Winnebago, Worth	45 45X 46 46X 47 48
Emerson, S. Ray	Creston	52	General Contractor	Rep.	5	Decatur, Ringgold, Union	
Evans, K. A.	Emerson	42	Farm Manager	Rep.	8	Mills, Montgomery	47 48
*Faul George M.	Des Moines	41	Attorney	Rep.	30	Polk	48
Findlay, C. V.	Fort Dodge	74	Retired Farmer	Rep.	27	Calhoun, Webster	37 38
Fuller, D. D.	Maquoketa	50	Banker	Rep.	23	Jackson	
Goode, Dewey E.	Bloomfield	42	Produce and Fur Dealer	Rep.	3	Appanoose, Davis	45 45X 46 46X 47 48
Hamiel, M. C.	Tipton	42	Attorney	Rep.	24	Cedar, Jones	
*Hart, Stanley L.	Keokuk	44	Wholesale Cheese Merchant	Rep.	1	Lee	47 48
*Harvey, Robert W.	Missouri Valley	65	Druggist	Rep.	34	Harrison, Monona, Crawford	48
Hattery, John R.	Nevada	43	Attorney	Rep.	31	Boone, Story	
*Henningsen, O. H.	Clinton	57	Insurance and Real Estate	Rep.	22	Clinton	48
Hess, R. E.	Kingsley	54	Attorney and Ins. Agent	Rep.	46	Cherokee, Ida, Plymouth	
*Hill, G. R.	Clarion	52	Attorney	Rep.	37	Hamilton, Hardin, Wright	46X 47 48
Hunt, G. W.	Guttenberg	49	Attorney	Rep.	36	Clayton	
Johnson, Oscar E.	Kanawha	46	Druggist	Dem.	43	Cerro Gordo, Franklin, Hancock	46 46X 47 48
Jones, Floyd	Osceola	35	Former County Auditor	Rep.	11	Clark, Warren	
Keir, Robert	Spencer	36	Farmer	Rep.	47	Clay, Dickinson, Emmet, Kosuth, Palo Alto	
*Leo, Richard V.	Dysart	52	Livestock Man. & Farmer	Rep.	45	Tama, Benton	45X 48
Long, Irving D.	Manchester	45	Attorney	Rep.	33	Buchanan, Delaware	
Love, H. S.	Bridgewater	52	Produce Dealer	Rep.	16	Adair, Madison	46 46X 47 48
Lundy, Hugh W.	Albia	44	Attorney	Rep.	15	Marion, Monroe	47 48
Lynes, J. Kendall	Plainfield	37	Farmer	Rep.	39	Bremer, Butler	
*Martin, Frank D.	Davenport	56	Former Sheriff	Rep.	21	Scott	48
Mercer, Leroy S.	Iowa City	50	Manufacturing Printer	Dem.	25	Iowa, Johnson	45 45X 46 46X 47
Miller, A.	Gray	55	Farmer	Rep.	17	Audubon, Dallas, Guthrie	
*Mowry, Ross R.	Newton	58	Attorney	Rep.	29	Jasper	48
Munger, Robert P.	Sioux City	31	Attorney	Rep.	32	Woodbury	

\*Holdover Senators

**SENATORS—FORTY-NINTH GENERAL ASSEMBLY—Continued**

NAME	Residence	Age	Occupation	Politics	District	Counties Composing District	Former Legislative Service
*Pelzer, Frank	Marne	64	Farmer	Rep.	18	Cass, Shelby	46X 47 48
*Shaw, Albert J.	Pocahontas	64	Attorney	Rep.	50	Buena Vista, Humboldt, Pocahontas	46 46X 47 48
*Sjulin, Carl O.	Hamburg	50	Nurseryman	Rep.	7	Fremont, Page	48
Stewart, Paul P.	Maynard	64	Farmer	Rep.	40	Allamakee, Fayette	47 48
*Talbot, John E.	Brooklyn	53	Attorney	Rep.	12	Keokuk, Poweshiek	48
Turner, Oliver	Lenox	55	Farmer	Rep.	6	Adams, Taylor	48
*Vrba, Edward H.	Cresco	32	Farmer	Dem.	42	Howard, Winneshiek	48
Watson, De Vere	Council Bluffs	47	Attorney	Rep.	19	Pottawattamie	48
Whitehill, B. C.	Marshalltown	65	Real Estate	Rep.	28	Marshall	46X 47 48
Zeigler, Sanford, Jr.	Fairfield	49	Farmer	Rep.	2	Jefferson, Van Buren	46 46X 47 48

\*Holdover Senators

MEMBERS OF THE SENATE

## MEMBERS OF THE HOUSE—FORTY-NINTH GENERAL ASSEMBLY

VI

NAME	Residence	Age	Occupation	Politics	District	County	Former Legislative Service
Alesch, Gustave	Marcus	63	Farmer	Dem.	80	Plymouth	45 45X 46 46X 47 48
Allen, Sewell E.	Onawa	27	Attorney	Dem.	51	Monona	
Arant, Walter S.	Des Moines	65	Retired	Dem.	37	Polk	
Avery, A. H.	Spencer	70	Insurance	Rep.	83	Clay	44 45X 46 46X 48
Beeler, Will J.	Winterset	65	Farmer	Rep.	28	Madison	48
Blatti, Arthur C.	New Hampton	54	Dairyman and Farmer	Rep.	89	Chickasaw	
Blue, Robert D.	Eagle Grove	42	Attorney and Farmer	Rep.	75	Wright	46 46X 47 48
Bockwoldt, M. F.	Ida Grove	64	Farmer and Feeder	Rep.	59	Ida	
Brindle, J. P.	Conrad	65	Farmer	Rep.	65	Grundy	
Browner, Vincent L.	Des Moines	43	Grocer	Dem.	37	Polk	
*Bryson, C. A.	Iowa Falls	66	Attorney	Rep.	64	Hardin	
Burk, I. J.	Rippey	63	Farmer	Rep.	54	Greene	48
Burma, Henry W.	Allison	45	Former Sheriff	Rep.	73	Butler	47 48
Burns, Melvin	Rock Rapids	37	Attorney	Rep.	99	Lyon	
Butterfield, Dewey S.	Waterloo	43	Life Insurance	Rep.	66	Black Hawk	
Carlson, Robert	Sioux City	45	Oil Business	Rep.	58	Woodbury	
Claypool, Harold B.	Williamsburg	39	Attorney	Rep.	40	Iowa	48
Colburn, Jay C.	Harlan	47	Farmer	Rep.	33	Shelby	
Cooper, Elmer E.	Corning	57	Farmer	Rep.	13	Adams	48
Dancer, David A.	Lamoni	44	Farmer	Rep.	6	Decatur	46 46X 47 48
Degen, Harley A.	Esterville	31	Attorney	Rep.	96	Emmet	
Dietz, Walter	Walcott	44	Farmer and Dairyman	Dem.	43	Scott	47 48
Dodds, Bert E.	Danville	55	Farmer	Rep.	21	Des Moines	47 48
Duffield, R. E.	Guthrie Center	65	Attorney	Rep.	35	Guthrie	
Dvorak, Raphael R. R.	Toledo	32	Attorney	Rep.	50	Tama	48
Eckerman, Howard P.	Davenport	32	Attorney	Dem.	43	Scott	48
Edwards, E. L.	Shannon City	55	Merchant	Rep.	14	Union	
Felton, Harold	Indianola	50	Grain and Feed	Rep.	27	Warren	
Fimmen, W. R.	Bloomfield	41	Attorney	Rep.	3	Davis	
Fishbaugh, Earl C., Jr.	Shenandoah	31	Attorney	Rep.	9	Page	46 46X 47 48
Foster, Harlan C.	Mount Pleasant	54	Farmer	Rep.	20	Henry	47 48
Gardner, Joe F.	Waverly	46	Salesman	Rep.	72	Bremer	
Gardner, John R.	Lisbon	65	Physician and Surgeon	Rep.	48	Linn	47 48
Good, C. G.	Ogden	67	Farmer	Rep.	53	Boone	47
Graft, Don W.	Oskaloosa	28	Salesman	Rep.	25	Mahaska	
Greene, A. C.	Denison	59	Former Sheriff	Rep.	56	Crawford	48
Gregory, Curtis W.	Adel	43	Attorney	Rep.	36	Dallas	48
Guernsey, N. E.	Milton	62	Newspaper Publisher	Rep.	2	Van Buren	48
Hall, J. R.	Malvern	60	Lumber	Rep.	11	Mills	48
Heffner, John S.	Webster City	57	Farmer and Stockman	Rep.	63	Hamilton	48
Hermesen, John B.	Carroll	56	Public Service & Farm Bur.	Dem.	55	Carroll	48
Hocum, Frank O.	Newell	60	Retired	Rep.	78	Buena Vista	48

\*By Special Election December 30, 1940 to Replace Dean W. Peisen (Resigned)

MEMBERS OF THE HOUSE

## MEMBERS OF THE HOUSE—FORTY-NINTH GENERAL ASSEMBLY—Continued

NAME	Residence	Age	Occupation	Politics	District	County	Former Legislative Service
Hoegh, Leo A.	Chariton	32	Attorney	Rep.	16	Lucas	47-48
Hutchinson, Theo. C.	Alгона	35	Attorney	Rep.	85	Kossuth	
Irwin, John R.	Keokuk		Wholesale Dry Goods	Rep.	1	Lee	43 46 46X 47 48
Jessen, Peter A.	Exira	43	Oil Jobber	Rep.	34	Audubon	
Johannes, W. J.	Ashton	50	Banker	Dem.	98	Osceola	46 46X 47 48
Johnson, Carroll	Knockville	27	Attorney	Rep.	26	Marion	48
Johnson, Elmer A.	Cedar Rapids	69	Attorney	Rep.	48	Linn	45 45X 48
Judd, William N.	Clinton	53	Railroad Yardmaster	Rep.	45	Clinton	47 48
Keeney, Geo. H.	Mallard	60	Physician and Surgeon	Dem.	84	Palo Alto	47 48
Knippling, John	Elma	51	Farmer	Dem.	92	Howard	47 48
Knowlton, W. P.	Decorah	55	Businessman	Rep.	91	Winneshiek	48
Knudson, Herman M.	Mason City	53	Florist and Printer	Rep.	87	Cerro Gordo	46 46X 48
Kruse, William	Rockford	50	Farmer	Rep.	88	Floyd	48
Kuester, G. T.	Griswold	52	Farmer	Rep.	30	Cass	46 46X 47 48
Lampman, L. O.	Primghar	46	Attorney	Rep.	82	O'Brien	48
Latchaw, F. A.	Wilton Junction	57	Electrical Contractor	Rep.	42	Muscatine	47 48
Long, Harvey J.	Clinton	46	Roofing and Coal	Rep.	45	Clinton	
Lucas, James A.	Bedford	44	Attorney	Rep.	8	Taylor	48
Manley, J. W.	Dyersville	32	Attorney	Dem.	69	Dubuque	48
Martin, S. A. (Steve)	Centerville	69	Manufacturer	Rep.	4	Appanoose	48
McFarlane, Arch. W.	Waterloo	55	Fuel Dealer	Rep.	66	Black Hawk	36 37 38 38X 39 42 42X 43 44 45 45X 46 48
Miller, J. F.	Humboldt	54	Grain Dealer and Farmer	Rep.	76	Humboldt	48
Mills, Ivan R.	Adair	62	Minister	Rep.	29	Adair	
Morrissey, Edw. J.	Valeria	52	Farming and Livestock	Rep.	38	Jasper	48
Moyle, B. S.	Maquoketa	56	Salesman	Rep.	46	Jackson	
Nelson, Harold F.	Sioux City	36	Attorney	Rep.	58	Woodbury	
Nichol, Frank A.	Albia		Attorney	Rep.	17	Monroe	
Nielsen, Andrew J.	Council Bluffs	51	Attorney	Rep.	31	Pottawattamie	
*Norland, Norman	Kensett	52	Farmer	Dem.	94	Worth	
Odden, John G.	Lake Mills	62	Retired Merchant	Rep.	95	Winneshiek	47 48
Parker, Hugh W.	Greeley	39	Farming and Insurance	Rep.	68	Delaware	
Paulus, Fred J.	Hampton	46	Dairyman	Dem.	74	Franklin	48
Pieper, Elmer	Waukon	53	Attorney	Rep.	90	Allamakee	48
Pine, F. J.	Columbus Jct.	47	Auto Dealer and Farmer	Rep.	22	Louisa	47 48
Poston, Gene	Corydon	57	Attorney and Farmer	Dem.	5	Wayne	
Prentis, X. T.	Mount Ayr	44	Hatchery and Feeds	Rep.	7	Ringgold	48
Pritchard, W. S.	Garner	69	Automobile Dealer	Rep.	86	Hancock	
Reed, Wilson	Fairfield	67	Tax Consultant	Rep.	19	Jefferson	
Reilly, Robert C.	Dubuque	36	Sales Representative	Dem.	69	Dubuque	48
Risse, H. F.	Mitchell	67	School Superintendent	Rep.	93	Mitchell	48
Ritchie, Fred J.	Marcus	61	Farmer	Rep.	79	Cherokee	48
Scott, E. W.	Lake View	60	Cattle Feeder and Banker	Rep.	60	Sac	46 46X 47 48

\*Defeated in contest by Randall

MEMBERS OF THE HOUSE—FORTY-NINTH GENERAL ASSEMBLY—Continued

NAME	Residence	Age	Occupation	Politics	District	County	Former Legislative Service
Scott, Geo. L.	West Union	53	Farmer	Rep.	71	Fayette	46 46X 47 48
Seemann, Herbert G.	Jesup	49	Farmer	Rep.	67	Buchanan	
Sharp, F. E.	Elkader	46	Attorney	Rep.	47	Clayton	48
Shimanek, C. F.	Monticello	30	Attorney	Rep.	70	Jones	48
Siefkas, Henry	Osceola	43	Farmer	Rep.	15	Clarke	48
Smith, Gordon	Clarence	37	Minister	Rep.	44	Cedar	48
Snakenberg, J. Dick	Sigourney	25	Attorney	Dem.	24	Keokuk	
Stanek, James F.	Callender	55	Farming and Business	Dem.	62	Webster	
Steinberg, Albert	Ames	50	Attorney	Rep.	52	Story	48
Stewart, E. L.	Washington	55	Farmer	Rep.	23	Washington	46 46X 47 48
Stinemates, George W.	Grant	63	Farmer	Rep.	12	Montgomery	
Swaner, John J.	Iowa City	42	Dairy Products	Dem.	41	Johnson	
Tatum, William M.	Logan	49	Attorney	Dem.	32	Harrison	
Teachout, Harold J.	Farragut	48	Farmer	Dem.	10	Fremont	
Thompson, Jens	Rolfc	53	Farmer	Rep.	77	Pocahontas	46 46X 47 48
Van Oosterhout, Martin D.	Orange City	40	Attorney	Rep.	81	Sioux	48
Wagner, Joseph N.	Ottumwa	35	Attorney	Dem.	18	Wapello	
Walter, W. Eldon	Beaman	42	Farmer and Stockman	Rep.	57	Marshall	
Walter, Herman W.	Council Bluffs	29	Attorney	Rep.	31	Pottawattamie	48
Weichman, Harry E.	Newhall	48	Farmer	Rep.	49	Penton	47 48
Wellington, Thomas W.	Fort Madison	65	Retired Railway Mail Clerk	Rep.	1	Lee	
Wichman, Henry	Malcom	58	Farmer	Rep.	39	Poweshiek	48
Wilson, Melvin	Lake City	50	Rendering and Stockman	Rep.	61	Calhoun	48
Yager, W. A.	Spirit Lake	52	Real Estate Dealer	Dem.	97	Dickinson	45 45X 46 46X 47 48



# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 13, 1941.

Pursuant to law the Senate of the Forty-ninth General Assembly convened at 10 o'clock a. m., and was called to order by Lieutenant Governor Bourke B. Hickenlooper, President of the Senate.

Prayer was offered by Rev. Edwin J. Laird, pastor of the Methodist Church, Commerce.

## TEMPORARY OFFICERS

Senator Berg moved that the following be elected as temporary officers of the Senate:

Walter H. Beam of Warren county, temporary secretary.  
W. J. Scarborough of Polk county, temporary assistant secretary.  
Hope Hull of Jefferson county, temporary journal clerk.  
Frank Logan of Mills county, temporary sergeant-at-arms.

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 Hart moved that a committee of five be appointed as a committee on credentials.

The motion prevailed and the President appointed as such committee Senators Zeigler, Lundy, Stewart, Augustine, and Pelzer.

## REPORT OF COMMITTEE ON CREDENTIALS

Senator Zeigler, from the committee on credentials, submitted the following report and moved its adoption:

MR. PRESIDENT: Your committee on credentials finds the following named newly elected Senators, as shown by the files, and as certified by the Secretary of State, entitled to seats in the Senate of the Forty-ninth General Assembly:

Second District—Sanford Zeigler Jr.  
Third District—Dewey E. Goode.  
Fourth District—Clarence L. Clark.

Fifth District—S. Ray Emerson.  
 Sixth District—Oliver Turner.  
 Eighth District—K. A. Evans.  
 Eleventh District—Floyd Jones.  
 Fourteenth District—A. E. Augustine.  
 Fifteenth District—Hugh W. Lundy.  
 Sixteenth District—H. S. Love.  
 Seventeenth District—Ai Miller.  
 Nineteenth District—De Vere Watson.  
 Twenty-third District—D. D. Fuller.  
 Twenty-fourth District—M. C. Hamiel.  
 Twenty-fifth District—Leroy S. Mercer.  
 Twenty-sixth District—Frank C. Byers.  
 Twenty-seventh District—C. V. Findlay.  
 Twenty-eighth District—B. C. Whitehill.  
 Thirty-first District—John R. Hattery.  
 Thirty-second District—Robert P. Munger.  
 Thirty-third District—Irving D. Long.  
 Thirty-sixth District—G. W. Hunt.  
 Thirty-ninth District—J. Kendall Lynes.  
 Fortieth District—Paul P. Stewart.  
 Forty-first District—Leo Elthon.  
 Forty-third District—Oscar E. Johnson.  
 Forty-sixth District—R. E. Hess.  
 Forty-seventh District—Robert Keir.  
 Forty-ninth District—J. T. Dykhouse.

We also find the following hold-over Senators entitled to seats in the body:

First District—Stanley L. Hart.  
 Seventh District—Carl O. Sjulín.  
 Ninth District—Fred Cromwell.  
 Tenth District—A. Claire Dewey.  
 Twelfth District—John E. Talbott.  
 Thirteenth District—E. K. Bekman.  
 Eighteenth District—Frank Pelzer.  
 Twentieth District—E. P. Corwin.  
 Twenty-first District—Frank D. Martin.  
 Twenty-second District—O. H. Henningsen.  
 Twenty-ninth District—Ross R. Mowry.  
 Thirtieth District—George M. Faul.  
 Thirty-fourth District—Robert W. Harvey.  
 Thirty-fifth District—Howard C. Baldwin.  
 Thirty-seventh District—G. R. Hill.  
 Thirty-eighth District—John P. Berg.  
 Forty-second District—Edward H. Vrba.  
 Forty-fourth District—E. P. Donohue.  
 Forty-fifth District—Richard V. Leo.

Forty-eighth District—Ralph E. Benson.  
 Fiftieth District—Albert J. Shaw.

SANFORD ZEIGLER JR.  
 PAUL P. STEWART.  
 HUGH W. LUNDY.  
 A. E. AUGUSTINE.  
 FRANK PELZER.

The report was adopted and the following newly elected senators appeared before the bar of the Senate and were duly sworn and subscribed their names to the oath of office:

A. E. Augustine	M. C. Hamiel	J. Kendall Lynes
Frank C. Byers	John R. Hattery	Leroy S. Mercer
Clarence L. Clark	R. E. Hess	Ai Miller
J. T. Dykhouse	G. W. Hunt	Robert P. Munger
Leo Elthon	Oscar E. Johnson	Paul P. Stewart
S. Ray Emerson	Floyd Jones	Oliver Turner
K. A. Evans	Robert Keir	De Vere Watson
C. V. Findlay	Irving D. Long	B. C. Whitehill
D. D. Fuller	H. S. Love	Sanford Zeigler, Jr.
Dewey E. Goode	Hugh W. Lundy	

The roll was called and showed all members present.

SELECTION OF SEATS

Senator Evans moved that the hold-over and re-elected senators be granted the privilege of retaining the seats occupied by them during the Forty-eighth General Assembly, or selecting a new seat, and that the names of the newly elected senators be placed in a hat and drawn out, one at a time by the Secretary of the Senate, and as each name is announced each newly elected senator select his seat from those seats that are unoccupied; and that any senator having any defect such as bad hearing be allowed to select his seat first.

The motion prevailed and upon the drawing of seats the following selections were made:

Augustine .....	7	Findlay .....	19
Baldwin .....	17	Fuller .....	42
Bekman .....	16	Goode .....	14
Benson .....	41	Hamiel .....	45
Berg .....	26	Hart .....	36
Byers .....	34	Harvey .....	4
Clark .....	1	Hattery .....	40
Corwin .....	33	Henningesen .....	38
Cromwell .....	44	Hess .....	10
Dewey .....	35	Hill .....	32
Donohue .....	8	Hunt .....	29
Dykhouse .....	46	Johnson .....	43
Elthon .....	18	Jones .....	49
Emerson .....	9	Keir .....	48
Evans .....	24	Leo .....	37
Faul .....	13	Long .....	22

Love .....	20	Shaw .....	27
Lundy .....	3	Sjulin .....	11
Lynes .....	47	Stewart .....	21
Martin .....	31	Talbott .....	6
Mercer .....	5	Turner .....	39
Miller .....	2	Vrba .....	25
Mowry .....	28	Watson .....	15
Munger .....	12	Whitehill .....	23
Pelzer .....	30	Zeigler .....	50

#### COMMITTEE TO NOTIFY THE GOVERNOR

Senator Sjulin moved that a committee of three be appointed to notify the Governor that the Senate was permanently organized and ready to receive any communications that he might be ready to transmit.

The motion prevailed and the President appointed as such committee Senators Sjulin, Findlay and Munger.

#### COMMITTEE TO NOTIFY THE HOUSE

Senator Goode moved that a committee of three be appointed to notify the House that the Senate was organized and ready for business.

The motion prevailed and the President appointed as such committee Senators Goode, Whitehill and Mercer.

#### REPORT OF COMMITTEE TO NOTIFY GOVERNOR

Senator Sjulin reported that the committee assigned to notify the Governor that the Senate was organized and ready for business had performed its duty and that the Governor had received the message and reported that he would be glad to receive any communications.

The report was accepted and the committee discharged.

#### ASSIGNMENT OF SEATS IN PRESS GALLERY

Senator Donohue moved that the Secretary be authorized to assign seats to representatives of the press.

The motion prevailed and the secretary assigned the following seats:

- C. C. Clifton, Des Moines Register, seat No. 51.
- Cliff Millen, Des Moines Tribune, seat No. 52.
- John Chapman, Associated Press, seat No. 53.
- Winthrop Lyman, United Press, seat No. 54.

Harold Reed, International News, seat No. 55.  
Otto Weber, WHO and Trans Radio Press Service, seat No. 56.  
I. C. Kartack, Iowa Press Association, seat No. 57.  
Minnie Duvall, Unionist and Public Forum, seat No. 58.  
Frank T. Nye, Iowa Daily Press Association, seat No. 59.  
Louis Gardner, Iowa Republican News, seat No. 60.  
George Yates, Register and Tribune, seat No. 61.  
Frank Miles, Iowa Legionaire, seat No. 62.

#### RENTAL OF TYPEWRITERS

Senator Lundy moved that a committee of three be named to enter into a rental contract on behalf of the Senate for typewriters and other equipment to be used during the period of the Forty-ninth General Assembly.

The motion prevailed and the President named Senators Lundy, Evans, and Keir.

#### COMMITTEE ON CHAPLAINS

Senator Faul moved that a committee of one be appointed to provide chaplains for the Senate during the Forty-ninth General Assembly, which motion prevailed and Senator Faul was appointed as such committee.

#### COMMITTEE ON MILEAGE

Senator Harvey moved that a committee of three be appointed as a committee on mileage.

The motion prevailed and the President appointed as such committee Senators Harvey, Henningsen, and Dewey.

#### BADGES

Senator Keir moved that the Secretary be authorized to secure suitable badges for such officers as require them, which motion prevailed.

#### REPORT OF COMMITTEE TO NOTIFY HOUSE

Senator Goode 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.

#### ELECTION OF PRESIDENT PRO TEMPORE

Senator Mowry placed in nomination the name of Senator

Byers as a candidate for the office of President pro tempore of the Forty-ninth General Assembly.

Senator Zeigler moved that nominations cease and asked for a roll call on the election.

The result of the roll call was as follows:

**Ayes, 48:**

Augustine	Evans	Hunt	Mowry
Baldwin	Faul	Johnson	Munger
Bekman	Findlay	Jones	Pelzer
Benson	Fuller	Keir	Shaw
Clark	Goode	Leo	Sjulin
Corwin	Hamiel	Long	Stewart
Cromwell	Hart	Love	Talbott
Dewey	Harvey	Lundy	Turner
Donohue	Hattery	Lynes	Vrba
Dykhous	Henningsen	Martin	Watson
Elton	Hess	Mercer	Whitehill
Emerson	Hill	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 2:**

**Berg                      Byers**

The President declared Senator Byers the duly elected President pro tempore.

Senator Byers, escorted by Senator Mowry, appeared before the President and took the oath of office.

Senator Byers addressed the Senate briefly.

Senator Faul offered the following resolution and moved its adoption:

**SENATE CONCURRENT RESOLUTION 1**

*Resolved by the Senate, the House Concurring:* That a joint committee be named, consisting of nine members of the Senate to be appointed by the President of the Senate and nine members of the House to be appointed by the Speaker of the House, to arrange for the inauguration of the Governor and Lieutenant Governor.

The resolution was adopted and the President appointed as such committee on the part of Senate, Senators Faul, Baldwin, Corwin, Emerson, Vrba, Watson, Shaw, Hill, and Dykhous.

**ADOPTION OF RULES**

Senator Hill offered the following amendment to the Senate Rules of the Forty-eighth General Assembly, and moved that

when so amended they be made the temporary Senate Rules of the Forty-ninth General Assembly:

Amend the printed rules of the Senate of the Forty-eighth General Assembly of Iowa as follows:

Strike rule twenty-nine (29); also amend rule two (2) by adding after the period in line nine the following:

"He shall appoint all committees unless otherwise specifically ordered."

The amendment was adopted, and the motion prevailed.

#### COMMITTEE FROM THE HOUSE

A committee from the House appeared and notified the Senate that the House was duly organized and ready to receive any communications the Senate might wish to transmit.

#### RESOLUTION FOR CLERKS

Senator Berg introduced the following resolution and moved its adoption:

#### SENATE RESOLUTION 1

*Be It Resolved:* That each Senator and the Lieutenant Governor be and is hereby authorized to appoint a clerk who shall be a competent stenographer, said selections to be made and announced from the floor of the Senate by each Senator and by the Lieutenant Governor not later than the day on which the committees are announced. Each clerk shall be sworn in when found proficient by a committee of three which the President of the Senate is hereby authorized to appoint.

The motion prevailed and the resolution was adopted.

The President appointed as such committee, Senators Berg, Benson, and Goode.

Mrs. Carolyn Pendray, a former senator from Jackson county, was presented and addressed the Senate briefly.

#### COMMITTEE ON LUNCH ROOM

Senator Byers moved that a committee of one be appointed to confer with the executive council relative to providing facilities for serving lunches in the basement of the State House.

Senator Dewey moved that parking facilities be included in the arrangements made by the above committee.

The motion as amended was adopted and the President appointed Senator Dewey as such committee.

Senator Talbott offered the following resolution and moved its adoption.

#### SENATE CONCURRENT RESOLUTION 2

*Be It Resolved by the Senate, the House Concurring:* That the superintendent of printing be directed to furnish copies of the Code of 1939, the session laws of the Forty-eighth General Assembly and the Journals of the Senate and House of the Forty-eighth General Assembly to the members of the press assigned seats in the Senate and House press galleries.

The resolution was adopted.

#### SPECIAL TAX COMMITTEE

The president appointed a Special Tax Committee consisting of Senators Hill, Cromwell, Bekman, Watson, and Hunt.

#### COMMITTEE ON COMMITTEE ROOMS

Senator Shaw moved that a committee of three be appointed to assign the committee rooms to the various standing committees and to arrange for regular hours of meeting.

The motion prevailed and the president appointed as such committee, Senators Shaw, Hart, and Stewart.

#### INTRODUCTION OF BILLS

Senate File 1, by Senators Faul, Bekman, Hattery, Lundy and Johnson, a bill for an act to repeal sections thirty-six hundred forty-one (3641), thirty-six hundred forty-one and one tenth (3641.1), thirty-six hundred forty-two (3642), and thirty-six hundred forty-three (3643), Code, 1939, relating to widows' pensions; to provide a program of uniform, state-wide aid to dependent children in conformity with the Social Security Act of the Congress of the United States; to prescribe the powers and duties of the state board of social welfare, the state department of social welfare, the county boards of social welfare, the county departments of social welfare and of counties and their boards of supervisors with regard to the foregoing matters.

Read first and second times and passed on file.

Senate File 2, by Senator Berg, a bill for an act to provide certain physical requirements as a prerequisite to the issuance of a marriage license.



Read first and second times and passed on file.

Senate File 3, by Senator Faul, a bill for an act providing for the procedure for assessing real and personal property, moneys and credits and all other property assessable by the city assessor, in cities having more than one hundred twenty-five thousand (125,000) population, including the manner of appointment and duties of a city assessor, deputy assessors, field men and other office personnel; the appointment and duties of the examining board and local board of review; providing for paying the salaries and expenses of said offices; the procedure by which a taxpayer, the assessor and public bodies may protest and appeal from an assessment to the local board of review and to the court; and providing a penalty for violations of this act, and related matters, and amending sections fifty-six hundred sixty-nine (5669), and fifty-four hundred thirty-four (5434), Code, 1939, relating to compensation of assessors and deputies.

Read first and second times and passed on file.

Senate File 4, by Senator Faul, a bill for an act to amend Chapter four hundred seventy-one (471), Code, 1939, and to provide in divorce or separate maintenance actions for the support of minor children prior to term time.

Read first and second times and passed on file.

Senate File 5, by Senators Dewey and Shaw, a bill for an act to impose a prepaid retail transaction and sales tax as defined herein; to provide for the collection of such taxes and for the administration of this act; to fix fines and penalties for the violation of the provisions hereof; to provide funds for the administration of this act and to repeal division four (IV) of Chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, and all laws or parts of laws in conflict with this act.

Read first and second times and passed on file.

Senate File 6, by Senator Mowry, a bill for an act to amend section three thousand eight hundred twenty-eight and one hundred fourteen thousandths (3828.114), Code, 1939, permitting the boards of supervisors of the various counties of the state to levy an additional one and one-half mills for the support of the poor.

Read first and second times and passed on file.

Senate File 7, by Senator Mowry, a bill for an act to amend section four thousand ninety-six (4096), Code, 1939, relative to the date the county superintendent shall take office and to amend section four thousand one hundred six (4106), Code, 1939, relative to the time the county superintendent's annual report shall be filed with the superintendent of public instruction.

Read first and second times and passed on file.

Senate File 8, by Senator Mowry, a bill for an act to amend sections eleven thousand nine hundred twenty-three (11923), eleven thousand nine hundred thirty-eight (11938), eleven thousand nine hundred seventy (11970), eleven thousand nine hundred seventy-two (11972), eleven thousand nine hundred seventy-four (11974), and eleven thousand nine hundred eighty (11980), Code, 1939, relating to the settlement of estates, the time for the payment of claims against estates, the payment of legacies, and the period of time for which a widow's allowance may be made.

Read first and second times and passed on file.

#### MESSAGE 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 providing for a joint convention of the two houses of the Forty-ninth General Assembly to be held January 14, 1941, for the purpose of hearing the biennial message of the Governor and canvassing the vote for Governor and Lieutenant Governor at the last general election.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 1

*Be It Resolved by the House, the Senate Concurring:* That a joint convention of the two houses of the Forty-ninth General Assembly be held on January 14, 1941, at 2:00 p. m.;

*Be It Further Resolved:* That Governor Wilson be invited to read his message at this joint meeting of the two houses of the General Assembly and that the President of the Senate and the Speaker of the House be designated to deliver the invitation to him;

*Be It Further Resolved:* That at this joint convention the vote for Governor and Lieutenant Governor be canvassed and the result announced and recorded as provided by law.

Senator Zeigler moved that the rules be suspended and that

the Senate consider House Concurrent Resolution 1 at this time.

The motion prevailed and the resolution was adopted.

Judge H. J. Mantz, a former member of the Senate was presented and addressed the Senate briefly.

President pro tem Byers took the chair at 11:43 a. m.

#### TELLERS OF JOINT CONVENTION

Senator Corwin moved that the President appoint three tellers to assist in canvassing the vote for Governor and Lieutenant Governor at the joint convention to be held for that purpose.

The motion prevailed and the President appointed Senators Elthon, Hamiel, and Baldwin.

On motion of Senator Donohue, the Senate adjourned until 10:00 a. m. Tuesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 14, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Frank Zuch, Director of Catholic Charities, Des Moines.

## COMMUNICATION FROM SECRETARY OF STATE

STATE OF IOWA  
Office of  
The Secretary of State

TO THE HONORABLE LIEUTENANT GOVERNOR OF IOWA, PRESIDENT OF THE SENATE, FORTY-NINTH GENERAL ASSEMBLY, GREETING:

I, EARL G. MILLER, duly elected, qualified and acting Secretary of State,

Do hereby certify that Senate Joint Resolution 1 of the Forty-eighth General Assembly proposing an amendment to Article VII of the Constitution of the State of Iowa has been published in two newspapers of general circulation in each Congressional District in the state, once each month for three months previous to the time of the holding of the General Election November 5, 1940.

I further certify that proof of such publication, in the form of publisher's affidavits, is on file in this office.

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 13th day of January, A. D. nineteen hundred and forty-one.

EARL G. MILLER, *Secretary of State.*

## LEAVE OF ABSENCE

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

## PETITIONS AND MEMORIALS

The following petitions were presented and ordered placed on file:

By Senator Mowry, from the citizens of Jasper county, favoring the enactment of a pension bill.

By Senator Johnson, from the Progressive Club of Cerro Gordo county, favoring the enactment of compulsory liability insurance for automobile drivers.

By Senator Miller, from the residents of Stuart, favoring a change in the age limit of old age assistance applicants.

By Senator Evans, from the Emerson Women's Club, favoring the passage of the pre-marriage bill.

By Senator Miller, from the Redfield Woman's Club, favoring the enactment of the pre-marriage bill, and aid for dependent children.

#### INTRODUCTION OF BILLS

Senate File 9, by Senator Vrba, a bill for an act to amend section six thousand nine hundred fifty (6950), Code, 1939, relating to the power of the Board of Supervisors to exempt the property of aged or infirmed persons from taxation.

Read first and second times and passed on file.

Senate File 10, by Senator Evans, a bill for an act to repeal section three thousand four hundred three (3403), Code, 1939, and to enact a substitute therefor, relating to qualifications and salary of the superintendent of Glenwood state school.

Read first and second times and passed on file.

Senate File 11, by Senator Hill, a bill for an act to amend section eleven thousand and twenty-four (11024) of the Code of 1939 relating to the recovery of real estate or to establish an interest therein.

Read first and second times and passed on file.

Senate File 12, by Senator Hill, a bill for an act to amend section six thousand nine hundred forty-four (6944) of the 1939 Code of Iowa pertaining to exemption of agricultural produce so as to extend benefits to owners of grain sealed under provisions of Chapter four hundred twenty-seven (427) of the 1939 Code.

Read first and second times and passed on file.

Senate File 13, by Senator Stewart, a bill for an act to amend section fifty-one hundred thirty (5130), of the Code of Iowa, 1939, relating to powers and duties of Board of Supervisors.

Read first and second times and passed on file.

Senate File 14, by Senator Faul, a bill for an act to legalize payments made by counties to institutions and contracts between counties and institutions for the care and support of neglected, dependent, and delinquent children in amounts not exceeding eighteen dollars (\$18.00) per month for each child.

Read first and second times and passed on file.

Senate File 15, by Senator Faul, a bill for an act to amend section three thousand six hundred seventy-six (3676), Code, 1939, to provide for a maximum allowance of eighteen dollars (\$18.00) to institutions for receiving and caring for neglected, dependent, and delinquent children.

Read first and second times and passed on file.

Senate File 16, by Senator Faul, a bill for an act to amend sections four hundred sixty-seven and twenty-five hundredths (467.25), six thousand nine hundred forty-three and one hundred forty-three thousandths (6943.143), and six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), Code, 1939, relating to rights and privileges granted to persons called, ordered, entering, or inducted into the military or naval forces or nurse corps of this state or the United States.

Read first and second times and passed on file.

Senate File 17, by Senator Faul, a bill for an act to amend section six thousand nine hundred forty-six (6946), Code, 1939, relating to tax exemptions for military service of a widowed mother of a deceased soldier, sailor, or marine.

Read first and second times and passed on file.

Senate File 18, by Senator Faul, a bill for an act to amend section twelve thousand four hundred seventy-two (12472), Code, 1939, to provide for the place of making application for a writ of habeas corpus for inmates of federal institutions.

Read first and second times and passed on file.

Senate File 19, by Senator Faul, a bill for an act to provide the means of creating title to real estate by adverse possession, and to limit the time within which actions may be brought to recover real estate after the issuance of a tax deed.

Read first and second times and passed on file.

Senate File 20, by Senator Mowry, a bill for an act relating to rules governing the separation of juries in the trial of criminal cases, the duties of officers in charge of juries, and repealing sections thirteen thousand eight hundred sixty (13860), thirteen thousand eight hundred sixty-one (13861), and thirteen thousand eight hundred seventy-eight (13878), Code, 1939.

Read first and second times and passed on file.

Senate File 21, by Senator Mowry, a bill for an act to amend section eleven thousand four hundred ninety-seven (11497), Code, 1939, relating to the rules governing the separation of a jury during deliberation after submission of a civil cause of action and to the duties of officers in charge of a jury.

Read first and second times and passed on file.

Senate File 22, by Senators Mowry, Augustine, Henningsen, Baldwin, Faul, Corwin, and Munger, a bill for an act to limit the use of white canes to those who are blind or partly blind and requiring the driver of any vehicle which shall approach or come into the immediate vicinity of any person wholly or partly blind carrying a cane or walking stick white in color or white tipped with red shall take such precaution before proceeding as may be necessary to avoid accident or injury to the person wholly or partly blind, and providing a penalty for the violation thereof.

Read first and second times and passed on file.

Senate File 23, by Senator Dykhouse, a bill for an act to amend section five thousand twenty-five and eight hundredths (5025.08), Code, 1939, providing for the method of giving hand and arm signals under the motor vehicle law.

Read first and second times and passed on file.

Senate File 24, by Senator Shaw, a bill for an act to aid farm tenants by encouraging the rental of farm land in family size tracts to be known as tenant homesteads, to define such homesteads, provide a reduced rate of tax valuation therefor, to encourage long-term tenancies, and provide methods for securing benefits of such act.

Read first and second times and passed on file.

Senate File 25, by Senators Donohue, Bekman, Byers, Hunt, Talbott, Watson, Long, Hattery, Munger, and Hill, a bill for an act to provide for a general system of practice in all the courts of this state; to empower the Supreme Court to prescribe all rules of pleading, practice and procedure and the forms of process, writs and notices for all proceedings of a civil nature in all courts of this state for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits; and to provide for the taking effect thereof.

Read first and second times and passed on file.

Senate File 26, by Senator Leo, a bill for an act to amend section five hundred twenty-six and two tenths (526.2), Code, 1939, relating to the apportionment of the counties of the state into state senatorial districts.

Read first and second times and passed on file.

Senate File 27, by Senator Martin, a bill for an act to amend section forty-two hundred seventy-seven (4277), Chapter two hundred fifteen (215), Code, 1939, relating to the payment of tuition for nonresident pupils attending an approved public high school in another district.

Read first and second times and passed on file.

#### MESSAGE 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 1, providing for the appointment of a joint committee for the arrangement of the inaugural ceremony.

The Speaker has appointed to such committee on the part of the House Representatives Gardner of Linn, Browner of Polk, Bryson of Hardin, Degen of Emmet, Dodds of Des Moines, Hocum of Buena Vista, Kruse of Floyd, Walter of Pottawattamie, and Weichman of Benton county.

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

House Concurrent Resolution 2, providing for the appointment of a joint committee for the selection of additional employees as may be necessary for the work of the session, and the Speaker has appointed as members of this committee on the part of the House, Representatives Pine of Louisa, Hoegh of Lucas and Van Oosterhout of Sioux.

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

House Concurrent Resolution 4, providing that the Superintendent of Printing be instructed to mail to each county auditor in the state one copy of the daily Senate and House Journals and one copy of each House and Senate bill of the 49th General Assembly.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 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 positions to be filled.



## HOUSE CONCURRENT RESOLUTION 4

*Be It Resolved by the House, the Senate Concurring:* That the Superintendent of Printing be instructed to mail to each county auditor in the state of Iowa, one copy of the daily Senate and House Journals and one copy of each House and Senate bill of the 49th General Assembly on date of introduction and printing thereof, and that same, with binders, be furnished to such officers free of charge.

Senator Dykhouse asked and received unanimous consent to suspend the rules and take up House Concurrent Resolution 4 at this time.

The resolution was adopted.

Senator Berg moved that the rules be suspended and that the Senate consider House Concurrent Resolution 2 at this time.

The motion prevailed and the resolution was adopted.

## ELECTION OF PERMANENT OFFICERS

Senator Berg placed in nomination the following persons as permanent officers of the Senate and moved their election:

Secretary—Walter H. Beam, Warren county.

Assistant Secretary—W. J. Scarborough, Polk county.

Reading Clerk—Ira Buckles, Calhoun county.

Journal Clerk—Hope Hull, Jefferson county.

Assistant Journal Clerk, Edna Gillespie, Polk county.

Engrossing Clerk—Margaret Santee, Black Hawk county.

Enrolling Clerk—Florence Wattles, Chickasaw county.

Enrolled Bills Clerk—Virginia VanNostrand, Jasper county.

General Clerk—John Olson, Clinton county.

Clerk to Secretary of Senate—Hattie C. VanCleave, Marion county.

File Clerk—Harry Upham, Chickasaw county.

Assistant File Clerk—Elwood Anderson, Van Buren county.

Postmistress—May Banks, Tama county.

Sergeant-at-Arms—Frank Logan, Mills county.

Assistant Sergeant-at-Arms—Don Herriott, Guthrie county; Ira Rouse, Grundy county.

Chief Doorkeeper—J. E. Ridsen, Linn county.

Assistant Doorkeepers—Clarence Judd, Clinton county; E. M. Bryan, Polk county; Ben Beck, Cherokee county; George Simpson, Fayette county; Pollock Wallace, Washington county; Geo. W. Seifert, Ringgold county; Victor Lindquist, Lucas county; Emmet Monyingham, Iowa county.

Telephone Messenger—Warren Kingsbury, Woodbury county.

Matron—Thelma Seals, Lee county.

Cloak Room Attendants—Richard Claybrook, Polk county; Charles Roberts, Linn county.

Lavatory Attendants—Calvin Casey, Black Hawk county; Howard Chinn, Woodbury county.

The motion prevailed and the foregoing officers were declared elected, and appeared before the bar of the Senate and were duly sworn.

Lieutenant Governor Hickenlooper announced that he had appointed Maxine Maxon of Linn county as his secretary.

Senators Dykhouse and Munger offered the following Resolution:

### SENATE CONCURRENT RESOLUTION 3

*Whereas*, Article 3, Section 34 as amended, of the Constitution of the State of Iowa provides: "The Senate shall be composed of fifty members to be elected from the several Senatorial Districts, established by law and at the next session of the General Assembly held following the taking of the State and the National census, they shall be apportioned among the several counties or districts of the state, according to population as shown by the last preceding census but no county shall be entitled to more than one Senator.", and,

*Whereas*, The National census has now been taken and the official figures released;

*Be It Therefore Resolved by the Senate, the House Concurring*: That a joint committee of eighteen (18) members be immediately appointed, nine (9) members thereof to be appointed from the Senate by the Lieutenant Governor of the State of Iowa, one (1) member thereof to be from each Congressional District, and nine (9) members to be appointed from the House of Representatives by the Speaker of the House of Representatives, one (1) member thereof to be from each Congressional District, said committee to prepare a bill revising the present and existing Senatorial Districts to conform to the Constitution of the State of Iowa, Article 3, Section 34 as amended.

*Be It Further Resolved by the Senate, the House Concurring*: That the aforesaid joint committee shall prepare and introduce the aforesaid redistricting bill in either house of the General Assembly of the State of Iowa not later than February 3, 1941; that immediately upon said introduction said bill shall become a special order of business.

Passed on file.

On motion of Senator Donohue, the Senate recessed until 1:30 p. m.

### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

Senator Elthon was appointed teller on the part of the Senate for the Joint Convention.

## COMMITTEE FROM THE HOUSE

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

The Senate proceeded to the House under direction of the Sergeant-at-Arms.

## JOINT CONVENTION

In accordance with law and concurrent resolution duly adopted, the joint convention was called to order, President of the Senate presiding.

The roll was called.

Those present were, 157:

Alesch	Fimmen	Knudson	Risse
Allen	Findlay	Kruse	Ritchie
Arant	Fishbaugh	Kuester	Scott of Fayette
Augustine	Foster	Lampman	Scott of Sac
Avery	Fuller	Latchaw	Seemann
Baldwin	Gardner of	Leo	Sharp
Beeler	Bremer	Long of Clinton	Shaw
Bekman	Gardner of Linn	Long of Delaware	Shimaneck
Benson	Good of Boone	Love	Siefkas
Berg	Goode of Davis	Lucas	Sjulin
Blatti	Graft	Lundy	Smith
Bockwoldt	Greene	Lynes	Snakenberg
Brindle	Gregory	Manley	Stanek
Browner	Guernsey	Martin of	Steinberg
Bryson	Hall	Appanoose	Stewart of
Burk	Hamiel	Martin of Scott	Fayette
Burma	Hart	Mcfarlane	Stewart of
Burns	Harvey	Mercer	Washington
Butterfield	Hattery	Miller of	Stinemates
Byers	Heffner	Audubon	Swaner
Carlson	Henningsen	Miller of	Talbott
Clark	Hermesen	Humboldt	Tatum
Claypool	Hess	Mills	Teachout
Colburn	Hill	Morrissey	Thompson
Cooper	Hocum	Mowry	Turner
Corwin	Giegg	Moyle	Van Oosterhout
Dancer	Hunt	Munger	Vrba
Degen	Hutchison	Nelson	Wagner
Dewey	Irwin	Nichols	Walter of
Dietz	Jessen	Nielsen	Marshall
Dodds	Johannes	Norland	Walter of
Donohue	Johnson of	Odden	Pottawattamie
Duffield	Hancock	Parker	Watson
Dvorak	Johnson of Linn	Paullus	Weichman
Dykhouse	Johnson of	Pelzer	Wellington
Eckerman	Marion	Pieper	Whitehill
Edwards	Jones	Pine	Wichman
Elthon	Judd	Poston	Wilson
Emerson	Keeney	Prentis	Yager
Evans	Keir	Pritchard	Zeigler
Faul	Knippling	Reed	Mr. Speaker
Felton	Knowlton	Reilly	

Those absent were, 1:

Cromwell

President Hickenlooper announced a quorum present and the joint convention duly organized.

Weichman of Benton moved that a committee of six consisting of three members from the Senate and three members from the House, be appointed to notify the Governor that the Convention was ready to receive him. Motion prevailed and the President appointed: Evans of Mills, Hart of Lee and Lynes of Bremer on the part of the Senate, and Claypool of Iowa, Nelson of Woodbury and Hall of Mills on the part of the House.

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

President Hickenlooper then presented Governor George A. Wilson who delivered the following message:

#### GOVERNOR WILSON'S MESSAGE

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE FORTY-NINTH  
GENERAL ASSEMBLY:

Greetings and congratulations to you all. My greetings to you for the evident spirit of earnestness with which I know you are entering upon your important public duties. My congratulations to you for the opportunity that has come to you for real service to your community, your State and your Nation. You have been elected by the people of Iowa to be their representatives for the performance of a duty of importance to all of us. They look to you with confidence. They will be proud of your accomplishments and will applaud your work.

Because Iowa is a very influential part of the world's greatest republican system of self government, you of the Legislative branch have before you an opportunity seldom faced by any body of officials. Never before has it been so important that we contribute only good to the cause of freedom as upheld by our united Nation. We can help by a sound and sensible program within the limited borders of our own state.

A wholehearted determination on the part of all to maintain unimpaired our system of government by the people must be ours. We need here, as in every place where government by the will of the people prevails, unity of purpose in all that pertains to the public welfare. If we bear this in mind, we will in a small way, show our appreciation for the sacrifices of our forefathers in handing down to us the best form of government ever devised.

In the accomplishment of this high purpose, to which you and I, all of us in places of responsibility are committed, I pledge you my best efforts. The task before us is a plain, hard job, calling for the best that

is in all of us, but we can make it lighter all around by a wholesome spirit of cooperation and tolerance.

It is the requirement of the Constitution of Iowa that the chief executive "shall communicate, by message, to the General Assembly, at every regular session, the condition of the State and recommend such matters as he shall deem expedient."

The Constitution further requires a report to the General Assembly of each case of reprieve, commutation or pardon granted, which has been dealt with in a separate report which will shortly be upon your desks. Such actions have been taken with due regard to the public interest and the circumstances of the individual case, and in accordance with the recommendations of the Board of Parole, or of the Judge of the District Court, the County Attorney responsible for the prosecution, and the Sheriff.

### BUDGET

It is not necessary that I here go into detail relative to the appropriations for the biennium, for with the assistance of the Comptroller, there has been laid upon your desks a complete budget, giving to you our judgment of the amount of money necessary to be expended to maintain the efficiency of the various departments and adequately take care of the essential demands, insofar as they may be anticipated.

It is our deliberate opinion that consideration should be given to the needs of these departments before any other expenditures be authorized by the Assembly. It is our hope that the Legislature will take up immediately for consideration, through your committees and by action of the respective branches of the Assembly, these appropriation bills. If this is done, I know you will agree with me that the functions during the latter period of the session will proceed more smoothly, and the askings and needs of all departments will receive more thorough consideration.

Any material increase in one department, must be taken from another, or the revenues of the state must be increased by additional taxes, and I know that you agree with me that the crying need of today is not more taxes. We must not permit ourselves, however, to make expenditures without accepting the responsibility to levy taxes to meet such expenditures. To do otherwise, is unfair to the generations yet to come and most certainly will, if continued for any considerable duration, result in embarrassing deficits or worse and possible liquidation. Iowa can and should proceed upon a pay-as-you-go basis in the matter of current expenditures for operation of the state government.

### ECONOMY

I am aware of the difficulty many have of understanding or appreciating the savings that have been accomplished by bringing under the budget system a number of important departments whose expenditures had not previously been subject to the scrutiny of the legislative authority. It is not a jugglery of bookkeeping, as some have been led to

believe, but a genuine step for economy that ought easily to be understood.

In the interests of the taxpayers of the State, it may be pointed out that a consistent record of economy has been achieved as a result of the suggestion of two years ago and of the action of the last session of the Legislature in requiring departments heretofore having no control to be budgeted for the first time. I need not remind you that a total reduction of annual expenditures by \$1,550,000 was achieved by this step.

Inclusion in the appropriations bill, or budget, means only that such departments, instead of paying their administrative expenditures from fees, or a percentage of fees collected, must come to the Legislature, the elected representatives of the people, and make a showing as to the amount essential for such expenditures. The Legislature then determines their necessities. This is but representative government.

Certain other departments of state are not yet under the budget. May I suggest that you give careful consideration to the end that all departments of the government be brought under the same control and requirements as to administrative costs. If this be done, a further economy and savings to the taxpayers can be had as a result.

#### CAPITAL EXPENDITURES

By proper action of the last Legislature, you requested the Legislative Committee on Retrenchment and Reform, and the Executive Council, to make investigation and to report as to the building needs of our state institutions and departments.

You will have before you the report and recommendations of the Legislative Committee for a program of building both at the Capitol and at the various institutions.

I most heartily agree with many of the recommendations relative to the state institutions, and if the proposals on which the committee reported were the only ones which require expenditure for state money, perhaps I could join in the recommendation of all. Other departments and functions of State, however, must be taken into consideration. In brief, I say to you that in my considered judgment the amounts recommended in the budget are such as will substantially take care of the immediate institutional needs.

The Legislative Committee and the Executive Council caused a survey to be made relative to the building of an office building on the State House grounds. A copy of such report, together with blue prints, will be placed before you. I am firmly convinced that the efficiency and economy of government can be increased by having all departments housed upon the State House grounds.

The tragic conflict prevailing in the old world and the continued dislocation of our national economy have forced upon us a revised consideration of our own needs. While the funds are available to build a building on the State House grounds, I would suggest that the Assembly give careful study to the trend upward of construction costs,

the absorption of both labor and material in the national defense program, and other factors involved. If, after such inquiry, it should appear to you that it would be advantageous to postpone the erection, I would strongly recommend that the funds now available be held intact.

#### COMPTROLLER

Confusion exists as to changes that have been effected in recent years in the handling of state finances. It is difficult to determine the facts about state income and expenditures. Even those who are skilled in financial matters and familiar with accounting systems often differ as to their conclusions.

From time to time there has been adopted for one department or another modern accounting systems, but there has not always been coordination; and it is now time to give attention to the whole problem and to provide for a uniform and simple form of accounting and a uniform way of conducting public business.

I recommend immediate installation at the State House and all departments of state of an adequate system of bookkeeping and accounting, simplified so that all can understand, and permitting and requiring the presentation of information, at stated intervals, which will readily give the picture of the income and disbursements of the state.

The office of the State Comptroller has been charged by law with duties pertaining to the control of state expenditures, and the preparation of the budget for each forthcoming biennium, efforts which in the interest of economy and efficiency are worthy of eternal vigilance.

It would be proper, and would tend greatly to efficiency in the existing control, to vest the Comptroller with the functions of supervising state accounting and conducting the audit of state departments, other than his own. The duties are one, yet there is separation which has caused duplication of effort and loss of efficiency.

#### CENTRAL PURCHASING AGENT

Control of the purchase of materials and equipment for the use of the State is now vested in widely scattered personnel and departments. The advantages of central purchasing are obvious, and have been favorably accepted in many other states. I would therefore recommend your earnest consideration of the creation of the office of Central Purchasing Agent, under the Executive Council, to coordinate and combine the purchases of the various departments, and to obtain for the State and the taxpayer a resultant lowering of costs.

#### DEPARTMENT REPORTS

The department reports are for the information of the public now or in the future. These reports should be so prepared that they may be easily understood and be of real interest. Some of them are needless: long, complicated, obscured by statistics or deficient in important facts. There is, in some cases, costly duplication of material. An overhauling of the whole is due.

Responsibility for preparation of these reports necessarily rests with

officials and employes who are chosen for their skill and ability in fields other than printing and journalism. I suggest the attention of the Legislature to the wisdom of causing these reports to be prepared with the counsel and advice of some proper and competent authority in the field of editing of documents.

#### CAR DISPATCHER

Under legislation advantageous to the interest of the State, there was established in 1939 the office of State Car Dispatcher. There is available to you for study the results of this enactment, and it will suffice to say here that there has been removed from the road no less than 82 motor vehicles formerly operated at State expense, and a general reduction of costs in other respects.

Additional savings can be accomplished by strengthening and broadening the scope of the law. I recommend that the subject receive the full consideration of the proper committees of the Legislature.

#### INSURANCE PREMIUM TAX

The last session of the Legislature transferred from the Insurance Commissioner to the Tax Commission the collection of the tax upon premium income of insurance companies. As a result the Tax Commission must go to the Insurance Department to get the data, thereby necessitating duplication of this work. This should be transferred back to the Insurance Department and the tax should be made payable as of January 1st of each year.

#### LICENSES AND COMMISSIONS

Licenses for drivers of motor vehicles, issued for a two-year period, expire on July 5, 1941. When it is considered that more than 1,000,000 licenses expire on the same date, it is clear that at the renewal period there is required numerous additional temporary employes, with resultant congestion.

It would appear that licenses could be made valid for a period of two years from the date of issuance, and licenses already issued could be staggered as to date of expiration. By so doing, the regular employes can handle the work and the congestion be relieved without lessening the effectiveness of the law.

A similar situation exists with reference to nearly 13,000 notaries public in the State, all of whose commissions expire on July 4, 1942. There is involved the seeming injustice confronting a person desiring to become a notary public during the latter stages of the term, and who obtains a commission good only for a short duration, and there is also the administrative difficulty that renewals must be handled by a temporary staff.

#### INVENTORY

The State is owner of a large amount of property, the absence of inventory of which is not in line with good procedure. Each and every department of state should be required to make an inventory of all prop-



erty and equipment had, owned or used by it, in such manner and under such rules as may be adopted by the Executive Council. Once each year a copy of such inventory should be furnished to the Executive branch of the government. The heads of each department should be responsible for such supplies and equipment.

#### STATE GUARD

Under the terms of the Act entitled Public Resolution Number 96 of the 76th Congress, approved August 27, 1940, the National Guard of Iowa has received orders under which it will be temporarily removed from within the borders of the State and placed into the Federal Service for a period of at least one year.

It is therefore suggested that early attention be given to the problem of providing for the duties properly and worthily discharged by the personnel of the Guard when within the State. Measures should be enacted which will enable the Commander-in-Chief to organize home guards in the number and at such times as may be considered, with due regard to the circumstances involved, to be necessary.

#### SOIL CONSERVATION

Conservation and improvement of the soil resources of our land which nature favored so well, and the restoration of destroyed lands, together with the prevention and checking of soil erosion, is of public importance. We are the temporary custodians; the basic wealths belong to our children as much as ourselves.

The last session of the Legislature passed a Soil Conservation Districts Act. The work thereunder is progressing satisfactorily. The bill needs clarifying and the members of the Commission will submit to you certain recommendations. These should receive your early consideration.

#### ADVANCEMENT OF RESOURCES

Two years ago when addressing the joint assembly, I called the assembly's attention to the necessity of advertising Iowa's resources and opportunities. At that time I said:

"We must campaign aggressively to recognize, preserve and advertise to the nation Iowa's resources and opportunities. Such effort is within the proper scope of governmental activity. Due to a lack of correlation, the many existing agencies not only do not work toward a common goal in development of the resources of our commonwealth, but are actually working at cross purpose, thereby eliminating definite benefits available through the activity of one agency. Our efforts must be organized and unified so that the maximum efficiency can be obtained."

I so believed then. I am more thoroughly convinced of the necessity now. I would recommend that the Legislature give to this prompt attention, formulating such laws as will bring the desired results.

#### TRADE PRACTICES

One result of the economic dislocations of recent years is the growing practice by merchants of selling, or offering to sell, merchandise at less

than cost. Any legislation to correct this evil should not be in any sense discriminatory or price fixing. The question is submitted to you with the hope that you will give it your serious and earnest consideration, and attempt to relieve the practice which if continued, in my opinion, means bankruptcy, increased unemployment, and ruinous prices for the farmer and producer.

#### UNEMPLOYMENT COMPENSATION

The Unemployment Compensation Commission is required, by law, to file a report annually, for the year ending December 31. This the Commission is unable to complete before the opening of the Legislature. We are, therefore, transmitting a preliminary report by the Commission which we trust will be helpful to the Legislature in its consideration of Unemployment Compensation statutes.

#### FARMSTEAD OWNERSHIP

The prosperity and glory of our country depend upon the number of people who are owners of homes. Around the fireside cluster the private and the public virtues of our people. We should raise our sons to be independent, to pursue some enterprise for themselves and upon their own account, to be self-reliant, to act upon their own responsibility, and to take consequences like men. We should teach them above all things to be good, true and honest husbands—winners of love, and builders of homes.

A state wherein each family owns its own homestead is the commonwealth we should keep for our ideal. In furtherance of this, may we report to you that under the law and by negotiation with the Insurance Companies, there has been accomplishment in the orderly liquidation of corporate holdings.

This program has resulted in the sale of 4,862 separate insurance company farms, an area greater than two Iowa counties, from April, 1939, until December 31, 1940. These farms averaged 154 acres. The average price was \$81.00 per acre. Approximately 80 per cent of the sales were to tenant farmers on long time contracts at low interest rates.

#### DEVELOPMENT OF NEW INDUSTRIES

The State of Iowa has by no means reached the limit of its productive capacity. We have been producing surpluses in agricultural industry, in cereals, fruits, vegetables, livestock and all related things. We are capable of wresting from the soil still larger surpluses. The problem of how to make the best use of surpluses is one that we should be able to solve in such manner as to increase the marketable value of the surplus and at the same time create new industries with opportunities for more employment of labor. I recommend a reasonable appropriation for chemical research for the development of industries or uses for the surplus products of our farms and our mines. Iowa has a commanding position as a producer of real wealth and with our unequalled diversity of products we should utilize all to the very limit.

## AID FOR THE NEEDED

The problem of aid for the needy is still one that we must recognize and seek to solve. In this as in other functions of the government all that we do should be predicated upon the principle of pay-as-you-go. The state has a duty in this connection, and Iowa has and always will give heed to that duty; but the primary responsibility for relief is upon the local subdivisions of government, where all the circumstances of the groups and individuals are best known. We cannot, and we must not, proceed upon the theory that measures for general relief such as are now necessary are to be permanent. Our relief work should be coordinated with effort to so enlarge industry that it will absorb all labor in private employment. In the meantime we should continue to entrust to local authorities the administration of relief funds, under proper supervision. To that end I recommend that the provisions of Section 2, Chapter 4, Acts of the 48th General Assembly be continued for another two years. This will approximate local control and local responsibility, and will secure more efficiency and economy and a more sympathetic administration.

## EDUCATION

The perpetuation and success of the freedom of our people is predicated upon the teaching of the fundamentals of American citizenship and the cultivation of the abiding loyalties required in moral gains. Thus it follows naturally that schools are the bulwark of our government.

In these days of crisis, schools have an increasing role to play. They cannot perform their proper function if they are weakened through lack of support or equipment or if their teachers are not adequately trained, sustained, and made secure. The American system of republican self government requires education be kept going at full speed. Society places a heavy responsibility upon the teachers in the discharge of their obligation to protect and enrich the American way of life and our free government.

The whole point of view is that of the child. It is not that of the teachers as a class, but to safeguard and improve schools through adequate standards for entering the teaching profession, with the elimination of the unfit, protection through certain elements of tenure and continuing contract. Measures of this kind are but the insurance of the future of our schools.

In doing all of this, let us not forget that one of the fundamental principles to be kept steadfastly in mind is that the control of our educational institutions must be kept in the hands of the local communities.

School laws have accumulated through many years, and many sessions of the Legislature, thus resulting in unrelated statutes frequently in conflict and obscure in meaning. I suggest for your consideration that the changing character of our social organization, the trends and shifts of population, necessitate change and improvements in curriculum, teaching personnel, organization, and financing to permit the efficient operation of a school system that will accomplish objectives of society.

### THE IOWA CENTENNIAL

The State of Iowa is now in its ninety-fifth year of statehood. Three years ago the people celebrated the territorial centennial by a great variety of events, staged in cities in the State, all having the general purpose of reminding our people of the passing of history and the accomplishments of Iowa people in the past century.

The centennial of statehood is still more significant and it will afford a good opportunity to make our people history-minded and conscious of the greatness of their own state and its interesting and instructive story. We are engaged in preserving the source and materials for that history at the State Capitol and have accumulated a vast amount of the public records, not only for daily use but for reference by the historians, and all this should form the basis for a year of celebration five years hence. I respectfully call your attention to this and suggest that the time is here for starting on a program for our centennial year. Committees of the Legislature should make a study of this subject.

### CHILD WELFARE

There are, within the State, many children who, through circumstances not of their own making, have become dependent upon other than their immediate families for that support which is essential to their equal opportunities. These children command the sympathy of all right-thinking persons, and their needs are deserving of your careful inquiry.

### SAFETY

The prevention of accidental loss of life, injury and property damage is a proper function of government. Many factors are involved, touching the fields of scientific inquiry, enforcement of law, and education.

Following the close of the last session of the Legislature, and to administer properly the appropriation voted for the purpose, there was appointed by me a Coordinating Committee composed of the State Commissioner of Public Safety, the President of the Iowa State Safety Council, and a citizen with a liberal training in safety.

The Coordinating Committee subsequently created what is known as the Governor's Safety Commission, a fact-finding advisory body composed of experts in the various professions related to the problems of safety.

The two groups, operating without expense to the State, have cooperated with many other organizations and individuals in the State in the promotion of safety.

On behalf of the people of the State, I deem it appropriate to publicly acknowledge our debt of gratitude to these individuals and to these Committees and Organizations, for their fine, energetic and unselfish activities in this worthy effort. Their work deserves your continuing support, and your sympathetic encouragement.

### COUNTY OFFICERS

The efficiency of county government is of highest importance, and a problem deserving careful attention. The question of tenure of office has

recently been raised, and sound reasons concerned with efficiency and economy have been properly advanced for the proposal to make the term of office of county officials four years.

The reasoning which has led to these proposals is sound. I recommend that such laws be enacted as will make such plan effective, beginning, so far as possible, on January 1, 1943.

#### FARM-TO-MARKET ROADS

The last session of the Legislature very properly enacted a farm-to-market road bill. This was the first such law to be enacted by the State. There is now available to the Legislature for its study and attention the record of the administration and accomplishments of the program.

The total of farm-to-market road funds available for the years 1939 and 1940 was \$4,560,040, of which \$2,500,000 was from state and \$2,060,040 from federal sources.

There have been 510 farm-to-market road contracts awarded in the 99 counties for a \$4,009,272.20 program, exclusive of right-of-way purchases. The contracts provide for the grading of 808.48 miles, the surfacing of 621.95 miles, the construction of 154 bridges, and the building of 699 culverts other than small pipe culverts.

The average cost per mile of the work under these contracts is as follows:

Grading (including small circular culverts).....	\$2,199.83 per mile
Surfacing .....	956.19 per mile
Bridges .....	1,501.49 per mile
Culverts (exclusive of small circular culverts).....	500.77 per mile
<b>Total .....</b>	<b>\$5,158.28</b>

The acquisition of right-of-way on all such projects has averaged \$392 per mile of road graded, and a total of \$166,711.93 has been paid for such purpose from the farm-to-market road fund, or 52.6 per cent of the total cost of all right-of-way. Counties have elected to pay the remaining 47.4 per cent of right-of-way cost from county funds. A total of \$158,257.86 has been paid from farm-to-market road funds for engineering, inspection and administration costs.

It will readily appear, then, that of the total funds available, all but a small portion has been obligated by contracts awarded, with the work in progress or completed.

The principle upon which the farm-to-market road law is based is sound and should be continued. We should speedily push forward our efforts to improve that portion of the road system which, in bad weather, has prevented the farmer from having access to his market, his school, his neighbors and his church.

#### UNITY FOR THE PUBLIC GOOD

Iowa people are law abiding, and their desire is that our laws shall be just and reasonable that all persons, whatever their occupation or interest, may work together in harmonious relation and always advance the common good.

For convenience we refer to at least three important units of our social fabric—agriculture, industry and labor. In Iowa, perhaps more than in some other states, there are not clear dividing lines between them. The farmer is a capitalist of the purest type. Commercial, manufacturing and mercantile business must always be very close to the farm market. Labor cuts across both units and we recognize that the hand laborer of today may easily become the manager or the employer of tomorrow. And there is a very large and useful class in a group between the lines.

We must recognize each of these classes, if they may be so called, as dependent each upon the other. In fact all of us, no matter what we may be doing, must work together for our own good and for that of the whole community. All who engage in honest toil in whatever field of endeavor, contribute to the happiness of all. The prosperity of workers, managers, tillers of the soil, and all others, makes for the betterment of our State, the strength of our social structure, and the contentment and happiness of the people.

In the enactment of laws and in the handling of the financial affairs of the community we should seek to be helpful to all interests. We should do our utmost to see that agriculture receives a fair share of the national income, and both the state and the nation should see to it that such laws are enacted as will establish and maintain an equitable balance between labor, industry and agriculture. We should aid industry by encouragement of manufacture and trade and the avoidance of unjust or hampering taxes and maintaining freedom from unnecessary governmental interference. Where wage earners find it necessary to organize into groups for advancement of legitimate rights, the rights of collective bargaining should be protected and assured. In all these things the central fact should be kept in mind, that government is for all the people, not for any group or class.

We have had in Iowa harmony and cooperation and regard of the few for the welfare of the whole, far more than in some places, and less of profiteering, racketeering and the efforts of one group to dominate or dictate to others. That spirit can be maintained by just laws, well considered, and fairly administered. The policy of all working together at all times and all ready to counsel together for the common good should be continued.

#### COUNSEL AND INFORMATION

One could take more than the allotted time in reviewing and commending the work of the various departments. I wish now to publicly acknowledge the fine spirit of cooperation of each of these departments.

It would be tedious if I were to analyze each and every department of the State. The law requires the departments to file either annual or biennial reports. These have been printed and are before you. They are worthy of your careful study. If they do not detail all the information you desire, I know that the departments will be glad to furnish any additional information or explanations.

We have encouraged the several departments to write the story as

it really happened, for the policy of this administration has been that of honesty, with the business of the State transacted in the open without favor and without concealment.

#### CONCLUSION

The census taken last year by the federal authorities found and listed in the state of Iowa more than 2,500,000 persons. Other statistics are yet to be compiled. It is quite certain that when published they will show that Iowa ranks very high among the states in all things that make for prosperity, for comfort, for good home life.

Iowa demonstrates every year the immense fertility of the soil and the capacity to produce not a few of the necessities of life, but very many different things. We are growing more grain and forage, marketing more livestock, making more butter, and finding new and different crops of value. Our people are finding out how to save their farms from deterioration and to build up their herds and flocks.

Under guidance of our colleges and universities, and with the inspiration of our many great fairs and exhibitions, plus the unselfish work of organizations devoted to farm betterment and especially the associations of the boys and girls, Iowa continues her leadership in all that makes for prosperity. The industrial, commercial, mercantile, banking, building, and other activities keep pace with the general advancement. You as Legislators are fortunate in that you are called upon to direct the affairs of state for a community that is progressive and prosperous, but fully determined upon making still greater advances and capable of higher achievements.

You have met in pursuance of the definite direction found in the State Constitution and your duties are clearly defined. You will find that your work is not all attractive and romantic, and that there may be wide difference of opinion as to measures that it was thought would meet with unanimous approval. You will counsel with each other and with state officials and others who have the same interest in the public welfare that you have. You will apply yourselves diligently to the tasks of the day and form your conclusions with open mind. In this, you will have served your state well.

The interests of the State of Iowa and of the United States of America are closely woven together, and all that you can do to strengthen and advance our state will be of benefit to the whole nation, and for that matter to the whole world of free nations. We have a role here in Iowa that may have its influence far away. We can engage in effective teamwork through unity and cooperation, or we can choose to dissolve our energies in rivalries and petty dissensions.

We live in a world sorely distressed by the clashing of arms and the brutal crushing out of human lives to satisfy the lust for power and the urge of hate. Let us not be downcast nor given over to despair.

Sometimes it appears there is a complete blackout of civilization and that the human race is doomed. There are forces at work from without and from within to destroy the ancient landmarks, and, under the

guise of setting up a new order, to compel for society a return to the primitive ways of rule by might.

The crisis calls for courage, for tolerance, for wisdom in our work, for faith in the resolves and the ideals of our forefathers, and these, under the guidance of the Divine Love, will charter the ship of state into the placid water of peace, contentment and happiness.

The Governor was escorted from the Chamber by the committee previously appointed.

#### CANVASS OF VOTES

The President announced that the time had arrived for the canvass of votes cast for the offices of Governor and Lieutenant Governor at the general election held on November 5, 1940, and announced as teller on the part of the Senate Elthon of Worth, and as assistant tellers Hamiel of Cedar and Baldwin of Dubuque.

Speaker Blue announced as teller on the part of the House, Sharp of Clayton, and as assistant tellers Paullus of Franklin and Walter of Marshall.

The President further announced that, in accordance with statute tellers Elthon of Worth and Sharp of Clayton would constitute the judges of said canvass.

Speaker Blue in the chair.

The Speaker then opened the returns in the presence of the joint convention, and the tellers proceeded to canvass the vote for Governor and Lieutenant Governor of the state of Iowa, cast at the general election held on November 5, 1940.

Weichman of Benton moved that the joint convention now recess until 2:00 p. m. Thursday, January 16, 1941.

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

#### REPORT OF JOINT COMMITTEE ON EXTRA HELP

Senator Berg asked and received unanimous consent to consider the report of the Committee on Extra Help.

TO THE HONORABLE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Your joint committee appointed to nominate officers and employees for joint legislative duties of the Forty-ninth General Assembly, begs leave to submit the following report and recommendations:



Assistant Law Research—C. C. Crissman, Poweshiek county.

Assistant for Economics Department—Hal Hild, Polk county.

Assistant for general Research—Robert Scott, Fayette county.

Stenographers for Research Department—Josephine Dearborn, Jones county; Dorothy Rabbini, Buena Vista county; Doris Schmidhuber, Winnebago county.

Pages for Research Department—Thomas Bruce, Polk county; Carlton Hanson, Cass county.

Post Office Assistant—Eleanor Hutchinson, Benton county.

Post Office Mail Carrier—N. C. Berg, Hamilton county.

Matrons—Mabel Mason, Polk county; Catherine Shelton, Polk county.

Janitors—Charles Gardner, Clarke county; John Hopkins, Wayne county; G. E. Turner, Ringgold; Reese Wolfe, Marion county; Dwaine Mixon, Pottawattamie county; Lawrence Gustafson, Polk county; Britton Thomas, Monroe county; George Hayward, Lee county; Curtiss Ross, Marshall county.

Elevator Operators—W. D. Funk, Marshall county; F. Dunagan, Polk county; Richard Kruse, Lyon county; R. Orr, Fremont county.

Special Police for Parking—Carl Johnson, Warren county; Oscar Tedford, Monroe county; Roy Williamson, Wright county; Don Parker, Polk county.

Doorkeepers—O. H. Raleigh, Palo Alto county; Ira Gripp, Union county; O. L. Frazier, Decatur county; H. B. Fellers, Webster county.

Respectfully submitted,

J. BERG, *Chairman.*

E. P. CORWIN.

GEORGE FAUL.

*On the part of the Senate.*

LEO A. HOEGH, *Chairman.*

MARTIN D. VAN OOSTERHOUT.

F. J. PINE.

*On the part of the House.*

On motion of Senator Berg, the report was adopted.

The Journal of January 13th was corrected and approved.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 15, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rabbi Monroe Levens of the Polk Boulevard Synagogue, Des Moines.

## INTRODUCTION OF BILLS

Senate File 28, by Special Tax Committee, a bill for an act to amend sections four thousand four hundred three (4403), five thousand two hundred sixty-seven (5267), six thousand eight hundred sixty-five (6865), six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), six thousand nine hundred forty-four (6944), six thousand nine hundred forty-six (6946), six thousand nine hundred seventy-two (6972), six thousand nine hundred seventy-six (6976), six thousand nine hundred eighty-two and two tenths (6982.2), seven thousand sixty (7060), seven thousand seventy-five (7075), seven thousand one hundred one (7101), seven thousand one hundred three and thirteen hundredths (7103.13), seven thousand one hundred nine (7109), seven thousand one hundred fifteen (7115), seven thousand one hundred twenty-one (7121), seven thousand one hundred twenty-nine (7129), seven thousand one hundred twenty-nine and one-tenth (7129.1), seven thousand one hundred thirty-nine (7139), seven thousand one hundred forty-eight (7148), seven thousand one hundred eighty-two (7182), and seven thousand one hundred eighty-three and three-tenths (7183.3), Code, 1939, relating to assessment of property for taxation and providing for the assessment of property at sixty per cent of actual value.

Read first and second times and passed on file.

Senate File 29, by Special Tax Committee, a bill for an act to amend sections four hundred eighty-eight (488), one thousand one hundred seventy-nine and three-tenths (1179.3), four thousand three hundred fifty-three (4353), four thousand three hundred fifty-four (4354), four thousand seven hundred fifty-three and

seventeen hundredths (4753.17), four thousand seven hundred seventy-three and one-tenth (4773.1), five thousand five hundred twenty-six and nineteenth hundredths (5526.19), five thousand eight hundred eighty (5880), five thousand nine hundred two (5902), five thousand nine hundred forty-two and four-tenths (5942.4), six thousand seventy-three (6073), six thousand one hundred three (6103), six thousand one hundred twenty-five (6125), six thousand one hundred fifty-five (6155), six thousand one hundred sixty-five (6165), six thousand two hundred thirty-eight (6238), six thousand two hundred forty (6240), six thousand five hundred eighty-five (6585), six thousand five hundred ninety-seven (6597), six thousand six hundred three (6603), six thousand six hundred eighty-six (6686), six thousand eight hundred fifty-six (6856), eight thousand one hundred ninety-four (8194), Code, 1939, relating to and fixing the limitation of indebtedness of counties, townships, school districts and other political or municipal corporations.

Read first and second times and passed on file.

Senate File 30, by Senator Shaw (Keeney), a bill for an act to amend section sixty-nine hundred forty-four (6944), Code, 1939, to extend the tax exemption on agricultural produce.

Read first and second times and passed on file.

Senate File 31, by Senator Martin, a bill for an act to make applicable to cities acting under special charter subsection two (2) and subsection ten (10) of section sixty-two hundred eleven (6211), Code, 1939, and thus to authorize such cities to levy not to exceed one and one-fourth ( $1\frac{1}{4}$ ) mills annually for the Water Fund and not to exceed one and one-fourth ( $1\frac{1}{4}$ ) mills annually for the Gas Light, Electric Light, Heat or Power Funds of such cities.

Read first and second times and passed on file.

Senate File 32, by Senator Martin, a bill for an act to repeal section sixty-eight hundred ninety-six (6896), Code, 1939, relating to the period of collection of penalty or interest upon taxes and assessments in cities acting under special charter and to enact a substitute therefor relating to the period of collection of penalty or interest on general taxes of such cities which levy and collect their own taxes.

Read first and second times and passed on file.

Senate File 33, by Senator Martin, a bill for an act to provide that section seventy-two hundred seventy-one (7271), Code, 1939, shall, one (1) year after the effective date of the Act apply to cities acting under special charter which collect their own taxes and thus, after said one (1) year to provide that there shall be cancelled from the tax sale index and tax sale register of such cities, all sales for taxes in cases in which eight (8) years elapse from the time of sale and no action has been taken by the holder of a certificate to obtain a deed.

Read first and second times and passed on file.

Senate File 34, by Senator Faul, a bill for an act to amend sections ten thousand two hundred ninety-nine (10299) and ten thousand three hundred five (10305), Code, 1939, relating to machinery and material on public improvements.

Read first and second times and passed on file.

Senate File 35, by Senator Faul, a bill for an act to amend section eleven thousand nine hundred thirty-three (11933), Code, 1939, relating to the posting of a bond on the sale or mortgage of real estate in an estate for the purpose of satisfying the debts and charges.

Read first and second times and passed on file.

Senate File 36, by Senator Faul, a bill for an act to amend section twelve thousand five hundred ninety-two (12592), Code, 1939, relating to the amount of bond to be given by a guardian upon the sale or mortgage of real estate.

Read first and second times and passed on file.

Senate File 37, by Senator Evans, a bill for an act to amend section six thousand nine hundred forty-seven (6947), Code, 1939, relating to military service exemptions.

Read first and second times and passed on file.

Senate File 38, by Senator Mowry, a bill for an act to provide that the trial court may reserve its decision on motions for a directed verdict in the trial of civil actions until after such cause has been submitted to a jury and its verdict received and recorded, to authorize the supreme court to prescribe the rules of

practice necessary to carry out the provisions of this act, and to repeal all acts or parts of acts inconsistent with the provisions of this act.

Read first and second times and passed on file.

Senate File 39, by Senator Mowry, a bill for an act establishing Constitution Sunday and providing for the observance thereof.

Read first and second times and passed on file.

#### SENATE JOINT RESOLUTION 1, BY BALDWIN

Joint Resolution agreeing to a proposed amendment to article seven (VII) of the Constitution of the State of Iowa by adding thereto section eight (8) relating to the use of motor vehicle registration fees and licenses and excise taxes on motor vehicle fuels.

*Whereas*, the Forty-eighth (48th) General Assembly, in regular session, and by Senate Joint Resolution 1 of said general assembly, and by a majority of the members elected to each of the two houses of said general assembly, did duly adopt and agree to a proposed amendment to the Constitution of the State of Iowa, in words and figures as follows: "That article seven (VII) of the constitution of the state of Iowa be amended by adding thereto, as section eight (8) thereof, the following: 'All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.'"; and

*Whereas*, said proposed amendment, and the yeas and nays taken thereon, were at the time and in the manner required by said constitution duly entered in the journals of each of the houses of said general assembly; and

*Whereas*, said proposed amendment was by the terms of said Senate Joint Resolution 1 referred to the Forty-ninth (49th) General Assembly, as required by the constitution; and

*Whereas*, said proposed amendment was duly published in the manner and form and for the time provided by the constitution and laws of the state, due return and report of such publication

having been made by the secretary of state to both houses of the Forty-ninth (49) General Assembly; now, therefore,

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

Section 1. That the proposed amendment to the Constitution of the State of Iowa, to wit: "That article seven (VII) of the constitution of the state of Iowa be amended by adding thereto, as section eight (8) thereof, the following: 'All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.'", is hereby agreed to and adopted by the Forty-ninth (49th) General Assembly.

Sec. 2. Said proposed amendment shall be submitted to the people at the general election in 1942 in the manner required by law.

Read first and second times and passed on file.

#### PUBLIC HEARING

Senator Faul moved that the Senate resolve itself into a committee of the whole at 11:00 a. m. Thursday, January 16th, for a public hearing on Senate Files 28 and 29, the special tax bills.

The motion prevailed.

#### 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:

Senator Augustine—Jayne Johnson.  
Senator Baldwin—Alice Baldwin.  
Senator Bekman—Eleanor Miller.  
Senator Benson—Marcella Larson Jencks.  
Senator Berg—Lenore Zug.  
Senator Byers—Bette Giblin.  
Senator Clark—E. Juanita Reeves.  
Senator Corwin—Darline Warner.  
Senator Cromwell—Edith L. Leopold.  
Senator Dewey—Leona A. Story.  
Senator Donohue—Myle Mae Moetsch.  
Senator Dykhouse—Carol Kleinhesselink.

Senator Elthon—Genevieve Waggoner.  
Senator Emerson—Una J. Cramer.  
Senator Evans—Dorothy L. Ling.  
Senator Faul—Ruth Johnson.  
Senator Findlay—Angela Collins.  
Senator Fuller—Minnie T. Agnew.  
Senator Goode—Ruby Duffield.  
Senator Hamiel—Evelyn Hamiel.  
Senator Hart—Mary D. Hayes.  
Senator Harvey—Lois Greene.  
Senator Hattery—Bette Jean Landers.  
Senator Henningsen—Ella Ott.  
Senator Hess—Margie Lu Preston.  
Senator Hill—Betty Johnson.  
Senator Hunt—Hazel F. Ward.  
Senator Johnson—Maxine E. Rector.  
Senator Jones—Freda Gill.  
Senator Keir—Doris Donaldson.  
Senator Leo—Edith McElroy.  
Senator Long—Don J. Dolphin.  
Senator Love—Dorothy H. Smith.  
Senator Lundy—Anna K. Miletich.  
Senator Lynes—Harold Brinkman.  
Senator Martin—Cora Feddersen.  
Senator Mercer—Leona M. Amelon.  
Senator Miller—Janet Foster.  
Senator Mowry—Edith Hendershot.  
Senator Munger—Jeanette Smit.  
Senator Pelzer—Lucille Pelzer.  
Senator Shaw—Virginia Watts.  
Senator Sjulín—Ina Grace Anderson.  
Senator Stewart—Arline Stempfle.  
Senator Talbott—Louise Boyd.  
Senator Turner—Joyann Clipson.  
Senator Vrba—Evelyn Vrba.  
Senator Watson—Jeanne Watson.  
Senator Whitehill—Ardith Biersborn.  
Senator Zeigler—Elzevir Thoma.  
Lieutenant Governor—Maxine Maxson.

J. BERG, *Chairman.*  
R. E. BENSON.  
DEWEY GOODE.

Senator Berg moved that the report be adopted.

The motion prevailed and the report was adopted.

## APPOINTMENT OF PAGES

President Hickenlooper announced the appointment of the following persons as pages:

Wilbur Knop.

Craig Vernon.

Fredrick E. Nordgren.

John R. Olson.

Charles M. Thompson.

Jay Hasbrouk.

Otis Pritchard.

Bill Miles.

Harry Ogle.

Darrell Franklin.

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



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 16, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Dr. H. C. Shiffler, pastor of Highland Park Presbyterian Church of Des Moines.

## PETITIONS AND MEMORIALS

The following petitions were presented and ordered placed on file:

By Senator Faul, from the members of the American Legion Auxiliary, Baldwin-Patterson Unit No. 274 of Des Moines, favoring passage of the bill providing for aid to dependent children.

By Senator Talbott, from citizens of Brooklyn, favoring improvement in the old age assistance law.

## INTRODUCTION OF BILLS

Senate File 40, by Senators Vrba and Augustine, a bill for an act to amend sections five thousand eight and eight hundredths (5008.08), five thousand eight and nine hundredths (5008.09), Chapter two hundred fifty one and one tenth (251.1), Code, 1939, relating to reduction of motor vehicle registration fees, and establishing maximum and minimum fees therefor.

Read first and second times and passed on file.

Senate File 41, by Senators Vrba and Augustine, a bill for an act to amend section five thousand eight and five hundredths (5008.05), Chapter two hundred fifty-one and one tenth (251.1), Code, 1939, relating to annual motor vehicle fees.

Read first and second times and passed on file.

Senate File 42, by Senator Lundy, a bill for an act to amend section seven thousand one hundred seventy-one (7171), Code, 1939, relative to annual levies.

Read first and second times and passed on file.

Senate File 43, by Senator Byers, a bill for an act to amend section three hundred ninety and two-tenths (390.2), Code, 1939, relating to the time for filing protests against and appeals from budgets.

Read first and second times and passed on file.

Senate File 44, by Senator Shaw (Keeney), a bill for an act to amend Chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, relating to personal net income tax, and allowing to the taxpayer an election to include loans from the Commodity Credit Corporation as gross income, and providing that the method of computing income adopted by the taxpayer shall be continued in subsequent years.

Read first and second times and passed on file.

Senate File 45, by Senator Cromwell, a bill for an act to amend section sixty-nine hundred forty-nine (6949), Code, 1939, relating to the filing date for soldiers' exemptions.

Read first and second times and passed on file.

Senate File 46, by Senators Evans and Cromwell, a bill for an act to amend section eleven thousand nine hundred one (11901), Code, 1939, relating to the administration of estates of absentees.

Read first and second times and passed on file.

Senate File 47, by Senator Mowry, a bill for an act to regulate the sale of second-hand watches; and to prescribe penalties for the violation of the provisions of this act.

Read first and second times and passed on file.

Senate File 48, by Senator Hill, a bill for an act to amend section six thousand nine hundred forty-three and forty-six thousandths (6943.046) of the Code of 1939 relating to return by fiduciary of personal net income tax and providing limitations thereon and legalizing discharges of fiduciaries heretofore granted.

Read first and second times and passed on file.

Senate File 49, by Senator Baldwin, a bill for an act to amend section fifty-four hundred two and one-tenth (5402.1), Code, 1939, relating to bona fide yearly subscribers of a newspaper.

Read first and second times and passed on file.

## MESSAGES 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 3, providing for the preparation of a daily clip-sheet showing amendments to bills offered or filed to be attached to the bills in the Bill Files.

Also: That the House has amended and adopted the report of the Joint Committee on Extra Legislative Employees.

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

House File 1, a bill for an act relating to certificated motor carriers.

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

House File 2, a bill for an act relating to the assessment of tax on motor vehicles.

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

House File 3, a bill for an act relating to the payment of identification plate.

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

House File 5, a bill for an act relating to refund of motor vehicle fuel license fees.

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

House File 6, a bill for an act relating to taxation of motor vehicle certified carriers.

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

House File 7, a bill for an act relating to the expiration date of food establishment licenses.

Also: That the House has adopted the following Concurrent Resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 2, providing for the furnishing of Codes to the press.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE CONCURRENT RESOLUTION 3

*Be It Resolved by the House, the Senate Concurring:* That the Secretary of the Senate and the Chief Clerk of the House are hereby directed to prepare a daily clip sheet showing all amendments to bills, offered or filed, to be attached to the bills in the Bill Files.

*Be It Further Resolved,* That the Joint Committee on Rules prepare a

suitable rule covering the foregoing procedure and determine whether amendments filed shall be printed in the Journal at the time of their filing or when the bill to which they apply is up for consideration.

#### HOUSE AMENDMENT TO REPORT OF JOINT COMMITTEE ON EXTRA HELP

Amend the report of the joint committee on extra help by adding the following names to the list designated as "Janitors":

Forest Benzler, Hancock county; S. A. Smith, Cerro Gordo county.

#### REPORT OF COMMITTEE ON MILEAGE

MR. PRESIDENT: Your committee, appointed to determine the mileage for the Lieutenant Governor and the members of the Senate, submits the following report:

Name	Miles	Amt.	Name	Miles	Amt.
Lieutenant Governor	118	\$11.80	Hill	88	8.80
Augustine	60	6.00	Hunt	210	21.00
Baldwin	201	20.10	Johnson	107	10.70
Bekman	91	9.10	Jones	45	4.50
Benson	70	7.00	Keir	190	19.00
Berg	104	10.40	Leo	98	9.80
Byers	118	11.80	Long	163	16.30
Clark	73	7.30	Love	75	7.50
Corwin	152	15.20	Lundy	68	6.80
Cromwell	168	16.80	Lynes	142	14.20
Dewey	116	11.60	Martin	182	18.20
Donohue	148	14.80	Mercer	120	12.00
Dykhouse	259	25.90	Miller	90	9.00
Elthon	135	13.50	Mowry	33	3.30
Emerson	75	7.50	Munger	199	19.90
Evans	139	13.90	Pelzer	100	10.00
Faul	No Claim for Mileage		Shaw	135	13.50
Findlay	92	9.20	Sjulin	175	17.50
Fuller	225	22.50	Stewart	153	15.30
Goode	110	11.00	Talbott	70	7.00
Hamiel	147	14.70	Turner	100	10.00
Hart	186	18.60	Vrba	220	22.00
Harvey	136	13.60	Watson	140	14.00
Hattery	40	4.00	Whitehill	50	5.00
Henningsen	225	22.50	Zeigler	117	11.70
Hess	200	20.00			

ROBERT W. HARVEY, *Chairman.*

O. H. HENNINGSEN.

A. CLAIRE DEWEY.

Senator Harvey moved the adoption of the report.

The motion prevailed and the report was adopted.

#### HOUSE MESSAGES CONSIDERED

House File 1, a bill for an act to amend sections five thousand one hundred three and seven hundredths (5103.07) of Chapter

two hundred fifty-two, and two tenths (252.2), and five thousand one hundred three and eight hundredths (5103.08) of said chapter, Code, 1939, relating to certificated motor carriers.

Read first and second times and passed on file.

House File 2, a bill for an act to amend section five thousand one hundred three and five hundredths (5103.05) of Chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers, to clarify the provisions relating to refund of tax and to change the date for the assessment of tax on certain motor vehicles.

Read first and second times and passed on file.

House File 3, a bill for an act to amend section five thousand one hundred three and twelve hundredths (5103.12), Chapter two hundred fifty-two and two tenths (252.2), Code, 1939, to provide for refunds as required under section five thousand one hundred three and five hundredths (5103.05) and to provide for the payment for identification plate provided for in section five thousand one hundred three and six hundredths (5103.06).

Read first and second times and passed on file.

House File 5, a bill for an act to amend section five thousand ninety-three and twenty-nine hundredths (5093.29) Code, 1939, relating to refund of motor vehicle fuel license fees.

Read first and second times and passed on file.

House File 6, a bill for an act to amend section five thousand one hundred three and four hundredths (5103.04), Chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers, by changing the time when compensation tax payments become delinquent.

Read first and second times and passed on file.

House File 7, a bill for an act to amend section two thousand eight hundred nine (2809), Code, 1939, relating to the expiration date of food establishment licenses.

Read first and second times and passed on file.

Senator Berg called up the House amendment to the report of the joint committee on extra help and moved its adoption.

The motion prevailed and the amendment was adopted.

On motion of Senator Hill, the Senate stood at ease until 11:00 a. m., the hour set for the public hearing on Senate Files 28 and 29.

#### COMMITTEE OF THE WHOLE

The time having arrived for consideration of Senate Files 28 and 29, the Senate resolved itself into a committee of the whole.

The committee of the whole arose and the Senate resumed regular session.

On motion of Senator Lundy, the Senate recessed until 1:15 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Pro Tem Frank C. Byers presiding.

Senator Donohue moved that, when the Senate reconvenes after the joint session, it adjourn until 10:00 a. m., January 21st.

Senator Berg moved to amend the motion to read 2:00 p. m., January 20th.

The motion prevailed and the amendment was adopted.

The motion by Senator Donohue, as amended, was adopted.

#### COMMITTEE FROM THE HOUSE

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

The Senate proceeded to the House under direction of the Sergeant-at-Arms.

#### JOINT CONVENTION

The Joint Convention reconvened, President Pro Tempore Byers of the Senate presiding.

The roll was called.

Those present were, 151:

Alesch	Augustine	Beeler	Berg
Allen	Avery	Bekman	Blatti
Arant	Baldwin	Benson	Blue

Bremer	Sharp	Latchaw	Ritchie
Bockwoldt	Gardner of	Leo	Scott of Fayette
Brindle	Good of Boone	Long of Clinton	Scott of Sac
Browner	Goode of Davis	Delaware	Seemann
Bryson	Graft	Love	Long of
Burk	Greene	Lucas	Shaw
Burma	Gregory	Lundy	Shimanek
Burns	Guernsey	Lynes	Siefkas
Butterfield	Hall	Manley	Smith
Byers	Hamiel	Martin of	Snakenberg
Carlson	Hart	Appanoose	Stanek
Clark	Harvey	Martin of Scott	Steinberg
Claypool	Hattery	Mercer	Stewart of
Colburn	Heffner	Miller of	Fayette
Cooper	Henningsen	Audubon	Stewart of
Corwin	Herrsen	Miller of	Washington
Cromwell	Hess	Humboldt	Stinemates
Dancer	Hill	Mills	Swaner
Degen	Hocum	Morrissey	Talbott
Dewey	Hoegh	Mowry	Tatum
Dietz	Hunt	Moyle	Teachout
Dodds	Irwin	Munger	Thompson
Donohue	Jessen	Nelson	Turner
Duffield	Johnson of	Nichols	Van Oosterhout
Dvorak	Hancock	Nielsen	Vrba
Dykhouse	Johnson of Linn	Norland	Wagner
Eckerman	Johnson of	Odden	Walter of
Edwards	Marion	Parker	Marshall
Elthon	Jones	Paullus	Walter of
Emerson	Judd	Pelzer	Pottawattamie
Evans	Keeney	Pieper	Watson
Faul	Keir	Poston	Weichman
Felton	Knippling	Prentis	Wellington
Fimmen	Knowlton	Pritchard	Whitehill
Findlay	Knudson	Reed	Wichman
Fishbaugh	Kruse	Reilly	Yager
Foster	Kuester	Risse	Zeigler
Fuller	Lampman		

Those absent were, 7:

Gardner of Linn	Johannes	Pine	Wilson
Hutchison	McFarlane	Sjulin	

The President Pro Tempore declared a majority of the General Assembly present at the Joint Convention.

The Speaker of the House then announced and made public the canvass of the vote.

The tellers reported as follows:

HALL OF THE HOUSE OF REPRESENTATIVES,  
DES MOINES, IOWA, JANUARY 16, 1941.

MR. PRESIDENT AND GENTLEMEN OF THE JOINT CONVENTION:

Your tellers, appointed by the President of the Senate and the Speaker of the House of Representatives to canvass the vote cast for candidates for Governor and Lieutenant Governor, at the election held November 5, 1940, beg leave to make the following report of the total vote cast for

## Governor:

George A. Wilson.....	620,480
John K. Valentine.....	553,941
Charles Speck.....	1,230
M. M. Heptonstall.....	1,342
H. G. Altenberger.....	8
Fred Waitz.....	1
Lyall Moore.....	1

And the total vote cast for Lieutenant Governor, at the election held November 5, 1940:

Bourke B. Hickenlooper.....	594,276
S. J. Galvin.....	504,113
Ward Hall.....	1,474
Laetitia Conrad.....	23
H. G. Altenberger.....	16

All of which is most respectfully submitted.

LEO ELTHON,

F. E. SHARP,

*Judges.*

H. C. BALDWIN,

W. ELDON WALTER,

FRED J. PAULLUS,

M. C. HAMIEL,

*Tellers.*

A. C. GUSTAFSON,

*Clerk of the Joint Convention.*

Sharp of Clayton moved that the report be adopted. Motion prevailed and the report was adopted.

President Pro Tempore Byers of the Joint Convention, announced that George A. Wilson, having received the highest number of votes cast for Governor, was duly elected to the office of the Governor of the State of Iowa for the ensuing term, or until his successor is elected and qualified, and that Bourke B. Hickenlooper, having received the highest number of votes cast for Lieutenant Governor, was duly elected to the office of Lieutenant Governor for the ensuing term or until his successor is duly elected and qualified.

The following certificates were signed in the presence of the Joint Convention:

#### CERTIFICATE OF ELECTION

HALL OF THE HOUSE OF REPRESENTATIVES,  
DES MOINES, IOWA, JANUARY 16, 1941.

This is to certify that upon a canvass in Joint Convention of the



two Houses of the Forty-ninth General Assembly of the State of Iowa, of all the votes cast at the general election held November 5, 1940, for the office of Governor of the State of Iowa, it appeared that George A. Wilson received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of two years and until his successor is duly elected and qualified.

Signed in the presence of the Joint Convention this 16th day of January, A. D., 1941.

FRANK C. BYERS,  
*President Pro Tempore of the Senate and  
President of the Joint Convention.*

ROBERT D. BLUE,  
*Speaker of the House.*

LEO ELTHON,  
*Teller of the Senate.*

F. E. SHARP,  
*Teller of the House.*

A. C. GUSTAFSON,  
*Clerk of the House and Clerk of the Joint  
Convention.*

#### CERTIFICATE OF ELECTION

HALL OF THE HOUSE OF REPRESENTATIVES,  
DES MOINES, IOWA, JANUARY 16, 1941.

This is to certify that upon a canvass in Joint Convention of the two Houses of the Forty-ninth General Assembly of the State of Iowa, of all the votes cast at the general election held November 5, 1940, for the office of Lieutenant Governor of the State of Iowa, it appeared that Bourke B. Hickenlooper received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of two years and until his successor is duly elected and qualified.

Signed in the presence of the Joint Convention this 16th day of January, A. D., 1941.

FRANK C. BYERS,  
*President Pro Tempore of the Senate and  
President of the Joint Convention.*

ROBERT D. BLUE,  
*Speaker of the House.*

LEO ELTHON,  
*Teller of the Senate.*

F. E. SHARP,  
*Teller of the House.*

A. C. GUSTAFSON,  
*Clerk of the House and Clerk of the Joint  
Convention.*

President Pro Tempore Byers then directed the abstract of

votes and certificates of election to be filed with the Secretary of State.

Bekman of Wapello moved that a committee of five, consisting of two from the Senate and three from the House, be appointed to notify Governor-elect Wilson and Lieutenant Governor-elect Hickenlooper of the official result of the canvass of votes.

Motion prevailed and President Pro Tempore Byers named as such committee Senators Bekman of Wapello and Watson of Pottawattamie, and Representatives Hocum of Buena Vista, Odden of Winnebago and Stinemates of Montgomery.

Senator Bekman from the Joint Committee appointed to notify George A. Wilson and Bourke B. Hickenlooper of their election to the office of Governor and Lieutenant-Governor, respectively, submitted the following report and moved its adoption:

#### REPORT OF COMMITTEE

MR. PRESIDENT: As a committee appointed at the Joint Convention to notify the Honorable George A. Wilson and the Honorable Bourke B. Hickenlooper of their election to the office of Governor and Lieutenant Governor of Iowa, respectively, we beg leave to report that we have performed the duty assigned to us and that each officer assured us that he stands ready to assume the duties of the office to which he was elected.

Respectfully submitted,

E. K. BEKMAN,

J. G. ODDEN,

DEVERE WATSON,

FRANK O. HOCUM,

*On the part of the Senate.*

GEORGE W. STINEMATES,

*On the part of the House.*

Motion prevailed and the report was adopted.

Senator Faul moved that a committee of five be appointed, two from the Senate and three from the House to escort Governor-elect Wilson and Lieutenant Governor-elect Hickenlooper to the House Chamber.

Motion prevailed and the President Pro Tempore of the Joint Convention appointed Senators Faul of Polk and Henningson of Clinton, and Representatives Burma of Butler, Colburn of Shelby and Reed of Jefferson as such committee.

The Sergeant-at-Arms announced the arrival of Governor-elect

Wilson and Lieutenant Governor-elect Hickenlooper, accompanied by the Governor's staff.

Governor-elect Wilson and Lieutenant Governor-elect Hickenlooper were escorted to the Speaker's station.

Invocation was delivered by the Rev. Ernest Victor Kennan of Des Moines.

The oath of office was administered to Lieutenant Governor-elect Hickenlooper by Hon. Oscar Hale, Chief Justice of the Supreme Court of Iowa.

The oath of office was administered to Governor-elect Wilson by the Hon. Oscar Hale, Chief Justice of the Supreme Court of Iowa.

Lieutenant Governor Hickenlooper, President of the Joint Convention, presiding, then presented Governor Wilson who delivered the following message:

#### GOVERNOR'S INAUGURAL ADDRESS

*To the Forty-ninth General Assembly and the people of Iowa:*

Thank you one and all for the abounding manifestations of good will and the hearty show of the spirit of unity on this occasion.

The year just closed will loom large in the story of the progress of civilization.

The year now opening will, we hope and believe, witness the beginning of a new era of tranquility for a more orderly world. All people everywhere who love liberty and have faith in humanity are committed to translating their hopes and beliefs into action. I am happy to come to you again to speak words of encouragement to the end that together we may help to make the year 1941 a turning place from the darkness to the light.

We do well to counsel together and to fortify ourselves against the impact of the forces of destruction.

We must work together—you, the elected representatives of the people charged with legislative duties, the members of the judiciary and state officials and heads of administrative departments. I know your ears are attuned to the tales of horror that follow the air lanes around the world, and that is why it is so important that as we come into this year, we enter upon our duties free from every hampering prejudice and boldly facing the realities of life.

The greatest service now is in the strengthening of the orderly processes of free government. The immediate opportunity is to demonstrate the workability of the American way.

We can and we should be able to present our fair state of Iowa, in its every activity and all its agencies of public service, as a worthy example

of self government that is both just and liberal, at once strong and flexible, economical and efficient, administered openly and honestly.

That is our job—yours and mine, you who have the duty of determining public policy within this jurisdiction, you who have responsibility for interpretation of law and its application, all of us who have been commissioned to be servants of the public. If we do well the tasks of today those of our children will not be so arduous. We dare not now falter or retreat.

Is this ideal for Iowa and Iowa people just a vision destined to fade? Ours is almost a new age of miracles. The doing of that which seemed impossible has become commonplace. We live in the midst of change and are unafraid. We believe that beyond the dark clouds of today lies the bright sunshine of a new day. We meet with confidence the challenge of the forces that would destroy our way of life. We welcome freedom of thinking, and freedom in the expression of thought in any form, confident in the triumph of truth over error. We stand defiant against any philosophy that tolerates the lust of power or leads to appeasement with the baser emotions of men. We place home and family and human freedom above all else. It is a high ideal, but it is not too high. We shall climb the ladder step by step.

The people of our Nation have sent forth out of this wonderful age of progress in the arts and sciences much to make the world better. The people of Iowa in their brief experience have done their full share in helpfulness. Now we see portions of our handiwork turned to the sorry support of tinsel thrones of the sawdust Caesars. The airways we dedicated to peace are cluttered by the din of war. But we are sure that neither the sweet words of persuasion nor the harsh threats of blood vengeance can stay the onward march of civilization.

For our contribution to the common welfare we are rewarded by an onslaught upon the very foundations of our rich inheritance. We are regaled about the rights, not of men and women, but of classes and groups as distinguished from the plodding many. There are attacks upon the institutions that have been built up by the genius and the enterprise of free men. New names, queer phrases, strange arguments appear, largely as importations from places where the people have been bludgeoned into social and political systems different from our America.

The people of Iowa have created here a state of organized society with roots firmly set in the deep black soil of the pioneering period of which we are a part. These wide prairies decorated with green groves and red barns, these woodland fringes that frame our rural picture, these bustling cities and towns of thrift and industry, these roads of steel and concrete, these deep mines, these temples of worship and of learning and of justice—this is the work of our generation and our predecessors, and it is our pledge that we will preserve and improve it.

We face the realities of life, every year and every day. It is a severely practical world in which we live. The way of progress is by work. We get by giving. Life is not a lottery. Nothing ever just happens. The most precious thing we know is the freedom to live our lives in the service of ourselves and our fellow men. It is a changed and a changing world, and if we will it so, every turn will be for the better.

This does not mean that we shall accept every novelty or try every experiment conjured up by distorted minds. Within the memory of pioneers who survive, Iowa has come a long way from a wasted wilderness to a realm of abundance; and these pioneers and those who have gone ahead are fully responsible for our inheritance of a rich culture stemming from their resolute spirits.

We do not mean to exaggerate, we will not be led into overconfidence, we of Iowa can afford to present the naked truth; but we do firmly believe that here is one of the finest places in all the world to give an every day demonstration of the virtue of government by the people. Let us do it now.

In the final analysis, a state is made by its men and women. No civic structure is ever better than its makers. We see Iowa as a shapely figure on the map, surrounded by other splendid states, with rivers and forests and plains and interlaced with routes of commerce. We have exhausted the dictionary in telling of the soil and climate and all natural advantages. But the race that left the stone axes and chipped flints scattered over these hills failed to create a place for homes.

It was the home seekers and home makers who effected the marvelous transformation of a hundred years. They did not seek gold. They did not gather riches from the trees. They set to themselves the task of using the abundant raw materials for creating wealth. They took over the buffalo paths for trails of destiny. They set their herds upon the hills and chained the power of the streams. They made Iowa a homeland for two and a half million people.

Is the pioneering all done? Not at all. We still have unknown quantities of raw material out of which to produce more and more of the useful things for our homes.

Above all else the pioneers built a state. The natural resources, the favorable location, the genius to plan and the will to do, all added up to a community of free homes. The state makers wove into the fabric of their state the virtue and the wisdom they brought with their axes and looms and plows and their Bibles. They held no forum debate on their capacity for self government.

Nobody was engaged in devising ways for doing less work and getting more for it. They heard the Declaration of Independence read at least once a year and believed and lived it. They knew about the Constitution. They upheld the bill of rights. They met every attempt either to disrupt the union or to undermine its principles in whatever manner served best to preserve their homes and protect their families.

Look at the map of the world. Put your finger on the spot marked Iowa. On the agricultural chart it is the center of the very finest region of productivity known to man. It is the heart of that midland region of industry and commerce which is ever steady and reliable. Iowa and the adjoining states is an area unsurpassed in rich educational, spiritual and cultural values.

Turn again to the map and study the record of this group of states of which Iowa is the heart and center. No truer words were ever uttered than those spoken by Judge C. C. Nourse, a distinguished citizen and statesman of Iowa, when he said:

"The great ultimate fact that America would demonstrate is the existence of a people capable of attaining and preserving a superior civilization, with a government self-imposed, self-administered and self-perpetuated. In this age of wonderful progress, America can exhibit nothing to the world of mankind more wonderful or more glorious than her new states—young empires born of her own enterprise and tutored at her own political hearthstone. Well may she say to the monarchies of the old world, who look for evidence of her regal grandeur, 'Behold, these are my jewels!' And may she never blush to add, 'This one in the center of the diadem is Iowa!'"

Let memory run down the long list of notable achievements, the sum total of which make the history of the midland states of the Upper Mississippi Valley. We have back of us more than a century of tremendous forward strides. Recall the hardships, the controversies, the triumphs, of men in fields of toil, in fields of statesmanship and on fields of battle.

You cannot fail to observe that it has been from among these stalwart Americans of the land of deep furrows and tall rows of corn that our Nation has drawn a steady stream of dependable patriots. They have helped greatly to make a reality of loyalty and independence.

The rugged forthrightness of these pioneers deeply marked every phase of human activity where they led the way. As they converted their log cabins into comfortable homes, they were also making over their rules for simple justice into a workable code for the public service.

The thought of those who organized the first claim clubs and vigilance committees was to make certain the protection of their homes and their property. That is the purpose of all good government.

If there is one thing more than another that is needed to stabilize the world, it is confidence in government by the people. That confidence should be securely anchored to a living exhibit of free people working out the ideals of democracy by republican rules on a fair testing field. Iowa can provide that anchorage.

The Iowa of today, our Iowa that we love, is a product of the growth and unfolding of that revolution which a hundred and fifty years ago startled the world by a new concept of human relations. It is a civic structure girdled by the unifying spirit of our fathers of long years ago who made their resolve that government by the people should not perish from the earth. Iowa has not broken faith with the founders. Iowa people have from time to time renewed their pledge to carry on in industrial, social and political ways as in the years of our marvelous advancement. The changes we approve must be for the better, constructive and not destroying.

Now what is the practical and prosaic job for which we have been selected? The resources of our state are known, the quality of our citizenship has been tested, our institutions give us elbow room and provide freedom of action. We must be ever busy patching up the holes where leaks may be found. The rest depends upon us. The people of Iowa want the best government that can be devised and be maintained.

They want efficient and economical government in the state and all the divisions of the state. They desire that every dollar of their money be used for good purpose. They are willing to pay the bills if the bills

are just and proper. They oppose waste or extravagance; they are for fairness and liberality.

The people of Iowa have faith in themselves. They profoundly believe in the American way of life and industry, and desire the freedom to aid in carrying that way on to greater heights of world leadership.

Iowa people have no patience with those who would exchange our social advantages, and our cultural and spiritual associations for whatever it is that is offered as imported substitutes.

We of Iowa are unwilling to subscribe to the theory that when the time for reconstruction comes we must turn to some strange pattern for a reorganized society dragged from the debris of discarded thrones, or moulded from the charred embers of destroyed dictatorships. The principles of the Magna Charta, and our beloved Declaration of Independence, and our noble Constitution, and the Sermon on the Mount, will live as long as human hearts yearn for liberty.

This favored region between the two great rivers was specially carved out to be the abiding place for unshakable loyalty to the cause of human freedom. We have here a great agricultural state and yet it is an industrial state, with an admirable balance between all our interests.

It should be our considered effort to encourage and protect not only agriculture, but creative industry, and all that relates to both. We should put forth our best efforts to see that the rewards for those who toil upon the farms are on a parity with the compensations elsewhere. The wage earners are receiving direct protection by the power of government and the rewards of labor are better. But in Iowa all our industries and labor, whether on farms or in shops, are closely linked together. There is a large degree of dependency, one upon the other. We must keep all our people working together in harmony.

Home life upon the farm has been made more attractive in many ways. We are building our towns and cities for better health and better living. We have declared in the most emphatic manner our adherence to the sound principles of society and government that have enabled the people of the United States of America to bring this Nation to world leadership.

When the trail-blazers crossed the rivers into what is now Iowa they cut themselves off from the rest of the world. It is different now. We are citizens of Iowa, but we are also citizens of a great Nation, and we have been made to realize that we are neighbors to the people of every land and of every color or race. What we do will be a part of the world-history of our times. We cannot better serve our neighbors, near and far, than to demonstrate here and now that democracy put to work under the pattern that we have followed for many years, administered intelligently and firmly, gives the utmost of freedom and security.

We find ourselves in a position wherein it is necessary to put forth our best efforts to build up a defense of such magnitude as will uphold our institutions of freedom.

In doing this, let no man be a slacker. Let each be willing to sacrifice as did our forefathers, but let those sacrifices be made within the limits of our system of government. Let nothing be done which will change that system.

The defense we desire, the protection we should have, can be accom-

plished within the framework of our constitutional government. Now as never before must we insist that the three branches of government, the Executive, Legislative and Judicial, be preserved, each enjoying and exercising the powers delegated to it, none engaging the unworthiness of encroachment upon the prerogatives of the other. A surrender now, by any one, of its rights, means the imminent downfall of the republican system of free government in the United States.

No emergency has been so great, no emergency ever will be so great, that free men cannot meet and solve it. We seem to be living in an age of hysteria. Let not hysteria so blind us that we will permit our form of government to be changed from one requiring the consent of the governed to one calling for submission. The people of the State of Iowa—Iowa, the first free state admitted to the Union—are willing to meet the responsibility and sacrifice for defense of our nation and our people, but are resolute in their determination that government shall not be by edict, but shall be continued by law, under the provisions of the grandest, most humane, most inspired charter ever written, the Constitution of the United States.

Its preservation, unsullied, is the hope, the most potent armament of defense for free people.

On this, my second inaugural, my heart is filled with gratitude and humility, for the splendid cooperation of the people of the State, for the many honors they have continued to bestow, and for their charity in viewing mistakes which, I plead, have been of the head and not of the heart.

I renew my solemn pledge to the people of Iowa. With your help, and with the beneficence of Divine guidance, for which I am suppliant, all within my power will be done to see that the laws of the State are justly administered, and vigorously enforced, without fear or favor. We will proceed with all energy to the end that the doors of government will be open to honesty and candor, but securely barred to the intolerable approach of graft or corruption, that nonfeasance or neglect of duty will be constantly sought out and dealt with firmly. It is my firm conviction that unending determination to bring economy and efficiency to the affairs of government will carry its own reward in the dynamic workability of our republican institutions. Public office will be treated always as a public trust. The people are the masters and their officials the servants. Government is for the good of all the people and not for the advancement or financial gain of special interests or the ambitious few.

I again assume the duties and responsibilities of this high office. We have the opportunity of leadership to see to it that tolerance replaces intolerance, that love supplants hate, that our generation contributes its full share to the advancement of our State and Nation, and proves worthy of the esteem of our children and our children's children.

The minutes of the Joint Convention were read and approved.

Thompson of Pocahontas moved that the Joint Convention be now dissolved. Motion prevailed.



The Senate returned to the Senate Chamber and resumed regular session, President Hickenlooper presiding.

#### AMENDMENTS FILED

**MR. PRESIDENT:** Amend Senate File 19 by adding immediately after line 9 of section two (2) the following: "Any person, filing a claim of adverse interest, shall, within sixty (60) days after the filing thereof, and not thereafter, assert the same by action instituted in the district court of the county in which the real estate is situated."

**GEORGE FAUL.**  
**FRED CROMWELL.**

**MR. PRESIDENT:** Amend Senate File 19 by inserting in the blank spaces between the words "the" and ", a" in line 3 of section five (5) the following: "The Guttenberg Press". Further amend Senate File 19 by inserting in the blank space between the words "at" and ", Iowa" in line 4 of section five (5) the following: "Guttenberg". Further amend Senate File 19 by inserting in the blank space between the words "the" in line 4 and "a" in line 5 of section five (5) the following: "West Des Moines Express". Further amend Senate File 19 by inserting in the blank space between the words "at" and ", Iowa" in line 5 of section five (5) the following: "West Des Moines".

**GEORGE FAUL.**

On motion of Senator Donohue, the Senate adjourned until 2:00 p. m., January 20th.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 20, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Albert E. Coe, pastor of the Dysart Methodist Church of Dysart.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Hamiel for the day, on request of Senator Mercer; Senator Hart for the day, on request of Senator Henningsen.

## PETITIONS AND MEMORIALS

The following petitions were presented and ordered placed on file:

By Senator Whitehill, from the members of the Iowa Federation of Women's Clubs of Clemons, favoring passage of the bills for aid to dependent children and physical examinations before issuance of marriage licenses.

## INTRODUCTION OF BILLS

Senate File 50, by Senator Berg, a bill for an act to authorize a city or town and the state highway commission to enter into agreement with respect to any project for the paving of a portion of the primary road extension within such city or town.

Read first and second times and passed on file.

Senate File 51, by Senator Bekman, a bill for an act to amend section fifty-three hundred fifty-five (5355), Code, 1939, relating to the appointment and subsequent election of Trustees of County Public Hospitals.

Read first and second times and passed on file.

Senate File 52, by Senator Shaw, a bill for an act to amend section three thousand eight hundred twenty-eight and twenty-three thousandths (3828.023), Code, 1939, relating to liens for old-age

assistance and authorizing the state board of social welfare to compromise, adjust, settle, and release such liens.

Read first and second times and passed on file.

Senate File 53, by Senator Faul, a bill for an act relating to punishment for cruelty to children and fixing penalty therefor.

Read first and second times and passed on file.

Senate File 54, by Senator Faul, a bill for an act to amend sections six thousand three hundred ten (6310) and six thousand three hundred fourteen (6314), Code, 1939, relating to pension funds and annual assessments therefor, and providing that the same shall be applicable to certain deputy bailiffs of municipal courts in cities having a population of one hundred twenty-five thousand (125,000) or more.

Read first and second times and passed on file.

#### ADDITIONAL COPIES

Senator Faul asked and received unanimous consent to have 500 additional copies of Senate Files 1 and 4 printed.

Senator Berg asked and received unanimous consent to have 500 additional copies of Senate File 2 printed.

Senator Hill asked and received unanimous consent to have 250 copies each of Senate Files 28 and 29 printed.

Senator Dewey asked and received unanimous consent to have 500 copies of Senate File 5 printed.

#### AMENDMENTS FILED

**MR. PRESIDENT:** Amend Senate File 29 as follows:

1. Strike all of section sixteen (16) and insert in lieu thereof the following: "Sec. 16. That section six thousand two hundred thirty-eight (6238), Code, 1939, be amended by striking from line six (6) the word "actual" and insert in lieu thereof the word "assessed".

2. Further amend by adding a new section to Senate File 29 to read as follows: "No county, or other political or municipal corporation shall become indebted in any manner, or for any purpose, to an amount, in the aggregate, exceeding five per centum (5%) of the assessed value of the taxable property within such county or corporation—to be ascertained by the last state and county tax lists, previous to the incurring of such indebtedness."

E. K. BEKMAN.

**MR. PRESIDENT:** Amend Senate File 22 by striking all after the word

“not” in line two (2) of Section three (3), and insert in lieu thereof the following: “less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00) for each offense.”

SENATOR E. P. CORWIN.

On motion of Senator Faul, the Senate adjourned until 10:00 a. m. Tuesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 21, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. J. A. Kettle, pastor of the Methodist Church of Des Moines.

President Pro Tem Byers took the chair at 10:15 a. m.

## INTRODUCTION OF BILLS

Senate File 55, by Senators Cromwell and Corwin, a bill for an act to authorize counties to sell and convey property to the Federal Government and agencies and departments thereof and to acquire and provide other property in substitution therefor and to validate proceedings of boards of supervisors heretofore taken with respect thereto.

Read first and second times and passed on file.

Senate File 56, by Senator Bekman, a bill for an act to amend section fifty-one hundred ninety-seven and one hundredth (5197.01), Code, 1939, relating to County Jail Prisoners and duties of sheriff in all counties having a population in excess of forty thousand (40,000).

Read first and second times and passed on file.

Senate File 57, by Senator Bekman, a bill for an act to amend section fifty-two hundred twenty-six (5226), Code, 1939, relating to annual salary of sheriff in counties having population in excess of forty thousand (40,000).

Read first and second times and passed on file.

Senate File 58, by Senator Hess, a bill for an act to amend sections twelve thousand two hundred sixty-three (12263) and twelve thousand two hundred sixty-seven (12267), Chapter five hundred nineteen (519) of the 1939 Code of Iowa, which has to do with Foreible Entry and Detention of Real Property.

Read first and second times and passed on file.

Senate File 59, by Senator Faul, a bill for an act to amend section three thousand six hundred sixty-six (3666), Code, 1939, relating to the commitment of children over eighteen years of age, to private institutions or foster home placement, and conferring jurisdiction on the Juvenile Court to make such commitment.

Read first and second times and passed on file.

Senate File 60, by Senator Faul, a bill for an act to authorize counties, cities or towns and school districts to appropriate money for the support and maintenance of health, psychological and psychiatric clinics and services additional to those set out in Chapter one hundred twelve (112), Code of Iowa, 1939.

Read first and second times and passed on file.

Senate File 61, by Senator Faul, a bill for an act to amend section three thousand six hundred forty-four (3644), of the Code, 1939, relating to compelling support by the parent by order of the Juvenile Court, and providing a method of enforcing such order.

Read first and second times and passed on file.

Senate File 62, by Senator Faul, a bill for an act to legalize the corporate acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of the consumers consolidated coal company and to provide for the renewal of the charter of the said consumers consolidated coal company.

Read first and second times and passed on file.

Senate File 63, by Senators Elthon, Love and Long, a bill for an act to amend Chapter thirty-five and two tenths (35.2), section five hundred twenty-six and two tenths (526.2), Code, 1939, relating to senatorial districts.

Read first and second times and passed on file.

Senate File 64, by Senator Bekman (Wagner), a bill for an act to amend Chapter three hundred three and one tenth (303.1), Code, 1939, relating to the management and control of Airports by a Commission, providing for the submission of the proposition for vote, notice of the election, form of submission, appointment of

commissioners, terms, compensation, powers and duties and reports.

Read first and second times and passed on file.

Senate File 65, by Senator Mowry, a bill for an act to amend sections twelve thousand three hundred ten (12310), twelve thousand three hundred forty-three (12343), and twelve thousand three hundred fifty-one and one tenth (12351.1), Code, 1939, to provide for actions for partition of personal property.

Read first and second times and passed on file.

Senate File 66, by Special Tax Committee, a bill for an act to authorize the State comptroller in the years 1941 and 1942 to approve levies, in certain instances, which are in excess of the maximum levies authorized by law when existing maximum levies will not raise sufficient funds to meet budget requirements.

Read first and second times and passed on file.

Senate File 67, by Senator Hill, a bill for an act to amend section seven thousand six hundred thirty-four (7634), section seven thousand six hundred thirty-five (7635) and section seven thousand six hundred thirty-six (7636) of the Code of 1939 relating to the control, management and supervision of certain drainage districts wholly or partially within cities and towns and to confer on city and town councils certain powers.

Read first and second times and passed on file.

Senate File 68, by Senator Evans, a bill for an act to repeal section five thousand one hundred seventy-three (5173), Code, 1939, and enact a substitute therefor relating to military discharge.

Read first and second times and passed on file.

Senate File 69, by Senator Berg, a bill for an act to amend section five thousand eight hundred seventy-three and one tenth (5873.1), Code, 1939, relating to construction by pledge of net earnings of light and power plants—certificates of indebtedness and determining what cities are to be included therein.

Read first and second times and passed on file.

Senate File 70, by Senator Hill, a bill for an act to amend and revise section five thousand thirty-eight and fourteen hundredths

(5038.14), Code of Iowa, relating to the dismissal of actions brought against non-resident defendants and the manner of service of original notice in such actions.

Read first and second times and passed on file.

Senate File 71, by Senator Augustine, a bill for an act to regulate the holding and ownership of real estate in the state of Iowa by corporations and associations: prohibiting the holding of real estate by any person or corporation in trust for the use and benefit of the corporate owner for the purpose of evading the provisions of this act; requiring corporations to file statements of all real estate unlawfully held or owned by corporations or associations; providing for the establishment of the "Iowa Farm Land Appraisal Board" to appraise and sell all real estate held in violation of the provisions of this act; to define the powers and duties of said board; amending section eight thousand three hundred forty-one (8341), subsection six (6), section eight thousand nine hundred twenty-six (8926), subsection four (4), and repealing section eight thousand seven hundred thirty-six (8736), of the Code, 1939, relating to the ownership of real estate by corporations, associations and insurance companies.

Read first and second times and passed on file.

Senate Joint Resolution 2, by Senator Berg, a joint resolution fixing the compensation of officers and employees of the Forty-ninth General Assembly.

Read first and second times and 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 8, a bill for an act relating to adulteration of food.

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

House File 27, a bill for an act relating to the issuance of travel orders for motor vehicles used only occasionally in motor carrier service.

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

House File 28, a bill for an act defining the term "permit".



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

House File 30, a bill for an act relating to taxation of motor vehicle carriers.

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

House File 31, a bill for an act relating to an appropriation for the payment of current and miscellaneous expenses of the General Assembly.

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

House File 32, a bill for an act relating to taxation of motor vehicle carriers.  
A. C. GUSTAFSON, Chief Clerk.

Senator Hill asked and received unanimous consent to consider the following resolution:

### HOUSE CONCURRENT RESOLUTION 3

*Be It Resolved by the House, the Senate Concurring:* That the Secretary of the Senate and the Chief Clerk of the House are hereby directed to prepare a daily clipsheet showing all amendments to bills, offered or filed, to be attached to the bills in the Bill Files.

*Be It Further Resolved,* That the Joint Committee on Rules prepare a suitable rule covering the foregoing procedure and determine whether amendments filed shall be printed in the Journal at the time of their filing or when the bill to which they apply is up for consideration.

Senator Hill moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

### HOUSE MESSAGES CONSIDERED

House File 8, a bill for an act to amend sections three thousand fifty-eight (3058) and three thousand sixty (3060), Code, 1939, relating to adulteration of foods.

Read first and second times and passed on file.

House File 27, a bill for an act to amend section five thousand one hundred three and ten hundredths (5103.10) of Chapter two hundred fifty-two and two tenths (252.2), Code, 1939, to provide for the issuance of travel orders for motor vehicles used only occasionally in motor carrier service.

Read first and second times and passed on file.

House File 28, a bill for an act to amend section five thousand

one hundred five and six hundredths (5105.06), Chapter two hundred fifty-two and three tenths (252.3), Code, 1939, defining the term "permit".

Read first and second times and passed on file.

House File 30, a bill for an act to amend section five thousand one hundred three and six hundredths (5103.06), Chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers.

Read first and second times and passed on file.

House File 31, a bill for an act to make an appropriation for the payment of current and miscellaneous expenses of the General Assembly of the State of Iowa.

Read first and second times and passed on file.

House File 32, a bill for an act to amend section five thousand one hundred three and two hundredths (5103.02), Chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers.

Read first and second times and passed on file.

On motion of Senator Faul, the Senate recessed until 2:00 p. m.

#### AFTERNOON SESSION

The Senate resumed session, President Pro Tem Byers presiding.

#### INTRODUCTION OF BILLS

Senate File 72, by Senator Hess, a bill for an act to amend subsection four (4) of section ten thousand six hundred thirty-seven (10637), Code, 1939, which has to do with travelling fees of constables.

Read first and second times and passed on file.

Senate File 73, by Senator Harvey (Allen), a bill for an act to legalize the election and proceedings relating to the sale and authorizing the issuance of bonds by the Independent School District of Onawa, 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 issued pursuant

to said proceedings to be enforceable obligations of said school district.

Read first and second times and passed on file.

Senate File 74, by Senators Mercer, Corwin, Hart and Cromwell, a bill for an act to amend section one thousand seven hundred ninety-four and eleven thousandths (1794.011) of the Code of 1939 so as to permit the shooting of mourning doves; defining the open season and bag limits for said doves.

Read first and second times and passed on file.

Senate File 75, by Senator Evans (Hall), a bill for an act to amend section six thousand nine hundred forty-three and fifty-five thousandths (6943.055), Code, 1939, relating to the making of income tax returns by administrators.

Read first and second times and passed on file.

Senate File 76, by Senator Cromwell, a bill for an act to amend sections two thousand two hundred twenty-eight (2228), two thousand two hundred twenty-nine (2229), two thousand two hundred thirty (2230), and two thousand two hundred thirty-five (2235) of Chapter one hundred seven (107); sections two thousand two hundred fifty-one (2251) and two thousand two hundred sixty-six (2266) of Chapter one hundred eight (108), and section five thousand five hundred forty-three (5543), Chapter two hundred eighty-three (283), Code of Iowa, 1939, all relating to township trustees acting as local boards of health and providing for the transfer of their duties and powers as such to the county boards of supervisors.

Read first and second times and passed on file.

Senate File 77, by Senator Martin, a bill for an act to amend section six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), Code, 1939, relating to the "Homestead Tax Credit" and giving to certain remaindermen the benefits thereof.

Read first and second times and passed on file.

## LEAVE OF ABSENCE

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

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 22, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. John F. Arnold, pastor of the Methodist Church of St. Charles.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Benson for the day, on request of Senator Sjulín; Senator Lundy for the day, on request of Senator Clark.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Berg, from the Cedar Falls Woman's Club, favoring passage of the pre-marital examination bill.

By Senator Berg, from the Cedar Falls Ministerial Association, favoring passage of the pre-marital examination bill.

By Senator Berg, from the Presbytery of Iowa City, endorsing the pre-marital examination bill.

By Senator Berg, from the Electa Circle, Order of The King's Daughters and Sons, endorsing the change in the marriage laws.

By Senator Berg, from the Cedar Falls League for Planned Parenthood, endorsing the pre-marital examination bill.

President Pro Tem Byers took the chair at 10:07 a. m.

## INTRODUCTION OF BILLS

Senate File 78, by Senators Cromwell and Henningsen, a bill for an act to amend section two thousand two hundred forty-six and four tenths (2246.4), of Chapter one hundred seven and one tenth (107.1), 1939 Code of Iowa, relating to the fund from which the expenses of the County Board of Health are paid.

Read first and second times and passed on file.

Senate File 79, by Senators Shaw, Vrba, Corwin and Miller, a bill for an act to encourage rural electrification in Iowa; to impose a tax and provide for the collection thereof upon co-operative corporations and associations not organized or operated for profit, engaged in generating, transmitting, distributing or furnishing electric energy or electric service to its members and others, as by law provided in lieu of other taxes; to amend section six thousand nine hundred forty-three and seventy-five thousandths (6943.075), Code, 1939; and to repeal the law as it appears in section seven thousand one hundred two (7102), Code, 1939.

Read first and second times and passed on file.

Senate File 80, by Senator Faul, a bill for an act to amend section five thousand five hundred twenty-six and twenty hundredths (5526.20), section five thousand five hundred twenty-six and twenty-two hundredths (5526.22), section five thousand five hundred twenty-six and twenty-three hundredths (5526.23), section five thousand five hundred twenty-six and twenty-five hundredths (5526.25), section five thousand five hundred twenty-six and twenty-eight hundredths (5526.28), section five thousand five hundred twenty-six and thirty hundredths (5526.30), all of Code, 1939, relating to benefited water districts, the payment of assessments, annual millage tax for payment of bonds, connection of collateral mains, and the power of trustees in connection with such districts.

Read first and second times and passed on file.

Senate File 81, by Senator Faul, a bill for an act to amend sections seven thousand two hundred ten (7210), seven thousand two hundred eleven (7211), and seven thousand two hundred fourteen (7214), Code, 1939, to permit counties to accept real estate taxes in quarterly installments, upon action by the county board of supervisors as provided herein; and to adjust the dates of delinquency and the interest penalty accordingly.

Read first and second times and passed on file.

Senate File 82, by Senator Augustine, a bill for an act to amend section five thousand thirty-five and sixteen hundredths (5035.16), Chapter two hundred fifty-one and one tenth (251.1), Code, 1939, relating to permits for moving soil conservation or drainage machinery upon the highways of the State.

Read first and second times and passed on file.

Senate File 83, by Senator Mowry, a bill for an act to amend section seven thousand eight hundred six (7806), Code, 1939, relating to the right of counties to take private property for public use.

Read first and second times and passed on file.

Senate File 84, by Senator Donohue, a bill for an act to amend sections five thousand six hundred eighty-nine (5689) and five thousand six hundred ninety-one (5691) of the Code of 1939, relating to civil service in cities and towns having a population of over eight thousand.

Read first and second times and passed on file.

Senate File 85, by Senator Donohue, a bill for an act to amend Chapter four hundred eighty-eight (488), Code, 1939, providing for place of bringing actions for injuries to a person or damage to property caused by motor vehicles.

Read first and second times and passed on file.

Senate File 86, by Senators Donohue and Byers, a bill for an act to amend sections one thousand four hundred twenty-one (1421) and one thousand four hundred twenty-two (1422), Code, 1939, relating to workmen's compensation, and defining as "employees" members of the Iowa highway safety patrol.

Read first and second times and passed on file.

Senate File 87, by Senator Donohue, a bill for an act to amend section one thousand seven hundred ninety-four and two thousandths (1794.002) and section one thousand seven hundred ninety-four and eleven hundredths (1794.011), Chapter eighty-six (86), Code, 1939, relating to fish and game conservation.

Read first and second times and passed on file.

Senator Faul offered the following resolution :

#### SENATE CONCURRENT RESOLUTION 4

*Be It Resolved by the Senate, the House Concurring:* The pages of the Senate and House shall be required to wear jackets during the session hours, the pages of the respective houses to be distinguished by different colors, and one member of the Senate to be appointed by the President and one member of the House to be appointed by the Speaker shall act as a committee to secure such uniforms.

Senator Faul moved that the resolution be adopted.

The motion prevailed and the resolution was adopted.

Senator Lundy was appointed on the committee.

Senator Baldwin offered the following resolution:

#### SENATE CONCURRENT RESOLUTION 5

*Be It Resolved by the Senate, the House Concurring:* Four thousand (4,000) copies of the committee books and one thousand (1,000) copies of the rule books shall be printed, all to be bound in paper covers.

Senator Baldwin moved that the resolution be adopted.

The motion prevailed and the resolution was adopted.

#### THIRD READING OF BILLS

By unanimous consent, on request of Senator Berg, Senate Joint Resolution 2, a joint resolution fixing the compensation of officers and employees of the Forty-ninth General Assembly, was taken up and considered.

Senator Henningsen moved to amend the resolution by striking from lines 7 and 34 of section 1 the figures "9.00" and inserting in lieu thereof the following: "10.00".

The amendment was lost.

On request of Senator Berg, further action on Senate Joint Resolution 2 was deferred.

#### APPOINTMENT OF SENATE COMMITTEES

		AERONAUTICS	
Benson— Chairman	Mercer* Donohue	Emerson	Hart
		AGRICULTURE	
Stewart— Chairman	Corwin Elthon	Leo Lynes	Talbott Turner
Sjulin*	Evans	Miller	Vrba
Augustine	Keir	Pelzer	Zeigler
Benson			
		APPROPRIATIONS	
Berg— Chairman	Dewey Elthon	Hill Leo	Miller Munger
Corwin*	Emerson	Long	Shaw
Baldwin	Goode	Lundy	Sjulin
Bekman	Hamiel	Lynes	Stewart
Clark	Hattery	Mercer	Whitehill
Cromwell	Henningsen		



## BANKS AND BANKING

Hart— Chairman Fuller*	Clark Dykhouse	Evans Henningsen	Hill Hunt Mercer
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## BOARD OF CONTROL

Corwin— Chairman Whitehill* Baldwin	Hamiel Hart Hess Leo	Long Lundy Martin	Pelzer Sjulín Stewart
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## BOUNDARY BRIDGES

Fuller— Chairman	Baldwin* Cromwell	Martin Munger	Watson
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## BUILDING AND LOAN

Long— Chairman	Harvey* Augustine	Byers Johnson	Keir Mowry
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## CHILD WELFARE

Miller— Chairman Vrba*	Faul Jones	Keir Mowry	Shaw Stewart
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## CITIES AND TOWNS

Cromwell— Chairman Hamiel* Baldwin Bekman Berg	Byers Corwin Dewey Emerson Faul Findlay	Hart Henningsen Hill Johnson Love Martin	Mercer Munger Talbot Watson Whitehill
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## CLAIMS

Munger— Chairman Hattery*	Fuller Hamiel	Johnson Lynes	Miller Turner
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## COMPENSATION OF PUBLIC OFFICERS

Hunt— Chairman	Benson* Corwin	Evans Vrba	Whitehill
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## CONSERVATION

Dewey— Chairman Elthon* Clark Corwin Dykhouse	Emerson Evans Findlay Goode Harvey	Hess Johnson Jones Keir Love	Miller Munger Sjulín Talbot Whitehill
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## CONSTITUTIONAL AMENDMENTS

Hamiel— Chairman	Dykhouse* Hart	Hunt Leo	Vrba
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## COUNTY AND TOWNSHIP AFFAIRS

Talbot— Chairman	Love* Augustine	Cromwell Findlay	Jones Pelzer
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## DAIRYING

Lynes— Chairman Leo*	Augustine Elthon Fuller	Goode Love	Miller Stewart
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## DEPARTMENTAL AFFAIRS

Jones— Chairman	Hess* Findlay	Mercer	Talbot
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	<b>DRAINAGE</b>		
Keir— Chairman	Johnson* Cromwell	Dewey	Harvey
	<b>EDUCATIONAL INSTITUTIONS</b>		
Hattery— Chairman Mowry*	Fuller Hunt	Keir Leo	Lundy Mercer
	<b>ELECTION REFORM</b>		
Love— Chairman	Augustine* Dewey	Donohue	Talbott
	<b>ENROLLED BILLS</b>		
Vrba— Chairman	Hunt*	Benson	
	<b>FARM TENANCY</b>		
Elthon— Chairman Shaw*	Hamiel Miller	Sjulin Stewart	Turner Vrba
	<b>GREATER IOWA</b>		
Mercer— Chairman Faul*	Donohue Evans	Harvey Henningsen	Lundy Stewart
	<b>HIGHWAYS</b>		
Evans— Chairman Long* Emerson	Fuller Goode Hamiel Hart	Harvey Hattery Henningsen Love	Mercer Miller Sjulin Turner
	<b>HORTICULTURE AND FORESTRY</b>		
Clark— Chairman	Dewey* Elthon	Sjulin	Vrba
	<b>INSURANCE</b>		
Faul— Chairman Donohue* Baldwin Bekman	Byers Corwin Cromwell Dykhouse	Hattery Henningsen Hess Hill	Mercer Mowry Munger Zeigler
	<b>INTERSTATE COOPERATION</b>		
Augustine— Chairman	Turner* Byers	Martin Munger	Shaw
	<b>JUDICIARY 1</b>		
Shaw— Chairman Lundy*	Hattery Hess Hill	Hunt Lynes Mercer	Mowry Watson
	<b>JUDICIARY 2</b>		
Donohue— Chairman Bekman*	Baldwin Byers Cromwell	Faul Hamiel Long	Munger Talbott
	<b>LABOR</b>		
Martin— Chairman Pelzer*	Bekman Emerson	Harvey Johnson	Whitehill Zeigler
	<b>LIVESTOCK AND MARKETING</b>		
Leo— Chairman	Keir* Augustine	Benson Evans	Findlay Turner

## MANUFACTURING, COMMERCE AND TRADE

Goode— Chairman	Baldwin	Harvey	Love
Hart*	Bekman	Hill	Mowry
	Corwin	Johnson	Zeigler

## MILITARY AFFAIRS

Whitehill— Chairman	Bekman	Faul	Johnson
Berg*	Benson	Hattery	Talbott

## MINES AND MINING

Turner— Chairman	Miller*	Bekman	Lundy
	Augustine	Clark	

## MOTOR VEHICLES

Henningsen— Chairman	Cromwell	Evans	Keir
Goode*	Dykhouse	Faul	Lynes
Baldwin	Elthon	Hart	Martin
	Emerson	Hattery	

## NATIONAL DEFENSE CO-ORDINATION

Zeigler— Chairman	Donohue	Lundy	Watson
Berg	Hill	Martin	Whitehill

## PHARMACY

Harvey— Chairman	Clark*	Johnson	Stewart
	Hart	Love	Whitehill

## PRINTING

Baldwin— Chairman	Talbott*	Hill	Mercer
	Dewey	Hunt	

## PRIVATE CORPORATIONS

Johnson— Chairman	Stewart*	Long	Shaw
	Dewey		

## PUBLIC HEALTH

Sjulin— Chairman	Berg	Harvey	Long
Findlay*	Dykhouse	Hess	Vrba
	Fuller	Jones	Watson

## PUBLIC LANDS AND BUILDINGS

Emerson— Chairman	Henningsen*	Corwin	Pelzer
	Berg	Donohue	Shaw

## PUBLIC LIBRARIES

Hess— Chairman	Jones*	Benson	Long
	Augustine	Findlay	Pelzer

## PUBLIC SCHOOLS

Mowry— Chairman	Findlay	Hunt	Martin
Lynes*	Hamiel	Jones	Miller
Benson	Hattery	Leo	Pelzer
	Hess	Lundy	Vbra

## PUBLIC UTILITIES

Lundy— Chairman	Byers	Hart	Mercer
Martin*	Corwin	Johnson	Watson
Baldwin	Goode	Lynes	Zeigler

## RAILROADS

Dykhouse— Chairman	Baldwin	Emerson	Henningsen
Munger*	Corwin	Faul	Zeigler
	Donohue	Goode	

RULES			
Byers— Chairman	Evans* Donohue	Goode	Zeigler
SOCIAL SECURITY			
Bekman— Chairman Zeigler*	Baldwin Corwin Donohue	Dykhousé Faul Mowry	Pelzer Sjulin
STATE PLANNING			
Findlay— Chairman	Hill* Augustine	Dewey	Hess
STATE POLITICAL DISTRICTS (members to be appointed later)			
Watson— Chairman			
TAX REDUCTION			
Pelzer— Chairman	Watson* Augustine	Jones Lynes	Shaw Turner
WAYS AND MEANS			
Hill— Chairman Byers* Berg Dewey	Dykhousé Elthon Evans Fuller Goode	Hunt Keir Long Love	Lundy Mowry Vrba Zeigler

### SENATORS AND THEIR RESPECTIVE COMMITTEES

SENATOR AUGUSTINE		
Interstate co-operation—Chairman Election reform* Agriculture Building and loan	County and township affairs Dairying Livestock and marketing	Mines and mining Public libraries State planning Tax reduction
SENATOR BALDWIN		
Printing—Chairman Boundary bridges* Appropriations Board of control Cities and towns	Insurance Judiciary No. 2 Manufacturing, commerce and trade	Motor vehicles Public utilities Railroads Social security
SENATOR BEKMAN		
Social security—Chairman Judiciary No. 2* Appropriations	Cities and towns Insurance Labor	Manufacturing, commerce and trade Military affairs Mines and mining
SENATOR BENSON		
Aeronautics—Chairman Compensation of public officers*	Agriculture Enrolled bills Livestock and marketing	Military affairs Public libraries Public schools
SENATOR BERG		
Appropriations—Chairman Military affairs* Cities and towns	National defense co-ordination Public health	Public lands and buildings Ways and means
SENATOR BYERS		
Rules—Chairman Building and loan Cities and towns	Insurance Interstate co-operation	Judiciary No. 2 Public utilities Ways and means

	SENATOR CLARK	
Horticulture and For- estry—Chairman Pharmacy*	Appropriations Banks and banking	Conservation Mines and mining
	SENATOR CORWIN	
Board of control— Chairman Appropriations* Agriculture Cities and towns	Compensation of pub- lic officers Conservation Insurance Manufacturing, com- merce and trade	Public lands and buildings Public utilities Railroads Social Security
	SENATOR CROMWELL	
Cities and towns— Chairman Appropriations Boundary bridges	County and township affairs Drainage	Insurance Judiciary No. 2 Motor vehicles
	SENATOR DEWEY	
Conservation— Chairman Horticulture and For- estry*	Appropriations Cities and towns Drainage Election reform	Printing Private corporations State planning Ways and means
	SENATOR DONOHUE	
Judiciary No. 2— Chairman Insurance* Aeronautics Election reform	Greater Iowa National defense co- ordination Public lands and buildings	Railroads Rules Social security
	SENATOR DYKHOUSE	
Railroads—Chairman Constitutional amend- ments* Banks and banking	Conservation Insurance Motor vehicles	Public health Social security Ways and means
	SENATOR ELTHON	
Farm Tenancy—Chair- man Conservation* Agriculture	Appropriations Dairying Horticulture and for- estry	Motor vehicles Ways and means
	SENATOR EMERSON	
Public lands and build- ings—Chairman Aeronautics Appropriations	Cities and towns Conservation Highways	Labor Motor vehicles Railroads
	SENATOR EVANS	
Highways—Chairman Rules* Agriculture Banks and banking	Compensation of public officers Conservation Greater Iowa	Livestock and market- ing Motor vehicles Ways and means
	SENATOR FAUL	
Insurance—Chairman Greater Iowa* Child welfare	Cities and towns Judiciary No. 2 Military affairs	Motor vehicles Railroads Social security
	SENATOR FINDLAY	
State planning—Chair- man Public health* Cities and towns	Conservation County and township affairs Departmental affairs	Livestock and market- ing Public libraries Public schools

	SENATOR FULLER	
Boundary bridges— Chairman	Dairying	Highways
Banks and banking*	Educational institu- tions	Public health
Claims		Ways and means
	SENATOR GOODE	
Manufacturing, com- merce and trade— Chairman	Appropriations	Public utilities
Motor vehicles *	Conservation	Railroads
	Dairying	Rules
	Highways	Ways and means
	SENATOR HAMIEL	
Constitutional amend- ments—Chairman	Board of control	Highways
Cities and towns *	Claims	Judiciary No. 2
Appropriations	Farm tenancy	Public schools
	SENATOR HART	
Banks and banking— Chairman	Board of control	Highways
Manufacturing, com- merce and trade*	Cities and towns	Motor vehicles
Aeronautics	Constitutional amend- ments	Pharmacy
		Public utilities
	SENATOR HARVEY	
Pharmacy— Chairman	Drainage	Manufacturing, commerce and trade
Building and loan*	Greater Iowa	Public health
Conservation	Highways	
	Labor	
	SENATOR HATTERY	
Educational Institutions— Chairman	Appropriations	Military affairs
Claims*	Highways	Motor vehicles
	Insurance	Public schools
	Judiciary No. 1	
	SENATOR HENNINGSEN	
Motor vehicles— Chairman	Appropriations	Highways
Public lands and buildings*	Banks and banking	Insurance
	Cities and towns	Railroads
	Greater Iowa	
	SENATOR HESS	
Public libraries— Chairman	Conservation	Public health
Departmental affairs*	Insurance	Public schools
Board of control	Judiciary No. 1	State planning
	SENATOR HILL	
Ways and means— Chairman	Cities and towns	National defense
State planning*	Insurance	co-ordination
Appropriations	Judiciary No. 1	Printing
Banks and banking	Manufacturing, commerce and trade	
	SENATOR HUNT	
Compensation of public officers—Chairman	Constitutional amendments	Judiciary No. 1
Enrolled bills*	Educational	Printing
Banks and banking	institutions	Public schools
		Ways and means

	<b>SENATOR JOHNSON</b>	
Private corporations— Chairman	Claims	Military affairs
Drainage*	Conservation	Pharmacy
Building and loan	Labor	Public utilities
Cities and towns	Manufacturing, commerce and trade	
	<b>SENATOR JONES</b>	
Departmental affairs— Chairman	Conservation	Public health
Public libraries*	County and township affairs	Public schools
Child welfare		Tax reduction
	<b>SENATOR KEIR</b>	
Drainage—Chairman	Building and loan	Educational institutions
Livestock and marketing*	Child welfare	Motor vehicles
Agriculture	Conservation	Ways and means
	<b>SENATOR LEO</b>	
Livestock and market- ing—Chairman	Appropriations	Educational institu- tions
Dairying*	Board of control	Public schools
Agriculture	Constitutional amend- ments	
	<b>SENATOR LONG</b>	
Building and loan— Chairman	Board of control	Public health
Highways*	Judiciary No. 2	Public libraries
Appropriations	Private corporations	Ways and means
	<b>SENATOR LOVE</b>	
Election reform— Chairman	Cities and towns	Manufacturing, com- merce and trade
County and township affairs*	Conservation	Pharmacy
	Dairying	Ways and means
	Highways	
	<b>SENATOR LUNDY</b>	
Public utilities— Chairman	Board of control	National defense co- ordination
Judiciary No. 1*	Educational institutions	Public schools
Appropriations	Greater Iowa	Ways and means
	Mines and mining	
	<b>SENATOR LYNES</b>	
Dairying—Chairman	Appropriations	Motor vehicles
Public schools*	Claims	Public utilities
Agriculture	Judiciary No. 1	Tax reduction
	<b>SENATOR MARTIN</b>	
Labor—Chairman	Cities and towns	National defense co- ordination
Public utilities*	Interstate co-operation	Public schools
Board of control	Motor vehicles	
Boundary bridges		
	<b>SENATOR MERCER</b>	
Greater Iowa—Chair- man	Cities and towns	Insurance
Aeronautics*	Departmental affairs	Judiciary No. 1
Appropriations	Educational institu- tions	Printing
Banks and banking	Highways	Public utilities
	<b>SENATOR MILLER</b>	
Child Welfare— Chairman	Appropriations	Farm tenancy
Mines and Mining*	Claims	Highways
Agriculture	Conservation	Public schools
	Dairying	

	SENATOR MOWRY	
Public schools — Chairman	Building and loan	Manufacturing, com- merce and trade
Educational institu- tions*	Child welfare	Social security
	Insurance	Ways and means
	Judiciary No. 1	
	SENATOR MUNGER	
Claims—Chairman	Boundary bridges	Insurance
Railroads*	Cities and towns	Interstate co-operation
Appropriations	Conservation	Judiciary No. 2
	SENATOR PELZER	
Tax reduction— Chairman	County and township affairs	Public libraries
Labor*	Public lands and build- ings	Public schools
Agriculture		Social security
Board of control		
	SENATOR SHAW	
Judiciary No. 1— Chairman	Child welfare	Public lands and buildings
Farm tenancy*	Interstate co-opera- tion	Tax reduction
Appropriations	Private corporations	
	SENATOR SJULIN	
Public health— Chairman	Board of control	Horticulture and for- estry
Agriculture*	Conservation	Social security
Appropriations	Farm tenancy	
	Highways	
	SENATOR STEWART	
Agriculture— Chairman	Board of control	Farm tenancy
Private corporations*	Child welfare	Greater Iowa
Appropriations	Dairying	Pharmacy
	SENATOR TALBOTT	
County and township affairs—Chairman	Cities and towns	Election reform
Printing*	Conservation	Judiciary No. 2
Agriculture	Departmental affairs	Military affairs
	SENATOR TURNER	
Mines and mining— Chairman	Agriculture	Livestock and mar- keting
Interstate co-opera- tion*	Claims	Tax reduction
	Farm tenancy	
	Highways	
	SENATOR VRBA	
Enrolled bills— Chairman	Compensation of pub- lic officers	Horticulture and for- estry
Child welfare*	Constitutional amend- ments	Public health
Agriculture	Farm tenancy	Public schools
		Ways and means
	SENATOR WATSON	
State political districts —Chairman	Cities and towns	Public health
Tax reduction*	Judiciary No. 1	Public utilities
Boundary bridges	National defense co- ordination	
	SENATOR WHITEHILL	
Military affairs— Chairman	Cities and towns	Labor
Board of control*	Compensation of pub- lic officers	National defense co- ordination
Appropriations	Conservation	Pharmacy



## SENATOR ZEIGLER

National defense co-ordination—Chairman	Insurance Labor	Public utilities Railroads
Social security*	Manufacturing, commerce and trade	Rules
Agriculture		Ways and means

President Hickenlooper took the chair at 10:58 a. m.

The Senate resumed consideration of Senate Joint Resolution 2.

Senator Shaw offered the following amendment:

“Amend Senate Joint Resolution 2 by striking from lines 23 and 54 of section 1, the figures ‘4.00’ and inserting in lieu thereof the figures ‘4.50’. Also by striking from lines 24 and 55 of section 1 the figures ‘3.50’ and inserting in lieu thereof the figures ‘4.00’.

The amendment was lost.

Senator Berg 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:

Augustine	Emerson	Hill	Mowry
Baldwin	Evans	Hunt	Munger
Bekman	Faul	Johnson	Shaw
Berg	Findlay	Jones	Sjulin
Byers	Fuller	Keir	Stewart
Clark	Goode	Leo	Talbott
Corwin	Hamiel	Long	Turner
Cromwell	Hart	Love	Vrba
Dewey	Harvey	Lynes	Watson
Donohue	Hattery	Mercer	Whitehill
Dykhousé	Henningsen	Miller	Zeigler
Elthon	Hess		

Nays, 2:

Martin                      Pelzer

Absent or not voting, 2:

Benson                      Lundy

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

#### REPORT OF COMMITTEE ON COMMITTEE ROOMS

**MR. PRESIDENT:** Your committee on assignment of committee rooms begs leave to report as follows:

Aeronautics—On call of Chairman.

Agriculture—Monday and Thursday, 4:00 p. m.; Lt. Governor's Room.

Appropriations—Monday and Wednesday, 3:00 p. m.; Room 22.

Banks and Banking—Monday and Wednesday, 3:00 p. m.; Room 23.

- Board of Control and Public Welfare—Friday, 1:00 p. m.; Room 23.  
 Boundary Bridges—Friday, 1:00 p. m.; Room 22.  
 Building and Loan—On call of Chairman.  
 Child Welfare—Friday, 4:00 p. m.; Room 23.  
 Cities and Towns—Monday and Wednesday, 2:30 p. m.; Lt. Governor's Room.  
 Claims—Wednesday and Friday, 4:00 p. m.; Room 22.  
 Compensation of Public Officers—On call of Chairman.  
 Conservation—Friday, 3:00 p. m.; Room 23.  
 Constitutional Amendments—On call of Chairman.  
 County and Township Affairs—Monday, 4:00 p. m.; Room 22.  
 Dairying—On call of Chairman.  
 Departmental Affairs—Thursday, 3:00 p. m.; Room 22.  
 Drainage—Friday, 3:00 p. m.; Room 22.  
 Educational Institutions—Tuesday and Thursday, 2:00 p. m.; Room 22.  
 Election and Reform—On call of Chairman.  
 Enrolled Bills—Room 26.  
 Farm Tenancy—Monday, 3:00 p. m.; Room 22.  
 Greater Iowa—On call of Chairman.  
 Highways—Tuesday and Thursday, 2:00 p. m.; Room 23.  
 Horticulture and Forestry—Wednesday, 4:00 p. m.; Lt. Governor's Room.  
 Insurance—Tuesday and Thursday, 1:00 p. m.; Room 22.  
 Interstate Cooperation—On call of Chairman.  
 Judiciary No. 1—Monday and Wednesday, 1:00 p. m.; Room 22.  
 Judiciary No. 2—Monday and Wednesday, 1:00 p. m.; Room 23.  
 Labor—Tuesday, 4:00 p. m.; Lt. Governor's Room.  
 Livestock and Marketing—Thursday, 3:00 p. m.; Lt. Governor's Room.  
 Manufacturing, Commerce and Trade—Tuesday, 3:00 p. m.; Room 22.  
 Military Affairs—Wednesday, 2:30 p. m.; Room 22.  
 Mines and Mining—Monday, 2:30 p. m.; Room 23.  
 Motor Vehicles—Tuesday and Thursday, 1:30 p. m.; Lt. Governor's Room.  
 National Defense Co-ordination—On call of Chairman.  
 Pharmacy—Monday, 9:30 a. m.; Lt. Governor's Room.  
 Printing—Wednesday, 9:30 a. m.; Lt. Governor's Room.  
 Private Corporations—On call of Chairman.  
 Public Health—Friday, 2:30 p. m.; Lt. Governor's Room.  
 Public Lands and Buildings—Monday, 2:00 p. m.; Press Gallery.  
 Public Libraries—Wednesday, 2:00 p. m.; Room 23.  
 Public Schools—Tuesday and Thursday, 3:30 p. m.; Room 23.  
 Public Utilities—Thursday, 4:00 p. m.; Room 22.  
 Railroads—Friday, 2:00 p. m.; Room 22.  
 Rules—Press Gallery (On call of Chairman).  
 Social Security—Monday and Wednesday, 3:00 p. m.; Lt. Governor's Room.  
 State Planning—Tuesday, 3:30 p. m.; Lt. Governor's Room.  
 State Political Districts—Once a week.  
 Tax Reduction—Tuesday, 9:30 a. m.; Lt. Governor's Room.

Ways and Means—Monday and Thursday, 3:30 p. m.; Lt. Governor's Room.

A. J. SHAW, *Chairman.*

STANLEY L. HART.

PAUL P. STEWART.

#### ADDITIONAL COPIES

Senator Faul asked and received unanimous consent to have 200 additional copies each of Senate Files 34, 35, and 36 printed.

Senator Vrba asked and received unanimous consent to have 200 additional copies of Senate File 79 printed.

#### 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 22, a bill for an act relating to assessment of property for taxation and providing for the assessment of property at sixty per cent of actual value.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE MESSAGE CONSIDERED

House File 22, a bill for an act to amend sections four thousand four hundred three (4403), five thousand two hundred sixty-seven (5267), six thousand eight hundred sixty-five (6865), six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152) six thousand nine hundred forty-four (6944), six thousand nine hundred forty-six (6946), six thousand nine hundred seventy-two (6972), six thousand nine hundred seventy-six (6976), six thousand nine hundred eighty-two and two tenths (6982.2), seven thousand sixty (7060), seven thousand seventy-five (7075), seven thousand one hundred one (7101), seven thousand one hundred three and thirteen hundredths (7103.13), seven thousand one hundred nine (7109), seven thousand one hundred fifteen (7115), seven thousand one hundred twenty-one (7121), seven thousand one hundred twenty-nine (7129), seven thousand one hundred twenty-nine and one tenth (7129.1), seven thousand one hundred thirty-nine (7139), seven thousand one hundred forty-eight (7148), seven thousand one hundred eighty-two (7182), and seven thousand one hundred eighty-three and three tenths (7183.3), Code, 1939, relating to

assessment of property for taxation and providing for the assessment of property at sixty per cent of actual value.

Read first and second times and passed on file.

Senator Hill asked and received unanimous consent to substitute House File 22 for Senate File 28 now on the Senate Calendar.

### REPORTS OF COMMITTEES

Senator Donohue submitted the following report:

MR. PRESIDENT: Your committee on Judiciary 2 to which was referred Senate File 25, a bill for an act to provide for a system of practice in courts of this state; to empower the Supreme Court to prescribe rules of pleading, practice and procedure for all proceedings of a civil nature in courts of this state for the purpose of simplifying the same and of promoting the speedy determination of litigation, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Judiciary 2 to which was referred Senate File 55, a bill for an act to authorize counties to sell and convey property to the Federal Government and agencies and departments thereof and to acquire and provide other property in substitution therefor and to validate proceedings of boards of supervisors heretofore taken with respect thereto, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

Bill No.	Committee Assignments
S. J. R. 1.....	Constitutional Amendments
S. F. 1.....	Child Welfare
S. F. 2.....	Public Health
S. F. 3.....	Judiciary 2
S. F. 4.....	Judiciary 1
S. F. 5.....	Ways and Means
S. F. 6.....	County and Township Affairs
S. F. 7.....	Public Schools
S. F. 8.....	Judiciary 1
S. F. 9.....	Judiciary 1
S. F. 10.....	Board of Control
S. F. 11.....	Judiciary 1

S. F. 12.....	Judiciary 1
S. F. 13.....	Judiciary 2
S. F. 14.....	Judiciary 2
S. F. 15.....	Child Welfare
S. F. 16.....	Judiciary 2
S. F. 17.....	Ways and Means
S. F. 18.....	Judiciary 2
S. F. 19.....	Judiciary 2
S. F. 20.....	Judiciary 1
S. F. 21.....	Judiciary 1
S. F. 22.....	Judiciary 1
S. F. 23.....	Motor Vehicles
S. F. 24.....	Farm Tenancy
S. F. 25.....	Judiciary 2
S. F. 26.....	State Political Districts
S. F. 27.....	Public Schools
S. F. 28.....	On Calendar by Special Tax Committee
S. F. 29.....	On Calendar by Special Tax Committee
S. F. 30.....	Ways and Means
S. F. 31.....	Cities and Towns
S. F. 32.....	Cities and Towns
S. F. 33.....	Cities and Towns
S. F. 34.....	Public Lands and Buildings
S. F. 35.....	Judiciary 2
S. F. 36.....	Judiciary 2
S. F. 37.....	Military Affairs
S. F. 38.....	Judiciary 1
S. F. 39.....	Judiciary 1
S. F. 40.....	Motor Vehicles
S. F. 41.....	Motor Vehicles
S. F. 42.....	Ways and Means
S. F. 43.....	Judiciary 2
S. F. 44.....	Ways and Means
S. F. 45.....	Military Affairs
S. F. 46.....	Judiciary 2
S. F. 47.....	Manufacturing, Commerce and Trade
S. F. 48.....	Judiciary 1
S. F. 49.....	Printing
S. F. 50.....	Highways
S. F. 51.....	County and Township Affairs
S. F. 52.....	Judiciary 1
S. F. 53.....	Judiciary 2
S. F. 54.....	Cities and Towns
S. F. 55.....	Judiciary 2
S. F. 56.....	Judiciary 2
S. F. 57.....	Compensation of Public Officers
S. F. 58.....	Judiciary 1
S. F. 59.....	Child Welfare
S. F. 60.....	Judiciary 2
S. F. 61.....	Judiciary 2

S. F. 62.....	Judiciary 2
S. F. 63.....	State Political Districts
S. F. 64.....	Aeronautics—Judiciary. 2
S. F. 65.....	Judiciary 1
S. F. 66.....	On Calendar by Special Tax Committee
S. F. 67.....	Drainage—Cities and Towns
S. F. 68.....	Military Affairs
S. F. 69.....	Cities and Towns
S. F. 70.....	Judiciary 1
S. F. 71.....	Judiciary 2
S. F. 72.....	County and Township Affairs
S. F. 73.....	Judiciary 1
S. F. 74.....	Conservation
S. F. 75.....	Judiciary 2
S. F. 76.....	County and Township Affairs
S. F. 77.....	Judiciary 1
S. F. 78.....	Judiciary 2
S. F. 79.....	Ways and Means
S. F. 80.....	Judiciary 2
S. F. 81.....	County and Township Affairs
S. F. 82.....	Highways
S. F. 83.....	Judiciary 1
S. F. 84.....	Cities and Towns
S. F. 85.....	Judiciary 2
S. F. 86.....	Judiciary 2
S. F. 87.....	Conservation

#### House Files

Bill No.	Committee Assignments
H. F. 1.....	Motor Vehicles
H. F. 2.....	Motor Vehicles
H. F. 3.....	Motor Vehicles
H. F. 5.....	Motor Vehicles
H. F. 6.....	Motor Vehicles
H. F. 7.....	Public Health
H. F. 8.....	Public Health
H. F. 27.....	Motor Vehicles
H. F. 28.....	Motor Vehicles
H. F. 30.....	Motor Vehicles
H. F. 31.....	Appropriations
H. F. 32.....	Motor Vehicles

President Hickenlooper announced that the Special Tax Committee appointed at the beginning of the session was now dissolved.

## AMENDMENTS FILED

AMENDMENT TO SENATE FILE 62 BY SENATOR FAUL  
Filed January 21

Amend Senate File 62 by striking the period at the end of section 4 and adding the following: “, without cost to the state.”.

AMENDMENT TO HOUSE FILE 22 BY SENATOR FAUL  
Filed January 21

Amend House File 22 by adding thereto a new section, as section 25, as follows:

“In all counties, school districts and cities and towns and cities under special charter where the maximum permissible or mandatory statutory millage tax levies for any fund or funds authorized by law, including those which may be increased by the state comptroller upon application to him, will not produce revenue in dollars sufficient to equal the budget requirements for such fund or funds, the comptroller may for the years 1941 and 1942 only approve increases in such maximum statutory millage levies up to but not exceeding 25% but in no event shall he authorize increased millage levies, which, when applied to the assessed valuation will exceed in dollars the average amount certified in dollars for such fund or funds in the years 1939 and 1940, except as may be otherwise provided by law as to the county general and poor funds.”

(2) Renumber the succeeding section.

## AMENDMENT TO SENATE FILE 4 BY SENATOR FAUL

(1) Amend Senate File four (4) by striking the period following the word “prescribe” in line seventeen (17) of section one (1) and by adding the following immediately after said word “prescribe”; “except that said order may not be served by publication.”

(2) Further amend Senate File four (4) by striking the words “such order” at the end of line seventeen (17) of section one (1) and substituting therefor the following: “Any order for the support and maintenance of any minor child or children”.

## SPECIAL ORDER

On motion of Senator Donohue, House File 22 was made a special order of business for 10:00 a. m. Thursday, January 23d.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 28, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. S. V. Williams, pastor of the Methodist Church of Toledo.

The Journal of January 22d was corrected and approved.

## 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 resolution:

Senate Concurrent Resolution 4, relating to the securing of jackets for the pages.

Also: That the House has adopted the following concurrent resolution:

Senate Concurrent Resolution 5, relating to the printing of the rule books.

Also: That the House has adopted the following concurrent resolution:

House Concurrent Resolution 7, relating to the furnishing of Annotations to the members of the House and Senate.

Also: That the House has adopted the following Joint Resolution:

Senate Joint Resolution 2 fixing the compensation of officers and employees of the Forty-ninth General Assembly.

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

House File 40, a bill for an act relating to free distribution of the reports of the Supreme Court.

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

House File 44, a bill for an act relating to nonresident carriers.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE CONCURRENT RESOLUTION 7

*Be It Resolved by the House, the Senate Concurring:* That the Superintendent of Printing be and he is hereby authorized and directed to furnish one copy of the 1939 Code of Iowa and one copy of the Session Laws of the 48th General Assembly to any Committee Chairman of the House or Senate or to any member of the House or Senate requesting the same.



*Be It Further Resolved by the House, the Senate Concurring:* That the Superintendent of Printing be and he is hereby authorized and directed to furnish one copy of Annotations, Volume 1 and Annotations, Volume 2, to any Committee Chairman of the House or Senate or to any member of the House or Senate requesting the same.

#### INTRODUCTION OF BILLS

Senate File 88, by Senator Evans (Stinemates), a bill for an act relating to perpetual care fund of cemeteries.

Read first and second times and passed on file.

Senate File 89, by committee on social security, a bill for an act to amend the law as it appears in Chapter seventy-seven point two (77.2), Code, 1939, relating to and providing for unemployment compensation; to so define the term "employment" as to include services performed in the employ of certain instrumentalities of the United States when and to the extent permitted by Act of Congress; to provide for the refund of contributions made by such instrumentalities under certain conditions; and to repeal all acts, or parts of acts, in conflict herewith.

Read first and second times and passed on file.

Senate File 90, by committee on social security, a bill for an act to amend the law as it appears in Chapter seventy-seven point two (77.2), Code, 1939, relating to and providing for unemployment compensation; to limit the amount of contributions to be made by employers; to define certain contributions as payments erroneously made; and to repeal all acts, or parts of acts, insofar as they are inconsistent herewith.

Read first and second times and passed on file.

Senate File 91, by Senator Corwin, a bill for an act to amend Chapter three hundred twenty-nine (329), Code, 1939, by adding a new section thereto, making Chapter two hundred eighty-eight (288), relating to the Department of Publicity, Development, and General Welfare of cities and towns, applicable to cities acting under special charter.

Read first and second times and passed on file.

Senate File 92, by Senator Berg, a bill for an act to amend section fifty-six hundred sixty-four (5664), Code, 1939, relating to compensation of councilmen in cities of the first class.

Read first and second times and passed on file.

Senate File 93, by Senator Berg, a bill for an act to authorize the payment of a primary road paving assessment refund warrant held by Peter J. Blough of Black Hawk county.

Read first and second times and passed on file.

Senate File 94, by Senators Augustine, Henningsen, Dykhouse and Whitehill, a bill for an act to provide for the appointment of Licensed Realtors on Appraisal Boards where the appraisal includes real estate.

Read first and second times and passed on file.

Senate File 95, by Senators Harvey and Johnson, a bill for an act to repeal Chapter one hundred twenty-three (123), Code, 1939, relating to the practice of Pharmacy and to enact a substitute therefor entitled "State Pharmacy Chapter", providing for definitions of terms relative to pharmacy; powers and duties of the state board of pharmacy examiners; requirements for license to practice pharmacy; approved colleges of pharmacy; display of certificates; use of terms relative to pharmacy; sale of drugs and medicines by licensed pharmacists; wholesale sale of drugs and medicines; sale and distribution of drugs; medicines and chemicals by others than drug stores and drug wholesalers; licensing of drug stores and the terms thereof; licensing of drug wholesalers and the terms thereof; issuance of license to general dealers in communities without drug stores and the terms thereof; the quality of drugs and medicines sold and dispensed in this state; and penalties.

Read first and second times and passed on file.

Senate File 96, by Senator Clark, a bill for an act to amend section three hundred three (303), 1939, relating to the furnishing of postage to the General Assembly, its members, officers, and committees.

Read first and second times and passed on file.

#### HOUSE MESSAGES CONSIDERED

House File 40, a bill for an act to amend section two hundred thirty-nine (239), Code, 1939, relating to the free distribution of the reports of the Supreme Court.

Read first and second times and passed on file.

House File 44, a bill for an act to amend section five thousand three and three hundredths (5003.03), Chapter two hundred fifty-one and one tenth (251.1), Code, 1939, to provide for the transportation of household goods, furniture and equipment to and from this state by nonresident carriers.

Read first and second times and passed on file.

### SPECIAL ORDER

#### THIRD READING OF BILLS

The time having arrived for consideration of the special order, House File 22, a bill for an act to amend sections four thousand four hundred three (4403), five thousand two hundred sixty-seven (5267), six thousand eight hundred sixty-five (6865), six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), six thousand nine hundred forty-four (6944), six thousand nine hundred forty-six (6946), six thousand nine hundred seventy-two (6972), six thousand nine hundred seventy-six (6976), six thousand nine hundred eighty-two and two tenths (6982.2), seven thousand sixty (7060), seven thousand seventy-five (7075), seven thousand one hundred one (7101), seven thousand one hundred three and thirteen hundredths (7103.13), seven thousand one hundred nine (7109), seven thousand one hundred fifteen (7115), seven thousand one hundred twenty-one (7121), seven thousand one hundred twenty-nine (7129), seven thousand one hundred twenty-nine and one tenth (7129.1), seven thousand one hundred thirty-nine (7139), seven thousand one hundred forty-eight (7148), seven thousand one hundred eighty-two (7182), and seven thousand one hundred eighty-three and three tenths (7183.3), Code, 1939, relating to assessment of property for taxation and providing for the assessment of property at sixty per cent of actual value, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend House File 22 by adding after section 24 a new section as follows:

"In all counties, school districts and cities and towns and cities under special charter where the maximum permissible or mandatory statutory millage tax levies for any fund or funds authorized by law, including

those which may be increased by the state comptroller upon application to him, will not produce revenue in dollars sufficient to equal the budget requirements for such fund or funds, the comptroller may for the years 1941 and 1942 only approve increases in such maximum statutory millage levies up to but not exceeding 25% but in no event shall he authorize increased millage levies, which, when applied to the assessed valuation will exceed in dollars the average amount certified in dollars for such fund or funds in the years 1939 and 1940, except as may be otherwise provided by law as to the county general and poor funds."

(2) Renumber the succeeding section.

The amendment was adopted.

Senator Faul offered the following amendment to the title and moved its adoption :

Amend the title to House File twenty-two (22) by striking the period at the end of said title and adding thereto the following: "; and to authorize the state comptroller in the years 1941 and 1942 to approve levies, in certain instances, which are in excess of the maximum levies authorized by law when existing maximum levies will not raise sufficient funds to meet budget requirements."

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, 48:

Baldwin	Emerson	Hill	Miller
Bekman	Evans	Hunt	Mowry
Benson	Faul	Johnson	Pelzer
Berg	Findlay	Jones	Shaw
Byers	Fuller	Keir	Sjulin
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Long	Talbott
Cromwell	Hart	Love	Turner
Dewey	Harvey	Lundy	Vrba
Donohue	Hattery	Lynes	Watson
Dykhouse	Henningsen	Martin	Whitehill
Elthon	Hess	Mercer	Zeigler

Nays, 1:

Munger

Absent or not voting, 1:

Augustine

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, which motion prevailed.

Senator Hill asked and received unanimous consent to immediately message House File 22 to the House.

On request of Senator Cromwell, House Concurrent Resolution 7 was taken up and considered.

On motion of Senator Cromwell, House Concurrent Resolution 7 was adopted.

On motion of Senator Cromwell, Senate File 55, with report of committee recommending passage, was taken up and the report of the committee adopted.

Senator Cromwell offered the following amendment and moved its adoption:

Amend Senate File 55 by striking from line 12 of Section 1 the following: ". Any" and inserting in lieu thereof the following: ", any".

The amendment was adopted.

Senator Cromwell 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, 49:**

Augustine	Elthon	Hill	Miller
Baldwin	Emerson	Hunt	Mowry
Bekman	Evans	Johnson	Munger
Benson	Faul	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Fuller	Leo	Sjulin
Clark	Goode	Long	Stewart
Corwin	Hamiel	Love	Talbott
Cromwell	Harvey	Lundy	Turner
Dewey	Hattery	Lynes	Vrba
Donohue	Henningsen	Martin	Watson
Dykhouse	Hess	Mercer	Whitehill
			Zeigler

Nays, none.

Absent or not voting, 1:

Hart

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

Senator Cromwell 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.

Senator Cromwell asked and received unanimous consent to have Senate File 55 immediately messaged to the House.

On motion of Senator Hill, Senate File 29, a bill for an act to amend sections four hundred eighty-eight (488), one thousand one hundred seventy-nine and three tenths (1179.3), four thousand three hundred fifty-three (4353) four thousand three hundred fifty-four (4354), four thousand seven hundred fifty-three and seventeen hundredths (4753.17), four thousand seven hundred seventy-three and one tenth (4773.1), five thousand five hundred twenty-six and nineteenth hundredths (5526.19), five thousand eight hundred eighty (5880), five thousand nine hundred two (5902), five thousand nine hundred forty-two and four tenths (5942.4), six thousand seventy-three (6073), six thousand one hundred three (6103), six thousand one hundred twenty-five (6125), six thousand one hundred fifty-five (6155), six thousand one hundred sixty-five (6165), six thousand two hundred thirty-eight (6238), six thousand two hundred forty (6240), six thousand five hundred eighty-five (6585), six thousand five hundred ninety-seven (6597), six thousand six hundred three (6603), six thousand six hundred eighty-six (6686), six thousand eight hundred fifty-six (6856), eight thousand one hundred ninety-four (8194), Code, 1939, relating to and fixing the limitation of indebtedness of counties, townships, school districts and other political or municipal corporations, was taken up and considered.

Senator Hill offered the following amendment and moved its adoption :

Amend Senate File 29 by inserting in line 3 of section 24 immediately following the word "in" the following: "New Hampton American"; and by inserting in line 4 immediately following the word "at" the following: "New Hampton"; and further amend section 24 by inserting in line 5 immediately following the word "in" the following: "Eagle Grove Eagle" and also amend section 24 by inserting in line 6 immediately following the word "at" the following: "Eagle Grove".

On motion of Senator Hill action was deferred on his amendment.

Senator Bekman offered the following amendment and moved its adoption :

Amend Senate File 29 by striking all of section sixteen (16) and insert in lieu thereof the following: "Sec. 16. That section six thousand two hundred thirty-eight (6238), Code, 1939, be amended by striking from line six (6) the word "actual" and insert in lieu thereof the word "assessed".

Further amend by adding a new section to Senate File 29 to read as follows: "No county, or other political or municipal corporation shall become indebted in any manner, or for any purpose, to an amount, in the aggregate, exceeding five per centum (5%) of the assessed value of the taxable property within such county or corporation—to be ascertained by the last state and county tax lists, previous to the incurring of such indebtedness."

Senator Bekman asked and received unanimous consent to defer action on the above amendment.

On motion of Senator Hill, further action was deferred on Senate File 29.

#### 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 53, a bill for an act relating to the sale of property to the Federal Government.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE MESSAGE CONSIDERED

House File 53, a bill for an act to authorize counties to sell and convey property to the Federal Government and agencies and departments thereof and to acquire and provide other property in substitution therefor and to validate proceedings of boards of supervisors heretofore taken with respect thereto.

Read first and second times and passed on file.

Senator Cromwell asked and received unanimous consent to withdraw his request asking that Senate File 55 be immediately messaged to the House.

Senator Hill moved that the motion to reconsider the vote by which Senate File 55 passed the Senate be taken from the table.

A quorum being present and there being no "No" votes, the motion to take the motion to reconsider from the table was declared to have carried by a two-thirds majority.

Senator Cromwell moved that the vote by which Senate File 55 passed the Senate be reconsidered.

On the question "Shall the vote by which Senate File 55 passed the Senate be reconsidered?" the vote was:

Ayes, 50:

Augustine	Emerson	Hunt	Mowry
Baldwin	Evans	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hess	Miller	Zeigler
Elthon	Hill		

Nays, none.

Absent or not voting, none.

The motion prevailed and the vote by which Senate File 55 passed the Senate was reconsidered.

Senator Cromwell asked and received unanimous consent to reconsider the vote by which Senate File 55 was placed on its third reading.

Senator Cromwell moved that the rules be suspended and that House File 53 be substituted for Senate File 55 now on the calendar.

The motion prevailed and the substitution was made.

On motion of Senator Cromwell, House File 53, a bill for an act to authorize counties to sell and convey property to the Federal Government and agencies and departments thereof and to acquire and provide other property in substitution therefor and to validate proceedings of boards of supervisors heretofore taken with respect thereto, was taken up and considered.

Senator Cromwell 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, 50:

Augustine	Emerson	Hunt	Mowry
Baldwin	Evans	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hess	Miller	Zeigler
Elthon	Hill		



Nays, none.

Absent or not voting, none.

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

Senator Cromwell 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.

On motion of Senator Donohue, Senate File 25, a bill for an act to provide for a general system of practice in all the courts of this state; to empower the Supreme Court to prescribe all rules of pleading, practice and procedure and the forms of process, writs and notices for all proceedings of a civil nature in all courts of this state for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits; and to provide for the taking effect thereof, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

#### EXECUTIVE SESSION

On motion of Senator Donohue, the Senate resolved itself into executive session.

The Senate arose from executive session and resumed regular session.

On motion of Senator Zeigler, the Senate recessed until 2:00 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper 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 passed the following bill in which the concurrence of the Senate is asked:

House File 23, a bill for an act fixing the limitations of indebtedness of counties, townships, school districts and other political or municipal corporations.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE MESSAGE CONSIDERED

House File 23, a bill for an act to amend sections four hundred eighty-eight (488), one thousand one hundred seventy-nine and three tenths (1179.3), four thousand three hundred fifty-three (4353), four thousand three hundred fifty-four (4354), four thousand seven hundred fifty-three and seventeen hundredths (4753.17), four thousand seven hundred seventy-three and one tenth (4773.1), five thousand five hundred twenty-six and nineteen hundredths (5526.19), five thousand eight hundred eighty (5880), five thousand nine hundred two (5902), five thousand nine hundred forty-two and four tenths (5942.4), six thousand seventy-three (6073), six thousand one hundred three (6103), six thousand one hundred twenty-five (6125), six thousand one hundred fifty-five (6155), six thousand one hundred sixty-five (6165), six thousand two hundred thirty-eight (6238), six thousand two hundred forty (6240), six thousand five hundred eighty-five (6585), six thousand five hundred ninety-seven (6597), six thousand six hundred three (6603), six thousand six hundred eighty-six (6686), six thousand eight hundred fifty-six (6856), eight thousand one hundred ninety-four (8194), Code, 1939, relating to and fixing the limitation of indebtedness of counties, townships, school districts and other political or municipal corporations.

Read first and second times and passed on file.

Senator Dewey offered the following resolution and moved its adoption:

## SENATE CONCURRENT RESOLUTION 6

## MOREHOUSE MEMORIAL RESOLUTION

*Whereas*, The Honorable D. W. Morehouse, president of Drake University, has passed to his reward on the 21st day of January, 1941, therefore,

*Be It Resolved by the Senate, the House Concurring*: That a committee of fifteen members, six to be appointed by the Senate and nine members to be appointed by the Speaker of the House, to draft suitable resolutions commemorating the life, character and services of the Honorable D. W. Morehouse, president of Drake University of Des Moines, Iowa.

The motion prevailed, the resolution was adopted, and the President appointed Senators Dewey, Fuller, Hess, Hill, Lundy and Shaw on the committee.

## THIRD READING OF BILLS

Senator Hill asked and received unanimous consent to withdraw his request to have House File 22 messaged to the House.

Senator Hill moved that House File 22 and the motion to reconsider the vote by which it passed the Senate be taken from the table.

A quorum being present, and there being no "No" votes, the motion to take House File 22 from the table carried by a two-thirds majority.

Senator Hill moved that the vote by which House File 22 passed the Senate be reconsidered, which motion prevailed.

On the question "Shall the vote by which House File 22 passed the Senate be reconsidered?" was as follows:

**Ayes, 46:**

Augustine	Emerson	Hunt	Mowry
Baldwin	Evans	Johnson	Pelzer
Bekman	Faul	Jones	Shaw
Benson	Findlay	Keir	Sjulin
Berg	Goode	Leo	Stewart
Byers	Hamiel	Long	Talbott
Clark	Hart	Love	Turner
Corwin	Harvey	Lynes	Vrba
Cromwell	Hattery	Martin	Watson
Dewey	Henningsen	Mercer	Whitehill
Donohue	Hess	Miller	Zeigler
Dykhouse	Hill		

**Nays, none.****Absent or not voting, 4:**

Elthon	Fuller	Lundy	Munger
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The motion having received a constitutional majority, was declared to have passed the Senate.

Senator Hill moved that the vote by which House File 22 passed to its third reading be reconsidered.

The motion prevailed.

Senator Faul moved that the vote by which his amendment to the title of House File 22 passed the Senate be reconsidered.

The motion prevailed and the vote was reconsidered.

Senator Faul moved that the vote by which his amendment, providing that a new section be added to House File 22, passed the Senate be reconsidered.

The motion prevailed and the vote on the Faul amendment was reconsidered.

Senator Faul asked and received unanimous consent to withdraw his amendments to House File 22.

On motion of Senator Hill, House File 22, a bill for an act to amend sections four thousand four hundred three (4403), five thousand two hundred sixty-seven (5267), six thousand eight hundred sixty-five (6865), six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), six thousand nine hundred forty-four (6944), six thousand nine hundred forty-six (6946), six thousand nine hundred seventy-two (6972), six thousand nine hundred seventy-six (6976), six thousand nine hundred eighty-two and two tenths (6982.2), seven thousand sixty (7060), seven thousand seventy-five (7075), seven thousand one hundred one (7101), seven thousand one hundred three and thirteen hundredths (7103.13), seven thousand one hundred nine (7109), seven thousand one hundred fifteen (7115), seven thousand one hundred twenty-one (7121), seven thousand one hundred twenty-nine (7129), seven thousand one hundred twenty-nine and one tenth (7129.1), seven thousand one hundred thirty-nine (7139), seven thousand one hundred forty-eight (7148), seven thousand one hundred eighty-two (7182), and seven thousand one hundred eighty-three and three tenths (7183.3), Code, 1939, relating to assessment of property for taxation and providing for the assessment of property at sixty per cent of actual value, was taken up for consideration.

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 47:**

Baldwin	Emerson	Hill	Mowry
Bekman	Evans	Johnson	Pelzer
Benson	Faul	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Fuller	Leo	Stewart
Clark	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Cromwell	Hart	Lundy	Vrba
Dewey	Harvey	Lynes	Watson
Donohue	Hattery	Martin	Whitehill
Dykhouse	Henningsen	Mercer	Zeigler
Elthon	Hess	Miller	

**Nays, 1:**

Munger

Absent or not voting, 2:

Augustine            Hunt

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, which motion prevailed.

The Senate resumed consideration of Senate File 25.

The report of committee recommending passage, was taken up, considered, and adopted.

Senator Corwin offered the following amendment and moved its adoption:

Amend Senate File 25 by striking the semicolon after the word "session" in line 6 of section 2 and inserting the following after said word: "provided said rules and forms have been approved by affirmative act of the General Assembly at such regular session;"

A roll call was demanded and Senator Corwin invoked Rule 8.

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

**Ayes, 24:**

Augustine	Fuller	Keir	Mowry
Baldwin	Goode	Leo	Pelzer
Benson	Hamiel	Lynes	Sjulin
Corwin	Hart	Martin	Stewart
Elthon	Hess	Mercer	Turner
Evans	Jones	Miller	Whitehill

**Nays, 24:**

Berg	Dykhouse	Henningsen	Lundy
Byers	Emerson	Hill	Munger
Clark	Faul	Hunt	Shaw
Cromwell	Findlay	Johnson	Talbott
Dewey	Harvey	Long	Watson
Donohue	Hattery	Love	Zeigler

Absent or not voting, 2:

Bekman            Vrba

The amendment was lost.

Senator Donohue 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, 46:

Baldwin	Emerson	Hunt	Miller
Bekman	Evans	Johnson	Munger
Benson	Faul	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Fuller	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lundy	Vrba
Dewey	Hattery	Lynes	Watson
Donohue	Henningsen	Martin	Whitehill
Dykhouse	Hess	Mercer	Zeigler
Elthon	Hill		

Nays, 3:

Augustine	Goode	Mowry
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Absent or not voting, 1:

Sjulin

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

Senator Donohoe 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.

On motion of Senator Faul, Senate File 66, a bill for an act to authorize the State comptroller in the years 1941 and 1942 to approve levies, in certain instances, which are in excess of the maximum levies authorized by law when existing maximum levies will not raise sufficient funds to meet budget requirements, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 66 by striking all of section one (1) and insert in lieu thereof the following:

"In all counties, school districts and cities and towns and cities under special charter where the maximum permissible or mandatory statutory millage tax levies for any fund or funds authorized by law, including those which may be increased by the state comptroller upon application to him, will not produce revenue in dollars sufficient to equal the budget requirements for such fund or funds, the comptroller may for the years 1941 and 1942 only approve increases in such maximum statutory millage levies up to but not exceeding 25% but in no event shall he authorize increased millage levies, which, when applied to the assessed valuation will exceed in dollars the average amount certified in dollars for such fund or funds in the years 1939 and 1940, except as may be otherwise provided by law as to the county general and poor funds."

The amendment was adopted.

Senator Faul 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, 47:

Baldwin	Emerson	Hunt	Munger
Bekman	Evans	Johnson	Pelzer
Benson	Faul	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lundy	Vrba
Dewey	Hattery	Lynes	Watson
Donohue	Henningsen	Martin	Whitehill
Dykhouse	Hess	Miller	Zeigler
Elthon	Hill	Mowry	

Nays, none.

Absent or not voting, 3:

Augustine	Fuller	Mercer
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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 Faul 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.

#### INTRODUCTION OF BILLS

Senate File 97, by Senators Berg and Shaw, a bill for an act to provide an emergency appropriation for the enforcement of the Uniform Narcotic Drug Act from February 1, 1941, to July 1, 1941.

Read first and second times and passed on file.

Senate File 98, by committee on insurance, a bill for an act to amend section nine thousand sixty (9060), Code, 1939, pertaining to annual tax on mutual assessment insurance associations doing business under Chapter four hundred six (406) of the Code.

Read first and second times and placed on the calendar.

Senate File 99, by committee on insurance, a bill for an act to amend section eight thousand nine hundred six (8906), Code, 1939, relating to the amount of surplus required of mutual insurance companies.

Read first and second times and placed on calendar.

Senate File 100, by committee on insurance, a bill for an act to amend section seven thousand twenty-two (7022), Code, 1939,

relating to the tax on gross premiums of foreign insurance companies.

Read first and second times and placed on calendar.

Senate File 101, by committee on insurance, a bill for an act to amend section eight thousand six hundred fifty-one (8651), Code, 1939, relating to the increasing of the guaranty fund of mutual life insurance companies from twenty-five thousand dollars (\$25,000) to fifty thousand dollars (\$50,000), and exempting companies now authorized to do business in this state from such increase.

Read first and second times and placed on calendar.

Senate File 102, by Judiciary No. 2, a bill for an act to amend, revise and codify chapter four hundred sixty-one (461), Code, 1939, relating to the legalization of official acts of notaries public and of acknowledgments generally.

Read first and second times and placed on calendar.

Senate File 103, by Judiciary No. 2, a bill for an act to amend, revise, and codify chapter four hundred sixty-two (462), Code, 1939, relating to legalizing judgments and decrees.

Read first and second times and placed on calendar.

Senate File 104, by Judiciary No. 2, a bill for an act to provide a special limitation on actions involving conveyances in which the spouse joined in relinquishing homestead rights but did not join in the granting clause of the conveyance.

Read first and second times and placed on calendar.

Senate File 105, by Judiciary No. 2, a bill for an act to amend, revise, and codify chapter four hundred sixty-three (463), Code, 1939, relating to legalizing acts affecting the title to real property.

Read first and second times and placed on calendar.

Senate File 106, by Judiciary No. 2, a bill for an act to amend, revise and codify chapter four hundred sixty-five (465), Code, 1939, relating to the legalization of acts of corporations.

Read first and second times and placed on calendar.

Senate File 107, by Judiciary No. 2, a bill for an act to amend, revise and codify section ten thousand four hundred seven



(10407), Code, 1939, relating to the legalization of the notice of appointment of executors and administrators.

Read first and second times and placed on calendar.

Senate File 108, by Judiciary No. 2, a bill for an act to amend, revise and codify chapter four hundred sixty-seven (467), Code, 1939, relating to the legalization of bonds.

Read first and second times and placed on calendar.

Senate File 109, by Judiciary No. 2, a bill for an act to amend and revise chapter four hundred eighty-seven (487), Code, 1939, relating to limitations of actions.

Read first and second times and placed on calendar.

Senate File 110, by Judiciary No. 2, a bill for an act to amend, revise and codify chapter four hundred sixty-six (466), Code, 1939, relating to the legalization of acts of cities and towns.

Read first and second times and placed on calendar.

Senate File 111, by Judiciary No. 2, a bill for an act to amend, revise and codify chapter four hundred sixty-eight (468), Code, 1939, relating to the legalization of elections.

Read first and second times and placed on calendar.

Senate File 112, by Judiciary No. 2, a bill for an act to amend sections ten thousand seventy (10070), ten thousand seventy-one (10071) and ten thousand seventy-nine (10079), Code, 1939, relating to conveyances of real property.

Read first and second times and placed on calendar.

Senate File 113, by Judiciary No. 2, a bill for an act to amend chapter two (2), of the Laws of the 48th General Assembly relating to appropriations.

Read first and second times and placed on calendar.

Senator Hill asked and received unanimous consent to suspend the rules and substitute House File 23 for Senate File 29 now on the Senate calendar.

On motion of Senator Hill, House File 23, a bill for an act to amend sections four hundred eighty-eight (488), one thousand one hundred seventy-nine and three-tenths (1179.3), four thousand three hundred fifty-three (4353), four thousand three hun-

dred seventy-three and one tenth (4773.1), five thousand five and seventeen hundredths (4753.17), four thousand seven hundred seventy-three and one tenth (4773.1), five thousand five hundred twenty-six and nineteen hundredths (5526.19), five thousand eight hundred eighty (5880), five thousand nine hundred two (5902), five thousand nine hundred forty-two and four tenths (5942.4), six thousand seventy-three (6073), six thousand one hundred three (6103), six thousand one hundred twenty-five (6125), six thousand one hundred fifty-five (6155), six thousand one hundred sixty-five (6165), six thousand two hundred thirty-eight (6238), six thousand two hundred forty (6240), six thousand five hundred eighty-five (6585), six thousand five hundred ninety-seven (6597), six thousand six hundred three (6603), six thousand six hundred eighty-six (6686), six thousand eight hundred fifty-six (6856), eight thousand one hundred ninety-four (8194), Code, 1939, relating to and fixing the limitation of indebtedness of counties, townships, school districts and other political or municipal corporations, was taken up, and considered.

Senator Hill offered the following amendment and moved its adoption:

Amend House File 23 by striking therefrom the following words and figures as they appear in the title: "five thousand five hundred twenty-six and nineteen hundredths (5526.19)," "five thousand nine hundred forty-two and four tenths (5942.4)," "six thousand seventy-three (6073)," "six thousand five hundred eighty-five (6585)," "six thousand five hundred ninety-seven (6597)," "six thousand eight hundred fifty-six (6856)," and "eight thousand one hundred ninety-four (8194)."

The amendment was adopted.

Senator Hill offered the following amendment and moved its adoption:

Amend House File 23 by striking therefrom the following sections: Section seven (7); section ten (10); section eleven (11); section eighteen (18); section nineteen (19); section twenty-two (22) and section twenty-three (23).

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, 46:

Baldwin  
Bekman  
Benson  
Berg

Byers  
Clark  
Corwin  
Cromwell

Dewey  
Donohue  
Elthon  
Emerson

Evans  
Faul  
Findlay  
Fuller

Goode	Hunt	Lynes	Sjulin
Hamiel	Johnson	Martin	Stewart
Hart	Jones	Mercer	Talbott
Harvey	Keir	Miller	Vrba
Hattery	Leo	Mowry	Watson
Henningsen	Long	Pelzer	Whitehill
Hess	Love	Shaw	Zeigler
Hill	Lundy		

Nays, 1:

Munger

Absent or not voting, 3:

Augustine            Dykhouse            Turner

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, which motion prevailed.

Senator Watson moved that a committee of two be appointed to secure adequate maps for the use of the committee on State Political Districts and the members of the Senate.

The motion prevailed and the President appointed Senators Watson and Hart.

#### REPORT OF COMMITTEE

Senator Donohue submitted the following report:

MR. PRESIDENT: Your committee on Judiciary No. 2 to which was referred Senate File 3, a bill for an act providing for the procedure for assessing real and personal property, moneys and credits and all other property assessable by the city assessor, in cities having more than one hundred twenty-five thousand population begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 88.....	Judiciary No. 1
S. F. 91.....	Cities and Towns
S. F. 92.....	Cities and Towns
S. F. 93.....	Appropriations
S. F. 94.....	Judiciary No. 1
S. F. 95.....	Pharmacy
S. F. 96.....	Judiciary No. 1
S. F. 97.....	Appropriations

## CHANGE OF COMMITTEE APPOINTMENT

President Hickenlooper announced that with the consent of Senator Hunt his name was withdrawn as a member of the committee on public utilities and his name was added to the committee on banks and banking.

## ADDITIONAL COPIES

Senator Faul asked and received unanimous consent to have 200 additional copies of Senate File 3 printed.

## AMENDMENTS FILED

## AMENDMENT TO SENATE FILE 3 BY SENATOR BYERS

Filed January 23

Amend Senate File 3 by striking from lines 3 and 4 of section 33 the words "the Iowa Legionnaire, a newspaper published in the city of Des Moines, Iowa" and by substituting therefor the following: "The Cascade Pioneer-Advertiser, a newspaper published in the city of Cascade, Iowa."

AMENDMENT TO BEKMAN AMENDMENT TO SENATE FILE 29  
BY SENATOR BEKMAN

Filed January 23

Amend section 2 of the Bekman amendment to Senate File 29 by inserting after the word "political" in line 2 the word "sub-division".

Further amend section 2 of the amendment by inserting after the word "county" in line 4 the words "political sub-division".

AMENDMENT TO HOUSE FILE 23  
BY SENATOR HILL

Filed January 23

(1) Amend House File 23 by striking therefrom the following sections: Section seven (7); section ten (10); section eleven (11); section eighteen (18); section nineteen (19); section twenty-two (22) and section twenty-three (23).

(2) Amend House File 23 by striking therefrom the following words and figures as they appear in the title: "five thousand five hundred twenty-six and nineteen hundredths (5526.19)"; "five thousand nine hundred forty-two and four tenths (5942.4)"; "six thousand seventy-three (6073)"; "six thousand five hundred eighty-five (6585)"; "six thousand five hundred ninety-seven (6597)"; "six thousand eight hundred fifty-six (6856)"; and "eight thousand one hundred ninety-four (8194)".

On motion of Senator Hart, the Senate adjourned until 10:00 a. m. Friday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 24, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Thos. H. Gallagher, pastor of the Grace Methodist Church of Des Moines.

The Journal of January 23rd was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Sjulín for the day, on request of Senator Benson; Senator Watson for the day, on request of Senator Baldwin.

Senator Dewey moved that the Senate arise at 2:00 p. m. and remain silent for one minute in memory of Dr. D. W. Morehouse.

The motion prevailed.

## PETITIONS AND MEMORIALS

The following petition was presented and placed on file:

By Senator Byers, from the residents of Linn County favoring revision of the conservation laws to permit the removal of soft fish from the Cedar River in Cedar and Linn counties.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Vrba 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 22.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *Chairman House Committee.*

Report adopted.

Senator Bekman asked and received unanimous consent to have his vote recorded as "aye" on Senate Files 25 and 66 and House File 23.

Senator Vrba asked and received unanimous consent to have his vote recorded as "aye" on Senate Files 25 and 66 and House File 23.

## MESSAGES 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 6, memorializing the United States War Department concerning the use of Iowa coal.

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

House File 29, a bill for an act to further define "motor vehicle" and to provide exemption of busses used exclusively in conveying school children to and from schools and school activities.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE CONCURRENT RESOLUTION 6

*Whereas*, the Iowa coal industry is able to produce in excess of ten million tons of coal annually, but because of adverse conditions, it is only producing approximately four million tons; and

*Whereas*, the stability of the Iowa coal industry will greatly increase the employment of labor, aid in stabilizing agricultural products, decrease the rolls of unemployment and aid in bringing prosperity to all the people of Iowa; and

*Whereas*, the United States War Department is creating new industries within Iowa for National defense purposes; and

*Whereas*, it has come to the attention of the Forty-ninth General Assembly of Iowa that the Shell Loading Plant of Burlington, Iowa, contemplates using oil as a fuel rather than coal and thereby work injustice upon the Iowa coal industry; and

*Whereas*, the Iowa coal industry could be materially helped by such National defense industries using Iowa coal for the generating of heat, steam, power and electricity;

*Therefore, Be It Resolved by the House, the Senate concurring:* We hereby memorialize the United States War Department requesting them to require all National defense industries within Iowa to use coal, preferably Iowa coal, for the purpose of generating heat, steam, power and electricity;

*Be It Further Resolved*, that a copy of this Resolution be sent to the United States War Department, to William Knudson, member of the National Defense Committee, and to the United States Senators and United States Congressmen of the State of Iowa.

## 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 22.

## INTRODUCTION OF BILLS

Senate File 114, by Judiciary No. 1, a bill for an act to amend section forty-seven (47), Code, 1939, relating to the form of legislative bills.

Read first and second times and placed on calendar.

Senate File 115, by Judiciary No. 1, a bill for an act relating to the presentation, investigation, allowance, and payment of claims against the State of Iowa, being amendatory of chapter seven and one tenth (7.1), Code, 1939, known as the Budget and Financial Control Act.

Read first and second times and placed on calendar.

Senate File 116, by Judiciary No. 1, a bill for an act to amend section eighty-four and six hundredths (84.06), Code, 1939, relating to powers and duties of the state comptroller.

Read first and second times and placed on calendar.

Senate File 117, by Judiciary No. 1, a bill for an act to amend section two hundred sixty-five and two tenths (265.2), Code, 1939, relating to the price of state departmental reports.

Read first and second times and placed on calendar.

Senate File 118, by Judiciary No. 1, a bill for an act to amend sections nine hundred sixty-eight (968) and nine hundred sixty-nine (969), Code, 1939, relating to the time for the meeting of presidential electors, and section one thousand four (1004), Code, 1939, relating to the time for contesting elections of presidential electors.

Read first and second times and placed on calendar.

Senate File 119, by Judiciary No. 1, a bill for an act to amend section one thousand two hundred twenty-five and thirty-two hundredths (1225.32), Code, 1939, relating to applications for itinerant merchants' licenses.

Read first and second times and placed on calendar.

Senate File 120, by Judiciary No. 1, a bill for an act to amend section one thousand four hundred fifty-six (1456), Code, 1939, relating to the time of taking an appeal in workmen's compensation cases.

Read first and second times and placed on calendar.

Senate File 121, by Judiciary No. 1, a bill for an act to amend section one thousand four hundred sixty (1460), Code, 1939, relating to the place of hearing petitions for review of the decisions and findings of a board of arbitration.

Read first and second times and placed on calendar.

Senate File 122, by Judiciary No. 1, a bill for an act to amend section one thousand five hundred forty-one and two tenths (1541.2), Code, 1939, relating to the tenure of office of members of the Iowa commission for the blind.

Read first and second times and placed on calendar.

Senate File 123, by Judiciary No. 1, a bill for an act to amend Table A of section one thousand seven hundred ninety-four and twenty-nine thousandths (1794.029), Code, 1939, relating to the daily catch and possession limits on fish.

Read first and second times and placed on calendar.

Senate File 124, by Judiciary No. 1, a bill for an act to amend section one thousand seven hundred ninety-four and forty-five thousandths (1794.045), Code, 1939, relating to the closed season on frogs.

Read first and second times and placed on calendar.

Senate File 125, by Judiciary No. 1, a bill for an act to amend section one thousand nine hundred five and six hundredths (1905.06), Code, 1939, relating to the practice of accountancy.

Read first and second times and placed on calendar.

Senate File 126, by Judiciary No. 1, a bill for an act to amend section one thousand nine hundred five and nine hundredths (1905.09), Code, 1939, relating to qualifications of applicants for the state accountancy examination.

Read first and second times and placed on calendar.

Senate File 127, by Judiciary No. 1, a bill for an act to amend section one thousand nine hundred twenty-one and twenty-nine thousandths (1921.029), Code, 1939, relating to the date of expiration of individual liquor permits.

Read first and second times and placed on calendar.



Senate File 128, by Judiciary No. 1, a bill for an act to amend section two thousand four hundred thirty-seven and one hundredth (2437.01), Code, 1939, relating to the membership of the state board of eugenics.

Read first and second times and placed on calendar.

Senate File 129, by Judiciary No. 1, a bill for an act to amend section two thousand five hundred ten and one tenth (2510.1), Code, 1939, relating to the use of personal titles by practitioners under the practice acts.

Read first and second times and placed on calendar.

Senate File 130, by Judiciary No. 1, a bill for an act to amend section two thousand five hundred seventy-three and ten hundredths (2573.10), Code, 1939, relating to records of the department of health pertaining to hearings on applications for dentistry licenses.

Read first and second times and placed on calendar.

Senate File 131, by Judiciary No. 1, a bill for an act to amend section four thousand seven hundred forty-eight (4748), Code, 1939, relating to the establishment of secondary roads.

Read first and second times and placed on calendar.

Senate File 132, by Judiciary No. 1, a bill for an act to amend section five thousand ten and two hundredths (5010.02), Code, 1939, referring to the transfer of motor vehicle funds by the treasurer of state.

Read first and second times and placed on calendar.

Senate File 133, by Judiciary No. 1, a bill for an act to amend section five thousand one hundred thirty-nine (5139), Code, 1939, relating to the destruction of useless county documents.

Read first and second times and placed on calendar.

Senate File 134, by Judiciary No. 1, a bill for an act to amend section five thousand six hundred sixty-three and one tenth (5663.1), Code, 1939, relating to penalty and removal from office of any councilman voting for any appropriation in excess of limitations.

Read first and second times and placed on calendar.

Senate File 135, by Judiciary No. 1, a bill for an act to amend section six thousand three hundred nine (6309), Code, 1939, relating to the transfer of property for school purposes.

Read first and second times and placed on calendar.

Senate File 136, by Judiciary No. 1, a bill for an act to amend section six thousand four hundred seventy-five (6475), Code, 1939, relating to restricted residence districts.

Read first and second times and placed on calendar.

Senate File 137, by Judiciary No. 1, a bill for an act to amend section seven thousand twenty-six (7026), Code 1939, relating to taxation of insurance companies.

Read first and second times and placed on calendar.

Senate File 138, by Judiciary No. 1, a bill for an act to amend section seven thousand seven hundred fourteen and seventeen hundredths (7714.17), Code, 1939, relating to redemption from sale for failure to pay drainage assessments.

Read first and second times and placed on calendar.

Senate File 139, by Judiciary No. 1, a bill for an act to amend section eight thousand five hundred twelve and fifty-two hundredths (8512.52), Code, 1939, relating to the reinstatement of the corporate rights of cooperative associations.

Read first and second times and placed on calendar.

Senate File 140, by Judiciary No. 1, a bill for an act to amend sections nine thousand two hundred fifty-nine (9259) and nine thousand two hundred eighty-three and fifty-nine hundredths (9283.59), Code, 1939, relating to banks and banking.

Read first and second times and placed on calendar.

Senate File 141, by Judiciary No. 1, a bill for an act to amend section nine thousand seven hundred fifty-one and fifteen hundredths (9751.15), Code, 1939, relating to licenses to classify agricultural products.

Read first and second times and placed on calendar.

Senate File 142, by Judiciary No. 1, a bill for an act to amend section ten thousand two hundred fifteen (10215), Code, 1939, relating to real property rights of aliens.

Read first and second times and placed on calendar.

Senate File 143, by Judiciary No. 1, a bill for an act to amend section ten thousand six hundred eighty-eight (10688), Code, 1939, relating to salaries of municipal court officers.

Read first and second times and placed on calendar.

Senate File 144, by Judiciary No. 1, a bill for an act to amend section five hundred three (503) of House File eighty-four (84), of the Acts of the Fortieth (40th) Extra General Assembly, relating to violation of parole.

Read first and second times and placed on calendar.

Senate File 145, by Judiciary No. 1, a bill for an act to amend sections eleven (11) and thirteen (13), chapter sixty-eight (68), Acts of the forty-second (42d) General Assembly, relating to state quarantine for the prevention of the dissemination of insect pests and plant diseases.

Read first and second times and placed on calendar.

Senate File 146, by Judiciary No. 1, a bill for an act to amend section three (3), chapter two hundred eighteen (218), Acts of the forty-second (42nd) General Assembly, relating to adoption of children.

Read first and second times and placed on calendar.

Senate File 147, by Judiciary No. 1, a bill for an act to amend sections fifty-three (53), one hundred seven (107), and one hundred ten (110), of chapter ninety-nine (99), Acts of the forty-seventh (47th) General Assembly, relating to fish and game.

Read first and second times and placed on calendar.

Senate File 148, by Judiciary No. 1, a bill for an act to amend section one (1), chapter one hundred thirty-one (131), Acts of the forty-seventh (47th) General Assembly, relating to weed destruction.

Read first and second times and placed on calendar.

Senate File 149, by Judiciary No. 1, a bill for an act to amend chapter seventy-six (76), section one (1), Acts of the forty-eighth (48th) General Assembly, relating to fish and game licenses.

Read first and second times and placed on calendar.

Senate File 150, by Judiciary No. 1, a bill for an act to amend section two (2), chapter one hundred forty (140), Acts of the forty-eighth (48th) General Assembly, which amended section five thousand two hundred ninety-six -f twelve (5296-f12), Code, 1935, relating to persons eligible for old age assistance.

Read first and second times and placed on calendar.

Senate File 151, by Judiciary No. 1, a bill for an act to eliminate from the 1939 Code of Iowa all references to a state census.

Read first and second times and placed on calendar.

Senate File 152, by Judiciary No. 1, a bill for an act to amend section one thousand two hundred twenty-five and one hundredth (1225.01), Code, 1939, relating to mileage allowances of public officers and employees.

Read first and second times and placed on calendar.

Senate File 153, by Judiciary No. 1, a bill for an act to amend sections one thousand two hundred twenty-five and one hundredth (1225.01), Code, 1939, relating to mileage allowances of public officers and employees.

Read first and second times and placed on calendar.

Senate File 154, by Judiciary No. 1, a bill for an act to correct in the Code of 1939 certain references to state departments and personnel under the control of the state board of library trustees and to this end amend sections two hundred forty-six (246), three hundred two (302), four hundred eighty-two and thirteen hundredths (482.13), and one thousand sixty-three (1063), Code, 1939.

Read first and second times and placed on calendar.

Senate File 155, by Judiciary No. 1, a bill for an act to amend section seven thousand nine hundred six (7906), Code, 1939, relating to annual reports of common carriers.

Read first and second times and placed on calendar.

Senate File 156, by Judiciary No. 1, a bill for an act to amend sections two thousand six hundred three and nine hundredths

(2603.09) and two thousand six hundred three and twelve hundredths (2603.12), Code, 1939, relating to soil conservation.

Read first and second times and placed on calendar.

Senate File 157, by Senators Baldwin and Long, a bill for an act to repeal chapter one hundred nineteen (119), Code, 1939, and to enact a substitute therefor, relating to the practice of chiropractic.

Read first and second times and referred to committee on public health.

Senate File 158, by Senator Faul, a bill for an act to amend section eight thousand seven hundred eighty (8780), Code, 1939, relating to fraternal beneficiary associations, their rights, privileges and obligations and pertaining to sick and funeral benefits.

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

Senate File 159, by Senator Goode, a bill for an act to amend section thirty-eight hundred twenty-eight and ten thousandths (3828.010) Code, 1939, relating to income to be considered in fixing the amount of Old Age Assistance.

Read first and second times and referred to committee on social security.

Senate Joint Resolution 3, by Senator Augustine, a joint resolution proposing an amendment to the constitution of the State of Iowa, repealing part of section thirty (30), of Article III, and all of Sections thirty-four (34), thirty-five (35) and thirty-six (36), of Amendment Number two (2), of Amendments of 1904, and empowering the General Assembly to redistrict the State into, not to exceed fifty-four (54) counties, and not to exceed twenty-seven (27) Senatorial Districts, with one Senator from each District, and providing for, not to exceed fifty-four (54) members of the House of Representatives.

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

Section 1. Section thirty (30) of Article III of the Constitution of the State of Iowa as it appears in the Code of 1939, is hereby amended by striking the semi-colon following the word "State" in line seventeen (17) thereof, and substituting therefor a period, and repealing the balance of the section.

Sec. 2. That Sections thirty-four (34), thirty-five (35) and thirty-six (36) of Amendment Number Two (2) of Amendments of 1904 of the Constitution of the State of Iowa, be repealed, and the following adopted in lieu thereof:

1. The General Assembly shall, at the first regular Session held following the adoption of this amendment, redistrict the State into, not to exceed fifty-four (54) counties, divided as nearly as practicable upon an equal population basis.

2. The General Assembly shall, at the same time, redistrict the State into Senatorial Districts. Each Senatorial District shall be composed of two adjoining counties, and no Senatorial District shall be entitled to more than one Senator.

3. The House of Representatives shall consist of not more than fifty-four (54) members. Each county shall constitute one Representative District, and be entitled to one Representative.

Read first and second times and referred to committee on Constitutional Amendments.

Senator Hill took the chair at 10:28 a. m.

### THIRD READING OF BILLS

On motion of Senator Faul Senate File 3 a bill for an act providing for the procedure for assessing real and personal property, moneys and credits and all other property assessable by the city assessor, in cities having more than one hundred twenty-five thousand (125,000) population, including the manner of appointment and duties of a city assessor, deputy assessors, field men and other office personnel; the appointment and duties of the examining board and local board of review; providing for paying the salaries and expenses of said offices; the procedure by which a taxpayer, the assessor and public bodies may protest and appeal from an assessment to the local board of review and to the court; and providing a penalty for violations of this act, and related matters, and amending sections fifty-six hundred sixty-nine (5669), and fifty-four hundred thirty-four (5434), Code, 1939, relating to compensation of assessors and deputies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul offered the following amendments and moved their adoption, unanimous consent having been granted to consider them collectively:

Amend Senate File 3 as follows:

(1) Strike from line 1 of section eleven (11) the words "of the" and substitute in lieu thereof a comma (,).

(2) Strike from line 8 of section twenty-two (22) the words "of the" and substitute in lieu thereof a comma (,).

(3) Strike from line 9 of section twenty-four (24) the words "of the" and substitute in lieu thereof a comma (,).

(4) Strike from line 7 of section twenty-five (25) the words "of the".

(5) Strike from line 12 of section twenty-five (25), immediately following the word "individual", the comma.

The amendments were adopted.

Senator Byers offered the following amendment and moved its adoption:

Amend Senate File 3 by striking from lines 3 and 4 of section 33 the words "the Iowa Legionnaire, a newspaper published in the city of Des Moines, Iowa" and by substituting therefor the following: "The Cascade Pioneer-Advertiser, a newspaper published in the city of Cascade, Iowa."

The amendment was adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 3 by striking the words "its actual value" in line fifteen (15) of section twenty-three (23) subsection two (2) and by inserting in lieu thereof the words "the value authorized by law".

The amendment was adopted.

Senator Faul 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, 48:

Augustine	Elthon	Hess	Mercer
Baldwin	Emerson	Hill	Miller
Bekman	Evans	Hunt	Mowry
Benson	Faul	Johnson	Munger
Berg	Findlay	Jones	Shaw
Byers	Fuller	Keir	Sjulín
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Long	Talbott
Cromwell	Hart	Love	Turner
Dewey	Harvey	Lundy	Vrba
Donohue	Hattery	Lynes	Whitehill
Dykhouse	Henningsen	Martin	Zeigler

Nays, none.

Absent or not voting, 2:

Pelzer                      Watson

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

Senator Faul 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.

Senator Lundy asked and received unanimous consent to take up House Concurrent Resolution 6 found on page 110 of the Senate Journal at this time.

On motion of Senator Lundy House Concurrent Resolution 6 was adopted.

On motion of Senator Bekman, Senate File 89, a bill for an act to amend the law as it appears in chapter seventy-seven point two (77.2), Code, 1939, relating to and providing for unemployment compensation; to limit the amount of contributions to be made by employers; to define certain contributions as payments erroneously made; and to repeal all acts, or parts of acts, insofar as they are inconsistent herewith, was taken up and considered.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 89 by inserting after the word "the" in line 3 the following: "Ottumwa Daily Courier" and at the beginning of line 4 the following: "Ottumwa". Also by inserting after the word "the" in line 4 of section 3 the following: "Mason City Globe Gazette" and by inserting after the word "at" the following: "Mason City".

The amendment was adopted.

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

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

Ayes, 46:

Augustine	Emerson	Hill	Miller
Baldwin	Evans	Hunt	Mowry
Bekman	Faul	Johnson	Munger
Benson	Findlay	Jones	Pelzer
Berg	Fuller	Keir	Shaw
Byers	Goode	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Whitehill
Dykhouse	Henningsen	Mercer	Zeigler
Elthon	Hess		

Nays, none.



Absent or not voting, 4:

Donohue                      Love                      Sjulín                      Watson

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

Senator Bekman 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.

On motion of Senator Bekman, Senate File 90, a bill for an act to amend the law as it appears in chapter seventy-seven point two (77.2), Code 1939, relating to and providing for unemployment compensation; to so define the term "employment" as to include services performed in the employ of certain instrumentalities of the United States when and to the extent permitted by Act of Congress; to provide for the refund of contributions made by such instrumentalities under certain conditions; and to repeal all acts, or parts of acts, in conflict herewith, was taken up and considered.

Senator Baldwin offered the following amendment and moved its adoption:

Amend Senate File 90 by inserting in line 3 of section 3 after the word "the" the following: "Cedar Rapids Tribune" and by inserting after the word "at" in line 4 of section 3 the following: "Cedar Rapids". Also amend section 3 by inserting after the word "the" in line 4 the following: "Daily Gate City" and by inserting after the word "at" in line 5 the following "Keokuk".

The amendment was adopted.

Senator Bekman 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:

Augustine	Elthon	Hess	Miller
Baldwin	Emerson	Hill	Mowry
Bekman	Evans	Johnson	Munger
Benson	Faul	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Fuller	Leo	Stewart
Clark	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Cromwell	Hart	Lundy	Vrba
Dewey	Harvey	Lynes	Whitehill
Donohue	Henningsen	Mercer	Zeigler
Dykhouse			

Nays, none.

Absent or not voting, 5:

Hattery	Martin	Sjulin	Watson
Hunt			

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

Senator Bekman 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.

Senator Bekman asked and received unanimous consent to immediately message Senate Files 89 and 90 to 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 adopted the following Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 5, relating to the revision of the present Senatorial Districts.  
A. G. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 5

*Whereas*, Article 3, section 34 as amended, of the Constitution of the State of Iowa provides: "The Senate shall be composed of fifty members to be elected from the several Senatorial Districts, established by law and at the next session of the General Assembly held following the taking of the State and the National census, they shall be apportioned among the several counties or districts of the state, according to population as shown by the last preceding census but no county shall be entitled to more than one Senator," and,

*Whereas*, The National census has now been taken and the official figures released;

*Be It Therefore Resolved by the House, the Senate concurring:* That a joint committee of eighteen (18) members be immediately appointed, nine (9) members thereof to be appointed from the Senate by the Lieutenant Governor of the State of Iowa, one (1) member thereof to be from each Congressional District, and nine (9) members to be appointed from the House of Representatives by the Speaker, one (1) member thereof to be from each Congressional District, said committee to prepare a bill revising the present and existing Senatorial Districts to conform to the Constitution of the State of Iowa, Article 3, Section 34 as amended.

*Be It Further Resolved by the House, the Senate concurring:* That the aforesaid joint committee shall prepare and introduce the aforesaid redistricting bill in either house of the General Assembly of the State of Iowa not later than February 25, 1941.

Senator Donohue was granted unanimous consent to take up and consider Senate File 113, a bill for an act to amend chapter two (2), of the Laws of the 48th General Assembly relating to appropriations, at this time.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 113 by inserting in line 3 of section 3 immediately after the word "the" the following: "New Hampton American" and by inserting at the beginning of line 4 the following: "New Hampton". Also amend section 3 by inserting after the word "the" in line 5 the following: "Montezuma Republican" and by inserting after the word "at" in line 6 the following: "Montezuma".

The amendment was adopted.

Senator Donohue 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, 46:

Augustine	Elthon	Hill	Miller
Baldwin	Emerson	Hunt	Mowry
Bekman	Evans	Johnson	Munger
Benson	Faul	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Fuller	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Urba
Dewey	Hattery	Martin	Whitehill
Donohue	Henningsen	Mercer	Zeigler
Dykhouse	Hess		

Nays, none.

Absent or not voting, 4:

Goode	Love	Sjulin	Watson
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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 Donohue 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.

Senator Donohue asked and received unanimous consent to immediately message Senate File 113 to the House.

President Pro Tem Byers took the chair at 11:22 a. m.

On motion of Senator Faul Senate File 98, a bill for an act to amend section nine thousand sixty (9060), Code, 1939, pertain-

ing to annual tax on mutual assessment insurance associations doing business under chapter four hundred six (406) of the Code, was taken up and considered.

Senator Faul 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:

Augustine	Elthon	Henningsen	Martin
Baldwin	Emerson	Hess	Mercer
Bekman	Evans	Hill	Miller
Benson	Faul	Hunt	Mowry
Byers	Findlay	Johnson	Munger
Clark	Fuller	Jones	Pelzer
Corwin	Goode	Leo	Shaw
Cromwell	Hamiel	Long	Stewart
Dewey	Hart	Love	Talbott
Donohue	Harvey	Lundy	Turner
Dykhouse	Hattery	Lynes	Vrba

Nays, none.

Absent or not voting, 6:

Berg	Sjulin	Whitehill	Zeigler
Keir	Watson		

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

Senator Faul 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.

Senator Faul was granted unanimous consent to take up Senate File 100, a bill for an act to amend section seven thousand twenty-two (7022), Code, 1939, relating to the tax on gross premiums of foreign insurance companies.

Senator Faul 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, 43:

Augustine	Elthon	Hess	Mercer
Baldwin	Emerson	Hill	Miller
Bekman	Faul	Hunt	Mowry
Benson	Findlay	Johnson	Munger
Byers	Fuller	Jones	Pelzer
Clark	Goode	Keir	Shaw
Corwin	Hamiel	Leo	Stewart
Cromwell	Hart	Long	Talbott
Dewey	Harvey	Love	Turner
Donohue	Hattery	Lynes	Vrba
Dykhouse	Henningsen	Martin	

Nays, none.

Absent or not voting, 7:

Berg	Lundy	Watson	Zeigler
Evans	Sjulin	Whitehill	

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

Senator Faul 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.

On motion of Senator Faul, Senate File 99, a bill for an act to amend section eight thousand nine hundred six (8906), Code, 1939, relating to the amount of surplus required of mutual insurance companies, was taken up and considered.

Senator Faul 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, 41:

Augustine	Evans	Hess	Mercer
Baldwin	Faul	Hill	Miller
Bekman	Findlay	Hunt	Mowry
Byers	Fuller	Johnson	Munger
Clark	Goode	Jones	Pelzer
Cromwell	Hamiel	Keir	Shaw
Dewey	Hart	Leo	Stewart
Donohue	Harvey	Love	Talbott
Dykhouse	Hattery	Lynes	Turner
Elthon	Henningsen	Martin	Vrba
Emerson			

Nays, none.

Absent or not voting, 9:

Benson	Long	Sjulin	Whitehill
Berg	Lundy	Watson	Zeigler
Corwin			

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

Senator Faul 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.

On motion of Senator Faul, Senate File 101, a bill for an act to amend section eight thousand six hundred fifty-one (8651), Code, 1939, relating to the increasing of the guaranty fund of mutual

life insurance companies from twenty-five thousand dollars (\$25,000) to fifty thousand dollars (\$50,000), and exempting companies now authorized to do business in this state from such increase, was taken up and considered.

Senator Faul 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.

Augustine	Elthon	Hess	Mercer
Baldwin	Emerson	Hill	Miller
Bekman	Evans	Hunt	Mowry
Byers	Faul	Johnson	Munger
Clark	Findlay	Jones	Pelzer
Corwin	Fuller	Keir	Shaw
Cromwell	Goode	Leo	Stewart
Dewey	Hamiel	Love	Talbott
Donohue	Harvey	Lynes	Turner
Dykhouse	Hattery	Martin	Vrba

Nays, none.

Absent or not voting 10:

Benson	Henningsen	Sjulin	Whitehill
Berg	Long	Watson	Zeigler
Hart	Lundy		

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

Senator Faul 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.

Senator Findlay asked and received unanimous consent to change his vote on Senate File 3 from "nay" to "aye".

Senator Elthon took the chair at 11:44 a. m.

#### HOUSE MESSAGES CONSIDERED

House File 29, a bill for an act to amend section five thousand one hundred three and one hundredth (5103.01) of chapter two hundred fifty-two and two tenths (252.2), Code, 1939, to further define "motor vehicle" and to provide exemption of busses used exclusively in conveying school children to and from schools and school activities.

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

Senator Donohue moved that when the Senate adjourns for the day that they adjourn until 10:00 a. m. Monday, which motion prevailed.

On motion of Senator Dewey the Senate recessed until 1:45 p. m.

### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper 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 following concurrent resolution in which the concurrence of the House was asked: Senate Concurrent Resolution 6, providing for the appointment of a joint committee of fifteen to prepare suitable resolutions commemorating the life, character and public service of D. W. Morehouse, and the Speaker has appointed as such committee on the part of the House, Representatives, Poston, Keeney, Duffield, Snakenberg, Brindle, Gregory, Risse, Byrson, and Blue.

A. G. GUSTAFSON, *Chief Clerk.*

### COMMITTEE REPORTS

**MR. PRESIDENT AND MR. SPEAKER:** Your committee, appointed to prepare suitable resolutions commemorating the life, character and public services of the late Daniel W. Morehouse, begs leave to submit the following:

Daniel W. Morehouse was born in a log cabin near Mankato, Minnesota, February 22, 1876, and died at his home, 2700 University Avenue, Des Moines, Iowa, January 21, 1941. His father, Aaron Morehouse, was a Union soldier in the Civil War, a pioneer farmer and merchant. His mother was Sabra Ann Burleson Morehouse, a pioneer woman.

As a boy in Minnesota, and in Grant county, South Dakota, Dr. Morehouse made the best use possible of the educational facilities available to him. It was through his knowledge of Latin that he first became interested in the stars.

A neighbor, trying to read a text on astronomy, called on the young Morehouse boy to translate some Latin references. Young Morehouse not only translated, he stayed to read for himself about the movements of heavenly bodies, outside the earthly environment of man.

When he was eighteen, Dr. Morehouse began teaching a country school in South Dakota, but he was a scholar as well as a teacher, and in 1895 he attended Northwestern Christian college at Excelsior, Minnesota.

It was at Drake University where he began attending classes in 1897, that Dr. Morehouse really began to find himself, however. Immediately after his graduation, in 1900, he began teaching physics and astronomy at Drake, but continued his studies both at Drake and elsewhere. After some

work at the University of Chicago, he returned to Drake to receive his master of science degree.

On June 9, 1903, he married Myrtle Slayton of Des Moines, Iowa, and to this marriage were born three children: Charles Aaron Morehouse, Vega Lorraine Morehouse Lytton, and Frances Roberta Morehouse Glomset. Mrs. Morehouse, the three children and two grandchildren survive him.

Fame came to Dr. Morehouse when he least expected it. September 1, 1908, while a student at the Yerkes observatory at Williams Bay, Wisconsin, he made a photograph of a constellation of stars, and when he developed his plates he found a speck of light that hadn't been charted.

It was a new comet—the Morehouse comet, it was called by scientists the world over. And Dr. Morehouse became an international figure.

In 1919, Dr. Morehouse was named dean of men at Drake university, but he continued his scientific studies, even after his elevation to the presidency in 1923. He served as dean of the liberal arts college, as well as president of the university, until 1930.

Dr. Morehouse was an active member of the Church of Christ, and took an interest in the temperance cause.

Because of his sense of civic responsibility, which extended beyond the campus of Drake university, he obtained the support of Des Moines business men in the building of the Drake university-municipal observatory, in the Waveland golf course. Available to Des Moines people and Drake students alike, the observatory was dedicated in 1921. The observatory was dedicated to Dr. Morehouse.

Using the observatory telescope in 1923 Dr. Morehouse discovered a new nebulous star.

Although his main work and life was in Des Moines, Dr. Morehouse served as instructor of astronomy at the University of California for a brief period in 1911 and 1912.

In 1927 he went to Europe, continuing his scientific work in conferences with astronomers abroad.

In 1930, he served as guest director of the Adler Planetarium in Chicago, Illinois, for a short time.

Many honors came to Dr. Morehouse. He was a member of Phi Beta Kappa, honorary scholastic fraternity; of the British Astronomical association; the Royal Astronomical society; the American Astronomical society; the Iowa State Academy of Science.

In 1930, he was elected president of Section D, the astronomy division of the American Association for the Advancement of Science. In 1932, he received an honorary degree of doctor of laws from Butler university at Indianapolis, Indiana.

He received the Des Moines Tribune community award in 1928.

He was a member of Sigma Xi, honorary scientific fraternity, and of the Chicago Astronomical society. He held the Donahue Comet Medal.

He was a member of the University club, Rotary club, Prairie club, and Des Moines club in Des Moines. Dr. Morehouse was a Mason.

He was elected president of the international convention of the Disciples of Christ in Des Moines in 1934. The following year he was a delegate to the world convention of the Disciples of Christ, held in England.



His work off the campus at Drake university was as notable as his achievements at the university. He gave popular talks on astronomy at the Drake Municipal observatory. He was guest lecturer on astronomy at the American School of Wild Life Protection at McGregor, Iowa.

He had lectured to many scientific groups in all parts of the nation. He was present at the pouring of the 200-inch telescope mirror at Corning, New York, in 1934. He participated in four expeditions to view eclipses: at Matheson, Colorado, in 1918; at Catalina island in 1923; at Island Pond, Vermont, in 1931; at Giggleswich, England, in 1927.

*Therefore, Be It Resolved*, That in the passing of Daniel W. Morehouse the State of Iowa mourns the loss of one of its most honored and distinguished citizens;

*Be It Further Resolved*, That a copy of this resolution be printed in the Journal of the Senate and in the Journal of the House as a commemoration of the life and worth of the deceased, and that enrolled copies hereof be transmitted to the wife and to each of the children.

A. CLAIRE DEWEY.  
ALBERT J. SHAW.  
HUGH W. LUNDY.

D. D. FULLER.  
R. E. HESS.  
G. R. HILL.

*On the part of the Senate.*

GENE POSTON.  
GEO. H. KEENEY.  
R. E. DUFFIELD.  
J. DICK SNAKENBERG.  
J. P. BRINDLE.

CURTIS W. GREGORY.  
H. F. RISSE.  
ROBERT D. BLUE.  
C. A. BRYSON.

*On the part of the House of Representatives.*

Senator Berg submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 97, a bill for an act to provide an emergency appropriation for the enforcement of the Uniform Narcotic Drug Act from February 1, 1941, to July 1, 1941, begs leave to report it has had the same under consideration and recommends the same do pass.

J. BERG, *Chairman.*

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

H. F. 40, Judiciary No. 2.  
H. F. 44, Motor Vehicles.

#### AMENDMENTS FILED

Amend Senate File 19 as follows: Amend by striking the word "five" in line one (1) of Section one (1) and substitute in lieu thereof the word "three". R. E. HESS.

Amend Senate File 58 as follows: Amend by striking the words "twelve thousand seventy-five" in line sixteen (16) and substitute in lieu thereof "twelve thousand two hundred seventy-five". R. E. HESS.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 27, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Orville W. Morrow pastor of the Methodist Church of West Des Moines.

The Journal of January 24th was corrected and approved.

## LEAVE OF ABSENCE

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

Senator Lynes offered the following resolution and moved its adoption:

## SMITH MEMORIAL RESOLUTION

*Whereas*, The Honorable C. Colfax Smith, who was a member of this body during the Forty-seventh and Forty-eighth General Assemblies from the Thirty-ninth District, Butler and Bremer counties, and who had been a member of the House during the Forty-sixth General Assembly from Butler county, died at Clarksville, Iowa, on the fifth day of December, 1939, therefore,

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* That a committee be appointed to draft suitable resolutions commemorating his life, character, and service to the state.

The motion prevailed and Senators Lynes, Shaw and Harvey were appointed on the committee.

## INTRODUCTION OF BILLS

Senate File 160, by Senator Faul, a bill for an act to amend section six thousand sixty-six and nineteen hundredths (6066.19), Code, 1939, relating to collection of sewage rentals or charges, and authorizing the discontinuing of water service for nonpayment of such rentals and charges.

Read first and second times and passed on file.

Senate File 161, by Senator Faul (Gardner of Linn), a bill for

an act making appropriation to defray the expense of the Inaugural Ceremonies.

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

Senator Hill moved that the rules be suspended and that the Senate consider the following resolution :

#### SENATE CONCURRENT RESOLUTION 7

*Whereas*, House File No. twenty-two (22) was acted upon and passed by the House of Representatives on January 22nd, 1941 and thereafter transmitted by the House of Representatives to the Senate and acted upon and passed by the Senate on January 23rd, 1941, and thereafter the said House File No. twenty-two (22) was presented to the Governor on January 24th, 1941, and has not yet been acted upon by him, and

*Whereas*, Since the presentation of said House File No. twenty-two (22) to the Governor as aforesaid, it has been ascertained that said House File No. twenty-two (22) contains typographical and other errors that cause said House File No. twenty-two (22) to fail to properly express the intent of the House of Representatives and the Senate and the General Assembly with reference to the subject matter of House File No. twenty-two (22), and

*Whereas*, Three days have not expired since said House File No. twenty-two (22) was presented to the Governor by the General Assembly, now therefore,

*Be It Resolved by the Senate, the House of Representatives Concurring* : That the House of Representatives be and it is hereby requested to recall said House File No. twenty-two (22) from the Governor and that the Governor be respectfully requested and directed to return said House File No. twenty-two (22) to the General Assembly, said House File No. twenty-two (22) to be returned specifically to the House of Representatives as the body of the General Assembly wherein said House File originated, in order that the errors therein may be corrected and such further action may be taken by the General Assembly as will express its intent with respect to said House File No. twenty-two (22).

*Be It Further Resolved* : That a copy of this resolution, certified to by the Secretary of the Senate and the Chief Clerk of the House be transmitted to the Governor immediately as a request and direction to him to immediately return said House File No. twenty-two (22) to the General Assembly by returning same to the House of Representatives.

There being no dissenting votes and a quorum being present, the rules were unanimously suspended and the Senate took up the consideration of Senate Concurrent Resolution 7.

On the question "Shall the concurrent resolution be adopted?" the vote was :

**Ayes, 42:**

Augustine	Evans	Jones	Pelzer
Baldwin	Faul	Keir	Shaw
Berg	Findlay	Leo	Sjulin
Byers	Goode	Long	Stewart
Corwin	Hamiel	Love	Talbott
Cromwell	Hart	Lynes	Turner
Dewey	Harvey	Martin	Vrba
Donohue	Henningsen	Mercer	Watson
Dykhouse	Hess	Miller	Whitehill
Elthon	Hill	Mowry	Zeigler
Emerson	Johnson		

**Nays, none.****Absent or not voting, 8:**

Bekman	Clark	Hattery	Lundy
Benson	Fuller	Hunt	Munger

The resolution was adopted.

Senator Hill asked and received unanimous consent to have Senate Concurrent Resolution 7 immediately messaged to the House.

Senator Mercer asked and received unanimous consent to take up House Concurrent Resolution 8 at this time.

On motion of Senator Mercer further action on House Concurrent Resolution 8 was deferred.

**THIRD READING OF BILLS**

On motion of Senator Donohue, Senate File 102, a bill for an act to amend, revise and codify chapter four hundred sixty-one (461), Code, 1939, relating to the legislation of official acts of notaries public and of acknowledgments generally, was taken up and considered.

On motion of Senator Donohue, further action was deferred.

On motion of Senator Donohue, Senate File 103, a bill for an act to amend, revise, and codify chapter four hundred sixty-two (462), Code, 1939, relating to legalizing judgment and decrees, was taken up and considered.

On motion of Senator Munger, further action was deferred.

Senator Donohue asked and received unanimous consent to defer action on all of the bills now on the calendar which were introduced by committee on Judiciary No. 2.

Senator Shaw asked and received unanimous consent to defer action on all of the bills on the calendar which were introduced by committee on Judiciary No. 1.

On motion of Senator Berg, Senate File 97, a bill for an act to provide an emergency appropriation for the enforcement of the Uniform Narcotic Drug Act from February 1, 1941, to July 1, 1941, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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, 48:

Augustine	Elthon	Hill	Mowry
Baldwin	Emerson	Hunt	Munger
Bekman	Evans	Johnson	Pelzer
Benson	Faul	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Fuller	Leo	Stewart
Clark	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Cromwell	Hart	Lynes	Vrba
Dewey	Harvey	Martin	Watson
Donohue	Hattery	Mercer	Whitehill
Dykhouse	Henningesen	Miller	Zeigler

Nays, none.

Absent or not voting, 2:

Hess                      Lundy

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

Senator Berg 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.

Senator Harvey asked and received unanimous consent to have 500 additional copies of Senate File 95 printed.

On motion of Senator Hill, the Senate stood at ease until the fall of the gavel.

The Senate resumed regular session.

#### 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 46, a bill for an act relating to pasteurization of dairy products.

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

House File 47, a bill for an act relating to cancellation of warrants.

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

Senate File 66, a bill for an act to approve levies which are in excess of maximum levies authorized by law.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 7, relating to the recall of House File 22 from the Governor.

Also: That the House has concurred in Senate amendments to and passed House File 23, a bill for an act relating to limitation of indebtedness of counties, townships, school districts and other political or municipal corporations.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 8, to provide for a survey of the two main elevators in the Capitol building. A. C. GUSTAFSON, *Chief Clerk*.

#### HOUSE CONCURRENT RESOLUTION 8

*Be It Resolved by the House, the Senate Concurring:* The Speaker of the House, the Lieutenant Governor presiding also over the Senate, each appoint two (2) members of their respective bodies, and to ask these members so appointed to proceed with reasonable dispatch, to survey the two main elevators in the Capitol building as to whether they are in a state of repair or should be replaced, and report such findings before final adjournment.

#### HOUSE MESSAGES CONSIDERED

House File 46, a bill for an act to amend section three thousand seventy-six and one tenth (3076.1), Code, 1939, relating to pasteurization of dairy products.

Read first and second times and passed on file.

House File 47, a bill for an act to amend section fifty-one hundred sixty-four (5164), Code, 1939, relating to cancellation of warrants.

Read first and second times and passed on file.

On motion of Senator Hill, the Senate stood at ease until the fall of the gavel.

### AFTERNOON SESSION

The Senate resumed regular session.

### MESSAGE FROM THE HOUSE

The following message was received from the House:

**MR. PRESIDENT:** I am directed to inform your honorable body that the Governor has returned to the House as requested House File 22, a bill relating to assessment of property for taxation and providing for the assessment of property at sixty per cent of the actual value, and the same will be returned to the Senate upon its request.

A. C. GUSTAFSON, *Chief Clerk.*

### EXECUTIVE SESSION

On motion of Senator Donohue the Senate resolved itself into executive session.

The Senate arose from executive session and resumed regular session.

### INTRODUCTION OF BILLS

Senate File 162, by Senators Shaw and Faul, a bill for an act to promote the public health, convenience and welfare by giving cities and towns the power to create housing assessment districts; to provide for the alteration, removal, repair and improvement of unsanitary and unsafe dwellings, houses, apartments, and tenements; to provide sewer and water facilities for homes; to provide for the assessment and collection of the costs and expenses of such improvements and issuing improvement certificates or issuing and selling bonds therefor.

Read first and second times and passed on file.

Senate File 163, by Senators Watson and Vrba, a bill for an act to amend section eight hundred seven (807), Code, 1939, relating to assisting a voter.

Read first and second times and passed on file.

Senate File 164, by Senator Whitehill, a bill for an act to repeal section forty-five hundred forty-one and nine hundredths (4541.09), Code, 1939, and to enact a substitute therefor, and to



amend sections forty-five hundred forty-one and ten hundredths (4541.10), forty-five hundred forty-one and eleven hundredths (4541.11), and forty-five hundred forty-one and twelve hundredths (4541.12), Code, 1939, all relating to archives.

Read first and second times and passed on file.

Senate File 165, by committee on ways and means, a bill for an act to amend sections four thousand four hundred three (4403), five thousand two hundred sixty-seven (5267), six thousand eight hundred sixty-five (6865), six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), six thousand nine hundred forty-four (6944), six thousand nine hundred forty-six (6946), six thousand nine hundred seventy-two (6972), six thousand nine hundred seventy-six (6976), six thousand nine hundred eighty-two and two tenths (6982.2), seven thousand sixty (7060), seven thousand seventy-five (7075), seven thousand one hundred one (7101), seven thousand one hundred three and thirteenth hundredths (7103.13), seven thousand one hundred nine (7109), seven thousand one hundred fifteen (7115), seven thousand one hundred twenty-one (7121), seven thousand one hundred twenty-nine (7129), seven thousand one hundred twenty-nine and one tenth (7129.1), seven thousand one hundred thirty-nine (7139), seven thousand one hundred forty-eight (7148), seven thousand one hundred eighty-two (7182), and seven thousand one hundred eighty-three and three tenths (7183.3), Code, 1939, relating to assessment of property for taxation and providing for the assessment of property at sixty per cent of actual value.

Read first and second times and placed on calendar.

#### REPORT OF COMMITTEES

Senator Shaw submitted the following report:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 83, a bill for an act to amend section 7806, Code, 1939, relating to the right of counties to take private property for public use, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Senator Shaw submitted the following report:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 70, a bill for an act to amend and revise section 5038.14 relating to dismissal of actions brought against non-resident defendants

and the manner of original notice in such actions, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 53.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 53.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 160.....	Cities and Towns
S. F. 162.....	Cities and Towns
S. F. 163.....	Election Reform
S. F. 164.....	Departmental Affairs
H. F. 46.....	Dairying
H. F. 47.....	Judiciary 1

#### SPECIAL ORDER

On motion of Senator Hill, Senate File 165 was made a special order for 10:00 a. m. Tuesday.

#### AMENDMENTS FILED

Amend Senate File 44 as follows:

Amend by striking from lines two (2) and three (3) the words "thereto a new section, as follows" and substitute in lieu thereof the words and figures "to section six thousand nine hundred forty-three and forty thousandths (6943.040), the following subsections".

Amend by striking the figures "1938" in line ten (10) and substitute in lieu thereof the figures "1939".

Amend by adding the following subsections:

3. The provisions of subsections one (1) and two (2) of this act shall be applicable to taxable years beginning after December 31, 1939.

4. The provisions of subsection one (1) of this act shall be retroactively applied in computing income for any taxable year subject to the provisions of the income tax act, chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, if

(a) The taxpayer elects in writing, in accordance with regulations prescribed by the commission, within one (1) year from the date of the enactment of this act, to treat such loans as income for such year, and

(b) The records of the taxpayer are sufficient to permit an accurate computation of income for such year, and

(c) The taxpayer consents in writing to the assessment, within such period as may be agreed upon, of any deficiency for such year, even though the statutory period for the assessment of any such deficiency had expired prior to the filing of such consent. Any tax overpaid for any such year shall be credited or refunded, subject to the statutory period of limitation properly applicable thereto.

5. In computing income for any taxable year subject to the provisions of the Iowa Income Act as amended, the basis for determining gain or loss from the sale or other disposition of any property, pledged to the Commodity Credit Corporation as security on a loan obtained therefrom, shall be adjusted for the amount of such loan to the extent it was considered as income and included in gross income for the year in which received, and for the amount of any deficiency on such loan with respect to which the taxpayer was relieved from liability. By Senator Shaw.

Amend Senate File 6 by inserting in line 7 thereof, after the word "mills", the following: "and not to exceed three and one-half (3½) mills in counties having a population of more than one hundred thousand (100,000)". By Senators Faul and Munger.

Amend Senate File 37 by inserting after the word "the" in line 4 of section 2 thereof the words "Wilton Advocate"; further amend said section by inserting in line 4 thereof, after the word "of", the words "Wilton Junction". By Senator Faul.

Amend Senate File 58 as follows:

By striking all of the title to the said act and substituting therefor the following:

An Act to amend sections twelve thousand two hundred sixty-three (12263), twelve thousand two hundred seventy-five (12275) and twelve thousand two hundred sixty-seven (12267), Chapter five hundred nineteen (519) of the 1939 Code of Iowa, which has to do with forcible entry and detention of real property. By Senator Hess.

Amend Senate File 64 by inserting in line 3 of section 1, after the word "government" the following: "having a population of less than one hundred twenty-five thousand (125,000)". By Senator Faul.

Amend Senate File 64 as follows:

Strike all of section one (1) and insert in lieu thereof the following:

"The Council of any city or town, including cities of the first class

under the commission form of government having a population of less than one hundred twenty-five thousand (125,000) and special charter cities, which owns or otherwise acquires an airport or airports may, and upon petition of ten per cent of the number of qualified electors who voted at the last city election shall, at any city election if one is to be held within 60 days from the filing of said petitions, or special election called for that purpose, submit to the voters the question as to whether the management and control of such airport, or airports, shall be placed in an Airport Commission."

Sec. 2. Strike all of lines one (1) and two (2) of section 4, and insert in lieu thereof the following:

"When a majority of the votes cast upon said proposition at such election shall have declared in favor of the proposition of".

Sec. 3. Amend line fifteen (15) of section 4, by adding after the word "chairman," the words, "and secretary."

Sec. 4. Strike all of section five (5) and insert in lieu thereof the following:

"Said commission shall have and exercise all of the powers granted to cities and towns under this chapter. The commission shall annually certify the amount of tax within the limitations of this chapter to be levied for airport purposes, and upon such certification the city council shall include said amount in its budget.

All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of said commission for the purposes prescribed by law, and shall be deposited with the city treasure to the credit of the airport commission, and shall be disbursed only on the written warrants or orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation, and extension thereof."

Sec. 5. Amend section six (6) by striking all of section six (6) and inserting in lieu thereof the following:

"The airport commission shall immediately after the close of each municipal fiscal year, file with the city clerk a detailed and audited written report of all money received and disbursed by said commission during said fiscal year, and shall publish a summary thereof in an official newspaper in said city or town."

Sec. 6. Strike all of section seven (7) and renumber subsequent sections.

Sec. 7. Amend line four (4) of section eight (8) by striking the words "Iowa Legionaire" and "Des Moines, Iowa" and inserting in lieu thereof the words "Davis County Republican" and "Bloomfield, Iowa." By Senator Bekman.

Amend Senate File 88 by inserting after the word "cities" in line 2 of section 1 the following: "having a population of less than one hundred twenty-five thousand (125,000)". By Senator Faul.

Amend Senate File 161 by striking from lines 4 and 5 of section 2 thereof the words "Mount Vernon Hawkeye-Record, a newspaper published in the city of Mount Vernon, Iowa," and by inserting in lieu thereof

the following: "Lisbon Herald, a newspaper published in the city of Lisbon, Iowa". By Senator Faul.

On motion of Senator Dewey, the Senate adjourned until 10:00 a. m. Tuesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 28, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Lawrence A. Athey, pastor of the Methodist church of Corydon.

The Journal of January 27th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petition was presented and placed on file:

By Senator Lynes, from the Independent Druggists' Association of Waverly favoring passage of Senate File 95.

## INTRODUCTION OF BILLS

Senate File 166, by Senator Faul, a bill for an act authorizing boards of waterworks trustees of municipally owned waterworks in certain cities to procure group insurance for employees of such waterworks, to establish a plan and fund for such purpose, and to administer the same.

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

Senate File 167, by Senator Augustine, a bill for an act to provide for the use of specified percentages of net profits from State Liquor Stores for police protection of cities, towns and counties wherein said liquor stores are located.

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

Senate File 168, by committee on ways and means, a bill for an act to amend sections five thousand five hundred twenty-six and nineteen hundredths (5526.19), five thousand nine hundred forty-two and four tenths (5942.4), six thousand seventy-three (6073), six thousand five hundred eighty-five (6585), six thousand five hundred ninety-seven (6597), and eight thousand one hundred

ninety-four (8194), Code, 1939, relating to and fixing the maximum amounts that may be assessed against property for special improvements.

Read first and second times and placed on the calendar.

Senate File 169, by Senator Elthon, a bill for an act to amend section four thousand three hundred eighty-six (4386), Code, 1939, relating to school taxes.

Read first and second times and referred to committee on public schools.

Senate File 170, by Senator Dykhouse, a bill for an act to amend sections four thousand ninety-eight (4098), four thousand one hundred fifty-one (4151), four thousand two hundred sixteen and one hundredth (4216.01), four thousand two hundred sixteen and twenty-four hundredths (4216.24), four thousand two hundred sixteen and twenty-eight hundredths (4216.28), four thousand two hundred twenty (4220), four thousand two hundred twenty-three and two tenths (4223.2), and four thousand two hundred forty (4240), Code, 1939, relating to the time of holding school elections and the organization of newly elected school boards.

Read first and second times and referred to committee on public schools.

Senate File 171, by Senator Findlay, a bill for an act to repeal section five thousand seven hundred ninety-one (5791), Code, 1939, relating to compensation for park commissioners in certain cities.

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

Senate File 172, by Senator Hess, a bill for an act to amend section one thousand two hundred twenty-five and one hundredth (1225.01), Code, 1939, relating to mileage allowances of public officers and employees.

Read first time and by unanimous consent withdrawn.

Senator Berg asked and received unanimous consent to correct the wording in line 9 of the preamble to Senate File 97 by striking out the words and figures "Forty-seventh (47th)".

## SPECIAL ORDER

Senator Hill asked unanimous consent to suspend the rules and take up Senate File 165.

There being no objections offered, and a quorum being present, the rules were declared to have been suspended by a two-thirds majority.

## THIRD READING OF BILLS

On motion of Senator Hill, Senate File 165, a bill for an act to amend sections four thousand four hundred three (4403), five thousand two hundred sixty-seven (5267), six thousand eight hundred sixty-five (6865), six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), six thousand nine hundred forty-four (6944), six thousand nine hundred forty-six (6946), six thousand nine hundred seventy-two (6972), six thousand nine hundred seventy-six (6976), six thousand nine hundred eighty-two and two tenths (6982.2), seven thousand sixty (7060), seven thousand seventy-five (7075), seven thousand one hundred one (7101), seven thousand one hundred three and thirteenth hundredths (7103.13), seven thousand one hundred nine (7109), seven thousand one hundred fifteen (7115), seven thousand one hundred twenty-one (7121), seven thousand one hundred twenty-nine (7129), seven thousand one hundred twenty-nine and one tenth (7129.1), seven thousand one hundred thirty-nine (7139), seven thousand one hundred forty-eight (7148), seven thousand one hundred eighty-two (7182), and seven thousand one hundred eighty-three and three tenths (7183.3), Code, 1939, relating to assessment of property for taxation and providing for the assessment of property at sixty per cent of actual value, was taken up and considered.

Senator Hill offered the following amendments and moved their adoption:

Amend Senate File 165 as follows:

1. Amend Sec. 3 by adding after the word "sixty" in line 4 the following "in each of said lines".
2. Amend Sec. 4 by striking from line 7 the words "as herein amended".
3. Amend Sec. 7 by striking from lines 5 and 6 the words "as herein amended".
4. Amend Sec. 8 by striking from line 4 the words "as herein amended".



5. Amend Sec. 10 by removing the period after the word "ascertained" in line 4 and by placing a period at the end of said line.

6. Amend Sec. 13 by striking from line 6 the words "as herein amended".

7. Amend Sec. 15 by striking from line 4 the words "and twelve hundred six (1206)" and inserting in lieu thereof the words, "twelve hundred six (1206) and twelve hundred seven (1207)".

8. Amend Sec. 26 by inserting in line 3 immediately following the word "in" the following "the Eagle Grove Eagle".

Further amend said Section by inserting in line 4 immediately following the word "at" the following "Eagle Grove".

Further amend said Section by inserting in line 4 immediately following the word "in" the words "the Villisca Review".

Further amend said Section by inserting in line 5 immediately following the word "at" the word "Villisca".

The amendments were adopted.

Senator Hill offered the following amendment and moved its adoption:

Amend Senate File 165 by adding thereto immediately following Sec. 25 a new section as follows:

"All references to code sections herein shall be construed as referring to those sections as amended by this act."

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, 48:

Baldwin	Emerson	Hill	Miller
Bekman	Evans	Hunt	Mowry
Benson	Faul	Johnson	Pelzer
Berg	Findlay	Jones	Shaw
Byers	Fuller	Keir	Sjulin
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Long	Talbott
Cromwell	Hart	Love	Turner
Dewey	Harvey	Lundy	Vrba
Donohue	Hattery	Lynes	Watson
Dykhouse	Henningsen	Martin	Whitehill
Elthon	Hess	Mercer	Zeigler

Nays, 1:

Munger

Absent or not voting, 1:

Augustine

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, which motion prevailed.

Senator Hill asked and received unanimous consent to have Senate File 165 immediately messaged to the House.

Senator Hill moved that the Senate request the House to return House File 22.

The motion prevailed.

On motion of Senator Mowry, Senate File 83, a bill for an act to amend section seven thousand eight hundred six (7806), Code, 1939, relating to the right of counties to take private property for public use, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry 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, 49:

Augustine	Emerson	Hill	Mowry
Baldwin	Evans	Hunt	Munger
Bekman	Faul	Johnson	Pelzer
Benson	Findlay	Jones	Shaw
Berg	Fuller	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hess	Miller	Zeigler
Elthon			

Nays, none.

Absent or not voting, 1:

Lundy

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

Senator Mowry 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.

Senator Mercer asked and received unanimous consent to take up the following concurrent resolution:

## HOUSE CONCURRENT RESOLUTION 8

*Be It Resolved by the House, the Senate Concurring:* The Speaker of the House, the Lieutenant Governor presiding also over the Senate, each appoint two (2) members of their respective bodies, and to ask these members so appointed to proceed with reasonable dispatch, to survey the two main elevators in the Capitol building as to whether they are in a state of repair or should be replaced, and report such findings before final adjournment.

On motion of Senator Mercer, the resolution was adopted, and Senators Mercer and Emerson were appointed on the committee.

## THIRD READING OF BILLS

On motion of Senator Hill, Senate File 70, a bill for an act to amend and revise section five thousand thirty-eight and fourteen hundredths (5038.14), Code of Iowa, relating to the dismissal of actions brought against non-resident defendants and the manner of service of original notice in such actions, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hill asked and received unanimous consent to temporarily defer action on Senate File 70.

## 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 directed me to return House File No. 22, a bill for an act relating to assessment of property for taxation and providing for the assessment of property at sixty per cent of actual value, and said bill is returned herewith.

A. C. GUSTAFSON, *Chief Clerk.*

Senator Hill asked and received unanimous consent to take up House File 22, a bill for an act to amend sections four thousand four hundred three (4403), five thousand two hundred sixty-seven (5267), six thousand eight hundred sixty-five (6865), six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), six thousand nine hundred forty-four (6944), six thousand nine hundred forty-six (6946), six thousand nine hundred seventy-two (6972), six thousand nine hundred seventy-six (6976), six thousand nine hundred eighty-two and two tenths (6982.2), seven thousand sixty (7060), seven thousand seventy-five (7075), seven thousand one hundred one

(7101), seven thousand one hundred three and thirteen hundredths (7103.13), seven thousand one hundred nine (7109), seven thousand one hundred fifteen (7115), seven thousand one hundred twenty-one (7121), seven thousand one hundred twenty-nine (7129), seven thousand one hundred twenty-nine and one tenth (7129.1), seven thousand one hundred thirty-nine (7139), seven thousand one hundred forty-eight (7148), seven thousand one hundred eighty-two (7182), and seven thousand one hundred eighty-three and three tenths (7183.3). Code, 1939, relating to assessment of property for taxation and providing for the assessment of property at sixty per cent of actual value.

Senator Hill moved that the signature of the President of the Senate to House File 22 and his report thereon be expunged from the record.

The motion prevailed unanimously and the signature of the President of the Senate to House File 22 was expunged from the record.

Senator Hill moved that the vote by which the report of the committee on enrolled bills was adopted be reconsidered.

The motion prevailed.

Senator Hill moved that the report of the committee on enrolled bills on House File 22 be rejected.

The motion prevailed.

Senator Hill moved that House File 22 and the motion to reconsider the vote by which it passed the Senate be taken from the table.

A quorum being present and there being no objections the motion to take House File 22 from the table carried unanimously.

Senator Hill moved that the Senate reconsider the vote by which House File 22 passed the Senate.

On the question, "Shall the Senate reconsider the vote by which House File 22 passed the Senate?" the vote was:

**Ayes, 47:**

Augustine	Byers	Donohue	Faul
Baldwin	Clark	Dykhouse	Findlay
Bekman	Corwin	Elthon	Fuller
Benson	Cromwell	Emerson	Goode
Berg	Dewey	Evans	Hamiel

Hart	Jones	Mercer	Talbott
Harvey	Keir	Miller	Turner
Hattery	Leo	Mowry	Vrba
Henningsen	Long	Pelzer	Watson
Hill	Love	Shaw	Whitehill
Hunt	Lynes	Sjulin	Zeigler
Johnson	Martin	Stewart	

Nays, none.

Absent or not voting, 3:

Hess                      Lundy                      Munger

The motion to reconsider having received a constitutional majority was declared to have passed the Senate.

Senator Hill moved to reconsider the vote by which House File 22 passed to its third reading.

The motion prevailed.

### THIRD READING OF BILLS

The Senate resumed consideration of Senate File 70.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 70 by striking all of Section 1 and substituting in lieu thereof the following:

"Section 1. Section five thousand thirty-eight and fourteen hundredths (5038.14), Code, 1939, is hereby amended by striking the word 'appeared' in line 2 and inserting in lieu thereof the following, 'entered a general appearance'".

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 70 by adding thereto the following:

"Sec. 2. Section five thousand thirty-eight and two hundredths (5038.02), Code, 1939, is amended by adding thereto a new sub-section as follows, 'The executor or administrator of the estate of the owner or operator of the motor vehicle.'"

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, 48:**

Augustine	Elthon	Hess	Mowry
Baldwin	Emerson	Hill	Munger
Bekman	Evans	Hunt	Pelzer
Benson	Faul	Johnson	Shaw
Berg	Findlay	Jones	Sjulin
Byers	Fuller	Keir	Stewart
Clark	Goode	Leo	Talbott
Corwin	Hamiel	Long	Turner
Cromwell	Hart	Love	Vrba
Dewey	Harvey	Lynes	Watson
Donohue	Hattery	Martin	Whitehill
Dykhouse	Henningsen	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 2:**

Lundy                      Mercer

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

Senator Donohue offered the following amendment to the title and moved its adoption :

Amend the title to Senate File 70 by striking all of the title and inserting in lieu thereof the following :

“An Act to amend sections five thousand thirty-eight and two hundredths (5038.02) and five thousand thirty-eight and fourteen hundredths (5038.14), Code, 1939, relating to actions against non-resident defendants.”

The amendment was adopted and the title as amended 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, which motion prevailed.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 66.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 66.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has on this 28th day of January, 1941, sent to the Governor for his approval, Senate File 66. EDWARD H. VRBA, *Chairman.*

Passed on file.

Senator Miller offered the following resolution and moved its adoption:

#### HOPKINS MEMORIAL RESOLUTION

*Whereas*, The Honorable G. M. Hopkins, who was a member of this body continuously from the Forty-fifth until the Forty-ninth General Assembly from the Seventeenth District, Dallas, Guthrie, and Audubon counties and who was a member of the House of Representatives from the Forty-second General Assembly until the Forty-fifth General Assembly from Guthrie county died at his farm home near Guthrie Center, Iowa, on the 26th day of October, 1940, therefore,

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* That a committee of three (3) be appointed to draft suitable resolutions commemorating his life, character, and service to the state.

The resolution was adopted and Senators Miller, Byers and Corwin were appointed on the committee.

#### REPORT OF COMMITTEE

Senator Mowry submitted the following report:

**MR. PRESIDENT:** Your committee on Public Schools to which was referred Senate File 27, a bill for an act to amend section forty-two hundred seventy-seven (4277), chapter two hundred fifteen (215), Code, 1939, relating to the payment of tuition for non-resident pupils attending an approved public high school in another district, begs leave to report it has had the same under consideration and recommends the same do pass.

ROSS R. MOWRY, *Chairman.*

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 166.....	Insurance
S. F. 167.....	Judiciary 2
S. F. 169.....	Public Schools
S. F. 170.....	Public Schools
S. F. 171.....	Cities and Towns

Senator Hess moved that the Senate recess until 2:00 p. m.

Senator Donohue 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

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 29, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Louis H. Joslin, pastor of the Methodist Church of Rippey.

The Journal of January 28th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petition was presented and placed on file:

By Senator Hart, from the barbers of Keokuk favoring passage of a minimum price law.

## LEAVE OF ABSENCE

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

## INTRODUCTION OF BILLS

Senate File 173, by Senator Cromwell, a bill for an act to amend section ten thousand five hundred and two (10502), Code, 1939, providing for place of bringing action for injuries to a person or damage to property caused by motor vehicles in Justice of the Peace Courts.

Read first and second times and referred to committee on judiciary 2.

Senate File 174, by Senators Cromwell and Bekman, a bill for an act creating a boiler inspection department within the Department of Labor, providing for notice of intention to install and inspection of steam boilers, generators, superheaters, and creating the office of state boiler inspector, defining his duties, and providing for the enforcement of boiler inspection provisions of the Act and providing penalties for the violation thereof.

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

Senate File 175, by Senators Munger, Martin, Faul and Crom-

well, a bill for an act to amend section fifty-seven hundred sixty-six (5766), chapter two hundred ninety-two (292), Code, 1939, relating to fire departments in cities and towns, their organization, equipment, payment for services, and making mandatory paid fire departments in cities of ten thousand (10,000) population or more.

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

Senate File 176, by Senator Berg, a bill for an act to amend sections one thousand five hundred fifty-six and two hundredths (1556.02), one thousand five hundred fifty-six and three hundredths (1556.03), and one thousand five hundred fifty-six and seven hundredths (1556.07), Code, 1939, relating to cigarette tax.

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

Senate File 177, by committee on insurance, a bill for an act to amend section eighty-nine hundred twenty-seven (8927), Code, 1939, relating to investments of insurance companies organized under chapter four hundred four (404), Code, 1939.

Read first and second times and placed on calendar.

Senate File 178, by committee on insurance, a bill for an act to amend chapter four hundred four (404), Code, 1939, relating to loss to growing crops by hail, and providing for notice thereof.

Read first and second times and placed on calendar.

Senate File 179, by committee on insurance, a bill for an act to amend sections eight thousand six hundred eighty-four and two hundredths (8684.02) and eight thousand six hundred eighty-four and three hundredths (8684.03), Code, 1939, relating to group insurance pertaining to persons associated with a principal by a contractual relationship.

Read first and second times and placed on calendar.

Senate File 180, by committee on insurance, a bill for an act to amend sections eight thousand seven hundred eighty (8780) and eight thousand seven hundred eighty-nine and one tenth (8789.1), Code, 1939, relating to fraternal beneficiary associations, their rights, privileges and obligations, and authorizing the

issuance of certificates not exceeding three hundred (\$300.00) dollars in amount without regard to age or medical examination.

Read first and second times and placed on calendar.

Senate File 181, by committee on insurance, a bill for an act to authorize minors of not less than fifteen (15) years of age to contract for life insurance.

Read first and second times and placed on calendar.

Senate File 182, by committee on insurance, a bill for an act to amend section twelve thousand seven hundred seventy-two (12772), Code, 1939, relating to investment of trust funds by fiduciaries.

Read first and second times and placed on calendar.

Senate File 183, by committee on insurance, a bill for an act to authorize minors, who shall have attained the age of eighteen (18) years, to be competent to receive benefit payments of life insurance proceeds and receipt therefor.

Read first and second times and placed on calendar.

Senate File 184, by Senator Martin, a bill for an act to amend sections seven hundred eighteen and seven hundredths (718.07) and seven hundred eighteen and thirteen hundredths (718.13), Code, 1939, relating to elections and permanent registration of voters, and to amend section seven hundred forty-eight (748), Code, 1939, relating to printing of names on election ballots.

Read first and second times and referred to committee on election reform.

Senate File 185, by Senator Augustine, a bill for an act to amend section one thousand eight hundred thirty-one (1831), chapter eighty-eight (88), Code, 1939, to permit fence viewers to employ the services of a registered land surveyor.

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

Senate File 186, by Senator Donohue, a bill for an act to amend sections six thousand three hundred twenty-six and four hundredths (6326.04) and six thousand three hundred twenty-six and five hundredths (6326.05), Code, 1939, relating to retirement systems for policemen and firemen.

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

Senate File 187, by Senator Hattery, a bill for an act to amend section six thousand nine hundred forty-three and thirty thousandths (6943.030), Code, 1939, to authorize the administration of oaths by county treasurers, deputy county treasurers and employees of county treasurers' offices when authorized and required by the State Tax Commission; to provide for the signature to the jurat thereof and to provide for affixing the seal of the county treasurer thereon.

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

Senate File 188, by Senator Watson, a bill for an act providing for the maintenance of county historical societies and providing method of support for such societies and providing authority for the erection of a suitable building.

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

#### 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 Senate is asked:

House Concurrent Resolution 9 relating to the printing of data submitted on pending bills.

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

House Concurrent Resolution 11, providing for the printing of the survey and plans of the proposed state office building.

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

House File 50, a bill for an act to provide for an accounting by the commission to the Treasurer of the State for all moneys collected under Chapter 252.2.

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

House File 71, a bill for an act relating to tax redemption.

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

House File 93, a bill for an act relating to impersonating an officer of the Iowa Highway Safety Patrol.

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

House File 94, a bill for an act relating to the fees to be charged by the secretary of state for recording and for copies of documents.

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

Senate File 113, a bill for an act relating to appropriations.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 9

*Be It Resolved by the House, the Senate Concurring:* That all persons submitting data on pending bills be requested to have same printed on sheet or sheets size  $7\frac{1}{2}$  x 10" and punched  $6\frac{1}{4}$ " center to center, in order that same may be inserted in Bills binder, as desired, by the members.

#### HOUSE CONCURRENT RESOLUTION 11

*Whereas,* At the request of the Governor's Executive Council and the Legislative Interim Committee,

Dean F. M. Dawson of the Engineering department at the State University,

Dean Thomas R. Agg of the Division of Engineering at Iowa State College,

and W. L. Perkins, architect, have made a survey and study of the office and office rental situation of the state and have filed a report of their findings with the Comptroller and their recommendations with respect to the providing of State office space and,

*Whereas,* The said report, together with the plats and plans filed with the Comptroller, should be made available for study by members of the legislature and other interested parties.

*Be It Resolved by the House of Representatives, the Senate Concurring Therein:* That 1,000 copies of said report be printed, and that each Representative and Senator be furnished copies thereof and that at least six (6) copies of all such plans and specifications be made, three (3) to be made available in the House chamber and three (3) in the Senate chamber, and the chairman of the respective Printing Committee in the House and Senate are hereby appointed a committee to carry out the provisions hereof.

Senator Berg offered the following resolution and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 8

*Be It Resolved by the Senate, the House Concurring:* That a joint committee be appointed consisting of three members of the Senate to be

appointed by the President of the Senate and three members of the House to be appointed by the Speaker of the House to arrange for the acceptance of bids for the photographing of members of the Forty-ninth General Assembly to be assembled for the Historical building and to be used in the publication of the Iowa Official Register.

The motion prevailed, the resolution was adopted and Senators Cromwell, Munger and Clark were appointed on the committee.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 113.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 113.

#### BILLS SENT TO THE GOVERNOR

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

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 29th day of January, 1941, sent to the governor for his approval, Senate File 113.

EDWARD H. VRBA, *Chairman.*

Passed on file.

#### THIRD READING OF BILLS

On motion of Senator Hill, Senate File 168, a bill for an act to amend sections five thousand five hundred twenty-six and nineteen hundredths (5526.19), five thousand nine hundred forty-two and four tenths (5942.4), six thousand seventy-three (6073), six thousand five hundred eighty-five (6585), six thousand five hundred ninety-seven (6597), and eight thousand one hundred ninety-four (8194), Code, 1939, relating to and fixing the maximum amounts that may be assessed against property for special improvements, was taken up and considered.

Senator Hunt offered the following amendment and moved its adoption :

Amend Senate File 168 by inserting in line 3 of Sec. 7 following the word "in" the words, "the Goldfield Gazette".

Further amend said section by inserting in line 4 after the word "at", the word "Goldfield".

Further amend line 4 of said section by adding immediately following the word "in", the words, "the Hawkeye Beacon".

Further amend said section by adding immediately following the word "at" in line 5, the word "Hawkeye".

The amendment was adopted.

Senator Hunt 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, 46:

Augustine	Evans	Hunt	Munger
Bekman	Faul	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Fuller	Leo	Sjulin
Clark	Goode	Long	Stewart
Corwin	Hamiel	Lundy	Talbott
Cromwell	Hart	Lynes	Turner
Dewey	Harvey	Martin	Vrba
Donohue	Hattery	Mercer	Watson
Dykhouse	Henningsen	Miller	Whitehill
Elthon	Hess	Mowry	Zeigler
Emerson	Hill		

Nays, none.

Absent or not voting, 4:

Baldwin	Benson	Johnson	Love
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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 Hunt 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.

Senator Hunt asked and received unanimous consent to have Senate File 168 immediately messaged to the House.

On motion of Senator Martin, Senate File 27, a bill for an act to amend section forty-two hundred seventy-seven (4277), chapter two hundred fifteen (215), Code, 1939, relating to the payment of tuition for nonresident pupils attending an approved public high school in another district, with report of committee

recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Martin 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:

Augustine	Evans	Hill	Mowry
Berg	Faul	Hunt	Munger
Byers	Findlay	Johnson	Pelzer
Clark	Fuller	Keir	Shaw
Corwin	Hamiel	Long	Stewart
Cromwell	Hart	Love	Talbott
Dewey	Harvey	Lynes	Turner
Donohue	Hattery	Martin	Vrba
Elthon	Henningesen	Mercer	Watson
Emerson	Hess	Miller	Whitehill

Nays, none.

Absent or not voting, 10:

Baldwin	Dykhouse	Leo	Sjulin
Bekman	Goode	Lundy	Zeigler
Benson	Jones		

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

Senator Martin 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.

Senate Shaw asked and received unanimous consent to take up Senate File 152, a bill for an act to amend section one thousand two hundred twenty-five and one hundredth (1225.01), Code, 1939, relating to mileage allowances of public officers and employees.

Senator Hess 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, 43:

Augustine	Faul	Johnson	Munger
Berg	Findlay	Jones	Pelzer
Byers	Fuller	Keir	Shaw
Clark	Hamiel	Leo	Sjulin
Corwin	Hart	Long	Stewart
Cromwell	Harvey	Love	Talbott
Dewey	Hattery	Lynes	Turner
Donohue	Henningesen	Martin	Vrba
Elthon	Hess	Mercer	Watson
Emerson	Hill	Miller	Whitehill
Evans	Hunt	Mowry	



Nays, none.

Absent or not voting, 7:

Baldwin	Benson	Goode	Zeigler
Bekman	Dykhouse	Lundy	

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

Senator Hess 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.

Senator Hess asked and received unanimous consent to have Senate File 152 immediately messaged to the House.

Senator Shaw asked and received unanimous consent to withdraw Senate File 153 from further consideration.

Senator Emerson asked and received unanimous consent to have the rules suspended and to consider House Concurrent Resolution 11 at this time.

Senator Emerson moved to amend the resolution by striking from line 2 of the body of the resolution the figures "1000" and inserting in lieu thereof "2000".

The amendment was adopted.

On motion of Senator Emerson, the resolution 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 passed the following bill in which the concurrence of the House was asked:

Senate File No. 165, a bill for an act relating to assessment of property for taxation and providing for the assessment of property at 60 per cent of actual value.

A. C. GUSTAFSON, *Chief Clerk*

#### THIRD READING OF BILLS

Senator Donohue asked and received unanimous consent to take up Senate File 107, a bill for an act to amend, revise and codify section ten thousand four hundred seven (10407), Code, 1939, relating to the legalization of the notice of appointment of executors and administrators.

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, 42:**

Augustine	Faul	Johnson	Mowry
Berg	Findlay	Jones	Pelzer
Byers	Fuller	Keir	Shaw
Clark	Goode	Leo	Sjulin
Corwin	Hart	Long	Stewart
Cromwell	Harvey	Love	Talbott
Dewey	Hattery	Lynes	Turner
Donohue	Henningsen	Martin	Vrba
Elthon	Hess	Mercer	Watson
Emerson	Hill	Miller	Whitehill
Evans	Hunt		

**Nays, none.**

**Absent or not voting, 8:**

Baldwin	Benson	Hamiel	Munger
Bekman	Dykhouse	Lundy	Zeigler

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, which motion prevailed.

Senator Donohue asked and received unanimous consent to take up Senate File 109, a bill for an act to amend and revise chapter four hundred eighty-seven (487), Code, 1939, relating to limitations of actions.

On motion of Senator Byers further action on Senate File 109 was deferred.

Senator Findlay asked and received unanimous consent to have Senate File 171 withdrawn from further consideration of the Senate.

#### HOUSE MESSAGES CONSIDERED

House File 50, a bill for an act to amend section five thousand one hundred three and eleven hundredths (5103.11), chapter two hundred fifty-two and two tenths (252.2), Code, 1939, to provide for an accounting by the commission to the treasurer of the state for all moneys collected under chapter two hundred fifty-two and two tenths (252.2); also to amend section one hundred forty-three

(143), chapter eleven (11), Code, 1939, to except the Iowa State Commerce Commission from the provisions thereof.

Read first and second times and passed on file.

House File 71, a bill for an act to amend section seven thousand two hundred seventy-nine (7279), Code, 1939, relating to tax redemption.

Read first and second times and passed on file.

House File 93, a bill for an act to amend chapter sixty-seven and one tenth (67.1), Code, 1939, relating to impersonating an officer of the Iowa Highway Safety Patrol.

Read first and second times and passed on file.

House File 94, a bill for an act to amend sections eighty-eight (88), eight thousand three hundred forty-nine (8349) eight thousand three hundred sixty (8360), eight thousand three hundred sixty-eight (8368), eight thousand four hundred sixty-two (8462), eight thousand four hundred ninety (8490), eight thousand five hundred twelve and forty-five hundredths (8512.45), and nine thousand two hundred eighty-three and fifty-two hundredths (9283.52), Code, 1939, relating to the fees to be charged by the secretary of state for recording and for copies of documents.

Read first and second times and passed on file.

President Hickenlooper announced the appointment of Harry Ogle as his page.

The Secretary of the Senate announced the appointment of Wilbur Knop as his page.

On motion of Senator Donohue the Senate recessed until 2:15 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Lynes for the balance of the day on request of Senator Henningsen.

## REPORTS OF COMMITTEES

Senator Hill submitted the following report :

**MR. PRESIDENT:** Your committee on Ways and Means to which was referred Senate File 42, a bill for an act to amend section (7171), code, 1939, relative to annual levies, begs leave to report it has had the same under consideration and recommends the same do pass.

G. R. HILL, *Chairman.*

Ordered passed on file.

Senator Talbott submitted the following report :

**MR. PRESIDENT:** Your committee on County and Township Affairs to which was referred Senate File 6, a bill for an act to amend Section 3828.114, Code, 1939, permitting the boards of supervisors of the various counties of the state to levy an additional one and one-half mills for the support of the poor, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN E. TALBOTT, *Chairman*

Ordered passed on file.

Senator Mercer asked and received unanimous consent to escort Dr. Virgil Hancher, the new president of the University of Iowa, to the rostrum.

The motion prevailed and Senators Shaw and Mercer escorted President Hancher to the rostrum. He addressed the Senate briefly.

Senator Lundy asked and received unanimous consent to suspend the rules and take up Senate File 42.

## THIRD READING OF BILLS

On motion of Senator Lundy, Senate File 42, a bill for an act to amend section seven thousand one hundred seventy-one (7171), Code, 1939, relative to annual levies, with report of committee recommending passage, was taken up, considered, and report of the committee adopted.

Senator Lundy 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, 41:

Bekman	Corwin	Emerson	Goode
Benson	Dewey	Evans	Hamiel
Berg	Donohue	Faul	Hart
Byers	Dykhouse	Findlay	Harvey
Clark	Elthon	Fuller	Hattery

Henningsen	Long	Mowry	Turner
Hill	Lundy	Munger	Vrba
Hunt	Martin	Shaw	Watson
Johnson	Mercer	Sjulin	Whitehill
Keir	Miller	Stewart	Zeigler
Leo			

Nays, none.

Absent or not voting, 9:

Augustine	Hess	Love	Pelzer
Baldwin	Jones	Lynes	Talbott
Cromwell			

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

Senator Lundy 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.

Senator Lundy asked and received unanimous consent to have Senate File 42 immediately messaged to the House.

Senator Mowry asked and received unanimous consent to suspend the rules and take up Senate File 6.

On motion of Senator Mowry, Senate File 6, a bill for an act to amend section three thousand eight hundred twenty-eight and one hundred fourteen thousandths (3828.114), Code, 1939, permitting the boards of supervisors of the various counties of the state to levy an additional one and one-half mills for the support of the poor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senators Munger and Faul offered the following amendment and moved its adoption:

Amend Senate File 6 by inserting in line 7 thereof, after the word "mills", the following: "and not to exceed three and one-half (3½) mills in counties having a population of more than one hundred thousand (100,000)".

Senator Donohue offered the following amendment:

Insert in line 7 after the word "mills" the following: "in all counties except counties having a population of over 100,000 in which counties there shall be authorized an additional levy of three and one-half mills."

Senator Donohue asked and received unanimous consent to withdraw his amendment.

Senator Donohue moved that the following amendment be substituted for the amendment by Senators Munger and Faul:

Insert after the word "mills" in line 7 of section 1 the following: "in all counties except counties having a population of over 100,000 and in such counties having more than 100,000 population the board shall be authorized to levy not to exceed an additional three and one-half mills".

The motion prevailed and the substitution was made.

Senator Donohue moved that the substitute amendment be adopted, which motion prevailed, and the amendment was adopted.

Senator Mowry 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:**

Augustine	Elthon	Hess	Munger
Bekman	Emerson	Hunt	Shaw
Benson	Faul	Leo	Stewart
Byers	Findlay	Long	Talbott
Clark	Fuller	Lundy	Turner
Cromwell	Goode	Martin	Vrba
Dewey	Harvey	Mercer	Watson
Donohue	Hattery	Miller	Whitehill
Dykhouse	Henningsen	Mowry	

**Nays, 5:**

Hamiel	Love	Pelzer	Zeigler
Keir			

**Absent or not voting, 10:**

Baldwin	Evans	Johnson	Lynes
Berg	Hart	Jones	Sjulin
Corwin	Hill		

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

Senator Stewart asked and received unanimous consent to be recorded as voting "Aye".

Senator Faul offered the following amendment to the title and moved its adoption:

Amend the title by striking the words "one and one-half mills" in line 4 and substituting in lieu thereof the word "millage".

The motion prevailed and the amendment to the title was adopted.

The title as amended was agreed to.

Senator Mowry 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.

Senator Mowry asked and received unanimous consent to have Senate File 6 immediately messaged to the House.

Senator Findlay asked and received unanimous consent to be recorded as voting "Aye" on Senate File 42.

Senator Augustine offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION 9

*Whereas*, The people of the state of Iowa believe in the democratic form of government; and

*Whereas*, The democracies of the world are threatened with extermination by the totalitarian forms of government; and

*Whereas*, We feel it our duty to aid in every way possible, short of war, these nations which are being attacked; therefore,

*Be It Resolved by the Senate, the House Concurring:*

We hereby memorialize the Congress of the United States to pass without further delay the Lease-Lend Bill, before it is too late.

*Be It Further Resolved:* That a copy of this resolution be sent to the Honorable Henry A. Wallace, Vice President of the United States and President of the United States Senate, to the Honorable Samuel Rayburn, Speaker of the national House of Representatives, to Senator Clyde L. Herring, to Senator Guy M. Gillette and to each member from Iowa in the national House of Representatives.

#### INTRODUCTION OF BILLS

Senate File 189, by judiciary No. 2, a bill for an act to amend, revise and codify section twelve thousand eight hundred four (12804), Code, 1939, relating to the selection and tenure of the Chief Justice of the Supreme Court.

Read first and second times and placed on calendar.

Senate File 190, by Senator Shaw, a bill for an act to amend section thirteen thousand one hundred forty (13140) of the Code, 1939, relating to the uttering and publishing of false, altered, forged, or counterfeited instruments and fixing punishment therefor.

Read first and second times and referred to committee on judiciary 1.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on January 29th he had approved the following: Senate File 113, relating to appropriations.

## REPORTS OF COMMITTEES

Senator Mowry submitted the following report:

**MR. PRESIDENT:** Your committee on public schools to which was referred Senate File 7, a bill for an act to amend section four thousand and ninety-six (4096), Code, 1939, relative to the date the county superintendent shall take office and to amend section four thousand one hundred six (4106), Code, 1939, relative to the time the county superintendent's annual report shall be filed with the Superintendent of Public Instruction, begs leave to report it has had the same under consideration and recommends the same do pass.

ROSS R. MOWRY, *Chairman.*

Ordered passed on file.

Senator Donohue submitted the following report:

**MR. PRESIDENT:** Your committee on Judiciary 2 to which was referred Senate File 35, a bill for an act to amend section eleven thousand nine hundred thirty-three (11933), Code, 1939, relating to the posting of a bond on the sale or mortgage of real estate in an estate for the purpose of satisfying the debts and charges, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on Judiciary 2 to which was referred Senate File 36, a bill for an act to amend section twelve thousand five hundred ninety-two (12592), Code, 1939, relating to the amount of bond to be given by a guardian upon the sale or mortgage of real estate begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on Judiciary 2 to which was referred Senate File 62, a bill for an act to legalize the corporate acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of the Consumers Consolidated Coal Company begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.



Senator Cromwell submitted the following report:

**MR. PRESIDENT:** Your committee on Cities and Towns to which was referred Senate File 31, a bill for an act to make applicable to special charter cities sub-sec. 2 and 10 of section 6211, authorizing  $1\frac{1}{4}$  mill levy for Water Fund and  $1\frac{1}{4}$  mill levy for Gas Light, Electric Light, Heat or Power Funds, begs leave to report it has had the same under consideration and recommends the same do pass. **FRED CROMWELL, Chairman.**

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on Cities and Towns to which was referred Senate File 69, a bill for an act to amend 5873.1, Code, 1939, relating to construction by pledge of net earnings of light and power plants—certificates of indebtedness and determining what cities are to be included therein, 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) of Senate File 69 by striking lines four (4) to eight (8), inclusive, and inserting in lieu thereof the following:

"1. By inserting in line three (3) after the word 'thousand' the following: ', or any city of the second class having within its corporate limits a state educational institution'.

2. By inserting in line ten (10) after the word 'hospital' the following: ', or addition thereto'."

Amend the title of Senate File 69 by striking all after the comma following the figures "1939" in line two (2) and inserting in lieu thereof the following: "to authorize certain cities to pledge a portion of new earnings of a municipally owned electric light and power plant for construction of, or addition to, a municipal hospital."

**FRED CROMWELL, Chairman.**

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 173.....	Judiciary 2
S. F. 174.....	Labor
S. F. 175.....	Cities and Towns
S. F. 176.....	Ways and Means
S. F. 184.....	Election Reform
S. F. 185.....	County and Township Affairs
S. F. 186.....	Cities and Towns
S. F. 187.....	Judiciary 1
S. F. 188.....	County and Township Affairs

S. F. 190.....	Judiciary 1
H. F. 50.....	Judiciary 1
H. F. 71.....	Judiciary 1
H. F. 93.....	Judiciary 1
H. F. 94.....	Judiciary 2

#### AMENDMENTS FILED

Amend Senate File 16 by adding thereto a new section as follows:

"This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Cresco Plain Dealer, a newspaper published at Cresco, Iowa, and the Polk County Legal Record, a newspaper published at Des Moines, Iowa."

GEORGE FAUL.

Amend Senate File 64 as follows:

Strike all portion of said Senate File after the enacting clause and insert in lieu thereof the following:

Chapter three hundred three and one tenth (303.1), Code, 1939, is hereby amended by adding thereto at the end of said chapter the following provisions:

Section 1. "The council of any city or town, including cities of the first class under the commission form of government having a population of less than one hundred twenty-five thousand (125,000) and special charter cities, which owns or otherwise acquires an airport or airports may, upon petition of ten per cent of the number of qualified electors who voted at the last city election shall, at any city election if one is to be held within sixty (60) days from the filing of said petitions, or special election called for that purpose, submit to the voters the question as to whether the management and control of such airport, or airports, shall be placed in an airport commission."

Sec. 2. "Notice of such election shall be given by publication in one newspaper in said City or Town in one publication, and the election shall be held not less than seven nor more than fourteen days after the completion of such published notice. If no newspaper is published in such city or town notices may be given by posting notices in five public places in such city or town for three weeks prior to said election."

Sec. 3. "The question to be submitted shall be in the following form: "Shall the City (or Town) of ..... place the management and control of its airport (or airports) in an Airport Commission?"

Sec. 4. "When a majority of the votes cast upon said proposition at such election shall have declared in favor of the proposition of Airport Control and Management by a Commission, the Mayor shall, within ten (10) days thereafter, appoint an Airport Commission of not more than five (5) resident voters of said City or Town, which appointments shall be approved by the Council. In case of a commission of three (3) members the first appointees shall hold office, one for two years, one for four years, and one for six years. In case of a commission of five (5) members the first appointees shall hold office, one for two years, one for three years, one for four years, one for five years, and one for six years. All

subsequent appointments shall be for a term of six years. Vacancies shall be filled as original appointments are made. Members of the Airport Commission shall serve without Compensation. Each Commissioner shall execute and furnish a Bond in an amount fixed by the Council, to be approved by the Mayor and filed with the City Clerk. The cost of such bond shall be paid from the General Fund of the City. The Commission shall elect from their own members a Chairman and Secretary who shall serve for such term as the Commission shall determine."

Sec. 5. "Said commission shall have and exercise all of the powers granted to cities and towns under this chapter, except powers to sell said airport or airports. The commission shall annually certify the amount of tax within the limitations of this chapter to be levied for airport purposes, and upon such certification the city council shall include said amount in its budget.

All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of said commission for the purposes prescribed by law, and shall be deposited with the city treasure to the credit of the airport commission, and shall be disbursed only on the written warrant or orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation, and extension thereof."

Sec. 6. "The airport commission shall immediately after the close of each municipal fiscal year, file with the city clerk a detailed and audited written report of all money received and disbursed by said commission during said fiscal year, and shall publish a summary thereof in an official newspaper in said city or town."

Sec. 7. The power conferred on cities and towns to make and enforce rules and regulations under Code section fifty-nine hundred three and nine hundredths (5903.09) is delegated to the City Airport Commission.

Sec. 8. This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Ottumwa Daily Courier, a newspaper published at Ottumwa, Iowa, and the Davis County Republican, a newspaper published at Bloomfield, Iowa.

E. K. BEKMAN.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 30, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Harold Irwin, pastor of the United Presbyterian church of Columbus Junction.

The Journal of January 29th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Long, from residents of Delaware and Buchanan counties opposing passage of Senate File 95 and House File 122.

By Senator Hill, from residents of Hamilton and Hardin counties opposing passage of Senate File 95 and House File 122.

By Senator Berg, from residents of Black Hawk and Grundy counties opposing passage of Senate File 95 and House File 122.

By Senator Vrba, from residents of Howard county opposing passage of Senate File 95 and House File 122.

By Senator Jones, from residents of Warren county opposing passage of Senate File 95 and House File 122.

By Senator Faul, from seven hundred residents of Des Moines opposing the passage of Senate File 95 and House File 122.

By Senator Faul, from the Langan Paper Company of Des Moines, favoring passage of House File 85.

By Senator Munger from the residents of Woodbury county opposing passage of Senate File 95 and House File 122.

By Senator Hattery, from the residents of Boone county opposing passage of Senate File 95 and House File 122.

By Senator Watson, from the residents of Pottawattamie county opposing passage of Senate File 95 and House File 122.

By Senator Mercer, from the residents of Iowa county opposing passage of Senate File 95 and House File 122.

By Senator Whitehill, from the residents of Marshall county opposing Senate File 95 and House File 122.

By Senator Byers, from the residents of Linn and Cedar counties favoring revision of the conservation laws to permit the removal of soft fish from the Cedar river in Linn and Cedar counties.

By Senator Sjulín, from the Des Moines Junior Chamber of Commerce, the Mason City Chamber of Commerce, and the Northern District of the Iowa Conference (Lutheran Augustana Synod) favoring passage of the pre-marriage bill.

By Senator Johnson, from the residents of Hancock county opposing passage of Senate File 95 and House File 122.

By Senator Johnson, from the Mason City Junior Chamber of Commerce and from the Northern District of Iowa Conference (Lutheran Augustana Synod) favoring passage of the pre-marriage bill.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Lynes for the day, on request of Senator Henningsen; Senator Baldwin for the day, on request of Senator Martin.

#### INTRODUCTION OF BILLS

Senate File 191, by Senator Augustine, a bill for an act to amend section five thousand seven hundred sixty-six (5766), Code, 1939, and paragraph nine (9) of section six thousand two hundred eleven (6211), Code, 1939, to authorize cities and towns to contract for fire protection and to pay for the same.

Read first and second times and passed on file.

Senate File 192, by Senator Donohue, a bill for an act to amend section one thousand two hundred twenty-five and nineteen-hundredths (1225.19), Code, 1939, relating to the dismissal of members of the Iowa highway safety patrol.

Read first and second times and passed on file.

Senator Augustine called up the following resolution and moved its adoption:

### SENATE CONCURRENT RESOLUTION 9

*Whereas*, The people of the state of Iowa believe in the democratic form of government; and

*Whereas*, The democracies of the world are threatened with extermination by the totalitarian forms of government; and

*Whereas*, We feel it our duty to aid in every way possible, short of war, these nations which are being attacked; therefore,

*Be It Resolved by the Senate, the House Concurring:*

We hereby memorialize the Congress of the United States to pass without further delay the Lease-Lend Bill, before it is too late.

*Be It Further Resolved:* That a copy of this resolution be sent to the Honorable Henry A. Wallace, Vice President of the United States and President of the United States Senate, to the Honorable Samuel Rayburn, Speaker of the national House of Representatives, to Senator Clyde L. Herring, to Senator Guy M. Gillette and to each member from Iowa in the national House of Representatives.

Senator Donohue moved that the resolution be referred to the committee on national defense.

On the question, "Shall Senate Concurrent Resolution 9 be referred to the committee on national defense?" the vote was:

#### Ayes, 41:

Bekman	Emerson	Henningsen	Mowry
Benson	Evans	Hess	Munger
Berg	Faul	Hill	Pelzer
Byers	Findlay	Hunt	Shaw
Clark	Fuller	Jones	Sjulin
Corwin	Goode	Keir	Stewart
Cromwell	Hamiel	Leo	Turner
Dewey	Hart	Long	Watson
Donohue	Harvey	Love	Whitehill
Dykhouse	Hattery	Miller	Zeigler
Elthon			

#### Nays, 3:

Augustine	Johnson	Vrba
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#### Absent or not voting, 6:

Baldwin	Lynes	Mercer	Talbott
Lundy	Martin		

The motion carried and the resolution was referred to the committee on national defense.

### 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 105, a bill for an act relating to motor vehicles and the law of road.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the House was asked: Senate Concurrent Resolution 8, providing for the appointment of a joint committee to arrange for the acceptance of bids for photographing the members of the Forty-ninth General Assembly and the Assembly has appointed as such committee on the part of the House, Representatives Scott of Fayette, Dodds of Des Moines and Siefkas of Clarke.

Also: That the Speaker of the House has appointed as members of the committee on the part of the House as provided by House Concurrent Resolution 8, Representatives Johannes of Osceola and Latchaw of Muscatine.

A. C. GUSTAFSON, *Chief Clerk.*

### THIRD READING OF BILLS

Senator Faul asked and received unanimous consent to take up Senate File 62, a bill for an act to legalize the corporate acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of the Consumers Consolidated Coal Company and to provide for the renewal of the charter of the said Consumers Consolidated Coal Company.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 62 by striking the period at the end of section 4 and adding the following: “, without cost to the state.”.

The amendment was adopted.

Senator Faul 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, 42:

Augustine	Faul	Hunt	Munger
Benson	Findlay	Johnson	Pelzer
Berg	Fuller	Jones	Sjulin
Clark	Goode	Keir	Stewart
Corwin	Hamiel	Leo	Talbott
Cromwell	Hart	Long	Turner
Dewey	Harvey	Love	Vrba
Donohue	Hattery	Martin	Watson
Elthon	Henningsen	Miller	Whitehill
Emerson	Hess	Mowry	Zeigler
Evans	Hill		

Nays, none.

Absent or not voting, 8:

Baldwin	Byers	Lundy	Mercer
Bekman	Dykhouse	Lynes	Shaw

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

Senator Faul 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.

Senator Mowry asked and received unanimous consent to take up Senate File 7, a bill for an act to amend section four thousand ninety-six (4096), Code, 1939, relative to the date the county superintendent shall take office and to amend section four thousand one hundred six (4106), Code, 1939, relative to the time the county superintendent's annual report shall be filed with the superintendent of public instruction.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Mowry 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, 43:

Augustine	Findlay	Johnson	Pelzer
Benson	Fuller	Jones	Shaw
Berg	Goode	Keir	Sjulin
Byers	Hamiel	Leo	Stewart
Corwin	Hart	Long	Talbott
Cromwell	Harvey	Love	Turner
Dewey	Hattery	Martin	Vrba
Elthon	Henningsen	Mercer	Watson
Emerson	Hess	Miller	Whitehill
Evans	Hill	Mowry	Zeigler
Faul	Hunt	Munger	

Nays, 1:

Clark

Absent or not voting, 6:

Baldwin	Donohue	Lundy	Lynes
Bekman	Dykhouse		

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

Senatory Mowry 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.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 165.

*EDWARD H. VRBA, Chairman Senate Committee.*

*GORDON SMITH, 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, Senate File 165.

#### BILL SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report :

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 30th day of January, 1941, sent to the Governor for his approval, Senate File 165.

*EDWARD H. VRBA, Chairman.*

Passed on file.

Senator Byers took the chair at 10:44 a. m.

Senator Faul asked and received unanimous consent to take up Senate File 35, a bill for an act to amend section eleven thousand nine hundred thirty-three (11933), Code, 1939, relating to the posting of a bond on the sale or mortgage of real estate in an estate for the purpose of satisfying the debts and charges.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

On motion of Senator Faul, further action was deferred on Senate File 35.

Senator Donohue asked and received unanimous consent to take up Senate File 189, a bill for an act to amend, revise and codify section twelve thousand eight hundred four (12804), Code, 1939,

relating to the selection and tenure of the Chief Justice of the Supreme Court.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 189 by inserting in line three of section 2 the following: "New Hampton American" and by inserting after the word "at" in line 4 the following: "New Hampton". Further amend section 2 by inserting in line 5 the following: "Northwood Anchor" and by inserting after the word "at" in line 6 the following: "Northwood".

The amendment was adopted.

Senator Donohue 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, 46:**

Angustine	Evans	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Martin	Vrba
Donohue	Hattery	Mercer	Watson
Dykhouse	Henningsen	Miller	Whitehill
Elthon	Hill	Mowry	Zeigler
Emerson	Hunt		

**Nays, none.**

**Absent or not voting, 4:**

Baldwin	Dewey	Hess	Lynes
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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 Donohue 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.

Senator Martin asked and received unanimous consent to take up Senate File 31, a bill for an act to make applicable to cities acting under special charter subsection two (2) and subsection ten (10) of section sixty-two hundred eleven (6211), Code, 1939, and thus to authorize such cities to levy not to exceed one and one-fourth ( $1\frac{1}{4}$ ) mills annually for the Water Fund and not to exceed one and one-fourth ( $1\frac{1}{4}$ ) mills annually for the gas light, electric light, heat or power funds of such cities.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Martin 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:**

Augustine	Emerson	Hunt	Mowry
Bekman	Faul	Johnson	Munger
Benson	Findlay	Jones	Pelzer
Berg	Fuller	Keir	Shaw
Byers	Goode	Leo	Sjulin
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lundy	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hill	Miller	Zeigler
Elthon			

**Nays, none.**

**Absent or not voting, 5:**

Baldwin	Hess	Lynes	Stewart
Evans			

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

Senator Martin 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.

Senator Shaw asked and received unanimous consent to be recorded as voting "aye" on Senate File 189.

Senator Faul asked and received unanimous consent to be recorded as voting "aye" on Senate File 189.

#### PREFERENCE FOR IOWA COAL

Senator Lundy called the attention of the Members of the Senate to the fact that in the 47th and 48th General Assemblies, permission was granted him by the President of the Senate to be permitted to have a lump of Iowa coal at all times at his desk, to remind him, as well as the members of the Senate, of the importance of the Iowa coal industry. He asked for unanimous consent to again be permitted to have the same lump of Iowa coal at his desk to ever remind him of the importance of Iowa's

second industry; likewise, in keeping with the custom established in the House of Lords at the time of Edward III, when wool sacks were placed in the House of Lords to remind the Peers of the importance of England's staple trade. Senator Lundy explained that the Lord Keeper sat on a wool sack in 1559 and that ever since that time a sack stuffed with wool and covered with red cloth is placed in the House of Lords upon which the Lord Chancellor sits; that his lump of coal is emblematic of that custom.

Unanimous consent was granted.

#### RECOGNITION OF THE LIVESTOCK AND PACKING INDUSTRIES

Inasmuch as various Iowa industries were receiving recognition, Senator Berg asked unanimous consent that the livestock and packing industries of Iowa be recognized on behalf of the Rath Packing Company of Black Hawk county by having a Rath ham placed on his desk and by furnishing each members of the Senate with a Rath picnic ham.

Unanimous consent was granted.

#### MESSAGE 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 42, a bill for an act relating to annual levies.

Also: That the House has passed the following bill, in which the concurrence of the House was asked: Senate File 90, a bill for an act relating to and providing for unemployment compensation.

Also: That the House has passed the following bill, in which the concurrence of the House was asked: Senate File 6, a bill for an act relating to the levying of additional millage by the board of supervisors.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked: Senate File 89, a bill for an act relating to the amount of contributions to be made by employers for unemployment compensation. A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 89

Amend Senate File eighty-nine (89) by striking therefrom section one (1) and by inserting in lieu thereof the following:

"Section 1. That the law as it appears in subsection (A) of section one thousand five hundred fifty-one and thirteen hundredths (1551.13)

be amended by changing the period following the figures '1936' in line 'ten' of said subsection to a semi-colon (;) and adding thereafter the following: 'provided that on and after January 1, 1940, contributions shall accrue and become payable by each employer on only that portion of wages paid or payable for insured work as hereinafter provided to each individual in any one calendar year up to and including the sum of three thousand dollars (\$3,000.00); provided, however, that if any employer has, for the calendar year 1940, paid to the commission contributions on any portion of wages payable to any individual in excess of three thousand dollars (\$3,000) such payments so paid on that portion of the wages in excess of three thousand dollars (\$3,000) shall be deemed erroneously paid and shall be refunded to such employer upon his application to the commission therefor.'

### THIRD READING OF BILLS

The Senate resumed consideration of Senate File 35.

Senators Hess, Shaw, and Faul offered the following amendment and moved its adoption:

Amend Senate File 35 by inserting in line 16 of section 1 thereof, immediately following the word "estate" the following: "the amount of money to be actually received by the fiduciary".

The amendment was adopted.

Senator Faul 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, 48:

Augustine	Emerson	Hill	Mowry
Bekman	Evans	Hunt	Munger
Benson	Faul	Johnson	Pelzer
Berg	Findlay	Jones	Shaw
Byers	Fuller	Keir	Sjulin
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Long	Talbott
Cromwell	Hart	Love	Turner
Dewey	Harvey	Lundy	Vrba
Donohue	Hattery	Martin	Watson
Dykhouse	Henningsen	Mercer	Whitehill
Elthon	Hess	Miller	Zeigler

Nays, none.

Absent or not voting, 2:

Baldwin           Lynes

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

Senator Faul 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.

Senator Faul asked and received unanimous consent to take up Senate File 36, a bill for an act to amend section twelve thousand five hundred ninety-two (12592), Code, 1939, relating to the amount of bond to be given by a guardian upon the sale or mortgage of real estate.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Hess offered the following amendment and moved its adoption:

Amend Senate File 36 by striking all of lines 6 and 7 of section 1 and inserting in lieu thereof the following: "the amount of money to be actually received by the fiduciary with 25 per cent added thereto".

The amendment was adopted.

Senator Faul 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:**

Augustine	Evans	Hunt	Munger
Bekman	Faul	Johnson	Pelzer
Berg	Findlay	Jones	Shaw
Byers	Fuller	Keir	Sjulin
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Long	Talbott
Cromwell	Hart	Love	Turner
Dewey	Harvey	Lundy	Vrba
Dykhouse	Hattery	Martin	Watson
Elthon	Hess	Miller	Whitehill
Emerson	Hill	Mowry	Zeigler

**Nays, none.**

**Absent or not voting, 6:**

Baldwin	Donohue	Lynce	Mercer
Benson	Henningsen		

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

Senator Faul 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.

Senator Berg asked and received unanimous consent to take up Senate File 69, a bill for an act to amend section five thousand

eight hundred seventy-three and one tenth (5873.1), Code, 1939, relating to construction by pledge of net earnings of light and power plants—certificates of indebtedness and determining what cities are to be included therein.

The 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 one (1) of Senate File 69 by striking lines four (4) to eight (8), inclusive, and inserting in lieu thereof the following:

"1. By inserting in line three (3) after the word 'thousand' the following: ', or any city of the second class having within its corporate limits a state educational institution'."

"2. By inserting in line ten (10) after the word 'hospital' the following: ', or addition thereto'."

Amend the title of Senate File 69 by striking all after the comma following the figures "1939" in line two (2) and inserting in lieu thereof the following: "to authorize certain cities to pledge a portion of new earnings of a municipally owned electric light and power plant for construction of, or addition to, a municipal hospital."

The amendments were adopted.

Senator Berg 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, 46:**

Augustine	Evans	Hunt	Munger
Bekman	Faul	Johnson	Pelzer
Berg	Findlay	Jones	Shaw
Byers	Fuller	Keir	Sjulin
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Long	Talbott
Cromwell	Hart	Love	Turner
Dewey	Harvey	Martin	Vrba
Donohue	Hattery	Mercer	Watson
Dykhous	Henningsen	Miller	Whitehill
Elthon	Hess	Mowry	Zeigler
Emerson	Hill		

**Nays, none.**

**Absent or not voting, 4:**

Baldwin	Benson	Lundy	Lynes
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The bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Berg 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.

### HOUSE AMENDMENTS CONSIDERED

Senator Bekman asked and received unanimous consent to call up for consideration Senate File 89, a bill for an act to amend the law as it appears in chapter seventy-seven point two (77.2), Code, 1939, relating to and providing for unemployment compensation; to limit the amount of contributions to be made by employers; to define certain contributions as payments erroneously made; and to repeal all acts, or parts of acts, insofar as they are inconsistent herewith, as amended by the House, and moved that the Senate concur in the following House amendment:

Amend Senate File 89 by striking therefrom section one (1) and by inserting in lieu thereof the following:

"Section 1. That the law as it appears in subsection (A) of section fifteen hundred fifty-one and thirteen hundredths (1551.13) be amended by changing the period following the figures '1936' in line 'ten' of said subsection to a semi-colon (;) and adding thereafter the following: 'provided that on and after January 1, 1940, contributions shall accrue and become payable by each employer on only that portion of wages paid or payable for insured work as hereinafter provided to each individual in any one calendar year up to and including the sum of three thousand dollars (\$3,000.00); provided, however, that if any employer has, for the calendar year 1940, paid to the commission contributions on any portion of wages payable to any individual in excess of three thousand dollars (\$3,000) such payments so paid on that portion of the wages in excess of three thousand dollars (\$3,000) shall be deemed erroneously paid and shall be refunded to such employer upon his application to the commission therefor."

The motion prevailed and the Senate concurred in and adopted the House amendment to Senate File 89.

Senator Bekman 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:

Augustine	Dewey	Fuller	Hill
Bekman	Donohue	Goode	Hunt
Benson	Dykhouse	Hamiel	Johnson
Berg	Elthon	Hart	Jones
Byers	Emerson	Harvey	Keir
Clark	Evans	Hattery	Leo
Corwin	Faul	Henningsen	Long
Cromwell	Findlay	Hess	Martin



Mercer	Munger	Stewart	Watson
Miller	Shaw	Talbott	Whitehill
Mowry	Sjulin	Vrba	Zeigler

**Nays, none.**

**Absent or not voting, 6:**

Baldwin	Lundy	Pelzer	Turner
Love	Lynes		

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

Senator Bekman 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.

### HOUSE MESSAGES CONSIDERED

House File 105, a bill for an act to amend sections five thousand eight and fourteen hundredths (5008.14), five thousand thirteen and four hundredths (5013.04), five thousand thirteen and eight hundredths (5013.08), five thousand thirteen and fourteen hundredths (5013.14), Code, 1939, relating to motor vehicles and law of road.

Read first and second times and passed on file.

### REPORTS OF COMMITTEES

Senator Evans submitted the following report:

**MR. PRESIDENT:** Your committee on highways, to which was referred Senate File 82, a bill for an act to amend section 5035.16, chapter 251.1, Code, 1939, relating to permits for moving soil conservation or drainage machinery upon the highways of the state, begs leave to report it has had the same under consideration and recommends the same do pass.

**K. A. EVANS, Chairman.**

Ordered passed on file.

Senator Donohue submitted the following report:

**MR. PRESIDENT:** Your committee on judiciary 2, to which was referred Senate File 13, a bill for an act to amend section 5130, Code, 1939, relating to powers and duties of board of supervisors, begs leave to report it has had the same under consideration and recommends the same do pass.

**E. P. DONOHUE, Chairman.**

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 2, to which was referred

Senate File 14, a bill for an act to legalize payments made by counties to institutions and contracts made between counties and institutions for the care and support of neglected, dependent, and delinquent children in amounts not exceeding eighteen dollars (\$18.00) per month for each child, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 2, to which was referred Senate File 43, a bill for an act to amend section 390.2, Code, 1939, relating to the time for filing protests against and appeals from budgets, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 2, to which was referred Senate File 61, a bill for an act to amend section 3644, Code, 1939, relating to compelling support by the parent by order of the Juvenile Court, and providing a method of enforcing such order, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 2, to which was referred Senate File 78, a bill for an act to amend section 2246.4 of chapter 107.1, Code, 1939, relating to the fund from which the expenses of the county board of health are paid, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 2, to which was referred Senate File 80, a bill for an act to amend sections 5526.20, 5526.22, 5526.23, 5526.25, 5526.28, 5526.30, Code, 1939, relating to benefited water districts, the payment of assessments, annual millage tax for payment of bonds, connection of collateral mains, and the power of trustees in connection with such districts, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2, to which was referred Senate File 86, a bill for an act to amend sections 1421 and 1422, Code, 1939, relating to workmen's compensation, and defining as "employees" members of the Iowa highway safety patrol, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 2, to which was referred House File 40, a bill for an act to amend section 239, Code, 1939, relating to the free distribution of the reports of the Supreme Court, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Senator Hill submitted the following report:

**MR. PRESIDENT:** Your committee on ways and means, to which was referred Senate File 44, a bill for an act to amend chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, relating to personal net income tax, and allowing to the taxpayer an election to include loans from the Commodity Credit Corporation as gross income, and providing that the method of computing income adopted by the taxpayer shall be continued in subsequent years, begs leave to report it has had the same under consideration and recommends the same do pass.

G. R. HILL, *Chairman.*

Ordered passed on file.

Senator Henningsen submitted the following report:

**MR. PRESIDENT:** Your committee on motor vehicles, to which was referred House File 5, a bill for an act to amend section 5093.29, relating to refund of motor vehicle fuel license fees, begs leave to report it has had the same under consideration and recommends the same do pass.

O. H. HENNINGSEN, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on motor vehicles, to which was referred House File 1, a bill for an act to amend section 5103.07 of chapter 252.2 to clarify the language of said section; also to amend section 5103.08 of said chapter to clarify said section, begs leave to report it has had the same under consideration and recommends the same do pass.

O. H. HENNINGSEN, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on motor vehicles, to which was referred Senate File 23, a bill for an act to amend section 5023.08, providing for the method of giving hand and arm signals under the motor vehicle law, begs leave to report it has had the same under consideration and recommends the same do pass. O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on motor vehicles, to which was referred Senate File 40, a bill for an act to amend sections 5008.08 and 5008.09, relating to reduction of annual motor vehicle fees, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed. O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on motor vehicles, to which was referred Senate File 41, a bill for an act to amend section 5008.05, relating to maximum annual motor vehicle fees, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed. O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

#### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on January 30th he had approved the following:

Senate File 66, relating to approval by the state comptroller of excess levies in certain instances.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 191.....Cities and towns.  
S. F. 192.....Judiciary 2.  
H. F. 105.....Motor vehicles.

#### AMENDMENTS FILED

Amend the amendment by Senator Bekman to Senate File 64, filed January 29, 1941, as follows:

Amend section one (1) by striking from line three (3) the words "one hundred twenty-five thousand (125,000)" and inserting in lieu thereof the words "seventy-five thousand (75,000)".

ROBERT P. MUNGER.

Amend House File 105 by striking the period at the end of line 6 of section 1 and adding the following: “, except a bus owned by a school corporation shall be given an official license without expense to the school district.”

ROSS R. MOWRY.

On motion of Senator Mercer, the Senate adjourned until 10:00 a. m. Friday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 31, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Dr. Frank M. Blish, pastor of the Congregational Church of Newton.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Stewart, from the residents of Allamakee and Fayette counties, opposing passage of Senate File 95 and House File 122.

By Senator Pelzer, from the members of the Boone County Home Project Library Committee of Boone county, favoring library extension service.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Baldwin for the day, on request of Senator Martin; Senator Dykhouse for the day, on request of Senator Keir; Senator Lynes for the day, on request of Senator Henningsen; Senator Hess for the day, on request of Senator Munger; Senator Turner for the day, on request of Senator Leo; Senator Benson for the day, on request of Senator Sjulín.

## INTRODUCTION OF BILLS

Senate File 193, by Senator Lundy a bill for an act to amend chapter ninety-three and two tenths (93.2), Code, 1939, relating to beer and malt liquors.

Read first and second times and passed on file.

Senate File 194, by Senators Corwin and Bekman a bill for an act to amend section fifty-nine hundred three and five hundredths (5903.05) providing for a levy of taxes for airports.

Read first and second times and passed on file.

Senate File 195, by Senator Hill (Heffner), a bill for an act

to provide that petitions for initiation of elections on any proposition shall be verified under oath, and providing for the contents of such affidavit.

Read first and second times and passed on file.

Senate File 196, by Senators Donohue, Corwin, Bekman, Sjulín and Zeigler, a bill for an act to amend the law as it appears in chapter seventy seven and two tenths (77.2), Code of Iowa, 1939, relating to and providing for unemployment compensation; to fix the amount of benefits to be paid to unemployment seasonal employees; to provide a method for calculating, and the regulations for paying, seasonal employees unemployment compensation benefits; to define seasonal industry, normal seasonal employment and seasonal employee; and to repeal all acts, or parts of acts, in so far as they are inconsistent herewith.

Read first and second times and passed on file.

Senate File 197, by Senators Hill, Corwin, Johnson, Berg and Zeigler, a bill for an act to prohibit the sale, or possession for sale of merchandise outside of the ordinary trade or production of the seller, and to provide penalties therefor.

Read first and second times and passed on file.

Senate File 198, by Senators Berg, Corwin, Hart, Hill, Johnson, Munger and Zeigler, a bill for an act to define and prohibit unfair sales and unfair trade practices; to prevent the advertising or offering for sale or selling of merchandise below actual cost for the purpose of or having the effect of injuring competitors or destroying competition; and to provide remedies and penalties for violations thereof.

Read first and second times and passed on file.

Senate File 199, by Senators Faul, Watson, Henningsen and Johnson, a bill for an act to amend section six thousand two hundred eleven (6211), chapter three hundred seventeen (317), subsection nine (9), Code, 1939, relating to fire department maintenance fund and the millage rate therein authorized.

Read first and second times and passed on file.

Senate File 200, by Senators Watson and Faul, a bill for an act to amend section six thousand three hundred twenty-six and

eight hundredths (6326.08), Code, 1939, relating to benefits under retirement systems for policemen and firemen.

Read first and second times and passed on file.

Senate File 201, by committee on appropriation, a bill for an act to establish a general fund for the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943.

Read first and second times and placed on calendar.

Senate File 202, by committee on appropriations, a bill for an act to amend section sixty-nine hundred forty-three and one hundred thousandths (6943.100), Code, 1939, relative to allocation of revenue for Old Age Assistance.

Read first and second times and placed on calendar.

Senate File 203, by committee on appropriations, a bill for an act to make appropriations from the liquor control fund to the Industrial Commissioner for the payment of claims of employees of the Liquor Control Commission who are injured or killed, and to the Department of Public Safety for use by the Bureau of Investigation in liquor control enforcement.

Read first and second times and placed on calendar.

Senate File 204, by committee on appropriations, a bill for an act to appropriate funds from the Primary Road Fund to the Industrial Commissioner for the payment of workmen's compensation claims of employees of the Highway Commission.

Read first and second times and placed on calendar.

Senate File 205, by committee on appropriations, a bill for an act to appropriate funds to the State Comptroller from the Motor Vehicle Fuel Tax Fund.

Read first and second times and placed on calendar.

Senate File 206, by committee on appropriations, a bill for an act to appropriate money to meet a deficit in the Workmen's Compensation Service Department relating to the administration of the workmen's compensation law, under chapter seventy (70), seventy-one (71) and seventy-two (72) of the Code, 1939.

Read first and second times and placed on calendar.



Senate File 207, by Senator Shaw, a bill for an act to amend section fourteen hundred fifty-six (1456), Code, 1939, relating to appeals to the supreme court from a final order, judgment or decree of the district court in workmen's compensation cases, fixing the time within which such appeals may be taken.

Read first and second times and passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 6, 42, 90.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 6, 42, 90.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 31st day of January, 1941, sent to the governor for his approval, Senate Files 6, 42 and 90. EDWARD H. VRBA, *Chairman.*

Passed on file.

Senator Augustine offered the following resolution:

#### SENATE RESOLUTION 2

*Whereas*, Some of the members of this Body have expressed upon the floor of the Senate their lack of knowledge of national affairs, to wit: the Lease-Lend Bill; therefore

*Be It Resolved by the Senate:* The Secretary of the Senate of Iowa request from the Secretary of the Senate of the United States copies of the Lease-Lend Bill for such members of this Body who are not familiar with its provisions.

Passed on file.

## THIRD READING OF BILLS

Senator Stewart asked and received unanimous consent to take up Senate File 13, a bill for an act to amend section fifty-one hundred thirty (5130), of the Code of Iowa, 1939, relating to powers and duties of board of supervisors.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Stewart 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, 37:**

Augustine	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Byers	Fuller	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Hart	Martin	Talbott
Cromwell	Harvey	Mercer	Vrba
Dewey	Hill	Miller	Watson
Elthon	Hunt	Mowry	Whitehill
Emerson	Jones	Munger	Zeigler
Evans			

**Nays, none.**

**Absent or not voting, 13:**

Baldwin	Dykhouse	Henningsen	Lundy
Bekman	Goode	Hess	Lynes
Benson	Hattery	Johnson	Turner
Donohue			

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

Senator Stewart 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.

## MESSAGES 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 107, a bill for an act relating to motor vehicles and law of road.

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

House File 128, a bill for an act to make an appropriation to defray the expense of the inaugural ceremonies.

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

House File 106, a bill for an act relating to motor vehicles and law of road.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the Senate is asked:

House Concurrent Resolution No. 10, relating to hunting regulations.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 10

House concurrent resolution memorializing the Honorable Harold L. Ickes, Secretary of the Interior, in the interest of conservation of water fowl, and relating to hunting regulations within the Intermediate Zone.

*Whereas*, It has been agreeable to sportsmen in the Intermediate Zone that certain restrictions be imposed in order to assure a plentiful supply of water fowl and that every encouragement be rendered to increase the propagation of such game birds; and

*Whereas*, The sportsmen within the Intermediate Zone have realized that the great shortage of ducks a few years ago was due to the negligent destruction of their nesting places, and permitting the great marshlands of the north to be drained for cultivation, at the time of the last world war only to find, later on, that such land was unfit for the growing of crops; and

*Whereas*, Many hundreds of hunters within the said zone have contributed liberally of their personal funds to buy and restore said marshlands through national wild life organizations, and such action has brought the duck population back to a point where reasonable shooting conditons can again prevail; and

*Whereas*, The Intermediate Zone normally operates at a great disadvantage in comparison with other hunting zones, due to the fact that this zone must wait until the migratory flight is on before they secure any shooting, while the ducks are at hand and remain throughout practically the whole season and can easily be secured without decoys in the Northern and Southern Zones; and

*Whereas*, Even though the Intermediate Zone enjoys the same length of season as other zones, it seldom secures more than on week's good shooting out of the entire season, and the past several years the migratory flight did not fully take place until after the hunting season in the Intermediate Zone was closed; and

*Whereas*, The securing of ducks in the Intermediate Zone, especially in the state of Iowa, has been almost prohibitory since the use of live decoys has been withdrawn, and such shooting as takes place is done largely over rivers and small ponds and at distances ranging from eighty to one hundred twenty yards, as the ducks will not decoy nearer than such distance with the use of wooden blocks alone, and hunters, in shooting at such long distances, are wounding thousands of ducks which cannot be

retrieved and which fall, after flying a few hours, into the wastelands of the river bottoms, thus resulting in a loss to both hunters and conservation; and

*Whereas*, Iowa sportsmen feel that an unjust discrimination exists here because of the necessity to shoot game in accordance with laws that govern the taking of game in much more favorable zones and, as a consequence thereof, are compelled to go either to the northern zone or southern zone, where they shoot twice the amount of game desired in order to justify such long trips, with the result that much game spoils in transit for lack of proper refrigeration, thus resulting in a direct loss to hunters and to conservation; or continue the present discouraging policy in trying to secure their duck hunting in Iowa; now, therefore,

*Be It Resolved by the House of Representatives, the Senate concurring:* That the general assembly of Iowa respectfully requests the Honorable Harold L. Ickes, Secretary of the Interior, to carefully review and weigh the great differences found in the respective zones, and, in order to equalize advantages prevailing elsewhere, that permission to be granted for the use of five live decoys in front of each blind by those hunters living in the Intermediate Zone who are licensed to use them, and that this change be made effective for the year 1941 and thereafter, thus permitting hunters dwelling in said zone to secure their just share of the game during this very uncertain hunting season.

*Be It Further Resolved*, That inasmuch as the date of the migratory flight is very uncertain in each year, sometimes occurring much earlier than in other years, the season for the Intermediate Zone be set for the period from October first to December fifteenth, inclusive, each year, in order to permit hunters in said zone to secure some hunting whenever such flight takes place and before the closing date as herein designated or the automatic closing of the season by the approach of winter.

*Be It Further Resolved*, That on all streams and waters under federal jurisdiction, each hunter using said live decoys in front of a blind be required to purchase a federal license therefor, at an annual cost of one dollar (\$1.00) said fees to be placed in a fund for the enforcement of the hunting laws and any surplus remaining therefrom to be used in the purchase and restoration of marshlands and for the propagation of water fowl.

*Be It Further Resolved*, That such licenses be issued at each first class post office and that each licensee be required, while hunting, to display such license upon request of any officer in lawful control of waters upon which such licensee is hunting, and that any failure to procure such license by any person hunting with live decoys, or his failure or refusal to carry or display his license on request shall be made an offense punishable by fine of one hundred dollars (\$100.00) or by imprisonment in jail for a period of ninety (90) days.

Senator Cromwell took the chair at 10:37 a. m.

### THIRD READING OF BILLS

Senator Paul asked and received unanimous consent to take up Senate File 14, a bill for an act to legalize payments made by

counties to institutions and contracts between counties and institutions for the care and support of neglected, dependent, and delinquent children in amounts not exceeding eighteen dollars (\$18.00) per month for each child.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul 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, 39:**

Augustine	Faul	Hunt	Munger
Bekman	Findlay	Jones	Pelzer
Berg	Fuller	Keir	Shaw
Byers	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Hart	Love	Talbott
Cromwell	Harvey	Martin	Vrba
Dewey	Hattery	Mercer	Watson
Elthon	Henningsen	Miller	Whitehill
Emerson	Hill	Mowry	

**Nays, none.**

**Absent or not voting, 11:**

Baldwin	Dykhousc	Johnson	Turner
Benson	Evans	Lundy	Zeigler
Donohue	Hess	Lynes	

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

Senator Faul 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.

Senator Byers asked and received unanimous consent to take up Senate File 43, a bill for an act to amend section three hundred ninety and two tenths (390.2), Code, 1939, relating to the time for filing protests against and appeals from budgets.

The report of committee recommending passage was taken up, considered, and the report of the committee 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, 37:

Augustine	Fuller	Johnson	Munger
Berg	Goode	Keir	Pelzer
Byers	Hamiel	Leo	Shaw
Clark	Hart	Long	Stewart
Corwin	Harvey	Love	Talbott
Cromwell	Hattery	Martin	Vrba
Dewey	Henningsen	Mercer	Watson
Emerson	Hill	Miller	Whitehill
Faul	Hunt	Mowry	Zeigler
Findlay			

## Nays, none.

## Absent or not voting, 13:

Baldwin	Dykhouse	Hess	Lynes
Bekman	Elthon	Jones	Sjulin
Benson	Evans	Lundy	Turner
Donohue			

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, which motion prevailed.

Senator Shaw asked and received unanimous consent to take up Senate File 44, a bill for an act to amend chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, relating to personal net income tax, and allowing to the taxpayer an election to include loans from the Commodity Credit Corporation as gross income, and providing that the method of computing income adopted by the taxpayer shall be continued in subsequent years.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Shaw offered the following amendment and moved its adoption:

Amend by striking from lines two (2) and three (3) the words "thereto a new section, as follows" and substitute in lieu thereof the words and figures "to section six thousand nine hundred forty-three and forty thousandths (6943.040), the following subsections".

Amend by striking the figures "1938" in line ten (10) and substitute in lieu thereof the figures "1939".

Amend by adding the following subsections:

3. The provisions of subsections one (1) and two (2) of this act shall be applicable to taxable years beginning after December 31, 1939.

4. The provisions of subsection one (1) of this act shall be retroactively

applied in computing income for any taxable year subject to the provisions of the income tax act, chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, if

(a) The taxpayer elects in writing, in accordance with regulations prescribed by the commission, within one (1) year from the date of the enactment of this act, to treat such loans as income for such year, and

(b) The records of the taxpayer are sufficient to permit an accurate computation of income for such year, and

(c) The taxpayer consents in writing to the assessment, within such period as may be agreed upon, of any deficiency for such year, even though the statutory period for the assessment of any such deficiency had expired prior to the filing of such consent. Any tax overpaid for any such year shall be credited or refunded, subject to the statutory period of limitation properly applicable thereto.

5. In computing income for any taxable year subject to the provisions of the Iowa Income Act as amended, the basis for determining gain or loss from the sale or other disposition of any property, pledged to the Commodity Credit Corporation as security on a loan obtained therefrom, shall be adjusted for the amount of such loan to the extent it was considered as income and included in gross income for the year in which received, and for the amount of any deficiency on such loan with respect to which the taxpayer was relieved from liability.

The amendment was adopted.

Senator Shaw 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, 41:

Augustine	Findlay	Johnson	Munger
Berg	Fuller	Jones	Pelzer
Byers	Goode	Keir	Shaw
Clark	Hamiel	Leo	Sjulin
Corwin	Hart	Long	Stewart
Cromwell	Harvey	Love	Talbott
Dewey	Hattery	Martin	Vrba
Elthon	Henningsen	Mercer	Watson
Emerson	Hill	Miller	Whitehill
Evans	Hunt	Mowry	Zeigler
Faul			

Nays, none.

Absent or not voting, 9:

Baldwin	Donohue	Hess	Lynes
Bekman	Dykhouse	Lundy	Turner
Benson			

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

Senator Shaw 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.

Senator Faul asked and received unanimous consent to take up Senate File 61, a bill for an act to amend section three thousand six hundred forty-four (3644), of the Code, 1939, relating to compelling support by the parent by order of the Juvenile Court, and providing a method of enforcing such order.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul 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, 41:**

Augustine	Findlay	Johnson	Munger
Bekman	Fuller	Jones	Pelzer
Berg	Goode	Keir	Shaw
Clark	Hamiel	Leo	Sjulin
Corwin	Hart	Long	Stewart
Cromwell	Harvey	Love	Talbott
Dewey	Hattery	Martin	Vrba
Elthon	Henningsen	Mercer	Watson
Emerson	Hill	Miller	Whitehill
Evans	Hunt	Mowry	Zeigler
Faul			

**Nays, none.**

**Absent or not voting, 9:**

Baldwin	Donohue	Hess	Lynes
Benson	Dykhouse	Lundy	Turner
Byers			

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

Senator Faul 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.

Senator Faul asked and received unanimous consent to take up Senate File 80, a bill for an act to amend section five thousand five hundred twenty-six and twenty hundredths (5526.20), section five thousand five hundred twenty-six and twenty-two hundredths (5526.22), section five thousand five hundred twenty-six and twenty-three hundredths (5526.23), section five thousand five hundred twenty-six and twenty-five hundredths (5526.25), section five thousand five hundred twenty-six and twenty-eight hun-



dredths (5526.28), section five thousand five hundred twenty-six and thirty hundredths (5526.30), all of Code, 1939, relating to benefited water district, the payment of assessments, annual millage tax for payment of bonds, connection of collateral mains, and the power of trustees in connection with such districts.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul 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, 39:

Augustine	Faul	Hunt	Munger
Bekman	Findlay	Jones	Shaw
Berg	Fuller	Keir	Sjulin
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Long	Talbott
Cromwell	Hart	Love	Vrba
Dewey	Harvey	Martin	Watson
Elthon	Hattery	Mercer	Whitehill
Emerson	Henningesen	Miller	Zeigler
Evans	Hill	Mowry	

Nays, none.

Absent or not voting, 11:

Baldwin	Donohue	Johnson	Pelzer
Benson	Dykhouse	Lundy	Turner
Byers	Hess	Lynes	

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

Senator Faul 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.

Senator Sjulin asked and received unanimous consent to be recorded as voting "aye" on Senate Files 61 and 14.

Senator Augustine asked and received unanimous consent to take up Senate File 82, a bill for an act to amend section five thousand thirty-five and sixteen hundredths (5035.16), chapter two hundred fifty-one and one tenth (251.1), Code, 1939, relating to permits for moving soil conservation or drainage machinery upon the highways of the state.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Augustine 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, 37:**

Augustine	Findlay	Jones	Mowry
Bekman	Fuller	Keir	Pelzer
Berg	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Hart	Love	Talbott
Cromwell	Harvey	Lundy	Vrba
Dewey	Hattery	Martin	Watson
Elthon	Hill	Mercer	Whitehill
Emerson	Hunt	Miller	Zeigler
Evans			

**Nays, none.**

**Absent or not voting, 13:**

Baldwin	Dykhouse	Hess	Munger
Benson	Faul	Johnson	Shaw
Byers	Henningsen	Lynes	Turner
Donohue			

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

Senator Augustine 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.

Senator Henningsen asked and received unanimous consent to take up House File 1, a bill for an act to amend sections five thousand one hundred three and seven hundredths (5103.07) of Chapter two hundred fifty-two, and two tenths (252.2), and five thousand one hundred three and eight hundredths (5103.08) of said chapter, Code, 1939, relating to certificated motor carriers.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Henningsen 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, 39:**

Augustine	Cromwell	Findlay	Harvey
Bekman	Elthon	Fuller	Hattery
Berg	Emerson	Goode	Henningsen
Clark	Evans	Hamiel	Hill
Corwin	Faul	Hart	Hunt

Jones	Martin	Pelzer	Vrba
Keir	Mercer	Shaw	Watson
Leo	Miller	Sjulin	Whitehill
Long	Mowry	Stewart	Zeigler
Love	Munger	Talbott	

Nays, none.

Absent or not voting, 11:

Baldwin	Dewey	Hess	Lynes
Benson	Donohue	Johnson	Turner
Byers	Dykhouse	Lundy	

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

Senator Henningsen 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.

Senator Henningsen asked and received unanimous consent to take up House File 5, a bill for an act to amend section five thousand ninety-three and twenty-nine hundredths (5093.29), Code, 1939, relating to refund of motor vehicle fuel license fees.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Henningsen 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:

Augustine	Findlay	Jones	Pelzer
Berg	Fuller	Keir	Shaw
Clark	Goode	Leo	Sjulin
Corwin	Hamiel	Long	Stewart
Cromwell	Hart	Martin	Talbott
Dewey	Harvey	Mercer	Vrba
Elthon	Hattery	Miller	Watson
Emerson	Henningsen	Mowry	Whitehill
Evans	Hill	Munger	Zeigler
Faul	Hunt		

Nays, none.

Absent or not voting, 12:

Baldwin	Byers	Hess	Lundy
Bekman	Donohue	Johnson	Lynes
Benson	Dykhouse	Love	Turner

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

Senator Henningsen 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.

#### REPORT OF COMMITTEE

Senator Berg submitted the following report:

**MR. PRESIDENT:** Your committee on appropriations to which was referred Senate File 93, a bill for an act to authorize the payment of a primary road paving assessment refund warrant held by Peter J. Blough of Black Hawk county, begs leave to report it has had the same under consideration and recommends the same do pass.

*JOHN P. BERG, Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on appropriations to which was referred Senate File 161, a bill for an act making appropriation to defray the expense of the inaugural ceremonies, begs leave to report it has had the same under consideration and recommends the same do pass.

*JOHN P. BERG, Chairman.*

Ordered passed on file.

#### HOUSE MESSAGES CONSIDERED

House File 106, a bill for an act to amend sections five thousand and one hundredth (5000.01), five thousand one and fifteen hundredths (5001.15) and five thousand one and twenty-two hundredths (5001.22), Code, 1939, relating to motor vehicles and law of road.

Read first and second times and passed on file.

House File 107, a bill for an act to amend sections five thousand thirteen and nineteen hundredths (5013.19), five thousand thirty-four and six hundredths (5034.06), five thousand thirty-four and eleven hundredths (5034.11), five thousand thirty-four and thirty-nine hundredths (5034.39), and five thousand thirty-four and fifty-three hundredths (5034.53), Code, 1939, relating to motor vehicles and law of road.

Read first and second times and passed on file.

House File 128, a bill for an act making appropriation to defray the expense of the inaugural ceremonies.

Read first and second times and passed on file.

## BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 193.....	Judiciary 2
S. F. 194.....	Aeronautics
S. F. 195.....	Judiciary 2
S. F. 196.....	Judiciary 2
S. F. 197.....	Manufacturing, Commerce and Trade
S. F. 198.....	Manufacturing, Commerce and Trade
S. F. 199.....	Cities and Towns
S. F. 200.....	Cities and Towns
S. F. 207.....	Judiciary 2
H. F. 106.....	Motor Vehicles
H. F. 107.....	Motor Vehicles
H. F. 128.....	Appropriations

## AMENDMENTS FILED

Amend House File 40 by adding thereto the following:

17. To the Industrial Commissioner two (2) copies. FRANK BYERS.

Amend Senate File nineteen (19) as follows:

1. Strike from section one (1) line one (1) the word "five" (5) and insert in lieu thereof the words "six months."

2. Amend section one (1) line nineteen (19) by inserting after the word "county" the words "as recorded in Book.....Page..... of the.....Records."

3. Amend section one (1) line twenty-one (21) by striking the period (.) in said line, and inserting a comma (,) in lieu thereof, and by adding after the said comma the following words, "or such purported tax title."

4. Further amend section one (1) by striking from lines twenty-six (26) and twenty-seven (27) the words and figures "one hundred twenty (120)" and inserting in lieu thereof the word and figures "sixty (60)."

5. Amend section two (2) line four (4) by inserting after the word "deed" the words "or such purported tax deed" and further amend by striking from lines six (6) and seven (7) the words and figures "one hundred twenty (120)" and inserting in lieu thereof the word and figures "sixty (60)" and further by striking from lines ten (10) and eleven (11) the words and figures "one hundred twenty (120)" and inserting in lieu thereof the word and figures "sixty (60)."

E. K. BEKMAN.

On motion of Senator Goode, the Senate adjourned until 2:00 p. m. Monday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 3, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. William Galbreth, pastor of the First Methodist Church of Mason City.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Vrba, from the residents of Winneshiek County, opposing passage of Senate File 95 and House File 122.

By Senator Talbott, from the members of the Cooper P. T. A. of Grinnell, favoring passage of the bill for aid to dependent children.

By Senator Hess, from the members of the Boone County Home Project Library Committee, favoring library extension service.

On motion of Senator Donohue, the Senate resolved itself into executive session.

## EXECUTIVE SESSION

The Senate in executive session confirmed the following appointments:

Mrs. Virginia Bedell, of Dickinson County, as a member of the State Board of Parole, for the term ending June 30, 1943.

Clarence Godfrey, of Monroe County, as a member of the State Board of Parole, for the term ending June 30, 1947.

Mrs. Mary E. Huncke, of Polk County, as a member of the State Board of Social Welfare, for the term ending June 30, 1947.

John C. Reid, of Linn County, as a member of the State Board of Education, for the term ending June 30, 1941, and also for the term ending June 30, 1947.

The Senate arose from executive session and resumed regular session.

## INTRODUCTION OF BILLS

Senate File 208, by Senator Martin, a bill for an act to amend and revise section six thousand nine hundred forty-three and eighty-seven thousandths (6943.087), Code, 1939, relating to lien of unpaid sales tax.

Read first and second times and passed on file.

Sente File 209, by Senators Watson and Faul, a bill for an act to amend chapter two hundred ninety (290), Code, 1939, relating to ordinances and providing for the adoption of a municipal code, the amendment thereof, its admissibility as evidence and providing for the publication of such code.

Read first and second times and passed on file.

Senate File 210, by Senators Munger, Fuller, Martin, Hess and Hattery, a bill for an act relating to the barbering business of the state of Iowa, and conferring upon the state board of barber examiners powers, duties and jurisdiction with relation thereto. and providing for a barber shop license fee, and authorizing such board, its officers and agents, to make orders fixing minimum prices for barbering services and providing for a judicial review of the orders or decisions, and providing for penalties for the violation of the provisions of this act.

Read first and second times and passed on file.

Senate File 211, by Senators Sjulín, Bekman and Hill, a bill for an act to amend chapter one hundred twenty-two (122) relating to the practice of optometry and the dispensing of ophthalmic lenses.

Read first and second times and passed on file.

On motion of Senator Dewey, the following resolution was taken up and considered:

## HOUSE CONCURRENT RESOLUTION 10

House concurrent resolution memorializing the Honorable Harold L. Ickes, Secretary of the Interior, in the interest of conservation of water fowl, and relating to hunting regulations within the Intermediate Zone.

*Whereas*, It has been agreeable to sportsmen in the Intermediate Zone that certain restrictions be imposed in order to assure a plentiful supply of water fowl and that every encouragement be rendered to increase the propagation of such game birds; and

*Whereas*, The sportsmen within the Intermediate Zone have realized that the great shortage of ducks a few years ago was due to the negligent

destruction of their nesting places, and permitting the great marshlands of the north to be drained for cultivation, at the time of the last world war only to find, later on, that such land was unfit for the growing of crops; and

*Whereas*, Many hundreds of hunters within the said zone have contributed liberally of their personal funds to buy and restore said marshlands through national wild life organizations, and such action has brought the duck population back to a point where reasonable shooting conditions can again prevail; and

*Whereas*, The Intermediate Zone normally operates at a great disadvantage in comparison with other hunting zones, due to the fact that this zone must wait until the migratory flight is on before they secure any shooting, while the ducks are at hand and remain throughout practically the whole season and can easily be secured without decoys in the Northern and Southern Zones; and

*Whereas*, Even though the Intermediate Zone enjoys the same length of season as other zones, it seldom secures more than one week's good shooting out of the entire season, and the past several years the migratory flight did not fully take place until after the hunting season in the Intermediate Zone was closed; and

*Whereas*, The securing of ducks in the Intermediate Zone, especially in the state of Iowa, has been almost prohibitory since the use of live decoys has been withdrawn, and such shooting as takes place is done largely over rivers and small ponds and at distances ranging from eighty to one hundred twenty yards, as the ducks will not decoy nearer than such distance with the use of wooden blocks alone, and hunters, in shooting at such long distances, are wounding thousands of ducks which cannot be retrieved and which fall, after flying a few hours, into the wastelands of the river bottoms, thus resulting in a loss to both hunters and conservation; and

*Whereas*, Iowa sportsmen feel that an unjust discrimination exists here because of the necessity to shoot game in accordance with laws that govern the taking of game in much more favorable zones and, as a consequence thereof, are compelled to go either to the northern zone or southern zone, where they shoot twice the amount of game desired in order to justify such long trips, with the result that much game spoils in transit for lack of proper refrigeration, thus resulting in a direct loss to hunters and to conservation; or continue the present discouraging policy in trying to secure their duck hunting in Iowa; now, therefore,

*Be It Resolved by the House of Representatives, the Senate Concurring:* That the general assembly of Iowa respectfully requests the Honorable Harold L. Ickes, Secretary of the Interior, to carefully review and weigh the great differences found in the respective zones, and, in order to equalize advantages prevailing elsewhere, that permission to be granted for the use of five live decoys in front of each blind by those hunters living in the Intermediate Zone who are licensed to use them, and that this change be made effective for the year 1941 and thereafter, thus permitting hunters dwelling in said zone to secure their just share of the game during this very uncertain hunting season.

*Be It Further Resolved*, That inasmuch as the date of the migratory



flight is very uncertain in each year, sometimes occurring much earlier than in other years, the season for the Intermediate Zone be set for the period from October first to December fifteenth, inclusive, each year, in order to permit hunters in said zone to secure some hunting whenever such flight takes place and before the closing date as herein designated or the automatic closing of the season by the approach of winter.

*Be It Further Resolved,* That on all streams and waters under federal jurisdiction, each hunter using said live decoys in front of a blind be required to purchase a federal license therefor, at an annual cost of one dollar (\$1.00) said fees to be placed in a fund for the enforcement of the hunting laws and any surplus remaining therefrom to be used in the purchase and restoration of marshlands and for the propagation of water fowl.

*Be It Further Resolved,* That such licenses be issued at each first class post office and that each licensee be required, while hunting, to display such license upon request of any officer in lawful control of waters upon which such licensee is hunting, and that any failure to procure such license by any person hunting with live decoys, or his failure or refusal to carry or display his license on request shall be made an offense punishable by fine of one hundred dollars (\$100.00) or by imprisonment in jail for a period of ninety (90) days.

Senator Dewey moved that the resolution be adopted, which motion prevailed.

### THIRD READING OF BILLS

Senator Faul asked and received unanimous consent to take up Senate File 161, a bill for an act making appropriation to defray the expense of the inaugural ceremonies.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul asked and received unanimous consent to substitute House File 128 for Senate File 161.

Senator Faul asked and received unanimous consent to take up House File 128, a bill for an act making appropriation to defray the expense of inaugural ceremonies.

Senator Faul 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:

Augustine	Corwin	Emerson	Goode
Bekman	Cromwell	Evans	Hart
Berg	Dewey	Faul	Harvey
Byers	Donohue	Findlay	Hattery
Clark	Dykhouse	Fuller	Henningsen

Hess	Keir	Martin	Talbott
Hill	Leo	Mercer	Vrba
Hunt	Long	Mowry	Watson
Johnson	Love	Munger	Whitehill
Jones	Lynes	Pelzer	Zeigler

Nays, none.

Absent or not voting, 10:

Baldwin	Hamiel	Shaw	Stewart
Benson	Lundy	Sjulin	Turner
Elthon	Miller		

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

### REPORTS OF COMMITTEES

Senator Martin submitted the following report:

**MR. PRESIDENT:** Your committee on Labor, to which was referred Senate File 174, a bill for an act creating a boiler inspection department within the Department of Labor, providing for notice of intention to install and inspection of steam boilers, generators, superheaters, and creating the office of state boiler inspector, defining his duties, and providing for the enforcement of boiler inspection provisions of the act and providing penalties for the violation thereof, begs leave to report it has had the same under consideration and recommends that the same do pass.

**FRANK D. MARTIN, Chairman.**

Ordered passed on file.

Senator Miller submitted the following report:

**MR. PRESIDENT:** Your committee on child welfare to which was referred Senate File 59, a bill for an act to amend section 3666, Code, 1939, relating to the commitment of children over eighteen years of age, to private institutions or foster home placement, and conferring jurisdiction on the juvenile court to make such commitment, begs leave to report it has had the same under consideration and recommends the same do pass.

**AI MILLER, Chairman.**

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on child welfare to which was referred Senate File 15, a bill for an act to amend section 3676 to provide for a maximum allowance to institutions for receiving and caring for neglected, dependent, and delinquent children, begs leave to report it has had the same under consideration and recommends the same do pass.

**AI MILLER, Chairman.**

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on child welfare to which was referred Senate File 1, a bill for an act to repeal sections 3641, 3641.1, 3642,

and 3643, Code, 1939, relating to widows pensions; to provide a program of uniform, state-wide aid to dependent children in conformity with the social security act of the Congress of the United States, begs leave to report it has had the same under consideration and recommends the same do pass.

AI MILLER, *Chairman*.

Ordered passed on file.

Senator Shaw submitted the following report:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 52, a bill for an act to amend section 3828.023, Code, 1939, relating to liens for old-age assistance and authorizing the state board of social welfare to compromise, adjust, settle, and release such liens, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 12, a bill for an act to amend section 6944, Code, 1939, pertaining to exemption of agricultural produce so as to extend benefits to owners of grain sealed under provisions of chapter 427, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1, to which was referred Senate File 58, a bill for an act to amend sections 12263 and 12267, chapter 519 of the 1939 Code of Iowa, which has to do with forcible entry and detention of real 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:

1. Amend Senate File 58 as follows: by striking all of the title to the said act and substituting therefor the following: "An act to amend sections twelve thousand two hundred sixty-three (12263), twelve thousand two hundred seventy-five (12275) and twelve thousand two hundred sixty-seven (12267), chapter five hundred nineteen (519) of the 1939 Code of Iowa, which has to do with forcible entry and detention of real property."

2. Amend Senate File 58 as follows: strike the words "twelve thousand seventy-five" in line sixteen (16) and substitute in lieu thereof "twelve thousand two hundred seventy-five".

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1, to which was referred Senate File 22, a bill for an act limiting the use of white canes

to blind persons, regulations for drivers of vehicles, and providing penalties therefor, 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 all of said Senate File after the enacting clause and substitute in lieu thereof the following:

“Section 1. For the purpose of guarding against accidents in traffic on the public thoroughfares, it shall be unlawful for any person except persons wholly or partially blind to carry or use on the streets, highways and public places of the state any white canes or walking sticks which are white in color or white tipped with red.

Sec. 2. Any driver of a vehicle or operator of a motor-driven vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color or white tipped with red, shall immediately come to a complete stop, and take such precautions as may be necessary to avoid accident or injury to the person carrying a cane or walking stick white in color or white tipped with red.

Sec. 3. Any person who shall carry a cane or walking stick such as prescribed in section one (1) hereof contrary to the provisions hereof, or who shall fail to heed the approach of a person lawfully so carrying a cane or walking stick white in color or white tipped with red, or who shall fail to immediately come to a complete stop, and take such precautions against accident or injury to such person, shall be fined not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00) for each offense.”

Further amend by striking all of the title and substituting in lieu thereof the following:

“An Act to limit the use of white canes to the blind: providing that such white canes be considered a warning to drivers of all vehicles, and providing penalties for violations thereof.”

A. J. SHAW, *Chairman.*

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEE

President Hickenlooper announced the following assignment of bills to committees.

S. F. 208.....	Judiciary 1
S. F. 209.....	Judiciary 2
S. F. 210.....	Judiciary 2
S. F. 211.....	Public health

On motion of Senator Mowry, the Senate adjourned until 10:00 a. m. Tuesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 4, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. R. J. Rutt of the Presbyterian Church of Missouri Valley.

The Journal of February 3d was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Benson for the day, on request of Senator Sjulín; Senator Lundy for the day, on request of Senator Augustine.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Donohue, from the residents of Chickasaw county, opposing passage of Senate File 95 and House File 122.

By Senator Byers, from the residents of Benton, Linn and Cedar counties, favoring revision of the conservation laws to permit removal of soft fish from the Cedar River in Linn and Cedar counties.

By Senator Berg, from the Iowa Baptist Convention of Council Bluffs, favoring passage of the pre-marital examination bill.

By Senator Berg, from the residents of Grundy and Black Hawk counties, opposing passage of Senate File 95 and House File 122.

By Senator Munger, from the residents of Woodbury county, favoring passage of the proposed pension bill.

By Senator Dykhousé, from the residents of Lyon county, opposing passage of Senate File 95 and House File 122.

By Senator Fuller, from the residents of Jackson county, opposing passage of Senate File 95 and House File 122.

By Senator Miller, from the residents of Dallas county, favoring passage of the proposed pension bill.

By Senator Shaw, from the residents of Humbolt county, opposing Senate File 95 and House File 122.

By Senator Mowry, from the residents of Jasper county, favoring passage of the proposed pension bill.

By Senator Johnson, from the residents of Hancock county, opposing Senate File 95 and House File 122.

By Senator Dewey, from the residents of Henry county, opposing Senate File 95 and House File 122.

By Senator Goode, from the residents of Appanoose county, favoring passage of the proposed pension bill.

By Senator Faul, from the residents of Polk county, opposing Senate File 95 and House File 122.

#### EXTRA COPIES

Senator Findlay asked and received unanimous consent to have 1,000 copies of Senate File 165 as finally passed by the House and Senate printed.

Senator Munger asked and received unanimous consent to have 500 additional copies of Senate File 210 printed.

Senator Long asked and received unanimous consent to have 300 additional copies of Senate File 157 printed.

Senator Bekman asked and received unanimous consent to have 500 additional copies of Senate File 211 printed without expense to the state.

Senator Faul asked and received unanimous consent to have 300 additional copies of Senate File 162 printed.

#### 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 9, relating to loss to growing crops by hail.

A. C. GUSTAFSON, *Chief Clerk.*

#### INTRODUCTION OF BILLS

Senate File 212, by Senators Clark, Evans and Cromwell, a bill for an act defining an abstract of title, providing for the examina-

tion and licensing of persons, firms and corporations certifying abstracts of title, creating a board of abstract examiners, fixing the amounts of the fees and bond for licensed abstracters, and fixing the penalty for violations.

Read first and second times and passed on file.

Senate File 213, by Committee on Agriculture, a bill for an act to provide regulations as to the sale of baby chicks; to provide for the licensing of handlers and dealers thereof; to provide inspection for establishments operated by said handlers and dealers; and providing penalties for the violation of this act.

Read first and second times and placed on calendar.

Senate File 214, by Senator Vrba, a bill for an act to amend chapter three hundred eighty-four (384), Code, 1939, providing for the mailing to stockholders of the financial statement of corporations for pecuniary profit.

Read first and second times and passed on file.

Senate File 215, by Senator Augustine, a bill for an act to provide for the levying of an annual Head Tax of three dollars (\$3.00) upon every eligible voter in the State of Iowa, and to remit same upon proof that he voted in the last general election.

Read first and second times and passed on file.

Senate File 216, by Senator Mowry, a bill for an act to amend chapter two hundred thirteen (213), Code, 1939, to provide for notice of termination of contracts for the employment of teachers.

Read first and second times and passed on file.

Senate File 217, by Senator Donohue, a bill for an act to amend sections six thousand nine hundred forty-three and forty-one thousandths (6943.041) and six thousand nine hundred forty-three and forty-four thousandths (6943.044), Code, 1939, relating to personal exemption from income tax.

Read first and second times and passed on file.

Senate File 218, by Senator Cromwell (Dodds), a bill for an act to authorize school districts to sell and convey property to the Federal Government in the development of the national defense, and to provide for the disposition of the proceeds of such sale.

Read first and second times and passed on file.

Senate File 219, by Senator Love, a bill for an act to amend section six hundred sixteen (616), Code, 1939, relating to the date of county political conventions.

Read first and second times and passed on file.

Senate File 220, by Senator Hunt, a bill for an act to amend sections one thousand one hundred seventy-one and seven hundredths (1171.07), one thousand one hundred seventy-two (1172) and eight thousand three hundred twelve (8312), Code, 1939, relating to the publication of certain advertisements and notices.

Read first and second times and passed on file.

Senate File 221, by Senators Byers, Faul, Baldwin, Watson and Henningsen, a bill for an act to amend the law as it appears in section fifty-seven hundred forty-five (5745), Code, 1939, by repealing paragraph four (4) of said section and inserting in lieu thereof a new paragraph four (4), relating to the number of, regulation, licensing or prohibiting the running at large of dogs, and providing for the licensing or disposal thereof.

Read first and second times and passed on file.

Senate File 222, by Senators Byers, Faul, Baldwin, Watson and Henningsen, a bill for an act to amend section fifty-seven hundred forty-five (5745), Code, 1939, by granting additional powers to cities or towns to regulate the seizure, collection, protection and disposal of dogs, and to enter into contracts therefor with certain societies or associations.

Read first and second times and passed on file.

Senate File 223, by Senator Cromwell (Dodds), a bill for an act to provide for the joining of school districts altered by the Federal Government in the location of national defense project to adjoining school district or districts.

Read first and second times and passed on file.

Senate File 224, by committee on National Defense, a bill for an act to provide for contribution to the national defense and the permanent economic development of the state of Iowa by the creation of the Iowa Industrial and Defense Commission and the Legisla-



tive Committee on National Defense Coordination, and appropriating funds therefor, and providing for the disbursement thereof.

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

#### HOUSE MESSAGES CONSIDERED

House File 9, a bill for an act to amend chapter four hundred four (404), Code, 1939, relating to loss to growing crops by hail, and providing for notice thereof.

Read first and second times and passed on file.

#### THIRD READING OF BILLS

Senator Faul asked and received unanimous consent to take up Senate File 177, a bill for an act to amend section eighty-nine hundred twenty-seven (8927), Code, 1939, relating to investments of insurance companies organized under chapter four hundred four (404), Code, 1939.

Senator Byers offered the following amendment and moved its adoption:

Amend by inserting in line 3 of section 2 after the word "the" the following "Cedar Rapids Tribune" and by inserting in line 4 after the word "at" the following: "Cedar Rapids". Also amend section 2 by inserting in line 5 after the word "and" the following: "the New Hampton American" and by inserting in line 6 after the word "at" the following: "New Hampton".

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, 45:

Augustine	Evans	Hill	Mowry
Baldwin	Faul	Hunt	Munger
Bekman	Findlay	Johnson	Pelzer
Berg	Fuller	Jones	Shaw
Byers	Goode	Keir	Sjulin
Clark	Hamiel	Leo	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hess	Miller	Zeigler
Emerson			

Nays, none.

Absent or not voting, 5:

Benson	Long	Lundy	Stewart
Elthon			

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

Senator Faul 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.

Senator Faul moved to substitute House File 9 for Senate File 178 on the calendar.

The motion prevailed and the substitution was made.

Senator Whitehill took the chair at 10:28 a. m.

Senator Faul asked and received unanimous consent to take up House File 9, a bill for an act to amend chapter four hundred four (404), Code, 1939, relating to loss to growing crops by hail, and providing for notice thereof.

Senator Faul 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, 43:

Augustine	Evans	Johnson	Munger
Baldwin	Faul	Jones	Pelzer
Bekman	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Harvey	Lynes	Turner
Cromwell	Hattery	Martin	Vrba
Dewey	Hess	Mercer	Watson
Elthon	Hill	Miller	Whitehill
Emerson	Hunt	Mowry	

Nays, none.

Absent or not voting, 7:

Benson	Dykhous	Henningesen	Zeigler
Donohue	Hart	Lundy	

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

Senator Faul 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.

Senator Sjulín asked and received unanimous consent to be recorded as voting "aye" on Senate File 177.

Senator Mowry asked and received unanimous consent to take up Senate File 22, a bill for an act to limit the use of white canes to those who are blind or partly blind and requiring the driver of any vehicle which shall approach or come into the immediate vicinity of any person wholly or partly blind carrying a cane or walking stick white in color or white tipped with red shall take such precaution before proceeding as may be necessary to avoid accident or injury to the person wholly or partly blind, and providing a penalty for the violation thereof.

The report of committee recommending amendment and passage was taken up, considered, and the report of the committee adopted.

The following committee amendments were considered:

Strike all after the enacting clause and substitute in lieu thereof the following:

"Section 1. For the purpose of guarding against accidents in traffic on the public thoroughfares, it shall be unlawful for any person except persons wholly or partially blind to carry or use on the streets, highways and public places of the state any white canes or walking sticks which are white in color or white tipped with red.

Sec. 2. Any driver of a vehicle or operator of a motor-driven vehicle who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color or white tipped with red, shall immediately come to a complete stop, and take such precautions as may be necessary to avoid accident or injury to the person carrying a cane or walking stick white in color or white tipped with red.

Sec. 3. Any person who shall carry a cane or walking stick such as prescribed in section one (1) hereof contrary to the provisions hereof, or who shall fail to heed the approach of a person lawfully so carrying a cane or walking stick white in color or white tipped with red, or who shall fail to immediately come to a complete stop, and take such precautions against accident or injury to such person, shall be fined not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00) for each offense."

Further amend by striking all of the title and substituting in lieu thereof the following:

"An Act to limit the use of white canes to the blind; providing that such white canes be considered a warning to drivers of all vehicles, and providing penalties for violations thereof."

The amendments were adopted.

Senator Corwin asked and received unanimous consent to withdraw his amendment to Senate File 22, found on page 59 of the Senate Journal.

Senator Mowry 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:

Augustine	Evans	Hunt	Munger
Baldwin	Faul	Johnson	Pelzer
Bekman	Findlay	Jones	Shaw
Berg	Fuller	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Mercer	Watson
Dykhouse	Hess	Miller	Whitehill
Elthon	Hill	Mowry	Zeigler
Emerson			

Nays, none.

Absent or not voting, 5:

Benson	Henningsen	Lundy	Martin
Donohue			

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

Senator Mowry 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.

Senator Faul asked and received unanimous consent to take up Senate File 179, a bill for an act to amend sections eight thousand six hundred eighty-four and two hundredths (8684.02) and eight thousand six hundred eighty-four and three hundredths (8684.03), Code, 1939, relating to group insurance pertaining to persons associated with a principal by a contractual relationship.

Senator Faul 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, 43:

Augustine	Berg	Corwin	Elthon
Baldwin	Byers	Cromwell	Emerson
Bekman	Clark	Dewey	Evans

Faul	Hunt	Martin	Stewart
Findlay	Johnson	Mercer	Talbott
Fuller	Jones	Miller	Turner
Goode	Keir	Mowry	Vrba
Hamiel	Leo	Munger	Watson
Harvey	Long	Pelzer	Whitehill
Hattery	Love	Shaw	Zeigler
Hess	Lynes	Sjulin	

Nays, none.

Absent or not voting, 7:

Benson	Dykhouse	Henningsen	Lundy
Donohue	Hart	Hill	

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

Senator Faul 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.

Senator Faul asked and received unanimous consent to take up Senate File 181, a bill for an act to authorize minors of not less than fifteen (15) years of age to contract for life insurance.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 181 by striking from line 3 the word "fifteen" and by inserting in lieu thereof the word "eighteen".

The amendment was adopted.

Senator Faul 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, 42:

Augustine	Elthon	Johnson	Mowry
Baldwin	Emerson	Jones	Pelzer
Bekman	Faul	Keir	Sjulin
Berg	Findlay	Leo	Stewart
Byers	Fuller	Long	Talbott
Clark	Hamiel	Love	Turner
Corwin	Harvey	Lynes	Vrba
Cromwell	Hattery	Martin	Watson
Dewey	Hess	Mercer	Whitehill
Donohue	Hill	Miller	Zeigler
Dykhouse	Hunt		

Nays, none.

Absent or not voting, 8:

Benson	Goode	Henningsen	Munger
Evans	Hart	Lundy	Shaw

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

Senator Faul offered the following amendment to the title and moved its adoption:

Amend the title to Senate File 181 by striking from line 1 the word and numerals "fifteen (15)" and substituting in lieu thereof the word and numerals "eighteen (18)".

The amendment was adopted and the title as amended was agreed to.

Senator Faul 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.

Senator Faul asked and received unanimous consent to take up Senate File 182, a bill for an act to amend section twelve thousand seven hundred seventy-two (12772), Code, 1939, relating to investment of trust funds by fiduciaries.

Senator Munger 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, 46:

Augustine	Emerson	Johnson	Munger
Baldwin	Faul	Jones	Pelzer
Bekman	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lynes	Turner
Cromwell	Harvey	Martin	Vrba
Dewey	Hattery	Mercer	Watson
Donohue	Henningsen	Miller	Whitehill
Dykhouse	Hess	Mowry	Zeigler
Elthon	Hill		

Nays, none.

Absent or not voting, 4:

Benson	Evans	Hunt	Lundy
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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 Munger 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.

Senator Faul asked and received unanimous consent to take up Senate File 183, a bill for an act to authorize minors, who shall have attained the age of eighteen (18) years, to be competent to receive benefit payments of life insurance proceeds and receipt therefor.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 183 by striking all following the enacting clause and by substituting in lieu thereof the following:

"Section 1. Any minor domiciled in this state, who shall have attained the age of eighteen (18) years, shall be deemed competent to receive, and to give a full acquittance and discharge for payments in an amount not exceeding five hundred (\$500.00) dollars in any one year, made by a life insurance company as benefits payable in compliance with the provisions of a life insurance contract, or settlement agreement, unless such contract or agreement shall specifically provide otherwise; but no such minor shall be deemed competent to alienate the right to such payments or to anticipate the same."

The amendment was adopted.

Senator Faul 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, 41:

Augustine	Faul	Johnson	Pelzer
Baldwin	Findlay	Jones	Shaw
Bekman	Fuller	Keir	Sjulin
Berg	Hamiel	Leo	Stewart
Byers	Hart	Long	Talbott
Clark	Harvey	Love	Turner
Cromwell	Hattery	Lynes	Vrba
Dewey	Hess	Martin	Watson
Donohue	Hill	Miller	Whitehill
Dykhouse	Hunt	Mowry	Zeigler
Emerson			

Nays, none.

Absent or not voting, 9:

Benson	Evans	Henningsen	Mercer
Corwin	Goode	Lundy	Munger
Elthon			

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

Senator Faul 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.

Senator Dykhouse asked and received unanimous consent to take up Senate File 23, a bill for an act to amend section five thousand twenty-five and eight hundredths (5025.08), Code, 1939, providing for the method of giving hand and arm signals under the motor vehicle law.

The report of committee recommending passage was taken up and considered, and the report of the committee was adopted.

Senator Dykhouse 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:

Augustine	Evans	Hunt	Munger
Baldwin	Findlay	Jones	Pelzer
Bekman	Fuller	Keir	Shaw
Berg	Goode	Leo	Sjulin
Byers	Hamiel	Long	Stewart
Clark	Hart	Love	Talbott
Cromwell	Harvey	Lynes	Turner
Dewey	Hattery	Martin	Vrba
Dykhouse	Henningsen	Mercer	Watson
Elthon	Hess	Miller	Whitehill
Emerson	Hill	Mowry	Zeigler

Nays, none.

Absent or not voting, 6:

Benson	Donohue	Johnson	Lundy
Corwin	Faul		

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

Senator Dykhouse 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.

Senator Cromwell asked and received unanimous consent to take up Senate File 78, a bill for an act to amend section two thousand two hundred forty-six and four tenths (2246.4), of chapter one hundred seven and one tenth (107.1), 1939 Code of Iowa, relating to the fund from which the expenses of the County Board of Health are paid.

The report of committee recommending passage was taken up and considered, and the report of the committee was adopted.

Senator Cromwell 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, 46:**

Augustine	Emerson	Hunt	Mowry
Baldwin	Evans	Johnson	Munger
Bekman	Findlay	Jones	Pelzer
Berg	Fuller	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhous	Hess	Miller	Zeigler
Elthon	Hill		

**Nays, none.**

**Absent or not voting, 4:**

Benson	Faul	Lundy	Shaw
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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 Cromwell 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.

Senator Donohue asked and received unanimous consent to take up Senate File 86, a bill for an act to amend sections one thousand four hundred twenty-one (1421) and one thousand four hundred twenty-two (1422), Code, 1939, relating to workmen's compensation, and defining as "employees" members of the Iowa highway safety patrol.

The report of committee recommending passage was taken up and considered, the report of the committee adopted.

Senator Donohue 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, 47:**

Augustine	Emerson	Hunt	Munger
Baldwin	Evans	Johnson	Pelzer
Bekman	Findlay	Jones	Shaw
Berg	Fuller	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhous	Hess	Miller	Zeigler
Elthon	Hill	Mowry	

Nays, none.

Absent or not voting, 3:

Benson	Faul	Lundy
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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 Donohue 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.

Senator Donohue asked and received unanimous consent to take up House File 40, a bill for an act to amend section two hundred thirty-nine (239), Code, 1939, relating to the free distribution of the reports of the Supreme Court.

The report of committee recommending passage was taken up and considered, the report of the committee adopted.

Senator Byers offered the following amendment and moved its adoption:

Amend House File 40 by adding thereto the following:

17. To the Industrial Commissioner two (2) copies.

The amendment was adopted.

Senator Donohue 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:

Augustine	Emerson	Hill	Munger
Baldwin	Evans	Hunt	Pelzer
Bekman	Faul	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lynes	Turner
Cromwell	Harvey	Martin	Vrba
Dewey	Hattery	Mercer	Watson
Donohue	Henningsen	Miller	Whitehill
Dykhouse	Hess	Mowry	Zeigler
Elthon			

Nays, none.

Absent or not voting, 5:

Benson	Johnson	Leo	Lundy
Fuller			

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

Senator Donohue 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.

Senator Berg asked and received unanimous consent to take up Senate File 201, a bill for an act to establish a general fund for the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943.

Senator Berg 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, 47:**

Augustine	Emerson	Hill	Munger
Baldwin	Evans	Hunt	Pelzer
Bekman	Faul	Johnson	Shaw
Berg	Findlay	Jones	Sjulin
Byers	Fuller	Keir	Stewart
Clark	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Cromwell	Hart	Lynes	Vrba
Dewey	Harvey	Martin	Watson
Donohue	Hattery	Mercer	Whitehill
Dykhouse	Henningsen	Miller	Zeigler
Elthon	Hess	Mowry	

**Nays, none.**

**Absent or not voting, 3:**

Benson	Leo	Lundy
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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 Berg 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.

Senator Berg asked and received unanimous consent to take up Senate File 202, a bill for an act to amend section sixty-nine hundred forty-three and one hundred thousandths (6943.100), Code, 1939, relative to allocation of revenue for Old Age Assistance.

Senator Berg 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:

President Hickenlooper took the chair at 11:51 a. m.

Ayes, 47:

Augustine	Emerson	Hill	Munger
Baldwin	Evans	Hunt	Pelzer
Bekman	Faul	Johnson	Shaw
Berg	Findlay	Jones	Sjulin
Byers	Fuller	Keir	Stewart
Clark	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Cromwell	Hart	Lynes	Vrba
Dewey	Harvey	Martin	Watson
Donohue	Hattery	Mercer	Whitehill
Dykhouse	Henningsen	Miller	Zeigler
Elthon	Hess	Mowry	

Nays, none.

Absent or not voting, 3:

Benson	Leo	Lundy
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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 Berg 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.

#### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 3d he had approved the following:

Senate File 165, relating to assessment of property for taxation and providing for assessment of property at sixty per cent of actual value.

#### REPORTS OF COMMITTEES

Senator Berg submitted the following report:

**MR. PRESIDENT:** Your committee on appropriations to which was referred Senate File 224, a bill for an act to provide for contribution to the national defense and the permanent economic development of the state of Iowa by the creation of the Iowa Industrial and Defense Commission and the Legislative Committee on National Defense Coordination, and appropriating funds therefor, and providing for the disbursement thereof, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Senator Evans submitted the following report:

**MR. PRESIDENT:** Your committee on highways to which was referred Senate File 50, a bill for an act to authorize a city or town and the state Highway Commission to enter into agreement with respect to any project

for the paving of a portion of the primary road extension within such city or town, 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 50 by adding in line three (3) thereof following the word "extension", the word " , only,". K. A. EVANS, *Chairman*.

Ordered passed on file.

Senator Henningsen submitted the following report:

MR. PRESIDENT: Your committee on motor vehicles to which was referred House File 29, a bill for an act to amend section 5103.01, chapter 252.2, Code of Iowa, 1939, to further define "motor vehicle" and to provide exemption of busses used exclusively in conveying school children to and from schools, begs leave to report it has had the same under consideration and recommends the same do pass. O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on motor vehicles to which was referred House File 6, a bill for an act to amend section 5103.04, chapter 252.2, Code, 1939, relating to taxation of motor vehicle certificated carriers, begs leave to report it has had the same under consideration and recommends the same do pass. O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on motor vehicles to which was referred House File 3, a bill for an act to amend section 5103.12, chapter 252.2, Code, 1939, to provide for refunds as required under section 5103.05 and to provide for the payment for identification plate provided for in section 5103.06, begs leave to report it has had the same under consideration and recommends the same do pass. O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on motor vehicles to which was referred House File 32, a bill for an act to amend section 5103.02, chapter 252.2, Code, 1939, to clarify the section by the substitution of the word "registration" for the word "license" and to further define "gross weight", begs leave to report it has had the same under consideration and recommends the same do pass. O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Senator Cromwell submitted the following report:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 32, a bill for an act to repeal section 6896, relating to the period of collection of penalty or interest upon taxes and assessments in cities acting under special charter and to enact a substitute therefore

relating to the period of collection of penalty or interest on general taxes of such cities which levy and collect their own taxes, 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 32 by inserting in line 5 of section 1 immediately following the words "shall not collect" the following: "any further".

FRED CROMWELL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 33, a bill for an act to provide that section 7271 pertaining to cities under special charter which collect their own taxes, after 1 year shall be cancelled from the tax sale index and tax sale register, etc., begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 91, a bill for an act to amend chapter 329, Code, 1939, by adding a new section thereto, relating to the department of publicity, development, and general welfare of cities and towns, applicable to cities acting under special charter, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman.*

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 212.....	Judiciary 2
S. F. 214.....	Judiciary 1
S. F. 215.....	Election Reform
S. F. 216.....	Public Schools
S. F. 217.....	Judiciary 2
S. F. 218.....	Public Schools
S. F. 219.....	Election Reform
S. F. 220.....	Printing
S. F. 221.....	Judiciary 2
S. F. 222.....	Cities and Towns
S. F. 223.....	Public Schools

#### AMENDMENTS FILED

Amend Senate File 88 as follows:

1. Insert after the word "cities" in line two (2) of section one (1)

the following: "having a population of less than seventy-five thousand (75,000)".

2. Insert after the word "cities" in line two (2) of section twelve (12) the following: "having a population of less than seventy-five thousand (75,000)".

ROBERT P. MUNGER.  
GEORGE FAUL.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 5, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. W. C. Nassen, pastor of the Lutheran church of Allison.

The Journal of February 4th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Benson for the day on request of Senator Sjulín; Senator Zeigler for the day on request of Senator Hill.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Berg, from the residents of Black Hawk county, favoring passage of the fair trade practices act.

By Senator Hill, from the residents of Wright county, opposing passage of Senate File 95 and House File 122.

By Senator Hill, from the residents of Wright and Hardin counties, favoring passage of the loss-leader bill.

By Senator Hill, from residents of Holmes and Goldfield, favoring passage of certain liquor bills.

By Senator Shaw, from the residents of Pocahontas and Buena Vista counties, favoring passage of the loss-leader and pre-marital physical examination bills.

By Senator Dewey, from the residents of Linn, Cedar and Benton counties, favoring revision of the conservation laws to permit the removal of soft fish from the Cedar river of Linn and Cedar counties.

By Senator Dewey, from the residents of Washington county opposing passage of Senate File 95 and House File 122.



By Senator Hattery, from the residents of Boone and Story counties, favoring revision of the old age assistance law.

By Senator Love, from the residents of Madison county, favoring revision of the old age assistance law.

By Senator Love, from the residents of Adair county, favoring passage of the loss-leader bill.

By Senator Talbott, from the residents of Keokuk county, favoring revision of the old age assistance law.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 4th he had approved the following:

Senate File 6, permitting boards of supervisors of the various counties to levy an additional millage for the support of the poor.

Senate File 42, relating to annual levies.

Senate File 90, relating to and providing for unemployment compensation.

#### INTRODUCTION OF BILLS

Senate File 225, by Senator Baldwin, a bill for an act to amend the law as it appears in section sixty-six hundred thirty-three (6633), Code, 1939, to provide for compensation for councilmen in cities of thirty thousand (30,000) or more population, acting under the city manager plan.

Read first and second time and passed on file.

Senate File 226, by Senator Elthon a bill for an act to amend section seven thousand two hundred fourteen (7214), Code, 1939, relating to penalties on delinquent taxes.

Read first and second times and passed on file.

Senate File 227, by Senator Martin a bill for an act to assure and expedite the collection of taxes, both county and city, and special assessments against real estate located in cities acting under special charter which collect their own taxes as well as the liquidation of tax claims against such real estate and for such ends: to prohibit, in certain circumstances and after a time fixed, the sale of real estate at tax sale by such cities; to prescribe the

manner of liquidation of tax claims of both county and city after issuance of tax deed to the county; to grant further authority to such cities to purchase real estate at tax sale; to grant authority to such cities to purchase tax claims of the county as well as to pay taxes to the county; and to grant authority to such cities to compromise certain delinquent taxes and special assessments collectible by them and to ratify such compromises made in the past.

Read first and second times and passed on file.

Senate File 228, by Senator Hill, a bill for an act relating to the issuance of duplicate sheriff's certificates of sale for lost or destroyed certificates and providing for cancellation of outstanding certificates after lapse of eight years.

Read first and second times and passed on file.

Senate File 229, by Senator Elthon, a bill for an act to impose a tax on the privilege of declaring and receiving dividends on corporation stock.

Read first and second times and passed on file.

Senate File 230, by Senator Clark, a bill for an act to amend section three thousand six hundred four and two tenths (3604.2), Code, 1939, relating to records kept by county auditors for patients in any institution.

Read first and second times and passed on file.

Senate File 231, by Senator Clark (Poston), a bill for an act to amend section nine thousand three hundred forty and three hundredths (9340.03), Code, 1939, relating to the authority of fiduciaries and others to invest funds in building and loan associations without order of court.

Read first and second times and passed on file.

Senate File 232, by Senator Love, a bill for an act to amend sections three thousand one hundred and twenty-two hundredths (3100.22), and three thousand one hundred and twenty-three hundredths (3100.23), Code, 1939, relating to the grading of cream.

Read first and second times and passed on file.

Senate File 233, by Senator Augustine, a bill for an act to fix

mileage paid by the State of Iowa to persons driving automobiles owned individually on state business.

Read first and second times and passed on file.

Senate File 234, by Senator Keir (Avery, Hutchinson and Morrissey), a bill for an act to provide for the clearing at par of checks drawn on any bank or trust company organized under the laws of this state.

Read first and second times and passed on file.

Senate File 235, by Senators Cromwell, Bekman and Donohue, a bill for an act to amend section five thousand six hundred ninety-four (5694), section five thousand six hundred ninety-nine (5699), and section five thousand six hundred ninety-nine and one tenth (5699.1), Code, 1939, relating to the civil service rights of the chief or acting chief of the police department and placing the office of chief of police or acting chief of police under civil service.

Read first and second times and passed on file.

Senate File 236, by Senators Mercer and Hattery, a bill for an act to amend section six thousand nine hundred and forty-three and one hundred forty-one thousandths (6943.141) of the Code, 1939, relating to the applicability of the provisions of the chain store tax as expressed in chapter three hundred twenty-nine and six tenths (329.6) of said Code.

Read first and second times and passed on file.

Senate File 237, by Senator Hill, a bill for an act to designate the rights and remedies of the owner and holder of security on real estate in the filing of claims against estates and to prescribe the procedure with reference thereto.

Read first and second times and passed on file.

Senate File 238, by Senator Bekman (Wagner), a bill for an act to amend section five hundred twenty-six and three tenths (526.3), Code, 1939, relating to ratio of representation in the House of Representatives of the State Legislature. Also to amend section five hundred twenty-six and four tenths (526.4), Code, 1939, relating to giving to Wapello County two Representatives in the House of Representatives of the State Legislature in lieu of Lee County.

Read first and second times and passed on file.

Senate File 239, by Senator Watson, a bill for an act to amend section thirteen thousand seven hundred seventy-four (13,774), Code, 1939, relating to the compensation of attorneys appointed by the court by providing for their compensation in cases of indictable misdemeanors.

Read first and second times and passed on file.

Senate File 240, by committee on public utilities, a bill for an act to amend sections sixty-nine hundred eighty-two and one tenth (6982.1) and sixty-nine hundred eighty-two and two tenths (6982.2), relating to annual reports to be filed with the State Tax Commission of property owned by individuals, co-partnerships, corporations or associations operating water works, gas works, pipe lines, electric light or power plants, electric railways and elevated street railways, and relating to the valuation and assessment of such property.

Read first and second times and passed on file.

On motion of Senator Augustine, the following resolution was taken up:

#### SENATE RESOLUTION 2

*Whereas*, Some of the members of this Body have expressed upon the floor of the Senate their lack of knowledge of national affairs, to wit: the Lease-Lend Bill; therefore

*Be It Resolved by the Senate*: The Secretary of the Senate of Iowa request from the Secretary of the Senate of the United States copies of the Lease-Lend Bill for such members of this body who are not familiar with its provisions.

Senator Augustine offered the following amendment and moved its adoption:

Amend Senate Resolution 2 by adding as a new paragraph the following:

*Be It Further Resolved*

*Whereas*, Wendell L. Willkie is now on his return to America from an inspection of Great Britain, such members of this Body as supported him in the last election should make an effort to ascertain his views on the Lease-Lend Bill.

A. E. AUGUSTINE.

Senator Donohue moved to refer the resolution and the amendment to the committee on military affairs.

The motion prevailed and the resolution and amendment were referred to the committee on military affairs.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

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

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled House Files 1 and 5.

**EDWARD H. VRBA**, *Chairman Senate Committee.*

**GORDON SMITH**, *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 5.

#### THIRD READING OF BILLS

Senator Shaw asked and received unanimous consent to take up Senate File 52, a bill for an act to amend section three thousand eight hundred twenty-eight and twenty-three thousandths (3828.023), Code, 1939, relating to liens for old-age assistance and authorizing the state board of social welfare to compromise, adjust, settle, and release such liens.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 52 by striking from lines 18 and 19 the following: "such person on behalf of the board as it may designate" and inserting in lieu thereof "the secretary of the State Board of Social Welfare".

The amendment was adopted.

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

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

**Ayes, 44:**

Augustine  
Baldwin  
Berg

Byers  
Clark  
Corwin

Cromwell  
Dewey  
Donohue

Dykhouse  
Elthon  
Evans

Faul	Henningsen	Long	Shaw
Findlay	Hess	Love	Sjulin
Fuller	Hill	Lynes	Stewart
Goode	Hunt	Martin	Talbott
Hamiel	Johnson	Miller	Turner
Hart	Jones	Mowry	Vrba
Harvey	Keir	Munger	Watson
Hattery	Leo	Pelzer	Whitehill

Nays, none.

Absent or not voting, 6:

Bekman	Emerson	Mercer	Zeigler
Benson	Lundy		

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

Senator Shaw 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.

#### 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 44, a bill for an act relating to personal income tax.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 69, a bill for an act relating to light and power plants.

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

House File 78, a bill for an act relating to the payment of a refund warrant.

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

House File 13, a bill for an act relating to liens for keeping stock and motor vehicles.  
A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 44

Amend by striking the figures "1939" in line three of subsection 2 and inserting in lieu thereof the figures "1937".

Amend by adding as subsection six (6) the following: If a taxpayer exercises the election provided for in subsection one (1) of section one (1) of this act he may file with the State Tax Commission a return or an amended return for any year prior to 1940 to secure the benefits of subsection one (1) of section one (1) of this act and the penalties provided

in section six thousand nine hundred forty-three and fifty-seven thousandths (6943.057), Code, 1939, shall not be imposed if such return or amended return is filed within ninety (90) days after this act becomes effective.

Amend by adding thereto, as subsection seven the following: If a taxpayer exercises the election provided for in subsection one (1) of section one (1) of this act and treats the loan as gross income, he shall not be permitted to also treat it as a debt for purposes of deduction from his moneys and credits tax.

Add an additional section as follows: This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Spencer Times, a newspaper published at Spencer, and the Emmetsburg Democrat, a newspaper published at Emmetsburg, Iowa.

#### HOUSE AMENDMENT TO SENATE FILE 69

Amend the title to Senate File 69 by striking from the third line thereof the word "new" and inserting in lieu thereof the word "net".

#### THIRD READING OF BILLS

Senator Hess asked and received unanimous consent to take up Senate File 58, a bill for an act to amend sections twelve thousand two hundred sixty-three (12263) and twelve thousand two hundred sixty-seven (12267), chapter five hundred nineteen (519) of the 1939 Code of Iowa, which has to do with forcible entry and detention of real property.

The report of committee recommending amendment and passage was taken up, considered, and the report of the committee adopted.

The following committee amendment was considered:

1. Amend Senate File 58 as follows: by striking all of the title to the said act and substituting therefor the following: "An act to amend sections twelve thousand two hundred sixty-three (12263), twelve thousand two hundred seventy-five (12275) and twelve thousand two hundred sixty-seven (12267), chapter five hundred nineteen (519) of the 1939 Code of Iowa, which has to do with forcible entry and detention of real property."

2. Amend Senate File 58 as follows: strike the words "twelve thousand seventy-five" in line sixteen (16) and substitute in lieu thereof "twelve thousand two hundred seventy-five".

Senator Hess asked and received unanimous consent to withdraw the two amendments filed by him and found on pages 130 and 139 of the Journal.

On motion of Senator Hess action was temporarily deferred on Senate File 58.

Senator Berg asked and received unanimous consent to take up Senate File 203, a bill for an act to make appropriations from the liquor control fund to the Industrial Commissioner for the payment of claims of employees of the Liquor Control Commission who are injured or killed, and to the Department of Public Safety for use by the Bureau of Investigation in liquor control enforcement.

Senator Berg 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:

Augustine	Emerson	Hill	Miller
Baldwin	Evans	Hunt	Mowry
Bekman	Findlay	Johnson	Munger
Berg	Fuller	Jones	Pelzer
Clark	Goode	Keir	Shaw
Corwin	Hamiel	Leo	Sjulin
Cromwell	Hart	Long	Stewart
Dewey	Harvey	Love	Talbott
Donohue	Hattery	Lynes	Vrba
Dykhouse	Henningsen	Martin	Watson
Elthon	Hess	Mercer	Whitehill

Nays, none.

Absent or not voting, 6:

Benson	Faul	Turner	Zeigler
Byers	Lundy		

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

Senator Berg 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.

Senator Berg asked and received unanimous consent to take up Senate File 204, a bill for an act to appropriate funds from the Primary Road Fund to the Industrial Commissioner for the payment of workmen's compensation claims of employees of the Highway Commission.

Senator Berg 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, 46:

Augustine	Emerson	Hill	Miller
Baldwin	Evans	Hunt	Mowry
Bekman	Faul	Johnson	Munger
Berg	Findlay	Jones	Pelzer
Byers	Fuller	Keir	Shaw
Clark	Goode	Leo	Sjulin
Corwin	Hamiel	Long	Stewart
Cromwell	Hart	Love	Talbott
Dewey	Harvey	Lynes	Vrba
Donohue	Hattery	Martin	Watson
Dykhouse	Henningsen	Mercer	Whitehill
Elthon	Hess		

## Nays, none.

## Absent or not voting, 4:

Benson	Lundy	Turner	Zeigler
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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 Berg 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.

Senator Faul took the chair at 11:04 a. m.

Senator Berg asked and received unanimous consent to take up Senate File 205, a bill for an act to appropriate funds to the State Comptroller from the Motor Vehicle Fuel Tax Fund.

Senator Berg 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:

Augustine	Elthon	Hess	Mercer
Baldwin	Emerson	Hill	Miller
Bekman	Evans	Hunt	Mowry
Berg	Faul	Johnson	Munger
Byers	Findlay	Jones	Shaw
Clark	Fuller	Keir	Sjulin
Corwin	Goode	Leo	Stewart
Cromwell	Hamiel	Long	Talbott
Dewey	Hart	Love	Vrba
Donohue	Harvey	Lynes	Watson
Dykhouse	Henningsen	Martin	Whitehill

## Nays, none.

## Absent or not voting, 6:

Benson	Lundy	Turner	Zeigler
Hattery	Pelzer		

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

Senator Berg 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.

Senator Berg asked and received unanimous consent to take up Senate File 206, a bill for an act to appropriate money to meet a deficit in the Workmen's Compensation Service Department relating to the administration of the workmen's compensation law, under chapter seventy (70), seventy-one (71) and seventy-two (72) of the Code, 1939.

Senator Berg offered the following amendment and moved its adoption :

Amend Senate File 206, section 2, by adding after the word "the" in line 3 the following: "Cedar Falls Record" and by adding after the word "at" in line 4 "Cedar Falls,". Further amend section 2 by adding after the word "in" in line 4 the following: "the Reinbeck Courier" and by adding after the word "at" in line 5 "Reinbeck,".

The amendment was adopted.

Senator Berg 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:

Augustine	Evans	Hill	Miller
Baldwin	Faul	Hunt	Mowry
Bekman	Findlay	Johnson	Munger
Berg	Fuller	Jones	Pelzer
Byer	Goode	Keir	Shaw
Clark	Hamiel	Leo	Sjulin
Corwin	Hart	Long	Stewart
Cromwell	Harvey	Love	Talbott
Dewey	Hattery	Lynes	Vrba
Elthon	Henningsen	Martin	Watson
Emerson	Hess	Mercer	Whitehill

Nays, none.

Absent or not voting, 6:

Benson	Dykhouse	Turner	Zeigler
Donohue	Lundy		

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

Senator Berg 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.

Senator Martin asked and received unanimous consent to take up Senate File 32, a bill for an act to repeal section sixty-eight hundred ninety-six (6896), Code, 1939, relating to the period of collection of penalty or interest upon taxes and assessments in cities acting under special charter and to enact a substitute therefor relating to the period of collection of penalty or interest on general taxes of such cities which levy and collect their own taxes.

The report of committee recommending amendment and passage was taken up, considered, and the report of the committee adopted.

The following committee amendment was adopted.

Amend Senate File 32 by inserting in line 5 of section 1 immediately following the words "shall not collect" the following: "any further".

Senator Martin asked and received unanimous consent to withdraw the following amendment:

Amend Senate File 32 by inserting in line 5 of section 1 immediately following the words "shall not collect" the following: "any further".

Senator Martin 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:

Augustine	Emerson	Hess	Miller
Baldwin	Evans	Hill	Mowry
Bekman	Faul	Hunt	Munger
Berg	Findlay	Johnson	Pelzer
Byers	Fuller	Jones	Shaw
Clark	Goode	Keir	Sjulin
Corwin	Hamiel	Leo	Stewart
Cromwell	Hart	Long	Talbott
Dewey	Harvey	Love	Vrba
Dykhouse	Hattery	Lyness	Watson
Elthon	Henningsen	Martin	Whitehill

Nays, none.

Absent or not voting, 6:

Benson	Lundy	Turner	Zeigler
Donohue	Mercer		

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

Senator Martin 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.

Senator Martin asked and received unanimous consent to take up Senate File 33, a bill for an act to provide that section seventy-two hundred seventy-one (7271), Code, 1939, shall, one (1) year after the effective date of the Act apply to cities acting under special charter which collect their own taxes and thus, after said one (1) year to provide that there shall be cancelled from the tax sale index and tax sale register of such cities, all sales for taxes in cases in which eight (8) years elapse from the time of sale and no action has been taken by the holder of a certificate to obtain a deed.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Martin 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, 42:

Augustine	Emerson	Hess	Miller
Baldwin	Evans	Hill	Mowry
Bekman	Faul	Hunt	Pelzer
Berg	Findlay	Johnson	Shaw
Byers	Fuller	Keir	Sjulin
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Love	Talbott
Cromwell	Hart	Lynes	Vrba
Dewey	Harvey	Martin	Watson
Dykhouse	Hattery	Mercer	Whitehill
Elthon	Henningsen		

Nays, none.

Absent or not voting, 8:

Benson	Jones	Lundy	Turner
Donohue	Long	Munger	Zeigler

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

Senator Martin 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.

Senator Berg asked and received unanimous consent to take up Senate File 50, a bill for an act to authorize a city or town and

the state highway commission to enter into agreement with respect to any project for the paving of a portion of the primary road extension within such city or town.

The 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 Senate File 50 by adding in line three (3) thereof following the word "extension", the word "only."

The amendment was adopted.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 50 by adding after the word "including" in line 5 of section 2 the following: "the city's or town's portion of the".

The amendment was adopted.

Senator Berg 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:

Augustine	Emerson	Hess	Mercer
Baldwin	Evans	Hill	Miller
Bekman	Faul	Hunt	Mowry
Berg	Findlay	Johnson	Munger
Byers	Fuller	Jones	Pelzer
Clark	Goode	Keir	Shaw
Corwin	Hamiel	Leo	Sjulin
Cromwell	Hart	Long	Talbott
Dewey	Harvey	Love	Vrba
Donohue	Hattery	Lynes	Watson
Dykhouse	Henningsen	Martin	Whitehill
Elthon			

Nays, none.

Absent or not voting, 5:

Benson	Stewart	Turner	Zeigler
Lundy			

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

Senator Berg 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.

The Senate resumed consideration of Senate File 58.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 58 as amended by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section twelve thousand two hundred sixty-three, (12263), Code, 1939, is hereby amended by adding thereto the following section: 'When the defendant or defendants remain in possession after the issuance of a tax deed.'

Sec. 2. Section twelve thousand two hundred sixty-seven (12267), Code, 1939, is hereby amended by adding immediately following the period (.) in line ten (10) the following: 'Where an action is brought in the district court it shall be tried as an equitable action, and upon presentation of the petition to the court or judge after the same has been filed, the court or judge shall make an order fixing the time and place for hearing upon said petition and shall prescribe that notice of the hearing be personally served upon the defendant or defendants, which service shall be at least five (5) days prior to the date set for hearing.'

Sec. 3. Section twelve thousand two hundred seventy-five (12275), Code, 1939, is amended by striking the period (.) in line eight (8) and inserting a comma (,) in lieu thereof and by adding the following words: 'as an equitable action.'"

Senator Baldwin asked and received unanimous consent to defer action on Senate File 58.

Senator Corwin asked and received unanimous consent to take up Senate File 91, a bill for an act to amend chapter three hundred twenty-nine (329), Code, 1939, by adding a new section thereto, making chapter two hundred eighty-eight (288) relating to the Department of Publicity, Development, and General Welfare of cities and towns, applicable to cities acting under special charter.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Corwin 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, 42:

Augustine	Byers	Dewey	Evans
Baldwin	Clark	Donohue	Faul
Bekman	Corwin	Elthon	Findlay
Berg	Cromwell	Emerson	Fuller

Goode	Hill	Martin	Sjulin
Hamiel	Hunt	Mercer	Stewart
Hart	Jones	Miller	Talbott
Harvey	Keir	Mowry	Vrba
Hattery	Leo	Pelzer	Watson
Henningsen	Long	Shaw	Whitehill
Hess	Lynes		

Nays, none.

Absent or not voting, 8:

Benson	Johnson	Lundy	Turner
Dykhouse	Love	Munger	Zeigler

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

Senator Corwin 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.

#### HOUSE MESSAGES CONSIDERED

House File 13, a bill for an act to amend section ten thousand three hundred forty-five (10345), Code, 1939, relating to liens for keeping stock and motor vehicles, and to provide for liens for keeping boats and boat engines and motors.

Read first and second times and passed on file.

House File 78, a bill for an act to authorize the payment of a primary road paving assessment refund warrant held by Peter J. Blough of Black Hawk county.

Read first and second times and passed on file.

On motion of Senator Donohue the Senate recessed until 2:00 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President B. B. Hickenlooper 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 passed the following bill in which the concurrence of the Senate is asked:

House File 192, a bill for an act to provide for the creation of the Iowa Industrial and Defense Commission. A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE MESSAGES CONSIDERED

House File 192, a bill for an act to provide for contribution to the national defense and the permanent economic development of the state of Iowa by the creation of the Iowa industrial and defense commission and the legislative committee on national defense coordination, and appropriating funds therefor, and providing for the disbursement thereof.

Read first and second times and passed on file.

## THIRD READING OF BILLS

Senator Berg asked and received unanimous consent to take up Senate File 224, a bill for an act to provide for contribution to the national defense and the permanent economic development of the state of Iowa by the creation of the Iowa Industrial and Defense Commission and the Legislative Committee on National Defense Coordination, and appropriating funds therefor, and providing for the disbursement thereof.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Berg asked and received unanimous consent to substitute House File 192 for Senate File 224 on the Senate calendar.

On motion of Senator Berg, House File 192, a bill for an act to provide for contribution to the national defense and the permanent economic development of the state of Iowa by the creation of the Iowa industrial and defense commission and the legislative committee on national defense coordination, and appropriating funds therefor, and providing for the disbursement thereof, was taken up and considered.

Senator Augustine offered the following amendment and moved its adoption:

Amend House File 192, section 1, by inserting in line 6 after the word "proper" the following: "and the majority of whom shall be new dealers".

The amendment was lost.

Senator Berg 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, 43:

Augustine	Elthon	Hill	Miller
Baldwin	Emerson	Hunt	Mowry
Bekman	Evans	Johnson	Munger
Berg	Faul	Jones	Shaw
Byers	Findlay	Keir	Sjulin
Clark	Hamiel	Leo	Stewart
Corwin	Hart	Long	Talbott
Cromwell	Harvey	Love	Vrba
Dewey	Hattery	Lynes	Watson
Donohue	Henningsen	Martin	Whitehill
Dykhouse	Hess	Mercer	

Nays, none.

Absent or not voting, 7:

Benson	Goode	Pelzer	Zeigler
Fuller	Lundy	Turner	

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

Senator Berg 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.

Senator Berg asked and received unanimous consent to withdraw Senate File 224 from further consideration.

#### REPORTS OF COMMITTEES

Senator Shaw submitted the following report:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 20, a bill for an act relating to rules governing the separation of juries in the trial of criminal cases, the duties of officers in charge of juries, and repealing sections 13860, 13861, and 13878, Code, 1939, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed. A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 21, a bill for an act to amend section eleven thousand four hundred ninety-seven (11497), Code, 1939, relating to the rules governing the separation of a jury during deliberation after submission of a civil cause of action and to the duties of officers in charge of a jury, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed. A. J. SHAW, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 73, a bill for an act to legalize the election and proceedings relating to the sale and authorizing the issuance of bonds by the Independent School District of Onawa, in the county of Monona, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 96, a bill for an act to amend section three hundred three (303), Code, 1939, relating to the furnishing of postage to the General Assembly, its members, officers, and committees, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 187, a bill for an act to amend section six thousand nine hundred forty-three and thirty thousands (6943.030), Code, 1939, to authorize the administration of oaths by county treasurers, deputy county treasurers and employees of county treasurers' offices when authorized and required by the State Tax Commission; to provide for the signature to the jurat thereof and to provide for affixing the seal of the county treasurer thereon, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 1 to which was referred House File 71, a bill for an act to amend section 7279, Code, 1939, relating to tax redemption, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 1 to which was referred House File 93, a bill for an act to amend chapter sixty-seven and one tenth (67.1), Code, 1939, relating to impersonating an officer of the Iowa highway safety patrol, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 39, a bill for an act establishing Constitution Sunday and providing for the observance thereof, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Senator Donohue submitted the following report :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 167, a bill for an act to provide for the use of specified percentages of net profits from state liquor stores for police protection of cities, towns and counties wherein said liquor stores are located, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 18, a bill for an act to amend section 12472, Code, 1939, to provide for the place of making application for a writ of habeas corpus for inmates of federal institutions, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 60, a bill for an act to authorize counties, cities or towns and school districts to appropriate money for the support and maintenance of health, psychological and psychiatric clinics and services additional to those set out in chapter one hundred twelve (112), Code of Iowa, 1939, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred House File 94, a bill for an act to amend sections 88, 8349, 8360, 8368, 8462, 8490, 8512.45, and 9283.52, Code, 1939, relating to the fees to be charged by secretary of state for recording and for copies of documents, begs leave to remove it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred

Senate File 85, a bill for an act to amend chapter four hundred eighty-eight (488), Code, 1939, providing for place of bringing actions for injuries to a person or damage to property caused by motor vehicles, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 19, a bill for an act to provide the means of creating title to real estate by adverse possession, and to limit the time within which actions may be brought to recover real estate after the issuance of a tax deed, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 46, a bill for an act to amend section eleven thousand nine hundred one (11901), Code, 1939, relating to the administration of estates of absentees, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 16, a bill for an act to amend sections 467.25, 6943.143, 6943.152, Code, 1939, relating to rights and privileges granted to persons called, ordered, entering or inducted into the military or naval forces or nurse corps of this state or the United States, 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:

Senate File 16 is amended by striking sections two (2) and three (3).

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 75, a bill for an act to amend section six thousand nine hundred forty-three and fifty-five thousandths (6943.055), Code, 1939, relating to the making of income tax returns by administrators, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Senator Talbott submitted the following report:

MR. PRESIDENT: Your committee on county and township affairs to

which was referred Senate File 51, a bill for an act to amend section 5355, Code, 1939, relating to the appointment and subsequent election of trustees of county public hospitals, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

JOHN E. TALBOTT, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on county and township affairs to which was referred Senate File 185, a bill for an act to amend section 1831, Chapter 88, Code, 1939, to permit fence viewers to employ the services of a registered land surveyor, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN E. TALBOTT, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on county and township affairs to which was referred Senate File 72, a bill for an act to amend subsection four of section 10637, Code, 1939, which has to do with travelling fees of constables, begs leave to report it has had the same under consideration and recommends that action be deferred.

JOHN E. TALBOTT, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on county and township affairs to which was referred Senate File 81, a bill for an act to amend sections 7210, 7211, and 7214, Code, 1939, to permit counties to accept real estate taxes in quarterly installments, upon action by the county board of supervisors as provided herein; and to adjust the date of delinquency and the interest penalty accordingly, begs leave to report it has had the same under consideration and recommends that action be deferred.

JOHN E. TALBOTT, *Chairman.*

Ordered passed on file.

Senator Faul submitted the following report :

MR. PRESIDENT: Your committee on insurance to which was referred Senate File 166, a bill for an act authorizing employees of municipally owned waterworks to procure group insurance, begs leave to report it has had the same under consideration and recommends the same do pass.

GEORGE FAUL, *Chairman.*

Senator Goode submitted the following report :

MR. PRESIDENT: Your committee on manufacturing, commerce and trade to which was referred Senate File 47, a bill for an act to regulate the sale of second-hand watches; and to prescribe 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 be amended as follows; and when so amended the bill do pass:

1. Amend sub-paragraph A of sub-section 2 of section 1 by striking the capital letter "T" in line 10 and substituting a small letter "t" in lieu thereof.

2. Amend sub-section 3 of section 1 by striking the word "sell" in line two (2) thereof and substituting in lieu thereof "sale".

DEWEY E. GOODE, *Chairman*.

Ordered passed on file.

#### AMENDMENTS FILED

Amend Senate File 213 by inserting after the word "the" in line 4, section 9, the words "Hawkeye Gazette"; and in line 5 after the word "at", the word "Burlington".

FRED CROMWELL.

Amend Senate File 213, Section 3, by inserting after the word "issue" in line three (3) the following: " , however, any license issued before July 1, 1941 shall be in full force and affect until July 1, 1942."

LEO ELTHON.

Amend S. F. 60 as follows:

(1) By striking the words "health, psychological and psychiatric" in line 8 of section 1 and by inserting in lieu thereof the words "mental health".

(2) By striking from line 3 of the title the words "health, psychological and psychiatric" and inserting in lieu thereof the words "mental health".

GEORGE FAUL.

Amendment to Senate File 174:

Amend line four (4) of section four (4) by inserting after the word "equipment" the words "and construction and installation of new equipment."

Further amend by striking all of section eight (8) and inserting in lieu thereof the following:

"All fees provided by this act shall be collected by the commissioner of labor and remitted to the state comptroller together with an itemized statement showing the source of collection and such fees shall be placed in a special fund by the state comptroller and state treasurer to be known as the "Boiler Inspection Fund" to be used by the commissioner of labor to administer and enforce the law relative to boiler inspections in this state, and no part of such expense shall be paid from the state general fund.

Any remainder in excess of \$2,000.00 in said Boiler Inspection Fund at the end of the fiscal year, after all expenses in carrying out the provisions of this act have been paid, shall revert to and become a part of the state general fund.

Said Boiler Inspection Fund shall be subject at all times to the warrants of the state comptroller, drawn upon a written requisition of the

commissioner of labor for the payment of salaries and other expenses necessary to carry out the provisions of this act, but in no event shall the total expenses therefor exceed the total fees collected and deposited to the credit of said fund in any one fiscal year."

E. K. BECKMAN.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 225.....	Cities and Towns
S. F. 226.....	Judiciary 1
S. F. 227.....	Cities and Towns
S. F. 228.....	Judiciary 1
S. F. 229.....	Ways and Means
S. F. 230.....	Public Health
S. F. 231.....	Judiciary 1
S. F. 232.....	Dairying
S. F. 233.....	Departmental Affairs
S. F. 234.....	Banks and Banking
S. F. 235.....	Cities and Towns
S. F. 236.....	Judiciary 1
S. F. 237.....	Judiciary 1
S. F. 238.....	Political Districts
S. F. 239.....	Judiciary 2
H. F. 13.....	Judiciary 1
H. F. 78.....	Appropriations

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 6, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by the Rev. E. Cornell Wilson, pastor of the Methodist church of Storm Lake.

The Journal of February 5th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Mercer, from the Woman's Christian Temperance Union of North Liberty, favoring local option.

By Senator Johnson, from the Kossuth County Conservation League, Incorporated, relating to conservation.

By Senator Hess, from the barbers of Ida Grove, favoring passage of the minimum price law.

By Senator Turner, from the miners of Adams county, opposing passage of legislation relating to miners.

By Senator Vrba, from the barbers of Winneshiek county, favoring passage of the barber bill.

By Senator Byers, from the residents of Linn and Cedar counties, favoring revision of the conservation law to permit the removal of soft fish from the Cedar river in Linn and Cedar counties.

By Senator Byers, from the residents of Linn county, favoring revision of the pension law.

By Senator Talbott, from the residents of Keokuk and Poweshiek counties, favoring revision of the old age assistance law.

## 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 13, extending an invitation to John Cowles to address a Joint Convention of the Forty-ninth General Assembly.  
A. C. GUSTAFSON, *Chief Clerk*.

#### HOUSE CONCURRENT RESOLUTION 13

*Whereas*, John Cowles, a former resident of Des Moines and an official of the Register and Tribune Company is now returning from a trip through war-devastated England and may possibly be in Des Moines for a brief stop; therefore,

*Be It Resolved by the House, the Senate Concurring*: That an invitation be extended to Mr. Cowles to address a joint convention of both houses at such time as may be mutually agreed to.

#### INTRODUCTION OF BILLS

Senate File 241, by committee on judiciary 2, a bill for an act to amend sections twelve thousand seventy-nine (12079) and twelve thousand eighty (12080), Code, 1939, relating to attachments.

Read first and second times and placed on calendar.

Senate File 242, by committee on public schools, a bill for an act to amend section forty-three hundred seventy-one (4371), Code, 1939, relating to the use of public school buildings.

Read first and second times and placed on calendar.

Senate File 243, by committee on appropriations, a bill for an act to make an appropriation for the relief of Frederick M. Hull for the biennium beginning July 1, 1941, and ending June 30, 1943.

Read first and second times and placed on calendar.

Senate File 244, by committee on appropriations, a bill for an act to repeal section two hundred ninety-four (294), Code, 1939, relating to appropriations for state institutions and the duties of the executive council in relation thereto.

Read first and second times and placed on calendar.

Senate File 245, by committee on appropriations, a bill for an act to create fund for emergency relief during the ensuing biennium providing for appropriations therefor and administration thereof by the State Board of Social Welfare, and relating to the state sinking fund for public deposits.

Read first and second times and placed on calendar.

Senate File 246, by committee on appropriations, a bill for an act to amend, revise and codify section one thousand two hundred eighteen (1218), Code, 1939, relating to compensation of state officers and employees.

Read first and second times and placed on calendar.

Senate File 247, by Senator Faul, a bill for an act to amend section five thousand one hundred and twenty-six hundredths (5100.26), Code, 1939, relating to liability bond of certificated carriers and to amend section five thousand one hundred five and fifteen hundredths (5105.15), Code, 1939, relating to insurance or bond of motor vehicle truck operators.

Read first and second times and passed on file.

Senate File 248, by Senator Faul, a bill for an act to amend sections six thousand nine hundred forty-three and one hundred forty-three thousandths (6943.143) and six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), Code, 1939, relating to rights and privileges granted to persons called, ordered, entering, or inducted into the military or naval forces or nurse corps of this state or the United States.

Read first and second times and passed on file.

### THIRD READING OF BILLS

Senator Hess asked and received unanimous consent to resume consideration of Senate File 58, a bill for an act to amend sections twelve thousand two hundred sixty-three (12263) and twelve thousand two hundred sixty-seven (12267), chapter five hundred nineteen (519) of the 1939 Code of Iowa, which has to do with forcible entry and detention of real property.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 58 as amended by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section twelve thousand two hundred sixty-three (12263), Code, 1939, is hereby amended by adding thereto the following section: 'When the defendant or defendants remain in possession after the issuance of a tax deed.'

Sec. 2. Section twelve thousand two hundred sixty-seven (12267), Code, 1939, is hereby amended by adding immediately following the period (.) in line ten (10) the following: 'When an action is brought in the

district court it shall be tried as an equitable action, and upon presentation of the petition to the court or judge after the same has been filed, the court or judge shall make an order fixing the time and place for hearing upon said petition and shall prescribe that notice of the hearing be personally served upon the defendant or defendants which service shall be at least five (5) days prior to the date set for hearing.'

Sec. 3. Section twelve thousand two hundred seventy-five (12275), Code, 1939, is amended by striking the period (.) in line eight (8) and inserting a comma (,) in lieu thereof and by adding the following words: 'as an equitable action'."

The amendment was adopted.

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

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

Ayes, 44:

Augustine	Elthon	Henningsen	Martin
Baldwin	Emerson	Hess	Mercer
Bekman	Evans	Hill	Miller
Berg	Faul	Hunt	Mowry
Byers	Findlay	Johnson	Munger
Clark	Fuller	Jones	Pelzer
Corwin	Goode	Keir	Stewart
Cromwell	Hamiel	Leo	Turner
Dewey	Hart	Long	Vrba
Donohue	Harvey	Love	Watson
Dykhouse	Hattery	Lynes	Whitehill

Nays, 1:

Talbott

Absent or not voting, 5:

Benson	Shaw	Sjulin	Zeigler
Lundy			

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

Senator Donohue offered the following amendment to the title and moved its adoption:

Amend the title to Senate File 58 as follows:

Strike all of the title after the word amend and insert in lieu thereof the following: "sections twelve thousand two hundred sixty-three (12263), twelve thousand two hundred seventy-five (12275) and twelve thousand two hundred sixty-seven (12267), chapter five hundred nineteen (519), Code, 1939, with reference to actions of forcible entry and detention of real property".

The amendment was adopted and the title as amended was agreed to.

Senator Hess 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.

Senator Faul asked and received unanimous consent to take up Senate File 1, a bill for an act to repeal sections thirty-six hundred forty-one (3641), thirty-six hundred forty-one and one tenth (3641.1), thirty-six hundred forty-two (3642), and thirty-six hundred forty-three (3643), Code, 1939, relating to widows' pensions; to provide a program of uniform, state-wide aid to dependent children in conformity with the Social Security Act of the Congress of the United States; to prescribe the powers and duties of the state board of social welfare, the state department of social welfare, the county boards of social welfare, the county departments of social welfare and of counties and their boards of supervisors with regard to the foregoing matters.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Cromwell offered the following amendment and moved its adoption:

Amend Senate File 1 by striking from line 22 of section 12 the words "sixty thousand (60,000)". and inserting in lieu thereof the words "thirty-five thousand (35,000)".

Senator Donohue moved that action on Senate File 1 be deferred and that the bill retain its place on the calendar.

Roll call was demanded.

On the question, "Shall action on Senate File 1 be deferred and the bill retain its place on the calendar?" the vote was:

Ayes, 21:

Berg	Evans	Hess	Lynes
Clark	Goode	Hill	Pelzer
Corwin	Hamiel	Leo	Sjulin
Donohue	Hart	Long	Talbott
Dykhouse	Harvey	Love	Turner
Elthon			

Nays, 25:

Augustine	Faul	Johnson	Mowry
Baldwin	Findlay	Jones	Shaw
Bekman	Fuller	Keir	Stewart
Byers	Hattery	Martin	Vrba
Cromwell	Henningsen	Mercer	Watson
Dewey	Hunt	Miller	Whitehill
Emerson			

Absent or not voting, 4:

Benson                    Lundy                    Munger                    Zeigler

The motion to defer action was lost.

Senator Clark offered the following amendment as a substitute for the amendment offered by Senator Cromwell and moved that the substitution be made:

Amend Senate File 1 by striking from lines 21 and 22 of section 12 the following: "counties having a population of sixty thousand (60,000), or more" and by substituting in lieu thereof the following: "any county".

The motion prevailed and the substitution was made.

Senator Clark moved that the amendment be adopted.

The motion prevailed and the amendment was adopted.

Senator Goode moved to reconsider the vote by which the amendment was adopted.

The motion to reconsider prevailed.

Further action was deferred.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 9 and 128.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 9 and 128.

#### EXECUTIVE SESSION

On motion of Senator Donohue, the Senate resolved itself into executive session.

The Senate arose from executive session and resumed regular session.

On motion of Senator Whitehill, the Senate recessed until 2:00 p. m. today.

### AFTERNOON SESSION

The Senate reconvened in regular session, President Hickenlooper presiding.

### THIRD READING OF BILLS

The Senate resumed consideration of Senate File 1.

Senator Clark asked and received unanimous consent to withdraw the amendment offered by him.

Senator Donohue offered the following amendment and moved its adoption:

Amend section 13 of Senate File 1 by inserting immediately following the comma in line six (6) the following: "and there is hereby appropriated out of any funds in the state treasury, not otherwise appropriated the sum of four hundred thousand dollars (\$400,000.00), or so much thereof as may be necessary to carry out the provisions of this act."

Roll call was demanded.

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

#### Ayes, 22:

Berg	Elthon	Hess	Lynes
Byers	Evans	Hill	Pelzer
Clark	Goode	Leo	Sjulin
Corwin	Hamiel	Long	Talbott
Donohue	Hart	Love	Zeigler
Dykhouse	Harvey		

#### Nays, 27:

Augustine	Findlay	Keir	Shaw
Baldwin	Fuller	Lundy	Stewart
Bekman	Hattery	Martin	Turner
Cromwell	Henningesen	Mercer	Vrba
Dewey	Hunt	Miller	Watson
Emerson	Johnson	Mowry	Whitehill
Faul	Jones	Munger	

Absent or not voting, 1:

Benson

The amendment was lost.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 1 as follows:

(1) By inserting immediately following the word "levy" in line 9 of section 12 the following: "for the poor fund".

(2) By striking all after the word "department." in line 13 of section 12 up to and including the word "county." in line 19 of section 12.

(3) By inserting immediately following the word "provided" in line 21 of section 12 the following: "for the poor fund".

The motion prevailed and the amendment was adopted.

Senator Faul 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, 42:

Augustine	Findlay	Johnson	Mowry
Baldwin	Fuller	Jones	Munger
Bekman	Goode	Keir	Shaw
Berg	Hamiel	Leo	Sjulin
Byers	Hart	Love	Stewart
Corwin	Harvey	Lundy	Talbott
Cromwell	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Vrba
Elthon	Hess	Mercer	Watson
Emerson	Hill	Miller	Whitehill
Faul	Hunt		

Nays, none.

Absent or not voting, 8:

Benson	Donohue	Evans	Pelzer
Clark	Dykhouse	Long	Zeigler

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

Senator Faul 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.

#### REPORT OF COMMISSION ON INTERSTATE COOPERATION

The Commission on Interstate Cooperation desires to submit the following report for the consideration of the 49th General Assembly:

This commission was created by resolution, which resolution carried no appropriation. This failure to create a fund which could be used, at least to pay the expenses of the members of the commission, created a definite ceiling with respect to its activities. Definite arrangement should be made by this Legislature to set up an expense fund of at least \$500.00. This commission should be created by law rather than resolu-

tion. In spite of this limitation the commission has been able to function in some very definite fields.

(1) The Department of Public Safety during 1939 experienced a great deal of difficulty in connection with the operation of out of state trucks. As echos to these troubles Iowa Truckers experienced serious difficulties in other states. Through the offices of this commission the Council of State Governments was prevailed upon to call a conference between responsible executives and legislators in thirteen mid-west states. In this conference all difficult matters were thoroughly canvassed and a foundation laid for understanding, good will created, and various reciprocal agreements were finally obtained. Three members of the commission and administration attended this conference.

(2) Members of the commission cooperated in the conference held under the auspices of the Council of Governments for a thorough study and consideration of the future methods to be adopted as permanent policies in relation to welfare work. Two members of the commission and administration attended this conference.

(3) Through various trade barriers there has been a very aggressive attempt to limit the market of dairy products. With the improvement of refrigeration and transportation, this problem has become of ever increasing importance to the Iowa dairy interests. Several conferences have been held in Chicago in regard to this situation. A representative of the Extension Department at Ames represented Iowa in all of these deliberations. There is in process a standardization of inspection laws and standards which will finally make possible a much broader market for Iowa products. This is a matter which should receive further attention.

(4) A conference was held in Washington to coordinate the functions of state and federal government in connection with the defense program. Attorney General Rankin attended this conference. The developments in this field and their ever increasing importance makes it imperative that some appropriation be given the commission so that it may perform Iowa's duty in connection with this vast enterprise.

(5) The Council of State Governments is now the clearing house for the American Bar Association's Committee on Uniform Laws. This has resulted in a new and distinct impetus to this entire movement. Arrangements have been made through the efforts of this commission that numerous of these uniform acts will be before you for your consideration. Their enactment should be placed in the imperative class of legislation.

(6) The matter of trade barriers continues to be a very important issue. The most serious violation on the part of Iowa is in connection with the oleomargarine tax. This continues to be a source of irritation among the southern states and presents a problem that should be thought through by every member of the legislature. Especially is this true since an effort is being made by the eastern dairy interests to subject Iowa farmers to a similar discrimination. There has been developed in Iowa quite a business in the marketing of saltless sweet cream butter. One marketing agency alone handling upward of one million pounds of this type of butter a year. Its purpose principally is to build up the butter



fat content of ice cream during the peak seasons. The legislation would have passed in New York state but for the vigilance of its commission on interstate cooperation. Through its efforts this legislation was defeated but it still looms on the horizon as a positive threat in the more thickly populated areas of the East. A new commission should be armed with ample funds to keep in touch with this threat.

#### CONCLUSION

The state has never contributed to the State Council of State Governments. Because of this failure we were not entitled to participate in the direction and control of the council. We have also been in the position of sponging on the services and aid given by the council. The formative period of the council has been underwritten by the Spelman Foundation. This aid, however, has been on the distinct understanding that the budget would be finally assumed by the various states. A great many have contributed in a substantial way and the goal of state sustenance is becoming more likely year by year. We would recommend that \$1,000 be appropriated for this purpose.

(Signed) W. G. C. BAGLEY, *Chairman.*

Signed:

C. F. SHIMANEK,  
HENRY W. BURMA,  
DEAN W. PEISEN,

*Members of the House.*

K. A. EVANS,  
FRANK C. BYERS,  
A. E. AUGUSTINE,

*Members of the Senate.*

#### REPORTS OF COMMITTEES

Senator Mowry submitted the following report:

MR. PRESIDENT: Your committee on Public Schools to which was referred Senate File 223, a bill for an act to provide for the joining of school districts altered by the federal government in the location of national defense project to adjoining school district or districts, begs leave to report it has had the same under consideration and recommends the same do pass.

ROSS R. MOWRY, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Public Schools to which was referred Senate File 218, a bill for an act to authorize school districts to sell and convey property to the federal government in the development of the national defense, and to provide for the disposition of the proceeds of such sale, begs leave to report it has had the same under consideration and recommends the same do pass. ROSS R. MOWRY, *Chairman.*

Ordered passed on file.

Senator Lynes submitted the following report:

MR. PRESIDENT: Your committee on Dairying to which was referred House File 46, a bill for an act to amend section 3076.1, Code, 1939, re-

lating to pasteurization of dairy products, begs leave to report it has had the same under consideration and recommends the same do pass.

J. KENDALL LYNES, *Chairman*.

Ordered passed on file.

Senator Henningsen submitted the following report:

MR. PRESIDENT: Your committee on Motor Vehicles to which was referred House File 30, a bill for an act to amend section 5103.06, chapter 252.2, by changing the provisions with regard to identification plates for each motor vehicle coming under the provisions of this chapter, begs leave to report it has had the same under consideration and recommends the same do pass.

O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Motor Vehicles to which was referred House File 106, a bill for an act relating to motor vehicles and law of road, begs leave to report it has had the same under consideration and recommends the same do pass.

O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Senator Sjulín submitted the following report:

MR. PRESIDENT: Your committee on Public Health to which was referred Senate File 2, a bill for an act to provide certain physical requirements as a pre-requisite to issuance of marriage licenses, begs leave to report it has had the same under consideration and recommends the same do pass.

CARL O. SJULIN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Public Health to which was referred House File 7, a bill for an act to amend section two thousand eight hundred nine (2809), Code, 1939, relating to the expiration date of food establishment licenses, begs leave to report it has had the same under consideration and recommends the same do pass.

CARL O. SJULIN, *Chairman*.

Ordered passed on file.

Senator Love submitted the following report:

MR. PRESIDENT: Your committee on Election Reform to which was referred Senate File 219, a bill for an act to amend section 616, Code, 1939, relating to the date of county political conventions, begs leave to report it has had the same under consideration and recommends the same do pass.

H. S. LOVE, *Chairman*.

Ordered passed on file.

Senator Hill submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to whom was referred Senate File 176, a bill for an act to amend sections 1556.02, 1556.03, and 1556.07, Code, 1939, relating to cigarette tax, beg leave to report they have had the same under consideration and recommends the same do pass.

G. R. HILL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Ways and Means to whom was referred Senate File 17, a bill for an act to amend section 6946 relating to tax exemptions for military service of a widowed mother of a deceased soldier, sailor or marine, beg leave to report they have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do pass.

G. R. HILL, *Chairman.*

Report adopted.

Also:

MR. PRESIDENT: Your committee on Ways and Means to whom was referred Senate File 79, a bill for an act to encourage rural electrification in Iowa; etc., beg leave to report they have had the same under consideration and recommend that the same be amended as follows, and when so amended the bill do pass:

1. Strike lines one (1), two (2), three (3), and four (4) of Section 1.

2. Amend by adding the following to Section 1: "The tax hereby imposed shall be collected by the treasurer of said corporations or associations and be remitted once every three months to the County Treasurer of the county wherein such users of said electric energy reside. The tax shall go to the County General Fund."

G. R. HILL, *Chairman.*

Report adopted.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 247.....Insurance.

S. F. 248.....Judiciary 1

#### AMENDMENTS FILED

Amend Senate File 194 as follows:

1. Strike all of lines four (4) to thirteen (13) inclusive and insert in lieu thereof the following words and figures: "The cost to acquire, operate, equip, or maintain any city airport by a city or town shall be paid by the levy of an annual tax as follows. In all cities having a population of more than ten thousand (10,000) said levy shall not exceed three-fourths

mill on the dollar on all taxable property of said city. In all cities and towns having a population of ten thousand (10,000) or less said levy shall not exceed one and one-fourth mills on the dollar on all taxable property of said city or town." E. P. CORWIN and E. K. BEKMAN.

Amend Senate File 213, section 9, by adding after the word "the" in line 4, "West Union Argo Gazette" and in line 5 after the word "at" add "West Union". PAUL P. STEWART.

Amend Senate File 16 as follows:

(1) By inserting a period after the figures "(467.25)" in line 2 of the title and then striking the remaining portion of the title.

(2) By striking sections 2 and 3. GEORGE FAUL.

On motion of Senator Henningsen the Senate adjourned until 10:00 a. m. Friday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 7, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Bishop Ralph Magee of the Des Moines area of the Methodist Episcopal Church of Des Moines.

The Journal of February 6th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and filed:

By Senator Hart, from the American Legion Auxiliary, Ft. Madison, Unit No. 82 of Ft. Madison, favoring passage of the bill providing for aid to dependent children.

By Senator Keir, from the residents of Kossuth County, opposing passage of Senate File 95 and House File 122.

By Senator Augustine, from the employees of the Iowa Valve Company of Oskaloosa, favoring passage of the bill relative to seasonal employment.

By Senator Hess, from the county auditor's office of Ida Grove, favoring passage of the bill providing for flat salaries for members of the board of supervisors.

By Senator Hess, from residents of Holstein, favoring passage of the minimum price law.

By Senator Mercer, from the residents of Iowa City, favoring passage of the barber bill.

By Senator Hamiel, from the residents of Jones county, opposing passage of Senate File 95 and House File 122.

By Senator Martin, from the residents of Scott county, opposing passage of Senate File 95 and House File 122.

By Senator Clark, from the residents of Marion and Lucas counties, opposing passage of Senate File 95 and House File 122.

By Senator Talbott, from the barbers of Keokuk county, favoring passage of the minimum price law.

By Senator Mercer, from the Junior Chamber of Commerce of Iowa City, favoring passage of the pre-marital examination bill.

By Senator Zeigler, from the residents of Jefferson county, favoring revision of the present unemployment compensation law.

By Senator Corwin, from the employees of the Glatstein Stores of Muscatine, opposing price-fixing and seasonal occupation bills.

By Senator Long, from the barbers of Independence, favoring passage of the minimum price bill.

By Senator Munger, from the residents of Pierson, opposing passage of the bill which permits the killing of mourning doves.

#### LEAVE OF ABSENCE

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

#### INTRODUCTION OF BILLS

Senate File 249, by Senator Love, a bill for an act to amend section nine thousand forty-three (9043), Code, 1939, relating to the amounts to be returned to members of associations transacting hail insurance business.

Read first and second times and passed on file.

Senate File 250, by Senator Love, a bill for an act to amend section nine thousand forty-three (9043), Code, 1939, relating to returns to policyholders of associations transacting hail insurance business.

Read first and second times and passed on file.

Senate File 251, by committee on insurance, a bill for an act to amend section nine thousand one hundred nineteen (9119), Code, 1939, relating to the licensing of insurance agents.

Read first and second times and placed on calendar.

Senate File 252, by committee on insurance, a bill for an act to amend chapter four hundred eight (408), Code, 1939, pertaining to discrimination against Iowa reciprocal or interinsurance exchanges doing business in other states and providing for similar taxes, fines, penalties and certificates of authority for foreign reciprocal or interinsurance exchanges doing business in this state.

Read first and second times and placed on calendar.

Senate File 253, by committee on highways, a bill for an act to amend section four thousand eight hundred twenty-nine and eighteen hundredths (4829.18), Code, 1939, permitting the Board of Supervisors to pass a resolution permitting them to clear the roadways of weeds and to defray expenses thereof out of the maintenance fund.

Read first and second times and placed on calendar.

Senate File 254, by committee on insurance, a bill for an act to amend section eight thousand seven hundred eighty-nine and one tenth (8789.1), Code, 1939, relating to fraternal beneficiary associations and authorizing the issuance of certificates not exceeding three hundred dollars (\$300.00) in amount without regard to age or medical examination.

Read first and second times and placed on calendar.

Senate File 255, by Senator Cromwell, a bill for an act to amend section thirteen thousand nine hundred four (13904), Code of 1939, relating to additional compensation to sheriffs or deputy sheriffs for criminal photographic work.

Read first and second times and passed on file.

Senator Fuller offered the following resolution and moved its adoption:

#### SENATE MEMORIAL RESOLUTION 3

*Whereas*, The Honorable Frank C. Ellis, who was a member of this body in the forty-seventh and forty-eight sessions of the General Assembly from the twenty-third district, passed away at his home in Maquoketa, Iowa, on February 6, 1941, therefore,

*be it Resolved by the Senate of the Forty-ninth General Assembly:*

That a committee of three (3) be appointed to draft suitable resolutions commemorating his life, character, and service to the state.

The motion prevailed, the resolution was adopted, and the President appointed on the committee Senators Fuller, Augustine, and Mowry.

#### THIRD READING OF BILLS

Senator Berg moved that the Senate concur in the following House amendment to Senate File 69:

Amend the title by striking from line three (3) the word "new" and inserting in lieu thereof the word "net".

The Senate concurred in the House amendment.

Senator Berg moved that Senate File 69, a bill for an act to amend section five thousand eight hundred seventy-three and one tenth (5873.1), Code, 1939, to authorize certain cities to pledge a portion of net earnings of a municipally owned electric light and power plant for construction of, or addition to, a municipal hospital, 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:

Augustine	Emerson	Hill	Miller
Baldwin	Evans	Hunt	Mowry
Bekman	Faul	Johnson	Pelzer
Benson	Findlay	Jones	Shaw
Berg	Fuller	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hart	Long	Talbott
Corwin	Harvey	Love	Turner
Cromwell	Hattery	Lynes	Vrba
Dewey	Henningsen	Martin	Whitehill
Donohue	Hess	Mercer	Zeigler
Elthon			

Nays, none.

Absent or not voting, 5:

Dykhouse	Lundy	Munger	Watson
Hamiel			

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

Senator Berg 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.

Senator Berg asked and received unanimous consent to take up Senate File 93, a bill for an act to authorize the payment of a primary road paving assessment refund warrant held by Peter J. Blough of Black Hawk county.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Berg asked and received unanimous consent to withdraw House File 78 from the committee and substitute it for Senate File 93 now on the calendar.



Senator Berg moved that House File 78, a bill for an act to authorize the payment of a primary road paving assessment refund warrant held by Peter J. Blough of Black Hawk county, 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, 46:

Augustine	Evans	Hunt	Mowry
Baldwin	Faul	Johnson	Munger
Benson	Findlay	Jones	Pelzer
Berg	Fuller	Keir	Shaw
Byers	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Hart	Love	Talbott
Cromwell	Harvey	Lynes	Turner
Dewey	Hattery	Martin	Vrba
Donohue	Henningsen	Mercer	Whitehill
Elthon	Hess	Miller	Zeigler
Emerson	Hill		

Nays, none.

Absent or not voting, 4:

Bekman	Dykhous	Lundy	Watson
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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 Berg 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.

Senator Faul asked and received unanimous consent to take up Senate File 15, a bill for an act to amend section three thousand six hundred seventy-six (3676), Code, 1939, to provide for a maximum allowance of eighteen dollars (\$18.00) to institutions for receiving and caring for neglected, dependent, and delinquent children.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul 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:

Augustine	Berg	Dewey	Findlay
Baldwin	Byers	Elthon	Fuller
Bekman	Clark	Emerson	Harvey
Benson	Cromwell	Faul	Hattery

Henningsen	Jones	Martin	Stewart
Hess	Keir	Mercer	Turner
Hill	Leo	Miller	Vrba
Hunt	Lundy	Mowry	Whitehill
Johnson	Lynes	Shaw	

Nays, 12:

Corwin	Goode	Love	Sjulin
Donohue	Hamiel	Munger	Talbott
Evans	Long	Pelzer	Zeigler

Absent or not voting, 3:

Dykhouse	Hart	Watson
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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 Faul 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.

#### 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 59, a bill for an act relating to final reports of fiduciaries.

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

Senate File 97, a bill for an act to provide an emergency appropriation for the enforcement of the Uniform Narcotic Drug Act.

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

House File 24, a bill for an act relating to the commitment, care and support of insane persons.

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

Senate File 3, a bill for an act providing for the procedure for assessing real and personal property in cities of more than 125,000 population.

Also: That the House has concurred in Senate amendments to and passed House File 40, a bill for an act relating to the free distribution of the reports of the Supreme Court.

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

House File 150, a bill for an act relating to overpayment of benefits under the unemployment compensation act.

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

House File 75, a bill for an act relating to the "Homestead Tax Credit".

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

House File 65, a bill for an act relating to the authority of fiduciaries and others to invest funds.

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

House File 104, a bill for an act relating to public contracts and bonds.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 14, extending an invitation to Hon. Henry A. Wallace to address a joint convention of the 49th General Assembly.  
A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 14

*Whereas*, the Honorable Henry A. Wallace, a native Iowan, now holding the highest office accorded a resident of this state, that of Vice President of this United States, has indicated that he will appear before the Farm Institute in Des Moines, on or before February 22.

*Therefore, Be It Resolved by the House of Representatives, the Senate concurring*: That an invitation be extended to the Honorable Henry A. Wallace to appear and address both houses, in joint convention, at such a time as may be convenient to him.

#### THIRD READING OF BILLS

Senator Faul asked and received unanimous consent to take up Senate File 59, a bill for an act to amend section three thousand six hundred sixty-six (3666), Code, 1939, relating to the commitment of children over eighteen years of age, to private institutions or foster home placement, and conferring jurisdiction on the Juvenile Court to make such commitment.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul 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:

Augustine	Clark	Dykhouse	Fuller
Baldwin	Corwin	Elthon	Harvey
Bekman	Cromwell	Evans	Hess
Benson	Dewey	Faul	Hill
Berg	Donohue	Findlay	Hunt

Jones	Lundy	Mowry	Talbott
Keir	Lynes	Shaw	Turner
Leo	Martin	Sjulin	Vrba
Long	Mercer	Stewart	Whitehill
Love	Miller		

Nays, none.

Absent or not voting, 12:

Byers	Hamiel	Henningsen	Pelzer
Emerson	Hart	Johnson	Watson
Goode	Hattery	Munger	Zeigler

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

Senator Faul 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.

Senator Cromwell asked and received unanimous consent to take up Senate File 174, a bill for an act creating a boiler inspection department within the Department of Labor, providing for notice of intention to install and inspection of steam boilers, generators, superheaters, and creating the office of state boiler inspector, defining his duties, and providing for the enforcement of boiler inspection provisions of the Act and providing penalties for the violation thereof.

Senator Hart took the chair at 11:24 a. m.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Byers offered the following amendment and moved its adoption:

Amend Senate File 174 by striking the word "need" in line 9 of section 6 and inserting in lieu thereof the word "shall".

The amendment was adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 174 by inserting after the word "residences" in line 5 of section 3 the following: ", buildings,". Also amend by striking the word "carrying" in line 6 and inserting the word "using".

The amendment was adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 174 by inserting after the word "company" in line 15 of section 6 the following: "or a certificate of renewal of insurance".

The amendment was adopted.

Further action was deferred.

President Hickenlooper took the chair at 11:59 a. m.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 40 and 192.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 40 and 192.

#### HOUSE MESSAGES CONSIDERED

House File 24, a bill for an act to amend section thirty-five hundred twenty-seven (3527), Code, 1939, relating to the commitment, care and support of insane persons.

Read first and second times and passed on file.

House File 59, a bill for an act to amend section twelve thousand seven hundred eighty-one and one tenth (12781.1), Code, 1939, relating to final reports of fiduciaries.

Read first and second times and passed on file.

House File 65, a bill for an act to amend section nine thousand three hundred forty and three hundredths (9340.03), Code, 1939, relating to the authority of fiduciaries and others to invest funds in savings and loan associations without order of court.

Read first and second times and passed on file.

House File 75, a bill for an act to amend section six thousand nine hundred forty-three and one hundred fifty-two thousandths

(6943.152), Code, 1939, relating to the "Homestead Tax Credit" and giving to certain remaindermen the benefits thereof.

Read first and second times and passed on file.

House File 104, a bill for an act to amend chapter twenty-three (23), Code, 1939, and various sections thereof, to wit: section three hundred fifty-one (351), three hundred fifty-three (353), three hundred fifty-five (355), three hundred fifty-six (356), three hundred fifty-seven (357), three hundred fifty-eight (358), three hundred fifty-nine (359), three hundred sixty-two (362), three hundred sixty-five (365), three hundred sixty-six (366), and to repeal sections three hundred fifty-four (354) and three hundred sixty (360), relating to public contracts and bonds.

Read first and second times and passed on file.

House File 150, a bill for an act to amend Section one thousand five hundred fifty-one and twenty-two hundredths (1551.22), Code, 1939, relating to overpayment of benefits under the unemployment compensation act and the recovery of such overpayments; and to repeal all acts, or parts of acts, in conflict herewith.

Read first and second times and passed on file.

#### REPORTS OF COMMITTEES

Senator Benson submitted the following report:

MR. PRESIDENT: Your committee on aeronautics to which was referred Senate File 64, a bill for an act to amend chapter three hundred three and one tenth (303.1), Code, 1939, relating to the management and control of airports by a commission, providing for the submission of the proposition for vote, notice of the election, form of submission, appointment of commissioners, terms, compensation, powers and duties and reports, begs leave to report it has had the same under consideration and recommends the same do pass.

RALPH E. BENSON, *Chairman.*

Ordered passed on file.

Senator Shaw submitted the following report:

MR. PRESIDENT: Your committee on judiciary 1, to which was referred Senate File 190, a bill for an act to amend section thirteen thousand one hundred forty (13140) of the Code, 1939, relating to the uttering and publishing of false, altered, forged, or counterfeited instruments and fixing punishment therefor, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Senator Corwin submitted the following report:

MR. PRESIDENT: Your committee on board of control, to which was referred Senate File 10, a bill for an act to repeal section 3403, Code, 1931, and to enact a substitute therefor, relating to qualifications and salary of the superintendent of Glenwood state school, 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 10 by inserting in line 4 of section 1 following the word "well-educated" the following: "and duly licensed".

E. P. CORWIN, *Chairman.*

Ordered passed on file.

Senator Dewey submitted the following report:

MR. PRESIDENT: Your committee on conservation to which was referred Senate File 74, a bill for an act to amend section 1794.011, Code, 1939, to permit the shooting of mourning doves; defining the open season and bag limits for said doves, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

A. CLAIRE DEWEY, *Chairman.*

Ordered passed on file.

BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

- S. F. 250.....Insurance
- S. F. 255.....County and township affairs
- H. F. 150.....Social security
- H. F. 65.....Judiciary 2
- H. F. 59.....Judiciary 2
- H. F. 24.....Board of control
- H. F. 75.....Judiciary 1
- H. F. 104.....Ways and means

AMENDMENTS FILED

Amend Senate File 213 by inserting after the comma (,) following the word "variety" in line 15 of section 5 "with reasonable accuracy the".

ROSS R. MOWRY.

Amend Senate File 213 by striking lines three (3) and four (4) of section five (5) and inserting in lieu thereof: "1. Before baby chicks are transported or delivered for sale, determine that the same are in a healthy condition.".

ROSS R. MOWRY.

Amend Senate File 174 by striking all of subsection b of section 5.

DEWEY E. GOODE.

Amend Senate File 214 by striking the last four words in line eight (8) and by striking all of line nine (9) and inserting in lieu thereof the following:

"upon request from a stockholder of record forward by ordinary mail to such stockholder,".

EDWARD H. VRBA.

I move to amend section 2 of Senate File 24 by striking from line 5 the following: "at three fourths ( $\frac{3}{4}$ ) of actual value" and by inserting in lieu thereof the following: "At forty-five percent (45%) of actual value which shall be the taxable value of such property".

Further amend said section by inserting in line 12 following the word "such" the word "taxable".

Further amend said section by striking from line 15 the words and figures "three fifths ( $\frac{3}{5}$ )" and inserting in lieu thereof the words and figures "thirty-six percent (36%)".

Further amend said section by striking from lines 21 and 22 the words and figures "three fifths ( $\frac{3}{5}$ )" and inserting in lieu thereof the words and figures "thirty-six percent (36%)".

A. J. SHAW.

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



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 10, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. C. W. Cleveland, pastor of the Methodist Church of Albia.

The Journal of February 7th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Hill until noon, on request of Senator Berg; Senator Turner for the day, on request of Senator Benson; Senator Johnson for the day, on the request of Senator Leo.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Goode, from members of the Highland Cemetery Association of Mystic, in opposition to Senate File 88 and House File 102.

By Senator Watson, from residents of Council Bluffs, opposing legislation permitting the shooting of mourning doves.

By Senator Berg, from residents of Black Hawk, favoring passage of the bill relative to seasonal employment.

By Senator Harvey, from residents of Denison, favoring passage of the bill relative to seasonal employment.

Senator Keir, from residents of Clay County, favoring passage of the barber bill.

By Senator Findlay, from residents of Manson, opposing passage of the unfair trade practices act.

## INTRODUCTION OF BILLS

Senate File 256, by judiciary 1, a bill for an act to amend chapter thirteen (13), Code, 1939, defining further duties of the re-

porter of the supreme court and code editor, and to amend section two hundred sixty-five (265), Code, 1939, providing for the payment for the printing of legal publications compiled and published by him, and providing an appropriation to carry out the provisions of said chapter and said section.

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

Senate File 257, by Senators Byers, Munger and Martin, a bill for an act to amend section fifty-six hundred sixty-nine (5669), Code, 1939, relating to the salaries of City Assessors and Deputy City Assessors in cities under the commission form of government and in cities acting under special charter having a population of more than sixty thousand and less than one hundred twenty-five thousand.

Read first and second times and passed on file.

#### SENATE JOINT RESOLUTION 4 BY HUNT

A Joint Resolution proposing an amendment to the Constitution of the State of Iowa, repealing Section thirty-four (34) of Article III and enacting in lieu thereof a provision for permanently designating the senatorial districts and setting the number thereof at fifty-four (54).

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

Section 1. That Section thirty-four (34) of Article III of the Constitution of the State of Iowa be repealed and the following be adopted in lieu thereof:

Section 34. The Senate shall be composed of fifty-four (54) members to be elected from the several senatorial districts, fifty (50) of which shall be numbered and constituted as at present composed and as set out in chapter thirty-five (35) of the Code, 1939, except as substituted for or modified by the creation of the districts numbered and constituted as follows:

37. Hamilton County, Hardin County and Grundy County shall constitute the thirty-seventh district.

48. Crawford County and Carroll County shall constitute the forty-eighth district.

51. O'Brien County, Clay County and Dickinson County shall constitute the fifty-first district.

52. Ida County, Sac County and Calhoun County shall constitute the fifty-second district.

53. Greene County and Boone County shall constitute the fifty-third district.

54. Hancock County, Wright County and Franklin County shall constitute the fifty-fourth district.

The adoption of this amendment shall not operate to shorten the term of any senator whose election shall have preceded or been simultaneous with its ratification. Immediately following ratification of this amendment, the four unrepresented senatorial districts which rank largest in population shall each elect a senator in an election called and held as in the case of filling a vacancy, to serve until the next general election. Subject to the limitation that there shall be at no time more than fifty-four (54) senators, other unrepresented senatorial districts, if any, shall elect senators at general elections in the order of their rank in population.

Read first and second times and referred to committee on constitutional amendments.

Senator Baldwin called up the following resolution and moved its adoption :

#### HOUSE CONCURRENT RESOLUTION 13

*Whereas*, John Cowles, a former resident of Des Moines and an official of the Register and Tribune Company is now returning from a trip through war-devastated England and may possibly be in Des Moines for a brief stop, therefore,

*Be It Resolved by the House, the Senate Concurring*: That an invitation be extended to Mr. Cowles to address a joint convention of both houses at such time as may be mutually agreed to.

The motion prevailed, and the resolution was adopted.

Senator Vrba, called up the following resolution and moved its adoption :

#### HOUSE CONCURRENT RESOLUTION 14

*Whereas*, the Honorable Henry A. Wallace, a native Iowan, now holding the highest office accorded a resident of this state, that of Vice President of this United States, has indicated that he will appear before the Farm Institute in Des Moines, on or before February 22.

*Therefore, Be It Resolved by the House of Representatives, the Senate concurring*: That an invitation be extended to the Honorable Henry A.

Wallace to appear and address both houses, in joint convention, at such a time as may be convenient to him.

The motion prevailed and the resolution was adopted.

Senator Donohue moved that Senate Files 102 to 156 inclusive be omitted from the printed calendar, but that they retain their preferential place on the calendar, which motion prevailed.

Senator Cromwell asked and received unanimous consent to have action on Senate File 174 deferred.

### THIRD READING OF BILLS

Senator Stewart asked and received unanimous consent to take up Senate File 213, a bill for an act to provide regulations as to the sale of baby chicks; to provide for the licensing of handlers and dealers thereof; to provide inspection for establishments operated by said handlers and dealers; and providing penalties for the violation of this act.

Senator Cromwell offered the following amendment and moved its adoption:

Amend Senate File 213 by inserting after the word "the" in line 4, section 9, the words "Hawkeye Gazette"; and in line 5 after the word "at", the word "Burlington".

Senator Cromwell asked and received unanimous consent to withdraw the amendment.

Senator Stewart asked and received unanimous consent to withdraw the amendment filed by him and found on page 268 of the Journal.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 213 by striking all of section 9.

Roll call was demanded and rule 8 was invoked. On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 16:

Baldwin	Dykhouse	Goode	Martin
Byers	Emerson	Hart	Mercer
Clark	Evans	Harvey	Mowry
Donohue	Faul	Henningesen	Watson

## Nays, 27:

Augustine	Findlay	Leo	Shaw
Bekman	Fuller	Long	Stewart
Benson	Hamiel	Love	Talbott
Berg	Hess	Lynes	Vrba
Corwin	Hunt	Miller	Whitehill
Cromwell	Jones	Munger	Zeigler
Elthon	Keir	Pelzer	

## Absent or not voting, 7:

Dewey	Hill	Lundy	Turner
Hattery	Johnson	Sjulin	

The amendment was lost.

Senator Elthon offered the following amendment and moved its adoption:

Amend Senate File 213, section 3, by inserting after the word "issue" in line three (3) the following : " , however, any license issued before July 1, 1941 shall be in full force and effect until July 1, 1942."

The amendment was adopted.

Senator Mowry offered the following amendment and moved its adoption:

Amend Senate File 213 by striking lines three (3) and four (4) of section five (5) and inserting in lieu thereof: "1. Before baby chicks are transported or delivered for sale, determine that the same are in a healthy condition."

Senator Elthon moved to amend the amendment by Senator Mowry by striking the words "transported or".

The amendment to the amendment was adopted.

The amendment by Senator Mowry as amended was adopted.

Senator Elthon asked and received unanimous consent to strike the word "and" in line 2 of section 2 and insert the word "or".

Senator Mowry offered the following amendment and moved its adoption:

Amend Senate File 213 by inserting after the comma (,) following the word "variety" in line 15 of section 5 "with reasonable accuracy the".

The amendment was adopted.

Senator Mowry offered the following amendment and moved its adoption:

Amend Senate File 213, section 5, sub-division 4, line 15, by inserting after the comma (,) following the word "hatch" "by whom hatched."

Senator Mowry asked and received unanimous consent to withdraw the amendment.

Senator Mowry offered the following amendment and moved its adoption:

Amend line 4, subsection 1 of section 5 by striking the word "a" and inserting the words "an apparently".

Senator Mowry asked and received unanimous consent to withdraw the amendment.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 213 by striking section 4 and inserting in lieu thereof the following:

"All fees collected under the provisions of this act shall be paid into the state treasury."

Roll call was demanded. On the question, "Shall the amendment be adopted?" the vote was:

**Ayes, 30:**

Baldwin	Elthon	Harvey	Love
Bekman	Emerson	Hattery	Martin
Byers	Evans	Henningsen	Mowry
Clark	Faul	Hess	Pelzer
Corwin	Fuller	Jones	Shaw
Cromwell	Goode	Keir	Watson
Donohue	Hamiel	Long	Zeigler
Dykhouse	Hart		

**Nays, 10:**

Augustine	Lynes	Sjulin	Talbott
Findlay	Mercer	Stewart	Vrba
Leo	Miller		

**Absent or not voting, 10:**

Benson	Hill	Lundy	Turner
Berg	Hunt	Munger	Whitehill
Dewey	Johnson		

The amendment was adopted.

**MR. PRESIDENT:** I do hereby resign my position as Assistant Door-keeper as of even date, on account of sickness. **BRITTEN THOMAS.**

### REPORTS OF COMMITTEES

Senator Donohue submitted the following report:

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 64, a bill for an act to amend chapter 303.1, Code, 1939, relating to the management and control of Airports by a Commission, providing for the submission of the proposition for vote, notice of the elec-

tion, form of submission, appointment of commissioners, terms, compensation, powers and duties and reports, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 192, a bill for an act to amend section 1225.19, Code, 1939, relating to the dismissal of members of the Iowa highway safety patrol, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 217, a bill for an act to amend sections 6943.041 and 6943.044, Code, 1939, relating to personal exemption from income tax, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Senator Cromwell submitted the following report:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 199, a bill for an act to amend section 6211, chapter 317, subsection 9, Code, 1939, relating to fire department maintenance fund and the millage rate therein authorized, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 160, a bill for an act to amend section 6066.19, Code, 1939, relating to collection of sewage rentals or charges, and authorizing the discontinuance of water service for nonpayment of such rentals and charges, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on cities and towns to which was referred Senate File 227, a bill for an act to assure and expedite the collection of taxes and special assessments by counties and cities under special charter who collect their own taxes, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman*.

Ordered passed on file.

## AMENDMENTS FILED

Amend section 1, line 7 of Senate File 213 by adding after the word "association" the words "operating in the state of Iowa."

Amend section 2, line 2 by adding after the word "sale" the words "in this state."

Amend section 2, line 3 by adding after the word "chicks" the words "from any place located in this state." E. K. BEKMAN.

Amend Senate File 213 by striking from section 1 line 12 the word "shall" and inserting in lieu thereof the word "may". DEWEY E. GOODE.

Amend Senate File 213, section 1, subsection 3, by striking from lines 8 and 9 the words, "farmer or farmer's wife, who in connection with other farming operations," and insert in lieu thereof the words, "person who". LEROY MERCER.

Amend Senate File 213 by striking the comma following the word association in line 7 of section 1 and substituting in lieu thereof a period. Further amend by striking the words "but the Term" in line 7 of section 1 and all of lines 8, 9, 10, 11, 12, 13, 14, and 15. H. C. BALDWIN.

Amend Senate File 194 by adding thereto the following new section: "The provisions of this act shall be applicable to cities acting under special charter." E. P. CORWIN.

Amend Senate File 174, section 3, line 7 by adding after the words "pounds", the words, "per square inch and/or having a safety valve set at not higher than fifteen (15) pounds pressure per square inch." E. K. BEKMAN.

Amend Senate File 174, section 3 by adding after the word "pounds" in line 7 the following: ", and boilers of 3 horse power or less".

Also amend by striking section 8 and inserting in lieu thereof the following:

"All fees provided for in this act shall be collected by the commissioner of labor and remitted to the state comptroller together with an itemized statement showing the source of collection, and such fees shall be placed in the State general fund." DEWEY E. GOODE.

Amend Senate File 88 by striking all of section 13. R. E. HESS.

Amend Senate File 68 by striking all of section two (2). R. E. HESS.

Amend Senate File 95 by striking all of section 31. R. E. HESS.

Amend Senate File 19 by striking all of section 5. R. E. HESS.

Amend Senate File 76 by striking all of section 9. R. E. HESS.

Amend Senate File 71 by striking all of section 27. R. E. HESS.

On motion of Senator Donohue the Senate adjourned until 10:00 a. m. Tuesday.



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 11, 1941.

The Senate met in regular session, President B. B. Hiekenlooper presiding.

Prayer was offered by Rev. O. E. Cooley of the Methodist church of Audubon.

The Journal of February 10th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Watson, from merchants in Council Bluffs and Pottawattamie County, favoring passage of the loss-leader bill.

By Senator Miller, from residents of Guthrie County, in opposition to Senate File 95 and House File 122.

By Senator Zeigler, from barbers of Fairfield, favoring passage of barber bill.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Lundy for the morning on request of Senator Clark.

## INTRODUCTION OF BILLS

Senate File 258, by Judiciary 2, a bill for an act to amend, revise, and codify chapter four hundred sixty-one (461), Code, 1939, relating to legalization of acts of notaries public, acknowledgments, and instruments executed by attorneys in fact.

Read first and second times and placed on calendar.

Senate File 259, by Senator Goode (Burma), a bill for an act to repeal sections two thousand three hundred eighty-five (2385), two thousand three hundred eighty-six (2386), two thousand three hundred eighty-nine (2389), two thousand three hundred ninety (2390), two thousand three hundred ninety-one (2391) and two thousand three hundred ninety-five (2395), all in the Code, 1939,

and to amend sections two thousand three hundred eighty-four (2384), two thousand three hundred ninety-two (2392), two thousand three hundred ninety-four (2394), two thousand three hundred ninety-six (2396), two thousand four hundred seventeen (2417), and two thousand four hundred twenty-six (2426), Code, 1939, and to amend chapter one hundred fourteen (114), Code, 1939, all relating to the registration of vital statistics, and providing for the appointment of a county registrar.

Read first and second times and passed on file.

Senate File 260, by Senator Faul, a bill for an act declaring certain structures and other objects within the aerial approaches of the public utility class to be airport hazards and as such not in the public interest; empowering and directing the Iowa Aeronautics Commission, or other official or officials or agency of the state, as the case may be, to prepare airport approach plans for such airports, indicating the approach protection necessary; empowering and directing municipalities and other political subdivisions to promulgate, administer, and enforce airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of the property in the vicinity of such airport; authorizing the acquisition by purchase, grant, or condemnation of air rights and other interests in land in cases in which the desired result cannot be obtained by regulation; prescribing certain standards and principles to be followed; making provision for notice, hearing and appeal and prescribing the procedure governing the adoption of airport zoning regulations, applications for permits and variances, and judicial review; and granting to cities and towns and to any zoning commission and board of adjustment therein additional authority under any law or ordinance to extend the jurisdiction of any such city or town and any zoning commission and board of adjustment to include the height of any structure or object within the provisions of this act not exceeding two miles from the center of any airport and not exceeding four thousand (4000) feet in the segment of a circle having a radius of two miles from the center of said airport and within the boundary lines of any runway extended to said circle. Compliance with the airport approach standards of the Civil Aeronautics Authority of the Federal Department of Commerce shall be prima facie evidence of compliance with this act. Penalties and remedies for violations

of this act or any ordinance or regulations made under the authority conferred thereby shall be provided herein.

Read first and second times and passed on file.

Senate File 261, by Senator Findlay, a bill for an act to amend section seven hundred thirty (730), Code, 1939, relating to election judges and clerks and providing for the appointment of registration deputies.

Read first and second times and passed on file.

Senate File 262, by Senator Augustine, a bill for an act to legalize the payment of certain warrants issued by the City of Oskaloosa during the years 1937-1938, and 1938-1939.

Read first and second times and passed on file.

Senate File 263, by Senator Bekman, a bill for an act to provide for the employment of a person, firm or corporation to assist in the discovery of property not listed for taxation, and for the collection of taxes thereon. Also to provide for publication of a notice of said proposed contract of hire and the time when said question will be considered by the Board.

Read first and second times and passed on file.

Senate File 264, by Senators Henningsen and Dykhouse, a bill for an act to repeal all of chapter four hundred ten (410), title twenty (XX), Code, 1939, and to enact a substitute therefor relating to the regulation, supervision and licensing of insurance agents and non-resident insurance agents.

Read first and second times and passed on file.

Senator Mercer offered the following resolution and moved its adoption:

#### BYINGTON MEMORIAL RESOLUTION

*Whereas*, The Honorable O. A. Byington, who was a member of this body during the Thirty-seventh and Thirty-eighth General Assemblies from the Twenty-fifth District, Johnson and Iowa Counties, and who had been a member of the House during the Twenty-sixth General Assembly and the Twenty-sixth Extra Session, from Johnson County, died at Iowa City, Iowa, on the seventh day of January, 1941, therefore,

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* That a committee be appointed to draft suitable resolutions commemorat-

ing his life, character, and service to the state.

The motion prevailed, the resolution was adopted and the President appointed Senators Mercer, Mowry and Corwin on the committee.

### THIRD READING OF BILLS

The Senate resumed consideration of Senate File 213, a bill for an act to provide regulations as to the sale of baby chicks; to provide for the licensing of handlers and dealers thereof; to provide inspection for establishments operated by said handlers and dealers; and providing penalties for the violation of this act.

Senator Bekman offered the following amendment and moved its adoption:

Amend section 1, line 7 of Senate File 213 by adding after the word "association" the words "operating in the state of Iowa."

Amend section 2, line 2 by adding after the word "sale" the words "in this state."

Amend section 2, line 3 by adding after the word "chicks" the words "from any place located in this state."

The amendment was adopted.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 213 by striking from section 1 line 12 the word "shall" and inserting in lieu thereof the word "may".

The amendment was adopted.

Senator Mercer offered the following amendment and moved its adoption:

Amend Senate File 213, section 1, subsection 3, by striking from lines 8 and 9 the words, "farmer or farmer's wife, who in connection with other farming operations," and insert in lieu thereof the words "person who".

The amendment was adopted.

Senator Baldwin offered the following amendment and moved its adoption:

Amend Senate File 213 by striking the comma following the word "association" in line 7 of section 1 and substituting in lieu thereof a period. Further amend by striking the words "but the Term" in line 7 of section 1 and all of lines 8, 9, 10, 11, 12, 13, 14, and 15.

Roll call was demanded. On the question, "Shall the amendment be adopted?" the vote was:

Ayes, 1:

Baldwin

Nyas, 35:

Bekman	Emerson	Jones	Sjulin
Benson	Findlay	Keir	Stewart
Berg	Fuller	Leo	Talbott
Clark	Hart	Long	Turner
Corwin	Harvey	Lynes	Vrba
Cromwell	Henningsen	Miller	Watson
Dewey	Hess	Mowry	Whitehill
Dykhouse	Hill	Pelzer	Zeigler
Elthon	Hunt	Shaw	

Absent or not voting, 14:

Augustine	Faul	Johnson	Martin
Byers	Goode	Love	Mercer
Donohue	Hamiel	Lundy	Munger
Evans	Hattery		

The amendment was lost.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 213 by striking from lines 3 and 4 of section 3 the words, "Said license fee shall cover cost of inspection hereinafter provided for."

The amendment was adopted.

Senator Mowry offered the following amendment and moved its adoption:

Amend Senate File 213 by striking section 8 and inserting in lieu thereof the following: "Punishment. Any person, partnership, corporation, company, firm, society, or association who violates any provision of this Act shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars."

The amendment was adopted.

Senator Elthon asked and received unanimous consent to have action temporarily deferred.

The senate resumed consideration of Senate File 174, a bill for an act creating a boiler inspection department within the Department of Labor, providing for notice of intention to install and inspection of steam boilers, generators, superheaters, and creating the office of state boiler inspector, defining his duties, and providing for the enforcement of boiler inspection provisions of the act and providing penalties for the violation thereof.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amendment to Senate File 174:

1. Amend line four (4) of section four (4) by inserting the word "equipment" the words "and construction and installation of new equipment."

2. Further amend by striking all of section eight (8) and inserting in lieu thereof the following:

"All fees provided by this act shall be collected by the commissioner of labor and remitted to the state comptroller together with an itemized statement showing the source of collection and such fees shall be placed in a special fund by the state comptroller and state treasurer to be known as the "Boiler Inspection Fund" to be used by the commissioner of labor to administer and enforce the law relative to boiler inspections in this state, and no part of such expense shall be paid from the state general fund.

Any remainder in excess of \$2,000,00 in said Boiler Inspection Fund at the end of the fiscal year, after all expenses in carrying out the provisions of this act have been paid, shall revert to and become a part of the state general fund.

Said Boiler Inspection Fund shall be subject at all times to the warrants of the state comptroller, drawn upon a written requisition of the commissioner of labor for the payment of salaries and other expenses necessary to carry out the provisions of this act, but in no event shall the total expenses therefore exceed the total fees collected and deposited to the credit of said fund in any one fiscal year."

Senator Bekman asked and received unanimous consent to withdraw division 2 of the amendment.

Division 1 of the amendment was adopted.

Senator Goode offered the following amendment and moved its adoption:

Amend section 3 by adding after the word "pounds" in line 7 the following ", and boilers of 3 horse power or less".

The amendment was lost.

Senator Goode offered the following amendment and moved its adoption:

Amend by striking section 8 and inserting in lieu thereof the following:

"All fees provided for in this act shall be collected by the commissioner of labor and remitted to the state comptroller together with an itemized statement showing the source of collection, and such fees shall be placed in the State general fund."

The amendment was adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amend line 9 of section 5, Senate File 174, by striking the words "described in" and inserting the words "included under the provisions of".

The amendment was adopted.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 174 by striking all of subsection b of section 5.

The amendment was adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 174, section 3, line 7, by adding after the word "pounds", the words, "per square inch and/or having a safety valve set at not higher than fifteen (15) pounds pressure per square inch."

The amendment was adopted.

Senators Bekman and Cromwell offered the following amendment and moved its adoption:

Amend Section 2 (a), lines 10 and 11, by striking therefrom the following words: "and all other stills, tanks, or jacket kettles and reservoirs under pressure."

The amendment was adopted.

Senators Bekman and Cromwell offered the following amendment and moved its adoption:

Amend Section 5 (a) by striking from line 1 the words "described in" and inserting in lieu thereof the words "included under the provisions of".

The amendment was adopted.

Senators Bekman and Cromwell offered the following amendment and moved its adoption:

Further amend Section 5 (b), line 12, by striking the word "may" and inserting in lieu thereof the word "shall".

Senator Bekman asked and received unanimous consent to withdraw the amendment.

Senators Bekman and Cromwell offered the following amendment and moved its adoption:

Amend Section 7 (e), line 20, by inserting before the word "still" the word "steam."

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 174 by striking all following "\$100.00" in line 6, section 9, and inserting a period (.).

Further amend Senate File 174 by striking from line 5, section 9, the word "less" and inserting in lieu thereof the word "more".

The amendment was adopted.

Senator Byers took the chair at 11:42 a. m.

Senator Cromwell 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, 31:**

Augustine	Elthon	Hunt	Shaw
Baldwin	Emerson	Johnson	Stewart
Bekman	Faul	Keir	Turner
Benson	Fuller	Leo	Vrba
Berg	Harvey	Lynes	Watson
Byers	Hattery	Martin	Whitehill
Clark	Henningsen	Mowry	Zeigler
Cromwell	Hess	Munger	

**Nays, 10:**

Corwin	Hamiel	Love	Miller
Findlay	Jones	Mercer	Talbott
Goode	Long		

**Absent or not voting, 9:**

Dewey	Evans	Hill	Pelzer
Donohue	Hart	Lundy	Sjulin
Dykhouse			

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

Senator Cromwell 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 Senate resumed consideration of Senate File 213.

Senator Stewart 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:**

Augustine	Elthon	Keir	Shaw
Bekman	Emerson	Leo	Sjulin
Benson	Findlay	Long	Stewart
Berg	Fuller	Love	Talbott
Byers	Hess	Lynes	Turner
Clark	Hill	Mercer	Vrba
Corwin	Hunt	Miller	Watson
Cromwell	Johnson	Mowry	Whitehill
Dewey	Jones	Pelzer	Zeigler

**Nays, 2:**

Baldwin                      Harvey

**Absent or not voting, 12:**

Donohue	Faul	Hart	Lundy
Dykhouse	Goode	Hattery	Martin
Evans	Hamiel	Henningsen	Munger

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

Senator Stewart 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.

Senator Cromwell asked and received unanimous consent to have 500 copies of Senate File 174 printed as amended and passed by the Senate.

President Hickenlooper took the chair at 12:04 p. m.

**REPORT OF JOINT COMMITTEE ON ENROLLED BILLS**

Senator Vrba 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 3, 69, 97, and 89.

**EDWARD H. VRBA**, *Chairman Senate Committee.*  
**GORDON SMITH**, *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 3, 69, 97 and 89.

**BILLS SENT TO THE GOVERNOR**

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 11th day of February, 1941, sent to the Governor for his approval: Senate Files 3, 69, 97, and 89.

EDWARD H. VRBA, *Chairman.*

Passed on file.

On motion of Senator Donohue, the Senate recessed until 2:30 p. m.

The Senate reconvened, Senator Bekman presiding.

### AFTERNOON SESSION

On motion of Senator Faul, Senate File 16, a bill for an act to amend sections four hundred sixty-seven and twenty-five hundredths (467.25), six thousand nine hundred forty-three and one hundred forty-three thousandths (6943.143), and six thousand

### THIRD READING OF BILLS

nine hundred forty-three and one hundred fifty-two thousandths (6943.152), Code, 1939, relating to rights and privileges granted to persons called, ordered, entering, or inducted into the military or naval forces or nurse corps of this state or the United States, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

Senator Faul offered the following amendments and asked unanimous consent to substitute them for the committee amendments.

Amend Senate File 16 as follows:

- (1) By striking that portion of the title commencing with the word "six" in line 2 down to and including the figures "(6943.152)," in line 5.
- (2) By striking sections 2 and 3.

Unanimous consent was granted and the substitution was made.

The amendments were adopted.

Senator Faul asked and received unanimous consent to withdraw the amendment filed by him and found on page 268 of the Journal.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 16 by adding thereto a new section as follows:

"This act being deemed of immediate importance shall be in full force

and effect from and after its passage and publication in the Cresco Plain Dealer, a newspaper published at Cresco, Iowa, and the Polk County Legal Record, a newspaper published at Des Moines, Iowa."

The amendment was adopted.

Senator Faul 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:**

Augustine	Findlay	Johnson	Munger
Baldwin	Fuller	Jones	Pelzer
Bekman	Goode	Keir	Shaw
Benson	Hart	Leo	Sjulin
Berg	Harvey	Long	Talbott
Corwin	Hattery	Love	Turner
Cromwell	Henningsen	Martin	Vrba
Emerson	Hess	Mercer	Watson
Evans	Hill	Miller	Whitehill
Faul	Hunt	Mowry	Zeigler

**Nays, None.**

**Absent or not voting, 10:**

Byers	Donohue	Hamiel	Lynes
Clark	Dykhouse	Lundy	Stewart
Dewey	Elthon		

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

Senator Faul 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

On motion of Senator Faul, Senate File 18, a bill for an act to amend section twelve thousand four hundred seventy-two (12472), Code, 1939, to provide for the place of making application for a writ of habeas corpus for inmates of federal institutions, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul 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, 41:**

Augustine	Benson	Cromwell	Faul
Baldwin	Berg	Emerson	Findlay
Bekman	Corwin	Evans	Fuller

Goode	Hunt	Martin	Sjulin
Hamiel	Johnson	Mercer	Talbott
Hart	Jones	Miller	Turner
Harvey	Keir	Mowry	Vrba
Hattery	Leo	Munger	Watson
Henningsen	Long	Pelzer	Whitehill
Hess	Lynes	Shaw	Zeigler
Hill			

Nays, None.

Absent or not voting, 9:

Byers	Donohue	Elthon	Lundy
Clark	Dykhouse	Love	Stewart
Dewey			

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

Senator Faul 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.

President Hickenlooper took the chair at 2:54 p. m.

Senator Bekman moved that the President appoint a committee to arrange for a short talk on the life of Lincoln, commemorating his birthday.

The motion prevailed and the President appointed on the committee Senators Bekman, Faul and Hattery.

Senator Elthon asked and received unanimous consent to have Senate File 213 engrossed before it is messaged to the House, and to have 500 copies of the bill printed as passed by the Senate.

#### PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

Senate File 73, a proposed bill for the legalization of the proceedings of the board of directors of the Independent School District of Onawa, Monona county, Iowa, in connection with the \$27,000 school bond issue.

WALTER H. BEAM.

#### REPORT OF JOINT COMMITTEE ON EXTRA HELP

TO THE HONORABLE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

Your joint committee appointed to nominate officers and employees for joint legislative duties of the Forty-ninth General Assembly, begs leave

to recommend that Roy Chambers of Monroe county be appointed as doorkeeper in place of Britten Thomas of Monroe county, resigned.

J. BERG, *Chairman.*

LEO A. HOEGH, *Chairman,*

*On the part of the Senate.*

*On the part of the House.*

BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

- S. F. 259.....Public Health
- S. F. 260.....Cities and Towns
- S. F. 261.....Election Reform
- S. F. 262.....Judiciary 2
- S. F. 263.....Judiciary 1
- S. F. 264.....Insurance

REPORTS OF COMMITTEES

Senator Shaw submitted the following report:

MR. PRESIDENT: Your committee on Judiciary 1 to which was referred Senate File 9, a bill for an act to amend Section six thousand nine hundred fifty (6950), Code, 1939, relating to the power of the Board of Supervisors to exempt the property of aged or infirmed persons from taxation, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Judiciary 1 to which was referred Senate File 236, a bill for an act to amend section six thousand nine hundred and forty-three and one hundred forty-one thousandths (6943.-141), Code, 1939, relating to the applicability of the provisions of the chain store tax as expressed in chapter three hundred twenty-nine and six tenths (329.6) of said Code, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Senator Keir submitted the following report:

MR. PRESIDENT: Your committee on Drainage to which was referred Senate File 67, a bill for an act to amend section seven thousand six hundred thirty-four (7634), section seven thousand six hundred thirty-five (7635) and section seven thousand six hundred thirty-six (7636) of the code of 1939 relating to the control, management and supervision of certain drainage districts wholly or partially within cities and towns and to confer on city and town councils certain powers, begs leave to report

it has had the same under consideration and recommends the same do pass.

ROBERT KEIR, *Chairman.*

Ordered passed on file.

### REPORT OF COMMITTEE ON RULES

MR. PRESIDENT: Your committee on rules begs leave to report that they have had the permanent rules under consideration and recommend that the rules of the Senate for the 49th General Assembly be as follows:

The rules of the 48th General Assembly shall be adopted as the rules of the 49th General Assembly except as hereinafter repealed, altered, amended or substituted.

Rule 2 of the printed rules of the Senate for the 48th General Assembly is amended by adding after the period in Line 9 the following: "He shall appoint all committees unless otherwise specifically ordered."

Rule 5 of the printed rules of the Senate for the 48th General Assembly is amended by adding at the end of the same the following: "Any member excused for the day or any period of time before a call is made shall not be excused from a call unless such member is specifically excused from the call through unanimous consent or by a vote of two-thirds of the members of the senate. If any member or members are excused from a call through unanimous consent or by a vote of two-thirds of the members of the senate, same shall not raise the call as to all other members of the senate."

Rule 17 of the printed rules of the Senate for the 48th General Assembly is amended by inserting after the comma in line 3 the following: "except the sifting committee".

Rule 22 of the printed rules of the Senate for the 48th General Assembly is repealed and stricken from the rules and a new Rule 22 is substituted in lieu thereof, which shall be and read as follows:

#### "Rule 22"

#### Time of Introduction of Bills

No bill shall be introduced in the Senate after the 24th day of February, except such bills as may be introduced by a standing or specially authorized committee, provided, however that no committee bill shall be introduced after the 24th day of February, except by a two-thirds vote of the members of the committee; this provision governing the introduction of committee bills shall not apply to the Appropriations Committee, the Congressional Redistricting Committee and the State Political Districts Committee, and appropriation bills may be introduced at any time by a majority vote of the members of the Appropriations Committee and redistricting bills may be introduced at any time by a majority vote of the members of either of the said redistricting committees. No bill shall be introduced by a sifting committee."

Rule 23 of the printed rules of the Senate for the 48th General Assembly is repealed and stricken from the rules.

Rule 29 of the printed rules of the Senate for the 48th General Assembly is repealed and stricken from the rules.

Rule 33 of the printed rules of the Senate for the 48th General Assembly is amended by striking out the figure "32" in the first line of said Rule and inserting in lieu thereof the figure "30".

Rule 40 of the printed rules of the Senate for the 48th General Assembly is amended by striking out the word "first" in the second line of said Rule 40 and by substituting in lieu thereof the word "fifth".

Rule 46 of the printed rules of the Senate for the 48th General Assembly is repealed and stricken from the rules.

The printed rules of the Senate for the 48th General Assembly are further amended by renumbering the rules to conform to the amendments herein contained.

FRANK C. BYERS, *Chairman*.

#### AMENDMENTS FILED

Amend Senate File 198, subsection 7 of section 1, by striking in lines 102 and 103 the words "eight per cent above", and in line 106 the words "eight per cent above".

RALPH E. BENSON.

Amend Senate File 79 as follows:

Add, immediately following the word "profit", in section 1, line 9, the following: "and organized under the cooperative laws of any other state or the provisions of chapter 390.1 of the 1939 Code".

Further amend by striking all of section 2.

LEROY S. MERCER.

Amend Senate File 85 by adding thereto the following:

"Sec. 2. Where an action is commenced in the county in which the injury or damage occurred, and which county is not the residence of the defendant, the defendant at any time before answering may file a motion to require the plaintiff to furnish a bond for costs and before any other proceedings in the action the plaintiff must file in the clerk's office a bond to be approved by the clerk in an amount to be fixed by the court for the payment of costs; but in no event shall a bond for costs be required for more than one hundred dollars (\$100.00)."

E. P. DONOHUE.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 12, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. C. W. Samuelson, pastor of the Swedish Lutheran Church of Marcus.

The Journal of February 11th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Faul, from residents of Des Moines, favoring passage of the loss-leader bill.

By Senator Sjulín, from the chairman of the conservation department of the Iowa Federation of Women's Clubs, in opposition to legislation permitting the shooting of mourning doves.

By Senator Sjulín, from the Shenandoah Junior Chamber of Commerce, favoring passage of the pre-marital bill.

By Senator Hess, from residents of Cherokee county, in opposition to Senate File 95 and House File 122.

By Senator Shaw, from residents of Buena Vista county, favoring passage of the rural electrical administration bill.

By Senator Shaw, from the trustees of the Pocahontas Public Library, favoring passage of House File 147.

By Senator Johnson, from residents of Britt and Hancock county in opposition to House File 85.

By Senator Vrba, from barbers of Winneshiek county, favoring passage of the barber bill.

By Senator Berg, from residents of Waterloo, favoring passage of the barbers' regulatory bill.

By Senator Talbott, from barbers of Poweshiek county, favoring the minimum price law.



By Senator Miller, from merchants of Perry, favoring passage of the loss-leader bill.

By Senator Lundy, from residents of Monroe and Marion counties, favoring proposed changes in the pension bill.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Fuller for the morning on request of Senator Hattery.

#### 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 84, a bill for an act pertaining to property for inheritance purposes.

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

House File 79, a bill for an act relating to compensation of councilmen.

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

House File 87, a bill for an act relating to property for inheritance purposes.

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

House File 4, a bill for an act relating to taxation of motor vehicle carriers.

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

Senate File 91, a bill for an act relating to cities acting under special charter.

A. C. GUSTAFSON, *Chief Clerk.*

#### INTRODUCTION OF BILLS

Senate File 265, by Senator Donohue, a bill for an act to amend chapter four hundred three and one tenth (403.1), Code, 1939, authorizing the deduction from the salary or wages of an employe or employes of the State of Iowa, or any county or city or town, or any institution supported in whole or in part by public funds, or any subdivisions thereof, the amount of his or their subscription payments to any corporation operating a non-profit hospital service plan, and granting the power to the governing body of the state, county, city or town, or any institution supported in

whole or in part by public funds, or any subdivisions thereof, to authorize deductions from the salaries or wages of employes subscribing to such non-profit hospital service plan and the procedure therefor.

Read first and second times and passed on file.

Senate File 266, by committee on manufacturing, commerce and trade, a bill for an act with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee; making uniform the law with reference thereto, and repealing all laws in conflict herewith.

Read first and second times and placed on calendar.

Senate File 267, by committee on insurance, a bill for an act to amend sections nine thousand eighty-four (9084), nine thousand ninety-one (9091), and to repeal section nine thousand ninety-seven (9097), Code, 1939, and to enact a substitute therefor, relating to the power and authority of the attorneys in fact, the bond required, and the account of the subscribers of reciprocal or inter-insurance exchanges and the contracts thereof.

Read first and second times and placed on calendar.

Senate File 268, by Senator Watson, a bill for an act to amend chapter two hundred fifteen and two tenths (215.2), Code, 1939, by amending section four thousand two hundred eighty-three and eleven hundredths (4283.11) of the said chapter relating to reimbursement of school districts for loss of taxes.

Read first and second times and passed on file.

Senate File 269, by Senator Watson, a bill for an act to repeal section seventeen hundred three and fifty-five hundredths (1703.55), Code, 1939, relating to taxing of state owned lands.

Read first and second times and passed on file.

Senate File 270, by Senator Findlay, a bill for an act to provide for the paving of connections from the business district of cities and towns to paved primary roads or extensions of such primary roads within cities and towns.

Read first and second times and passed on file.

Senate File 271, by Senators Byers, Bekman, Faul, Mowry, Benson and Elthon, a bill for an act to amend section four thousand

two hundred twenty-nine (4229), Code, 1939, relating to teachers' contracts, and to provide for continuing contracts for teachers, and regulations therefor; to define terms as used in this act; to repeal section four thousand two hundred thirty-seven (4237), Code, 1939, and to enact a substitute therefor relating to the termination of teachers' contracts; and to amend section four thousand two hundred ninety-eight (4298), Code, 1939, relating to appeals from decisions of boards of directors of school districts terminating teachers' contracts.

Read first and second times and passed on file.

Senate File 272, by Senators Benson and Clark, a bill for an act to amend chapter three hundred forty-nine (349), Code, 1939, by adding thereto a section relating to the records to be kept by a county treasurer in connection with tax sales and deeds.

Read first and second times and passed on file.

Senate File 273, by committee on conservation, a bill for an act to repeal section seventeen hundred ninety-four and fifty-seven thousandths (1794.057), Code, 1939, relating to agents of licensed fur dealers.

Read first and second times and placed on calendar.

Senate File 274, by Senators Bekman, Henningsen and Watson, a bill for an act to amend sections five thousand eight hundred fourteen (5814) and five thousand eight hundred twenty-three (5823), Code, 1939, relating to river front improvement commissions; amending section five thousand eight hundred fourteen (5814) so as to include within its terms all cities acting under the commission form of government, except such cities as come within the provisions of section five thousand six hundred ninety-six (5696), Code, 1939; amending section five thousand eight hundred twenty-three (5823) by providing that the tax authorized in section five thousand eight hundred twenty-two (5822), Code, 1939, shall be levied for a period not exceeding thirty (30) years for the payment of bonds in the manner provided in chapter sixty-three and one tenth (63.1), Code, 1939; also providing the method of sale of said bonds, and that section six thousand two hundred sixty-four (6264), Code, 1939, shall apply to said bonds.

Read first and second times and passed on file.

## HOUSE MESSAGES CONSIDERED

House File 4, a bill for an act to amend chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers by providing a penalty for violation of the provisions thereof.

Read first and second times and passed on file.

House File 79, a bill for an act to amend section fifty-six hundred sixty-four (5664), Code, 1939, relating to compensation of councilmen in cities of the first class.

Read first and second times and passed on file.

House File 84, a bill for an act to amend section seven thousand three hundred thirty-seven (7337), Code, 1939, pertaining to notice and appeal and fixing value of property for inheritance purposes by court.

Read first and second times and passed on file.

House File 87, a bill for an act to amend section seven thousand three hundred thirty-six (7336), Code, 1939, to provide for fixing value by the court of property appraised for inheritance tax purposes.

Read first and second times and passed on file.

Senator Bekman asked and received unanimous consent to proceed with the program arranged in honor of Lincoln's birthday.

Senator Faul asked and received unanimous consent to have the President appoint a committee to escort Thomas Noll, past national commander of the G. A. R., to the rostrum.

The President appointed Senators Faul, Hill and Mercer to escort Thomas Noll to the rostrum.

Senator Bekman escorted Dr. Frank Herriott to the rostrum and introduced him to the Senate.

Dr. Herriott reviewed the life of Abraham Lincoln.

President Hickenlooper presented Mr. Noll to the Senate.

Senator Donohue offered the following resolution :

## SENATE CONCURRENT RESOLUTION 10.

*Be It Resolved by the Senate, the House Concurring:* That when adjournment is had on Wednesday, February 26th, it be to reconvene on Tuesday, March 4th, at two o'clock p. m.

## THIRD READING OF BILLS

Senator Shaw asked and received unanimous consent to take up Senate File 44, a bill for an act to amend chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, relating to personal net income tax, and allowing to the taxpayer an election to include loans from the Commodity Credit Corporation as gross income, and providing that the method of computing income adopted by the taxpayer shall be continued in subsequent years.

Senator Shaw moved that the Senate concur in the following House amendments:

Amend by striking the figures "1939" in line three of subsection 2 and inserting in lieu thereof the figures "1937".

Amend by adding as subsection six (6) the following: If a taxpayer exercises the election provided for in subsection one (1) of section one (1) of this act he may file with the State Tax Commission a return or an amended return for any year prior to 1940 to secure the benefits of subsection one (1) of section one (1) of this act and the penalties provided in section six thousand nine hundred forty-three and fifty-seven thousandths (6943.057), Code, 1939, shall not be imposed if such return or amended return is filed within ninety (90) days after this act becomes effective.

Amend by adding thereto, as subsection seven the following: If a taxpayer exercises the election provided for in subsection one (1) of section one (1) of this act and treats the loan as gross income, he shall not be permitted to also treat it as a debt for purposes of deduction from his moneys and credits tax.

Add an additional section as follows: This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Spencer Times, a newspaper published at Spencer, and the Emmetsburg Democrat, a newspaper published at Emmetsburg, Iowa.

The motion prevailed and the Senate concurred.

Senator Shaw 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:

Augustine	Berg	Corwin	Donohue
Bekman	Byers	Cromwell	Dykhouse
Benson	Clark	Dewey	Emerson

Evans	Hess	Lundy	Sjulin
Findlay	Hill	Lynes	Stewart
Goode	Hunt	Martin	Talbott
Hamiel	Johnson	Mercer	Turner
Hart	Keir	Miller	Vrba
Harvey	Leo	Mowry	Watson
Hattery	Long	Pelzer	Whitehill
Henningsen	Love	Shaw	Zeigler

Nays, none.

Absent or not voting, 6:

Baldwin	Faul	Jones	Munger
Elthon	Fuller		

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

Senator Shaw 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.

On motion of Senator Henningsen, House File 3, a bill for an act to amend section five thousand one hundred three and twelve hundredths (5103.12), chapter two hundred fifty-two and two tenths (252.2), Code, 1939, to provide for refunds as required under section five thousand one hundred three and five hundredths (5103.05) and to provide for the payment for identification plate provided for in section five thousand one hundred three and six hundredths (5103.06), with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Henningsen 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:

Augustine	Elthon	Hill	Mowry
Bekman	Emerson	Johnson	Pelzer
Benson	Evans	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vbra
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhousé	Hess	Miller	Zeigler

Nays, none.

Absent or not voting, 6:

Baldwin	Fuller	Love	Munger
Faul	Hunt		

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

Senator Henningsen 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.

On motion of Senator Henningsen, House File 6, a bill for an act to amend section five thousand one hundred three and four hundredths (5103.04), chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers, by changing the time when compensation tax payments become delinquent, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Henningsen 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, 47:

Augustine	Evans	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Hart	Love	Talbott
Cromwell	Harvey	Lundy	Turner
Dewey	Hattery	Lynes	Vrba
Donohue	Henningsen	Martin	Watson
Dykhouse	Hess	Mercer	Whitehill
Elthon	Hill	Miller	Zeigler
Emerson	Hunt	Mowry	

Nays, none.

Absent or not voting, 3:

Baldwin	Byers	Fuller
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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 Henningsen 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.

On motion of Senator Henningsen, House File 29, a bill for an

act to amend section five thousand one hundred three and one hundredths (5103.01) of chapter two hundred fifty-two and two tenths (252.2), Code, 1939, to further define "motor vehicle" and to provide exemption of busses used exclusively in conveying school children to and from schools and school activities, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Henningsen 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:**

Augustine	Findlay	Keir	Pelzer
Bekman	Goode	Leo	Shaw
Berg	Hamiel	Long	Sjulin
Clark	Hart	Love	Stewart
Cromwell	Harvey	Lynes	Talbott
Dewey	Hattery	Martin	Turner
Elthon	Henningsen	Mercer	Vrba
Emerson	Hess	Miller	Watson
Evans	Hill	Mowry	Whitehill
Faul	Johnson	Munger	Zeigler

**Nays, none.**

**Absent or not voting, 10:**

Baldwin	Corwin	Fuller	Jones
Benson	Donohue	Hunt	Lundy
Byers	Dykhouse		

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

Senator Henningsen 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.

On motion of Senator Henningsen, House File 32, a bill for an act to amend section five thousand one hundred three and two hundredths (5103.02), chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Lynes 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, 43:

Augustine	Goode	Keir	Pelzer
Berg	Hamiel	Leo	Shaw
Clark	Hart	Long	Sjulin
Corwin	Harvey	Love	Stewart
Cromwell	Hattery	Lundy	Talbott
Dewey	Henningsen	Lynes	Turner
Dykhouse	Hess	Martin	Vrba
Elthon	Hill	Mercer	Watson
Emerson	Hunt	Miller	Whitehill
Faul	Johnson	Mowry	Zeigler
Findlay	Jones	Munger	

Nays, none.

Absent or not voting, 7:

Baldwin	Benson	Donohue	Fuller
Bekman	Byers	Evans	

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

Senator Lynes 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.

On motion of Senator Faul, Senate File 19, a bill for an act to provide the means of creating title to real estate by adverse possession, and to limit the time within which actions may be brought to recover real estate after the issuance of a tax deed, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Benson took the chair at 11:21 a. m.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 19 by inserting in the blank spaces between the words "the" and ", a" in line 3 of section five (5) the following: "The Guttenberg Press". Further amend Senate File 19 by inserting in the blank space between the words "at" and ", Iowa" in line 4 of section five (5) the following: "Guttenberg". Further amend Senate File 19 by inserting in the blank space between the words "the" in line 4 and "a" in line 5 of section five (5) the following: "West Des Moines Express". Further amend Senate File 19 by inserting in the blank space between the words "at" and ", Iowa" in line 5 of section five (5) the following: "West Des Moines".

The amendment was adopted.

Senators Faul and Cromwell offered the following amendment and moved its adoption:

Amend Senate File 19 by adding immediately after line 9 of section two (2) the following: "Any person, filing a claim of adverse interest, shall, within sixty (60) days after the filing thereof, and not thereafter, assert the same by action instituted in the district court of the county in which the real estate is situated."

Senator Faul asked and received unanimous consent to withdraw the amendment.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 19 as follows:

Strike from section one (1) line one (1) the words "five years" (5) and insert in lieu thereof the words "six months."

Senator Bekman asked and received unanimous consent to withdraw the amendment.

Senator Hess offered the following amendment and moved its adoption:

Amend Senate File 19 as follows: Amend by striking the word "five" in line 1 of section 1 and substituting in lieu thereof the word "three".

The amendment was lost.

Senator Bekman offered the following amendment and moved its adoption:

Amend section 1 line 19 by inserting after the word "county" the words "as recorded in Book.....Page.....of the.....Records".

The amendment was adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amend section 1 line 21 by striking the period (.) in said line, and inserting a comma (,) in lieu thereof, and by adding after the said comma the following words, "or such purported tax title."

The amendment was adopted.

Senator Bekman offered the following amendments and moved their adoption:

Further amend section one (1) by striking from lines twenty-six (26) and twenty-seven (27) the words and figures "one hundred twenty (120)" and inserting in lieu thereof the word and figures "sixty (60)."

Amend section two (2) line four (4) by inserting after the word "deed" the words "or such purported tax deed" and further amend by striking from lines six (6) and seven (7) the words and figures "one hundred twenty (120)" and inserting in lieu thereof the word and figures "sixty

(60)" and further by striking from lines ten (10) and eleven (11) the words and figures "one hundred twenty (120)" and inserting in lieu thereof the word and figures "sixty (60)."

Senator Bekman asked and received unanimous consent to withdraw the amendments.

Senator Hess offered the following amendment and moved its adoption:

Amend Senate File 19 by striking all of section 5.

The amendment was adopted.

President Hickenlooper took the chair at 11:58 a. m.

Senator Faul 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, 42:

Augustine	Emerson	Jones	Munger
Bekman	Faul	Keir	Shaw
Benson	Findlay	Leo	Sjulin
Berg	Hamiel	Long	Stewart
Byers	Hart	Lundy	Talbott
Corwin	Harvey	Lynes	Turner
Cromwell	Hattery	Martin	Vrba
Dewey	Henningsen	Mercer	Watson
Donohue	Hess	Miller	Whitehill
Dykhouse	Hill	Mowry	Zeigler
Elthon	Johnson		

Nays, none.

Absent or not voting, 8:

Baldwin	Evans	Goode	Love
Clark	Fuller	Hunt	Pelzer

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

Senator Faul 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.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 78.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 78.

## COMMITTEE ON CONGRESSIONAL REDISTRICTING

President Hickenlooper announced the appointment of the following Senators on the committee on congressional redistricting: Hart, chairman; Sjulín, Henningsen, Berg, Elthon, Goode, Hattery, Shaw and Dykhouse.

## REPORTS OF COMMITTEES

Senator Mowry submitted the following report:

**MR. PRESIDENT:** Your committee on public schools to which was referred Senate File 169, a bill for an act to amend section four thousand three hundred eighty-six (4386), Code, 1939, relating to school taxes, 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 "not less than eight" in line 6 and inserting in lieu thereof the following: "eight or more".

Also by striking the word "falls" in line 8 and inserting in lieu thereof the word "is".

ROSS R. MOWRY, *Chairman*.

Ordered passed on file.

Senator Donohue submitted the following report:

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 196, a bill for an act to amend the law as it appears in chapter seventy-seven and two tenths (77.2), Code, 1939, relating to and providing for unemployment compensation; to fix the amount of benefits to be paid to unemployed seasonal employees, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

## BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 265.....	Judiciary 1
S. F. 268.....	Ways and Means
S. F. 269.....	Ways and Means
S. F. 270.....	Highways
S. F. 271.....	Public Schools
S. F. 272.....	County and Township Affairs

S. F. 274.....	Judiciary 2
H. F. 4.....	Motor Vehicles
H. F. 79.....	Cities and Towns
H. F. 84.....	Judiciary 1
H. F. 87.....	Judiciary 1

#### AMENDMENTS FILED

Amend Senate File 162 as follows:

(1) By striking from line 10 of section 35 the words and figures "one-third ( $\frac{1}{3}$ )" and substituting in lieu thereof the words and figures "one-half ( $\frac{1}{2}$ )".

(2) By striking from line 12 of section 35 the words and figures "one-third ( $\frac{1}{3}$ )" and substituting in lieu thereof the words and figures "one-half ( $\frac{1}{2}$ )".

GEORGE FAUL.

Amend Senate File 162 by adding the following paragraph after the period in line 10 of section 1 thereof:

"The repairing, alteration and improving of dilapidated, poorly constructed, unsafe, obsolete and unsanitary dwellings, houses, apartments, tenements and buildings shall be presumed to be a public benefit and conducive to the public health, convenience and welfare."

GEORGE FAUL.

Amend Senate File 166 as follows:

(1) By striking the word "a" in line 1 of section 7 and substituting in lieu thereof the word "any".

(2) By striking the word "life" in line 1 of section 7.

(3) By adding the words "or companies" immediately following the word "company" in line 2 of section 7.

GEORGE FAUL.

Amend Senate File 256 by inserting immediately following the word "the" in line 3 of section 4 the words "Cambridge Leader" and by inserting immediately following the word "at" in line 4 of said section the word "Cambridge"; also by inserting immediately following the word "the" in line 4 of section 4 the words "Guttenberg Press" and by inserting immediately following the word "at" in line 5 of said section the word "Guttenberg".

GEORGE FAUL.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 13, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Father James C. Maher of the All Saints Church of Des Moines.

The Journal of February 12th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Fuller temporarily, on request of Senator Hattery.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Faul, from residents of Des Moines, favoring passage of the loss-leader bill.

By Senator Corwin, from insurance men of Muscatine and Louisa counties, favoring legislation relative to supervision and licensing of insurance agents and non-resident insurance agents.

By Senator Findlay, from residents of Webster county, in opposition to Senate File 196.

By Senator Leo, from barbers of Tama county, favoring passage of the barber bill.

By Senator Hess, from the teachers of Ida Grove, in opposition to Senate File 170.

By Senator Miller, from the rural teachers of Dallas county, favoring passage of a teachers' annuity bill.

By Senator Goode, from residents of Appanoose and Davis counties, in opposition to Senate File 196.

By Senator Munger, from residents of Sioux City, opposing legislation permitting the shooting of mourning doves.

By Senator Dewey, from barbers of Washington county, favoring passage of the minimum price law.

By Senator Byers, from residents of Linn and Cedar counties, favoring revision of the conservation law to permit the removal of soft fish from the Cedar river in Linn and Cedar counties.

By Senator Munger, from barbers of Burlington, Waukon and Maquoketa, favoring passage of the barber bill.

By Senator Bekman, from the Ottumwa Junior Chamber of Commerce, favoring passage of the pre-marital bill.

By Senator Martin, from residents of Scott and Clinton counties, in opposition to Senate File 95 and House File 122. by the producer or dealer, for the purpose of creating a fund with

#### 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 25, a bill for an act relating to the powers of the supreme court.

A. C. GUSTAFSON, *Chief Clerk.*

#### INTRODUCTION OF BILLS

Senate File 275, by committee on dairying, a bill for an act relating to the dairy industry, and to conserve and promote the prosperity and welfare of the Iowa dairy industry and of the State of Iowa by promoting the increased use and consumption of dairy products, whether processed or unprocessed, by providing for a research, educational, publicity, advertising and sales promotion campaign; to levy and impose an excise tax on butter fat produced in this state during the period from June 1 to June 15, inclusive, of each year and to provide for the collection thereof which to conduct such research, educational, advertising publicity, and sales promotion campaign; to create the Iowa Dairy Industry Commission, and to vest the administration of this act in such commission; to provide for the particular duties and authority of said commission hereunder; and to provide penalties for violation of this act.

Read first and second times and placed on calendar.

Senate File 276, by committee on election reform, a bill for an act to repeal section six hundred twenty-five (625), Code, 1939, and to provide when nominations can be made at a county convention.

Read first and second times and placed on calendar.

Senate File 277, by committee on election reform, a bill for an act to amend chapter thirty-six (36), Code, 1939, and sections five hundred twenty-nine (529), five hundred thirty-seven (537), five hundred forty-six (546), five hundred fifty-three (553), five hundred eighty-eight (588), six hundred thirty-six (636) and six hundred thirty-seven (637), Code, 1939, and contained in said chapter thirty-six (36) relating to nominations by political parties.

Read first and second times and placed on calendar.

Senate File 278, by Senator Bekman, a bill for an act to amend section six thousand six hundred sixty-nine (6669), Code, 1939, sub-section five (5) relating to duties of city manager, and exempting from his duties the supervision of the members of the board of waterworks trustees.

Read first and second times and passed on file.

Senate File 279, by Senator Munger, a bill for an act to amend section six thousand six hundred and one tenth (6600.1), Code, 1939, relating to uniforms and equipment of police and fire departments in cities under the commission form of government.

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

Senate File 280, by Senator Munger, a bill for an act to amend sections fifty-four hundred thirty-five (5435), and fifty-four hundred forty (5440), Code, 1939, relating to delinquent date for dog license.

Read first and second times and passed on file.

Senate File 281, by Senator Munger, a bill for an act to authorize counties to anticipate revenues, to issue anticipatory warrants and certificates and to negotiate loans on such warrants and certificates.

Read first and second times and passed on file.



Senate File 282, by Senator Byers, a bill for an act to amend section fifty-one hundred thirty (5130), Code, 1939, relating to authorizing boards of supervisors to permit the use of a room or rooms in the court house for the housing and maintenance of law libraries.

Read first and second times and passed on file.

Senate Joint Resolution 5, by Mowry, a joint resolution proposing an amendment to article nine (IX) of the constitution of the state of Iowa by striking out of the second division of said article in section seven (7) thereof the words and commas, to wit: "in proportion to the number of youths, between the ages of five (5) and twenty-one (21) years," relating to the distribution of common school funds.

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

Section 1. The following amendment to article nine (IX) of the constitution of the state of Iowa is hereby proposed:

Amend article nine (IX), section seven (7) of the second division thereof by striking therefrom the words and commas, to wit: "in proportion to the number of youths, between the ages of five (5) and twenty-one (21) years,".

Sec. 2. The foregoing proposed amendment is hereby referred to the legislature to be chosen at the next general election for members of the general assembly, and the secretary of state shall cause the same to be published for three (3) months previous to the date of said election as provided by law.

Read first and second times and referred to committee on constitutional amendments.

Senator Donohue called up the following resolution and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 10

*Be It Resolved by the Senate, the House Concurring:* That when adjournment is had on Wednesday, February 28th, it be to reconvene on Tuesday, March 4th, at two o'clock p. m.

The motion prevailed and the resolution was adopted.

Senator Byers called up the following report of the committee on rules:

## REPORT OF COMMITTEE ON RULES

**MR. PRESIDENT:** Your committee on rules begs leave to report that they have had the permanent rules under consideration and recommend that the rules of the Senate for the 49th General Assembly be as follows:

The rules of the 48th General Assembly shall be adopted as the rules of the 49th General Assembly except as hereinafter repealed, altered, amended or substituted.

Rule 2 of the printed rules of the Senate for the 48th General Assembly is amended by adding after the period in line 9 the following: "He shall appoint all committees unless otherwise specifically ordered."

Rule 5 of the printed rules of the Senate for the 48th General Assembly is amended by adding at the end of the same the following: "Any member excused for the day or any period of time before a call is made shall not be excused from a call unless such member is specifically excused from the call through unanimous consent or by a vote of two-thirds of the members of the Senate. If any member or members are excused from a call through unanimous consent or by a vote of two-thirds of the members of the Senate, same shall not raise the call as to all other members of the Senate."

Rule 17 of the printed rules of the Senate for the 48th General Assembly is amended by inserting after the comma in line 3 the following: "except the sifting committee".

Rule 22 of the printed rules of the Senate for the 48th General Assembly is repealed and stricken from the rules and a new Rule 22 is substituted in lieu thereof, which shall be and read as follows:

**"Rule 22"**

Time of Introduction of Bills

No bill shall be introduced in the Senate after the 24th day of February, except such bills as may be introduced by a standing or specially authorized committee, provided, however that no committee bill shall be introduced after the 24th day of February, except by a two-thirds vote of the members of the committee; this provision governing the introduction of committee bills shall not apply to the Appropriations Committee, the Congressional Redistricting Committee and the State Political Districts Committee, and appropriation bills may be introduced at any time by a majority vote of the members of the Appropriations Committee and redistricting bills may be introduced at any time by a majority vote of the members of either of the said redistricting committees. No bill shall be introduced by a sifting committee."

Rule 23 of the printed rules of the Senate for the 48th General Assembly is repealed and stricken from the rules.

Rule 29 of the printed rules of the Senate for the 48th General Assembly is repealed and stricken from the rules.

Rule 33 of the printed rules of the Senate for the 48th General Assembly is amended by striking out the figure "32" in the first line of said Rule and inserting in lieu thereof the figure "30".

Rule 40 of the printed rules of the Senate for the 48th General Assembly is amended by striking out the word "first" in the second line of said Rule 40 and by substituting in lieu thereof the word "fifth".

Rule 46 of the printed rules of the Senate for the 48th General Assembly is repealed and stricken from the rules.

The printed rules of the Senate for the 48th General Assembly are further amend by renumbering the rules to conform to the amendments herein contained.

FRANK C. BYERS, *Chairman*.

Senator Byers asked and received unanimous consent to amend the report by inserting after line 9 the following:

Further amend Rule 2 by striking all of the last sentence of said Rule 2.

The amendment was adopted.

Senator Byers moved the adoption of the report, as amended, which motion prevailed, and the report was adopted.

Senator Love presented the school from Fontanelle to the Senate.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 91.

EDWARD H. VRBA, *Chairman Senate Committee*.

GORDON SMITH, *Chairman House Committee*.

Report adopted.

#### BILLS SIGNED BY THE PRESIDENT

The President of the Senate announced that, as President of the Senate, he has signed in the presence of the Senate, Senate File 91.

#### BILLS SENT TO THE GOVERNOR

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

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 13th day of February, 1941, sent to the Governor for his approval: Senate File 91.

EDWARD H. VRBA, *Chairman*.

Passed on file.

#### THIRD READING OF BILLS

On motion of Mowry, Senate File 39, a bill for an act establishing Constitution Sunday and providing for the observance thereof,

with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry 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:

Augustine	Findlay	Jones	Munger
Baldwin	Goode	Keir	Pelzer
Bekman	Hamiel	Leo	Shaw
Benson	Hart	Long	Sjulin
Berg	Harvey	Love	Stewart
Clark	Hattery	Lundy	Talbott
Cromwell	Henningsen	Lynes	Turner
Dewey	Hess	Martin	Vrba
Donohue	Hill	Mercer	Watson
Elthon	Hunt	Miller	Whitehill
Evans	Johnson	Mowry	Zeigler
Faul			

Nays, none.

Absent or not voting, 5:

Byers	Dykhouse	Emerson	Fuller
Corwin			

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

Senator Mowry 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.

On motion of Senator Cromwell, Senate File 46, a bill for an act to amend section eleven thousand nine hundred one (11901), Code, 1939, relating to the administration of estates of absentees, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell offered the following amendment and moved its adoption:

Amend Senate File 46 by striking section 2, the publication clause.

The amendment was adopted.

Senator Cromwell 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, 42:**

Augustine	Donohue	Hill	Munger
Baldwin	Dykhouse	Hunt	Pelzer
Bekman	Elthon	Jones	Shaw
Benson	Emerson	Keir	Sjulin
Berg	Evans	Leo	Stewart
Byers	Faul	Long	Talbott
Clark	Findlay	Love	Vrba
Corwin	Hamiel	Lynes	Watson
Cromwell	Harvey	Mercer	Whitehill
Dewey	Hattery	Miller	Zeigler
	Henningesen	Mowry	

Nays, none.

**Absent or not voting, 8:**

Fuller	Hart	Johnson	Martin
Goode	Hess	Lundy	Turner

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

Senator Cromwell 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.

Senator Bekman asked and received unanimous consent to take up Senate File 64, a bill for an act to amend chapter three hundred three and one tenth (303.1), Code, 1939, relating to the management and control of airports by a commission, providing for the submission of the proposition for vote, notice of the election, form of submission, appointment of commissioners, terms, compensation, powers and duties and reports.

Senator Hunt took the chair at 10:44 a. m.

The reports of the committees on Aeronautics and Judiciary 2 were taken up, considered and adopted.

Senator Bekman asked and received unanimous consent to withdraw the amendments filed by him and found in the Journal of January 27th.

Senator Faul asked and received unanimous consent to withdraw the amendment filed by him and found on page 139 of the Journal.

Senator Bekman offered the following amendment and moved its adoption:

**Amend Senate File 64 as follows:**

Strike all portion of said Senate File after the enacting clause and insert in lieu thereof the following:

Chapter three hundred three and one tenth (303.1), Code, 1939, is hereby amended by adding thereto at the end of said chapter the following provisions:

Section 1. "The council of any city or town, including cities of the first class under the commission form of government having a population of less than one hundred twenty-five thousand (125,000) and special charter cities, which owns or otherwise acquires an airport or airports may, and upon petition of ten per cent of the number of qualified electors who voted at the last city election shall, at any city election if one is to be held within sixty (60) days from the filing of said petitions, or special election called for that purpose, submit to the voters the question as to whether the management and control of such airport, or airports, shall be placed in an airport commission."

Sec. 2. "Notice of such election shall be given by publication in one newspaper in said city or town in one publication, and the election shall be held not less than seven nor more than fourteen days after the completion of such published notice. If no newspaper is published in such city or town notices may be given by posting notices in five public places in such city or town for three weeks prior to said election."

Sec. 3. "The question to be submitted shall be in the following form: "Shall the City (or Town) of.....place the management and control of its airport (or airports) in an Airport Commission?"

Sec. 4. "When a majority of the votes cast upon said proposition at such election shall have declared in favor of the proposition of Airport Control and Management by a Commission, the mayor shall, within ten (10) days thereafter, appoint an Airport Commission of not more than five (5) resident voters of said city or town, which appointments shall be approved by the council. In case of a commission of three (3) members the first appointees shall hold office, one for two years, one for four years, and one for six years. In case of a commission of five (5) members the first appointees shall hold office, one for two years, one for three years, one for four years, one for five years, and one for six years. All subsequent appointments shall be for a term of six years. Vacancies shall be filled as original appointments are made. Members of the Airport Commission shall serve without compensation. Each commissioner shall execute and furnish a bond in an amount fixed by the council, to be approved by the mayor and filed with the city clerk. The cost of such bond shall be paid from the general fund of the city. The commission shall elect from their own members a chairman and secretary who shall serve for such term as the commission shall determine."

Sec. 5. "Said commission shall have and exercise all of the powers granted to cities and towns under this chapter, except powers to sell said airport or airports. The commission shall annually certify the amount of tax within the limitations of this chapter to be levied for airport purposes, and upon such certification the city council shall include said amount in its budget.

All funds derived from taxation or otherwise for airport purposes shall be under the full and absolute control of said commission for the pur-

poses prescribed by law, and shall be deposited with the city treasure to the credit of the airport commission, and shall be disbursed only on the written warrant or orders of the airport commission, including the payment of all indebtedness arising from the acquisition and construction of airports and the maintenance, operation, and extension thereof."

Sec. 6. "The airport commission shall immediately after the close of each municipal fiscal year, file with the city clerk a detailed and audited written report of all money received and disbursed by said commission during said fiscal year, and shall publish a summary thereof in an official newspaper in said city or town."

Sec. 7. The power conferred on cities and towns to make and enforce rules and regulations under Code section fifty-nine hundred three and nine hundredths (5903.09) is delegated to the City Airport Commission.

Sec. 8. This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Ottumwa Daily Courier, a newspaper published at Ottumwa, Iowa, and the Davis County Republican, a newspaper published at Bloomfield, Iowa.

Senator Munger offered the following amendment to the amendment offered by Senator Bekman and moved its adoption:

Amend section one (1) by striking from line three (3) the words "one hundred twenty-five thousand (125,000)" and inserting in lieu thereof the words "seventy-five thousand (75,000)".

The amendment to the amendment was adopted.

Senator Bekman offered the following amendment to his amendment and moved its adoption:

Amend the amendment by striking from section 1 all of lines 1 and 2, and all of line 3 up to and including the word "cities", and inserting in lieu thereof the following: "The council of any city or town, except a city having a population of more than seventy-five thousand (75,000),".

Further amend said amendment by inserting the following section:

"Sec. 8. The provisions of this act shall be applicable to cities acting under special charter."

Renumber section 8 as section 9.

The amendment to the amendment was adopted.

Senator Munger moved to reconsider the vote by which the amendment offered by him, to the amendment offered by Senator Bekman, passed the Senate.

The motion prevailed and the Senate reconsidered.

Senator Munger asked and received unanimous consent to withdraw the amendment offered by him to the amendment by Senator Bekman.

Senator Bekman moved that the amendment offered by him be adopted as amended.

The amendment was adopted.

Senator Cromwell offered the following amendment and moved its adoption:

Amend Senate File 64 as follows:

Following section 7 add a new section designated section 8 which is as follows: "Nothing in the foregoing seven sections shall be interpreted as limiting or affecting airport commissions of cities in the above classification which have already been in existence and operation prior to January 1, 1941, under the provisions of chapter 303.1". Renumber the former section 8 as section 9.

The amendment was adopted.

Senator Bekman 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, 46:**

Augustine	Elthon	Hill	Miller
Baldwin	Emerson	Hunt	Mowry
Bekman	Evans	Johnson	Munger
Benson	Faul	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Fuller	Leo	Sjulin
Clark	Goode	Long	Stewart
Corwin	Hamiel	Love	Talbott
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hess		

**Nays, 1:**

Zeigler

**Absent or not voting, 3:**

Hart

Lundy

Turner

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

Senator Bekman 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.

Senator Bekman asked and received unanimous consent to have Senate File 64 immediately messaged to the House.

On motion of Senator Faul, Senate File 60, a bill for an act to authorize counties, cities or towns and school districts to appro-



appropriate money for the support and maintenance of health, psychological and psychiatric clinics and services additional to those set out in chapter one hundred twelve (112), Code, of Iowa, 1939, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul offered the following amendments and moved their adoption:

**Amend Senate File 60 as follows:**

(1) By striking the words "health, psychological and psychiatric" in line 8 of section 1 and by inserting in lieu thereof the words "mental health".

(2) By striking from line 3 of the title the words "health, psychological and psychiatric" and inserting in lieu thereof the words "mental health".

The amendments were adopted.

Senator Faul 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:**

Augustine	Elthon	Hill	Mowry
Baldwin	Emerson	Hunt	Munger
Bekman	Evans	Johnson	Pelzer
Benson	Faul	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Fuller	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Vrba
Cromwell	Harvey	Lynes	Watson
Dewey	Hattery	Martin	Whitehill
Donohue	Hess	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 6:**

Dykhouse	Henningsen	Mercer	Turner
Goode	Lundy		

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

Senator Faul 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.

On motion of Senator Harvey, Senate File 73, a bill for an act to legalize the election and proceedings relating to the sale and authorizing the issuance of bonds by the Independent School District of Onawa, 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 issued pursuant to said proceedings to be enforceable obligations of said school district, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Harvey 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:**

Augustine	Emerson	Hunt	Mowry
Baldwin	Faul	Johnson	Munger
Bekman	Findlay	Jones	Pelzer
Benson	Fuller	Keir	Shaw
Berg	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Hart	Love	Talbott
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Hess	Mercer	Whitehill
Elthon	Hill	Miller	Zeigler

Nays, none.

Absent or not voting, 6:

Byers	Evans	Lundy	Turner
Dykhouse	Henningsen		

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

Senator Harvey 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.

On motion of Senator Evans, Senate File 75, a bill for an act to amend section six thousand nine hundred forty-three and fifty-five thousandths (6943.055), Code, 1939, relating to the making of income tax returns by administrators, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Evans offered the following amendment and moved its adoption:

Amend Senate File 75 by striking the word "inventory" in line 5 and inserting the word "accrual".

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 75 by adding thereto the following:

"Sec. 2. The judge of the district court in which the estate of a decedent is probated may, upon application being filed by the executor or administrator setting forth the income received by said estate, determine that the said estate is not subject to income tax if the facts warrant such a finding, and enter an order relieving the said executor or administrator from making an income tax report. Such order shall have the same force and effect as though a receipt for the payment of the tax were filed by the state tax commission."

Senator Donohue offered the following amendment to the amendment offered by him, and moved its adoption:

Amend by adding thereto the following: "A copy of the order of the court or judge shall be immediately mailed to the state tax commission by the clerk of the district court".

The amendment to the amendment was adopted.

Senator Hill asked and received unanimous consent to have action on Senate File 75 temporarily deferred.

On motion of Senator Donohue, Senate File 85, a bill for an act to amend chapter four hundred eighty-eight (488), Code, 1939, providing for place of bringing actions for injuries to a person or damage to property caused by motor vehicles, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 85 by adding thereto the following:

"Sec. 2. Where an action is commenced in the county in which the injury or damage occurred, and which county is not the residence of the defendant, the defendant at any time before answering may file a motion to require the plaintiff to furnish a bond for costs and before any other proceedings in the action the plaintiff must file in the clerk's office a bond to be approved by the clerk in an amount to be fixed by the court for the payment of costs; but in no event shall a bond for costs be required for more than one hundred dollars (\$100.00)."

Senator Dykhouse offered the following amendment and moved its adoption:

Amend the amendment by Senator Donohue as follows: Strike the period (.) at the end of the amendment and insert in lieu thereof the following: "; defendant's expenses and attorney's fees shall be paid by plaintiff if claim is not allowed in full."

Senator Hill moved the previous question on all pending amendments and the main bill.

Senator Dykhouse moved the adoption of the amendment offered by him to the amendment by Senator Donohue.

The amendment was lost.

Senator Donohue moved that the amendment offered by him be adopted.

The motion prevailed and 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, 48:

Baldwin	Emerson	Hill	Mowry
Bekman	Evans	Hunt	Munger
Benson	Faul	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Fuller	Leo	Stewart
Clark	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Cromwell	Hart	Lundy	Vrba
Dewey	Harvey	Lynes	Whitehill
Donohue	Hattery	Martin	Zeigler
Elthon	Hess	Mercer	

Nays, 1:

Watson

Absent or not voting, 6:

Augustine	Henningsen	Miller	Sjulin
Dykhouse	Johnson		

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

Senator Donohue 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.

Senator Donohue offered the following amendment to the title and moved its adoption:

Amend the title to Senate File 85 by striking the period (.) following the word "vehicles" and inserting in lieu thereof a comma (,) and adding thereto the following: "and providing bond for costs in certain cases."

The motion prevailed and the amendment to the title was adopted.

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, which motion prevailed.

Senator Donohue moved that the Senate recess until 2:00 p. m.

Senator Lundy, as a substitute for the motion by Senator Donohue, moved that the Senate adjourn until 10:00 a. m. Friday.

The substitution was made.

The motion lost.

On motion of Senator Faul, Senate File 166, a bill for an act authorizing boards of waterworks trustees of municipally owned waterworks in certain cities to procure group insurance for employees of such waterworks, to establish a plan and fund for such purpose, and to administer the same, was taken up and considered.

On motion of Senator Donohue the Senate recessed until 1:55 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

#### INTRODUCTION OF BILLS

Senate File 283, by committee on cities and towns, a bill for an act to amend chapter three hundred eight (308), Code, 1939, by amending sections five thousand nine hundred ninety-four (5994), five thousand nine hundred ninety-six (5996), five thousand nine hundred ninety-seven (5997), six thousand four (6004), six thousand twelve (6012), six thousand fifteen (6015), six thousand eighteen (6018), six thousand thirty-three (6033), six thousand thirty-five (6035) and six thousand forty-two (6042) and repealing sections six thousand three (6003) and six thousand fourteen (6014), all relating to street improvements, sewers and special assessments.

Read first and second times and placed on calendar.

Senate File 284, by committee on cities and towns, a bill for an act to amend section six thousand one hundred twenty-five (6125), Code, 1939, relating to street improvements and sewers in cities and towns.

Read first and second times and placed on calendar.

Senate File 285, by committee on insurance, a bill for an act to regulate and supervise any person, firm, company, partnership, association or corporation now doing business in the state of Iowa, other than insurance companies now embraced by the insurance statutes of Iowa, which provide its members with any kind of protection in the form of cash benefits, and authorizing and providing for the organization of benevolent associations operating on some assessment or contribution plan and which provide for protection and/or indemnity benefits; regulating and fixing the conditions under which such associations may legally operate within the state; authorizing and licensing of such organizations, and issuing by them of benefit certificates.

Read first and second times and placed on calendar.

Senate File 286, by judiciary 2, a bill for an act to amend Senate File Three (3), Acts of the Forty-ninth General Assembly of Iowa, by repealing section thirty-two (32) of said act and to enact a substitute therefor, all relating to the procedure for assessing property and the appointment and continuance in office of the city assessor, deputies and other employees, in cities having a population in excess of one hundred twenty-five thousand (125,000).

Read first and second times and placed on calendar.

Senate File 287, by Senator Faul, a bill for an act to amend section nine thousand one hundred four (9104), of chapter four hundred nine (409), Code, 1939, pertaining to consolidation and reinsurance, by including in such section chapter four hundred eight (408), Code, 1939, pertaining to reciprocal or interinsurance contracts.

Read first and second times and passed on file.

Senate File 288, by Senator Baldwin, a bill for an act to amend section fifty-seven hundred twenty-one (5721), Code, 1939, relating to the publication of city or town ordinances in book form.

Read first and second times and passed on file.

### THIRD READING OF BILLS

The Senate resumed consideration of Senate File 166.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul offered the following amendment and moved its adoption :

Amend Senate File 166 as follows:

(1) By striking the word "a" in line 1 of section 7 and substituting in lieu thereof the word "any".

(2) By striking the word "life" in line 1 of section 7.

(3) By adding the words "or companies" immediately following the word "company" in line 2 of section 7.

The amendments were adopted.

Senator Faul 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, 46:**

Augustine	Emerson	Hill	Mercer
Baldwin	Evans	Hunt	Mowry
Benson	Faul	Johnson	Pelzer
Berg	Findlay	Jones	Shaw
Byers	Fuller	Keir	Stewart
Clark	Goode	Leo	Talbott
Corwin	Hamiel	Long	Turner
Cromwell	Hart	Love	Vrba
Dewey	Harvey	Lundy	Watson
Donohue	Hattery	Lynes	Whitehill
Dykhouse	Henningsen	Martin	Zeigler
Elthon	Hess		

**Nays, none.**

**Absent or not voting, 4:**

Bekman	Miller	Munger	Sjulin
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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 Faul 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.

Senator Hill presented the following resolution by the Senate and moved its adoption :

### SENATE RESOLUTION 3

*Whereas*, One of our esteemed members of the 4th estate has this day become the proud father of a daughter, both father and daughter doing nicely; and

*Whereas*, From the appearance of this proud and happy father it

is apparent that he has, with his usual great fortitude, endured the strain of this critical experience and has further evidenced his triumph by a quantity of excellent Havanas; and

*Whereas*, His friendly association with the members of the Senate has established a bond of interest in him and his family; therefore,

*Be It Resolved by the Senate*: That its congratulations are hereby tendered to Frank Nye, Jr., of the Iowa Daily Press Association on the occasion of the birth of his daughter, and that we congratulate Mrs. Nye, and send her our best wishes.

*Be It Further Resolved*: That we extend to the daughter our congratulations and wish for her a lifetime of happiness.

The motion prevailed and the resolution was adopted.

The Senate resumed consideration of Senate File 75, a bill for an act to amend section six thousand nine hundred forty-three and fifty-five thousandths (6943.055), Code, 1939, relating to the making of income tax returns by administrators.

Senator Donohue called up the following amendment as amended and moved its adoption:

Amend Senate File 75 by adding thereto the following:

"Sec. 2. The judge of the district court in which the estate of a decedent is probated may, upon application being filed by the executor or administrator setting forth the income received by said estate, determine that the said estate is not subject to income tax if the facts warrant such a finding, and enter an order relieving the said executor or administrator from making an income tax report. Such order shall have the same force and effect as though a receipt for the payment of tax were filed by the state tax commission." A copy of the order of the court or judge shall be immediately mailed to the state tax commissioner by the clerk of the district court."

The amend was adopted.

Senator Donohue offered the following amendment and moved its adoption:

1. By adding thereto the following: "Sec. 3. In all estates of decedents in which the executor or administrator has failed to file an income tax return and where the estate has been closed, the final report approved and the executor or administrator discharged, it shall be presumed that no income tax is owing to the State of Iowa from such estate and such presumption shall be conclusive after the first day of January, 1942."

2. Further amend Senate File 75 by renumbering the subsequent section.

The amendment was adopted.

Senator Evans 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, 47:

Augustine	Elthon	Hill	Mowry
Baldwin	Emerson	Hunt	Munger
Bekman	Evans	Johnson	Pelzer
Benson	Faul	Jones	Shaw
Berg	Findlay	Keir	Stewart
Byers	Fuller	Leo	Talbott
Clark	Hamiel	Long	Turner
Corwin	Hart	Love	Vrba
Cromwell	Harvey	Lundy	Watson
Dewey	Hattery	Lynes	Whitehill
Donohue	Henningsen	Martin	Zeigler
Dykhouse	Hess	Miller	

Nays, none.

Absent or not voting, 3:

Goode	Mercer	Sjulin
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The bill having received a constitutional majority was declared to have passed the Senate.

Senator Donohue offered the following amendment to the title and moved its adoption:

Amend the title to Senate File 75 by striking the period (.) after the word "administrator" and adding the following:

"or executors, and providing for the district court to enter orders with reference to liability of estates for income tax and providing for limitation of claims made in estates where no income tax returns were filed."

The amendment to the title was adopted and the title as amended was agreed to.

Senator Evans 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.

Senator Hill asked and received unanimous consent to have Senate File 75 engrossed and 500 copies printed as passed by the Senate before it is messaged to the House.

Senator Bekman asked and received unanimous consent to have Senate File 64 engrossed and 500 copies printed before it is messaged to the House.

On motion of Senator Augustine, Senate File 185, a bill for an act to amend section one thousand eight hundred thirty-one (1831), chapter eighty-eight (88), Code, 1939, to permit fence viewers to employ the services of a registered land surveyor, with

report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Augustine 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:

Augustine	Emerson	Hill	Mercer
Baldwin	Evans	Johnson	Miller
Bekman	Faul	Jones	Munger
Berg	Findlay	Keir	Pelzer
Byers	Hamiel	Leo	Stewart
Clark	Hart	Long	Talbott
Corwin	Harvey	Love	Turner
Cromwell	Hattery	Lundy	Vrba
Dewey	Henningsen	Lynes	Watson
Elthon	Hess	Martin	Whitehill

Nays, 4:

Donohue	Hunt	Mowry	Zeigler
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Absent or not voting, 6:

Benson	Fuller	Shaw	Sjulin
Dykhouse	Goode		

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

Senator Augustine 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.

On motion of Senator Hattery, Senate File 187, a bill for an act to amend section six thousand nine hundred forty-three and thirty thousandths (6943.030), Code, 1939, to authorize the administration of oaths by county treasurers, deputy county treasurers and employees of county treasurers' offices when authorized and required by the State Tax Commission; to provide for the signature to the jurat thereof and to provide for affixing the seal of the country treasurer thereon, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

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

Senator Hattery moved that the Senate reconsider the vote by which Senate File 187 went to its third reading, which motion prevailed.

Senator Munger offered the following amendment and moved its adoption:

Amend Senate File 187, line 5 of section 1, by inserting after the word "office" the following: "when designated by the state tax commission,".

The amendment was adopted.

Senator Hattery 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:

Augustine	Faul	Hunt	Miller
Baldwin	Findlay	Johnson	Mowry
Bekman	Fuller	Jones	Munger
Berg	Goode	Keir	Pelzer
Byers	Hamiel	Leo	Shaw
Clark	Hart	Long	Talbott
Cromwell	Harvey	Love	Turner
Dewey	Hattery	Lundy	Vrba
Dykhouse	Henningsen	Lynes	Watson
Elthon	Hess	Martin	Whitehill
Emerson	Hill	Mercer	Zeigler

Nays, none.

Absent or not voting, 6:

Benson	Donohue	Sjulin	Stewart
Corwin	Evans		

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

Senator Hattery offered the following amendment to the title and moved its adoption:

Amend title to Senate File 187 by inserting in line 4, after the word, "and" the following words: "certain designated".

The amendment to the title was adopted and the title as amended was agreed to.

Senator Hattery 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.

On motion of Senator Byers, Senate File 240, a bill for an act to amend sections sixty-nine hundred eighty-two and one tenth (6982.1) and sixty-nine hundred eighty-two and two tenths (6982.2), relating to annual reports to be filed with the State Tax Commission of property owned by individuals, co-partnerships, corporations or associations operating water works, gas works,

pipe lines, electric light or power plants, electric railways and elevated street railways, and relating to the valuation and assessment of such property, was taken up and considered.

Senator Byers offered the following amendment and moved its adoption :

Amend Senate File 240 by striking "1st day of September" in lines 7 and 8 of section 2 and inserting in lieu thereof "third Monday in August".

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, 43:

Augustine	Emerson	Hunt	Miller
Baldwin	Findlay	Johnson	Mowry
Bekman	Fuller	Jones	Munger
Berg	Goode	Keir	Shaw
Byers	Hamiel	Leo	Talbott
Clark	Hart	Long	Turner
Corwin	Harvey	Love	Vrba
Cromwell	Hattery	Lundy	Watson
Dewey	Henningsen	Lynes	Whitehill
Donohue	Hess	Martin	Zeigler
Elthon	Hill	Mercer	

Nays, none.

Absent or not voting, 7:

Benson	Evans	Pelzer	Stewart
Dykhouse	Faul	Sjulin	

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, which motion prevailed.

#### EXTRA COPIES

Senator Byers asked and received unanimous consent to have 500 additional copies of Senate File 271 printed.

Senator Donohue asked and received unanimous consent to have 500 additional copies each of Senate Files 235 and 196 printed.

#### THIRD READING OF BILLS

On motion of Senator Shaw, House File 71, a bill for an act to

amend section seven thousand two hundred seventy-nine (7279), Code, 1939, relating to tax redemption, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaw 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, 47:**

Augustine	Emerson	Hill	Miller
Baldwin	Evans	Hunt	Mowry
Bekman	Faul	Johnson	Munger
Benson	Findlay	Jones	Pelzer
Berg	Fuller	Keir	Shaw
Byers	Goode	Leo	Talbott
Clark	Hamiel	Long	Turner
Corwin	Hart	Love	Vrba
Cromwell	Harvey	Lundy	Watson
Dewey	Hattery	Lynes	Whitehill
Donohue	Henningsen	Martin	Zeigler
Dykhouse	Hess	Mercer	

**Nays, none.**

**Absent or not voting, 3:**

Elthon	Sjulin	Stewart
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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 Lundy 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.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 13th he had approved the following:

Senate File 89 relating to and providing for unemployment compensation.

Senate File 69 authorizing certain cities to pledge a portion of net earnings for construction or addition to a municipal hospital.

#### BILLS INDEFINITELY POSTPONED

Under Senate Rule 39, the following bills have been indefinitely postponed; Senate Files 9, 20, 21, 40, 41, 72, 74, 81, 96, and 167.

## REPORTS OF COMMITTEES

Senator Donohue submitted the following report :

MR. PRESIDENT: Your committee on Judiciary 2 to which was referred Senate File 239, a bill for an act to amend section 13774, Code, 1939, relating to the compensation of attorneys appointed by the court by providing for their compensation in cases of indictable misdemeanors, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on Judiciary 2 to which was referred House File 59, a bill for an act to amend section 12781.1, Code, 1939, relating to final reports of fiduciaries, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Senator Talbott submitted the following report :

MR. PRESIDENT: Your committee on County and Township Affairs to which was referred Senate File 255, a bill for an act to amend section 13904, Code, 1939, relating to additional compensation to sheriffs or deputy sheriffs for criminal photographic work, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN E. TALBOTT, *Chairman.*

Ordered passed on file.

Senator Cromwell submitted the following report :

MR. PRESIDENT: Your committee on Cities and towns to which was referred Senate File 92, a bill for an act to amend section 5664, code, 1939, relating to compensation of councilmen in cities of the first class, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman.*

Ordered passed on file.

## BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 278.....Cities and Towns.  
 S. F. 279.....Cities and Towns.  
 S. F. 280.....Judiciary 2.  
 S. F. 281.....Judiciary 2.

S. F. 282.....	Judiciary 2.
S. F. 287.....	Insurance.
S. F. 288.....	Cities and Towns.

#### AMENDMENTS FILED

Amend Senate File 188 by inserting a period after the word "out" in line nine (9) of section 3 and striking out all of said section following said period when so inserted.

DE VERE WATSON.

Amend Senate File 180 by striking all following the enacting clause and substituting therefor the following:

"Section 1. Section eight thousand seven hundred eighty-nine and one tenth (8789.1), Code, 1939, is amended by adding at the end of said section the following: "Any order, society or association, included in the provisions of this chapter, may issue certificates on the life of any person without regard to age or the requirement of medical examination for an amount not in excess of three hundred (\$300.00) dollars."

GEORGE FAUL.

Amend Senate File 227 by striking from section four (4) all of line twelve (12), and by inserting in lieu thereof the following: "with interest and penalties, for which the same may be offered. Payment to the extent of the amount of such general taxes, with interest, penalties, and costs of advertising, shall".

FRANK D. MARTIN.

On motion of Senator Mowry, the Senate adjourned until 10:00 a. m. Friday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 14, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Paul Peterson of Wesley Methodist church of Mason City.

The Journal of February 13th was corrected and approved.

## LEAVE OF ABSENCE

Leaves of absence was granted as follows: Senator Baldwin for the day, on request of Senator Findlay; Senator Benson for the day, on request of Senator Sjulín.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Martin, from the teachers and superintendent of the Bettendorf schools, in opposition to Senate File 170.

By Senator Byers, from residents of Linn county, in opposition to Senate File 196.

By Senator Faul, from residents of Polk county, in opposition to Senate File 196.

By Senator Hill, from residents of Wright county, favoring certain liquor legislation.

By Senator Hill, from barbers of Webster City, favoring passage of the barber bill.

By Senator Hill, from residents of Wright county, in opposition to Senate File 198 and House File 164.

By Senator Bekman, from residents of Ottumwa, in opposition to the proposed abstract law.

By Senator Long, from residents of Manchester, favoring passage of Senate Joint Resolution 1 and House Joint Resolution 2.

By Senator Harvey, from members of the Harrison County



Rural Electric Cooperative, favoring passage of House File 113 and Senate File 79.

By Senator Munger, from residents of Merville, in opposition to Senate File 170.

By Senator Goode, from residents of Appanoose county, in opposition to Senate File 196.

By Senator Hattery, from residents of Boone county, in opposition to Senate File 196.

By Senator Findlay, from members of the community club of Pomeroy, and officers of the Library Board, favoring passage of House File 147.

By Senator Findlay, from the Calhoun county agricultural planning committee, in opposition to Senate File 170.

By Senator Findlay, from barbers of Gowrie, favoring passage of the barber bill.

By Senator Whitehill, from the Marshalltown Rifle Club, in opposition to legislation requiring the registration of all privately owned fire arms.

By Senator Mowry, from residents of Jasper county, in opposition to Senate File 196.

#### INTRODUCTION OF BILLS

Senate File 289, by Senator Long, a bill for an act relating to the determination of leasehold interests by the district court and providing for time and manner of hearing and notice thereof.

Read first and second times and passed on file.

Senate File 290, by Senators Donohue, Henningsen, Hattery, and Hess, a bill for an act to repeal section five hundred twenty (520), Code, 1939, and to enact a substitute therefor, relating to time of election and term of office of county officers.

Read first and second times and passed on file.

Senate File 291, by committee on public schools, a bill for an act to authorize and direct the state superintendent of public instruction to prepare a proposed revision and codification of the laws of Iowa relating to education; to authorize the appointment

of a special legislative committee on revision and codification of school laws, to receive the report and proposals of the state superintendent of public instruction when completed; to authorize an appropriation of five thousand dollars (\$5,000.00) immediately and the sum of ten thousand dollars (\$10,000.00) per annum each year of the biennium to defray expenses incurred by the state superintendent of public instruction in carrying out the provisions of this act; and to provide for the legislative committee to examine the proposed revision and codification of school laws as submitted by the state superintendent of public instruction and to make its report and recommendations to the General Assembly at its next biennial session.

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

Senate File 292, by committee on pharmacy, a bill for an act to amend chapter one hundred fifty-five and one tenth (155.1), Code, 1939, relating to narcotic drugs; providing for certain exemptions; providing for confiscation and forfeiture of vehicles unlawfully used in the narcotic trade; and relating to penalties for violation of the provisions.

Read first and second times and placed on calendar.

Senate File 293, by committee on cities and towns, a bill for an act to authorize cities and towns, including cities under Special Charter, to own lands to be used for parking motor vehicles; to acquire by purchase, gift, condemnation or lease, lands for such purposes; to establish and fix rates and charges for the use thereof; and to sell and dispose of such lands.

Read first and second times and placed on calendar.

Senate File 294, by Senator Martin, a bill for an act creating a division of painting industry license, regulating the business of painting and bond those engaged therein, providing a board of examiners, to prescribe rules, regulations and annual fees in relation thereto with certain exceptions and providing penalties for the violation thereof, for the purpose of protecting the consumer against fraud and other unethical industry trade practices.

Read first and second times and passed on file.

Senate File 295, by Senator Watson, a bill for an act relating to liquor injunctions and declaring certain of them null and void.

Read first and second times and passed on file.

Senate File 296, by Senator Martin, a bill for an act to amend sections four thousand three hundred forty-five (4345) and four thousand three hundred forty-six (4346), Code, 1939, relating to pensions for employees of public school districts.

Read first and second times and passed on file.

Senate File 297, by Senator Dykhouse (Van Oosterhout), a bill for an act to legalize proceedings relating to the authorization and issuance of refunding bonds by the city of Hawarden, Sioux County, Iowa.

Read first and second times and passed on file.

Senate File 298, by Senators Dewey and Cromwell (Stewart), a bill for an act to amend section five thousand three hundred forty-eight and one tenth (5348.1), Code, 1939, relating to bond elections for additions to county public hospitals.

Read first and second times and passed on file.

Senate File 299, by Senators Dewey, Cromwell (Stewart), a bill for an act to amend section five thousand three hundred fifty-three (5353), Code, 1939, relating to the expenditure of county public hospital funds.

Read first and second times and passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 44 and 25 and House Files 3, 6, 29 and 32.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 44 and 25, and House Files 3, 6, 29, and 32.

## BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 14th day of February, 1941, sent to the Governor for his approval, Senate Files 44 and 25. **EDWARD H. VRBA, Chairman.**

Passed on file.

## THIRD READING OF BILLS

Senator Faul asked and received unanimous consent to take up Senate File 286, a bill for an act to amend Senate File Three (3), Acts of the Forty-ninth General Assembly of Iowa, by repealing section thirty-two (32) of said act and to enact a substitute therefor, all relating to the procedure for assessing property and the appointment and continuance in office of the city assessor, deputies and other employees, in cities having a population in excess of one hundred twenty-five thousand (125,000).

Senator Faul 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:

Augustine	Goode	Long	Shaw
Bekman	Hamiel	Love	Sjulin
Berg	Hart	Lundy	Stewart
Byers	Harvey	Lynes	Talbott
Corwin	Hattery	Martin	Turner
Cromwell	Hess	Miller	Vrba
Emerson	Hill	Mowry	Watson
Faul	Hunt	Munger	Whitehill
Findlay	Johnson	Pelzer	Zeigler
Fuller	Leo		

Nays, none.

Absent or not voting, 12:

Baldwin	Dewey	Elthon	Jones
Benson	Donohue	Evans	Keir
Clark	Dykhouse	Henningsen	Mercer

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

Senator Faul 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.

Senator Faul asked and received unanimous consent to have Senate File 286 immediately messaged to the House.

On motion of Senator Faul, Senate File 180, a bill for an act to amend sections eight thousand seven hundred eighty (8780) and eight thousand seven hundred eighty-nine and one tenth (8789.1), Code, 1939, relating to fraternal beneficiary associations, their rights, privileges and obligations, and authorizing the issuance of certificates not exceeding three hundred (\$300.00) dollars in amount without regard to age or medical examination, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 180 by striking all following the enacting clause and substituting therefor the following:

"Section 1. Section eight thousand seven hundred eighty-nine and one tenth (8789.1), Code, 1939, is amended by adding at the end of said section the following: "Any order, society or association, included in the provisions of this chapter, may issue certificates on the life of any person without regard to age or the requirement of medical examination for an amount not in excess of three hundred (\$300.00) dollars."

The amendment was adopted.

Senator Faul 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, 42:

Bekman	Findlay	Jones	Munger
Berg	Fuller	Leo	Pelzer
Byers	Hamiel	Long	Shaw
Corwin	Hart	Love	Sjulin
Cromwell	Harvey	Lundy	Talbott
Dewey	Hattery	Lynes	Turner
Donohue	Henningsen	Martin	Vrba
Dykhouse	Hess	Mercer	Watson
Elthon	Hill	Miller	Whitehill
Emerson	Hunt	Mowry	Zeigler
Faul	Johnson		

Nays, none.

Absent or not voting, 8:

Augustine	Benson	Evans	Keir
Baldwin	Clark	Goode	Stewart

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

Senator Faul offered the following amendment to the title and moved its adoption:

Amend Senate File 180 by striking the title and substituting therefor the following:

"An act to amend section eight thousand seven hundred eighty-nine and one tenth (8789.1), Code, 1939, relating to fraternal beneficiary associations and authorizing the issuance of certificates not exceeding three hundred dollars (\$300.00) in amount without regard to age or medical examination."

The amendment to the title was adopted and the title as amended was agreed to.

Senator Faul 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.

On motion of Senator Shaw, House File 93, a bill for an act to amend chapter sixty-seven and one tenth (67.1), Code, 1939, relating to impersonating an officer of the Iowa Highway Safety Patrol, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaw 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, 43:

Augustine	Faul	Keir	Pelzer
Bekman	Findlay	Leo	Shaw
Berg	Goode	Long	Sjulin
Byers	Hamiel	Love	Stewart
Corwin	Hart	Lundy	Talbott
Cromwell	Harvey	Lynes	Turner
Dewey	Hattery	Martin	Vrba
Donohue	Hess	Mercer	Watson
Dykhouse	Hill	Miller	Whitehill
Elthon	Johnson	Mowry	Zeigler
Emerson	Jones	Munger	

Nays, none.

Absent or not voting, 7:

Baldwin	Clark	Fuller	Hunt
Benson	Evans	Henningsen	

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

Senator Shaw 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.

On motion of Senator Donohue, House File 94, a bill for an act to amend sections eighty-eight (88), eight thousand three hundred forty-nine (8349), eight thousand three hundred sixty (8360), eight thousand three hundred sixty-eight (8368), eight thousand four hundred sixty-two (8462), eight thousand four hundred ninety (8490), eight thousand five hundred twelve and forty-five hundredths (8512.45), and nine thousand two hundred eighty-three and fifty-two hundredths (9283.52), Code, 1939, relating to the fees to be charged by the secretary of state for recording and for copies of documents, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Long 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:

Augustine	Faul	Johnson	Munger
Bekman	Findlay	Jones	Pelzer
Berg	Fuller	Keir	Shaw
Byers	Goode	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Hart	Lundy	Talbott
Cromwell	Harvey	Lynes	Turner
Donohue	Henningsen	Martin	Urba
Dykhouse	Hess	Mercer	Watson
Elthon	Hill	Miller	Whitehill
Emerson	Hunt	Mowry	Zeigler
Evans			

Nays, none.

Absent or not voting, 5:

Baldwin	Dewey	Hattery	Leo
Benson			

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

Senator Long 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.

#### 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 Senate is asked:

House Joint Resolution 1, relating to the compensation of the chaplains of the Forty-ninth General Assembly.

Also: That the House has passed the following joint resolution, in which the concurrence of the Senate is asked.

House Joint Resolution 2, relating to the expense of the delegate to the council of state government.

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

House File 149, a bill for an act relating to bonds of public officers.

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

House File 68, a bill for an act relating to the settlement of a poor person.  
A. C. GUSTAFSON, *Chief Clerk.*

### THIRD READING OF BILLS

On motion of Senator Berg, Senate File 2, a bill for an act to provide certain physical requirements as a prerequisite to the issuance of a marriage license, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg offered the following amendment and moved its adoption:

Amend Senate File 2 by inserting after the word "the" in line 3 of section 8 the words "Waterloo Courier" and after the word "at" the word "Waterloo". Also amend section 8 by inserting after the word "the" in line 4 the words "Mason City Globe Gazette" and after the word "at" in line 5 the words "Mason City".

The amendment was adopted.

Senator Byers took the chair at 10:54 a. m.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 2 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Amend Section ten thousand four hundred twenty-nine (10429), Code, 1939, by adding as subsection six (6) the following:

'6. Where either party is a non resident of the State, unless the non resident making application shall also furnish a certificate of proof that they can and have complied with all the health requirements for a marriage license if issued in their own state.'

The amendment was lost.



Senator Elthon offered the following amendments and moved their adoption:

Amend Senate File 2 as follows:

1. Amend section 1 by striking the words "duly licensed" in line 5.
2. Amend section 1 by inserting the words "duly licensed pursuant to chapter one hundred sixteen (116) or chapter one hundred eighteen (118) of the Code" after the word "physician" in line 5.
3. Amend section 2 by inserting the words "duly licensed pursuant to chapter one hundred sixteen (116) or chapter one hundred eighteen (118) of the Code" after the word "physician" in line 2.
4. Amend section 4 by striking the word "licensed" in line 8.
5. Amend section 4 by inserting the words "duly licensed pursuant to chapter one hundred sixteen (116) or chapter one hundred eighteen (118) of the Code" after the word "physician" in line 8.
6. Amend section 5 by inserting the word "such" after the word "by" in line 4.

The amendments were lost.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 2 by adding thereto the following provision: "Where a party making application for the issuance of a marriage license is a non-resident of the State of Iowa and the state of which he is a resident has a law requiring a test to show the said party to be free from disease as provided in this law, the said party shall be entitled to a license providing he furnishes a certificate signed by a duly licensed physician of the state of which he is a resident and which certificate complies with the law of the state in which he resides."

The amendment was adopted.

Senator Berg 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, 47:

Augustine	Emerson	Hunt	Munger
Bekman	Evans	Johnson	Pelzer
Benson	Faul	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Fuller	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hess	Miller	Zeigler
Elthon	Hill	Mowry	

Nays, 2:

Goode	Love
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Absent or not voting, 1:

Baldwin

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

Senator Berg 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.

President Hickenlooper took the chair at 11:40 a. m.

On motion of Senator Donohue, the Senate resolved itself into executive session.

### EXECUTIVE SESSION

The Senate in executive session confirmed the following appointments:

Claude M. Stanley, of Adams county, as a member of the Iowa Unemployment Compensation Commission, for the term ending June 30, 1947.

P. F. Hopkins, of Cerro Gordo county, as member of the State Board of Control, for the term ending June 30, 1943.

David R. McCreery, of Linn county, as a member of the State Board of Control, for the term ending June 30, 1941, and for the term ending June 30, 1947.

Charles W. Harness, of Wapello county, as Labor Commissioner, for the term ending June 30, 1943.

The Senate arose from executive session and resumed regular session.

### PUBLIC HEARING

Senator Donohue mover that the Senate hold a public hearing on Senate File 196 on Thursday, February 20th, at 2:00 p. m.

The motion prevailed.

On motion of Senator Hill, the public hearing will be limited to two hours.

## HOUSE MESSAGES CONSIDERED

House File 68, a bill for an act to amend sections three thousand eight hundred twenty-eight and eighty-eight thousandths (3828.088), three thousand eight hundred twenty-eight and ninety thousandths (3828.090), and three thousand eight hundred twenty-eight and ninety-two thousandths (3828.092), Code, 1939, relating to the settlement of a poor person.

Read first and second times and passed on file.

House File 149, a bill for an act to amend section one thousand fifty-nine (1059), Code, 1939, relating to bonds of public officers.

Read first and second times and passed on file.

House Joint Resolution 1, a joint resolution fixing the compensation of the chaplains of the Forty-ninth General Assembly, and making an appropriation therefor.

Read first and second times and passed on file.

Joint Resolution 2, a joint resolution making an appropriation to cover the expenses of the delegate to the Fifth General Assembly of the Council of State Government.

Read first and second times and passed on file.

## PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

Senate File 297, a proposed bill for the legalization of the proceedings of the city council of Hawarden, authorizing the issuance of \$15,000 hospital refunding bonds.

WALTER H. BEAM.

## BILLS APPROVED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 13th he had approved the following:

Senate File 91, relating to department of publicity and general welfare of cities and towns under special charter.

Senate File 3, relating to compensation of assessors and deputies.

## REPORT OF COMMITTEE

Senator Berg submitted the following report:

MR. PRESIDENT: Your committee on Appropriations to which was re-

ferred Senate File 256, a bill for an act to amend chapter thirteen (13), Code, 1939, defining further duties of the reporter of the supreme court and code editor, and to amend section two hundred sixty-five (265), Code, 1939, providing for the payment for the printing of legal publications compiled and published by him, and providing an appropriation to carry out the provisions of said chapter and said section, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignments of bills to committees:

S. F. 289.....	Judiciary 1.
S. F. 290.....	Election reform.
S. F. 294.....	Labor.
S. F. 295.....	Judiciary 1.
S. F. 296.....	Public schools.
S. F. 297.....	Judiciary 1.
S. F. 298.....	Judiciary 2.
S. F. 299.....	Judiciary 2.
H. F. 68.....	Judiciary 1.
H. F. 149.....	Judiciary 2.
H. J. R. 1.....	Appropriations.
H. J. R. 2.....	Appropriations.

### AMENDMENTS FILED

Amend Senate File 256 by adding thereto following section 3 the following section and renumbering the remaining sections:

"Sec. 4. Amend chapter thirteen (13), Code, 1939, by adding thereto the following section:

The reporter of the supreme court and code editor may appoint, in writing, a deputy who in the absence of said reporter and code editor on leave or otherwise shall perform all of the duties of the reporter and code editor during such absence, any law to the contrary notwithstanding. Such deputy shall be a person qualified by experience and possessing a legal education. Such appointment may be revoked in the same manner, both the appointment and revocation to be filed and kept in the office of the secretary of state."

Further amend Senate File 256 by striking the period at the end of the title and by adding the following: "and providing for the appointment of a deputy reporter of the supreme court and code editor."

GEORGE FAUL.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 17, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. J. J. Davies of Fort Dodge, district superintendent of the Methodist Church.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Sjulín for the day on request of Senator Benson; Senator Lundy for the day on request of Senator Clark.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Harvey, from barbers of the 34th senatorial district, favoring passage of Senate File 210.

By Senator Goode, from residents of Centerville, in opposition to Senate File 196.

By Senator Bekman, from residents of Wapello county, in opposition to Senate File 196.

By Senator Corwin, from residents of Muscatine county, in opposition to Senate File 196.

By Senator Mowry, from residents of Jasper county, in opposition to Senate File 196; and from members of the fire and police departments of Newton, in opposition to Senate Files 84 and 186.

By Senator Findlay, from members of the board of trustees of the public library of Rockwell City, favoring passage of House File 147.

By Senator Berg, from residents of Guthrie and Audubon counties, favoring an additional state library appropriation.

## 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 33, a bill for an act relating to nominations by county conventions.

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

House File 86, a bill for an act relating to drainage districts.

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

House File 209, a bill for an act relating to death certificates.

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

House File 208, a bill for an act relating to the time of filing returns by clerks of the district court.

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

House File 108, a bill for an act relating to the speed of motor vehicles.

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

House File 80, a bill for an act relating to the right-of-way of motor vehicles at intersections.

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

House File 55, a bill for an act relating to tax exemption.

Also: That the House has amended and adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 10, providing for the March first recess.  
A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE AMENDMENT TO SENATE CONCURRENT RESOLUTION

10

Amend by striking from the second line thereof the words and figures "Wednesday, February 26th" and insert in lieu thereof "Friday, February 28th" and further amend by striking from the third line thereof the words and figure "Tuesday, March 4th" and insert the words and figures "Monday, March 10th".

## INTRODUCTION OF BILLS

Senate File 300, by Senator Lundy, a bill for an act to legalize the election and proceedings relating to the issuance and sale of

bonds by Monroe county, Iowa, and the proceedings providing for the levying of an annual tax for the payment of said bonds and declaring said bonds issued pursuant to said proceedings to be valid and legally enforceable obligations of said county.

Read first and second times and passed on file.

Senate File 301, by Senator Faul, a bill for an act to provide for the opening and constructing of a paved roadway and sidewalk through the state capitol grounds and appropriating funds to pay the cost thereof.

Read first and second times and passed on file.

Senate File 302, by committee on appropriations, a bill for an act authorizing expenditures by the State Highway Commission from the primary road fund for the biennium beginning July 1, 1941, and ending June 30, 1943.

Read first and second times and placed on calendar.

#### HOUSE MESSAGES CONSIDERED

House File 33, a bill for an act to amend section six hundred twenty-five (625), six hundred thirty-three (633), and six hundred thirty-seven (637), Code, 1939, relating to nominations prohibited by county conventions, district conventions, and state conventions of any political party.

Read first and second times and passed on file.

House File 55, a bill for an act to amend section six thousand nine hundred and forty-six (6946), Code, 1939, relating to tax exemptions for military service.

Read first and second times and passed on file.

House File 80, a bill for an act to repeal section five thousand twenty-six and one one hundredth (5026.01), Code, 1939, and to enact a substitute therefor relating to the right-of-way of motor vehicles at intersections.

Read first and second times and passed on file.

House File 86, a bill for an act to amend section seven thousand six hundred eighty-six (7686), Code, 1939, relating to voting by agent in drainage districts.

Read first and second times and passed on file.

House File 108, a bill for an act to amend section five thousand twenty-three and one hundredth (5023.01) and section five thousand twenty-three and two hundredths (5023.02), of chapter two hundred fifty-one and one-tenth (251.1), Code, 1939, relating to speed restrictions for motor vehicles.

Read first and second times and passed on file.

House File 208, a bill for an act to amend section two thousand four hundred twenty-five (2425), Code, 1939, relating to the time of filing original returns of marriages and divorces by clerks of the district court.

Read first and second times and passed on file.

House File 209, a bill for an act to amend section two thousand three hundred eighteen (2318), Code, 1939, relating to death certificates, burial and removal permits and providing an exception for filing same, where it is impossible to secure such certificate, burial or removal permit without delay.

Read first and second times and passed on file.

Senator Donohue called up the following House amendment to Senate Concurrent Resolution 10 and moved that the Senate refuse to concur:

Amend by striking from the second line thereof the words and figures "Wednesday, February 26th" and insert in lieu thereof "Friday, February 28th" and further amend by striking from the third line thereof the words and figure "Tuesday, March 4th" and insert the words and figures "Monday, March 10th".

The motion prevailed and the Senate refused to concur.

Senator Donohue asked and received unanimous consent to have the resolution immediately messaged to the House.

### THIRD READING OF BILLS

On motion of Senator Faul, Senate File 17, a bill for an act to amend section six thousand nine hundred forty-six (6946), Code, 1939, relating to tax exemptions for military service of a widowed mother of a deceased soldier, sailor, or marine, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.



Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 17 by striking the period at the end thereof and by inserting in lieu thereof a comma and adding the following: "and neither the unmarried widow nor the minor child or children of any such deceased soldier, sailor, or marine, has received the benefits above provided."

The amendment was adopted.

Senator Faul 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, 43:**

Augustine	Elthon	Hill	Mowry
Baldwin	Emerson	Johnson	Munger
Bekman	Evans	Jones	Pelzer
Benson	Faul	Keir	Shaw
Byers	Findlay	Leo	Stewart
Clark	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hess	Miller	

**Nays, none.**

**Absent or not voting, 7:**

Berg	Hart	Lundy	Zeigler
Fuller	Hunt	Sjulin	

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

Senator Faul 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.

#### 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 57, a bill for an act relating to primary road bonds.

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

House File 265, a bill for an act relating to the division of vital statistics, state department of health.

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

House File 271, a bill for an act making an appropriation for the support of institutions under the board of control.

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

Senate File 201, a bill for an act relating to the establishing of a fund for the biennium of the state of Iowa.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the Senate is asked:

House Concurrent Resolution 15, relative to taxes on income, gifts and inheritances.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the Senate is asked:

House Concurrent Resolution 16, providing for the investigation of certain properties suitable for state use.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 15

Memorializing the Congress of the United States to amend the Constitution of the United States, relative to taxes on incomes, gifts, and inheritances; and providing limitations on taxes so levied; and repealing the sixteenth amendment to the constitution of the United States.

*Whereas*, There is now pending in the current session of the congress of the United States, proposed legislation to repeal the sixteenth amendment to the constitution of the United States, and to amend the constitution of the United States relative to taxes on incomes, gifts and inheritances; and providing for a limitation of taxes thereon; and

*Whereas*, The people of the state of Iowa are greatly interested in the passage of such legislation; now, therefore,

*Be It Resolved by the House of Representatives of the State of Iowa, the Senate Concurring*: That the congress of the United States be memorialized as follows: That application be and it is hereby made to the congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the constitution of the United States:

#### Article

Section 1. The sixteenth amendment to the Constitution of the United States is hereby repealed.

Sec. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration: Provided, That in no case shall the maximum rate of tax exceed twenty-five per centum.

Sec. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer

of property, or any interest therein, upon or in contemplation of death or intended to take effect in possession or enjoyment at or after or by way of gift, shall in no case exceed twenty-five per centum.

Sec. 4. Section 1 and 2 shall take effect at midnight on the thirty-first day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said thirty-first day of December laid in accordance with the terms of any law then in effect.

Sec. 5. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of Section 3 laid in accordance with the terms of any law then in effect.

*Be It Further Resolved:* That the congress of the United States be, and it hereby is, requested to provide, as the mode of ratification, that said amendment, shall be valid to all intents and purposes, as part of the constitution of the United States, when ratified by the legislatures of three fourths of the several states.

*Be It Further Resolved:* That the secretary of state be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the house of representatives in the congress of the United States, and to each Iowa member thereof.

#### HOUSE CONCURRENT RESOLUTION 16

*Whereas,* There are now within this state properties with valuable improvements thereon, formerly used for educational purposes by private institutions; and

*Whereas,* There is a possibility that these properties, or some of them, can be advantageously acquired by the state if suitable for state purposes; now, therefore,

*Be It Resolved by the House, the Senate Concurring:* There is hereby created a committee to investigate the feasibility of acquiring certain improved properties heretofore used for educational purposes by private institutions, if such properties, or any of them, are suitable for state purposes.

The committee shall consist of the chairman of the House Committee on Public Lands and Buildings, two members of the House Committee on Public Lands and Buildings, to be selected by the Speaker, the Chairman of the Senate Committee on Public Lands and Buildings, two members from the Senate Committee on Public Lands and Buildings, to be selected by the President of the Senate, and the state architect.

The committee shall organize by selecting a chairman from its members and shall meet at such times and places as may be ordered upon call of the chairman or upon call of three members.

The committee shall make a study and investigation of improved properties heretofore operated by private institutions for educational or other purposes and determine the advisability and feasibility of advantageous

acquisition of such properties, or any of them, by the state, if suitable for state purposes.

The committee shall make its report of its investigation, findings, and recommendations to the 49th General Assembly as soon as convenient and possible.

Senator Whitehill offered the following concurrent resolution :

#### SENATE CONCURRENT RESOLUTION 11

*Whereas*, John Thomas Taylor, National Legislative Director of the American Legion, and substituting for the National Commander of the American Legion, will be in Des Moines, Monday, February 24th, therefore,

*Be It Resolved by the Senate, the House Concurring*: That an invitation be extended to Mr. John Thomas Taylor to address a joint convention of both houses at 11:00 a. m. Monday, February 24th, 1941.

#### THIRD READING OF BILLS

On motion of Senator Shaw, Senate File 79, a bill for an act to encourage rural electrification in Iowa; to impose a tax and provide for the collection thereof upon co-operative corporations and associations not organized or operated for profit, engaged in generating, transmitting, distributing or furnishing electric energy or electric service to its members and others, as by law provided in lieu of other taxes; to amend section six thousand nine hundred forty-three and seventy-five thousandths (6943.075), Code, 1939; and to repeal the law as it appears in section seven thousand one hundred two (7102), Code, 1939, with report of committee recommending amendment and passage, was taken up, considered, and the report of the committee adopted.

On motion of Senator Donohue, the Senate resolved itself into executive session.

#### EXECUTIVE SESSION

The Senate in executive session confirmed the following appointments:

H. Earl Rath of Black Hawk county, as a member of the State Board of Examiners in the Basic Sciences, for the term ending July 4, 1941.

Dan Hunter of Linn county, as a member of the Commission of Aeronautics, for the term ending the third Monday in January, 1943.

Clark Huntley of Lucas county, as a member of the State Soil Conservation Committee, for the term ending June 30, 1943.

Clyde Spry of Woodbury county, as a member of the State Soil Conservation Committee, for the term ending June 30, 1945.

Earl Elijah of Cedar county, as a member of the State Soil Conservation Committee, for the term ending June 30, 1941, and for the term ending June 30, 1947.

The Senate arose from executive session and resumed regular session.

Senator Benson asked and received unanimous consent to be recorded as voting "Aye" on Senate File 2.

Senator Emerson asked and received unanimous consent to be recorded as voting "Aye" on Senate File 2.

On motion of Senator Benson, the Senate recessed until 2 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

#### INTRODUCTION OF BILLS

Senate File 303, by Senator Martin, a bill for an act to authorize cities and towns, including cities acting under special charter, to levy a tax on premiums charged by insurance companies not incorporated under the laws of the State of Iowa, for insuring property located in such cities and towns against loss by fire.

Read first and second times and passed on file.

Senate File 304, by Senator Evans (Stinemates and Knowlton), a bill for an act to permit certain junior colleges to receive state aid for normal training.

Read first and second times and passed on file.

Senate File 305, by Senator Henningsen, a bill for an act to amend section seven thousand four hundred eighty-nine (7489), Code, 1939, relating to the return of excess levies in levee and drainage districts and providing to whom said refunds shall be made.

Read first and second times and passed on file.

Senate File 306, by Committee on Military Affairs, a bill for an act to amend the military code, chapter twenty-eight and one tenth (28.1), Code, 1939, by providing for the organization, administration, employment, and pay of the Iowa State Guard during the period the National Guard of Iowa is in Federal Service.

Read first and second times and placed on calendar.

Senate File 307, by Senator Byers, a bill for an act to amend section five thousand seven hundred forty-three (5743), Code, 1939, relating to general powers of cities and towns, and to regulate and license electricians and electrical contractors and provide for their examination.

Read first and second times and passed on file.

Senate File 308, by Senator Mowry, a bill for an act to amend section seven thousand two hundred fifty-five and one tenth (7255.1), Code, 1939, relating to the purchase of certain real estate by counties at regular tax sale.

Read first and second times and passed on file.

Senate File 309, by Senator Hill, a bill for an act to make legalizing acts applicable to the state and to political and municipal subdivisions thereof.

Read first and second times and passed on file.

Senate File 310, by Senator Mowry, a bill for an act to amend sections seven thousand two hundred forty-four (7244), and six thousand nine hundred fifty-two (6952), Code, 1939, relating to the inclusion of prior suspended taxes in tax sales; relating to penalty and interest on such suspended taxes, and granting to the petitioner for tax suspension or any other person the right to pay suspended taxes at any time.

Read first and second times and passed on file.

#### HOUSE MESSAGES CONSIDERED

House File 57, a bill for an act to authorize counties to expend any balance remaining from primary road bond issues authorized or sold for road purposes.

Read first and second times and passed on file.

House File 265, a bill for an act to provide for an emergency

appropriation to the division of vital statistics, state department of health, for the purpose of continuing the two projects, namely, the Certified Copy Section and the Indexing Section of old vital records.

Read first and second times and referred to Committee on Appropriations.

House File 271, a bill for an act to appropriate from the general fund and institutional industries fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Control for the support of institutions under said Board of Control.

Read first and second times and referred to Committee on Appropriations.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 17th he had approved the following:

Senate File 25 providing for a general system of practice in all the courts of the state.

Senate File 44 to include loans from the commodity credit corporation as gross income and providing that the method of computing income be continued in subsequent years.

#### THIRD READING OF BILLS

The Senate resumed consideration of Senate File 79.

The following committee amendments were considered:

Strike lines 1, 2, 3, and 4 of section 1.

Add the following to section 1. "The tax hereby imposed shall be collected by the treasurer of said corporations or associations and be remitted once every three months to the county treasurer of the county wherein such users of said electric energy reside. The tax shall go to the county general fund."

The amendments were adopted.

Senator Mercer offered the following amendments and moved their adoption:

Amend Senate File 79 as follows:

Add, immediately following the word "profit", in section 1, line 9, the

following: "and organized under the cooperative laws of any other state or the provisions of chapter 390.1 of the 1939 Code".

Further amend by striking all of section 2.

The amendments were adopted.

Senator Byers offered the following amendment and moved its adoption:

Amend Senate File 79 by striking out the word "generating", in line 10 of section 1 thereof, and further amend said section 1 by inserting after the comma in line 11 of said section the following: "the provisions of this act shall not apply to plants generating electricity and such plants shall be taxed and as all other property," and further amend said section 1 by striking the word "generating", in line 13 thereof.

Roll call was demanded.

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

Ayes, 22:

Baldwin	Donohue	Harvey	Pelzer
Bekman	Emerson	Long	Talbott
Berg	Evans	Lynes	Watson
Byers	Faul	Mercer	Whitehill
Clark	Goode	Munger	Zeigler
Cromwell	Hart		

Nays, 22:

Augustine	Hamiel	Jones	Mowry
Corwin	Hattery	Keir	Shaw
Dewey	Hess	Leo	Stewart
Elthon	Hill	Martin	Turner
Findlay	Hunt	Miller	Vrba
Fuller	Johnson		

Absent or not voting, 6:

Benson	Henningsen	Lundy	Sjulin
Dykhouse	Love		

The amendment was lost.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 79 by striking all following the enacting clause and by substituting in lieu thereof the following:

Section 1. Section 7102, Code, 1939, is repealed and the following enacted in lieu thereof: "The value of the interests of members in such cooperative corporations or associations which are not organized or operated for profit, exclusive of the value of all lands, buildings, machinery, station and substation equipment, owned by any such cooperative corporation or association and used in the generating, distribution, transmission or furnishing of electric energy or service to its members and



others, shall, for the purpose of taxation, be deemed real estate, and be assessed as part of the real estate served by such transmission line or lines, and the lands, buildings, machinery, station and substation equipment, owned by such cooperative corporation or association and used in the generating, distribution, transmission or furnishing of electric energy or service to its members and others, shall be assessed as the property of and taxed to such cooperative corporation or association.

Roll call was demanded.

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

Ayes, 15:

Bekman	Donohue	Hart	Talbott
Berg	Emerson	Harvey	Whitehill
Byers	Evans	Munger	Zeigler
Cromwell	Faul	Pelzer	

Nays, 31:

Augustine	Findlay	Johnson	Miller
Baldwin	Fuller	Jones	Mowry
Benson	Hamiel	Keir	Shaw
Clark	Hattery	Leo	Stewart
Corwin	Henningsen	Long	Turner
Dewey	Hess	Love	Vrba
Dykhouse	Hill	Lynes	Watson
Elthon	Hunt	Merceer	

Absent or not voting, 4:

Goode	Lundy	Martin	Sjulin
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The amendment was lost.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 71.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 71.

#### RESIGNATION OF EMPLOYEES

**MR. PRESIDENT:** I hereby tender my resignation as page to the Secretary of the Senate effective February 16th.

WILBUR KNOP.

MR. PRESIDENT: I hereby tender my resignation as research assistant in the law library, effective February 9th. ROBERT G. SCOTT.

MR. PRESIDENT: I hereby tender my resignation as page to the Code editor effective February 12th. CARLTON HANSON.

#### REPORT OF JOINT COMMITTEE ON EXTRA HELP

*To the Honorable President of the Senate and Speaker of the House of Representatives:*

Your joint committee appointed to nominate officers and employees for joint legislative duties of the Forty-ninth General Assembly, begs leave to recommend that Carlton Hanson be appointed assistant research clerk in the law library.

J. BERG, *Chairman,*  
*On the part of the Senate.*

LEO A. HOEGH, *Chairman*  
*On the part of the House.*

#### REPORTS OF COMMITTEES

Senator Shaw submitted the following report:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 208, a bill for an act to amend and revise section 6943.087 Code, 1939, relating to lien of unpaid sales tax, begs leave to report it has had the same under consideration and recommends the same do pass. A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 231, a bill for an act to amend section nine thousand three hundred forty and three hundredths (9340.03), Code, 1939, relating to the authority of fiduciaries and others to invest funds in building and loan associations without order of court, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred House File 13, a bill for an act to amend section 10345, Code, 1939, relating to liens for keeping stock and motor vehicles, and to provide for liens for keeping boats and boat engines and motors, 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 13 by striking therefrom all of section 2.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 262, a bill for an act to legalize the payment of certain warrants issued by the City of Oskaloosa during the fiscal years of 1937-1938 and 1938-1939 begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 274, a bill for an act to amend sections 5814 and 5823, Code, 1939, relating to river front improvement commissions, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 221, a bill for an act to amend the law as it appears in section 5745, Code, 1939, by repealing paragraph four (4) of said section and inserting in lieu thereof a new paragraph four (4), relating to the number of, regulation, licensing or prohibiting the running at large of dogs, and providing for the licensing or disposal thereof, 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 221 by striking all of section 2 thereof.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 173, a bill for an act to amend section 10502, Code, 1939, providing for place of bringing action for injuries to a person or damage to property caused by motor vehicles in Justice of the Peace Courts, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman*.

Ordered passed on file.

Senator Hamiel submitted the following report:

MR. PRESIDENT: Your committee on constitutional amendments, to which was referred Senate Joint Resolution 1, being a Joint Resolution agreeing to a proposed amendment to article seven (VII) of the Constitution of the State of Iowa by adding thereto section eight (8) relating to the use of motor vehicle registration fees and licenses and excise taxes on motor vehicle fuels, begs leave to report that, acting as a committee of the whole, it has had the same under consideration and recommends that same be amended by striking all after the words

“Joint Resolution” in the title thereof and substituting the following in lieu thereof; and when so amended that the same do pass:

Joint Resolution for an amendment to article seven (VII) of the Constitution of the State of Iowa by adding thereto section eight (8) relating to the use of motor vehicle registration fees and licenses and excise taxes on motor vehicle fuels.

*Whereas*, The Forty-eighth (48th) General Assembly, in regular session and by a majority of the members elected to each of the two houses of said General Assembly, did duly adopt Senate Joint Resolution 1 of said Forty-eighth (48th) General Assembly whereby the said Forty-eighth (48th) General Assembly did agree to a proposed amendment to article seven (VII) of the Constitution of the State of Iowa by adding as section eight (8) of article seven (VII) of the Constitution of the State of Iowa, the following:

“All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.”; and

*Whereas*, Said proposed amendment, so agreed to, and the yeas and nays taken thereon, were duly entered in the journals of each of the houses of said General Assembly at the time said action was taken in the respective houses of said Forty-eighth (48th) General Assembly and in the manner required by said Constitution of the State of Iowa; and

*Whereas*, Said proposed amendment was by the terms of said Senate Joint Resolution 1 referred to the Forty-ninth (49th) General Assembly, as required by the Constitution of the State of Iowa; and

*Whereas*, Said proposed amendment was duly published in the manner and form and for the time provided by the Constitution and the laws of the State of Iowa, and due return and report of such publication has been made by the Secretary of State of the State of Iowa to both houses of this, the Forty-ninth (49th) General Assembly of the State of Iowa; now, therefore,

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

Section 1. That Article Seven (VII) of the Constitution of the State of Iowa be amended by adding thereto, as section eight (8) thereof, the following:

“All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.”

Sec. 2. *Be It Further Resolved:* That the foregoing proposed amendment having been adopted and agreed to by the Forty-eighth (48th) General Assembly, thereafter duly published, and now adopted and agreed to by the Forty-ninth (49th) General Assembly in this Joint Resolution, the same shall be submitted to the people of the State of

Iowa at the general election in nineteen hundred forty-two (1942) in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa. M. C. HAMIEL, *Chairman*.

### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

Bill Number	Committee Assignment
S. F. 300.....	Judiciary 1
S. F. 301.....	Public Lands and Buildings
S. F. 303.....	Insurance
S. F. 304.....	Public Schools
S. F. 305.....	Drainage
S. F. 307.....	Judiciary 2
S. F. 308.....	County and Township Affairs
S. F. 309.....	Judiciary 1
S. F. 310.....	Ways and Means
H. F. 33.....	Election Reform
H. F. 55.....	Ways and Means
H. F. 57.....	Highways
H. F. 80.....	Highways
H. F. 86.....	Drainage
H. F. 108.....	Motor Vehicles
H. F. 208.....	Public Health
H. F. 209.....	Public Health

### AMENDMENTS FILED

Amend Senate File 79 as follows:

1. By inserting after the comma in line 9 section 1 the following: "and upon the gross receipts from all retail sales of electric energy made by corporations for profit if such electric energy is primarily for use on a farm and in districts wherein said electric energy is used by an average of not more than four farms per transmission mile,".

2. By inserting after the comma in line 15 section 1 the following: "and in lieu of all other taxes upon the transmission and distribution facilities and properties of corporations for profit used primarily for supplying electric energy to farms in districts where electric energy is used by an average of not more than four farms per transmission mile,".

ROBERT P. MUNGER.

Amend Senate File 256 by adding thereto as a new section the following section and by renumbering the remaining sections of the bill:

Amend chapter thirteen (13), Code, 1939, by adding thereto the following section:

"Every officer or department of the state which promulgates or adopts or has adopted rules, regulations, or rulings relating to any business or profession, or governing the practice and procedure under or the interpretation or enforcement of any law shall, within thirty days after this

section takes effect, provide the Code editor with a true and complete set of all such rules, regulations or rulings then in effect, or to become effective, for publication in an Iowa advance sheet and, at all times hereafter whenever any additional rules, regulations or rulings, or any revisions of such rules, regulations or rulings, are made, shall provide the Code editor with true and complete copy thereof within five days after their promulgation for like publication, except that rules governing only departmental operation and not otherwise affecting the general public need not be so published."

IRVING D. LONG.

Amend Senate File 79 by striking all following the enacting clause and substituting in lieu thereof the following:

Section 1. Section 7102, Code, 1939, is amended by striking the period at the end thereof and by substituting in lieu thereof a comma and adding the following: "provided, the assessed or taxable value of such transmission lines, the attachments and appurtenances thereto, including buildings, machinery, station and substation equipment, shall be determined on the basis of thirty per cent of the actual value." GEORGE FAUL.

Amend Senate File 279 by striking the period at the end of line 9 section 1 and adding the words "in any one year." ROBERT P. MUNGER.

Amend Senate File 245 by changing the period at the end of line four (4) of section 2 to a comma, and adding the following: "but the State Board of Social Welfare shall not require any county to issue additional warrants or bonds as a condition of receiving state aid."

DEWEY E. GOODE.

Amend Senate File 285 by adding thereto a new section, designated section 8, as follows:

"The provisions of this chapter shall not apply to secret or fraternal societies, lodges, or councils, which conduct their business and secure their members on the lodge system exclusively, and have a ritualistic work and ceremony in their societies, lodges, or councils, nor to any mutual or benefit association organized or formed and composed exclusively of members of any such society, lodge, or council, church or religious society, nor to any association of employees employed by one and the same concern, or its subsidiaries, or any labor organization, nor to any life insurance concern organized and licensed under the statutes of Iowa, including fraternal beneficiary associations organized or licensed under chapter 402, Code, 1939.

GEORGE FAUL.

Amend Senate File 292 by adding immediately after section 5 the following new sections:

"Sec. 6. Amend section thirty-one hundred sixty-nine and one hundredth (3169.01), Code, 1939, by striking all of subsection 14 and inserting in lieu thereof the following: 'Cannabis' includes all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant,

any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.' "

"Sec. 7. Amend section thirty-one hundred sixty-nine and one hundredth (3169.01), Code, 1939, by striking the period at the end of subsection 17 by adding thereto the following: 'and if no such order form is provided, then on an official form provided for that purpose by the Iowa Pharmacy Examiners.' "

"Sec. 8. Amend section thirty-one hundred sixty-nine and nine hundredths (3169.09), Code, 1939, by striking from line 13 of subsection 5 the following: 'dried flowering or fruiting tops of the'. Further amend said section by striking from lines 14 and 15 of subsection 5 the following: 'from which the resin has not been extracted.' "

"Sec. 9. Amend section thirty-one hundred sixty-nine and nine hundredths (3169.09), Code, 1939, by striking therefrom all of subsection 6."

Further amend Senate File 292 by renumbering the remaining sections.

ROBT. W. HARVEY.

The following address was delivered by Dr. F. I. Herriott, of Drake University, before the Senate on Wednesday, February 12th:

#### ABRAHAM LINCOLN

##### The Man, the Politician, the Statesman

In our national history two names stand out clear and sharp against the sky line like snow-capped mountain peaks—the first, George Washington of Mt. Vernon, Virginia; and the second, Abraham Lincoln of Springfield, Illinois,—our first and sixteenth President.

Each man stands out against the horizon for ability and character, for courage and consideration for the rights of all and the welfare of the nation, for keen discernment of the rights of individuals and the national safety, for the ultimate good rather than personal or partisan gain.

Washington and Lincoln each faced poverty and were assured but little more than the merest rudiments of a common school education—but by alert and persistent effort and study they became masters of lucid, luminous English and many of their state papers are models of literary finish and profound wisdom phrased in pithy, pointed language. Lincoln's letter to Mrs. Bixby tendering the nation's sympathy in the loss of her five sons in the country's service, his Gettysburg address, and his second inaugural address are literary gems.

Our history contains no greater dramatic contrast than the manner in which the two men were chosen to lead the country on the eve of grave national crises.

Washington was chosen Commander-in-chief of the Continental troops by the Continental Congress behind closed doors. The public at large was not called into council. The delegates without fuss or furor or clamorous debate chose him with virtually no dissent, on the motion of John Adams of Massachusetts. Fourteen years later when our present national government got under way he was elected President of the United States

in the same quiet fashion. His fine sturdy character, his poise and dignity, his splendid common sense and conspicuous concern for the general good compelled admiration and confidence.

Abraham Lincoln on the other hand was chosen the leader of his political party in the city of Chicago on May 18, 1860, amidst a perfect pandemonium of organized uproar, violent clashing of partisan feeling. Because of that exhibition of what many deemed mob rule, historians and biographers have characterized the nomination in most adverse terms.

Judge John T. Morse Jr., of Boston, in his "Life of Lincoln" in the "American Statesmen" series, asserts that the convention "deserves no credit for its action." Mr. Jas. F. Rhodes insists that "both the people and the politicians" were for Wm. H. Seward for President and Professor Goldwin Smith bluntly says that a cabal defeated Seward. Mr. Sandburg in his life of Lincoln (The Prairie Years) says that Seward was defeated because "mice nibbled and gnawed in the cellar of Fate." Professor Wm. E. Dodd, the late Ambassador to Germany, in 1927 virtually said the delegates were "half drunk" and the nomination was the non-rational action of inebriated men.

Lord Charnwood, a sympathetic and admiring English biographer, tells us that Lincoln's nomination was "the most surprising nomination ever made in America" and it was "without merit," measured by ordinary party standards. Mr. James Truslow Adams makes the blunt assertion in his *Epic of America*, published in 1932:

"So the West crashed the gates of the convention and nominated its own son, Abraham Lincoln, for President, to the bewilderment and horror of Boston, New York and all points east, which saw in the possible President only a gaunt, coarse, uneducated backwoodsman with no qualifications for high office".

If ever there was a fit, a shrewd, and a wise nomination made by a political convention in our national history, the choice of the delegates in the Wigwam on May 18, 1860, was preeminently so.

For years Abraham Lincoln, through good and ill fortune, had stood steadily and sturdily for law and order, for justice and equity among his fellows without fear or favor, and in the precincts and runways of politics and partisan contention he had been honest and fair and conscientious and considerate, combining courage with courtesy to opponents and friends alike. For what was notable and splendid, no matter what the prize he sought or the cause he represented, he thus ". . . stood four square to all the winds that blew."

The statement that Lincoln's nomination at Chicago horrified the East is without foundation; and I make this blunt assertion upon data gleaned from scores of papers published in twenty-three states in the years preceding and then in months following the adjournment of the convention. The newspapers in Providence, Hartford, Worcester, New Haven, Newport and New York give no ground for such adverse conclusions or inferences as have been scattered about by sundry historians and biographers. The friends of this or that candidate were astounded at the defeat of their hero or candidate, but that is another matter.

Abraham Lincoln's life as a public man—as a lawyer and politician—



was conspicuous for his invariable honesty and his constant concern for the just rights of his fellows, no matter be they clients or opponents, and his application of the golden rule of ethics and law, and justice in dealing with neighbors or strangers. Combined with this elemental fact was an astonishing deftness and shrewdness and diplomacy and grace in achieving his ordinary purposes when others were involved.

All accounts disclose that he never allowed himself to ignore or disregard fundamental principles of either law or ethics in the midst of the stress of legal controversy or party maneuvers even when matters were going against him—and he always allowed the larger good to constrain his judgment and determine his action.

When bitter violent anti-foreign and anti-catholic prejudice rolled over the country in the days of "Know-Nothingism" he never hesitated to speak out against its pettiness and pernicious consequences—even though its devotees were terrorizing the ordinary partisan leaders and getting control of public office at the ballot box.

When the "Americans" or "Know-Nothings" in 1859 forced through the "two year" amendment to the constitution of Massachusetts, adding two years to the requirements of naturalization before the foreign-born citizens could vote or hold office in the Old Bay State, Lincoln spoke out openly and bluntly against it, when he knew he was being considered for the Presidency. His frank letter to Dr. Canisus protesting against its injustice was a basic fact in sending him to the White House.

Incidentally I am certain that it was a mass meeting of the Germans of Davenport, Iowa, on March 10, 1860, in which they declared their pronounced opposition to the consideration of the candidacy of Judge Edward Bates of St. Louis which led to the nomination of the man from Sangamon county. If I read the signs aright and detected the under currents which usually control the deliberations and decisions of party leaders, Judge Bates was almost certain to be nominated. It certainly so seemed at the opening of 1860.

But Judge Bates had presided over an "American" convention in Baltimore in 1856 which advocated a 21 year naturalization period for aliens, and he stood forth openly for the enforcement of the fugitive slave law. And the Germans would have nothing of either.

The meeting in Davenport led to a call ten days later (March 20) issuing from New York, for a conference of German-Republicans in Chicago on May 14-15, just before the national Republican convention was to convene in the Wigwam. Its delegates were mostly editors of the German papers whose columns favored the Republican opposition to the extension of slavery. The Germans were then one of the most important corps of the party and their wishes could not be ignored.

Those Germans of the Fifties were the Refugees of 1830 and 1848 who fled from the Fatherland to escape the stupid tyranny of the Hohenzollerns and the Hapsburgs of the first half of the century. They were in large numbers the finest University men of Old Germany and Austria—and no kin of the Germans of today who submit to the head of the Reich.

Abraham Lincoln's course with respect to slavery illustrates his profound sense of fairness and legal obligation to keep faith with fellow citizens under the constitution and to maintain inviolate property rights.

Lincoln abhorred slavery as an institution. He deplored its pernicious effects without any reservation. But like Judge Bates, he maintained that the fugitive slave-law was a binding obligation upon the judgment and consciences of all law-abiding citizens—and frankly decried the Republican opposition to its observance.

All students of our national beginnings know that our great federal scheme which has given our people for one hundred and fifty years an actual working "league of nations" and preserved an amazing state of peace among us over a vast continental area—this great peace program would have been impossible if our forefathers had not guaranteed the property rights of the southern owners of slaves; and we should not forget that when we declared our independence in 1776 we had slavery from Boston to Savannah.

However much Lincoln disliked slavery he was a lawyer, and he held the injunction of the national charter of government binding upon all. He did not want slavery to come into Illinois or the North. But he never proposed interfering with slavery before he entered the White House.

In his Cooper Union speech, he denounced the John Brown raid as the criminal act of a fanatic, and to be opposed with the strong arm of the government. In his first inaugural address in 1861 he promised the seceding states that he would not interfere with their rights in slaves if they would remain in the Union.

He did not want to issue the proclamation abolishing slavery, because of his regard for the property rights of the Southerners. He knew that it meant ruthless confiscation of their all, in most cases. It is not generally recalled in these days of eulogy of our martyred President that he was so anxious not to enforce that proclamation that he gave the seceding states four months to come back into the Union and promised that the proclamation would not then take effect.

Lincoln was a lawyer and he knew that property (or, if you please, capital) is the foundation of our modern life. If the owner's right of use, control, and management is not assured, or if it is hampered or impaired by oppressive regulations, or if excessive taxes absorb it, our civilization will crash to the ground.

Lincoln, in messages, in conferences, and in letters, urged that Congress purchase the slaves and enfranchise them by paying their owners their value. But the fanatics in the North and the South would not listen to him. From the prosaic point of view of mere dollars and cents how much better our history would have been had his pleas been accepted.

Again his humanity and wise statesmanship was displayed when victory crowned the standards of Grant and Sherman. Lincoln wanted to let the wayward sister states return to the fold without adverse discrimination and to restore the old peaceful relations. But again fanatics in his party and the North blocked his program, and the assassin's bullet cut him off. His successor could not secure approval of his policy of amnesty. One consequence was the enactment of the harsh "reconstruction" laws, the "carpet bag" iniquities and now we have a black cloud which is a serious menace to our national welfare.

If there is any one type of man the public sorely needs above all others

in these trying days it is he who is courageous, constant and consistent in standing up in public places and insisting upon what he deems the right. One who will face neighbors, crowds, mobs, and a hostile electorate and tell them that their evil is not good. Man's progress has been due to these strong-souled, self-controlled men—and so it must needs be amidst the confusion in which poor mortals must live and work. Abraham Lincoln affords us a luminous illustration of such courage when all about him winds and waves beat upon him.

At the opening of the war between the states in 1861, Captain Wilkes of our gunboat, the *San Jacinto*, learned that the Confederate commissioners to England and France, Messrs. Mason and Slidell, then noted southern senators, were on board the British mail packet, the *Trent*. He overhauled her a few hundred miles out of Havana, Cuba, and removed those commissioners and their aides and came into the port of Boston and had them committed as prisoners at Fort Warren.

It is stating it mildly when I say that the people of the north went wild with applause and approval of Captain Wilkes' act. Secretaries Stanton and Wells congratulated him, and the house of representatives passed a resolution lauding him. But Lincoln instantly questioned the legality of Captain Wilkes' act. We had gone to war with Great Britain in 1812 because that government had boarded our ships and taken her own subjects therefrom to impress them into the British navy. Regardless of the public approval, Lincoln said within a few hours after the news of the event reached him, "We must stick to American principles concerning the rights of neutrals."

Within a month Lincoln ordered the return of the commissioners to England and an apology for their apprehension—to the astonishment of the heedless public. To his critics Lincoln quietly observed, "One war at a time." How prudent he was may be sensed from the fact that Lord Palmerston had mobilized the English fleet and started 10,000 troops to Canada. But Lincoln had done the proper thing not because he was prudent, but because he deemed it the right thing to do. All now applaud his act, not only as righteous, but as the perfection of diplomacy in the furtherance of the cause of right and international peace.

There is a timely suggestion in that notable act of Lincoln in the crisis of the opening days of the Civil war which demonstrates that our courts and public men should not be controlled by what is called "public opinion." Statesmen and public servants should give strict heed to the law and equity and the basic maxims of justice and not be controlled by the vagrant and violent variations of popular prejudice and mob demonstrations.

There are so many facets of President Lincoln's character which fascinate and inspire that one is tempted to linger long in contemplation of their many shining phases. But I close with one phase of his character, namely his charity or humanity in the use of the pardoning power—especially if the death sentence had been ordered by military authorities or tribunals.

Despite his mental torture when appeals were made to him by the wives, mothers and fathers of men condemned to death for gross or treasonable offenses, Lincoln was possessed of iron and steel in his make-up. He refused point blank to mitigate a sentence of death pro-

nounced against a New England slaver caught by the navy bringing slaves from Africa and convicted in the last days of Buchanan's administration.

He seldom interfered in the administration of the army or criticized ordinary methods of discipline; but sentences of death instantly aroused him—and his charity for the heedless youth and men taken from their families was constant. He observed pointedly once: "A private soldier has as much right to justice as a major general."

It is pointless to insist that one of his pardons was more noteworthy or significant than some other one of his acts, but his staying the execution of over three hundred Indians at Mankato, Minnesota, in 1862-63 is luminous—and it was especially interesting to our pioneers here in Iowa.

In August, 1862, occurred the awful Sioux outbreak when between five hundred and a thousand people in southwestern Minnesota were reported massacred within two or three days. That horror was precipitated by the attempt of the federal authorities to arrest Inkpaduta (Scarlet Point), the Whapekute chief who led his band in the attack on the settlement at Spirit Lake, Iowa, in March, 1857. Scarlet Point and Little Crow, two outlaw chiefs of the Whapekute band, had organized and led that outbreak of 1862.

The court martial's findings Lincoln had before him. The verdict was the death sentence for three hundred and two Sioux chiefs and their followers. The members of congress from Minnesota were vehement in their demand for their execution and the excitement in Minnesota and throughout northern Iowa was intense. But President Lincoln scrutinized the evidence and stopped the execution of all but thirty-eight because the testimony was not clear and convincing. Not merely the insufficiency of the evidence constrained his judgment but he was convinced that the treatment of the Indians by the whites for years had not been what law, justice, or equity called for. Hence, his famous "Stay of Execution" and pardons.

In these frightful days when the principles of democracy are threatened the world round and the efficacy of representative government even in this country seems to be within the danger zones, the lovers of liberty may well ponder the lines of James Russell Lowell in his "Commemoration Ode" as they reflect upon the character and career of Abraham Lincoln as he held the ship of state true to her course amidst violent storms and contrary winds and waves:

" \* \* \* Standing like a tower  
Our children shall behold his form  
The kindly, earnest, brave, far-seeing man  
Sagacious, patient, dreading praise, not blame."

On motion of Senator Clark, the Senate adjourned until 10:00 a. m. Tuesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 18, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by the Reverend J. C. Korthal, pastor of the Federated Church of Milford.

The Journal of February 17th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Dykhous for the day on request of Senator Cromwell.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Berg, from residents of Black Hawk county, in opposition to Senate File 196.

By Senator Goode, from residents of Appanoose and Davis counties, in opposition to Senate File 196.

By Senator Bekman, from residents of Wapello county, favoring passage of the Abstract Law, and the loss-leader bill.

By Senator Johnson, from residents of Hancock county, in opposition to Senate File 234 and House File 85.

By Senator Findlay, from residents of Barnum, favoring passage of Senate File 157.

By Senator Hess, from residents of Battle Creek, in opposition to House File 198.

By Senator Cromwell, from members of the Mediapolis study club, favoring passage of House File 165.

By Senator Evans, from residents of Mills county, in opposition to Senate File 170.

By Senator Byers, from residents of Linn and Cedar counties,

favoring revision of the conservation law to permit the removal of soft fish from the Cedar river in Linn and Cedar counties.

By Senator Munger, from the members of the low-cost rent housing committee of Sioux City, favoring passage of low-cost housing legislation; also from residents of Sioux City, in opposition to Senate File 196, and from residents of Danbury and Sergeant Bluff, in opposition to Senate File 170.

By Senator Hill, from residents of Wright county, in opposition to Senate File 95 and House File 122; also from residents of Wright county, favoring certain liquor legislation.

By Senator Dewey, from residents of Mt. Pleasant, in opposition to Senate File 88 and House File 102.

By Senator Mercer, from residents of Ladora, in opposition to Senate File 88.

By Senator Byers, from residents of Linn county, in opposition to Senate File 196.

By Senator Miller, from residents of Audubon county, favoring passage of the loss-leader bill.

By Senator Bekman, from residents of Wapello county, in opposition to Senate File 196.

#### INTRODUCTION OF BILLS

Senate File 311, by Committee on Judiciary 2, a bill for an act to amend section five thousand one hundred and twenty-six hundredths (5100.26), Code, 1939, relating to liability bond of certificated carriers, and to amend section five thousand one hundred five and fifteen hundredths (5105.15), Code, 1939, relating to insurance or bond of motor vehicle truck operators.

Read first and second times and placed on calendar.

Senate File 312, by Senator Munger, a bill for an act to amend sections six thousand sixty-six and twenty-four hundredths (6066.24), six thousand sixty-six and twenty-six hundredths (6066.26), and six thousand sixty-six and thirty-two hundredths (6066.32), Code, 1939, relating to self-liquidating improvements.

Read first and second times and passed on file.

Senate File 313, by Senator Munger, a bill for an act to amend

section twelve hundred eighteen (1218), Code, 1939, regulating the time of paying salaries of all officers authorized in Code.

Read first and second times and passed on file.

Senate File 314, by Senator Munger, a bill for an act to amend section five thousand two hundred thirty (5230), Code, 1939, relating to county clerk of District Court.

Read first and second times and passed on file.

Senate File 315, by Senator Munger, a bill for an act to amend section five thousand seven hundred seventy-three (5773), Code, 1939, relating to general powers of cities and towns to erect, purchase, or remodel a city or town hall.

Read first and second times and passed on file.

Senate File 316, by Senator Munger, a bill for an act to amend section five thousand two hundred twenty-three (5223), Code, 1939, relating to Deputy Treasurers and Clerks.

Read first and second times and passed on file.

Senate File 317, by Committee on Public Lands and Buildings, a bill for an act to amend chapter sixteen (16), Code, 1939, relating to official reports and documents by adding thereto provisions for making, filing and keeping up inventories of all state-owned real and personal property.

Read first and second times and placed on calendar.

Senate File 318, by Farm Tenancy Committee, a bill for an act to amend section ten thousand two hundred sixty-one (10261), Code, 1939, and to repeal section ten thousand two hundred sixty-five (10265), Code, 1939, and to enact a substitute therefor, relating to landlord's lien, and designating the property subject thereto.

Read first and second times and passed on file.

Senate File 319, by Senators Baldwin, Corwin and Faul, a bill for an act to amend sections one thousand five hundred forty-one and one tenth (1541.1), one thousand five hundred forty-one and two tenths (1541.2), one thousand five hundred forty-one and four tenths (1541.4), and to repeal section one thousand five hundred forty-one and three tenths (1541.3), all of the Code, 1939, and all relating to the commission for the blind.

Read first and second times and passed on file.

Senate File 320, by Senator Watson, a bill for an act to amend chapter four hundred seventy-one (471), Code, 1939, relating to temporary writs of injunction in divorce or marriage annulment cases.

Read first and second times and passed on file.

Senate File 321, by Senator Mowry, a bill for an act to authorize the issuance of a patent to certain lands in Polk County, Iowa.

Read first and second times and passed on file.

By written request filed, Senator Dykhouse asked and received unanimous consent to be recorded as voting "no" on the amendment by Senator Faul to Senate File 79, considered on Monday, February 17th.

#### 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 31, a bill for an act relating to the levying of a tax for water, gas and electric light, heat or power funds to cities acting under special charter.

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

House File 83, a bill for an act relating to liens for services on agricultural products.

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

Senate File 286, a bill for an act relating to the procedure for assessing property and the appointment of city assessor.

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

House File 91, a bill for an act to provide for advance notice of the defenses of insanity or alibi in criminal cases.

A. C. GUSTAFSON, *Chief Clerk.*

Senator Whitehill asked and received unanimous consent to take up the following resolution:

#### SENATE CONCURRENT RESOLUTION 11

*Whereas*, John Thomas Taylor, National Legislative Director of the American Legion, and substituting for the National Commander of the



American Legion, will be in Des Moines, Monday, February 24th, therefore,

*Be It Resolved by the Senate, the House Concurring:* That an invitation be extended to Mr. John Thomas Taylor to address a joint convention of both houses at 11:00 a. m. Monday, February 24th, 1941.

Senator Whitehill moved the adoption of the resolution, which motion prevailed and the resolution was adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 93 and 94 and Senate File 201.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 93 and 94 and Senate File 201.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports they have on this 18th day of February, 1941, sent to the Governor for his approval: Senate File 201.

EDWARD H. VRBA, *Chairman.*

Passed on file.

#### THIRD READING OF BILLS

On motion of Senator Shaw the Senate resumed consideration of Senate File 79, a bill for an act to encourage rural electrification in Iowa; to impose a tax and provide for the collection thereof upon co-operative corporations and associations not organized or operated for profit, engaged in generating, transmitting, distributing or furnishing electric energy or electric service to its members and others, as by law provided in lieu of other taxes; to amend section six thousand nine hundred forty-three and seventy-five thousandths (6943.075), Code, 1939; and to repeal the law

as it appears in section seven thousand one hundred two (7102), Code, 1939.

Senator Munger offered the following amendments and moved their adoption:

Amend Senate File 79 as follows:

1. By inserting after the comma in line 9 section 1 the following: "and upon the gross receipts from all retail sales of electric energy made by corporations for profit if such electric energy is primarily for use on a farm and in districts wherein said electric energy is used by an average of not more than four farms per transmission mile,".

2. By inserting after the comma in line 15 section 1 the following: "and in lieu of all other taxes upon the transmission and distribution facilities and properties of corporations for profit used primarily for supplying electric energy to farms in districts where electric energy is used by an average of not more than four farms per transmission mile,".

Senator Vrba offered the following amendment to the amendment by Senator Munger and moved its adoption:

1. Amend paragraph 1 of the amendment by Senator Munger to Senate File 79 by inserting after the word "profit" in line 3, the following: ", or municipal corporations".

2. Further amend paragraph 1 by striking the word "primarily" in line 3 and inserting the word "exclusively".

3. Amend paragraph 2 by inserting after the word "profit" in line 3 the following: ", or municipal corporations,".

4. Further amend paragraph 2 by striking from line 4 the word "primarily" and inserting the word "exclusively".

Senator Vrba asked and received unanimous consent to withdraw divisions 2 and 4 of the amendment offered by him to the amendment by Senator Munger.

Senator Vrba moved that divisions 1 and 3 of the amendment offered by him to the amendment by Senator Munger be adopted.

The amendments were lost.

Senator Munger moved that the amendment offered by him be adopted.

The amendment was lost.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 79 by striking all following the enacting clause and substituting in lieu thereof the following:

Section 1. Section 7102, Code, 1939, is amended by striking the period at the end thereof and by substituting in lieu thereof a comma and adding the following: "provided, the assessed or taxable value of such trans-

mission lines, the attachments and appurtenances thereto, including buildings, machinery, station and substation equipment, shall be determined on the basis of thirty per cent of the actual value."

Roll call was demanded.

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

Ayes, 19:

Bekman	Emerson	Harvey	Talbott
Berg	Evans	Henningsen	Watson
Byers	Faul	Martin	Whitehill
Cromwell	Goode	Felzer	Zeigler
Donohue	Hart	Sjulin	

Nays, 27:

Augustine	Fuller	Keir	Mowry
Baldwin	Hattery	Leo	Munger
Benson	Hess	Long	Shaw
Clark	Hill	Love	Stewart
Dewey	Hunt	Lynes	Turner
Elthon	Johnson	Mercer	Vrba
Findlay	Jones	Miller	

Absent or not voting, 4:

Corwin	Dykhouse	Hamiel	Lundy
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The amendment was lost.

Senators Lynes, Bekman, Berg and Donohue offered the following amendments and moved their adoption:

Amend Senate File 79 by inserting before the enacting clause the following:

*Whereas*, Rural electrification is a progressive step for the extension of modern facilities to the farm areas; and,

*Whereas*, It is the purpose and desire of the legislature to aid in the development thereof in all reasonable and practical ways and to encourage the establishment and extension of such service; and

*Whereas*, The item of taxation may be a determining factor in the success or failure of the program in the beginning; therefore

Further amend Senate File 79 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. All cooperative corporations and associations organized and existing or hereafter organized and established not for profit under the laws of Iowa and engaged solely in the furnishing of electric energy to farms and farm establishments in Iowa shall be exempt from the taxation provided for in chapter 340 of the Code of 1939, for the calendar years 1941 and 1942.

Sec. 2. From and after January 1, 1943, such corporations shall be taxed as provided in chapter 340 of the Code of 1939.

Senator Vrba offered the following amendment to the amendment by Senator Donohue and moved its adoption:

Amend the amendment by Senator Donohue to Senate File 79 by striking the period at the end of section 1 and adding the following: “, 1943 and 1944 and 1945.”

Also amend section 2 by striking the figures “1943” in line 1 and inserting the figures “1946”.

Senator Vrba asked and received unanimous consent to withdraw the amendment offered by him to the amendment by Senator Donohue.

Senator Sjulín moved the previous question.

Senator Donohue moved the adoption of the amendment offered by him.

Roll call was demanded.

On the question, “Shall the amendment be adopted?” the vote was:

Ayes, 49:

Augustine	Evans	Hunt	Mowry
Baldwin	Faul	Johnson	Munger
Bekman	Findlay	Jones	Pelzer
Benson	Fuller	Keir	Shaw
Berg	Goode	Leo	Sjulín
Byers	Hamiel	Long	Stewart
Clark	Hart	Love	Talbott
Corwin	Harvey	Lundy	Turner
Cromwell	Hattery	Lynes	Vrba
Dewey	Henningsen	Martin	Watson
Donohue	Hess	Mercer	Whitehill
Elthon	Hill	Miller	Zeigler
Emerson			

Nays, none.

Absent or not voting, 1:

Dykhouse

The amendment was adopted.

Senator Baldwin 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, 49:

Augustine	Cromwell	Fuller	Hill
Baldwin	Dewey	Goode	Hunt
Bekman	Donohue	Hamiel	Johnson
Benson	Elthon	Hart	Jones
Berg	Emerson	Harvey	Keir
Byers	Evans	Hattery	Leo
Clark	Faul	Henningsen	Long
Corwin	Findlay	Hess	Love

Lundy  
Lynes  
Martin  
Mercer  
Miller

Mowry  
Munger  
Pelzer  
Shaw

Sjulin  
Stewart  
Talbot  
Turner

Vrba  
Watson  
Whitehill  
Zeigler

Nays, none.

Absent or not voting, 1:

Dykhouse

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

Senator Shaw offered the following amendment to the title and moved its adoption:

Amend Senate File 79 by striking all of the title and substituting therefor the following: "A bill for an act to exempt cooperative corporations or associations not operated for profit and engaged in furnishing electric energy to farms and farm establishments, for the years 1941 and 1942 and providing for the method of taxation thereafter."

The amendment was adopted and the title as amended was agreed to.

Senator Shaw 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.

Senator Hill asked and received unanimous consent to have Senate File 79 engrossed and printed before it is messaged to the House.

#### EXTRA COPIES

Senator Faul asked and received unanimous consent to have 100 additional copies each of Senate Files 16 and 19 printed.

Senator Clark asked and received unanimous consent to have 300 additional copies of Senate File 212 printed.

Senator Elthon asked and received unanimous consent to have 1000 additional copies of Senate File 318 printed.

Senator Donohue asked and received unanimous consent to have 250 additional copies of Senate File 212 printed.

#### THIRD READING OF BILLS

On motion of Senator Berg, Senate File 176, a bill for an act to amend sections one thousand five hundred fifty-six and two hun-

dredths (1556.02), one thousand five hundred fifty-six and three hundredths (1556.03), and one thousand five hundred fifty-six and seven hundredths (1556.07), Code, 1939, relating to cigarette tax, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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:**

Augustine	Emerson	Hill	Mowry
Baldwin	Evans	Hunt	Munger
Bekman	Faul	Johnson	Pelzer
Benson	Findlay	Jones	Shaw
Berg	Fuller	Keir	Sjulin
Byers	Goode	Leo	Talbott
Clark	Hamiel	Long	Turner
Corwin	Hart	Lynes	Vrba
Cromwell	Harvey	Martin	Watson
Dewey	Hattery	Mercer	Whitehill
Elthon	Henningsen	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 6:**

Donohue	Hess	Lundy	Stewart
Dykhouse	Love		

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

Senator Berg 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.

On motion of Senator Cromwell, Senate File 218, a bill for an act to authorize school districts to sell and convey property to the Federal Government in the development of the national defense, and to provide for the disposition of the proceeds of such sale, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell moved hat 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:**

Augustine	Benson	Clark	Dewey
Baldwin	Berg	Corwin	Elthon
Bekman	Byers	Cromwell	Emerson

Evans	Hattery	Long	Shaw
Faul	Henningsen	Love	Sjulin
Findlay	Hill	Lundy	Talbott
Fuller	Hunt	Lynes	Turner
Goode	Johnson	Martin	Vrba
Hamiel	Jones	Miller	Watson
Hart	Keir	Mowry	Whitehill
Harvey	Leo	Pelzer	Zeigler

Nays, none.

Absent or not voting, 6:

Donohue	Hess	Munger	Stewart
Dykhouse	Mercer		

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

Senator Cromwell 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.

Senator Cromwell asked unanimous consent to have Senate File 218 immediately messaged to the House.

On motion of Senator Henningsen, the Senate recessed until 2:00 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President B. B. Hickenlooper presiding.

#### INTRODUCTION OF BILLS

Senate File 322, by Senator Munger, a bill for an act to amend sections thirteen hundred eighty-seven (1387) and thirteen hundred ninety (1390), Code, 1939, relating to workman's compensation and to provide for increased compensation and medical and hospital allowance.

Read first and second times and passed on file.

Senate File 323, by Senator Shaw, Findlay, Love, Keir, Elthon, Long, and Johnson, a bill for an act to amend sections six thousand nine hundred forty-three and one hundred twenty-seven thousandths (6943.127), and six thousand nine hundred forty-three and one hundred twenty-nine thousandths (6943.129), Code, 1939, relating to retail chain stores and the regulation and taxing thereof.

Read first and second times and passed on file.

Senate File 324, by Senator Hill (Blue), a bill for an act to make an appropriation to the Conservation Commission for the purpose of dredging and improving Lake Cornelia in Wright county, Iowa, and to purchase lands adjacent thereto.

Read first and second times and passed on file.

Senate File 325, by Senator Byers, a bill for an act to amend section thirty-six hundred twelve (3612), Code, 1939, relating to the salaries of probation officers and deputies.

Read first and second times and passed on file.

Senate File 326, by Senator Berg, a bill for an act to amend section five thousand eight hundred twenty-five (5825), Code, 1939, relating to the rules and regulations which may be imposed by River-front Improvement Commissions.

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

Senate File 327, by Senator Cromwell, a bill for an act to repeal section six thousand nine hundred seventy-two (6972), Code, 1939, and to enact a substitute therefor, relating to the assessment of stocks of merchandise of merchants.

Read first and second times and passed on file.

Senate File 328, by Senators Cromwell, Evans and Bekman, a bill for an act to amend chapter four hundred seventy-one (471), Code, 1939, relating to divorce.

Read first and second times and passed on file.

Senate File 329, by Senators Shaw and Mercer, a bill for an act to repeal the law as it appears in paragraph three (3), four (4), five (5), six (6) and seven (7), section thirteen hundred and ninety-seven (1397), Code, 1939, relating to the basis of computation for workmen's compensation, and enacting substitutes therefor, prescribing the methods for computing the average weekly earnings, and the annual earning capacity in such computation.

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

Senate File 330, by Senator Cromwell, a bill for an act to repeal section six thousand nine hundred seventy-six (6976), Code, 1939,



and to enact a substitute therefore relating to the assessment of personal property of manufacturers.

Read first and second times and passed on file.

Senate File 331, by Senators Emerson, Bekman, Faul, Dewey, and Benson, a bill for an act to repeal section five thousand three hundred sixty-two (5362) of chapter two hundred sixty-nine (269), Code, 1939, and to enact a substitute in lieu thereof, defining who shall be entitled to care and treatment in county public hospitals and providing for the establishment of rules and regulations under which such care and treatment shall be given.

Read first and second times and passed on file.

The farm tenancy committee offered the following resolution:

#### SENATE CONCURRENT RESOLUTION 12

*Whereas*, Iowa was developed primarily as an agricultural state and is at the present time one of the greatest agricultural areas in the Union, and

*Whereas*, Farming in Iowa is primarily a way of living which in the past has provided a place for ambitious and thrifty families to live in peace and security and provide for themselves the necessary and desirable things in life, and

*Whereas*, The advent of power machinery and equipment, together with the application of the Triple-A program, has made it possible for certain individuals, companies and corporation to farm ever-increasing areas of good farm land at a profit, and

*Whereas*, This practice is depriving thousands of Iowa farm families from their only way of living and is forcing many of them onto relief rolls, and

*Whereas*, An additional five thousand (5,000) families will be deprived of their way of livelihood again this year and will be forced to leave their present homes, and

*Whereas*, Through the drifting of these landless farmers from state to state in search of land and homes the solution of this great evil has passed beyond the control of the various states and the problem has become national in character and extent, and

*Whereas*, Through governmental agencies aid has been extended to home builders in urban districts by governmental guaranty of loans on such homes, and

*Whereas*, Farm homes for these dispossessed farmers are at least equally as important to the tranquility and security of our nation as are the homes for urban residents and at the present time no provision has been made to early or adequately relieve this ever-growing cancer in our body politic, and

*Whereas*, It has long been the established policy of our federal gov-

ernment to provide homes and homesteads for our farm-minded people to which policy much of our national progress may be ascribed; now therefore,

*Be It Resolved by the Senate of the State of Iowa, and the House of Representatives concurring:* That we memorialize the Congress of the United States that they by amendment to the Federal Housing Act or by the enactment of new and appropriate legislation make available to farmers and especially to farm tenants who are without farms governmental aid equal to that afforded to urban residents in order that they may be able to obtain sufficient land and decent homes in which to live and maintain their families; and

*Be It Further Resolved:* That copies of this resolution be transmitted to the President of the United States and to the Vice President and to the Secretary of Agriculture of the United States and to each member of the Congress; and

*Be It Further Resolved:* That Iowa, through its legislature, send a delegation to the Congress of the United States to wait upon the members of the Congress and to present to each member of the Congress this resolution in behalf of the legislature of the State of Iowa, and that the chairman of the farm tenancy committee of the Iowa Senate and the chairman of the agriculture committee 2 of the Iowa House and one other member of the minority party to be appointed jointly by the Lieutenant Governor and the Speaker of the House be the delegation to perform the duties set out in this resolution.

#### HOUSE MESSAGES CONSIDERED

House File 83, a bill for an act to amend and revise section ten thousand two hundred sixty-nine and one tenth (10269.1), Code, 1939, relating to liens for services on agricultural products.

Read first and second times and passed on file.

House File 91, a bill for an act to provide for advance notice of the defenses of insanity or alibi in criminal cases.

Read first and second times and passed on file.

#### THIRD READING OF BILLS

On motion of Senator Love, Senate File 219, a bill for an act to amend section six hundred sixteen (616), Code, 1939, relating to the date of county political conventions, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Love 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, 43:

Baldwin	Faul	Jones	Pelzer
Bekman	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Elthon	Hess	Mowry	Zeigler
Evans	Hunt	Munger	

Nays, none.

Absent or not voting, 7:

Augustine	Dykhouse	Hill	Miller
Benson	Emerson	Johnson	

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

On motion of Senator Cromwell, Senate File 223, a bill for an act to provide for the joining of school districts altered by the Federal Government in the location of national defense project to adjoining school district or districts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell 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, 43:

Augustine	Evans	Hill	Miller
Baldwin	Faul	Hunt	Mowry
Benson	Findlay	Johnson	Pelzer
Berg	Fuller	Jones	Sjulin
Clark	Goode	Keir	Stewart
Corwin	Hamiel	Leo	Talbott
Cromwell	Hart	Long	Turner
Dewey	Harvey	Love	Vrba
Donohue	Hattery	Lynes	Whitehill
Elthon	Henningsen	Martin	Zeigler
Emerson	Hess	Mercer	

Nays, none.

Absent or not voting, 7:

Bekman	Dykhouse	Munger	Watson
Byers	Lundy	Shaw	

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

Senator Cromwell 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.

Senator Cromwell asked and received unanimous consent to have Senate File 223 immediately messaged to the House.

On motion of Senator Donohue, Senate File 241, a bill for an act to amend sections twelve thousand seventy-nine (12079) and twelve thousand eighty (12080), Code, 1939, relating to attachments, a committee bill, was taken up and considered.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 241 by inserting in the blank space in line 3 of section 3, the following: "the New Hampton American" and by inserting in the blank space in line 4 the following, "New Hampton"; and by inserting in the blank space in line 5 the following, "Nashua Reporter" and by inserting in the blank space in line 6 the following, "Nashua".

The amendment was adopted.

Senator Donohue 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, 46:**

Augustine	Evans	Johnson	Munger
Baldwin	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Long	Sjulin
Byers	Goode	Love	Stewart
Clark	Hamiel	Lundy	Talbott
Corwin	Hart	Lynes	Turner
Cromwell	Harvey	Martin	Vrba
Dewey	Hattery	Mercer	Watson
Donohue	Henningsen	Miller	Whitehill
Elthon	Hess	Mowry	Zeigler
Emerson	Hill		

**Nays, none.**

**Absent or not voting, 4:**

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

On motion of Senator Mowry, Senate File 242, a bill for an act to amend section forty-three hundred seventy-one (4371),

Code, 1939, relating to the use of public school buildings, a committee bill, was taken up and considered.

Senator Mowry 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, 46:**

Augustine	Evans	Johnson	Mowry
Baldwin	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Elthon	Hess	Miller	Zeigler
Emerson	Hill		

**Nays, none.**

**Absent or not voting, 4:**

Bekman	Dykhouse	Hunt	Munger
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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 Mowry 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.

On motion of Senator Berg, Senate File 243, a bill for an act to make an appropriation for the relief of Frederick M. Hull for the biennium beginning July 1, 1941, and ending June 30, 1943, a committee bill, was taken up and considered.

Senator Mercer 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, 42:**

Augustine	Emerson	Hunt	Munger
Baldwin	Evans	Johnson	Shaw
Bekman	Faul	Jones	Sjulin
Benson	Findlay	Keir	Stewart
Byers	Fuller	Leo	Talbott
Clark	Goode	Long	Turner
Corwin	Hamiel	Lynes	Vrba
Cromwell	Hart	Mercer	Watson
Dewey	Harvey	Miller	Whitehill
Donohue	Hess	Mowry	Zeigler
Elthon	Hill		

Nays, none.

Absent or not voting, 8:

Berg	Hattery	Love	Martin
Dykhouse	Henningsen	Lundy	Pelzer

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

Senator Mercer 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.

On motion of Senator Berg, Senate File 244, a bill for an act to repeal section two hundred ninety-four (294), Code, 1939, relating to appropriations for state institutions and the duties of the executive council in relation thereto, a committee bill, was taken up and considered.

Senator Shaw 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, 41:

Augustine	Evans	Keir	Munger
Bekman	Findlay	Leo	Pelzer
Benson	Fuller	Long	Shaw
Berg	Goode	Love	Sjulin
Byers	Harvey	Lundy	Stewart
Clark	Hess	Lynes	Talbott
Corwin	Hill	Martin	Turner
Cromwell	Hunt	Mercer	Vrba
Dewey	Johnson	Miller	Watson
Donohue	Jones	Mowry	Zeigler
Emerson			

Nays, none.

Absent or not voting, 9:

Baldwin	Faul	Hart	Henningsen
Dykhouse	Hamiel	Hattery	Whitehill
Elthon			

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

Senator Berg 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.

On motion of Senator Berg, Senate File 245, a bill for an act to create fund for emergency relief during the ensuing biennium providing for appropriations therefor and administration thereof

by the State Board of Social Welfare, and relating to the state sinking fund for public deposits, a committee bill, was taken up and considered.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 245 by changing the period at the end of line four (4) of section 2 to a comma, and adding the following: "but the State Board of Social Welfare shall not require any county to issue additional warrants or bonds as a condition of receiving state aid."

The amendment was adopted.

Senator Goode asked and received unanimous consent to have action temporarily deferred on Senate File 245.

On motion of Senator Henningsen, House File 30, a bill for an act to amend section five thousand one hundred three and six hundredths (5103.06), Chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Henningsen 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:**

Augustine	Findlay	Jones	Munger
Baldwin	Fuller	Keir	Pelzer
Bekman	Goode	Leo	Shaw
Benson	Hamiel	Long	Sjulin
Berg	Hart	Love	Stewart
Clark	Harvey	Lundy	Talbott
Corwin	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Vbra
Donohue	Hess	Mercer	Watson
Elthon	Hill	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Faul			

**Nays, none.**

**Absent or not voting, 5:**

Byers	Dykhouse	Evans	Hunt
Cromwell			

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

Senator Henningsen 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.

On motion of Senator Lynes, House File 46, a bill for an act to amend section three thousand seventy-six and one tenth (3076.1), Code, 1939, relating to pasteurization of dairy products, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

Senator Lynes 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:**

Augustine	Findlay	Jones	Munger
Baldwin	Fuller	Keir	Pelzer
Bekman	Goode	Leo	Shaw
Benson	Hamiel	Long	Sjulin
Berg	Hart	Love	Stewart
Clark	Harvey	Lundy	Talbott
Corwin	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Vrba
Elthon	Hess	Mercer	Watson
Emerson	Hill	Miller	Whitehill
Faul	Johnson	Mowry	Zeigler

**Nays, none.**

**Absent or not voting, 6:**

Byers	Donohue	Evans	Hunt
Cromwell	Dykhouse		

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

On motion of Senator Henningsen, House File 106, a bill for an act to amend sections five thousand and one hundredth (5000.01), five thousand one and fifteen hundredths (5001.15) and five thousand one and twenty-two hundredths (5001.22), Code, 1939, relating to motor vehicles and law of road, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Henningsen 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, 42:**

Augustine	Elthon	Hill	Munger
Baldwin	Emerson	Johnson	Pelzer
Bekman	Evans	Jones	Shaw
Benson	Faul	Keir	Sjulin
Berg	Findlay	Leo	Talbot
Byers	Goode	Long	Turner
Clark	Hart	Love	Vrba
Corwin	Harvey	Lynes	Watson
Cromwell	Hattery	Miller	Whitehill
Dewey	Henningsen	Mowry	Zeigler
Donohue	Hess		

**Nays, none.****Absent or not voting, 8:**

Dykhouse	Hamiel	Lundy	Mercer
Fuller	Hunt	Martin	Stewart

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

Senator Henningsen 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.

On motion of Senator Evans, Senate File 10, a bill for an act to repeal section three thousand four hundred three (3403), Code, 1939, and to enact a substitute therefor, relating to qualifications and salary of the superintendent of Glenwood state school, 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 Senate File 10 by inserting in line 4 of section 1 following the word "well-educated" the following: "and duly licensed".

The amendment was adopted.

Senator Evans 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, 41:**

Augustine	Faul	Leo	Pelzer
Baldwin	Findlay	Long	Shaw
Bekman	Hamiel	Love	Sjulin
Benson	Harvey	Lundy	Stewart
Berg	Henningsen	Lynes	Talbot
Byers	Hess	Martin	Turner
Clark	Hill	Mercer	Vrba
Cromwell	Johnson	Miller	Watson
Dewey	Jones	Mowry	Whitehill
Elthon	Keir	Munger	Zeigler
Evans			

Nays, none.

Absent or not voting, 9:

Corwin	Emerson	Goode	Hattery
Donohue	Fuller	Hart	Hunt
Dykhous			

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

Senator Evans 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.

On motion of Senator Mowry, Senate File 47, a bill for an act to regulate the sale of second-hand watches; and to prescribe penalties for the violation of the provisions 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 considered:

1. Amend sub-paragraph A of sub-section 2 of section 1 by striking the capital letter "T" and substituting a small letter "t" in lieu thereof.
2. Amend sub-section 3 of section 1 by striking the word "sell" in line two (2) thereof and substituting in lieu thereof "sale".

The amendments were adopted.

Senator Mowry 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, 30:

Augustine	Dewey	Hunt	Mowry
Baldwin	Elthon	Johnson	Pelzer
Bekman	Emerson	Jones	Shaw
Benson	Evans	Lundy	Sjulin
Berg	Findlay	Lynes	Turner
Clark	Hamiel	Martin	Vrba
Corwin	Harvey	Mercer	Whitehill
Cromwell	Hess		

Nays, 19:

Byers	Hart	Leo	Stewart
Donohue	Hattery	Long	Talbott
Faul	Henningsen	Love	Watson
Fuller	Hill	Miller	Zeigler
Goode	Keir	Munger	

Absent or not voting, 1:

Dykhous

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

Senator Mowry 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.

The Senate resumed consideration of Senate File 245.

Senator Donohue offered the following amendments and moved their adoption:

Amend Senate File 245 as follows:

1. By striking all of section 1 commencing with line 12, to and including line 23.

2. Insert in lieu thereof the following: "Section nineteen hundred twenty-one and one hundred twenty-eight thousandths (1921.128), Code, 1939, is hereby amended by striking from sub-section "b" the following, 'accrue to the state sinking fund for public deposits as created in chapter 352.2' and inserting in lieu thereof the following, 'be paid to the state board of social welfare and credited to the Iowa Emergency Relief Fund.'"

3. Further amend by adding to said Senate File 245 a new section as follows: "Section sixty-nine hundred forty-three and one hundred thousandths (6943.100), Code, 1939, is hereby amended by adding as sub-section 2 the following, 'The commission shall, after setting aside the funds necessary for old age assistance as provided in this section for the quarter beginning July 1, 1941 and quarterly thereafter up to and including April 1, 1943, transfer to the board of social welfare to be credited to the Iowa Emergency Relief Fund the sum of \$125,000.'"

4. Further amend by renumbering section 2 as section 4.

Senator Donohue offered the following amendment to the amendment offered by him and moved its adoption:

Amend paragraph 3 by inserting after the word "by" in line 3 the following: "renumbering subsection 2 as subsection 3 and".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Donohue 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:

Augustine	Clark	Emerson	Goode
Baldwin	Corwin	Evans	Hamiel
Bekman	Dewey	Paul	Hart
Benson	Donohue	Findlay	Harvey
Berg	Elthon	Fuller	Hattery

Henningsen	Keir	Miller	Talbott
Hess	Leo	Mowry	Turner
Hill	Long	Munger	Watson
Hunt	Lynes	Shaw	Whitehill
Jones	Mercer	Sjulin	Zeigler

Nays, none.

Absent or not voting, 10:

Byers	Johnson	Martin	Stewart
Cromwell	Love	Pelzer	Vrba
Dykhouse	Lundy		

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

Senator Goode 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.

Senator Donohue offered the following amendment to the title and moved its adoption.

Amend Senate File 245 by striking all of the title and substituting in lieu thereof the following: "A bill for an act to create a fund for emergency relief for the ensuing biennium and a fund to be known as the Emergency Relief Fund and providing for an appropriation therefor and amending section nineteen hundred twenty-one and one hundred twenty-eight thousands (1921.128), Code, 1939, and section sixty-nine hundred forty-three and one hundred thousands (6943.100), Code, 1939, and providing that the State Board of Social Welfare administer said fund."

The amendment was adopted and the title as amended was agreed to.

Senator Donohue asked and received unanimous consent to have Senate File 245 engrossed before it is messaged to the House, and to have 250 copies printed as passed by the Senate.

#### APPOINTMENT ON COMMITTEE ON NATIONAL DEFENSE COORDINATION

President Hickenlooper announced the following appointment:

In accordance with the provisions of House File No. 192, Senator Whitehill is appointed from the Senate Committee on National Defense Coordination to be the member of the Legislative Committee on National Defense Coordination in addition to Senator Zeigler who is the chairman of said Senate Committee.

## REPORTS OF COMMITTEES

Senator Berg submitted the following report:

**MR. PRESIDENT:** Your committee on appropriations to which was referred House Joint Resolution 1, a joint resolution fixing the compensation of the chaplains of the Forty-ninth General Assembly, and making an appropriation therefor, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on appropriations to which was referred House Joint Resolution 2, a joint resolution making an appropriation to cover the expenses of the delegate to the 5th General Assembly of the Council of State Government, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

. Ordered passed on file.

Senator Benson submitted the following report:

**MR. PRESIDENT:** Your committee on aeronautics to which was referred Senate File 194, a bill for an act to amend section fifty-nine hundred three and five hundredths (5903.05) providing for a levy of taxes for airports, begs leave to report it has had the same under consideration and recommends the same do pass.

RALPH E. BENSON, *Chairman.*

Ordered passed on file.

Senator Faul submitted the following report:

**MR. PRESIDENT:** Your committee on insurance to which was referred Senate File 247, a bill for an act to amend section 5100.26, Code, 1939, relating to liability bond of certificated carriers and to amend section 5105.15, Code, 1939, relating to insurance or bond of motor vehicle truck operators, begs leave to report it has had the same under consideration and recommends the same do pass.

GEORGE M. FAUL, *Chairman.*

Ordered passed on file.

## MINORITY REPORT

Senator Dewey submitted the following minority report on Senate File 277:

If the motion had been made to report the bill out without recommendation, I would have voted "yes". This vote would have been in line with democratic procedure as I favored allowing the Senate to pass on the bill, although I was opposed to it. The motion, however, carried and with it the majority of the committee recommended its passage. I voted in the negative. My report should not in any way or manner be construed as criticizing the other committee members. I feel that they were

honest in their recommendation and have the same right to support it as I have to oppose it.

The present primary election system can be improved upon, and I favor doing something about it. However, if one has a finger slightly sore they do not cut off the finger to cure it. In place of again making it possible for corrupt political bosses to rule in Iowa as they did prior to the adoption of the primary system may I recommend this: Let us make an honest effort to improve our primary system, and not let this priceless liberty slip from us. While some of our outstanding statesmen were nominated in convention, likewise some of our most ruthless and corrupt office holders, both in Iowa and in the rest of the nation, were selected through the convention system.

It would be interesting to know how many members now in the Iowa Senate and the House would be here if we were conducting our elections under the convention, or boss rule, system. It is my opinion that this is the first step to dispense with the entire primary system which will be tantamount to free government going out the back door and dictatorship, corruption and machine rule coming in the front door. Will anyone deny that power and influence will not be the first consideration under the convention system?

I therefore, Mr. President, recommend that consideration of the bill be indefinitely postponed.

A. CLAIRE DEWEY.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 312.....	Cities and towns
S. F. 313.....	Compensation of public officers
S. F. 314.....	Compensation of public officers
S. F. 315.....	Cities and towns
S. F. 316.....	Compensation of public officers
S. F. 319.....	Departmental affairs
S. F. 320.....	Judiciary 2
S. F. 321.....	Judiciary 1
S. F. 322.....	Labor
S. F. 323.....	Manufacture, commerce and trade
S. F. 324.....	Conservation and appropriations
S. F. 325.....	Cities and towns
S. F. 326.....	Cities and towns
S. F. 327.....	Judiciary 2
S. F. 328.....	Judiciary 2
S. F. 329.....	Labor
S. F. 330.....	Judiciary 2
S. F. 331.....	Social security
H. F. 91.....	Judiciary 1
H. F. 82.....	Agriculture

President Hickenlooper announced the withdrawal of Senate

File 238 from the committee on state political districts and referred it to the committee on judiciary 2.

#### AMENDMENTS FILED

Amend Senate File 258 by adding a new section at the end thereof, as follows:

Sec. 2. Rights or claims of any person or persons, firm or corporation which may be affected by any of the provisions of this act shall be barred unless suit is instituted to establish and determine same within one year after July 4, 1941.

M. C. HAMIEL.

Amend Senate File 67:

1. Strike from line six (6) of section 1 the words and figures "one-half ( $\frac{1}{2}$ )" and substitute in lieu thereof the following, "one-fourth ( $\frac{1}{4}$ )".

G. R. HILL.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 19, 1941.

The Senate met in regular session, President Pro Tem Frank C. Byers presiding.

Prayer was offered by Rev. G. W. Ukena of the Presbyterian Church of West Union.

The Journal of February 18th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Berg, from employees of the W. C. F. and N. Railway Company, opposing Senate File 196.

By Senator Mercer, from residents of Johnson county, favoring passage of House File 147.

By Senator Baldwin, from residents of Dubuque county, opposing passage of Senate File 196.

By Senator Hart, from residents of Keokuk opposing passage of Senate File 196.

By Senator Munger, from residents of Woodbury county, opposing Senate File 170.

By Senator Munger, from residents of Woodbury county, favoring passage of the loss-leader bill.

By Senator Findlay, from residents of Rockwell City, favoring passage of the pension bill for employees of the conservation commission.

By Senator Lundy, from residents of Marion and Monroe counties, opposing Senate File 196.

By Senator Hattery, from residents of Boone county, opposing Senate File 196.

By Senator Clark, from residents of Lucas county, opposing passage of Senate File 196.



By Senator Goode, from residents of Appanoose and Davis counties, opposing Senate File 196.

By Senator Johnson, from residents of Hancock county, opposing Senate File 234 and House File 85. Also from the barbers of Clear Lake, favoring passage of the barber bill.

By Senator Emerson, from residents of Shannon City, opposing Senate File 170.

By Senator Evans, from residents of Montgomery county opposing Senate File 170.

By Senator Emerson, from the rural school teachers of Ringgold county, opposing Senate File 170.

By Senator Lundy, from the residents of Marion and Monroe counties, favoring certain liquor legislation.

By Senator Lundy, from residents of Marion county, favoring revision of the old age assistance law.

By Senator Turner, from residents of Brooks, opposing Senate File 170.

By Senator Faul, from members of Local 175, International Union of Mine, Mill and Smelter Workers, of West Des Moines, opposing Senate File 196.

By Senator Faul, from residents of West Des Moines, opposing Senate File 196.

By Senator Faul, from employees of the Roto-Rooter Corporation, favoring passage of Senate Joint Resolution 1.

By Senator Faul, from Local Union No. 55, opposing Senate File 196.

By Senator Faul, from residents of Polk county, opposing Senate File 196.

#### INTRODUCTION OF BILLS

Senate File 332, by Senator Bekman, a bill for an act to provide for retiring of employees of waterworks plants owned by municipalities in certain cities of the first class, including cities organized under the commission form of government, cities organized and operating under chapter three hundred twenty-eight

(328) of the Code, and special charter cities, all having a population of thirty thousand (30,000) or more, which own their own waterworks plant and operate same under a Board of Waterworks Trustees, and have no bonds outstanding of any type, and which have not made any tax levies for its waterworks plant for a period of at least the last ten (10) years prior to the adoption of such retirement income plan, and to establish and provide for a retirement income plan for the employees of any such waterworks plant in such cities.

Read first and second times and passed on file.

Senate File 333, by committee on military affairs, a bill for an act to amend, revise and codify section five thousand one hundred seventy-three (5173), section six thousand nine hundred forty-seven (6947), section six thousand nine hundred forty-eight (6948), and section six thousand nine hundred forty-nine (6949), all of Code, 1939, and all relating to tax exemptions for military service and providing for the recording of military discharges.

Read first and second times and placed on calendar.

Senate File 334, by committee on cities and towns, a bill for an act to amend chapter three hundred eight (308), Code, 1939, relating to special assessments in cities and towns by inserting a new section following section six thousand thirty-three (6033) providing an optional method of paying delinquent assessments on street or sewer improvements; providing for the levying of taxes; authorizing the issuing of funding warrants and authorizing the creation of a deficiency fund.

Read first and second times and placed on calendar.

Senate File 335, by Committee on Public Schools, a bill for an act to provide for the supervision and control of interscholastic boys' athletic competition among the high schools of the state.

Read first and second times and placed on calendar.

Senate File 336, by Senator Emerson, a bill for an act to amend sections one thousand eight hundred sixty (1860), one thousand eight hundred sixty-two (1862), and one thousand eight hundred sixty-five (1865), Code, 1939, relating to the practice of professional engineering.

Read first and second times and passed on file.

Senate File 337, by Senator Hunt, a bill for an act to amend chapter one hundred ninety-three (193), Code, 1939, relating to public education and teachers' certificates; to amend section forty-one hundred six (4106), Code, 1939, relating to the duties of the county superintendent of schools; and to repeal chapter one hundred ninety-four (194), Code, 1939, and to enact a substitute therefor, relating to normal training of teachers.

Read first and second times and 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 34, a bill for an act relating to assessment of certain agricultural products.

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

House File 138, a bill for an act relating to the establishment of junior colleges.

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

House File 38, a bill for an act relating to official and private bonds.

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

House File 147, a bill for an act relating to library fund.

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

Senate File 168, a bill for an act relating to and fixing the maximum amounts that may be assessed against property for special improvements.

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

Senate File 22, a bill for an act limiting the use of white canes to blind persons.

A. C. GUSTAFSON, *Chief Clerk.*

Senator Baldwin offered the following resolution and moved its adoption:

### SENATE CONCURRENT RESOLUTION 13

*Be It Resolved by the Senate, the House Concurring:* That the superintendent of printing be and he is hereby authorized and directed to distribute to federal government agencies making request therefor copies of the Senate and House bills and the daily Senate and House Journals

of the Forty-ninth General Assembly, and to provide additional copies of the Code of 1939 and Annotations as needed to persons employed in the legislative research department.

The motion prevailed and the resolution was adopted.

#### HOUSE MESSAGES CONSIDERED

House File 34, a bill for an act to amend chapter three hundred thirty (330), Code, 1939, relating to assessment of certain agricultural products.

Read first and second times and passed on file.

House File 38, a bill for an act to amend chapter fifty-four (54), Code, 1939, relating to official and private bonds, by providing for the optional payment by the municipality of all bonds required of municipal officers receiving an annual salary of one hundred dollars (\$100.00) or less.

Read first and second times and passed on file.

House File 138, a bill for an act to amend section forty-two hundred sixty-seven and one tenth (4267.1), Code, 1939, relating to junior colleges, providing that a junior college may be established in a school district having a population of five thousand (5,000) or more.

Read first and second times and passed on file.

House File 147, a bill for an act to amend section six thousand two hundred eleven (6211), subsection nineteen (19), Code, 1939, relating to library fund.

Read first and second times and passed on file.

Senator Donohue asked and received unanimous consent to have Judge Forsling, former Senator from Woodbury county, escorted to the rostrum.

Senator Munger escorted Judge Forsling to the rostrum.

He was introduced by President Pro Tem Byers, and addressed the Senate briefly.

Senaeor Bekman asked and received unanimous consent to have printed 300 copies of Dr. Herriott's address on Abraham Lincoln.

### SPECIAL ORDERS

Senator Whitehill asked and received unanimous consent to have Senate File 306 made a special order of business for 10:00 a. m. Thursday.

Senator Donohue moved that Senate File 196 be made a special order of business for 10:00 a. m. Friday.

The motion prevailed.

### THIRD READING OF BILLS

On motion of Senator Shaw, Senate File 115, a bill for an act relating to the presentation, investigation, allowance, and payment of claims against the State of Iowa, being amendatory of chapter seven and one tenth (7.1), Code, 1939, known as the Budget and Financial Control Act, a committee bill, was taken up and considered.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 115 by striking therefrom sections 7, 8, 9 and 10. Further amend Senate File 115 by numbering what is now section 11 as section 7.

The amendment was adopted.

Senator Shaw 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:

Augustine	Evans	Hill	Munger
Baldwin	Faul	Hunt	Pelzer
Bekman	Findlay	Jones	Shaw
Berg	Fuller	Long	Sjulin
Byers	Goode	Love	Stewart
Clark	Hamiel	Lundy	Talbott
Cromwell	Hart	Lynes	Turner
Dewey	Harvey	Martin	Vrba
Donohue	Hattery	Mercer	Watson
Dykhouse	Henningsen	Miller	Whitehill
Elthon	Hess	Mowry	Zeigler
Emerson			

Nays, none.

Absent or not voting, 5:

<b>Benson</b>	<b>Johnson</b>	<b>Keir</b>	<b>Leo</b>
Corwin			

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

Senar Shaw 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.

Senator Hill asked and received unanimous consent to substitute House File 34 for Senate File 12 now on the calendar.

On motion of Senator Hill, House File 34, a bill for an act to amend chapter three hundred thirty (330), Code 1939, relating to assessment of certain agricultural products, substituted on the calendar for Senate File 12, was taken up and considered.

Senator Hill asked and received unanimous consent to have action deferred on House File 34 and that it retain its place on the calendar.

On motion of Senator Dykhouse, House File 7, a bill for an act to amend section two thousand eight hundred nine (2809), Code, 1939, relation to the expiration date of food establishment licenses, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Dykhouse 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, 17:

<b>Benson</b>	<b>Findlay</b>	<b>Leo</b>	<b>Talbott</b>
<b>Berg</b>	<b>Harvey</b>	<b>Long</b>	<b>Turner</b>
<b>Clark</b>	<b>Hess</b>	<b>Mercer</b>	<b>Watson</b>
<b>Cromwell</b>	<b>Keir</b>	<b>Sjulin</b>	<b>Whitehill</b>
Dykhouse			

Nayes, 12:

<b>Corwin</b>	<b>Fuller</b>	<b>Johnson</b>	<b>Stewart</b>
<b>Elthon</b>	<b>Goode</b>	<b>Mowry</b>	<b>Vrba</b>
<b>Faul</b>	<b>Hattery</b>	<b>Pelzer</b>	<b>Zeigler</b>

Absent or not voting, 21:

<b>Augustine</b>	<b>Emerson</b>	<b>Hill</b>	<b>Lynes</b>
<b>Baldwin</b>	<b>Evans</b>	<b>Hunt</b>	<b>Martin</b>
<b>Bekman</b>	<b>Hamiel</b>	<b>Jones</b>	<b>Miller</b>
<b>Byers</b>	<b>Hart</b>	<b>Love</b>	<b>Munger</b>
<b>Dewey</b>	<b>Henningesen</b>	<b>Lundy</b>	<b>Shaw</b>
<b>Donohue</b>			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

On motion of Senator Whitehill, Senate File 164, a bill for an act to repeal section forty-five hundred forty-one and nine hundredths (4541.09), Code, 1939, and to enact a substitute therefor, and to amend sections forty-five hundred forty-one and ten hundredths (4541.10), forty-five hundred forty-one and eleven hundredths (4541.11), and forty-five hundred forty-one and twelve hundredths (4541.12), Code, 1939, all relating to archives, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Whitehill 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, 46:**

Augustine	Emerson	Hill	Mowry
Baldwin	Evans	Johnson	Pelzer
Bekman	Faul	Jones	Shaw
Benson	Findlay	Keir	Sjulin
Berg	Fuller	Leo	Stewart
Byers	Goode	Long	Talbott
Clark	Hamiel	Love	Turner
Corwin	Hart	Lynes	Vrba
Cromwell	Harvey	Martin	Watson
Dewey	Hattery	Mercer	Whitehill
Donohue	Henningson	Miller	Zeigler
Dykhouse	Hess		

**Nays, none.**

**Absent or not voting, 4:**

Elthon	Hunt	Lundy	Munger
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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 Whitehill 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.

On motion of Senator Shaw, Senate File 190, a bill for an act to amend section thirteen thousand one hundred forty (13140) of the Code, 1939, relating to the uttering and publishing of false, altered, forged, or counterfeited instruments and fixing punishment therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaw 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, 46:

Augustine	Elthon	Johnson	Munger
Baldwin	Emerson	Jones	Pelzer
Bekman	Evans	Keir	Shaw
Benson	Faul	Leo	Sjulin
Berg	Findlay	Long	Stewart
Byers	Goode	Love	Talbott
Clark	Hamiel	Lundy	Turner
Corwin	Hart	Lynes	Vrba
Cromwell	Harvey	Martin	Watson
Dewey	Hattery	Mercer	Whitehill
Donohue	Henningsen	Mowry	Zeigler
Dykhouse	Hess		

Nays, none.

Absent or not voting, 4:

Fuller	Hill	Hunt	Miller
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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 Shaw 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.

On motion of Senator Faul, Senate File 251, a bill for an act to amend section nine thousand one hundred nineteen (9119), Code, 1939, relating to the licensing of insurance agents, a committee bill, was taken up and considered.

Senator Faul 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, 43:

Augustine	Dykhouse	Hill	Mowry
Baldwin	Elthon	Jones	Munger
Bekman	Emerson	Keir	Shaw
Benson	Evans	Leo	Stewart
Berg	Faul	Long	Talbott
Byers	Findlay	Love	Turner
Clark	Goode	Lundy	Vrba
Corwin	Hamiel	Lynes	Watson
Cromwell	Harvey	Martin	Whitehill
Dewey	Hattery	Mercer	Zeigler
Donohue	Hess	Miller	

Nays, none.

Absent or not voting, 7:

Fuller	Henningsen	Johnson	Sjulin
Hart	Hunt	Pelzer	



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

Senator Faul 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.

On motion of Senator Faul, Senate File 252, a bill for an act to amend chapter four hundred eight (408), Code, 1939, pertaining to discrimination against Iowa reciprocal or interinsurance exchanges doing business in other states and providing for similar taxes, fines, penalties and certificates of authority for foreign reciprocal or interinsurance exchanges doing business in this state, a committee bill, was taken up and considered.

Senator Faul 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:**

Augustine	Elthon	Hess	Munger
Baldwin	Emerson	Jones	Pelzer
Bekman	Evans	Keir	Shaw
Benson	Faul	Leo	Sjulin
Byers	Findlay	Long	Stewart
Clark	Fuller	Love	Talbott
Corwin	Goode	Lynes	Turner
Cromwell	Hamiel	Martin	Vrba
Dewey	Hart	Mercer	Watson
Donohue	Harvey	Miller	Whitehill
Dykhouse	Hattery	Mowry	Zeigler

**Nays, none.**

**Absent or not voting, 6:**

Berg	Hill	Johnson	Lundy
Henningsen	Hunt		

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

Senator Faul 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.

On motion of Senator Evans, Senate File 253, a bill for an act to amend section four thousand eight hundred twenty-nine and eighteen hundredths (4829.18), Code, 1939, permitting the board of supervisors to pass a resolution permitting them to clear the roadways of weeds and to defray expenses thereof out of the maintenance fund, a committee bill, was taken up and considered.

Senator Evans 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, 43:

Augustine	Emerson	Johnson	Pelzer
Baldwin	Evans	Keir	Shaw
Bekman	Faul	Leo	Sjulin
Benson	Findlay	Long	Stewart
Byers	Fuller	Love	Talbott
Clark	Goode	Lynes	Turner
Corwin	Hamiel	Martin	Vrba
Cromwell	Hart	Mercer	Watson
Dewey	Harvey	Miller	Whitehill
Donohue	Hattery	Mowry	Zeigler
Elthon	Hess	Munger	

Nays, none.

Absent or not voting, 7:

Berg	Henningsen	Hunt	Lundy
Dykhouse	Hill	Jones	

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

Senator Evans 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.

On motion of Senator Faul, Senate File 160, a bill for an act to amend section six thousand sixty-six and nineteen hundredths (6066.19), Code, 1939, relating to collection of sewage rentals or charges, and authorizing the discontinuing of water service for nonpayment of such rentals and charges, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry offered the following amendment and moved its adoption:

Amend Senate File 160 as follows:

By striking from line 4 of section 1 the following: "ten (10) days" and inserting in lieu thereof "thirty (30) days".

The amendment was adopted.

Senator Faul 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, 37:**

Baldwin	Faul	Jones	Pelzer
Bekman	Findlay	Keir	Shaw
Benson	Fuller	Leo	Sjulin
Berg	Hamiel	Long	Stewart
Byers	Hart	Lynes	Talbott
Cromwell	Harvey	Mercer	Turner
Dewey	Henningsen	Miller	Vrba
Donohue	Hess	Mowry	Watson
Dykhouse	Hill	Munger	Whitehill
Emerson			

**Nays, none.**

**Absent or not voting, 13:**

Augustine	Evans	Hunt	Lundy
Clark	Goode	Johnson	Martin
Corwin	Hattery	Love	Zeigler
Elthon			

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

Senator Faul 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.

On motion of Senator Hill, the Senate recessed until 2:00 p. m.

**AFTERNOON SESSION**

The Senate reconvened, President Pro Tem Byers presiding.

**INTRODUCTION OF BILLS**

Senate File 338, by Senator Cromwell, a bill for an act to amend section 5008.19, Code, 1939, section 5010.10, Code, 1939, chapter 251.1, Code, 1939, all relating to licensing of trailers used for living quarters, and provide for distribution of funds.

Read first and second times and passed on file.

Senator File 339, by Senator Berg, a bill for an act relating to the approval of compensation of employees of the state during the biennial fiscal period beginning July 1, 1941, and ending June 30, 1943.

Read first and second times and passed on file.

Senate File 340, by Senator Corwin, a bill for an act to make an appropriation to Muscatine county, Iowa.

Read first and second times and passed on file.

Senate File 341, by Senator Goode, a bill for an act to authorize payment by the State Highway Commission of claims, not exceeding one hundred dollars (\$100.00) for any one claim, against the State of Iowa for damages growing out of the construction or maintenance of highways.

Read first and second times and passed on file.

Senate File 342, by Senators Dykhouse, Henningsen, Watson and Whitehill, a bill for an act to amend sections one thousand nine hundred five and twenty-three hundredths (1905.23), one thousand nine hundred five and thirty-seven hundredths (1905.37), one thousand nine hundred five and thirty-eight hundredths (1905.38), one thousand nine hundred five and forty-six hundredths (1905.46), and one thousand nine hundred five and fifty-six hundredths (1905.56), to repeal and enact a substitute for section one thousand nine hundred five and thirty-one hundredths (1905.31), Code, 1939, relating to real estate brokers, and to add two additional sections to chapter ninety-one and two tenths (91.2) of said code.

Read first and second times and passed on file.

Senate File 343, by Senator Dykhouse (Lampman), a bill for an act to amend chapter twelve thousand seven hundred eighty-one point two (12781.2), Code, 1939, relating to compromising of personal taxes in estates.

Read first and second times and passed on file.

### THIRD READING OF BILLS

On motion of Senator Donohue, Senate File 192, a bill for an act to amend section one thousand two hundred twenty-five and nineteen hundredths (1225.19), Code, 1939, relating to the dismissal of members of the Iowa highway safety patrol, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Donohue 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:**

Augustine  
Baldwin

Bekman  
Benson

Berg  
Byers

Clark  
Corwin

Cromwell	Hart	Long	Sjulin
Dewey	Harvey	Love	Stewart
Donohue	Henningsen	Lynes	Talbott
Emerson	Hess	Martin	Turner
Evans	Hill	Miller	Vrba
Findlay	Hunt	Mowry	Watson
Goode	Jones	Munger	Whitehill
Hamiel	Keir		

Nays, none.

Absent or not voting, 12:

Dykhouse	Fuller	Leo	Pelzer
Elthon	Hattery	Lundy	Shaw
Faul	Johnson	Mercer	Zeigler

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

Senator Donohue 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.

President Hickenlooper took the chair at 2:19 p. m.

On motion of Senator Donohue, Senate File 217, a bill for an act to amend sections six thousand nine hundred forty-three and forty-one thousands (6943.041) and six thousand nine hundred forty-three and forty-four thousandths (6943.044), Code, 1939, relating to personal exemption from income tax, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Donohue 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:

Augustine	Emerson	Hunt	Munger
Baldwin	Evans	Johnson	Pelzer
Bekman	Findlay	Jones	Shaw
Berg	Goode	Keir	Sjulin
Byers	Hamiel	Long	Stewart
Clark	Hart	Love	Talbott
Cromwell	Harvey	Lynes	Turner
Dewey	Henningsen	Martin	Vrba
Donohue	Hess	Miller	Watson
Dykhouse	Hill	Mowry	Whitehill

Nays, none.

Absent or not voting, 10:

Benson	Faul	Leo	Mercer
Corwin	Fuller	Lundy	Zeigler
Elthon	Hattery		

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

Senator Donohue 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.

On motion of Senator Martin, Senate File 227, a bill for an act to assure and expedite the collection of taxes, both county and city, and special assessments against real estate located in cities acting under special charter which collect their own taxes as well as the liquidation of tax claims against such real estate and for such ends: to prohibit, in certain circumstances and after a time fixed, the sale of real estate at tax sale by such cities; to prescribe the manner of liquidation of tax claims of both county and city after issuance of tax deed to the county; to grant further authority to such cities to purchase real estate at tax sale; to grant authority to such cities to purchase tax claims of the county as well as to pay taxes to the county; and to grant authority to such cities to compromise certain delinquent taxes and special assessments collectible by them and to ratify such compromises made in the past, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Martin offered the following amendment and moved its adoption:

Amend Senate File 227 by striking from section 4 all of line 12, and by inserting in lieu thereof the following: "with interest and penalties, for which the same may be offered. Payment to the extent of the amount of such general taxes, with interest, penalties, and costs of advertising, shall".

The amendment was adopted.

Senator Martin 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, 42:

Augustine	Corwin	Fuller	Hill
Baldwin	Cromwell	Goode	Hunt
Bekman	Dewey	Hamiel	Johnson
Benson	Dykhous	Hart	Jones
Berg	Emerson	Harvey	Keir
Byers	Evans	Henningsen	Leo
Clark	Findlay	Hess	Long

Love  
Lynes  
Martin  
Mercer

Miller  
Mowry  
Pelzer  
Shaw

Sjulin  
Stewart  
Turner

Vrba  
Watson  
Whitehill

Nays, none.

Absent or not voting, 8:

Donohue  
Elthon

Faul  
Hattery

Lundy  
Munger

Talbott  
Zeigler

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

Senator Martin 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.

On motion of Senator Mercer, Senate File 236, a bill for an act to amend section six thousand nine hundred forty-three and one hundred forty-one thousandths (6943.141) of the Code, 1939, relating to the applicability of the provisions of the chain store tax as expressed in chapter three hundred twenty-nine and six tenths (329.6) of said Code, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mercer 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, 43:

Augustine  
Baldwin  
Bekman  
Berg  
Byers  
Clark  
Cromwell  
Dewey  
Donohue  
Elthon  
Emerson

Evans  
Findlay  
Fuller  
Goode  
Hamiel  
Hart  
Harvey  
Hattery  
Henningesen  
Hess  
Hill

Hunt  
Johnson  
Jones  
Keir  
Long  
Love  
Lundy  
Lynes  
Martin  
Mercer  
Miller

Mowry  
Munger  
Pelzer  
Shaw  
Sjulin  
Stewart  
Talbott  
Turner  
Vrba  
Whitehill

Nays, none.

Absent or not voting, 7:

Benson  
Corwin

Dykhouse  
Faul

Leo  
Watson

Zeigler

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

Senator Mercer 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.

On motion of Senator Donohue, Senate File 258, a bill for an act to amend, revise, and codify chapter four hundred sixty-one (461), Code, 1939, relating to legalization of acts of notaries public, acknowledgments, and instruments executed by attorneys in fact, a committee bill, was taken up and considered.

Senator Hamiel offered the following amendment and moved its adoption :

Amend Senate File 258 by adding a new section at the end thereof, as follows:

Sec. 2. Rights or claims of any person or persons, firm or corporation which may be affected by any of the provisions of this act shall be barred unless suit is instituted to establish and determine same within one year after July 4, 1941.

The amendment was adopted.

Senator Bekman 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:

Augustine	Emerson	Hill	Mowry
Baldwin	Evans	Hunt	Munger
Bekman	Findlay	Johnson	Pelzer
Berg	Fuller	Jones	Shaw
Byers	Goode	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Hart	Lundy	Talbott
Cromwell	Harvey	Lynes	Turner
Dewey	Hattery	Martin	Vrba
Donohue	Henningsen	Mercer	Watson
Dykhouse	Hess	Miller	Whitehill
Elthon			

Nays, none.

Absent or not voting, 5:

Benson	Keir	Leo	Zeigler
Faul			

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

Senator Bekman 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.



On motion of Senator Hill, Senate File 67, a bill for an act to amend section seven thousand six hundred thirty-four (7634), section seven thousand six hundred thirty-five (7635) and section seven thousand six hundred thirty-six (7636) of the Code of 1939 relating to the control, management and supervision of certain drainage districts wholly or partially within cities and towns and to confer on city and town councils certain powers, with report of 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 Senate File 67 by striking from line 6 of section 1 the words and figures "one-half ( $\frac{1}{2}$ )" and substituting in lieu thereof the following, "one-fourth ( $\frac{1}{4}$ )".

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, 45:**

Augustine	Evans	Hill	Mowry
Bekman	Faul	Johnson	Munger
Berg	Findlay	Jones	Pelzer
Byers	Fuller	Keir	Shaw
Clark	Goode	Long	Sjulin
Corwin	Hamiel	Love	Stewart
Cromwell	Hart	Lundy	Talbott
Dewey	Harvey	Lynes	Turner
Donohue	Hattery	Martin	Vrba
Dykhouse	Henningsen	Mercer	Watson
Elthon	Hess	Miller	Whitehill
Emerson			

**Nays, none.**

**Absent or not voting, 5:**

Baldwin	Hunt	Leo	Zeigler
Benson			

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, which motion prevailed.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 19th he had approved the following:

Senate File 201, to establish a general fund for the State of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943.

### PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

Senate File 300, a proposed bill to legalize the election and proceedings relating to the issuance and sale of bonds by Monroe county, Iowa, and the proceedings providing for the levying of an annual tax for the payment of said bonds.

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

Senate File 262, a proposed bill to legalize certain warrants issued by the city of Oskaloosa, Iowa.

WALTER H. BEAM.

### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 22, 31, 168, and 286.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 22, 31, 168 and 286.

### REPORTS OF COMMITTEES

Senator Shaw submitted the following report:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred House File 68, a bill for an act to amend sections 3828.088, 3828.090, and 3828.092 of the 1939 Code of Iowa relating to the settlement of poor persons, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 297, a bill for an act to legalize proceedings relating to the authorization and issuance of refunding bonds by the city of Hawarden, Sioux County, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass. A. J. SHAW, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 1 to which was referred House File 47, a bill for an act to amend section 5164, code, 1939, relating to cancellation of warrants, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 237, a bill for an act to designate the rights and remedies of the owner and holder of security on real estate in the filing of claims against estates and to prescribe the procedure with reference thereto, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Senator Sjulín submitted the following report :

MR. PRESIDENT: Your committee on Public Health to which was referred House File 8, a bill for an act to amend sections three thousand fifty-eight (3058) and three thousand sixty (3060), Code, 1939, relating to adulteration of foods, begs leave to report it has had the same under consideration and recommends the same do pass.

CARL O. SJULIN, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on Public Health to which was referred Senate File 211, a bill for an act to amend chapter 122 relating to the practice of optometry and the dispensing of ophthalmic lenses, begs leave to report it has had the same under consideration and recommends the same do pass.

CARL O. SJULIN, *Chairman*.

Ordered passed on file.

Senator Baldwin submitted the following report :

MR. PRESIDENT: Your committee on Printing to which was referred Senate File 220, a bill for an act to amend sections one thousand one hundred seventy-one and seven hundredths (1171.07), one thousand one

hundred seventy-two (1172) and eight thousand three hundred twelve (8312), Code, 1939, relating to the publication of certain advertisements and notices, begs leave to report it has had the same under consideration and recommends the same do pass. H. C. BALDWIN, *Chairman*.

Ordered passed on file.

Senator Cromwell submitted the following report:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 257, a bill for an act to amend Section 5669, Code, 1939, relating to the salaries of city assessors and deputy city assessors in cities under the commission form of government and in cities acting under special charter having a population of more than 60,000, begs leave to report it has had the same under consideration and recommends the same do pass. FRED CROMWELL, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 175, a bill for an act to amend section 5766, chapter 292, Code, 1939, relating to fire departments in cities and towns, their organization, equipment, payment for services, and making mandatory paid fire departments in cities of 10,000 population or more, begs leave to report it has had the same under consideration and recommends the same do pass. FRED CROMWELL, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 186, a bill for an act to amend Sections 6326.04 and 6326.05, Code, 1939, relating to retirement systems for policemen and firemen, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

FRED CROMWELL, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 225, a bill for an act to amend the law as it appears in section 6633, Code, 1939, to provide for compensation for councilmen in cities of 30,000 or more population acting under the city manager plan, begs leave to report it has had the same under consideration and recommends the same do pass. FRED CROMWELL, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Cities and Towns to which was re-

ferred House File 79, a bill for an act to amend section 5664, Code, 1939, relating to compensation of councilmen in cities of the first class, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 162, a bill for an act to promote the public health, convenience and welfare by giving cities and towns the power to create housing assessment districts, 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 162 by adding the following paragraph after the period in line 10 of section 1 thereof:

"The repairing, alteration and improving of dilapidated, poorly constructed, unsafe, obsolete and unsanitary dwellings, houses, apartments, tenements and buildings shall be presumed to be a public benefit and conducive to the public health, convenience and welfare."

Amend Senate File 162 by striking from line 10 of section 35 the words and figures "one-third ( $\frac{1}{3}$ )" and substituting in lieu thereof the words and figures "one-half ( $\frac{1}{2}$ )"; also by striking from line 12 of section 35 the words and figures "one third ( $\frac{1}{3}$ )" and substituting in lieu thereof the words and figures "one-half ( $\frac{1}{2}$ )".

FRED CROMWELL, *Chairman*.

Ordered passed on file.

Senator Bekman submitted the following report:

MR. PRESIDENT: Your committee on social security to which was referred House File 150, a bill for an act to amend section 1551.22, Code, 1939, relating to overpayment of benefits under the unemployment compensation act and the recovery of such overpayments; and to repeal all acts, or parts of acts, in conflict herewith, begs leave to report it has had the same under consideration and recommends the same do pass.

E. K. BEKMAN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on social security to which was referred Senate File 331, a bill for an act to repeal section 5362 of chapter 269 and to enact a substitute in lieu thereof, defining who shall be entitled to care and treatment in county public hospitals and providing for the establishment of rules and regulations under which such care and treatment shall be given, begs leave to report it has had the same under consideration and recommends the same do pass.

E. K. BEKMAN, *Chairman*.

Ordered passed on file.

## BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 249.....	Insurance
S. F. 332.....	Cities and Towns
S. F. 336.....	Judiciary 1
S. F. 337.....	Public Schools
S. F. 338.....	Motor Vehicles
S. F. 339.....	Appropriations
S. F. 340.....	Appropriations
S. F. 341.....	Highways
S. F. 342.....	Judiciary 1
S. F. 343.....	Judiciary 1
H. F. 38.....	Cities and Towns
H. F. 138.....	Public Schools
H. F. 147.....	Public Schools

Senator Cromwell asked and received unanimous consent to have Senate File 186 rereferred to the committee on cities and towns.

## AMENDMENTS FILED

Amend Senate File 278 by adding thereto the following sections:

Sec. 2. Amend section sixty-six hundred sixty-nine (6669), Code, 1939, subsection 6 by changing the period (.) at the end thereof to a comma (,) and add to said subsection 6 after said comma the words "except as otherwise herein provided."

Sec. 3. Amend section sixty-six hundred sixty-nine (6669), Code, 1939, subsection 9 by changing the period (.) at the end thereof to a comma (,) and add to said subsection 9 after said comma the words "except as otherwise herein provided."

Sec. 4. Amend section sixty-six hundred sixty-nine (6669), Code, 1939, subsection 11 by changing the period (.) at the end thereof to a comma (,) and add to said subsection 11 after said comma the words "except as otherwise herein provided."

Sec. 5. Amend section sixty-six hundred sixty-nine (6669), Code, 1939, subsection 12 by striking out and repealing all of said subsection 12 and substituting in lieu thereof the following:

"He shall manage all municipal water plants, lighting, heating, or power plants, and transportation enterprises, except waterworks owned by any city of twenty thousand inhabitants or more at the time of the adoption of the city manager plan by any such city and at such time in the possession, management and control of a board of waterworks trustees, pursuant to applicable statutes. He shall have no duty or power in respect to the property, purchasing of material, hiring of employees, the making of improvements or extensions, the operation or management of any such waterworks. The adoption of the city manager plan by any such city shall not in any manner or to any extent affect the powers and duties of such

boards of waterworks trustees or the manner of appointment of members thereof or their terms of office or the management or operation of any such waterworks.”

E. K. BEKMAN.

Amend House File 34 by striking all after the enacting clause and substituting in lieu thereof the following:

“Section 1. Section seventy-one hundred nine (7109), Code, 1939, is amended by adding thereto the following, ‘provided, however, that all agricultural produce harvested by or for the person assessed and which has been held or stored by the person for more than one year, shall be listed for taxation by the said person and shall be taxable for the years 1941 and 1942 at thirty per cent (30%) of its actual value; or if the said agricultural produce is sealed and a loan made thereon by the Farm Credit Administration, then at thirty per cent (30%) of the amount loaned by the said Farm Credit Administration.’”

E. P. DONOHUE.

Amend Senate File 246 by striking all of the sentence beginning on line 4 and ending on line 9 of section 1.

J. BERG.

Amend Senate File 266, section 21 by striking all of section 21 and inserting in lieu thereof the following:

“If any part of this act is found to be in conflict with any law of this state, then the provisions of this act shall prevail.”

E. K. BEKMAN.

Amend Senate File 173, section 1 line 6 by inserting after the word “vehicle” the following: “, or in any other matter”.

PAUL P. STEWART.

Amend House File 34 as follows:

Strike all after the enacting clause and substitute in lieu thereof the following:

“Section 1. Chapter three hundred thirty (330), Code, 1939, is hereby amended by adding thereto the following: ‘All grain harvested by or produced for the person assessed shall be exempt from taxation, all provisions of the law to the contrary notwithstanding.’ This act shall apply only to grain listed for assessment in the years 1941 and 1942.”

“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 Allison Tribune, a newspaper published in Allison, Iowa, and in the Lamoni Chronicle, a newspaper published at Lamoni, Iowa.”

G. R. HILL.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 20, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. E. J. Braun of the Lutheran Church of Dysart.

The Journal of February 19th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Faul, from a citizen of Polk county, in appreciation of his legislative work.

By Senator Lundy, from residents of Marion county, in opposition to Senate File 196; and from residents of Monroe county, favoring passage of the proposed pension bill.

By Senator Johnson, from residents of Cerro Gordo county, in opposition to Senate File 196.

By Senator Faul, from residents of Polk county, in opposition to Senate File 196.

By Senator Whitehill, from residents of Marshall county, in opposition to Senate File 196.

By Senator Hart, from residents of Keokuk, in opposition to Senate File 196.

By Senator Bekman, from residents of Ottumwa, in opposition to Senate File 196.

By Senator Emerson, from residents of Ringgold county, favoring passage of the loss-leader bill.

By Senator Emerson, from residents of Decatur county, favoring passage of the barbers price regulatory bill.

By Senator Emerson, from members of the Lorimor study club, favoring a state supported traveling library in the rural districts.



By Senator Hattery, from residents of Ames and Boone, in opposition to Senate File 196.

By Senator Mercer, from residents of Iowa City, in opposition to Senate File 196.

By Senator Berg, from the residents of Waterloo, opposing passage of Senate File 196.

By Senator Berg, from members of the Waterloo Central Labor Union, opposing passage of Senate File 196.

By Senator Byers from residents of Linn county, favoring passage of the library extension bill.

By Senator Cromwell, from employees of the Excel Beauty Shop, favoring passage of House File 160.

#### 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 7, a bill for an act relative to the annual report of the county superintendents to the superintendent of public instruction.

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

Senate File 18, a bill for an act relating to inmates of federal institutions.

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

Senate File 27, a bill for an act relating to the payment of tuition for nonresident pupils.

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

House File 224, a bill for an act relating to refund to be allowed by the state tax commission.

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

House File 223, a bill for an act relating to the power of the state tax commission to examine the records of any taxpayer.

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

House File 238, a bill for an act relating to the destroying of all useless records of the state tax commission.

Also: That the House has receded from its amendment to and adopted the following Concurrent Resolution:

Senate Concurrent Resolution 10, relating to the date of the March first recess.  
A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 7

Amend by adding thereto as Sec. 3 the following: "Sec. 3. The provisions hereof shall only affect those who take office after this act becomes effective."

#### INTRODUCTION OF BILLS

Senate File 344, by Senator Hattery, a bill for an act to amend section six thousand one hundred twenty-eight (6128), Code, 1939, relating to cities and towns and to granting of franchises.

Read first and second times and passed on file.

Senate File 345, by committee on public schools, a bill for an act to create an agricultural land credit fund; to provide for the appropriation of funds to apply as a credit on taxes on agricultural lands; to prescribe the procedure whereby said funds are allocated by the state treasurer to the county treasurers of the several counties; to provide for allocating said funds by the county treasurer to the school districts entitled thereto; to provide a method of allotting tax credits on agricultural lands in special charter cities and payment thereof; to prescribe the procedure for the making of such credit; to define agricultural lands, and to provide for the filing of statements and designation of ownership of agricultural lands for credit as provided in this act; and to provide a method of appeal from the act of the board of supervisors of the several counties relating to the said agricultural land credit.

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

Senate File 346, by Senator Leo (Dvorak), a bill for an act to amend sections three thousand seven hundred eight (3708) and three thousand seven hundred ten (3710), Code, 1939, relating to the admission of children to and transfer from the Iowa Soldiers' Orphans Home.

Read first and second times and passed on file.

Senate File 347, by Senator Leo (Dvorak), a bill for an act to

amend section three thousand six hundred ninety-eight (3698), Code, 1939, relating to the age of inmates of the Iowa Juvenile Home and providing for transfer of children in said home who are below said age.

Read first and second times and passed on file.

Senate File 348, by committee on livestock and marketing, a bill for an act to recognize the Iowa State Sheep Association; to define the duties and objects of the association; and to aid in promoting the welfare of the sheep industry in Iowa.

Read first and second times and placed on calendar.

Senate File 349, by committee on ways and means a bill for an act to amend section six thousand nine hundred forty-three and forty-eight thousandths (6943.048), Code, 1939, relating to Withholding Agents and Nonresidents.

Read first and second times and placed on calendar.

Senate File 350, by committee on ways and means a bill for an act to amend chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, relating to personal net income tax and relating to the disposition of returns after a period of years.

Read first and second times and placed on calendar.

Senate File 351, by committee on ways and means a bill for an act to amend section six thousand nine hundred forty-three and forty-one thousandths (6943.041), Code, 1939, relating to personal net income tax, repealing blanket deduction of ten percent of gross income.

Read first and second times and placed on calendar.

Senate File 352, by committee on social security a bill for an act to amend section one thousand five hundred fifty-one and thirteen hundredths (1551.13), chapter seventy-seven and two tenths (77.2), Code, 1939, providing for the computation and assessment of contributions, and the procedure by which an employer may protest and appeal from an assessment to the commission and to the court, and to amend sub-section B of section one thousand five hundred fifty-one and twentiethundredths (1551.20), chapter seventy-seven and two tenths (77.2), Code, 1939, providing for the establishment of a lien for contributions due and the collection of contributions.

Read first and second times and placed on calendar.

Senate File 353, by committee on social security a bill for an act to amend section fifteen hundred fifty-one and sixteen hundredths (1551.16), code of 1939, relating to the appointment of the secretary to the commission; and to amend section fifteen hundred fifty-one and seventeen hundredths (1551.17), code of 1939, relating to the appointment and compensation of personnel of the commission.

Read first and second times and placed on calendar.

Senate File 354, by Senator Lundy, a bill for an act to regulate outdoor commercial advertising.

Read first and second times and passed on file.

Senate File 355, by Senator Cromwell, a bill for an act to amend section eleven thousand seven hundred sixty-three (11763), Code, 1939, relating to the exemption from liability for debt of the personal earnings of the head of a family.

Read first and second times and passed on file.

Senate File 356, by committee on appropriations, a bill for an act to amend section three thousand three hundred eighty-eight (3388), Code, 1939, relating to the salary of the Superintendent at the State Sanitarium at Oakdale.

Read first and second times and placed on calendar.

Senate File 357, by Senator Baldwin, a bill for an act to amend section thirteen thousand two hundred ten (13210), Code, 1939, relating to the possession of gambling devices.

Read first and second times and passed on file.

#### BILLS SENT TO THE GOVERNOR

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

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 20 day of February, 1941, sent to the governor for his approval, Senate Files 22, 31, 168 and 286.

EDWARD H. VRBA, Chairman.

Passed on file.

Senator Hattery presented the junior and senior classes from the Milford High School, Story county.

Senator Hill presented the Webster City Junior College class in government, who were present in the gallery with their teacher, Miss Alice Eikenberry.

Senator Dewey offered the following resolution and moved its adoption:

#### HUTTON MEMORIAL RESOLUTION

*Whereas*, The Honorable Murray L. Hutton, Administrative Director of the State Conservation Commission died on the 18th day of February, 1941, therefore,

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* That a committee of three (3) be appointed to draft suitable resolutions commemorating his life, character, and service to the state.

The motion prevailed and the resolution was adopted. The President appointed on the committee: Senators Dewey, Corwin and Sjulín.

Senator Henningsen called up the following resolution and moved its adoption:

#### HOUSE CONCURRENT RESOLUTION 16

*Whereas*, There are now within this state properties with valuable improvements thereon, formerly used for educational purposes by private institutions; and

*Whereas*, There is a possibility that these properties, or some of them, can be advantageously acquired by the state if suitable for state purposes; now, therefore,

*Be It Resolved by the House, the Senate Concurring:* There is hereby created a committee to investigate the feasibility of acquiring certain improved properties heretofore used for educational purposes by private institutions, if such properties, or any of them, are suitable for state purposes.

The committee shall consist of the chairman of the House Committee on Public Lands and Buildings, two members of the House Committee on Public Lands and Buildings, to be selected by the Speaker, the Chairman of the Senate Committee on Public Lands and Buildings, two members from the Senate Committee on Public Lands and Buildings, to be selected by the President of the Senate, and the state architect.

The committee shall organize by selecting a chairman from its members and shall meet at such times and places as may be ordered upon call of the chairman or upon call of three members.

The committee shall make a study and investigation of improved prop-

erties heretofore operated by private institutions for educational or other purposes and determine the advisability and feasibility of advantageous acquisition of such properties, or any of them, by the state, if suitable for state purposes.

The committee shall make its report of its investigation, findings, and recommendations to the 49th General Assembly as soon as convenient and possible.

Senator Berg offered the following amendment and moved its adoption:

Strike from line 17 the words “, and the state architect”, and insert a period after the word “Senate” in line 17.

The amendment was adopted.

The resolution as amended, was adopted.

### THIRD READING OF BILLS

The time having arrived for consideration of the special order, the Senate took up Senate File 306.

On motion of Senator Whitehill, Senate File 306, a bill for an act to amend the military code, chapter twenty-eight and one tenth (28.1), Code, 1939, by providing for the organization, administration, employment, and pay of the Iowa State Guard during the period the National Guard of Iowa is in federal service, a committee bill, was taken up and considered.

Senator Whitehill 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, 48:

Augustine	Elthon	Hess	Mowry
Baldwin	Emerson	Hill	Munger
Bekman	Evans	Johnson	Pelzer
Benson	Faul	Keir	Shaw
Berg	Findlay	Leo	Sjulin
Byers	Fuller	Long	Stewart
Clark	Goode	Love	Talbott
Corwin	Hamiel	Lundy	Turner
Cromwell	Hart	Lynes	Vrba
Dewey	Harvey	Martin	Watson
Donohue	Hattery	Mercer	Whitehill
Dykhouse	Henningesen	Miller	Zeigler

Nays, none.

Absent or not voting, 2:

Hunt                      Jones

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

Senator Whitehill 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.

Senator Mowry asked and received unanimous consent to take up the House amendments to Senate File 7, a bill for an act to amend section four thousand ninety-six (4096), Code, 1939, relative to the date the county superintendent shall take office and to amend section four thousand one hundred six (4106), Code, 1939, relative to the time the county superintendent's annual report shall be filed with the superintendent of public instruction.

Senator Mowry moved that the Senate concur in the following House amendment:

Amend Senate File 7 by adding thereto as section 3 the following:

"Sec. 3. The provisions hereof shall only affect those who take office after this act becomes effective."

The motion prevailed and the Senate concurred.

Senator Mowry 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, 46:

Baldwin	Faul	Jones	Munger
Bekman	Findlay	Keir	Pelzer
Benson	Fuller	Leo	Shaw
Berg	Goode	Long	Sjulin
Byers	Hamiel	Love	Stewart
Clark	Hart	Lundy	Talbott
Corwin	Harvey	Lynes	Turner
Cromwell	Hattery	Martin	Vrba
Dewey	Henningsen	Mercer	Watson
Dykhouse	Hess	Miller	Whitehill
Elthon	Hill	Mowry	Zeigler
Emerson	Johnson		

Nays, none.

Absent or not voting, 4:

Augustine	Donohue	Evans	Hunt
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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 Mowry 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.

On motion of Senator Goode, Senate File 266, a bill for an act

with reference to trust receipts and pledges of personal property unaccompanied by possession in the pledgee; making uniform the law with reference thereto, and repealing all laws in conflict herewith, a committee bill, was taken up and considered.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 266, section 21 by striking all of section 21 and inserting in lieu thereof the following:

"If any part of this act is found to be in conflict with any law of this state, then the provisions of this act shall prevail."

The amendment was adopted.

Senator Faul 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, 43:

Baldwin	Evans	Jones	Pelzer
Bekman	Faul	Keir	Shaw
Benson	Findlay	Leo	Sjulin
Byers	Fuller	Long	Stewart
Clark	Goode	Love	Talbott
Corwin	Hamiel	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Dykhouse	Henningsen	Miller	Whitehill
Elthon	Hill	Mowry	Zeigler
Emerson	Johnson	Munger	

Nays, none.

Absent or not voting, 7:

Augustine	Donohue	Hess	Mercer
Berg	Hart	Hunt	

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

Senator Faul offered the following amendment to the title and moved its adoption:

Amend the title to Senate File 266 by striking from lines 3 and 4 the words "and repealing all laws in conflict herewith" and by inserting in lieu thereof the following: "and providing that the provisions of this act shall prevail in the event of conflict with any law of Iowa".

The amendment was adopted and the title as amended was agreed to.

Senator Faul 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.

Senator Bekman took the chair at 10:52 a. m.

On motion of Senator Faul, Senate File 199, a bill for an act to amend section six thousand two hundred eleven (6211), chapter three hundred seventeen (317), subsection nine (9), Code, 1939, relating to fire department maintenance fund and the millage rate therein authorized, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul 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:

Baldwin	Dykhouse	Henningsen	Miller
Bekman	Elthon	Johnson	Munger
Benson	Emerson	Keir	Shaw
Berg	Faul	Leo	Sjulin
Byers	Findlay	Love	Stewart
Clark	Fuller	Lundy	Turner
Corwin	Goode	Lynes	Vrba
Cromwell	Harvey	Martin	Watson
Dewey	Hattery	Mercer	Whitehill

Nays, 2:

Mowry	Zeigler
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Absent or not voting, 12:

Augustine	Hamiel	Hill	Long
Donohue	Hart	Hunt	Pelzer
Evans	Hess	Jones	Talbott

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

Senator Faul 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.

On motion of Senator Elthon, Senate File 169, a bill for an act to amend section four thousand three hundred eight-six (4386), Code, 1939, relating to school taxes, 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 the words "not less than eight" in line 6 and inserting in lieu thereof the following: "eight or more".

Also by striking the word "falls" in line 8 and inserting in lieu thereof the word "is".

The amendment was adopted.

Senator Elthon 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:

Baldwin	Emerson	Hill	Munger
Bekman	Faul	Jones	Shaw
Benson	Findlay	Leo	Sjulin
Berg	Fuller	Love	Stewart
Clark	Goode	Lundy	Talbott
Corwin	Hamiel	Lynes	Turner
Cromwell	Hart	Martin	Vrba
Dewey	Harvey	Mercer	Watson
Dykhouse	Henningsen	Miller	Whitehill
Elthon	Hess	Mowry	Zeigler

Nays, none.

Absent or not voting, 10:

Augustine	Evans	Johnson	Long
Byers	Hattery	Keir	Pelzer
Donohue	Hunt		

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, which motion prevailed.

On motion of Senator Faul, Senate File 267, a bill for an act to amend sections nine thousand eighty-four (9084), nine thousand ninety-one (9091), and to repeal section nine thousand ninety-seven (9097), Code, 1939, and to enact a substitute therefor, relating to the power and authority of the attorneys in fact, the bond required, and the account of the subscribers of reciprocal or inter-insurance exchanges and the contracts thereof, a committee bill was taken up and considered.

Senator Faul 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, 42:

Augustine	Emerson	Hill	Mowry
Baldwin	Evans	Jones	Pelzer
Bekman	Faul	Leo	Shaw
Benson	Findlay	Long	Sjulin
Berg	Fuller	Love	Talbott
Byers	Goode	Lundy	Turner
Corwin	Hamiel	Lynes	Vrba
Cromwell	Hart	Martin	Watson
Dewey	Harvey	Mercer	Whitehill
Dykhouse	Henningsen	Miller	Zeigler
Elthon	Hess		

## Nays, none.

## Absent or not voting, 8:

Clark	Hattery	Johnson	Munger
Donohue	Hunt	Keir	Stewart

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

Senator Faul 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.

On motion of Senator Dewey Senate File 273, a bill for an act to repeal section seventeen hundred ninety-four and fifty-seven thousandths (1794.057), Code, 1939, relating to agents of licensed fur dealers, a committee bill was taken up and considered.

Senator Goode 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, 42:

Augustine	Elthon	Hill	Mowry
Baldwin	Emerson	Jones	Pelzer
Bekman	Evans	Keir	Shaw
Benson	Findlay	Leo	Sjulin
Berg	Goode	Long	Talbott
Byers	Hamiel	Love	Turner
Clark	Hart	Lynes	Vrba
Corwin	Harvey	Martin	Watson
Cromwell	Hattery	Mercer	Whitehill
Dewey	Henningsen	Miller	Zeigler
Dykhouse	Hess		

## Nays, none.

## Absent or not voting, 8:

Donohue	Fuller	Johnson	Munger
Faul	Hunt	Lundy	Stewart

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

Senator Goode 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.

Senator Berg asked and received unanimous consent to substitute House File 79 for Senate File 92 on the Senate calendar.

On motion of Senator Berg House File 79, a bill for an act to amend section fifty-six hundred sixty-four (5664), Code, 1939, relating to compensation of councilmen in cities of the first class, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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:

Aycs, 41:

Baldwin	Emerson	Hunt	Miller
Bekman	Evans	Jones	Mowry
Benson	Findlay	Keir	Pelzer
Berg	Goode	Leo	Shaw
Byers	Hamiel	Long	Sjulin
Clark	Hart	Love	Talbott
Corwin	Harvey	Lundy	Turner
Cromwell	Hattery	Lynes	Vrba
Dewey	Henningsen	Martin	Watson
Dykhouse	Hill	Mercer	Whitehill
Elthon			

Nays, 1:

Zeigler

Absent or not voting, 8:

Augustine	Faul	Hess	Munger
Donohue	Fuller	Johnson	Stewart

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

Senator Berg 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.

Senator Berg asked and received unanimous consent to withdraw Senate File 92 from further consideration.

On motion of Senator Watson Senate File 239, a bill for an act

to amend section thirteen thousand seven hundred seventy-four (13774), Code, 1939, relating to the compensation of attorneys appointed by the court by providing for their compensation in cases indictable misdemeanors, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Watson 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, 46:

Augustine	Emerson	Johnson	Mowry
Baldwin	Faul	Jones	Munger
Bekman	Findlay	Keir	Pelzer
Benson	Fuller	Leo	Shaw
Berg	Goode	Long	Sjulin
Byers	Hamiel	Love	Talbott
Clark	Hart	Lundy	Turner
Corwin	Harvey	Lynes	Vrba
Cromwell	Hattery	Martin	Watson
Dewey	Henningsen	Mercer	Whitehill
Dykhouse	Hess	Miller	Zeigler
Elthon	Hill		

Nays, none.

Absent or not voting, 4:

Donohue	Evans	Hunt	Stewart
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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 Watson 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.

On motion of Senator Cromwell, Senate File 255, a bill for an act to amend section thirteen thousand nine hundred four (13904), Code of 1939, relating to additional compensation to sheriffs or deputy sheriffs for criminal photographic work, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell 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:

Augustine	Elthon	Keir	Mowry
Baldwin	Emerson	Leo	Munger
Bekman	Findlay	Long	Shaw
Byers	Hart	Love	Sjulin
Clark	Harvey	Lundy	Talbott
Corwin	Hattery	Lynes	Turner
Cromwell	Henningsen	Martin	Vrba
Dewey	Hill	Mercer	Watson
Dykhouse	Johnson	Miller	Whitehill

Nays, none.

Absent or not voting, 14:

Benson	Faul	Hess	Pelzer
Berg	Fuller	Hunt	Stewart
Donohue	Goode	Jones	Zeigler
Evans	Hamiel		

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

Senator Cromwell 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.

President Hickenlooper took the chair at 11:41 a. m.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 30, 46, and 106.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *Chairman House Committee.*

Report adopted.

#### BILLS SIGNED BY THE PRESIDENT

The President of Senate announced that, as President of the Senate, he had signed in the presence of the Senate, House Files 30, 46 and 106.

#### HOUSE MESSAGES CONSIDERED

House File 223, a bill for an act to amend section six thousand nine hundred forty-three and ninety-four thousandths (6943.094), Code, 1939, to provide a limitation of the time in which the State

Tax Commission shall have power to examine the books, papers, records or memoranda of any taxpayer.

Read first and second times and passed on file.

House File 224, a bill for an act to amend section six thousand nine hundred forty-three and ninety-seven thousandths (6943.097) providing for a limitation of time during which claims for refund may be allowed by the State Tax Commission.

Read first and second times and passed on file.

House File 238, a bill for an act to amend section six thousand nine hundred forty-three and ninety-two thousandths (6943.092), Code, 1939, to authorize the state tax commission to destroy all useless records and reports and other papers filed by taxpayers after five (5) years from the date of the filing of such records with the commission.

Read first and second times and passed on file.

Senators Augustine, Vrba and Johnson offered the following resolution:

#### SENATE RESOLUTION 4

*Whereas*, A recent court decision has made available to the state of Iowa more than one and one-half million dollars from the use tax already accrued, and

*Whereas*, Due to this decision other amounts will be available from time to time, and

*Whereas*, This amount has not been taken into consideration in the planning of the Budget for Appropriations, and

*Whereas*, We now have before us the complete report of the Interim Committee in regard to the erection of a new state office building, and

*Whereas*, The state of Iowa is now and has been for some years past subsidizing Des Moines real estate interests by the payment of nearly one hundred thousand dollars a year in rentals, and

*Whereas*, The building of a new state office building would do far more toward the consolidation and reorganization than all of the bills passed in the past two years of the Legislature; therefore,

*Be It Resolved by the Senate of the State of Iowa:*

Section 1. The proper Senate committees immediately prepare for the consideration of this body legislation which will use the funds which are now available and which will be available from the use tax for the erection of the state office building on the capitol grounds.

On motion of Senator Mowry, the Senate recessed until 2:00 p. m.

## AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

## COMMITTEE OF THE WHOLE

On motion of Senator Bekman, the Senator resolved itself into a Committee of the Whole for the purpose of the public hearing on Senate File 196.

The Senate arose from the committee of the whole and resumed regular session.

## REPORTS OF COMMITTEES

Senator Berg submitted the following report:

**MR. PRESIDENT:** Your committee on appropriations to which was referred House File 271, a bill for an act to appropriate from the general fund and institutional industries fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 1, 1943, to the Board of Control for the support of institutions under said Board of Control, 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 11 by striking from line 7 the figures "\$240,000.00" and inserting in lieu thereof "\$237,000.00". Also amend by inserting before line seven of section 11 the following: "For salary of superintendent, \$3,000.00".

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Senator Henningsen submitted the following report:

**MR. PRESIDENT:** Your committee on motor vehicles to which was referred House File 28, a bill for an act to amend section 5105.06, chapter 252.3, Code, 1939, to provide a description of the term "permit", 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 adding thereto the following new sections:

Sec. 3. Section five thousand one hundred five and eight hundredths (5105.08), Code, 1939, is repealed and the following enacted in lieu thereof:

"5105.08. When permit to be issued. Before a permit shall be issued, the commission shall, after a public hearing, make a finding that the service proposed to be rendered will promote the public convenience and necessity. If such finding be made, it shall be its duty to issue a permit.

"In the issuance of permits, all of the provisions of chapter two hundred fifty-two and one tenth (252.1) relating to the issuance of certificates of convenience and necessity to motor carriers, insofar as the same are not inconsistent with the provisions of this chapter, shall be applicable."



Sec. 4. All permits heretofore issued shall remain in force and effect notwithstanding the provisions of this act.

Further amend said House File 28 by amending the title as follows:

Amend the title by striking the period at the end thereof and inserting in lieu thereof the following: "and to repeal section five thousand one hundred five and eight hundredths (5105.08), Code, 1939, and to enact a substitute therefor requiring a finding of public convenience and necessity before issuing a permit, and to provide that all permits heretofore issued shall remain in full force and effect notwithstanding the provisions of this act."

J. KENDALL LYNES.

Ordered passed on file.

### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 344.....	Cities and Towns
S. F. 346.....	Board of Control
S. F. 347.....	Board of Control
S. F. 354.....	Manufacturing, Commerce and Trade
S. F. 355.....	Judiciary 2
S. F. 357.....	Judiciary 2
H. F. 223.....	Ways and Means
H. F. 224.....	Ways and Means
H. F. 238.....	Ways and Means

### AMENDMENTS FILED

Amend Senate File 211 by striking from section 5 lines 6, 7, and 8 the following words: "practising optometrist or licensed practitioner of medicine and surgery as defined in chapter one hundred sixteen (116) of the Code." and inserting in lieu thereof the words, "practitioner referred to in this chapter."

Also amend section 5 line 8 by adding after the word "furnish" the words "his patient".

E. K. BEKMAN.

Amend House File 34 by striking all after the enacting clause and substituting in lieu thereof the following:

"Section 1. Section seventy-one hundred nine (7109), Code, 1939, is amended by adding thereto the following, 'provided, however, that all agricultural produce harvested by or for the person assessed and which has been held or stored by the person for more than one year, shall be listed for taxation by the said person and shall be taxable for the years 1941 and 1942 at thirty per cent (30%) of its actual value. All taxes levied and assessed upon any agricultural produce under the provisions of this act shall be a lien thereon from the time the said tax is levied and until the same is paid and the said lien shall be prior to any other lien recorded against any such agricultural produce, and any person at the time of making sale of such agricultural produce shall deliver to the

purchaser a certificate of the county treasurer of the county in which said produce is located, showing the payment of all taxes levied against said produce.'"

E. P. DONOHUE.

J. KENDALL LYNES.

On motion of Senator Lundy, the Senate adjourned until 10:00 a. m. Friday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 21, 1941.

The Senate met in regular session, President Pro Tem Frank C. Byers presiding.

Prayer was offered by Rev. L. E. Ripley of the Asbury Methodist church of Des Moines.

The Journal of February 20th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Johnson, from residents of Mason City, in opposition to Senate File 196.

By Senator Faul, from residents of Des Moines, in opposition to Senate File 196.

By Senator Faul, from members of the international union of operating engineers of Des Moines, in opposition to Senate File 196.

By Senator Faul, from members of the Highland Park garden club, favoring the retainment of Mr. Henning as custodian of the Ledges State Park.

By Senator Hattery, from residents of Boone county, in opposition to Senate File 196.

By Senator Goode, from residents of Appanoose county, in opposition to Senate File 196.

By Senator Shaw, from independent merchants of Pocahontas, favoring passage of Senate File 323.

By Senator Findlay, from residents of Webster county, in opposition to Senate File 196; also from members of the international union of operating engineers of Fort Dodge, in opposition to Senate File 196.

By Senator Lundy, from residents of Pershing and Knoxville, in opposition to Senate File 196.

By Senator Corwin, from residents of Muscatine county, in opposition to Senate File 196.

By Senator Bekman, from residents of Wapello county, in opposition to Senate File 196.

By Senator Bekman, from residents of Ottumwa, favoring passage of loss-leader bill.

By Senator Bekman, from the United Packinghouse Workers of America Local Union No. 1 of Ottumwa, in opposition to Senate File 196.

By Senator Miller, from members of the United Mine Workers, No. 2485 of Des Moines, in opposition to Senate File 196.

By Senator Turner, from residents of Clearfield, favoring passage of the rural library extension bill; also from the teachers of Lenox High School, in opposition to Senate File 170.

By Senator Emerson, from members of the American Legion Auxiliary of Lorimor and from residents of Ringgold county, favoring a state supported traveling library.

By Senator Henningsen, four telegrams from residents of Clinton, favoring passage of Senate File 196; seven telegrams from residents of Clinton, in opposition to Senate File 196, and also a petition signed by residents of Clinton in opposition to Senate File 196.

By Senator Berg, three telegrams from residents of Waterloo, in opposition to Senate File 196.

By Senator Byers, from residents of Cedar Rapids, in opposition to Senate File 196.

By Senator Byers, from residents of Linn and Cedar counties, favoring revision of the conservation law to permit the removal of soft fish from the Cedar river in Linn and Cedar counties.

By Senator Baldwin, from residents of Dubuque, in opposition to Senate File 196.

By Senator Hill, from residents of Dows and Webster City, favoring passage of certain liquor legislation.

By Senator Augustine, from residents of Oskaloosa, in opposition to Senate File 196.

By Senator Benson, from residents of Rippey and Jefferson, in opposition to Senate File 196.

By Senator Munger, from the teachers of Pierson, in opposition to Senate File 170.

By Senator Watson, from residents of Council Bluffs, in opposition to Senate File 196.

#### INTRODUCTION OF BILLS

Senate File 358, by committee on banks and banking, a bill for an act to amend paragraph five (5) of section twelve thousand seven hundred seventy-two (12772), Code, 1939, relating to authorized investment of trust funds.

Read first and second times and placed on calendar.

Senate File 359, by committee on appropriations, a bill for an act to provide an emergency appropriation to complete the preparation of an elementary course of study for the rural and graded schools of the state of Iowa, and a course of study for normal training high schools, in order to complete the work already begun by the department of public instruction.

Read first and second times and placed on calendar.

Senate File 360, by committee on public schools, a bill for an act to amend chapter two hundred thirteen (213), Code, 1939, to provide for publication or posting of monthly summaries of proceedings and expenditures of school districts.

Read first and second times and placed on calendar.

Senate File 361, by committee on banks and banking, a bill for an act to amend section nine thousand two hundred ninety (9290), Code, 1939, relating to banks and trust companies acting as fiduciaries and requiring state incorporated banks and trust companies serving as fiduciaries to keep all trust funds in a separate account.

Read first and second times and placed on calendar.

Senate File 362, by committee on banks and banking, a bill for an act to amend section nine thousand two hundred ninety-one (9291), Code, 1939, relating to banks and trust companies as fiduciaries and providing for the deposit of securities in lieu of the filing of a bond.

Read first and second times and placed on calendar.

Senate File 363, by Senator Baldwin, a bill for an act to amend section four thousand forty-one and one tenth (4041.1), Code, 1939, relating to appropriations by boards of supervisors for eradicating diseases among bees.

Read first and second times and passed on file.

Senate File 364, by Senator Baldwin, a bill for an act relating to the penalty for frauds upon hotelkeepers and boarding house operators.

Read first and second times and passed on file.

Senate File 365, by Senators Watson, Sjulín, Evans, Harvey, Turner, Emerson, Petzer and Miller, a bill for an act to make an appropriation to the person, firm, or corporation for the first producing oil well in Iowa.

Read first and second times and passed on file.

Senate File 366, by Senators Augustinc, Baldwin, Johnson and Vrba, a bill for an act to amend section three thousand eight hundred twenty-eight and nine thousandths (3828.009), Chapter one hundred eighty-nine and one tenth (189.1), Code, 1939, relating to the amount per month that may be paid recipients of Old Age Assistance, and to appropriate sufficient funds therefor.

Read first and second times and passed on file.

Senate File 367, by Senator Hamiel, a bill for an act to repeal sections three thousand seven hundred forty-one (3471) and three thousand seven hundred forty-two (3742), Code, 1939, relating to the salaries of employees at the penitentiary and men's reformatory, and to enact a substitute therefor.

Read first and second times and passed on file.

#### REPORT OF COMMITTEE

Senator Dewey submitted the following report of the committee authorized under the Hutton Memorial Resolution and moved its adoption:

**MR. PRESIDENT:** Your committee appointed to choose a suitable resolution commemorating the life, character and public service of M. L. Hutton, begs to submit the following:

M. L. Hutton was born on a farm in Washington county, Iowa, on February 11, 1886, and died at the Mercy Hospital in Des Moines, February

18, 1941. Mr. Hutton attended public school in Columbus City and Columbus Junction, Iowa, and the Iowa State College; where he majored in civil engineering. After graduation he was employed by the C. M. & St. P. Ry. on the Pacific Coast for about fifteen months, and was then employed by the Great Northern Railway in the maintenance of way department. He served as county engineer of Louisa county from 1912 to 1914, and engaged in private engineering and was employed by the Central States Engineering Company of Muscatine during the year 1915. During the years 1916 to 1919, he was county engineer of Des Moines county and from 1919 to 1929 he was in the employ of the Iowa State Highway Commission. During this time he was in charge of road work at state institutions, and for four years was head of the department of road administration. From 1929 to 1935 he was administrator for the board of conservations and from 1933 to 1935 served as chief engineer of emergency conservation work for the state of Iowa. From 1934 until the date of his death, he served as supervisor of the state planning board survey of lakes and streams. He also was, at the date of his death, director of state conservation.

On April 25, 1913, he was united in marriage with Miss Tecla Johnson of Hallock, Minnesota. One son, Donald, was born to this marriage. Mr. Hutton is survived by his wife and son.

*Be It Resolved*, That in the passing of M. L. Hutton, the state of Iowa mourns the loss of one of its honored and distinguished citizens and servants.

*Be It Further Resolved*, That a copy of this resolution be printed in the Journal of the Senate as a commemoration of the life and worth of the deceased and that enrolled copies hereof be made and given to his wife and son.

The motion prevailed and the resolution was adopted.

Senator Henningsen offered the following resolution:

#### SENATE CONCURRENT RESOLUTION 14

*Whereas*, In accordance with an act of Congress a dam was erected across the Mississippi river at Keokuk, Iowa; and

*Whereas*, In said act of Congress there was a clause requiring that if at any time the Department of Commerce so ordered, the owning company could be compelled to install in said dam an adequate fishway; and

*Whereas*, The Mississippi River Power Company is now the owner and operator of said dam; and

*Whereas*, The welfare of the great commonwealth of Iowa depends in a very large measure upon the installation of a fishway through said dam; and

*Whereas*, The fishermen of the state of Iowa, both private and commercial, the Eastern Iowa Sportsmen's Protective League, the Mississippi Valley Protective Association, and many others are urgently requesting the installation of said fishway; therefore

*Be It Resolved by the Senate, the House concurring*: That the legislature of Iowa duly assembled in Des Moines, Iowa, respectfully petitions

the members of the National Congress and the United States Department of Commerce to use every possible effort to obtain the installation of an adequate fishway through the Keokuk dam on the Mississippi river, and that this legislature urges the members of the National Congress and the United States Department of Commerce to secure the necessary orders from the proper departments providing for said fishway, and that a copy of this resolution be sent to the United States Department of Commerce, to each United States senator and representative from the state of Iowa, to the speaker of the National House of Representatives, to the president of the United States Senate, and to the President of the United States.

### THIRD READING OF BILLS

The time having arrived for consideration of the special order, on motion of Senator Donohue, Senate File 196, a bill for an act to amend the law as it appears in chapter seventy-seven and two tenths (77.2), Code of Iowa, 1939, relating to and providing for unemployment compensation; to fix the amount of benefits to be paid to unemployment seasonal employees; to provide a method for calculating, and the regulations for paying, seasonal employees unemployment compensation benefits; to define seasonal industry, normal seasonal employment and seasonal employee; and to repeal all acts, or parts of acts, in so far as they are inconsistent herewith, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Donohue moved that action be deferred on Senate File 196 and that it be made a special order of business for Tuesday February 25th at 10:00 a. m., which motion prevailed.

Senator Johnson presented a group of future farmers of Kanawha who were present in the gallery.

The following telegram was received from Hon. H. A. Wallace, Vice-President of the United States:

Hon. Ed Vrba, Senate Chamber, State House, Des Moines, Iowa. Regret cannot address Iowa legislature as I shall be in Des Moines only Saturday, the twenty-second. Thanks for your interest.

H. A. WALLACE.

### 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 101, a bill for an act relating to the use of oleomargarine and butterine.



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

House File 116, a bill for an act relating to the penalty for second convictions.

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

House File 288, a bill for an act relating to the support of institutions under the board of education.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 62, a bill for an act to legalize the corporate acts of the Consumers Consolidated Coal Company.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 218, a bill for an act relating to the sale of school property in the development of national defense.

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 relating to the organization of the Iowa State Guard.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the House was asked:

Senate Concurrent Resolution 11, extending an invitation to Mr. John Thomas Taylor to address a joint convention of both houses.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the Senate is asked:

House Concurrent Resolution 17, relating to federal funds for the purpose of building farm-to-market roads.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 17

*Whereas*, The 48th General Assembly passed an act creating what is known as the farm to market road fund and initiated appropriate legislation for the handling thereof, and

*Whereas*, The Federal Bureau of Roads controls the expenditure of the money allocated by the federal government to match state funds provided for the same purpose, and any roads so built must be constructed in harmony with their specifications. This has resulted in the feeling that our farm to market road program is not being advanced as fast as was originally hoped it would be; now therefore,

*Be It Resolved by the House of Representatives of the State of Iowa, the Senate concurring*: That we hereby memorialize the Congress of the United States to liberalize the regulations governing the allocation of federal funds to the various states for the purpose of building farm to market roads and to particularly liberalize the rules limiting the highways upon which such funds can be expended for the improvement thereof; and

That the various states through the appropriate authority created by them for that purpose and in Iowa particularly, the State Highway Commission, rather than the Federal Bureau of Roads, be given more authority to supervise the expenditure of such funds, as may be allocated to a given state for the construction of farm to market roads, than they previously have had;

*Be It Further Resolved*, That the Secretary of State be and is hereby directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States, and to each Iowa member thereof.

Senator Hattery asked and received unanimous consent to escort former Senator Doran of Boone county to the rostrum.

Senator Doran, who was introduced by President Pro Tem Byers addressed the Senate briefly.

### THIRD READING OF BILLS

On motion of Senator Hill, House File 34, a bill for an act to amend chapter three hundred thirty (330), Code, 1939, relating to assessment of certain agricultural products, substituted for Senate File 12 on the calendar, was taken up and considered.

Senator Donohue offered the following amendment and moved its adoption:

"Section 1. Section seventy-one hundred nine (7109), Code, 1939, is amended by adding thereto the following, 'provided, however, that all agricultural produce harvested by or for the person assessed and which has been held or stored by the person for more than one year, shall be listed for taxation by the said person and shall be taxable for the years 1941 and 1942 at thirty per cent (30%) of its actual value; or if the said agricultural produce is sealed and a loan made thereon by the Farm Credit Administration, then at thirty per cent (30%) of the amount loaned by the said Farm Credit Administration.'"

Senator Donohue asked and received unanimous consent to withdraw the amendment.

Senator Hill offered the following amendment and moved its adoption:

Strike all after the enacting clause and substitute in lieu thereof the following:

"Section 1. Chapter three hundred thirty (330), Code, 1939, is hereby amended by adding thereto the following: 'All grain harvested by or produced for the person assessed shall be exempt from taxation, all provisions of the law to the contrary notwithstanding.'. This act shall apply only to grain listed for assessment in the years 1941 and 1942.

"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

Allison Tribune, a newspaper published in Allison, Iowa, and in the Lamoni Chronicle, a newspaper published at Lamoni, Iowa."

Senator Donohue offered the following amendment and moved that it be substituted for the amendment by Senator Hill now under consideration:

Amend House File 34 by striking all after the enacting clause and substituting in lieu thereof the following:

"Section 1. Section seventy-one hundred nine (7109), Code, 1939, is amended by adding thereto the following, 'provided, however, that all agricultural produce harvested by or for the person assessed and which has been held or stored by the person for more than one year, shall be listed for taxation by the said person and shall be taxable for the years 1941 and 1942 at thirty per cent (30%) of its actual value. All taxes levied and assessed upon any agricultural produce under the provisions of this act shall be a lien thereon from the time the said tax is levied and until the same is paid and the said lien shall be prior to any other lien recorded against any such agricultural produce, and any person at the time of making sale of such agricultural produce shall deliver to the purchaser a certificate of the county treasurer of the county in which said produce is located, showing the payment of all taxes levied against said produce.'"

Roll call was demanded.

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

Ayes, 28:

Baldwin	Elthon	Hattery	Lynes
Bekman	Emerson	Hess	Mowry
Berg	Evans	Hunt	Pelzer
Byers	Faul	Jones	Sjulin
Corwin	Goode	Long	Talbott
Cromwell	Hart	Love	Watson
Donohue	Harvey	Lundy	Whitehill

Nays, 19:

Augustine	Findlay	Keir	Stewart
Benson	Fuller	Leo	Turner
Clark	Henningsen	Mercer	Vrba
Dewey	Hill	Miller	Zeigler
Dykhouse	Johnson	Shaw	

Absent or not voting, 3:

Hamiel	Martin	Munger
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The motion prevailed and the substitution was made.

President Hickenlooper took the chair at 11:56 a. m.

Senator Hill offered the following amendment to the substituted amendment by Senator Donohue and moved its adoption:

Amend by striking all after the word "value" in line 8 of section 1.

Senator Donohue asked and received unanimous consent to amend his amendment as follows:

By inserting after the word "produce" in line 14 the words "which has been stored and sealed."

Senator Hill moved the previous question on the amendment.

Roll call was demanded.

On the question, "Shall the amendment to the amendment by Senator Donohue be adopted?" the vote was:

Ayes, 19:

Augustine	Fuller	Keir	Shaw
Benson	Hattery	Leo	Stewart
Clark	Hill	Lundy	Turner
Dewey	Hunt	Martin	Vrba
Findlay	Johnson	Miller	

Nays, 29:

Baldwin	Emerson	Henningsen	Munger
Bekman	Evans	Hess	Pelzer
Berg	Faul	Jones	Sjulin
Byers	Goode	Long	Talbott
Corwin	Hamiel	Lynes	Watson
Cromwell	Hart	Mercer	Whitehill
Donohue	Harvey	Mowry	Zeigler
Elthon			

Absent or not voting, 2:

Dykhouse            Love

The amendment to the amendment was lost.

Senator Donohue moved that the amendment offered by him be adopted.

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend House File 34 by adding thereto the following section:

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the New Hampton American, a newspaper published at New Hampton, Iowa, and in the Nashua Reporter, a newspaper published at Nashua, Iowa.

The amendment was adopted.

Senator Donohue 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:

Baldwin	Elthon	Hill	Munger
Bekman	Emerson	Hunt	Pelzer
Berg	Evans	Keir	Shaw
Byers	Faul	Long	Sjulin
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Watson
Cromwell	Harvey	Lynes	Whitehill
Dewey	Hattery	Mercer	Zeigler
Donohue	Hess	Mowry	

## Nays, 11:

Augustine	Fuller	Leo	Turner
Benson	Goode	Miller	Vrba
Findlay	Johnson	Stewart	

## Absent or not voting, 4:

Dykhouse	Henningsen	Jones	Martin
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The bill having received a constitutional majority was declared to have passed the Senate.

Senator Donohue offered the following amendment to the title and moved its adoption:

Amend the title to House File 34 by striking all of the title and substituting in lieu thereof the following: "An Act to amend section seven thousand one hundred nine (7109), Code, 1939, and providing the method of assessing agricultural produce and providing for a lien for all taxes levied and assessed against said produce."

The amendment was adopted.

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, which motion prevailed.

Senator Hill asked and received unanimous consent to have House File 34 immediately messaged to the House.

Senator Dewey asked and received unanimous consent to have the amendment offered by him to Senate File 5 printed in bill form.

## HOUSE MESSAGES CONSIDERED

House File 101, a bill for an act to amend section three thousand ninety-three and one tenth (3093.1), Code, 1939, prohibiting the use of oleomargarine, butterine, or other imitations of butter in certain public institutions.

Read first and second times and passed on file.

House File 116, a bill for an act to amend section one thousand nine hundred sixty-four (1964), Code, 1939, by changing the penalty for a second conviction of a violation of any of the provisions of title six (VI) of said Code.

Read first and second times and passed on file.

House File 288, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for the support of institutions under said Board of Education.

Read first and second times and passed on file.

#### REPORTS OF COMMITTEES

Senator Mowry submitted the following report:

**MR. PRESIDENT:** Your committee on public schools, to which was referred House File 147, a bill for an act to amend section six thousand two hundred eleven (6211), subsection nineteen (19), Code, 1939, relating to library fund, begs leave to report it has had the same under consideration and recommends the same do pass. **ROSS R. MOWRY, Chairman.**

Ordered passed on file.

Senator Talbott submitted the following report:

**MR. PRESIDENT:** Your committee on county and township affairs, to which was referred Senate File 188, a bill for an act providing for the maintenance of county historical societies and providing method of support and erection of a suitable building, 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 188 by inserting a period after the word "out" in line nine (9) of section 3 and striking out all of said section following said period when so inserted. **JOHN E. TALBOTT, Chairman.**

Ordered passed on file.

Senator Hart submitted the following report:

**MR. PRESIDENT:** Your committee on banks and banking, to which was referred Senate File 234, a bill for an act to provide for the clearing at par of checks drawn on any bank or trust company organized under the

laws of this state, begs leave to report it has had the same under consideration and recommends the same do pass.

STANLEY L. HART, *Chairman*.

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills of committees:

S. F. 363.....	County and township affairs
S. F. 364.....	Judiciary 2
S. F. 365.....	Appropriations
S. F. 366.....	Ways and means, and appropriations
S. F. 367.....	Board of control
H. F. 101.....	Dairying
H. F. 116.....	Judiciary 2
H. F. 288.....	Appropriations

#### AMENDMENTS FILED

Amend Senate File 345 by striking all of section 14 and inserting in lieu thereof the following:

This act, being deemed of immediate importance, shall be in full force and effect from and after its publication in the Le Mars Semi-Weekly Sentinel, a newspaper published at Le Mars, Iowa, and the Ida County Pioneer-Record, a newspaper published at Ida Grove, Iowa.

R. E. HESS.

Amend Senate File 352 by striking all of section 4 and inserting in lieu thereof the following:

This act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Holstein Advance, a newspaper published at Holstein, Iowa, and The Cherokee Times, a newspaper published at Cherokee, Iowa.

R. E. HESS.

Amend Senate File 162 as follows:

(1) By adding the following paragraph after the period in line 10 of section 1 thereof:

"The repairing, alteration and improving of dilapidated, poorly constructed, unsafe, obsolete and unsanitary dwellings, houses, apartments, tenements and buildings, so as to make the same sanitary and safe for human habitation, and the installing of sewer and water facilities, shall be presumed to be a public benefit and conducive to the public health, convenience and welfare."

(2) By striking from line 12 of section 35 the words and figures "one-third ( $\frac{1}{3}$ )" and substituting in lieu thereof the words and figures "two-thirds ( $\frac{2}{3}$ )".

(3) By striking section 40 and substituting in lieu thereof the following:

"In addition to the powers conferred upon cities by this act, cities are empowered to accept grants from the federal government for and in aid of any housing district provided for by this act, which said city is by this act or may hereafter be authorized by the federal government to accept. It is the purpose and intent of this act to authorize every city granted power by this act to do any and all things necessary to secure any financial aid and cooperation of the federal government for and on behalf of any housing district authorized by this act, and also to accept financing or financial aid for such districts from any other federal agency or other agency for housing recognized by federal authority." GEORGE FAUL.

Amend Senate File 317 as follows:

By striking from line 5 the words and figures "30th day of June, 1942" and inserting in lieu thereof the words and figures "December 31, 1941".

Further amend by changing in line 10 the period (.) to a comma (,) and adding thereto the words "such inventories to be made under such rules and regulations and upon such forms as may be prescribed by the executive council."

Further amend by striking lines 11 to 25, inclusive.

Further amend by changing in line 30 the period (.) to a comma (,) and adding the words "as shown by said inventories".

Further amend by striking lines 42 to 44, inclusive, and section 2.

S. RAY EMERSON.

Amend Senate File 271 by striking the period at the end of line 23 of section 7 and adding the following: "or may appeal from the decision of said board to the district court of the county in question, with the right to have the evidence adduced at said hearing submitted to said district court and trial of the cause had anew, including the reception of additional evidence." GEORGE FAUL.

Amend Senate File 274 by striking from section 2 lines 3 to 15, inclusive, and substituting in lieu thereof the following:

"Before issuing such bonds the commission shall, by resolution, subject to the approval of the city council, provide for the assessment of the annual levy authorized in section five thousand eight hundred twenty-two (5822), Code, 1939, and not in excess of the millage therein authorized, sufficient to pay the principal and interest of such bonds within a period named not exceeding thirty (30) years, which levy shall be certified to the county auditor or auditors of the county or counties in which such city is located, and the tax therein provided for shall be entered annually for collection all in the manner provided in chapter sixty-three and one tenth (63.1), Code, 1939." GEORGE FAUL.

Amend Senate File 5 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Definitions. When used herein:

1. "Person" shall include 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.



2. "Commission" shall mean the state tax commission.

3. "Taxpayer" shall include any person within the meaning of subsection one (1) hereof who is subject to a tax imposed by this act, whether acting for himself or as a fiduciary.

4 "Business" shall 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.

5. "Sales" or "sale" shall mean any transfer, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration, and shall include all transactions whereby title or possession, or both, of tangible personal property is or is to be transferred.

6 "Retail sale" or "sale at retail" shall mean 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, heat, electricity, water, and communication service to retail consumers or users, but shall not include commercial fertilizer or agricultural limestone, or fuel, heat, steam, or electricity when purchased and used in the processing of tangible personal property intended to be sold ultimately at retail. Tangible personal property is sold for processing within the meaning of this subsection only when it is intended that such property shall, by means of fabrication, compounding, manufacturing, or germination, become an integral part of other tangible personal property intended to be sold ultimately at retail. The sales tax levied herein shall be collected upon repossessed tangible personal property sold by one engaged in the chattel loan business who conducts continued and systematic sales of said property.

7. "Tangible personal property" shall mean corporeal personal property, including goods, wares, merchandise, and commodities which are movable and have substance and are capable of being possessed and exchanged.

8. "Retailer" shall include every person engaged in the business of selling tangible personal property at retail, or the furnishing of gas, electricity, heat, water and communication service, and tickets or admissions to theaters, places of amusement, and athletic events as provided in this act; provided, however, that when in the opinion of the commission it is necessary for the efficient administration of this act to regard any salesmen, representatives, truckers, peddlers, or canvassers as agents of the dealers, distributors, supervisors, employers, or persons under whom they operate or from whom they obtain tangible personal property sold by them irrespective of whether or not they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, employers, or persons, the commission may so regard them, and may regard such dealers, distributors, supervisors, employers, or persons as retailers for the purpose of this act.

9. "Receipts" shall mean the total amount of the price of the sales of retailers, valued in money, whether received in money or otherwise, provided, however, that cash discounts allowed and taken on sales at the time they are consummated shall not be included, and receipts shall not include the sale price of property returned by the consumers when the full sale price 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 contracts, or under other forms of sale wherein the payment of the principal sum thereunder is extended over a period longer than sixty (60) days from the date of sale thereof, only such portion of the sale amount thereof may be accounted, for the purpose of imposition of the tax imposed by this act, as has actually been received in cash by the retailer; provided, however, that if the transaction is evidenced by a written instrument and that instrument is transferred to a person other than the seller, then the whole amount of the tax provided for in this act shall be due and payable at the time of transfer of such an instrument, and the lien provided for in this act shall follow such instrument.

10. "Relief agency" shall mean the state, any county, city and county, city or district thereof, or any agency engaged in actual relief work.

11. "Consumer" or "user" shall mean such persons to whom the transfer effected by a sale is made or given who do not purchase the goods for resale as tangible personal property, and shall include any person conducting a repair shop, service establishment, or place where the materials purchased are ordinarily consumed or used in rendering the repair or other service; provided, however, that when in the opinion of the commission it is necessary for the administration of this act to regard any persons engaged in the operation of repair shops, service establishments or places as retailers of tangible personal property, the commission may so regard them.

12. "Transaction" shall mean a completed act whereby title or possession, or both, is transferred.

13. "Prepaid tax receipts" or "receipt" shall mean, unless the context otherwise indicates, prepaid tax receipts prescribed by the commission and in section eight (8) hereof.

Sec. 2. Tax imposed. There is hereby imposed, beginning the first day of July, 1941, a prepaid retail transaction and sales tax on each transaction which shall include the receipts from all sales as defined in subsections five (5) and six (6) of section one (1) hereof defining "sales" or "sale", or "retail sale" or "sale at retail", and consisting of tangible personal property, except as otherwise provided in this act, sold at retail in this state, as follows:

Sales up to 14c, no tax;

Sales of 15c to 65c, inclusive, 1c tax;

Sales of 66c to 99c, inclusive, 2c tax;

Sales of \$1.00 and over, 2c tax on each full dollar thereof; and, in addition to the said tax on each full dollar, if the sale price exceeds a full dollar or multiples thereof by more than 24c but not more than 74c, a tax of 1c on such excess; and if the sale price exceeds a full dollar or multiples thereof by more than 74c, a tax of 2c on such excess.

A like rate of tax is hereby imposed upon the receipts from the sales, furnishing or service of gas, electricity, heat, water and communication service, including the receipts from sales by any municipal corporation furnishing gas, heat, electricity, water and communication service to the public in its proprietary capacity, except as otherwise provided

in this act, when sold at retail in the state to consumers or users; and a like rate of tax upon the receipts from all sales of tickets or admissions to theaters, places of amusement and athletic events, except as otherwise provided in this act.

A prepaid tax receipt shall be tendered to the consumer or user at the time of the sale, except as otherwise provided.

No retailer shall include the tax imposed herein as part of the sale or transaction price, nor shall he be permitted to advertise, state, or declare that the tax imposed by this act will be absorbed. The tax in every instance shall be separate and distinct from the sale or transaction price and shall be considered as a tax collection for the benefit of the state and, except for the discount and commission allowed for the sale, handling, or cancellation of prepaid tax receipts, no person other than the state shall derive any benefit from the collection or payment of such tax.

The consumer shall be held liable to the state for the payment of the tax as provided in this section and, if the same is not paid to the retailer, the commission may proceed in an action for the collection of such tax.

Sec. 3. Presumption as to sales. For the purpose of the proper administration of this act and to prevent the evasion of the tax herein imposed, it shall be presumed that all sales made in this state are subject to the tax herein imposed until the contrary is established.

Sec. 4. Exemption. The tax herein imposed shall not apply to the following sales:

1. Any agricultural product sold to a person who in turn would resell.
2. Newspapers.
3. The receipts from sale or sales of tangible personal property which this state is prohibited from taxing under the constitution of the United States or under the constitution of this state.
4. The receipts from sales, furnishing or service of transportation service.
5. The receipts from sales of tickets of admission to state, county, district and local fairs, and the receipts from educational, religious or charitable activities where the entire net proceeds therefrom are expended for educational, religious, or charitable purposes.
6. Explosives used in coal mining.
7. Casual or isolated sales by one not regularly engaged in the retail business of selling.
8. Sales of food or other articles by ladies' aid societies and other similar organizations affiliated with churches and church work. However, this exemption shall not extend to sales made at thrift stores maintained and conducted by churches or charitable organizations where such sales are made regularly to consumers.
9. Receipts from sales at retail of any tangible personal property upon which the state now imposes a special tax, whether in the form of a license tax, stamp tax, or otherwise.
10. That part of the receipts from sales of tangible personal property accepted as part consideration in the sale in this state of other property

which is not in excess of the original trade-in valuation, provided the seller keeps an accurate record of the identity of such tangible personal property so as to show the name and address of the persons from whom acquired and to whom sold and the exact trade-in and sale price.

11. Receipts from the sale of coal, water, fuel, and electric power to be used by common carriers in locomotives in interstate transportation.

Sec. 5. Payment of tax. Except as herein otherwise provided, the tax imposed herein shall be paid by the consumer to the retailer in every instance, and it shall be the duty of each retailer to collect from the consumer the full and exact amount of the tax payable in respect of each taxable transaction or sale and to evidence the payment of the tax in each instance by cancelling prepaid tax receipts equal in face value to the amount thereof, in the manner and at the time provided in this section, as follows:

1. If the price is, at or prior to the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or his agent to the retailer or his agent, the retailer or his agent shall: (a) collect the tax with and at the same time as the price, and (b) immediately cancel in the presence of the buyer by immediately tearing into two parts a prepaid tax receipt or receipts for the proper denomination or face value and deliver the receipt part of each such cancelled prepaid tax receipt to the consumer or his agent, and retain the other part thereof.

2. If the price is otherwise paid or to be paid, the retailer shall not be chargeable with the tax until such time as he shall have received payment in cash or otherwise, in whole or in part, at which time he shall collect from the consumer the amount of tax payable on such payment, cancel prepaid tax receipts of the proper denomination or face value of such payment and attach the receipt part to the instrument evidencing payment.

Nothing contained herein shall prevent the collection of the tax by the state from the consumer in the event he fails to pay the same to the retailer.

Whenever the commission, in its discretion, deems that the collection of the tax and the administration of this act would be facilitated, it may waive the foregoing provisions and in lieu thereof collect the tax imposed by this act in the manner provided in section eighteen (18).

Sec. 6. New motor vehicles and trailers. The tax upon retail transactions and sales as provided in this act shall not be collected on sales of new motor vehicles and new trailers, but such tax shall be collected in the manner prescribed in sections six thousand nine hundred forty-three and one hundred six thousandths (6943.106) and six thousand nine hundred forty-three and one hundred seven thousandths (6943.107) of the Code.

Sec. 7. Theaters and places of amusement. The tax on theater tickets and admissions to other places of amusement shall be collected and paid to the state in amounts of not less than one cent (1c) or multiples thereof in accordance with section two (2) of this act.

Sec. 8. Prepaid tax receipts—issuance and sale. All prepaid tax

receipts procured by the commission shall be sold only to licensed retailers by the commission, its agents as hereinafter authorized, and by the county treasurers. The commission is hereby authorized to appoint agents for the sale of such receipts at such places in the state as it may deem expedient, and require of each such bond or other security as it may deem necessary. The commission shall deliver to each county treasurer and to each agent such number and denomination of prepaid tax receipts as in its judgment may be required for sale in each county pursuant to this act, and may prescribe such regulations and forms of receipts as it may deem necessary and advisable for the transaction of the business of selling such prepaid tax receipts.

All such prepaid tax receipts shall be sold and accounted for at a discount as determined by the commission, but not to exceed two percent (2%) of the face value thereof, as a commission for handling and cancelling such prepaid tax receipts. County treasurers and agents of the commission shall deduct from the total amount collected each month from the sale of prepaid tax receipts an amount not to exceed one percent (1%) for the handling and selling of such prepaid tax receipts as an agent of the commission. However, any amount accrued to the county treasurer over and above that actually used by him as expense in the administration of this act within the county, performed under authority of this act and by direction of the commission, shall revert to the state treasury as a part of the retail transaction and sales tax fund.

The commission shall redeem and pay for any unused or spoiled tax receipts, at the net value thereof, and shall refund to retailers the amount of taxes illegally or erroneously paid or paid on any illegal or erroneous assessment where the retailer has not reimbursed himself from the consumer. In all such cases an application shall be filed with the commission on the form prescribed by it, and must be filed within a period of ninety (90) days from the date the tax receipts are spoiled, or from the date it is ascertained that the assessment or payment was illegal or erroneous. On the filing of such application the commission shall determine the amount of refund due and shall certify such amount to the state comptroller, who shall issue a warrant for such certified amount in favor of the person claiming such refund. For the purpose of paying such refund, the treasurer of state shall place the sum of ten thousand dollars from the revenue collected under this act in a special fund to be known as the "sales tax rotary fund", and thereafter, as required by the depletion thereof, he shall place to the credit of said rotary fund an amount sufficient to increase the total of said fund at the time of each such credit amount to ten thousand dollars.

No stamps shall be sold by any retailer to another retailer, but the same may be surrendered to the treasurer of the county in which he is doing business or to the commission for a net cash refund at any time.

The county treasurers and the agents of the commission shall certify and remit at least once each month to the commission the amount of

prepaid tax receipts sold, less deductions hereinabove authorized, the persons to whom the same were sold and the license number of the purchasers, and the county treasurers shall certify the amount of refunds on account of stamps returned, on forms prescribed by the commission.

Sec. 9. Powers and duties of the commission. The commission shall enforce and administer the provisions of this act, which is hereby declared a duty of the commission. It shall have power to adopt and promulgate such rules and regulations as it may deem necessary to carry out the provisions of this act.

The commission shall design and procure the prepaid tax receipts herein provided for. It may prescribe the form and manner of cancelling prepaid tax receipts consistent with the provisions of this act.

When, in the judgment of the commission, a retailer is greatly inconvenienced by the use of prepaid tax receipts, it may devise a more suitable means of collecting the actual amount of tax collected by such retailer.

The commission, when in its judgment it will facilitate the administration and enforcement of this act, may purchase stamping machines or devices, all of which shall be purchased from the revenue derived from the payment of taxes provided by this act.

The commission shall have power to remit all or any part of penalties or interest, or both, which may be assessed or become due under the provisions of this act, and may adopt and promulgate rules and regulations relating thereto.

The commission may, when in its judgment it is necessary and advisable to do so in order to secure the collection of the tax imposed under this act, 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 commission may fix, to secure the payment of any tax and penalties due or which may become due from any such person. In lieu of such bond, securities approved by the commission, in such amount as it may prescribe, may be deposited with it, which securities shall be kept in the custody of the commission 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 penalties due.

Sec. 10. Reimbursement of retailers. In the event prepaid purchases are returned to the retailer by the consumer after the tax imposed by section two (2) of this act has been collected, the retailer shall be entitled to reimbursement of the amount of tax so collected through the cancellation of prepaid tax receipts paid for by the consumer, in the manner herein provided. Upon receipt of a sworn statement by the retailer as to the gross amount of such refunds during the period covered by such sworn statement, which period shall not be longer than sixty (60) days, the commission shall refund to such retailer the net amount paid by the retailer for such cancelled prepaid tax receipts.

The application for refund made pursuant to this section shall be made within ninety (90) days after the prepaid purchases have been returned by the consumer.

Sec. 11. Refund to relief agency. A relief agency may obtain a refund of the amount of tax imposed hereunder and paid by it upon any

tangible personal property purchased and distributed free to the poor and needy, by tendering to the commission such report as may be required by the commission and filed within such time as the commission may provide by regulation, of the prepaid tax receipts, together with a sworn affidavit as to the amount of tax paid and the cancelled tax receipts represented by such payment.

**Sec. 12. Licensed retailers—purchase of receipts.** It shall be the duty of each retailer making taxable sales to purchase and have on hand at all times prepaid tax receipts in suitable denominations and in amounts sufficient to supply the normal requirements of his business and to procure a license as required in section sixteen (16) of this act. A licensed retailer shall procure prepaid tax receipts only from the commission, its agents authorized to sell such receipts, or the treasurer of the county in which he is licensed.

**Sec. 13. Liability of retailer and consumer.** If any retailer fails to collect the tax imposed by section two (2) of this act or, having collected the tax, fails to cancel the prepaid tax receipts in the manner prescribed by this act and by the regulations of the commission, he shall be personally liable for such amount as he failed to collect, or for the amount of prepaid tax receipts which he failed to cancel.

If any consumer refuses to pay to the retailer the tax imposed by section two (2) of this act, he shall be personally liable for the amount of tax applicable to the transaction or transactions.

In such cases the commission shall have power to make an assessment against such retailer or consumer, based upon any information within its possession, or that shall come into its possession. The commission shall give to the retailer or consumer written notice of such assessment. Such notice may be served upon the retailer or consumer personally or by registered mail.

The commission shall first issue assessments against the retailer, unless it be shown that the consumer refused to pay the tax after demand by the retailer or the commission. An assessment issued against the retailer shall not be considered an election of remedies, nor a bar to an assessment against the consumer for the tax applicable to the same transaction, unless payment in full is made by the retailer.

Where any retailer shall have filed a petition for reassessment as herein provided, the assessment as made by the commission together with penalties thereon shall become due and payable within three (3) days after notice of the finding made at the hearing has been served either personally or by registered mail upon the party assessed.

All moneys collected by the commission under this section shall be paid to the treasurer of state and, when paid, shall be considered as revenue arising from the taxes imposed by this act.

**Sec. 14. Final return when business sold—liability of purchaser.** If any person liable for the taxes imposed under this act shall sell his business or stock of merchandise, or quit his business, the taxes and interest or penalty imposed by this act on sales made prior to that time shall become due and payable immediately and such person shall make a final return within fifteen (15) days after the date of selling or quitting busi-

ness. His successor, if any, shall withhold sufficient of the purchase money to cover the amount of such taxes and interest or penalties due and unpaid until such time as the former owner shall produce a receipt from the commission showing that the taxes and interest or penalties have been paid or a certificate indicating no taxes are due. If the purchaser of the business or stock of merchandise fails to withhold purchase money, as above provided, he shall be personally liable for the payment of the taxes, interest and penalties accrued and unpaid on account of the operation of the business by the former owner.

All prepaid tax receipts owned by a retailer selling his business may be returned to the commission, any of its authorized agents, or to the county treasurer and the net value thereof shall be refunded to him.

Sec. 15. Jeopardy assessments—bond. If the commission finds that a retailer or consumer liable for tax under any provisions of this act is about to depart from the state, or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partially ineffectual proceedings to collect such tax unless such proceedings be brought without delay, or if the commission believes that the collection of the amount due from any retailer or consumer will be jeopardized by delay, it shall cause notice of such finding to be given such retailer or consumer, together with demand for an immediate return and immediate payment of such tax, to which amount shall be added a penalty of fifteen percent (15%), whereupon such tax and penalty shall become immediately due and payable. In such cases the commission may proceed in the same manner as provided in section six thousand nine hundred forty-three and fifty-eight thousandths (6943.058) of the Code; provided, however, that if such retailer or consumer, within ten (10) days from the notice of the assessment, furnishes evidence satisfactory to the commission under the regulations to be prescribed by the commission that he is not in default in making returns or paying or collecting any tax prescribed by this act, or that he will duly make return and payment, or post bond satisfactory to the commission conditioned upon payment of the tax finally determined to be due, then such tax shall not be payable prior to the time and manner otherwise fixed for payment under the provisions of section thirteen (13) hereof, and the person assessed shall be restored to the rights granted him under this act. Upon satisfaction of the assessment the commission shall order the bond cancelled, securities released, and the lien released.

Sec. 16. License—requirements. No person shall engage in making retail sales as defined herein, as a business, without procuring a license therefor, excepting that in the case of the dissolution of a partnership by death, the surviving partner or partners may operate under the license of the partnership for a period of sixty (60) days, and the heirs or legal representatives of deceased persons, and receivers and trustees in bankruptcy appointed by any competent authority, may operate under the license of the person so succeeded in possession by such heir, representative, receiver, or trustee in bankruptcy; and excepting further, that two or more persons constituting a single "retailer" as defined in section one (1) of this act may operate a single retail establishment under



one license, and in such case neither the retirement of one or more of such persons from business in such establishment, nor the entrance of one or more thereinto, under an existing arrangement, shall affect the license or require the issuance of a new license.

Each applicant for such license not now licensed by the commission to transact business under this act shall make out and deliver to the commission, the treasurer of any county in which he desires to engage in such business, or to such inspectors or representatives of the commission as shall be designated by the commission, upon a blank to be furnished by the commission for that purpose, a statement showing the name of the applicant, each retail establishment in the state where the applicant's business is to be conducted, the kind and nature of such business, and such other information as the commission may reasonably prescribe in the form of a statement prescribed by it. Upon receipt of such application the commission, the county treasurer, or representative of the commission, as the case may be, shall issue a temporary license authorizing the applicant to engage in business for a period of thirty (30) days from and after the effective date of the temporary license, or until a permanent license shall be issued or the application rejected by the commission.

At the time of making such application, the applicant shall pay a license fee in the sum of fifty cents (50c) for each retail establishment in the state where he proposes to carry on such business. Upon receipt of such application and the payment of such fee or fees, the commission may issue to the applicant a license for each retail establishment designated in the application authorizing the applicant to engage in business at such retail establishment. In the event of the rejection by the commission of any application for a permanent license, the amount of fee paid by such applicant shall be retained by the commission to cover issuance of the temporary license. A permanent license, when issued, shall continue valid until surrendered by the retailer or cancelled for cause by the commission. The form of such license shall be prescribed by the commission. The fees thus collected by the county treasurers and representatives of the commission shall be credited to the retail transaction and sales tax fund and remitted to the commission once each month.

In the case of a retailer who has no fixed place of business and sells from one or more vehicles, each such vehicle intended to be used within the state shall constitute a "retail establishment" for the purpose of this section. In the case of a retailer who has no fixed place of business and does not sell from a vehicle, the application for license shall nevertheless set forth a place in the state to which any notice or other communication authorized by this act may be sent, and the place so designated shall constitute a "retail establishment" for the purpose of this section.

Any and all permits previously issued to engage in or transact business as a retailer, and valid on the effective date of this act, shall remain valid until revoked, or until a new license is issued in lieu thereof to such retailer. The commission shall, as soon as practicable after this act becomes effective, issue without any additional expense to such permittee a new license to each permittee for each valid permit

now held by such permittee. Every retailer not having such permit shall obtain a license as required under the provisions of this act and shall be subject to all limitations herein imposed. Such licenses issued under the provisions of this act shall be valid and effective until revoked by the commission.

Sec. 17. Failure to secure license—penalty. Whoever engages in the business of selling tangible personal property at retail, or sells tangible personal property at retail incidental to any other regularly conducted business, as such sales are herein defined, on or after the first day of July, 1941, without having a license therefor, as required by this act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

Sec. 18. Business privilege tax. There is hereby imposed upon the privilege of engaging in the business of making retail sales, an excise tax of two percent (2%) of the receipts derived from all such retail sales, excepting those to which the excise tax imposed by section two (2) hereof is made inapplicable. The tax imposed by this section shall be determined by deducting from the sum representing two percent (2%) of the total receipts from such retail sales the amount of tax paid to the state by means of cancelling prepaid tax receipts in accordance with the provisions of section five (5) hereof. This section shall not be construed to affect any duty of the retailer imposed elsewhere in this act, nor the liability of any consumer to pay any tax imposed by section two (2) of this act, and shall not be construed to require a retailer to collect or pay any tax on retail sales amounting to fourteen cents (14c) or less, unless the retailer shall have failed to make the reports required by this act, or fraudulently concealed sales made, or part of the gross receipts of his business.

Every retailer, at the time of making the required return hereunder, shall compute and pay to the commission the tax due for the preceding period which shall be not less than the total of the amounts added to the sales prices or charges in accordance with the provisions of this section.

Any person, including municipal corporations operating public utilities shall collect and remit to the commission the retail transaction and sales tax provided for in this act in the manner prescribed in this section; provided, however, that such person shall make return of the tax due under the provisions of this act and remit to the commission once in each quarterly period the tax so collected.

Taxes collected under this section from persons operating public utilities, as herein specified, shall become due on the first day of the quarterly period following the collection of such tax from the consumer, and shall become delinquent on the last day of the month in which such tax becomes due. For the purposes of this section, the first such quarterly period shall be the period commencing on the first day of July, 1941, and ending on the thirtieth day of September, 1941.

The commission may, in its discretion, use this section in determining the tax liability of any retailer who has failed to collect the tax as required by this act.

Whenever the commission, in its discretion, deems that the collection of the tax and the administration of this act would be facilitated, it may waive the provisions of section five (5) of this act and, in lieu thereof, require the collection and remission of the tax imposed by this act in any manner provided in this section.

Where the amount of tax paid by cancelling prepaid tax receipts, as provided in this act, does not equal two percent (2%) of the gross sales subject to tax, such a fact shall be presumptive evidence that the retailer has not collected the tax or cancelled prepaid tax receipts as required by this act.

Sec. 19. **Illegal transactions—tax.** Persons engaged in a business, the whole or part of which is illegal, shall not be exempt from the provisions of this act by reason of engaging in illegal transactions.

An excise tax of two percent (2%) is hereby imposed on the gross receipts of any person engaged in illegal business. No exemption from such a tax, or any part thereof, shall be allowed, any statute to the contrary notwithstanding.

Nothing in this act shall be construed as authorizing or condoning the transaction of illegal business.

Sec. 20. **Records required.** It shall be the duty of every retailer required to make a report and pay any tax under this act to preserve such records of the gross proceeds of sales as the commission may require, and it shall be the duty of every retailer to preserve for a period of five 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 commission or any of its duly authorized agents, and shall be made available within this state for such examination upon reasonable notice when the commission shall deem it advisable and shall so order.

The commission shall also have full power to require such records from its agents authorized to sell prepaid tax receipts as it may deem necessary to facilitate any and all of the provisions of this act.

Sec. 21. **Auditor of state—duties.** It shall be the duty of the auditor of state to formulate rules and regulations governing the checking and auditing of the commission and its agents herein authorized to sell prepaid tax receipts, and such auditing and checking shall be performed by the auditor of state or his examiners.

Sec. 22. **Semiannual returns.** Each retailer making sales subject to the tax imposed in section two (2) hereof shall, except as otherwise provided herein; on or before the thirty-first day of the month following the close of each semiannual period, the first of such semiannual periods being the periods commencing July 1, 1941, and ending December 31, 1941, make and file a return for the preceding semiannual period in such form as may be prescribed by the commission, showing the amount of prepaid tax receipts purchased, the amount of such tax receipts on hand at the beginning and at the end of such period, the amount of tax collected by the retailer, the gross sales for such period, the amount of tax due from the retailer to the state for the period covered by such returns, and such other information as the commission may deem neces-

sary for the proper administration of this act. The commission shall have power to extend the time for making and filing returns, not, however, to exceed a period of sixty (60) days. The returns shall be signed by the retailer or his duly authorized agent. The retailer shall forward the return, together with the remittance of the amount of the tax due under section two (2) of this act, if any, to the commission. If any retailer has collected in excess of two percent (2%) of his receipts from sales which are taxable under section two (2) of this act as tax from consumers and has failed to cancel tax receipts in the proper amount, such excess shall be remitted to the commission along with the remittance of any tax due under section eighteen (18).

The commission, if it deems it necessary in order to insure the payment of the tax imposed by this act, may require returns and payments to be made for other than semiannual periods.

Sec. 23. Failure to file return—incorrect return. If a return required by this act 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 (20) days after the same is required by notice from the commission, such commission shall determine the amount of tax, penalty and interest 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 commission 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 (30) days after the giving of notice of such determination, apply to the commission for a hearing or unless the commission 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 commission shall give notice of its decision to the person liable for the tax.

Sec. 24. Issuance of illegal prepaid tax receipts—penalty. Whoever, with intent to defraud, falsely or fraudulently makes, forges, alters, or counterfeits any prepaid tax receipt prescribed by the commission under the provisions of this act, or whoever, with intent to defraud, falsely or fraudulently makes, forges, alters, or counterfeits any retailer's purchase order for the purchase of any prepaid tax receipt prescribed by the commission under the provisions of this act, or knowingly and wilfully utters, publishes, passes, presents for refund or tenders as true any such false, altered, forged, or counterfeited receipt prescribed by the commission under the provisions of this act, or retailer's purchase orders for the purchase of such prepaid tax receipt, or whoever, with intent to defraud, purchases any stolen prepaid tax receipts or retailer's purchase order, be such prepaid tax receipts or retailer's purchase order either false, altered, forged, counterfeited, re-used, or true as prescribed by the commission under the provisions of this act, shall, upon conviction thereof, be imprisoned in the penitentiary for a term of not less than one year nor more than ten years.

Sec. 25. Revocation of license. Upon notice and hearing, the commission may revoke any retailer's license for wilful violation of any provi-

sions of this act, or any act relating to the collection of a transaction and sales tax, use or consumption tax, or any act imposing a duty upon a retailer in connection with the collection of excise taxes from consumers. The commission shall first notify the licensee in writing, specifying the violations charged, and fixing the time, not less than ten (10) days after the date of service of such notice, and the place at which such licensee shall appear before the commission to show cause why his license should not be revoked. The commission shall, at the time and place so specified, accord to the licensee a hearing in person and by counsel. The licensee shall be entitled to offer evidence and to compel the attendance of witnesses and the production of books, papers, and records. The commission, for the purpose of such hearing, shall have and exercise the powers in it vested in chapter three hundred twenty-nine and two tenths (329.2) of the Code, and all appropriate provisions thereof shall apply to the commission, its members and agents. A notice of the revocation of such license shall be transmitted to the treasurer of each county in which the licensee was authorized by such license to transact business.

The commission shall also have the power to restore licenses after such revocation. It shall charge a fee of two dollars for the issuance of a license to a retailer whose permit or license has been previously revoked.

**Sec. 26. Appeals.** An appeal may be taken to the district court of the county in which such retailer or consumer resides or in which his principal place of business is located, within thirty (30) days after receipt of notice of final determination of any assessment, as provided in section thirteen (13) hereof, or from the action of the commission in revoking a retailer's license, or from any order or finding of the commission.

The appeal shall be taken by a written notice to the chairman of the commission 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 the district court and docketed as other cases, with the taxpayer as plaintiff and the commission 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. Upon service of the notice on the chairman of said commission, returnable within twenty (20) days from its date, but otherwise made as in civil actions, said commission shall, within ten (10) days from such return day, file an answer in which it shall allege, by way of defense, the grounds previously assigned in its notice to such retailer or consumer and such other grounds as shall, in the meantime, accrue or be discovered.

The court shall hear the appeal in equity and determine anew all questions submitted to it on appeal from the determination of the commission. In such appeal the burden shall be upon the taxpayer. 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 commission which shall then correct the assessment in accordance therewith, or otherwise comply with said decree if said appeal is taken from an order or finding of the commission.

An appeal may be taken by the taxpayer or the commission to the

supreme court in the same manner in which appeals are taken in suits in equity, irrespective of the amount involved.

Sec. 27. Certification of assessment. After expiration of the period within which the person assessed, as provided in section thirteen (13), may appeal to the district court, the commission may proceed in the same manner as provided in section six thousand nine hundred forty-three and fifty-eight thousandths (6943.058) of the code.

Sec. 28. Statutes applicable. All of the provisions of section six thousand nine hundred forty-three and fifty-eight thousandths (6943.058), of the code shall apply in respect to the taxes and penalties imposed by this act, excepting that, as applied to any tax imposed by this act, the lien therein provided shall be prior and paramount over all subsequent liens upon any personal property within this state, or right to such personal property, belonging to the taxpayer without the necessity of recording as therein provided. The requirements for recording shall, as applied to the tax imposed by this act, apply only to the liens upon real property. When requested to do so by any person from whom a taxpayer is seeking credit, or with whom the taxpayer is negotiating the sale of any personal property, or by any other person having a legitimate interest in such information, the commission shall, upon being satisfied that such a situation exists, inform such person as to the amount of unpaid taxes due from such taxpayer under the provisions of this act. The giving of such information under such circumstances shall not be deemed a violation of section six thousand nine hundred forty-three and ninety-six thousandths (6943.096) of the code as applied to this act.

Sec. 29. Service of notices. Any notice, except notice of appeal, authorized or required under the provisions of this act may be given personally or 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 act, 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 act by the giving of notice shall commence to run from the date of registration and posting of such notice.

The provisions of the 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 act.

Sec. 30. Penalties—offenses.

1. Any person failing to file a return or corrected return or to pay any tax within the time required by this act shall be subject to a penalty of fifteen percent (15%) of the amount of tax due, plus interest at six percent (6%) per annum computed on the tax and penalty from the date the tax becomes due under the provisions of this act until such tax and penalty and interest shall have been paid, excepting the first month after such return was required to be filed or such tax became due; but the commission, if satisfied that the delay was excusable, may remit all

or any part of such penalty or interest. Such penalty and interest shall be paid to the commission and shall be disposed of in the same manner as other receipts under this act. Unpaid penalties may be enforced in the same manner as the tax imposed by this act.

2. Any person who shall sell tangible personal property, tickets or admissions to places of amusement and athletic events, or gas, heat, water, electricity and communication service at retail in this state after his license shall have been revoked, or without procuring a license within thirty (30) days after the effective date of this act, as provided in section sixteen (16) hereof, or who shall 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 act 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, and the officers or representatives of any corporation who shall so act, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

3. Any person required to make, render, sign, or certify any return or supplementary return, or 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, upon conviction thereof, shall, for each such offense, be fined not less than one hundred dollars and not more than five thousand dollars, or be imprisoned not exceeding five years, or be subject to both such fine and imprisonment, in the discretion of the court.

4. The certificate of the commission 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 act, shall be prima facie evidence thereof.

Sec. 31. Statutes applicable. The commission and its employees shall administer the taxes imposed by this act in the same manner and subject to all of the provisions of, and all of the powers, duties, authority, and restrictions contained in sections six thousand nine hundred forty-three and ninety-one thousandths (6943.091) to six thousand nine hundred forty-three and ninety-nine thousandths (6943.099), inclusive, of the Code, or any amendments which may hereafter be made thereto, all of which sections are by this reference incorporated herein.

Sec. 32. Violations—saving clause. Whoever violates any of the provisions of this act or any lawful rule or regulation promulgated by the commission under authority of this act for the violation of which no penalty is provided by law, shall be fined in a sum not less than twenty-five dollars and not more than one hundred dollars.

Nothing in this act shall be construed to affect the assessment or collection of any tax or penalty due under the provisions of division four (IV) of chapter three hundred twenty-nine and three tenths (329.3) of the Code. Any obligations imposed or penalties provided for in said provisions shall remain in full force and effect the same as though the said division four (IV) had not been repealed by this act.

Sec. 33. Repeals. All laws and part of laws in conflict with this act, and sections six thousand nine hundred forty-three and seventy-four thousandths (6943.074) to six thousand nine hundred forty-three and ninety thousandths (6943.090), inclusive, Code, 1939, are hereby repealed.

Sec. 34. Constitutionality. If any section of this act or any subsection, sentence, clause or phrase, or any provision shall be held or declared unconstitutional by any court of competent jurisdiction, such holding shall not affect any of the other provisions of this act not inseparably connected in meaning and effect with such part so held unconstitutional. The legislature hereby declares that it would have passed this act and each section, subsection, clause, sentence, or phrase thereof, irrespective of whether any one or more of the sections, subsections, clauses, sentences, or phrases be declared unconstitutional.

Sec. 35. Effective date—publication clause. This act, being deemed of immediate importance, shall become effective on the first day of July, 1941, after its previous publication in *The Evening Journal*, a newspaper published at Washington, Iowa, and in the *Pocahontas Record-Democrat*, a newspaper published at Pocahontas, Iowa. A. CLAIRE DEWEY.

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



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 24, 1941.

The Senate met in regular session. President B. B. Hickenlooper presiding.

Prayer was offered by Rev. J. M. Doms of the Presbyterian Church of Lake City.

The Journal of February 21st was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Findlay for the day on request of Senator Miller; Senator Watson for the day on request of Senator Martin.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Byers, from residents of Linn and Cedar counties, favoring revision of the conservation law to permit the removal of soft fish from the Cedar river in Linn and Cedar counties.

By Senator Emerson, from teachers of Lorimor, in opposition to Senate File 170.

By Senator Munger, from residents of Sioux City, in opposition to Senate File 196; and from teachers of Climbing Hill, in opposition to Senate File 170.

By Senator Faul, from residents of Des Moines, in opposition to Senate File 196.

By Senator Zeigler, from residents of Fairfield, in opposition to Senate File 196.

President Hickenlooper introduced the President Pro Tem of the Forty-eighth General Assembly, Senator Hoeven, who addressed the Senate briefly.

## 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 243, a bill for an act relating to the dairy industry.

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

House File 153, a bill for an act relating to publication of notices of time fixed for hearing of probate of will.

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

House File 123, a bill for an act relating to the definition and standards for lard.

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

House File 162, a bill for an act relating to the state apiarist.

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

House File 152, a bill for an act relating to civil service.

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

Senate File 64, a bill for an act relating to the management and control of airports.

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 school districts.

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

Senate File 202, a bill for an act relating to the allocation of revenue for old age assistance.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 13 relating to the distribution of Senate and House Journals to federal government agencies.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 18 relating to the establishing of a standing committee of the House of Representatives of this state to be known as the House Committee on Interstate Cooperation.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 18

*Be It Resolved by the House of Representatives of the State of Iowa, the Senate Concurring Therein:*

Section 1. There is hereby established a standing committee of the

House of Representatives of this state, to be officially known as the House Committee on Interstate Cooperation, and to consist of five members of the House of Representatives. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the House of Representatives. In addition to the regular members, the Speaker of the House of Representatives shall be ex-officio an honorary non-voting member of this committee.

Sec. 2. There is hereby established a similar standing committee of the Senate of this state, to be officially known as the Senate Committee on Interstate Cooperation, and to consist of five senators. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and the chairman of other standing committees of the Senate. In addition to the regular members, the President of the Senate shall be ex-officio an honorary non-voting member of this committee.

Sec. 3. There is hereby established a committee of administrative officials and employees of this state to be officially known as the Governor's Committee on Interstate Cooperation, and to consist of five members. Its members shall be: the Comptroller of this state, ex-officio; the Attorney General, ex-officio; the chief of the staff of the State Planning Board or the corresponding official of this state, ex-officio; and two other administrative officials or employees to be designated by the Governor. If there is uncertainty as to the identity of any of the ex-officio members of this committee, the Governor shall determine the question, and his determination and designation shall be conclusive. The Governor shall appoint one of the five members of this committee as its chairman. In addition to the regular members, the Governor shall be ex-officio an honorary non-voting member of this committee.

Sec. 4. There is hereby established the Iowa Commission on Interstate Cooperation. This commission shall be composed of fifteen regular members, namely:

The five members of the House Committee on Interstate Cooperation.

The five members of the Senate Committee on Interstate Cooperation, and

The five members of the Governor's Committee on Interstate Cooperation.

The Governor, the Speaker of the House of Representatives and the President of the Senate shall be ex-officio honorary non-voting members of this commission. The chairman of the Governor's Committee on Interstate Cooperation shall be ex-officio chairman of this commission.

Sec. 5. The said standing committee of the House of Representatives and the said standing committee of the Senate shall function during the regular sessions of the Legislature and also during the interim periods between such sessions; their members shall serve until their successors are designated; and they shall respectively constitute for this state the House Council and Senate Council of the American Legislators' Association. The incumbency of each administrative member of this commission shall extend until the first day of February next following his appointment, and thereafter until his successor is appointed.

Sec. 6. It shall be the function of this commission:

1. To carry forward the participation of this state as a member of the Council of State Governments.

2. To encourage and assist the legislative, executive, administrative and judicial officials and employees of this state to develop and maintain a friendly contact by correspondence, by conference, and otherwise with officials and employees of the other states, of the federal government, and of local units of government.

3. To endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating:

- a. The adoption of compacts,
- b. The enactment of uniform or reciprocal statutes,
- c. The adoption of uniform or reciprocal administrative rules and regulations,
- d. The informal cooperation of governmental offices with one another,
- e. The personal cooperation of governmental officials and employees with one another, individually,
- f. The interchange and clearance of research and information, and
- g. Any other suitable process.

4. In short, to do all such acts as will, in the opinion of this commission, enable this state to do its part—or more than its part—in forming a more perfect union among the various governments in the United States and in developing the Council of State Governments for that purpose.

Sec. 7. The commission shall establish such delegations and committees as it deems advisable, in order that they may confer and formulate proposals concerning effective means to secure intergovernmental harmony, and may perform other functions for the commission in obedience to its decisions. Subject to the approval of the commission, the member or members of each such delegation or committee shall be appointed by the chairman of the commission. State officials or employees who are not members of the commission on Interstate Cooperation may be appointed as members of any such delegation or committee, but private citizens having no governmental position in this state shall not be eligible. The commission may provide such other rules as it considers appropriate concerning the membership and the functioning of such delegation or committee. The commission may provide for advisory boards for itself and for its various delegations and committees and may authorize private citizens to serve on such boards.

Sec. 8. The commission shall report to the Governor and to the Legislature within fifteen days after the convening of each regular legislative session, and such other times as it deems appropriate. Its members and the members of all delegations and committees which it establishes shall serve without compensation for such service.

Sec. 9. The committees and the commission established by this act shall be informally known, respectively, as the House Cooperation Committee, the Senate Cooperation Committee, the Governor's Cooperation Committee, and the Iowa Cooperation Commission.

Sec. 10. The Council of State Governments is hereby declared to be

a joint governmental agency of this state and of the other states which cooperate through it.

### INTRODUCTION OF BILLS

Senate File 368, by Senators Augustine, Munger, Jones, Martin and Keir, a bill for an act to repeal section five thousand two hundred twenty-four (5224), Code, 1939, and to enact a substitute therefor, relating to the salary of the county recorder.

Read first and second times and passed on file.

Senate File 369, by Senator Elthon, a bill for an act to amend section two thousand nine hundred thirty-one (2931), chapter one hundred thirty-eight (138), Code, 1939, to provide equal educational opportunity to all farmers through the Agricultural Extension Service.

Read first and second times and passed on file.

Senate File 370, by Senator Donohue, a bill for an act authorizing the appointment of a boundary commission, its powers and duties, and to repeal chapter three hundred thirteen (313) of the Acts of the Fortieth (40th) General Assembly.

Read first and second times and passed on file.

Senate File 371, by Senator Augustine, a bill for an act to amend section six thousand nine hundred forty-three and one hundred fifty-one thousandths (6943.151), chapter three hundred twenty-nine and six tenths (329.6), subdivision one (1), a, Code, 1939, to protect the homestead tax credit of those in active service in any branch of the army or navy.

Read first and second times and passed on file.

Senate File 372, by Senator Watson, a bill for an act to amend section eight thousand eight hundred thirty-six (8836), Code, 1939, relating to fraternal beneficiary associations and the applicability of chapter four hundred two (402) to certain organizations, societies and associations.

Read first and second times and passed on file.

Senate File 373, by Senators Augustine, Whitehill and Johnson, a bill for an act relating to the giving of proof of financial responsibility by owners and operators of motor vehicles.

Read first and second times and passed on file.

Senate File 374, by Senator Martin, a bill for an act to amend section five thousand two hundred twenty-seven (5227), Code, 1939, relating to compensation of chief deputy sheriffs in certain counties.

Read first and second times and passed on file.

Senate File 375, by Senator Martin, a bill for an act to regulate the construction of theatres, halls, auditoriums, or other places of public assembly where nitrocellulose or combustible films are used, and to place supervision of such construction under the department of the state fire marshal.

Read first and second times and passed on file.

Senate File 376, by Senator Munger, a bill for an act to amend section six thousand two hundred eleven (6211), chapter three hundred seventeen (317), Code, 1939, relating to general powers of cities and towns to levy special taxes to build, purchase or remodel a city or town hall.

Read first and second times and passed on file.

Senate File 377, by Senator Munger, a bill for an act to create a system for the administration of adult probation and parole; authorizing and regulating the use of probation, suspension of sentence, and parole, providing for indeterminate sentences of persons committed to the state penal and correctional institutions; establishing a state board of probation and parole, conferring and defining its jurisdiction, powers, and duties; providing for the method of appointment of its members; regulating the appointment, removal, and discharge of its officers and other employees, regulating the compensation of members of the board and of officers and employees thereof; making violations of certain provisions of this act misdemeanors and providing therefor; and for other related purposes; and to repeal chapter one hundred eighty-eight (188) of the 1939 Code of Iowa.

Read first and second times and passed on file.

Senate File 378, by Senator Watson, a bill for an act to amend chapter four hundred thirty-seven (437), Code, 1939, relating to chattel mortgages and the conditional sales of personal property and providing for limiting the lien of said instruments.

Read first and second times and passed on file.

Senate File 379, by Senators Vrba, Augustine, and Baldwin, a bill for an act to declare the necessity of creating public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in urban and rural areas; to create such housing authorities in cities and counties, and to provide for the creation of such housing authorities by two or more counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, exercising the power of eminent domain, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide that housing authorities, their property and securities shall be exempt from taxation and assessment, but to authorize certain payments in lieu of taxes; and to confer remedies on obligees of housing authorities.

Read first and second times and passed on file.

Senate File 380, by Senators Vrba, Augustine and Baldwin, a bill for an act to authorize housing authorities to undertake the development or administration of projects to assure the availability of safe and sanitary dwellings for persons engaged in national-defense activities who would not otherwise be able to secure such dwellings within the vicinity thereof; to limit the initiation of the development of such projects until December 31, 1943; to authorize housing authorities to cooperate with or act as agent of the Federal Government in the development and administration of such projects of the Federal Government, to acquire or lease such projects and to sell certain projects to the Federal Government; to authorize public bodies to assist such projects of housing authorities and of the Federal Government; and to make obligations issued for such projects of housing authorities legal investments and security for deposits.

Read first and second times and passed on file.

Senate File 381, by Senators Vrba, Augustine and Baldwin, a bill for an act to provide that bonds and other obligations issued by any public housing authority or agency in the state of Iowa, when secured by a pledge of annual contributions to be paid by the United States Government, shall be security for public deposits and negotiable, and legal investments for the

state and public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees, and other fiduciaries.

Read first and second times and passed on file.

Senate File 382, by Senators Vrba, Augustine and Baldwin, a bill for an act to authorize cities, towns, counties, and other public bodies and subdivisions to aid housing projects of housing authorities or of the United States of America by conveying or dedicating property, by furnishing parks, playgrounds, streets, roads, water, sewer or drainage facilities and other improvements and facilities, by exercising certain other powers by making agreements relating to such aid; to authorize cities, towns, counties and other public bodies and subdivisions to purchase obligations of housing authorities, to make agreements respecting the exercise of their powers relating to the remedying or elimination of unfit dwellings, and to make agreements relating to payments by housing authorities; and to authorize certain cities, towns and counties to pay moneys to housing authorities.

Read first and second times and passed on file.

Senate File 383, by Senator Augustine, a bill or an act to amend section one thousand seven hundred ninety-four and eighty-two thousandths (1794.082), chapter eighty-six and one tenth (86.1), Code, 1939, by granting free combined hunting and fishing licenses to those in active service in the army or navy.

Read first and second times and passed on file.

Senate File 384, by Senator Faul, a bill for an act to amend section one thousand nine hundred twenty-one and fifty thousandths (1921.050), Code, 1939, providing that the cities and towns shall receive certain surpluses from the profits from the liquor control act fund.

Read first and second times and passed on file.

Senate File 385, by Senator Faul, a bill for an act to amend



chapter one hundred eighty-nine and four tenths (189.4), Code, 1939, relating to use of poor fund by the county board of supervisors.

Read first and second times and passed on file.

Senate File 386, by Senator Faul, a bill for an act to repeal section seven thousand three (7003), Code, 1939, relating to the valuation and taxation of shares of stock of national and state banks and loan and trust companies, and enact a substitute in lieu thereof.

Read first and second times and passed on file.

Senate File 387, by Senator Faul, a bill for an act to amend section five thousand thirty-five and twelve one hundredths (5035.12), Code, 1939, relating to total maximum weight of any vehicle or combination of vehicles.

Read first and second times and passed on file.

Senate File 388, by Senator Faul, a bill for an act to amend sections seven thousand twenty-one (7021), seven thousand twenty-two (7022), and seven thousand twenty-five (7025), Code, 1939, relating to the furnishing to state tax commission by insurance companies duplicate statements and the computation and collection of taxes by the state tax commission.

Read first and second times and passed on file.

Senate File 389, by Senator Faul, a bill for an act to amend section five thousand ninety-three and thirty-five hundredths (5093.35), Code, 1939, providing that the cities and towns shall receive certain surpluses from the proceeds of the motor vehicle fuel tax.

Read first and second times and passed on file.

Senate File 390, by Senator Faul, a bill for an act to amend section eleven thousand four hundred thirty-nine (11439), Code, 1939, relating to assignment of trial causes; providing for trial assignment at the election of the court and for the method of payment for publication.

Read first and second times and passed on file.

Senate File 391, by Senator Cromwell (Dodds), a bill for an act

to amend section eight hundred ninety-three (893), Code, 1939, relating to double election boards.

Read first and second times and passed on file.

Senate File 392, by Senator Cromwell (Dodds), a bill for an act to amend section five hundred seventy-three (573), Code, 1939, relating to nominations by primary election.

Read first and second times and passed on file.

Senate File 393, by Senator Cromwell (Dodds), a bill for an act to amend section eight hundred fifty (850), Code, 1939, relating to canvass of votes.

Read first and second times and passed on file.

Senate File 394, by Senator Cromwell (Dodds), a bill for an act to amend section nine hundred fifty (950), Code, 1939, relating to absent voters law.

Read first and second times and passed on file.

Senate File 395, by Senator Cromwell (Dodds), a bill for an act to amend section nine hundred twenty-three (923), Code, 1939, relating to voting machines.

Read first and second times and passed on file.

Senate File 396, by Senators Emerson, Evans and Donohue, a bill for an act to amend section forty-six hundred eighty-six and thirty-one hundredths (4686.31), Code, 1939, relating to funds available for the farm-to-market road system.

Read first and second times and passed on file.

Senate File 397, by Senator Augustine, a bill for an act to amend section one thousand seven hundred ninety-four and twenty-nine thousandths (1794.029), chapter eighty-six (86), Table A, Code, 1939, to permit the taking of ten (10) inch large-mouth bass from Lake Keomah.

Read first and second times and passed on file.

Senate File 398, by Senators Bekman and Faul, a bill for an act to amend and revise sections eight thousand five hundred eighty-one and four hundredths (8581.04), eight thousand five hundred eighty-one and five hundredths (8581.05), eight thousand five

hundred eighty-one and seven hundredths (8581.07) and eight thousand five hundred eighty-one and nine hundredths (8581.09) of chapter three hundred ninety-three and one tenth (393.1), Code, 1939, Title XIX, relating to registration and regulation of the sale of securities; to redefine and enlarge the class of exempt securities; to provide that sales of certain securities by registered dealers under specified circumstances and conditions shall constitute exempt transactions; to empower the Commissioner of Insurance to prohibit the resale of a security by registered dealers; to change the provision relating to the balance sheet of an issuer in application for registration; to extend the time for filing an annual statement of condition of issuers of registered securities, and further define the requirements for filing thereof; to enlarge the powers of the Commissioner of Insurance with respect to applications for registration of securities, and to redefine what issuers shall file consent to service.

Read first and second times and referred to judiciary 2.

Senate Joint Resolution 6, by Senator Berg, a joint resolution designating that part of U. S. Highway No. 6 which crosses the state of Iowa as "Grand Army of the Republic Highway" and providing for suitable markers.

Read first and second times and passed on file.

Senate Joint Resolution 7, by committee on constitutional amendments, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that the term of office of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General of Iowa, and the county attorney of each county thereof, shall be for a term of four years.

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

Section 1. That the Constitution of the State of Iowa be amended as follows:

"Commencing with the year 1947, the term of office of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State and Attorney General of the State, and of the county attorney in each county of the state, shall be four (4) years and until their successors are elected and qualified.

The provisions of this amendment shall apply to the term of

office of those persons elected at the general election in the year 1946 to the respective offices referred to herein and to their elected successors.

The General Assembly shall have power to enact any necessary legislation to carry out the intent of this amendment."

Sec. 2. That the foregoing proposed amendment be, and the same is hereby referred to the General Assembly, to-wit: the Fiftieth General Assembly of the State of Iowa, to be chosen at the next general election and that the Secretary of State cause the same to be published as provided by law.

Read first and second times and placed on calendar.

Senate Joint Resolution 8, by committee on tax reduction, a joint resolution creating a tax revision committee.

Read first and second times and placed on 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 43, a bill for an act relating to the time for filing protests against and appeals from budgets.

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

Senate File 61, a bill for an act relating to compelling support by the parent by order of the juvenile court.

Also: That the House has refused to concur in Senate amendments to House File 34, a bill for an act to extend the tax exemption on agricultural produce.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED

House File 123, a bill for an act to amend section three thousand fifty-eight (3058), chapter one hundred forty-eight (148), Code, 1939, relating to the definition and standards for lard and rendered pork fat.

Read first and second times and passed on file.

House File 152, a bill for an act to make chapter one hundred fifty-six (156), Acts of the Forty-seventh (47th) General Assem-

bly, relating to civil service, applicable to cities acting under special charter.

Read first and second times and passed on file.

House File 153, a bill for an act to amend chapter four hundred sixty-four (464), Code, 1939, by adding thereto a section relating to publication by clerks of the district courts of notice of time fixed for hearing of probate of any will, and legalizing notices of hearings published prior to January 1, 1939, and not in conformity with statutory requirement.

Read first and second times and passed on file.

House File 162, a bill for an act to amend chapter two hundred (200), Code, 1939, relating to the state apiarist.

Read first and second times and passed on file.

House File 243, a bill for an act relating to the dairy industry, and to conserve and promote the prosperity and welfare of the Iowa dairy industry and of the state of Iowa by promoting the increased use and consumption of dairy products, whether processed or unprocessed, by providing for a research, educational, publicity, advertising and sales promotion campaign; to levy and impose an excise tax on butter fat produced in this state during the period from June 1 to June 15, inclusive, of each year and to provide for the collection thereof by the producer or dealer, for the purpose of creating a fund with which to conduct such research, educational, advertising publicity, and sales promotion campaign; to create the Iowa Dairy Industrial Commission, and to vest the administration of this act in such commission; to provide for the particular duties and authority of said commission hereunder; and to provide penalties for violation of this act.

Read first and second times and passed on file.

#### COMMITTEE FROM THE HOUSE

A committee from the House appeared and notified the Senate that the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House under direction of the Sergeant-at-Arms.

## JOINT CONVENTION

In accordance with Senate Concurrent Resolution 11, duly adopted, the Joint Convention was called to order, Lieutenant Governor B. B. Hickenlooper, President of the Senate, presiding.

The President appointed the following committee to extend the invitation to John Thomas Taylor, national legislative director of the American Legion, and substituting for the national commander of the American Legion, and Robert J. Shaw, state commander of the American Legion, and Ray Garber, American Legion national committeeman from Iowa, to notify them that the Joint Convention was ready to receive them: Senators Hart of Lee, Hunt of Clayton and Donohue of Chickasaw, and Representatives Pine of Louisa, Gardner of Linn and Morrissey of Jasper.

The committee waited upon Mr. Taylor, Mr. Shaw and Mr. Garber, notified them that the Joint Convention was ready to receive them and escorted them to the House chamber.

President Hickenlooper presented State Commander Shaw to the Joint Convention. State Commander Shaw then presented John Thomas Taylor, who addressed members of the Joint Convention.

On motion, the Joint Convention was dissolved.

The Senate returned to the Senate chamber and resumed regular session, President Hickenlooper presiding.

On motion of Senator Evans, the Senate recessed until 2:00 p. m.

## AFTERNOON SESSION

The Senate reconvened, President Pro Tem Byers presiding.

Senator Byers presented former Senator Kirketeg who addressed the Senate briefly.

Senators Benson and Sjulín offered the following resolution:

## SENATE CONCURRENT RESOLUTION 15

*Whereas*, Iowa has been one of the leading horse raising states in the United States, and

*Whereas*, The A. A. A. corn allotment program tends to discourage the production of these horses, and

*Whereas*, The production of horses does not affect farm markets such as other animals produced for meat, and

*Whereas*, The production of horses in Iowa makes it possible for farmers to raise and produce their own cheap power for farm work which consumes crops grown thereon; therefore

*Be It Resolved by This Forty-ninth General Assembly of the State of Iowa:*

Section 1. That the Congress of the United States now in session and the A. A. A. administration in Washington, D. C. be petitioned to take such steps as necessary to allow in the administration of the present A. A. A. program farm allotments two acres increase allotment of soil depleting corps for each horse or mule kept on the farms and that two (2) such animals under two (2) years of age shall be considered equivalent of one (1) adult animal. The maximum horse acreage allotments shall be made on the basis of four horses per each one quarter ( $\frac{1}{4}$ ) section of farm land.

Sec. 2. That a copy of this resolution shall be mailed to the United States Secretary of Agriculture, Mr. Claud R. Wickard.

#### INTRODUCTION OF BILLS

Senate File 399, by committee on motor vehicles, a bill for an act to amend section five thousand one and four hundredths (5001.04); to repeal section five thousand three and two hundredths (5003.02); to amend, revise and codify sections five thousand eight and fifteen hundredths (5008.15), five thousand eight and seventeen hundredths (5008.17), five thousand eight and eighteen hundredths (5008.18), five thousand eight and nineteen hundredths (5008.19), five thousand nine and two hundredths (5009.02), five thousand ten and one hundredth (5010.01), five thousand thirty-five and five hundredths (5035.05), five thousand thirty-five and twelve hundredths (5035.12), and section five thousand thirty-five and fifteen hundredths (5035.15) and to amend chapter two hundred fifty-one and one tenth (251.1), Code, 1939, relating to the registration fees of motor trucks, truck tractors, road tractors and trailers, and providing for the assessment and collection of a road use compensation fee against motor trucks, truck tractors, road tractors, and trailers, and for the disposition of the funds collected through road use compensation fees and penalties; and to repeal chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to the taxation of motor vehicle certificated carriers.

Read first and second times and placed on calendar.

Senate File 400, by Senator Cromwell, a bill for an act to amend

section three thousand eight hundred twenty-eight and thirty-nine thousands (3828.039), Code, 1939, relating to a limitation on and termination of real property liens for taxes for the old age assistance fund, levied as authorized by said section.

Read first and second times and passed on file.

Senate File 401, by committee on election reform, a bill for an act to amend section five hundred twenty (520), Code, 1939, relating to time of election and term of office of county officers.

Read first and second times and placed on calendar.

Senate File 402, by Senators Baldwin and Dykhouse, a bill for an act to create a state reciprocity board, confer certain powers upon said board and define its duties.

Read first and second times and passed on file.

Senate File 403, by Senators Baldwin and Dykhouse, a bill for an act to amend sections five thousand one hundred three and one hundredth (5103.01), five thousand one hundred three and two hundredths (5103.02), five thousand one hundred three and three hundredths (5103.03), five thousand one hundred three and four hundredths (5103.04), all of Code, 1939, and all relating to the taxation of motor vehicle certificated carriers and exempting from the tax, motor vehicles operated exclusively in interstate or foreign commerce and changing the name of the tax and the purpose for which it is imposed.

Read first and second times and passed on file.

Senate File 404, by committee on public schools, a bill for an act to provide for the establishment and administration of a retirement system for teachers in the schools of the state of Iowa, and to define the term "teacher" as used herein.

Read first and second times and placed on calendar.

Senate File 405, by Senator Hess (Alesch), a bill for an act to authorize counties to expend any balance remaining from primary road bond issues authorized or sold for road purposes.

Read first and second times and passed on file.

Senate File 406, by Senator Love, a bill for an act extending the time in which to pay, without penalty, the first installment of all



taxes payable in 1941, and to provide for interest on said installment in case payment is not made within the time specified.

Read first and second times and passed on file.

Senate File 407, by committee on appropriations, a bill for an act to make an appropriation for the use of the state conservation commission.

Read first and second times and placed on calendar.

Senate File 408, by Senator Hattery, a bill for an act relating to motor vehicles, the ownership thereof and other interests therein; providing manner of originating title to motor vehicles by manufacturers and importers; providing for the issuance of certificates of title and related documents concerning title to motor vehicles by recorders of various counties upon payment of certain fees and in accordance with uniform system prescribed by Department of Motor Vehicles under the Commissioner of Public Safety; providing for recording of liens and encumbrances on motor vehicles on certificate of title; prohibiting sale or transfer of motor vehicles unless accompanied by assignment of certificate of title; establishing rules and regulations and prescribing forms for the issuance of certificate of title and related documents and for the maintenance of records pertaining thereto; prescribing procedure with regard to stolen or converted motor vehicles; providing for distribution of fees collected pursuant to this act; providing that sections ten thousand thirteen (10013) to ten thousand thirty-two (10032), both inclusive, Code, 1939, shall not apply to, permit or require the deposit, filing or other record whatsoever of a chattel mortgage, conveyance intended to operate as a mortgage, trust receipt, conditional sales contract, or other similar instrument, or any copy of same, made hereafter and covering a motor vehicle; providing a validity clause; and prescribing penalties for the violation of the several provisions of this act.

Read first and second times and passed on file.

Senate File 409, by Senators Cromwell and Corwin, a bill for an act to amend section 7286, Code, 1939, relating to tax deeds and providing that a tax deed shall not cut off drainage assessments, to amend section 7714.36, Code, 1939, relating to defaulted drainage bonds and providing that a tax sale for general taxes shall not prevent drainage reassessments, and to add an additional section to chapter 358.2.

Read first and second times and passed on file.

Senate File 410, by Senator Whitehill, a bill for an act to amend, revise, and codify section ten thousand four hundred sixteen (10416), Code, 1939, relating to city and town plats, legalizing the same, and any defects therein, making such plats conclusive as to owners shown, and providing for the preservation of claims and for the bringing of actions thereon.

Read first and second times and passed on file.

Senate File 411, by Senators Mowry and Whitehill, a bill for an act to amend subsection two (2) of section six thousand nine hundred forty-three and forty thousandths (6943.040), Code, 1939, by adding thereto a paragraph relating to the exemption of profits made in a foreign state.

Read first and second times and passed on file.

Senate File 412, by Senator Augustine, a bill for an act to amend chapter forty-four (44), Code, 1939, relating to the absent voters' law; providing for the appointment of absent voters' ballot commissioners and prescribing their powers and duties; providing for absent voters' ballot registers; and providing penalty for violation of said chapter.

Read first and second times and passed on file.

Senate File 413, by Senator Augustine, a bill for an act to amend section eight thousand seven hundred thirty-six (8736), chapter four hundred one (401), Code, 1939, and section eight thousand nine hundred twenty-six (8926), chapter four hundred four (404), subsection four (4), Code, 1939, by repealing the right of the Insurance Commission to extend the time allotted to insurance companies for the holding of real estate acquired.

Read first and second times and passed on file.

Senate File 414, by committee on agriculture, a bill for an act to repeal chapter one hundred fifty-four (154), Code, 1939, and to enact a substitute therefor, relating to the regulation of the registration, sale, inspection, sampling and analysis of commercial fertilizers, superphosphates and fertilizer materials in the state of Iowa.

Read first and second times and placed on calendar.

Senate File 415, by Senator Augustine, a bill for an act to repeal section one thousand sixty-six and one tenth (1066.1) and section one thousand sixty-seven (1067), chapter sixty-four (64), Code, 1939, relating to bonds for county treasurers and to provide for a payment by each county into a separate fund in the state treasury in lieu thereof.

Read first and second times and passed on file.

Senate File 416, by Senator Augustine, a bill for an act to amend section five thousand four hundred thirteen (5413), chapter two hundred seventy-five (275), Code, 1939, by increasing the bounty on wolves to ten dollars.

Read first and second times and passed on file.

Senate File 417, by Senator Augustine, a bill for an act to permit ambulance service in counties having a county public hospital, to provide for the use and control thereof and the collection of compensation therefor by adding a new section to chapter two hundred sixty-nine (269), Code, 1939.

Read first and second times and passed on file.

Senate File 418, by Senators Evans, Emerson, Hattery and Henningsen, a bill for an act to provide for the weighing and inspection of motor vehicles and trailers and to confer the authority of peace officer on certain employees of the State Highway Commission in the enforcement of motor vehicle laws relating to the size, weight, and load of motor vehicles and trailers.

Read first and second times and passed on file.

Senate File 419, by committee on public lands and buildings, a bill for an act to provide for the erecting and equipping of an office building on the state capitol grounds; to provide for the appointment of a legislative advisory committee and authorize the executive council and legislative advisory committee to designate the location of said building; to authorize the executive council and legislative advisory committee to employ an architect or architects to prepare plans and specifications for said office building; and to enter into a contract or contracts for the erection and equipping of said office building; and to provide for an appropriation therefor.

Read first and second times and placed on calendar.

Senate File 420, by committee on appropriations, a bill for an act to appropriate from the general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943, to the board of control for improvements and equipment at the institutions under the supervision and control of the board of control, and providing for the manner of expenditure thereof.

Read first and second times and placed on the calendar.

Senate File 421, by committee on appropriations, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for the Iowa National Guard and Iowa State Guard.

Read first and second times and placed on the calendar.

Senate File 422, by Senator Faul, an act relating to schools and providing for a tax levy, an election therefor and the issuance of anticipatory certificates for the purpose of providing school sites and buildings in school townships contiguous to certain cities when said townships are divided into tracts of less than ten (10) acres.

Read first and second times and passed on file.

Senate File 423, by Senators Cromwell and Hart, a bill for an act authorizing counties and cities including cities acting under special charters to purchase, maintain and operate toll bridges and issue toll bridge revenue bonds in connection therewith.

Read first and second times and passed on file.

Senate File 424, by Senator Dewey, a bill for an act relating to the public health and the pollution of water, and to repeal sections two thousand one hundred ninety-eight (2198), two thousand one hundred ninety-nine (2199), and two thousand two hundred eight (2208), Code, 1939, and to enact substitutes therefor, and to amend sections two thousand two hundred four (2204) and two thousand two hundred seven (2207), Code, 1939, and to amend chapter one hundred five (105), Code, 1939, by adding thereto provisions relating to sewerage systems and permits for the installation of or change in such systems, and the powers and duties of the state department of health in relation thereto.

Read first and second times and passed on file.

Senate File 425, by Senators Faul and Johnson, a bill for an act to establish October ninth as Leif Ericson Day.

Read first and second times and passed on file.

Senate File 426, by Senator Byers, a bill for an act to amend sections eighty-five hundred eighty-one and three hundredths (8581.03) and eighty-five hundred eighty-one and four hundredths (8581.04), Code, 1939, relating to revenue bonds issued by cities or towns and the registration and qualification of same under the "Iowa Securities Law".

Read first and second times and passed on file.

Senate File 427, by Senator Byers, a bill for an act to legalize the payment by Linn county, Iowa, for the care of patients in various state institutions from the state insane fund and poor fund during the years 1937, 1938 and 1939.

Read first and second times and passed on file.

Senate File 428, by Senator Byers, a bill for an act to amend section twelve thousand forty-one (12041), Code, 1939, relating to compensation of probate referees.

Read first and second times and passed on file.

Senate File 429, by Senator Byers, a bill for an act to amend section sixty-five hundred seventy-eight and two tenths (6578.2), Code, 1939, relating to the election of park commissioners.

Read first and second times and passed on file.

Senate File 430, by committee on public schools, a bill for an act to amend sections four thousand two hundred and thirty-one (4231), four thousand two hundred thirty-three and one tenth (4233.1), four thousand two hundred thirty-three and four tenths (4233.4), and to repeal section four thousand two hundred thirty-three and three tenths (4233.3), Code, 1939, all relating to elementary schools, authorizing employment of teachers for certain schools, and providing for attendance privileges outside certain districts, transportation of pupils, and payment of tuition.

Read first and second times and placed on calendar.

Senate File 431, by Senator Shaw, a bill for an act to amend sections six thousand nine hundred forty-three and one hundred for-

ty-three thousandths (6943.143), six thousand nine hundred forty-three and one hundred forty-four thousandths (6943.144), six thousand nine hundred forty-three and one hundred forty-five thousandths (6943.145), and six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), Code, 1939, relating to applications for homestead credit and defining a homestead.

Read first and second times and passed on file.

Senate File 432, by Senator Shaw, a bill for an act to amend section seven thousand one hundred six (7106), Code, 1939, relating to the listing of real estate for taxation.

Read first and second times and passed on file.

Senate File 433, by Senator Shaw, a bill for an act to amend section six thousand nine hundred forty-four (6944), Code, 1939, relating to the exemption of corporations from taxation.

Read first and second times and passed on file.

Senate File 434, by Senator Shaw, a bill for an act to amend section six thousand nine hundred seventy-seven (6977), Code, 1939, relating to the assessment of machinery.

Read first and second times and passed on file.

Senate File 435, by Senator Shaw, a bill for an act to amend section six thousand nine hundred fifty-nine (6959), Code, 1939, relating to the date for the listing and valuation of real estate for assessment purposes.

Read first and second times and passed on file.

Senate File 436, by committee on judiciary 2, a bill for an act to shorten the time for filing claims against estates of decedents from twelve months to six months and to eliminate claims of the fourth class against such estates, and to amend sections eleven thousand nine hundred seventy (11970), eleven thousand nine hundred seventy-two (11972), eleven thousand nine hundred eighty (11980) and to repeal section eleven thousand nine hundred seventy-four (11974) of the Code, 1939.

Read first and second times and placed on calendar.

Senate File 437, by committee on judiciary 2, a bill for an act

to amend section seven thousand three hundred eleven (7311), Code, 1939, relating to liens for inheritance taxes.

Read first and second times and placed on calendar.

Senate File 438, by committee on judiciary 2, a bill for an act to amend section two thousand eight hundred eighty-four (2884), Code, 1939, relating to the salary of the treasurer of the Iowa State Fair Board.

Read first and second times and placed on calendar.

Senate File 439, by committee on judiciary 2, a bill for an act to amend the law as it appears in section five thousand twenty-one and three hundredths (5021.03), Code, 1939, relating to when judgments in certain cases shall not be deemed final pending appeal, and to the posting of a supersedeas bond in connection therewith.

Read first and second times and placed on calendar.

Senate File 440, by committee on judiciary 2, a bill for an act relating to certain claims between the state of Iowa and others and providing for the presentation, investigation, determination, settlement and payment of such claims.

Read first and second times and placed on calendar.

Senate File 441, by committee on judiciary 2, a bill for an act providing for the disposition of property where there is not sufficient evidence that persons have died otherwise than simultaneously; making uniform the law with reference thereto, and repealing all laws in conflict herewith.

Read first and second times and placed on calendar.

Senate File 442, by Senator Elthon, a bill for an act to legalize action of the town council of Lake Mills, Iowa, in transferring funds in the amount of two thousand dollars (\$2,000.00) from the town bond fund to the town paving fund.

Read first and second times and passed on file.

Senate File 443, by Senators Mowry, Sjulín and Turner, a bill for an act to amend chapter ninety-three and one tenth (93.1), Code, 1939, relating to liquor control, extending the prohibitions thereof to certain territory and providing for petitions and elec-

tions in all political subdivisions for the purpose of determining and defining such territory.

Read first and second times and passed on file.

Senate File 444, by Senators Mowry, Sjulín and Turner, a bill for an act to amend chapter ninety-three and two tenths (93.2), Code, 1939, relating to beer and malt liquors, extending the illegality thereof to certain territory and providing for petitions and elections in all political subdivisions for the purpose of determining and defining such territory.

Read first and second times and passed on file.

Senate File 445, by Senator Dewey, a bill for an act to amend section seventeen hundred ninety-four and fifty-two thousandths (1794.052) and section seventeen hundred ninety-four and fifty-four thousandths (1794.054), Code, 1939, relating to certain named fur-bearing animals, and providing them protection against molestation and disturbance in their self-constructed houses, dams, and dens; also limiting the size and character of metal traps which may be used in the trapping of fur-bearing or other animals, or birds.

Read first and second times and passed on file.

Senate File 446, by committee on public health, a bill for an act to repeal sections three thousand four hundred six (3406), three thousand four hundred seven (3407), three thousand four hundred eight (3408), three thousand four hundred nine (3409), and three thousand four hundred ten (3410), Code, 1939, relating to the institutions for feeble-minded and to enact substitutes therefor, to amend chapter one hundred seventy (170), Code, 1939, by adding sections thereto, all providing liability for, collection, and payment of the costs of supporting inmates of said institutions.

Read first and second times and places on calendar.

Senate File 447, by Senator Sjulín, a bill for an act to amend chapters one hundred fourteen (114) and four hundred seventy-three (473), Code, 1939, relating to adoption and the recording of vital statistics relating thereto.

Read first and second times and passed on file.



Senate File 448, by Senator Berg, a bill for an act to amend sections three thousand nine hundred forty-six (3946), four thousand thirty-two (4032), four thousand sixty-three (4063), and four thousand sixty-four (4064), all of the Code, 1939, and all relating to the branches of study at state educational institutions.

Read first and second times and passed on file.

Senate File 449, by Senator Dykhouse, a bill for an act to make an appropriation to the conservation commission for the purpose of improving Rush Lake, Osceola county, Iowa.

Read first and second times and passed on file.

Senate File 450, by Senator Love, a bill for an act to legalize proof of publication of notice made by the affidavit of the assistant publisher.

Read first and second times and passed on file.

Senate File 451, by Senator Love, a bill for an act to provide for a period of limitation within which certain funds deposited with the clerk of the district court may be claimed.

Read first and second times and passed on file.

Senate File 452, by Senator Benson, a bill for an act to amend section five thousand ninety-three and one hundredth (5093.01), five thousand ninety-three and two hundredths (5093.02), five thousand ninety-three and twenty-nine hundredths (5093.29), and five thousand ninety-three and thirty-three hundredths (5093.33), chapter two hundred fifty-one and three tenths (251.3), Code, 1939, relating to motor vehicle fuel tax, and providing for the impounding of tax on airplane gas for state aeronautical purposes.

Read first and second times and passed on file.

Senate File 453, by Senator Benson, a bill for an act to amend section eight thousand three hundred thirty-eight and one hundredth (8338.01), eight thousand three hundred thirty-eight and two hundredths (8338.02), eight thousand three hundred thirty-eight and three hundredths (8338.03), eight thousand three hundred thirty-eight and four hundredths (8338.04), and eight thousand three hundred thirty-eight and thirteen hundredths (8338.13), chapter three hundred eight-three and one tenth

(383.1), Code, 1939, relating to Commission of Aeronautics, and to amend this same chapter by including therein additional sections relating to the Commission of Aeronautics.

Read first and second times and passed on file.

Senate File 454, by Senator Benson, a bill for an act to amend section four thousand five hundred forty-one and three hundredths (4541.03), Code, 1939, relating to the powers and duties of the board of trustees for state libraries and to provide for the establishment and maintenance of one or more branches of the Iowa State Traveling Library, and the extension of library facilities to the rural areas of the state.

Read first and second times and passed on file.

Senate File 455, by Senator Benson, a bill for an act to repeal section one thousand seven hundred three and fifteen hundredths (1703.15), Code, 1939, and to enact a substitute therefor relating to the manner in which aircraft shall use the waters of the state of Iowa and providing that the Conservation Commission shall make rules therefor.

Read first and second times and passed on file.

Senate File 456, by Senator Benson, a bill for an act to present a gift to the Battleship Iowa and to provide for the appointment of a committee to make said presentation.

Read first and second times and passed on file.

Senate File 457, by Senator Benson, a bill for an act to repeal sections one hundred thirteen (113), one hundred twenty-four (124), one hundred twenty-four and one tenth (124.1), one hundred twenty-five (125), and one hundred twenty-six (126), all of the Code of 1939, and to enact substitutes therefor and to amend chapter ten (10), Code, 1939, all relating to the auditing of counties, cities and school districts by the auditor of state's office.

Read first and second times and passed on file.

Senate File 458, by Senator Benson, a bill for an act to legalize the payment of refund warrants issued on soldiers homestead exemption for the tax year of 1938 and to legalize the transfer of four hundred fifteen dollars (\$415.00) from the general county

fund to the homestead credit fund by the board of supervisors of Greene county, Iowa.

Read first and second times and passed on file.

Senate File 459, by Senator Benson, a bill for an act to amend section three hundred seventy (370), Code, 1939, and repeal sections three hundred seventy-two (372) and three hundred seventy-four (374), Code, 1939, and to enact substitutes therefor, prescribing a formula for determining the amount of unencumbered balances; and requiring that current tax collections be used to pay current expenses; all relating to the local budget law.

Read first and second times and passed on file.

Senate File 460, by Senator Benson (by request), a bill for an act to amend section three thousand two hundred sixty (3260), Code, 1939, relating to the license fees on public scales.

Read first and second times and passed on file.

Senate File 461, by committee on labor, a bill for an act to amend the law as it appears in chapter seventy (70), seventy-one (71), and seventy-two (72), Code, 1939, relating to the Iowa Workmen's Compensation Act; to create a three member commission to be known as the Industrial Commission; to provide for the appointment, and term of office, of such commissioners; to abolish the offices of Industrial Commissioner and of Deputy Industrial Commissioner; to substitute the word "Commission" or "a member of the Commission" for the word "Commissioner" or the words "Industrial Commissioner" wherever the same appear throughout the above named chapters; to provide for a review of arbitration decisions by the full commission; and to repeal all acts, or parts of acts, insofar as they are inconsistent herewith.

Read first and second times and placed on calendar.

Senate File 462, by committee on appropriations, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for various departments and various divisions thereof, of the state of Iowa, for the purposes provided by law.

Read first and second times and placed on calendar.

Senate File 463, by Senator Evans, a bill for an act for the appropriation of the sum of \$25,000.00 for the purchase and repair of the property, formerly owned by the Iowa Lutheran Children's Home, and placing said property under the jurisdiction of the State Board of Control, as an addition to the Glenwood State School of Glenwood, Iowa.

Read first and second times and passed on file.

Senate File 464, by Senator Dewey, a bill for an act to amend the law as it appears in section thirteen hundred and seventy-eight (1378), Code, 1939, relating to workmen's compensation and authorizing contracts waiving compensation rights under certain conditions.

Read first and second times and passed on file.

Senate File 465, by Senators Clark and Keir, a bill for an act to amend chapter ninety-three and two tenths (93.2), Code, 1939, relating to beer and malt liquors, and to penalties for violation of law by permit holders.

Read first and second times and passed on file.

Senate File 466, by Senator Lundy, a bill for an act to amend section six thousand nine hundred forty-four (6944), Code, 1939, relating to taxation of public utilities and distribution systems owned and operated by municipalities.

Read first and second times and passed on file.

Senate File 467, by Senators Dewey and Shaw (Yager), a bill for an act to amend section one thousand seven hundred ninety-four and ninety-eight thousandths (1794.098), Code, 1939, relating to requirements for fish and game licenses.

Read first and second times and passed on file.

Senate Joint Resolution 9, by Senator Benson, a joint resolution proposing an amendment to article seven (VII) of the Constitution of the State of Iowa by adding thereto section eight (8) relating to the use of motor vehicle license fees, registration fees and other charges on account of the operation of motor vehicles and licenses and excise taxes on motor vehicle fuels.

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

Section 1. That article seven (VII) of the Constitution of the

State of Iowa be amended by adding thereto, as section eight (8) thereof, the following:

“All licenses and excise taxes on motor vehicle fuel other than that used in airplanes, except the cost of administration needed to collect these taxes, shall be used exclusively for the construction, maintenance, and supervision of public highways or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.

Sec. 2. All licenses and excise taxes that may be collected on motor vehicle fuel used in aircraft, except the cost of administration needed to collect these taxes, shall be used exclusively for aeronautic purposes in this state.

Sec. 3. Be it further resolved that the foregoing proposed amendment be, and the same is hereby referred to the General Assembly to be chosen at the next general election and that the Secretary of State cause the same to be published as provided by law.

Read first and second times and passed on file.

Senate Joint Resolution 10, by Shaw, a joint resolution providing for the erection of a state office building, the supervision of the construction thereof, and to appropriate the necessary funds therefor.

Read first and second times and passed on file.

#### REPORTS OF COMMITTEES

Senator Donohue submitted the following report:

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 209, a bill for an act to amend chapter 290, Code, 1939, relating to ordinances and providing for the adoption of a municipal code, the amendment thereof, its admissibility as evidence and providing for the publication of such code, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 282, a bill for an act to amend section 5130, Code, 1939, relating to authorizing boards of supervisors to permit the use of a room or rooms in the court house for the housing and maintenance of law libraries, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 398, a bill for an act to amend and revise sections 8581.04, 8581.05, 8581.07, and 8581.09, chapter 393.1, Code, 1939, Title XIX, relating to registration and regulation of the sale of securities, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 299, a bill for an act to amend section 5353, Code, 1939, relating to the expenditure of county public hospital funds, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 298, a bill for an act to amend section 5348.1, Code, 1939, relating to bond elections for additions to county public hospitals, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 280, a bill for an act to amend sections 5435 and 5440, Code, 1939, relating to delinquent date for dog license, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on judiciary 2 to which was referred Senate File 210, a bill for an act relating to barbering business of the state of Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Senator Henningsen submitted the following report:

**MR. PRESIDENT:** Your committee on motor vehicles to which was referred House File 2, a bill for an act to amend section 5103.05, chapter 252.2 clarifying the provision relating to refund of tax and changing date

for the assessment of tax on motor vehicles, begs leave to report it has had the same under consideration and recommends the same do pass.

O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on motor vehicles to which was referred House File 44, a bill for an act to amend section 5003.03, chapter 251.1, Code, 1939, to provide for the transportation of household goods, furniture and equipment to and from this state by non-resident carriers, begs leave to report it has had the same under consideration and recommends the same do pass.

O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on motor vehicles to which was re-House File 107, a bill for an act to amend section 5013.19, 5034.06, 5034.11, 5034.39 and 5034.53, Code, 1939, relating to motor vehicles and law of road, 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:

Sections one and three be stricken from the bill.

O. H. HENNINGSEN, *Chairman*.

Ordered passed on file.

Senator Talbott submitted the following report:

**MR. PRESIDENT:** Your committee on county and township affairs to which was referred Senate File 363, a bill for an act to amend section 4041.1, Code, 1939, relating to appropriations by boards of supervisors for eradicating diseases among bees, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

JOHN E. TALBOTT, *Chairman*.

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on county and township affairs to which was referred Senate File 308, a bill for an act to amend section 7255.1 relating to purchase of certain real estate by counties at regular tax sale, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN E. TALBOTT, *Chairman*.

Ordered passed on file.

Senator Berg submitted the following report:

**MR. PRESIDENT:** Your committee on appropriations to which was referred House File 265, a bill for an act to provide for an emergency appropriation to the division of vital statistics, state department of health, for the purpose of continuing the two projects, namely, the Certified Copy

Section and the Indexing Section of old vital records, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 340, a bill for an act to make an appropriation to Muscatine county, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on appropriations to which was referred House File 288, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for the support of institutions under said Board of Education, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Senator Love submitted the following report:

MR. PRESIDENT: Your committee on election reforms to which was referred Senate File 261, a bill for an act to amend section seven hundred thirty (730), Code, 1939, relating to election judges and clerks and providing for the appointment of registration deputies, begs leave to report it has had the same under consideration and recommends the same do pass.

H. S. LOVE, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on election reforms to which was referred Senate File 184, a bill for an act to amend sections 718.07 and 718.13, Code, 1939, relating to elections and permanent registration of voters, and to amend section 748, Code, 1939, relating to printing of names on election ballots, begs leave to report it has had the same under consideration and recommends the same do pass. H. S. LOVE, *Chairman.*

Ordered passed on file.

#### AMENDMENTS FILED

Amend Senate File 317 by striking from line 13, section 1, the words "and the estimated present value thereof". LEROY MERCER.

Amend Senate File 328 as follows:

By adding following the comma at the end of line eleven (11) the words "or of an insane hospital maintained by the Veterans Administration,".



Before the word "in" in line fifteen (15) insert the words "or Veterans Hospital".

By inserting following the word "institution" in line thirty-two (32) the words "or Veterans Hospital".

K. A. EVANS.

Amend Senate File 211 by adding thereto at the end thereof as a new section the following:

Sec. 7. For the purpose of this act, an ophthalmic lense shall mean one which has been ground to fill the requirements of a particular prescription.

CARL O. SJULIN.

E. K. BEKMAN.

G. R. HILL.

Senator Vrba asked and received unanimous consent to have 500 additional copies each of Senate Files 379, 380, 381 and 382, printed.

On motion of Senator Evans, the Senate adjourned until 10:00 a. m. Tuesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 25, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. W. L. Breaw of the Methodist church of Humboldt.

The Journal of February 24th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Findlay for the day on request of Senator Miller.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Hart, from residents of Keokuk, in opposition to Senate File 196.

By Senator Mercer, from residents of Iowa City, in opposition to Senate File 196.

By Senator Donohue, from residents of Charles City, favoring passage of the proposed pharmacy bill.

By Senator Lundy, from residents of Marion and Monroe counties, in opposition to Senate File 196.

By Senator Miller, from residents of Dallas county, in opposition to Senate File 196.

By Senator Emerson, from residents of Grand River, favoring passage of the proposed pharmacy bill; also from teachers of Afton and Grand River, in opposition to Senate File 170.

By Senator Pelzer, from residents of Atlantic, favoring passage of the proposed pharmacy bill.

By Senator Sjulín, from residents of Shenandoah, favoring passage of the proposed pharmacy bill.

By Senator Berg, from residents of Waterloo, in opposition to Senate File 196.

By Senator Munger, from residents of Sioux City, in opposition to Senate File 196; from residents of Sioux City, favoring passage of the proposed pharmacy bill; and from funeral directors of Sioux City, favoring passage of House File 185.

By Senator Watson, from residents of Council Bluffs, in opposition to Senate File 196.

By Senator Keir, from residents of Estherville, in opposition to Senate File 196; also from residents of Clay county, favoring passage of the proposed pharmacy bill.

By Senator Zeigler, from residents of Fairfield, favoring changes in the present unemployment law.

By Senator Byers, from residents of Cedar Rapids, in opposition to Senate File 196.

By Senator Goode, from residents of Centerville, favoring passage of the proposed pharmacy bill.

By Senator Dykhouse, from residents of Sioux Center, favoring passage of the proposed pharmacy bill.

By Senator Stewart, from residents of Lansing, favoring passage of Senate File 196.

By Senator Cromwell, from residents of Burlington, in opposition to Senate File 196.

#### 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 House Concurrent Resolution No. 16, a concurrent resolution providing for the appointment of a special committee to investigate the feasibility of the purchase of certain property for state use.

A. C. GUSTAFSON, *Chief Clerk.*

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

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

**MR. PRESIDENT:** Your joint committee on enrolled bills respectfully re-

ports that it has examined and finds correctly enrolled Senate Files 7, 18, 27, 62, 218 and 306, and House File 79.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *Chairman House Committee.*

Reported 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 7, 18, 27, 62, 218 and 306, and House File 79.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 25th day of February, 1941, sent to the Governor for his approval, Senate File 7, 18, 27, 62, 218 and 306.

EDWARD H. VRBA, *Chairman.*

Passed on file.

#### THIRD READING OF BILLS

The time having arrived for consideration of the special order, on motion of Senator Donohue, Senate File 196, a bill for an act to amend the law as it appears in chapter seventy seven and two tenths (77.2), Code of Iowa, 1939, relating to and providing for unemployment compensation; to fix the amount of benefits to be paid to unemployment seasonal employees; to provide a method for calculating, and the regulations for paying, seasonal employees unemployment compensation benefits; to define seasonal industry, normal seasonal employment and seasonal employee; and to repeal all acts, or parts of acts, in so far as they are inconsistent herewith, was taken up and considered.

Further action was deferred.

#### SPECIAL ORDER

Senator Berg asked and received unanimous consent to make the following bills, all pertaining to appropriations, a special order of business for Wednesday, February 26th: Senate Files 246, 302, 356, 359, 407, 420, 421, 462, 340, and House Files 271, 265, 288, and House Joint Resolution 2.

On motion of Senator Vrba, the Senate recessed until 1:30 p. m.

## AFTERNOON SESSION

The Senate reconvened. President Hickenlooper presiding.

## THIRD READING OF BILLS

The Senate resumed consideration of Senate File 196.

Senators Faul, Munger, and Lundy offered the following amendment and moved its adoption:

Amend Senate File 196 by striking all following the enacting clause and substituting in lieu thereof the following:

Section 1. Section one thousand five hundred fifty-one and seventeen hundredths (1551.17), paragraph A, Code, 1939, is amended by striking the period immediately following the word "fund" in line twenty (20) and by adding the following: ", and in the year 1942, and each even numbered year thereafter, the results of a survey of:

(1) Seasonal employment in this state.

(2) What industries can reasonably be classed as seasonal.

(3) A classification of those industries which, on account of climatic conditions, supply of raw materials, demand for their product, or any cause beyond their reasonable control, operate less actively during certain parts of a calendar year, in that they reduce their employment each year at approximately the same period or periods to such an extent that their total payroll for certain consecutive calendar weeks is materially less than the total payroll for certain consecutive calendar weeks immediately preceding such period of reduced employment.

(4) A classification of what is the period of normal seasonal employment in various industries as may be reasonably classed as seasonal, as compared to the period of less activity in such industry, the months of the year in which the normal season and less normal season occurs.

(5) The approximate number of industries that may be considered to be seasonal industries, giving their payroll, contribution to unemployment compensation fund, number of employees, number of employees paid benefits and amount of benefits, effect on unemployment compensation fund of unemployment resulting from seasonal industry, and such other information as may be deemed relevant to employment in seasonal industries.

(6) The contributions made by employers to the unemployment compensation fund in such industries as the commission may determine to be reasonably classed as seasonal, as compared to the benefits paid to employees in such industries.

(7) The effect upon the unemployment compensation fund of any excess benefits paid to employees in industries the commission may determine to be reasonably classed as seasonal, as compared to contributions paid by the respective employers.

(8) Comparison of contribution made by employers and benefits received by employees in full time and seasonal industries.

(9) Effect of merit system ratings.

(10) Unemployment with particular reference to changing economic conditions.

Said report, biennially, shall also contain the recommendations of the commission as to any other method of determining benefits for seasonal employees, based upon the survey and findings of the commission of conditions in this state, probable effects of such methods upon the unemployment compensation fund, equality among industries contributing, and shall recommend such amendments to this chapter as the commission deems proper.

Roll call was demanded.

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

Ayes, 21:

Augustine	Faul	Johnson	Munger
Bekman	Hamiel	Jones	Shaw
Benson	Hattery	Lundy	Turner
Byers	Henningsen	Martin	Vrba
Clark	Hill	Mowry	Watson
Emerson			

Nays, 28:

Baldwin	Elthon	Hunt	Miller
Berg	Evans	Keir	Pelzer
Corwin	Fuller	Leo	Sjulin
Cromwell	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Donohue	Harvey	Lynes	Whitehill
Dykhouse	Hess	Mercer	Zeigler

Absent or not voting, 1:

Findlay

The amendment was lost.

Senator Donohue offered the following amendment and moved its adoption:

Amend section 1 of Senate File 196 by striking therefrom sub-section (a) thereof and by substituting for the sub-section so stricken, the following:

"(a) As used in this sub-section, the words "seasonal industry" shall mean an industry which operates actively for less than thirty-seven (37) weeks in a calendar year, in that the employers in such industry collectively reduce their employment each year at approximately the same period or periods to such an extent that the total payroll for all the employers in said industry for sixteen continuous calendar weeks is less than forty (40%) per cent of such total payroll for a consecutive sixteen calendar weeks period of greatest employment during the thirty-six calendar weeks immediately preceding such period of reduced employment."

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend section 3 of Senate File 196 by inserting the words "in that benefit year" immediately following the first word in line 68 and also immediately following the last word in line 69 thereof.

Also by striking lines 25, 26 and 27, Section 1 of the printed bill, and by substituting for the lines stricken the following:

"which were earned in working in a seasonal industry; provided, however, that one who is customarily employed by a seasonal employer for the major portion of the period during which such employer does not operate actively, as herein above defined, shall not be deemed a seasonal employee."

The amendment was adopted.

Senator Donohue 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, 28:

Baldwin	Elthon	Hunt	Miller
Berg	Evans	Keir	Pelzer
Corwin	Fuller	Leo	Sjulin
Cromwell	Hamiel	Long	Stewart
Dewey	Hart	Love	Talbott
Donohue	Harvey	Lynes	Whitehill
Dykhouse	Hess	Mercer	Zeigler

Nays, 21:

Augustine	Faul	Johnson	Munger
Bekman	Goode	Jones	Shaw
Benson	Hattery	Lundy	Turner
Byers	Henningsen	Martin	Vrba
Clark	Hill	Mowry	Watson
Emerson			

Absent or not voting, 1:

Findlay

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

Senator Donohue 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.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 24th he had approved the following:

Senate File 22, relating to the use of white canes by blind persons.

Senate File 31, relating to levies in certain cities for water fund and gas light, electric light, heat or power funds of such cities.

Senate File 168, relating to and fixing the maximum amounts that may be assessed against property for special improvements.

Senate File 286, relating to procedure for assessing property and the appointment and continuance in office of the city assessor, deputies and other employees, in certain cities.

Senator Donohue offered the following resolution:

#### SENATE RESOLUTION 5

*Whereas*, it appears that the 49th General Assembly is being besieged in an unprecedented manner by organized groups requesting and securing the introduction of special legislation to raise prices, to eliminate free competition, to license and regulate business of every type, and to erect trade barriers both within and without the state, all of which eventually will be at the expense of the consumer and taxpayer and increase the ordinary costs of living, and

*Whereas*, each of said groups, in good faith and pursuing its own desires, is unmindful of the mass effect of such legislation, and the several standing committees of this Senate, each having for consideration only one or two of such legislative demands, are unable to consider the total result of all, and

*Whereas*, every trade group, business organization, or association of individuals, whose rights may be affected by legislation is represented to secure the proper consideration by the Legislature of proposed bills as it affects their particular limited interests, and

*Whereas*, the great mass of people of this state, in their position as householders, family heads, and the consumers of each others labors and goods, are wholly unorganized, and

*Whereas*, the dislocations already caused by world conditions, and the adjustments which are bound to follow upon the vast enterprise of National Preparedness, are already beginning to cause apprehension to consumers and taxpayers alike, without resorting to artificial aids, now therefore,

*Be It Resolved by the Senate of the Forty-ninth General Assembly:*

1. That the Senate take official cognizance of the facts and premises herein before set forth.

2. That the President of the Senate create and establish another standing committee of this Senate to be known and designated as the Consumers' and Taxpayers' Committee.

3. That every bill and measure introduced in the Senate which shall in any way tend to increase the cost of living, hinder free competition, or erect trade barriers or discriminations against any business, in addition to its consideration by any committee to which it is now or may hereafter be assigned, shall be also referred to the Consumers' and Taxpayers'



Committee for its consideration and report as to the effect of such proposed legislation upon the consumers of this state.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 43, 61, 64, 202 and 223, and House File 79.

*EDWARD H. VRBA, Chairman Senate Committee.*

*GORDON SMITH, 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 43, 61, 64, 202 and 223, and House File 79.

#### REPORTS OF COMMITTEES

Senator Shaw submitted the following report:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred House File 91, a bill for an act to provide for advance notice of the defenses of insanity or alibi in criminal cases, begs leave to report it has had the same under consideration and recommends the same do pass.

*A. J. SHAW, Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 214, a bill for an act to amend chapter 384, Code, 1939, providing for the mailing to stockholders of the financial statement of corporations for pecuniary profit, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

*A. J. SHAW, Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 289, a bill for an act relating to the determination of leasehold interests by the district court and providing for time and manner of hearing and notice thereof, begs leave to report it has had the same under consideration and recommends the same do pass.

*A. J. SHAW, Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred House File 84, a bill for an act to amend section 7337, Code, 1939, pertaining to notice and appeal and fixing value of property for inheritance purposes by court, begs leave to report it has had the same under consideration and recommends the same do pass. *A. J. SHAW, Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 248, a bill for an act to amend sections 6943.143 and 6943.152, Code, 1939, relating to rights and privileges granted to persons called, ordered, entering, or inducted into the military or naval forces or nurse corps of this state or the United States, begs leave to report it has had the same under consideration and recommends the same do pass.

*A. J. SHAW, Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 38, a bill for an act to provide trial court may reserve decision on motions for directed verdict in civil actions until cause is submitted to jury and verdict received and recorded, to authorize supreme court to prescribe rules necessary to carry out provisions of act, and repeal all acts inconsistent herewith, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

*A. J. SHAW, Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred House File 87, a bill for an act to amend section seven thousand three hundred thirty-six (7336), Code, 1939, to provide for fixing value by the court of property appraised for inheritance tax purposes, begs leave to report it has had the same under consideration and recommends the same do pass.

*A. J. SHAW, Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred Senate File 295, a bill for an act relating to liquor injunctions and declaring certain of them null and void, begs leave to report it has had the same under consideration and recommends the same do pass.

*A. J. SHAW, Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on judiciary 1 to which was referred

Senate File 300, a bill for an act to legalize the election and proceedings relating to the issuance and sale of bonds by Monroe county, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 228, a bill for an act relating to the issuance of duplicate sheriff's certificates of sale for lost or destroyed certificates and providing for cancellation of outstanding certificates after lapse of eight years, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Senator Donohue submitted the following report:

MR. PRESIDENT: Your committee on judiciary 2 to which was referred Senate File 212, a bill for an act defining an abstract of title, providing for the exemption and licensing of persons, firms and corporations certifying abstracts of title, creating a board of abstract examiners, fixing the amounts of the fees and bond for licensed abstracters, and fixing the penalty for violations, begs leave to report it has had the same under consideration and returns the bill without recommendation, as amended.

MR. PRESIDENT: Amend Senate File 212 as follows:

1. By inserting at the end of line 3 of section 2 the following, "in the county".
2. By inserting in line 4 of section 2 before the words "real property" the word "the".
3. By inserting in line 4 of section 2 after the words "real property" the word "abstracted".
4. By striking all of lines 6, 7, 8 and 9 of section 2 and renumbering the remaining lines in the said section.
5. By inserting after the word "engaged" in line 2 of section 3 the following, "by themselves or through their immediate predecessors".
6. By striking out the words "ninety days" in line 6 of section 3 and inserting in lieu thereof the words "six months".
7. By striking all of section 7 and renumbering the following sections.
8. By inserting before the word "surety" in line 13 of section 7 as renumbered the word "corporate".
9. By inserting after the period in line 19 of section 7 as renumbered the following: "One or more recoveries upon any such bond shall not vitiate the same but it shall remain in full force and effect, but no recoveries from the surety upon any such bond shall ever exceed the full amount of the same. If the principal amount of the said bond shall at any time become impaired the board shall require additional bond to be furnished by the licensee so that such licensee shall at all times have posted with the board a valid and enforceable bond in the amount of five thousand dollars. The board shall only accept and approve a bond or a certificate

of continuation thereof which is executed by a company authorized to do business in this state, and if a license is issued to the applicant furnishing such bond the board after approving the bond shall file the same, together with any subsequent certificate of continuation thereof, in the office of the clerk of the district court in the county in which such applicant is to engage in the business of an abstracter. The clerk of the district court shall keep such bond, together with any certificate of continuation thereof, on file in his office."

10. By striking out all of lines 1 and 2 of section 9 as renumbered after the word "Fees." and renumbering the following lines of said section.

11. By striking out the numeral "8" in line 7 of section 9 as renumbered and inserting in lieu thereof the numeral "7".

E. P. DONOHUE, *Chairman.*

Ordered passed on file.

Senator Hamiel submitted the following report:

MR. PRESIDENT: Your committee on constitutional amendments to which was referred Senate Joint Resolution 5, a resolution for an act proposing an amendment to article nine of the Constitution of the state of Iowa by striking out of the second division of said article in section seven thereof the words and commas, to wit: "in proportion to the number of youths, between the ages of five and twenty-one," relating to distribution of common school funds, begs leave to report it has had the same under consideration and recommends the same do pass.

M. C. HAMIEL, *Chairman.*

Ordered passed on file.

Senator Goode submitted the following report:

MR. PRESIDENT: Your committee on manufacturing, commerce and trade to which was referred Senate File 197, a bill for an act to prohibit the sale, or possession for sale of merchandise outside of the ordinary trade or production of the seller, and to provide penalties therefor, begs leave to report it has had the same under consideration and recommends the same do pass.

DEWEY E. GOODE, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on manufacturing, commerce and trade to which was referred Senate File 198, a bill for an act to define and prohibit unfair sales and unfair trade practices; to prevent the advertising or offering for sale or selling of merchandise below actual cost for the purpose of or having the effect of injuring competitors or destroying competition; and to provide remedies and penalties for violation thereof, begs leave to report it has had the same under consideration and recommends the same do pass.

DEWEY E. GOODE, *Chairman.*

Ordered passed on file.

Senator Mowry submitted the following report:

**MR. PRESIDENT:** Your committee on public schools to which was referred House File 138, a bill for an act to amend section forty-two hundred sixty-seven and one tenth (4267.1), Code, 1939, relating to junior colleges, providing that a junior college may be established in a school district having a population of five thousand (5,000) or more, begs leave to report it has had the same under consideration and returns the bill without recommendation.

Ross R. Mowry, *Chairman.*

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

S. F. 368.....	Compensation of Public Officers
S. F. 369.....	Agriculture
S. F. 370.....	Judiciary 2
S. F. 371.....	Ways and Means
S. F. 372.....	Insurance
S. F. 373.....	Judiciary 2
S. F. 374.....	Compensation of Public Officers
S. F. 375.....	Judiciary 1
S. F. 376.....	Cities and Towns
S. F. 377.....	Judiciary 2
S. F. 378.....	Judiciary 1
S. F. 379.....	Social Security
S. F. 380.....	Social Security
S. F. 381.....	Social Security
S. F. 382.....	Social Security
S. F. 383.....	Conservation
S. F. 384.....	Ways and Means
S. F. 385.....	County and Township Affairs
S. F. 386.....	Banks and Banking
S. F. 387.....	Highways
S. F. 388.....	Insurance
S. F. 389.....	Highways
S. F. 390.....	Judiciary 2
S. F. 391.....	Election Reform
S. F. 392.....	Election Reform
S. F. 393.....	Election Reform
S. F. 394.....	Election Reform
S. F. 395.....	Election Reform
S. F. 396.....	Highways
S. F. 397.....	Conservation
S. F. 400.....	Ways and Means
S. F. 402.....	Motor Vehicles
S. F. 403.....	Motor Vehicles
S. F. 405.....	Highways

S. F. 406.....	Ways and Means
S. F. 408.....	Judiciary 2
S. F. 409.....	Drainage
S. F. 410.....	Judiciary 1
S. F. 411.....	Ways and Means
S. F. 412.....	Election Reform
S. F. 413.....	Insurance
S. F. 415.....	County and Township Affairs
S. F. 416.....	Conservation
S. F. 417.....	County and Township Affairs
S. F. 418.....	Highways
S. F. 422.....	Public Schools
S. F. 423.....	Boundary Bridges
S. F. 424.....	Public Health
S. F. 425.....	Judiciary 1
S. F. 426.....	Judiciary 2
S. F. 427.....	Judiciary 2
S. F. 428.....	Judiciary 2
S. F. 429.....	Cities and Towns
S. F. 431.....	Ways and Means
S. F. 432.....	Ways and Means
S. F. 433.....	Ways and Means
S. F. 434.....	Ways and Means
S. F. 435.....	Ways and Means
S. F. 442.....	Judiciary 1
S. F. 443.....	Judiciary 2
S. F. 444.....	Judiciary 2
S. F. 445.....	Conservation
S. F. 447.....	Public Health
S. F. 448.....	Educational Institutions
S. F. 449.....	Conservation and Appropriations
S. F. 450.....	Judiciary 1
S. F. 451.....	Judiciary 1
S. F. 452.....	Aeronautics
S. F. 453.....	Aeronautics
S. F. 454.....	Public Libraries
S. F. 455.....	Conservation
S. F. 456.....	Military Affairs
S. F. 457.....	Public Schools
S. F. 458.....	Judiciary 1
S. F. 459.....	Ways and Means
S. F. 460.....	Judiciary 1
S. F. 463.....	Public Lands and Buildings and Appropriations
S. F. 464.....	Social Security
S. F. 465.....	Judiciary 2
S. F. 466.....	Public Utilities
S. F. 467.....	Conservation
S. J. R. 6.....	Highways
S. J. R. 9.....	Constitutional Amendments
S. J. R. 10.....	Public Lands and Buildings

H. F. 123.....	Livestock
H. F. 152.....	Cities and Towns
H. F. 153.....	Judiciary 2
H. F. 162.....	Agriculture
H. F. 243.....	Dairying

#### AMENDMENTS FILED

Amendment to Senate File 462.

Amend section 1 by striking the figures "20,240.00" in line 11 and inserting in lieu thereof the figures "21,170.00".

Further amend said section by striking the figures "30,740.00" in line 15 and inserting in lieu thereof the figures "31,670.00".

O. H. HENNINGSEN.

Amend Senate File 302 as follows:

Amend subsection 3 of section 1 by striking the figures "1,000,000.00" in line 25 and inserting in lieu thereof the figures "\$1,111,000.00".

Further amend by striking in line 26 the figures "\$1,700,000.00" and inserting in lieu thereof the figures "\$1,772,000.00".

Further amend by striking in line 28 the figures "\$1,050,000.00" and inserting in lieu thereof the figures "\$1,067,000.00".

Further amend by striking in line 30 the figures "\$3,765,000.00" and inserting in lieu thereof the figures "\$3,965,000.00".

Further amend in subsection 4 in line 42 by striking the figures "\$4,835,900.00" and inserting in lieu thereof the figures "\$5,035,900.00".

K. A. EVANS.

Amend Senate File 24 by adding after the figure "160" in line 8 of Sec. 3 thereof, the word "crop".

M. C. HAMIEL.

Amend Senate File 404 by striking all of Section 14 thereof and renumbering the following sections.

M. C. HAMIEL.

RALPH E. BENSON.

EDWARD H. VRBA.

Amend Senate File 256 by adding thereto a new section and by renumbering the remaining section:

"Sec. 4. Amend chapter thirteen (13), Code, 1939, by adding thereto the following section:

"The reporter of the supreme court and code editor may appoint, in writing, a deputy, who shall be a person qualified by experience and possessing a legal education. Such appointment may be revoked in the same manner, both the appointment and revocation to be filed and kept in the office of the secretary of state."

Further amend Senate File 256 by striking the period (.) at the end of the title and by adding thereto the following: "and providing for the appointment of a deputy reporter of the supreme court and code editor."

GEORGE FAUL.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 26, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. C. A. Stark of the Methodist church of Shannon City.

The Journal of February 25th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Findlay for the day on request of Senator Miller; Senator Vrba for the day on request of Senator Shaw.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Munger, from various organizations of the state, favoring certain housing legislation.

By Senator Mercer, from residents of Johnson county, favoring passage of library extension bill.

By Senator Faul, from residents of Des Moines, in opposition to Senate File 196; also from residents of Des Moines, favoring passage of the proposed pharmacy bill.

By Senator Zeigler, from members of the Fairfield business and professional women's club, favoring passage of the millage library bill.

By Senator Love, from members of the American Legion Auxiliary of Macksburg, and members of the Ladies Wednesday afternoon club, favoring passage of the library extension bill.

By Senator Evans, from residents of Crawfordsville, favoring further local road legislation.

By Senator Hess, from residents of O'Brien county, favoring passage of House File 165.



## INTRODUCTION OF BILLS

Senate File 468, by committee on judiciary 1, a bill for an act to provide for the determination of the surviving spouse, heirs and beneficiaries in the estates of decedents, to require the service of notice on known and unknown spouses, heirs and beneficiaries of decedents and providing for a hearing pursuant thereto and an order and judgment adjudicating heirship therein, and amending chapter five hundred seven (507), Code, 1939, by adding additional sections as eleven thousand nine hundred fifteen and one tenth (11915.1) and eleven thousand nine hundred fifteen and two tenths (11915.2) and eleven thousand nine hundred fifteen and three tenths (11915.3).

Read first and second times and placed on calendar.

Senate File 469, by committee on judiciary 2, a bill for an act to amend chapter 251.2, Code, 1939, relating to motor vehicle fuel taxes, and the collection of such taxes on liquefied gas used in motor vehicles, and providing penalties for violation of said chapter.

Read first and second times and placed on calendar.

Senator Faul offered the following resolution and moved its adoption:

## DOWELL MEMORIAL RESOLUTION

*Whereas*, Hon. C. C. Dowell, who was a member of the Iowa House of Representatives and a member of the state Senate for several sessions, and a member of Congress for twelve sessions, died Sunday, February 4, 1940,

*Be It Resolved by the Senate*: That a committee of three be appointed to draft suitable resolutions commemorating his life, character, and service to his state and nation.

The resolution was adopted and the President appointed Senators Faul, Hattery, and Lundy on the committee.

## BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT**: Your committee on enrolled bills respectfully reports that it has, on this 26th day of February, 1941, sent to the Governor for his approval: Senate Files 43, 61, 64, 202 and 223.

EDWARD H. VRBA, *Chairman*.

Passed on file.

Senator Lynes asked unanimous consent that the rules be suspended and that the Senate take up Senate File 275.

Objection was made.

Senator Lynes moved that the Senate take up for consideration Senate File 275.

The motion prevailed and the rules were suspended.

Senator Lynes asked and received unanimous consent to substitute House File 243 for Senate File 275.

President Pro Tem Byers took the chair at 10:24 a. m.

### THIRD READING OF BILLS

On motion of Senator Lynes, House File 243, a bill for an act relating to the dairy industry, and to conserve and promote the prosperity and welfare of the Iowa dairy industry and of the state of Iowa by promoting the increased use and consumption of dairy products, whether processed or unprocessed, by providing for a research, educational, publicity, advertising and sales promotion campaign; to levy and impose an excise tax on butter fat produced in this state during the period from June 1 to June 15, inclusive, of each year and to provide for the collection thereof by the producer or dealer, for the purpose of creating a fund with which to conduct such research, educational, advertising publicity, and sales promotion campaign; to create the Iowa Dairy Industrial Commission, and to vest the administration of this act in such commission; to provide for the particular duties and authority of said commission hereunder; and to provide penalties for violation of this act, was taken up for consideration.

Senator Lynes 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, 42:**

Augustine	Corwin	Evans	Henningsen
Baldwin	Cromwell	Faul	Hill
Bekman	Dewey	Fuller	Hunt
Benson	Donohue	Hamiel	Johnson
Berg	Dykhouse	Hart	Jones
Byers	Elthon	Harvey	Keir
Clark	Emerson	Hattery	Leo

Long  
Lynes  
Miller  
Mowry

Munger  
Pelzer  
Shaw  
Sjulin

Stewart  
Talbot  
Turner

Watson  
Whitehill  
Zeigler

**Nays, 8:**

Goode

Hess

Love

**Absent or not voting, 5:**

Findlay  
Lundy

Martin

Mercer

Vrba

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

Senator Lynes 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.

Senator Faul presented the high school class from Polk City, who were present in the gallery with their principal.

Senator Berg asked and received unanimous consent to include Senate File 256 in the appropriation bills made a special order of business for this morning.

### 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 20, relating to a joint session to receive the Pioneer Lawmakers.

A. C. GUSTAFSON, *Chief Clerk.*

### HOUSE CONCURRENT RESOLUTION 20

*Whereas*, The Legislature is advised of a meeting of the Pioneer Lawmakers Association to be held in the Historical building on Thursday, March 6th, and of their custom of formally calling on the General Assembly, therefore,

*Be It Resolved by the House, the Senate Concurring:* That the General Assembly meeting in joint session in the House Chamber on Thursday, March 6th, at 2:00 p. m., and that the Pioneer Lawmakers be invited to attend and present a program on that date.

DAVID A. DANCER.

### THIRD READING OF BILLS

On motion of Senator Berg, Senate File 256, a bill for an act to amend chapter thirteen (13), Code, 1939, defining further duties of the reporter of the supreme court and code editor,

and to amend section two hundred sixty-five (265), Code, 1939, providing for the payment for the printing of legal publications compiled and published by him, and providing an appropriation to carry out the provisions of said chapter and said section, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 256 by inserting immediately following the word "the" in line 3 of section 4 the words "Cambridge Leader" and by inserting immediately following the word "at" in line 4 of said section the word "Cambridge"; also by inserting immediately following the word "the" in line 4 of section 4 the words "Guttenberg Press" and by inserting immediately following the word "at" in line 5 of said section the word "Guttenberg".

By unanimous consent the amendment was withdrawn.

Senator Faul asked and received unanimous consent to withdraw the amendment filed by him to Senate File 256 on February 14th.

Senator Long offered the following amendment and moved its adoption:

Amend Senate File 256 by adding thereto as a new section the following section and by renumbering the remaining sections of the bill:

Amend chapter thirteen (13), Code, 1939, by adding thereto the following section:

"Every officer or department of the state which promulgates or adopts or has adopted rules, regulations, or rulings relating to any business or profession, or governing the practice and procedure under the interpretation or enforcement of any law shall, within thirty days after this section takes effect, provide the Code editor with a true and complete set of all such rules, regulations or rulings then in effect, or to become effective, for publication in an Iowa advance sheet and, at all times hereafter whenever any additional rules, regulations or rulings, or any revisions of such rules, regulations or rulings, are made, shall provide the Code editor with true and complete copy thereof within five days after their promulgation for like publication, except that rules governing only departmental operation and not otherwise affecting the general public need not be so published."

The amendment was adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 256 by adding thereto a new section and by renumbering the remaining section:

"Sec. 4. Amend chapter thirteen (13), Code, 1939, by adding thereto the following section:

"The reporter of the supreme court and code editor may appoint, in writing, a deputy, who shall be a person qualified by experience and possessing a legal education. Such appointment may be revoked in the same manner, both the appointment and revocation to be filed and kept in the office of the secretary of state."

Further amend Senate File 256 by striking the period (.) at the end of the title and by adding thereto the following: "and providing for the appointment of a deputy reporter of the supreme court and code editor."

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 256 by striking from section 1, lines 17 to 23 inclusive.

Senator Berg asked and received unanimous consent to defer action on Senate File 256 and Senate File 462 and that they be made a special order of business for 10:00 a. m. Wednesday, March 5th.

On motion of Senator Berg, House File 265, a bill for an act to provide for an emergency appropriation to the division of vital statistics, state department of health, for the purpose of continuing the two projects, namely, the Certified Copy Section and the Indexing Section of old vital records, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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:

Augustine	Elthon	Johnson	Mowry
Baldwin	Evans	Jones	Munger
Bekman	Faul	Keir	Pelzer
Benson	Goode	Leo	Shaw
Berg	Hamiel	Long	Sjulin
Byers	Hart	Love	Stewart
Clark	Harvey	Lundy	Talbott
Corwin	Hattery	Lynes	Turner
Cromwell	Henningsen	Martin	Watson
Dewey	Hess	Mercer	Whitehill
Donohue	Hill	Miller	Zeiger
Dvkhhouse			

Nays, none.

Absent or not voting, 5:

Emerson	Fuller	Hunt	Vrba
Findlay			

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

Senator Berg 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.

On motion of Senator Berg, House File 288, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for the support of institutions under said Board of Education, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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:

Augustine	Evans	Johnson	Mowry
Baldwin	Faul	Jones	Munger
Bekman	Goode	Keir	Pelzer
Benson	Hamiel	Leo	Shaw
Berg	Hart	Long	Sjulin
Byers	Harvey	Love	Stewart
Clark	Hattery	Lundy	Talbott
Corwin	Henningsen	Lynes	Turner
Cromwell	Hess	Martin	Watson
Dewey	Hill	Mercer	Whitehill
Dykhouse	Hunt	Miller	Zeigler
Elthon			

Nays, none.

Absent or not voting, 5:

Donohue	Findlay	Fuller	Vrba
Emerson			

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

Senator Berg 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.

On motion of Senator Berg, Senate File 302, a bill for an act authorizing expenditures by the State Highway Commission from the primary road fund for the biennium beginning July 1, 1941, and ending June 30, 1943, was taken up and considered.

Senator Evans offered the following amendment and moved its adoption :

Amend Senate File 302 as follows:

Amend subsection 3 of section 1 by striking the figures "\$1,000,000.00" in line 25 and inserting in lieu thereof the figures "\$1,111,000.00".

Further amend by striking in line 26 the figures "\$1,700,000.00" and inserting in lieu thereof the figures "\$1,772,000.00".

Further amend by striking in line 28 the figures "\$1,050,000.00" and inserting in lieu thereof the figures "\$1,067,000.00".

Further amend by striking in line 30 the figures "\$3,765,000.00" and inserting in lieu thereof the figures "\$3,965,000.00".

Further amend in subsection 4 in line 42 by striking the figures "\$4,835,900.00" and inserting in lieu thereof the figures "\$5,035,900.00".

The amendment was lost.

Senator Berg 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, 46:

Augustine	Emerson	Johnson	Mowry
Baldwin	Evans	Jones	Munger
Bekman	Faul	Keir	Pelzer
Benson	Goode	Leo	Shaw
Berg	Hamiel	Long	Sjulin
Byers	Hart	Love	Stewart
Clark	Harvey	Lundy	Talbott
Corwin	Hattery	Lynes	Turner
Cromwell	Henningsen	Martin	Watson
Dewey	Hess	Mercer	Whitehill
Dykhouse	Hill	Miller	Zeigler
Elthon	Hunt		

Nays, none.

Absent or not voting, 4:

Donohue	Findlay	Fuller	Vrba
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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 Berg 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.

On motion of Senator Berg, Senate File 421, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for the Iowa National Guard and Iowa State Guard, was taken up and considered.

Senator Berg asked and received unanimous consent to amend Senate File 421 by adding after the word "Guard" in line 13 the words "and Iowa State Guard."

Senator Elthon offered the following amendment and moved its adoption:

Amend Senate File 421 by adding thereto the following:

"The appropriation set forth herein shall include all appropriations for the Iowa National Guard and the Iowa State Guard."

The amendment was lost.

Senator Berg 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:

Augustine	Emerson	Johnson	Mowry
Baldwin	Evans	Jones	Munger
Bekman	Faul	Keir	Pelzer
Benson	Goode	Leo	Shaw
Berg	Hamiel	Long	Sjulin
Byers	Hart	Love	Stewart
Clark	Harvey	Lundy	Talbott
Corwin	Hattery	Lynes	Turner
Cromwell	Henningsen	Martin	Watson
Dewey	Hess	Mercer	Whitehill
Dykhouse	Hill	Miller	Zeigler
Elthon			

Nays, none.

Absent or not voting, 5:

Donohue	Fuller	Hunt	Vrba
Findlay			

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

Senator Berg 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.

On motion of Senator Berg, Senate File 420, a bill for an act to appropriate from the general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943, to the board of control for improvements and equipment at the institutions under the supervision and control of the board of control, and providing for the manner of expenditure thereof, was taken up and considered.



Senator Berg offered the following amendment and moved its adoption:

1. Amend Senate File 420 as follows:

2. Amend Sec. 2, lines 3 and 4 by changing words and figures "five hundred fifty-nine thousand five hundred dollars (\$559,500.00)" to read "five hundred sixty-nine thousand five hundred dollars (\$569,500.00)".

3. Also amend Item (9), pertaining to State Juvenile Home at Toledo by adding the following: "2. To complete and equip kitchen and dining room \$10,000.00."

4. Also amend line 52 of Item (9) by striking the figures "\$100,000.00" and inserting in lieu thereof "\$110,000.00."

5. Also amend line 58 by striking the figures "\$559,500.00" and inserting in lieu thereof "\$569,500.00."

6. Amend Sec. 3, lines 3 and 4 by striking the words "five hundred forty-five thousand dollars" and figures "\$545,000.00" and inserting in lieu thereof "five hundred thirty-five thousand dollars (\$535,000.00)."

7. Also amend Item (9), pertaining to Iowa Soldiers' Orphans' Home, Davenport, by striking from line 46 the following: "2. Boys' cottage \$20,000.00."

8. Also amend line 48 by striking the figures "\$60,000.00" and inserting in lieu thereof "\$40,000.00".

9. Also amend line 51 under Item (10) pertaining to the State Juvenile Home, Toledo, by striking the figures "\$25,000.00" and inserting in lieu thereof "\$35,000.00."

10. Also amend line 53 under Item (10) by striking the figures "\$25,000.00" and inserting in lieu thereof "\$35,000.00."

11. Also amend line 55 of Item (10) by striking the figures "\$545,000.00" and inserting in lieu thereof "\$535,000.00".

The amendment was adopted.

Senator Berg 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, 42:

Augustine	Emerson	Hunt	Miller
Baldwin	Evans	Johnson	Mowry
Bekman	Faul	Jones	Munger
Berg	Goode	Keir	Shaw
Byers	Hamiel	Leo	Sjulin
Clark	Hart	Long	Stewart
Corwin	Harvey	Love	Talbott
Cromwell	Hattery	Lundy	Watson
Dewey	Henningsen	Lynes	Whitehill
Dykhouse	Hess	Mercer	Zeigler
Elthon	Hill		

Nays, 1:

Martin

Absent or not voting, 7:

Benson	Findlay	Pelzer	Vrba
Donohue	Fuller	Turner	

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

Senator Berg 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.

On motion of Senator Berg, House File 271, a bill for an act to appropriate from the general fund and institutional industries fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Control for the support of institutions under said Board of Control, 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 11 by striking from line 7 the figures "\$240,000.00" and inserting in lieu thereof "\$237,000.00". Also amend by inserting before line seven of section 11 the following: "For salary of superintendent, \$3,000.00".

The amendment was adopted.

Senator Hess offered the following amendment and moved its adoption:

Amend House File 271 by inserting following line 9 of section 2 the following: "For construction of a new unit to be known as a receiving ward, \$250,000.00, and to amend the total as shown in section two (2) line eleven (11) from \$408,000.00 to \$658,000.00".

Senator Hess asked and received unanimous consent to withdraw the amendment.

Senator Berg 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, 41:

Augustine	Elthon	Hill	Miller
Baldwin	Emerson	Johnson	Mowry
Bekman	Evans	Jones	Pelzer
Benson	Goode	Keir	Shaw
Berg	Hamiel	Leo	Sjulin
Byers	Hart	Long	Stewart
Clark	Harvey	Love	Talbott
Corwin	Hattery	Lynes	Watson
Cromwell	Henningsen	Martin	Whitehill
Dewey	Hess	Mercer	Zeigler
Dykhouse			

Nays, none.

Absent or not voting, 9:

Donohue	Fuller	Lundy	Turner
Faul	Hunt	Munger	Vrba
Findlay			

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

Senator Berg 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.

On motion of Senator Berg, Senate File 356, a bill for an act to amend section three thousand three hundred eighty-eight (3388), Code, 1939, relating to the salary of the superintendent at the State Sanitarium at Oakdale, was taken up and considered.

Senator Berg 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, 41:

Augustine	Evans	Johnson	Miller
Baldwin	Faul	Jones	Mowry
Bekman	Goode	Keir	Pelzer
Benson	Hamiel	Leo	Shaw
Berg	Hart	Long	Sjulin
Byers	Harvey	Love	Stewart
Cromwell	Hattery	Lundy	Talbott
Dewey	Henningsen	Lynes	Watson
Dykhouse	Hess	Martin	Whitehill
Elthon	Hill	Mercer	Zeigler
Emerson			

Nays, none.

Absent or not voting, 9:

Clark	Findlay	Hunt	Turner
Corwin	Fuller	Munger	Vrba
Donohue			

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

Senator Berg 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.

On motion of Senator Berg, Senate File 340, a bill for an act to make an appropriation to Muscatine county, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Corwin offered the following amendment and moved its adoption:

Amend section 2 of Senate File 340 as follows:

Strike the letter "s" as it appears in the word "warrants" in line 2;

Strike the words "respective counties" in line 2 and insert in lieu thereof the words "said county";

Strike the letter "s" as it appears in the word "appropriations" in line 3;

Strike the word "have" in line 3 and insert in lieu thereof the word "has";

Strike the letter "s" from the word "sums" in line 4;

Strike the letter "s" from the word "assessments" in line 5.

The amendment was adopted.

Senator Corwin 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, 41:

Augustine	Elthon	Hill	Mowry
Baldwin	Emerson	Keir	Munger
Bekman	Evans	Leo	Pelzer
Benson	Faul	Long	Shaw
Berg	Goode	Love	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hart	Lynes	Talbott
Corwin	Hattery	Martin	Watson
Cromwell	Henningsen	Mercer	Whitehill
Dewey	Hess	Miller	Zeigler
Dykhouse			

Nays, none.

Absent or not voting, 9:

Donohue	Harvey	Johnson	Turner
Findlay	Hunt	Jones	Vrba
Fuller			

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

Senator Corwin 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.

On motion of Senator Berg, Senate File 359, a bill for an act to provide an emergency appropriation to complete the preparation of an elementary course of study for the rural and graded schools of the state of Iowa, and a course of study for normal training high schools, in order to complete the work already begun by the department of public instruction, was taken up and considered.

Senator Henningsen 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, 39:

Augustine	Dykhouse	Henningsen	Mercer
Baldwin	Elthon	Hess	Miller
Bekman	Emerson	Hill	Mowry
Benson	Evans	Jones	Sjulin
Berg	Faul	Keir	Stewart
Byers	Goode	Long	Talbott
Clark	Hamiel	Love	Watson
Corwin	Hart	Lundy	Whitehill
Cromwell	Harvey	Lynes	Zeigler
Dewey	Hattery	Martin	

Nays, none.

Absent or not voting, 11:

Donohue	Hunt	Munger	Turner
Findlay	Johnson	Pelzer	Vrba
Fuller	Leo	Shaw	

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

Senator Berg 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.

On motion of Senator Berg, House Joint Resolution 2, a joint resolution making an appropriation to cover the expenses of the delegate to the Fifth General Assembly of the Council of State Government, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

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

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

**Ayes, 39:**

Augustine	Evans	Jones	Mowry
Baldwin	Faul	Keir	Pelzer
Bekman	Goode	Leo	Shaw
Benson	Hamiel	Long	Sjulin
Berg	Hart	Love	Stewart
Byers	Harvey	Lundy	Talbott
Clark	Hattery	Lynes	Watson
Corwin	Henningsen	Martin	Whitehill
Dewey	Hess	Mercer	Zeigler
Emerson	Hill	Miller	

**Nays, none.**

**Absent or not voting, 11:**

Cromwell	Elthon	Hunt	Turner
Donohue	Findlay	Johnson	Vrba
Dykhouse	Fuller	Munger	

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

Senator Mercer offered the following resolution:

#### SENATE CONCURRENT RESOLUTION 16

*Whereas*, It has been called to the attention of the General Assembly that a school book used by one of Iowa's most distinguished sons and citizens in his boyhood days, is now on display in a book shop in the city of Des Moines, and

*Whereas*, This boy, now grown to manhood, has by his great service

and contribution to the Government, as Secretary of Agriculture for eight years, again brought distinction from his family to the state of his birth, and

*Whereas*, This public service has further culminated in his being elected to the office of vice president of the United States, one step away from the highest dignity of the land, and the first Iowan to bring such honor to the state, and

*Whereas*, The future greatness of this man may make more difficult an adequate historical collection of former possessions and mementoes, now therefore,

*Be It Resolved by the Senate, the House Concurring*: That the Curator of the Iowa Historical Department be instructed to purchase the arithmetic formerly used by the Hon. Henry A. Wallace as an Iowa schoolboy, which is now on sale and display, at such price as may be approved by the Executive Council, and that the said book be placed in the Iowa Museum as a start of a collection of mementoes of the said Henry A. Wallace.

President Hickenlooper took the chair at 12:55 p. m.

Senator Berg asked and received unanimous consent to have Senate File 246 rereferred to the committee on appropriations.

#### SENATORIAL REDISTRICTING COMMITTEE

The President appointed the following Senators on the Senatorial Redistricting committee:

Watson, chairman; Emerson, ranking member; Corwin, Byers, Hill, Long, Faul, Benson and Munger.

#### SPECIAL COMMITTEE

The President appointed the following Senators on the committee authorized by House Concurrent Resolution 16: Senators Emerson, Henningsen, and Hess.

#### HOUSE AMENDMENTS CONSIDERED

Senator Hill called up House File 34, a bill for an act to amend chapter three hundred thirty (330), Code, 1939, relating to assessment of certain agricultural products, the House having refused to concur in Senate amendments.

Senator Lynes moved that the Senate insist on its amendments to House File 34.

The motion prevailed unanimously and the Senate insisted on its amendments to House File 34.

The President appointed on the conference committee Senators Donohue, Lynes, Hill, and Leo.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 18 and 27.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 18 and 27.

#### BILLS SENT TO THE GOVERNOR

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

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 26th day of February, 1941, sent to the Governor for his approval, Senate Files 18 and 27.

EDWARD H. VRBA, *Chairman.*

Passed on file.

#### REPORT OF COMMITTEE

Senator Faul submitted the following report:

**MR. PRESIDENT:** Your committee on insurance to which was referred Senate File 287, a bill for an act to amend section nine thousand one hun-



dred four (9104) of chapter four hundred nine (409), Code, 1939, pertaining to consolidation and reinsurance, by including in such section chapter four hundred eight (408), Code, 1939, pertaining to reciprocal or interinsurance contracts, begs leave to report it has had the same under consideration and recommends the same do pass.

GEORGE FAUL, *Chairman.*

Ordered passed on file.

#### AMENDMENTS FILED

Amend Senate File 462 as follows:

(1) By striking from lines 5 and 6 of section 25 the words and figures "forty-seven thousand five hundred dollars (\$47,500.00)" and by inserting in lieu thereof the words and figures "forty-eight thousand five hundred dollars (\$48,500.00)".

(2) By striking from line 10 of section 25 the figures "\$5,000.00" and by inserting in lieu thereof the figures "\$6,000.00". GEORGE FAUL.

Amend Senate File 285 by striking the word "companies" in line 4 of section 1 and by inserting in lieu thereof the word "carriers".

GEORGE FAUL.

Amend Senate File 246 by striking all of line 17 of section 1 after the word "employment" and the following words in line 18: "two or more year's employment,".

R. E. HESS.

Amend section 14 of Senate File 462 by striking from line 50 the figures "6,350.00" and inserting in lieu thereof the figures "6,550.00".

Also amend section 14 by striking from line 53 the figures "7,350.00" and inserting in lieu thereof the figures "7,550.00". CLARENCE L. CLARK.

Amend section 41 of Senate File 462 by striking the figures "631,-136.00" from line fifteen (15) of said section and inserting in lieu thereof the figures "639,136.00".

Further amend said section by striking the figures "649,136.00" from line 19 of said section and inserting in lieu thereof the figures "657,-136.00".

O. H. HENNINGSEN.

Amend Senate File 414 by striking all of Section nineteen (19) thereof and insert in lieu thereof the following:

"This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Muscatine Journal, a newspaper published at Muscatine, Iowa, and the West Liberty Index, a newspaper published at West Liberty, Iowa."

E. P. CORWIN.

Amend Senate File 462, Section 39, line 8, by placing after the word "maintenance" a comma and inserting "insurance". PAUL P. STEWART.

Amend section 2 of Senate File 198 by inserting the word "said" after the word "the" in line 3; by striking the semicolon (;) after the word "retailer" in line 3 and by striking the comma (,) after the word "chapter" in line 3 and inserting a semicolon (;) in lieu thereof.

Further amend section 2 by inserting the word "said" after the word "the" in line 5.

Amend section 3 by inserting the words "or persons" after the word "person" in line 6; by striking the word "is" in line 7 and inserting the word "are" in lieu thereof and by inserting the words "individually or collectively" after the word "sue" in line 8.

Amend section 4 by adding the following sub-paragraph after sub-paragraph 7: "8. Where the price of merchandise is governed by Federal regulation."

Amend section 5 by inserting after the word "documents" in line 5 the following: ", that are relevant and material to the specific violation alleged,".

Amend Section 6 by striking the word "chapter" in line 1 thereof, and inserting the word "Act" in lieu thereof.

Further amend section 6 by inserting after the word "Act" in line 2 the following: ", 1941".

G. R. HILL.

Amend section 1 of Senate File 237 by striking the words "the mortgage" in lines 5 and 6 and substituting in lieu thereof the words "such claimant".

Also amend by striking from line 7 the following: "thereof," and inserting in lieu thereof "of his claim, he".

Insert the words "said claimant and" immediately following the word "and" in line 14.

G. R. HILL.

Amend Senate File 293 as follows:

From line 4 of section 1 strike the word "motor".

In line 6 of section 2, after the word "city" insert the words "or town".

In line 7 of section 2, after the word "tax" insert the words ", to be known as the parking lot fund,".

In line 3 of section 3, after the word "fund", insert "or parking lot fund".

In line 8 of section 4, strike the words "a special" and insert in lieu thereof "the parking lot".

Add to section 5, at the end thereof the following:

"In no event shall on such lease or agreement be for a period of more than 5 years."

Strike section 7, the publication clause.

FRED CROMWELL.

Amend Senate File 407 by striking the comma following the word "commission" in line 3 of section 2 and by inserting in lieu thereof a period, and by striking the remainder of such section. J. BERG.

On motion of Senator Faul, the Senate adjourned until 2:00 p. m. March 4th, as provided for in Senate Concurrent Resolution 10.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 4, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. August W. Gruhn, pastor of St. John's Lutheran Church of Des Moines.

The Journal of February 26th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Emerson for the day, on request of Senator Sjulín; Senator Johnson for the day, on request of Senator Leo; Senator Donohue for the day, on request of Senator Berg; Senator Benson for the day, on request of Senator Turner; Senator Fuller for the day, on request of Senator Hattery; Senator Bekman for the day, on request of Senator Henningsen; Senator Lundy for the day, on request of Senator Mercer; Senator Cromwell for the day, on request of Senator Henningsen; Senator Baldwin for the day, on request of Senator Watson; Senator Byers for the day, on request of Senator Hart.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Munger, from teachers of Anthon, in opposition to Senate File 170.

By Senator Mercer, from members of the Iowa City police and fire departments, and civil service employees, in opposition to House File 294.

By Senator Goode, from residents of Davis county, favoring passage of the rural library extension bill.

By Senator Findlay, from residents of Webster county, in opposition to Senate File 196.

By Senator Shaw, from farmers and corn producers of Buena Vista county, in opposition to House File 34 as amended; also from residents of Sioux Rapids, in opposition to Senate File 170.

By Senator Evans, from residents of Jefferson, Van Buren and Washington counties, favoring local road legislation.

By Senator Sjulín, from teachers of Clarinda public schools, favoring passage of the Teachers' Annuity bill; also from members of the Board of Education and teachers of Northboro, in opposition to Senate File 170.

By Senator Augustine, from residents of Barnes City, favoring passage of Senate File 366; also from members of Local Unit No. 13 of Oskaloosa, in opposition to House File 294.

By Senator Love, from residents of Adair county, favoring passage of the rural library extension bill; also from residents of Greenfield, favoring passage of the joint resolution relating to gasoline tax and highway funds.

By Senator Faul, from residents of Des Moines, in opposition to Senate File 196.

Senator Watson moved that the following resolution be adopted.

#### HOUSE CONCURRENT RESOLUTION 20

*Whereas*, The Legislature is advised of a meeting of the Pioneer Lawmakers Association to be held in the Historical building on Thursday, March 6th, and of their custom of formally calling on the General Assembly, therefore,

*Be It Resolved by the House, the Senate Concurring*: That the General Assembly meet in joint session in the House Chamber on Thursday, March 6th, at 2:00 p. m., and that the Pioneer Lawmakers be invited to attend and present a program on that date.

The motion prevailed and the resolution was adopted.

Senator Love asked and received unanimous consent to substitute House File 33 for Senate File 276.

#### 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 73, a bill for an act relating to sale and authorizing school bonds in Monona county.

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

Senate File 189, a bill for an act relating to the selection and tenure of the Chief Justice of the Supreme Court.

Also: That the House has indefinitely postponed the following bill in which the concurrence of the House was asked:

Senate File 13, a bill for an act relating to powers and duties of board of supervisors.

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

Senate File 33, a bill for an act relating to cities under special charter.

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

Senate File 16, a bill for an act relating to the rights and privileges of persons entering into military service.

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

Senate File 107, a bill for an act relating to the notice of appointment of executors and administrators.

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

Senate File 32, a bill for an act relating to the interest on general taxes of such cities which levy and collect their own taxes.

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

House File 237, a bill for an act relating to the refunding bonds by the City of Hawarden, Sioux county, Iowa.

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

House File 320, a bill for an act relating to the transfer of funds in Hardin county.

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

House File 171, a bill for an act relating to the transfer of funds in Marion county.

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

House File 131, a bill for an act to amend certain sections relating to memorial buildings and monuments commemorating soldiers, sailors and marines, and providing that such sections include The Iowa Volunteers.

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

House File 246, a bill for an act relating to the payment of warrants issued by the city of Oskaloosa.

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

House File 190, a bill for an act relating to the platting of Wamser's addition to the town of Keystone in Benton county, Iowa.

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

House File 133, 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 179, a bill for an act relating to finger and palm prints.

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

House File 310, a bill for an act relative to the use of a portion of what is known as the Fairgrounds for football and other athletic games.

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

House File 121, a bill for an act relating to township tax levy for the purpose of obtaining fire equipment.

Also: That the Speaker has appointed as conference committee on the part of the House on House File 34, a bill for an act relating to assessment of certain agricultural products, Representatives Ritchie, Burma, Dancer and Siefkas. A. C. GUSTAFSON, *Chief Clerk.*

### THIRD READING OF BILLS

On motion of Senator Berg Senate File 284, a bill for an act to amend section six thousand one hundred twenty-five (6125), Code, 1939, relating to street improvements and sewers in cities and towns, was taken up and considered.

Senator Martin offered the following amendment and moved its adoption:

Amend Senate File 284 by adding thereto the following:

"Sec. 2. This act shall also apply to cities acting under special charter and shall be construed to enlarge and not to limit the powers granted to such cities by their respective charters and by any other statute."

The amendment was adopted.

Senator Berg 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, 39:

Augustine	Dykhouse	Goode	Hess
Berg	Eithon	Hart	Hill
Clark	Evans	Harvey	Hunt
Corwin	Faul	Hattery	Jones
Dewey	Findlay	Henningsen	Keir

Leo	Mercer	Shaw	Vrba
Long	Miller	Sjulin	Watson
Love	Mowry	Stewart	Whitehill
Lynes	Munger	Talbott	Zeigler
Martin	Pelzer	Turner	

Nays, none.

Absent or not voting, 11:

Baldwin	Byers	Emerson	Johnson
Bekman	Cromwell	Fuller	Lundy
Benson	Donohue	Hamiel	

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

Senator Berg 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.

On motion of Senator Harvey, Senate File 292, a bill for an act to amend chapter one hundred fifty-five and one tenth (155.1), Code, 1939, relating to narcotic drugs; providing for certain exemptions; providing for confiscation and forfeiture of vehicles unlawfully used in the narcotic trade; and relating to penalties for violation of the provisions, was taken up and considered.

Senator Harvey offered the following amendment and moved its adoption:

Amend Senate File 292 by adding immediately after section 5 the following new sections:

"Sec. 6. Amend section thirty-one hundred sixty-nine and one hundredth (3169.01), Code, 1939, by striking all of subsection 14 and inserting in lieu thereof the following: 'Cannabis' includes all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.'"

"Sec. 7. Amend section thirty-one hundred sixty-nine and one hundredth (3169.01), Code, 1939, by striking the period at the end of subsection 17 by adding thereto the following: 'and if no such order form is provided, then on an official form provided for that purpose by the Iowa Pharmacy Examiners.'"

"Sec. 8. Amend section thirty-one hundred sixty-nine and nine hundredths (3169.09), Code, 1939, by striking from line 13 of subsection 5 the following: 'dried flowering or fruiting tops of the'. Further amend



said section by striking from lines 14 and 15 of subsection 5 the following: 'from which the resin has not been extracted'."

"Sec. 9. Amend section thirty-one hundred sixty-nine and nine hundredths (3169.09), Code, 1939, by striking therefrom all of subsection 6."

Further amend Senate File 292 by renumbering the remaining sections.

The amendment was adopted.

Senator Munger offered the following amendment and moved its adoption:

Amend by inserting after the word "transport" in line 5 of section 1 the words "in violation of this chapter".

The amendment was adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 292 by striking from section 5, commencing with the word "as" in line 7, the balance of said section and by substituting therefor the following: "by imprisonment in the reformatory or penitentiary for a period not to exceed five (5) years, or by a fine of not more than one thousand dollars (\$1,000.00), or both."

The amendment was adopted.

Senator Elthon offered the following amendment and moved its adoption:

Amend Senate File 292 by inserting after the word "occupant" in line 9 of section 1 the words: "with the knowledge of the owner".

The amendment was adopted.

Senator Harvey offered the following amendment and moved its adoption:

Amend section 2 of Senate File 292 by adding after the period in line 23 the following:

"Nothing in this section shall be construed to permit any person to prescribe, administer, compound, dispense, or sell any of the preparations included herein, except those persons duly qualified under this chapter to engage in the distribution of narcotics."

The amendment was adopted.

Senator Harvey 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, 88:

Augustine  
Berg  
Clark

Corwin  
Dewey  
Dykhouse

Findlay  
Elthon  
Evans

Faul  
Goode  
Hart

Harvey	Keir	Miller	Stewart
Hattery	Leo	Mowry	Talbott
Hennigsen	Long	Munger	Turner
Hess	Love	Pelzer	Vrba
Hill	Lynes	Shaw	Watson
Hunt	Martin	Sjulin	Whitehill
Jones	Mercer		

Nays, none.

Absent or not voting, 12:

Baldwin	Byers	Emerson	Johnson
Bekman	Cromwell	Fuller	Lundy
Benson	Donohue	Hamiel	Zeigler

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

Senator Harvey offered the following amendment to the title and moved its adoption:

Amend the title of Senate File 292 by inserting after the word "trade" in line 5 the following: "providing for issuance of order forms;"

The amendment was adopted and the title as amended was agreed to.

Senator Harvey 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.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 28th he had approved the following:

Senate File 7, relative to time of filing of the annual report of the county superintendents.

Senate File 18, providing for the place of making application for a writ of habeas corpus for inmates of federal institutions.

Senate File 27, relating to payment of tuition for nonresident pupils in another district.

Senate File 62, legalizing certain proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of the Consumers Consolidated Coal Company.

Senate File 218, authorizing school districts to sell and convey property to the federal government in the development of the national defense.

Senate File 306, providing for the organization, administration, employment and pay of the Iowa State Guard.

Also that on March 1st he had approved the following:

Senate File 43, relating to the time for filing protests against and appeals from budgets.

Senate File 61, relating to compelling support by the parent by order of the juvenile court.

Senate File 64, relating to the management and control of airports by a commission.

Senate File 202, relative to allocation of revenue for old age assistance.

Senate File 223, providing for the joining of school districts altered by the federal government in the location of national defense project to adjoining school districts.

#### HOUSE MESSAGES CONSIDERED

House File 121, a bill for an act to amend section five thousand five hundred seventy and two tenths (5570.2), Code, 1939, by striking certain words therefrom relating to township tax levy for the purpose of obtaining fire equipment.

Read first and second times and passed on file.

House File 131, a bill for an act to amend sections four hundred eighty-four (484) and four hundred ninety-two (492), Code, 1939, relating to memorial buildings and monuments commemorating soldiers, sailors and marines, and providing that such sections include The Iowa Volunteers.

Read first and second times and passed on file.

House File 133, a bill for an act to amend section one thousand nine hundred five and fifty-six hundredths (1905.56), Code, 1939, relating to fines for violation of the provisions of chapter ninety-one and two tenths (91.2), Code, 1939, relating to real estate brokers.

Read first and second times and passed on file.

House File 171, a bill for an act to make permanent a temporary

transfer of funds in Marion County, Iowa, from the state insane fund to the general county fund of said county.

Read first and second times and passed on file.

House File 179, a bill for an act to amend section thirteen thousand four hundred seventeen and one tenth (13417.1), Code, 1939, relating to finger and palm prints.

Read first and second times and passed on file.

House File 190, a bill for an act to legalize the proceedings in the platting of Wamser's Addition to the town of Keystone, in Benton county, Iowa.

Read first and second times and passed on file.

House File 246, a bill for an act to legalize the payment of certain warrants issued by the city of Oskaloosa during the fiscal years of 1937-1938, and 1938-1939.

Read first and second times and passed on file.

House File 237, a bill for an act to legalize proceedings relating to the authorization and issuance of refunding bonds by the city of Hawarden, Sioux county, Iowa, and proceedings providing for the levying of an annual tax for the payment of said bonds and interest thereon, and declaring said bonds issued pursuant to said proceedings to be enforceable obligations of said city.

Read first and second times and passed on file.

House File 320, a bill for an act to legalize all acts and proceedings relating to the transfer of funds, on November 15, 1932, from the Insane Fund to the Poor Fund of Hardin County, Iowa, and making such transfer permanent.

Read first and second times and passed on file.

House File 310, a bill for an act to legalize action of the city council of the city of Mount Pleasant, Iowa, in entering into a certain lease with the Mount Pleasant Independent School District relative to the use of a portion of what is known as the Fairgrounds for a term of years for football and other athletic games and practice.

Read first and second times and passed on file.

Senator Goode asked and received unanimous consent to withdraw the amendment filed by him to Senate Resolution 5, found originally on page 544 of the Senate Journal.

#### REPORT OF COMMITTEE

Senator Mowry submitted the following report:

**MR. PRESIDENT:** Your committee on public schools to which was referred Senate File 304, a bill for an act to permit certain junior colleges to receive state aid for normal training, begs leave to report it has had the same under consideration and recommends the same do pass.

**ROSS R. MOWRY, Chairman.**

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

H. F. 121.....	County and township affairs
H. F. 131.....	Military affairs
H. F. 133.....	Judiciary 2
H. F. 171.....	Judiciary 1
H. F. 179.....	Judiciary 1
H. F. 190.....	Judiciary 1
H. F. 237.....	Judiciary 1
H. F. 246.....	Judiciary 1
H. F. 310.....	Judiciary 2
H. F. 320.....	Judiciary 2

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 265.

**EDWARD H. VRBA, Chairman Senate Committee.**

**GORDON SMITH, 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 265.

#### AMENDMENTS FILED

Amend Senate File 277 by striking all following the enacting clause.

**GEORGE FAUL.**

Amend Senate File 462 by striking from lines 5 and 6 of section 29 the words and figures "fourteen thousand seven hundred dollars (\$14,700.00)" and by inserting in lieu thereof the words and figures "twenty-seven thousand two hundred dollars (\$27,200.00)". JOHN P. BERG.

Amend Senate File 274 by adding thereto the following section:

"Sec. 3. Section five thousand eight hundred twenty-five (5825), Code, 1939, is hereby amended by inserting after the word "grounds" in line 3 of said section the words "and waters"; and by inserting immediately before the word "which" in line 5 of said section the words "and to regulate the speed of motor boats on such waters,".

Amend the title by inserting after the comma (,) at the end of line 2 the following: "and five thousand eight hundred twenty-five (5825),".

J. BERG.

Amend Senate Joint Resolution 6 by striking from line 1, section 1, the number "6" and substituting in lieu the number "20". Also by striking from line 2, section 2, the number "6" and substituting in lieu the number "20."

C. V. FINDLAY.

Amend Senate File 283 by adding thereto the following:

"Sec. 13. This act, insofar as the same amends or repeals sections of the Code, 1939, heretofore applicable to cities under special charter, shall also apply to such cities."

FRANK D. MARTIN.

Amend section 1 of Senate File 462 by striking the figures "20,240.00" in line 11 and inserting in lieu thereof the figures "21,920.00".

Further amend said section by striking the figures "30,740.00" in line 15 and inserting in lieu thereof the figures "32,420.00".

O. H. HENNINGSEN.

Amend Senate File 283 as follows:

1. By striking all of section 3.
2. By striking all of section 4.

ROSS R. MOWRY.

Amend Senate File 277 as follows:

1. Amend section 1 by striking all after the word "words" in line 5 and inserting in lieu thereof the following: "commerce commissioner, judge of the supreme court, and judge of the district court'."

2. Amend section 2 by striking out the period following the word "governor" in line 5 and inserting the following: ", lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, secretary of agriculture, and superintendent of public instruction."

3. Amend section 3 by striking out the period following the word "Governor" in line 4 and inserting the following: ", lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, secretary of agriculture, and superintendent of public instruction."

4. Amend section 5 by striking out the period in line 5 and inserting the following: ", lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, secretary of agriculture, and superintendent of public instruction."

5. Amend section 6 by striking all after the words "offices of" in line 4

and inserting in lieu thereof the following: "commerce commissioner, and in addition".

6. Amend section 7 by striking the words "or for Governor" and inserting in lieu thereof the following: ", lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, secretary of agriculture, and superintendent of public instruction". ROSS R. MOWRY.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 5, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. J. J. Share of the First Methodist church of Webster City.

The Journal of March 4th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Donohue for the day, on request of Senator Berg; Senator Emerson for the day, on request of Senator Sjulín.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Benson, from residents of Carroll, Greene and Sac counties, favoring passage of the Unfair Trade Practices Acts.

By Senator Love, from residents of Madison county, favoring local road legislation.

By Senator Evans, from residents of Riverside, Kalona and Iowa City, favoring local road legislation.

By Senator Talbott, from residents of Poweshiek county, favoring passage of Senate File 454.

By Senator Shaw, from residents of Buena Vista county, in opposition to House File 34 as amended.

By Senator Cromwell, from residents of Burlington, favoring passage of House File 345; also from residents of Burlington, in opposition to Senate File 198 and House File 164.

By Senator Watson, from members of the Westminister Presbyterian church of Council Bluffs, favoring certain liquor legislation.

By Senator Leo, from residents of Benton county, favoring passage of House File 365; also from members of the Tama County Home Project Committee, and members of the Big Grove Follow



up group of Benton county, favoring passage of the library extension bill.

By Senator Baldwin, from residents of Dubuque county, favoring passage of the library extension bill; also from members of Local No. 9, Dubuque Policemen's Protective Association, in opposition to House File 294.

By Senator Sjulín, from members of the Page county board of supervisors, favoring passage of Senate File 399.

By Senator Byers, from painting contractors, journeymen and paint material men of Cedar Rapids, favoring passage of Senate File 294.

By Senator Whitehill, from the Entre Nous club of Marshalltown, favoring local option.

By Senator Findlay, from residents of Lehigh, favoring passage of Senate File 366; also from residents of Rockwell City, favoring passage of the library extension bill.

By Senator Turner, from residents of Bedford, favoring passage of the library extension bill; also from teachers of Sharpsburg schools in opposition to Senate File 170.

Senator Henningsen called up the following concurrent resolution and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 14

*Whereas*, In accordance with an act of Congress a dam was erected across the Mississippi river at Keokuk, Iowa; and

*Whereas*, In said act of Congress there was a clause requiring that if at any time the Department of Commerce so ordered, the owning company could be compelled to install in said dam an adequate fishway; and

*Whereas*, The Mississippi River Power Company is now the owner and operator of said dam; and

*Whereas*, The welfare of the great commonwealth of Iowa depends in a very large measure upon the installation of a fishway through said dam; and

*Whereas*, The fishermen of the state of Iowa, both private and commercial, the Eastern Iowa Sportsmen's Protective League, the Mississippi Valley Protective Association, and many others are urgently requesting the installation of said fishway; therefore

*Be It Resolved by the Senate, the House Concurring*: That the legislature of Iowa duly assembled in Des Moines, Iowa, respectfully petitions the members of the National Congress and the United States Department

of Commerce to use every possible effort to obtain the installation of an adequate fishway through the Keokuk dam on the Mississippi river, and that this legislature urges the members of the National Congress and the United States Department of Commerce to secure the necessary orders from the proper departments providing for said fishway, and that a copy of this resolution be sent to the United States Department of Commerce, to each United States senator and representative from the state of Iowa, to the speaker of the National House of Representatives, to the president of the United States Senate, and to the President of the United States.

The motion prevailed and the resolution was adopted.

Senator Mercer called up the following resolution and moved its adoption.

#### SENATE CONCURRENT RESOLUTION 16

*Whereas*, It has been called to the attention of the General Assembly that a school book used by one of Iowa's most distinguished sons and citizens in his boyhood days, is now on display in a book shop in the city of Des Moines, and

*Whereas*, This boy, now grown to manhood, has by his great service and contribution to the Government, as Secretary of Agriculture for eight years, again brought distinction from his family to the state of his birth, and

*Whereas*, This public service has further culminated in his being elected to the office of vice president of the United States, one step away from the highest dignity of the land, and the first Iowan to bring such honor to the state, and

*Whereas*, The future greatness of this man may make more difficult an adequate historical collection of former possessions and mementoes, now therefore,

*Be It Resolved by the Senate, the House Concurring*: That the Curator of the Iowa Historical Department be instructed to purchase the arithmetic formerly used by the Hon. Henry A. Wallace as an Iowa schoolboy, which is now on sale and display, at such price as may be approved by the Executive Council, and that the said book be placed in the Iowa Museum as a start of a collection of mementoes of the said Henry A. Wallace.

The motion prevailed and the resolution was adopted.

#### THIRD READING OF BILLS

On motion of Senator Love, House File 33, a bill for an act to amend section six hundred twenty-five (625), six hundred thirty-three (633), and six hundred thirty-seven (637), Code, 1939, relating to nominations prohibited by county conventions, district

conventions, and state conventions of any political party, substituted for Senate File 276, was taken up and considered.

Senator Love 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, 42:

Bekman	Faul	Keir	Munger
Benson	Findlay	Leo	Pelzer
Berg	Hamiel	Long	Shaw
Byers	Hart	Love	Sjulin
Clark	Harvey	Lundy	Stewart
Corwin	Hattery	Lynes	Talbott
Cromwell	Henningsen	Martin	Turner
Dewey	Hess	Mercer	Watson
Dykhouse	Hill	Miller	Whitehill
Elthon	Hunt	Mowry	Zeigler
Evans	Jones		

Nays, 2:

Augustine            Baldwin

Absent or not voting, 6:

Donohue	Fuller	Johnson	Vrba
Emerson	Goode		

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

Senator Love 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.

#### 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 and passed House File 271, a bill for an act making an appropriation for the institutions under the board of control.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 21 providing for a special recess to be held on Good Friday afternoon, April 11, during the hours of twelve to three o'clock.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 22 petitioning the Congress of the United States to pass a bill to abate existing pollution of waters and streams under federal control.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 23 relating to the appointment of a committee by the Governor to make preparation for the celebration of the Centennial of Iowa.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 24 relating to athletic trophies.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 25 relating to a conference of state governments.  
A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 21

*Whereas*, Both Houses of the Legislature see fit to open their day's work with prayer, and it is unseemly that they should work during the time in which is commemorated the Passion and Death of the Lord to Whom they dedicate their daily efforts;

*Whereas*, Many members will absent themselves from their legislative halls during that time to attend services in their respective churches; therefore,

*Be It Resolved by the House, the Senate Concurring*: That a special recess be held on Good Friday afternoon, April 11, during the hours of twelve to three o'clock, out of reverence to the Passion and Death of Our Lord.

#### HOUSE CONCURRENT RESOLUTION 22

Concurrent resolution petitioning the Congress of the United States to pass a bill for an act to abate existing pollution, to prevent the future pollution of the waters, streams, and lakes under Federal control and to impress upon the Iowa members of the National Congress the desires of the Iowa people for the abatement and prevention of such pollution by national law.

*Be It Resolved by the House, the Senate Concurring*:

That the Congress of the United States is hereby memorialized and requested to pass a law along general, broad, and effective lines to abate existing pollution and to prevent the future pollution of the Federal waters, streams and lakes of the United States.

That the Governor of the state of Iowa is hereby requested to officially convey such memorial and petition to the Congress of the United States and to the Iowa members thereof.

#### HOUSE CONCURRENT RESOLUTION 23

*Be It Resolved by the House, the Senate Concurring*: That in view of the approaching centennial of the statehood of Iowa, the state having been admitted to the Union on December 28, 1846, the Governor of Iowa is hereby authorized to appoint a committee of nine (9) persons for the

purpose of considering and preparing plans for a proper celebration of the centennial of Iowa statehood during the year 1946, at the capitol of Iowa and in various parts of Iowa, such program for celebration to be of a character suitable to advance the educational and historical interest of the people of the state in development of our state during its first hundred years.

Said committee is hereby instructed to prepare plans and programs for such celebration and submit the same to the Fiftieth General Assembly for such action as it may deem proper.

#### HOUSE CONCURRENT RESOLUTION 24

*Whereas*, The members of the Forty-ninth General Assembly of Iowa have created a fund, by individual subscriptions, for the purpose of providing athletic trophies to be presented to the denominational colleges and schools of this state who are participating in the Iowa Intercollegiate Athletic Conference; therefore,

*Be It Resolved by the House, the Senate Concurring:*

That the fund herein subscribed be turned over to the Commissioner of the Iowa Intercollegiate Athletic Conference for the purpose of providing athletic trophies to be presented to the winning school or schools for the superiority in athletic contests sponsored by the Iowa Intercollegiate Athletic Conference and that such Commissioner or Faculty Representatives of the Iowa Intercollegiate Athletic Conference may prescribe such rules or regulations as they desire providing for the revolving of the trophies from year to year to the various schools who may be entitled to them each year. One of such trophies shall be inscribed as having been donated by the Senate of the Forty-ninth General Assembly of Iowa and another trophy to be inscribed as having been donated by the House of Representatives of the Forty-ninth General Assembly of Iowa. Any other trophy to be inscribed as having been donated by the members of the Forty-ninth General Assembly.

#### HOUSE CONCURRENT RESOLUTION 25

*Whereas*, On the seventh day of March, 1941, a regional conference of the Council of State Governments and the State Defense Councils of Minnesota, Wisconsin, Michigan, Iowa, Missouri, Illinois, Indiana, Ohio, and Kentucky has been called to meet in the city of Chicago, and,

*Whereas*, It is desirable that the state of Iowa participate in said conference and be represented therein,

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

Section 1. That the President of the Senate shall immediately appoint two (2) members of the Senate and the Speaker of the House shall immediately appoint three (3) members of the House, to attend the regional conference of the Council of State Governments and the State Defense Councils of Minnesota, Wisconsin, Michigan, Iowa, Missouri, Illinois, Indiana, Ohio, and Kentucky in the city of Chicago on Friday, the seventh day of March, 1941.

Senator Faul presented the students of St. Joseph's Academy of Des Moines who were present in the balcony.

Senator Hattery presented the students of the Maxwell High School who were present in the balcony.

### THIRD READING OF BILLS

On motion of Senator Cromwell, Senate File 283, a bill for an act to amend chapter three hundred eight (308), Code, 1939, by amending sections five thousand nine hundred ninety-four (5994), five thousand nine hundred ninety-six (5996), five thousand nine hundred ninety-seven (5997), six thousand four (6004), six thousand twelve (6012), six thousand fifteen (6015), six thousand eighteen (6018), six thousand thirty-three (6033), six thousand thirty-five (6035) and six thousand forty-two (6042) and repealing sections six thousand three (6003) and six thousand fourteen (6014), all relating to street improvements, sewers and special assessments, was taken up and considered.

Senator Martin offered the following amendment and moved its adoption:

Amend Senate File 283 by adding thereto the following:

"Sec. 13. This act, insofar as the same amends or repeals sections of the Code, 1939, heretofore applicable to cities under special charter, shall also apply to such cities."

The amendment was adopted.

Senator Baldwin took the chair at 10:46 a. m.

Senator Mowry offered the following amendment and moved its adoption:

Amend Senate File 283 as follows:

1. By striking all of section 3.
2. By striking all of section 4.

Roll call was demanded.

Senator Byers asked and received unanimous consent to have action on Senate File 283 temporarily deferred.

On motion of Senator Cromwell, Senate File 293, a bill for an act to authorize cities and towns, including cities under Special Charter, to own lands to be used for parking motor vehicles; to acquire by purchase, gift, condemnation or lease, lands for such purposes; to establish and fix rates and charges for the use there-

of; and to sell and dispose of such lands, was taken up and considered.

Senator Cromwell offered the following amendments and moved their adoption:

Amend Senate File 293 as follows:

From line 4 of section 1 strike the word "motor".

In line 6 of section 2, after the word "city" insert the words "or town".

In line 7 of section 2, after the word "tax" insert the words " , to be known as the parking lot fund,".

In line 3 of section 3, after the word "fund", insert "or parking lot fund".

In line 8 of section 4, strike the words "a special" and insert in lieu thereof "the parking lot".

Add to section 5, at the end thereof the following:

"In no event shall any such lease or agreement be for a period of more than 5 years."

Strike section 7, the publication clause.

The amendments were adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 293 by inserting between the word "towns" and the comma in line 1 of section 1 the following: "having a population of less than one hundred twenty-five thousand (125,000)".

The amendment was lost.

Senator Cromwell 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, 42:

Augustine	Elthon	Keir	Pelzer
Baldwin	Findlay	Leo	Shaw
Bekman	Hamiel	Long	Sjulin
Benson	Hart	Love	Stewart
Berg	Harvey	Lynes	Talbott
Byers	Hattery	Martin	Turner
Clark	Henningsen	Mercer	Vrba
Corwin	Hess	Miller	Watson
Cromwell	Hill	Mowry	Whitehill
Dewey	Hunt	Munger	Zeigler
Dykhouse	Johnson		

Nays, 1:

Faul

Absent or not voting, 7:

Donohue	Evans	Goode	Lundy
Emerson	Fuller	Jones	

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

Senator Cromwell 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.

Senator Cromwell asked and received unanimous consent to have Senate File 293 immediately messaged to the House.

Senator Zeigler asked and received unanimous consent to take up the following resolution:

#### HOUSE CONCURRENT RESOLUTION 25

*Whereas*, On the seventh day of March, 1941, a regional conference of the Council of State Governments and the State Defense Councils of Minnesota, Wisconsin, Michigan, Iowa, Missouri, Illinois, Indiana, Ohio, and Kentucky has been called to meet in the city of Chicago, and

*Whereas*, It is desirable that the state of Iowa participate in said conference and be represented therein,

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

Section 1. That the President of the Senate shall immediately appoint two (2) members of the Senate and the Speaker of the House shall immediately appoint three (3) members of the House, to attend the regional conference of the Council of State Governments and the State Defense Councils of Minnesota, Wisconsin, Michigan, Iowa, Missouri, Illinois, Indiana, Ohio, and Kentucky in the city of Chicago on Friday, the seventh day of March, 1941.

Senator Zeigler moved that the resolution be adopted, which motion prevailed and the resolution was adopted.

Senator Dewey asked and received unanimous consent to take up the following resolution:

#### HOUSE CONCURRENT RESOLUTION 22

Petitioning the Congress of the United States to pass a bill for an act to abate existing pollution, to prevent the future pollution of the waters, streams, and lakes under Federal control and to impress upon the Iowa members of the National Congress the desires of the Iowa people for the abatement and prevention of such pollution by national law.

*Be It Resolved by the House, the Senate Concurring:* That the Congress of the United States is hereby memorialized and requested to pass a law along general, broad, and effective lines to abate existing pollution and to prevent the future pollution of the Federal waters, streams and lakes of the United States.

That the Governor of the state of Iowa is hereby requested to officially



convey such memorial and petition to the Congress of the United States and to the Iowa members thereof.

On motion of Senator Dewey, further action was temporarily deferred.

Senator Augustine asked and received unanimous consent to take up the following resolution:

#### HOUSE CONCURRENT RESOLUTION 18

*Be It Resolved by the House of Representatives of the State of Iowa, the Senate Concurring Therein:*

Section 1. There is hereby established a standing committee of the House of Representatives of this state, to be officially known as the House Committee on Interstate Cooperation, and to consist of five members of the House of Representatives. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the House of Representatives. In addition to the regular members, the Speaker of the House of Representatives shall be ex-officio an honorary non-voting member of this committee.

Sec. 2. There is hereby established a similar standing committee of the Senate of this state, to be officially known as the Senate Committee on Interstate Cooperation, and to consist of five senators. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and the chairman of other standing committees of the Senate. In addition to the regular members, the President of the Senate shall be ex-officio an honorary non-voting member of this committee.

Sec. 3. There is hereby established a committee of administrative officials and employees of this state to be officially known as the Governor's Committee on Interstate Cooperation, and to consist of five members. Its members shall be: the Comptroller of this state, ex-officio; the Attorney General, ex-officio; the chief of the staff of the State Planning Board or the corresponding official of this state, ex-officio; and two other administrative officials or employees to be designated by the Governor. If there is uncertainty as to the identity of any of the ex-officio members of this committee the Governor shall determine the question, and his determination and designation shall be conclusive. The Governor shall appoint one of the five members of this committee as its chairman. In addition to the regular members, the Governor shall be ex-officio an honorary non-voting member of this committee.

Sec. 4. There is hereby established the Iowa Commission on Interstate Cooperation. This commission shall be composed of fifteen regular members, namely:

The five members of the House Committee on Interstate Cooperation,  
The five members of the Senate Committee on Interstate Cooperation,  
and

The five members of the Governor's Committee on Interstate Cooperation.

The Governor, the Speaker of the House of Representatives and the President of the Senate shall be ex-officio honorary non-voting members of this commission. The chairman of the Governor's Committee on Interstate Cooperation shall be ex-officio chairman of this commission.

Sec. 5. The said standing committee of the House of Representatives and the said standing committee of the Senate shall function during the regular sessions of the Legislature and also during the interim periods between such sessions; their members shall serve until their successors are designated; and they shall respectively constitute for this state the House Council and Senate Council of the American Legislators' Association. The incumbency of each administrative member of this commission shall extend until the first day of February next following his appointment, and thereafter until his successor is appointed.

Sec. 6. It shall be the function of this commission:

1. To carry forward the participation of this state as a member of the Council of State Governments.

2. To encourage and assist the legislative, executive, administrative and judicial officials and employees of this state to develop and maintain a friendly contact by correspondence, by conference, and otherwise with officials and employees of the other states, of the federal government, and of local units of government.

3. To endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating:

- a. The adoption of compacts,
- b. The enactment of uniform or reciprocal statutes,
- c. The adoption of uniform or reciprocal administrative rules and regulations,
- d. The informal cooperation of governmental offices with one another,
- e. The personal cooperation of government officials and employees with one another, individually,
- f. The interchange and clearance of research and information, and
- g. Any other suitable process.

4. In short, to do all such acts as will, in the opinion of this commission, enable this state to do its part—or more than its part—in forming a more perfect union among the various governments in the United States and in developing the Council of State Governments for that purpose.

Sec. 7. The commission shall establish such delegations and committees as it deems advisable, in order that they may confer and formulate proposals concerning effective means to secure intergovernmental harmony, and may perform other functions for the commission in obedience to its decisions. Subject to the approval of the commission, the member or members of each such delegation or committee shall be appointed by the chairman of the commission. State officials or employees who are not members of the commission on Interstate Cooperation may be appointed as members of any such delegation or committee, but private citizens having no governmental position in this state shall not be eligible. The com-

mission may provide such other rules as it considers appropriate concerning the membership and the functioning of such delegation or committee. The commission may provide for advisory boards for itself and for its various delegations and committees and may authorize private citizens to serve on such boards.

Sec. 8. The commission shall report to the Governor and to the Legislature within fifteen days after the convening of each regular legislative session, and such other times as it deems appropriate. Its members and the members of all delegations and committees which it establishes shall serve without compensation for such service.

Sec. 9. The committees and the commission established by this act shall be informally known, respectively, as the House Cooperation Committee, the Senate Cooperation Committee, the Governor's Cooperation Committee, and the Iowa Cooperation Commission.

Sec. 10. The Council of State Governments is hereby declared to be a joint governmental agency of this state and of the other states which cooperate through it.

Senator Goode offered the following amendment and moved its adoption:

Amend section 3, lines 5 and 6, by striking the following: "the chief of the staff of the state planning board, or the corresponding official of this state, ex-officio;"

The motion prevailed and the amendment was adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend House Concurrent Resolution 18 by striking from lines 3 and 11 of section 3 the words "five" and inserting the word "four".

Senator Elthon asked and received unanimous consent to have action temporarily deferred on the resolution.

On motion of Senator Shaw, House File 13, a bill for an act to amend section ten thousand three hundred forty-five (10345), Code, 1939, relating to liens for keeping stock and motor vehicles, and to provide for liens for keeping boats and boat engines and motors, with report of committee recommending amendment and passage was taken up, considered, and the report of the committee adopted.

Senator Hess offered the following amendment and moved its adoption:

Amend House File 13 by adding at the end of section 2 the words "without expense to the state."

Senator Hess asked and received unanimous consent to withdraw the amendment offered by him.

The following committee amendment was considered:  
Amend House File 13 by striking therefrom section 2.

The amendment was lost.

Senator Shaw 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:

Augustine	Faul	Johnson	Munger
Baldwin	Findlay	Jones	Pelzer
Bekman	Goode	Keir	Shaw
Byers	Hamiel	Leo	Sjulin
Clark	Hart	Long	Stewart
Corwin	Harvey	Love	Talbott
Cromwell	Hattery	Lundy	Turner
Dewey	Henningesen	Martin	Vrba
Dykhouse	Hess	Mercer	Watson
Elthon	Hill	Miller	Whitehill
Evans	Hunt	Mowry	Zeigler

Nays, none.

Absent or not voting, 6:

Benson	Donohue	Fuller	Lynes
Berg	Emerson		

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

Senator Shaw 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.

President Hickenlooper took the chair at 12:05 p. m.

The President appointed Senators Zeigler and Whitehill on the committee authorized under House Concurrent Resolution 25.

On motion of Senator Faul, the Senate recessed until 2:00 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

#### INTRODUCTION OF BILLS

Senate File 470, by committee on appropriations, a bill for an act to amend section eight thousand six hundred twenty-eight (8628), Code, 1939, relating to the compensation of examiners and assistants in the insurance department.

Read first and second times and placed on calendar.

Senate File 471, by committee on appropriations, a bill for an act to amend section three thousand six hundred sixty-one and seven thousandths (3661.007), Code, 1939, providing for an administrative fund for the Board of Social Welfare.

Read first and second times and placed on calendar.

Senate File 472, by committee on appropriation, a bill for an act to amend chapter ten (10), Code, 1939, relating to compensation of examiners and their assistants.

Read first and second times and placed on calendar.

Senate File 473, by committee on claims, a bill for an act to make appropriations to certain named persons in settlement of damages sustained by them on account of accidents on primary roads, or on account of collisions with state highway equipment, or on account of acts of commission or omission by the State Highway Commission or its employees.

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

Senate File 474, by committee on claims, a bill for an act to make an appropriation to the J. E. Tigue Motor Company, Keokuk, Iowa.

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

### THIRD READING OF BILLS

On motion of Senator Cromwell Senate File 173, a bill for an act to amend section ten thousand five hundred and two (10502), Code, 1939, providing for place of bringing action for injuries to a person or damage to property caused by motor vehicles in Justice of the Peace Courts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Stewart offered the following amendment and moved its adoption:

Amend Senate File 173, section 1 line 6 by inserting after the word "vehicle" the following: " , or in any other matter".

Senator Stewart asked and received unanimous consent to change the word "matter" to "manner" in the amendment.

The amendment was adopted.

Senator Stewart moved that the vote by which the amendment offered by him passed the Senate, be reconsidered.

The motion prevailed.

Senator Stewart asked and received unanimous consent to withdraw the amendment.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 173 by adding thereto the following:

Sec. 2. Where an action is commenced in the county in which the injury or damage occurred, and which county is not the residence of the defendant, the defendant at any time before trial may file a motion to require the plaintiff to furnish a bond for costs, and before any other proceedings in the action the plaintiff must file in the court of the justice of the peace in which said action is filed a bond to be approved by such justice in an amount to be fixed by the justice for the payment of costs; in no event shall a bond for costs be required for less than \$25.00.

The amendment was adopted.

Senator Cromwell 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, 7:

Augustine	Cromwell	Henningsen	Stewart
Bekman	Hamiel	Mercer	

Nays, 29:

Benson	Hess	Lynes	Sjulin
Clark	Hill	Martin	Talbott
Dykhouse	Hunt	Miller	Turner
Faul	Johnson	Mowry	Vrba
Findlay	Keir	Munger	Watson
Goode	Leo	Pelzer	Whitehill
Harvey	Love	Shaw	Zeigler
Hattery			

Absent or not voting, 14:

Baldwin	Dewey	Evans	Jones
Berg	Donohue	Fuller	Long
Byers	Elthon	Hart	Lundy
Corwin	Emerson		

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

On motion of Senator Martin Senate File 208, a bill for an act to amend and revise section six thousand nine hundred forty-three and eighty-seven thousandths (6943.087), Code, 1939, relating to lien of unpaid sales tax, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Martin 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, 42:

Augustine	Findlay	Jones	Pelzer
Baldwin	Goode	Keir	Shaw
Bekman	Hamiel	Leo	Sjulin
Byers	Hart	Long	Stewart
Clark	Harvey	Lundy	Talbott
Corwin	Hattery	Martin	Turner
Cromwell	Henningsen	Mercer	Vrba
Dewey	Hess	Miller	Watson
Elthon	Hill	Mowry	Whitehill
Evans	Hunt	Munger	Zeigler
Faul	Johnson		

Nays, none.

Absent or not voting, 8.

Benson	Donohue	Emerson	Love
Berg	Dykhouse	Fuller	Lynes

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

Senator Martin 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.

Senator Sjulin presented the Shenandoah Chapter of the Junior Statesmen of America, the only chapter of its kind in the state, who were present in the balcony.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 16, 32, 33, 73, 107 and 189.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 16, 32, 33, 73, 107 and 189.

## REPORTS OF COMMITTEES

Senator Henningsen submitted the following report:

**MR. PRESIDENT:** Your committee on motor vehicles, to which was referred House File 27, a bill for an act to amend section 5103.10 of chapter 252.2, Code of Iowa, 1939, to provide for the issuance of travel orders for motor vehicles used only occasionally in motor carrier service, begs leave to report it has had the same under consideration and recommends the same do pass.

O. H. HENNINGSEN, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on motor vehicles, to which was referred House File 4, a bill for an act to amend chapter 252.2, Code, 1939, relating to taxation of motor vehicle certificated carriers by providing a penalty for violation of the provisions thereof, 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, line 1, by striking the following: "Section 1." and inserting in lieu thereof the following:

Section 1. Chapter two hundred fifty-two and two tenths (252.2), Code, 1939, is hereby amended by adding thereto the following: "

Further amend section 1 by striking from line 7 the following: "five thousand one hundred three and six tenths (5103.6)" and inserting in lieu thereof the following: "five thousand one hundred three and six hundredths (5103.06)".

O. H. HENNINGSEN, *Chairman.*

Ordered passed on file.

Senator Berg submitted the following report:

**MR. PRESIDENT:** Your committee on appropriations, to which was referred Senate File 291, a bill for an act to authorize and direct the state superintendent of public instruction to prepare a proposed revision and codification of the laws of Iowa relating to education, appointment of a special legislative committee with regard to 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 by striking from lines 9 and 10 of section 3 the following "except changes in language made for the purpose of simplification or clarification,".

JOHN P. BERG, *Chairman.*

Ordered passed on file.



Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 246, a bill for an act to amend, revise and codify the law relating to compensation of state officers and employees, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 339, a bill for an act relating to the approval of compensation of employees of the state during the biennial fiscal period beginning July 1, 1941, and ending June 30, 1943, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman*.

Ordered passed on file.

Senator Sjulín submitted the following report:

MR. PRESIDENT: Your committee on public health, to which was referred Senate File 157, a bill for an act to repeal chapter one hundred nineteen (119), Code, 1939, and to enact a substitute therefor, relating to the practice of chiropractic, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

CARL O. SJULIN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on public health, to which was referred Senate File 230, a bill for an act to amend section three thousand six hundred four and two tenths (3604.2), Code, 1939, relating to records kept by county auditors for patients in any institution, begs leave to report it has had the same under consideration and recommends the same do pass.

CARL O. SJULIN, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on public health, to which was referred House File 209, a bill for an act to amend section two thousand three hundred eighteen (2318), Code, 1939, relating to death certificates, burial and removal permits and providing an exception for filing same, where it is impossible to secure such certificate, burial or removal permit without delay, begs leave to report it has had the same under consideration and recommends the same do pass.

CARL O. SJULIN, *Chairman*.

Ordered passed on file.

Senator Keir submitted the following report :

MR. PRESIDENT: Your committee on drainage, to which was referred House File 86, a bill for an act to amend section seven thousand six hundred eighty-six (7686), Code, 1939, relating to voting by agent in drainage districts, begs leave to report it has had the same under consideration and recommends the same do pass.

ROBERT KEIR, *Chairman.*

Ordered passed on file.

Senator Shaw submitted the following report :

MR. PRESIDENT: Your committee on judiciary 1, to which was referred Senate File 4, a bill for an act to amend chapter four hundred seventy-one (471), Code, 1939, and to provide in divorce or separate maintenance actions for the support of minor children prior to term time, 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 4 by striking the period following the word "prescribe" in line 17 of section 1 and by adding the following immediately after said word "prescribe": "except that said order may not be served by publication."

Further amend Senate File 4 by striking the words "such order" at the end of line 17 of section 1 and substituting therefor the following: "Any order for the support and maintenance of any minor child or children".

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1, to which was referred Senate File 65, a bill for an act to amend section 12310, 12343, 12351.1, Code 1939, to provide for actions for partition of personal property, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1, to which was referred Senate File 321, a bill for an act to authorize the issuance of a patent to certain lands in Polk county, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1, to which was referred Senate File 336, a bill for an act relating to the practice of pro-

fessional engineering, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1, to which was referred Senate File 88, a bill for an act relating to perpetual care fund of cemeteries, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Senator Evans submitted the following report:

MR. PRESIDENT: Your committee on highways, to which was referred House File 80, a bill for an act to repeal section five thousand twenty-six and one one hundredth (5026.01), Code, 1939, and to enact a substitute therefor relating to the right-of-way of motor vehicles at intersections, begs leave to report it has had the same under consideration and recommends the same do pass.

K. A. EVANS, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on highways, to which was referred House File 57, a bill for an act to authorize counties to expend any balance remaining from primary road bond issues authorized or sold for road purposes, begs leave to report it has had the same under consideration and recommends the same do pass.

K. A. EVANS, *Chairman*.

Ordered passed on file.

Senator Love submitted the following report:

MR. PRESIDENT: Your committee on election reform, to which was referred Senate File 391, a bill for an act to amend section eight hundred ninety-three (893), Code, 1939, relating to double election boards, begs leave to report it has had the same under consideration and recommends the same do pass.

H. S. LOVE, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on election reform to which was referred Senate File 392, a bill for an act to amend section five hundred seventy-three (573), Code, 1939, relating to nominations by primary election, begs leave to report it has had the same under consideration and recommends the same do pass.

H. S. LOVE, *Chairman*.

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on election reform to which was referred Senate File 393, a bill for an act to amend section eight hundred fifty (850), Code, 1939, relating to canvass of votes, begs leave to report it has had the same under consideration and recommends the same do pass.

H. S. LOVE, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on election reform to which was referred Senate File 394, a bill for an act to amend section nine hundred fifty (950), Code, 1939, relating to absent voters law, begs leave to report it has had the same under consideration and recommends the same do pass.

H. S. LOVE, *Chairman.*

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on election reform to which was referred Senate File 395, a bill for an act to amend section nine hundred twenty-three (923), Code, 1939, relating to voting machines, begs leave to report it has had the same under consideration and recommends the same do pass.

H. S. LOVE, *Chairman.*

Ordered passed on file.

#### AMENDMENTS FILED

Amend House Concurrent Resolution 18 by striking the word "fifteen" in line 2 of section 4, and inserting in lieu thereof the word "fourteen".

Also amend by striking the word "five" in line 7 of section 4 and inserting in lieu thereof the word "four".

DEWEY E. GOODE

Amend Senate File 462 by adding thereto a new section as follows:

"During the biennium beginning July 1, 1941, and ending June 30, 1943, the board of engineering examiners is authorized to pay its secretary a salary of six hundred dollars (\$600.00) per year and to pay a clerk three hundred dollars (\$300.00) per year from funds belonging to the board of engineering examiners.

J. BERG.

Amend House File 223 by striking from lines 7 and 10 the words and figures "three (3)" and inserting in lieu thereof the words and figures "five (5)".

J. T. DYKHOUSE

Amend Senate File 157 by striking everything after the enacting clause and inserting the following in lieu thereof:

Chapter one hundred nineteen (119), Code, 1939, is hereby repealed, and the following sections are enacted in lieu thereof:

Section 1. Practice of Chiropractic defined. The practice of chiropractic shall be deemed to be the adjustment of articulations of the spine

and other incidental adjustments, and shall include the right to use air, light, heat, cold water, diet, and exercise, in the treatment of diseases, except as hereinafter specifically prohibited.

Sec. 2. Persons engaged in. For the purpose of this title, the following classes of persons shall be deemed to be engaged in the practice of chiropractic:

(1) Persons publicly professing to be chiropractors or publicly professing to assume the duties incident to the practice of chiropractic.

(2) Persons who treat human ailments in the manner defined in section one (1) of this chapter.

Sec. 3. Persons not engaged in. Sections one (1) and two (2) of this chapter shall not be construed to include the following classes of persons:

(1) Physicians and surgeons licensed under chapter one hundred eighteen (118) of the Code, 1939, licensed osteopaths and licensed osteopaths and surgeons who are exclusively engaged in the practice of their respective professions.

(2) Physicians and surgeons of the United States army, navy or public health service when acting in the line of duty in this state, or to chiropractors licensed in another state, when incidentally called into this state in consultation with a chiropractor licensed in this state.

(3) Students of chiropractic who have entered upon a regular course of study in a chiropractic college approved by the chiropractic examiners, who practice chiropractic under the direction of a licensed chiropractor and in accordance with the rules of said examiners.

Sec. 4. License. Every applicant for a license to practice chiropractic shall:

(1) Present satisfactory evidence that he possesses a preliminary education equal to the requirements for graduation from an accredited high school.

(2) Present a diploma issued by a legally chartered college of chiropractic, approved by the chiropractic examiners in accordance with provisions of this act.

(3) Comply with the provisions of chapter one hundred fourteen and two tenths (114.2) of the Code, 1939, known as the "basic science law".

(4) Pass an examination prescribed by the chiropractic examiners in the subjects defined by sub-section 3 of this section and inorganic chemistry as known to the practice of chiropractic.

Sec. 5. Approved college. No college of chiropractic shall be approved by the chiropractic examiners as a college of recognized standing unless said college:

(1) Requires for admission a preliminary education equal to the requirements for graduation from an accredited high school.

(2) Includes in its curriculum the completion of a course of study requiring for graduation not less than four school years of nine months each in actual attendance and during which time the following subjects are taught with an aggregate total of at least 3,600 class hours; anatomy, dissection, embryology, histology, physiology, symptomatology, pathology, psychiatry, bacteriology, chemistry, laboratory procedure, pediatrics, diagnosis, public health, hygiene and sanitation, toxicology, gynecology,

obstetrics, orthopedics, x-ray, principles and practice of chiropractic practice, physiotherapy, dietetics, first aid, professional ethics and jurisprudence; provided, however, that the increase in requirements as provided in this chapter over those contained in former chapter one hundred nineteen (119) of the Code, 1939, shall not apply to any applicant who has matriculated in any approved college of chiropractic prior to March 1, 1941.

(3) Publishes in a regularly issued catalogue the requirements for admission and graduation as herein specified and hours of study as follows pertaining to subsection 2 of this section:

Subject	Hours
Anatomy .....	500
Dissection .....	50
Embryology .....	70
Histology .....	100
Physiology .....	300
Pathology .....	200
Psychiatry .....	40
Bacteriology .....	100
Chemistry .....	200
Laboratory Procedure .....	70
Pediatrics .....	70
Diagnosis .....	280
Public Health .....	100
Hygiene and Sanitation.....	60
Toxicology .....	40
Gynecology and Obstetrics.....	120
Orthopedics .....	80
X-Ray .....	100
Principles and Practice.....	900
Physiotherapy .....	100
Dietetics .....	50
First Aid .....	30
Professional Ethics and Jurisprudence.....	40
	3600

Sec. 6. Scope and limitation of practice. Chiropractors shall, subject to the limitations of this chapter, be subject to all the duties and obligations of physicians and surgeons, as prescribed by the statutes of this state, in so far as the same are not in conflict with the provisions of this chapter. A licensed chiropractor is prohibited from practicing operative surgery, cautery, electro-coagulation, radium in any form, general hyperpyrexia.

Sec. 7. Display of signs. Every doctor of chiropractic shall place on all signs used by him and display prominently in his office the word "chiropractor" or "chiropractic physician."

Sec. 8. No provisions of this act shall be construed as repealing any statutory provision in force at the time of its passage with reference to the requirements governing the issuance of licenses.

HOWARD C. BALDWIN.

Amend Senate File 283 as follows:

1. By striking all of section 8.
2. By striking all of section 11.

ROBT. P. MUNGER.

Amend Senate File 211 by striking from section 5, lines 6, 7, and 8 the following words: "practicing optometrist, or licensed practitioner of medicine and surgery as defined in chapter one hundred sixteen (116) of the Code." and inserting in lieu thereof the words "practitioner referred to in this chapter, or other practitioner authorized to write said prescriptions or orders."

Also amend section 5, line 8 by adding after the word "furnish" the words "his patient".

E. K. BEKMAN.

Amend Senate File 283 by striking section 4 and substituting in lieu thereof the following:

"Sec. 4. Amend section six thousand three (6003) of the Code, 1939, by adding in line nine (9) after the word 'improvement' the following: 'which shall include ordinary use, wear and tear,'"

G. R. HILL.

Amend House File 224 by striking from line 6 the word "three" and inserting in lieu thereof the word "five".

J. T. DYKHOUSE.

Amend Senate File 283 by adding thereto the following:

"Sec. 14. Section six thousand one (6001), Code, 1939, is hereby amended by inserting after the word "clerk" in line eleven (11) the words "nor until a properly signed maintenance contract and a duly executed and approved maintenance bond shall be filed in the office of the clerk (except in cases of construction or repair of street improvements by graveling, oiling, oiling and graveling, shaling, chloriding, or repairs other than reconstruction or resurfacing) obligating the contractor and his bondsman from the time of acceptance of such street improvement by the city to maintain such street improvement in good repair for not less than four years or such sewer for not less than two years provided, that in any contract for the construction or repair of any street improvements or sewers where the cost of materials only is to be assessed and the materials to be used and the improvements when completed are to be approved and accepted by a representative of the city, such provision for keeping such improvement in good repair shall not be required."

ROBERT P. MUNGER.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 6, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. G. W. Robinson, pastor of the Corinthian Baptist church of Des Moines.

The Journal of March 5th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Dewey for the day on request of Senator Corwin; Senator Emerson for the day on request of Senator Sjulín; Senator Cromwell for the day on request of Senator Augustine.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Johnson, from residents of Hampton, favoring passage of the bank night bill.

By Senator Vrba, from the Sioux City Housing Committee, the Des Moines Housing Corporation and the Independent Business Men's Association, favoring certain housing legislation.

By Senator Findlay, from members of the Pocahontas county 4-H Girls Club, favoring passage of Senate File 454; also from residents of Webster county, favoring passage of the library extension bill.

By Senator Shaw, from residents of Buena Vista county, in opposition to House File 34 as amended.

By Senator Munger, from residents of Sioux City, favoring passage of House File 345.

By Senator Harvey, from residents of Monona county, favoring passage of the library extension bill.

By Senator Clark, from residents of Lucas county, favoring passage of House File 345.



By Senator Baldwin, from the personnel of the Home Supply Company of Dubuque, favoring annual compensation for councilmen of the city of Dubuque.

By Senator Watson, from residents of Council Bluffs, favoring passage of House File 345.

By Senator Mercer, from residents of Hills, in opposition to Senate File 375.

By Senator Hattery, from a resident of Nevada, relative to taxation.

### INTRODUCTION OF BILLS

Senate File 475, by committee on social security, a bill for an act to amend subsections A, B and C of section one thousand five hundred fifty-one and thirteen hundredths (1551.13), subsection E of section one thousand five hundred fifty-one and nine hundredths (1551.09), subsection E of section one thousand five hundred fifty-one and ten hundredths (1551.10), and subsections A, M and P of section one thousand five hundred fifty-one and twenty-five hundredths (1551.25), all in chapter seventy-seven and two tenths, (77.2), Code, 1939, relating to the collection of contributions, the charge-back of benefits paid to employer accounts, the consolidation and merger of employer accounts, the definition of the term "annual pay roll", the definition of the term "wages", and the determination of individuals' benefit rights; to provide that contributions shall be collected on a wages paid basis and that benefit rights be determined on a wages paid basis; to re-define the terms "wages" and "annual pay roll" in conformity with the wages paid concept; and to provide for the consolidation and merger of employer accounts.

Read first and second times and placed on calendar.

Senate File 476, by committee on social security, a bill for an act to amend chapter seventy-seven and two tenths (77.2), Code of Iowa, 1939, and more particularly to amend section fifteen hundred fifty-one and seven hundredths (1551.07), relating to the title of said act; section fifteen hundred fifty-one and sixteen hundredths (1551.16) relating to the name of the agency; section fifteen hundred fifty-one and seventeen hundredths (1551.17) relating to the preservation and destruction of records; section fif-

teen hundred fifty-one and eighteen hundredths (1551.18) relating to the Iowa employment service; section fifteen hundred fifty-one and nineteen hundredths (1551.19) relating to the administration fund; section fifteen hundred fifty-one and twenty-five hundredths (1551.25) relating to definitions used in said act; all sections of the Code of Iowa, 1939; and to repeal all acts, or parts of acts, in conflict herewith.

Read first and second times and placed on calendar.

Senator Berg asked and received unanimous consent to take up the following bills in the order in which they are listed, immediately following consideration of Senate File 462: Senate Files 246, 339, 291, 470, 472, 471 and H. J. R. 1.

Senator Donohue asked and received unanimous consent to withdraw the amendment filed by him to Senate File 256 and found on page 533 of the Senate Journal.

### THIRD READING OF BILLS

On motion of Senator Berg, the Senate resumed consideration of Senate File 256, a bill for an act to amend chapter thirteen (13), Code, 1939, defining further duties of the reporter of the supreme court and code editor, and to amend section two hundred sixty-five (265), Code, 1939, providing for the payment for the printing of legal publications compiled and published by him, and providing an appropriation to carry out the provisions of said chapter and said section, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 256 by striking the periods and quotation marks following the word "chapter" in line 7 of section 2 and adding the following: " , but before any obligations for expenditure from this appropriation shall be incurred the same shall be approved by the comptroller."

The amendment was adopted.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 256 by striking from line 20 of section 1 the words "and state officials".

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 256 by striking the (;) in line 10 of section 1 and inserting a (.) in lieu thereof. Further amend by striking from lines 10, 11 and 12 of section 1 the following: "and during legislative sessions he shall provide each member of the general assembly with a copy of each issue of such advance sheets."

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 256 by striking from section 1 the following words: "by substituting the word 'shall' for the word 'may' in line (4) and".

The amendment was adopted.

Senator Shaw 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:

Augustine	Faul	Jones	Munger
Baldwin	Findlay	Keir	Pelzer
Bekman	Goode	Leo	Shaw
Benson	Hamiel	Long	Sjulin
Berg	Hart	Love	Stewart
Byers	Harvey	Lundy	Talbott
Clark	Henningsen	Lynes	Turner
Corwin	Hess	Martin	Vrba
Donohue	Hill	Mercer	Watson
Dykhouse	Hunt	Miller	Whitehill
Elthon	Johnson	Mowry	Zeigler
Evans			

Nays, none.

Absent or not voting, 5:

Cromwell	Emerson	Fuller	Hattery
Dewey			

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

Senator Shaw 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.

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 34

MR. PRESIDENT AND MR. SPEAKER: We the undersigned members of the Conference Committee appointed to consider the differences between the Senate and the House on House File 34, beg leave to report that we have had the same under consideration and recommend the following:

That the bill as amended by the Senate shall be amended by striking

all of the section following the period after the word "value" in line 7 of section 1.

Respectfully submitted,

E. P. DONOHUE.

F. J. RITCHIE.

J. K. LYNES.

H. W. BURMA.

G. R. HILL.

D. A. DANCER.

R. V. LEO.

H. SIEFKAS.

*On the part of the Senate.*

*On the part of the House.*

President Pro Tem Byers took the chair at 10:52 a. m.

#### 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 206, a bill for an act relating to workmen's compensation.

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

Senate File 205, a bill for an act to appropriate funds to the State Comptroller.

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

Senate File 204, a bill for an act relating to workmen's compensation claims.

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

Senate File 203, a bill for an act relating to the payment of claims of employees of the liquor control commission.

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

Senate File 70, a bill for an act relating to dismissal of actions brought against defendants.

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

Senate File 243, a bill for an act relating to the relief of Frederick M. Hull.

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

House File 117, a bill for an act relating to change of place of trial from justice courts.

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

House File 81, a bill for an act relating to workmen's compensation.

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

House File 114, a bill for an act relating to the supreme court.

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

House File 63, a bill for an act relating to bonds issued by drainage districts.  
A. C. GUSTAFSON, *Chairman.*

#### HOUSE AMENDMENT TO SENATE FILE 206

Amend Senate File 206 by striking from lines 4 and 5 thereof the words: "in the administration of the workmen's compensation law, including", and inserting in lieu thereof the word: "for".

#### THIRD READING OF BILLS

On motion of Senator Berg, Senate File 462, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for various departments and various divisions thereof, of the state of Iowa, for the purposes provided by law, was taken up and considered.

Senator Henningsen asked and received unanimous consent to withdraw the amendment offered by him and found on page 527 of the Senate Journal.

Senator Henningsen offered the following amendment and moved its adoption:

Amend section 1 of Senate File 462 by striking the figures "20,240.00" in line 11 and inserting in lieu thereof the figures "21,920.00".

Further amend said section by striking the figures "30,740.00" in line 15 and inserting in lieu thereof the figures "32,420.00".

The amendment was adopted.

Senator Sjulín offered the following amendment and moved its adoption:

Amend Senate File 462 by striking the colon following the word "manner" in line 8 of section 12 and by inserting in lieu thereof a comma and by adding the following: "except that any and all funds appropriated to the State Conservation Commission which are used in growing or handling nursery stock shall be used for growing or handling of such stock for distribution only on state owned lands:".

The amendment was adopted.

Senator Clark offered the following amendment and moved its adoption:

Amend section 14 of Senate File 462 by striking from line 50 the figures "6,350.00" and inserting in lieu thereof the figures "6,550.00".

Also amend section 14 by striking from line 53 the figures "7,350.00" and inserting in lieu thereof the figures "7,550.00".

The amendment was adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 462 as follows:

(1) By striking from lines 5 and 6 of section 25 the words and figures "forty-seven thousand five hundred dollars (\$47,500.00)" and by inserting in lieu thereof the words and figures "forty-eight thousand five hundred dollars (\$48,500.00)".

(2) By striking from line 10 of section 25 the figures "\$5,000.00" and by inserting in lieu thereof the figures "\$6,000.00".

The amendment was lost.

Senator Berg offered the following amendment and moved its adoption:

Amend Senate File 462 by striking from lines 5 and 6 of section 29 the words and figures "fourteen thousand seven hundred dollars (\$14,700.00)" and by inserting in lieu thereof the words and figures "twenty-seven thousand two hundred dollars (\$27,200.00)".

The amendment was adopted.

Senator Hill offered the following amendment and moved its adoption:

Amend Senate File 462 by striking from lines 5 and 6 of section 31 the following words and figures: "one hundred eighty-six thousand six hundred seventy dollars (\$186,670.00)" and by inserting in lieu thereof the following: "one hundred sixty-one thousand six hundred seventy dollars (\$161,670.00)".

Further amend Senate File 462 by striking from line 86 of section 31 the following: "supreme court report fund, \$25,000.00;".

Further amend said Senate File by striking all of section 33 and by inserting in lieu thereof the following:

"For the department of the reporter of the supreme court and code editor there is hereby appropriated from the general fund of the state for each year of the biennium the sum of eight thousand one hundred dollars (\$8,100.00) or so much thereof as may be necessary to be used in the following manner:

For the salary of reporter of supreme court	
and code editor.....	\$4,500.00
For salary of deputy and bill drafter.....	3,600.00

Grand total of all appropriations for all purposes for each year of the biennium for the department of reporter of the supreme court and code editor, except as provided by section one hundred seventy-seven (177), Code, 1939.....	\$8,100.00
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Senator Hill offered the following amendment to the amendment offered by him and moved its adoption:

Amend by striking from the last two lines of the amendment the words "section one hundred seventy-seven (177), Code, 1939," and by inserting in lieu thereof the following: "Senate File 256 of the Forty-ninth General Assembly".

The amendment to the amendment was adopted.

Senator Long offered the following amendment to the amendment by Senator Hill and moved its adoption:

Amend by striking the sum of "3,600.00" where it appears and by inserting in lieu thereof the sum of "3,300.00"

Also amend by striking the words and figures "eight thousand one hundred dollars (\$8,100.00)" in each instance where it appears and inserting in lieu thereof: "seven thousand eight hundred dollars (\$7,800.00)".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Stewart offered the following amendment and moved its adoption:

Amend Senate File 462, Section 39, line 8, by placing after the word "maintenance" a comma and inserting "insurance".

The amendment was adopted.

Senator Henningsen offered the following amendment and moved its adoption.

Amend section 41 of Senate File 462 by striking the figures "631,136.00" from line 15 of said section and inserting in lieu thereof the figures "639,136.00".

Further amend said section by striking the figures "649,136.00" from line 19 of said section and inserting in lieu thereof the figures "657,136.00".

The amendment was adopted.

Senator Berg offered the following amendment and moved its adoption:

Amend Senate File 462 by adding thereto a new section as follows:

"During the biennium beginning July 1, 1941, and ending June 30, 1943, the board of engineering examiners is authorized to pay its secretary a salary of six hundred dollars (\$600.00) per year and to pay a clerk three hundred dollars (\$300.00) per year from funds belonging to the board of engineering examiners.

The amendment was adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 462 as follows:

(1) By striking from line 10 of section 3 the figures "\$2,550.00" and by substituting therefor the figures "\$3,000.00".

(2) By striking from line 17 of section 3 the figures "\$72,500.00" and by inserting in lieu thereof the figures "72,950.00".

The amendment was lost.

Senator Berg 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:

Augustine	Evans	Johnson	Mowry
Baldwin	Findlay	Jones	Munger
Bekman	Fuller	Keir	Pelzer
Benson	Goode	Leo	Shaw
Berg	Hamiel	Long	Sjulin
Byers	Hart	Love	Stewart
Clark	Harvey	Lundy	Talbott
Corwin	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Watson
Donohue	Hess	Mercer	Whitehill
Dykhouse	Hill	Miller	Zeigler
Elthon			

Nays, none.

Absent or not voting, 5:

Cromwell	Faul	Hunt	Vrba
Emerson			

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

Senator Berg 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.

Senator Berg asked and received unanimous consent for the appropriations committee to correct any totals that may have been changed by the amendments to the bill.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 6th day of March, 1941, sent to the governor for his approval:

Senate Files 16, 32, 33, 73, 107 and 189. EDWARD H. VRBA, *Chairman*.

Passed on file.



## HOUSE MESSAGES CONSIDERED

House File 63, a bill for an act to amend sections seven thousand four hundred seventy-seven (7477), seven thousand four hundred eighty-four (7484), seven thousand five hundred one (7501), one thousand one hundred seventy-one and twelve hundredths (1171.12), seven thousand four hundred twenty and twenty-eight hundredths (7420.28), seven thousand six hundred forty-four (7644), Code, 1939, relating to the rate of interest on bonds issued by drainage districts, on public warrants not paid for want of funds, on anticipatory warrants, and drainage warrants.

Read first and second times and passed on file.

House File 81, a bill for an act to repeal section one thousand three hundred ninety-three (1393), Code, 1939, and to enact a substitute therefor, and to amend section one thousand three hundred ninety-four (1394), Code, 1939, relating to the time compensation begins under the workmen's compensation act.

Read first and second times and passed on file.

House File 114, a bill for an act to amend section twelve thousand eight hundred thirty-two (12832), Code, 1939, by shortening the time for taking an appeal to the supreme court.

Read first and second times and passed on file.

House File 117, a bill for an act to amend section ten thousand five hundred thirty-eight (10538), Code, 1939, relating to change of place of trial from justice courts.

Read first and second times and passed on file.

On motion of Senator Whitehill, the Senate recessed until 1:45 p. m.

## AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

## COMMITTEE FROM THE HOUSE

A committee from the House appeared and announced that the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House under direction of the Sergeant-at-Arms.

### JOINT CONVENTION

In accordance with House Concurrent Resolution 20 duly adopted, the Joint Convention was called to order, President Hickenlooper of the Senate presiding.

President Hickenlooper announced a quorum present and the Joint Convention duly organized.

Wellington of Lee moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify the Iowa Pioneer Lawmakers' Association that the convention was ready to receive them.

Motion prevailed and the President appointed Senators Shaw of Pocahontas, Corwin of Muscatine and Augustine of Mahaska on the part of the Senate, and Representatives Wellington of Lee, Guernsey of Van Buren and Blatti of Chickasaw on the part of the House.

The committee waited upon the Iowa Pioneer Lawmakers' Association and escorted them to the seats provided in front of the rostrum.

Senator Elthon gave the following address of welcome on the part of the Senate:

**MR. PRESIDENT AND MEMBERS OF THE PIONEER LAWMAKERS ASSOCIATION:** This is a distinct honor, and a very pleasant duty has been accorded me in welcoming you in behalf of the Iowa Senate to this Joint Convention of the legislature today.

I want to congratulate you each as individuals and collectively as a group for the fine record that you have made as former members of the Iowa legislature. It seems that Iowa in the past has been very fortunate in the caliber of the men who have guided the affairs of state.

No doubt you had many perplexing problems to solve and did solve them in a statesmanlike way. Perhaps some of the decisions you made were not popular at the time you made them but since have proven to be right.

No doubt you had your problems but you met them. No doubt you were criticized but you bore the criticism and were not deterred from the just and equitable solution of the problems that you faced.

We remember that you adopted the capitol extension improvement which probably was not too popular at the time but since has proven to be very wise. Iowa is proud today of its beautiful capitol grounds and rightly so. You took Iowa out of the mud and gave Iowa a system of

highways which at that time was perhaps a little unpopular but since has proven to have been right and the best. You were true statesmen. We are proud of you today. No doubt some of you paid the price and were defeated for reelection because of standing firmly for what you believed was right.

As the years go by you get much satisfaction in knowing that right and justice must prevail. We see you here today. Some of you are growing old and we honor you. We pledge ourselves to follow in your footsteps and where you lay the burden down, we took it up. God helping us, we shall carry on. We are faced with different problems today, perhaps not new problems, but problems that arise because of changing conditions, problems that must be solved, problems that shall be solved. Your presence here today renews in us the determination to carry on, to use the same measure, the same yardstick in making our decisions that you used. Namely, is it just? Is it unjust? Is it right? Is it wrong? We are determined to make Iowa a greater state, a better place in which to live.

With this singleness of purpose, we pledge ourselves to carry on the work that you so ably commenced. We ask your blessing in this and if it please God, we shall leave to those who follow us the same great and noble heritage that you, the pioneer lawmakers, have left to us.

Irwin of Lee moved that a committee of two be appointed to escort McFarlane of Black Hawk to the Speaker's rostrum, preceding the motion with the following remarks:

**MR. PRESIDENT, MR. SPEAKER, GENTLEMEN OF THE JOINT CONVENTION:** The members of the Iowa House of Representatives are very proud to have among their members a man who is eligible to be down in front with the Pioneer Lawmakers. The gentleman to whom I refer has served ten or more sessions in the legislature. He has been Speaker of the House, he has been Lieutenant Governor, and I can say without fear of contradiction that he has had more to do with good, solid, substantial legislation in the state of Iowa than any other man living or dead. I suggest, Mr. President, that you appoint a committee to escort the gentleman from Black Hawk, the Honorable Arch W. McFarlane, to the rostrum.

Motion prevailed and the following committee was appointed: Senator Berg of Black Hawk and Representative Irwin of Lee.

McFarlane of Black Hawk was escorted to the Speaker's rostrum, and briefly addressed the Joint Convention as follows:

**MR. PRESIDENT, MEMBERS OF THE IOWA PIONEER LAWMAKERS ASSOCIATION, MEMBERS OF THE JOINT ASSEMBLY:** Really I do not feel like I am a pioneer. I have just kind of grown up here. I can see many friends of mine that have served with me for a number of sessions seated in the front row. To me they do not seem any older than they did at that time. Perhaps they are a little more mature, and think the legislature is not run just exactly as it should be. But I can assure them that some times I think the same.

But it is quite a record, and it is quite a privilege to serve the people of a community and of the state as I have. I have always tried to do that which I thought was for the best interests of all of the people, or at least the majority. We cannot satisfy them all, but if we try to do what is right we have no cause to fear of the future.

I could call some of these Pioneer Lawmakers by name—Carl Reed, Judge Mantz, Roy Murray, George Slemmons, Fred McCulloch, Ray Scott, Harry White—many others that have served with me in the years past.

During the last session I had the privilege of delivering the address at the Memorial Service which was held in this chamber, and you would be surprised as to the number of those that had passed to the Great Beyond in that two year period—those that have had an interest in the welfare of the community, served as members of the legislature, tried to do that which they thought was for the best interests of the people they represented—they have gone.

Some day this legislature will be in other hands. These that are gathered here in front will be taken away from us. Others will carry on. But I can only hope that they will carry on in a spirit of fairness and honesty in which it has been carried on during the years that I have served as a member of the General Assembly. I am indeed grateful for this recognition. I appreciate it very much. I do not feel that I am deserving of it, but I thank you very kindly for this opportunity.

Representative A. H. Avery of Clay gave the following address of welcome on the part of the House:

**MR. LIEUTENANT GOVERNOR, MR. SPEAKER, MEMBERS OF THE JOINT ASSEMBLY, AND PIONEER LAWMAKERS OF IOWA:** You Pioneer Lawmakers of Iowa down there and up here—I salute you.

To me the name "Pioneer" has an especial significance. From boyhood to manhood I have ever loved to sit at the feet of pioneers and hear their story of pioneer life. I had that pleasure only a few days ago on a Saturday afternoon in the back of this House, when one of the Pioneer Lawmakers of Iowa came and sat down beside me and for an hour entertained me with experiences while he was a lawmaker.

And one of those experiences he related was of the Senate marching through that door every morning to join in a joint session to elect a United States Senator. One hundred times, he said, one hundred times they marched through that door in here and voted, and then on the one hundredth day they elected W. S. Kenyon United States Senator, the last time that the General Assembly of Iowa was permitted to elect a United States Senator.

Talking later with some people, "Why," they said, "I didn't know that the General Assembly ever elected a United States Senator." And they always had up to that time.

The word "pioneer" has a peculiar significance. To me it signifies one who independently loves freedom, and my mind goes back to the very beginning of settlements on this side of the Atlantic. And would today that we might be privileged to sit at the feet of those who came over from Europe first. Over there as they set sail they left homes, they left

factories, they left churches, they left schools, they left friends and relatives and set sail to a land where there were no homes, no place where they might go to buy themselves this or that or the other thing. No employers to employ them. It was a desolate waste. Why, if the European countries at that time had concentrated their political prisoners and led them on board ship and carried them across the Atlantic and then unloaded them and left them in this desolate land, it would have gone down in history as the greatest crime of the ages.

But here were people, good people, who were voluntarily leaving home, leaving civilization behind, landing on a stern and rock-bound coast with joy in their hearts, with a sparkle in their eye and a smile on their lips. Why? Why, because they loved freedom. Freedom caused them to do that. They loved freedom.

And they built factories, built churches, built schools, and after they had built factories—back in Massachusetts they had a factory for making hats, and parliament over across the water passed a law that they could not sell those hats any place except in the state of Massachusetts. Even over here at that early day law was stepping in and taking a part of their freedom, and they did not like it. And some of them had been engaged in England in working in the cutlery factories. They knew how to shape steel, and they started the steel industry in this country. And parliament passed another law, that no steel instrument of any kind could be made in any of the colonies. They could not even make a jack knife or butter knife. Law, law stepped in and took away a part of their freedom, the thing that they had gone out expecting nothing but toil and sweat and blood ahead of them. And then law stepped in to take away a part of that freedom that they had struggled for.

They revolted. They fought a successful war. Then they set up a government under the Articles of Confederation. I have enumerated only two of the laws that they did not like. There were a lot of them. They did not like laws. It took away their freedom. And so under the articles of confederation there was not much opportunity for law. It was a very loose thing, the confederation they established.

But experience demonstrated that they had to have more law than the articles provided for. So a constitutional convention was assembled and they framed the Constitution of the United States, and the first sentence in that constitution, after the preamble, was: "All legislative power herein granted"—not a part of it—all legislative power—all the power to make laws herein granted—"shall be vested in a Congress of the United States consisting of a senate and a house of representatives." Two bodies. In order to become a law it had to pass one house by a majority vote and then pass the other house by a majority vote.

And then they were not satisfied. They were afraid of laws that would take away their freedom. So they gave to the President the power to veto, and they set up a supreme court to tell whether or not the laws enacted by the senate and the house and signed by the President compared to that document, that document which is the guarantee of their liberty, the Constitution of the United States.

A lot of people would like to see it easy to make laws. The founders of this nation tried to make it hard to make laws. I would like to go on

and talk to you folks for an hour and a half, but that I cannot do. The Speaker limited me, and I have got to cut down here and skip a lot of things that I thought of talking about, and come down to Iowa.

When this state was founded by pioneers, men who loved liberty, men who had come out here expecting nothing but toil and sweat and some of them even blood, they adopted as their motto: "Our liberties we prize and our rights we will maintain." We set up a government in Iowa. It ran along for years and years, and it came about that certain interested groups got control of the county conventions of the two political parties, and the state conventions of the two political parties, and a group were ruling Iowa through the convention system in Iowa, and you—you pioneers—stopped it. It was taking away that thing that all pioneers loved—freedom, liberty—and you enacted the state primary law for the state of Iowa.

My time is up, gentlemen. I salute you. I would love to have the opportunity to sit at the feet of each of you and have you tell me of the pioneer days in the legislature. We welcome you, we members of the House. We are glad to have you here, and we are glad to have your counsel and advice relative to pending legislation.

The program was then carried out as arranged by the Iowa Pioneer Lawmakers' Association, President H. S. Van Alstine of the association in charge.

President Van Alstine introduced John A. Story, who addressed the Joint Convention as follows:

**MEMBERS OF THE FORTY-NINTH GENERAL ASSEMBLY, LADIES AND GENTLEMEN:** Some six years ago the secretary of the Pioneer Lawmakers Association stated that there were then only three members of the House of the Twentieth General Assembly living. He gave the names. I was one of the three. I do not now remember the names of the other two, but so far as I can learn they have both passed to their reward. So I may appear before you probably as one of the antiques.

The Twentieth General Assembly met in the old Capitol Building just across the way where the Soldiers' Monument now stands. We met, organized by electing Mr. Wolf, of Cedar County, Speaker, and the chief clerk and other employes, and then in a few days we moved over to this magnificent building. So the Twentieth General Assembly was the last to meet in the old Capitol Building and the first to meet in this magnificent one.

The hall in which we met in the old building, especially by its seats and desks, reminded me of the little old country schoolhouse I attended some eighty years ago. This magnificent building was like heaven—wonderful!

While it was magnificent, we did not enjoy all the benefits that you members of the forty-ninth now enjoy. For example, we did not vote then by pushing a button. We had to answer a roll call. Then, too, no single member of the House had a clerk. Possibly a half dozen clerks in the House, serving the most important committees. Now you have, as I understand it, about eleven employes looking after the doors. You have, I guess, one hundred or more stenographers and typewriters to look after

your bills and amendments and your correspondence. Then, if I remember correctly, there was no typewritten bill introduced in that House—all by longhand, and we carried on our correspondence in the same manner.

So far as the ability of the members of the general assembly to serve, I think they probably were average, compared with this or several general assemblies. There were some men then noted in the state as members of the House. For example, I will mention ex-Governor Carpenter, who then had come from Webster county to serve as a member of the House. It made me think of John Quincy Adams, once president of the United States, later serving his country as a member of congress. Now while the office in each case might seem less important, yet they were both honorably served.

Other prominent members of the House were General Tuttle, of Polk county; Colonel Clayton, of Pottawattamie county; Captain Head, who became Speaker of the House of the Twenty-first General Assembly. And there was Captain Lyons, of Guthrie county, who afterwards became auditor of state. Then there was Captain Watrous, a prominent business man in Des Moines. There was a Mr. Kerr, of Grundy, who afterwards served for a number of years in the United States Congress. Then there was Silas Weaver, of Hardin county, I believe, chairman of the judiciary committee in the twentieth, and later served for many years with honor on the supreme bench of the state of Iowa. So you see there were some prominent people then. Others became prominent later. Some of the members were afterwards elected as district judges throughout different parts of the state. I don't know so much about the Senate in the general assembly, but I do know that there were two of the most prominent lawyers of the state in the Senate of that assembly—Mills of Davenport and Hall of Burlington. Then there was another senator—I don't recall his name, but he was later appointed United States district judge in Iowa.

There were, of course, other able men, but I cannot take up your time to speak of any more. I will speak shortly about some of the legislation that took place in the Twentieth General Assembly. One of the important bills was a bill providing that we pay our taxes semi-annually in place of annually as they had to do before. The bill passed the Senate, came to the House and was defeated—fought bitterly. On the roll call at that time, when it got down near the bottom of the roll, one member, myself, voted against the bill, although I had promised to vote for it. The manager of that bill in the House came and called me down for changing my mind. I told him I hadn't, just to watch. And as soon as the vote was announced I moved to reconsider. That night we went to work and persuaded a number of those who had voted against it to change their minds and to vote for it, and the bill the next day passed, and it is the law today.

Another important matter that probably attracted the attention of the people throughout the state was the prohibitory law. As you know, the people of Iowa had ratified an amendment to the constitution providing for prohibition in Iowa and providing that the next legislature should pass laws necessary to put it in force. It was a matter that took

considerable debate. We found on canvassing we had just fifty-one votes, Republicans, that would vote for the bill. It only took fifty-one votes at that time to pass a bill in the House. So we felt easy until just about the time for the bill to come up when Mr. Weaver, that I have heretofore mentioned, took sick and was sick in bed. And in order to gain that fifty-one votes that we thought we were sure of we carried him in on a stretcher and put him down on the floor in front of the Clerk's desk. But when the roll was finally called one Democrat, I think the member from Montgomery, although I don't recall his name, voted with us and the prohibitory law was passed.

Another matter that I might speak of, but very briefly. At that time we only had one insane asylum in the state of Iowa. A bill was introduced to locate one in southwestern Iowa. It was fought by members from central Iowa who tried to amend the bill and have it located in west central Iowa. But after considerable fighting they got it through the House and it became a law. They said they were going to build a cottage plan asylum. But when the 21st session was reached they reported they had a foundation laid for a central building for that asylum. They wanted an appropriation to continue building that. In sort of sport I moved a bill to provide that we should appropriate \$15,000 to box up that foundation and preserve it until a more favorable date was reached to erect the building. So that the matter was passed.

Before I take up the twenty-first, I want to say that one of our most constant and faithful visitors in the Twentieth General Assembly was Mr. Finkbine of Des Moines, who was the superintendent or supervisor of the construction of this magnificent building. He was proud of his work, and we were proud of him. It stands, it seems to me, as a monument to the memory of that honest and faithful servant of Iowa, for no whisper was ever uttered against any acts or matters of his. The Twentieth General Assembly, as I told you before, had elected a Speaker. The Chief Clerk was Sidney A. Foster, the author of that wonderful slogan at that time, "Of all that is good, Iowa affords the best." Sid was a good clerk. Later he and Governor Jackson and Gib Pray, then clerk of the supreme court, organized the Royal Union Life Insurance Company, which lasted for many years, did a great business, but finally failed—probably after the old managers of it had passed away.

The legislature of the Twenty-first General Assembly don't impress me as anything very special. There were only, as I said, a few new members. Many of the old members of the Twentieth General Assembly were returned to the twenty-first. But there were one or two new members that I do feel that I ought to mention. One was Bob Cousins, in the House from Cedar county—very quiet, inoffensive young man, who was a member of the House, who, as you may know, was later elected as a member of congress and attained to a national reputation as an orator.

In the Senate one new member that I recall was Lafayette Young, for a long time owner and editor of the Des Moines Capital, and who for a short time served as a member of the United States Senate.

There is one matter in the Twenty-first General Assembly that I am



not very proud of, and I don't think it added any special glory to the memory of the Twenty-first. Serious charges were preferred in the House against our State Auditor. We had two Judiciary Committees then. The charges were referred to No. 2 Judiciary Committee. They held secret sessions, taking the evidence, excluding newspaper reporters and everybody else except witnesses and members of the committee and possibly the members who preferred the charges. They finally brought in a report recommending that State Auditor Brown should be impeached. I as chairman of No. 1 Judiciary Committee opposed it, said "we have had no evidence; you men sat in secret session; we don't know what the evidence is. I don't feel like voting on this bill without knowing something about what the charges are and what the evidence was." But the House, as I say, voted for impeachment. A committee was appointed to conduct a trial before the State Senate. I refused to take any part in that, declined to act as prosecutor with the other members of the committee on that charge. The Senate of the Twenty-first General Assembly found State Auditor Brown not guilty. But it cost the state of Iowa over \$40,000. Thank you, gentlemen.

President Van Alstine introduced the Honorable George M. Titus, who addressed the Joint Convention as follows:

LADIES AND GENTLEMEN: The remarks of the last speaker make me want to tell a story before I start on my principal address. He talked about this wonderful capitol. The first appropriation of a million and a half was made by the Thirteenth General Assembly. Then, as now, Des Moines people were awake to their own interests, and the members of the General Assembly were dined and wined and entertained, the purpose being to get that appropriation of a million and a half to build this fine building, to start it. Some of the members, we are told, held back quite a while, because they got more dinners by waiting. And finally the people got so interested in that appropriation that the Chaplain made it part of every prayer, and in this body, this House, the Chaplain petitioned the Almighty to put it into the minds of these statesmen to build a suitable building for this grand old state of Iowa. And we are told that a member of this House got the floor and said, "Mr. Speaker, I would like to introduce a resolution." He was recognized by the Speaker. "I will read the resolution. 'Resolved, that in the future Chaplains praying for the passage of bills shall take them in the order they appear on the calendar.'" Finally the bill was passed, and we are all glad of this wonderful building. As I look it over, the time since I was here, seems to me the decorations have got much more handsome than when we were here.

Now I am going to start out. I asked the Lieutenant Governor how much time I could have. He said there was no limit. I don't want to bore you, but I will tell you some of the things that may be worth your while to listen to.

In 1864, mind you, on a little farm in the state of New York there lived a small family in which there was a boy nine years old and part of the work of the family was the raising of turkeys. That year a roaming

mother of twelve or fifteen little turkeys was accidentally killed, and the mother of that tiny little boy told him that he could have those turkeys if he would rear them by hand, so to speak. This he did. They grew and grew in affection for him. They bothered him when he walked. They were so fond of him they mingled with his feet. One day as he was out by the door he saw three carriages coming up the street. They were filled with soldiers of the Civil War home on a furlough, singing patriotic songs. As they came in front of his home where the boy and the turkeys stood they stopped their carriages, got out, and stole all of his turkeys. And as they went away they sang,

John Brown's body lies a mould'ring in the grave  
As we go marching along with the turkeys.

The little boy went in and wept on his mother's bosom, and told her about the loss of what he expected from those turkeys. And she comforted him by telling him that those soldiers probably would never eat turkey again; they were fighting for the Union and the preservation of the flag.

And the next year that same boy stood at the same gate and saw a man riding by as fast as he could saying, "Lincoln is shot! Lincoln is shot!" That boy, that lad, is now addressing you. I tell you so you may know what a long, long trail I have traveled.

My father moved with his family to Michigan, and from there to the great state of Iowa. I am so glad that he did, and the state has a reputation now that is known. I like to tell the story of a friend of mine from Muscatine, who several years ago visited Los Angeles. And while on the streets there he was talking with a couple of strangers and one of them said, "What state are you from?" My friend said, "The best state in the Union." They said, "Shake, neighbor, we are from Iowa too." They didn't have to name it.

I don't know why, but I am in better health today than when I came to this General Assembly in '98. And my physicians tell me that I have a prospect of hitting the century mark. Now I want to tell you some of the high spots when I came to the legislature in the horse and buggy days. I wonder how many in this audience remember or had a personal acquaintance with Senator William B. Allison. Please raise your hands. (About a dozen hands raised.)

I want to remind you today of what a wonderful statesman he seemed to be. While not always agreeing with him, but away back, some of us young fellows having reached the smart age, decided that the tariff ought to be revised. We went to Washington and called on Senator Allison. He said, "Mr. Titus, how are things in Iowa?" I said, "Agriculturally they are all right, but if you pass the McKinley bill as introduced, I don't know what will happen." It did pass, and we only elected four Republican congressmen. But the final result was that it made McKinley president in 1896.

And years ago when "Pitchfork" Tillman, a Democratic senator from North or South Carolina, came to Muscatine to lecture at our chautauqua, it was my business to take him up on the stage. And I said to him,

"Senator Tillman, what do you think of our man Senator Allison?" He turned to me and he said, "Mr. Titus, what do I think of Senator Allison? My God, I love that man." And he brought his hand over and put it on mine and held it for two or three minutes. He said, "Mr. Titus, Senator Allison plays on that Senate like the lady plays on the piano. Anything that the old man wants he can have."

Senator Dolliver I regard as one of the best campaigners this state ever had. I remember hearing him in a campaign speech, remember hearing him talking about the soil in the eastern country. He said, "I was back in New England, and I cannot understand how they raise anything back there. I've walked past the cemetery, and the sexton was digging a grave. I went in to see how deep the soil was, and I asked the sexton how they raised anything in that soil. And his reply was, 'We fertilize.' 'You fertilize?' 'Yes, we even fertilize the cemetery.' 'Fertilize the cemetery? What do you fertilize the cemetery for?' He said, 'We feel that it would help out in the resurrection.'"

The high spot in the general assembly when I came here was back in a measure that finally was passed and became the law of the land. Senator Emmert of Atlantic said to me—he was one time president of the State Board of Health—he says, "I have got a little bill here that I want you to help me on, Senator Titus. It is a bill requiring the testing of cattle brought into this state for tuberculosis." I said, "Why, I don't know anything about tuberculosis in cows." And he said he wasn't getting some votes. I stepped into the library and Johnson Brigham gave me the report of the Massachusetts commission in which it stated they had just paid \$275,000 for the cows they killed that could not stand the tubercular test.

Well, I took that book over to the hotel and I read until two o'clock, realizing what an advantage I would have when the bill was attacked on the floor. And I remember the language of Senator Bolter when he got the floor after Senator Emmert had presented the bill. He said, "Mr. President, I have been a member of this general assembly for sixteen years, but this is the first time that I ever knew of the state being asked to chase microbes and bacilli. There stands the senator from Woodbury, six feet two in his stocking feet. Where in the name of God would he have grown if he had been nourished with milk after the microbes and bacilli had been killed? Mr. President, I see on the border line between Iowa and Missouri a guard that has a lariat in one hand and a tuberculin tester in the other. Here comes a Missouri farmer with his cows. 'Halt,' says the guard. He lariats the cows and he sticks the tuberculin tester into one of the animals and says, 'Take your cow home. She has consumption.'"

While that sort of ridicule kept going on I had my book there, and after all the attacks on the bill had been made I just proceeded to read from my book that the State of Massachusetts paid \$275,000 for cows they killed after examination for tuberculosis in Massachusetts, and then that the Royal Commission of England had decided that tuberculosis in cows was the same as in human beings.

The bill failed by two votes. I remember Senator Emmert said, "Senator Titus, the time will come when all cows will be tested." I notice by the last report of the Department of Agriculture that that is the fact, that now tuberculosis in cattle is almost unknown. That was of great interest to me, as I was able at that time by reason of this book to meet the situation, and now it is an accomplished fact.

When I came to the legislature my partner said, "Now you are going up there, why not get rid of so much politics? We just go through one campaign and then we start in on another." I consulted with the older members here and they said, "Yes, such should be the law." I said, "Let's do it." Nobody seemed to do it, so I went into the library and read the Constitution of every state in the Union and found that only ten states had annual elections, including Iowa, and I introduced the resolution, after having prepared it and submitted it to Judge Deemer, who sat at the same table with me at the old Savery Hotel.

Well, here is where the excitement comes. I had no idea that that would attract any particular attention, but I found myself quite famous, and the resolution passed the General Assembly, and it passed the next General Assembly, was voted on and carried by 30,000. And then someone attacked its validity. It was defeated by the Supreme Court, and passed again, and in 1900 became the law, and we have biennial instead of annual elections, in the State every other year, saving \$450,000 at least.

I want to tell you what happened in the Constitutional Amendments Committee at that time—made up of lawyers—Judge Blanchard, George Allyn, Charlie Mullan of Waterloo—all lawyers. They said to me, "If this resolution is to pass and we are to have biennial elections instead of annual, we will elect all the officers at the same time."

I said, "Our plan is to have a four year term, and elect one-half at one biennial period and the other half at the other—at the next biennial period." Now I felt it not out of place, since there is a bill before this General Assembly changing to four year terms, to tell you that it was the plan of the Twenty-seventh and Twenty-eighth General Assemblies—the plan of the committee—that we should have a four year term. And while you are doing that, what is the objection to a resolution to be passed by this General Assembly providing for a four year term for the Governor and the Lieutenant Governor and the officers governed by the Constitution? If it is passed by the next General Assembly and becomes a law, you will have carried out what was the intention of the General Assembly that passed the first resolution providing for biennial elections.

Now I have taken considerable time, but I want to finish what I have to say by telling you a true story on this long, long trail that I have traveled. Discontent strikes people and they become dissatisfied. I know in '88 I felt that Muscatine was too small for my caliber. But I stayed right there, and I want to tell you a true story as I have told the Pioneer Lawmakers and just as I tell you here today, and then I will be through.

Several years ago Mrs. Titus and I went to Europe. Not speaking any but the English language we decided that we would rather go in a party and be conducted. We selected a Tourist Company that only permitted about fifteen. When we arrived at New York we found that of those fif-

teen six were from Philadelphia, four from Evansville, Indiana, two from New Haven, two from Camden, New Jersey, one from Toledo, and Mrs. Titus and myself from Muscatine. For the first time in my life I felt the embarrassment of coming from a rather insignificant or unknown city. They asked me how Muscatine was spelled. And when I said it was an Indian name they asked me if there were Indians there then. And Mrs. Titus suggested that we should have registered from Chicago. And I am telling you this story because you may find this out about the town where you live. You may discover a good deal that you don't know about.

One evening when we were together someone asked if I had read the book, "Pigs is Pigs." And I said, "Yes, that was written by Ellis Parker Butler, who lives in my town."

And on another evening they spoke of the wonderful company that made Royal baking powder. And I said, "Will Ziegler got that formula for the Royal baking powder from a steamboat captain in Muscatine, and he started his career manufacturing it in a drug store in Muscatine." When we got over to Amsterdam I excused myself from the crowd and said, "We are going to call on the United States consul, he is a friend of ours from Muscatine, Frank Mahin, a brother of John Mahin."

When we were coming down through France one of the gentlemen called my attention to a sign out in the field, "H. J. Heinz—57 Varieties," and said "That is a wonderful institution, advertised all over the world." "Yes," I said, "it is, and the largest branch outside of Pittsburgh is located in my town." When we got to Paris I said, "A friend of mine is living near here in a large chateau on an estate. If I knew where it was I would go to see her." Our names were published in the Paris edition of the New York Herald, and this lady happened to be there and to notice it and invited us to visit them. The conductor gave us a car and the chauffeur took us down to that wonderful estate of 30 acres on the banks of the Seine.

And the next day as we started towards the Louvre, the art gallery, the conductor said, "Mr. Titus, the driver says you called at quite a swell place." "Yes," I said, "it is. That is owned by a friend of ours from Muscatine. It cost over a million dollars."

And as we approached the art gallery, he says, "We are now approaching the statue of Lafayette given by the school children of the United States and designed by the celebrated sculptor, George Gray Barnard." I said, "Is Mr. Barnard in the city?" He said, "I don't know. Do you know him?" "Oh, yes, he used to live in Muscatine. His father was pastor of the church to which I belonged."

The Barry Manufacturing Company gave a banquet in Muscatine. I was asked to tell this story. And Pat Barry, a witty Irishman, made this reply after the story was told. He said, "We all hope that Senator Titus will live to be very old. But if he should contract the flu and pass away, I venture that when he appears at the pearly gates and the alarm is given, Saint Peter would say, "Who is it?" and the response would come, 'Ex-Senator Titus from Muscatine,' and he would say, 'Let him

right in. I used to live in Muscatine myself.' " Well, that was my embarrassment at least about my own town.

Now I give you as my parting message this incident. After a man reaches the age that I have, he doesn't care. I had occasion to write President Roosevelt a couple of years ago, and I wrote to him like I was addressing my own son. And I said, "You probably marvel at my presumption and my ability to give you advice. But I will remind you that I am old enough to be your father, and I hold to the theory that the human mind does not mature until one is seventy years of age, so there is hope for you yet, but nobody will see this letter except my stenographer and myself, unless you show it. But this is an important matter." He did show it, and he did what I asked him to.

I think it might be wise for this general assembly to keep some of these older members of the pioneer lawmakers around here from whom you might ask advice. I thank you.

Johnson of Linn moved that the Joint Convention be now dissolved.

Motion prevailed.

The Senate returned to the Senate chamber and resumed regular session, President Pro Tem Byers presiding.

#### INTRODUCTION OF BILLS

Senate File 477, by committee on claims, a bill for an act to make appropriations to Palo Alto Hospital Association, Emmetsburg, Iowa; Dr. E. D. Beatty, Mallard, Iowa, and Dr. H. R. Powers, Emmetsburg, Iowa.

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

#### THIRD READING OF BILLS

On motion of Senator Berg, Senate File 246, a bill for an act to amend, revise and codify section one thousand two hundred eighteen (1218), Code, 1939, relating to compensation of state officers and employees, was taken up and considered.

Senator Berg offered the following amendment and moved its adoption:

Amend Senate File 246 by striking all of the sentence beginning on line 4 and ending on line 9 of section 1.

The amendment was adopted.

Senator Hess offered the following amendment and moved its adoption:

Amend Senate File 246 by striking all of line 17 of section 1 after the word "employment" and the following words in line 18: "two or more year's employment,".

The amendment was lost.

Senator Berg asked and received unanimous consent to change the word "on" to "of" in line 16 of section 1.

Senator Berg 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, 37:

Augustine	Faul	Hill	Miller
Bekman	Findlay	Johnson	Mowry
Benson	Goode	Jones	Shaw
Berg	Hamiel	Keir	Sjulin
Byers	Hart	Leo	Stewart
Clark	Harvey	Long	Talbott
Corwin	Hattery	Love	Turner
Dewey	Henningsen	Martin	Vrba
Donohue	Hess	Mercer	Watson
Elthon			

Nays, none.

Absent or not voting, 13:

Baldwin	Evans	Lundy	Pelzer
Cromwell	Fuller	Lynes	Whitehill
Dykhouse	Hunt	Munger	Zeigler
Emerson			

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

Senator Berg 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.

On motion of Senator Berg, Senate File 339, a bill for an act relating to the approval of compensation of employees of the state during the biennial fiscal period beginning July 1, 1941, and ending June 30, 1943, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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, 33:

Bekman	Faul	Johnson	Miller
Benson	Findlay	Jones	Mowry
Berg	Hamiel	Keir	Shaw
Byers	Harvey	Leo	Sjulin
Clark	Hattery	Long	Stewart
Corwin	Henningsen	Love	Talbott
Dewey	Hess	Lundy	Turner
Donohue	Hill	Martin	Watson
Elthon			

Nays, none.

Absent or not voting, 17:

Augustine	Evans	Hunt	Pelzer
Baldwin	Fuller	Lynes	Vrba
Cromwell	Goode	Mercer	Whitehill
Dykhouse	Hart	Munger	Zeigler
Emerson			

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

Senator Berg 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.

President Hickenlooper took the chair at 3:59 p. m.

On motion of Senator Mowry, Senate File 291, a bill for an act to authorize and direct the state superintendent of public instruction to prepare a proposed revision and codification of the laws of Iowa relating to education; to authorize the appointment of a special legislative committee on revision and codification of school laws, to receive the report and proposals of the state superintendent of public instruction when completed; to authorize an appropriation of five thousand dollars (\$5,000.00) immediately and the sum of ten thousand dollars (\$10,000.00) per annum each year of the biennium to defray expenses incurred by the state superintendent of public instruction in carrying out the provisions of this act; and to provide for the legislative committee to examine the proposed revision and codification of school laws as submitted by the state superintendent of public instruction and to make its report and recommendations to the General Assembly at its next biennial session, 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 from lines 9 and 10 of section 3 the following "except changes in language made for the purpose of simplification or clarification,".

The amendment was adopted.

Senator Lundy moved that action be deferred on Senate File 291 and that it retain its place on the calendar.

The motion prevailed and action was deferred.

On motion of Senator Berg, Senate File 470, a bill for an act to amend section eight thousand six hundred twenty-eight (8628), Code, 1939, relating to the compensation of examiners and assistants in the insurance department, was taken up and considered.

Senator Berg 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, 42:

Augustine	Evans	Johnson	Miller
Bekman	Faul	Jones	Mowry
Benson	Findlay	Keir	Shaw
Berg	Goode	Leo	Sjulin
Byers	Hamiel	Long	Stewart
Clark	Hart	Love	Talbott
Corwin	Harvey	Lundy	Turner
Dewey	Hattery	Lynes	Vrba
Donohue	Henningsen	Martin	Watson
Dykhouse	Hess	Mercer	Whitehill
Elthon	Hill		

Nays, none.

Absent or not voting, 8:

Baldwin	Emerson	Hunt	Pelzer
Cromwell	Fuller	Munger	Zeigler

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

Senator Berg 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.

On motion of Senator Berg, Senate File 471, a bill for an act to amend section three thousand six hundred sixty-one and seven thousandths (3661.007), Code, 1939, providing for an adminis-

trative fund for the Board of Social Welfare, was taken up and considered.

Senator Bekman asked and received unanimous consent that action be deferred and that the bill retain its place on the calendar.

On motion of Senator Berg, Senate File 472, a bill for an act to amend chapter ten (10), Code, 1939, relating to compensation of examiners and their assistants, was taken up and considered.

Senator Berg 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:**

Berg	Faul	Hill	Miller
Byers	Findlay	Jones	Mowry
Clark	Goode	Keir	Shaw
Corwin	Hamiel	Leo	Sjulin
Dewey	Hart	Long	Talbott
Donohue	Harvey	Love	Turner
Dykhouse	Hattery	Lundy	Urba
Elthon	Henningsen	Lynes	Watson
Evans	Hess	Martin	Whitehill

**Nays, none.**

**Absent or not voting, 14:**

Augustine	Cromwell	Johnson	Pelzer
Baldwin	Emerson	Mercer	Stewart
Bekman	Fuller	Munger	Zeigler
Benson	Hunt		

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

Senator Berg 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.

On motion of Senator Berg, House Joint Resolution 1, a joint resolution fixing the compensation of the chaplains of the Forty-ninth General Assembly, and making an appropriation therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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, 37:

Bekman	Evans	Hess	Mowry
Benson	Faul	Hill	Pelzer
Berg	Findlay	Jones	Shaw
Byers	Goode	Keir	Sjulin
Clark	Hamiel	Leo	Talbott
Corwin	Hart	Long	Turner
Dewey	Harvey	Lynes	Vrba
Donohue	Hattery	Martin	Watson
Dykhouse	Henningsen	Miller	Whitehill
Elthon			

Nays, none.

Absent or not voting, 13:

Augustine	Fuller	Love	Munger
Baldwin	Hunt	Lundy	Stewart
Cromwell	Johnson	Mercer	Zeigler
Emerson			

The resolution having received a constitutional and two-third majority was declared to have passed the Senate and the title was agreed to.

Senator Berg moved that the vote by which the resolution passed the Senate be reconsidered and that the motion to reconsider be laid on the table, which motion prevailed.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 288 and 243 and House Joint Resolution 2.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 288, 243 and House Joint Resolution 2.

#### REPORTS OF COMMITTEES

Senator Shaw submitted the following report:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 460, a bill for an act to amend section 3260, Code, 1939, re-

lating to the license fees on public scales, 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 from line 5 of section 1 the words "one dollar (\$1.00)" and inserting in lieu thereof the words "five dollars (\$5.00)".

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 309, a bill for an act to make legalizing acts applicable to the state and to political and municipal subdivisions thereof, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 442, a bill for an act to legalize action of the town council of Lake Mills, Iowa, in transferring funds in the amount of \$2,000.00 from the town bond fund to the town paving fund, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 425, a bill for an act to establish October ninth as Leif Ericson Day, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 450, a bill for an act to legalize proof of publication of notice made by the affidavit of the assistant publisher, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred Senate File 410, a bill for an act to revise, amend, and codify section 10416, Code, 1939, relating to city and town plats, legalizing the same and any defects therein, making such plats conclusive as to owners shown, and providing for the preservation of claims and for the bringing

of actions thereon, begs leave to report it has had the same under consideration and recommends the same do pass. A. J. SHAW, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on Judiciary 1 to which was referred Senate File 265, a bill for an act to amend chapter 403.1, Code, 1939, authorizing the deduction from salary or wages of an employe or employees of the State of Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on Judiciary 1 to which was referred Senate File 458, a bill for an act to legalize payment of refund warrants on soldiers homestead exemption for year 1938 and to legalize the transfer of \$415.00 from General County Fund to Homestead Credit Fund by Board of Supervisors of Greene County, Iowa, begs to leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on Judiciary 1 to which was referred Senate File 94, a bill for an act to provide for the appointment of licensed Realtors on Appraisal Boards where the appraisal includes real estate, begs leave to report it has had the same under consideration and recommends the same be indefinitely postponed.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on Judiciary 1 to which was referred Senate File 378, a bill for an act to amend chapter 437, Code, 1939, relating to chattel mortgages and the conditional sales of personal property and providing for limiting the lien of said instruments, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman*.

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on Judiciary 1 to which was referred Senate File 343, a bill for an act to amend chapter twelve thousand seven hundred eighty-one point two (12781.2), Code, 1939, relating to

compromising of personal taxes in estates, begs leave to report it has had the same under consideration and returns the bill without recommendation.

A. J. SHAW, *Chairman*.

Senator Corwin submitted the following report:

MR. PRESIDENT: Your committee on Board of Control to which was referred House File 24, a bill for an act amending section 3527, Code, 1939, relating to the commitment, care and support of insane persons, begs leave to report it has had the same under consideration and recommends the same do pass.

E. P. CORWIN, *Chairman*.

Ordered passed on file.

Senator Hattery submitted the following report:

MR. PRESIDENT: Your committee on Educational Institutions to which was referred Senate File 448, a bill for an act to amend sections 3946, 4032, 4063, and 4064, Code, 1939, relating to the branches of study at state educational institutions, begs leave to report it has had the same under consideration and recommends that the same be amended as follows; and when so amended the bill do pass:

Amend by striking all of section 1.

Further amend by striking all of section 2.

Amend section 4 by striking the comma after the word "teachers" in line 4, and the words "supervisors and school administrators" in line 5.

JOHN R. HATTERY, *Chairman*.

Ordered passed on file.

Senator Stewart submitted the following report:

MR. PRESIDENT: Your committee on Agriculture to which was referred House File 83, a bill for an act relating to liens for services on agricultural products, begs leave to report it has had the same under consideration and recommends the same do pass.

PAUL P. STEWART, *Chairman*.

Ordered passed on file.

#### ASSIGNMENT OF BILLS TO COMMITTEES

The President announced the following assignment of bills to committees:

H. F. 63.....Drainage.  
 H. F. 81.....Manufacturing, Commerce and Trade.  
 H. F. 114.....Judiciary 2.  
 H. F. 117.....Judiciary 1.

#### BILLS INDEFINITELY POSTPONED

Under Senate Rule 37, the following bills have been indefinitely postponed; Senate Files 38, 214, and 363.

## AMENDMENTS FILED

Amend House File 44 as follows:

- (1) By inserting in line 9 after the word "State" the word "exclusively".
- (2) By inserting in line 10 after the comma (,) following the word "equipment" the following: "when such transportation is performed under contract with the owner of such household goods, furniture or household equipment, and is not for the purpose of or to facilitate the sale or resale thereof,".

O. H. HENNINGSEN.

On motion of Senator Lundy, the Senate adjourned until 10:00 a. m. Friday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 7, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. H. C. Boyd, pastor of the St. Paul A. M. E. Church of Des Moines.

The Journal of March 6th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zeigler for the day on request of Senator Hill; Senator Whitehill for the day on request of Senator Hill; Senator Elthon for the afternoon on request of Senator Love.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Henningsen, from residents of Clinton, in opposition to House File 235.

By Senator Cromwell, from members of Bricklayers' Union No. 10 of Burlington, favoring passage of Senate File 322.

By Senator Lundy, from residents of Monroe county, favoring passage of the proposed pharmacy bill.

By Senator Harvey, from the county officers of Harrison county, favoring passage of Senate File 290.

By Senator Byers, from residents of Cedar Rapids, favoring passage of House File 345.

By Senator Findlay, from members of the Dayton farm bureau, favoring passage of the library extension bill.

By Senator Munger, from the Women of All Nations' Club of Sioux City, favoring certain housing legislation.

Senator Sjulín asked and received unanimous consent to have Senate File 157 rereferred to committee on public health.



Senator Faul presented Prof. Richards and a group of students from the Capital City Commercial College who were present in the balcony.

Senator Faul asked and received unanimous consent to present a group of students from Mitchellville High School, who were present in the balcony.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

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

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled: Senate Files 70, 203, 204, 205 and 243, and House Files 13, 33, and 271.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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, 203, 204, 205, and 243, and House Files 13, 33 and 271.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report :

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has on this 7th day of March, 1941, sent to the governor for his approval, Senate Files 70, 203, 204, 205 and 243.

EDWARD H. VRBA, *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 adopted the conference committee report, the amendments recommended therein and passed, House File 34, a bill for an act to extend the tax exemption on agricultural produce.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 26, relating to the joint convention to receive John Cowles.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE CONCURRENT RESOLUTION 26

*Whereas*, the 49th General Assembly has extended an invitation to John Cowles to speak to said assembly in joint convention, and,

*Whereas*, information is now at hand to the effect that Mr. Cowles can accept said invitation on Monday, March 17th, now, therefore,

*Be It Resolved by the House, the Senate Concurring*, that a joint convention of the House and Senate be held at two o'clock, Monday, March the 17th, for the purpose of hearing the address by Mr. Cowles.

Senator Faul asked and received unanimous consent to take up House Concurrent Resolution 26.

Senator Faul moved that House Concurrent Resolution 26 be adopted, which motion prevailed and the resolution was adopted.

## THIRD READING OF BILLS

On motion of Senator Donohue, House File 59, a bill for an act to amend section twelve thousand seven hundred eighty-one and one tenth (12781.1), Code, 1939, relating to final reports of fiduciaries, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Donohue 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, 39:

Baldwin	Dykhouse	Hill	Mowry
Bekman	Evans	Hunt	Pelzer
Benson	Faul	Johnson	Shaw
Berg	Findlay	Jones	Sjulin
Byers	Fuller	Keir	Stewart
Clark	Goode	Leo	Talbott
Corwin	Harvey	Long	Turner
Cromwell	Hattery	Love	Vrba
Dewey	Henningsen	Lundy	Watson
Donohue	Hess	Miller	

Nays, none.

Absent or not voting, 11:

Augustine	Hamiel	Martin	Whitehill
Elthon	Hart	Mercer	Zeigler
Emerson	Lynes	Munger	

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 House was asked:

Senate File 75, a bill for an act relating to liability of estates for income tax.

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

Senate File 420, a bill for an act relating to institutions under the supervision of the board of control.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 421, a bill for an act relating to the Iowa National Guard and the Iowa State Guard.

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

Senate File 356, a bill for an act relating to the salary of the superintendent at the state sanitarium at Oakdale.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE AMENDMENT TO SENATE FILE 421

Amend section 1, line 7 by striking "executive council" and inserting in lieu thereof the following: "Governor and Comptroller".

## COMMUNICATION FROM SECRETARY OF STATE

STATE OF IOWA  
Office of  
The Secretary of State

TO THE HONORABLE LIEUTENANT GOVERNOR OF IOWA, PRESIDENT OF THE SENATE, FORTY-NINTH GENERAL ASSEMBLY, GREETING:

I, EARL G. MILLER, duly elected qualified and acting Secretary of State, Do hereby certify that Senate Joint Resolution 1 of the Forty-eighth General Assembly proposing an amendment to Article VII of the Constitution of the State of Iowa has been published in two newspapers of general circulation in each Congressional District in the state, once each month for three months previous to the time of the holding of the General Election November 5, 1940.

I further certify that proof of such publication, in the form of publisher's affidavits, is on file in this office.

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 13th day of January, A. D. nineteen hundred and forty-one.

EARL G. MILLER, *Secretary of State.*

## THIRD READING OF BILLS

On motion of Senator Baldwin, Senate Joint Resolution 1 agreeing to a proposed amendment to article seven (VII) of the Constitution of the State of Iowa by adding thereto section eight (8) relating to the use of motor vehicle registration fees and licenses and excise taxes on motor vehicle fuels.

*Whereas*, the Forty-eighth (48th) General Assembly, in regular session, and by Senate Joint Resolution 1 of said general assembly, and by a majority of the members elected to each of the two houses of said general assembly, did duly adopt and agree to a proposed amendment to the Constitution of the State of Iowa, in words and figures as follows: "That article seven (VII) of the constitution of the state of Iowa be amended by adding thereto, as section eight (8) thereof, the following: 'All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.'"; and

*Whereas*, said proposed amendment, and the yeas and nays taken thereon, were at the time and in the manner required by said constitution duly entered in the journals of each of the houses of said general assembly; and

*Whereas*, said proposed amendment was by the terms of said Senate Joint Resolution 1 referred to the Forty-ninth (49th) General Assembly, as required by the constitution; and

*Whereas*, said proposed amendment was duly published in the manner and form and for the time provided by the constitution and laws of the state, due return and report of such publication having been made by the secretary of state to both houses of the Forty-ninth (49) General Assembly; now, therefore,

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

Section 1. That the proposed amendment to the Constitution of the State of Iowa, to wit: "That article seven (VII) of the constitution of the state of Iowa be amended by adding thereto, as section eight (8) thereof, the following: 'All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways

and the payment of interest on such bonds.' ”, is hereby agreed to and adopted by the Forty-ninth (49th) General Assembly.

Sec. 2. Said proposed amendment shall be submitted to the people at the general election in 1942 in the manner required by law, was taken up and considered.

The 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 words “Joint Resolution” in the title thereof and substituting the following in lieu thereof:

Joint Resolution for an amendment to article seven (VII) of the Constitution of the State of Iowa by adding thereto section eight (8) relating to the use of motor vehicle registration fees and licenses and excise taxes on motor vehicle fuels.

*Whereas*, The Forty-eighth (48th) General Assembly, in regular session and by a majority of the members elected to each of the two houses of said General Assembly, did duly adopt Senate Joint Resolution 1 of said Forty-eighth (48th) General Assembly whereby the said Forty-eighth (48th) General Assembly did agree to a proposed amendment to article seven (VII) of the Constitution of the State of Iowa by adding as section eight (8) of article seven (VII) of the Constitution of the State of Iowa, the following:

“All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.”; and

*Whereas*, Said proposed amendment, so agreed to, and the yeas and nays taken thereon, were duly entered in the journals of each of the houses of said General Assembly at the time said action was taken in the respective houses of said Forty-eighth (48th) General Assembly and in the manner required by said Constitution of the State of Iowa; and

*Whereas*, Said proposed amendment was by the terms of said Senate Joint Resolution 1 referred to the Forty-ninth (49th) General Assembly, as required by the Constitution of the State of Iowa; and

*Whereas*, Said proposed amendment was duly published in the manner and form and for the time provided by the Constitution and the laws of the State of Iowa, and due return and report of such publication has been made by the Secretary of State of the State of Iowa to both houses of this, the Forty-ninth (49th) General Assembly of the State of Iowa; now, therefore,

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

Section 1. That Article Seven (VII) of the Constitution of the State

of Iowa be amended by adding thereto, as section eight (8) thereof, the following:

"All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds."

Sec. 2. *Be It Further Resolved:* That the foregoing proposed amendment having been adopted and agreed to by the Forty-eighth (48th) General Assembly, thereafter duly published, and now adopted and agreed to by the Forty-ninth (49th) General Assembly in this Joint Resolution, the same shall be submitted to the people of the State of Iowa at the general election in nineteen hundred forty-two (1942) in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

The amendment was adopted.

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

#### SENATE JOINT RESOLUTION 1

Joint Resolution for an amendment to article seven (VII) of the Constitution of the State of Iowa by adding thereto section eight (8) relating to the use of motor vehicle registration fees and licenses and excise taxes on motor vehicle fuels.

*Whereas,* The Forty-eight (48th) General Assembly, in regular session and by a majority of the members elected to each of the two houses of said General Assembly, did duly adopt Senate Joint Resolution 1 of said Forty-eighth (48th) General Assembly where-by the said Forty-eighth (48th) General Assembly did agree to a proposed amendment to article seven (VII) of the Constitution of the State of Iowa by adding as section eight (8) of article seven (VII) of the Constitution of the State of Iowa, the following:

"All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds."; and

*Whereas,* Said proposed amendment, so agreed to, and the yeas and nays taken thereon, were duly entered in the journals of each

of the houses of said General Assembly at the time said action was taken in the respective houses of said Forty-eighth (48th) General Assembly and in the manner required by said Constitution of the State of Iowa; and

*Whereas*, Said proposed amendment was by the terms of said Senate Joint Resolution 1 referred to the Forty-ninth (49th) General Assembly, as required by the Constitution of the State of Iowa; and

*Whereas*, Said proposed amendment was duly published in the manner and form and for the time provided by the Constitution and the laws of the State of Iowa, and due return and report of such publication has been made by the Secretary of State of the State of Iowa to both houses of this, the Forty-ninth (49th) General Assembly of the State of Iowa; now, therefore,

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

Section 1. That Article Seven (VII) of the Constitution of the State of Iowa be amended by adding thereto, as section eight (8) thereof, the following:

“All motor vehicle registration fees and all licenses and excise taxes on motor vehicle fuel, except cost of administration, shall be used exclusively for the construction, maintenance and supervision of the public highways exclusively within the state or for the payment of bonds issued or to be issued for the construction of such public highways and the payment of interest on such bonds.”

Sec.2. *Be It Further Resolved:* That the foregoing proposed amendment having been adopted and agreed to by the Forty-eight (48th) General Assembly, thereafter duly published, and now adopted and agreed to by the Forty-ninth (49th) General Assembly in this Joint Resolution, the same shall be submitted to the people of the State of Iowa at the general election in nineteen forty-two (1942) in the manner required by the Constitution of the State of Iowa and the laws of the State of Iowa.

On the question “Shall the resolution be adopted?” the vote was:

Ayes, 39:

Augustine	Dewey	Goode	Hill
Baldwin	Donohue	Hamiel	Hunt
Bekman	Dykhouse	Hart	Johnson
Berg	Evans	Harvey	Jones
Clark	Faul	Hattery	Leo
Corwin	Findlay	Henningsen	Long
Cromwell	Fuller	Hess	Lynes

Martin  
Munger  
Pelzer

Shaw  
Sjulin  
Stewart

Talbott  
Vrba  
Watson

Whitehill  
Zeigler

Nays, 9:

Benson  
Byers  
Elthon

Keir  
Love

Lundy  
Miller

Mowry  
Turner

Absent or not voting, 2:

Emerson

Mercer

Senator Zeigler's vote was recorded upon written request filed by him.

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

Senator Baldwin moved that the vote by which the resolution passed the Senate be reconsidered and that the motion to reconsider be laid on the table, which motion prevailed.

Senator Baldwin asked and received unanimous consent to have Senate Joint Resolution 1 engrossed before it is sent to the House.

On motion of Senator Hattery, the Senate recessed until 2:00 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenloper presiding.

#### INTRODUCTION OF BILLS

Senate File 478, by committee on banks and banking, a bill for an act relating to banks and banking, and to make available to the public greater credit facilities by banks, by amending section nine thousand one hundred eighty-five (9185), Code, 1939, to authorize banks to make installment loans subject to certain definite limitations relating to interest, the principal amount, the loan period, and to provide for approval of note forms by the superintendent of banking.

Read first and second times and placed on calendar.

Senate File 479, by committee on banks and banking a bill for an act to amend section nine thousand one hundred eighty-three (9183), Code, 1939, relating to the investment in real estate bonds and mortgages by banks.



Read first and second times and placed on calendar.

Senator Sjulín asked and received unanimous consent to have Lawrence Hogan, president of the Iowa Youth Temperance Council, address the Senate briefly.

The President asked Senator Sjulín to escort Mr. Hogan to the rostrum.

Mr. Hogan addressed the Senate briefly.

Senator Dewey called up the following concurrent resolution:

#### HOUSE CONCURRENT RESOLUTION 22

Petitioning the Congress of the United States to pass a bill for an act to abate existing pollution, to prevent the future pollution of the waters, streams, and lakes under Federal control and to impress upon the Iowa members of the National Congress the desires of the Iowa people for the abatement and prevention of such pollution by national law.

*Be It Resolved by the House, the Senate Concurring:* That the Congress of the United States is hereby memorialized and requested to pass a law along general, broad, and effective lines to abate existing pollution and to prevent the future pollution of the Federal waters, streams and lakes of the United States.

That the Governor of the state of Iowa is hereby requested to officially convey such memorial and petition to the Congress of the United States and to the Iowa members thereof.

Senator Dewey moved to amend House Concurrent Resolution 22 by inserting in line 9 the word "present" before the word "Federal".

The amendment was adopted.

On motion of Senator Dewey, the concurrent resolution was adopted.

Senator Berg called up the following resolution and moved its adoption:

#### HOUSE CONCURRENT RESOLUTION 24

*Whereas*, The members of the Forty-ninth General Assembly of Iowa have created a fund, by individual subscriptions, for the purpose of providing athletic trophies to be presented to the denominational colleges and schools of this state who are participating in the Iowa Intercollegiate Athletic Conference; therefore,

*Be It Resolved by the House, the Senate Concurring:*

That the fund herein subscribed be turned over to the Commissioner of

the Iowa Intercollegiate Athletic Conference for the purpose of providing athletic trophies to be presented to the winning school or schools for the superiority in athletic contests sponsored by the Iowa Intercollegiate Athletic Conference and that such Commissioner or Faculty Representatives of the Iowa Intercollegiate Athletic Conference may prescribe such rules or regulations as they desire providing for the revolving of the trophies from year to year to the various schools who may be entitled to them each year. One of such trophies shall be inscribed as having been donated by the Senate of the Forty-ninth General Assembly of Iowa and another trophy to be inscribed as having been donated by the House of Representatives of the Forty-ninth General Assembly of Iowa. Any other trophy to be inscribed as having been donated by the members of the Forty-ninth General Assembly.

The motion prevailed and the resolution was adopted.

#### LETTER OF APPRECIATION

Dubuque, Iowa,  
February 6, 1941.

Hon. John P. Berg,  
Representative Arch W. McFarlane,  
Capitol Building,  
Des Moines, Iowa.

My Dear Mr. McFarlane:

I wish to express my appreciation as one of the athletic directors of the Iowa Conference to you for what I feel is a splendid and worthwhile idea, that of recognizing and paying tribute to the winners of the football and basketball titles in our conference.

I feel that our boys in these smaller colleges give just as much time, effort, and study to their play in the various sports as those connected with the larger institutions of our state, and that they do not receive as much recognition for their efforts as they should.

Regardless of whether the University of Dubuque is ever a winner of either of these trophies, we wish to express our appreciation to those who have sponsored this fine idea, and sincerely hope that we may do our share in furthering the building of clean sports and real men.

Respectfully yours,

KENNETH E. MERCER, *Athletic Director.*

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 34

Senator Hill called up the following conference committee report on House File 34, a bill for an act to amend chapter three hundred thirty (330), Code, 1939, relating to assessment of certain agricultural products.

MR. PRESIDENT AND MR. SPEAKER: We the undersigned members of the Conference Committee appointed to consider the differences between the Senate and the House on House File 34, beg leave to report that we

have had the same under consideration and recommend the following:

That the bill as amended by the Senate shall be amended by striking all of the section following the period after the word "value" in line 7 of section 1.

E. P. DONOHUE.  
J. K. LYNES.  
G. R. HILL.  
R. V. LEO.

*On the part of the Senate.*

Respectfully submitted,

F. J. RITCHIE.  
H. W. BURMA.  
D. A. DANCER.  
H. SIEFKAS.

*On the part of the House.*

Senator Hill moved that the conference committee report be adopted. The motion prevailed and the conference committee report was adopted.

Senator Hill moved that the amendment contained in the conference committee report be adopted.

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, 39:

Baldwin	Dykhouse	Hunt	Mowry
Bekman	Evans	Jones	Munger
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Byers	Goode	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Hart	Lundy	Talbott
Cromwell	Harvey	Lynes	Vrba
Dewey	Henningesen	Martin	Watson
Donohue	Hill	Miller	

Nays, 2:

Augustine            Johnson

Absent or not voting, 9:

Elthon	Hattery	Mercer	Whitehill
Emerson	Hess	Turner	Zeigler
Fuller			

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, which motion prevailed.

### THIRD READING OF BILLS

On motion of Senator Cromwell, the Senate resumed considera-

tion of Senate File 283, a bill for an act to amend chapter three hundred eight (308), Code, 1939, by amending sections five thousand nine hundred ninety-four (5994), five thousand nine hundred ninety-six (5996), five thousand nine hundred ninety-seven (5997), six thousand four (6004), six thousand twelve (6012), six thousand fifteen (6015), six thousand eighteen (6018), six thousand thirty-three (6033), six thousand thirty-five (6035) and six thousand forty-two (6042) and repealing sections six thousand three (6003) and six thousand fourteen (6014), all relating to street improvements, sewers and special assessments.

Senator Munger offered the following amendment and moved its adoption:

Amend Senate File 283 by adding thereto the following:

"Sec. 14. Section six thousand one (6001), Code, 1939, is hereby amended by inserting after the word "clerk" in line eleven (11) the words "nor until a properly signed maintenance contract and a duly executed and approved maintenance bond shall be filed in the office of the clerk (except in cases of construction or repair of street improvements by graveling, oiling, oiling and graveling, shaling, chloriding, or repairs other than reconstruction or resurfacing) obligating the contractor and his bondsman from the time of acceptance of such street improvement by the city to maintain such street improvement in good repair for not less than four years or such sewer for not less than two years provided, that in any contract for the construction or repair of any street improvements or sewers where the cost of materials only is to be assessed and the materials to be used and the improvements when completed are to be approved and accepted by a representative of the city, such provision for keeping such improvement in good repair shall not be required."

Senator Hill offered the following amendment to the amendment offered by Senator Munger and moved its adoption:

Amend the proposed amendment to Senate File 283 filed by Senator Munger on March 5, 1941, by adding after the word "repair" in line 11 the following:

“, which shall include ordinary use, wear and tear.”.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Mowry asked and received unanimous consent to withdraw the amendment offered by him and found on page 558 of the Journal.

Senator Hill asked and received unanimous consent to with-

draw the amendment offered by him and found on page 583 of the Journal.

Senator Munger offered the following amendment and moved the adoption of division 1.

Amend Senate File 283 as follows:

1. By striking all of section 8.
2. By striking all of section 11.

Senator Munger asked and received unanimous consent to withdraw division 2 of the amendment offered by him.

Division 1 of the amendment was adopted.

Senator Cromwell 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:

Augustine	Donohue	Hill	Martin
Baldwin	Dykhouse	Hunt	Miller
Bekman	Evans	Johnson	Munger
Berg	Faul	Jones	Pelzer
Byers	Findlay	Keir	Shaw
Clark	Goode	Long	Sjulin
Corwin	Hart	Love	Stewart
Cromwell	Harvey	Lundy	Talbott
Dewey	Hess	Lynes	Watson

Nays, none.

Absent or not voting, 14:

Benson	Hamiel	Mercer	Vrba
Elthon	Hattery	Mowry	Whitehill
Emerson	Henningsen	Turner	Zeigler
Fuller	Leo		

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

Senator Cromwell offered the following amendment to the title and moved its adoption.

Amend the title to Senate File 283 as follows:

1. In line 4 following the comma, insert the words and figures "six thousand one (6001)".
2. Strike from lines 5 and 6 the words and figures "six thousand fifteen (6015)".

The amendment was adopted and the title as amended was agreed to.

Senator Cromwell 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.

Senator Sjulín asked and received unanimous consent to be recorded as voting "aye" on Senate File 283.

On motion of Senator Berg, the Senate resumed consideration of Senate File 471, a bill for an act to amend section three thousand six hundred sixty-one and seven thousandths (3661.007), Code, 1939, providing for an administrative fund for the Board of Social Welfare.

Senator Berg 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:

Augustine	Donohue	Hunt	Martin
Baldwin	Dykhouse	Johnson	Miller
Bekman	Faul	Jones	Mowry
Berg	Findlay	Keir	Shaw
Byers	Fuller	Leo	Sjulín
Clark	Hart	Long	Stewart
Corwin	Harvey	Love	Talbott
Cromwell	Hess	Lundy	Vrba
Dewey	Hill	Lynes	Watson

Nays, none.

Absent or not voting, 14:

Benson	Goode	Mercer	Turner
Elthon	Hamiel	Munger	Whitehill
Emerson	Hattery	Peizer	Zeigler
Evans	Henningsen		

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

Senator Berg 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.

### SPECIAL ORDERS

Senator Lundy asked and received unanimous consent to have Senate File 291 made a special order of business Monday at 10:00 a. m.

Senator Berg asked and received unanimous consent to have Senate File 407 made a special order of business following the disposal of Senate File 291.

Senator Donohue asked and received unanimous consent to have Senate Joint Resolution 7 made a special order of business for 10:00 a. m. Tuesday.

Senator Donohue asked and received unanimous consent to have Senate File 401 made a special order of business for 10:30 a. m. Tuesday.

#### ADDITIONAL COPIES

Senator Augustine asked and received unanimous consent to have 300 additional copies of Senate File 413 printed.

Senator Henningsen asked and received unanimous consent to have 500 additional copies of Senate File 399 printed.

Senator Cromwell asked and received unanimous consent to have 300 copies of Senate File 283 printed as amended and passed by the Senate.

#### REPORTS OF COMMITTEES

Senator Cromwell submitted the following report:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 326, a bill for an act to amend section 5725, Code, 1939, relating to the rules and regulations which may be imposed by River-front Improvement Commissions, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 315, a bill for an act to amend section 5773, Code, 1939, relating to general powers of cities and towns to erect, purchase, or remodel a city or town hall, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 260, a bill for an act to be known as "The Uniform Airport Zoning Enabling Act.", begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 325, a bill for an act to amend section 3612, Code, 1939, relating to the salaries of probation officers and deputies, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 222, a bill for an act to amend 5745, Code, 1939, by granting additional powers to cities or towns to regulate the seizure of dogs, and to enter into contracts therefor with certain societies or associations, begs leave to report it has had the same under consideration and recommends the same do pass.

FRED CROMWELL, *Chairman*.

Ordered passed on file.

Senator Faul submitted the following report:

MR. PRESIDENT: Your committee on Insurance to which was referred Senate File 264, a bill for an act to repeal all of chapter four hundred ten (410), title twenty (XX), Code, 1939, and to enact a substitute therefor relating to the regulation, supervision and licensing of insurance agents and non-resident insurance agents, begs leave to report it has had the same under consideration and returns the bill without recommendation.

GEORGE FAUL, *Chairman*.

Ordered passed on file.

Senator Hill submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to which was referred Senate File 5, a bill for an act to impose a prepaid retail transaction and sales tax as defined herein; to provide for the collection of such taxes and for the administration of this act; to fix fines and penalties for the violation of the provisions hereof; to provide funds for the administration of this act and to repeal Division four (IV) of chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, and all laws or parts of laws in conflict, begs leave to report it has had the same under consideration and returns the bill without recommendation.

G. R. HILL, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 238, a bill for an act to amend section six thousand nine hundred forty-three and ninety-two thousandths (6943.092) Code, 1939, to authorize the State Tax Commission to destroy all useless records and reports and other papers filed by taxpayers after five (5) years from the date of the filing of such records with the Commission,



begs leave to report it has had the same under consideration and recommends the same do pass.

G. R. HILL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 55, a bill for an act to amend Section 6946, Code, 1939, relating to tax exemptions, begs leave to report it has had the same under consideration and recommends the same do pass.

G. R. HILL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 104, a bill for an act to amend chapter 23, Code, 1939, and various sections thereof, to wit: Sections 351, 353, 355, 356, 357, 358, 359, 362, 365, 366, 367, and to repeal sections 354 and 360, relating to public contracts and bonds, 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 Section 14, and inserting in lieu thereof the following:

"Section 14. This act, being deemed of immediate importance shall be in full force and effect from and after its publication in the Centerville Iowegian, a newspaper published in Centerville, Iowa, and in the Manly Signal, a newspaper published at Manly, Iowa."

G. R. HILL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 223, a bill for an act to amend section six thousand nine hundred forty-three and ninety-four thousandths (6943.094) to provide a limitation of the time in which the State Tax Commission shall have power to examine the books, papers, records or memoranda of any taxpayer, begs leave to report it has had the same under consideration and recommends the same do pass.

G. R. HILL, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Ways and Means to which was referred House File 224, a bill for an act to amend section six thousand nine hundred forty-three and ninety-seven thousandths (6943.097) providing for a limitation of time during which claims for refund may be allowed by the state tax commission, begs leave to report it has had the same under consideration and recommends the same do pass.

G. R. HILL, *Chairman.*

Ordered passed on file.

Senator Dewey submitted the following report:

MR. PRESIDENT: Your committee on conservation to which was referred Senate File 383, a bill for an act to amend section 1794.082, Chapter 86.1, Code, 1939, by granting free combined hunting and fishing licenses to those in active service in either the army or navy, begs leave to report it has had the same under consideration and recommends the same do pass.

A. CLAIRE DEWEY, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on conservation to which was referred Senate File 467, a bill for an act to amend section 1794.098, code, 1939, relating to requirements for fish and game licenses, begs leave to report it has had the same under consideration and recommends the same do pass.

A. CLAIRE DEWEY, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on conservation to which was referred Senate File 455, a bill for an act to repeal section 1703.15, code, 1939, and to enact a substitute therefor relating to the manner in which aircraft shall use the waters of the state of Iowa and providing that the Conservation Commission shall make rules therefor, begs leave to report it has had the same under consideration and recommends the same do pass.

A. CLAIRE DEWEY, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on conservation to which was referred Senate File 445, a bill for an act to amend the law as it appears in section 1794.052 and section 1794.054, code of Iowa, 1939, relating to certain named fur bearing animals, and providing them protection against molestation and disturbance, begs leave to report it has had the same under consideration and recommends the same do pass.

A. CLAIRE DEWEY, *Chairman.*

Ordered passed on file.

#### AMENDMENTS FILED

Amend Senate File 264 by adding at the end of section 3 thereof the following:

“(e) Reinsurance business transacted by any company authorized to transact such business in this state, or to the officers, agents, representatives or employees of such company when soliciting, negotiating or effecting contracts or policies of reinsurance.”

Further amend Senate File 264 by striking the period at the end of section 4 and inserting in lieu thereof a comma and adding the following:

“Provided, further, that this section shall not apply to contracts or policies of reinsurance.”

FRANK C. BYERS.

Amend Senate File 398 by striking section 7 and inserting in lieu thereof the following:

"This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the West Des Moines Express, a newspaper published in the City of West Des Moines, Iowa, and in the Ottumwa Daily Courier, a newspaper published in the City of Ottumwa, Iowa."

GEORGE FAUL.

Amend Senate File 278 by adding at the end thereof as section 5 the following:

Section 5. Amend section sixty-six hundred sixty-nine (6669), Code, 1939, subsection 12, by adding after the figure "312" in line sixteen (16) the words, "and in cities owning and operating waterworks under and pursuant to chapter three hundred fourteen (314) of the Code,".

E. K. BEKMAN.

Amend Senate File 257 as follows:

1. By striking the period (.) at the end of the title and adding thereto the following: "and in cities of more than twenty-five thousand (25,000) and less than forty-five thousand (45,000)."

2. By adding at the end of said Senate File 257 the following section:

"Sec. 3. Section five thousand six hundred sixty-nine (5669), Code, 1939, is further amended by adding thereto after paragraph two (2) the following paragraph: "In cities under the commission form of government having a population of more than twenty-five thousand (25,000) and less than forty-five thousand (45,000) the compensation of a head deputy assessor shall be fifteen hundred dollars (\$1500.00) per year."

FRED CROMWELL.

On motion of Senator Dewey the Senate adjourned until 10:00 a. m., Saturday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 8, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Percy H. Nickless, pastor of the Central Presbyterian Church of Des Moines.

The Journal of March 7th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Cromwell for the day, on request of Senator Stewart; Senator Benson for the day, on request of Senator Faul; Senator Mercer for the day, on request of Senator Watson; Senator Dewey for the day, on request of Senator Shaw; Senator Hunt for the day, on request of Senator Martin; Senator Hattery for the day, on request of Senator Henningsen; Senator Munger for the day, on request of Senator Henningsen; Senator Leo for the day, on request of Senator Lundy; Senator Johnson for the day, on request of Senator Faul; Senator Clark for the day, on request of Senator Lundy; Senator Love for the day, on request of Senator Evans; Senator Elthon for the day, on request of Senator Bekman; Senator Pelzer for the day, on request of Senator Mowry; Senator Turner for the day, on request of Senator Martin; Senator Sjulín for the day, on request of Senator Baldwin; Senator Emerson for the day, on request of Senator Baldwin; Senator Hill for the day, on request of Senator Zeigler; Senator Hamiel for the day, on request of Senator Lynes.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Miller, from members of Dallas county local No. 253, of the American Federation of State, County and Municipal Employees, favoring passage of House Files 218 and 219.

By Senator Vrba, from residents of Howard county, favoring passage of the library extension bill.

By Senator Whitehill, from residents of Marshalltown, favoring passage of House File 345.

By Senator Corwin, from rural residents of Muscatine county, favoring passage of the library extension bill.

By Senator Dykhouse, from residents of Lyon county, favoring local option.

By Senator Long, from residents of Anamosa and Manchester, favoring passage of the library extension bill; also from teachers of Independence, favoring passage of the tenure bill.

By Senator Baldwin, from residents of Dubuque county, favoring passage of the library extension bill.

By Senator Findlay, from residents of Webster county, favoring passage of the library extension bill, also from the Webster county Independent Business Men's Association and business and professional men of Fort Dodge, favoring passage of Senate File 323; and from teachers of Cylinder, favoring passage of the tenure bill. Also from residents of Fort Dodge, in opposition to Senate File 196.

### THIRD READING OF BILLS

On motion of Senator Lundy, Senate File 300, a bill for an act to legalize the election and proceedings relating to the issuance and sale of bonds by Monroe county, Iowa, and the proceedings providing for the levying of an annual tax for the payment of said bonds and declaring said bonds issued pursuant to said proceedings to be valid and legally enforceable obligations of said county, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Lundy 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, 31:**

Augustine	Evans	Jones	Shaw
Baldwin	Faul	Keir	Stewart
Bekman	Findlay	Long	Talbott
Berg	Fuller	Lundy	Vrba
Byers	Goode	Lynes	Watson
Corwin	Hart	Martin	Whitehill
Donohue	Henningsen	Miller	Zeigler
Dykhouse	Hess	Mowry	

**Nays, none.**

**Absent or not voting 19:**

Benson	Cromwell	Elthon	Hamiel
Clark	Dewey	Emerson	Harvey

Hattery	Johnson	Mercer	Sjulin
Hill	Leo	Munger	Turner
Hunt	Love	Pelzer	

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

Senator Lundy 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.

On motion of Senator Augustine, Senate File 262, a bill for an act to legalize the payment of certain warrants issued by the City of Oskaloosa during the years 1937-1938, and 1938-1939, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Augustine moved that House File 246, a bill for an act to legalize the payment of certain warrants issued by the city of Oskaloosa during the fiscal years of 1937-1938, and 1938-1939, be withdrawn from the committee and substituted for Senate File 262, now on the Senate calendar.

The motion prevailed and the substitution was made.

Senator Augustine 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, 31:

Augustine	Evans	Hess	Shaw
Baldwin	Faul	Jones	Stewart
Bekman	Findlay	Keir	Talbott
Berg	Fuller	Long	Vrba
Byers	Goode	Lynes	Watson
Corwin	Hart	Martin	Whitehill
Donohue	Harvey	Miller	Zeigler
Dykhouse	Henningsen	Mowry	

Nays, none.

Absent or not voting, 19:

Benson	Emerson	Johnson	Munger
Clark	Hamiel	Leo	Pelzer
Cromwell	Hattery	Love	Sjulin
Dewey	Hill	Lundy	Turner
Elthon	Hunt	Mercer	

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

Senator Lundy 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.

On motion of Senator Dykhouse, Senate File 297, a bill for an act to legalize proceedings relating to the authorization and issuance of refunding bonds by the city of Hawarden, Sioux County, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Dykhouse moved that House File 237, a bill for an act to legalize proceedings relating to the authorization and issuance of refunding bonds by the city of Hawarden, Sioux county, Iowa, and proceedings providing for the levying of an annual tax for the payment of said bonds and interest thereon, and declaring said bonds issued pursuant to said proceedings to be enforceable obligations of said city be withdrawn from the committee and substituted for Senate File 297, now on the Senate calendar.

The motion prevailed and the substitution was made.

Senator Dykhouse 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, 28:**

Augustine	Evans	Hess	Miller
Baldwin	Faul	Jones	Shaw
Berg	Findlay	Keir	Stewart
Byers	Fuller	Long	Talbott
Corwin	Hart	Lundy	Watson
Donohue	Harvey	Lynes	Whitehill
Dykhouse	Henningsen	Martin	Zeigler

**Nays, none.**

**Absent or not voting, 22:**

Bekman	Emerson	Johnson	Munger
Benson	Goode	Leo	Pelzer
Clark	Hamiel	Love	Sjulin
Cromwell	Hattery	Mercer	Turner
Dewey	Hill	Mowry	Vrba
Elthon	Hunt		

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

Senator Dykhouse 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.

On motion of Senator Mowry, Senate Joint Resolution 5, a joint resolution proposing an amendment to article nine (IX) of the constitution of the state of Iowa by striking out of the second division of said article in section seven (7) thereof the words and commas, to wit: "in proportion to the number of youths, between the ages of five (5) and twenty-one (21) years," relating to the distribution of common school funds.

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

Section 1. The following amendment to article nine (IX) of the constitution of the state of Iowa is hereby proposed:

Amend article nine (IX), section seven (7) of the second division thereof by striking therefrom the words and commas, to wit: "in proportion to the number of youths, between the ages of five (5) and twenty-one (21) years,".

Sec. 2. The foregoing proposed amendment is hereby referred to the legislature to be chosen at the next general election for members of the general assembly, and the secretary of state shall cause the same to be published for three (3) months previous to the date of said election as provided by law, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry 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 be adopted?" the vote was:

Ayes, 30:

Augustine	Evans	Jones	Mowry
Baldwin	Faul	Keir	Shaw
Bekman	Findlay	Long	Talbott
Berg	Fuller	Lundy	Vrba
Byers	Hart	Lynes	Watson
Corwin	Harvey	Martin	Whitehill
Donohue	Henningsen	Miller	Zeigler
Dykhouse	Hess		

Nays, none.

Absent or not voting, 20:

Benson	Emerson	Hunt	Munger
Clark	Goode	Johnson	Pelzer
Cromwell	Hamiel	Leo	Sjulin
Dewey	Hattery	Love	Stewart
Elthon	Hill	Mercer	Turner



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

Senator Mowry 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.

On motion of Senator Faul, Senate File 311, a bill for an act to amend section five thousand one hundred and twenty-six hundredths (5100.26), Code, 1939, relating to liability bond of certificated carriers, and to amend section five thousand one hundred five and fifteen hundredths (5105.15), Code, 1939, relating to insurance or bond of motor vehicle truck operators, was taken up and considered.

Senator Faul 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, 31:**

Augustine	Evans	Hess	Mowry
Baldwin	Faul	Jones	Shaw
Bekman	Findlay	Keir	Talbott
Berg	Fuller	Long	Vrba
Byers	Goode	Lundy	Watson
Corwin	Hart	Lynes	Whitehill
Donohue	Harvey	Martin	Zeigler
Dykhouse	Henningsen	Miller	

**Nays, none.**

**Absent or not voting, 19:**

Benson	Emerson	Johnson	Pelzer
Clark	Hamiel	Leo	Sjulin
Cromwell	Hattery	Love	Stewart
Dewey	Hill	Mercer	Turner
Elthon	Hunt	Munger	

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

Senator Faul 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.

Senator Shaw asked and received unanimous consent to take up Senate File 467, a bill for an act to amend section one thousand seven hundred ninety-four and ninety-eight thousandths (1794.098), Code, 1939, relating to requirements for fish and game licenses.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Shaw 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:**

Augustine	Faul	Keir	Shaw
Bekman	Findlay	Long	Stewart
Berg	Fuller	Lundy	Talbott
Byers	Goode	Lynes	Vrba
Corwin	Hart	Martin	Watson
Donohue	Harvey	Miller	Whitehill
Dykhouse	Henningsen	Mowry	Zeigler
Evans	Jones		

**Nays, none.**

**Absent or not voting, 20:**

Baldwin	Elthon	Hill	Mercer
Benson	Emerson	Hunt	Munger
Clark	Hamiel	Johnson	Pelzer
Cromwell	Hattery	Leo	Sjulin
Dewey	Hess	Love	Turner

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

Senator Shaw 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.

Senator Henningsen asked and received unanimous consent to take up House File 27, a bill for an act to amend section five thousand one hundred three and ten hundredths (5103.10) of chapter two hundred fifty-two and two tenths (252.2), Code, 1939, to provide for the issuance of travel orders for motor vehicles used only occasionally in motor carrier service.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Henningsen 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:**

Augustine	Byers	Evans	Goode
Baldwin	Corwin	Faul	Hart
Bekman	Donohue	Findlay	Harvey
Berg	Dykhouse	Fuller	Henningsen

Jones	Lynes	Shaw	Watson
Keir	Martin	Stewart	Whitehill
Long	Miller	Talbott	Zeigler
Lundy	Mowry		

Nays, none.

Absent or not voting, 20:

Benson	Emerson	Hunt	Munger
Clark	Hamiel	Johnson	Pelzer
Cromwell	Hattery	Leo	Sjulin
Dewey	Hess	Love	Turner
Elthon	Hill	Mercer	Vrba

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

Senator Henningsen 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.

Senator Berg asked and received unanimous consent to take up Senate File 326, a bill for an act to amend section five thousand eight hundred twenty-five (5825), Code, 1939, relating to the rules and regulations which may be imposed by river-front improvement commissions.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Berg offered the following amendment and moved its adoption:

Amend Senate File 326 by inserting in line 7 following the word "speed" the following: "and operation".

Further amend Senate File 326 by adding the following paragraph:

Said section is further amended by inserting following the word "grounds" in line 14 the following: "or otherwise violate this section,".

The amendment was adopted.

Senator Berg 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:

Augustine	Evans	Hess	Mowry
Baldwin	Faul	Jones	Shaw
Bekman	Findlay	Keir	Stewart
Berg	Fuller	Long	Talbott
Byers	Goode	Lynes	Watson
Corwin	Hart	Martin	Whitehill
Donohue	Harvey	Miller	Zeigler
Dykhouse	Henningsen		

Nays, none.

Absent or not voting, 20:

Benson	Emerson	Johnson	Munger
Clark	Hamiel	Leo	Pelzer
Cromwell	Hattery	Love	Sjulin
Dewey	Hill	Lundy	Turner
Elthon	Hunt	Mercer	Vrba

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

Senator Berg 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.

Senator Berg asked and received unanimous consent to withdraw the amendment offered by him to Senate File 274 and found on page 558 of the Journal.

Senator Whitehill asked and received unanimous consent to be recorded as voting "aye" on Senate Joint Resolution 1.

Senator Byers asked and received unanimous consent to take up Senate File 282, a bill for an act to amend section fifty-one hundred thirty (5130), Code, 1939, relating to authorizing boards of supervisors to permit the use of a room or rooms in the court house for the housing and maintenance of law libraries.

The report of committee recommending passage was taken up, considered, and the report of the committee 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, 27:

Augustine	Evans	Henningsen	Mowry
Baldwin	Faul	Hess	Shaw
Bekman	Findlay	Keir	Stewart
Berg	Fuller	Lundy	Talbott
Byers	Goode	Lynes	Watson
Corwin	Hart	Martin	Zeigler
Donohue	Harvey	Miller	

Nays, none.

Absent or not voting, 23:

Benson	Emerson	Jones	Munger
Clark	Hamiel	Leo	Pelzer
Cromwell	Hattery	Long	Sjulin
Dewey	Hill	Love	Turner
Dykhouse	Hunt	Mercer	Vrba
Elthon	Johnson		Whitehill

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, which motion prevailed.

Senator Findlay asked and received unanimous consent to take up Senate File 261, a bill for an act to amend section seven hundred thirty (730), Code, 1939, relating to election judges and clerks and providing for the appointment of registration deputies.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Findlay 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:**

Augustine	Faul	Hess	Mowry
Baldwin	Findlay	Jones	Shaw
Bekman	Fuller	Keir	Stewart
Berg	Goode	Long	Talbott
Byers	Hart	Lynes	Watson
Corwin	Harvey	Martin	Whitehill
Donohue	Henningsen	Miller	Zeigler
Evans			

**Nays, none.**

**Absent or not voting, 21:**

Benson	Emerson	Johnson	Munger
Clark	Hamiel	Leo	Pelzer
Cromwell	Hattery	Love	Sjulin
Dewey	Hill	Lundy	Turner
Dykhouse	Hunt	Mercer	Vrba
Elthon			

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

Senator Findlay 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.

Senator Bekman asked and received unanimous consent to take up Senate File 274, a bill for an act to amend sections five thousand eight hundred fourteen (5814) and five thousand eight hundred twenty-three (5823), Code, 1939, relating to river front improvement commissions; amending section five thousand eight

hundred fourteen (5814) so as to include within its terms all cities acting under the commission form of government, except such cities as come within the provisions of section five thousand six hundred ninety-six (5696), Code, 1939; amending section five thousand eight hundred twenty-three (5823) by providing that the tax authorized in section five thousand eight hundred twenty-two (5822), Code, 1939, shall be levied for a period not exceeding thirty (30) years for the payment of bonds in the manner provided in chapter sixty-three and one tenth (63.1), Code, 1939; also providing the method of sale of said bonds, and that section six thousand two hundred sixty-four (6264), Code, 1939, shall apply to said bonds.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 274 by striking from section 2 lines 3 to 15, both inclusive, and substituting in lieu thereof the following:

"Before issuing such bonds the commission shall, by resolution, subject to the approval of the city council, provide for the assessment of the annual levy authorized in section five thousand eight hundred twenty-two (5822), Code, 1939, and not in excess of the millage therein authorized, sufficient to pay the principal and interest of such bonds within a period named not exceeding thirty (30) years, which levy shall be certified to the county auditor or auditors of the county or counties in which such city is located, and the tax therein provided for shall be entered annually for collection all in the manner provided in chapter sixty-three and one tenth (63.1), Code, 1939."

The amendment was adopted.

Senator Bekman 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:

Augustine	Evans	Henningsen	Miller
Baldwin	Faul	Hess	Mowry
Bekman	Findlay	Keir	Shaw
Berg	Fuller	Long	Stewart
Byers	Goode	Lundy	Talbott
Corwin	Hart	Lynes	Watson
Donohue	Harvey	Martin	Whitehill
Dykhouse			

Nays, none.

**Absent or not voting, 21:**

Benson	Hamiel	Jones	Pelzer
Clark	Hattery	Leo	Sjulin
Cromwell	Hill	Love	Turner
Dewey	Hunt	Mercer	Vrba
Elthon	Johnson	Munger	Zeigler
Emerson			

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

Senator Faul offered the following amendment to the title and moved its adoption:

Amend the title of Senate File 274 by striking the words and figures "five thousand six hundred ninety-six (5696)" in lines 7 and 8 and substituting therefor the words and figures "six thousand five hundred ninety-six (6596)".

The amendment was adopted and the title as amended was agreed to.

Senator Bekman 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.

Senator Keir asked and received unanimous consent to take up House File 86, a bill for an act to amend section seven thousand six hundred eighty-six (7686), Code, 1939, relating to voting by agent in drainage districts.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Watson 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:**

Augustine	Faul	Jones	Mowry
Baldwin	Findlay	Keir	Shaw
Bekman	Fuller	Long	Stewart
Berg	Goode	Lundy	Talbott
Byers	Hart	Lynes	Vrba
Corwin	Harvey	Martin	Watson
Dykhous	Henningsen	Miller	Whitehill
Evans	Hess		

**Nays, none.****Absent or not voting, 20:**

Benson	Cromwell	Donohue	Emerson
Clark	Dewey	Elthon	Hamiel

Hattery  
Hill  
Hunt

Johnson  
Leo  
Love

Mercer  
Munger  
Pelzer

Sjulin  
Turner  
Zeigler

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

Senator Watson 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.

Senator Donohue asked and received unanimous consent to take up Senate File 265, a bill for an act to amend chapter four hundred three and one tenth (403.1), Code, 1939, authorizing the deduction from the salary or wages of an employe or employes of the state of Iowa, or any county or city or town, or any institution supported in whole or in part by public funds, or any subdivisions thereof, the amount of his or their subscription payments to any corporation operating a non-profit hospital service plan, and granting the power to the governing body of the state, county, city or town, or any institution supported in whole or in part by public funds, or any subdivisions thereof, to authorize deductions from the salaries or wages of employes subscribing to such non-profit hospital service plan and the procedure therefor.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Donohue 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:

Augustine  
Baldwin  
Bekman  
Berg  
Byers  
Corwin  
Donohue  
Dykhouse

Evans  
Faul  
Findlay  
Fuller  
Goode  
Harvey  
Hess  
Jones

Keir  
Long  
Lundy  
Lynes  
Martin  
Miller  
Mowry

Shaw  
Stewart  
Talbot  
Vrba  
Watson  
Whitehill  
Zeigler

Nays, none.

Absent or not voting, 20:

Benson  
Clark  
Cromwell  
Dewey  
Elthon

Emerson  
Hamiel  
Hart  
Hattery  
Henningsen

Hill  
Hunt  
Johnson  
Leo  
Love

Mercer  
Munger  
Pelzer  
Sjulin  
Turner



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

Senator Donohue 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.

Senator Byers asked and received unanimous consent to take up Senate File 349, a bill for an act to amend section six thousand nine hundred forty-three and forty-eight thousandths (6943.048), Code, 1939, relating to withholding agents and non-residents.

The report of committee recommending passage was taken up, considered, and the report of the committee 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, 31:**

Augustine	Faul	Jones	Shaw
Baldwin	Findlay	Keir	Stewart
Bekman	Fuller	Long	Talbott
Byers	Goode	Lundy	Vrba
Corwin	Hart	Lynes	Watson
Donohue	Harvey	Martin	Whitehill
Dykhouse	Henningsen	Miller	Zeigler
Evans	Hess	Mowry	

**Nays, none.**

**Absent or not voting, 19:**

Benson	Elthon	Hunt	Munger
Berg	Emerson	Johnson	Pelzer
Clark	Hamiel	Leo	Sjulin
Cromwell	Hattery	Love	Turner
Dewey	Hill	Mercer	

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, which motion prevailed.

On motion of Senator Whitehill, Senate File 410, a bill for an act to amend, revise, and codify section ten thousand four hundred sixteen (10416), Code, 1939, relating to city and town plats, legalizing the same, and any defects therein, making such plats con-

clusive as to owners shown, and providing for the preservation of claims and for the bringing of actions thereon, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Whitehill 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, 32:**

Augustine	Evans	Hess	Mowry
Baldwin	Faul	Jones	Shaw
Bekman	Findlay	Keir	Stewart
Berg	Fuller	Long	Talbott
Byers	Goode	Lundy	Vrba
Corwin	Hart	Lynes	Watson
Donohue	Harvey	Martin	Whitehill
Dykhouse	Henningsen	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 18:**

Benson	Emerson	Johnson	Munger
Clark	Hamiel	Leo	Pelzer
Cromwell	Hattery	Love	Sjulin
Dewey	Hill	Mercer	Turner
Elthon	Hunt		

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

Senator Whitehill 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.

### HOUSE AMENDMENTS CONSIDERED

Senator Berg called up Senate File 206, a bill for an act to appropriate money to meet a deficit in the Workmen's Compensation Service Department relating to the administration of the workmen's compensation law, under chapter seventy (70), seventy-one (71) and seventy-two (72) of the Code, 1939, amended by the House, and moved that the Senate concur in the following House amendment:

Amend Senate File 206 striking from lines 4 and 5 thereof the words: "in the administration of the workmen's compensation law, including", and inserting in lieu thereof the word: "for".

The motion prevailed and the Senate concurred.

Senator Berg 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, 31:**

Augustine	Evans	Jones	Shaw
Baldwin	Faul	Keir	Stewart
Bekman	Findlay	Long	Talbott
Berg	Goode	Lundy	Vrba
Byers	Hart	Lynes	Watson
Corwin	Harvey	Martin	Whitehill
Donohue	Henningsen	Miller	Zeigler
Dykhouse	Hess	Mowry	

**Nays, none.**

**Absent or not voting, 19:**

Benson	Emerson	Hunt	Munger
Clark	Fuller	Johnson	Pelzer
Cromwell	Hamiel	Leo	Sjulin
Dewey	Hattery	Love	Turner
Elthon	Hill	Mercer	

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

Senator Berg 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.

Senator Berg called up Senate File 421, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for the Iowa National Guard and Iowa State Guard, amended by the House, and moved that the Senate concur in the following House amendment:

Amend section 1, line 7 by striking "executive council" and inserting in lieu thereof the following: "Governor and Comptroller".

The motion prevailed and the Senate concurred.

Senator Berg 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:**

Augustine	Findlay	Keir	Shaw
Baldwin	Fuller	Long	Stewart
Berg	Goode	Lundy	Talbott
Byers	Hart	Lynes	Vrba
Donohue	Harvey	Martin	Watson
Dykhouse	Henningsen	Miller	Whitehill
Evans	Hess	Mowry	Zeigler
Faul	Jones		

Nays, none.

Absent or not voting, 20:

Bekman	Dewey	Hill	Mercer
Benson	Elthon	Hunt	Munger
Clark	Emerson	Johnson	Pelzer
Corwin	Hamiel	Leo	Sjulin
Cromwell	Hattery	Love	Turner

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

Senator Berg 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.

### THIRD READING OF BILLS

Senator Faul asked and received unanimous consent to take up Senate File 247, a bill for an act to amend section five thousand one hundred and twenty-six hundredths (5100.26), Code, 1939, relating to liability bond of certificated carriers and to amend section five thousand one hundred five and fifteen hundredths (5105.15), Code, 1939, relating to insurance or bond of motor vehicle truck operators.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Faul 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, 32:

Augustine	Evans	Hess	Mowry
Baldwin	Faul	Jones	Shaw
Bekman	Findlay	Keir	Stewart
Berg	Fuller	Long	Talbott
Byers	Goode	Lundy	Vrba
Corwin	Hart	Lynes	Watson
Donohue	Harvey	Martin	Whitehill
Dykhouse	Henningsen	Miller	Zeigler

Nays, none.

Absent or not voting, 18:

Benson	Emerson	Johnson	Munger
Clark	Hamiel	Leo	Pelzer
Cromwell	Hattery	Love	Sjulin
Dewey	Hill	Mercer	Turner
Elthon	Hunt		

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

Senator Faul 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.

Senator Martin asked and received unanimous consent to take up Senate File 184, a bill for an act to amend sections seven hundred eighteen and seven hundredths (718.07) and seven hundred eighteen and thirteen hundredths (718.13), Code, 1939, relating to elections and permanent registration of voters, and to amend section seven hundred forty-eight (748), Code, 1939, relating to printing of names on election ballots.

The report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Martin 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, 26:**

Augustine	Findlay	Jones	Mowry
Baldwin	Fuller	Long	Shaw
Bekman	Goode	Lundy	Stewart
Berg	Hart	Lynes	Talbott
Corwin	Harvey	Martin	Watson
Evans	Henningsen	Miller	Whitehill
Faul	Hess		

Nays, none.

**Absent or not voting, 24:**

Benson	Dykhouse	Hunt	Munger
Byers	Elthon	Johnson	Pelzer
Clark	Emerson	Keir	Sjulin
Cromwell	Hamiel	Leo	Turner
Dewey	Hattery	Love	Vrba
Donohue	Hill	Mercer	Zeigler

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

Senator Martin 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.

**SIFTING COMMITTEE APPOINTED**

In accordance with the rules of the Senate, the President appointed the following Senators on the Sifting Committee: Dono-

hue, chairman; Evans, ranking member; Baldwin, Corwin, Dykhouse, Elthon, Faul, Goode, Lynes, Sjulín and Watson.

## REPORT OF DEPARTMENT OF BANKING

March 5, 1941

Honorable B. B. Hickenlooper, Lieutenant Governor of the State of Iowa,  
State House, Des Moines, Iowa.

Dear Governor: I have the honor to submit to you the Report of Findings and Recommendations of the State Banking Board of the licensees operating small loan companies in Iowa, under chapter 419.1 of the 1939 Code of Iowa.

Respectfully submitted,

D. W. BATES, *Superintendent.*

State of Iowa, 1941

### REPORT OF FINDINGS OF THE STATE BANKING BOARD TO THE GENERAL ASSEMBLY OF THE STATE OF IOWA

As required under section 13-A Laws of the Forty-fifth General Assembly, Extraordinary Session

### REPORT OF FINDINGS OF THE STATE BANKING BOARD COVERING SMALL LOAN INDUSTRY

#### LICENSED SMALL LOAN COMPANIES IN IOWA

In accordance with the provisions of chapter 419.1 of the Code of Iowa, we have, through sworn statements made on blanks furnished by our office, conferences, and examinations, continued to make an annual survey of the small loan business in Iowa, including the study of all the items of cost and other phases of the business affecting the interest rate and the classification of loans. As each year's tabulations are added to the accumulated data, the record becomes increasingly helpful in fairly appraising the operation of the licensees and in determining the maximum rate to be fixed under the law. We respectfully submit the following summary of statistics and general comments as our report to the Forty-ninth General Assembly:

- Table No. 1. Distribution of Offices by Cities.
- Table No. 2. Distribution of Offices by Population.
- Table No. 3. Type of Licensees.
- Table No. 4. Number and Amount of Loans Made During the Year.
- Table No. 5. Dollar Value of Outstanding Loan Balances by Size as of December 31, 1940.
- Table No. 6. Number of Outstanding Loan Balances by Size as of December 31, 1940.
- Table No. 7. Types of Loans Made.
- Table No. 8. Delinquencies.
- Table No. 9. Occupation of Borrowers.
- Table No. 10. Use of Borrowed Money.
- Table No. 11. Suits and Foreclosures.

Table No. 12. Historical Data.

Table No. 13. Consolidated Statement of Assets and Liabilities.

Table No. 14. Consolidated Profit and Loss Statement.

It is interesting to note that 122 of the 150 licensed offices are owned and operated by Iowa individuals or Iowa corporations employing local capital, and that only 28 are operated by out-of-state corporations. Seventy-six per cent of the total resources is represented in the locally owned offices, indicating that this is a home-owned business giving employment to our own people and capital. Almost without exception the other corporations have given preference to local people in employment and have also given local capital an opportunity to become interested with them.

During the past several years the department has required that loans only be made upon a regular reduction basis and wishes at this time to acknowledge the good cooperation extended by all lenders. Our present survey shows that 6.7 per cent of the total loan balance is repaid each month, indicating the average length of loans is 14.9 months. Only 4.8 per cent of the total number of loans outstanding at the end of the year were not being regularly reduced at least monthly, and considering that nearly 157,000 loans were made in 1940 we feel this is a very creditable showing. Shortening the time required for repayment is the most effective method of reducing the cost to the borrower, and in the majority of cases this can only be accomplished by the attitude and effort of the lender. The average borrower finds it easier to pay interest only than to reduce the principal, but if the lender encourages and requires a principal payment each month it can and will be made. The average length of loans has been steadily reduced for several years through the efforts of this program which required the elimination of several lenders who would not cooperate. Realizing that reducing the average time of repayment by one month saves the borrowing public more than \$200,000.00 we have felt it sounder, from both a social and economic standpoint, to stress this point than to consider a drastic rate reduction.

In keeping with the provisions of the statute we have continued to annually complete a survey of the operation of the business, giving consideration to the demand representing the needs of our people and to the availability of private capital to meet the need. Also to the expenses and costs of the licensees in the operation of the offices to determine the per cent of profit possible in an efficiently operated office. We find that 156,854 individuals had need to borrow \$300.00 or less during 1940 in comparison with 112,275 during the year of 1938 which shows a continued growing need for the personal finance offices. We find that the licensees not only provided capital to care for the increased demand during the year but maintained approximately \$1,000,000.00 cash on hand as further evidence of their willingness to continue to care for additional needy borrowers. We find that practically all offices are operated fairly and efficiently within the purview of the law and that expenses and costs closely follow figures recognized as standards of good business. We

find that the 1940 operation resulted in an average net profit slightly in excess of 7 per cent which in our opinion is not an excessive rate upon capital engaged in a business containing the risks and hazards incidental to lending money to the type of borrowers serviced by the small loan offices, and is as low a return "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". (Section 9438.14b)

We find that taxes paid by the licensees increased \$120,000.00 in 1940 and represents 10 per cent of gross income in contrast to 3.8 per cent in 1934. We are advised that it is conservative to estimate that 1941 tax payments on 1940 operations will increase between 30 per cent and 40 per cent. We feel that the unsettled conditions which undoubtedly will cause an increase in expenses and costs and may impair the ability of borrowers to repay their loans gives reason to question seriously whether the licensees can long continue to develop an equal net profit and therefore we recommend the continuance of the present legal maximum rate of 3 per cent per month upon the unpaid portion of loans not in excess of \$150.00 and 2 per cent upon the unpaid portion of the loans over \$150.00 and not exceeding \$300.00. A reduction of rates at this time would seriously cripple the industry and would undoubtedly leave the needy borrower in many communities without a legal source of credit.

The tables submitted herewith give proof that the licensees as a whole continue to show a high regard for the law and have accepted the moral and social responsibilities created thereby. Our cost surveys still show that the present charge does not cover the cost of the smaller loans and yet more than 25 per cent of the total number of loans made come in this category. We wish to report that uniform courteous cooperation has been extended to the department.

Respectfully submitted,

PAUL H. HUSTON.  
L. J. SCHUSTER.  
H. P. DOWLING.

D. W. BATES,  
*Superintendent, Ex-Officio Chairman.*

TABLE No. 1

DISTRIBUTION OF OFFICES BY CITIES

	1	2	3	4	5 or more
Cities served by:	office	offices	offices	offices	offices
Number of cities.....	26	9	6	3	9

TABLE No. 2

DISTRIBUTION OF OFFICES BY POPULATION

	Under	3,000	5,000	10,000	
Offices located in cities	to	to	to	to	Over
with population of:	3,000	5,000	10,000	25,000	25,000
Number of offices.....	12	13	22	21	82



The total of assets reported by all licensees as of December 31, 1940, amounting to \$23,982,590.12, represents a distribution of capital as shown by:

TABLE NO. 3

Type of Licensee:	Number	Total Assets
Individuals and partnerships.....	45	\$ 2,428,608.15
Out-of-state corporations .....	63	3,221,648.95
Iowa corporations .....	28	7,528,726.36
Miscellaneous companies (reports either incom- plete or for period of less than one year).....	14	205,775.71
<b>Total Assets used and useful in small loan business....</b>		<b>\$13,384,759.17</b>
<b>Assets not used in small loan business.....</b>		<b>10,597,830.95</b>
<b>Total Assets .....</b>		<b>\$23,982,590.12</b>

TABLE NO. 4

## NUMBER AND AMOUNT OF LOANS MADE DURING THE YEAR 1940

Size of loans:	Number of Accts.	Amount
\$25.00 or less.....	7,875	\$ 168,761.87
\$25.01 to \$50.00.....	25,226	1,091,877.82
\$50.01 to \$100.00.....	43,202	3,546,427.65
\$100.01 to \$150.00.....	28,449	3,810,483.82
\$150.01 to \$200.00.....	19,678	3,605,923.63
\$200.01 to \$300.00.....	32,424	8,892,053.68
<b>Total of all loans of \$300.00 or less.....</b>	<b>156,854</b>	<b>\$21,115,322.47</b>

On December 31, 1940, report (of 136 licensees) used in the 1940 Small Loan Survey and representing 98.45 per cent of the total dollars used in the small loan business showed that there was 104,330 loans with unpaid balances aggregating \$11,404,899.95, which makes an average balance of \$109.31 per loan.

TABLE NO. 5

Dollar value of various size loan balances outstanding on December 31, 1940, and per cent of each group to total:

Loan balance:	Dollar Value	Percent of Total	
		Group	Cumulative
\$50.00 or less.....	\$ 863,474.53	7.57	7.57
\$50.01 to \$100.00.....	2,208,111.08	19.36	26.93
\$100.01 to \$150.00.....	2,321,200.74	20.35	47.28
\$150.01 to \$200.00.....	2,043,801.36	17.92	65.20
\$200.01 to \$300.00.....	3,968,312.24	34.80	100.00
	<b>\$11,404,899.95</b>	<b>100.00</b>	

TABLE NO. 6

Number of various size loan balances outstanding on December 31, 1940, and per cent of each group to total:

Loan Balance:	Number of Loans	Percent of Total	
		Group	Cumulative
\$50.00 or less.....	29,311	28.09	28.09
\$50.01 to \$100.00.....	28,997	27.80	55.89
\$100.01 to \$150.00.....	18,564	17.79	73.68
\$150.01 to \$200.00.....	11,631	11.15	84.83
\$200.01 to \$300.00.....	15,827	15.17	100.00
	104,330	100.00	

TABLE NO. 7

## TYPES OF LOANS MADE

The credit represented by 156,854 loans made during 1940 was extended on the following basis:

Security taken:	Number	Percent.	Dollar Value	Percent.
Household goods .....	82,282	52.46	\$11,981,795.89	56.75
Automobiles .....	36,243	23.11	4,678,473.70	22.16
Other chattels .....	6,126	3.90	824,067.21	3.90
Unsecured notes .....	16,709	10.65	1,993,505.24	9.44
Endorsed and/or comaker...	3,853	2.46	610,959.87	2.89
Wage assignments .....	9,482	6.04	832,576.86	3.94
Other considerations .....	2,159	1.38	194,149.70	.92
Totals .....	156,854	100.00	\$21,115,528.47	100.00

TABLE NO. 8

## DELINQUENCIES

Accounts with no payment of principal or interest for:

			Percent.
One month .....	8,298	\$ 836,613.89	7.335
Two months .....	1,981	177,491.71	1.556
Three months or more.....	2,214	205,481.93	1.802
Total .....	12,493	\$1,219,587.53	10.693
Interest only payments.....	4,328	\$ 553,273.40	4.851

TABLE NO 9

## OCCUPATION OF SMALL LOAN BORROWERS, 1940

	Percent.
Skilled and semi-skilled workers.....	31.35
Office and other non-manual workers.....	12.26
Owners—managers .....	7.73
Farmers .....	8.49
Unskilled laborers .....	18.57
Managers, superintendents and foremen.....	4.67

School teachers .....	4.37
Sales persons .....	5.97
Professional persons (except school teachers).....	1.45
Persons with independent incomes.....	1.49
Not reported .....	3.65

TABLE NO. 10

## HOW BORROWERS USED SMALL LOANS, 1940

	Percent.
	100.00
Medical, dental and hospital bills.....	8.60
Sundry overdue bills.....	26.70
Business needs .....	6.32
Tax bills .....	3.00
Clothing .....	3.67
Fuel .....	2.84
Travel and vacations.....	3.21
Automobiles .....	8.74
Furnishings .....	5.25
Repairs .....	2.98
Insurance .....	1.69
Assist relatives .....	2.18
Food bills .....	1.66
Rent .....	1.19
Real estate mortgages and interest.....	1.59
Education .....	2.06
Moving .....	1.21
Christmas .....	1.91
Funeral expense .....	.44
Miscellaneous .....	5.50
To pay off present loan.....	5.27
Not reported .....	3.99
	100.00

TABLE NO. 11

## SUITS AND FORECLOSURES

	No. Accts.	Amt. Due
Suits for recovery pending December 31, 1939.....	17	\$ 2,075.83
Suits instituted during year.....	141	18,624.28
Judgments secured during year.....	49	8,164.09
Suits settled before judgments.....	79	7,984.00
Suits pending December 31, 1940.....	30	4,552.02

TABLE NO. 12

## HISTORICAL DATA

After the foregoing review of capital employed, classification and analysis of loans, we want to present a summary of the volume and

operation of the industry for eleven years as shown by our annual reports:

Year	Loan Balances	Total Assets Used and Useful	No. of Loans	No. of Licensees
1930	\$ 7,164,931.61	\$ 8,236,853.37	62,016	136
1931	7,774,891.48	9,342,281.24	72,008	164
1932	6,666,583.56	8,537,041.15	73,647	167
1933	5,861,330.15	7,608,142.64	68,200	155
1934	5,339,173.22	6,534,015.72	60,543	109
1935	6,403,186.04	7,195,486.20	69,099	114
1936	6,890,080.58	7,883,263.56	71,675	120
1937	7,758,654.20	8,807,168.94	74,903	126
1938	8,595,075.53	10,011,128.48	82,301	142
1939	10,475,324.36	11,942,908.10	97,036	148
1940	11,565,711.42	13,384,759.17	105,660	150

Year	Taxes Paid	Interest Paid	Bad Debts	Earnings
1930	\$ 69,415.45	\$ 85,586.23	\$190,103.51	\$196,191.73
1931	88,776.35	254,927.30	342,352.08	273,189.01
1932	87,650.84	220,978.92	617,845.70	396,271.48
1933	89,414.57	157,316.98	370,147.31	382,854.81
1934	67,668.44	108,972.11	308,155.31	194,107.79
1935	97,886.32	111,718.11	254,856.46	138,243.98
1936	134,868.70	226,001.65	229,817.26	133,470.59
1937	189,373.71	169,238.24	234,246.69	128,197.29
1938	202,609.22	232,652.44	194,398.63	128,430.06
1939	233,975.14	203,950.54	223,946.53	141,369.30
1940	353,304.30	201,128.03	242,575.74	152,462.72

Year	Per Cent Profit Earned	Per Cent Average Monthly Rate Collected
1930	9.20	3.09
1931	6.97	2.99
1932	4.15	2.97
1933	3.78	2.85
1934	4.98	2.88
1935	6.59	2.80
1936	6.69	2.74
1937	8.00	2.76
1938	7.21	2.69
1939	7.13	2.68
1940	7.29	2.68

**TABLE No. 13**  
**CONSOLIDATED BALANCE SHEET AS OF DECEMBER 31, 1940**

	Individuals & Partnerships	Iowa Corporations	Outside Corporations	TOTAL	Misc. Reports not in Survey	GRAND TOTAL
<b>Number of Offices</b>	45	63	28	136	14	150
<b>ASSETS</b>						
Cash .....	\$ 139,204.56	\$ 728,587.50	\$ 185,120.80	\$ 1,052,912.86	\$ 25,091.09	\$ 1,078,003.95
Loans Receivable .....	2,154,875.69	6,436,103.22	2,813,921.04	11,404,899.95	160,811.47	11,565,711.42
Real Estate .....	639.84	10,486.97	.....	11,126.81	1,000.00	12,126.81
Furniture & Fixtures.....	37,821.24	77,911.40	29,892.08	145,624.72	3,739.76	149,364.48
Deferred Charges .....	5,086.07	141,193.66	77,599.61	223,879.34	4,334.82	228,214.16
Other Assets .....	90,980.75	134,443.61	115,115.42	340,539.78	10,798.57	351,338.35
<b>Assets (Used &amp; Useful).....</b>	<b>\$2,428,608.15</b>	<b>\$ 7,528,726.36</b>	<b>\$3,221,648.95</b>	<b>\$13,178,983.46</b>	<b>\$205,775.71</b>	<b>\$13,384,759.17</b>
<b>Assets (Not Used in SL B).....</b>	<b>1,166,856.02</b>	<b>8,401,079.56</b>	<b>824,812.31</b>	<b>10,392,747.89</b>	<b>205,083.06</b>	<b>10,597,830.95</b>
<b>TOTAL ASSETS .....</b>	<b>\$3,595,464.17</b>	<b>\$15,929,805.92</b>	<b>\$4,046,461.26</b>	<b>\$23,571,731.35</b>	<b>\$410,858.77</b>	<b>\$23,982,590.12</b>
<b>LIABILITIES &amp; CAPITAL</b>						
Borrowed Money .....	\$1,023,232.12	\$ 6,958,881.34	\$1,057,405.84	\$ 9,039,519.30	\$157,759.77	\$ 9,197,279.07
Bonds .....	.....	1,500.00	.....	1,500.00	.....	1,500.00
Other Liabilities .....	106,483.17	339,932.12	50,211.80	496,627.09	20,685.76	517,312.85
Reserve—Bad Debts .....	49,209.18	123,817.41	44,435.19	217,461.78	2,239.61	219,701.39
Res.—License & Taxes.....	11,156.70	328,123.49	73,871.22	413,151.41	203.17	413,354.58
Other Reserves .....	16,518.03	83,978.08	9,216.13	109,712.24	10,259.02	119,971.26
Branch Office Capital.....	322,164.03	151,403.85	2,287,252.39	2,760,820.27	6,288.18	2,767,108.45
Net Worth .....	2,029,057.36	.....	.....	2,029,057.36	19,851.13	2,048,908.49
Capital Stock .....	.....	5,512,213.01	412,345.34	5,924,558.35	208,988.96	6,133,547.31
Capital Reserve .....	.....	8,513.69	.....	8,513.69	.....	8,513.69
Surplus .....	44,945.48	2,421,442.93	104,421.45	2,570,809.86	15,416.83	2,555,393.03
<b>TOTAL LIABILITIES .....</b>	<b>\$3,602,766.07</b>	<b>\$15,929,805.92</b>	<b>\$4,039,159.36</b>	<b>\$23,571,731.35</b>	<b>\$410,858.77</b>	<b>\$23,982,590.12</b>

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TABLE No. 14  
CONSOLIDATED PROFIT AND LOSS STATEMENT FOR YEAR 1940

Total Earnings and Expenses by Classifications	Individuals & Partnerships	Iowa Corporations	Outside Corporations	TOTAL	Misc. Reports not in Survey	GRAND TOTAL
Number of Offices	45	63	28	136	14	150
Interest Earned .....	\$ 724,685.73	\$ 2,150,775.47	\$ 825,923.50	\$ 3,701,384.70	\$ 31,027.50	\$ 3,732,412.20
Int. Earned but not collected.....	26,170.04	107,656.47	18,636.21	152,462.72	5,862.89	158,325.61
Interest Collected .....	\$ 698,515.69	\$ 2,043,119.00	\$ 807,287.29	\$ 3,548,921.98	\$ 25,164.61	\$ 3,574,086.59
Collections on Accounts previously charged off.....	14,927.43	46,853.16	15,061.45	76,842.04	1.50	76,843.54
Other Income .....	1,368.02	3,548.08	24.03	4,940.13	894.07	5,834.20
<b>TOTAL GROSS INCOME.....</b>	<b>\$ 714,811.14</b>	<b>\$ 2,093,520.24</b>	<b>\$ 822,372.77</b>	<b>\$ 3,630,704.15</b>	<b>\$ 26,060.18</b>	<b>\$ 3,656,764.33</b>
Bad Debt Loss or Reserve.....	\$ 45,294.64	\$ 152,025.55	\$ 45,255.55	\$ 242,575.74	\$ 1,678.72	\$ 244,254.46
General Operating Expenses.....	428,762.33	1,058,694.53	414,540.79	1,901,997.65	37,292.63	1,939,290.28
Membership Fees, etc.....	3,831.75	16,000.07	4,314.41	24,146.23	31.92	24,178.15
Taxes (State & Federal).....	41,044.68	222,943.58	89,316.04	353,304.30	296.61	353,600.91
<b>TOTAL EXPENSES AND LOSSES.</b>	<b>\$ 518,933.40</b>	<b>\$ 1,449,663.73</b>	<b>\$ 553,426.79</b>	<b>\$ 2,522,023.92</b>	<b>\$ 39,299.88</b>	<b>\$ 2,561,323.80</b>
<b>TOTAL NET EARNINGS</b>						
Before Int.) .....	\$ 195,877.74	\$ 643,856.51	\$ 268,945.98	\$ 1,108,680.23	\$ 13,239.70 <sup>00</sup>	\$ 1,095,440.53
Deduct—Interest Paid .....	36,730.77	128,426.41	35,970.85	201,128.03	2,849.61	203,977.64
<b>TOTAL NET EARNINGS</b>						
(After Int.) .....	\$ 159,146.97	\$ 515,430.10	\$ 232,975.13	\$ 907,552.20	\$ 16,089.30 <sup>00</sup>	\$ 891,462.89

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

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 10, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Thomas Carson, pastor of the Methodist church of Hampton.

The Journal of March 8th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Benson, from aircraft owners of Iowa, relative to aviation legislation.

By Senator Berg, from residents of Waterloo and Cedar Falls, favoring passage of House File 345.

By Senator Harvey, from residents of Harrison, Crawford and Monona counties, in opposition to Senate File 275.

By Senator Henningsen, from the Clinton County Farm Bureau Home Project women, favoring passage of the current library bill.

By Senator Love, from motor vehicle dealers of Madison county, favoring passage of House Files 140 and 296, and in opposition to House Files 176, 300, 338 and 373.

## INTRODUCTION OF BILLS

Senate File 480, by committee on claims, a bill for an act to make appropriations to Myrtle Hicks, Clarinda, Iowa; Charles W. Matheson, Numa, Iowa; Mrs. Cecil Meidlinger, Council Bluffs, Iowa; and Hazel J. Smith, Clarinda, Iowa.

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



## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 Joint Resolution 1.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 joint Resolution 1.

## ADDITIONAL COPIES

Senator Munger asked and received unanimous consent to have 500 additional copies of Senate File 377 printed.

## 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 200, a bill for an act relating to research work by the Iowa State College at Ames.

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

House File 134, a bill for an act relating to lien and inheritance tax.

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

House File 159, a bill for an act relating to infectious and contagious diseases of animals.

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

House File 163, a bill for an act relating to county homes.

A. C. GUSTAFSON, *Chief Clerk.*

## THIRD READING OF BILLS

On motion of Senator Faul, Senate File 221, a bill for an act to amend the law as it appears in section fifty-seven hundred forty-five(5745), Code, 1939, by repealing paragraph four (4) of said

section and inserting in lieu thereof a new paragraph four (4), relating to the number of, regulation, licensing or prohibiting the running at large of dogs, and providing for the licensing or disposal thereof, 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 Senate File 221 by striking all of section 2 thereof.

The committee amendment was adopted.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 221 by striking from line 8 of section 1 the word "shall" and inserting in lieu thereof the word "may".

The amendment was adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 221 by striking from lines 10, 11, and 12 of section 1, commencing with the word "kennel", all the balance of that section and by substituting in lieu thereof the following: "Kennel dogs are defined as those dogs kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint."

The amendment was adopted.

Senator Faul 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, 39:

Augustine	Elthon	Hill	Miller
Baldwin	Emerson	Hunt	Mowry
Bekman	Faul	Johnson	Munger
Berg	Findlay	Jones	Shaw
Byers	Goode	Keir	Talbott
Clark	Hamiel	Long	Turner
Corwin	Hart	Love	Watson
Cromwell	Harvey	Lynes	Whitehill
Dewey	Henningsen	Martin	Zeigler
Dykhouse	Hess	Mercer	

Nays, none.

Absent or not voting, 11:

Benson	Fuller	Lundy	Stewart
Donohue	Hattery	Pelzer	Vrba
Evans	Leo	Sjulin	

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

Senator Faul 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.

Senator Martin moved to take from the table the motion to reconsider the vote by which Senate File 184 passed the Senate.

The motion prevailed.

Senator Martin moved to reconsider the vote by which Senate File 184 passed the Senate.

On the question, "Shall the Senate reconsider the vote by which Senate File 184 passed the Senate?" the vote was:

Ayes, 42:

Augustine	Emerson	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Long	Stewart
Byers	Goode	Love	Talbott
Clark	Hamiel	Lynes	Turner
Corwin	Hart	Martin	Vrba
Cromwell	Harvey	Mercer	Watson
Dewey	Henningsen	Miller	Whitehill
Donohue	Hill	Mowry	Zeigler
Dykhouse	Hunt		

Nays, none.

Absent or not voting, 8:

Baldwin	Evans	Hess	Lundy
Elthon	Hattery	Leo	Sjulin

The motion having received a constitutional majority, the Senate reconsidered.

Senator Martin moved that the vote by which Senate File 184 passed to its third reading be reconsidered, which motion prevailed.

On motion of Senator Martin Senate File 184, a bill for an act to amend sections seven hundred eighteen and seven hundredths (718.07) and seven hundred eighteen and thirteen hundredths (718.13), Code, 1939, relating to elections and permanent registration of voters, and to amend section seven hundred forty-eight (748), Code, 1939, relating to printing of names on election ballots, was considered.

Senator Martin offered the following amendment and moved its adoption :

Amend Senate File 184 as follows:

Amend the title by striking from lines 1, 2, and 3 thereof the following: "sections seven hundred eighteen and seven hundredths (718.07) and seven hundred eighteen and thirteen hundredths (718.13)", and inserting in lieu thereof the following: "chapter thirty-nine and one tenth (39.1)".

Amend by adding to the bill the following:

"Sec. 4. Section seven hundred eighteen and four hundredths (718.04), Code, 1939, is hereby amended by striking from line twenty-seven (27) thereof the word 'tenth' and inserting in lieu thereof the word 'fifteenth'.

Sec. 5. Section seven hundred eighteen and eleven hundredths (718.11), Code, 1939, is hereby amended by striking from line three (3) thereof the word 'tenth' and inserting in lieu thereof the word 'fifteenth'.

Sec. 6. Section seven hundred eighteen and twelve hundredths (718.12), Code, 1939, is hereby amended by striking from line six (6) thereof the word 'tenth' and inserting in lieu thereof the word 'fifteenth'."

The amendment was adopted.

Senator Martin 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, 39:

Baldwin	Fuller	Jones	Munger
Benson	Goode	Keir	Pelzer
Berg	Hamiel	Leo	Shaw
Byers	Hart	Long	Stewart
Clark	Harvey	Love	Talbott
Corwin	Henningsen	Lynes	Turner
Cromwell	Hess	Martin	Vrba
Dewey	Hill	Mercer	Watson
Emerson	Hunt	Miller	Whitehill
Findlay	Johnson	Mowry	

Nays, none.

Absent or not voting, 11:

Augustine	Dykhouse	Faul	Sjulin
Bekman	Elthon	Hattery	Zeigler
Donohue	Evans	Lundy	

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

Senator Martin 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.

On motion of Senator Clark, Senate File 231, a bill for an act to

amend section nine thousand three hundred forty and three hundredths (9340.03), Code, 1939, relating to the authority of fiduciaries and others to invest funds in building and loan associations without order of court, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Clark asked and received unanimous consent to withdraw House File 65, a bill for an act to amend section nine thousand three hundred forty and three hundredths (9340.03), Code, 1939, relating to the authority of fiduciaries and others to invest funds in savings and loan associations without order of court, from the committee and substitute it for Senate File 231.

Senator Hill asked and received unanimous consent to defer action on House File 65, the bill to retain its place on the calendar.

On motion of Senator Emerson, Senate File 317, a bill for an act to amend chapter sixteen (16), Code, 1939, relating to official reports and documents by adding thereto provisions for making, filing and keeping up inventories of all state-owned real and personal property, was taken up and considered.

Senator Emerson offered the following amendment and moved its adoption :

Amend Senate File 317 as follows:

By striking from line 5 the words and figures "30th day of June, 1942" and inserting in lieu thereof the words and figures "December 31, 1941".

Further amend by changing in line 10 the period (.) to a comma (,) and adding thereto the words "such inventories to be made under such rules and regulations and upon such forms as may be prescribed by the executive council."

Further amend by striking lines 11 to 25, inclusive.

Further amend by changing in line 30 the period (.) to a comma (,) and adding the words "as shown by said inventories".

Further amend by striking lines 42 to 44, inclusive, and section 2.

The amendment was adopted.

Senator Mercer asked and received unanimous consent to withdraw the amendment filed by him on February 24th and found on page 512 of the Journal.

Senator Emerson 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, 42:

Augustine	Evans	Hunt	Mowry
Baldwin	Faul	Johnson	Munger
Bekman	Findlay	Jones	Pelzer
Benson	Fuller	Keir	Shaw
Berg	Goode	Leo	Talbott
Clark	Hamiel	Long	Turner
Corwin	Hart	Love	Vrba
Cromwell	Harvey	Lynes	Watson
Dewey	Henningsen	Martin	Whitehill
Elthon	Hess	Miller	Zeigler
Emerson	Hill		

Nays, none.

Absent or not voting, 8:

Byers	Dykhouse	Lundy	Sjulin
Donohue	Hattery	Mercer	Stewart

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

Senator Emerson 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.

On motion of Senator Elthon, Senate File 318, a bill for an act to amend section ten thousand two hundred sixty-one (10261), Code, 1939, and to repeal section ten thousand two hundred sixty-five (10265), Code, 1939, and enact a substitute therefor, relating to landlord's lien, and designating the property subject thereto, was taken up and considered.

Senator Hess moved that action be deferred on Senate File 318 until 2:00 p. m. this afternoon, which motion prevailed.

#### PUBLIC HEARING

Senator Henningsen asked and received unanimous consent that the Senate resolve itself into a committee of the whole for a public hearing on Senate File 399, Thursday, at 2:00 p. m.

#### HOUSE MESSAGES CONSIDERED

House File 134, a bill for an act to amend section seventy-three hundred eleven (7311), Code, 1939, relating to lien and inheritance tax.

Read first and second times and passed on file.

House File 159, a bill for an act to amend section two thousand

six hundred forty-four (2644), chapter one hundred twenty-eight (128), Code, 1939, relating to infectious and contagious diseases of animals.

Read first and second times and passed on file.

House File 163, a bill for an act to amend chapter one hundred eighty-nine and five tenths (189.5), Code, 1939, relating to county homes.

Read first and second times and passed on file.

House File 200, a bill for an act to appropriate the sum of twenty-five thousand dollars (\$25,000) to be used in research work by Iowa State College, Ames, Iowa, for the purpose of expanding the industrial utilization of Iowa agricultural products and surpluses, and for finding new uses for such crops and surpluses; also providing for a report of the results of this research work.

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

On motion of Senator Dykhouse, the Senate recessed until 2:00 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

#### INTRODUCTION OF BILLS

Senate File 481, by committee on public schools, a bill for an act to amend section four thousand two hundred twenty-nine (4229), Code, 1939, relating to teachers' contracts, and to provide for continuing contracts for teachers.

Read first and second times and placed on calendar.

Senate File 482, by committee on public schools, a bill for an act to amend section four thousand four hundred three (4403), Code, 1939, relating to school taxes and bonds and providing that certain outstanding bonds shall not be included in computing certain tax levies.

Read first and second times and placed on calendar.

Senate File 483, by committee on public schools, a bill for an

act to amend section four thousand three hundred twenty-three (4323), Code, 1939, relating to the purchase and distribution of books by the county board of education and the county superintendent of schools.

Read first and second times and placed on calendar.

Senate File 484, by committee on appropriations, a bill for an act to appropriate the sum of twenty thousand dollars for the purchase of certain real estate near the Iowa State Teachers College in Black Hawk county, Iowa.

Read first and second times and placed on calendar.

Senate File 485, by committee on appropriations, a bill for an act to provide an emergency appropriation for traveling and hotel expense of the judges of the district court to June 30, 1941.

Read first and second times and placed on calendar.

Senate File 486, by committee on military affairs, a bill for an act to create a commission to prepare and present a gift for the Battleship Iowa and Cruiser Des Moines, and to provide funds therefor.

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

Senate File 487, by committee on cities and towns, a bill for an act to amend subsection sixteen (16) of section six thousand two hundred eleven (6211), Code, 1939, relating to levy of taxes for the Garbage Disposal and the Street Cleaning Fund.

Read first and second times and placed on calendar.

Senate File 488, by committee on cities and towns, a bill for an act to amend chapter three hundred eight (308), Code, 1939, relating to street improvements, sewers and special assessments by providing an optional method of financing following section six thousand twelve (6012). This optional method permits the creation of the establishment of a deficiency fund.

Read first and second times and placed on calendar.

Senate File 489, by committee on judiciary 2, a bill for an act to amend chapter four hundred ninety-five (495), Code, 1939, providing for change of venue in actions in which the state, or any officer.



or the head of a department, department, bureau or commission is a party.

Read first and second times and placed on calendar.

Senate File 490, by committee on judiciary 2, a bill for an act amending section two thousand five hundred eighty-five and twenty-three one hundredths (2585.23), Code, 1939, relating to the disposition of cosmetology fees.

Read first and second times and placed on calendar.

Senate File 491, by committee on judiciary 2, a bill for an act to amend chapter four hundred eighty-six (486), Code, 1939, relating to the issuance of temporary or interlocutory writs directed to the state, or any officer, department, bureau, commission or head thereof of the state.

Read first and second times and placed on calendar.

Senate File 492, by committee on judiciary 2, a bill for an act to amend section twelve thousand four hundred sixty-seven (12467), Code, 1939, relating to the time for granting Writs of Certiorari.

Read first and second times and placed on calendar.

Senate File 493, by committee on judiciary 2, a bill for an act to amend certain sections of chapter three hundred twenty-nine and three tenth (329.3), Code, 1939, relating to personal net income tax, and to repeal certain sections of said chapter and to enact substitutes in lieu thereof.

Read first and second times and placed on calendar.

Senator Long took the chair at 2:21 p. m.

### THIRD READING OF BILLS

The Senate resumed consideration of Senate File 318.

Senators Hess, Pelzer, Findlay, Turner, Benson, Love, Harvey, Fuller, Stewart, Johnson, Dewey, Elthon, Vrba, Dykhouse, Donohue, and Lynes offered the following amendment and moved its adoption:

Senate File 318 is hereby amended by striking all after the enacting clause and substituting in lieu thereof the following:

"Section 1. Section ten thousand two hundred sixty-one (10261),

Code, 1939, is hereby amended by adding thereto the following: "Provided, however, that in cases of farm leases involving the rental of farm lands leasing lands of forty (40) acres or more, where the tenant has defaulted in the payment of his rent and suit has been commenced aided by attachment for the enforcement of the landlord's lien, the defendant may file as a defense that the default or inability to pay is caused or brought about by reason of drought, flood, hail, storms or other climatic conditions or infestation of pests affecting the land in controversy. When such a defense has been filed, the issue as to the cause for the default shall be triable as an equitable action. Upon the hearing, if the judge finds that the default or inability to pay is due to drought, flood, hail, storm or other climatic conditions or infestation of pests affecting the land in controversy, the judge may enter a decree pursuant thereto with his finding of fact. Where a decree has been entered finding that the inability to pay was brought about by any of the conditions named in this act, the landlord's lien shall be confined to all of the crops grown and raised upon the premises and to all increase in live stock and hogs raised upon the premises.

Sec. 2. The provisions of this act shall not apply to any farm leases executed prior to July 4, 1941."

Senator Hill asked and received unanimous consent to amend the amendment by changing the word "judge" in lines 13 and 15 to "court".

The amendment as amended was adopted.

Senator Elthon 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:

Bekman	Findlay	Hunt	Mowry
Benson	Fuller	Jones	Munger
Clark	Goode	Keir	Pelzer
Corwin	Hamiel	Leo	Shaw
Dewey	Hart	Long	Stewart
Donohue	Harvey	Love	Talbott
Dykhouse	Hattery	Lundy	Turner
Elthon	Henningsen	Lynes	Vrba
Emerson	Hess	Martin	Watson
Faul	Hill	Miller	Whitehill

Nays, 4:

Augustine	Baldwin	Johnson	Zeigler
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Absent or not voting, 6:

Berg	Cromwell	Mercer	Sjulin
Byers	Evans		

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

Senator Elthon offered the following amendment to the title and moved its adoption:

Amend Senate File 318 by striking all of the title and substituting in lieu thereof the following: "An Act to amend section ten thousand two hundred sixty-one (10261) of the Code of Iowa, 1939, relating to landlord's lien."

The amendment was adopted and the title as amended 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, which motion prevailed.

On motion of Senator Corwin, Senate File 194, a bill for an act to amend section fifty-nine hundred three and five hundredths (5903.05) providing for a levy of taxes for airports, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senators Bekman and Corwin offered the following amendment and moved its adoption:

Amend Senate File 194 as follows:

1. Strike all of lines four (4) to thirteen (13) inclusive and insert in lieu thereof the following words and figures: "The cost to acquire, operate, equip, or maintain any city airport by a city or town shall be paid by the levy of an annual tax as follows. In all cities having a population of more than ten thousand (10,000) said levy shall not exceed three-fourths mill on the dollar on all taxable property of said city. In all cities and towns having a population of ten thousand (10,000) or less said levy shall not exceed one and one-fourth mills on the dollar on all taxable property of said city or town."

Senator Faul offered the following amendment to the amendment by Bekman and Corwin and moved its adoption:

Amend the amendment to Senate File 194 filed by Corwin and Bekman February 6 by striking the period immediately following the word "city" in line 7 of said amendment and by inserting in lieu thereof a comma and by adding the following: "except in cities having a population in excess of 125,000, and in such cities having a population in excess of 125,000 said levy shall not exceed one-fourth mill."

The amendment to the amendment was adopted.

Senator Munger offered the following amendment to the amendment by Senators Bekman and Corwin and moved its adoption:

Amend the amendment by Senators Corwin and Bekman to Senate File

194 by inserting after the word "shall" in line 4 of section 1 the following: ", in addition to other income,".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Corwin offered the following amendment and moved its adoption:

Amend Senate File 194 by adding thereto the following new section: "The provisions of this act shall be applicable to cities acting under special charter."

The amendment was adopted.

Senator Corwin 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:

Augustine	Dewey	Henningsen	Lynes
Baldwin	Emerson	Hess	Mercer
Bekman	Evans	Hill	Miller
Benson	Faul	Johnson	Munger
Berg	Findlay	Jones	Shaw
Byers	Fuller	Keir	Talbott
Clark	Hamiel	Leo	Turner
Corwin	Harvey	Long	Vrba
Cromwell	Hattery	Lundy	Whitehill

Nays, 4:

Goode	Martin	Mowry	Watson
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Absent or not voting, 10:

Donohue	Hart	Pelzer	Stewart
Dykhouse	Hunt	Sjulin	Zeigler
Elthon	Love		

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

Senator Corwin 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.

#### REPORTS OF COMMITTEES

Senator Stewart submitted the following report:

**MR. PRESIDENT:** Your committee on agriculture to which was referred House File 162, a bill for an act to amend chapter 200, Code, 1939, relat-

ing to the state apiarist, begs leave to report it has had the same under consideration and recommends the same do pass.

PAUL P. STEWART, *Chairman.*

Ordered passed on file.

Senator Berg submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 474, a bill for an act to make an appropriation to the J. E. Tigue Motor Co., Keokuk, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 477, a bill for an act to make appropriations to Palo Alto Hospital Association, Emmetsburg, Iowa; Dr. E. D. Beatty, Mallard, Iowa; and Dr. H. R. Powers, Emmetsburg, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 480, a bill for an act to make appropriations to Myrtle Hicks, Clarinda, Iowa; Charles W. Matheson, Numa, Iowa; Mrs. Cecil Meidlinger, Council Bluffs, Iowa; and Hazel J. Smith, Clarinda, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on Appropriations to which was referred Senate File 473, a bill for an act to make appropriations to certain named persons in settlement of damages sustained by them on account of accidents on primary roads, or an account of collisions with state highways equipment, or on account of acts of commission or omission by the State Highway Commission or its employees, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Senator Cromwell submitted the following report:

MR. PRESIDENT: Your committee on Cities and Towns to which was referred Senate File 279, a bill for an act to amend section 6600.1, Code of Iowa, 1939, relating to uniforms and equipment of police and fire departments in cities under the commission form of government, begs

leave to report it has had the same under consideration and recommends the same do pass. **FRED CROMWELL, *Chairman.***

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on Cities and Towns to which was referred House File 38, a bill for an act to amend chapter 54, Code, 1939, relating to official and private bonds, by providing for the payment by the municipality of all bonds required of municipal officers, begs leave to report it has had the same under consideration and recommends the same do pass. **FRED CROMWELL, *Chairman.***

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on Cities and Towns to which was referred Senate File 376, a bill for an act to amend section 6211, chapter 317, Code, 1939, relating to general power of cities and towns to levy special taxes to build, purchase or remodel a city or town hall, begs leave to report it has had the same under consideration and recommends the same do pass. **FRED CROMWELL, *Chairman.***

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on Cities and Towns to which was referred Senate File 278, a bill for an act to amend section 6669, Code, 1939, sub-section 5 relating to duties of City Manager, and exempting from his duties the supervision of the members of the Board of Waterworks Trustees, begs leave to report it has had the same under consideration and recommends the same do pass.

**FRED CROMWELL, *Chairman.***

Ordered passed on file.

Also:

**MR. PRESIDENT:** Your committee on Cities and Towns to which was referred Senate File 200, a bill for an act to amend section 6326.08, Code, 1939, relating to benefits under retirement systems for policemen and firemen, begs leave to report it has had the same under consideration and recommends the same do pass. **FRED CROMWELL, *Chairman.***

Ordered passed on file.

Senator Jones submitted the following report:

**MR. PRESIDENT:** Your committee on Departmental Affairs to which was referred Senate File 319, a bill for an act to amend sections 1541.1, 1541.2, 1541.4, and to repeal section 1541.3, all of the Code, 1939, and all relating to the commission for the blind, 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 319 by striking all of section 5.

FLOYD JONES, *Chairman*.

Ordered passed on file.

Senator Leo submitted the following report:

MR. PRESIDENT: Your committee on Livestock and Marketing to which was referred House File 123, a bill for an act to amend Section three thousand fifty-eight (3058), chapter one hundred forty-eight (148), Code, 1939, relating to the definition and standards for lard and rendered pork fat, 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 Hill submitted the following report:

MR. PRESIDENT: Your committee on Ways and Means to which was referred Senate File 310, a bill for an act to amend sections 7244 and 6952, Code, 1939, relating to the inclusion of prior suspended taxes in tax sales; relating to penalty and interest on such suspended taxes, and granting to the petitioner for tax suspension or any other person the right to pay suspended taxes at any time, begs leave to report it has had the same under consideration and recommends the same do pass.

G. R. HILL, *Chairman*.

Ordered passed on file.

#### BILLS ASSIGNED TO COMMITTEES

President Hickenlooper announced the following assignment of bills to committees:

H. F. 134.....Judiciary 1  
H. F. 159.....Livestock  
H. F. 163.....County and Township Affairs

#### BILLS INDEFINITELY POSTPONED

Under Senate rule 39, the following bills have been indefinitely postponed: Senate Files 88, 94 and 425.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 7th he had approved the following bills:

Senate File 33, relating to collection of taxes by cities acting under special charter.

Also that on March 10th he had approved the following:

Senate File 16 relating to rights and privileges granted to persons called, ordered, entering, or inducted into the military or naval forces or nurse corps of this state or the United States.

Senate File 32, relating to period of collection of penalty or interest upon taxes and assessments in cities acting under special charter.

Senate File 73, relating to the sale and authorizing the issuance of bonds by the Independent School District of Onawa.

Senate File 107, relating to the legalization of the notice of appointment of executors and administrators.

Senate File 189, relating to the selection and tenure of the chief justice of the supreme court.

Senate File 203, making an appropriation from the liquor control fund to the industrial commissioner.

Senate File 204, to appropriate funds from the primary road fund to the industrial commissioner.

Senate File 205, to appropriate funds to the state comptroller from the motor vehicle fuel tax fund.

Senate File 243, relating to an appropriation for the relief of Frederick M. Hull.

#### AMENDMENTS FILED

Amend Senate File 319, section 2, line 6, by striking the word "three" and inserting in lieu thereof the word "four". C. V. FINDLAY.

Amend Senate File 399 as follows:

1. Strike all of section 34.
2. Strike all of section 35.

O. H. HENNINGSEN.

On motion of Senator Evans, the Senate adjourned until 10:00 a. m. Tuesday.



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 11, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. John D. Kern, pastor of the First Baptist church of Osage.

The Journal of March 10th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Martin, from residents of Scott county, favoring passage of House File 345.

By Senator Love, from residents of Adair county, favoring a four year term for county officers.

By Senator Faul, from residents of Grimes and the vicinity, favoring local option; also from residents of Polk county, favoring passage of Senate File 366.

By Senator Evans, from the Mills county officers, favoring a four year term for county officers; also from members of the Co-operative Burial Association of Sioux Center, in opposition to House File 185.

By Senator Hill, from merchants of Webster City, in the interest of the Independent merchants.

By Senator Mercer, from agents and members of county mutual insurance associations, in opposition to Senate File 264.

By Senator Munger, from residents of Woodbury county, in opposition to the proposed optional county unit school bill.

## INTRODUCTION OF BILLS

Senate File 494, by committee on ways and means, a bill for an act to amend sections one thousand nine hundred twenty-one and ten one-thousandths (1921.010), one thousand nine hundred twenty-one and eleven one thousandths (1921.011), one thousand

nine hundred twenty-one and sixteen one thousandths (1921.016), one thousand nine hundred twenty-one and fifty one thousandths (1921.050), one thousand nine hundred twenty-one and fifty-one one thousandths (1921.051), and one thousand nine hundred twenty-one and fifty-two one thousandths (1921.052), Code, 1939, and requiring the Iowa Liquor Control Commission to submit estimate for the support of the commission and to carry on operations of the commission in accordance with Chapter ninety-three and one tenth (93.1), Code, 1939, and providing that expenditures for such purposes shall only be made on authorization by the General Assembly.

Read first and second times and referred to sifting committee.

Senate File 495, by committee on ways and means, a bill for an act to amend sections six thousand nine hundred forty-three and thirty-six thousandths (6943.036) and six thousand nine hundred forty-three and forty thousandths (6943.040), Code, 1939, relating to personal net income tax, amending "definition of dividend" and broadening items not to be included in "gross income".

Read first and second times and referred to sifting committee.

Senate File 496, by committee on ways and means, a bill for an act to amend section five thousand two hundred eighty-three (5283), Code, 1939, relating to personal liability of any member of board of supervisors who shall vote for bonds in excess of the constitutional limit.

Read first and second times and referred to sifting committee.

Senate File 497, by committee on claims, a bill for an act to make an appropriation to Wilda Trumbo, Des Moines, Iowa.

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

Senate File 498, by committee on cities and towns, a bill for an act to amend section five thousand seven hundred ninety-two (5792), Code, 1939, relating to increasing the millage of cities and towns for park purposes.

Read first and second times and referred to sifting committee.

## COMMUNICATION FROM THE GOVERNOR

The following communication was received from the Governor:

STATE OF IOWA  
Executive Department

March 11, 1941

MR. PRESIDENT, MR. SPEAKER, AND MEMBERS OF THE FORTY-NINTH GENERAL ASSEMBLY OF IOWA:

It is recognized that in a joint Federal-State program, it is well to obtain the viewpoint of the officers of the Federal Government as to whether new statutes comply with the federal plan, for, as you know, a failure to conform may mean loss of benefits; while in no way diminishing the taxes to be paid.

Therefore, on February 14, 1941, one day after approving Senate File 89, I transmitted a certified copy of the act to the Chairman of the Social Security Board at Washington, D. C., stating that I would be pleased to have his comments or suggestions with respect to the act.

I am in receipt of the following reply:

SOCIAL SECURITY BOARD  
Washington, D. C.

THE HONORABLE  
GEORGE A. WILSON,  
Governor of Iowa,  
Des Moines, Iowa  
Dear Governor:

Thank you for your letter of February 14, to which was attached a copy of Senate File 89, 49th General Assembly of Iowa, as enacted, amending the Iowa unemployment compensation law, and a copy of a letter of opinion by the Iowa Attorney General.

The following comments are made in response to your request for our comments or suggestions with respect to the bill.

The bill, as enacted, appears susceptible of an interpretation which in some instances would result in loss of tax credit to Iowa employers and therefore require them to pay a higher tax to the Federal government under the provisions of the Federal Unemployment Tax Act. Under such an interpretation, refunds of contributions to Iowa employers might be permitted or required under the Iowa law and regulations in effect when contributions were paid, which contributions could not be considered "erroneously paid" within the purview of section 303 (a) (5) of the Social Security Act, as amended, and section 1603 (a) (4) of the Internal Revenue Code, as amended.

The second "proviso" clause in section 1 is the language particularly open to the interpretation referred to above. This language may be interpreted (1) that the exemption applies to wages in excess of the first \$3,000.00 payable during the calendar year, rather than to wages in excess of the first \$3,000.00 payable for insured work during the calendar year and (2) that the exemption applies to wages in excess of the first \$3,000.00 payable to the individual by any combination of employers for

such insured work, rather than to wages in excess of the first \$3,000.00 payable to the individual *by each employer*.

In order to assure Iowa employers of full credit under the Federal Unemployment Tax Act, section 1551.13-A-1 of the Iowa law might be revised to read as follows:

"On and after July 1, 1936, contributions shall accrue and become payable by each employer with respect to wages for employment as defined in section 1551.25-G, except that for the six months' period beginning July 1, 1936, such contributions shall accrue and become payable solely from employers with respect to wages payable for employment occurring on and after July 1, 1936. Such contributions shall become due and be paid to the commission for the fund at such time and in such manner as the commission may prescribe. Contributions required from an employer shall not be deducted, in whole or in part, from the wages (as defined in section 1551.25-M) of individuals in his employ. For the purposes of this section the term 'wages' shall not include that part of the remuneration which, after remuneration equal to \$3,000.00 has become payable to an individual by an employer with respect to employment during the calendar year 1940, becomes payable to such individual by such employer with respect to employment occurring during such calendar year, and shall not include with respect to the calendar year 1941 and each calendar year thereafter, that part of the remuneration which, after remuneration equal to \$3,000.00 has been paid to an individual by an employer with respect to employment during such calendar year, is paid to such individual by such employer with respect to employment occurring during such calendar year and after December 31, 1940. If any employer has paid to the commission contributions on any portion of the remuneration payable to an individual by such employer for insured work during the year 1940, which portion of remuneration is excluded from the term 'wages' as above provided, such payments so paid shall be deemed to have been erroneously paid within the purview of section 1551.20-D of this act."

This suggested language, it may be noted, would also permit the making of adjustments rather than refunds where such procedure is feasible and therefore preclude possible conflict with section 303 (a) (5) of the Social Security Act, as amended, and section 1603 (a) (4) of the Internal Revenue Code, as amended.

We appreciate the opportunity to comment on this bill.

Sincerely,

(Signed) OSCAR M. POWELL  
Executive Director

Because of the importance of the enactment, I urge that you give the matter your careful and prompt consideration.

Respectfully submitted,

GEO. A. WILSON  
Governor

## ADDITIONAL COPIES

Senator Mowry asked and received unanimous consent to have 1000 additional copies of Senate File 345 printed.

Senator Benson called up the following resolution and moved its adoption:

## SENATE CONCURRENT RESOLUTION 15

*Whereas*, Iowa has been one of the leading horse raising states in the United States, and

*Whereas*, The A. A. A. corn allotment program tends to discourage the production of these horses, and

*Whereas*, The production of horses does not affect farm markets such as other animals produced for meat, and

*Whereas*, The production of horses in Iowa makes it possible for farmers to raise and produce their own cheap power for farm work which consumes crops grown thereon; therefore

*Be It Resolved by This Forty-ninth General Assembly of the State of Iowa:*

Section 1. That the Congress of the United States now in session and the A. A. A. administration in Washington, D. C. be petitioned to take such steps as necessary to allow in the administration of the present A. A. A. program farm allotments two acres increase allotment of soil depleting crops for each horse or mule kept on the farms and that two (2) such animals under two (2) years of age shall be considered equivalent of one (1) adult animal. The maximum horse acreage allotments shall be made on the basis of four horses per each one quarter ( $\frac{1}{4}$ ) section of farm land.

Sec. 2. That a copy of this resolution shall be mailed to the United States Secretary of Agriculture, Mr. Claud R. Wickard.

The motion prevailed and the resolution was adopted.

Senator Donohue moved that upon adjournment today all bills on the calendar and in committees be referred to the sifting committee excepting bills brought in by the appropriations committee carrying a direct appropriation, claims, and congressional and senatorial redistricting.

The motion prevailed.

Senator Byers took the chair at 10:26 a. m.

## 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 250, a bill for an act relating to loans and investments of endowment funds.

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

House File 118, a bill for an act relating to the issuance of chauffeur's licenses.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 14, a bill for an act relating to the care and support of dependent children.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 14

Amend Senate File 14 by striking section 4.

Senator Berg offered the following resolution and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 18

*Be It Resolved by the Senate, the House Concurring:* A joint session of the House and Senate shall be held on Friday, March 14th, at 10:30 a. m., for the purpose of considering, in committee of the whole, the subject of the construction of a state office building.

The motion prevailed and the resolution was adopted.

Senator Berg asked and received unanimous consent to have Senate Concurrent Resolution 18 immediately messaged to the House.

#### HOUSE MESSAGES CONSIDERED

House File 118, a bill for an act to amend sections five thousand thirteen and four hundredths (5013.04) and five thousand and one hundredth (5000.01), Code, 1939, relating to the issuance of chauffeur's licenses for operating special types of motor vehicles.

Read first and second times and referred to sifting committee.

House File 250, a bill for an act to amend section three thousand nine hundred twenty-six (3926), Code, 1939, relating to loans and investments of endowment funds.

Read first and second times and referred to sifting committee.

#### THIRD READING OF BILLS

The time having arrived for consideration of the special order, the Senate took up Senate Joint Resolution 7:

Senate Joint Resolution 7, by committee on constitutional amendments, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that the term of office of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State, and Attorney General of Iowa, and the county attorney of each county thereof, shall be for a term of four years.

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

Section 1. That the Constitution of the State of Iowa be amended as follows:

“Commencing with the year 1947, the term of office of the Governor, Lieutenant Governor, Secretary of State, Auditor of State, Treasurer of State and Attorney General of the State, and of the county attorney in each county of the state, shall be four (4) years and until their successors are elected and qualified.

The provisions of this amendment shall apply to the term of office of those persons elected at the general election in the year 1946 to the respective offices referred to herein and to their elected successors.

The General Assembly shall have power to enact any necessary legislation to carry out the intent of this amendment.”

Sec. 2. That the foregoing proposed amendment be, and the same is hereby referred to the General Assembly, to-wit: the Fiftieth General Assembly of the State of Iowa, to be chosen at the next general election and that the Secretary of State cause the same to be published as provided by law.

Senator Hamiel 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 be adopted?” the vote was:

**Ayes, 41:**

Augustine	Evans	Hunt	Mowry
Baldwin	Faul	Johnson	Pelzer
Bekman	Findlay	Jones	Shaw
Benson	Goode	Leo	Sjulin
Berg	Hamiel	Long	Stewart
Byers	Hart	Love	Talbott
Clark	Harvey	Lynes	Turner
Corwin	Hattery	Martin	Vrba
Donohue	Henningsen	Mercer	Watson
Elthon	Hill	Miller	Whitehill
Emerson			

## Nays, 4:

Fuller	Hess	Keir	Munger
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## Absent or not voting, 5:

Cromwell	Dykhouse	Lundy	Zeigler
Dewey			

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

Senator Hamiel moved that the vote by which the resolution passed the Senate be reconsidered and that the motion to reconsider be laid on the table, which motion prevailed.

On motion of Senator Love, Senate File 401, a bill for an act to amend section five hundred twenty (520), Code, 1939, relating to time of election and term of office of county officers was taken up and considered.

Senator Love 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, 42:

Augustine	Evans	Hunt	Pelzer
Baldwin	Faul	Johnson	Mowry
Bekman	Findlay	Keir	Munger
Benson	Fuller	Leo	Shaw
Byers	Goode	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Hart	Lynes	Talbott
Donohue	Harvey	Martin	Turner
Dykhouse	Henningsen	Mercer	Vrba
Elthon	Hess	Miller	Whitehill
Emerson	Hill		

## Nays, 4:

Dewey	Hattery	Jones	Watson
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## Absent or not voting, 4:

Berg	Cromwell	Lundy	Zeigler
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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 Love 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.

Senator Munger asked and received unanimous consent to be recorded as voting "aye" on Senate File 401.

Senator Hill asked and received unanimous consent to have action temporarily deferred on House File 65.



On motion of Senator Shaw, House File 47, a bill for an act to amend section fifty-one hundred sixty-four (5164), Code, 1939, relating to cancellation of warrants, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Shaw 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:

Augustine	Evans	Johnson	Mowry
Baldwin	Faul	Jones	Munger
Bekman	Findlay	Keir	Pelzer
Benson	Goode	Leo	Shaw
Byers	Hamiel	Long	Sjulin
Clark	Hart	Love	Stewart
Corwin	Harvey	Lundy	Talbott
Dewey	Hattery	Lynes	Turner
Donohue	Hess	Martin	Vrba
Dykhousé	Hill	Mercer	Watson
Elthon	Hunt	Miller	Whitehill
Emerson			

Nays, none.

Absent or not voting, 5:

Berg	Fuller	Henningsen	Zeigler
Cromwell			

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

Senator Shaw 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.

On motion of Senator Hill, the Senate resumed consideration of House File 65, a bill for an act to amend section nine thousand three hundred forty and three hundredths (9340.03), Code, 1939, relating to the authority of fiduciaries and others to invest funds in savings and loan associations without order of court.

Senator Hill offered the following amendment and moved its adoption:

Amend House File 65 by striking from line 6 of section 1 the figures "18" and "19" and inserting in lieu thereof the figures "17" and "18",

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, 43:

Augustine	Faul	Hunt	Munger
Bekman	Findlay	Jones	Pelzer
Byers	Fuller	Keir	Shaw
Clark	Goode	Leo	Sjulin
Corwin	Hamiel	Long	Stewart
Dewey	Hart	Love	Talbott
Donohue	Harvey	Lynes	Turner
Dykhouse	Hattery	Martin	Vrba
Elthon	Henningesen	Mercer	Watson
Emerson	Hess	Miller	Whitehill
Evans	Hill	Mowry	

Nays, none.

Absent or not voting, 7:

Baldwin	Berg	Johnson	Zeigler
Benson	Cromwell	Lundy	

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, which motion prevailed.

Senator Hill asked and received unanimous consent to have House File 65 immediately messaged to the House.

On motion of Senator Hattery, House File 8, a bill for an act to amend sections three thousand fifty-eight (3058) and three thousand sixty (3060), Code, 1939, relating to adulteration of foods, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Goode offered the following amendment and moved its adoption:

Amend House File 8 by striking from line 16 of section 1 the following: "seven (7)" and inserting in lieu thereof "twelve (12)".

The amendment was adopted.

Senator Hattery 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, 41:

Augustine	Emerson	Hill	Miller
Bekman	Evans	Johnson	Mowry
Benson	Findlay	Keir	Pelzer
Berg	Fuller	Leo	Shaw
Byers	Goode	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Hart	Lundy	Talbott
Dewey	Harvey	Lynes	Turner
Donohue	Hattery	Martin	Vrba
Dykhouse	Hess	Mercer	Watson
Elthon			

## Nays, 1:

Faul

## Absent or not voting, 8:

Baldwin	Henningsen	Jones	Whitehill
Cromwell	Hunt	Munger	Zeigler

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

Senator Hattery 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.

Senator Hattery asked and received unanimous consent to have House File 8 immediately messaged to the House.

On motion of Senator Lynes, House File 68, a bill for an act to amend sections three thousand eight hundred twenty-eight and eighty-eight thousandths (3828.088), three thousand eight hundred twenty-eight and ninety thousandths (3828.090), and three thousand eight hundred twenty-eight and ninety-two thousandths (3828.092), Code, 1939, relating to the settlement of a poor person, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Lynes 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, 39:

Baldwin	Emerson	Hill	Munger
Bekman	Evans	Hunt	Pelzer
Byers	Faul	Johnson	Shaw
Clark	Findlay	Leo	Sjulin
Corwin	Goode	Long	Stewart
Cromwell	Hamiel	Love	Talbott
Dewey	Hart	Lynes	Turner
Donohue	Harvey	Mercer	Watson
Dykhouse	Hattery	Miller	Whitehill
Elthon	Hess	Mowry	

**Nays, 4:**

Augustine	Keir	Lundy	Vrba
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**Absent or not voting, 7:**

Benson	Fuller	Jones	Zeigler
Berg	Henningsen	Martin	

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

Senator Lynes 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.

On motion of Senator Bekman, House File 150, a bill for an act to amend section one thousand five hundred fifty-one and twenty-two hundredths (1551.22), Code, 1939, relating to overpayment of benefits under the unemployment compensation act and the recovery of such overpayments; and to repeal all acts, or parts of acts, in conflict herewith, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Bekman 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:**

Baldwin	Elthon	Hill	Miller
Bekman	Faul	Hunt	Mowry
Benson	Findlay	Johnson	Munger
Byers	Fuller	Keir	Shaw
Clark	Goode	Leo	Sjulin
Corwin	Hamiel	Long	Stewart
Cromwell	Hart	Love	Talbott
Dewey	Harvey	Lundy	Turner
Donohue	Hattery	Lynes	Vrba
Dykhouse	Hess	Mercer	Whitehill

**Nays, 3:**

Augustine	Emerson	Watson
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**Absent or not voting, 7:**

Berg	Henningsen	Martin	Zeigler
Evans	Jones	Pelzer	

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

Senator Bekman 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.

On motion of Senator Faul, Senate File 331, a bill for an act to repeal section five thousand three hundred sixty-two (5362) of chapter two hundred sixty-nine (269), Code, 1939, and to enact a substitute in lieu thereof, defining who shall be entitled to care and treatment in county public hospitals and providing for the establishment of rules and regulations under which such care and treatment shall be given, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul 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, 46:

Augustine	Emerson	Hunt	Mowry
Baldwin	Evans	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Byers	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Hart	Lundy	Talbott
Cromwell	Harvey	Lynes	Turner
Dewey	Hattery	Martin	Vrba
Donohue	Henningsen	Mercer	Watson
Dykhouse	Hess	Miller	Whitehill
Elthon	Hill		

Nays, none.

Absent or not voting, 4:

Berg	Fuller	Love	Zeigler
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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 Faul 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.

Senator Faul asked and received unanimous consent to have Senate File 331 immediately messaged to the House.

Senator Hill took the chair at 11:52 a. m.

Senator Benson asked and received unanimous consent to be recorded as voting "aye" on Senate File 401.

Senator Sjulin asked and received unanimous consent to be recorded as voting "aye" on House File 150.

On motion of Senator Whitehill Senate File 333, a bill for an act to amend, revise and codify section five thousand one hundred seventy-three (5173), section six thousand nine hundred forty-seven (6947), section six thousand nine hundred forty-eight (6948), and section six thousand nine hundred forty-nine (6949), all of Code, 1939, and all relating to tax exemptions for military service and providing for the recording of military discharges, was taken up and considered.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 333 by striking section 5, the publication clause.

The amendment was adopted.

Senator Whitehill 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:**

Augustine	Evans	Johnson	Munger
Baldwin	Faul	Jones	Pelzer
Bekman	Fuller	Keir	Shaw
Benson	Hamiel	Leo	Sjulin
Berg	Hart	Long	Stewart
Byers	Harvey	Lundy	Talbott
Clark	Hattery	Lynes	Turner
Corwin	Henningsen	Martin	Vrba
Cromwell	Hess	Mercer	Watson
Dewey	Hill	Miller	Whitehill
Donohue	Hunt	Mowry	Zeigler
Emerson			

**Nays, 1:**

Findlay

**Absent or not voting, 4:**

Dykhouse	Elthon	Goode	Love
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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 Whitehill 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.

On motion of Senator Berg, Senate File 407, a bill for an act to make an appropriation for the use of the state conservation commission was taken up and considered.

Senator Berg offered the following amendment and moved its adoption:

Amend Senate File 407 by striking from lines 3 and 4 of section 1 the words and figures "one hundred seventy-five thousand dollars (\$175,000.00)" and by inserting in lieu thereof the words and figures "one hundred twenty-five thousand dollars (\$125,000.00)".

The amendment was adopted.

Senator Berg offered the following amendment and moved its adoption:

Amend Senate File 407 by striking the comma following the word "commission" in line 3 of section 2 and by inserting in lieu thereof a period, and by striking the remainder of such section.

The amendment was adopted.

Senator Sjulín offered the following amendment and moved its adoption:

Amend Senate File 407 by adding at the end of section 2 the following: "Any and all funds appropriated to the State Conservation Commission which are used in growing or handling nursery stock shall be used for growing or handling of such stock for distribution only on state owned lands."

The amendment was adopted.

Senator Elthon offered the following amendment and moved its adoption:

Amend Senate File 407 by striking from lines 3 and 4 of section 1 the words and figures "one hundred twenty-five thousand dollars (\$125,000.00)" and by inserting in lieu thereof the words and figures "one hundred seventy thousand dollars (\$170,000.00)".

The amendment was lost.

Senator Berg 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, 31:

Bekman	Emerson	Hunt	Sjulín
Benson	Evans	Leo	Stewart
Berg	Findlay	Long	Turner
Byers	Harvey	Lynes	Vrba
Clark	Hattery	Martin	Watson
Corwin	Henningsen	Miller	Whitehill
Cromwell	Hess	Munger	Zeigler
Dewey	Hill	Shaw	

Nays, 1:

Baldwin

Absent or not voting, 18:

Augustine	Fuller	Jones	Mercer
Donohue	Goode	Keir	Mowry
Dykhouse	Hamiel	Love	Pelzer
Elthon	Hart	Lundy	Talbott
Faul	Johnson		

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

Senator Berg 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.

Senator Donohue filed the following resolution:

#### SENATE CONCURRENT RESOLUTION 17

*Be It Resolved by the Senate, the House concurring, that the Fortyninth General Assembly adjourn sine die at five o'clock p. m. Thursday, April 10, 1941.*

E. P. DONOHUE.	DEWEY E. GOODE.
JOHN E. TALBOTT.	E. K. BEKMAN.
ROBT. W. HARVEY.	FRANK C. BYERS.
AI MILLER.	STANLEY L. HART.
CLARENCE L. CLARK.	J. T. DYKHOUSE.
G. W. HUNT.	ROBERT KEIR.
A. J. SHAW.	O. H. HENNINGSEN.
A. CLAIRE DEWEY.	D. D. FULLER.
J. KENDALL LYNES.	FRED CROMWELL.
E. P. CORWIN.	J. BERG.
RICHARD V. LEO.	ROSS R. MOWRY.
GEORGE FAUL.	FRANK PELZER.
DEVERE WATSON.	G. R. HILL.
C. V. FINDLAY.	K. A. EVANS.
HUGH W. LUNDY.	I. D. LONG.
R. E. HESS.	H. S. LOVE.
R. P. MUNGER.	PAUL P. STEWART.

#### REPORT OF COMMITTEE

Senator Fuller submitted the following report:

MR. PRESIDENT: Your committee on boundary bridges, to which was referred Senate File 423, a bill for an act authorizing counties and cities including cities acting under special charters to purchase, maintain and operate toll bridges and issue toll bridge revenue bonds in con-



nection therewith, begs leave to report it has had the same under consideration and recommends the same do pass.

D. D. FULLER, *Chairman*.

Ordered 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: House Files 2, 4, 24, 28, 31, 38, 50, 80, 83, 84, 87, 108, 116, 117, 118, 250.

E. P. DONOHUE, *Chairman*.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 11th he had approved the following:

Senate File 70, relating to actions against nonresident defendants.

#### AMENDMENTS FILED

Amend House File 28 by striking from line 8 and line 9 of section 2 the following: "and the commission's rules and regulations promulgated thereunder".

DEWEY E. GOODE.

Amend Senate File 211 as follows:

1. Amend section 2 by striking the period (.) and quotation (") at the end of said section and adding thereto the following: "provided, however, that the right to attend such educational program or clinic shall not be conditioned upon membership in the Iowa Optometric Association. The educational course or clinic shall be conducted on dates separate and apart from the dates of the annual convention of the Iowa Optometric Association and shall consist of regular professional courses of instruction dealing with the latest developments in the arts and science of the optometric profession taught by optometric professors regularly employed by optometry schools recognized and approved by the Iowa Board of Optometry Examiners and the Commissioner of Public Health."

2. Amend section 4 by striking lines 3, 4, 5, 6, 7, 8, 9 and the word "due" in line 10 and inserting in lieu thereof the following: "A deputy of the commissioner shall be present at the educational program or clinic and shall register each practitioner in attendance and certification by said deputy of attendance of the practitioner at all courses shall be a condition precedent to the issuance of a renewal license; unless the practitioner presents to the commissioner a certificate from an approved optometry school certifying that said practitioner has taken at least a one week's post graduate course of instruction in such school which, in that event, shall be deemed the equivalent of attending the educational course or clinic conducted by the Iowa Optometric Association. Each practitioner in attendance at said educational course or clinic shall be required to pay the deputy of the commissioner, as an educational fee,

his pro rata share of the necessary expense incurred in conducting the educational course or clinic and said deputy, shall, in turn, pay all such expenses.

EDWARD H. VERBA.

Senator Zeigler moved that the Senate adjourn until 10:00 a. m. Wednesday.

Senator Mowry moved as a substitute that the Senate recess until 2:00 p. m.

The substitution was lost.

The motion by Senator Zeigler prevailed and the Senate adjourned until 10:00 a. m. Wednesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 12, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Max Roberts, pastor of St. Paul's Episcopal church of Des Moines.

The Journal of March 11th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Vrba for the day, on request of Senator Shaw; Senator Hart for the day, on request of Senator Cromwell; Senator Byers for the day, on request of Senator Cromwell.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Elthon, from residents of Winnebago county, in opposition to Senate File 399.

By Senator Hill, from residents of Iowa Falls, favoring passage of Senate File 294.

By Senator Findlay, from members of the Marshall Township Farm Womans Club, favoring passage of Senate File 454.

By Senator Shaw, from residents of Pocahontas county, in opposition to Senate File 291, and the optional county unit school organization bill.

By Senator Munger, from residents of Sioux City, favoring certain housing legislation.

By Senator Harvey, from residents of Missouri Valley, favoring passage of the library extension bill; also from residents of Crawford county, in opposition to the proposed optional county unit school organization bill.

By Senator Keir, from the council of the town of Lake Park, favoring passage of Senate File 407.

## INTRODUCTION OF BILLS

Senate File 499, by committee on printing, a bill for an act to amend chapters eight (8), thirteen (13), fourteen (14), fifteen (15), and sixteen (16), Code, 1939, relating to the state printing board and public printing, and changing the name of the superintendent of printing to state printer, fixing his tenure of office and duties, and providing for transfer of certain duties to other departments.

Read first and second times and referred to sifting committee.

Senate File 500, by committee on public health, a bill for an act to amend section twenty-one hundred ninety-one (2191) of the Code, 1939, relating to the powers and duties of the State Department of Health, providing for the direction of method of installation and operation of public swimming pools.

Read first and second times and referred to sifting committee.

Senate File 501, by committee on motor vehicles, a bill for an act to amend section five thousand ninety-three and three hundredths (5093.03), Code, 1939, relating to the imposition of the motor vehicle fuel tax.

Read first and second times and referred to sifting committee.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 it has examined and finds correctly enrolled: Senate Files 206, 356, 420, and 421.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 206, 356, 420, and 421.

## BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 12th day of March, 1941, sent to the Governor for his approval: Senate Files 206, 356, 420, and 421.

EDWARD H. VRBA, *Chairman.*

Passed on file.

### HOUSE AMENDMENTS CONSIDERED

Senator Faul called up for consideration Senate File 14, a bill for an act to legalize payments made by counties to institutions and contracts between counties and institutions for the care and support of neglected, dependent, and delinquent children in amounts not exceeding eighteen dollars (\$18.00) per month for each child, as amended by the House, and moved that the Senate concur in the following amendment:

Amend Senate File 14 by striking section 4.

The motion prevailed and the Senate concurred.

Senator Faul 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:**

Augustine	Findlay	Jones	Mowry
Benson	Fuller	Keir	Munger
Corwin	Goode	Leo	Shaw
Cromwell	Hamiel	Long	Stewart
Dewey	Harvey	Love	Talbott
Donohue	Hattery	Lynes	Turner
Emerson	Henningsen	Martin	Watson
Evans	Hill	Mercer	Whitehill
Faul	Hunt	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 14:**

Baldwin	Clark	Hess	Pelzer
Bekman	Dykhouse	Johnson	Sjulin
Berg	Elthon	Lundy	Vrba
Byers	Hart		

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

Senator Faul 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.

## THIRD READING OF BILLS

On motion of Senator Henningsen, House File 2, a bill for an act to amend section five thousand one hundred three and five hundredths (5103.05) of chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers, to clarify the provisions relating to refund of tax and to change the date for the assessment of tax on certain motor vehicles, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Henningsen 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, 37:

Augustine	Findlay	Jones	Mowry
Benson	Goode	Keir	Munger
Clark	Hamiel	Leo	Pelzer
Corwin	Harvey	Long	Stewart
Cromwell	Hattery	Love	Talbott
Dewey	Henningsen	Lynes	Turner
Dykhouse	Hess	Martin	Watson
Elthon	Hill	Mercer	Whitehill
Emerson	Hunt	Miller	Zeigler
Evans			

Nays, none.

## Absent or not voting, 13:

Baldwin	Donohue	Hart	Shaw
Bekman	Faul	Johnson	Sjulín
Berg	Fuller	Lundy	Vrba
Byers			

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

Senator Henningsen 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.

On motion of Senator Henningsen, House File 4, a bill for an act to amend chapter two hundred fifty-two and two tenths (252.2), Code, 1939, relating to taxation of motor vehicle certificated carriers by providing a penalty for violation of the provisions thereof, 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 1, line 1, by striking the following: "Section 1." and inserting in lieu thereof the following:

Section 1. Chapter two hundred fifty-two and two tenths (252.2), Code, 1939, is hereby amended by adding thereto the following: "

Further amend section 1 by striking from line 7 the following: "five thousand one hundred three and six tenths (5103.06)" and inserting in lieu thereof the following: "five thousand one hundred three and six hundredths (5103.06)".

The amendment was adopted.

Senator Henningsen asked and received unanimous consent that action be temporarily deferred on House File 4.

On motion of Senator Corwin, House File 24, a bill for an act to amend section thirty-five hundred twenty-seven (3527), Code, 1939, relating to the commitment, care and support of insane persons, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Corwin 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:**

Berg	Evans	Keir	Munger
Clark	Faul	Leo	Pelzer
Corwin	Goode	Long	Shaw
Cromwell	Hamiel	Love	Sjulin
Dewey	Harvey	Lynes	Turner
Donohue	Hattery	Martin	Watson
Dykhouse	Henningsen	Miller	Whitehill
Elthon	Hill	Mowry	Zeigler
Emerson	Hunt		

**Nays, 2:**

Augustine	Findlay
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**Absent or not voting, 14:**

Baldwin	Fuller	Jones	Stewart
Bekman	Hart	Lundy	Talbot
Benson	Hess	Mercer	Vrba
Byers	Johnson		

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

Senator Corwin 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.

Senator Emerson took the chair at 10:31 a. m.

The Senate resumed consideration of House File 4.

Senator Henningsen 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:**

Augustine	Findlay	Jones	Munger
Baldwin	Fuller	Keir	Pelzer
Benson	Goode	Leo	Shaw
Clark	Hamiel	Long	Sjulin
Cromwell	Harvey	Love	Stewart
Dewey	Hattery	Lynes	Talbott
Elthon	Henningsen	Martin	Turner
Emerson	Hess	Mercer	Watson
Evans	Hill	Miller	Whitehill
Faul	Hunt	Mowry	Zeigler

**Nays, none.**

**Absent or not voting, 10:**

Bekman	Corwin	Hart	Lundy
Berg	Donohue	Johnson	Vrba
Byers	Dykhouse		

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

Senator Henningsen 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.

On motion of Senator Lynes, House File 28, a bill for an act to amend section five thousand one hundred five and six hundredths (5105.06), chapter two hundred fifty-two and three tenths (252.3), Code, 1939, defining the term "permit", 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 House File 28 by adding thereto the following new sections:

Sec. 3. Section five thousand one hundred five and eight hundredths (5105.08), Code, 1939, is repealed and the following enacted in lieu thereof:

"5105.08. When permit to be issued. Before a permit shall be issued, the commission shall, after a public hearing, make a finding that the service proposed to be rendered will promote the public convenience and necessity. If such finding be made, it shall be its duty to issue a permit.

"In the issuance of permits, all of the provisions of chapter two hundred fifty-two and one tenth (252.1) relating to the issuance of certifi-



ates of convenience and necessity to motor carriers, insofar as the same are not inconsistent with the provisions of this chapter, shall be applicable."

Sec. 4. All permits heretofore issued shall remain in force and effect notwithstanding the provisions of this act.

Further amend said House File 28 by amending the title as follows:

Amend the title by striking the period at the end thereof and inserting in lieu thereof the following: "and to repeal section five thousand one hundred five and eight hundredths (5105.08), Code, 1939, and to enact a substitute therefor requiring a finding of public convenience and necessity before issuing a permit, and to provide that all permits heretofore issued shall remain in full force and effect notwithstanding the provisions of this act."

On motion of Senator Baldwin, action was temporarily deferred on House File 28.

On motion of Senator Cromwell, House File 38, a bill for an act to amend chapter fifty-four (54), Code, 1939, relating to official and private bonds, by providing for the optional payment by the municipality of all bonds required of municipal officers receiving an annual salary of one hundred dollars (\$100.00) or less, with report of committee recommending passage was taken up, considered, and the report of the committee adopted.

Senator Cromwell 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, 37:

Augustine	Elthon	Johnson	Munger
Baldwin	Emerson	Keir	Pelzer
Bekman	Evans	Leo	Sjulin
Benson	Faul	Long	Stewart
Berg	Hamiel	Lynes	Talbott
Clark	Harvey	Martin	Turner
Corwin	Hattery	Mercer	Watson
Cromwell	Henningsen	Miller	Whitehill
Dewey	Hill	Mowry	Zeigler
Dykhouse			

Nays, 1:

Findlay

Absent or not voting, 12:

Byers	Goode	Hunt	Lundy
Donohue	Hart	Jones	Shaw
Fuller	Hess	Love	Vrba

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

Senator Cromwell 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.

Senator Faul asked and received unanimous consent to present the Senior class members of East High School who were present in the balcony.

Senator Clark asked and received unanimous consent to introduce the government class members from the high school of Harvey, who were present in the balcony.

Senator Sjulín asked and received unanimous consent to be recorded as voting "aye" on House File 38.

On motion of Senator Henningsen, House File 50, a bill for an act to amend section five thousand one hundred three and eleven hundredths (5103.11), chapter two hundred fifty-two and two tenths (252.2), Code, 1939, to provide for an accounting by the commission to the treasurer of the state for all moneys collected under chapter two hundred fifty-two and two tenths (252.2); also to amend section one hundred forty-three (143), chapter eleven (11), Code, 1939, to except the Iowa State Commerce Commission from the provisions thereof, was taken up and considered.

Senator Cromwell 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, 39:**

Augustine	Evans	Hill	Mowry
Benson	Faul	Hunt	Munger
Berg	Findlay	Johnson	Pelzer
Clark	Fuller	Jones	Stewart
Corwin	Goode	Keir	Talbott
Cromwell	Hamiel	Leo	Turner
Dewey	Harvey	Long	Watson
Dykhouse	Hattery	Lynes	Whitehill
Elthon	Henningsen	Martin	Zeigler
Emerson	Hess	Miller	

**Nays, none.**

**Absent or not voting, 11:**

Baldwin	Donohue	Lundy	Sjulín
Bekman	Hart	Mercer	Vrba
Byers	Love	Shaw	

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

Senator Cromwell 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.

On motion of Senator Evans, House File 80, a bill for an act to repeal section five thousand twenty-six and one one hundredth (5026.01), Code, 1939, and to enact a substitute therefor relating to the right-of-way of motor vehicles at intersections, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Evans 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, 43:**

Augustine	Evans	Hunt	Munger
Bekman	Faul	Johnson	Pelzer
Benson	Findlay	Jones	Shaw
Berg	Fuller	Keir	Sjulin
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Long	Talbott
Cromwell	Harvey	Love	Turner
Dewey	Hattery	Lynes	Watson
Dykhouse	Henningsen	Mercer	Whitehill
Elthon	Hess	Miller	Zeigler
Emerson	Hill	Mowry	

**Nays, none.**

**Absent or not voting, 7:**

Baldwin	Donohue	Lundy	Vrba
Byers	Hart	Martin	

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

Senator Evans 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.

On motion of Senator Dykhouse, House File 83, a bill for an act to amend and revise section ten thousand two hundred sixty-nine and one tenth (10269.1), Code, 1939, relating to liens for services on agricultural products, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Dykhouse 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, 41:**

Augustine	Emerson	Hunt	Munger
Baldwin	Evans	Jones	Pelzer
Bekman	Faul	Keir	Shaw
Benson	Findlay	Leo	Sjulin
Berg	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Harvey	Lynes	Turner
Cromwell	Hattery	Mercer	Watson
Dewey	Henningsen	Miller	Whitehill
Dykhouse	Hill	Mowry	Zeigler
Elthon			

**Nays, none.**

**Absent or not voting, 9:**

Byers	Hart	Johnson	Martin
Donohue	Hess	Lundy	Vrba
Fuller			

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

Senator Dykhouse 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.

On motion of Senator Faul, House File 87, a bill for an act to amend section seven thousand three hundred thirty-six (7336), Code, 1939, to provide for fixing value by the court of property appraised for inheritance tax purposes, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul 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, 39:**

Baldwin	Emerson	Hill	Pelzer
Bekman	Evans	Hunt	Shaw
Benson	Faul	Keir	Sjulin
Berg	Findlay	Leo	Stewart
Clark	Fuller	Long	Talbott
Corwin	Goode	Love	Turner
Cromwell	Hamiel	Lynes	Watson
Dewey	Harvey	Martin	Whitehill
Donohue	Hattery	Miller	Zeigler
Elthon	Henningsen	Mowry	

**Nays, 2:**

Augustine	Mercer
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**Absent or not voting, 9:**

Byers	Hess	Jones	Munger
Dykhouse	Johnson	Lundy	Vrba
Hart			

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

Senator Faul 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.

On motion of Senator Faul, House File 84, a bill for an act to amend section seven thousand three hundred thirty-seven (7337), Code, 1939, pertaining to notice and appeal and fixing value of property for inheritance purposes by court, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul 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, 41:**

Augustine	Faul	Johnson	Mowry
Bekman	Findlay	Jones	Pelzer
Benson	Fuller	Keir	Shaw
Berg	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Harvey	Love	Talbott
Cromwell	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Watson
Elthon	Hill	Mercer	Whitehill
Emerson	Hunt	Miller	Zeigler
Evans			

**Nays, none.****Absent or not voting, 9:**

Baldwin	Dykhouse	Hess	Munger
Byers	Hart	Lundy	Vrba
Donohue			

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

Senator Faul 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.

President Hickenlooper took the chair at 11:45 a. m.

On motion of Senator Hattery, House File 108, a bill for an act to amend section five thousand twenty-three and one hundredth (5023.01) and section five thousand twenty-three and two hundredths (5023.02), of chapter two hundred fifty-one and one tenth (251.1), Code, 1939, relating to speed restrictions for motor vehicles, was taken up and considered.

Senator Hattery offered the following amendment and moved its adoption:

Amend House File 108 by striking the word "forty-five" in section one, line 6, and inserting in lieu thereof the word "forty".

Further amend by striking all of section 2.

The amendment was adopted.

Senator Hattery 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:**

Augustine	Findlay	Keir	Shaw
Benson	Fuller	Leo	Sjulin
Clark	Harvey	Long	Stewart
Cromwell	Hattery	Love	Talbott
Donohue	Henningsen	Martin	Turner
Dykhouse	Hill	Mercer	Watson
Elthon	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Evans	Jones	Munger	

**Nays, 3:**

Faul	Lynes	Pelzer
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**Absent or not voting, 12:**

Baldwin	Corwin	Hamiel	Lundy
Bekman	Dewey	Hart	Vrba
Berg	Goode	Hess	
Byers			

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

Senator Hattery offered the following amendment to the title and moved its adoption:

Amend the title to House File 108 by striking in lines two and three the words and figures, "and section five thousand twenty-three and two hundredths (5023.02)".

The amendment was adopted and the title as amended was agreed to.

Senator Hattery 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.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 12th he had approved the following:

Senate File 206, relating to the administration of the workmen's compensation law.

Senate File 356, relating to the salary of the superintendent at the state sanitarium at Oakdale.

Senate File 420, providing for an appropriation to the Board of Control for improvements and equipment at the institutions under the supervision and control of the Board of Control.

Senate File 421, providing for an appropriation to the Iowa National Guard and the Iowa State Guard.

#### REPORT OF COMMITTEE ON NATIONAL DEFENSE COORDINATION

After six months of intense activity the United States is coming out of the tooling stage of its nation-wide defense program and coming into the production stage.

There is still need for greater speed in production and wider spread for the defense industrial load and both of these objectives can be accomplished by perfecting the cooperative machinery in the several states.

These were the summarized conclusions brought out of a day's discussion and instruction at the regional conference of state defense councils held Friday, March 7th, in Chicago, at the invitation of the advisory commission to the Council of National Defense. The conference was attended by representatives from Minnesota, Michigan, Missouri, Illinois, Indiana, Ohio, Kentucky and Wisconsin. The Iowa delegation was composed of Senators Whitehill and Zeigler and Representatives Pine, Walter and Shimanek and Rodney Q. Selby, secretary of the Iowa Industrial and Defense Commission. Two Iowa cities also sent representatives. They were Max Conrad, mayor of Burlington, and Ira Lane, chairman of the Des Moines Defense Committee.

The problem of procedure in spreading defense contract work through subcontracting—the question of primary importance to most state delegations—was assigned to Francis J. Trecker, subcontracting consultant of the defense contract service, office of production management.

Mr. Trecker pointed out that contrary to the impression that many small manufacturers have gained because of the intensive efforts which have been made by governmental agencies to catalogue all available plant facilities in the country, the actual obtaining of subcontracts is essentially a problem of private negotiation.

The office of production management is setting up regional offices in every Federal Reserve bank in the country, which will be staffed with engineers and technical experts who will be available to all contractors, prime or sub to give them financial, legal or engineering advice and assist them in obtaining and handling contracts. However, it will still be up to the individual manufacturer to negotiate any subcontract from a prime contractor and the various army and navy purchasing agencies will award prime contracts through the usual competitive bidding processes to such contractor, as can meet the requirements of the work sought.

State defense councils can act as liaison officers between contractors and OPM and provide manufacturers in their own state with information as to contract awards.

Mr. Trecker pointed out that out of a total of more than 200,000 manufacturers in the country, probably not more than 80,000 of them are capable of handling prime contracts. There has been more than \$17,000,000,000 worth of prime contract business awarded to 13,000 contractors. As much as 90 per cent of this total was divided among 500 prime contractors. He explained that this was due principally to the fact that in the initial stages of the defense program time of completion has been the most important element in awarding contracts.

In the first stages of the program the use of existing plants was essential. The next alternative is the building of new plants. The danger of post war shock to communities where these new plants are located is also a problem of great magnitude, Mr. Trecker pointed out. Where there are large concentrations of people suddenly brought about by defense industry, community facilities will be tremendously taxed and the various state defense commissions will have the solution of this problem as one of their most important concerns.

This phase of the defense problem was the subject assigned to Charles P. Taft, assistant coordinator, working under Federal Security Administrator McNutt. There are now contemplated some 100 to 150 large concentrations of army and navy personnel in various sections of the country, he said. Many of the communities where these camps are located will find their population increased from 10 to 50 times. Immediately there will arise serious problems in community facilities. Beds, housing, plumbing for thousands of workers and their families will be needed. There will be need for additional recreational facilities. Problems of commercial relationship will have to be met. Profiteering will spring up. Hospitality and social contacts will have to be promoted and facilities for many visitors will have to be provided. Building regulations will have to be extended to unincorporated communities if shanty towns are to be avoided and legislation to enable these steps will have to be obtained.

Mr. Taft estimated that for every soldier in camp at least one person can be expected outside camp. For every industrial worker in a new defense plant, as many as three additional persons can be anticipated by the community.

Hospitals, schools and recreational facilities will have to be provided. The solution of the problems will require the joint action and coopera-



tion of first, the community, second, the state agencies, and finally, the federal government.

Separate consideration was given on the conference program to rent control as it affects national defense. Statement of the problem was given the conference by Frank Bane, director, division of state and local cooperation of the advisory commission to the Council of National Defense. Mr. Bane acted as chairman of the conference. The rent problem is the first one that is developing toward a national scandal, Mr. Bane said. Rentals are skyrocketing at cantonment and new plant sites.

Mr. Bane asked that state defense councils give their thought to perfecting some method of controlling this evil. A suggested course of procedure was: Register all available rooms, houses or apartments with all information as to price and tenure. Make this file available to the camp and its visitors. Require that any changes in rentals be posted with the registry and when such changes are found unreasonable take the property from the available listings. Obtain wide publicity for violations of this voluntary code.

A review of defense legislation offered the conference by Allen Moore of the division of state and local cooperation showed that the following states have now created defense commissions and made the necessary appropriations for their operation: Delaware, Iowa, Montana, Nebraska, New York and Wyoming. Twenty-two states have adopted suggested sabotage legislation and thirty have passed state guard bills.

In summarizing the discussion of the conference, Chairman Bane declared that to the extent of their resources most of the states have cooperated in meeting the problems of national defense and are ready to do more. Their effectiveness will increase as national policies are clarified.

The problem of the defense commissions is to transform a nation of 135,000,000 people from a state of mind concentrated on peace time activity to one of defense industry.

Defense councils can, and have, conducted industrial resource surveys and placed these in the hands of the office of production management in Washington. They can obtain desired information on defense contracts and disseminate this throughout each state by every form of publicity. They can put manufacturers in touch with the proper government procurement officers and they can assist with all possible persuasion to get prime contractors to farm out contracts to small subcontractors and thus put into defense service the fifty per cent of plant capacity in the country which is now estimated to be idle.

Respectfully submitted,

SANFORD ZEIGLER, JR.,  
B. C. WHITEHILL,  
*On the part of the Senate.*

F. J. PINE,  
HERMAN W. WALTER,  
C. F. SHIMANEK,  
*On the part of the House.*

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 13, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Paul J. Christensen, Pastor of the Baptist Church of Pella.

The Journal of March 12th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Donohue for the day, on request of Senator Evans; Senator Johnson for the day, on request of Senator Augustine.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Corwin, from employees of the Poole Transfer of Muscatine, in opposition to Senate File 399.

By Senator Byers, from members of the F. T. Fox Lodge Brotherhood of Railroad Trainmen of Marion, favoring passage of House Files 176, 213, 317 and Senate File 372; and in opposition to Senate Files 277, 196, 329 and 355.

By Senator Goode, from residents of Appanoose county, favoring local road legislation.

By Senator Miller, from residents of Dallas county, relative to appropriations to county farm bureaus.

By Senator Augustine, from Pella and New Sharon, favoring passage of Senate File 157.

By Senator Harvey, from residents of Arion, in opposition to the proposed school reorganization bill.

By Senator Munger, from residents of Sioux City, favoring certain housing legislation.

## INTRODUCTION OF BILLS

Senate File 502, by Committee on National Defense Coordination, a bill for an act to protect property by making criminal certain unlawful entries on, injuries to and interferences with property, authorizing the closing of streets, and to provide penalties.

Read first and second times and referred to sifting committee.

Senate File 503, by Committee on Agriculture, a bill for an act to repeal chapter one hundred fifty-three (153), Code, 1939, relating to agricultural seeds, and to enact a new section in lieu thereof.

Read first and second times and referred to sifting committee.

Senate File 504, by Committee on Agriculture, a bill for an Act to repeal chapter four hundred twenty-six (426), Code, 1939, relating to bonded warehouses for agricultural products, and to enact a substitute therefor.

Read first and second times and referred to sifting committee.

Senate File 505, by Committee on Agriculture, a bill for an Act to amend chapter 87, acts of the 48th General Assembly, Senate File 255, relating to the control and eradication of Bang's disease in cattle.

Read first and second times and referred to sifting committee.

Senate File 506, by Committee on Claims, a bill for an Act to make an appropriation to Emmet County, Iowa.

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

Senate File 507, by committee on claims, a bill for an act to make an appropriation to Method of Economy Company, Des Moines, Iowa.

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

## REPORT OF COMMITTEE

Senator Shaw submitted the following report:

MR. PRESIDENT: Your committee on judiciary 1 to which was referred House File 117, a bill for an act to amend section 10538, relating to

change of place of trial from justice courts, begs leave to report it has had the same under consideration and recommends the same do pass.

A. J. SHAW, *Chairman.*

Ordered passed on file.

### THIRD READING OF BILLS

On motion of Senator Berg, House File 31, a bill for an act to make an appropriation for the payment of current and miscellaneous expenses of the General Assembly of the State of Iowa, was taken up and considered.

Senator Goode offered the following amendment and moved its adoption:

Amend section 1 by striking the word "such" from line 3.

Also amend section 1 by striking all after the word "by" in line 9, and lines 10 and 11 and inserting in lieu thereof the following: "action of the House and Senate by resolution."

Also amend by striking section 2.

The amendment was adopted.

Senator Berg 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, 39:

Augustine	Evans	Jones	Munger
Bekman	Faul	Keir	Shaw
Benson	Findlay	Leo	Stewart
Berg	Goode	Long	Talbott
Byers	Hamiel	Love	Turner
Clark	Hart	Lynes	Vrba
Corwin	Harvey	Martin	Watson
Cromwell	Hattery	Mercer	Whitehill
Dewey	Hess	Miller	Zeigler
Emerson	Hill	Mowry	

Nays, none.

Absent or not voting, 11:

Baldwin	Elthon	Hunt	Pelzer
Donohue	Fuller	Johnson	Sjulin
Dykhouse	Henningsen	Lundy	

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

Senator Berg 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.

## 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 report of the joint committee on rules.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 19 relating to congressional apportionment.

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

Senate File 244, a bill for an act relating to appropriations for state institutions.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 18 relating to a hearing regarding the construction of a state office building.

Also: That the House has concurred in Senate amendments to House Concurrent Resolution 22.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE CONCURRENT RESOLUTION 19

*Whereas*, Section two (2) of the 14th amendment to the Constitution of the United States provides that representatives in Congress shall be determined by counting the whole number of persons in each state excluding Indians not taxed; and,

*Whereas*, The apportionment of representatives on this basis works a hardship on certain sections of the United States; and,

*Whereas*, Certain other sections of the country have large numbers of persons who are not citizens of the United States; and

*Whereas*, Congress shall upon application of the legislatures of two-thirds ( $\frac{2}{3}$ ) of the several states, call a convention to consider amendments to the Constitution of the United States; therefore,

*Be It Resolved by the House, the Senate Concurring:* That the Legislature of Iowa duly assembled in Des Moines, Iowa, respectfully petitions the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States and that said convention, when so called, shall consider amending the first sentence of section two (2) of the 14th amendment so that the same shall read as follows: "Representatives in Congress shall be apportioned among the several states according to their respective numbers, counting the whole number of citizens in each state."

*Be It Further Resolved*, That a copy of this resolution be sent to each United States Senator and Representative from the State of Iowa, to the Speaker of the National House of Representatives, to the President of the United States Senate, to the governors of the forty-seven states and to the President of the United States.

Senator Dewey asked and received unanimous consent to be recorded as voting "aye" on House File 31.

Senator Faul asked and received unanimous consent to introduce a group of 6A students from Greenwood School who were present in the balcony.

Senator Mercer asked and received unanimous consent to introduce the members of the social study department of the Iowa City high school who were present in the balcony.

Senator Faul asked and received unanimous consent to introduce a group of students from Washington Irving Junior High School of Des Moines who were present in the balcony.

### REPORT OF JOINT COMMITTEE ON RULES

Senator Byers called up the following report of the Joint Committee on Rules and moved the adoption of the report and the adoption of the rules contained therein as the joint rules of the 49th General Assembly:

#### TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE:

Gentlemen: The committee on rules of the Senate and House, having met jointly, beg leave to report that they have had the same under consideration and recommend that the joint rules of the Senate and House of the 48th General Assembly be adopted as the joint rules of the Senate and House of the 49th General Assembly.

Respectfully submitted,

FRANK C. BYERS.

K. A. EVANS.

SANFORD ZEIGLER, JR.

DEWEY E. GOODE.

E. P. DONOHUE.

*On the part of the Senate.*

CURTIS W. GREGORY.

C. A. BRYSON.

W. J. JOHANNES.

ARCH W. MCFARLANE.

M. D. VAN OOSTERHOUT.

EARL C. FISBAUGH, JR.

ALBERT STEINBERG.

DAVID DANCER.

*On the part of the House.*

The motion prevailed and the report and the rules were adopted.

### THIRD READING OF BILLS

On motion of Senator Bekman, House File 116, a bill for an act to amend section one thousand nine hundred sixty-four (1964). Code, 1939, by changing the penalty for a second conviction of a violation of any of the provisions of title six (VI) of said Code, was taken up and considered.

Senator Bekman 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, 39:

Augustine	Evans	Hill	Pelzer
Bekman	Faul	Jones	Shaw
Benson	Findlay	Keir	Stewart
Berg	Fuller	Leo	Talbott
Byers	Goode	Long	Turner
Corwin	Hamiel	Love	Vrba
Cromwell	Hart	Lynes	Watson
Dewey	Harvey	Mercer	Whitehill
Elthon	Hattery	Miller	Zeigler
Emerson	Henningsen	Mowry	

Nays, none.

Absent or not voting, 11:

Baldwin	Dykhous	Johnson	Munger
Clark	Hess	Lundy	Sjulin
Donohue	Hunt	Martin	

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

Senator Bekman 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.

On motion of Senator Watson, House File 117, a bill for an act to amend section ten thousand five hundred thirty-eight (10538), Code, 1939, relating to change of place of trial from justice courts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Watson 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, 43:

Augustine	Faul	Keir	Pelzer
Benson	Findlay	Leo	Shaw
Berg	Fuller	Long	Sjulin
Clark	Goode	Love	Stewart
Corwin	Hamiel	Lundy	Talbott
Cromwell	Hart	Lynes	Turner
Dewey	Harvey	Martin	Vrba
Dykhous	Hattery	Mercer	Watson
Elthon	Henningsen	Miller	Whitehill
Emerson	Hill	Mowry	Zeigler
Evans	Jones	Munger	

Nays, none.

Absent or not voting, 7:

Baldwin	Byers	Hess	Johnson
Bekman	Donohue	Hunt	

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

Senator Watson 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.

Senator Evans took the chair at 10:46 a. m.

On motion of Senator Leo, House File 118, a bill for an act to amend sections five thousand thirteen and four hundredths (5013.04) and five thousand and one hundredth (5000.01), Code, 1939, relating to the issuance of chauffeur's licenses for operating special types of motor vehicles, was taken up and considered.

Senator Leo 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, 32:

Benson	Emerson	Harvey	Miller
Byers	Evans	Henningsen	Munger
Clark	Faul	Jones	Shaw
Corwin	Findlay	Keir	Sjulin
Cromwell	Fuller	Leo	Stewart
Dewey	Goode	Lynes	Talbott
Dykhouse	Hamiel	Martin	Turner
Elthon	Hart	Mercer	Vrba

Nays, 7:

Hill	Mowry	Watson	Zeigler
Long	Pelzer	Whitehill	

Absent or not voting, 11:

Augustine	Berg	Hess	Love
Baldwin	Donohue	Hunt	Lundy
Bekman	Hattery	Johnson	

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, which motion prevailed.

On motion of Senator Hattery, House File 250, a bill for an act



to amend section three thousand nine hundred twenty-six (3926), Code, 1939, relating to loans and investments of endowment funds, was taken up and considered.

Senator Hattery 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, 41:

Augustine	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Byers	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Hart	Love	Talbott
Cromwell	Harvey	Lynes	Turner
Dewey	Hattery	Martin	Vrba
Dykhouse	Henningsen	Mercer	Watson
Elthon	Hess	Miller	Whitehill
Emerson	Hill	Mowry	Zeigler
Evans			

Nays, none.

Absent or not voting, 9:

Baldwin	Donohue	Hunt	Lundy
Bekman	Fuller	Johnson	Munger
Berg			

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

Senator Hattery 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.

On motion of Senator Munger, Senate File 473, by committee on claims, a bill for an act to make appropriations to certain named persons in settlement of damages sustained by them on account of accidents on primary roads, or on account of collisions with state highway equipment, or on account of acts of commission or omission by the state highway commission or its employees, with report of committee was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 42:

Augustine	Faul	Keir	Munger
Benson	Findlay	Leo	Pelzer
Berg	Goode	Long	Shaw
Byers	Hamiel	Love	Stewart
Clark	Hart	Lundy	Talbott
Corwin	Harvey	Lynes	Turner
Dewey	Hattery	Martin	Vrba
Dykhouse	Henningsen	Mercer	Watson
Elthon	Hess	Miller	Whitehill
Emerson	Hill	Mowry	Zeigler
Evans	Jones		

Nays, none.

Absent or not voting, 8:

Baldwin	Cromwell	Fuller	Johnson
Bekman	Donohue	Hunt	Sjulin

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

Senator Munger 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.

Senator Hill asked and received unanimous consent to be recorded as voting "aye" on Senate File 473.

On motion of Senator Munger, Senate File 474, a bill for an act to make an appropriation to the J. E. Tigue Motor Company, Keokuk, Iowa, with report of committee was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 42:

Augustine	Evans	Jones	Munger
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Byers	Fuller	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Dykhouse	Henningsen	Miller	Whitehill
Elthon	Hess	Mowry	Zeigler
Emerson	Hunt		

Nays, none.

Absent or not voting, 8:

Baldwin	Donohue	Hill	Mercer
Bekman	Goode	Johnson	Sjulin

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

Senator Munger 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.

On motion of Senator Munger, Senate File 477, a bill for an act to make appropriations to Palo Alto Hospital Association, Emmetsburg, Iowa; Dr. E. D. Beatty, Mallard, Iowa, and Dr. H. R. Powers, Emmetsburg, Iowa, with report of committee was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 42:

Augustine	Faul	Keir	Pelzer
Benson	Findlay	Leo	Shaw
Berg	Fuller	Long	Sjulin
Byers	Goode	Lundy	Stewart
Clark	Hamiel	Lynes	Talbott
Corwin	Hart	Martin	Turner
Cromwell	Harvey	Mercer	Vrba
Dewey	Hattery	Miller	Watson
Elthon	Henningsen	Mowry	Whitehill
Emerson	Hess	Munger	Zeigler
Evans	Jones		

Nays, none.

Absent or not voting, 8:

Baldwin	Donohue	Hill	Johnson
Bekman	Dykhouse	Hunt	Love

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

Senator Munger 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.

Senator Munger asked and received unanimous consent that Senate Files 473, 474, and 477 be immediately messaged to the House.

On motion of Senator Berg, Senate File 484, a bill for an act to appropriate the sum of twenty thousand dollars for the purchase of certain real estate near the Iowa State Teachers College in Black Hawk county, Iowa, was taken up and considered.

Senator Berg 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:**

Augustine	Evans	Hill	Mowry
Berg	Faul	Keir	Munger
Byers	Findlay	Leo	Sjulin
Clark	Goode	Long	Stewart
Corwin	Hamiel	Lundy	Talbott
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Mercer	Watson
Elthon	Henningsen	Miller	Whitehill
Emerson	Hess		

Nays, none.

**Absent or not voting, 16:**

Baldwin	Dykhouse	Johnson	Pelzer
Bekman	Fuller	Jones	Shaw
Benson	Hart	Love	Turner
Donohue	Hunt	Martin	Zeigler

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

Senator Berg 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.

President Hickenlooper took the chair at 11:37 a. m.

On motion of Senator Berg, Senate File 485, a bill for an act to provide an emergency appropriation for traveling and hotel expense of the judges of the district court to June 30, 1941, was taken up and considered.

Senator Berg 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, 41:**

Augustine	Cromwell	Evans	Hart
Benson	Dewey	Faul	Harvey
Berg	Dykhouse	Findlay	Hattery
Byers	Elthon	Goode	Henningsen
Clark	Emerson	Hamiel	Hess

Hill	Lynes	Munger	Turner
Jones	Martin	Shaw	Vrba
Keir	Mercer	Sjulin	Watson
Leo	Miller	Stewart	Whitehill
Long	Mowry	Talbot	Zeigler
Love			

Nays, none.

Absent or not voting, 9:

Baldwin	Donohue	Hunt	Lundy
Bekman	Fuller	Johnson	Pelzer
Corwin			

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

Senator Berg 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.

Senator Cromwell asked and received unanimous consent to be recorded as voting "aye" on Senate File 485.

Senator Benson asked and received unanimous consent to be recorded as voting "aye" on House File 485.

Senator Hamiel asked and received unanimous consent to be recorded as voting "aye" on House File 116.

Senator Dewey asked and received unanimous consent to take up the following concurrent resolution and moved its adoption.

#### HOUSE CONCURRENT RESOLUTION 19

*Whereas*, Section two (2) of the 14th amendment to the Constitution of the United States provides that representatives in Congress shall be determined by counting the whole number of persons in each state excluding Indians not taxed; and,

*Whereas*, The apportionment of representatives on this basis works a hardship on certain sections of the United States; and,

*Whereas*, Certain other sections of the country have large numbers of persons who are not citizens of the United States; and,

*Whereas*, Congress shall, upon application of the legislatures of two-thirds ( $\frac{2}{3}$ ) of the several states, call a convention to consider amendments to the Constitution of the United States; therefore,

*Be It Resolved by the House, the Senate Concurring*: That the Legislature of Iowa duly assembled in Des Moines, Iowa, respectfully petitions the Congress of the United States to call a convention for the purpose of proposing amendments to the Constitution of the United States and that said convention, when so called, shall consider amending the first sentence of section two (2) of the 14th amendment so that the same shall

read as follows: "Representatives in Congress shall be apportioned among the several states according to their respective numbers, counting the whole number of citizens in each state."

*Be It Further Resolved:* That a copy of this resolution be sent to each United States Senator and Representative from the state of Iowa, to the Speaker of the National House of Representatives, to the President of the United States Senate, to the governors of the forty-seven states and to the President of the United States.

The motion prevailed and the resolution was adopted.

Senator Elthon asked and received unanimous consent to take up the following concurrent resolution and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 12

*Whereas,* Iowa was developed primarily as an agricultural state and is at the present time one of the greatest agricultural areas in the Union, and

*Whereas,* Farming in Iowa is primarily a way of living which in the past has provided a place for ambitious and thrifty families to live in peace and security and provide for themselves the necessary and desirable things in life, and

*Whereas,* The advent of power machinery and equipment, together with the application of the Triple-A program, has made it possible for certain individuals, companies and corporation to farm ever-increasing areas of good farm land at a profit, and

*Whereas,* This practice is depriving thousands of Iowa farm families from their only way of living and is forcing many of them onto relief rolls, and

*Whereas,* An additional five thousand (5,000) families will be deprived of their way of livelihood again this year and will be forced to leave their present homes, and

*Whereas,* Through the drifting of these landless farmers from state to state in search of land and homes the solution of this great evil has passed beyond the control of the various states and the problem has become national in character and extent, and

*Whereas,* Through governmental agencies aid has been extended to home builders in urban districts by governmental guaranty of loans on such homes, and

*Whereas,* Farm homes for these dispossessed farmers are at least equally as important to the tranquility and security of our nation as are the homes for urban residents and at the present time no provision has been made to early or adequately relieve this ever-growing cancer in our body politic, and

*Whereas,* It has long been the established policy of our federal government to provide homes and homesteads for our farm-minded people to which policy much of our national progress may be ascribed; now therefore,

*Be It Resolved by the Senate of the State of Iowa, and the House of*

*Representatives Concurring:* That we memorialize the Congress of the United States that they by amendment to the Federal Housing Act or by the enactment of new and appropriate legislation make available to farmers and especially to farm tenants who are without farms governmental aid equal to that afforded to urban residents in order that they may be able to obtain sufficient land and decent homes in which to live and maintain their families; and

*Be It Further Resolved:* That copies of this resolution be transmitted to the President of the United States and to the Vice President and to the Secretary of Agriculture of the United States and to each member of the Congress; and

*Be It Further Resolved:* That Iowa, through its legislature, send a delegation to the Congress of the United States to wait upon the members of the Congress and to present to each member of the Congress this resolution in behalf of the legislature of the state of Iowa, and that the chairman of the farm tenancy committee of the Iowa Senate and the chairman of the agriculture committee 2 of the Iowa House and one other member of the minority party to be appointed jointly by the Lieutenant Governor and the Speaker of the House be the delegation to perform the duties set out in this resolution.

Senator Elthon offered the following amendment to the resolution and moved its adoption:

Amend Senate Concurrent Resolution 12 by striking the comma at the end of the next to the last paragraph and insert in lieu thereof a period.

Further amend by striking all of the last paragraph.

The amendment was adopted. The resolution as amended 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 refused to concur in Senate amendments to House File 8, a bill for an act relating to the adulteration of food.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the House was asked:

Senate Concurrent Resolution 14 relating to the installation of an adequate fishway through the Keokuk dam.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 16 relating to the purchase of the arithmetic formerly used by the Hon. Henry A. Wallace.

Also: That the House has concurred in Senate amendments to and passed House File 65, a bill for an act relating to the investment of funds by fiduciaries.

Also: 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 administration of the farm program.  
A. C. GUSTAFSON, *Chief Clerk.*

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 27, 34, 47, 59, 68, 86, 150, 237, and 246.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 27, 34, 47, 59, 68, 86, 150, 237, and 246.

#### EXECUTIVE SESSION

On motion of Senator Byers, the Senate resolved itself into executive session.

The Senate arose from executive session and resumed regular session.

On motion of Senator Henningsen, the Senate recessed until 2 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

#### INTRODUCTION OF BILLS

Senate File 508, by committee on cities and towns, a bill for an act to declare the necessity of creating, in areas in or proximate to which there is located an ordnance plant or other project which the Federal Government shall deem desirable in the development of the national defense, public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in urban and rural areas; to create such housing authorities



in cities and counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, exercising the power of eminent domain, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide that housing authorities, their property and securities shall be exempt from taxation and assessment, but to authorize certain payments in lieu of taxes; to confer remedies on obligees of housing authorities; to authorize cities, towns and counties to enter into agreements with housing authorities and to cooperate with housing authorities for the full development thereof, and to permit such housing facilities to be used for the housing of national defense workers during the emergency period where deemed necessary.

Read first and second times and referred to sifting committee.

Senate File 509, by committee on claims, a bill for an act to make an appropriation to Glen Yates, Osage, Iowa.

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

Senate File 510, by committee on claims, a bill for an act to make appropriations to Clarke county, Iowa, and Dr. C. R. Harken, Osceola, Iowa.

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

Senate File 511, by committee on national defense coordination, a bill for an act to regulate the manufacture, sale, distribution, use and possession of explosives.

Read first and second times and referred to sifting committee.

#### COMMITTEE OF THE WHOLE

On motion of Senator Henningsen, the Senate resolved itself into a committee of the whole for the purpose of a public hearing on Senate File 399.

The committee as a whole arose, and the Senate resumed regular session. President Pro-Tem Byers presiding.

## 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 Files: 63, 121, 133, 134, 149, 152, 159, 163, 171, 190, 209, 223, 224, 238, 310, 320.

Senate Files: 391, 392, 393, 394, 395, 458, 315, 376, 414, 385, 341, 320, 220.  
K. A. EVANS, *Ranking Member*.

## PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

House File 310, a proposed bill for the legalization of certain proceedings of the city council of Mt. Pleasant.  
WALTER H. BEAM.

## AMENDMENTS FILED

Amend section 10 of Senate File 475 by adding before the word "wages" in line 1 the following:

"Chapter seventy-seven and two tenths (77.2), Code, 1939, is amended as follows:"  
E. K. BEKMAN.

On motion of Senator Hart the Senate adjourned until 10:00 a. m. Friday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 14, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Fred Miller, Pastor of the Methodist Church of Brooklyn.

The Journal of March 13th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Lundy for the day, on request of Senator Clark; Senator Martin for the day, on request of Senator Corwin; Senator Emerson for the day, on request of Senator Augustine; Senator Bekman for the day, on request of Senator Goode.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Stewart, from members of the town council of Maynard, in opposition to Senate File 375 and House Files 315 and 244.

By Senator Byers, from councilmen of Prairieburg, relative to certain regulations of theatres.

By Senator Shaw, from members of the town council of Hardy, in opposition to Senate File 375.

By Senator Hess, from members of the town council of Cleg-horn, in opposition to Senate File 375, House Files 377, 315 and 244.

By Senator Dykhouse, from members of the town council of Lester, in opposition to Senate File 375.

By Senator Harvey, from residents of Crawford county, in opposition to the proposed bill for school reorganization.

By Senator Cromwell, from members of the Machinists Local 1521, of Burlington, in opposition to Senate File 196.

By Senator Watson, from members of Bricklayers Union 6, of Council Bluffs, in opposition to Senate File 196.

By Senator Mercer, from residents of North English, favoring passage of Senate File 198.

By Senator Munger, from United Packing House Workers, Local Industrial Union 34, of Sioux City, favoring passage of Senate Files 381 and 382.

#### INTRODUCTION OF BILLS

Senate File 512, by Committee on Appropriations, a bill for an act to provide an emergency appropriation for state aid to public schools for the education of physically handicapped children who attend the public schools in the State of Iowa, to be used for that purpose in the state fiscal year ending June 30, 1941.

Read first and second times and placed on calendar.

Senate File 513, by Committee on Appropriations, a bill for an act to provide for an emergency appropriation for the State Printing Board to permit said Board to function during the remainder of the biennium.

Read first and second times and placed on calendar.

Senate File 514, by Committee on Appropriations, a bill for an act to amend, revise and codify section eighty-four and twenty-six hundredths (84.26), section eighty-four and twenty-seven hundredths (84.27), section eighty-four and thirty hundredths (84.30), section eighty-four and thirty-one hundredths (84.31), section eighty-four and thirty-two hundredths (84.32), in chapter seven and one-tenth (7.1), the budget and financial control act, Code, 1939, relating to the execution of the budget, the expenditure of appropriations, the reversion and transfer of balances, the financial fiscal term, and the use of appropriations.

Read first and second times and placed on 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 indefinitely postponed the following bill, in which the concurrence of the House was asked:

Senate File 181, a bill for an act relating to life insurance for minors.

Also: That the House has indefinitely postponed the following bill, in which the concurrence of the House was asked:

Senate File 101, a bill for an act relating to the mutual life insurance companies.

Also: That the House has indefinitely postponed the following bill, in which the concurrent of the House was asked:

Senate File 183, a bill for an act relating to the receiving of life insurance proceeds.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 2, a bill for an act relating to certain requirements for the issuance of marriage licenses. A. C. GUSTAFSON, *Chief Clerk*.

#### HOUSE AMENDMENTS TO SENATE FILE 2

Amend section 1 by adding after the period in line 15: "No physician shall charge more than five dollars (\$5.00) for any one examination, including all laboratory tests in connection therewith."

Amend section 2, line 6, by adding the following after the word "health": "and furnished by the office of the clerk of the district court".

Amend section 4 by striking the period in line 8 and inserting a comma in lieu thereof, and adding the following words: "which affidavit shall be sealed and available only to the contracting parties or to any interested party securing an order of court."

Amend section 6 by striking in line ten (10) thereof the words, "as provided by the laws of this state" and substituting therefor the following: "by a fine not to exceed one hundred dollars (\$100.00) or by imprisonment in the county jail not to exceed thirty (30) days."

Amend section 8 by striking the period in line eight (8) after the word "reside" and inserting in lieu thereof a semicolon and by adding the following: "in case the residence of the applicant is in a state which requires no test, said applicant shall be granted a marriage license upon the presentation of a certificate declaring the freedom of disease as provided for in this bill duly signed by a licensed physician."

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 244.

EDWARD H. VRBA, *Chairman Senate Committee*.

GORDON SMITH, *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, Senate File 244.

## BILL SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report :

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 14th day of March, 1941, sent to the Governor for his approval: Senate File 244. EDWARD H. VRBA, *Chairman.*

Passed on file.

Senator Shaw moved that a committee be appointed from the members of the Senate to attend funeral services for Mrs. Robt. W. Colflesh, which motion prevailed.

The President appointed Senators Shaw, Donohue, Zeigler, Mercer and Corwin on the committee.

Senator Donohue called up the following concurrent resolution and moved its adoption :

## SENATE CONCURRENT RESOLUTION 17

*Be It Resolved by the Senate, the House concurring, that the Forty-ninth General Assembly adjourn sine die at five o'clock p. m. Thursday, April 10, 1941.*

E. P. DONOHUE.	DEWEY E. GOODE.
JOHN E. TALBOTT.	E. K. BEKMAN.
ROBT. W. HARVEY.	FRANK C. BYERS.
AI MILLER.	STANLEY L. HART.
CLARENCE L. CLARK.	J. T. DYKHOUSE.
G. W. HUNT.	ROBERT KEIR.
A. J. SHAW.	O. H. HENNINGSEN.
A. CLAIRE DEWEY.	D. D. FULLER.
J. KENDALL LYNES.	FRED CROMWELL.
E. P. CORWIN.	J. BERG.
RICHARD V. LEO.	ROSS R. MOWRY.
GEORGE FAUL.	FRANK PELZER.
DEVERE WATSON.	G. R. HILL.
C. V. FINDLAY.	K. A. EVANS.
HUGH W. LUNDY.	I. D. LONG.
R. E. HESS.	H. S. LOVE.
R. P. MUNGER.	PAUL P. STEWART.

The motion prevailed and the resolution was adopted.

Senator Donohue asked and received unanimous consent to have Senator concurrent resolution 17 immediately messaged to the House.

President Pro Tem Byers took the chair at 10:19 a. m.

### THIRD READING OF BILLS

On motion of Senator Elthon, House File 63, a bill for an act to amend section seven thousand four hundred seventy-seven (7477), seven thousand four hundred eighty-four (7484), seven thousand five hundred one (7501), one thousand one hundred seventy-one and twelve hundredths (1171.12), seven thousand four hundred twenty and twenty-eight hundredths (7420.28), seven thousand six hundred forty-four (7644), Code, 1939 relating to the rate of interest on bonds issued by drainage districts, on public warrants not paid for want of funds, on anticipatory warrants, and drainage warrants, was taken up and considered.

Senator Elthon 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:

Augustine	Findlay	Jones	Shaw
Bekman	Fuller	Keir	Sjulin
Berg	Goode	Leo	Stewart
Byers	Hart	Love	Talbott
Cromwell	Harvey	Lynes	Turner
Dewey	Hattery	Mercer	Vrba
Donohue	Henningsen	Miller	Watson
Dykhouse	Hess	Mowry	Whitehill
Elthon	Hill	Pelzer	Zeigler
Evans	Johnson		

Nays, none.

Absent or not voting, 12:

Baldwin	Corwin	Hamiel	Lundy
Benson	Emerson	Hunt	Martin
Clark	Faul	Long	Munger

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

Senator Munger took the chair at 10:25 a. m.

On motion of Senator Byers, House File 121, a bill for an act to amend section five thousand five hundred seventy and two tenths (5570.2), Code, 1939, by striking certain words therefrom relating to township tax levy for the purpose of obtaining fire equipment, was taken up and considered

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:**

Augustine	Emerson	Henningesen	Miller
Benson	Evans	Hess	Mowry
Berg	Faul	Hill	Munger
Byers	Findlay	Johnson	Sjulin
Clark	Fuller	Jones	Stewart
Corwin	Goode	Keir	Talbott
Cromwell	Hamiel	Leo	Turner
Dewey	Hart	Long	Vrba
Donohue	Harvey	Love	Whitehill
Elthon	Hattery	Lynes	Zeigler

Nays, none.

**Absent or not voting, 10:**

Baldwin	Hunt	Mercer	Shaw
Bekman	Lundy	Pelzer	Watson
Dykhousé	Martin		

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

Senator Donohue moved that when the Senate adjourns it adjourn until 10:00 a. m. Monday which 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 the direction of the Sargeant-at-Arms.

### JOINT CONVENTION

In accordance with Senate Concurrent Resolution 18 duly adopted, the joint convention was called to order, President Hickenlooper of the Senate presiding.

President Hickenlooper announced a quorum present and the joint convention duly organized.

Kuester of Cass moved that the joint convention now resolve into the committee of the whole for the purpose of considering



proposed legislation for the construction of a state office building. Motion prevailed.

Senator Donohue moved that Kuester of Cass preside over the deliberations of the committee.

Kuester of Cass moved as a substitute that Senator Berg of Black Hawk preside over the deliberations of the committee.

Substitute motion prevailed and Senator Berg was called to the chair to preside.

Heffner of Hamilton moved that the committee now rise. Motion prevailed.

Heffner of Hamilton moved that the Joint Convention be dissolved. Motion prevailed.

The Senate returned to the Senate Chamber and resumed regular session, President Hickenlooper presiding.

### EXECUTIVE SESSION

On motion of Senator Donohue the Senate went into executive session.

The Senate arose from the executive session and resumed regular session.

Senator Augustine filed the following resolution:

#### SENATE CONCURRENT RESOLUTION 19

*Whereas*, The state of Iowa is extremely anxious to obtain a part of the national defense industries, and

*Whereas*, An appropriation of \$50,000.00 has been made for this purpose, and

*Whereas*, Up to this time, Iowa has not received a fair share of these industries, and

*Whereas*, Due to lack of planning and proper information, the proposed army camp for southern Iowa was moved to another state, and

*Whereas*, There is at the present time, no recognized governmental body capable of furnishing adequate, coordinated and authentic information; therefore,

*Be It Resolved by the Senate, the House concurring:*

Section 1. The Governor of the state of Iowa be instructed to appoint at the earliest possible moment, a state planning board, composed as

nearly as possible of the membership of said board which was abolished by this legislature two years ago.

A. E. AUGUSTINE.  
H. C. BALDWIN.  
OSCAR E. JOHNSON.  
LEROY S. MERCER.  
EDWARD H. VERBA.

#### REPORTS OF COMMITTEES

Senator Berg submitted the following report:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 486, a bill for an act to create a commission to prepare and present a gift for the battleship Iowa and cruiser Des Moines, and to provide funds therefor, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 510, a bill for an act to make appropriations to Clarke county, Iowa, and Dr. C. R. Harken, Osceola, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 509, a bill for an act to make an appropriation to Glen Yates, Osage, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 507, a bill for an act to make an appropriation to Method of Economy Company, Des Moines, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 506, a bill for an act to make an appropriation to

Emmet county, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman*.

Ordered passed on file.

#### AMENDMENTS FILED

Amend Senate File 414 as follows:

Amend section 3 by striking the word "available" in line 29 and by inserting the word "available" immediately before the word "potash" in line 31, and by striking the words "soluble in water" in line 31.

Amend section 4 by striking the word "available" in line 17.

Further amend section 4 by striking lines 22, 23, 24 and 25.

Further amend section 4 by inserting the words "or calcined" immediately before the word "phosphates" in line 33.

Further amend section 4 by striking the words "brand of" in line 41 and inserting after the word "material" in line 42 the words "which is branded or trademarked".

Further amend section 4 by inserting immediately following the sentence which ends on line 51 the following: "Said registration or a renewal thereof may be renewed for the period of one (1) year by payment of a renewal fee of one (\$1.00) dollar."

Amend section 9 by inserting immediately before the word "analysis" in line 1 the words "sampling and".

Amend section 13 by inserting before the word "as" in line 2 the words "not inconsistent with this act".

E. P. CORWIN.

Amend Senate File 513 by striking section 2 and substituting therefor the following:

"This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Cambridge Leader, a newspaper published at Cambridge, Iowa, and Plain Talk, a newspaper published at Des Moines, Iowa."

GEORGE FAUL.

Amend House File 28 by adding thereto the following section:

"Sec. 3. The operator as defined in this chapter shall for the duration of such permit maintain the insurance and bond in force as provided in section five thousand one hundred five and fifteen hundredths (5105.15). A violation of the provisions of this act shall be cause for a revocation of such permit."

G. R. HILL.

Amend Senate File 211 as follows:

Amend section 2 by striking the quotation mark at the end of said section and add thereto the following: "The attendance requirement at said educational program or clinic shall not be conditioned upon membership in said Iowa Optometric Association. Non-members shall be admitted to said annual educational program or clinic upon payment of their pro rata share of the cost. In lieu of attendance at the said annual educational program or clinic, it shall be the duty of the Board of Optometry Examiners to recognize and approve attendance at local optometric study

group meetings as shall, in the judgment of said board, constitute an equivalent to attendance at the annual educational program of said association.”

E. K. BEKMAN.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 17, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. R. C. Schlueter, pastor of St. Pauls Lutheran Church of Waverly.

The Journal of March 14th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Hattery for the day on request of Senator Munger.

## PETITIONS AND MEMORIALS

By Senator Harvey, from residents of Harrison county, favoring passage of Senate File 454.

By the Fish and Game committee, from sportsmen of various counties, relative to open season for fishing.

By Senator Berg, from residents of Waterloo, favoring local option.

By Senator Miller, from members of the First Christian Church of Exira, favoring passage of Senate Files 443 and 444; also from members of the Washington Township Parent Teachers Association of Minburn, favoring passage of Senate File 291.

By Senator Shaw, from members of the town council of Thor, in opposition to Senate File 375; also from residents of Pocahontas county, in opposition to Senate File 291.

By Senator Findlay, from residents of Badger, in opposition to Senate File 198 and House File 164.

By Senator Long, from members of town council of Greeley, in opposition to Senate File 375 and House Files 377, 315 and 344.

By Senator Watson, from residents of Pottawattamie county, favoring passage of Senate Files 56 and 57 by Senator Bekman.

## INTRODUCTION OF BILLS

Senate File 515, by committee on claims, a bill for an act to make an appropriation to George C. Blachley, Des Moines, Iowa.

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

Senate File 516, by committee on livestock and marketing, a bill for an act providing for a chapter in the Code of Iowa providing for the sale of hogs at the option of the producer on a carcass grading basis at certain slaughtering establishments located within the state of Iowa.

Read first and second times and referred to sifting committee

Senator Pelzer moved that a committee of five be appointed to prepare a suitable memorial resolution commemorating the life of Harry B. Swan. The President appointed Senators Pelzer, Watson, Evans, Love and Turner on the committee.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 2, 24, 38, 50, 80, 83, 84, 87 and 65.

EDWARD H. VBRA, *Chairman Senate Committee.*

GORDON SMITH, *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 2, 24, 38, 50, 80, 83, 84, 87, and 65.

## THIRD READING OF BILLS

On motion of Senator Leo, House File 133, a bill for an act to amend section one thousand nine hundred five and fifty-six hundredths (1905.56), Code, 1939, relating to fines for violation of the provisions of chapter ninety-one and two tenths (91.2), Code, 1939, relating to real estate brokers, was taken up and considered.

Senator Leo 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, 37:**

Baldwin	Findlay	Long	Shaw
Benson	Fuller	Love	Sjulin
Byers	Goode	Lynes	Stewart
Clark	Hamiel	Martin	Talbott
Corwin	Harvey	Mercer	Turner
Cromwell	Hill	Miller	Vrba
Dewey	Jones	Mowry	Watson
Dykhouse	Keir	Munger	Whitehill
Emerson	Leo	Pelzer	Zeigler
Evans			

**Nays, none.**

**Absent or not voting, 13:**

Augustine	Elthon	Hattery	Hunt
Bekman	Faul	Henningsen	Johnson
Berg	Hart	Hess	Lundy
Donohue			

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, which motion prevailed.

On motion of Senator Dykhouse, House File 134, a bill for an act to amend section seventy-three hundred eleven (7311), Code, 1939, relating to lien and inheritance tax, was taken up and considered.

Senator Dykhouse asked and received unanimous consent to have action temporarily deferred on House File 134 and that it retain its place on the calendar.

On motion of Senator Watson, House File 149, a bill for an act to amend section one thousand fifty-nine (1059), Code, 1939, relating to bonds of public officers, was taken up and considered.

Senator Watson 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, 41:**

Augustine	Corwin	Faul	Hess
Baldwin	Cromwell	Findlay	Hill
Benson	Dewey	Fuller	Hunt
Berg	Dykhouse	Goode	Jones
Byers	Emerson	Hamiel	Keir
Clark	Evans	Harvey	Leo

Long	Miller	Sjulin	Vrba
Love	Mowry	Stewart	Watson
Lynes	Pelzer	Talbott	Whitehill
Martin	Shaw	Turner	Zeigler
Mercer			

Nays, none.

Absent or not voting, 9:

Bekman	Hart	Henningsen	Lundy
Donohue	Hattery	Johnson	Munger
Elthon			

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

Senator Watson 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.

On motion of Senator Cromwell, House File 152, a bill for an act to make chapter one hundred fifty-six (156), Acts of the Forty-seventh (47th) General Assembly, relating to civil service, applicable to cities acting under special charter, was taken up and considered.

Senator Cromwell 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:

Augustine	Evans	Jones	Mowry
Baldwin	Faul	Keir	Shaw
Benson	Findlay	Leo	Stewart
Clark	Fuller	Long	Talbott
Corwin	Goode	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hill	Martin	Watson
Dykhouse	Hunt	Mercer	Whitehill
Emerson	Johnson	Miller	Zeigler

Nays, none.

Absent or not voting, 14:

Bekman	Elthon	Henningsen	Munger
Berg	Hamiel	Hess	Pelzer
Byers	Hart	Lundy	Sjulin
Donohue	Hattery		

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

Senator Cromwell 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.



On motion of Senator Whitehill, House File 159, a bill for an act to amend section two thousand six hundred forty-four (2644), chapter one hundred twenty-eight (128), Code, 1939, relating to infectious and contagious diseases of animals, was taken up and considered.

Senator Whitehill 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:

Augustine	Findlay	Jones	Mowry
Benson	Fuller	Keir	Pelzer
Clark	Goode	Leo	Shaw
Corwin	Hamiel	Long	Stewart
Cromwell	Harvey	Love	Talbott
Dewey	Hess	Lynes	Turner
Emerson	Hill	Martin	Vrba
Evans	Hunt	Mercer	Watson
Faul	Johnson	Miller	Whitehill

Nays, none.

Absent or not voting, 14:

Baldwin	Donohue	Hattery	Munger
Bekman	Dykhouse	Henningsen	Sjulin
Berg	Elthon	Lundy	Zeigler
Byers	Hart		

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

Senator Whitehill 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.

On motion of Senator Vrba, House File 163, a bill for an act to amend chapter one hundred eighty-nine and five tenths (189.5), Code, 1939, relating to county homes, was taken up and considered.

Senator Vrba 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:

Augustine	Corwin	Faul	Harvey
Baldwin	Cromwell	Findlay	Hess
Benson	Dewey	Fuller	Hill
Byers	Emerson	Goode	Hunt
Clark	Evans	Hamiel	Johnson

Jones	Lundy	Mowry	Talbot
Keir	Lynes	Pelzer	Turner
Leo	Martin	Shaw	Vrba
Long	Mercer	Sjulin	Watson
Love	Miller	Stewart	Zeigler

Nays, none.

Absent or not voting, 10:

Bekman	Dykhouse	Hattery	Munger
Berg	Elthon	Henningsen	Whitehill
Donohue	Hart		

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

Senator Vrba 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.

On motion of Senator Lundy, House File 171, a bill for an act to make permanent a temporary transfer of funds in Marion County, Iowa, from the state insane fund to the general county fund of said county, was taken up and considered.

Senator Lundy 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:

Augustine	Faul	Jones	Miller
Baldwin	Keir	Keir	Mowry
Benson	Findlay	Leo	Pelzer
Byers	Fuller	Long	Shaw
Clark	Goode	Love	Sjulin
Corwin	Hamiel	Lundy	Stewart
Cromwell	Harvey	Lynes	Turner
Dewey	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Watson
	Johnson		

Nays, none.

Absent or not voting, 14:

Bekman	Elthon	Henningsen	Talbot
Berg	Evans	Hess	Whitehill
Donohue	Hart	Munger	Zeigler
Dykhouse	Hattery		

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

Senator Lundy 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.

On motion of Senator Leo, House File 190, a bill for an act to legalize the proceedings in the platting of Wamser's Addition to the town of Keystone, in Benton county, Iowa, was taken up and considered.

Senator Leo 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, 41:**

Augustine	Findlay	Keir	Pelzer
Baldwin	Fuller	Leo	Shaw
Benson	Goode	Long	Sjulin
Byers	Hamiel	Love	Stewart
Clark	Harvey	Lundy	Talbott
Corwin	Hess	Lynes	Turner
Cromwell	Hill	Martin	Vrba
Dewey	Hunt	Mercer	Watson
Dykhouse	Johnson	Miller	Whitehill
Emerson	Jones	Mowry	Zeigler
Faul			

**Nays, none.**

**Absent or not voting, 9:**

Bekman	Elthon	Hart	Henningsen
Berg	Evans	Hattery	Munger
Donohue			

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, which motion prevailed.

On motion of Senator Dykhouse, the Senate resumed consideration of House File 134.

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, 40:**

Augustine	Faul	Johnson	Miller
Baldwin	Findlay	Jones	Mowry
Benson	Fuller	Keir	Pelzer
Byers	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Harvey	Love	Talbott
Cromwell	Henningsen	Lundy	Vrba
Dewey	Hess	Lynes	Watson
Dykhouse	Hill	Martin	Whitehill
Emerson	Hunt	Mercer	Zeigler

Nays, none.

Absent or not voting, 10:

Bekman	Elthon	Hattery	Shaw
Berg	Evans	Munger	Turner
Donohue	Hart		

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, which motion prevailed.

On motion of Senator Sjulín, House File 209, a bill for an act to amend section two thousand three hundred eighteen (2318), Code, 1939, relating to death certificates, burial and removal permits and providing an exception for filing same, where it is impossible to secure such certificate, burial or removal permit without delay, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Sjulín 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, 39:

Augustine	Faul	Jones	Pelzer
Baldwin	Findlay	Keir	Shaw
Benson	Fuller	Leo	Sjulín
Eyers	Goode	Long	Stewart
Clark	Hamiel	Lundy	Talbott
Corwin	Harvey	Lynes	Turner
Cromwell	Henningsen	Martin	Watson
Dewey	Hess	Mercer	Whitehill
Dykhouse	Hill	Miller	Zeigler
Emerson	Hunt	Mowry	

Nays, none.

Absent or not voting, 11:

Bekman	Elthon	Hattery	Munger
Berg	Evans	Johnson	Vrba
Donohue	Hart	Love	

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

Senator Sjulín 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.

On motion of Senator Hill, House File 223, a bill for an act to amend section six thousand nine hundred forty-three and ninety-four thousandths (6943.094), Code, 1939, to provide a limitation of the time in which the State Tax Commission shall have power to examine the books, papers, records or memoranda of any taxpayer, was taken up and considered.

The amendment was adopted.

Senator Dykhouse offered the following amendment and moved its adoption:

Amend House File 223 by striking from lines 7 and 10 the words and figures "three (3)" and inserting in lieu thereof the words and figures "five (5)".

Senator Cromwell offered the following amendment and moved its adoption:

Amend House File 223 by putting quotation marks around the word "memoranda" in line 4 of section 1.

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, 39:

Augustine	Faul	Jones	Munger
Baldwin	Findlay	Keir	Pelzer
Benson	Fuller	Leo	Shaw
Byers	Goode	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Harvey	Lynes	Talbott
Cromwell	Henningsen	Martin	Turner
Dewey	Hill	Mercer	Watson
Dykhouse	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	

Nays, 1:

Zeigler

Absent or not voting, 10:

Bekman	Elthon	Hattery	Lundy
Berg	Evans	Hess	Vrba
Donohue	Hart		

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, which motion prevailed.

Senator Sjulín asked and received unanimous consent to be recorded as voting "Aye" on House File 223.

On motion of Senator Hill, House File 224, a bill for an act to amend section six thousand nine hundred forty-three and ninety-seven thousandths (6943.097) providing for a limitation of time during which claims for refund may be allowed by the state tax commission, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Dykhóuse offered the following amendment and moved its adoption :

Amend House File 224 by striking from line 6 the word "three" and inserting in lieu thereof the word "five".

The amendment was adopted.

Senator Cromwell offered the following amendment and moved its adoption :

Amend House File 224 by inserting after the word "five" in line 6 of section 1 the following: "(5)".

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, 39:

Augustine	Evans	Leo	Pelzer
Baldwin	Findlay	Long	Shaw
Benson	Fuller	Love	Sjulín
Byers	Goode	Lundy	Stewart
Clark	Hamiel	Lynes	Talbott
Corwin	Harvey	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Watson
Dykhóuse	Jones	Mowry	Whitehill
Emerson	Keir	Munger	

Nays, none.

Absent or not voting, 11:

Bekman	Elthon	Hattery	Johnson
Berg	Faul	Henningsen	Zeigler
Donohue	Hart	Hess	

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, which motion prevailed.

On motion of Senator Hill, House File 238, a bill for an act to amend section six thousand nine hundred forty-three and ninety-two thousandths (6943.092), Code, 1939, to authorize the state tax commission to destroy all useless records and reports and other papers filed by taxpayers after five (5) years from the date of the filing of such records with the commission, with report of committee recommending passage, was taken up, considered, and the report of the committee 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, 41:

Augustine	Findlay	Keir	Pelzer
Baldwin	Fuller	Leo	Shaw
Berg	Goode	Love	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Harvey	Lynes	Talbott
Corwin	Henningsen	Martin	Turner
Cromwell	Hess	Mercer	Vrba
Dewey	Hill	Miller	Watson
Dykhouse	Hunt	Mowry	Whitehill
Emerson	Jones	Munger	Zeigler
Evans			

Nays, none.

Absent or not voting, 9:

Bekman	Elthon	Hart	Johnson
Benson	Faul	Hattery	Long
Donohue			

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

Senator Hill offered the following amendment to the title and moved its adoption:

Amend House File 238 by striking from line five (5) of the title the words and figure "five (5) years from the date of" and substituting therefor the words "certain periods of time after".

The amendment was adopted, and the title as amended 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, which motion prevailed.

On motion of Senator Dewey, House File 310, a bill for an act to legalize action of the city council of the city of Mount Pleasant, Iowa, in entering into a certain lease with the Mount Pleasant Independent School District relative to the use of a portion of what is known as the Fairgrounds for a term of years for football and other athletic games and practice, was taken up and considered.

Senator Dewey 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, 41:

Augustine	Findlay	Keir	Munger
Baldwin	Fuller	Leo	Pelzer
Benson	Goode	Long	Shaw
Berg	Hamiel	Love	Sjulin
Clark	Harvey	Lundy	Stewart
Corwin	Henningsen	Lynes	Talbott
Cromwell	Hess	Martin	Vrba
Dewey	Hill	Mercer	Watson
Dykhouse	Johnson	Miller	Whitehill
Emerson	Jones	Mowry	Zeigler
Evans			

Nays, none.

Absent or not voting, 9:

Bekman	Elthon	Hart	Hunt
Byers	Faul	Hattery	Turner
Donohue			

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

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

On motion of Senator Hill, House File 320, a bill for an act to legalize all acts and proceedings relating to the transfer of funds, on November 15, 1932, from the insane fund to the poor fund of Hardin County, Iowa, and making such transfer permanent, was taken up and considered.

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

Senator Talbott took the chair at 11:40 a. m.

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



**Ayes, 40:**

Augustine	Findlay	Jones	Mowry
Baldwin	Fuller	Keir	Pelzer
Benson	Goode	Leo	Shaw
Clark	Hamiel	Long	Sjulin
Corwin	Harvey	Love	Stewart
Cromwell	Henningsen	Lundy	Talbott
Dewey	Hess	Lynes	Vrba
Dykhouse	Hill	Martin	Watson
Emerson	Hunt	Mercer	Whitehill
Evans	Johnson	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 10:**

Bekman	Donohue	Hart	Munger
Berg	Elthon	Hattery	Turner
Byers	Faul		

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, which motion prevailed.

On motion of Senator Cromwell, Senate File 391, a bill for an act to amend section eight hundred ninety-three (893), Code, 1939, relating to double election boards, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell 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:**

Augustine	Evans	Jones	Munger
Baldwin	Faul	Keir	Pelzer
Bekman	Findlay	Leo	Shaw
Benson	Fuller	Long	Stewart
Byers	Goode	Love	Talbott
Clark	Hamiel	Lundy	Turner
Corwin	Harvey	Martin	Watson
Cromwell	Henningsen	Mercer	Whitehill
Dewey	Hill	Mowry	Zeigler
Dykhouse	Johnson		

**Nays, none.**

**Absent or not voting, 12:**

Berg	Emerson	Hess	Miller
Donohue	Hart	Hunt	Sjulin
Elthon	Hattery	Lynes	Vrba

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

Senator Cromwell 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.

Senator Johnson asked and received unanimous consent to present forty girls from the Kanawha school, who were present in the balcony.

Senator Byers asked and received unanimous consent to present Professor Lindsay and a class from the Mt. Vernon High School, who were present in the balcony.

act to amend section five hundred seventy-three (573), Code, 1939,

On motion of Senator Cromwell, Senate File 392, a bill for an relating to nominations by primary election, with report recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell 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:**

Augustine	Faul	Keir	Munger
Baldwin	Findlay	Leo	Pelzer
Bekman	Fuller	Long	Shaw
Berg	Goode	Lundy	Stewart
Byers	Hamiel	Lynes	Talbott
Clark	Harvey	Martin	Turner
Corwin	Henningsen	Mercer	Watson
Cromwell	Hill	Miller	Whitehill
Dewey	Johnson	Mowry	Zeigler
Dykhouse	Jones		

**Nays, none.**

**Absent or not voting, 12:**

Benson	Emerson	Hattery	Love
Donohue	Evans	Hess	Sjulin
Elthon	Hart	Hunt	Vrba

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

Senator Cromwell 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.

On motion of Senator Cromwell, Senate File 393, a bill for an act to amend section eight hundred fifty (850), Code, 1939, relating to canvass of votes, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell 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:**

Augustine	Fuller	Long	Pelzer
Bekman	Goode	Love	Shaw
Berg	Hamiel	Lundy	Sjulin
Byers	Henningsen	Lynes	Stewart
Cromwell	Hill	Martin	Talbott
Dewey	Johnson	Mercer	Watson
Dykhouse	Jones	Mowry	Whitehill
Faul	Keir	Munger	Zeigler
Findlay	Leo		

**Nays, none.**

**Absent or not voting, 16:**

Baldwin	Donohue	Hart	Hunt
Benson	Elthon	Harvey	Miller
Clark	Emerson	Hattery	Turner
Corwin	Evans	Hess	Vrba

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

Senator Cromwell 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.

Senator Byers offered the following resolution:

#### SENATE CONCURRENT RESOLUTION 20

*Be It Resolved by the Senate, the House Concurring:*

That all printed Senate files and House files remaining in the file rooms of the Senate chamber and House chamber at the time of the sine die adjournment of the 49th General Assembly shall be preserved, and they shall be kept in said file rooms until the commencement of the 50th General Assembly, and shall be under the control of the Iowa State Law Librarian. Any member of the General Assembly or State official shall be entitled to receive a copy of any such bill upon making a written request to the Iowa State Law Librarian.

On motion of Senator Mowry, the Senate recessed until 1:30 p. m.

## AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

## THIRD READING OF BILLS

On motion of Senator Cromwell, Senate File 394, a bill for an act to amend section nine hundred fifty (950), Code, 1939, relating to absent voters law, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell offered the following amendment and moved its adoption:

Amend Senate File 394 by adding to section 1 the following paragraph:  
4. By striking the word "immediately" from lines 3 and 4 thereof.

The amendment was adopted.

Senator Cromwell 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, 37:

Augustine	Dykhouse	Hess	Martin
Baldwin	Emerson	Hill	Mowry
Bekman	Faul	Hunt	Munger
Benson	Findlay	Johnson	Shaw
Berg	Fuller	Jones	Stewart
Byers	Goode	Keir	Talbott
Clark	Hamiel	Leo	Vrba
Corwin	Hart	Long	Whitehill
Cromwell	Henningsen	Lynes	Zeigler
Donohue			

Nays, none.

Absent or not voting, 13:

Dewey	Hattery	Mercer	Sjulin
Elthon	Love	Miller	Turner
Evans	Lundy	Peizer	Watson
Harvey			

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

Senator Cromwell 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.

Senator Goode moved that, when the Senate reconvenes after the joint convention, it adjourn until 10:00 a. m. Tuesday.

## COMMITTEE FROM THE HOUSE

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

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

## JOINT CONVENTION

In accordance with House Concurrent Resolution 26, duly adopted, the Joint Convention was called to order, Lieutenant Governor B. B. Hickenlooper, President of the Senate presiding.

Pine of Louisa moved that a committee be appointed to escort Mr. John Cowles, President of the Minneapolis Star Journal Company, to the Speaker's rostrum. Motion prevailed and the president appointed as such committee: Senators Hart of Lee and Hunt of Clayton, Representatives Hocum of Buena Vista and Irwin of Lee.

The committee waited upon Mr. Cowles and escorted him to the Speaker's rostrum.

Representative Irwin of Lee was introduced by the president of the Joint Convention, who introduced Mr. Cowles. Mr. Cowles delivered an address on conditions in England as seen on his recent trip there.

On motion by Gregory of Dallas the Joint Convention was dissolved.

The Senate returned to the Senate chamber and resumed regular session. President Hickenlooper presiding.

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 15th he had approved the following:

Senate File 244, relating to appropriations for state institutions and duties of the executive council in relation thereto.

## AMENDMENTS FILED

Amend Senate File 504, section 14, line 50, by inserting after the word "storage" the following "of the bulk grain plus the minimum amount which would have been required for the exclusive storage".

Further amend section 17, line 16, by adding the following after the word "by" "a warehouseman and stored by him in his own warehouse".

Also amend section 32, line 19, by striking out the word "is" and insert the word "and".

Also amend section 38, line 6, by striking out the "comma" and insert a "semicolon".

Also amend section 38, line 11, by striking out the "comma" and insert a "semicolon".

PAUL P. STEWART.

Amend Senate File 459 as follows:

Strike all of section 1 following the colon (:) after the word "to-wit" in line 12 and insert in lieu thereof the following:

Item 1. Secretary's cash balance at beginning of current fiscal year,	\$.....
Item 2. Unapportioned balance of previous year's tax levy,	\$.....
Item 3. Anticipated receipts from sources other than taxation to be received during current fiscal year,	\$.....
Item 4. Total of Items 1, 2 and 3,	\$.....
Item 5. Total anticipated expenditures during current year (not in excess of budget estimate),	\$.....
Item 6. Reserve for delinquency in tax collection (not in excess of delinquency in previous tax collection year),	\$.....
Item 7. Amount, if any, to be transferred immediately out of surplus to the school house fund,	\$.....
Item 8. Total of Items 5, 6 and 7,	\$.....
Item 9. Unencumbered cash balance (excess, if any, of Item 4 over Item 8),	\$....."

Further amend by striking the remainder of section 3 following the word "assessed" in line 11.

RALPH E. BENSON.

Amend Senate File 436 by striking everything after the enacting clause and substituting in lieu thereof the following:

Section 1. Section eleven thousand nine hundred seventy (11970), Code, 1939, is hereby amended by striking out line ten (10) and by striking out the figure "5" at the commencement of line eleven (11) and inserting in lieu thereof the figure "4".

Sec. 2. Section eleven thousand nine hundred seventy-two (11972), Code, 1939, is hereby amended by striking from line one (1) the words, and comma "of the fourth of the above classes," and by striking from line two (2) the words "and allowed, or if filed and notice" and by striking from line three the first word and comma "thereof," and by striking from said line three the words "is not served" and by striking from line four (4) the word "twelve" and inserting in lieu thereof the word "six".

Sec. 3. Section eleven thousand nine hundred eighty (11980), Code,

1939, is hereby amended by striking from the first line the word "twelve" and inserting in lieu thereof the word "six".

Sec. 4. Section eleven thousand nine hundred seventy-four (11974), Code, 1939, is hereby repealed.

FRED CROMWELL.

Amend Senate File 414 by inserting the following sentence after the period following the word "pounds" in line 11, section 6:

"Payment of said license fee by the manufacturer or importer shall exempt all other persons from such requirement."

E. P. CORWIN.

Amend Senate File 385 by striking the word "The" at the beginning of line 4 and substituting in lieu thereof the following: "Notwithstanding the provisions of any laws to the contrary, the".

GEORGE FAUL.

Amend Senate File 375 by striking the words "before" in line 1 of section 2 and substituting therefor the following: "In all cities and towns having a population in excess of five hundred (500), before".

GEORGE FAUL.

Amend Senate File 257 by adding thereto a new section as follows:

"Sec. 2. Section five thousand six hundred sixty-nine (5669), Code, 1939, is further amended by adding thereto after paragraph two (2) of said section the following paragraph: 'In cities of the first class having a population of more than forty-five thousand the compensation of the assessor shall be three thousand dollars (\$3,000.00) per year; in cities of the first class having a population of more than forty thousand and under forty-five thousand the compensation of the assessor shall be two thousand eight hundred dollars (\$2,800.00) per year.'"

EDWARD H. VRBA.

Amend Senate File 508 as follows:

1. Amend paragraph (b) of section two (2) to read as follows:

"City" shall mean any city (or town) in the state (including any city operating under special charter, under commission government, or under management plan), and "county" shall mean any county in the state in or in the vicinity of which there is or shall be located a national defense project (defined to mean and include an ordnance plant or depot, military establishment, arsenal, airfield, powder plant, munitions plant or depot or similar project connected with and essential to the national defense), or a manufacturing plant connected with and essential to the national defense and producing defense articles (defined to mean and include any weapon, munition, aircraft, vessel, or boat for use in national defense, or any machinery, facility, tool, material or supply, or component material, part or equipment necessary for the manufacture, production, processing, repair, servicing or operation of any such weapon, munition, aircraft, vessel or boat).

2. Amend section three (3) by substituting for the first two (2) paragraphs thereof the following:

"In each city and county as hereinbefore defined there is hereby authorized to be created a public body corporate and politic to be known as the 'Housing Authority' of the city or county. The creation of such housing

authority may be effected by the adoption by the governing body of the city or county of a resolution declaring that there is need for the authority to function in such city or county. The determination of the governing body as to whether there is need for such an authority (a) may be made by the governing body on its own motion, or (b) may be made by the governing body upon the filing of a petition signed by one hundred (100) qualified voters residing in said city or county asserting that there is need for the authority to function in such city or county and requesting that the governing body so declare.

"The governing body may adopt a resolution declaring that there is a need for the housing authority to function in the city or county, as the case may be, (1) if it finds (and only if it finds) (a) that there is located in or in the vicinity of the city or county, as the case may be, a national defense project or manufacturing plant, connected with and essential to the national defense program and producing defense articles, which has resulted in a shortage of safe and sanitary dwelling accommodations in such city or county; (b) that unsafe or unsanitary inhabited dwelling accommodations exist in such city or county; and (c) that there is a shortage of safe and sanitary dwelling accommodations in such city or county available to persons of low incomes at rentals they can afford to pay; and (2) if such findings are approved in writing by the Iowa Industrial and Defense Commission."

FRED CROMWELL.

On motion of Senator Goode, the Senate adjourned until 10:00 a. m. Tuesday.



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 18, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Joseph L. Knutson, pastor of the Salem Lutheran Church of Lake Mills.

The Journal of March 17th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Zeigler for the day, on request of Senator Keir; Senator Henningsen for the day, on request of Senator Dykhouse; Senator Fuller for the day, on request of Senator Munger.

## PETITIONS AND MEMORIALS

By Senator Miller, from residents of Dallas county, relative to appropriation to county farm bureaus.

By Senator Harvey, from residents of Carroll and Crawford counties, in opposition to the proposed county unit school bill.

By Senator Shaw, from members of the Independent School District Lincoln No. 6 of Pocahontas county, in opposition to the proposed county unit school bill.

By Senator Keir, from residents of Sioux City, in opposition to House File 298.

By Senator Cromwell, from the secretary of the Burlington Trades and Labor Assembly of Burlington, favoring passage of Senate File 508.

By Senator Elthon, from residents of Osage, relative to the loss-leader bill.

By Senator Hill, from residents of Hamilton county, favoring passage of Senate File 157.

By Senator Talbott, from teachers of Poweshiek county, relative to the minimum wage for teachers.

## INTRODUCTION OF BILLS

Senate File 517, by committee on conservation, a bill for an act to amend chapter eighty-six (86), Code, 1939, relating to fish and game conservation, and chapter eighty-six and one tenth (86.1), Code, 1939, relating to fish and game licenses, and contraband articles used in violating provisions of said chapter or regulations adopted by the state conservation commission and the exemption of certain articles therefrom.

Read first and second times and referred to sifting committee.

Senate File 518, by committee on conservation, a bill for an act to amend section eighteen hundred twenty-eight and two hundredths (1828.02), Code, 1939, relating to the speed limit on state park roads.

Read first and second times and referred to sifting committee.

Senator Munger asked and received unanimous consent to have Senate File 497 rereferred to the claims committee.

Senator Hattery asked and received unanimous consent to present a class from the Nevada High School who were present in the balcony.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 116, 117, 118, and 250.

*EDWARD H. VRBA, Chairman Senate Committee.*

*GORDON SMITH, 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 116, 117, 118, and 250.

Senator Harvey asked and received unanimous consent to present the music class from the Whiting school who were present in the balcony.

Senator Miller asked and received unanimous consent to present

a group of students from the Menlo school who were present in the balcony.

Senator Benson asked and received unanimous consent to present the Sac City representatives to the Music Education Conference who were present in the Senate chamber.

President Pro Tem Byers took the chair at 10:16 a. m.

### THIRD READING OF BILLS

On motion of Senator Munger, Senate File 480, a bill for an act to make appropriations to Myrtle Hicks, Clarinda, Iowa; Charles W. Matheson, Numa, Iowa; Mrs. Cecil Meidlinger, Council Bluffs, Iowa; and Hazel J. Smith, Clarinda, Iowa, with report of committee was taken up, considered, and the report of the committee adopted.

The following committee amendment was considered:

Amend Senate File 480 as follows:

1. By striking all of lines 19, 20, 21, 22, and 23 of section 1.
2. By striking from line 3 of the title the following: "; and Hazel J. Smith, Clarinda, Iowa".

The amendment was adopted.

Senator Munger 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, 39:

Augustine	Emerson	Johnson	Pelzer
Benson	Evans	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lynes	Turner
Cromwell	Harvey	Martin	Vrba
Dewey	Hattery	Miller	Watson
Dykhouse	Hess	Mowry	Whitehill
Elthon	Hill	Munger	

Nays, none.

Absent or not voting, 11:

Baldwin	Faul	Hunt	Mercer
Bekman	Fuller	Long	Zeigler
Donohue	Henningsen	Lundy	

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

Senator Munger 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.

On motion of Senator Cromwell, Senate File 395, a bill for an act to amend section nine hundred twenty-three (923), Code, 1939, relating to voting machines, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell 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:

Augustine	Evans	Johnson	Munger
Benson	Faul	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Hart	Love	Talbott
Cromwell	Harvey	Lynes	Turner
Dykhouse	Hattery	Martin	Vrba
Elthon	Hess	Miller	Watson
Emerson	Hill	Mowry	Whitehill

Nays, none.

Absent or not voting, 10:

Baldwin	Donohue	Hunt	Mercer
Bekman	Fuller	Lundy	Zeigler
Dewey	Henningsen		

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

Senator Cromwell 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.

On motion of Senator Benson, Senate File 458, a bill for an act to legalize the payment of refund warrants issued on soldiers homestead exemption for the tax year of 1938 and to legalize the transfer of four hundred fifteen dollars (\$415.00) from the general county fund to the homestead credit fund by the board of supervisors of Greene county, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Benson 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:

Augustine	Goode	Keir	Shaw
Benson	Hamiel	Leo	Sjulin
Byers	Hart	Long	Stewart
Clark	Harvey	Martin	Talbott
Corwin	Hattery	Miller	Turner
Cromwell	Hess	Mowry	Vrba
Dewey	Hill	Munger	Watson
Emerson	Johnson	Pelzer	Whitehill
Findlay	Jones		

Nays, none.

Absent or not voting, 16:

Baldwin	Dykhousé	Fuller	Lundy
Bekman	Elthon	Henningsen	Lynes
Berg	Evans	Hunt	Mercer
Donohue	Faul	Love	Zeigler

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

Senator Benson 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.

On motion of Senator Munger, Senate File 315, a bill for an act to amend section five thousand seven hundred seventy-three (5773), Code, 1939, relating to general powers of cities and towns to erect, purchase, or remodel a city or town hall, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Munger 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:

Baldwin	Emerson	Hill	Munger
Bekman	Faul	Keir	Pelzer
Benson	Findlay	Leo	Shaw
Byers	Goode	Long	Stewart
Clark	Hamiel	Lundy	Talbott
Corwin	Hart	Lynes	Turner
Cromwell	Harvey	Martin	Watson
Dewey	Hattery	Miller	Whitehill
Dykhousé	Hess	Mowry	

Nays, none.

## Absent or not voting, 15:

Augustine	Evans	Johnson	Sjulin
Berg	Fuller	Jones	Vrba
Donohue	Henningsen	Love	Zeigler
Elthon	Hunt	Mercer	

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

Senator Munger 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.

On motion of Senator Munger, Senate File 376, a bill for an act to amend section six thousand two hundred eleven (6211), chapter three hundred seventeen (317), Code, 1939, relating to general powers of cities and towns to levy special taxes to build, purchase or remodel a city or town hall, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Munger offered the following amendment and moved its adoption:

Amend Senate File 376 by inserting after the word "and" and before the word "purchase" in line 4 section 1 the word "to".

The amendment was adopted.

Senator Munger 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:

Baldwin	Elthon	Hill	Mowry
Bekman	Emerson	Hunt	Munger
Benson	Evans	Johnson	Pelzer
Berg	Faul	Keir	Shaw
Byers	Findlay	Leo	Sjulin
Clark	Goode	Long	Stewart
Corwin	Hamiel	Lundy	Talbott
Cromwell	Harvey	Lynes	Turner
Dewey	Hattery	Martin	Vrba
Dykhouse	Hess	Miller	Watson

Nays, none.

## Absent or not voting, 10:

Augustine	Hart	Love	Whitehill
Donohue	Henningsen	Mercer	Zeigler
Fuller	Jones		

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

Senator Munger 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.

On motion of Senator Corwin, Senate File 414, a bill for an act to repeal chapter one hundred fifty-four (154), Code, 1939, and to enact a substitute therefor, relating to the regulation of the registration, sale, inspection, sampling and analysis of commercial fertilizers, superphosphates and fertilizer materials in the state of Iowa, was taken up and considered.

Senator Corwin offered the following amendments and moved their adoption:

Amend section 3 by striking the word "available" in line 29 and by inserting the word "available" immediately before the word "potash" in line 31, and by striking the words "soluble in water" in line 31.

Amend section 4 by striking the word "available" in line 17.

Further amend section 4 by striking lines 22, 23, 24 and 25.

Further amend section 4 by inserting the words "or calcined" immediately before the word "phosphates" in line 33.

Further amend section 4 by striking the words "brand of" in line 41 and inserting after the word "material" in line 42 the words "which is branded or trademarked".

Further amend section 4 by inserting immediately following the sentence which ends on line 51 the following: "Said registration or a renewal thereof may be renewed for the period of one (1) year by payment of a renewal fee of one (\$1.00) dollar."

Amend section 9 by inserting immediately before the word "analysis" in line 1 the words "sampling and".

Amend section 13 by inserting before the word "as" in line 2 the words "not inconsistent with this act."

Amend by inserting the following sentence after the period following the word "pounds" in line 11, section 6:

"Payment of said license fee by the manufacturer or importer shall exempt all other persons from such requirement."

Amend by striking all of section nineteen (19) thereof and insert in lieu thereof the following:

"This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Muscatine Journal, a newspaper published at Muscatine, Iowa, and the West Liberty Index, a newspaper published at West Liberty, Iowa."

The amendments were adopted.

Senator Corwin 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, 42:

Augustine	Elthon	Johnson	Mowry
Baldwin	Emerson	Jones	Munger
Bekman	Evans	Keir	Pelzer
Benson	Faul	Leo	Sjulin
Berg	Findlay	Long	Stewart
Byers	Goode	Love	Talbott
Clark	Hamiel	Lundy	Turner
Corwin	Hart	Lynes	Vrba
Cromwell	Harvey	Martin	Watson
Dewey	Hill	Miller	Whitehill
Dykhouse	Hunt		

Nays, none.

Absent or not voting, 8:

Donohue	Hattery	Hess	Shaw
Fuller	Henningsen	Mercer	Zeigler

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

Senator Corwin 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.

On motion of Senator Faul, Senate File 385, a bill for an act to amend chapter one hundred eighty-nine and four tenths (189.4), Code, 1939, relating to use of poor fund by the county board of supervisors, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 385 by striking the word "The" at the beginning of line 4 and substituting in lieu thereof the following: "Notwithstanding the provisions of any laws to the contrary, the".

The amendment was adopted.

Senator Faul 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, 39:

Augustine	Corwin	Faul	Hunt
Baldwin	Cromwell	Findlay	Jones
Bekman	Dewey	Goode	Keir
Benson	Dykhouse	Hart	Long
Berg	Elthon	Hattery	Love
Byers	Emerson	Hess	Lundy
Clark	Evans	Hill	Lynes



Martin	Shaw	Talbott	Watson
Miller	Sjulin	Turner	Whitehill
Mowry	Stewart	Vrba	

Nays, none.

Absent or not voting, 11:

Donohue	Harvey	Leo	Pelzer
Fuller	Henningsen	Mercer	Zeigler
Hamiel	Johnson	Munger	

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

Senator Faul 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.

On motion of Senator Goode, Senate File 341, a bill for an act to authorize payment by the State Highway Commission of claims, not exceeding one hundred dollars (\$100.00) for any one claim, against the state of Iowa for damages growing out of the construction or maintenance of highways, was taken up and considered.

Senator Goode 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, 41:

Augustine	Emerson	Hill	Miller
Baldwin	Evans	Hunt	Mowry
Bekman	Faul	Johnson	Munger
Benson	Findlay	Keir	Pelzer
Berg	Goode	Leo	Sjulin
Byers	Hamiel	Long	Stewart
Clark	Hart	Love	Talbott
Corwin	Harvey	Lundy	Vrba
Cromwell	Hattery	Lynes	Watson
Dewey	Hess	Martin	Whitehill
Elthon			

Nays, none.

Absent or not voting, 9:

Donohue	Henningsen	Mercer	Turner
Dykhouse	Jones	Shaw	Zeigler
Fuller			

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

Senator Goode 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.

Senator Elthon asked and received unanimous consent to present a group of young people from Defiance, Ohio, who were in Des Moines to attend the Music Education Conference. The young people sang several selections before the Senate.

On motion of Senator Watson, Senate File 320, a bill for an act to amend chapter four hundred seventy-one (471), Code, 1939, relating to temporary writs of injunction in divorce or marriage annulment cases, was taken up and considered.

Senator Watson 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:

Augustine	Emerson	Keir	Munger
Baldwin	Evans	Leo	Pelzer
Bekman	Findlay	Long	Shaw
Benson	Hamiel	Love	Sjulin
Berg	Hart	Lundy	Stewart
Byers	Harvey	Lynes	Talbott
Corwin	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Watson
Dykhouse	Jones	Mowry	Whitehill

Nays, none.

Absent or not voting, 10:

Clark	Faul	Hattery	Johnson
Donohue	Fuller	Henningsen	Zeigler
Elthon	Goode		

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

Senator Watson 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.

On motion of Senator Hunt, Senate File 220, a bill for an act to amend sections one thousand one hundred seventy-one and seven hundredths (1171.07), one thousand one hundred seventy-two (1172) and eight thousand three hundred twelve (8312), Code, 1939, relating to the publication of certain advertisements and notices, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hunt 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:**

Augustine	Elthon	Johnson	Mowry
Baldwin	Emerson	Jones	Munger
Bekman	Evans	Keir	Pelzer
Benson	Findlay	Leo	Shaw
Berg	Goode	Long	Sjulin
Byers	Hamiel	Love	Stewart
Clark	Hart	Lundy	Talbott
Corwin	Harvey	Lynes	Turner
Cromwell	Hess	Martin	Vrba
Dewey	Hill	Mercer	Watson
Dykhouse	Hunt	Miller	Whitehill

**Nays, none.**

**Absent or not voting, 6:**

Donohue	Fuller	Henningsen	Zeigler
Faul	Hattery		

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

Senator Hunt 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.

On motion of Senator Munger, Senate File 506, a bill for an act to make an appropriation to Emmet county, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 39:**

Augustine	Elthon	Johnson	Mowry
Baldwin	Emerson	Jones	Munger
Bekman	Evans	Keir	Pelzer
Benson	Findlay	Leo	Shaw
Byers	Goode	Love	Stewart
Clark	Hamiel	Lundy	Talbott
Corwin	Hart	Lynes	Turner
Cromwell	Harvey	Martin	Vrba
Dewey	Hess	Mercer	Watson
Dykhouse	Hill	Miller	

**Nays, none.**

**Absent or not voting, 11:**

Berg	Fuller	Hunt	Whitehill
Donohue	Hattery	Long	Zeigler
Faul	Henningsen	Sjulin	

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

Senator Munger 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.

Senator Munger asked and received unanimous consent to have Senate Files 480 and 506 immediately messaged to the House.

#### 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 35, a bill for an act providing for the taking of blood specimens of persons arrested for certain offenses.

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

House File 26, a bill for an act relating to the appointment of notaries public.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 28, relating to the suppression of vice in the vicinity of military and naval camps.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 152, a bill for an act relating to mileage allowances of public officers and employees.

Also: That the House has concurred in Senate amendments to and passed House File 31, a bill for an act to make an appropriation for the payment of current and miscellaneous expenses of the General Assembly of the state of Iowa.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 152

Amend Senate File 152 by striking the comma immediately preceding the word "Code" in the last line of the bill and inserting in lieu thereof the following: "section five thousand one hundred ninety-one (5191) and section two thousand six hundred eighty-two (2682),".

#### HOUSE CONCURRENT RESOLUTION 28

Concurrent Resolution memorializing the Congress of the United States relative to the early consideration and passage of Senate File 860.

*Whereas,* There is now pending before the Congress of the United

States proposed legislation, designated as Senate File 860, providing for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; and

*Whereas*, The federal government has located in the state of Iowa, and may hereafter locate in this state, an ordnance plant or other plant or plants which it may deem desirable in the development of the national defense; and

*Whereas*, It is desirable in the interest of the common defense to provide for the suppression of all forms of vice in the vicinity of such plants or projects, and the people of the state of Iowa are greatly interested in the passage of such legislation; now, therefore,

*Be It Resolved by the House of Representatives, the Senate Concurring:*

That the General Assembly of Iowa respectfully petition the members of Congress to give early consideration to Senate File 860 now before the Senate, and to the enlargement of the provisions thereof in order to include the suppression of vice in the vicinity of ordnance plants or projects now or hereafter erected and maintained by the federal government in the development of national defense, and to enact such legislation at an early date.

*Be It Further Resolved:* That copies of this resolution be forwarded to the presiding officers of the Senate and the House of Representatives of the Congress, and to each of the senators and members of the House of Representatives from Iowa in the Congress of the United States, and that they be urged to use their best offices to procure the enactment of such legislation in Congress.

#### HOUSE MESSAGES CONSIDERED

House File 26, a bill for an act to repeal section one thousand one hundred ninety-eight (1198), Code, 1939, and to enact a substitute therefor, and to amend section one thousand one hundred ninety-nine (1199), and section one thousand one hundred ninety-seven (1197), Code, 1939, relating to the appointment of notaries public.

Read first and second times and referred to sifting committee.

House File 35, a bill for an act to provide for the taking of blood specimen of persons arrested for offenses involving intoxication connected with the operation of motor vehicles upon the public highway, the analysis of such specimen and the use thereof in evidence in trials for such offenses.

Read first and second times and referred to 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:

Senate Files 352, 353, 475, 476, 440, 437, 436, 228, 336, 419, 301, 411, 398, 429, 427, 442, 257, 505, 501, 418, 238, 481, 211, 508, 259, 248, 360, 295, 335, 396, 365, 455, 445 and 399.

House File 104.

E. P. DONOHUE, *Chairman.*

## ADDITIONAL COPIES

Senator Benson asked and received unanimous consent to have 500 additional copies of Senate File 453 printed.

## AMENDMENTS FILED

Amend Senate File 508 by striking all of section 26 and inserting in lieu thereof the following:

"This act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Cresco Plain Dealer, a newspaper published at Cresco, Iowa, and The Hawk-Eye Gazette, a newspaper published at Burlington, Iowa. EDWARD H. VRBA.

Amend Senate File 476 by adding after section 6 thereof another section to be known as section 7 which will read as follows:

"Sec. 7. Further amend section fifteen hundred fifty-one and twenty-five hundredths (1551.25) by striking from line three (3) of subsection P the word 'on' and inserting in lieu thereof the words 'with respect to'. Also amend said subsection by striking from line five (5) the word 'on' and inserting in lieu thereof the words 'with respect to'."

Further amend said Senate File 476 by renumbering the remaining sections.

E. K. BEKMAN.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 19, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Brady Brown, pastor of the Christian Church of Exira.

The Journal of March 18th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Stewart for the day, on request of Senator Whitehill; Senator Fuller for the day, on request of Senator Hattery.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Sjulín, from teachers of the Clarinda public schools, favoring passage of Senate File 271 and House File 340.

By Senator Shaw, from teachers of Pocahontas, Palmer and Havelock, relative to pending school legislation.

By Senator Munger, from school directors of Woodbury county, opposing the county unit school bill.

By Senator Harvey, from school directors of Crawford county, in opposition to county unit school bill.

By Senator Turner, from barbers of Bedford, favoring passage of Senate File 210.

## INTRODUCTION OF BILLS

Senate File 519, by committee on public schools, a bill for an act to amend section four thousand two hundred forty-one (4241), Code, 1939, relating to the transfer of school funds.

Read first and second times and referred to sifting committee.

Senate File 520, by committee on claims, a bill for an act to make an appropriation to Chas. L. Snyder, Des Moines, Iowa, and LeRoy A. Rader, Storm Lake, Iowa.

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

Senator Johnson offered the following resolution and moved its adoption:

#### SENATE MEMORIAL RESOLUTION

*Whereas*, The Honorable Arthur L. Rule, who was a member of the Senate in the Thirty-seventh and Thirty-eighth General Assemblies, from Cerro Gordo county, died on November 4, 1940, in Mason City, therefore,  
*Be It Resolved by the Senate of the Forty-ninth General Assembly:* That a committee of three be appointed to draft suitable resolutions commemorating his life, character, and service to the state.

The motion prevailed, the resolution was adopted, and the President appointed Senators Johnson, Elthon and Donohue on the committee.

Senator Henningsen offered the following resolution and moved its adoption:

#### SENATE MEMORIAL RESOLUTION

Dr. Benjamin F. Shambaugh, who was connected with the State University at Iowa City for over 40 years, as professor of history and superintendent of the State Historical Society, died March 7, 1940. Therefore,  
*Be It Resolved by the Senate:* That a committee of three be appointed to draft suitable resolutions in commemoration of his life work and service for the people of Iowa.

The motion prevailed, the resolution was adopted, and the President appointed Senators Henningsen, Sjulín and Mercer on the committee.

Senator Munger asked and received unanimous consent to have Senate File 507 rereferred to the claims committee.

Senator Corwin asked and received unanimous consent to present a group of students from the Letts school, who were present in the balcony.

Senator Findlay asked and received unanimous consent to present the senior class from the Gowrie High School, who were present in the balcony.

#### THIRD READING OF BILLS

On motion of Senator Munger, Senate File 509, a bill for an act to make an appropriation to Glen Yates, Osage, Iowa, with report



of committee was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 42:**

Bekman	Findlay	Jones	Munger
Benson	Goode	Keir	Pelzer
Berg	Hamiel	Leo	Shaw
Clark	Hart	Long	Sjulin
Corwin	Harvey	Love	Talbott
Cromwell	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Vrba
Dykhouse	Hess	Mercer	Watson
Emerson	Hill	Miller	Whitehill
Evans	Hunt	Mowry	Zeigler
Faul	Johnson		

**Nays, none.**

**Absent or not voting, 8:**

Augustine	Byers	Elthon	Lundy
Baldwin	Donohue	Fuller	Stewart

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

Senator Munger 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.

On motion of Senator Munger, Senate File 510, a bill for an act to make appropriations to Clarke county, Iowa, and Dr. C. R. Harken, Osceola, Iowa, with report of committee was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 43:**

Augustine	Evans	Hunt	Mowry
Bekman	Faul	Johnson	Munger
Benson	Findlay	Jones	Pelzer
Berg	Goode	Keir	Shaw
Byers	Hamiel	Leo	Talbott
Clark	Hart	Long	Turner
Corwin	Harvey	Love	Vrba
Cromwell	Hattery	Lynes	Watson
Dewey	Henningsen	Martin	Whitehill
Dykhouse	Hess	Mercer	Zeigler
Emerson	Hill	Miller	

Nays, none.

Absent or not voting, 7:

Baldwin	Elthon	Lundy	Stewart
Donohue	Fuller	Sjulin	

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

Senator Munger 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.

Senator Munger asked and received unanimous consent to have Senate Files 509 and 510 immediately messaged to the House.

On motion of Senator Berg, Senate File 512, a bill for an act to provide an emergency appropriation for state aid to public schools for the education of physically handicapped children who attend the public schools in the State of Iowa, to be used for that purpose in the state fiscal year ending June 30, 1941, was taken up and considered.

Senator Henningsen 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, 43:

Augustine	Elthon	Hill	Mowry
Bekman	Emerson	Johnson	Munger
Benson	Evans	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Goode	Leo	Talbott
Clark	Hamiel	Long	Turner
Corwin	Hart	Love	Vrba
Cromwell	Harvey	Lundy	Watson
Dewey	Hattery	Martin	Whitehill
Donohue	Henningsen	Mercer	Zeigler
Dykhouse	Hess	Miller	

Nays, none.

Absent or not voting, 7:

Baldwin	Fuller	Lynes	Stewart
Faul	Hunt	Sjulin	

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

Senator Berg 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.

Senator Corwin took the chair at 10:14 a. m.

On motion of Senator Berg, Senate File 514, a bill for an act to amend, revise and codify section eighty-four and twenty-six hundredths (84.26), section eighty-four and twenty-seven hundredths (84.27), section eighty-four and thirty hundredths (84.30), section eighty-four and thirty-one hundredths (84.31), section eighty-four and thirty-two hundredths (84.32), in chapter seven and one tenth (7.1), the budget and financial control act, Code, 1939, relating to the execution of the budget, the expenditure of appropriations, the reversion and transfer of balances, the financial fiscal term, and the use of appropriations, was taken up and considered.

Senator Goode 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, 39:**

Augustine	Emerson	Hill	Mowry
Bekman	Faul	Hunt	Pelzer
Benson	Findlay	Johnson	Shaw
Berg	Goode	Jones	Sjulin
Byers	Hamiel	Keir	Talbott
Clark	Hart	Leo	Vrba
Corwin	Harvey	Long	Watson
Dewey	Hattery	Love	Whitehill
Dykhouse	Henningsen	Lundy	Zeigler
Elthon	Hess	Miller	

**Nays, none.**

**Absent or not voting, 11:**

Baldwin	Evans	Martin	Stewart
Cromwell	Fuller	Mercer	Turner
Donohue	Lynes	Munger	

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

Senator Goode offered the following amendment to the title and moved its adoption:

Amend Senate File 514 by striking from line 5 of the title the following: "section eighty-four and thirty-two hundredths (84.32)."

The amendment was adopted and the title as amended was agreed to.

Senator Goode 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.

On motion of Senator Bekman, Senate File 352, a bill for an act to amend section one thousand five hundred fifty-one and thirteen hundredths (1551.13), chapter seventy-seven and two tenths (77.2), Code, 1939, providing for the computation and assessment of contributions, and the procedure by which an employer may protest and appeal from an assessment to the commission and to the court, and to amend sub-section B of section one thousand five hundred fifty-one and twenty hundredths (1551.20), chapter seventy-seven and two tenths (77.2), Code, 1939, providing for the establishment of a lien for contributions due and the collection of contributions, was taken up and considered.

Senator Watson offered the following amendment and moved its adoption:

Amend Senate File 352 as follows:

Strike from lines 15 and 26 of section 1 the following: "ten days (10)" and insert "thirty (30) days".

The amendment was adopted.

Senator Hess offered the following amendment and moved its adoption:

Amend Senate File 352 by striking all of section 4 and inserting in lieu thereof the following:

This act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Holstein Advance, a newspaper published at Holstein, Iowa, and The Cherokee Times, a newspaper published at Cherokee, Iowa.

The amendment was adopted.

Senator Bekman 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, 43:

Augustine	Elthon	Hunt	Mowry
Baldwin	Emerson	Johnson	Pelzer
Bekman	Findlay	Jones	Shaw
Benson	Goode	Keir	Sjulin
Berg	Hamiel	Leo	Talbott
Byers	Hart	Lóng	Turner
Clark	Harvey	Lundy	Vrba
Corwin	Hattery	Lynes	Watson
Cromwell	Henningsen	Martin	Whitehill
Dewey	Hess	Mercer	Zeigler
Dykhouse	Hill	Miller	

Nays, none.

Absent or not voting, 7:

Donohue	Faul	Love	Stewart
Evans	Fuller	Munger	

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

Senator Bekman 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.

On motion of Senator Berg, Senate File 513, a bill for an act to provide for an emergency appropriation for the State Printing Board to permit said Board to function during the remainder of the biennium, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 513 by striking section 2 and substituting therefor the following:

"This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Cambridge Leader, a newspaper published at Cambridge, Iowa, and Plain Talk, a newspaper published at Des Moines, Iowa."

The amendment was adopted.

Senator Baldwin 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, 41:

Augustine	Faul	Hunt	Miller
Baldwin	Findlay	Jones	Mowry
Bekman	Goode	Keir	Munger
Benson *	Hamiel	Leo	Pelzer
Berg	Hart	Long	Shaw
Byers	Harvey	Love	Sjulin
Clark	Hattery	Lundy	Talbott
Corwin	Henningsen	Lynes	Turner
Dewey	Hess	Martin	Vrba
Dykhouse	Hill	Mercer	Zeigler
Emerson			

Nays, none.

Absent or not voting, 9:

Cromwell	Evans	Johnson	Watson
Donohue	Fuller	Stewart	Whitehill
Elthon			

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

Senator Berg 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.

On motion of Senator Bekman, Senate File 353, a bill for an act to amend section fifteen hundred fifty-one and sixteen hundredths (1551.16), code of 1939, relating to the appointment of the secretary to the commission; and to amend section fifteen hundred fifty-one and seventeen hundredths (1551.17), code of 1939, relating to the appointment and compensation of personnel of the commission, was taken up and considered.

Senator Bekman 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, 41:**

Augustine	Dykhouse	Hill	Munger
Baldwin	Emerson	Hunt	Pelzer
Bekman	Faul	Johnson	Shaw
Benson	Findlay	Keir	Sjulin
Berg	Hamiel	Leo	Talbott
Byers	Hart	Lynes	Turner
Clark	Harvey	Martin	Vrba
Corwin	Hattery	Mercer	Watson
Cromwell	Henningesen	Miller	Whitehill
Dewey	Hess	Mowry	Zeigler
Donohue			

**Nays, none.**

**Absent or not voting, 9:**

Elthon	Goode	Long	Lundy
Evans	Jones	Love	Stewart
Fuller			

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

Senator Bekman 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.

On motion of Senator Bekman, Senate File 475, a bill for an act to amend subsections A, B and C of section one thousand five hundred fifty-one and thirteen hundredths (1551.13), subsection E of section one thousand five hundred fifty-one and nine hun-

redths (1551.09), subsection E of section one thousand five hundred fifty-one and ten hundredths (1551.10), and subsections A, M and P of section one thousand five hundred fifty-one and twenty-five hundredths (1551.25), all in chapter seventy-seven and two tenths, (77.2), Code, 1939, relating to the collection of contributions, the charge-back of benefits paid to employer accounts, the consolidation and merger of employer accounts, the definition of the term "annual pay roll", the definition of the term "wages", and the determination of individuals' benefit rights; to provide that contributions shall be collected on a wages paid basis and that benefit rights be determined on a wages paid basis; to re-define the terms "wages" and the "annual pay roll" in conformity with the wages paid concept; and to provide for the consolidation and merger of employer accounts, was taken up and considered.

Senator Bekman offered the following amendment and moved its adoption:

Amend section 10 of Senate File 475 by adding before the word "wages" in line 1 the following:

"Chapter seventy-seven and two tenths (77.2), Code, 1939, is amended by adding the following:".

The amendment was adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 475, section 13 as follows:

Insert after the word "the" in line 3 the words "New Hampton American".

Insert after the word "at" in line 4 the words "New Hampton".

Insert in line 5 before the letter "a" the words "Ottumwa Daily Courier."

Insert in line 6 after the word "at" the word "Ottumwa".

The amendment was adopted.

Senator Bekman 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:

Augustine	Corwin	Evans	Hattery
Baldwin	Cromwell	Faul	Hess
Bekman	Dewey	Findlay	Hill
Berg	Dykhouse	Hart	Hunt
Clark	Emerson	Harvey	Jones

Keir	Lynes	Mowry	Talbott
Leo	Martin	Munger	Vrba
Long	Mercer	Shaw	Watson
Love	Miller	Sjulin	Whitehill

Nays, none.

Absent or not voting, 14:

Benson	Fuller	Johnson	Stewart
Byers	Goode	Lundy	Turner
Donohue	Hamiel	Pelzer	Zeigler
Elthon	Henningsen		

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

Senator Bekman 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.

On motion of Senator Bekman, Senate File 476, a bill for an act to amend chapter seventy-seven and two tenths (77.2), Code of Iowa, 1939, and more particularly to amend section fifteen hundred fifty-one and seven hundredths (1551.07), relating to the title of said act; section fifteen hundred fifty-one and sixteen hundredths (1551.16) relating to the name of the agency; section fifteen hundred fifty-one and seventeen hundredths (1551.17) relating to the preservation and destruction of records; section fifteen hundred fifty-one and eighteen hundredths (1551.18) relating to the Iowa employment service; section fifteen hundred fifty-one and nineteen hundredths (1551.19) relating to the administration fund; section fifteen hundred fifty-one and twenty-five hundredths (1551.25) relating to definitions used in said act; all sections of the Code of Iowa, 1939; and to repeal all acts, or parts of acts, in conflict herewith, was taken up and considered.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 476 by adding after section 6 thereof another section to be known as section 7 which will read as follows:

"Sec. 7. Further amend section fifteen hundred fifty-one and twenty-five hundredths (1551.25) by striking from line three (3) of subsection P the word 'on' and inserting in lieu thereof the words 'with respect to'. Also amend said subsection by striking from line five (5) the word 'on' and inserting in lieu thereof the words 'with respect to'."

Further amend said Senate File 476 by renumbering the remaining sections.

The amendment was adopted.



Senator Mercer offered the following amendment and moved its adoption:

Amend Senate File 476 by inserting after the word "the" in line 3 of section 8 the following: "Iowa City Press Citizen".

Also by inserting at the beginning of line 4 of section 8 the following: "Iowa City" and by inserting after the word "the" in line 4 the words "Knoxville Journal".

Also amend by inserting after the word "at" in line 5 of section 8 the following: "Knoxville".

The amendment was adopted.

Senator Bekman 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:

Augustine	Elthon	Hunt	Mercer
Baldwin	Emerson	Johnson	Miller
Bekman	Evans	Jones	Mowry
Benson	Faul	Keir	Shaw
Berg	Findlay	Leo	Sjulin
Byers	Hart	Long	Talbott
Clark	Harvey	Love	Turner
Corwin	Hattery	Lundy	Vrba
Cromwell	Hess	Lynes	Watson
Dewey	Hill	Martin	Zeigler

Nays, none.

Absent or not voting, 10:

Donohue	Goode	Munger	Stewart
Dykhouse	Hamiel	Pelzer	Whitehill
Fuller	Henningsen		

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

Senator Bekman 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.

On motion of Senator Donohue, Senate File 440, a bill for an act relating to certain claims between the state of Iowa and others and providing for the presentation, investigation, determination, settlement and payment of such claims, was taken up and considered.

Senator Donohue offered the following amendment and moved its adoption:

Amend by adding thereto as section 8 the following:

"Sec. 8. No claim against the state of Iowa shall be considered or allowed by the General Assembly except it be presented before the state appeal board as provided in this act."

The amendment was adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 440 by inserting between the words "of" and "twenty-four" in line 6 of section 4 the following: "not to exceed".

The amendment was adopted.

Senator Donohue 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:

Augustine	Dykhouse	Henningsen	Martin
Baldwin	Elthon	Hess	Mercer
Bekman	Emerson	Hill	Miller
Benson	Evans	Hunt	Munger
Berg	Faul	Johnson	Shaw
Byers	Findlay	Jones	Sjulin
Clark	Goode	Keir	Talbott
Corwin	Hamiel	Leo	Turner
Cromwell	Hart	Long	Vrba
Dewey	Harvey	Lundy	Watson
Donohue	Hattery	Lynes	Zeigler

Nays, none.

Absent or not voting, 6:

Fuller	Mowry	Stewart	Whitehill
Love	Pelzer		

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

Senator Donohue 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.

Senator Watson asked and received unanimous consent to present the Honorable Ben Jensen, Congressman from the Seventh District, to the Senate.

The President appointed Senators Watson and Baldwin to escort the Honorable Mr. Jensen to the rostrum.

Mr. Jensen addressed the Senate briefly.

On motion of Senator Donohue, Senate File 437, a bill for an

act to amend section seven thousand three hundred eleven (7311), Code, 1939, relating to liens for inheritance taxes, was taken up and considered.

Senator Donohue 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:

Augustine	Dykhouse	Hess	Mercer
Baldwin	Elthon	Hill	Miller
Bekman	Emerson	Hunt	Munger
Benson	Evans	Johnson	Pelzer
Berg	Faul	Jones	Shaw
Byers	Findlay	Keir	Talbott
Clark	Goode	Leo	Turner
Corwin	Hamiel	Long	Vrba
Cromwell	Hart	Lundy	Watson
Dewey	Harvey	Lynes	Whitehill
Donohue	Hattery	Martin	Zeigler

Nays, none.

Absent or not voting, 6:

Fuller	Love	Sjulin	Stewart
Henningsen	Mowry		

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

Senator Donohue 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.

President Hickenlooper took the chair at 11:59 a. m.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 14.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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, Senate File 14.

## BILL SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 19th day of March, 1941, sent to the Governor for his approval: Senate File 14.

EDWARD H. VRBA, *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 372, a bill for an act pertaining to aid to the blind.

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

House File 407, a bill for an act relating to the registration of vital statistics.

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

House File 259, a bill for an act to recognize the Iowa state sheep association.

Also: That the House has refused to concur in Senate amendments to House File 223, relating to the power of the state tax commission.

Also: That the House has refused to concur in Senate amendments to House File 224, a bill for an act relating to refunds allowed by the state tax commission.

Also: That the House has concurred in Senate amendments to and passed House File 238, a bill for an act relating to authorization of tax commission to destroy all useless records and reports.

Also: That the House has concurred in Senate amendments to and passed House File 108, a bill for an act relating to speed restrictions for motor vehicles.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 245, a bill for an act relating to the levy for poor tax.

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

Senate File 180, a bill for an act relating to fraternal beneficiary association.

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

Senate File 349, a bill for an act relating to withholding agents and nonresidents.

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

Senate File 19, a bill for an act to provide the means of creating title to real estate.

Also: That the House has failed to adopt the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 12 relating to relief for farm tenants.

Also: That the House has passed the following Joint Resolution in which the concurrence of the House was asked:

Senate Joint Resolution 1, relating to the use of motor vehicle registration fees.

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

Senate File 166, a bill for an act relating to insurance for employees of waterworks.

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

House File 169, a bill for an act relating to the sealing of adoption records.

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

House File 127, a bill for an act relating to insurance for police and fire departments.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 245

Amend Senate File 245 by striking all after the enacting clause and substituting in lieu thereof, the following:

Section 1. There is hereby created for the ensuing biennium a fund to be known as the Iowa Emergency relief fund for the purpose of caring for the unemployed and needy persons of this state. Such fund shall be administered by the state board of social welfare and shall be allotted by the board throughout the various counties of the state in accordance with the need therefor.

All unexpended funds which were set aside for emergency relief under the provisions of chapter four (4), Acts of the Forty-eighth General Assembly, shall on July 5, 1941, be paid into the fund hereby created.

For the ensuing biennium only, the license fees and taxes now paid to the state sinking fund for public deposits under the provisions of subsection b of section one thousand nine hundred twenty-one and one hundred twenty-eight thousandths (1921.128), Code, 1939, shall be paid for such biennium into the fund for emergency relief hereby created.

In addition thereto there shall be paid into said fund for the quarter beginning July 1, 1941, and quarterly thereafter, up to and including

April 1, 1943, from revenue collected under the provisions of chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, the sum of one hundred twenty-five thousand dollars (\$125,000.00); provided, however, that before any of the four last payments of one hundred twenty-five thousand dollars (\$125,000.00) each shall be expended by the state board of social welfare for relief purposes, the joint legislative committee on retrenchment and reform shall expressly approve the same.

Sec. 2. Before any county can receive aid from the Iowa emergency relief fund for aid of the poor, such county must have levied the maximum amount authorized by law for poor relief.

Sec. 3. The state board of social welfare shall not require any county to issue warrants or bonds, except anticipatory warrants which will be paid by taxes already levied, as a condition for receiving state aid, but after the county has used all of its poor funds and the said board has allocated all of its emergency relief fund throughout the various counties of the state in accordance with the need therefor, then the board of supervisors of any county may issue warrants or bonds, for the purpose of raising additional poor relief funds; provided, however, that the board of supervisors shall have the authority and shall be required to increase the poor relief levy sufficiently to repay such warrants or bonds on or before December 31, the second year after issuance of such warrants or bonds.

Also, strike all of the title of Senate File 245, and substitute in lieu thereof the following: A bill for an act to create the Iowa Emergency Relief Fund for the ensuing biennium, and to provide for the administration thereof by the state board of social welfare; to provide that such fund shall be paid from the license fees and taxes now paid to the state sinking fund for deposits under section one thousand nine hundred twenty-one and one hundred twenty-eight thousandths (1921.128), Code, 1939, and from revenue collected under the provisions of chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, and from unexpended funds set aside for emergency relief under provisions of chapter four (4), Acts of the Forty-eighth General Assembly; and to provide the conditions for counties to receive state aid, and to provide for other means of raising poor relief funds.

#### HOUSE MESSAGES CONSIDERED

House File 259, a bill for an act to recognize the Iowa State Sheep Association; to define the duties and objects of the association; and to aid in promoting the welfare of the sheep industry in Iowa.

Read first and second times and referred to sifting committee.

House File 372, a bill for an act to amend sections three thousand six hundred eighty-four and two hundredths (3684.02), three thousand six hundred eighty-four and three hundredths (3684.03), three thousand six hundred eighty-four and four hundredths

(3684.04), three thousand six hundred eighty-four and fourteen hundredths (3684.14), three thousand six hundred eighty-four and fifteen hundredths (3684.15), and chapter one hundred eighty-two and one tenth (182.1), Code, 1939, pertaining to aid to the blind and relating to personal earnings of the blind persons eligible to receive assistance under the provisions of said chapter; relating to expenses for treatment as provided under said chapter; to provide for guardianship proceedings carried out without payment of fees or court costs, at the discretion of the district court, and providing that such a guardian may give bond without sureties; to provide that records and investigations of applicants for, and recipients of, blind assistance shall be privileged communications and shall be held as confidential.

Read first and second times and referred to sifting committee.

House File 407, a bill for an act to repeal sections two thousand three hundred eighty-five (2385), two thousand three hundred eighty-six (2386), two thousand three hundred eighty-nine (2389), two thousand three hundred ninety (2390), two thousand three hundred ninety-one (2391) and two thousand three hundred ninety-five (2395), all in the Code, 1939, and to amend sections two thousand three hundred eighty-four (2384), two thousand three hundred ninety-two (2392), two thousand three hundred ninety-four (2394), two thousand three hundred ninety-six (2396), two thousand four hundred seventeen (2417), and two thousand four hundred twenty-six (2426), Code, 1939, and to amend chapter one hundred fourteen (114), Code, 1939, all relating to the registration of vital statistics and providing for the appointment of a county registrar.

Read first and second times and referred to sifting committee.

House File 127, a bill for an act requiring cities and towns, including those operating under special charter, maintaining police or fire departments, to defend, in the name and on behalf of, the members of such departments in actions brought against them because of any claims for bodily injuries, death, or property damage made against such members and resulting from their operation of motor or other vehicles while in the performance of their duties and to indemnify such members against liability, loss, or expense because of any such claim; also authorizing said cities and towns to compromise any such claims made against such members and in

case of judgment to pay the same, and in its discretion to pay the premiums on liability insurance on such members.

Read first and second times and referred to sifting committee.

House File 169, a bill for an act to amend chapter four hundred seventy-three (473), Code, 1939, relating to the sealing of adoption records.

Read first and second times and referred to sifting committee.

### EXECUTIVE SESSION

On motion of Senator Hart, the Senate went into Executive Session.

The Senate arose from Executive Session and resumed regular session.

### AMENDMENTS FILED

Amend Senate File 399 as follows:

Amend section 33 by striking all of sub-paragraphs 2 and 3 and substitute in lieu thereof the following:

"2. Ten per cent of the balance, after deducting the three per cent referred to in paragraph 1, to cities, including cities under special charter, to be used only for construction, maintenance, and repair of streets, to be apportioned among the cities in the proportion that the population of each such city bears to the total population of all cities in the state. On the first day of January, April, July and October of each year the state comptroller shall draw warrants upon the treasurer of state for the amounts apportioned to the cities to be transmitted to the respective city treasurers.

"3. After the deductions provided in paragraphs 1 and 2, fifty per cent of the balance then remaining shall be credited to the primary road fund, and fifty per cent to the secondary road fund and allocated by the treasurer of state among the counties in the proportion that the area of each county bears to the total area of the state." **GEORGE FAUL.**

Amend Senate File 257 by striking the following which appears in lines 11, 12 and 13, to-wit: "and in cities under special charter having a population of more than sixty thousand, and less than one hundred twenty-five thousand,".

Also amend the title by striking the following from line 4 of the title, to-wit: "and in cities acting under special charters". **FRANK C. BYERS.**

Amend Senate File 248 by inserting in line 11 of section 2 between the comma and the word "such" the following: "and whose homestead premises are not leased for profit during the major portion of any year of the period of his said service,". **GEORGE FAUL.**



Amend House File 26 by adding thereto the following:

"Sec. 4. On all instruments certified by, or sworn to before, a notary public, the expiration date of his commission shall be stated immediately following his signature and official title, but the failure to state the expiration date shall not invalidate any act of a notary public unless otherwise provided by law."

GEORGE FAUL.

Amend Senate File 257 as follows:

By striking the period at the end of the title and adding thereto the following: "and in cities of the first class having a population of more than forty-five thousand."

Further amend Senate File 257 by adding thereto a new section as follows:

"Sec. 2. Section five thousand six hundred sixty-nine (5669), Code, 1939, is further amended by adding thereto after paragraph two (2) of said section the following paragraph: 'In cities of the first class having a population of more than forty-five thousand the compensation of the assessor shall be three thousand dollars (\$3,000.00) per year.'"

J. BERG.

Amend the committee amendment to House File 28 by adding thereto the following:

"Sec. 5. Section five thousand one hundred five and one hundredth (5105.01), Code, 1939, is amended by inserting in line three (3) of sub-paragraph two (2) after the word 'trucks' the words 'as a common carrier for hire'; and by inserting in line three (3) of sub-paragraph three (3) after the word 'state' the words 'outside of the corporate limits of any city or town.'"

J. KENDALL LYNES.

Amend Senate File 291 by striking all after the enacting clause and by inserting the following in lieu thereof:

Section 1. The Governor of the State of Iowa is hereby authorized and directed to appoint a Commission of four (4) members to consult with and assist the State Superintendent of Public Instruction in the revision and codification of the laws of Iowa relating to education and the preparation of a proposed school code for the State of Iowa. The State Superintendent of Public Instruction shall be ex-officio chairman of this Commission and is hereby authorized, directed, and empowered to carry out the provisions of this act. In carrying out the duties imposed upon her by this act, the State Superintendent with the advice of the Commission is authorized to employ such persons as may be needed and incur such expenses as may be necessary to complete satisfactorily the work within the time allotted, such salaries and expenses to be paid out of the appropriations to the Department of Public Instruction for salaries and necessary and regular expenses. For which purpose there is hereby appropriated from the general fund of the state and added to the regular funds of the Department of Public Instruction for the biennium ending June 30, 1941, the sum of five thousand (\$5,000.00) dollars and from the general fund of the state for each year of the biennium beginning July 1, 1941, and ending June 30, 1943, a sum of ten thousand (\$10,000.00) dollars for the purpose of carrying out the provisions of

this act, any unexpended balance to carry over. The use of this fund is limited exclusively to the carrying out the provisions of this act and any unexpended funds shall revert to the general fund of the State of Iowa at the termination of the duties of said Commission.

Sec. 2. That the State Superintendent of Public Instruction with the advice and cooperation of the Commission shall prepare or cause to be prepared a proposed new school code which shall consist in a complete revision and codification of the laws of Iowa relating to education. All obsolete, conflicting, or inoperative sections shall be removed and whenever it is apparent that there are omissions or errors which would handicap the efficient operation of schools or whenever new or additional provisions should be made, it shall be done. Moreover, the State Superintendent of Public Instruction shall with the advice of the Commission, after due investigation, research, public hearings and consultations with educators and laymen, prepare and submit any additions or changes to the laws in order to facilitate and bring about the equalization of educational opportunity to all the children of Iowa through the reorganization of the present districts, changes in the system of taxation and support, or any other general or specific changes in the present state system of public education which will make the operation of the public schools of the state more efficient or more economical. The said State Superintendent with the cooperation of the Commission shall prepare bills or cause to be prepared bills to effect their recommendations and attached to each bill shall be an explanation of the same, which bills and explanations shall accompany and be a part of the report of the Commission. It is intended that the report of the Commission shall present a complete revision and codification of the laws relating to education, the public school system and the raising of revenue therefor. Said report shall be completed and filed with the Governor not later than sixty (60) days preceding the convening of the 50th General Assembly, and thereupon the Governor shall cause a thousand copies of the same to be printed and a copy placed in the hands of the members of the 50th General Assembly as early as possible prior to the convening of said 50th General Assembly and copies made available to other interested parties.

Sec. 3. Said State Superintendent of Public Instruction and the Commission shall be furnished with quarters and supplies for use in the discharge of their duties and may call upon the Supreme Court and other state officials and departments as well as county officials and local school authorities for information and assistance. It shall have power to call in for consultation or other service qualified persons in the fields of education, taxation, school finance and law, and to pay expenses of such persons, and may pay such persons a fee or per diem for their services.

Sec. 4. The members of the Commission shall qualify by subscribing to the oath required of state officers.

Sec. 5. The members of the Commission shall receive their necessary expenses incurred in the performance of their duties, and in addition the members of the Commission appointed by the Governor shall receive a compensation per diem for each day actually devoted to the work of the Commission; said per diem for each of said members shall be not more than 10 dollars per day.

Sec. 6. Said Commission shall enter upon its duties on or before the first day of May, 1941, and upon the completion of its duties shall dissolve and its members stand discharged.

Sec. 7. If any section or provision of this act is declared unconstitutional, the remaining sections or provisions of the act shall not be affected thereby.

Sec. 8. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Newton Daily News, a newspaper published at Newton, Iowa, and the Waterloo Courier, a newspaper published at Waterloo, Iowa.

ROSS R. MOWRY.

Amend Senate File 291 by striking the title and preamble and substituting in lieu thereof the following:

A bill for an act to authorize the appointment by the Governor of a commission to cooperate with the superintendent of public instruction in the preparation of a proposed revision and codification of the laws of Iowa relating to education; to authorize a survey and necessary research to justify any changes in the organization, support, and government of the public schools; to authorize an appropriation for the carrying out of the provisions of the act; to authorize and direct the report of the commission and the state superintendent to be given to the Governor of Iowa; to authorize and direct the printing of the same and placing of copies in the hands of the Fiftieth (50th) General Assembly.

*Whereas*, The school laws of the state of Iowa have been in the process of development for many years, and,

*Whereas*, The present statutes relating to education contain numerous conflicts, uncertainties, and omissions which interfere with proper efficiency and economy in the operation of the school system, and

*Whereas*, There are gross inequalities in Iowa schools both with regard to educational opportunity and in the ability of many communities to support an adequate program of education, therefore,

ROSS R. MOWRY.

Amend Senate File 508 as follows:

1. In line 27 of section 2, strike the words "which has within the" and insert in lieu thereof "of operation of a housing".

2. In line 76 of section 2 pluralize the second word "assignee".

3. In line 2 of section 5 pluralize the word "office".

4. In line 10 of section 9, strike the word "that" and substitute the word "than".

5. In line 2 of section 12, after the word "planning" insert the following "zoning,".

6. In line 77 of section 22, strike the word "act" and substitute the word "section".

7. In line 5 of section 23, pluralize the word "dwelling".

In line 10 of section 23, pluralize the word "right".

In line 15 of section 23, after the word "housing" insert the word "projects".

In line 18 of section 23, strike the word "are" and insert the word "as".

In line 24 of section 23, pluralize the word "section".

Senator Mowry offered the following amendment to the title and moved its adoption:

Amend Senate File 291 by striking the title and preamble and substituting in lieu thereof the following:

A bill for an act to authorize the appointment by the Governor of a commission to cooperate with the superintendent of public instruction in the preparation of a proposed revision and codification of the laws of Iowa relating to education; to authorize a survey and necessary research to justify any changes in the organization, support, and government of the public schools; to authorize an appropriation for the carrying out of the provisions of the act; to authorize and direct the report of the commission and the state superintendent to be given to the Governor of Iowa; to authorize and direct the printing of the same and placing of copies in the hands of the Fiftieth (50th) General Assembly.

*Whereas*, The school laws of the state of Iowa have been in the process of development for many years, and,

*Whereas*, The present statutes relating to education contain numerous conflicts, uncertainties, and omissions which interfere with proper efficiency and economy in the operation of the school system, and

*Whereas*, There are gross inequalities in Iowa schools both with regard to educational opportunity and in the ability of many communities to support an adequate program of education, therefore,

The amendment was adopted and the title as amended was agreed to.

Senator Mowry 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.

Senator Berg asked and received unanimous consent to have Senate File 291 engrossed as passed by the Senate and immediately messaged to the House.

Senator Lynes called up House File 28, a bill for an act to amend section five thousand one hundred five and six hundredths (5105.06), chapter two hundred fifty-two and three tenths (252.3), Code, 1939, defining the term "permit".

The following committee amendments were considered:

Amend House File 28 by adding thereto the following new sections:

Sec. 3. Section five thousand one hundred five and eight hundredths (5105.08), Code, 1939, is repealed and the following enacted in lieu thereof:

"5105.08. When permit to be issued. Before a permit shall be issued, the commission shall, after a public hearing, make a finding that the service proposed to be rendered will promote the public convenience and necessity. If such finding be made, it shall be its duty to issue a permit.

"In the issuance of permits, all of the provisions of chapter two hun-

dred fifty-two and one tenth (252.1) relating to the issuance of certificates of convenience and necessity to motor carriers, insofar as the same are not inconsistent with the provisions of this chapter, shall be applicable."

Sec. 4. All permits heretofore issued shall remain in force and effect notwithstanding the provisions of this act.

Further amend said House File 28 by amending the title as follow:

Amend the title by striking the period at the end thereof and inserting in lieu thereof the following: "and to repeal section five thousand one hundred five and eight hundredths (5105.08), Code, 1939, and to enact a substitute therefor requiring a finding of public convenience and necessity before issuing a permit, and to provide that all permits heretofore issued shall remain in full force and effect notwithstanding the provisions of this act."

Senator Lynes offered the following amendment to the committee amendment and moved its adoption:

Amend the committee amendment to House File 28 as follows:

Amend by striking from the proposed amendment all of lines 10 to 15 inclusive and inserting in lieu thereof the following:

"Provided further, that as to truck operators who shall apply for a permit to transport only matter either produced or manufactured by said operator, or to be engaged in transportation wholly within the corporate limits of a city or town, public convenience and necessity shall be presumed without any hearing. In the issuance of permits, after application has been made, procedure set forth in Chapter 252.1 insofar as the same is applicable shall be followed."

Senator Lynes asked and received unanimous consent to defer action on House File 28 and that it retain its place on the calendar.

Senator Hart was called to the rostrum and presented with a birthday gift by President Hickenlooper on behalf of the pages of the Senate.

Senator Baldwin read the following birthday poem, which was written by Senator Emerson, and printed in the Journal by unanimous consent, at the request of Senator Byers:

I think we should pause a moment or two—  
We are going too fast—we might throw a shoe—  
To honor a man who sure does his part;  
I call your attention to Stanley L. Hart.

At some time each session, when the going gets tough,  
He feeds us all cheese and sure brings enough;  
We all get together and have a 'whing ding';  
Eat crackers, sing songs, and every old thing.

He is handsome and tall, also wide of shoulder;  
But today our good Stan is another year older.  
We should stop, look, and listen, and above all should say,  
"Congratulations, old pal; many returns of the day."

## ADDITIONAL COPIES

Senator Berg asked and received unanimous consent to have 1,000 copies of Senate File 291 printed as engrossed.

## REPORTS OF COMMITTEES

Senator Berg submitted the following report:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 345, a bill for an act to create an agricultural land credit fund; to provide for the appropriation of funds to apply as a credit on taxes on agricultural lands, begs leave to report it has had the same under consideration and recommends the same be referred to Sifting Committee.

JOHN P. BERG, *Chairman.*

The report was adopted.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 515, a bill for an act to make an appropriation to George C. Blachley, Des Moines, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 520, a bill for an act to make an appropriation to Chas. L. Snyder, Des Moines, Iowa, and LeRoy A. Rader, Storm Lake, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 365, a bill for an act to make an appropriation to the person, firm or corporation for the first producing oil well in Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations to which was referred Senate File 419, a bill for an act to provide for the erecting and equipping of an office building on the state capitol grounds, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

## PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

House File 518, a proposed bill for the legalization of the proceedings of the board of supervisors of Black Hawk county.

House File 301, a proposed bill for the legalization of the proceedings of the board of supervisors of Guthrie county. WALTER H. BEAM.

## AMENDMENTS FILED

Amend the Dewey amendment to Senate File 5 by striking from line 16 of section 8 the words and figures "two percent (2%)" and by substituting in lieu thereof the words and figures "five percent (5%)".

J. BERG.

Amend Senate File 345 by striking all of section 4 thereof and all of section 5 and inserting in lieu of Sec. 4 the following: "The County Treasurer shall, on or before July 15th, certify to the State Treasurer the total valuation of all agricultural lands entitled to the credit."

Renumber the sections.

M. C. HAMEL.

Amend Senate File 519 as follows:

By striking lines 3 to 6, both inclusive, of section 1 and inserting in lieu thereof the following: "Provided that no amount of surplus in excess of the principal and interest of any existing indebtedness of the school house fund during the next calendar year, and for the payment of which no other provision has been made, may be transferred, and provided further that the resolution of the board effecting the transfer must be adopted at the time of the annual settlement."

Further amend by changing the period (.) to a comma (,) after the word "funds" as it appears in the title, and adding the words "from general fund of school districts."

Further amend by adding as section 2 the following: "This act being deemed of immediate importance shall be in full force and effect from and after its publication in ....., a newspaper published in ....., Iowa, and in ....., a newspaper published in ....., Iowa. ROSS R. MOWRY.

Amend House File 28 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Chapter two hundred fifty-two and three tenths (252.3), Code, 1939, is hereby amended by adding thereto the following:

Provided, however, that nothing contained in this chapter with reference to any power and authority granted the Commission in section five thousand one hundred five and three hundredths (5105.03) and in section five thousand one hundred five and four hundredths (5105.04), Code, 1939, shall be construed as authorizing the Commission to require or permit the filing of tariffs of rates by truck operators.

Sec. 2. This act being deemed of immediate importance shall be in full force and effect from and after passage and publication in the

Melcher Union, a newspaper published at Melcher, Iowa, and the Bremer County Independent, a newspaper published at Waverly, Iowa.  
HUGH W. LUNDY.

Amend House File 407, section 13 line 7 thereof by striking the word "furnished" and inserting in lieu thereof the word "approved".

LEO ELTHON.

Senator Hess moved that the Senate recess until 2:00 p. m.

Senator Dykhouse moved as a substitute that the Senate adjourn until 10:00 a. m. Monday.

The motion prevailed and the substitution was made.

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



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 24, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Lucius Smith, pastor of the Methodist Church at Weldon.

The Journal of March 21st was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Shaw, from residents of Pocahontas county, in opposition to Senate File 291 and the proposed county unit school bill; also from members of the board of supervisors of Buena Vista county, favoring passage of the so-called "Redistricting of Northwest Iowa" bill.

By Senator Corwin, from officers and employees of the Glatstein stores of Muscatine and from employees of the Universal Crushed Shell Company of Muscatine, in opposition to Senate File 399.

By Senator Harvey, from residents of Vail, in opposition to the proposed county unit school bill.

By Senator Baldwin, from retail druggists of Dubuque county, favoring passage of Senate File 95.

By Senator Goode, from residents of Appanoose county, in opposition to House File 489 and Senate File 399.

By Senator Zeigler, from residents of Keosauqua, in opposition to Senate File 5.

By Senator Cromwell, from residents of Burlington, in opposition to Senate File 399; also from independent merchants of Burlington, favoring passage of the loss-leader bill.

By Senator Stewart, from members of the town council of Wadena, in opposition to Senate File 375.

By Senator Pelzer, from truck operators of Atlantic, in opposition to Senate File 399.

By Senator Munger, from employees of the Woodbury county sheriff's office, favoring passage of Senate File 401.

#### INTRODUCTION OF BILLS

Senate File 527, by committee on judiciary 2, a bill for an act to legalize and validate the election and all proceedings of the town council and town officials of the town of Rudd, Iowa, in calling and holding a special election in the town of Rudd, Iowa, on the 25th day of October, 1938, on the proposition of erecting and equipping a community building under chapter 33 of the Code and the issuing of bonds in the sum of eight thousand eight hundred dollars (\$8,800) and to authorize the issuance in 1941 of Liberty Memorial Bonds in the sum of six thousand dollars (\$6,000) for such purposes and the levying of an annual tax of two (2) mills per year for twenty (20) years for the payment of such bonds.

Read first and second times and referred to sifting committee.

Senate File 528, by committee on judiciary 2, a bill for an act to amend section six thousand two hundred thirty-nine (6239), Code, 1939, to authorize cities and towns to incur indebtedness for the purpose of constructing, purchasing, remodeling, or purchasing and remodeling city and town halls and acquiring sites therefor.

Read first and second times and referred to sifting committee.

Senate File 529, by committee on conservation, a bill for an act to permit and provide for conveying to the United States, certain lands in Allamakee and Clayton counties in the state of Iowa. The purpose of the gift provided for by this act is to enable the United States to establish a national monument and preserve of the pre-historic effigy Indian mounds located upon the land described in this act, these mounds being the only ones of their kind in the United States.

Read first and second times and referred to sifting committee.

Senator Hamiel asked and received unanimous consent to call up the following concurrent resolution :

## HOUSE CONCURRENT RESOLUTION 17

*Whereas*, The 48th General Assembly passed an act creating what is known as the farm to market road fund and initiated appropriate legislation for the handling thereof, and

*Whereas*, The Federal Bureau of Roads controls the expenditure of the money allocated by the federal government to match state funds provided for the same purpose, and any roads so built must be constructed in harmony with their specifications. This has resulted in the feeling that our farm to market road program is not being advanced as fast as was originally hoped it would be; now therefore,

*Be It Resolved by the House of Representatives of the State of Iowa, the Senate Concurring*: That we hereby memorialize the Congress of the United States to liberalize the regulations governing the allocation of federal funds to the various states for the purpose of building farm to market roads and to particularly liberalize the rules limiting the highways upon which such funds can be expended for the improvement thereof; and

That the various states through the appropriate authority created by them for that purpose and in Iowa particularly, the State Highway Commission, rather than the Federal Bureau of Roads, be given more authority to supervise the expenditure of such funds, as may be allocated to a given state for the construction of farm to market roads, than they previously have had;

*Be It Further Resolved*, That the Secretary of State be and is hereby directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States, and to each Iowa member thereof.

Senator Hamiel offered the following amendment and moved its adoption:

Amend House Concurrent Resolution 17 by inserting after the words "United States" in line 12 thereof the words "and the Federal Bureau of Roads"; and further amend said resolution by adding after the word "thereof" in line 26 thereof the following: "and to the Federal Bureau of Roads".

The amendment was adopted.

The resolution as amended was adopted.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 36, 152, 166, 292, 302, 359, 470, 473, 477, and 485; and Senate Joint Resolution 1.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 36, 152, 166, 292, 302, 359, 470, 473, 477 and 485, and Senate Joint Resolution 1.

**BILLS SENT TO THE GOVERNOR**

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

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 24th day of March, 1941, sent to the Governor for his approval: Senate Files 36, 152, 166, 292, 302, 359, 470, 473, 477 and 485; and Senate Joint Resolution 1. **EDWARD H. VRBA, Chairman.**

Passed on file.

Senator Byers asked and received unanimous consent to present Principal Carl Lang of the Alburnett schools, who was present in the balcony with a group of students.

**THIRD READING OF BILLS**

On motion of Senator Hill, Senate File 228, a bill for an act relating to the issuance of duplicate sheriff's certificates of sale for lost or destroyed certificates and providing for cancellation of outstanding certificates after lapse of eight years, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell offered the following amendment and moved its adoption:

Amend Senate File 228 by striking the word "in" in line 5 of section 1 and inserting the words "with the clerk of".

Senator Hill asked and received unanimous consent to have action temporarily deferred.

On motion of Senator Emerson, Senate File 336, a bill for an act to amend sections one thousand eight hundred sixty (1860), one thousand eight hundred sixty-two (1862), and one thousand eight hundred sixty-five (1865), Code, 1939, relating to the practice of professional engineering, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Emerson 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, 42:**

Augustine	Elthon	Johnson	Miller
Baldwin	Emerson	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Fuller	Leo	Shaw
Byers	Goode	Long	Talbott
Clark	Hamiel	Love	Turner
Corwin	Hart	Lundy	Vrba
Cromwell	Henningsen	Lynes	Watson
Dewey	Hess	Martin	Whitehill
Donohue	Hill	Mercer	Zeigler
Dykhouse	Hunt		

**Nays, none.**

**Absent or not voting, 8:**

Bekman	Findlay	Hattery	Sjulin
Evans	Harvey	Munger	Stewart

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

Senator Emerson 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.

On motion of Senator Mowry, Senate File 411, a bill for an act to amend subsection two (2) of section six thousand nine hundred forty-three and forty thousandths (6943.040), Code, 1939, by adding thereto a paragraph relating to the exemption of profits made in a foreign state, was taken up and considered.

Senator Mowry 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, 42:**

Augustine	Goode	Keir	Munger
Berg	Hamiel	Leo	Pelzer
Byers	Hart	Long	Shaw
Clark	Harvey	Love	Sjulin
Corwin	Hattery	Lundy	Stewart
Cromwell	Henningsen	Lynes	Talbott
Donohue	Hess	Martin	Turner
Dykhouse	Hill	Mercer	Watson
Emerson	Hunt	Miller	Whitehill
Faul	Johnson	Mowry	Zeigler
Findlay	Jones		

**Nays, none.**

**Absent or not voting, 8:**

Baldwin	Benson	Elthon	Fuller
Bekman	Dewey	Evans	Vrba

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

Senator Mowry 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.

On motion of Senator Byers, Senate File 429, a bill for an act to amend section sixty-five hundred seventy-eight and two tenths (6578.2), Code, 1939, relating to the election of park commissioners, was taken up and considered.

Senator Byers offered the following amendment and moved its adoption:

Amend Senate File 429 by inserting in line 9 after the figure "5787" and within the quotation marks the words ", Code, 1939."

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, 45:**

Augustine	Fuller	Jones	Munger
Baldwin	Goode	Keir	Pelzer
Benson	Hamiel	Leo	Shaw
Berg	Hart	Long	Sjulin
Byers	Harvey	Love	Stewart
Clark	Hattery	Lundy	Talbott
Corwin	Henningsen	Lynes	Turner
Cromwell	Hess	Martin	Vrba
Dewey	Hill	Mercer	Watson
Elthon	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Faul			

Nays, none.

**Absent or not voting, 5:**

Bekman	Dykhouse	Evans	Findlay
Donohue			

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, which motion prevailed.

On motion of Senator Byers, Senate File 427, a bill for an act to legalize the payment by Linn county, Iowa, for the care of patients in various state institutions from the state insane fund and poor fund during the years 1937, 1938 and 1939, was taken up and considered.

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, 45:**

Augustine	Findlay	Jones	Munger
Baldwin	Fuller	Keir	Pelzer
Benson	Goode	Leo	Shaw
Berg	Hamiel	Long	Sjulin
Byers	Hart	Love	Stewart
Clark	Harvey	Lundy	Talbott
Corwin	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Vrba
Dykhouse	Hess	Mercer	Watson
Elthon	Hill	Miller	Whitehill
Emerson	Hunt	Mowry	Zeigler
Faul			

**Nays, none.**

**Absent or not voting, 5:**

Bekman	Donohue	Evans	Johnson
Cromwell			

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, which motion prevailed.

On motion of Senator Elthon, Senate File 442, a bill for an act to legalize action of the town council of Lake Mills, Iowa, in transferring funds in the amount of two thousand dollars (\$2,000.00) from the town bond fund to the town paving fund, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Elthon offered the following amendment and moved its adoption:

Amend Senate File 442 by striking Section 2, the publication clause.

The amendment was adopted.

Senator Elthon 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, 46:**

Augustine	Faul	Jones	Munger
Baldwin	Findlay	Keir	Pelzer
Benson	Fuller	Leo	Shaw
Berg	Goode	Long	Sjulin
Byers	Hamiel	Love	Stewart
Clark	Hart	Lundy	Talbott
Corwin	Hattery	Lynes	Turner
Cromwell	Henningsen	Martin	Vrba
Dewey	Hess	Mercer	Watson
Dykhouse	Hill	Miller	Whitehill
Elthon	Hunt	Mowry	Zeigler
Emerson	Johnson		

**Nays, none.**

**Absent or not voting, 4:**

Bekman	Donohue	Evans	Harvey
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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 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, which motion prevailed.

On motion of Senator Cromwell, Senate File 257, a bill for an act to amend section fifty-six hundred sixty-nine (5669), Code, 1939, relating to the salaries of City Assessors and Deputy City Assessors in cities under the commission form of government and in cities acting under special charter having a population of more than sixty thousand and less than one hundred twenty-five thousand, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cromwell asked and received unanimous consent to withdraw the amendment filed by him and found on page 631 of the Journal.

Senator Vrba asked and received unanimous consent to withdraw the amendment filed by him and found on page 755 of the Journal.

Senator Berg offered the following amendments and moved their adoption:

**Amend Senate File 257 as follows:**



By striking the period at the end of the title and adding thereto the following: "and in cities of the first class having a population of more than forty-five thousand."

Further amend Senate File 257 by adding thereto a new section as follows:

"Sec. 2. Section five thousand six hundred sixty-nine (5669), Code, 1939, is further amended by adding thereto after paragraph two (2) of said section the following paragraph: 'In cities of the first class having a population of more than forty-five thousand the compensation of the assessor shall be three thousand dollars (\$3,000.00) per year.'"

Senator Berg offered the following amendment to the amendments offered by him and moved their adoption:

"Amend the amendment to Senate File 257 by inserting after the word "thousand" in the next to the last line of the amendment the following: "and less than sixty thousand"; also by adding after the word "thousand" in the proposed amendment to the title the words "and less than sixty thousand".

The amendment to the amendments was adopted.

The amendments as amended were adopted.

Senator Byers offered the following amendments and moved their adoption:

Amend Senate File 257 by striking the following which appears in lines 11, 12 and 13, to-wit: ", and in cities under special charter having a population of more than sixty thousand, and less than one hundred twenty-five thousand,".

Also amend the title by striking the following from line 4 of the title, to-wit: "and in cities acting under special charters".

The amendments were 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, 41:**

Augustine	Findlay	Johnson	Miller
Baldwin	Fuller	Jones	Mowry
Benson	Goode	Keir	Munger
Berg	Hart	Leo	Pelzer
Byers	Harvey	Long	Shaw
Clark	Hattery	Love	Sjulin
Corwin	Henningsen	Lundy	Stewart
Dewey	Hess	Lynes	Talbott
Dykhouse	Hill	Martin	Vrba
Elthon	Hunt	Mercer	Zeigler
Paul			

**Nays, none.**

Absent or not voting, 9:

Bekman	Emerson	Hamiel	Watson
Cromwell	Evans	Turner	Whitehill
Donohue			

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

Senator Cromwell 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.

On motion of Senator Stewart, Senate File 505, a bill for an act to amend chapter 87, acts of the 48th General Assembly, Senate File 255, relating to the control and eradication of Bang's disease in cattle, was taken up and considered.

Senator Stewart asked and received unanimous consent to have action temporarily deferred.

On motion of Senator Dykhouse, Senate File 501, a bill for an act to amend section five thousand ninety-three and three hundredths (5093.03), Code, 1939, relating to the imposition of the motor vehicle fuel tax, was taken up and considered.

Senator Dykhouse 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:

Augustine	Findlay	Johnson	Mowry
Benson	Fuller	Jones	Munger
Berg	Goode	Keir	Pelzer
Byers	Hamiel	Leo	Shaw
Clark	Hart	Long	Sjulin
Corwin	Harvey	Love	Stewart
Dewey	Hattery	Lundy	Turner
Donohue	Henningsen	Lynes	Vrba
Dykhouse	Hess	Martin	Watson
Elthon	Hill	Mercer	Whitehill
Emerson	Hunt	Miller	Zeigler
Faul			

Nays, none.

Absent or not voting, 5:

Baldwin	Cromwell	Evans	Talbott
Bekman			

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

Senator Dykhouse 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.

#### 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 pass the following bill in which the concurrence of the House was asked:

Senate File 208, a bill for an act relating to the lien of unpaid sales tax.

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

Senate File 240, a bill for an act relating to the annual reports to be filed with the state tax commission by owners of utilities.

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

Senate File 86, a bill for an act to extend the benefits of the Workmen's compensation act to the members of the Iowa safety patrol.

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

Senate File 52, a bill for an act relating to liens for old age assistance.

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

Senate File 190, a bill for an act relating to the uttering and publishing of false instruments and fixing punishment therefor.

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

Senate File 219, a bill for an act relating to the dates for holding county political conventions.

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

Senate File 317, a bill for an act relating to official reports and documents.

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

Senate File 391, a bill for an act relating to double election boards.

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

Senate File 392, a bill for an act relating to nominations by primary election.

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

Senate File 393, a bill for an act relating to canvass of votes.

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

Senate File 395, a bill for an act relating to voting machines.

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

Senate File 458, a bill for an act to legalize the payment of refund warrants issued on soldiers homestead exemption.

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

House File 420, a bill for an act to legalize and validate proceedings taken by the city council of the city of Spencer.

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

House File 437, a bill for an act to legalize the acts and proceedings of Harker-Beauman and Co.

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

House File 412, a bill for an act to legalize the corporate acts and proceedings of the National Mutual Insurance Association.

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

House File 239, a bill for an act to legalize the action of the Board of Supervisors in Keokuk county.

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

House File 463, a bill for an act to legalize the transfer of school funds in Jones county.

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

House File 518, a bill for an act to legalize and validate proceedings taken by the board of supervisors of Black Hawk county.

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

House File 289, a bill for an act relating to the institutions for feeble-minded.

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

House File 248, a bill for an act relating to bond elections for additions to county public hospitals.

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

House File 251, a bill for an act relating to the expenditure of county public hospital funds.

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

House File 387, a bill for an act relating to compressed gas systems.

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

Senate File 300, a bill for an act relating to the issuance and sale of bonds by Monroe county.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 79, a bill for an act to exempt cooperative corporations or associations for the years 1941 and 1942.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 85, a bill for an act relating to the place for the bringing of certain actions.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 115, a bill for an act relating to the presentation, investigation, allowance and payment of claims against 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 58, a bill for an act relating to actions of forcible entry and detention of real property.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 394, a bill for an act relating to absent voters law.

Also: That the Speaker of the House has appointed as a conference committee on the part of the House, on House File 8, Representatives Miller, Duffield, Van Oosterhout and Fimmen.

Also: That the Speaker of the House has appointed as a conference committee on the part of the House, on House File 223, Representatives Reed, Irwin, Sharp and Jessen.

Also: That the Speaker of the House has appointed as a conference committee on the part of the House, on House File 224, Representatives Reed, Irwin, Sharp and Jessen.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 29, providing that the state conservation commission set up a long time program for conserving and dredging Iowa owned lakes.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE AMENDMENT TO SENATE FILE 79

Amend Senate File 79 as follows:

1. Insert following the word "Iowa" in line three, section one, the following: "or similar laws of other states".

2. Strike the word "and" in line four, section one, and substitute a comma therefor.

3. Insert after the word "establishments" in line four, section one, the following: "and other persons or units where high line service is not otherwise available".

4. Insert in section one, line five, following the word "Iowa", the following: "and the value of the interests of members in such cooperative corporation or association".

## HOUSE AMENDMENT TO SENATE FILE 85

Amend Senate File 85 by changing the word "defendant" where it first appears in line ten (10) of section one (1) to "defendants", and by adding after said word "defendants" the words "or one of them"; and by changing the word "the" where it appears the third time in line ten (10) of said section, to the article "a".

## HOUSE AMENDMENT TO SENATE FILE 115

Amend Senate File 115 by striking section seven (7).

## HOUSE AMENDMENTS TO SENATE FILE 58

Amend the title to Senate File 58 by striking all after the comma following the figures "(12263)" in line two thereof, and by adding the following thereto:

"twelve thousand two hundred sixty-seven (12267), twelve thousand two hundred seventy-five (12275) and twelve thousand two hundred seventy-two (12272), chapter five hundred nineteen (519), Code, 1939, with reference to actions of forcible entry and detention of real property."

Amend section one of Senate File 58 by inserting the word "valid" before the word "tax" in line five of said section.

Amend Senate File 58 by adding thereto the following section:

"Sec. 4. Section twelve thousand two hundred seventy-two (12272), Code, 1939, is hereby amended by striking all following the period in line four (4) of said section."

Amend Senate File 58 by adding thereto the following section:

"Sec. 5. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the LeMars Semi-Weekly Sentinel, a newspaper published at LeMars, Iowa, and in the Ida Grove Pioneer Record, a newspaper published at Ida Grove, Iowa."

## HOUSE AMENDMENT TO SENATE FILE 394

Amend Senate File 394 by striking all after the enacting clause and substituting in lieu thereof the following:

"Section 1. That section nine hundred fifty (950), Code, 1939, is hereby repealed and the following enacted in lieu thereof:

'Precincts using voting machines. In precincts using voting machines, none of said ballot envelopes shall be opened until immediately after the closing of the polls to voters who vote in person. If there be more than one absent voter's ballot entitled to be cast, they shall, without being unfolded, be thoroughly intermingled in some proper manner, after which they shall be unfolded and, under the personal supervision of all the judges, be registered on the voting machine the same as if the absent voter had been present and voted in person.'

Amend the title to Senate File 394 by striking the word "amend" in the first line thereof and inserting in lieu thereof the word "repeal"; further amend the title by adding immediately after the comma following the figures "1939" in the first line, the following: "and to enact a substitute therefor,".

#### HOUSE CONCURRENT RESOLUTION 29

*Whereas*, The state of Iowa has some 65 meandering state-owned lakes which, at normal water level, total some 41,000 acres of water surface, and

*Whereas*, These lakes are a natural resource of great value and importance which has had comparatively little public consideration and which are rapidly filling in with silt and erosion, and

*Whereas*, An emergency exists whereby some 18 lakes of these state-owned lakes need immediate attention to increase the depth of the water level either by damming or dredging; therefore,

*Be It Resolved by the House of Representatives, the Senate Concurring:*

Section 1. That the state conservation commission of Iowa set up a long time program for the conserving and dredging of Iowa owned lakes, for silt and erosion has filled lakes to the extent where an emergency exists and is causing death and destruction to fish, and is a menace to boating and bathing; each project to be numbered according to the extreme emergency which exists.

Sec. 2. Such a program and estimated cost of each project together with all surveys, blue prints, and information necessary to carry out this program shall be submitted to the Governor of the state of Iowa for his approval on or before July 1, 1941.

Sec. 3. Upon the approval of this program by the Governor, it will be the duty of the state conservation commission to carry out this program by contract, or otherwise; to see that it is done properly and for the best interest to the state of Iowa.

Sec. 4. Each project shall be paid for from moneys appropriated by the legislature, or by other sources whereby such funds are available and not needed for maintenance of the state conservation commission.

#### THIRD READING OF BILLS

On motion of Senator Hattery, Senate File 418, a bill for an act to provide for the weighing and inspection of motor vehicles

and trailers and to confer the authority of peace officer on certain employees of the State Highway Commission in the enforcement of motor vehicle laws relating to the size, weight, and load of motor vehicles and trailers, was taken up and considered.

Senator Hattery asked and received unanimous consent to have action temporarily deferred.

On motion of Senator Hamiel, Senate File 481, a bill for an act to amend section four thousand two hundred twenty-nine (4229), Code, 1939, relating to teachers' contracts, and to provide for continuing contracts for teachers, was taken up and considered.

Senator Hamiel asked and received unanimous consent to have action temporarily deferred.

On motion of Senator Hill, the Senate resumed consideration of Senate File 228.

Senator Cromwell asked and received unanimous consent to withdraw the amendment filed by him.

Senator Hill offered the following amendment and moved its adoption:

Amend Senate File 228 by striking all of sub-section 1 and substituting the following in lieu thereof:

"1. When any person, firm or corporation to whom a sheriff's certificate of sale has been issued or an assignee thereof shall file in the office of the clerk of the district court in which the certificate was issued and in said action, a verified application signed by the purchaser or assignee, his agent, legal representative or attorney that the outstanding sheriff's certificate of sale in said action has been lost or destroyed, the court or judge shall fix a time for hearing thereon and prescribe the notice therefor and the manner of service thereof on the parties to said action or their successors in interest, and on said hearing if the court finds that the sheriff's certificate of sale issued in said cause has been lost or destroyed, shall order the sheriff of said county to issue a duplicate certificate of sale as of the date of the original certificate which shall have the same force and effect as the original, and any deed executed thereunder shall have the same force and effect as if executed under the original certificate of sale."

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, 45:**

Augustine	Faul	Jones	Munger
Baldwin	Findlay	Keir	Pelzer
Benson	Fuller	Leo	Shaw
Berg	Goode	Long	Sjulin
Byers	Hamiel	Love	Stewart
Clark	Hart	Lundy	Talbott
Corwin	Harvey	Lynes	Turner
Cromwell	Hattery	Martin	Vrba
Dewey	Henningsen	Mercer	Watson
Donohue	Hess	Miller	Whitehill
Eithon	Hill	Mowry	Zeigler
Emerson			

**Nays, none.****Absent or not voting, 5:**

Bekman	Evans	Hunt	Johnson
Dykhouse			

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, which motion prevailed.

On motion of Senator Donohue, the Senate recessed until 1:30 p. m.

**AFTERNOON SESSION**

The Senate reconvened, President Hickenlooper presiding.

**INTRODUCTION OF BILLS**

Senate File 530, by committee on insurance, a bill for an act to authorize the appointment by the Governor of a commission to cooperate with the Commissioner of Insurance in the preparation of a proposed revision and codification of the laws of Iowa relating to insurance; to authorize a survey and necessary research to justify any changes in the insurance laws of Iowa; to authorize an appropriation for the carrying out of the provisions of this act; to authorize and direct the report of the commission and the Commissioner of Insurance to be given to the Governor of Iowa; to authorize and direct the printing of the same and placing of copies in the hands of the Fiftieth (50th) General Assembly.

Read first and second times and referred to sifting committee.

Senate File 531, by committee on cities and towns, a bill for an

act to amend section six thousand sixty-six and twenty-four hundredths (6066.24), Code, 1939, relating to powers of cities and towns to own, acquire, construct, equip, operate and maintain, within or without the corporate limits of such city or town, sewage treatment plant or plants, and providing for additional powers to cities and towns to own, acquire, construct, equip, operate and maintain, within or without the corporate limits of such city or town, main or trunk line sewer or sewer system.

Read first and second times and referred to 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 adopted the following House Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 32 relating to inheritance taxes.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 99, a bill for an act relating to amount of surplus required of mutual insurance companies.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 174, a bill for an act to create boiler inspection department.

A. C. GUSTAFSON, *Chief Clerk.*

### HOUSE AMENDMENTS TO SENATE FILE 174

Amend Senate File 174 by striking from line six (6) of section three (3), the following: "of less than three (3) apartments".

Amend Senate File 174 by inserting after the word "inspection" in lines two (2) and three (3) of section three (3), the following: ", boilers operated and regularly inspected by railway companies operating in interstate commerce".

### HOUSE AMENDMENT TO SENATE FILE 99

Amend Senate File 99 by striking all after the enacting clause and by inserting in lieu thereof, the following:

"Section 1. Subsection five (5) of section eight thousand nine hundred six (8906), Code, 1939, is hereby amended by striking the word "five" in line four (4) thereof and by inserting in lieu thereof the word "ten"."

### HOUSE CONCURRENT RESOLUTION 32

*Whereas*, The Forty-ninth General Assembly has passed House File 134, a bill for an act relating to inheritance taxes, and that the same is now in the hands of the Governor awaiting his approval, and

*Whereas*, It is desirable to withhold the action of the Governor until the House has passed upon Senate File 437, now, therefore

*Be It Resolved by the House, the Senate Concurring*: That the Governor be requested to return House File 134 to the House to be held by the Chief Clerk until the final disposition of Senate File 437.

#### HOUSE MESSAGES CONSIDERED

House File 239, a bill for an act to legalize the action of the board of supervisors of Keokuk county, Iowa, in making expenditures from the Keokuk County Insane Fund for the purpose of paying the expenses and maintenance of the Keokuk County Home.

Read first and second times and referred to sifting committee.

House File 248, a bill for an act to amend section five thousand three hundred forty-eight and one tenth (5348.1), Code, 1939, relating to bond elections for additions to county public hospitals.

Read first and second times and referred to sifting committee.

House File 251, a bill for an act to amend section five thousand three hundred fifty-three (5353), Code, 1939, relating to the expenditure of county public hospital funds.

Read first and second times and referred to sifting committee.

House File 289, a bill for an act to repeal sections three thousand four hundred six (3406), three thousand four hundred seven (3407), three thousand four hundred eight (3408), three thousand four hundred nine (3409), and three thousand four hundred ten (3410) and three thousand four hundred seventy-five (3475), Code, 1939, relating to the institutions for feeble-minded and to amend chapter one hundred seventy (170), Code, 1939, by adding sections thereto, all providing liability for, collection, and payment of the costs of supporting inmates of said institution.

Read first and second times and referred to sifting committee.

House File 387, a bill for an act to repeal chapter eighty and one tenth (80.1), Code, 1939, relating to compressed gas systems; and to enact a substitute therefor, defining "liquid petroleum gases", providing for regulations and for penalties for violation thereof.

Read first and second times and referred to sifting committee.

House File 412, a bill for an act to legalize the corporate acts and proceedings of the National Mutual Insurance Association of Iowa and to provide for the renewal and extension of the corporate existence of said company.

Read first and second times and referred to sifting committee.

House File 420, a bill for an act to legalize and validate proceedings taken by the city council of the city of Spencer, Clay county, Iowa, authorizing and providing for the issuance of bonds for fire station purposes and making provisions for the levy of taxes to pay said bonds.

Read first and second times and referred to sifting committee.

House File 437, a bill for an act to legalize the acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of Harker-Beauman & Company, of Estherville, Iowa, and to provide for the renewal of the charter of said Harker-Beauman & Company.

Read first and second times and referred to sifting committee.

House File 463, a bill for an act to legalize and validate the permanent transfer of funds by the Consolidated School District of Morley in Jones county, Iowa, from the schoolhouse fund to the general fund of said school district, made necessary by the reason of extreme emergency.

Read first and second times and referred to sifting committee.

House File 518, a bill for an act to legalize and validate proceedings taken by the board of supervisors of Black Hawk county, Iowa, authorizing and providing for the issuance of \$45,000.00 refunding bonds of said county and providing for the levy of taxes to pay said bonds.

Read first and second times and referred to sifting committee.

Senator Donohue asked and received unanimous consent to take up the following concurrent resolution and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 22

*Be It Resolved by the Senate, the House Concurring:* That the Senate and House join and that the legislature request from the Governor the

return by him to the legislature, by returning the same to the House of Representatives, Senate File 75 for such further action as the legislature may deem proper.

The resolution was adopted.

Senator Donohue asked and received unanimous consent to have Senate Concurrent Resolution 22 immediately messaged to the House.

On motion of Senator Faul, Senate File 248, a bill for an act to amend sections six thousand nine hundred forty-three and one hundred forty-three thousandths (6943.143) and six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), Code, 1939, relating to rights and privileges granted to persons called, ordered, entering, or inducted into the military or naval forces or nurse corps of this state or the United States, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 248 by inserting in line 11 of section 2 between the comma and the word "such" the following: "and whose homestead premises are not leased for profit during the major portion of any year of the period of his said service,".

The amendment was lost.

Senator Faul 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:

Augustine	Faul	Johnson	Mowry
Baldwin	Findlay	Jones	Pelzer
Benson	Fuller	Keir	Shaw
Berg	Goode	Leo	Sjulin
Byers	Hamiel	Long	Stewart
Clark	Harvey	Love	Talbott
Corwin	Hattery	Lundy	Turner
Cromwell	Henningsen	Lynes	Vrba
Dewey	Hess	Martin	Watson
Elthon	Hill	Mercer	Whitehill
Emerson	Hunt	Miller	Zeigler

Nays, none.

Absent or not voting, 6:

Bekman	Dykhouse	Hart	Munger
Donohue	Evans		

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

Senator Faul 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.

Senator Faul asked and received unanimous consent to have Senate File 248 immediately messaged to the House.

On motion of Senator Mowry, Senate File 360, a bill for an act to amend chapter two hundred thirteen (213), Code, 1939, to provide for publication or posting of monthly summaries of proceedings and expenditures of school districts, was taken up and considered.

Senator Mowry 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, 42:**

Augustine	Emerson	Hunt	Miller
Baldwin	Findlay	Johnson	Mowry
Benson	Fuller	Jones	Pelzer
Berg	Goode	Leo	Shaw
Byers	Hamiel	Long	Stewart
Corwin	Hart	Love	Talbott
Cromwell	Harvey	Lundy	Vrba
Dewey	Hattery	Lynes	Watson
Donohue	Henningsen	Martin	Whitehill
Dykhouse	Hess	Mercer	Zeigler
Elthon	Hill		

**Nays, none.**

**Absent or not voting, 8:**

Bekman	Evans	Keir	Sjulin
Clark	Faul	Munger	Turner

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

Senator Mowry 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.

On motion of Senator Watson, Senate File 295, a bill for an act relating to liquor injunctions and declaring certain of them null and void, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Watson asked and received unanimous consent to have action temporarily deferred.

Senator Donohue asked and received unanimous consent to suspend the rules and take up the following concurrent resolution:

#### HOUSE CONCURRENT RESOLUTION 32

*Whereas*, the Forty-ninth General Assembly has passed House File 134, a bill for an act relating to inheritance taxes, and that the same is now in the hands of the Governor awaiting his approval, and

*Whereas*, it is desirable to withhold the action of the Governor until the House has passed upon Senate File 437, now, therefore

*Be It Resolved by the House, the Senate Concurring*: That the Governor be requested to return House File 134 to the House to be held by the Chief Clerk until the final disposition of Senate File 437.

The resolution was adopted.

Senator Donohue asked and received unanimous consent that House Concurrent Resolution 32 be immediately messaged back to the House.

On motion of Senator Mowry, Senate File 335, a bill for an act to provide for the supervision and control of interscholastic boys' athletic competition among the high schools of the state, was taken up and considered.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 335 by striking the period at the end of section 11 and adding thereto the following: "and thereafter shall have the right to vote for the selection of the members of the Board of Control and nomination and election ballots shall be forwarded to the superintendent or principal of such schools."

The amendment was adopted.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 335 by striking section 11.

The amendment was lost.

Senator Hunt 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, 41:

Augustine  
Baldwin  
Benson

Berg  
Byers  
Corwin

Cromwell  
Dewey  
Donohue

Dykhouse  
Elthon  
Emerson

Faul	Hess	Lynes	Sjulin
Findlay	Hill	Martin	Stewart
Goode	Hunt	Mercer	Talbott
Hamiel	Jones	Miller	Turner
Hart	Keir	Mowry	Vrba
Harvey	Leo	Munger	Whitehill
Hattery	Long	Shaw	Zeigler
Henningesen			

Nays, 3:

Clark	Lundy	Watson
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Absent or not voting, 6:

Bekman	Fuller	Love	Pelzer
Evans	Johnson		

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

#### MESSAGES RECEIVED 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 22 requesting the return of Senate File 75 from the Governor.  
A. C. GUSTAFSON, *Chief Clerk.*

Senator Donohue moved that the chairman of the committee on enrolled bills be instructed to take Senate Concurrent Resolution 22 as passed by both houses to the Governor and secure the return of Senate File 75, which motion prevailed.

The President announced that Senate File 75 had been returned to the Senate and was now in the possession of the Secretary.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 21st he had approved the following:

Senate File 14, legalizing payments made by counties to institutions and contracts between counties and institutions for the care and support of neglected, dependent and delinquent children.

Also that on March 24th he had approved the following:

Senate File 180, relating to fraternal beneficiary associations and authorizing the issuance of certificates.



Senate File 349, relating to withholding agents and nonresidents.

#### PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

House File 239, a proposed bill for the legalization of the proceedings of the board of supervisors of Keokuk county.

House File 518, a proposed bill for legalization of proceedings of board of supervisors of Black Hawk county. WALTER H. BEAM.

#### RESIGNATION OF COMMITTEE CLERK

**MR. PRESIDENT:** I hereby tender my resignation as clerk to Senator Turner. JOYANN CLIPSON.

The resignation was accepted.

#### AMENDMENTS FILED

Amend Senate File 396 as follows:

(1) By striking all of section 1 and substituting the following:

"Section 1. Section four thousand six hundred eighty-six and thirty-one hundredths (4686.31), Code, 1939, is repealed and the following is substituted therefor:

"Section 4686.31 The State Highway Commission shall transfer from the primary road fund on or before June 30, 1941, and on or before June 30 of each year thereafter, all moneys in excess of the sum of seventeen million dollars (\$17,000,000.00) received in the primary road fund from state sources, exclusive, however, of funds received from sale of primary road bonds, to be distributed as follows: one half shall go to the farm-to-market road fund and one half shall be distributed to cities and towns by the ratio that the population of each bears to the total population of all cities and towns in the state, as determined by the latest census. Such sums shall be used only for the maintenance and repairs of the city streets and highways."

(2) By adding to the title the following: "and for streets and highways in cities and towns." GEORGE FAUL.

Amend Senate File 259 by striking from lines 7 and 8 of section 13 all after the word "in" and including the word "registrar" in line 8 and inserting the following in lieu thereof: "the uniform clerk birth record of the county. Each county clerk (the county registrar) may, at the expense of the county, list and record the birth reports in the state registrar's office, completing and bringing the county record to date."

H. C. BALDWIN.

Amend Senate File 481 by inserting after the word "effect" in line 4 of Section 1 thereof the following: "for the term stated in the contract, and shall be automatically renewed from term to term thereafter."

M. C. HAMIEL.  
ROBT. MUNGER.

Amend section 2 of Senate File 446 by inserting after the word "shall" in line 11 of said section the following: "credit the institution with the amounts so certified, certify the credits to the State Treasurer and".

J. BERG.

Amend Senate File 323 by striking the words "or size" in line 9 of section 2 of the bill, and to further amend Senate File 323 by striking the following words in lines 10 and 11 of section two: "or changes the location of any such store or stores".

R. E. HESS.

Amend House File 147 by striking all following the enacting clause and by substituting in lieu thereof the following:

Section 1. Section six thousand two hundred eleven (6211), subsection nineteen (19), Code, 1939, is amended by striking from lines one (1), two (2), and three (3), commencing with the word "When" and ending with the word "mills" and substituting therefor the following: "When a free public library has been established, not exceeding one and one-fourth ( $1\frac{1}{4}$ ) mills in all cities and towns having a population of more than twenty-five thousand (25,000), and not exceeding two (2) mills in cities having less than twenty-five thousand (25,000)".

HUGH W. LUNDY.

On motion of Senator Cromwell, the Senate adjourned until 10:00 a. m. Tuesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 25, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. James Greteman, pastor of St. Thomas Parish of Manson.

The Journal of March 24th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Stewart for the day, on request of Senator Findlay; Senator Fuller for the afternoon, on request of Senator Henningsen.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Faul, from members of the Daughters of Union Veterans, Aunt Becky Young Tent No. 6 of Des Moines, favoring legislation naming a G. A. R. highway; also from 1181 residents of Polk county, favoring passage of Senate File 198.

By Senator Keir, from merchants of Spencer, in opposition to Senate File 5.

By Senator Augustine, from residents of Monroe and Appanoose counties, relative to certain liquor legislation.

By Senator Jones, from residents of Clarke county, favoring passage of Senate Files 443 and 444.

By Senator Evans, from independent truck owners and drivers of Villisca, in opposition to Senate File 399.

Senator Talbott asked and received unanimous consent to take up the following concurrent resolution and moved its adoption:

## HOUSE CONCURRENT RESOLUTION 23

*Be It Resolved by the House, the Senate Concurring:* That in view of the approaching centennial of the statehood of Iowa, the state having been admitted to the Union on December 28, 1846, the Governor of Iowa is hereby authorized to appoint a committee of nine (9) persons for the

purpose of considering and preparing plans for a proper celebration of the centennial of Iowa statehood during the year 1946, at the capitol of Iowa and in various parts of Iowa, such program for celebration to be of a character suitable to advance the educational and historical interest of the people of the state in development of our state during its first hundred years.

Said committee is hereby instructed to prepare plans and programs for such celebration and submit the same to the Fiftieth General Assembly for such action as it may deem proper.

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 274, a bill for an act relating to river front improvements.

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

Senate File 177, a bill for an act relating to investments of insurance companies.

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

House File 207, a bill for an act relating to budget estimates.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 30, providing for the preservation of the printed bills of the session for a certain period of time.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 31, relating to the marking of the center of the pavements on public highways.

Also: That the House has reconsidered its previous action on, and has adopted Senate Concurrent Resolution 12, memorializing Congress to amend the Federal Housing Act to make its provisions available to farmers.

Also: That the House insists on its amendments to Senate File 2, a bill for an act to provide certain physical requirements as a pre-requisite to issuance of marriage license, and requests a conference, and the Speaker has appointed as members of the Conference Committee on the part of the House: Representatives Risse, Knowlton, Randall and Knudson.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE CONCURRENT RESOLUTION 30

*Be It Resolved by the House, the Senate Concurring:* That the printed bills filed in the Bill Rooms of the House and the Senate be left intact until these rooms are required for the use of the succeeding General Assembly.

## HOUSE CONCURRENT RESOLUTION 31

*Whereas,* The ever increasing number of motor vehicles on the public highways in the state of Iowa has caused an increased hazard for the driving public;

*Whereas,* The surrounding sister states have adopted the policy of marking the center of their pavements on dangerous hills with yellow warning lines;

*Whereas,* Said markings have been a safety measure and have decreased the accidents on dangerous hills;

*Whereas,* The Highway Commission of the State of Iowa has not adopted the policy of marking the center of the pavement on dangerous hills with yellow warning lines;

*Be It Resolved by the House of Representatives, the Senate Concurring,* That the Highway Commission of the State of Iowa adopt a program of marking the center of pavements on public highways within their jurisdiction on dangerous hills with yellow warning lines.

Senator Donohue moved that the House be notified that Senate File 75 had been returned to the Senate, and that it would be sent to the House, if requested, which motion prevailed.

## HOUSE AMENDMENTS CONSIDERED

Senator Cromwell called up for consideration Senate File 174, a bill for an act creating a boiler inspection department within the Department of Labor, providing for notice of intention to install and inspection of steam boilers, generators, superheaters, and creating the office of state boiler inspector, defining his duties, and providing for the enforcement of boiler inspection provisions of the act and providing penalties for the violation thereof, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 174 by striking from line six (6) of section three (3), the following: "of less than three (3) apartments".

Amend Senate File 174 by inserting after the word "inspection" in lines two (2) and three (3) of section three (3), the following: ", boilers operated and regularly inspected by railway companies operating in interstate commerce".

The Senate concurred in the House amendments.

Senator Cromwell moved that the bill as amended by the House and concurred in by the Senate, 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:

Augustine	Dykhousé	Henningsen	Mercer
Bekman	Elthon	Hill	Mowry
Benson	Emerson	Johnson	Munger
Berg	Evans	Keir	Talbott
Byers	Faul	Leo	Vrba
Clark	Findlay	Lundy	Watson
Cromwell	Fuller	Lynes	Whitehill
Dewey	Harvey	Martin	Zeigler
Donohue	Hattery		

Nays, 4:

Goode	Hamiel	Hess	Sjulin
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Absent or not voting, 12:

Baldwin	Hunt	Love	Shaw
Corwin	Jones	Miller	Stewart
Hart	Long	Pelzer	Turner

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

Senator Cromwell 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.

Senator Hess called up for consideration Senate File 58, a bill for an act to amend sections twelve thousand two hundred sixty-three (12263) and twelve thousand two hundred sixty-seven (12267), chapter five hundred nineteen (519) of the 1939 Code of Iowa, which has to do with Forceful Entry and Detention of Real Property, amended by the House, and moved that the Senate concur in the following amendments:

Amend the title to Senate File 58 by striking all after the comma following the figures "(12263)" in line two thereof, and by adding the following thereto:

"twelve thousand two hundred sixty-seven (12267), twelve thousand two hundred seventy-five (12275) and twelve thousand two hundred seventy-two (12272), chapter five hundred nineteen (519), Code, 1939, with reference to actions of forcible entry and detention of real property."

Amend section one of Senate File 58 by inserting the word "valid" before the word "tax" in line five of said section.

Amend Senate File 58 by adding thereto the following section:

"Sec. 4. Section twelve thousand two hundred seventy-two (12272),

Code, 1939, is hereby amended by striking all following the period in line four (4) of said section."

Amend Senate File 58 by adding thereto the following section:

"Sec. 5. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the LeMars Semi-Weekly Sentinel, a newspaper published at LeMars, Iowa, and in the Ida Grove Pioneer Record, a newspaper published at Ida Grove, Iowa."

The Senate concurred in the House amendments.

Senator Hess moved that the bill as amended by the House and concurred in by the Senate 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, 42:**

Augustine	Emerson	Hill	Munger
Bekman	Evans	Johnson	Pelzer
Benson	Faul	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Fuller	Leo	Talbott
Clark	Goode	Long	Turner
Corwin	Hamiel	Love	Vrba
Cromwell	Harvey	Lundy	Watson
Dewey	Hattery	Lynes	Whitehill
Donohue	Henningsen	Mowry	Zeigler
Elthon	Hess		

**Nays, none.**

**Absent or not voting, 8:**

Baldwin	Hart	Martin	Miller
Dykhouse	Hunt	Mercer	Stewart

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

Senator Donohue 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.

Senator Shaw called up for consideration Senate File 79, a bill for an act to encourage rural electrification in Iowa; to impose a tax and provide for the collection thereof upon co-operative corporations and associations not organized or operated for profit, engaged in generating, transmitting, distributing or furnishing electric energy or electric service to its members and others, as by law provided in lieu of other taxes; to amend section six thousand nine hundred forty-three and seventy-five thousandths (6943.075), Code, 1939; and to repeal the law as it appears in section seven thousand one hundred two (7102), Code, 1939,

amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 79 as follows:

1. Insert following the word "Iowa" in line three, section one, the following: "or similar laws of other states".
2. Strike the word "and" in line four, section one, and substitute a comma therefor.
3. Insert after the word "establishments" in line four, section one, the following: "and other persons or units where high line service is not otherwise available".
4. Insert in section one, line five, following the word "Iowa", the following: "and the value of the interests of members in such cooperative corporation or association".

Senator Donohue offered the following amendment to the House amendment and moved its adoption:

Amend section 3 of the House amendment to Senate File 79 by striking therefrom the following words: "other persons or units" and inserting in lieu thereof the following: "rural churches, rural schools, rural business establishments and unincorporated villages".

Roll call was demanded.

Rule 8 was invoked.

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

Ayes, 25:

Bekman	Emerson	Hattery	Pelzer
Berg	Evans	Hess	Sjulin
Byers	Faul	Long	Talbott
Clark	Goode	Lundy	Watson
Cromwell	Hart	Lynes	Whitehill
Donohue	Harvey	Munger	Zeigler
Dykhouse			

Nays, 21:

Augustine	Fuller	Jones	Mercer
Baldwin	Hamiel	Keir	Mowry
Corwin	Hill	Leo	Shaw
Dewey	Hunt	Love	Turner
Elthon	Johnson	Martin	Vrba
Findlay			

Absent or not voting, 4:

Benson	Henningsen	Miller	Stewart
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The amendment was adopted.

Senator Vrba moved that the Senate concur in the House amendments as amended.

The motion prevailed and the Senate concurred.



Senator Vrba moved that the bill, with the House amendments as amended and concurred in by the Senate, 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:**

Bekman	Evans	Hill	Mercer
Berg	Faul	Hunt	Mowry
Byers	Findlay	Johnson	Munger
Clark	Fuller	Jones	Pelzer
Corwin	Goode	Keir	Shaw
Cromwell	Hamiel	Leo	Sjulin
Dewey	Hart	Long	Talbott
Donohue	Harvey	Love	Turner
Dykhouse	Hattery	Lundy	Vrba
Elthon	Henningsen	Lynes	Watson
Emerson	Hess	Martin	Zeigler

**Nays, none.**

**Absent or not voting, 6:**

Augustine	Benson	Stewart	Whitehill
Baldwin	Miller		

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

Senator Vrba 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.

Senator Vrba asked and received unanimous consent that Senate File 79 be immediately messaged to the House.

Senator Watson took the chair at 11:18 a. m.

Senator Donohue called up for consideration Senate File 85, a bill for an act to amend chapter four hundred eighty-eight (488), Code, 1939, providing for place of bringing actions for injuries to a person or damage to property caused by motor vehicles, amended by the House, and moved that the Senate concur in the following amendment:

Amend Senate File 85 by changing the word "defendant" where it first appears in line ten (10) of section one (1) to "defendants", and by adding after said word "defendants" the words "or one of them"; and by changing the word "the" where it appears the third time in line ten (10) of said section, to the article "a".

The Senate concurred in the House amendment.

Senator Donohue moved that the bill as amended by the House

and concurred in by the Senate 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:

Augustine	Elthon	Jones	Mowry
Baldwin	Emerson	Keir	Munger
Bekman	Evans	Leo	Pelzer
Berg	Faul	Long	Sjulin
Byers	Goode	Love	Talbott
Clark	Hamiel	Lundy	Turner
Corwin	Hattery	Lynes	Vrba
Cromwell	Hess	Martin	Whitehill
Dewey	Hill	Mercer	Zeigler
Donohue	Hunt		

Nays, 2:

Findlay	Watson
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Absent or not voting, 10:

Benson	Hart	Johnson	Shaw
Dykhouse	Harvey	Miller	Stewart
Fuller	Henningesen		

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

Senator Donohue 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.

Senator Baldwin asked and received unanimous consent to take up the following concurrent resolution and moved its adoption:

#### HOUSE CONCURRENT RESOLUTION 21

*Whereas*, Both Houses of the Legislature see fit to open their day's work with prayer, and it is unseemly that they should work during the time in which is commemorated the Passion and Death of the Lord to Whom they dedicate their daily efforts;

*Whereas*, Many members will absent themselves from their legislative halls during that time to attend services in their respective churches; therefore,

*Be It Resolved by the House, the Senate Concurring*: That a special recess be held on Good Friday afternoon, April 11, during the hours of twelve to three o'clock, out of reverence to the Passion and Death of Our Lord.

The resolution was adopted.

## HOUSE AMENDMENTS CONSIDERED

Senator Faul called up for consideration Senate File 99, a bill for an act to amend section eight thousand nine hundred six (8906), Code, 1939, relating to the amount of surplus required of mutual insurance companies, amended by the House, and moved that the Senate concur in the following amendment:

Amend Senate File 99 by striking all after the enacting clause and by inserting in lieu thereof, the following:

"Section 1. Subsection five (5) of section eight thousand nine hundred six (8906), Code, 1939, is hereby amended by striking the word "five" in line four (4) thereof and by inserting in lieu thereof the word "ten"."

The Senate concurred in the House amendment.

Senator Faul moved that the bill as amended by the House and concurred in by the Senate 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:

Augustine	Evans	Hill	Mercer
Baldwin	Faul	Hunt	Mowry
Bekman	Findlay	Johnson	Munger
Byers	Goode	Jones	Pelzer
Clark	Hamiel	Keir	Sjulin
Corwin	Hart	Leo	Talbott
Cromwell	Harvey	Long	Turner
Dewey	Hattery	Love	Watson
Elthon	Henningsen	Lynes	Whitehill
Emerson	Hess	Martin	Zeigler

Nays, none.

Absent or not voting, 10:

Benson	Dykhouse	Miller	Stewart
Berg	Fuller	Shaw	Vrba
Donohue	Lundy		

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

Senator Faul 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.

Senator Shaw called up for consideration Senate File 115, a bill for an act relating to the presentation, investigation, allowance, and payment of claims against the State of Iowa, being amendatory of chapter seven and one tenth (7.1), Code, 1939, known as the Budget and Financial Control Act, amended by the House,

and moved that the Senate concur in the following amendment :

Amend Senate File 115 by striking section seven (7).

The Senate concurred in the House amendment.

Senator Shaw moved that the bill as amended by the House and concurred in by the Senate 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:**

Augustine	Faul	Jones	Munger
Bekman	Findlay	Keir	Pelzer
Byers	Hamiel	Leo	Shaw
Clark	Hart	Long	Sjulin
Corwin	Harvey	Love	Talbott
Cromwell	Hattery	Lundy	Turner
Dewey	Henningsen	Lynes	Vrba
Dykhouse	Hill	Martin	Watson
Elthon	Hunt	Mercer	Whitehill
Emerson	Johnson	Mowry	Zeigler

**Nays, none.**

**Absent or not voting, 10:**

Baldwin	Donohue	Goode	Miller
Benson	Evans	Hess	Stewart
Berg	Fuller		

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

Senator Shaw 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.

Senator Cromwell called up for consideration Senate File 394, a bill for an act to amend section nine hundred fifty (950), Code, 1939, relating to absent voters law, amended by the House, and moved that the Senate concur in the following amendments :

Amend Senate File 394 by striking all after the enacting clause and substituting in lieu thereof the following :

"Section 1. That section nine hundred fifty (950), Code, 1939, is hereby repealed and the following enacted in lieu thereof :

'Precincts using voting machines. In precincts using voting machines, none of said ballot envelopes shall be opened until immediately after the closing of the polls to voters who vote in person. If there be more than one absent voter's ballot entitled to be cast, they shall, without being unfolded, be thoroughly intermingled in some proper manner, after which they shall be unfolded and, under the personal supervision of all the judges, be registered on the voting machine the same as if the absent voter had been present and voted in person.'"

Amend the title to Senate File 394 by striking the word "amend" in the first line thereof and inserting in lieu thereof the word "repeal"; further amend the title by adding immediately after the comma following the figures "1939" in the first line, the following: "and to enact a substitute therefor,".

The Senate concurred in the House amendments.

Senator Cromwell moved that the bill as amended by the House and concurred in by the Senate 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:**

Baldwin	Evans	Jones	Munger
Bekman	Faul	Keir	Pelzer
Berg	Hamiel	Leo	Shaw
Clark	Harvey	Long	Sjulin
Corwin	Hattery	Love	Talbott
Cromwell	Henningsen	Lundy	Turner
Dewey	Hess	Lynes	Vrba
Dykhouse	Hill	Martin	Watson
Elthon	Hunt	Mercer	Whitehill
Emerson	Johnson	Mowry	Zeigler

**Nays, 1:**

Augustine

**Absent or not voting, 9:**

Benson	Findlay	Goode	Miller
Byers	Fuller	Hart	Stewart
Donohue			

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

Senator Cromwell 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.

### THIRD READING OF BILLS

Senator Hattery asked and received unanimous consent to resume consideration of Senate File 418, a bill for an act to provide for the weighing and inspection of motor vehicles and trailers and to confer the authority of peace officer on certain employees of the State Highway Commission in the enforcement of motor vehicle laws relating to the size, weight, and load of motor vehicles and trailers, was taken up and considered.

Senator Hattery 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:**

Augustine	Faul	Johnson	Munger
Baldwin	Findlay	Jones	Pelzer
Bekman	Goode	Leo	Shaw
Clark	Hamiel	Long	Sjulin
Corwin	Harvey	Lundy	Talbott
Cromwell	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Watson
Donohue	Hess	Mercer	Whitehill
Emerson	Hill	Mowry	Zeigler
Evans	Hunt		

**Nays, none.**

**Absent or not voting, 12:**

Benson	Dykhouse	Hart	Miller
Berg	Elthon	Keir	Stewart
Byers	Fuller	Love	Vrba

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

Senator Hattery 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.

Senator Hattery asked and received unanimous consent to have Senate File 418 immediately messaged to the House.

Senator Dewey asked and received unanimous consent to have 500 copies printed of the Senate amendment to Senate File 5.

Senator Faul asked and received unanimous consent to present the ninth grade civics class from Callanan Junior High School who were present in the balcony.

Senator Long moved that the Senate adjourn until 10:00 a. m. Wednesday.

Senator Faul moved as a substitute that the Senate recess until 1:30 p. m.

The motion prevailed and the substitution was made.

On motion of Senator Faul, the Senate recessed until 1:30 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

## INTRODUCTION OF BILLS

Senate File 532, by committee on mines and mining, a bill for an act to amend chapter sixty-eight (68), Code, 1939, relating to mines and mining.

Read first and second times and referred to sifting committee.

Senate File 533, by committee on mines and mining, a bill for an act to amend section one thousand two hundred forty-six (1246), Code, 1939, relating to maps of mines.

Read first and second times and referred to sifting committee.

Senate File 534, by committee on mines and mining, a bill for an act to amend section one thousand two hundred eighty-eight (1288), Code, 1939, relating to temporary employment in mines.

Read first and second times and referred to sifting committee.

## THIRD READING OF BILLS

On motion of Senator Lynes, the Senate resumed consideration of House File 28, a bill for an act to amend section five thousand one hundred five and six hundredths (5105.06), chapter two hundred fifty-two and three tenths (252.3), Code, 1939, defining the term "permit".

Senator Lynes asked and received unanimous consent to withdraw the committee amendment to House File 28, found on page 448 of the Journal.

Senator Lynes asked and received unanimous consent to withdraw the amendment filed by him to the committee amendment and found on page 789 of the Journal.

Senator Lynes offered the following amendment and moved its adoption:

Amend House File 28 by adding thereto the following sections:

Sec. 3. Section five thousand one hundred five and seven hundredths (5105.07), Code of 1939, is amended by adding thereto a new subparagraph as follows:

"5. A statement setting forth the service which the applicant proposes to furnish."

Sec. 4. Section five thousand one hundred five and eight hundredths (5105.08) is amended by inserting in line five (5) thereof after the period following the word "defined" the following:

"Provided, however, that before a permit shall be issued for the transportation of livestock, raw farm and dairy products, farm feeds and con-

centrates, and implements used in farming operations, by a truck operator transporting same for compensation and not operating between fixed termini nor over a regular route, the commission shall, after a public hearing, make a finding that the service proposed to be rendered will promote the public necessity and convenience.

"The term "truck operator" as contemplated in this section shall be limited to an operator engaged in performing a public service for hire in the transportation solely of farm-to-market products, as defined above.

"The procedure to be used in the conduct of hearings, the fixing of a time and place of hearing, the interposing of objections, and the receiving of testimony shall follow that prescribed in Chapter 252.1 of the Code of 1939, so far as the same is applicable.

"The findings of the commission shall not contain any restrictions or requirements imposing a schedule or route upon said operator.

Sec. 5. All permits heretofore issued to truck operators as defined above shall remain in full force and effect notwithstanding the provisions of this act.

The amendment was signed by the following Senators: J. Kendall Lynes, R. E. Hess, E. P. Donohue, Robt. W. Harvey, John Berg, Oscar Johnson, Leroy Mercer, Richard V. Leo, Robert Keir, O. H. Henningsen, Frank Pelzer, M. C. Hamiel, Fred Cromwell, Frank C. Byers, De Vere Watson, R. P. Munger, J. T. Dykhouse, Oliver Turner, K. A. Evans, J. R. Hattery, D. D. Fuller, H. C. Baldwin, J. E. Talbott.

Senator Shaw moved that further action be deferred until Thursday.

Senator Long moved as a substitute that House File 28 be rereferred to the sifting committee.

The chair ruled that a motion to postpone takes precedence over a motion to rerefer.

Senator Shaw withdrew the motion to defer action on House File 28.

Senator Long moved that House File 28 be rereferred to the sifting committee.

Roll call was demanded.

Rule 8 was invoked.

On the question "Shall House File 28 be rereferred to the sifting committee?" the vote was:



**Ayes, 16:**

Augustine	Faul	Long	Shaw
Corwin	Findlay	Love	Sjulin
Elthon	Hart	Lundy	Vrba
Emerson	Hill	Mowry	Whitehill

**Nays, 31:**

Baldwin	Donohue	Hess	Miller
Bekman	Dykhouse	Hunt	Munger
Benson	Evans	Johnson	Pelzer
Berg	Goode	Keir	Talbott
Byers	Hamiel	Leo	Turner
Clark	Harvey	Lynes	Watson
Cromwell	Hattery	Martin	Zeigler
Dewey	Henningsen	Mercer	

**Absent or not voting, 3:**

Fuller	Jones	Stewart
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The motion to rerefer was lost.

Senator Whitehill moved that action be deferred on House File 28 until 10:00 a. m. Monday.

Senator Donohue moved, as a substitute, that action on House File 28 be deferred and that it retain its place on the calendar, which motion prevailed and the substitution was made.

Action on House File 28 was deferred.

Senator Faul asked and received unanimous consent to introduce members of the ninth grade civics class from Warren Harding Junior High School who were present in the balcony.

Senator Byers took the chair at 2:31 p. m.

**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 293, a bill for an act to authorize cities and towns with respect to parking lots.

**Also:** That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 472, a bill for an act relating to compensation of examiners and their assistants.

**Also:** That the House has passed the following bill in which the concurrence of the House was asked:

Senate File 480, a bill for an act making appropriations to Myrtle

Hicks, Clarinda, Charles W. Matheson, Numa, Mrs. Cecil Meidlinger, Council Bluffs.

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

Senate File 506, a bill for an act to make an appropriation to Emmet County, Iowa.

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

Senate File 512, a bill for an act to provide an emergency appropriation for state aid to public schools for handicapped children.

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

Senate File 471, a bill for an act providing for an administrative fund for the Board of Social Welfare.

Also: That the House has concurred in Senate amendments to and adopted House Concurrent Resolution 18 establishing a standing committee to be known as the House Committee on Interstate Co-operation.

Also: That the House has concurred in Senate amendments to and adopted House Concurrent Resolution 17 memorializing Congress to liberalize regulations governing the allocation of Federal funds for the building of Farm-to-Market roads.

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

House File 173, a bill for an act to provide for compensation for councilmen in cities of 30,000 under city manager plan.

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

House File 487, a bill for an act authorizing banks to make installment loans subject to certain definite limitations.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENTS TO SENATE FILE 293

Amend section four (4) by striking from line eight (8) the word "shall" where it appears the second time in said line, and inserting in lieu thereof the word: "may".

Amend by striking from line nine of section four the word "only".

Amend by striking the period in line ten of section four and substituting in lieu thereof the following: ", and any surplus may be transferred to the general fund of said city or town."

Also amend section four by adding at the end thereof the following: "Provided, however, that said city or town shall not sell, or offer for sale, any merchandise or supplies, such as gasoline, oil or motor vehicle supplies."

Amend section six by striking from line five the word: "provided"; and by striking all of lines six, seven and eight of said section, and inserting a period thereto.

## HOUSE AMENDMENTS TO SENATE FILE 472

Amend Senate File 472 by inserting after the word "their" in the last line of the title and in the fourth (4th) line of Section 1 the word "senior".

Also amend by inserting after the word "assistants" in the last line of the title and the fourth (4th) line of Section 1 the words "appointed by the State Auditor."

## THIRD READING OF BILLS

On motion of Senator Donohue, Senate File 436, a bill for an act to shorten the time for filing claims against estates of decedents from twelve months to six months and to eliminate claims of the fourth class against such estates, and to amend sections eleven thousand nine hundred seventy (11970), eleven thousand nine hundred seventy-two (11972), eleven thousand nine hundred eighty (11980) and to repeal section eleven thousand nine hundred seventy-four (11974) of the Code, 1939, was taken up, and considered.

Senator Cromwell offered the following amendment and moved its adoption:

Amend Senate File 436 by striking everything after the enacting clause and substituting in lieu thereof the following:

Section 1. Section eleven thousand nine hundred seventy (11970), Code, 1939, is hereby amended by striking out line ten (10) and by striking out the figure "5" at the commencement of line eleven (11) and inserting in lieu thereof the figure "4".

Sec. 2. Section eleven thousand nine hundred seventy-two (11972), Code, 1939, is hereby amended by striking from line one (1) the words, and comma "of the fourth of the above classes," and by striking from line two (2) the words "and allowed, or if filed and notice" and by striking from line three the first word and comma "thereof," and by striking from said line three the words "is not served" and by striking from line four (4) the word "twelve" and inserting in lieu thereof the word "six".

Sec. 3. Section eleven thousand nine hundred eighty (11980), Code, 1939, is hereby amended by striking from the first line the word "twelve" and inserting in lieu thereof the word "six".

Sec. 4. Section eleven thousand nine hundred seventy-four (11974), Code, 1939, is hereby repealed.

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 436 by adding thereto the following new section:

"Sec. 5. Section eleven thousand nine hundred twenty-three (11923), Code, 1939, is hereby amended by adding after the word "for" in line four (4) the following: 'the period of administration but not to exceed'".

The amendment was adopted.

Senator Cromwell 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, 46:**

Augustine	Emerson	Hunt	Miller
Baldwin	Evans	Johnson	Mowry
Bekman	Faul	Jones	Munger
Benson	Findlay	Keir	Pelzer
Berg	Goode	Leo	Shaw
Byers	Hamiel	Long	Sjulin
Clark	Hart	Love	Talbott
Corwin	Harvey	Lundy	Turner
Cromwell	Hattery	Lynes	Vrba
Dewey	Henningsen	Martin	Watson
Donohue	Hess	Mercer	Zeigler
Elthon	Hill		

**Nays, none.**

**Absent or not voting, 4:**

Dykhouse	Fuller	Stewart	Whitehill
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The bill having received a constitutional majority was declared to have passed the Senate.

Senator Donohue offered the following amendment to the title and moved its adoption:

Amend the title to Senate File 436 by adding after the figure "11980" in line 6 the following words and figures: "and section eleven thousand nine hundred twenty-three (11923)".

The amendment was adopted and the title as amended was agreed to.

Senator Cromwell 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.

Senator Cromwell asked and received unanimous consent to have the bill engrossed.

Senator Henningsen moved that Senate File 399 be made a special order for 10:00 a. m. Thursday.

Senator Zeigler moved as a substitute that Senate File 399 be rereferred to the sifting committee.

Senator Donohue raised the point of order that a motion for a special order takes precedence over a motion to rerefer.

The President held the point well taken and that the motion to rerefer was out of order.

Roll call was demanded.

On the question, "Shall Senate File 399 be made a special order of business for 10:00 a. m. Thursday?" The vote was:

**Ayes, 14:**

Bekman	Dewey	Faul	Hess
Byers	Donohue	Hattery	Lynes
Clark	Emerson	Henningsen	Watson
Cromwell	Evans		

**Nays, 28:**

Baldwin	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Corwin	Hill	Love	Sjulin
Elthon	Hunt	Lundy	Talbott
Findlay	Johnson	Miller	Vrba
Goode	Jones	Mowry	Whitehill
Hamiel	Keir	Munger	Zeigler

**Absent or not voting, 8:**

Augustine	Dykhouse	Martin	Stewart
Berg	Fuller	Mercer	Turner

The motion was lost.

Senator Zeigler moved that Senate File 399 be rereferred to the sifting committee.

Senator Zeigler asked and received unanimous consent to withdraw the motion made by him.

President Hickenlooper took the chair at 3:19 p. m.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 52, 86, 190, 219, 240, 300, 317, 391, 392, 393, 395 and 458.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 52, 86, 190, 219, 240, 300, 317, 391, 392, 393, 395, and 458.

## BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report :

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 25th day of March, 1941, sent to the governor for his approval Senate Files 52, 86, 190, 219, 240, 300, 317, 391, 392, 393, 395 and 458.

EDWARD H. VRBA, *Chairman.*

Passed on file.

## HOUSE MESSAGES CONSIDERED

House File 173, a bill for an act to amend section six thousand six hundred and thirty-three (6633), Code, 1939, to provide for compensation for councilmen in cities of thirty thousand (30,000) or more population, acting under the city manager plan.

Read first and second times and referred to sifting committee.

House File 487, a bill for an act to make available to the public greater credit facilities by banks, by amending section nine thousand one hundred eighty-five (9185), Code, 1939, to authorize banks to make installment loans subject to certain definite limitations relating to interest, the principal amount, the loan period; to prohibit any charges for expense of investigating or servicing such loans, and to provide for approval of note forms by the superintendent of banking.

Read first and second times and referred to sifting committee.

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 24th he had signed the following :

Senate File 19, relating to adverse possession and limiting time within which actions may be brought to recover real estate after the issuance of a tax deed.

## AMENDMENTS FILED

Amend Senate File 399 as follows:

Amend Section twenty (20) by inserting in line two (2) after the word "made" the words "quarterly in advance" and by adding at the end of said section a new sentence as follows:

"The state tax commission shall issue distinguishing identification plates for each motor truck, truck tractor or road tractor for which a

quarterly payment of the road use compensation fee provided in section twelve (12) of this act has been made, which plates shall at all times be affixed to each such vehicle in a conspicuous place."

Further amend Senate File 399 by inserting after section twenty-one (21) a new section as follows:

"Sec. —. Except as provided in Section eighteen (18) of this act it shall be unlawful for any person to operate any motor truck, truck tractor or road tractor upon any of the highways of this state without having obtained therefor a travel order under the provisions of section fourteen (14), fifteen (15), and sixteen (16) of this act, or without having paid thereon before it has become delinquent the current quarterly payment of the road use compensation fee required to be paid thereon and any person operating any motor truck, truck tractor or road tractor in violation of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100.00) or less than twenty-five dollars (\$25.00) or by imprisonment for not more than thirty (30) days for each and every day such motor truck, truck tractor or road tractor shall be operated in violation of the provisions of this section." O. H. HENNINGSEN.

Amend Senate File 212 by inserting after the figure three (3) in line four (4) of section 7, the following: "and except as hereinafter provided".

Further amend Senate File 212 by adding after the period following the word "title" in line 7, section 8 the following new sentence:

"Provided however that any attorney who has been admitted to practice in the state of Iowa shall not be required to take the examination herein provided."

E. K. BEKMAN.

Amend House File 28 by adding thereto the following new section:

Sec. 6. Nothing contained in this act or in any powers or authority conferred on the Commission in section five thousand one hundred five and three hundredths (5105.03) and in section five thousand one hundred five and four hundredths (5105.04), Code, 1939, shall be construed as authorizing the Commission to require or permit the filing of tariffs of rates by truck operators.

HUGH W. LUNDY.

Amend the Faul amendment to Senate File 396 by striking the words "one-half" in line 11 and substituting in lieu thereof the words "three-fourths"; further amend by striking the words "one half" in line 12 and substituting in lieu thereof the words "one fourth".

GEORGE FAUL.

Amend Senate File 493 by striking the words "without the benefit of any specific exemption" in lines 5 and 6 of section 2 and adding the following after the period in line 13 of section 2: "Provided further that no exemption shall be allowed except that part of the personal exemption of a beneficiary or beneficiaries allowable under Section six thousand nine hundred forty-three and forty-four thousandths (6943.044), Code, 1939, which has not been used otherwise for Iowa income tax purposes."

E. P. DONOHUE.

Amend Senate File 399 by inserting after the word "tons" in line 4 of

section 8 the following: " , but not including self-propelled, motor-driven passenger busses which are subject to tax under the provisions of section 6610.58, Code, 1939,".

GEORGE FAUL.

Amend Senate File 398 by striking lines four (4) to eight (8) inclusive from Section 6 thereof, and substituting in lieu thereof the following:

"Upon any application for registration under this chapter, where the Commissioner of Insurance so requires or where the issuer functions or intends to function as a dealer in the manner permitted by section 8581.11 and such issuer is not domiciled in this state, there shall be filed with such application the irrevocable written consent".

E. K. BEKMAN.

GEORGE FAUL.

I offer the following amendments to Senate File 508 in lieu of all pending amendments:

Amend Senate File 508 as follows:

Amend paragraph (b) of section 2 to read as follows:

"City shall mean any city in the state (including any city operating under special charter, under commission government, or under management plan), having a population of twenty-five thousand (25,000) persons or over, in or in the vicinity of which there is or shall be located a national defense project (defined to mean and include an ordnance plant or depot, military establishment, arsenal, powder plant, munition plant or depot connected with and essential to the national defense)."

In line 14 of section 2, strike the following: " , in the case of a city,".

In lines 15 and 16 of section 2, strike the following: " , and in the case of a county, the Board of Supervisors".

In line 22 of section 2, strike the following: " , in the case of a city,".

In line 23 of section 2, strike the following: "and in the case of a county, the county auditor".

In line 27 of section 2 strike the following: "which lies within the" and insert in lieu thereof, "of operation of a housing".

In lines 29, 30, 31 and 32 of section 2, strike the following: " ; and two (2) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city".

In line 76 of section 2, pluralize the second word "assignee".

Amend section 3 by substituting for the first two paragraphs thereof the following:

"In each city as hereinbefore defined there is hereby authorized to be created a public body corporate and politic to be known as the 'Housing Authority' of the city. The creation of such housing authority may be effected by the adoption by the governing body of the city of a resolution declaring that there is need for the authority to function in such city. The determination of the governing body as to whether there is need for such an authority (a) may be made by the governing body on its own motion, or (b) may be made by the governing body upon the filing of a petition signed by one hundred (100) qualifying voters residing in said



city asserting that there is need for the authority to function in such city and requesting that the governing body so declare.

"The governing body may adopt a resolution declaring that there is need for the housing authority to function in the city, (1) if it finds (and only if it finds) (a) that there is located in or in the vicinity of the city, a national defense project as defined in paragraph (b) of Section 2, which has resulted in a shortage of safe and sanitary dwelling accommodations in such city; (b) that unsafe or unsanitary inhabited dwelling accommodations exist in such city; and (c) that there is a shortage of safe and sanitary dwelling accommodations in such city available to persons of low incomes at rentals they can afford to pay; and (2) if such findings (and only if such findings) are approved in writing by the Iowa Industrial and Defense Commission."

In line 43 of section 3 strike the following: "or county, as the case may be".

In lines 6, 7, 8, and 9 of section 4, strike the following sentence: "When the governing body of a county adopts a resolution, as aforesaid, declaring the need for the housing authority of the county to function, such governing body shall appoint five (5) persons as commissioners of such authority."

In line 17 of section 4, strike the words, "or county".

In line 2 of section 5, strike the word "offices" and insert the word "office".

In lines 8 and 9 of section 5, strike the following: ", in the case of an authority for a city,".

In lines 9 and 10 of section 5, strike the following: "and the governing body, in the case of an authority for a county,".

In line 20 of section 5, strike the words "or a county".

In section 8, strike all of lines 82 to and including 93.

In line 10 of section 9, strike the word "that" and insert in lieu thereof "than".

In line 2 of section 12, after the word "planning," insert the word "zoning,".

In lines 4 and 5 of section 22, strike the words "town or county" and insert after the word "defined" in line 5 a comma (,).

In lines 18 and 19 of section 22, strike the following ", town or county".

In line 20 of section 22, strike the words "or town".

In line 22 of section 22, strike the following ", town or county".

In line 25 of section 22, strike the words "or county".

In line 37 of section 22, strike the words "or county".

In line 42 of section 22, strike the words "or county".

In line 45 of section 22, strike the words "or county".

In line 51 of section 22, strike the words "or county".

In line 56 of section 22, strike the words "or county".

In line 63 of section 22, strike the following: ", town, or county".

In line 70 of section 22, strike the words "or county".

In line 71 of section 22, strike the words "or county".

In line 77 of section 22, strike the word "Act" and substitute in lieu thereof the word "Section".

In line 5 of section 23, pluralize the word "dwelling".

In line 7 of section 23, strike the word "Act" and insert in lieu thereof the word "Section".

In line 10 of section 23, pluralize the word "right".

In line 15 of section 23, insert the word "projects" after the word "housing".

In line 18 of section 23, strike the word "are" and insert in lieu thereof the word "as".

In line 24 of section 23, pluralize the word "section".

In line 34 of section 23, pluralize the word "section".

In line 57 of section 23, strike the following: "town, or county,".

In line 57 of section 23, strike the words "the section" and insert in lieu thereof the following: "paragraph (b) of Section 2".

In line 62 of section 23, strike the following: ", town or county".

In line 63 of section 23, strike the following: "such section ....." and insert in lieu thereof "the preceding sections".

In line 89 of section 23, strike the word "expeditious" and insert in lieu thereof the word "expeditious".

In line 92 of section 23, strike the word "Act" and insert in lieu thereof "Section".

In lines 95, 96 and 97 of section 23, strike the following "ordnance plant or other project which the Federal Government shall deem desirable in the development of the national defense", and insert in lieu thereof the following: "national defense project as hereinbefore defined".

FRED CROMWELL.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 26, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. F. W. Wendland, pastor of the Evangelical Church of Dysart.

The Journal of March 25th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Zeigler for the day on request of Senator Keir.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Vrba, from members of the town council of Fort Atkinson, in opposition to Senate File 375.

By Senator Corwin, from residents of Wapello, in opposition to Senate File 399 and House Files 281 and 489.

By Senator Shaw from residents of Palmer and Gilmore City, in opposition to certain pending school legislation.

## INTRODUCTION OF BILLS

Senate File 535, by committee on social security, a bill for an act to repeal paragraph one (1) of subsection (A) of section one thousand five hundred fifty-one and thirteen hundredths (1551.13), code, 1939, and Senate File 89 of the 49th General Assembly, relating to and providing for payment of contribution by employers on wages and defining the term "wages" as used in said section and defining certain contributions as payments erroneously made and to enact a substitute therefor; and to repeal all acts or parts of acts insofar as they are inconsistent with this act.

Read first and second times and referred to sifting committee. Senate File 536, by committee on judiciary 2, a bill for an act

to legalize and validate proceedings taken by the River Front Improvement Commission of Fort Dodge, Iowa, in the issuance of certain warrants and to legalize and validate said warrants.

Read first and second times and referred to sifting committee.

Senate File 537, by committee on judiciary 2, a bill for an act to amend section six thousand nine hundred forty-three and one hundred two thousandths (6943.102), Code, 1939, relating to Use Tax by making clarifying definitions of "Use".

Read first and second times and referred to sifting committee.

Senate File 538, by committee on judiciary 2, a bill for an act to amend chapter three hundred ninety-eight (398), Code, 1939, to provide for the maintenance of deposits of a domestic life insurance company or association by a foreign life insurance company or association by a foreign life insurance company reinsuring such domestic company, and in event of insolvency of the reinsuring company to provide for liquidation of such deposits or subsequent reinsurance.

Read first and second times and referred to sifting committee.

Senator Keir called up the following resolution and moved its adoption:

#### HOUSE CONCURRENT RESOLUTION 31

*Whereas*, The ever increasing number of motor vehicles on the public highways in the state of Iowa has caused an increased hazard for the driving public;

*Whereas*, The surrounding sister states have adopted the policy of marking the center of their pavements on dangerous hills with yellow warning lines;

*Whereas*, Said markings have been a safety measure and have decreased the accidents on dangerous hills;

*Whereas*, The Highway Commission of the State of Iowa, has not adopted the policy of marking the center of the pavement on dangerous hills with yellow warning lines;

*Be It Resolved by the House of Representatives, the Senate Concurring*: That the Highway Commission of the State of Iowa adopt a program of marking the center of pavements on public highways within their jurisdiction on dangerous hills with yellow warning lines.

The resolution was adopted.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 85, 177 and 274.

**EDWARD H. VRBA**, *Chairman Senate Committee.*  
**GORDON SMITH**, *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 85, 177 and 274.

## BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 26th day of March, 1941, sent to the Governor for his approval, Senate Files 85, 177 and 274.

**EDWARD H. VRBA**, *Chairman.*

Passed on file.

Senator Hamiel asked and received unanimous consent to be recorded as voting "No" on Senate File 242, which vote is recorded on page 397 of the Journal.

Senator Mowry asked and received unanimous consent to present Prof. Harrington and the civil government class of the Newton High School, who were present in the balcony.

Senator Jones asked and received unanimous consent to present the Boy Scout Troop of Martensdale, who were present in the balcony with their leader, Leo Wuest.

## HOUSE AMENDMENTS CONSIDERED

Senator Cromwell called up for consideration Senate File 293, a bill for an act to authorize cities and towns, including cities under Special Charter, to own lands to be used for parking motor vehicles; to acquire by purchase, gift, condemnation or lease, lands for such purposes; to establish and fix rates and charges for the use thereof; and to sell and dispose of such lands, amended by the House, and moved that the Senate concur in the following amendments:

Amend section four (4) by striking from line eight (8) the word "shall" where it appears the second time in said line, and inserting in lieu thereof the word: "may".

Amend by striking from line nine of section four the word "only".

Amend by striking the period in line ten of section four and substituting in lieu thereof the following: ", and any surplus may be transferred to the general fund of said city or town."

Also amend section four by adding at the end thereof the following: "Provided, however, that said city or town shall not sell, or offer for sale, any merchandise or supplies, such as gasoline, oil or motor vehicle supplies."

Amend section six by striking from line five the word: "provided"; and by striking all of lines six, seven and eight of said section, and inserting a period thereto.

The Senate concurred in the House amendments.

Senator Cromwell moved that the bill as amended by the House and concurred in by the Senate 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:**

Augustine	Elthon	Hunt	Mowry
Baldwin	Emerson	Johnson	Shaw
Bekman	Findlay	Keir	Sjulin
Benson	Hamiel	Leo	Stewart
Berg	Hart	Long	Turner
Clark	Harvey	Love	Vrba
Corwin	Henningsen	Lynes	Watson
Cromwell	Hess	Mercer	Whitehill
Dewey	Hill		

**Nays, 5:**

Faul	Lundy	Munger	Talbott
Goode			

**Absent or not voting, 11:**

Byers	Evans	Jones	Pelzer
Donohue	Fuller	Martin	Zeigler
Dykhouse	Hattery	Miller	

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

Senator Cromwell 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.

Senator Byers took the chair at 10:51 a. m.

## 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 241, a bill for an act relating to attachments.

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

Senate File 80, a bill for an act relating to benefited water districts.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 213, a bill for an act to provide regulations as to the sale of baby chicks.

Also: That the House has adopted the Conference Committee report on House File 224 and has concurred in the Senate amendments as recommended therein and has passed House File 224, a bill for an act providing for a limitation of time during which claim for refund may be allowed by the State Tax Commission.

Also: That the House has adopted the Conference Committee report on House File 223 and has concurred in the Senate amendments as recommended therein and has passed House File 223, a bill for an act to provide a limitation of the time in which the State Tax Commission shall have power to examine books, etc. of any taxpayer.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE AMENDMENTS TO SENATE FILE 213

Amend section 1 by striking from line 7 thereof the word "or" and by inserting after the word "association" in line 7 thereof the following: "community sales, public sale pavillions, or other holders of public auctions any place in the State of Iowa,".

Also amend by striking from line sixteen of section 5 the words "claims made for".

Also amend by striking the words "with reasonable accuracy the sex" in line fifteen, subsection four, section five, and inserting in lieu thereof the words "percent of guarantee if chicks are sold as sexed chicks,".

## REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 223

**MR. PRESIDENT AND MR. SPEAKER:**

We, the undersigned, members of the conference committee appointed to consider the differences between the Senate and the House on House File 223, beg leave to report that we have had the same under consideration and recommend that the House concur in the amendments adopted by the Senate and in which the House originally refused to concur:

Strike from lines seven and ten the word and figure "three (3)" and insert in lieu thereof the word and figure "five (5)". Further amend

by inserting quotation marks around the word "memoranda" in line four (4).

G. R. HILL.  
FRED CROMWELL.  
JOHN R. HATTERY.  
ROBERT P. MUNGER.

*On the part of the Senate.*

Respectfully submitted,  
WILSON REED.  
JOHN R. IRWIN.  
F. E. SHARP.  
PETER A. JESSEN.

*On the part of the House.*

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 224

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned, members of the conference committee appointed to consider the differences between the Senate and the House on House File 224, beg leave to report that we have had the same under consideration and recommend that the House concur in the amendments adopted by the Senate and in which the House originally refused to concur:

Strike from line six (6) the word "three" and insert in lieu thereof the word and figure "five (5)".

G. R. HILL.  
FRED CROMWELL.  
JOHN R. HATTERY.  
ROBERT P. MUNGER.

*On the part of the Senate.*

Respectfully submitted.  
WILSON REED.  
JOHN R. IRWIN.  
F. E. SHARP.  
PETER A. JESSEN.

*On the part of the House.*

#### THIRD READING OF BILLS

On motion of Senator Faul, Senate File 398, a bill for an act to amend and revise sections eight thousand five hundred eighty-one and four hundredths (8581.04), eight thousand five hundred eighty-one and five hundredths (8581.05), eight thousand five hundred eighty-one and seven hundredths (8581.07) and eight thousand five hundred eighty-one and nine hundredths (8581.09) of chapter three hundred ninety-three and one tenth (393.1), Code, 1939, Title XIX, relating to registration and regulation of the sale of securities; to redefine and enlarge the class of exempt securities; to provide that sales of certain securities by registered dealers under specified circumstances and conditions shall constitute exempt transactions; to empower the Commissioner of Insurance to prohibit the resale of a security by registered dealers; to change the provision relating to the balance sheet of an issuer in application for registration; to extend the time for filing an annual statement of condition of issuers of registered securities, and further define the requirements for filing thereof; to enlarge the powers of the Commissioner of Insurance with respect to applications for registration of securities, and to redefine what is-



suers shall file consent to service, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Bekman asked and received unanimous consent to withdraw the amendment filed by him and found on page 870 of the Journal.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 398 by striking section 7 and inserting in lieu thereof the following:

"This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the West Des Moines Express, a newspaper published in the city of West Des Moines, Iowa, and in the Ottumwa Daily Courier, a newspaper published in the city of Ottumwa, Iowa."

The amendment was adopted.

Senator Bekman 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, 41:**

Augustine	Evans	Hill	Mercer
Baldwin	Faul	Hunt	Miller
Bekman	Findlay	Johnson	Mowry
Byers	Goode	Jones	Pelzer
Clark	Hamiel	Leo	Shaw
Corwin	Hart	Long	Sjulin
Cromwell	Harvey	Love	Stewart
Dewey	Hattery	Lundy	Talbott
Donohue	Henningsen	Lynes	Turner
Elthon	Hess	Martin	Vrba
Emerson			

**Nays, none.**

**Absent or not voting, 9:**

Benson	Fuller	Munger	Whitehill
Berg	Keir	Watson	Zeigler
Dykhouse			

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

Senator Bekman 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.

On motion of Senator Donohue, the Senate resolved itself into executive session.

### EXECUTIVE SESSION

The Senate in executive session confirmed the following appointments:

M. W. Ellis, of Floyd county, as Superintendent of Banking for the term ending June 30, 1945.

H. A. Grantham, of Clinton county, as a member of the State Tax Commission, for the term ending June 30, 1947.

A. A. Hurst, of Jackson county, as a member of the State Highway Commission, for the term ending June 30, 1945.

H. J. Ahlers of Plymouth county, as a member of the State Highway Commission, for the term ending June 30, 1945.

R. F. Swift, of Shelby county, as a member of the Iowa Liquor Control Commission, for the term ending June 30, 1947.

Dr. Walter L. Bierring, of Polk county, as Commissioner of Public Health, for the term ending June 30, 1945.

Charles W. Gatschet, of Polk county, as a member of the State Commission of Aeronautics, for the term ending on the third Monday in January, 1945.

H. Earl Rath, of Black Hawk county, as a member of the State Board of Examiners on the Basic Sciences, for the term ending June 30, 1947.

Dr. F. F. Smith, of Buena Vista county, as a member of the State Board of Examiners in the Basic Sciences, for the term ending June 30, 1947.

A. S. Workman, of Mills county, as a member of the State Conservation Commission, for the term ending June 30, 1947.

Roscoe Stewart, of Wapello county, as a member of the State Conservation Commission, for the term ending June 30, 1947.

The Senate arose from executive session and resumed regular session.

## PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

House File 536, a proposed bill for legalizing the expenditure of certain funds in 1936 by Pottawattamie county.

WALTER H. BEAM.

## AMENDMENTS FILED

1. Amend section 1 of Senate File 469 by striking the letter "d" in line 1 and substituting the figure "4".

2. Amend section 2 of Senate File 469 by striking the letter "q" in line 3 and substituting the figures "17", further by striking the letter "(a)" in line 4 and substituting the figure "1", further by striking the letter "r" in line 16 and substituting the figures "18", further by striking the letter "s" in line 24 and substituting the figures "19", further by striking the letter "t" in line 30 and substituting the figures "20", further by striking the letter "(r)" in line 28 and substituting the figure "4", further by striking "(d)" in line 33 and substituting the figure "4".

3. Amend section 3 by striking the letter "d" in line 11 and in line 13 and substituting the figure "4" in each instance.

4. Amend section 10 by striking "d" in line 14 and substituting the figure "4".

5. Amend section 12 of Senate File 469 by striking the letter "d" in line 5 and in line 8 and substituting the figure "4" in each instance.

6. Amend section 14 of Senate File 469 by filling the blank in line 8 with the figures "30".

7. Amend section 15 of Senate File 469 by inserting the word "fuel" after the word "motor" in line 3.

8. Amend section 16 of Senate File 469 by striking the letter "d." in line five (5) and in line 11 and inserting the figure "4" in each instance.

GEORGE FAUL.

Amend Senate File 505 by striking out all after the enacting clause and substituting in lieu thereof the following:

Section 1. Definitions.

As used in this chapter:

"Department" means the Department of Agriculture.

"Condemned" applies to cattle reacting to a test applied for Bang's disease.

"Official test" for Bang's disease includes all tests under the supervision of or authorization from the department.

"Owner" includes any person, firm, co-partnership, association or corporation owning or leasing from another any livestock.

"Registered purebred" shall include cattle with a certificate from herd books where registered.

Sec. 2. Rules and regulations.

The department may make rules and regulations respecting the official testing of cattle, the disposal by segregation and quarantine or slaughter of condemned livestock, the disinfection of the premises, the introduction into the herd of other cattle, the control and eradication of Bang's dis-

ease, the prevention of the spread thereof to the cattle of this state, and the proper enforcement of this act.

**Sec. 3. Inspection and tests at request of owner.**

Whenever the owner of cattle shall request the department to make an inspection of his cattle for Bang's disease, the department may designate a veterinarian to make an inspection and, if authorized by the department, conduct a test by the method or methods adopted and approved by the department.

**Sec. 4. Expense of inspection and tests.**

If the owner shall agree to comply with and carry out the rules and regulations made by the department under Section 2 of this act, the expense of such inspection and test shall be borne by the United States Department of Agriculture, or by the department, or both.

**Sec. 5. Certificate showing freedom from disease.**

Whenever an official test of any cattle is made by a veterinarian authorized by the department, and such cattle are found to be free from Bang's disease, a certificate setting forth this fact, shall be issued by the department, providing all rules and regulations under the plan adopted by the department for the control and eradication of Bang's disease in cattle have been complied with.

**Sec. 6. Failure by owner to comply with regulations.**

Whenever, on proof or report of examining veterinarian, the department is satisfied that any owner has failed to comply with any rule or regulation made by the department under the provisions of this act, the owner shall be so notified in writing by the department, and such owner shall immediately lose all rights or interest acquired, if any, under the provisions of section 5 of this act.

**Sec. 7. Retest.**

The department may order a retest of any dairy or breeding cattle at any time, when in their opinion, it is necessary.

**Sec. 8. Report on tests.**

A report of such tests shall be made in writing to the chief of the bureau within seven (7) days immediately following the completion of the tests, upon blanks furnished by the department and signed by the director of the laboratory or the person making the test.

**Sec. 9. Marking stock to be tested.**

All cattle subjected to an official test under the department shall be plainly and permanently marked for identification in a manner authorized by the department.

**Sec. 10. Marking condemned cattle.**

All cattle condemned as a result of a test for Bang's disease shall be plainly and permanently marked for identification by any qualified veterinarian making test in a manner authorized by the department.

**Sec. 11. Quarantine of condemned cattle.**

Any cattle condemned as a result of an official test, shall be immediately segregated from the remaining cattle and held in quarantine at the owner's expense until such time as the disposal of same can be made, provided that the owner may at his option retain such cattle for breeding purposes in accordance with the rules and regulations of the department.

**Sec. 12. Exposure of stock to disease.**

No cattle shall be brought in contact with any condemned cattle held in quarantine. If any untested cattle are added to the quarantine lot, said cattle shall become a part of the lot and held subject to the same rules and regulations.

**Sec. 13. Slaughter or removal of condemned stock without permission.**

No condemned cattle shall be slaughtered, have their location changed, or be moved from quarantine except by official written permit by the department.

**Sec. 14. Slaughter of condemned cattle.**

When a written order has been issued by the department or its authorized representative for the removal of condemned cattle to slaughter, such cattle within thirty (30) days shall be moved and slaughtered under the direct supervision of a duly authorized agent or representative of the United States Department of Agriculture at a time and place designated by the department.

**Sec. 15. Purchase or sale of condemned cattle.**

No person shall sell, offer for sale, or purchase any cattle condemned as a result of an official test, except under regulations issued by the department.

**Sec. 16. Issuance of quarantine orders.**

The department may issue any quarantine orders deemed necessary for the control and eradication of Bang's disease and the proper enforcement of this Act.

**Sec. 17. Cooperation with local or federal authorities.**

The department may cooperate with any township or county for the control and eradication of Bang's disease within the state or with the United States department of agriculture for the prevention of the spread and the control of Bang's disease in cattle and its eradication in the United States.

**Sec. 18. Appraisal.**

Before being slaughtered, such cattle shall be appraised at their cash value for dairy and breeding purposes by the owner and a representative of the state department of agriculture, or a representative of the United States department of agriculture, or by the owner and both of such representatives. If these parties cannot agree as to the amount of the appraisal, there shall be appointed three competent and disinterested persons, one by the state department of agriculture, one by the owner, and the third by the first two appointed, to appraise such animals, which appraisal shall be final.

**Sec. 19. Amount of indemnity.**

The department shall pay the owner for each animal slaughtered in accordance with this Act for not more than one-third (1/3) of the difference between the appraised value of such animal and the net salvage value thereof, but in no case more than twelve dollars and fifty cents (\$12.50) for a grade animal or not more than twenty-five dollars (\$25.00) for a registered purebred animal, but in no case shall the department pay indemnity on cattle not eligible to receive a like amount from the United States Department of Agriculture.

No indemnity shall be paid:

- (a) On animals diseased at the time of arrival in this state.
- (b) On animals which the owner or claimant knew to be diseased, or had notice thereof at the time they came into his possession.
- (c) Whenever the owner or agent in possession of said animal has not complied with the rules and regulations of the department.
- (d) When the condemned animals are not destroyed within thirty (30) days after completion of test.

**Sec. 20. Appropriation.**

All funds appropriated by the state for carrying out the provisions of this Act shall be administered by the department for the payment of indemnity, salaries, and other necessary expenses.

**Sec. 21. Eradication fund.**

In each county in the state, the board of supervisors shall each year, when it makes the levy for taxes, levy a tax sufficient to provide a fund to pay the indemnity and other expenses provided in this chapter, except as provided herein, and such levy shall not exceed one-half mill in any year upon the taxable value of all the property in the county.

**Sec. 22. Collection.**

Such levy shall be placed upon the tax list by the county auditor and collected by the county treasurer in the same manner and at the same time as other taxes of the county. The money derived from such levy shall be placed in a fund to be known as the "County Bang's Disease Eradication Fund", and the same shall only be used for the payment of claims as provided in this chapter.

**Sec. 23. Report by auditor.**

The county auditor of each county shall, not later than July fifteenth of each year, certify to the secretary of agriculture a report showing the amount in the Bang's Disease Eradication Fund on July first of each year.

**Sec. 24. Levy omitted.**

Should it appear to the secretary of agriculture that the balance in such fund is sufficient, with the county's allotment of state and federal funds available, to carry on the work in such county for the ensuing year, he shall so certify to the county auditor, and, when such certification has been made, the board shall make no levy for such Bang's Disease Eradication Fund for such year.

**Sec. 25. Exhaustion of county fund.**

Whenever the balance of such fund becomes less than twenty-five hundred dollars (\$2500.00), the county auditor shall notify the department in writing of such fact, and no expense shall be incurred on such account in excess of the cash available in such fund.

**Sec. 26. Certification of claims.**

All claims presented under authority of this act shall be certified by the department and filed with the county auditor, who shall present them to the board of supervisors, and such board shall allow and pay the same as other claims against the county.

**Sec. 27.** The department shall have supervision over the sale, distribution, and use of all Bang vaccine and antigen in the state, and shall formulate rules for its distribution and use.

Sec. 28. Chapter 87 Acts of the 48th General Assembly also known as Senate File 255, 48th General Assembly, is hereby repealed.

PAUL P. STEWART.

Amend Senate File 505 by striking out the title and substituting for the title the following:

"An Act to provide for control and eradication of Bang's Disease in cattle; to provide for the levy in each county of a tax to be placed in a fund to be known as the County Bang's Disease Eradication Fund; and repealing chapter eighty-seven (87), Acts of the 48th General Assembly."

PAUL P. STEWART.

Amend Senate File 235 by striking everything after the enacting clause and inserting the following in lieu thereof:

Section 1. Section five thousand six hundred ninety-four (5694), Code, 1939, is amended by inserting in line three (3), division (a) of section one (1), after the word "police", the following: "except in cities having more than sixty-five thousand (65,000) population", and further amend the said section by inserting in line one (1) of division (a) of section two (2) of said section, after the word "police", the following: "except in cities having more than sixty-five thousand (65,000) population."

Sec. 2. Section five thousand six hundred ninety-nine (5699), Code, 1939, is hereby amended by inserting before the word "shall" in line five (5) of said section, the following: "except in cities having more than sixty-five thousand (65,000) population." Further amend section five thousand six hundred ninety-nine (5699), Code, 1939, by adding the following section: "In cities under any form of government having a population of more than sixty-five thousand (65,000), chief of police or acting chief of police shall be appointed from the active members of the department who hold civil service seniority rights and have had at least five (5) years service in the department and shall hold full civil service rights as chief or acting chief. Any person in office on the date this act becomes effective, as chief of police or acting chief of police who has been in office for a period of at least six (6) months prior to January 1, 1941, shall be deemed qualified to continue in office under the provisions of chapter two hundred eighty-nine (289), Code, 1939, as amended by this act."

Sec. 3. Section five thousand six hundred ninety-nine and one tenth (5699.1), Code, 1939, is hereby amended by adding following the word "chief" in line nine (9) the following: "except in cities having more than sixty-five thousand (65,000) population. Any person in cities having more than sixty-five thousand (65,000) population holding the office of chief of police or acting chief of police prior to the effective date of this act shall hold and retain all civil service rights which he may have acquired immediately previous to his appointment as chief or acting chief of police, and shall be entitled to civil service rights for the period he had held the office of chief or acting chief of police."

Sec. 4. If any clause, sentence, paragraph or section of this act shall be adjudged by any court of competent jurisdiction to be invalid, such

judgment shall not affect, impair or invalidate the remainder of the provisions.

Sec. 5. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in ..... , a newspaper published at ..... , Iowa, and ..... , a newspaper published at ..... , Iowa.

The title is amended by adding following the word "service" in the last line the following: "in cities under any form of government having more than sixty-five thousand (65,000) population."

E. P. DONOHUE.

Amend House File 407 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Sections two thousand three hundred eighty-five (2385), two thousand three hundred eighty-six (2386), two thousand three hundred eighty-nine (2389) to two thousand three hundred ninety-two (2392), inclusive, two thousand three hundred ninety-five (2395), two thousand three hundred ninety-six (2396), and two thousand four hundred seventeen (2417) to two thousand four hundred twenty (2420), inclusive, Code, 1939, are hereby repealed.

Sec. 2. Sections two thousand three hundred twenty-four (2324), two thousand three hundred twenty-five (2325), two thousand three hundred twenty-seven (2327), two thousand three hundred thirty-one (2331), two thousand three hundred thirty-three (2333), two thousand three hundred ninety-four (2394), two thousand three hundred ninety-eight (2398), two thousand four hundred one (2401) to two thousand four hundred six (2406), inclusive, and two thousand four hundred fourteen (2414), Code, 1939, are hereby amended by striking from said sections the words "local registrar" wherever the words appear in said sections, and by inserting in lieu thereof in each place the words "clerk of the district court".

Sec. 3. Sections two thousand three hundred twenty-nine (2329), two thousand three hundred thirty-five (2335), two thousand three hundred forty-six (2346), two thousand three hundred forty-eight (2348), two thousand three hundred ninety-seven (2397), two thousand four hundred (2400), and two thousand four hundred ten (2410), Code, 1939, are hereby amended by striking from said sections the words "local registrar of the district" wherever such words appear in said sections, and by inserting in lieu thereof in each place the words "clerk of the district court of the county".

Sec. 4. Section two thousand three hundred seventeen (2317), Code, 1939, is hereby amended by striking from said section all of subsections one (1) and three (3) thereof and by renumbering the remaining subsections.

Sec. 5. Section two thousand three hundred nineteen (2319), Code, 1939, is hereby amended by striking from lines seven (7) and eight (8) thereof the words "local registrar of the registration district" and inserting in lieu thereof the words "clerk of the district court of the county".

Sec. 6. Section two thousand three hundred twenty (2320), subsection twenty-four (24), Code, 1939, is hereby amended by striking from line one (1) of said subsection the word "registrar", and by inserting in lieu thereof the words "the clerk of the district court".



Sec. 7. Section two thousand three hundred twenty-nine (2329), Code, 1939, is hereby amended by striking the word "district" from lines four (4) and five (5) of said section and inserting in lieu thereof in each place the word "county".

Sec. 8. Section two thousand three hundred thirty-five (2335), Code, 1939, is hereby amended by striking from line twelve (12) of said section the words "local registrar" and inserting in lieu thereof the words "clerk of the district court".

Sec. 9. Section two thousand three hundred eighty-four (2384), Code, 1939, is hereby amended by striking all of subsection one (1) thereof and by renumbering the remaining subsections.

Sec. 10. Section two thousand three hundred ninety-three (2393), Code, 1939, is hereby amended as follows:

1. Strike from lines one (1) and two (2) of subsection two (2) the following: "local registrars, deputy registrars, and subregistrars, and".

2. Strike from line two (2) of subsection five (5) the words "local registrars and".

Sec. 11. Section two thousand three hundred ninety-four (2394), Code, 1939, is hereby amended by striking from line five (5) of subsection six (6) thereof the words "as registrar".

Sec. 12. Section two thousand four hundred four (2404), Code, 1939, is hereby amended by striking from line four (4) of said section the word "registrar" and inserting in lieu thereof the words "clerk of the district court".

Sec. 13. Section two thousand four hundred ten (2410), Code, 1939, is hereby amended by striking from line seven (7) thereof the words "registration district" and inserting in lieu thereof the word "county".

Sec. 14. Section two thousand four hundred eleven (2411), Code, 1939, is hereby amended by striking from lines three (3) and four (4) thereof the words "and local registrar" and inserting in lieu thereof the words "registrar and clerk of the district court".

Sec. 15. Section one thousand five hundred thirty-one (1531), Code, 1939, is hereby amended by striking from subsection four (4), paragraph a thereof the words "registrar of vital statistics" and inserting in lieu thereof the words "clerk of the district court".

Sec. 16. Section two thousand five hundred eighty-five and two hundredths (2585.02), Code, 1939, is hereby amended by striking from lines two (2) and three (3) of subsection five (5) the words "registrar of vital statistics" and inserting in lieu thereof the words "clerk of the district court".

Sec. 17. Section three thousand six hundred sixty-one and forty-five thousandths (3661.045), Code, 1939, is hereby amended by striking from line four (4) thereof the words "registrar of vital statistics" and inserting in lieu thereof the words "clerk of the district court".

Sec. 18. House File two hundred nine (209), Acts of the Forty-ninth (49th) General Assembly, now on file in the office of the secretary of state, is hereby amended by striking from line seven (7) of section one (1) of the enrolled act the words "registration district" and by inserting in lieu thereof the word "county".

Further amend House File 407 by striking all of the title following the

words "An Act" and inserting in lieu thereof the following: "to amend chapter one hundred ten (110), Code, 1939, relating to the disposal of dead bodies, chapter one hundred fourteen (114), Code, 1939, relating to the registration of vital statistics, section one thousand five hundred thirty-one (1531), Code, 1939, relating to child labor permits and birth certificates, section two thousand five hundred eighty-five and two hundredths (2585.02), Code, 1939, relating to embalmers and burial permits, section three thousand six hundred sixty-one and forty-five thousandths (3661.045), Code, 1939, relating to birth reports by maternity hospitals, and House File two hundred nine (209), Acts of the Forty-ninth (49th) General Assembly, relating to death certificates and burial and removal permits.

J. T. DYKHOUSE.

Amend Senate File 399 by striking all after the enacting clause and substituting in lieu thereof the following:

Section 1. Definitions. Wherever used in this act, the words and phrases defined in section five thousand and one hundredth (5000.01), Code, 1939, shall have the meanings therein respectively ascribed to them.

Sec. 2. Section five thousand eight and fifteen hundredths (5008.15), Code, 1939, is amended, revised and codified to read as follows:

"Trucks with pneumatic tires. For motor trucks equipped with all pneumatic tires, the annual registration fee shall be:

For a gross weight of three tons or less, fifteen dollars per annum.

For gross weights exceeding three and not exceeding four tons, twenty-five dollars per annum.

For gross weights exceeding four and not exceeding five tons, twenty-five dollars per annum.

For gross weights exceeding five and not exceeding six tons, sixty dollars per annum.

For gross weights exceeding six and not exceeding seven tons, fifteen dollars per annum.

For gross weights exceeding seven and not exceeding eight tons, twenty dollars per annum."

Sec. 3. Section five thousand eight and seventeen hundredths (5008.17), Code, 1939, is amended:

By striking from lines three (3), four (4) and five (5) the word "twelve" and substituting in lieu thereof the word "eight" and

By striking from lines four (4) and five (5) the word "twenty" and substituting in lieu thereof the word "ten".

Sec. 4. Section five thousand eight and eighteen hundredths (5008.18), Code, 1939, is amended, revised and codified to read as follows:

"Truck tractors and road tractors.

For a truck tractor or for a road tractor the annual registration fee shall be:

For each truck tractor or road tractor drawing a trailer and having a combined gross weight of six tons or less, thirty dollars per annum.

For each truck tractor or road tractor drawing a trailer and having a combined gross weight exceeding six and not exceeding seven tons, fifteen dollars per annum.

For each truck tractor or road tractor drawing a trailer and having a combined gross weight exceeding seven and not exceeding eight tons, twenty dollars per annum."

Sec. 5. Truck tractors and road tractors in combination having a gross weight exceeding eight tons.

The registration fee for a truck tractor or for a road tractor drawing a trailer and having a combined gross weight exceeding eight tons shall be the fee for eight tons and, in addition thereto, ten dollars for each ton over eight tons.

Sec. 6. Section five thousand eight and nineteen hundredths (5008.19), Code, 1939, is amended, revised and codified to read as follows:

"Trailers and semitrailers. All trailers, including those defined as semitrailers, shall be subject to an annual registration fee to be fixed in accordance with the following schedule:

1. When equipped with pneumatic tires:

For each wagon box trailer used by a farmer in connection with the operation of a farm, one dollar per annum.

For each trailer having a gross weight of one-half ton or less, one dollar per annum.

For each trailer having a gross weight exceeding one-half ton and not exceeding one ton, three dollars per annum.

For each trailer having a gross weight exceeding one ton and not exceeding two tons, ten dollars per annum.

For each trailer having a gross weight exceeding two tons and not exceeding four tons, twenty-five dollars per annum.

For each trailer having a gross weight exceeding four tons and not exceeding six tons, thirty dollars per annum.

For each trailer having a gross weight exceeding six tons, five dollars per annum.

2. When equipped with two or more solid rubber tires:

For each wagon box trailer used by a farmer in connection with the operation of a farm, one dollar per annum.

For each trailer having a gross weight of one ton or less, three dollars per annum.

For each trailer having a gross weight exceeding one ton and not exceeding two tons, twenty dollars per annum.

For each trailer having a gross weight exceeding two tons and not exceeding four tons, thirty dollars per annum.

For each trailer having a gross weight exceeding four tons and not exceeding six tons, thirty-five dollars per annum.

For each trailer having a gross weight exceeding six tons, ten dollars per annum.

Sec. 7. Section five thousand thirty-five and fifteen thousandths (5035.15), Code, 1939, is amended by inserting in line seventeen (17) thereof, after the comma following the word "eggs", the following: "if registered at a gross weight of six tons or less," and by changing the period at the end of said section to a comma and by adding the following: "and if registered at a gross weight in excess of six tons, may be operated with a gross weight of fifty per cent in excess of the gross weight for which it is registered."

Sec. 8. Road Use Compensation Fee. In addition to the registration fees herein provided, all motor trucks, truck tractors and road tractors registered under the provisions of chapter 251.1, Code, 1939, having gross weights or combined gross weights exceeding six tons shall be subject to a road use compensation fee assessed as a fixed fee as provided in section 9 of this act.

Sec. 9. Road Use Compensation Fee on Foreign Vehicles. All foreign motor trucks, truck tractors and road tractors with gross weights or combined gross weights exceeding six tons operated within the state shall be subject to a road use compensation fee assessed as a fixed fee as provided in sections 9, 12 and 13 of this act.

Sec. 10. Fixed Road Use Compensation Fee. The owner of every motor truck, truck tractor and road tractor operated in this state shall pay an annual fixed road use compensation fee based upon the gross weight of such vehicle, or if operated in combination with any other vehicle, the combined gross weight of said combination of vehicles, in accordance with the following schedule:

Gross Weight or Combined Gross Weight	Amount of Compensation Fee
More than 6 tons and less than 7 tons.....	\$ 95.00
More than 7 tons and less than 8 tons.....	130.00
More than 8 tons and less than 9 tons.....	165.00
More than 9 tons and less than 10 tons.....	210.00
More than 10 tons and less than 11 tons.....	260.00
More than 11 tons and less than 12 tons.....	315.00
More than 12 tons and less than 13 tons.....	375.00
More than 13 tons and less than 14 tons.....	450.00
More than 14 tons and less than 15 tons.....	520.00
More than 15 tons and less than 16 tons.....	590.00
More than 16 tons and less than 17 tons.....	665.00
More than 17 tons and less than 18 tons.....	755.00
More than 18 tons and less than 19 tons.....	840.00
More than 19 tons and less than 20 tons.....	935.00
More than 20 tons and less than 21 tons.....	1,025.00
More than 21 tons.....	1,110.00

Sec. 11. Tolerance for Fixed Road Use Compensation Fee. The owner of any motor truck, truck tractor or road tractor for which the current quarterly payment of the fixed road use compensation fee required by this act to be paid has been paid may operate such motor vehicle at a gross weight, or, in combination with any other motor vehicle, at a combined gross weight exceeding by five per cent the gross weight or combined gross weight at which said current quarterly payment of the fixed road use compensation fee has been paid, and in the event that such motor vehicle or combination of vehicles is carrying a load of raw farm products, soil fertilizer, including ground limestone, raw dairy products or live-stock, live poultry or eggs, same may be operated with a gross weight or a combined gross weight exceeding by fifty per cent the gross weight or

combined gross weight at which said current quarterly payment of the fixed road use compensation fee has been paid.

Sec. 12. Chapter 252.2, Code, 1939, is hereby repealed.

Sec. 13. Travel Orders. A foreign vehicle having a gross weight or combined gross weight exceeding six tons registered outside this state and operated within this state only occasionally or irregularly on special trips or on a single specific trip into or across the state shall be exempt from payment of the road use compensation fee upon obtaining a travel order for each such trip when such vehicle is so operated into or across the state.

Sec. 14. Travel Order Fee. Travel orders may be obtained upon the payment of a fee of six dollars for each order for a motor vehicle with a gross weight or combined gross weight of twelve tons or less and ten dollars for each vehicle with a gross weight or combined gross weight exceeding twelve tons.

Sec. 15. Travel Order with Vehicle. A copy of the travel order for any trip for each vehicle shall be carried in the vehicle and be readily accessible for inspection at all times during the trip for which the order has been obtained.

Sec. 16. Information on Travel Order. A travel order shall contain a serial number, a record of the date of issue, a statement of the termini of the trip within and without the state, the date of the trip, the name of the owner of the vehicle, the name of the vehicle operator for the trip, and the name of the issuing officer and the name of the organization for whom the issuing officer acted in issuing the travel order.

Sec. 17. Exemption of Compensation Fee. Foreign vehicles traveling only within cities and towns adjacent to the borders of the state without at any time traveling on a rural highway within the state shall be exempt from payment of road use compensation fees and travel order fees.

Sec. 18. Receipt for Payment of Road Use Compensation Fee. There shall be carried in each motor vehicle subject to the payment of the road use compensation fee the receipt for the payment of the amount of said fee for the current quarter.

Sec. 19. Payment of Road Use Compensation Fee. Payments of the road use compensation fee shall be made quarterly in advance on the first days of January, April, July and October in each year in accordance with the schedule contained in section 9 of this act. The state tax commission shall issue distinguishing identification plates for each motor truck, truck tractor or road tractor for which the quarterly payment of the road use compensation fee provided in section 9 of this act has been made, which plate shall at all times be affixed to each such vehicle in a conspicuous place.

Sec. 20. Delinquency. If a payment of the road use compensation fee is not made within thirty days after the date upon which it is due, it shall become delinquent and to it shall be added as a penalty a sum equal to one tenth of the amount of the original payment for each month or fraction thereof that the tax remains delinquent.

Sec. 21. Penalty. Except as provided in section 18 of this act, it shall be unlawful for any person to operate any motor truck, truck tractor or road tractor upon any of the highways of this state without

having obtained therefor a travel order under the provisions of sections 12, 13 and 14 of this act, or without having paid thereon before it has become delinquent the current quarterly payment of the road use compensation fee required to be paid thereon, and any person operating any motor truck, truck tractor or road tractor in violation of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than one hundred dollars or less than twenty-five dollars or by imprisonment for not more than thirty days for each and every day such motor truck, truck tractor or road tractor shall be operated in violation of the provisions of this section.

Sec. 22. Duty to Collect. All road use compensation fees, travel order fees and the penalties thereon shall be paid to the state tax commission, and it shall be the duty of the commission to enforce the collection of all road use compensation fees, travel order fees and penalties thereon, and procedure therefor shall, so far as may be, accord with the provisions of the law for the collection of state income taxes.

Sec. 23. Section five thousand nine and two hundredths (5009.02), Code, 1939, is amended by striking from line sixteen (16) the word "Provided" and by striking all of the remainder of the section.

Sec. 24. State Tax Commission to Furnish Forms. The state tax commission shall design and furnish all forms required in the assessment and collection of road use compensation fees and travel orders, including the forms for the application for travel orders, the forms for travel orders, the receipt for payment of road use compensation fees, and any other forms that may be needed.

Sec. 25. Issue of Travel Orders. Any office registering motor vehicles and the state tax commission may, upon receipt of application on forms provided for that purpose, issue a travel order. For issuance of such orders, the county treasurer may charge and retain a fee of fifty cents. All other offices having authority to issue travel orders shall issue those orders without charge other than the fee for the order, and that fee shall be made payable to the state tax commission.

Sec. 26. Moneys Collected in Travel Order Fees. All moneys collected by the county treasurer or other registration officer in payment of travel order fees other than provided in section 25 of this act shall be made payable to the state tax commission and shall be forwarded to the state tax commission at the close of the business day upon which received.

Sec. 27. Liability of County Treasurer. The county treasurer shall be responsible on his bond for such moneys as may be collected by and through him for road use compensation fees, travel order fees, and penalties thereon.

Sec. 28. Section five thousand ten and one hundredth (5010.01), Code, 1939, is amended by inserting in line three (3) after the word "fees" the words "and except road use compensation fees, travel order fees and the penalties thereon,".

Sec. 29. State Tax Commission to Remit. The state tax commission shall remit to the treasurer of state all moneys collected from road use compensation fees, travel order fees and the penalties thereon.

Sec. 30. Disposal of Road Use Compensation Fees. Moneys received

from road use compensation fees, travel order fees and the penalties thereon shall be credited by the treasurer of state to the following funds:

1. Three per cent of the gross receipts from these fees and the penalties thereon, to the tax commission budget fund, in addition to the funds otherwise appropriated to that commission.

2. Fifty per cent of the balance after deducting the above three per cent to the primary road improvement fund of the state, to be used by the state highway commission for the improvement of the primary roads.

3. The balance, after making the deductions set forth in subsections 1 and 2 above, to the secondary road construction fund and allocated by the treasurer of state among the counties in the proportion that the area of each county bears to the total area of the state.

Sec. 31. This act shall become effective on January 1, 1942.

K. A. EVANS.

O. H. HENNINGSEN.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 27, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Arnold Ahlers, Pastor of the S. S. Peter and Paul Catholic Church of Carroll.

The Journal of March 26th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Hart, from 176 residents of Lee and Henry counties, favoring passage of the loss-leader bill.

By Senator Vrba, from residents of Cresco, in opposition to Senate File 399.

By Senator Hill, from 145 residents of Hamilton, Wright and other counties, favoring passage of the loss-leader bill.

By Senator Baldwin, from 52 residents of Dubuque, favoring passage of the loss-leader bill.

By Senator Findlay, from 68 residents of Webster and Calhoun counties, favoring passage of the loss-leader bill; also from retail merchants of Harcourt, in opposition to Senate File 5.

By Senator Goode, from 167 residents of Appanoose, Davis and other counties, favoring passage of the loss-leader bill.

By Senator Turner, from 106 residents of Adams, Taylor and Ringgold counties, favoring passage of the loss-leader bill.

By Senator Talbott, from 39 residents of Poweshiek and Keokuk counties, favoring passage of the loss-leader bill.

By Senator Dykhouse, from 19 residents of O'Brien, Sioux and other counties, favoring passage of the loss-leader bill.

By Senator Benson, from 81 residents of Carroll, Greene, Sac and other counties, favoring passage of the loss-leader bill.



By Senator Keir, from merchants of Peterson, in opposition to Senate File 5; also from 38 residents of Dickinson county, favoring passage of the loss-leader bill.

By Senator Elthon, from 24 residents of Mitchell and other counties, favoring passage of the loss-leader bill.

By Senator Pelzer, from residents of Cass and other counties, favoring passage of the loss-leader bill.

By Senator Munger, from 465 residents of Sioux City, favoring passage of the loss-leader bill.

By Senator Emerson, from 225 residents of Union and other counties, favoring passage of the loss-leader bill.

By Senator Shaw, from 69 residents of Pocahontas and other counties, favoring passage of the loss-leader bill.

By Senator Mowry, from 104 residents of Jasper and other counties, favoring passage of the loss-leader bill.

By Senator Lundy, from 96 residents of Monroe and Marion counties favoring passage of the loss-leader bill.

By Senator Cromwell, from 128 residents of Des Moines county, favoring passage of the loss-leader bill.

By Senator Johnson, from 171 residents of Cerro Gordo and other counties, favoring passage of the loss-leader bill.

By Senator Harvey, from residents of Harrison, Monona and Crawford counties in opposition to the proposed county unit school bill; also from 24 residents of Crawford county, favoring passage of the loss-leader bill.

By Senator Donohue from 202 residents of Floyd and other counties, favoring passage of the loss-leader bill.

By Senator Bekman, from 315 residents of Wapello and other counties, favoring passage of the loss-leader bill.

By Senator Byers, from 208 residents of Linn county, favoring passage of the loss-leader bill.

By Senator Zeigler, from residents of Jefferson county, in opposition to Senate File 399.

By Senator Henningsen, from 172 residents of Clinton and other counties, favoring passage of the loss-leader bill.

By Senator Watson, from residents of Council Bluffs, favoring passage of the loss-leader bill.

By Senator Mercer, from 121 residents of Johnson and other counties, favoring passage of the loss-leader bill.

By Senator Hill, from residents of Hardin county, favoring passage of House File 281; also from residents of Iowa Falls, favoring passage of Senate File 157.

By Senator Berg, from 111 residents of Black Hawk and other counties, favoring passage of the loss-leader bill.

By Senator Fuller, from residents of Jackson county, favoring passage of the loss-leader bill.

By Senator Miller, from residents of Guthrie and other counties, favoring passage of the loss-leader bill.

By Senator Hamiel, from 14 residents of Jones and other counties, favoring passage of the loss-leader bill.

By Senator Clark, from residents of Wayne county, favoring passage of the loss-leader bill.

By Senator Martin, from 20 residents of Davenport, favoring passage of the loss-leader bill.

By Senator Evans, from 24 residents of Montgomery and other counties, favoring passage of the loss-leader bill.

By Senator Hess, from 48 residents of Cherokee and other counties, favoring passage of the loss-leader bill.

By Senator Zeigler, from residents of Van Buren county in opposition to Senate File 5.

By Senator Stewart, from the town officials of Elgin, in opposition to legislation relative to theaters.

#### INTRODUCTION OF BILLS

Senate File 539, by committee on state political districts, a bill for an act to amend chapter thirty-five and two tenths (35.2), section five hundred twenty-six and two tenths (526.2), Code, 1939, relating to senatorial districts.

Read first and second times and placed on calendar.

Senate File 540, by committee on congressional redistricting, a bill for an act to repeal section five hundred twenty-six and one tenth (526.1), Code, 1939, and to enact a substitute therefor, redistricting the state into eight (8) congressional districts.

Read first and second times and placed on calendar.

Senate File 541, by committee on appropriations, a bill for an act to make an appropriation for the Iowa State Tax Commission for the sum of fifty-five thousand eighty-eight dollars (\$55,088.00) or so much thereof as may be necessary for the period ending June 30, 1941.

Read first and second times and placed on calendar.

Senator Donohue moved that the President appoint a committee to escort Governor Griswold and Attorney General Johnson, both of Nebraska, to the Senate chamber, which motion prevailed.

The President appointed Senators Donohue, Hunt, Love, Augustine and Hattery.

The committee escorted General Johnson and Governor Griswold to the rostrum.

President Hickenlooper introduced General Johnson, who addressed the Senate briefly.

President Hickenlooper then introduced Governor Griswold, who addressed the Senate.

The visitors were escorted from the rostrum by the 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 Senate is asked:

House File 136, a bill for an act providing for the licensing of coin-operated moving picture machines by the Department of Agriculture.

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

House File 314, a bill for an act relating to the licensing of vending machines and mechanical amusement devices by the Department of Agriculture.

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

House File 252, a bill for an act relating to the minimum wages of teachers employed in the public schools.

A. C. GUSTAFSON, *Chief Clerk.*

### SPECIAL ORDER

Senator Hart asked unanimous consent that Senate File 540 be made a special order of business for Tuesday, April 1st, at 10:00 a. m.

Senator Baldwin objected.

Senator Hart moved that the rules be suspended and that Senate File 540 be made a special order of business for 10:00 a. m. Tuesday, April 1st.

Senator Hess moved to amend the motion made by Senator Hart to read "Wednesday, April 2d", instead of "Tuesday, April 1st".

The amendment to the motion was lost.

The motion by Senator Hart was adopted.

Senator Watson moved that the rules be suspended and that Senate File 539 be made a special order of business for 9:45 a. m. Tuesday, April 1st.

The motion prevailed.

Senator Berg announced that on Friday he would call up the appropriation bills on the calendar, immediately following completion of the unfinished business on the calendar.

### HOUSE AMENDMENTS CONSIDERED

Senator Berg called up for consideration Senate File 245, a bill for an act to create fund for emergency relief during the ensuing biennium providing for appropriations therefor and administration thereof by the State Board of Social Welfare, and relating to the state sinking fund for public deposits, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 245 by striking all after the enacting clause and substituting in lieu thereof, the following:

Section 1. There is hereby created for the ensuing biennium a fund to be known as the Iowa Emergency Relief Fund for the purpose of caring

for the unemployed and needy persons of this state. Such fund shall be administered by the state board of social welfare and shall be allotted by the board throughout the various counties of the state in accordance with the need therefor.

All unexpended funds which were set aside for emergency relief under the provisions of chapter four (4), Acts of the Forty-eighth General Assembly, shall on July 5, 1941, be paid into the fund hereby created.

For the ensuing biennium only, the license fees and taxes now paid to the state sinking fund for public deposits under the provisions of subsection b of section one thousand nine hundred twenty-one and one hundred twenty-eight thousandths (1921.128), Code, 1939, shall be paid for such biennium into the fund for emergency relief hereby created.

In addition thereto there shall be paid into said fund for the quarter beginning July 1, 1941, and quarterly thereafter, up to and including April 1, 1943, from revenue collected under the provisions of chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, the sum of one hundred twenty-five thousand dollars (\$125,000.00); provided, however, that before any of the four last payments of one hundred twenty-five thousand dollars (\$125,000.00) each shall be expended by the state board of social welfare for relief purposes, the joint legislative committee on retrenchment and reform shall expressly approve the same.

Sec. 2. Before any county can receive aid from the Iowa emergency relief fund for aid of the poor, such county must have levied the maximum amount authorized by law for poor relief.

Sec. 3. The state board of social welfare shall not require any county to issue warrants or bonds, except anticipatory warrants which will be paid by taxes already levied, as a condition for receiving state aid, but after the county has used all of its poor funds and the said board has allocated all of its emergency relief fund throughout the various counties of the state in accordance with the need therefor, then the board of supervisors of any county may issue warrants or bonds, for the purpose of raising additional poor relief funds; provided, however, that the board of supervisors shall have the authority and shall be required to increase the poor relief levy sufficiently to repay such warrants or bonds on or before December 31, the second year after issuance of such warrants or bonds.

Also, strike all of the title of Senate File 245, and substitute in lieu thereof the following: A bill for an act to create the Iowa Emergency Relief Fund for the ensuing biennium, and to provide for the administration thereof by the state board of social welfare; to provide that such fund shall be paid from the license fees and taxes now paid to the state sinking fund for deposits under section one thousand nine hundred twenty-one and one hundred twenty-eight thousandths (1921.128), Code, 1939, and from revenue collected under the provisions of chapter three hundred twenty-nine and three tenths (329.3), Code, 1939, and from unexpended funds set aside for emergency relief under provisions of chapter four (4), Acts of the Forty-eighth General Assembly; and to provide the conditions for counties to receive state aid, and to provide for other means of raising poor relief funds.

Senator Faul asked and received unanimous consent to defer action on Senate File 245 and that it retain its place on the calendar.

Senator Hill called up the following conference committee report on House File 223, a bill for an act to amend section six thousand nine hundred forty-three and ninety-four thousandths (6943.094), Code, 1939, to provide a limitation of the time in which the State Tax Commission shall have power to examine the books, papers, records or memoranda of any taxpayer.

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 223

##### MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned, members of the conference committee appointed to consider the differences between the Senate and the House on House File 223, beg leave to report that we have had the same under consideration and recommend that the House concur in the amendments adopted by the Senate and in which the House originally refused to concur:

Strike from lines seven and ten the word and figure "three (3)" and insert in lieu thereof the word and figure "five (5)". Further amend by inserting quotation marks around the word "memoranda" in line four (4).

Respectfully submitted,

G. R. HILL.

WILSON REED.

FRED CROMWELL.

JOHN R. IRWIN.

JOHN R. HATTERY.

F. E. SHARP.

ROBERT P. MUNGER.

PETER A. JESSEN.

*On the part of the Senate.*

*On the part of the House.*

Senator Hill moved that the conference committee report be adopted.

The motion prevailed and the conference committee report was adopted.

Senator Hill moved that the amendment contained in the conference committee report be adopted.

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, 42:**

Augustine  
Bekman  
Benson

Berg  
Byers  
Clark

Corwin  
Cromwell  
Dewey

Dykhouse  
Elthon  
Emerson

Faul	Hill	Lundy	Shaw
Findlay	Hunt	Lynes	Sjulin
Hamiel	Johnson	Martin	Stewart
Hart	Jones	Mercer	Talbott
Harvey	Keir	Miller	Turner
Hattery	Leo	Mowry	Vrba
Henningsen	Long	Pelzer	Whitehill
Hess	Love		

Nays, none.

Absent or not voting, 8:

Baldwin	Evans	Goode	Watson
Donohue	Fuller	Munger	Zeigler

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, which motion prevailed.

Senator Hill called up the conference committee report on House File 224, a bill for an act to amend section six thousand nine hundred forty-three and ninety-seven thousandths (6943.097) providing for a limitation of time during which claims for refund may be allowed by the State Tax Commission.

#### REPORT OF CONFERENCE COMMITTEE ON HOUSE FILE 224

MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned, members of the conference committee appointed to consider the differences between the Senate and the House on House File 224, beg leave to report that we have had the same under consideration and recommend that the House concur in the amendments adopted by the Senate and in which the House originally refused to concur:

Strike from line six (6) the word "three" and insert in lieu thereof the word and figure "five (5)".

Respectfully submitted,

G. R. HILL.

WILSON REED.

FRED CROMWELL.

JOHN R. IRWIN.

JOHN R. HATTERY.

F. E. SHARP.

ROBERT P. MUNGER.

PETER A. JESSEN.

*On the part of the Senate.*

*On the part of the House.*

Senator Hill moved that the conference committee report be adopted.

The motion prevailed and the conference committee report was adopted.

Senator Hill moved that the amendment contained in the conference committee report be adopted.

The amendment was adopted.

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

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

**Ayes, 46:**

Augustine	Emerson	Hunt	Miller
Baldwin	Faul	Johnson	Mowry
Bekman	Findlay	Jones	Munger
Benson	Fuller	Keir	Pelzer
Byers	Goode	Leo	Shaw
Clark	Hamiel	Long	Sjulin
Corwin	Hart	Love	Stewart
Cromwell	Harvey	Lundy	Talbott
Dewey	Hattery	Lynes	Turner
Donohue	Henningsen	Martin	Vrba
Dykhouse	Hess	Mercer	Whitehill
Elthon	Hill		

**Nays, none.**

**Absent or not voting, 4:**

Berg	Evans	Watson	Zeigler
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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 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, which motion prevailed.

The Senate resumed consideration of Senate File 245.

Senator Faul offered the following amendment to the House amendment and moved its adoption:

Amend the House amendment to Senate File 245 by inserting a period after the figures "\$125,000.00" in line 22 thereof and by striking all the remainder of the paragraph commencing with the word "provided".

The amendment was adopted.

Senator Goode moved that the bill as amended by the House and amended and concurred in by the Senate 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:**

Augustine	Benson	Clark	Dewey
Baldwin	Berg	Corwin	Elthon
Bekman	Byers	Cromwell	Emerson



Faul	Hill	Love	Shaw
Findlay	Hunt	Lundy	Sjulin
Goode	Johnson	Lynes	Stewart
Hamiel	Jones	Martin	Talbott
Harvey	Keir	Mercer	Turner
Hattery	Leo	Mowry	Vrba
Hess	Long	Munger	Whitehill

Nays, none.

Absent or not voting, 10:

Donohue	Fuller	Miller	Watson
Dykhouse	Hart	Peizer	Zeigler
Evans	Henningsen		

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

Senator Corwin 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.

Senator Hattery took the chair at 11:18 a. m.

Senator Berg called up for consideration Senate File 472, a bill for an act to amend chapter ten (10), Code, 1939, relating to compensation of examiners and their assistants, amended by the House, and moved that the Senate refuse to concur in the following amendments:

#### HOUSE AMENDMENTS TO SENATE FILE 472

Amend Senate File 472 by inserting after the word "their" in the last line of the title and in the fourth (4th) line of section 1 the word "senior".

Also amend by inserting after the word "assistants" in the last line of the title and the fourth (4th) line of section 1 the words "appointed by the State Auditor".

The Senate refused to concur.

Senator Stewart called up for consideration Senate File 213, a bill for an act to provide regulations as to the sale of baby chicks; to provide for the licensing of handlers and dealers thereof; to provide inspection for establishments operated by said handlers and dealers; and providing penalties for the violation of this act, amended by the House, and moved that the Senate concur in the following amendments:

#### HOUSE AMENDMENTS TO SENATE FILE 213

Amend section 1 by striking from line 7 thereof the word "or" and by inserting after the word "association" in line 7 thereof the following:

"community sales, public sales pavillions, or other holders of public auctions any place in the state of Iowa."

Also amend by striking from line sixteen of section 4 the words "claims made for".

Also amend by striking the words "with reasonable accuracy the sex" in line fifteen, subsection four, section five, and inserting in lieu thereof the words "percent of guarantee if chicks are sold as sexed checks,".

The Senate concurred in the House amendments.

Senator Stewart 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, 33:

Augustine	Elthon	Jones	Pelzer
Bekman	Emerson	Leo	Shaw
Benson	Findlay	Long	Sjulin
Berg	Hart	Love	Stewart
Byers	Hattery	Lynes	Talbott
Clark	Hess	Mercer	Turner
Corwin	Hill	Miller	Vrba
Cromwell	Johnson	Mowry	Whitehill
Dewey			

Nays, 3:

Baldwin	Harvey	Martin
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Absent or not voting, 14:

Donohue	Fuller	Hunt	Munger
Dykhouse	Goode	Keir	Watson
Evans	Hamiel	Lundy	Zeigler
Paul	Henningsen		

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, which motion prevailed.

### THIRD READING OF BILLS

On motion of Senator Lynes the Senate resumed consideration of House File 28, a bill for an act to amend section five thousand one hundred five and six hundredths (5105.06), Chapter two hundred fifty-two and three tenths (252.3), Code, 1939, defining the term "permit".

Senator Lynes offered the following amendment and moved its adoption:

Amend House File 28 by adding thereto the following sections:

Sec. 3. Section five thousand one hundred five and seven hundredths (5105.07), Code of 1939, is amended by adding thereto a new subparagraph as follows:

"5. A statement setting forth the service which the applicant proposes to furnish."

Sec. 4. Section five thousand one hundred five and eight hundredths (5105.08) is amended by inserting in line five (5) thereof after the period following the word "defined" the following:

"Provided, however, that before a permit shall be issued for the transportation of livestock, raw farm and dairy products, farm feeds and concentrates, and implements used in farming operations, by a truck operator transporting same for compensation and not operating between fixed termini nor over a regular route, the commission shall, after a public hearing, make a finding that the service proposed to be rendered will promote the public necessity and convenience.

"The term "truck operator" as contemplated in this section shall be limited to an operator engaged in performing a public service for hire in the transportation solely of farm-to-market products, as defined above.

"The procedure to be used in the conduct of hearings, the fixing of a time and place of hearing, the interposing of objections, and the receiving of testimony shall follow that prescribed in Chapter 252.1 of the Code of 1939, so far as the same is applicable.

"The findings of the commission shall not contain any restrictions or requirements imposing a schedule or route upon said operator.

Sec. 5. All permits heretofore issued to truck operators as defined above shall remain in full force and effect notwithstanding the provisions of this act.

Senator Elthon moved the previous question on the amendment.

Further action was deferred.

#### HOUSE MESSAGES CONSIDERED

House File 136, a bill for an act to amend chapter one hundred sixty-four (164), Code, 1939, providing for the licensing of coin-operated moving picture machines by the department of agriculture, and providing a penalty for the violation thereof.

Read first and second times and referred to sifting committee.

House File 252, a bill for an act to amend section forty-three hundred forty-one (4341), Code, 1939, relating to the minimum wages of teachers employed in the public schools.

Read first and second times and referred to sifting committee.

House File 314, a bill for an act relating to the licensing of

mechanical amusement devices by the department of agriculture and providing penalties for violation thereof.

Read first and second times and referred to sifting committee.

Senator Zeigler moved that the Senate recess until 1:30 p. m.

Senator Cromwell moved as a substitute that the Senate recess until 2:00 p. m., which motion prevailed and the substitution was made.

On motion of Senator Cromwell the Senate recessed until 2:00 p. m.

### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

Senators Donohue, Evans, Baldwin, Corwin, Dykhouse, Elthon, Faul, Goode, Lynes, Sjulín and Watson, members of the sifting committee, were excused from the session to attend to the business of the committee.

### INTRODUCTION OF BILLS

Senate File 542, by appropriations committee, a bill for an act to appropriate from the general fund of the State of Iowa for improvements, repairs and supplies for the state capitol building and grounds.

Read first and second times and placed on calendar.

Senate File 543, by cities and towns committee, a bill for an act to amend section six thousand sixty-six and twenty-nine hundredths (6066.29) of chapter three hundred eight and three tenths (308.3), Code of Iowa, 1939, relating to bonds issued by cities and towns for the construction of self-liquidating improvements and to make the provisions of said chapter three hundred eight and three tenths (308.3), Code of Iowa, 1939, as thus amended, applicable to special charter cities.

Read first and second times and referred to sifting committee.

Senate File 544, by committee on claims, a bill for an act to make appropriations to certain named persons to cover refunds on motor vehicle registration fees.

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

Senate File 545, by claims committee, a bill for an act to make an appropriation to Breda Savings Bank, Breda, Iowa.

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

Senate File 546, by claims committee, a bill for an act to make appropriations to certain named persons in settlement of damages sustained by them on account of accidents on primary roads, or on account of collisions with state highway equipment, or on account of acts of commission or omission by the State Highway Commission or its employees.

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

Senate File 547, by claims committee, a bill for an act to make an appropriation to LeRoy Huskamp, Cedar Falls, Iowa.

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

Senate File 548, by claims committee, a bill for an act to make an appropriation to Dr. Floyd C. Bridge, Storm Lake, Iowa.

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

Senate File 549, by claims committee, a bill for an act to make appropriations to Firestone Tire and Rubber Company, Des Moines, Iowa; and Lally's Service, Des Moines, Iowa.

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

Senate File 550, by claims committee, a bill for an act to make an appropriation to Lyon Brothers, Cambridge, Iowa.

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

Senate File 551, by claims committee, a bill for an act to make an appropriation to Johnstone Bakery, Boone, Iowa.

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

Senate File 552, by claims committee, a bill for an act to make appropriations to Walker-Shum, Bedford, Iowa, and Westcott-Doughty-Chandler Funeral Chapel, Sioux City, Iowa.

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

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

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

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has examined and finds correctly enrolled Senate Files 58, 80, 99, 115, 174, 241, 394, 471, 480, 506, and 512.

*EDWARD H. VRBA, Chairman Senate Committee.*

*GORDON SMITH, 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 58, 80, 99, 115, 174, 241, 394, 471, 480, 506, and 512.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has on this 27th day of March, 1941, sent to the Governor for his approval, Senate Files 58, 80, 99, 115, 174, 241, 394, 471, 480, 506 and 512.

*EDWARD H. VRBA, Chairman.*

Passed on file.

Senator Emerson asked and received unanimous consent to introduce the Leon Junior High School Class who were present in the balcony.

Senator Zeigler asked and received unanimous consent to have his name withdrawn from the amendment offered by Senator Lynes to House File 28 and found on page 862 of the Journal.

#### THIRD READING OF BILLS

On motion of Senator Bekman, Senate File 103, a bill for an act to amend, revise, and codify chapter four hundred sixty-two (462), Code, 1939, relating to legalizing judgments and decrees, was taken up, considered, and the report of the committee adopted.

Senator Bekman 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, 37:

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

Nays, none.

Absent or not voting, 13:

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhous			

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

On motion of Senator Bekman, Senate File 106, a bill for an act to amend, revise and codify chapter four hundred sixty-five (465), Code, 1939, relating to the legalization of acts of corporations, was taken up and considered.

Senator Bekman 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, 37:

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

Nays, none.

Absent or not voting, 13:

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhous			

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

Senator Hamiel offered the following amendment to the title and moved its adoption:

Amend the title to Senate File 106 by striking from line 3 thereof the word "of" and inserting in lieu thereof the word "concerning".

The amendment was adopted and the title as amended was agreed to.

On motion of Senator Shaw, Senate File 143, a bill for an act to amend section ten thousand six hundred eighty-eight (10688), Code, 1939, relating to salaries of municipal court officers, was taken up and considered.

Senator Shaw 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, 37:

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

Nays, none.

Absent or not voting, 13:

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 146, a bill for an act to amend section three (3), chapter two hundred eighteen (218), Acts of the forty-second (42nd) General Assembly, relating to adoption of children, was taken up and considered.

Senator Shaw 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.****Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 147, a bill for an act to amend sections fifty-three (53), one hundred seven (107), and one hundred ten (110), of chapter ninety-nine (99), Acts of the forty-seventh (47th) General Assembly, relating to fish and game, was taken up and considered.

Senator Shaw 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.****Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 130, a bill for an act to amend section two thousand five hundred seventy-three and ten hundredths (2573.10), Code, 1939, relating to records of the department of health pertaining to hearings on applications for dentistry licenses, was taken up and considered.

Senator Shaw 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningesen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.**

**Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 134, a bill for an act to amend section five thousand six hundred sixty-three and one tenth (5663.1), Code, 1939, relating to penalty and removal from office of any councilman voting for any appropriation in excess of limitations, was taken up and considered.

Senator Shaw 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningesen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

Nays, none.

Absent or not voting, 13:

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 156, a bill for an act to amend sections two thousand six hundred three and nine hundredths (2603.09) and two thousand six hundred three and twelve hundredths (2603.12), Code, 1939, relating to soil conservation, was taken up and considered.

Senator Shaw 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, 37:

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

Nays, none.

Absent or not voting, 13:

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 116, a bill for an act to amend section eighty-four and six hundredths (84.06), Code, 1939, relating to powers and duties of the state comptroller, was taken up and considered.

Senator Mowry 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.****Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Mowry, Senate File 151, a bill for an act to eliminate from the 1939 Code of Iowa all references to a state census, was taken up and considered.

Senator Shaw 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.****Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 122, a bill for an act to amend section one thousand five hundred forty-one and two tenths

(1541.2), Code, 1939, relating to the tenure of office of members of the Iowa commission for the blind, was taken up and considered.

Senator Hunt 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.**

**Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 127, a bill for an act to amend section one thousand nine hundred twenty-one and twenty-nine thousandths (1921.029), Code, 1939, relating to the date of expiration of individual liquor permits, was taken up and considered.

Senator Shaw 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.**

**Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 119, a bill for an act to amend section one thousand two hundred twenty-five and thirty-two hundredths (1225.32), Code, 1939, relating to applications for itinerant merchants' licenses, was taken up and considered.

Senator Hunt 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.**

**Absent or not voting, 18:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 120, a bill for an act to amend section one thousand four hundred fifty-six (1456), Code, 1939, relating to the time of taking an appeal in workmen's compensation cases, was taken up and considered.

Senator Byers asked and received unanimous consent that action be deferred and that the bill retain its place on the calendar.

On motion of Senator Shaw, Senate File 139, a bill for an act to amend section eight thousand five hundred twelve and fifty-two hundredths (8512.52), Code, 1939, relating to the reinstatement of

the corporate rights of cooperative associations, was taken up and considered.

Senator Hunt 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.**

**Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 114, a bill for an act to amend section forty-seven (47), Code, 1939, relating to the form of legislative bills, was taken up and considered.

Senator Shaw 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.**

**Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 138, a bill for an act to amend section seven thousand seven hundred fourteen and seventeen hundredths (7714.17), Code, 1939, relating to redemption from sale for failure to pay drainage assessments, was taken up and considered.

Senator Hunt 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.****Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Mowry, Senate File 117, a bill for an act to amend section two hundred sixty-five and two tenths (265.2), Code, 1939, relating to the price of state departmental reports, was taken up and considered.

Senator Mowry 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.****Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Mowry, Senate File 128, a bill for an act to amend section two thousand four hundred thirty-seven and one hundredth (2437.01), Code, 1939, relating to the membership of the state board of eugenics, was taken up and considered.

Senator Mowry 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.****Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Mowry, Senate File 126, a bill for an act to

amend section one thousand nine hundred five and nine hundredths (1905.09), Code, 1939, relating to qualifications of applicants for the state accountancy examination, was taken up and considered.

Senator Mowry 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

**Nays, none.**

**Absent or not voting, 13:**

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhouse			

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

On motion of Senator Shaw, Senate File 154, a bill for an act to correct in the Code of 1939 certain references to state departments and personnel under the control of the state board of library trustees and to this end amend sections two hundred forty-six (246), three hundred two (302), four hundred eighty-two and thirteen hundredths (482.13), and one thousand sixty-three (1063), Code, 1939, was taken up and considered.

Senator Mowry 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, 37:**

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

Nays, none.

Absent or not voting, 13:

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhous			

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

On motion of Senator Shaw, Senate File 137, a bill for an act to amend section seven thousand twenty-six (7026), Code, 1939, relating to taxation of insurance companies, was taken up and considered.

Senator Shaw 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, 37:

Augustine	Hamiel	Jones	Munger
Bekman	Hart	Leo	Pelzer
Benson	Harvey	Long	Shaw
Berg	Hattery	Love	Stewart
Byers	Henningsen	Lundy	Talbott
Clark	Hess	Martin	Turner
Cromwell	Hill	Mercer	Vrba
Dewey	Hunt	Miller	Whitehill
Emerson	Johnson	Mowry	Zeigler
Findlay			

Nays, none.

Absent or not voting, 13:

Baldwin	Elthon	Fuller	Lynes
Corwin	Evans	Goode	Sjulin
Donohue	Faul	Keir	Watson
Dykhous			

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

Senator Shaw filed the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION 23

*Whereas*, The United States weather and crop service, with Federal funds augmented by State appropriations, maintains weather observation stations throughout Iowa, Minnesota, and Dakota, and other states in the northwest, and

*Whereas*, Such stations are presumed to be maintained for the protection and benefit of persons and property, and

*Whereas*, On the 11th day of November, 1940, a wind of hurricane vio-

lence, accompanied by snow and intense cold, swept across Iowa destroying numerous human lives and millions of dollars worth of livestock and poultry, all or most of which could have been prevented by timely warnings, and

*Whereas*, On or about the 15th day of March, 1941, another devastating hurricane, accompanied by snow and intense cold, took a toll of more than fifty human lives in the states of Minnesota and North Dakota, and

*Whereas*, Present communication lines, both wire and wireless are such as to facilitate advance adequate warnings of such deadly storms, and

*Whereas*, If such weather observation stations are to be of value, such warnings should be sure and adequate, and

*Whereas*, It does not appear that any adequate warning was given either said storms, therefore,

*Be It Resolved by the Senate, the House Concurring*: That the Congress of the United States be requested to provide for such investigations of such weather and crop service as may be necessary to place blame, if any, for such failure, and that it further be requested to enact such legislation as may be necessary in the future to prevent a repetition of failures to give adequate warning of dangerous storms and weather conditions to the end that human lives and property may be protected from unnecessary loss and destruction.

And be it further resolved that copies of this resolution be transmitted to each member of Congress from Iowa.

#### REPORTS OF COMMITTEES

Senator Berg submitted the following report:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 397, a bill for an act to make an appropriation from the general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for improvement and equipment at the School for the Blind, Vinton, and providing for the manner of expenditure thereof, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 200, a bill for an act to appropriate the sum of twenty-five thousand dollars (\$25,000) to be used in research work by Iowa State College for the purpose of expanding the industrial utilization of Iowa agricultural products and surpluses, and for finding new use for such crops and surpluses; also providing for a report of the results of this research, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman*.

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on appropriations, to which was referred House File 291, a bill for an act to make an appropriation for the expenses incurred in the election contest of Randall vs. Norland, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on appropriations, to which was referred Senate File 301, a bill for an act to provide for the opening and constructing of a paved roadway and sidewalk through the state capitol grounds and appropriate funds to pay the cost thereof, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on appropriations, to which was referred House File 506, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for the department of health to be used for the indexing of the vital records in the division of vital statistics and for the issuing of certified copies of birth certificates and other vital records, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on appropriations, to which was referred House File 517, a bill for an act to appropriate from the general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for the Iowa Cooperative Commission and the Council of State Governments, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

**MR. PRESIDENT:** Your committee on appropriations, to which was referred House File 523, a bill for an act making an appropriation to defray the expense of sending delegates to the National Defense Conference, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 524, a bill for an act relating to making an appropriation for the payment of miscellaneous expenses of the Forty-ninth General Assembly, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 544, a bill for an act to make appropriations to certain named persons to cover refunds on motor vehicle registration fees, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 545, a bill for an act to make an appropriation to Breda Savings Bank, Breda, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 546, a bill for an act to make appropriations to certain named persons in settlement of damages sustained by them on account of accidents on primary roads, or on account of collisions with state highway equipment, or on account of acts of commission or omission by the State Highway Commission or its employees, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 547, a bill for an act to make an appropriation to LeRoy Huskamp, Cedar Falls, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 548, a bill for an act to make an appropriation to

Dr. Floyd C. Bridge, Storm Lake, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 549, a bill for an act to make appropriations to Firestone Tire and Rubber Company, Des Moines, Iowa; and Lally's Service, Des Moines, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 550, a bill for an act to make an appropriation to Lyon Brothers, Cambridge, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 551, a bill for an act to make an appropriation to Johnstone Bakery, Boone, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred Senate File 552, a bill for an act to make appropriations to Walker-Shum, Bedford, Iowa, and Westcott-Doughty-Chandler Funeral Chapel, Sioux City, Iowa, begs leave to report it has had the same under consideration and returns the bill without recommendation.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 26th he had approved the following:

Senate File 36, relating to amount of bond to be given by a guardian upon the sale or mortgage of real estate.

Senate File 152, relating to mileage allowances of public officers and employees.

Senate File 166, authorizing boards of waterworks trustees of municipally owned waterworks to establish a plan and fund for group insurance.

Senate File 292, providing for confiscation and forfeiture of vehicles unlawfully used in the narcotic trade; providing for issuance of order forms; and relating to penalties for violation of the provisions of said chapter.

Senate File 302, authorizing expenditures by the state highway commission from the primary road fund for the biennium.

Senate File 359, providing for an emergency appropriation to complete the preparation of an elementary course of study for the rural and graded schools of the state, and for normal training high schools, in order to complete the work already begun by the department of public instruction.

Senate File 470, relating to the compensation of examiners and assistants in the insurance department.

Senate File 473, making an appropriation to certain named persons in settlement of damages sustained on account of accidents on primary roads.

Senate File 477, making an appropriation to Palo Alto Hospital Association, Dr. E. D. Beatty, and Dr. H. R. Powers.

Senate File 485, providing an emergency appropriation for traveling and hotel expense of the judges of the district court.

#### 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 358, House File 387, Senate File 479, House File 167, Senate File 260, House File 252, Senate File 423, House File 162, Senate File 357, House File 138, Senate File 355, Senate File 307 and Senate File 210.

Also the following bills were voted out of the Sifting Committee and referred to Appropriations Committee: Senate File 530, House File 146, Senate File 463 and Senate File 345. E. P. DONOHUE, *Chairman*.

The Sifting Committee recommends that the following bills be placed upon a special calendar, which bills the committee considers to be non-



controversial in character: Senate Files 536, 527, 528, 521, 438, 525, 535, 524, 538, 310, and House Files 248, 251, 239, 437, 463, 518, 420, 412.

E. P. DONOHUE, *Chairman*.

#### AMENDMENTS FILED

Amend House File 153 by adding thereto the following: "This act shall not affect pending litigation."  
**GEORGE FAUL.**

Amend the amendments to Senate File 481 filed March 24, 1941, by Munger and Hamiel, by striking the word "renewed" in line 3 of said amendment and substituting in lieu thereof the word "continued".  
**M. C. HAMIEL.**

Amend Senate File 390 as follows:

(1) By striking the word "cities" in line 5 of section 1 and by substituting in lieu thereof the word "counties".

(2) By striking the word "city" in line 10 of section 1 and by substituting in lieu thereof the word "county".  
**GEORGE FAUL.**

Amend Senate File 419 in the following manner:

1. Amend section 1 thereof by striking the words "legislative advisory committee" appearing in lines 3 and 4 and in line 8 and in lines 9 and 10 and inserting in lieu thereof the words "joint committee on retrenchment and reform".

2. Further amend section 1 thereof by striking the figures "1935" in line 17 and inserting in lieu thereof the figures "1939".

3. Amend section 2 thereof by striking the words "legislative advisory committee" in lines 2 and 3 and inserting in lieu thereof the words "joint committee on retrenchment and reform".

4. Amend by striking sections 4 and 5.

5. Amend by adding as section 4 the following:

"In the event that the executive council and the joint committee on retrenchment and reform shall in their discretion determine that it would not be to the best interests of the state to proceed with the erection of said building during the biennium beginning July 1, 1941, the moneys appropriated by this act shall be segregated in a fund to be known as the State Office Building Fund to be used for the purposes provided in this act at such future time as the executive council and joint committee on retrenchment and reform may determine, and said fund, if not previously expended for the purposes provided for herein, shall not revert to the general fund until such time as the General Assembly may by act or joint resolution provide therefor, anything in any other act or law to the contrary notwithstanding.

6. Amend by renumbering sections 6 and 7 respectively.

**J. P. BERG.**

Amend Senate File 516 by striking all after the enacting clause, and inserting in lieu thereof the following:

Section 1. For the purpose of this chapter:

(1) "Carcass grading" shall mean a method of selling hogs by which the value of the hog is determined by the value of the dressed carcass.

(2) "Live weight" shall mean a method of selling hogs by which the value of the hog is determined on a per hundredweight basis, prior to slaughtering.

(3) "Grader" shall mean any person qualifying under the standards provided in section eight (8) of this chapter.

(4) "Weigher" shall mean any person qualifying under the provisions of section seven (7), subsection two (2), of this chapter.

(5) "Identification by tattooing" shall mean the marking of a live hog on the shoulder with indelible ink, by the use of a tattooing instrument, which mark will not be effaced by the slaughtering process.

(6) "Federal meat inspection" shall mean United States government ante and post mortem inspection of hogs and supervision of the preparation of hogs for human food.

(7) "Slaughtering establishment" shall mean any establishment in which hogs are killed or dressed for food.

(8) "Producer" shall mean any person, partnership, corporation, or association that raises, produces or sells hogs.

(9) "Conformation" shall mean the general build, form, shape, and contour or outline of the carcass, side or cut. Conformation is determined by the skeleton, the thickness of lean meat and the thickness and distribution of fat. The limitations of conformation between which shall be placed all the modifications and degrees of conformation that apply to the various grades are plumpness and blockiness or stockiness at one extreme and ranginess, lankness and angularity at the other.

(10) "Finish" shall mean the thickness, color, character, and distribution of fat. The internal indications of high finish are generous quantities of firm white fat in the crotch, around the kidneys, over the ribs, and around the breast bones.

(11) "Quality" shall mean the characteristic of lean flesh and of the fat included therein. It pertains primarily to the thickness, firmness and strength of both the muscle fiber and connective tissue. It also involves the quality, consistency, and character of juices or extractives that surround and permeate the muscle fiber and connective tissue.

(12) "Department" shall mean the State Department of Agriculture.

Sec. 2. This chapter shall be administered and enforced by the State Department of Agriculture.

Sec. 3.

(1) This chapter shall apply only to slaughtering establishments within the state of Iowa.

(2) This chapter shall be mandatory on those slaughtering establishments that are subject to federal meat inspection, and shall be optional with those establishments not subject to federal meat inspection.

Sec. 4. A producer shall have the option of selling his hogs either on the live weight basis or on the carcass grading basis, when he sells his hogs to a slaughtering establishment which purchases hogs on the carcass grading basis.

Sec. 5. The department shall establish uniform hog carcass grades and in establishing such grades shall take into account conformation, finish, and quality, provided, however, that the department shall consult with representatives of Iowa State College, slaughtering establishments, hog

producers, and the United States Department of Agriculture before establishing such grades.

Sec. 6. Each hog sold on the carcass grading basis shall be identified by tattooing at the time of delivery to the slaughtering establishment. The tattooing instrument shall be approved by the department and furnished by the slaughtering establishment.

Sec. 7. Every slaughtering establishment which purchases hogs under the carcass grading basis shall provide:

(1) An automatic electric weight recording scale which will accurately weigh each carcass as it passes over the weighing machine on a carcass rail.

(2) A disinterested, properly trained person, approved by the department, to check and supervise the weighing operation and weighing procedure.

(3) An impartial grader or graders who shall meet standard qualifications to be established jointly by the department and the United States Department of Agriculture.

Sec. 8. The department shall take such steps as are necessary to provide standards of qualifications and training facilities for those graders referred to in section six (6), subsection three (3).

Sec. 9. All hogs received by any slaughtering establishment on the carcass grading basis shall be slaughtered, weighed and graded within twenty-four (24) hours after the hogs have been received at the establishment, provided, however, that in emergencies recognized by the department an additional reasonable time shall be allowed.

Sec. 10. Any slaughtering establishment subject to federal meat inspection, which refuses to allow a producer of hogs to sell on the carcass grading basis, shall be subject to a penalty of five dollars for each hog so disallowed.

Sec. 11. The loss occasioned by condemnation of carcasses or parts of carcasses shall be charged directly against the producers of the condemned carcasses. In calculating the value of the condemned carcasses the producer shall be entitled to the amount received for the salvage of such carcass.

Sec. 12. This chapter shall be in full force and effect on and after July 1, 1942.

Sec. 13. If any section, subsection, clause, sentence, or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this act. The Legislature hereby declares that it would have passed this act and each section, subsection, clause, sentence or phrase thereof, irrespective of whether any one or more of the sections, subsections, clauses, sentences, or phrases be declared to be unconstitutional or invalid.

We move also to strike all the title after the word "Act" and insert in lieu thereof the following:

"To provide a system of hog carcass grading to be used at the option of

the producers of hogs when such hogs are sold to certain slaughtering establishments located within the state."

RICHARD V. LEO.  
RALPH E. BENSON.  
ROBERT KEIR.

On motion of Senator Love, the Senate adjourned until 10:00 a. m. Friday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 28, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Gordon F. McLean, pastor of the First Presbyterian church of Malvern.

The Journal of March 27th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Mercer, from truck operators of Iowa City, in opposition to Senate File 399.

By Senator Leo, from 107 residents of Benton and other counties, favoring passage of the loss-leader bill.

By Senator Whitehill, from 170 residents of Marshall and other counties, favoring passage of the loss-leader bill.

By Senator Keir, from residents of Clay county, favoring passage of Senate File 264; also from residents of Terril, favoring passage of Senate File 375 and in opposition to Senate File 5.

By Senator Clark, from truckers and shippers of Lucas and Wayne counties, in opposition to Senate File 399.

By Senator Augustine, from 49 residents of Mahaska county, favoring passage of the loss-leader bill.

By Senator Shaw, from residents of Pocahontas county, relative to certain pending school legislation.

By Senator Vrba, from retail merchants and businessmen of Riceville, in opposition to Senate File 5.

By Senator Lynes, from members of the Artesian Creamery Company, in opposition to Senate File 198 and House File 164.

By Senator Elthon, from businessmen and retail merchants of Riceville, in opposition to Senate File 5.

By Senator Hattery, from businessmen of Ames, in opposition to any change in the present sales tax law which would require the use of tokens.

#### 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 315, a bill for an act to impose a tax upon admissions to places of amusement.

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

House File 316, a bill for an act relating to pin ball machines.

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

House File 346, a bill for an act relating to actions for damages because of the negligent or wrongful injury or death of women.

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

House File 358, a bill for an act to legalize proof of publication of notice made by the affidavit of the assistant publisher prior to January 1, 1940.

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

House File 394, a bill for an act to provide for a period of limitation within which certain funds deposited with the clerk of the district court may be claimed.

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

House File 408, a bill for an act to appropriate funds to the State Board of Education funds for the care of infantile paralysis and orthopedic patients in the University Hospital.

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

House File 447, a bill for an act relating to the library fund of common schools.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 442, a bill for an act to legalize action of the town council of Lake Mills to transfer funds.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 311, a bill for an act relating to liability bond of certificated carriers.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 247, a bill for an act relating to liability bond of certificated carriers.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 252, a bill for an act pertaining to discrimination against Iowa reciprocal or interinsurance exchanges doing business in other states.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 17, a bill for an act relating to tax exemptions for military service of a widowed mother, of a deceased soldier, sailor or marine.

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 relating to school taxes.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 236, a bill for an act relating to the applicability of the provisions of the chain store tax.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 267, a bill for an act relating to the power and authority of the attorneys, the bond required, etc.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 333, a bill for an act relating to tax exemptions for military service.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 267

Amend by striking the comma in line 10 and inserting in lieu thereof a period and by striking from lines 10, 11, and 12 the following: "and such attorney shall be deemed to be a part of such reciprocal or interinsurance exchange".

#### HOUSE AMENDMENT TO SENATE FILE 333

Amend section three (3) of Senate File 333 by striking from line six thereof the word "preceding" and inserting after the word "year" immediately following said word "preceding", the words "in which such exemption is filed".

## THIRD READING OF BILLS

The time having arrived for consideration of the special order, Senator Berg called up Senate File 419, a bill for an act to provide for the erecting and equipping of an office building on the state capitol grounds; to provide for the appointment of a legislative advisory committee and authorize the executive council and legislative advisory committee to designate the location of said building; to authorize the executive council and legislative advisory committee to employ an architect or architects to prepare plans and specifications for said office building; and to enter into a contract or contracts for the erection and equipping of said office building; and to provide for an appropriation therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg asked and received unanimous consent to withdraw the amendment filed by him and found on page 927 of the Journal.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 419 by striking all of section 5 and inserting in lieu thereof the following: "Each member of the legislative advisory committee shall be entitled to such hotel and traveling expenses incurred in the discharge of their duties and such allowance for the time spent in the discharge of their duties as may be allowed by the 50th General Assembly."

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 419 by adding as section 4 the following:

"In the event that the executive council and the legislative advisory committee shall in their discretion determine that it would not be to the best interests of the state to proceed with the erection of said building during the biennium beginning July 1, 1941, the moneys appropriated by this act shall be segregated in a fund to be known as the State Office Building Fund to be used for the purposes provided in this act at such future time as the executive council and the legislative advisory committee may determine, and said fund, if not previously expended for the purposes provided for herein, shall not revert to the general fund until such time as the General Assembly may by act or joint resolution provide therefor, anything in any other act or law to the contrary notwithstanding."

Amend by renumbering sections 6 and 7 respectively.

The amendment was adopted.



Senator Donohue offered the following amendments and moved their adoption:

Amend Senate File 419 by striking from line 2 of section 4 the word "two" and inserting in lieu thereof the word "three".

Further amend Senate File 419 by striking from line 3 of section 4 the following: "of the committee on public lands and buildings".

The amendments were adopted.

Senator Donohue offered the following amendments and moved their adoption:

Amend section 4 of Senate File 419 by striking the comma in line 6 and inserting in lieu thereof a period.

Further amend section 4 by striking from lines 6 and 7 the following: "whose term shall expire January 1, 1943" and inserting in lieu thereof the following: "The term of the legislative advisory committee shall terminate upon the convening of the 50th General Assembly. Any vacancy occurring on the legislative advisory committee shall be filled by the presiding officer of the House in the event the vacancy occurs in the membership of said committee from the House, and by the Lieutenant Governor in the event the vacancy occurs in the membership of said committee from the Senate."

Further amend Senate File 419 by adding to section 4 the following: "In carrying out the provisions of this act the executive council and the legislative advisory committee shall meet jointly at such places as may be determined by the executive council and in determining all matters coming before said meetings it shall require a majority vote of the members of the executive council and also a majority vote of the members of the legislative advisory committee."

The amendments were adopted.

Senator Donohue asked and received unanimous consent to strike the figures "1935" in line 17 of section 1 and insert the figures "1939".

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 419 by adding as section 8 the following:

"This act being deemed of immediate importance shall become effective upon publication in the Centerville Daily Iowegian, a newspaper published at Centerville, Iowa, and in the Clinton Herald, a newspaper published at Clinton, Iowa."

The amendment was adopted.

Senator Berg 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, 47:

Augustine	Emerson	Hunt	Mowry
Baldwin	Evans	Johnson	Munger
Bekman	Faul	Jones	Shaw
Benson	Findlay	Keir	Sjulin
Berg	Goode	Leo	Stewart
Byers	Hamiel	Long	Talbott
Clark	Hart	Love	Turner
Corwin	Harvey	Lundy	Vrba
Dewey	Hattery	Lynes	Watson
Donohue	Henningsen	Martin	Whitehill
Dykhouse	Hess	Mercer	Zeigler
Elthon	Hill	Miller	

## Nays, 2:

Fuller                      Pelzer

## Absent or not voting, 1:

Cromwell

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

Senator Berg 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.

Senator Berg asked and received unanimous consent to have Senate File 419 engrossed as passed by the Senate.

Senator Elthon asked and received unanimous consent to have Senate File 419 immediately messaged to the House.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 223 and 224.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 223 and 224.

Senator Dewey asked and received unanimous consent to present the senior class of the Wellman high school who were

present in the balcony with their teacher, Cecil S. Graham.

Senator Faul asked and received unanimous consent to present the seventh and eighth grade pupils of Jefferson Township Consolidated School who were present in the balcony.

Senator Berg asked and received unanimous consent to present Eddie Moore of the Waterloo Courier and a member of the Iowa Intercollegiate Athletic Commission.

Mr. Moore was escorted to the rostrum by Senator Berg. He displayed the trophy to be presented to the football champions of the Intercollegiate Athletic Conference.

Senator Findlay asked and received unanimous consent to present a group of high school students from Lohrville who were present in the balcony with their teachers, Mr. Mount and Mr. Amsberry.

On motion of Senator Berg the Senate recessed until 2:00 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Cromwell for the afternoon, on request of Senator Zeigler; Senator Hamiel, for the afternoon, on request of Senator Baldwin.

#### INTRODUCTION OF BILLS

Senate File 553, by committee on military affairs, a bill for an act to amend section seven thousand three hundred eight (7308), Code, 1939, relating to exemptions from inheritance tax and providing for an exemption in the case of property passing to veterans' organizations.

Read first and second times and referred to sifting committee.

#### HOUSE MESSAGES CONSIDERED

House File 315, a bill for an act to impose a tax upon admissions to places of amusement.

Read first and second times and referred to sifting committee.

House File 316, a bill for an act relating to pin ball machines

and other mechanical amusement devices, providing for licensing by the department of agriculture and for penalties for violation thereof.

Read first and second times and referred to sifting committee.

House File 346, a bill for an act to amend section ten thousand nine hundred ninety-one and one-tenth (10991.1), Code, 1939, relating to actions for damages because of the negligent or wrongful injury or death of women.

Read first and second times and referred to sifting committee.

House File 358, a bill for an act to legalize proof of publication of notice made by the affidavit of the assistant publisher prior to January 1, 1940.

Read first and second times and referred to sifting committee.

House File 394, a bill for an act to provide for a period of limitation within which certain funds deposited with the clerk of the district court may be claimed.

Read first and second times and referred to sifting committee.

House File 408, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, to the board of education for the purpose of providing facilities for the care of infantile paralysis and orthopedic patients in the University Hospital.

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

House File 447, a bill for an act to amend and revise section four thousand three hundred twenty-two (4322), Code, 1939, relating to the library fund of common schools.

Read first and second times and referred to sifting committee.

Senator Lynes asked and received unanimous consent that the Senate recess at 11:50 a. m. on Monday, March 31, to hear the Wartburg College quartet of Waverly, which will appear in the House chamber.

### THIRD READING OF BILLS

Senator Love asked and received unanimous consent to take up Senate File 450, a bill for an act to legalize proof of publication

of notice made by the affidavit of the assistant publisher, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Love asked and received unanimous consent to substitute House File 358 for Senate File 450.

On motion of Senator Berg, Senate File 542, a bill for an act to appropriate from the general fund of the State of Iowa for improvements, repairs and supplies for the state capitol building and grounds, was taken up and considered.

Senator Berg 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:

Augustine	Elthon	Henningsen	Miller
Baldwin	Emerson	Johnson	Mowry
Bekman	Evans	Jones	Munger
Benson	Faul	Keir	Pelzer
Berg	Fuller	Leo	Stewart
Byers	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Dewey	Hart	Lundy	Watson
Donohue	Harvey	Martin	Whitehill
Dykhouse	Hattery	Mercer	Zeigler

Nays, none.

Absent or not voting, 10:

Clark	Hess	Lynes	Sjulin
Cromwell	Hill	Shaw	Vrba
Findlay	Hunt		

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

Senator Berg 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.

On motion of Senator Berg, Senate File 541, a bill for an act to make an appropriation for the Iowa State Tax Commission for the sum of fifty-five thousand eighty-eight dollars (\$55,088.00) or so much thereof as may be necessary for the period ending June 30, 1941, was taken up and considered.

Senator Berg 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, 41:**

Augustine	Evans	Johnson	Mowry
Baldwin	Faul	Jones	Munger
Bekman	Findlay	Keir	Pelzer
Berg	Fuller	Leo	Stewart
Byers	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Dewey	Harvey	Lundy	Vrba
Donohue	Hattery	Martin	Watson
Dykhouse	Henningesen	Mercer	Whitehill
Elthon	Hill	Miller	Zeigler
Emerson			

**Nays, none.**

**Absent or not voting, 9:**

Benson	Hart	Hunt	Shaw
Clark	Hess	Lynes	Sjulin
Cromwell			

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

Senator Berg 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.

On motion of Senator Berg, House File 397, a bill for an act to make an appropriation from the general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for improvement and equipment at the School for the Blind, Vinton, and providing for the manner of expenditure thereof, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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, 42:**

Augustine	Emerson	Hill	Mowry
Baldwin	Evans	Jones	Pelzer
Bekman	Faul	Keir	Shaw
Benson	Findlay	Leo	Stewart
Berg	Fuller	Long	Talbott
Byers	Goode	Love	Turner
Corwin	Hamiel	Lundy	Vrba
Dewey	Hart	Martin	Watson
Donohue	Harvey	Mercer	Whitehill
Dykhouse	Hattery	Miller	Zeigler
Elthon	Henningesen		

Nays, none.

Absent or not voting, 8:

Clark	Hess	Johnson	Munger
Cromwell	Hunt	Lynes	Sjulin

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

Senator Berg 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.

On motion of Senator Berg, House File 523, a bill for an act making an appropriation to defray the expense of sending delegates to the National Defense Conference, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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:

Augustine	Faul	Hill	Mowry
Benson	Findlay	Jones	Munger
Berg	Fuller	Keir	Pelzer
Byers	Goode	Leo	Shaw
Corwin	Hamiel	Long	Stewart
Dewey	Hart	Lundy	Talbott
Dykhouse	Harvey	Lynes	Turner
Elthon	Hattery	Mercer	Watson
Evans	Henningsen	Miller	

Nays, none.

Absent or not voting, 15:

Baldwin	Donohue	Johnson	Vrba
Bekman	Emerson	Love	Whitehill
Clark	Hess	Martin	Zeigler
Cromwell	Hunt	Sjulin	

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

Senator Berg 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.

On motion of Senator Berg, House File 517, a bill for an act to appropriate from the general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for

the Iowa Cooperative Commission and the Council of State Governments, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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, 42:**

Augustine	Evans	Jones	Mowry
Baldwin	Faul	Keir	Pelzer
Benson	Findlay	Leo	Shaw
Berg	Fuller	Long	Stewart
Byers	Goode	Love	Talbott
Corwin	Hamiel	Lundy	Turner
Dewey	Hart	Lynes	Vrba
Donohue	Harvey	Martin	Watson
Dykhouse	Hattery	Mercer	Whitehill
Elthon	Henningsen	Miller	Zeigler
Emerson	Hill		

Nays, none.

**Absent or not voting, 8:**

Bekman	Cromwell	Hunt	Munger
Clark	Hess	Johnson	Sjulin

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

Senator Berg 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.

On motion of Senator Berg, House File 524, a bill for an act making an appropriation for the payment of miscellaneous expenses of the Forty-ninth General Assembly, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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.**

Augustine	Dewey	Faul	Hattery
Baldwin	Donohue	Findlay	Henningsen
Benson	Dykhouse	Goode	Hill
Berg	Elthon	Hamiel	Jones
Byers	Emerson	Hart	Keir
Corwin	Evans	Harvey	Long



Love	Miller	Shaw	Vrba
Lundy	Mowry	Stewart	Watson
Lynes	Munger	Talbott	Whitehill
Mercer	Pelzer	Turner	Zeigler

Nays, none.

Absent or not voting, 10:

Bekman	Fuller	Johnson	Martin
Clark	Hess	Leo	Sjulin
Cromwell	Hunt		

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

Senator Berg 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.

On motion of Senator Berg, House File 291, a bill for an act to make an appropriation for the expenses incurred in the election contest of Randall vs. Norland, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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:

Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Munger
Berg	Findlay	Leo	Pelzer
Byers	Goode	Long	Shaw
Corwin	Hamiel	Love	Stewart
Dewey	Hart	Lynes	Talbott
Donohue	Harvey	Martin	Turner
Dykhouse	Hattery	Mercer	Whitehill
Elthon	Henningsen	Miller	Zeigler
Emerson	Hill		

Nays, 2:

Augustine	Watson
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Absent or not voting, 10:

Bekman	Fuller	Johnson	Sjulin
Clark	Hess	Lundy	Vrba
Cromwell	Hunt		

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

Senator Berg 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.

On motion of Senator Berg, House File 506, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for the department of health to be used for the indexing of the vital records in the division of vital statistics and for the issuing of certified copies of birth certificates and other vital records, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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, 41:

Augustine	Evans	Keir	Pelzer
Baldwin	Faul	Leo	Shaw
Bekman	Findlay	Long	Sjulin
Berg	Fuller	Lundy	Stewart
Byers	Hamiel	Lynes	Talbott
Corwin	Hart	Martin	Turner
Dewey	Harvey	Mercer	Vrba
Donohue	Hattery	Miller	Watson
Dykhouse	Henningsen	Mowry	Whitehill
Elthon	Hill	Munger	Zeigler
Emerson			

Nays, none.

Absent or not voting, 9:

Benson	Goode	Hunt	Jones
Clark	Hess	Johnson	Love
Cromwell			

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

Senator Berg 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.

On motion of Senator Munger, Senate File 515, a bill for an act to make an appropriation to George C. Blachley, Des Moines, Iowa, with report of committee was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 14:

Augustine	Hamiel	Keir	Talbott
Emerson	Harvey	Munger	Turner
Faul	Hattery	Shaw	Watson
Fuller	Henningsen		

## Nays, 16:

Baldwin	Corwin	Leo	Pelzer
Bekman	Donohue	Lynes	Stewart
Benson	Dykhouse	Miller	Whitehill
Berg	Findlay	Mowry	Zeigler

## Absent or not voting, 20:

Byers	Evans	Hunt	Lundy
Clark	Goode	Johnson	Martin
Cromwell	Hart	Jones	Mercer
Dewey	Hess	Loñg	Sjulin
Elthon	Hill	Love	Vrba

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

On motion of Senator Munger, Senate File 520, a bill for an act to make an appropriation to Chas. L. Snyder, Des Moines, Iowa, and LeRoy A. Rader, Storm Lake, Iowa, with report of committee was taken up, considered, and the report of the committee adopted.

Senator Munger asked unanimous consent to defer action on Senate File 520 and that it retain its place on the calendar.

Objection was raised.

Senator Munger 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, 11:

Augustine	Harvey	Martin	Shaw
Benson	Keir	Mercer	Turner
Faul	Lundy	Munger	

## Nays, 14:

Baldwin	Fuller	Lynes	Watson
Bekman	Goode	Stewart	Whitehill
Corwin	Long	Talbott	Zeigler
Findlay	Love		

## Absent or not voting, 25:

Berg	Elthon	Henningsen	Leo
Byers	Emerson	Hess	Miller
Clark	Evans	Hill	Mowry
Cromwell	Hamiel	Hunt	Pelzer
Dewey	Hart	Johnson	Sjulin
Donohue	Hattery	Jones	Vrba
Dykhouse			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

On motion of Senator Munger, Senate File 544, a bill for an act to make appropriations to certain named persons to cover refunds on motor vehicle registration fees, with report of committee was taken up, considered, and the report of the committee adopted.

Senator Munger 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:**

Augustine	Faul	Jones	Munger
Baldwin	Findlay	Keir	Pelzer
Bekman	Goode	Leo	Shaw
Byers	Hamiel	Long	Stewart
Clark	Hart	Love	Talbott
Donohue	Harvey	Martin	Turner
Elthon	Hattery	Mercer	Vrba
Emerson	Henningsen	Miller	Zeigler
Evans	Hill	Mowry	

**Nays, 3:**

Benson	Berg	Fuller
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**Absent or not voting, 12:**

Corwin	Dykhouse	Johnson	Sjulin
Cromwell	Hess	Lundy	Watson
Dewey	Hunt	Lynes	Whitehill

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

Senator Munger 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.

Senator Donohue moved that the following message be printed in full in the Journal, which motion prevailed.

**MR. PRESIDENT, MR. SPEAKER, AND MEMBERS OF THE FORTY-NINTH GENERAL ASSEMBLY:** I have the honor to advise the General Assembly that I have this day received the certificate of the clerk of the House of Representatives of the United States, made pursuant to section 22, subdivision (B), of the Act of the Congress of the United States of America, entitled "An Act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress", approved June 18, 1929, as amended by Public, numbered 481, Seventy-sixth Congress, approved April 25, 1940, which certificate certifies that pursuant to said acts as amended the state of Iowa shall be entitled, in the Seventy-eighth Congress and in each congress thereafter

until the taking effect of a reapportionment under said act as amended, or subsequent statute, to eight representatives in the House of Representatives of the Congress of the United States.

Respectfully submitted this 28th day of March, 1941.

GEORGE A. WILSON,  
*Governor of the State of Iowa.*

## REPORT OF CONFERENCE COMMITTEE ON SENATE FILE 2

### MR. PRESIDENT AND MR. SPEAKER:

We, the undersigned, members of the conference committee appointed to consider the differences between the Senate and the House on Senate File 2, beg leave to report that we have had the same under consideration and recommend that the House recede from its amendment to section 1 of Senate File 2, relating to physician's fees.

Strike section 8 of Senate File 2 and insert in lieu thereof the following:

"Where a party making application for the issuance of a marriage license is a non-resident of the state of Iowa and the state of which he is a resident has a law in effect requiring a test to show freedom from syphilis, as provided in this act, the said applicant shall be entitled to the issuance of a license provided he furnishes a certificate conforming to the requirements of the state of which he is a resident, signed by a duly licensed physician of said state, showing freedom from disease as provided in this act.

"Where a person resides in a state which requires no physical examination as a prerequisite to the issuance of a marriage license and desires to make application for a marriage license in this state the said person, as a condition to the issuance of said license, shall be required to file a certificate signed by a duly licensed physician of the state in which the applicant resides, certifying that the said applicant has been examined by said physician and that he is free from syphilis or not in a stage whereby it may become communicable and the certificate shall be signed by the said physician and sworn to by him and his signature acknowledged by an officer authorized to administer oaths."

Respectfully submitted,

J. BERG.

E. P. DONOHUE.

K. A. EVANS.

S. RAY EMERSON.

*On the part of the Senate.*

H. F. RISSE.

W. P. KNOWLTON.

CLAUS RANDALL.

HERMAN M. KNUDSON.

*On the part of the House.*

Senator Berg called up the conference committee report on Senate File 2, a bill for an act to provide certain physical requirements as a prerequisite to the issuance of a marriage license, and moved its adoption.

Senator Baldwin moved as a substitute that consideration of the conference committee report be deferred until Monday.

The substitute motion was lost.

The report of the conference committee was adopted.

Senator Berg moved that the amendments contained in the conference committee report be adopted, which motion prevailed and the amendments were adopted.

Senator Berg 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, 41:**

Augustine	Evans	Keir	Pelzer
Bekman	Faul	Leo	Shaw
Benson	Findlay	Long	Sjulin
Berg	Fuller	Lundy	Stewart
Byers	Hart	Lynes	Talbott
Corwin	Harvey	Martin	Turner
Dewey	Hattery	Mercer	Vrba
Donohue	Henningsen	Miller	Watson
Dykhouse	Hill	Mowry	Whitehill
Elthon	Jones	Munger	Zeigler
Emerson			

**Nays, 3:**

Baldwin	Goode	Love
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**Absent or not voting, 6:**

Clark	Hamiel	Hunt	Johnson
Cromwell	Hess		

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

Senator Berg 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.

### REPORT OF COMMITTEE

MR. PRESIDENT: We the undersigned, members of the congressional redistricting committee, beg leave to submit a minority report on a bill on redistricting the state and submit the following proposed bill as our report.

DEWEY E. GOODE.  
O. H. HENNINGSEN.

### A BILL FOR

An Act to repeal section five hundred twenty-six and one tenth (526.1), Code, 1939, and to enact a substitute therefor, redistricting the state into eight (8) congressional districts.

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

Section 1. Section five hundred twenty-six and one tenth (526.1),

Code, 1939, is hereby repealed and the following enacted in lieu thereof:

"The state of Iowa is hereby organized and divided into eight (8) congressional districts, which shall be composed, respectively, of the following counties:

First district shall consist of the counties of Iowa, Johnson, Cedar, Scott, Muscatine, Washington, Louisa, Jefferson, Henry, Des Moines, Van Buren and Lee.

Second district shall consist of the counties of Winneshiek, Allamakee, Fayette, Clayton, Buchanan, Delaware, Dubuque, Linn, Jones, Jackson and Clinton.

Third district shall consist of the counties of Worth, Mitchell, Howard, Cerro Gordo, Floyd, Chickasaw, Franklin, Butler, Bremer, Hardin, Grundy, Black Hawk, Tama and Benton.

Fourth district shall consist of the counties of Jasper, Poweshiek, Mahaska, Keokuk, Union, Clarke, Lucas, Monroe, Wapello, Ringgold, Decatur, Wayne, Appanoose and Davis.

Fifth district shall consist of the counties of Dallas, Polk, Madison, Warren, Marion, Story and Marshall.

Sixth district shall consist of the counties of Emmet, Kossuth, Winnebago, Palo Alto, Hancock, Pocahontas, Humboldt, Wright, Calhoun, Webster, Hamilton, Crawford, Carroll, Greene and Boone.

Seventh district shall consist of the counties of Monona, Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Fremont, Page and Taylor.

Eighth district shall consist of the counties of Lyon, Osceola, Dickinson, Sioux, O'Brien, Clay, Plymouth, Cherokee, Buena Vista, Woodbury, Ida and Sac.

#### 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 246, a bill for an act relating to compensation of state officers and employees.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 339, a bill for an act relating to the approval of compensation of employees of the State.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 513, a bill for an act to provide for an emergency appropriation for the state printing board.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 514, a bill for an act to amend, revise and codify certain sections relating to the execution of the budget.

Also: That the House has concurred in Senate amendments to House

amendments to Senate File 79, a bill for an act to encourage rural electrification in Iowa and has amended this bill further by corrective amendments to the title.

Also: That the House requests the return of Senate File 75, a bill for an act relating to the making of income tax returns by administrators.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 514

Amend Senate File 514 by adding as Section 5 the following:

Sec. 5. Section eighty-four and thirty-two hundredths (84.32), Code, 1939, is amended, revised and codified to read as follows:

"84.32. No appropriation nor any part thereof shall be used for any other purpose than that for which it was made except as otherwise provided by law; provided that the governing board or head of any state department, institution, or agency, may, with the written consent and approval of the governor and state comptroller first obtained, at any time during the biennial fiscal term, partially or wholly use its unexpended appropriations for purposes within the scope of such department, institution or agency.

Provided further, When the appropriation of any department, institution or agency is insufficient to properly meet the legitimate expenses of such department, institution or agency of the state, the state comptroller, with the approval of the governor, is authorized to transfer from any other department, institution or agency of the state having an appropriation in excess of its necessity, sufficient funds to meet that deficiency."

Amend the title to Senate File 514 by adding after the comma following the figures "(84.31)", the following:

"section eighty-four and thirty-two hundredths (84.32)."

#### HOUSE AMENDMENT TO SENATE FILE 79

Amend the title to Senate File 79 by striking all of the title and substituting the following:

A bill for an Act to exempt from taxation, as provided for in Chapter 340, Code, 1939, cooperative corporations and associations not operated for profit and engaged in furnishing electric energy to farms and farm establishments, rural churches, rural schools and rural business establishments, and the value of the interests of members in such cooperative corporation or association, for the years 1941 and 1942, and providing for the method of taxation thereafter.

#### HOUSE AMENDMENTS CONSIDERED

Senator Vrba asked and received unanimous consent that the Senate concur in and adopt the amendment to the title to Senate File 79, which was amended by the House to conform to the subject matter of the bill.



## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 17, 169, 213, 236, 247, 252, 293, 311 and 442.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 17, 169, 213, 236, 247, 252, 293, 311 and 442.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 27th he had approved the following:

Senate Joint Resolution 1, a constitutional amendment, relating to the use of motor vehicle registration fees and licenses and excise taxes on motor vehicle fuels.

Senate File 174, providing for installation and inspection of steam boilers, generators, superheaters, and creating the office of state boiler inspector, defining his duties and providing for enforcement of the provisions of the act.

Senator Berg asked and received unanimous consent to have the name of Beryl Gunn inserted in the records as clerk to Senator Turner, effective March 24th.

Senator Sjulín asked and received unanimous consent to be recorded as voting "aye" on Senate File 419.

Senator Donohue asked and received unanimous consent to correct the motion made by him and found on page 681 of the Journal to read as follows:

"Senator Donohue moved that upon adjournment today all bills on the calendar and in committees be referred to the sifting committee excepting bills brought in by the appropriations committee carrying a direct appropriation, claims, and congressional and senatorial redistricting".

Senator Zeigler moved that the Senate adjourn until 10:00 a. m. Saturday.

## ADDITIONAL COPIES

Senator Mercer asked and received unanimous consent to have 1000 additional copies of Senate File 404 printed.

Senator Donohue asked and received unanimous consent to take up the bills on the special calendar on Saturday.

## AMENDMENTS FILED

Amend Senate File 109 by striking from line 14 of section 1 the following: "by filing petition and service of notice".

Further amend said Senate File 109 by striking from line 10 of section 2 the following: "after the taking effect of this section." and inserting in lieu thereof "from July 4, 1941."

Further amend said Senate File 109 by striking the word "masters" in line 25 of section 4 and inserting in lieu thereof the word "master's".

Amend the title to said Senate File 109 by striking the entire title and inserting in lieu thereof the following: "An Act to amend and revise the special limitations sections of chapter four hundred eighty-seven (487) relating to limitations of actions, amending and revising sections eleven thousand twenty-one (11021), eleven thousand twenty-two (11022), eleven thousand twenty-four (11024), and eleven thousand twenty-nine (11029), Code, 1939, and repealing section eleven thousand twenty-three (11023), Code, 1939, all of which pertain to and affect the title to real estate and provide a special statute of limitations."

FRANK C. BYERS.

Amend House File 358 by adding thereto the following: "This act shall not be construed to affect pending litigation." GEORGE FAUL.

Amend Senate File 120 by striking all after the enacting clause and substituting the following in lieu thereof:

"Section 1. Section one thousand four hundred fifty-six (1456), Code, 1939, is hereby repealed and the following is enacted in lieu thereof:

'An appeal shall be taken to the supreme court from any final order, judgment, or decree of the district court within the time and pursuant to the procedure applicable to civil actions.'

Further amend said Senate File 120 by striking the word "amend" in line one (1) of the title and substituting therefor the word "repeal" and by striking the period at the end of the title and adding the following: ", and to enact a substitute therefor."

A. J. SHAW.

FRANK C. BYERS.

Amend Senate File 535 by striking Section 3 and inserting in lieu thereof the following:

"This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Fairfield Daily Ledger, a newspaper published at Fairfield, Iowa, and in the Weekly Tribune, a newspaper published at Moulton, Iowa.

SANFORD ZEIGLER, JR.

On motion of Senator Zeigler, the Senate adjourned until 10:00 a. m. Saturday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 29, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. W. S. Harries, Pastor of the Presbyterian church of Ft. Des Moines.

The Journal of March 28th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Hamiel for the day, on request of Senator Baldwin; Senator Cromwell for the day, on request of Senator Zeigler; Senator Hill for the day, on request of Senator Zeigler; Senator Miller for the day, on request of Senator Findlay; Senator Elthon for the day, on request of Senator Love; Senator Hattery for the day, on request of Senator Henningsen; Senator Fuller for the day, on request of Senator Henningsen; Senator Byers for the day on account of illness, on request of Senator Hart; Senator Turner for the day, on request of Senator Leo; Senator Johnson for the day, on request of Senator Augustine; Senator Dewey for the day, on request of Senator Benson; Senator Sjulín for the day, on request of Senator Benson; Senator Lynes for the day, on request of Senator Leo.

Senator Evans offered the following memorial resolution and moved its adoption:

## SENATE MEMORIAL RESOLUTION

Honorable William Cochrane, of Red Oak, who was a member of the Senate during the Forty-second Extra, Forty-third, and Forty-fourth General Assemblies, passed away at Los Angeles, California, on Friday, March 28, 1941. Therefore,

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* That a committee of three be appointed to draft suitable resolutions in commemoration of his life and his service to the state.

The resolution was adopted and the President appointed Senators, Evans, Byers, and Sjulín on the committee.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 28th he had approved the following:

Senate File 52, relating to liens for old age assistance and authorizing the state board of social welfare to compromise, adjust, settle and release such liens.

Senate File 86, relating to workmen's compensation and defining members of the highway safety patrol as employees.

Senate File 190, relating to the uttering and publishing of false, altered, forged or counterfeited instruments and fixing punishment therefor.

Senate File 219, relating to the date of county political conventions.

Senate File 240, relating to annual reports to be filed with the tax commission of property owned by certain persons operating water works, gas works, pipe lines, electric light or power plants, electric railways and elevated street railways.

Senate File 300, legalizing the election and proceedings relating to issuance and sale of bonds by Monroe county.

Senate File 317, relating to official reports and documents by adding thereto provisions for making, filing and keeping up inventories of all state-owned real and personal property.

Senate File 391, relating to double election boards.

Senate File 392, relating to nominations by primary election.

Senate File 393, relating to canvass of votes.

Senate File 395, relating to voting machines.

Senate File 458, legalizing payment of refund warrants issued on soldiers homestead exemption for the tax year 1938 and legalizing the transfer of certain funds.

Senator Harvey asked and received unanimous consent to present a group of Oakland high school boys from Pottawattamie county, who were present in the balcony.

#### PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

Senate File 536, a proposed bill to legalize and validate proceedings taken by the river front improvement commission of Ft. Dodge in the issuance of certain warrants.

WALTER H. BEAM, *Secretary.*

## THIRD READING OF BILLS

On motion of Senator Shaw, Senate File 120, a bill for an act to amend section one thousand four hundred fifty-six (1456), Code, 1939, relating to the time of taking an appeal in workmen's compensation cases, was taken up and considered.

Senators Shaw and Byers offered the following amendments and moved their adoption:

Amend Senate File 120 by striking all after the enacting clause and substituting the following in lieu thereof:

"Section 1. Section one thousand four hundred fifty-six (1456), Code, 1939, is hereby repealed and the following is enacted in lieu thereof:

'An appeal shall be taken to the supreme court from any final order, judgment, or decree of the district court within the time and pursuant to the procedure applicable to civil actions.'

Further amend said Senate File 120 by striking the word "amend" in line one (1) of the title and substituting therefor the word "repeal" and by striking the period at the end of the title and adding the following: "and to enact a substitute therefor."

Senator Shaw asked and received unanimous consent to defer action and that the bill retain its place on the calendar.

On motion of Senator Donohue, Senate File 536, a bill for an act to legalize and validate proceedings taken by the River Front Improvement Commission of Fort Dodge, Iowa, in the issuance of certain warrants and to legalize and validate said warrants, was taken up and considered.

Senator Donohue 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, 26:**

Augustine	Emerson	Keir	Mowry
Baldwin	Evans	Leo	Pelzer
Benson	Faul	Long	Shaw
Berg	Findlay	Love	Talbott
Corwin	Harvey	Martin	Whitehill
Donohue	Henningsen	Mercer	Zeigler
Dykhouse	Jones		

**Nays, 1:**

Goode

**Absent or not voting, 23:**

Bekman	Cromwell	Fuller	Hattery
Byers	Dewey	Hamiel	Hess
Clark	Elthon	Hart	Hill

Hunt  
Johnson  
Lundy

Lynes  
Miller  
Munger

Sjulin  
Stewart  
Turner

Vrba  
Watson

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

Senator Donohue 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.

On motion of Senator Donohue, Senate File 527, a bill for an act to legalize and validate the election and all proceedings of the town council and town officials of the town of Rudd, Iowa, in calling and holding a special election in the town of Rudd, Iowa, on the 25th day of October, 1938, on the proposition of erecting and equipping a community building under chapter 33 of the Code and the issuing of bonds in the sum of eight thousand eight hundred dollars (\$8,800) and to authorize the issuance in 1941 of Liberty Memorial Bonds in the sum of six thousand dollars (\$6,000) for such purposes and the levying of an annual tax of two (2) mills per year for twenty (20) years for the payment of such bonds, was taken up and considered.

Further action was deferred.

On motion of Senator Donohue, Senate File 528, a bill for an act to amend section six thousand two hundred thirty-nine (6239), Code, 1939, to authorize cities and towns to incur indebtedness for the purpose of constructing, purchasing, remodeling, or purchasing and remodeling city and town halls and acquiring sites therefor, was taken up and considered.

Senator Donohue 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, 28:**

Augustine  
Baldwin  
Benson  
Berg  
Corwin  
Donohue  
Dykhouse

Emerson  
Evans  
Faul  
Findlay  
Goode  
Hart  
Harvey

Henningsen  
Jones  
Keir  
Leo  
Long  
Love  
Martin

Mercer  
Mowry  
Pelzer  
Shaw  
Talbot  
Whitehill  
Zeigler

**Nays, none.**

**Absent or not voting, 22:**

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Donohue 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.

On motion of Senator Donohue Senate File 521, a bill for an act to amend section nine thousand three hundred eighty-eight and one tenth (9388.1), Code, 1939, relating to acknowledgments by persons connected with building and loan associations, was taken up and considered.

Senator Donohue 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, 28:**

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeiger

**Nays, none.**

**Absent or not voting, 22:**

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Donohue 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.

On motion of Senator Donohue, Senate File 438, a bill for an act to amend section two thousand eight hundred eighty-four (2884),

Code, 1939, relating to the salary of the treasurer of the Iowa State Fair Board, was taken up and considered.

Senator Donohue 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, 28:**

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

**Nays, none.**

**Absent or not voting, 22:**

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Donohue 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.

On motion of Senator Faul, Senate File 525, a bill for an act to amend the law as it appears in chapter seventy-seven and two tenths (77.2), Code, 1939, relating to and providing for unemployment compensation; to preserve benefit rights of individuals entering military service by (1) excluding from an individual's base period the time spent in military service, (2) extending any benefit year by the time spent in military service and (3) re-defining certain benefit eligibility conditions, was taken up and considered.

Senator Faul 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, 28:**

Augustine	Berg	Dykhouse	Faul
Baldwin	Corwin	Emerson	Findlay
Benson	Donohue	Evans	Goode



Hart	Keir	Martin	Shaw
Harvey	Leo	Mercer	Talbott
Henningsen	Long	Mowry	Whitehill
Jones	Love	Pelzer	Zeigler

Nays, none.

Absent or not voting, 22:

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Faul 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.

On motion of Senator Zeigler, Senate File 535, a bill for an act to repeal paragraph one (1) of subsection (A) of section one thousand five hundred fifty-one and thirteen hundredths (1551.13), Code, 1939, and Senate File 89 of the 49th General Assembly, relating to and providing for payment of contribution by employers on wages and defining the term "wages" as used in said section and defining certain contributions as payments erroneously made and to enact a substitute therefor; and to repeal all acts or parts of acts insofar as they are inconsistent with this act, was taken up and considered.

Senator Zeigler offered the following amendment and moved its adoption:

Amend Senate File 535 by striking Section 3 and inserting in lieu thereof the following:

"This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Fairfield Daily Ledger, a newspaper published at Fairfield, Iowa, and in the Weekly Tribune, a newspaper published at Moulton, Iowa.

The amendment was adopted.

Senator Zeigler 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, 28:			
Augustine	Berg	Dykhouse	Faul
Baldwin	Corwin	Emerson	Findlay
Benson	Donohue	Evans	Goode

Hart	Keir	Martin	Shaw
Harvey	Leo	Mercer	Talbott
Henningsen	Long	Mowry	Whitehill
Jones	Love	Pelzer	Zeigler

Nays, none.

Absent or not voting, 22:

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Zeigler 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.

On motion of Senator Donohue, Senate File 524, a bill for an act to amend section twelve thousand three hundred fifty-one (12351), Code, 1939, relating to fees for attorneys employed by referees in partition actions, was taken up and considered.

Senator Donohue 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, 28:

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

Nays, none.

Absent or not voting, 22:

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Donohue 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.

On motion of Senator Faul, Senate File 538, a bill for an act to amend chapter three hundred ninety-eight (398), Code, 1939, to provide for the maintenance of deposits of a domestic life insurance company or association by a foreign life insurance company or association by a foreign life insurance company reinsuring such domestic company, and in event of insolvency of the reinsuring company to provide for liquidation of such deposits or subsequent reinsurance, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 538 by striking section 5 and substituting therefor the following:

"If any provision of this act shall be declared invalid, such invalidity shall not affect the validity of any portion of this act which can be given effect without such invalid part."

The amendment was adopted.

Senator Faul 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, 28:

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

Nays, none.

Absent or not voting, 22:

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Faul 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.

On motion of Senator Mowry, Senate File 310, a bill for an act to amend sections seven thousand two hundred forty-four (7244), and six thousand nine hundred fifty-two (6952), Code, 1939, relating to the inclusion of prior suspended taxes in tax sales; relating to penalty and interest on such suspended taxes, and granting to the petitioner for tax suspension or any other person the right to pay suspended taxes at any time, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mowry offered the following amendment and moved its adoption:

Amend Senate File 310 by striking all of section 3, the publication clause.

The amendment was adopted.

Senator Mowry 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, 28:

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

Nays, none.

Absent or not voting, 22:

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Mowry 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.

On motion of Senator Donohue, House File 248, a bill for an act to amend section five thousand three hundred forty-eight and one tenth (5348.1), Code, 1939, relating to bond elections for additions to county public hospitals, was taken up and considered.

Senator Donohue 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, 28:**

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

**Nays, none.**

**Absent or not voting, 22:**

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Donohue 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.

On motion of Senator Donohue, House File 251, a bill for an act to amend section five thousand three hundred fifty-three (5353), Code, 1939, relating to the expenditure of county public hospital funds, was taken up and considered.

Senator Donohue 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, 28:**

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

**Nays, none.**

**Absent or not voting, 22:**

Bekman	Cromwell	Fuller	Hess
Byers	Dewey	Hamiel	Hill
Clark	Elthon	Hattery	Hunt

Johnson  
Lundy  
Lynes

Miller  
Munger  
Sjulin

Stewart  
Turner

Vrba  
Watson

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

Senator Donohue 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.

On motion of Senator Talbott, House File 239, a bill for an act to legalize the action of the board of supervisors of Keokuk county, Iowa, in making expenditures from the Keokuk County Insane Fund for the purpose of paying the expenses and maintenance of the Keokuk County Home, was taken up and considered.

Senator Talbott 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, 28:**

Augustine  
Baldwin  
Benson  
Berg  
Corwin  
Donohue  
Dykhouse

Emerson  
Evans  
Faul  
Findlay  
Goode  
Hart  
Harvey

Henningesen  
Jones  
Keir  
Leo  
Long  
Love  
Martin

Mercer  
Mowry  
Pelzer  
Shaw  
Talbott  
Whitehill  
Zeigler

**Nays, none.**

**Absent or not voting, 22:**

Bekman  
Byers  
Clark  
Cromwell  
Dewey  
Elthon

Fuller  
Hamiel  
Hattery  
Hess  
Hill  
Hunt

Johnson  
Lundy  
Lynes  
Miller  
Munger

Sjulin  
Stewart  
Turner  
Vrba  
Watson

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

Senator Talbott 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.

On motion of Senator Keir, House File 437, a bill for an act to legalize the acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of Harker-Beauman & Com-

pany, of Estherville, Iowa, and to provide for the renewal of the charter of said Harker-Beauman & Company, was taken up and considered.

Senator Keir 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, 28:**

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

**Nays, none.**

**Absent or not voting, 22:**

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Keir 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.

On motion of Senator Keir, House File 412, a bill for an act to legalize the corporate acts and proceedings of the National Mutual Insurance Association of Iowa and to provide for the renewal and extension of the corporate existence of said company, was taken up and considered.

Senator Keir 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, 28:**

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

Nays, none.

Absent or not voting, 22:

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Keir 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.

On motion of Senator Berg, House File 518, a bill for an act to legalize and validate proceedings taken by the board of supervisors of Black Hawk county, Iowa, authorizing and providing for the issuance of \$45,000.00 refunding bonds of said county and providing for the levy of taxes to pay said bonds, was taken up and considered.

Senator Berg 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, 28:

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

Nays, none.

Absent or not voting, 22:

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Berg 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.



Senator Faul asked and received unanimous consent to take up Senate File 388, a bill for an act to amend sections seven thousand twenty-one (7021), seven thousand twenty-two (7022), and seven thousand twenty-five (7025), Code, 1939, relating to the furnishing to state tax commission by insurance companies duplicate statements and the computation and collection of taxes by the state tax commission.

Senator Faul 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, 28:**

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

**Nays, none.**

**Absent or not voting, 22:**

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

Senator Faul 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.

Senator Donohue asked and received unanimous consent to take up Senate File 523, a bill for an act to authorize counties, cities, towns and school corporations to extend or renew indebtedness represented by bonds or certificates where such indebtedness is payable from a limited annual tax or from a voted annual tax and to fund or refund the same and to issue bonds therefor and make provision for the payment of the principal and interest thereof, within certain limitations.

Senator Donohue 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, 28:

Augustine	Emerson	Henningsen	Mercer
Baldwin	Evans	Jones	Mowry
Benson	Faul	Keir	Pelzer
Berg	Findlay	Leo	Shaw
Corwin	Goode	Long	Talbott
Donohue	Hart	Love	Whitehill
Dykhouse	Harvey	Martin	Zeigler

Nays, none.

Absent or not voting, 22:

Bekman	Fuller	Johnson	Sjulin
Byers	Hamiel	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Cromwell	Hess	Miller	Vrba
Dewey	Hill	Munger	Watson
Elthon	Hunt		

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

#### MOTION FILED TO RECONSIDER

MR. PRESIDENT: I move to reconsider the vote by which Senate File 523 passed the Senate.

DEWEY E. GOODE.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 31, 1941

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. H. M. Raeker, pastor of the Bethel Evangelical church of Manly.

The Journal of March 29th was corrected and approved.

## LEAVE OF ABSENCE

Leaves of absence were granted as follows: Senator Hill for forenoon, on request of Senator Zeigler; Senator Hess for the day, on request of Senator Munger.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file :

By Senator Goode, from residents of Bloomfield and Floris, in opposition to Senate File 5 and from residents of West Grove and from members of the town council of Pulaska, in opposition to Senate File 375.

By Senator Dewey, from truck owners of Winfield, in opposition to Senate File 399.

By Senator Shaw, from residents of Pocahontas county, in opposition to the proposed county unit school bill and Senate File 291.

By Senator Mowry, from residents, truck owners and operators of Monroe, in opposition to Senate File 399.

By Senator Clark, from businessmen of Allerton, in opposition to Senate File 5.

By Senator Munger, from residents of Woodbury county, in opposition to Senate File 5.

By Senator Keir, from residents of Clay county, favoring passage of Senate Files 443 and 444.

By Senator Talbott, from residents of Poweshiek county, favoring passage of House File 252.

Senator Mercer asked and received unanimous consent to present Congressman Thos. E. Martin of the first district to the Senate.

Senator Mercer escorted Congressman Martin to the rostrum and presented him to the Senate.

Congressman Martin addressed the Senate briefly.

Senator Clark asked and received unanimous consent to present Congressman Karl M. Le Compte from the fifth district.

Congressman Le Compte addressed the Senate briefly.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 31st day of March, 1941, sent to the Governor for his approval, Senate Files 17, 169, 213, 236, 247, 252, 293, 311 and 442.

EDWARD H. VRBA, *Chairman.*

Passed on file.

#### PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

Senate File 527, a proposed bill for the legalization of bond issue, special election and proceedings of the mayor and town council of Rudd.

WALTER H. BEAM.

#### HOUSE AMENDMENTS CONSIDERED

Senator Faul called up for consideration Senate File 267, a bill for an act to amend sections nine thousand eighty-four (9084), nine thousand ninety-one (9091), and to repeal section nine thousand ninety-seven (9097), Code, 1939, and to enact a substitute therefor, relating to the power and authority of the attorneys in fact, the bond required, and the account of the subscribers of reciprocal or interinsurance exchanges and the contracts thereof, amended by the House, and moved that the Senate concur in the following amendments:

Amend by striking the comma in line 10 and inserting in lieu thereof

a period and by striking from lines 10, 11, and 12 the following: "and such attorney shall be deemed to be a part of such reciprocal or inter-insurance exchange".

The Senate concurred in the House amendments.

Senator Faul 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, 39:**

Augustine	Evans	Keir	Shaw
Baldwin	Faul	Leo	Sjulin
Byers	Findlay	Long	Stewart
Corwin	Fuller	Love	Talbott
Cromwell	Goode	Lynes	Turner
Dewey	Hamiel	Martin	Vrba
Donohue	Harvey	Mercer	Watson
Dykhouse	Henningsen	Miller	Whitehill
Elthon	Hunt	Mowry	Zeigler
Emerson	Jones	Munger	

**Nays, none.**

**Absent or not voting, 11:**

Bekman	Clark	Hess	Lundy
Benson	Hart	Hill	Pelzer
Berg	Hattery	Johnson	

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

Senator Faul 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.

Senator Whitehill called up for consideration Senate File 333, a bill for an act to amend, revise and codify section five thousand one hundred seventy-three (5173), section six thousand nine hundred forty-seven (6947), section six thousand nine hundred forty-eight (6948), and section six thousand nine hundred forty-nine (6949), all of Code, 1939, and all relating to tax exemptions for military service and providing for the recording of military discharges, amended by the House, and moved that the Senate concur in the following amendment:

Amend section three (3) of Senate File 333 by striking from line six thereof the word "preceding" and inserting after the word "year" immediately following said word "preceding", the words "in which such exemption is filed".

The Senate concurred in the House amendment.

Senator Whitehill 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, 39:

Augustine	Emerson	Keir	Pelzer
Baldwin	Evans	Leo	Sjulin
Berg	Faul	Long	Stewart
Clark	Findlay	Love	Talbott
Corwin	Fuller	Lundy	Turner
Cromwell	Goode	Lynes	Vrba
Dewey	Hamiel	Martin	Watson
Donohue	Harvey	Mercer	Whitehill
Dykhouse	Johnson	Mowry	Zeigler
Elthon	Jones	Munger	

Nays, none.

Absent or not voting, 11:

Bekman	Hart	Hess	Miller
Benson	Hattery	Hill	Shaw
Byers	Henningsen	Hunt	

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

Senator Whitehill 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.

Senator Berg asked and received unanimous consent to defer action on the appropriation bills but that they retain their place on the calendar.

Senator Baldwin moved that the appropriation bills on the calendar be made a special order of business for 1:30 p. m. today, which motion prevailed.

Senator Evans asked and received unanimous consent to request the House to return Senate File 75 to the Senate.

Senator Whitehill asked and received unanimous consent to present the students of the ninth and tenth grades of the Van Cleve Consolidated High School.

### THIRD READING OF BILLS

Senator Lynes asked and received unanimous consent to have action deferred on House File 28.

On motion of Senator Munger, Senate File 545, a bill for an act to make an appropriation to Breda Savings Bank, Breda, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 42:

Augustine	Emerson	Jones	Pelzer
Baldwin	Evans	Keir	Shaw
Benson	Faul	Leo	Sjulin
Berg	Findlay	Lundy	Stewart
Clark	Fuller	Lynes	Talbott
Corwin	Goode	Martin	Turner
Cromwell	Hamiel	Mercer	Vrba
Dewey	Harvey	Miller	Watson
Donohue	Henningsen	Mowry	Whitehill
Dykhouse	Hunt	Munger	Zeigler
Elthon	Johnson		

Nays, none.

Absent or not voting, 8:

Bekman	Hart	Hess	Long
Byers	Hattery	Hill	Love

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

Senator Munger 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.

On motion of Senator Munger, Senate File 546, a bill for an act to make appropriations to certain named persons in settlement of damages sustained by them on account of accidents on primary roads, or on account of collisions with state highway equipment, or on account of acts of commission or omission by the State Highway Commission or its employees, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 546 by adding immediately after line 23, section 1, the following: "Karl Knight, Lawler, Iowa, ....., Collision \$53.57."

Roll call was demanded.

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

Ayes, 14:

Baldwin	Elthon	Martin	Shaw
Berg	Faul	Mowry	Watson
Byers	Long	Pelzer	Zeigler
Donohue	Lundy		

## Nays, 19:

Benson	Hamiel	Jones	Stewart
Corwin	Harvey	Keir	Talbott
Cromwell	Hattery	Leo	Turner
Dewey	Hunt	Miller	Whitehill
Findlay	Johnson	Munger	

## Absent or not voting, 17:

Augustine	Evans	Henningsen	Lynes
Bekman	Fuller	Hess	Mercer
Clark	Goode	Hill	Sjulin
Dykhouse	Hart	Love	Vrba
Emerson			

The amendment was lost.

Senator Munger 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, 37:

Augustine	Elthon	Leo	Munger
Baldwin	Faul	Long	Pelzer
Benson	Goode	Love	Sjulin
Berg	Harvey	Lundy	Stewart
Byers	Hattery	Lynes	Talbott
Clark	Hunt	Martin	Turner
Corwin	Johnson	Mercer	Watson
Cromwell	Jones	Miller	Whitehill
Dewey	Keir	Mowry	Zeigler
Donohue			

## Nays, none.

## Absent or not voting, 13:

Bekman	Findlay	Hart	Hill
Dykhouse	Fuller	Henningsen	Shaw
Emerson	Hamiel	Hess	Vrba
Evans			

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

Senator Munger 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.

On motion of Senator Munger, Senate File 547, a bill for an act to make an appropriation to LeRoy Huskamp, Cedar Falls, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 37:**

Augustine	Emerson	Keir	Munger
Baldwin	Faul	Leo	Shaw
Benson	Findlay	Long	Sjulin
Berg	Goode	Love	Stewart
Byers	Harvey	Lundy	Talbott
Clark	Hattery	Martin	Turner
Corwin	Henningsen	Mercer	Watson
Cromwell	Hunt	Miller	Whitehill
Dewey	Jones	Mowry	Zeigler
Elthon			

**Nays, none.**

**Absent or not voting, 13:**

Bekman	Fuller	Hess	Lynes
Donohue	Hamiel	Hill	Pelzer
Dykhouse	Hart	Johnson	Vrba
Evans			

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

Senator Munger 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.

Senator Goode took the chair at 11:15 a. m.

On motion of Senator Munger, Senate File 548, a bill for an act to make an appropriation to Dr. Floyd C. Bridge, Storm Lake, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Munger 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:**

Augustine	Emerson	Leo	Pelzer
Baldwin	Faul	Long	Shaw
Benson	Findlay	Love	Sjulin
Berg	Goode	Lynes	Stewart
Clark	Harvey	Martin	Talbott
Corwin	Hattery	Mercer	Turner
Cromwell	Hunt	Miller	Watson
Dewey	Jones	Mowry	Whitehill
Donohue	Keir	Munger	Zeigler

**Nays, none.**

**Absent or not voting, 14:**

Bekman	Evans	Henningsen	Johnson
Byers	Fuller	Hess	Lundy
Dykhouse	Hamiel	Hill	Vrba
Elthon	Hart		

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

Senator Munger 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.

On motion of Senator Munger, Senate File 549, a bill for an act to make appropriations to Firestone Tire and Rubber Company, Des Moines, Iowa; and Lally's Service, Des Moines, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Munger 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:**

Augustine	Fuller	Leo	Pelzer
Baldwin	Goode	Love	Sjulin
Benson	Harvey	Lynes	Stewart
Clark	Hattery	Martin	Talbot
Cromwell	Henningsen	Mercer	Turner
Dewey	Hunt	Miller	Watson
Dykhouse	Johnson	Mowry	Whitehill
Emerson	Jones	Munger	Zeigler
Findlay	Keir		

**Nays, none.**

**Absent or not voting, 16:**

Bekman	Donohue	Hamiel	Long
Berg	Elthon	Hart	Lundy
Byers	Evans	Hess	Shaw
Corwin	Faul	Hill	Vrba

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

Senator Munger 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.

On motion of Senator Munger, Senate File 550, a bill for an act to make an appropriation to Lyon Brothers, Cambridge, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Munger 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:

Augustine	Emerson	Jones	Pelzer
Baldwin	Findlay	Keir	Shaw
Benson	Fuller	Leo	Sjulin
Byers	Goode	Love	Stewart
Clark	Hart	Lynes	Talbott
Corwin	Harvey	Martin	Turner
Cromwell	Hattery	Mercer	Vrba
Dewey	Henningsen	Miller	Watson
Dykhouse	Hunt	Mowry	Whitehill
Elthon	Johnson	Munger	Zeigler

Nays, none.

Absent or not voting, 10:

Bekman	Evans	Hess	Long
Berg	Faul	Hill	Lundy
Donohue	Hamiel		

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

Senator Munger 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.

On motion of Senator Munger, Senate File 551, a bill for an act to make an appropriation to Johnstone Bakery, Boone, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 37:

Benson	Findlay	Leo	Pelzer
Byers	Goode	Long	Shaw
Clark	Hart	Love	Sjulin
Corwin	Harvey	Lynes	Stewart
Dewey	Henningsen	Martin	Talbott
Donohue	Hunt	Mercer	Turner
Dykhouse	Johnson	Miller	Vrba
Elthon	Jones	Mowry	Watson
Emerson	Keir	Munger	Zeigler
Faul			

Nays, none.

Absent or not voting, 13:

Augustine	Cromwell	Hamiel	Hill
Baldwin	Evans	Hattery	Lundy
Bekman	Fuller	Hess	Whitehill
Berg			

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

Senator Munger 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.

On motion of Senator Munger, Senate File 552, a bill for an act to make appropriations to Walker-Shum, Bedford, Iowa, and Westcott-Doughty-Chandler Funeral Chapel, Sioux City, Iowa, with report of committee, was taken up, considered, and the report of the committee adopted.

Senator Munger 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, 37:**

Baldwin	Faul	Jones	Munger
Benson	Findlay	Keir	Pelzer
Byers	Fuller	Leo	Shaw
Clark	Goode	Long	Stewart
Cromwell	Hart	Lynes	Talbott
Dewey	Harvey	Martin	Turner
Donohue	Hattery	Mercer	Vrba
Dykhouse	Henningsen	Miller	Watson
Elthon	Johnson	Mowry	Zeigler
Emerson			

**Nays, none.**

**Absent or not voting, 13:**

Augustine	Evans	Hill	Lundy
Bekman	Hamiel	Hunt	Sjulin
Berg	Hess	Love	Whitehill
Corwin			

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

Senator Munger 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.

Senator Munger asked and received unanimous consent to have Senate Files 545, 546, 547, 548, 549, 550, 551, and 552 immediately messaged to the House.

#### **BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 29th he had approved the following:

Senate File 85, providing for place of bringing actions for injuries to a person or damage to property caused by motor vehicles and providing bond for costs in certain cases.

Senate File 177, relating to investments of insurance companies organized under chapter four hundred four.

Senate File 274, relating to river front improvement commissions; and to include all cities acting under the commission form of government; also providing for method of sale of said bonds, and making certain sections of the Code applicable.

On motion of Senator Lynes, the Senate recessed until 1:30 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Evans for the balance of the day, on request of Senator Long.

#### 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 refuses to concur in Senate amendments to House amendments to Senate File 245, a bill for an act to create the Iowa Emergency Relief Fund.

Also: That the House has receded from its amendments to, and passed Senate File 472, a bill for an act relating to compensation of county, municipal, and school examiners and their assistants.

Also: That the House has reconsidered the vote by which the following bill passed the House, also the vote by which the bill passed to its third reading, and returns herewith as requested, Senate File 75, a bill for an act relating to the making of income tax returns by administrators.

A. C. GUSTAFSON, *Chief Clerk.*

Senator Mowry asked and received unanimous consent to present the senior class of the Prairie City High School who were present in the balcony.

#### THIRD READING OF BILLS

On motion of Senator Donohue the Senate resumed consideration of Senate File 527, a bill for an act to legalize and validate the election and all proceedings of the town council and town

officials of the town of Rudd, Iowa, in calling and holding a special election in the town of Rudd, Iowa, on the 25th day of October, 1938, on the proposition of erecting and equipping a community building under chapter 33 of the Code and the issuing of bonds in the sum of eight thousand eight hundred dollars (\$8,800) and to authorize the issuance in 1941 of Liberty Memorial Bonds in the sum of six thousand dollars (\$6,000) for such purposes and the levying of an annual tax of two (2) mills per year for twenty (20) years for the payment of such bonds.

Senator Donohue 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:

Augustine	Emerson	Long	Pelzer
Baldwin	Faul	Love	Shaw
Bekman	Findlay	Lundy	Sjulin
Benson	Goode	Lynes	Stewart
Clark	Harvey	Martin	Talbott
Corwin	Hill	Mercer	Turner
Cromwell	Johnson	Miller	Watson
Dewey	Jones	Mowry	Whitehill
Donohue	Keir	Munger	Zeigler
Dykhouse	Leo		

Nays, none.

Absent or not voting, 12:

Berg	Evans	Hart	Hess
Byers	Fuller	Hattery	Hunt
Elthon	Hamiel	Henningsen	Vrba

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

Senator Donohue 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.

On motion of Senator Stewart, Senate File 505, a bill for an act to amend chapter 87, acts of the 48th General Assembly, Senate File 255, relating to the control and eradication of Bang's disease in cattle, was taken up and considered.

Senator Stewart offered the following amendment and moved its adoption:

Amend Senate File 505 by striking out all after the enacting clause and substituting in lieu thereof the following:

Section 1. Definitions.

As used in this chapter:

"Department" means the Department of Agriculture.

"Condemned" applies to cattle reacting to a test applied for Bang's disease.

"Official test" for Bang's disease includes all tests under the supervision of or authorization from the department.

"Owner" includes any person, firm, co-partnership, association or corporation owning or leasing from another any livestock.

"Registered purebred" shall include cattle with a certificate from herd books where registered.

#### Sec. 2. Rules and regulations.

The department may make rules and regulations respecting the official testing of cattle, the disposal by segregation and quarantine or slaughter of condemned livestock, the disinfection of the premises, the introduction into the herd of other cattle, the control and eradication of Bang's disease, the prevention of the spread thereof to the cattle of this state, and the proper enforcement of this act.

#### Sec. 3. Inspection and tests at request of owner.

Whenever the owner of cattle shall request the department to make an inspection of his cattle for Bang's disease, the department may designate a veterinarian to make an inspection and, if authorized by the department, conduct a test by the method or methods adopted and approved by the department.

#### Sec. 4. Expense of inspection and tests.

If the owner shall agree to comply with and carry out the rules and regulations made by the department under Section 2 of this act, the expense of such inspection and test shall be borne by the United States Department of Agriculture, or by the department, or both.

#### Sec. 5. Certificate showing freedom from disease.

Whenever an official test of any cattle is made by a veterinarian authorized by the department, and such cattle are found to be free from Bang's disease, a certificate setting forth this fact shall be issued by the department, providing all rules and regulations under the plan adopted by the department for the control and eradication of Bang's disease in cattle have been complied with.

#### Sec. 6. Failure by owner to comply with regulations.

Whenever, on proof or report of examining veterinarian, the department is satisfied that any owner has failed to comply with any rule or regulation made by the department under the provisions of this act, the owner shall be so notified in writing by the department, and such owner shall immediately lose all rights or interest acquired, if any, under the provisions of section 5 of this act.

#### Sec. 7. Retest.

The department may order a retest of any dairy or breeding cattle at any time, when in their opinion, it is necessary.

#### Sec. 8. Report on tests.

A report of such tests shall be made in writing to the chief of the bureau within seven (7) days immediately following the completion of the tests, upon blanks furnished by the department and signed by the director of the laboratory or the person making the test.

**Sec. 9. Marking stock to be tested.**

All cattle subjected to an official test under the department shall be plainly and permanently marked for identification in a manner authorized by the department.

**Sec. 10. Marking condemned cattle.**

All cattle condemned as a result of a test for Bang's disease shall be plainly and permanently marked for identification by any qualified veterinarian making test in a manner authorized by the department.

**Sec. 11. Quarantine of condemned cattle.**

Any cattle condemned as a result of an official test, shall be immediately segregated from the remaining cattle and held in quarantine at the owner's expense until such time as the disposal of same can be made, provided that the owner may at his option retain such cattle for breeding purposes in accordance with the rules and regulations of the department.

**Sec. 12. Exposure of stock to disease.**

No cattle shall be brought in contact with any condemned cattle held in quarantine. If any untested cattle are added to the quarantine lot, said cattle shall become a part of the lot and held subject to the same rules and regulations.

**Sec. 13. Slaughter or removal of condemned stock without permission.**

No condemned cattle shall be slaughtered, have their location changed, or be moved from quarantine except by official written permit by the department.

**Sec. 14. Slaughter of condemned cattle.**

When a written order has been issued by the department or its authorized representative for the removal of condemned cattle to slaughter, such cattle within thirty (30) days shall be moved and slaughtered under the direct supervision of a duly authorized agent or representative of the United States Department of Agriculture at a time and place designated by the department.

**Sec. 15. Purchase or sale of condemned cattle.**

No person shall sell, offer for sale, or purchase any cattle condemned as a result of an official test, except under regulations issued by the department.

**Sec. 16. Issuance of quarantine orders.**

The department may issue any quarantine orders deemed necessary for the control and eradication of Bang's disease and the proper enforcement of this Act.

**Sec. 17. Cooperation with local or federal authorities.**

The department may cooperate with any township or county for the control and eradication of Bang's disease within the state or with the United States department of agriculture for the prevention of the spread and the control of Bang's disease in cattle and its eradication in the United States.

**Sec. 18. Appraisal.**

Before being slaughtered, such cattle shall be appraised at their cash value for dairy and breeding purposes by the owner and a representative of the state department of agriculture, or a representative of the United States department of agriculture, or by the owner and both of such representatives. If these parties cannot agree as to the amount of the ap-



praisal, there shall be appointed three competent and disinterested persons, one by the state department of agriculture, one by the owner, and the third by the first two appointed, to appraise such animals, which appraisal shall be final.

**Sec. 19. Amount of indemnity.**

The department shall pay the owner for each animal slaughtered in accordance with this Act for not more than one-third ( $1/3$ ) of the difference between the appraised value of such animal and the net salvage value thereof, but in no case more than twelve dollars and fifty cents (\$12.50) for a grade animal or not more than twenty-five dollars (\$25.00) for a registered purebred animal, but in no case shall the department pay indemnity on cattle not eligible to receive a like amount from the United States Department of Agriculture.

No indemnity shall be paid:

- (a) On animals diseased at the time of arrival in this state.
- (b) On animals which the owner or claimant knew to be diseased, or had notice thereof at the time they came into his possession.
- (c) Whenever the owner or agent in possession of said animal has not complied with the rules and regulations of the department.
- (d) When the condemned animals are not destroyed within thirty (30) days after completion of test.

**Sec. 20. Appropriation.**

All funds appropriated by the state for carrying out the provisions of this Act shall be administered by the department for the payment of indemnity, salaries, and other necessary expenses.

**Sec. 21. Eradication fund.**

In each county in the state, the board of supervisors shall each year, when it makes the levy for taxes, levy a tax sufficient to provide a fund to pay the indemnity and other expenses provided in this chapter, except as provided herein, and such levy shall not exceed one-half mill in any year upon the taxable value of all the property in the county.

**Sec. 22. Collection.**

Such levy shall be placed upon the tax list by the county auditor and collected by the county treasurer in the same manner and at the same time as other taxes of the county. The money derived from such levy shall be placed in a fund to be known as the "County Bang's Disease Eradication Fund", and the same shall only be used for the payment of claims as provided in this chapter.

**Sec. 23. Report by auditor.**

The county auditor of each county shall, not later than July fifteenth of each year, certify to the secretary of agriculture a report showing the amount in the Bang's Disease Eradication Fund on July first of each year.

**Sec. 24. Levy omitted.**

Should it appear to the secretary of agriculture that the balance in such funds is sufficient, with the county's allotment of state and federal funds available, to carry on the work in such county for the ensuing year, he shall so certify to the county auditor, and, when such certification has been made, the board shall make no levy for such Bang's Disease Eradication Fund for such year.

**Sec. 25. Exhaustion of county fund.**

Whenever the balance of such fund becomes less than twenty-five hundred dollars (\$2500.00), the county auditor shall notify the department in writing of such fact, and no expense shall be incurred on such account in excess of the cash available in such fund.

**Sec. 26. Certification of claims.**

All claims presented under authority of this act shall be certified by the department and filed with the county auditor, who shall present them to the board of supervisors, and such board shall allow and pay the same as other claims against the county.

**Sec. 27.** The department shall have supervision over the sale, distribution, and use of all Bang vaccine and antigen in the state, and shall formulate rules for its distribution and use.

**Sec. 28.** Chapter 87 Acts of the 48th General Assembly also known as Senate File 255, 48th General Assembly, is hereby repealed.

Senator Munger offered the following amendment to the amendment and moved its adoption:

Amend the amendment to Senate File 505 filed March 26, 1941, by Stewart as follows:

1. Strike from lines 1 and 2 of section 5 the words "authorized by the department".

The amendment to the amendment was lost.

Senator Munger offered the following amendment to the amendment and moved its adoption:

2. Strike from line 1 of section 27 the words "have supervision over" and by inserting in lieu thereof the word "regulate".

The amendment to the amendment was adopted.

Senator Bekman offered the following amendment to the amendment and moved its adoption:

Amend section 19 of the Stewart amendment as follows: Strike out from line 1 of section 19 of the Stewart amendment the word "pay" and insert in lieu thereof the words, "certify the claim of".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Stewart offered the following amendment to the title and moved its adoption:

Amend Senate File 505 by striking out the title and substituting for the title the following:

"An act to provide for control and eradication of Bang's disease in cattle; to provide for the levy in each county of a tax to be placed in a fund to be known as the County Bang's Disease Eradication Fund; and repealing chapter eighty-seven (87), Acts of the 48th General Assembly."

The amendment to the title was adopted.

Senator Stewart 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:

Augustine	Elthon	Johnson	Munger
Baldwin	Emerson	Jones	Pelzer
Bekman	Faul	Keir	Shaw
Benson	Findlay	Leo	Sjulin
Berg	Fuller	Long	Stewart
Byers	Hamiel	Love	Talbott
Clark	Hart	Lynes	Turner
Corwin	Harvey	Martin	Vrba
Cromwell	Hattery	Mercer	Watson
Dewey	Henningsen	Miller	Whitehill
Donohue	Hill	Mowry	Zeigler
Dykhouse			

Nays, none.

Absent or not voting, 5:

Evans	Hess	Hunt	Lundy
Goode			

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

Senator Stewart 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.

Senator Stewart asked and received unanimous consent to have Senate File 505 engrossed and immediately messaged to the House.

On motion of Senator Shaw the Senate resumed consideration of Senate File 120, a bill for an act to amend section one thousand four hundred fifty-six (1456), Code, 1939, relating to the time of taking an appeal in workmen's compensation cases.

Senator Donohue offered the following amendment to the amendment and moved its adoption.

Amend the amendment to Senate File 120, found on page 955 of the Journal, by adding thereto, at the end thereof, the following:

Sec. 2. Amend section fourteen hundred and fifty-two (1452), Code, 1939, by striking therefrom the last sentence thereof, and by substituting for the part so stricken, the following:

"An appeal may be taken from any order or decision of the Industrial Commissioner to the district court, and from the district court to the

supreme court; and on such appeal the facts and the law shall be determined anew by each court on the record thus certified and filed”.

Sec. 3. That there be stricken from section fourteen hundred and forty-nine (1449), Code, 1939, the words, “in a proceeding on review,” appearing in the third line thereof; that there be stricken from section fourteen hundred and fifty-three (1453), Code, 1939, the words, “found by the commissioner” appearing in the ninth line thereof; also that all acts or parts of acts in conflict herewith are hereby repealed in so far as they are inconsistent with any provision of this act.

Senator Donohue asked and received unanimous consent to defer action on Senate File 120 and that it retain its place on the calendar.

On motion of Senator Faul, Senate File 301, a bill for an act to provide for the opening and constructing of a paved roadway and sidewalk through the state capitol grounds and appropriating funds to pay the cost thereof, with report of committee, was taken up, considered and the report of the committee adopted.

Senator Faul 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, 26:

Augustine	Dykhouse	Henningsen	Lynes
Baldwin	Emerson	Hill	Martin
Bekman	Faul	Hunt	Mercer
Corwin	Goode	Johnson	Sjulin
Cromwell	Hamiel	Keir	Watson
Dewey	Hart	Lundy	Zeigler
Donohue	Hattery		

Nays, 21:

Benson	Fuller	Love	Stewart
Berg	Harvey	Miller	Talbott
Byers	Jones	Mowry	Turner
Clark	Leo	Pelzer	Vrba
Elthon	Long	Shaw	Whitehill
Findlay			

Absent or not voting, 3:

Evans	Hess	Munger
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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 Faul 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.

On motion of Senator Watson, Senate File 365, a bill for an act to make an appropriation to the person, firm, or corporation for the first producing oil well in Iowa, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

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

The President announced that Senator Evans had filed a written request to be recorded as voting "aye" on Senate File 365.

The request was granted.

Rule 8 was invoked.

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

**Ayes, 29:**

Augustine	Elthon	Henningsen	Miller
Baldwin	Emerson	Johnson	Pelzer
Bekman	Evans	Leo	Shaw
Byers	Faul	Love	Sjulin
Clark	Goode	Lynes	Turner
Cromwell	Hart	Martin	Vrba
Dewey	Harvey	Mercer	Watson
Dykhouse			

**Nays, 17:**

Benson	Fuller	Jones	Mowry
Berg	Hamiel	Keir	Stewart
Corwin	Hill	Long	Talbott
Donohue	Hunt	Lundy	Whitehill
Findlay			

**Absent or not voting, 4:**

Hattery	Hess	Munger	Zeigler
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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 Watson 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.

Senator Donohue raised the point of order that Senate File 365 provided for an appropriation for a private purpose and would therefore require a two-thirds vote of the Senate instead of a majority vote.

The President ruled that bills providing for the payment of claims require a two-thirds vote and since this is not a claim, he would have to hold the point not well taken.

Senator Mowry moved that the Senate adjourn until 9:45 a. m. Tuesday.

Senator Baldwin moved as a substitute that the Senate adjourn until 8:30 a. m.

The substitution lost.

The motion by Senator Mowry lost.

On motion of Senator Mercer, Senate File 526, a bill for an act to appropriate from the general fund of the state, for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for improvement and equipment at the State University of Iowa, Iowa City, was taken up and considered.

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

The President announced that Senator Zeigler had filed a written request to be recorded as voting "aye" on Senate File 526.

The request was granted.

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

Ayes, 38:

Augustine	Emerson	Hunt	Miller
Baldwin	Faul	Johnson	Munger
Bekman	Fuller	Jones	Shaw
Benson	Goode	Keir	Sjulin
Byers	Hamiel	Leo	Talbott
Clark	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Donohue	Hattery	Martin	Watson
Dykhouse	Henningsen	Mercer	Zeigler
Elthon	Hill		

Nays, 6:

Berg	Mowry	Stewart	Whitehill
Findlay	Pelzer		

Absent or not voting, 6:

Corwin	Evans	Long	Love
Dewey	Hess		

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

Senator Mercer 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.

On motion of Senator Bekman, Senate File 238, a bill for an act to amend section five hundred twenty-six and three tenths (526.3),

Code, 1939, relating to ratio of representation in the House of Representatives of the State Legislature. Also to amend section five hundred twenty-six and four tenths (526.4), Code, 1939, relating to giving to Wapello County two Representatives in the House of Representatives of the State Legislature in lieu of Lee County, was taken up and considered.

Senator Bekman 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:

Augustine	Emerson	Johnson	Miller
Bekman	Faul	Jones	Mowry
Benson	Findlay	Keir	Munger
Berg	Fuller	Leo	Shaw
Byers	Goode	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Harvey	Lundy	Talbott
Cromwell	Hattery	Lynes	Vrba
Donohue	Hill	Mercer	Watson
Dykhouse	Hunt		

Nays, 1:

Hart

Absent or not voting, 11:

Baldwin	Evans	Martin	Whitehill
Dewey	Henningsen	Pelzer	Zeigler
Elthon	Hess	Turner	

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

Senator Bekman 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.

#### CONFERENCE COMMITTEE REPORT ON HOUSE FILE 8

MR. PRESIDENT: We, the joint committee to whom was referred House File 8, beg leave to report that we have carefully considered the same and recommend the following:

(1) That the Senate recede from their amendment.

(2) That the bill be amended by striking lines 14, 15, 16, 17, 18, and 19, and substituting in lieu thereof the following:

"35-C. "Frozen Malted Milk" means the pure, clean, frozen or semi-frozen product made from the combination of milk products, malted milk and one or more of the following ingredients: eggs, sugar, dextrose, and honey, with or without flavoring and coloring, and with or without edible gelatin or vegetable stabilizer; and in the manufacture of which freez-

ing has been accompanied by agitation of the ingredients. It contains not more than one-half of one per centum by weight of edible gelatin or vegetable stabilizer, not less than seven per centum by weight of milk fat, not less than fourteen per centum by weight of total milk solids, and not less than three per centum by weight of malted milk. In no case shall frozen malted milk contain less than one and three-tenths pounds of total food solids per gallon or weigh less than four and one-half pounds per gallon.

Provided however, products complying with the above definition except that they contain less than seven (7) per cent by weight of milk fat, shall be sold only in the manufacturer's original package or wrapper and must be labeled in plain legible eight point type with the words "imitation frozen malted milk".

Respectfully submitted,

JOHN R. HATTERY.  
DEWEY E. GOODE.  
J. KENDALL LYNES.  
FRANK C. BYERS.

*On the part of the Senate.*

J. F. MILLER.  
R. E. DUFFIELD.  
W. R. FIMMEN.  
M. D. VAN OOSTERHOUT.

*On the part of the House.*

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 79, 246, 339 and 513.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 79, 246, 339 and 513.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 31st day of March, 1941, sent to the Governor for his approval, Senate Files 79, 246, 339 and 513.

EDWARD H. VRBA, *Chairman.*

Passed on file.



## AMENDMENTS FILED

Amend Senate File 517, section 1, by striking lines 13 to 15 inclusive.  
Further amend by re-numbering the remaining subsection.

CLARENCE L. CLARK.

Amend Senate File 540 as follows:

1. By striking the word "Tama," and the comma following it in line eleven (11) of section one (1).

2. By inserting the word "Tama," with a comma following it after the word and comma "Grundy," in line fifteen (15) of section one (1).

RICHARD V. LEO.

Amend Senate File 508 as follows:

In line 16 of section 8 after the word "thereof" insert the following:  
", provided such cost of construction, reconstruction, improvement alteration or repair of any dwelling unit shall not exceed the sum of two thousand five hundred (\$2,500.00) dollars,".

FRED CROMWELL.

On motion of Senator Hattery the Senate adjourned until 9:45 a. m. Tuesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 1, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Gerald Berneking, pastor of the Church of Christ of Albia.

The Journal of March 31st was corrected and approved.

## LEAVE OF ABSENCE

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

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Hill, from residents of Hardin county, in opposition to Senate File 5; also from residents of Hardin county, favoring passage of Senate File 505.

By Senator Lynes, from voters of Bremer, Butler and Floyd counties, favoring passage of Senate File 157.

By Senator Johnson, from barbers of Belmond, favoring passage of the barber bill.

By Senator Clark, from members of the Rural Teachers' Association of Lucas county, favoring passage of the teachers' minimum wage bill.

Senator Donohue asked and received unanimous consent that the employees of the Senate be permitted to appear before the Senate.

Elwood Anderson was escorted to the rostrum by Ben Beck, H. B. Fellers and Frank Logan, and presented President Hickenlooper with a gavel on behalf of the employees of the Senate.

Senator Zeigler asked and received unanimous consent to have the following remarks of Elwood Anderson printed in the Journal:

President Hickenlooper, because of the great admiration the Senate employees of the Forty-ninth General Assembly have for you, we wish to give you a little remembrance.

Because of the fact that the wood used in making this box and gavel came from my home county and home town, I have been granted the high privilege of presenting it to you. I would like to mention that W. T. Clarke of Des Moines made the gavel and E. F. Pittman of Des Moines made the box it is housed in. The wood used in making this gavel was taken, during minor repairs, from the Van Buren county court house at Keosauqua, which was erected in 1842. From point of use this is Iowa's oldest public building. The auditorium in this court house for several years was the largest in the state unbroken by columns and pillars, and for more than three generations this room has remained practically unchanged—the building is even still heated by individual stoves.

Van Buren county abounds in historical lore of many kinds, but this old court house is very much favored by the native residents.

Van Buren county of course has, we might say, modern attractions, among which is the Lacey Keosauqua State Park, one of the largest state parks in Iowa and a very beautiful park indeed.

Now I don't want you or the members of the Senate to think that I would take advantage of an opportunity like this to advertise Van Buren county even if it is just a short drive from here and would make a very nice week-end trip.

Without further ado, on behalf of the Senate employees of the Forty-ninth General Assembly, I present this gavel to you.

President Hickenlooper thanked the employees for the gift, saying that it would be cherished not alone for its historical value but for the expression of good will that it carried with it from those who presented it.

Senator Cromwell asked and received unanimous consent to have the following eulogy on the life Harry B. Swan, by B. B. Hickenlooper, copied from the Iowa Republican News and printed in the Journal:

#### LIEUTENANT-GOVERNOR HICKENLOOPER'S EULOGY TO A USEFUL LIFE GIVEN AT FUNERAL OF HARRY B. SWAN

To stand today in The Silence beside one with whom yesterday we walked; to show in hushed reverence the respect and love that yesterday's association brought; to gain comfort and courage from the memories that fill our hearts; to know deeply the sorrow of great loss; all are the sacred rights of humanity and brotherhood.

Today we come, all of us and countless others who are with us in spirit, to claim those rights and in some small way pay tribute to our friend, Harry Swan; and to bring such comfort to a devoted wife and loved ones as sympathy and sincerity may give. In so doing we may, in turn, soften our own sorrow with the memories of yesterday.

Man was not meant to stand alone; the upsurge of all humanity has been marked by the interdependence, in varying degrees, of each upon the other and some are especially endowed with those qualities that attract and hold the confidence and loyalty of their fellow men. Harry Swan possessed those qualities in a high degree; he early assumed the moral responsibilities that so distinguished his later years and enabled him to discharge every trust with honor and ability. His early life in this community, where he was born, speaks eloquently of his basic character. He was schooled in industry and integrity and their tenets took deep root in his life. He chose the law for his vocation; those who knew him best know that this choice was moved by his sense of justice and right and from a natural aptitude for fair and equitable adjustment of differences between his fellow men, rather than from any mercenary urge. He was a leading figure in his college affairs, in spite of the fact that he worked to earn a substantial portion of the cost of his education, and his leadership, as always, inspired trust and confidence in his associates.

After his admission to the bar he came back to his home town to enter the practice of law, but very shortly the call of his country in war caused him to follow the path of duty and he entered the army. Again his leadership brought him recognition and to the rank of first lieutenant; he was honorably discharged as such at the war's end. He returned to Atlantic and the practice of law and has lived here ever since.

The natural understanding that Harry had of his fellow men, his instant sympathy with those in distress and the integrity of his private and public conduct soon established him as a leader among those who knew him and brought countless people to his door; his judgment was sound and the continued growth and extension of his clientele throughout western Iowa bespoke these qualities as well as the brilliance of his professional ability. No colleague ever had occasion to question his word; no client ever had cause to complain of any neglect of duty. He represented his obligations with the highest fidelity and he discharged his trusts with utmost honor. It was not in his nature to take mean advantage of an adversary nor to use his abilities to oppress or destroy; on the contrary he guided his affairs by the rules of conscience and equity and he could stand before all mankind without fear.

Quite naturally, he became interested in politics; as a lawyer he knew that government and its forms can protect or destroy human rights and he gave of his time, energy and ability to local affairs; the mark of his contribution has been stamped permanently in the structure of this community. More extensive political interest led him to the head of the county organization of his party and his local success made him the natural choice as chairman of the seventh congressional district and then to the post of chairman of the Republican State Central Committee. Here he had opportunity to bring all of his tremendous ability and his success was outstanding. With quiet courage and sound judgment he brought together divergent opinions; he was never autocratic, but was a leader, accepting and using the best and discarding and refusing to use anything petty or small. Every act and policy he tested by the rules of honesty and he inspired unbounded trust. He sincerely respected the rights of those opposed to his party and in turn, few men could command

such sincere respect as he from those same opponents. His leadership and success in Iowa made him a rising national figure; his counsel and advice on public questions was sought and many matters of national importance bear the mark of his stable judgment. His stewardship to the end was one of high intelligence, faith and honor.

The tragedy of his passing appalls us; at once we form the question "why?", but it is never asked, for it is not ours to question; sufficient be it that we have been helped by knowing him; he will continue to sit in our councils and walk by our side; his physical absence will but add strength to memory and we may say with the poet,

"Well blest is he who has a dear one dead,  
A friend he has whose face will never change—  
A dear communion that will not grow strange,  
The anchor of a love is death."

The thread of life is slight indeed; its strength is governed by the mysteries yet unsolved; and the curtain that conceals the great unknown is often made of flimsy stuff. When sorrow darkens all our thoughts we sometimes feel that all is gone, yet one thing death can never conquer; one all comforting possession that dispels the bloom; that is the light of memory. It transcends the tomb and illuminates the dark avenues of loneliness; it grows brighter with time and brings comfort to those who grieve; it is the one sure means of contact across the void.

This heritage of memory is man's great comfort; it recalls the path that others have traveled; in memory we learn the lessons of great accomplishments and are stimulated to go forward by their example; if we lean upon memory it will help avoid the pitfalls of the future and it puts its sheltering arms about us in present sorrow. The physical existence is transitory and mortal, but when that existence ceases, then recollection and memory bring immortality for our aid and comfort.

Harry Swan's work is not done; so long as we recall his complete devotion to his wife and home, his loyalty to his friends, the wisdom of his advice and the moral honesty of his mind and character, his influence will be felt and we are and will be better for the privilege of knowing him. Indeed, he has lifted the veil and is walking unafraid in the unknown; perhaps we wonder where that path may lead, but faith can answer all our queries; it has not been given us to know; one has said,

"Strange, is it not? that of the myriads who  
Before us passed the door of darkness through,  
Not one returns to tell us of the road  
Which, to discover, we must travel too."

But again I say that faith is comfort—and because the all wise voice has spoken we are content—the sorrow of the moment will be replaced by the comfort of memory.

Today, we bring assurance to wife and loved ones that we, too, knew and loved him; that we, too, are better because of our association.

Harry Swan was a man of courage—of loyalty—of honor. His intelligence and leadership were freely given; his influence has been felt by his

fellow men in near and far places; all who knew him trusted him. What more can be said of any man?

The temptation may be great to dwell in the speculative realm of "what might have been," but that can bring regret alone. "What might have been" must always be submerged to the inevitable command of the Divine Judgment and we accept, as best, those things over which we have no control and sometimes little understanding, being thankful only for the good that we have been permitted to share.

And so we say farewell, but as the echo of that parting dies, we open wide our hearts in the glorious realm of memory.

### THIRD READING OF BILLS

On motion of Senator Watson, the time having arrived for consideration of the special order the Senate took up Senate File 539, a bill for an act to amend chapter thirty-five and two tenths (35.2), section five hundred twenty-six and two tenths (526.2), Code, 1939, relating to senatorial districts.

Senator Fuller moved that further action on Senate File 539 be deferred.

Senator Fuller asked and received unanimous consent to withdraw his motion.

Senator Fuller moved that action be deferred on Senate File 539 until after Senate File 540 had been considered.

The motion was lost.

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

The President announced that Senator Hess had filed a written request to be recorded as voting "aye" on Senate File 539.

The request was granted.

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

Ayes, 34:

Benson	Emerson	Jones	Shaw
Berg	Evans	Keir	Stewart
Byers	Faul	Long	Talbott
Clark	Findlay	Love	Turner
Corwin	Goode	Lundy	Vrba
Cromwell	Hart	Miller	Watson
Donohue	Harvey	Munger	Whitehill
Dykhouse	Hess	Pelzer	Zeigler
Elthon	Hill		

Nays, 10:

Baldwin	Henningsen	Leo	Martin
Fuller	Hunt	Lynes	Mercer
Hamiel	Johnson		

Absent or not voting, 6:

Augustine	Dewey	Mowry	Sjulin
Bekman	Hattery		

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

Senator Watson 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.

On motion of Senator Hart, the time having arrived for consideration of the special order the Senate took up Senate File 540, a bill for an act to repeal section five hundred twenty-six and one tenth (526.1), Code, 1939, and to enact a substitute therefor, redistricting the state into eight (8) congressional districts.

Senator Goode asked unanimous consent to consider the minority report on Senate File 540, found on page 948 of the Journal.

Senator Donohue raised the point of order that the matter before the Senate was the consideration of Senate File 540 and that a minority report by members of a special committee would have no standing.

Senator Goode stated that this was a special committee and not a standing committee of the Senate and therefore the minority report could be considered.

President Hickenlooper stated that the question of whether or not this committee is a special or standing committee would have no bearing on the question of consideration of the minority report, and that he was of the opinion that any member or members of any committee had the right to file a minority report expressing their views, and that such minority report need not necessarily be in the form of an amendment. The minority report should be presented to the Senate and then it would be up to the Senate to decide which of the two views they wished to accept.

Senator Goode moved that Senate File 540 be amended by striking all after the enacting clause and substituting therefor the bill contained in the minority report.

Roll call was demanded.

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

Ayes, 23:

Augustine	Emerson	Hill	Mercer
Baldwin	Faul	Jones	Mowry
Bekman	Fuller	Leo	Talbott
Berg	Goode	Lundy	Vrba
Byers	Hamiel	Lynes	Whitehill
Clark	Henningesen	Martin	

Nays, 25:

Corwin	Findlay	Keir	Shaw
Cromwell	Hart	Long	Sjulin
Dewey	Harvey	Love	Stewart
Donohue	Hattery	Miller	Turner
Dykhouse	Hunt	Munger	Watson
Elthon	Johnson	Pelzer	Zeigler
Evans			

Absent or not voting, 2:

Benson	Hess
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The motion was lost.

#### ADDITIONAL COPIES

Senator Berg asked and received unanimous consent to have 2,000 copies of Senate File 2 printed as finally passed.

#### 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 227, a bill for an act relating to the collection of taxes against real estate located in certain cities.

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

Senate File 385, a bill for an act relating to use of poor fund by the county board of supervisors.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 217, a bill for an act relating to personal exemption from income tax.

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



House File 253, a bill for an act to establish headquarters in the Iowa State Capitol building for the veterans of the Spanish war.

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

House File 520, a bill for an act to establish the school tax relief fund.

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

House File 285, a bill for an act relating to the purchase and distribution of books, by the county board of education and the county superintendent of schools.

Also: That the House has adopted the conference committee report and the amendments therein recommended, and passed House File 8, a bill for an act relating to the adulteration of food.

Also: That the House has adopted the conference committee report and the amendments therein recommended, and passed Senate File 2, a bill for an act to provide certain physical requirements as a prerequisite to the issuance of a marriage license.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 33, relating to the control of the production, manufacture and distribution of products under the supervision of a council of national defense. A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENTS TO SENATE FILE 217

Amend Senate File 217 by striking all after the enacting clause and substituting therefor the following:

"Section 1. Section six thousand nine hundred forty-three and forty-four thousandths (6943.044), Code, 1939, is hereby amended by striking lines one (1), two (2), and three (3) of subsection four (4) and substituting therefor the following:

'4. For each actual dependent other than as specified in subsection 3 of this section, the taxpayer may deduct the sum of five dollars; or in lieu thereof in the case of a father, mother or grandparent dependent upon the taxpayer, the taxpayer in computing the net income may make deduction therefrom of three hundred dollars for such dependent.'"

Amend the title to Senate File 217 by striking the title and substituting therefor the following:

"A bill for an act to amend section six thousand nine hundred forty-three and forty-four thousandths (6943.044), Code, 1939, relating to personal exemption from income tax."

#### HOUSE CONCURRENT RESOLUTION 33

*Whereas*, Our Federal Government has recognized the necessity of placing the control of the production, manufacture and distribution of many of our products under the supervision of a Council of National Defense, and

*Whereas*, There has been established a division of this Council of National Defense known as the Consumers' Division, and

*Whereas*, In a recent report of this Consumers' Division a statement was made that recent increases in food costs were due mainly to a rise of 4 per cent in meat prices, and advice was given in this same report that the consumers of this nation would do well to look for cheaper cuts of meat and for meat substitutes, and to secure available information on the preparation of well-balanced meatless meals, and

*Whereas*, The Hon. Mark G. Thornburg, secretary of agriculture for the state of Iowa, has already very properly recognized that such statements from a federal office will result in decreased consumption of Iowa farm products and has in a letter to Miss Harriet Elliott, Consumers' Commissioner of the National Defense Council, voiced his objections to such statements on the grounds that—

1. The total amount of meat in storage in the United States is 25 per cent over the five-year average and 9 per cent greater than the amount in storage on February 1, 1940;

2. Hogs are now selling for less than 79 per cent of parity and more than 1,000,000,000 lbs. of pork and pork products are in the various storage plants of the country;

3. During the last days of 1940, an article concerning a Washington release was printed in newspapers throughout the Corn Belt which in effect assured the farmers that the defense program now being inaugurated with all its new employment would more than make up for the foreign market which the Corn Belt farmers have lost. (We have lost a foreign market for 140,000,000 lbs. of lard annually.)

4. It is not with satisfaction that the Iowa farmer watches a federal department in one year plow under crops and destroy livestock and in another advise increasing hog production at a time when stocks of pork and pork products in storage are abnormally high, and then hears of another federal department suggesting meat substitutes and well-balanced meatless meals; and

*Whereas*, The Congress of the United States has recently enacted the lend-lease bill which contains a provision whereby Great Britain could buy or borrow farm products as well as armaments; now therefore,

*Be It Resolved by the House of Representatives of the Forty-ninth General Assembly of the State of Iowa, the Senate Concurring*: That for the reasons stated in the preamble of this resolution the membership of the Council of National Defense, the Secretary of Agriculture of the United States, and the Administrator of the Federal Surplus Commodities Corporation be respectfully requested to so coordinate their programs as they affect agriculture so that the farmers of the nation will have adequate recognition of their problems and that surplus farm products will be more readily consumed by the consumers of this nation and will be made available to the people of the democratic nations of Europe.

*Be It Further Resolved*, That all sections of the Council for National Defense be respectfully requested to consider the advisability of starting from the premise that the farmer is one of the most vital factors in our national defense program and that the important place of agriculture in national defense be recognized.

*Be It Also Further Resolved*, That a copy of this resolution be forwarded to the Hon. Franklin D. Roosevelt, president of the United States, the Hon. Henry A. Wallace, vice president, the Hon. Claude R. Wickard, secretary of agriculture, the Hon. William G. Knudson, chairman of the Council for National Defense, the Hon. Milo Perkins, Administrator of the Federal Surplus Commodities Corporation, and to the two United States Senators and the nine Congressmen who now represent Iowa in the National Congress.

#### HOUSE MESSAGES CONSIDERED

House File 253, a bill for an act to provide for a part of the adjutant's salary, secretarial, stenographic and clerical hire, printing, stationery and postage for the Department of Iowa, United Spanish War Veterans Organization of the State of Iowa; and to provide headquarters for the adjutant of such organization or representative selected by the Department of Iowa, Spanish War Veterans Organization of the State of Iowa, for the biennium commencing July 1, 1941; such appropriation to be paid from the general fund of the state not otherwise appropriated.

Read first and second times and referred to sifting committee.

House File 285, a bill for an act to amend section four thousand three hundred twenty-three (4323), Code, 1939, relating to the purchase and distribution of books by the county board of education and the county superintendent of schools.

Read first and second times and referred to sifting committee.

House File 520, a bill for an act to establish a fund to be used for state aid for elementary and secondary schools as relief to land and property taxes for the same to be known as the "School Tax Relief Fund"; to prescribe the procedure for apportioning and paying said fund to the treasurers of the several counties; to prescribe the procedure for the payment of said fund so apportioned for the treasurers of the several counties to the treasurers of school corporations in said counties.

Read first and second times and referred to sifting committee.

Senator Goode moved that the Senate recess until 1:30 p. m.

Senator Fuller moved, as a substitute, that the Senate adjourn until 10:00 a. m. Wednesday.

The motion was lost and the Senate refused to substitute.

Senator Berg moved, as a substitute, that the Senate recess until 2:00 p. m.

The motion was adopted and the substitution was made.

On motion of Senator Berg, the Senate recessed until 2:00 p. m.

### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

### THIRD READING OF BILLS

On motion of Senator Leo, the Senate resumed consideration of Senate File 540.

Senator Leo offered the following amendment and moved its adoption:

Amend Senate File 540 as follows:

1. By striking the word "Tama," and the comma following it in line eleven (11) of section one (1).
2. By inserting the word "Tama," with a comma following it after the word and comma "Grundy," in line fifteen (15) of section one (1).

Senator Goode offered the following amendment, by Senators Goode, Berg, and Henningsen, as a substitute for all pending amendments and moved its adoption:

Amend Senate File 540 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section five hundred twenty-six and one tenth (526.1), Code, 1939, is hereby repealed and the following enacted in lieu thereof:

The state of Iowa is hereby organized and divided into eight (8) congressional districts, which shall be composed, respectively, of the following counties:

First district shall consist of the counties of Iowa, Johnson, Cedar, Scott, Muscatine, Washington, Louisa, Jefferson, Henry, Des Moines, Van Buren and Lee.

Second district shall consist of the counties of Winneshiek, Allamakee, Fayette, Clayton, Buchanan, Delaware, Dubuque, Linn, Jones, Jackson and Clinton.

Third district shall consist of the counties of Worth, Mitchell, Howard, Cerro Gordo, Floyd, Chickasaw, Franklin, Butler, Bremer, Hardin, Grundy, Black Hawk, Tama, Benton and Marshall.

Fourth district shall consist of the counties of Jasper, Poweshiek, Mahaska, Keokuk, Union, Clarke, Lucas, Monroe, Wapello, Ringgold, Decatur, Wayne, Appanoose and Davis.

Fifth district shall consist of the counties of Dallas, Polk, Madison, Warren, Marion and Story.

Sixth district shall consist of the counties of Emmet, Kossuth, Winnebago, Palo Alto, Hancock, Pocahontas, Humboldt, Wright, Calhoun, Webster, Hamilton, Crawford, Carroll, Greene and Boone.

Seventh district shall consist of the counties of Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Fremont, Page and Taylor.

Eighth district shall consist of the counties of Lyon, Osceola, Dickinson, Sioux, O'Brien, Clay, Plymouth, Cherokee, Buena Vista, Woodbury, Ida, Sac and Monona."

President Pro Tem Byers took the chair at 3:16 p. m.

Senator Donohue moved that Senate File 540 and all pending amendments be rereferred to the committee on congressional re-districting for the purpose of ascertaining whether or not the differences could be worked out, and if not, that the bill and all pending amendments be withdrawn from the committee and placed on the calendar for special order at 10:00 a. m. Wednesday.

Senator Goode moved that the Senate adjourn until 10:00 a. m. Wednesday.

Roll call was demanded.

On the question, "Shall the Senate adjourn until 10.00 a. m. Wednesday?" the vote was:

Ayes, 19:

Augustine	Emerson	Johnson	Mercer
Baldwin	Findlay	Jones	Mowry
Bekman	Fuller	Leo	Talbott
Benson	Goode	Lundy	Vrba
Clark	Henningsen	Martin	

Nays, 29:

Byers	Faul	Keir	Shaw
Corwin	Hamiel	Long	Sjulin
Cromwell	Hart	Love	Stewart
Dewey	Harvey	Lynes	Turner
Donohue	Hattery	Miller	Watson
Dykhouse	Hill	Munger	Whitehill
Elthon	Hunt	Pelzer	Zeigler
Evans			

Absent or not voting, 2:

Berg	Hess
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The motion was lost.

The motion by Senator Donohue prevailed and Senate File 540 was referred to the committee.

Senators Turner and Lundy offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION 24

*Whereas*, The coal industry is the second largest industry of Iowa; and  
*Whereas*, The industry is able to produce in excess of ten million tons, annually, but because of adverse conditions it is only producing four million tons; and

*Whereas*, The stability of the Iowa coal industry will greatly increase the employment of labor, aid in stabilizing agricultural products, decrease the rolls of unemployed and aid in bringing prosperity to all the people of Iowa; and

*Whereas*, The stabilization of the Iowa coal industry can be accomplished by all industries in Iowa using Iowa coal for the generation of heat, steam, power and electricity; therefore,

*Be It Resolved by the Senate, the House Concurring*: That a committee of two members of the House, appointed by the Speaker, two members of the Senate, appointed by the President of the Senate, and a representative of the Governor, appointed by the Governor, be appointed to contact all major industries operating in Iowa, urging them to use Iowa coal.

*Be It Further Resolved*, That all Iowa industries be encouraged to use Iowa coal as far as possible and practical. That the said committee shall serve without expense to the state.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 31st he had approved the following:

Senate File 58, relating to action of forcible entry and detention of real property.

Senate File 80, relating to benefited water districts, the payment of assessments, annual millage tax for payment of bonds, connection of collateral mains and the power of trustees in connection with such districts.

Senate File 99, relating to the amount of surplus required of mutual insurance companies.

Senate File 115, relating to the presentation, investigation, allowance, and payment of claims against the state of Iowa.

Senate File 241, relating to attachments.

Senate File 394, relating to absent voters law.

Senate File 471, providing for an administrative fund for the Board of Social Welfare.

Senate File 480, making an appropriation to Myrtle Hicks, Charles W. Matheson, and Mrs. Cecil Meidlinger.

Senate File 506, making an appropriation to Emmet county.

Senate File 512, providing an emergency appropriation for state aid to public schools for the Education of physically handicapped children.

#### REPORT OF COMMITTEE

**MR. PRESIDENT:** Your Committee on Congressional Redistricting, to whom was referred Senate File 540 and all pending amendments, begs leave to report that it has had the same under consideration and herewith returns Senate File 540 without recommendation.

Your committee further recommends that the substitute amendment offered by Senators Goode, Berg, and Henningsen to Senate File 540 be amended as follows:

- (1) By adding at the end of line 13 the word "Benton,".
- (2) By striking from line 17 the word "Benton" and inserting in lieu thereof the word "Winnebago".
- (3) By striking from line 24 the word "Winnebago,".
- (4) By adding at the end of line 27 the word "Monona,".
- (5) By striking from line 31 the words "and Monona" and by inserting before the word "Sac" the word "and".

STANLEY L. HART, *Chairman.*

#### AMENDMENTS FILED

Amend Senate File 540 by striking all after line six (6) and substituting the following: First district shall be composed of the county of Mahaska; second district shall be composed of the county of Johnson; third district shall be composed of the county of Dubuque; fourth district shall be composed of the county of Howard; fifth district shall be composed of the county of Hancock; sixth district shall be composed of the county of Polk; seventh district shall be composed of the counties of Lyon, Osceola, Dickinson, Emmet, Kossuth, Sioux, O'Brien, Clay, Palo Alto, Winnebago, Plymouth, Cherokee, Buena Vista, Pocahontas, Humboldt, Wright, Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Monona, Crawford, Carroll, Greene, Boone, Harrison, Shelby, Audubon, Guthrie, Dallas, Pottawattamie, Cass, Adair, Madison, Warren, Mills, Montgomery, Adams, Union, Clarke, Fremont, Page, Taylor, Ringgold, Decatur; eighth district shall be composed of the counties of Worth, Mitchell, Wineshiek, Allamakee, Cerro Gordo, Floyd, Chickasaw, Fayette, Clayton, Franklin, Butler, Bremer, Hardin, Grundy, Black Hawk, Buchanan, Delaware, Story, Marshall, Tama, Benton, Linn, Jones, Jackson, Clinton, Jasper, Poweshiek, Iowa, Cedar, Scott, Muscatine, Marion, Keokuk, Washington, Louisa, Lucas, Monroe, Wapello, Jefferson, Henry, Des Moines, Wayne, Appanoose, Davis, Van Buren, and Lee. A. E. AUGUSTINE.

Amend the amendment to Senate File 399 by Evans and Henningsen, filed March 26, as follows:

(1) By inserting after the word "tons" in line 4 of section 8 the following: ", but not including self-propelled, motor-driven passenger busses which are subject to tax under the provisions of section 6610.58, Code, 1939,".

(2) By striking all of sub-paragraphs 2 and 3 of section 30 and substituting in lieu thereof the following:

"2. Ten per cent of the balance, after deducting the three per cent referred to in paragraph 1, to cities, including cities under special charter, to be used only for construction, maintenance, and repair of streets, to be apportioned among the cities in the proportion that the population of each such city bears to the total population of all cities in the state. On the first day of January, April, July and October of each year the state comptroller shall draw warrants upon the treasurer of state for the amounts apportioned to the cities to be transmitted to the respective city treasurers.

"3. After the deductions provided in paragraphs 1 and 2, fifty per cent of the balance then remaining shall be credited to the primary road fund, and fifty per cent to the secondary road fund and allocated by the treasurer of state among the counties in the proportion that the area of each county bears to the total area of the state.".

GEORGE FAUL.

Amend Senate File 109 by striking lines 27 to 33, inclusive, of section 4 and by inserting in lieu thereof the following:

"For the purpose of this section, such possession of said real estate may be shown of record by an affidavit showing such possession, and when said affidavit has been filed and recorded, it shall be the duty of the recorder to enter upon the margin of said record a certificate to the effect that said affidavit was filed by the owner in possession, as named in said affidavit, or by his attorney in fact, as shown by the records.".

GEORGE FAUL.

Amend Senate File 260 as follows:

(1) By striking from line 12 of section 1 the following: "for private flying or otherwise".

(2) By striking the period in line 13 of section 1 and adding the following: ", if found to be such by the commission."

(3) By striking the words "structure or object of natural growth in question" from line 57 of section 5 and by substituting in lieu thereof the word "airport".

GEORGE FAUL.

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



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 2, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Joseph Newgard, Pastor of the Evangelical and Reformed Church of Wilton Junction.

The Journal of April 1st was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Goode, from members of the temperance committee of the New Zion Methodist church of Corydon, favoring passage of Senate Files 443 and 444.

By Senator Fuller, from members of the Bellevue chamber of commerce, in opposition to Senate File 5.

By Senator Byers, from residents of Cedar Rapids, favoring passage of Senate File 307.

Senator Corwin asked and received unanimous consent to introduce the Senior government class of the West Liberty High School who were present in the balcony with their instructor, Mr. Kleinefelter.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 267, 333 and 472.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 267, 333 and 472.

## 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 301, a bill for an act to make permanent certain transfers of funds in Guthrie county, Iowa.

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

House File 401, a bill for an act relating to old age assistance.

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

House File 400, a bill for an act relating to old age assistance.

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

House File 483, a bill for an act relating to an appropriation by the board of supervisors.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 360, a bill for an act to provide for publication or posting of summaries of proceedings and expenditures of school districts.

Also: That the House has adopted the following House concurrent resolution, in which the concurrence of the Senate is asked:

House Concurrent Resolution 34, relating to the completion of the clerical work of the Forty-ninth General Assembly.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE AMENDMENT TO SENATE FILE 360

Amend Senate File 360 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Section four thousand two hundred forty-two (4242), Code, 1939, is hereby repealed and the following enacted in lieu thereof:

"In each consolidated district and in each independent city or town school district, the board shall, during the first week of January and the first week of July of each year, publish by one insertion in at least one newspaper, if there is a newspaper published in said district, a summarized statement verified by affidavit of the secretary of the board showing the receipts and disbursements of all funds for the preceding six months, the statement of disbursements to show the names of the persons, firms, or corporations, and the total amount paid to each during said six months period. The fee for publication of the statement provided for herein shall not exceed one-half of the legal publication fee provided by statute for the publication of legal notice."

Amend the title of Senate File 360 as follows:

Strike first line of the title and the figures "1939" in the second line

and substitute the following: "An act to repeal section four thousand two hundred forty-two (4242), Code, 1939, and to enact a substitute therefor"; further amend the title by striking the word "monthly" in line three and inserting in lieu thereof the word: "semi-annual".

#### HOUSE CONCURRENT RESOLUTION 34

*Be It Resolved by the House, the Senate Concurring:* That the Chief Clerk of the House and the Secretary of the Senate 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-ninth General Assembly 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 supplies of members for shipment to their homes.

The Chief Clerk of the House and the Secretary of the Senate are hereby authorized to correct the Journal of the House and Senate 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 by the Comptroller of State upon certification by the Speaker and Chief Clerk of the House and the President and Secretary of the Senate.

#### THIRD READING OF BILLS

On motion of Senator Hart, the time having arrived for consideration of the Special Order, the Senate took up Senate File 540, a bill for an act to repeal section five hundred twenty-six and one tenth (526.1), Code, 1939, and to enact a substitute therefor, redistricting the state into eight (8) congressional districts.

Senator Goode called up the following substitute amendment by Senators Goode, Berg and Henningsen.

Amend Senate File 540 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section five hundred twenty-six and one tenth (526.1), Code, 1939, is hereby repealed and the following enacted in lieu thereof:

The state of Iowa is hereby organized and divided into eight (8) congressional districts, which shall be composed, respectively, of the following counties:

First district shall consist of the counties of Iowa, Johnson, Cedar, Scott, Muscatine, Washington, Louisa, Jefferson, Henry, Des Moines, Van Buren and Lee.

Second district shall consist of the counties of Winneshiek, Allamakee, Fayette, Clayton, Buchanan, Delaware, Dubuque, Linn, Jones, Jackson and Clinton.

Third district shall consist of the counties of Worth, Mitchell, Howard, Cerro Gordo, Floyd, Chickasaw, Franklin, Butler, Bremer, Hardin, Grundy, Black Hawk, Tama, Benton and Marshall.

Fourth district shall consist of the counties of Jasper, Poweshiek, Mahaska, Keokuk, Union, Clarke, Lucas, Monroe, Wapello, Ringgold, Decatur, Wayne, Appanoose and Davis.

Fifth district shall consist of the counties of Dallas, Polk, Madison, Warren, Marion and Story.

Sixth district shall consist of the counties of Emmet, Kossuth, Winnebago, Palo Alto, Hancock, Pocahontas, Humboldt, Wright, Calhoun, Webster, Hamilton, Crawford, Carroll, Greene and Boone.

Seventh district shall consist of the counties of Harrison, Shelby, Audubon, Guthrie, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Fremont, Page and Taylor.

Eighth district shall consist of the counties of Lyon, Osceola, Dickinson, Sioux, O'Brien, Clay, Plymouth, Cherokee, Buena Vista, Woodbury, Ida, Sac and Monona."

Senator Goode presented the following amendments proposed by the committee on congressional redistricting to the substitute amendment and moved their adoption :

Amend the substitute amendment offered by Senators Goode, Berg, and Henningsen to Senate File 540 as follows :

- (1) By adding at the end of line 13 the word "Benton,".
- (2) By striking from line 17 the word "Benton" and inserting in lieu thereof the word "Winnebago".
- (3) By striking from line 24 the word "Winnebago,".
- (4) By adding at the end of line 27 the word "Monona,".
- (5) By striking from line 31 the words "and Monona" and by inserting before the word "Sac" the word "and".

The amendments to the substitute amendment were adopted.

Senator Goode moved the adoption of the amendment as amended.

Roll call was demanded.

The President asked and received unanimous consent of the Senate that the vote to be taken on the amendment by Goode, Henningsen and Berg offering a substitute amendment for all pending amendments, if passed in the affirmative would constitute a substitution as moved in the motion and also would constitute an adoption of the amendment.

Thereafter roll call was had.

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

Ayes, 31:

Augustine	Emerson	Hill	Miller
Baldwin	Evans	Jones	Mowry
Bekman	Fuller	Keir	Munger
Benson	Goode	Long	Shaw
Berg	Hamiel	Lundy	Talbott
Byers	Harvey	Lynes	Turner
Clark	Henningsen	Martin	Whitehill
Dykhouse	Hess	Mercer	

Nays, 18:

Corwin	Faul	Johnson	Stewart
Cromwell	Findlay	Love	Vrba
Dewey	Hart	Pelzer	Watson
Donohue	Hattery	Sjulin	Zeigler
Elthon	Hunt		

Absent or not voting, 1:

Leo

The President declared the substitution made and amendment adopted.

Senator Elthon offered the following amendment by Senators Donohue and Elthon and moved its adoption:

Amend Senate File 540 by striking all after line 6 of section 1 and substituting the following:

"The first district shall be composed of the counties of Wayne, Appanoose, Davis, Van Buren, Lec, Des Moines, Henry, Jefferson, Wapello, Monroe, Lucas, Mahaska, Keokuk, Washington, Louisa and Muscatine.

The Second district shall be composed of the counties of Scott, Cedar, Clinton, Jackson, Jones, Linn, Benton, Buchanan, Delaware, and Dubuque.

The Third district shall be composed of the counties of Johnson, Iowa, Poweshiek, Jasper, Marshall, Tama, Hardin, Grundy, and Black Hawk.

The Fourth district shall be composed of the counties of Clayton, Fayette, Bremer, Butler, Franklin, Cerro Gordo, Floyd, Chickasaw, Allamakee, Winneshiek, Howard, Mitchell, Worth, and Winnebago.

The Fifth district shall be composed of the counties of Lyon, Osceola, Dickinson, Sioux, O'Brien, Clay, Plymouth, Cherokee, Buena Vista, Woodbury, Ida, and Sac.

The Sixth district shall be composed of the counties of Guthrie, Dallas, Polk, Story, Madison, Warren and Marion.

The Seventh district shall be composed of the counties of Monona, Harrison, Shelby, Audubon, Pottawattamie, Cass, Adair, Mills, Montgomery, Adams, Union, Clarke, Fremont, Page, Taylor, Ringgold, and Decatur.

The Eighth district shall be composed of the counties of Emmet, Palo Alto, Kossuth, Hancock, Pocahontas, Humboldt, Wright, Calhoun, Webster, Hamilton, Crawford, Carroll, Greene and Boone."

Further action was deferred temporarily.

#### HOUSE MESSAGES CONSIDERED

House File 301, a bill for an act to make permanent certain

transfers of funds in Guthrie County, Iowa.

Read first and second times and referred to sifting committee.

House File 400, a bill for an act to amend section three thousand eight hundred twenty-eight and three one thousandths (3828.003), Code, 1939; to repeal section three thousand eight hundred twenty-eight and five one thousandths (3828.005), Code, 1939; to amend section three thousand eight hundred twenty-eight and eight one thousandths (3828.008), Code, 1939; to amend section three thousand eight hundred twenty-eight and nine one thousandths (3828.009), Code, 1939; to repeal section three thousand eight hundred twenty-eight and eleven one thousandths (3828.011), Code, 1939; to amend section three thousand eight hundred twenty-eight and fourteen one thousandths (3828.014), Code, 1939; to amend section three thousand eight hundred twenty-eight and sixteen one thousandths (3828.016), Code, 1939; to amend section three thousand eight hundred twenty-eight and eighteen one thousandths (3828.018), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-one one thousandths (3828.021), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-two one thousandths (3828.022), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-three one thousandths (3828.023), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-six one thousandths (3828.026), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-nine one thousandths (3828.029), Code, 1939; to amend section three thousand eight hundred twenty-eight and thirty-five one thousandths (3828.035), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-seven one thousandths (3828.047), Code, 1939; all relating to old age assistance; to the powers and duties of the state board; to the appointment of a superintendent of old age assistance; to persons entitled to assistance; to the amount of assistance; to income from property owned by applicants; to procedure with application for old age assistance; to the issuance of assistance certificates; to residence of a recipient of assistance outside of the State of Iowa; to the payment of funeral expenses for persons receiving assistance; to the deduction from the estate of a deceased recipient for assistance advanced; to the transfer of real estate to the state board; to insurance which may be assigned to

the state board; to the liability of certain persons for the support of a claimant or recipient of old age assistance; to residents in institutions; to court costs in connection with guardianship proceedings; to the confidential nature of records.

Read first and second times and referred to sifting committee.

House File 401, a bill for an act to amend section three thousand eight hundred twenty-eight and one one-thousandth (3828.001), Code, 1939; to repeal section three thousand eight hundred twenty-eight and two one-thousandths (3828.002), Code, 1939, to amend section section three thousand eight hundred twenty-eight and six one-thousandths (3828.006), Code, 1939; to amend section three thousand eight hundred twenty-eight and eight one-thousandths (3828.008), Code, 1939; to amend section three thousand eight hundred twenty-eight and ten one-thousandths (3828.010), Code, 1939; to amend section three thousand eight hundred twenty-eight and twelve one-thousandths (3828.012), Code, 1939; to amend section three thousand eight hundred twenty-eight and fourteen one-thousandths (3828.014), Code, 1939; to amend section three thousand eight hundred twenty-eight and sixteen one-thousandths (3828.016), Code, 1939; to amend section three thousand eight hundred twenty-eight and eighteen one-thousandths (3828.018), Code, 1939; to amend section three thousand eight hundred twenty-eight and nineteen one-thousandths (3828.019), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty one-thousandths (3828.020), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-one one-thousandths (3828.021), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-three one-thousandths (3828.023), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-five one-thousandths (3828.025), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-six one thousandths (3828.026), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-seven one-thousandths (3828.027), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-eight one-thousandths (3828.028), Code, 1939; to amend section three thousand eight hundred twenty-eight and thirty-five one-thousandths (3828.035), Code, 1939; to amend section three thousand eight hundred twenty-eight and thirty-nine one-thousandths (3828.039), Code, 1939; to amend section three

thousand eight hundred twenty-eight and forty-two one thousandths (3828.042), Code, 1939; to amend section three thousand and eight hundred twenty-eight and forty-three one-thousandths (3828.043), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-four one-thousandths (3828.044), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-five one-thousandths (3828.045), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-seven one-thousandths (3828.047), Code, 1939; to amend section three thousand eight hundred twenty-eight and fifty one-thousandths (3828.050), Code, 1939; all relating to old-age assistance; to the definition of terms used in chapter one hundred eighty-nine and one-tenth (189.1); to the creation of the division of old-age assistance; to old-age assistance investigators; to whom old-age assistance may be granted; to the consideration of the income of an applicant for old-age assistance; to property exclusions; to procedure with application for old-age assistance; to the issuance of assistance certificates; to the renewal of assistance certificates; to the assistance certificates improperly obtained; to the time when assistance commences; to the payment of funeral expenses for persons receiving assistance; to the transfer of real estate to the state board; to compromise settlements by the state; to insurance that may be assigned by the state board; to notify the board of increase of property or income; to recovery from responsible relatives of old age assistance furnished recipient; to guardianship proceedings during incapacity of applicant or recipient; to the creation of the old-age assistance fund; to the creation of the old age assistance revolving fund; to the authority of the state board to accept gifts; to the cancellation of warrants; to the payment of funds to the United States; to the confidential nature of records; and to the penalty for the violation of Chapter one hundred eighty-nine and one tenth (189.1).

Read first and second times and referred to Sifting committee.

House File 483, a bill for an act relating to farm aid associations, to amend section two thousand nine hundred thirty (2930), Code, 1939, relating to an appropriation by the board of supervisors.

Read first and second times and referred to Sifting committee.

On motion of Senator Elthon, the Senate recessed until 1:30 p. m.



## AFTERNOON SESSION

The Senate reconvened, President Hickenlooper 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 has passed the following bill, in which the concurrence of the House was asked:

Senate File 437, a bill for an act relating to liens for inheritance taxes.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 50, a bill for an act relating to any project for the paving of a portion of the primary road extension within such city or town.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 315, a bill for an act relating to general powers of cities and towns.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 318, a bill for an act relating to landlord's lien.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 220, a bill for an act relating to the publication of certain advertisements and notices.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 376, a bill for an act relating to general powers of cities and towns.

Also: That the House has tabled the following bill, in which the concurrence of the House was asked:

Senate File 335, a bill for an act to provide for the supervision of boy's athletic competition among the high schools of the state.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE AMENDMENT TO SENATE FILE 376

Amend Senate File 376 by adding as section 3 the following: "Any city or town council including cities under special charter may obtain for auditorium purposes by rental, property located within or adjoining the corporate limits and to maintain, repair, improve or equip such property and to lease such property from the owner or owners thereof for such term and on such conditions as they deem advisable."

Further amend by renumbering the following section.

Senator Mowry asked and received unanimous consent to in-

roduce the members of the civics class of the Newton High School who were present in the balcony with their teacher.

The Senate resumed consideration of Senate File 540 and the amendment offered by Senators Elthon and Donohue.

Senator Clark moved the previous question on the amendment by Senators Elthon and Donohue, which motion prevailed.

The amendment was lost.

Senator Long offered the following amendment and moved its adoption:

Amend Senate File 540 by striking from section 1 thereof lines 9, 10, 11, 12, 13, and 14, and substituting in lieu thereof the following:

Second district shall consist of the counties of Marshall, Tama, Benton, Linn, Jones, Clinton, Jackson, Dubuque, and Black Hawk.

Third district shall consist of the counties of Winnebago, Worth, Mitchell, Howard, Winneshiek, Allamakee, Cerro Gordo, Floyd, Chickasaw, Fayette, Clayton, Franklin, Butler, Bremer, Hardin, Grundy, Buchanan, and Delaware.

Senator Donohue offered the following amendment to the amendment by Senator Long and moved its adoption:

Amend the amendment by Senator Long to Senate File 540 by striking from line 7 the word "Dubuque,".

Further amend by inserting after the word "Buchanan" the word "Delaware,".

The amendment to the amendment was lost.

Roll call was demanded on the amendment by Senator Long.

On the question, "Shall the amendment by Senator Long be adopted?" the vote was:

Ayes, 7:

Donohue	Hart	Long	Zeigler
Elthon	Hunt	Stewart	

Nays, 35:

Augustine	Emerson	Hill	Mowry
Baldwin	Evans	Jones	Munger
Bekman	Findlay	Keir	Shaw
Benson	Fuller	Leo	Sjulin
Berg	Goode	Lundy	Talbott
Byers	Hamiel	Lynes	Turner
Clark	Harvey	Martin	Watson
Corwin	Henningsen	Mercer	Whitehill
Cromwell	Hess	Miller	

Absent or not voting, 8:

Dewey	Faul	Johnson	Pelzer
Dykhouse	Hattery	Love	Vrba

The amendment was lost.

Senator Byers moved the previous question on the main bill, which motion prevailed.

Senator Goode asked and received unanimous consent to offer the following amendment and move its adoption:

Amend Senate File 540 by adding thereto the following:

Sec. 2. This act shall be effective as to the nomination and election of representatives in congress for this state in 1942 and succeeding years. Nothing herein contained shall affect the law concerning the filling of vacancies, should any occur in the seventy-seventh (77th) congress.

Sec. 3. Nothing herein contained shall affect the terms of office of officials now holding certificates of election from the various congressional districts of Iowa.

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, 37:

Augustine	Faul	Hill	Mowry
Bekman	Findlay	Jones	Munger
Benson	Fuller	Keir	Pelzer
Berg	Goode	Love	Shaw
Byers	Hamiel	Lundy	Sjulin
Clark	Harvey	Lynes	Talbott
Cromwell	Hattery	Martin	Turner
Dykhouse	Henningsen	Mercer	Watson
Emerson	Hess	Miller	Whitehill
Evans			

Nays, 13:

Baldwin	Elthon	Johnson	Stewart
Corwin	Hart	Leo	Vrba
Dewey	Hunt	Long	Zeigler
Donohue			

Absent or not voting, none.

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

Senator Goode 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.

Senator Goode asked and received unanimous consent to have Senate File 540 engrossed before it is messaged to the House and that 1000 copies be printed as engrossed.

#### HOUSE AMENDMENTS CONSIDERED

Senator Berg called up for consideration Senate File 514, a bill for an act to amend, revise and codify section eighty-four and twenty-six hundredths (84.26), section eighty-four and twenty-seven hundredths (84.27), section eighty-four and thirty hundredths (84.30), section eighty-four and thirty-one hundredths (84.31), section eighty-four and thirty-two hundredths (84.32), in chapter seven and one tenth (7.1), the budget and financial control act, Code, 1939, relating to the execution of the budget, the expenditure of appropriations, the reversion and transfer of balances, the financial fiscal term, and the use of appropriations, amended by the House, and moved that the Senate concur in the following amendments:

#### HOUSE AMENDMENT TO SENATE FILE 514

Amend Senate File 514 by adding as Section 5 the following:

Sec. 5. Section eighty-four and thirty-two hundredths (84.32), Code, 1939, is amended, revised and codified to read as follows:

"84.32. No appropriation nor any part thereof shall be used for any other purpose than that for which it was made except as otherwise provided by law; provided that the governing board or head of any state department, institution, or agency, may, with the written consent and approval of the governor and state comptroller first obtained, at any time during the biennial fiscal term, partially or wholly use its unexpended appropriations for purposes within the scope of such department, institution or agency.

Provided further, When the appropriation of any department, institution or agency is insufficient to properly meet the legitimate expenses of such department, institution or agency of the state, the state comptroller, with the approval of the governor, is authorized to transfer from any other department, institution or agency of the state having an appropriation in excess of its necessity, sufficient funds to meet that deficiency."

Amend the title to Senate File 514 by adding after the comma following the figures "(84.31)", the following:

"section eighty-four and thirty-two hundredths (84.32),".

The Senate concurred in the amendments.

Senator Berg moved that the bill as amended by the House and concurred in by the Senate 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:

Augustine	Evans	Keir	Munger
Baldwin	Findlay	Leo	Pelzer
Benson	Fuller	Long	Shaw
Berg	Hamiel	Love	Sjulin
Byers	Harvey	Lynes	Talbott
Clark	Hattery	Martin	Turner
Corwin	Henningsen	Mercer	Vrba
Dewey	Hess	Miller	Watson
Elthon	Hill	Mowry	Zeigler
Emerson	Jones		

Nays, none.

Absent or not voting, 12:

Bekman	Dykhouse	Hart	Lundy
Cromwell	Faul	Hunt	Stewart
Donohue	Goode	Johnson	Whitehill

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

Senator Berg 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.

Senator Munger called up for consideration Senate File 376, a bill for an act to amend section six thousand two hundred eleven (6211), chapter three hundred seventeen (317), Code, 1939, relating to general powers of cities and towns to levy special taxes to build, purchase or remodel a city or town hall, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 376 by adding as section 3 the following: "Any city or town council including cities under special charter may obtain for auditorium purposes by rental, property located within or adjoining the corporate limits and to maintain, repair, improve or equip such property and to lease such property from the owner or owners thereof for such term and on such conditions as they deem advisable."

Further amend by renumbering the following section.

Amend the title by inserting after the word "hall" in line five the following: ", and authorizing city or town councils including city or town councils of cities or towns under special charter to rent property located within or adjoining the corporate limits and to maintain, repair, improve or equip such property and to lease such property from the owner or owners of such property for auditorium purposes".

The Senate concurred in the House amendments.

Senator Munger moved that the bill as amended by the House

and concurred in by the Senate 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, 47:

Augustine	Elthon	Hunt	Mowry
Baldwin	Emerson	Johnson	Munger
Bekman	Evans	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Harvey	Lundy	Turner
Cromwell	Hattery	Lynes	Vrba
Dewey	Henningsen	Martin	Whitehill
Donohue	Hess	Mercer	Zeigler
Dykhouse	Hill	Miller	

Nays, 1:

Watson

Absent or not voting, 2:

Faul Hart

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

Senator Munger 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.

Senator Donohue called up for consideration Senate File 217, a bill for an act to amend sections six thousand nine hundred forty-three and forty-one thousandths (6943.041) and six thousand nine hundred forty-three and forty-four thousandths (6943.-044), Code, 1939, relating to personal exemption from income tax, amended by the House, and moved that the Senate concur in the following amendments:

#### HOUSE AMENDMENTS TO SENATE FILE 217

Amend Senate File 217 by striking all after the enacting clause and substituting therefor the following:

"Section 1. Section six thousand nine hundred forty-three and forty-four thousandths (6943.044), Code, 1939, is hereby amended by striking lines one (1), two (2), and three (3) of subsection four (4) and substituting therefor the following:

'4. For each actual dependent other than as specified in subsection 3 of this section, the taxpayer may deduct the sum of five dollars; or in lieu thereof in the case of a father, mother or grandparent dependent upon

the taxpayer, the taxpayer in computing the net income may make deduction therefrom of three hundred dollars for such dependent.'"

Amend the title to Senate File 217 by striking the title and substituting therefor the following:

"A bill for an act to amend section six thousand nine hundred forty-three and forty-four thousandths (6943.044), Code, 1939, relating to personal exemption from income tax."

The Senate concurred in the House amendments.

Senator Donohue moved that the bill as amended by the House and concurred in by the Senate 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:**

Augustine	Faul	Hunt	Munger
Bekman	Findlay	Johnson	Pelzer
Benson	Goode	Jones	Shaw
Byers	Hamiel	Keir	Sjulin
Clark	Hart	Leo	Stewart
Corwin	Harvey	Lundy	Talbott
Cromwell	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Vrba
Donohue	Hess	Miller	Watson
Evans	Hill	Mowry	Zeigler

**Nays, none.**

**Absent or not voting, 10:**

Baldwin	Elthon	Long	Mercer
Berg	Emerson	Love	Whitehill
Dykhouse	Fuller		

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

Senator Donohue 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.

Senator Donohue moved that the signature of the Lieutenant Governor and his report on Senate File 75 be expunged from the record, which motion prevailed.

Senator Donohue moved that the vote by which the report of the committee on enrolled bills on Senate File 75 was adopted by reconsidered, which motion prevailed and the report was reconsidered.

Senator Donohue moved that the report of the committee on

enrolled bills on Senate File 75 be rejected. The motion prevailed and the report was rejected.

Senator Donohue moved to take from the table the motion to reconsider the vote by which Senate File 75 passed the Senate, which motion prevailed.

Senator Donohue moved to reconsider the vote by which Senate File 75 passed the Senate.

On the question, "Shall the Senate reconsider the vote by which Senate File 75 passed the Senate?" the vote was:

**Ayes, 44:**

Augustine	Elthon	Hunt	Miller
Baldwin	Evans	Johnson	Mowry
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Goode	Leo	Sjulin
Byers	Hamiel	Long	Stewart
Clark	Harvey	Love	Talbott
Corwin	Hattery	Lundy	Turner
Cromwell	Henningsen	Lynes	Vrba
Dewey	Hess	Martin	Watson
Donohue	Hill	Mercer	Zeigler

**Nays, none.**

**Absent or not voting, 6:**

Dykhouse	Fuller	Munger	Whitehill
Emerson	Hart		

The motion prevailed and the Senate reconsidered the vote by which Senate File 75 passed the Senate.

Senator Donohue asked and received unanimous consent to reconsider the vote by which Senate File 75 went to its third reading, which motion prevailed.

Senator Donohue asked and received unanimous consent to have Senate File 75 carried on the calendar as unfinished business until the corrections could be prepared and presented to the Senate.

Senator Hattery called up the following conference committee report on House File 8, a bill for an act to amend sections three thousand fifty-eight (3058) and three thousand sixty (3060), Code, 1939, relating to adulteration of foods, and moved its adoption:

#### CONFERENCE COMMITTEE REPORT ON HOUSE FILE 8

**MR. PRESIDENT:** We, the joint committee to whom was referred House File 8, beg leave to report that we have carefully considered the same and recommend the following:



(1) That the Senate recede from their amendment.

(2) That the bill be amended by striking lines 14, 15, 16, 17, 18, and 19, and substituting in lieu thereof the following:

"35-C. 'Frozen Malted Milk' means the pure, clean, frozen or semi-frozen product made from the combination of milk products, malted milk and one or more of the following ingredients: eggs, sugar, dextrose, and honey, with or without flavoring and coloring, and with or without edible gelatin or vegetable stabilizer; and in the manufacture of which freezing has been accompanied by agitation of the ingredients. It contains not more than one-half of one per centum by weight of edible gelatin or vegetable stabilizer, not less than seven per centum by weight of milk fat, not less than fourteen per centum by weight of total milk solids, and not less than three per centum by weight of malted milk. In no case shall frozen malted milk contain less than one and three-tenths pounds of total food solids per gallon or weigh less than four and one-half pounds per gallon.

Provided however, products complying with the above definition except that they contain less than seven (7) per cent by weight of milk fat, shall be sold only in the manufacturer's original package or wrapper and must be labeled in plain legible eight point type with the words "imitation frozen malted milk".

Respectfully submitted,

JOHN R. HATTERY.

J. F. MILLER.

DEWEY E. GOODE.

R. E. DUFFIELD.

J. KENDALL LYNES.

W. R. FIMMEN.

FRANK C. BYERS.

M. D. VAN OOSTERHOUT.

*On the part of the Senate.*

*On the part of the House.*

The conference committee report was adopted.

The amendment contained therein was adopted.

Senator Hattery moved that the bill be read a third time and placed on its passage, which motion prevailed and the bill was read a third time.

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

Ayes, 41:

Augustine	Elthon	Hill	Miller
Bekman	Emerson	Johnson	Mowry
Benson	Evans	Jones	Pelzer
Berg	Findlay	Keir	Shaw
Byers	Goode	Leo	Sjulin
Clark	Hamiel	Long	Stewart
Corwin	Hart	Love	Talbott
Cromwell	Hattery	Lundy	Turner
Dewey	Henningsen	Lynes	Vrba
Donohue	Hess	Martin	Zeigler
Dykhouse			

Nays, 2:

Baldwin                      Faul

Absent or not voting, 7:

Fuller	Hunt	Munger	Whitehill
Harvey	Mercer	Watson	

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

Senator Hattery 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.

Senator Baldwin called up for consideration Senate File 360, a bill for an act to amend chapter two hundred thirteen (213), Code, 1939, to provide for publication or posting of monthly summaries of proceedings and expenditures of school districts, amended by the House, and moved that the Senate refuse to concur in the following amendments:

#### HOUSE AMENDMENT TO SENATE FILE 360

Amend Senate File 360 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Section four thousand two hundred forty-two (4242), Code, 1939, is hereby repealed and the following enacted in lieu thereof:

"In each consolidated district and in each independent city or town school district, the board shall, during the first week of January and the first week of July of each year, publish by one insertion in at least one newspaper, if there is a newspaper published in said district, a summarized statement verified by affidavit of the secretary of the board showing the receipts and disbursements of all funds for the preceding six months, the statement of disbursements to show the names of the persons, firms, or corporations, and the total amount paid to each during said six months period. The fee for publication of the statement provided for herein shall not exceed one-half of the legal publication fee provided by statute for the publication of legal notice."

Amend the title to Senate File 360 as follows:

Strike first line of the title and the figures "1939" in the second line and substitute the following: "An Act to repeal section four thousand two hundred forty-two (4242), Code, 1939, and to enact a substitute therefor"; further amend the title by striking the word "monthly" in line three and inserting in lieu thereof the word: "semi-annual".

Senator Hess asked and received unanimous consent to have action deferred on Senate File 360 and that it retain its place on the calendar.

#### THIRD READING OF BILLS

On motion of Senator Hamiel, the Senate resumed consideration of Senate File 481, a bill for an act to amend section four thousand

two hundred twenty-nine (4229), Code, 1939, relating to teachers' contracts, and to provide for continuing contracts for teachers.

Senators Hamiel and Munger offered the following amendment and moved its adoption:

Amend Senate File 481 by inserting after the word "effect" in line 4 of Section 1 thereof the following: "for the term stated in the contract, and shall be automatically renewed from term to term thereafter,".

Senator Hamiel offered the following amendment to the amendment and moved its adoption:

Amend the amendments to Senate File 481 filed March 24, 1941, by Munger and Hamiel, by striking the word "renewed" in line 3 of said amendment and substituting in lieu thereof the word "continued".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Hamiel 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, 50:**

Augustine	Emerson	Hunt	Mowry
Baldwin	Evans	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hess	Miller	Zeigler
Elthon	Hill		

**Nays, none.**

**Absent or not voting, none.**

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

Senator Hamiel 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.

On motion of Senator Bekman Senate File 211, a bill for an act to amend chapter one hundred twenty-two (122) relating to the practice of optometry and dispensing of ophthalmic lenses, with

report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Vrba asked and received unanimous consent to withdraw the amendment filed by him and found on page 693 of the Journal.

Senator Bekman offered the following amendment and moved its adoption:

Amend section 2 by striking the quotation mark at the end of said section and add thereto the following: "The attendance requirement at said educational program or clinic shall not be conditioned upon membership in said Iowa Optometric Association. Non-members shall be admitted to said annual educational program or clinic upon payment of their pro rata share of the cost. In lieu of attendance at the said annual educational program or clinic, it shall be the duty of the Board of Optometry Examiners to recognize and approve attendance at local optometric study group meetings as shall, in the judgment of said board, constitute an equivalent to attendance at the annual educational program of said association."

The amendment was adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 211 by striking from section 5 lines 6, 7, and 8 the following words: "practising optometrist or licensed practitioner of medicine and surgery as defined in chapter one hundred sixteen (116) of the Code." and inserting in lieu thereof the words, "practitioner referred to in this chapter."

Also amend section 5 line 8 by adding after the word "furnish" the words "his patient".

The amendment was adopted.

Senator Bekman asked and received unanimous consent to reconsider the vote by which the amendment was adopted.

Senator Bekman asked and received unanimous consent to withdraw the amendment.

Senator Bekman offered the following amendment by Senators Sjulín, Hill, and Bekman and moved its adoption:

Amend Senate File 211 by adding thereto at the end thereof as a new section the following:

Sec. 7. For the purpose of this act, an ophthalmic lens shall mean one which has been ground to fill the requirements of a particular prescription.

The amendment was adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 211 by striking from section 5, lines 6, 7, and 8 the following words: "practicing optometrist, or licensed practitioner of medicine and surgery as defined in chapter one hundred sixteen (116) of the Code." and inserting in lieu thereof the words "practitioner referred to in this chapter, or other practitioner authorized to write said prescriptions or orders."

Also amend section 5, line 8 by adding after the word "furnish" the words "his patient".

The amendment was adopted.

Senator Bekman 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, 42:

Augustine	Elthon	Johnson	Mowry
Baldwin	Emerson	Jones	Munger
Bekman	Evans	Keir	Pelzer
Benson	Faul	Leo	Shaw
Berg	Fuller	Long	Sjulin
Byers	Hamiel	Love	Talbott
Corwin	Hart	Lynes	Turner
Cromwell	Harvey	Martin	Vrba
Dewey	Hattery	Mercer	Watson
Donohue	Henningsen	Miller	Zeigler
Dykhouse	Hill		

Nays, 4:

Findlay	Hess	Hunt	Stewart
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Absent or not voting, 4:

Clark	Goode	Lundy	Whitehill
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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 Bekman 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.

Senator Bekman asked and received unanimous consent to have the bill engrossed before being messaged to the House.

Senator Baldwin read the following poem, written by Senator Emerson in honor of the birthday of Senator DeVere Watson:

Back in eighteen hundred and ninety-three,  
 In the land of the Pott-a-watt-omie,  
 A boy was born with lungs quite strong;  
 He cried like hell—and plenty long.

Born on April first, when the spring was young—  
 He let out a war whoop—and here he come;  
 He grew like a weed—as strong as an ox,  
 He hunted and fished and survived chickenpox.

Working hard—early in life he gained fame,  
 But always he showed that Indian strain;  
 When he came to the Senate in '41,  
 He brought the wigwam—head-dress and drum.

And now you can see, when the skies are clear,  
 The signal smoke—and hear a faint cheer  
 From the spot that is known both far and near;  
 It's a pretty safe bet, they're not drinking beer.

This boy from the West—the Big Chief DeVere—  
 Is a mighty good fellow and we're glad he's here.  
 He toils in the Senate but when day is done,  
 He likes to forget it—make whoopee, have fun.

On this April day with the sun shining bright,  
 We pay our respects—the boy is all right;  
 And wish him good luck, on this his birthday,  
 We love him and hope his Wigwam's here to stay.

When the Chief grows old and dreams in the sun,  
 And thinks of this session—its strife and its fun,  
 May he always remember this day and this year—  
 All the friendships and pals he has gained here.

Senator Baldwin asked and received unanimous consent to have the poem printed in the Journal.

Senator Donohue moved that Senate File 396 be made a special order of business for 10:00 a.m. Friday.

The motion was lost.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 2, 227, and 385 and House Files 239, 248, 251, 437, 518, 412, 291, 397, 506, 517, 523, 524.

EDWARD H. VRBA, *Chairman Senate Committee.*  
 GORDON SMITH, *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 2, 227 and 385, and House Files, 239, 248, 251, 437, 518, 412, 291, 397, 506, 517, 524, 523.

## BILLS SENT TO THE GOVERNOR

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

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 2nd day of April, 1941, sent to the Governor for his approval: Senate Files 2, 227, 267, 333, 385, and 472.

EDWARD H. VRBA, *Chairman.*

Passed on file.

## AMENDMENTS FILED

Amend Senate File 75 by adding thereto the following:

"Sec. 2. The judge of the district court in which the estate of the decedent is probated may, upon application being filed by the executor or administrator setting forth the income received by said estate, fix a time and place for hearing upon said application and prescribe the notice to be given to the State Tax Commission and may upon hearing determine whether or not the said estate is subject to income tax and, if the facts warrant such a finding, enter an order relieving said executor or administrator from making an income tax report and order that the said estate is not subject to the payment of income tax. Such order shall not become final until thirty days after the same has been filed with the clerk of the district court and a copy of the order entered by the judge shall be immediately mailed to the State Tax Commission by said executor or administrator by registered mail and a return filed showing the mailing of the same.

Sec. 3. In all estates of decedents in which the executor or administrator has failed to file an income tax return and where the estate has been closed prior to January 1, 1940 it shall be presumed that no income tax is owing to the state of Iowa from said estate and such presumption shall be conclusive after the first day of January, 1942.

Sec. 4. This act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Red Oak Sun of Red Oak, Iowa, and the Malvern Leader, of Malvern, Iowa."

E. P. DONOHUE.

Amend the Henningsen-Evans amendment to Senate File 399, which appears on pages 888-893 of the Senate Journal for March 26, 1941, as follows:

1. Amend section 8 by striking from the last line thereof the figure "9" and inserting in lieu thereof the figure "10".
2. Amend section 9 by striking from the last line thereof the word and

figures "9, 12 and 13" and inserting in lieu thereof the word and figures "10, 13 and 14."

3. Amend section 19 by striking from each of lines 4 and 7 thereof the figure "9" and inserting in lieu of each figure so stricken the figures "10."

4. Amend section 21 by striking from the first line thereof the figures "18" and inserting in lieu thereof the figures "17."

5. Further amend said section 21 by striking from line 5 thereof the word and figures "12, 13 and 14" and inserting in lieu thereof the word and figures "13, 14 and 15."

K. A. EVANS.

O. E. HENNINGSEN.

Amend Senate File 508 as follows:

Amend section 8, subsection b, line 16 by adding after the word "thereof" the following:

"provided such cost of construction, reconstruction, improvement, alteration and repair per family dwelling unit shall not exceed the sum of three thousand dollars (\$3,000), exclusive of land, cost of demolition and non-dwelling facilities."

E. K. BEKMAN.

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



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 3, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Lester Greenwood, Pastor of the Methodist Episcopal Church of Harlan.

The Journal of April 2nd was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Cromwell, from members of the Burlington Council of Parent Teachers association, favoring passage of Senate File 508.

By Senator Clark, from members of the committee on temperance of the New Zion Methodist Church of Corydon, favoring certain liquor legislation.

By Senator Harvey, from truck operators of Crawford county, in opposition to House File 489 and Senate File 399.

By Senator Long, from retail merchants of Earlville, in opposition to Senate File 5.

Senator Lundy offered the following concurrent resolution and moved its adoption.

## SENATE CONCURRENT RESOLUTION 24

*Whereas*, The coal industry is the second largest industry of Iowa; and  
*Whereas*, The industry is able to produce in excess of ten million tons, annually, but because of adverse conditions it is only producing four million tons; and

*Whereas*, The stability of the Iowa coal industry will greatly increase the employment of labor, aid in stabilizing agricultural products, decrease the rolls of unemployed and aid in bringing prosperity to all the people of Iowa; and

*Whereas*, The stabilization of the Iowa coal industry can be accomplished by all industries in Iowa using Iowa coal for the generation of heat, steam, power and electricity; therefore,

*Be It Resolved by the Senate, the House Concurring:* That a committee of two members of the House, appointed by the Speaker, two members of the Senate, appointed by the President of the Senate, and a representative of the Governor, appointed by the Governor, be appointed to contact all major industries operating in Iowa, urging them to use Iowa coal.

*Be It Further Resolved,* That all Iowa industries be encouraged to use Iowa coal as far as possible and practical. That the said committee shall serve without expense to the state.

The motion prevailed and the resolution was adopted.

### THIRD READING OF BILLS

On motion of Senator Donohue, Senate File 75, a bill for an act to amend section six thousand nine hundred forty-three and fifty-five thousandths (6943.055), Code, 1939, relating to the making of income tax returns by administrators, was taken up and considered.

Senator Donohue asked and received unanimous consent to withdraw the amendment filed by him and found on page 1029 of the Journal.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 75 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section six thousand nine hundred forty-three and fifty-five thousandths (6943.055), Code, 1939, is hereby amended by adding thereto the following sentence: 'In the making of said return, the executor or administrator shall use the same method of computation, either cash or accrual, as was last used by the deceased taxpayer.'

"Sec. 2. The judge of the district court in which the estate of the decedent is probated may, upon application being filed by the executor or administrator setting forth the income received by said estate, fix a time and place for hearing upon said application and prescribe the notice to be given to the state tax commission and may upon hearing determine whether or not the said estate is subject to income tax and, if the facts warrant such a finding, enter an order relieving said executor or administrator from making an income tax report and order that the said estate is not subject to the payment of income tax. Such order shall not become final until thirty days after the same has been filed with the clerk of the district court and a copy of the order entered by the judge shall be immediately mailed to the state tax commission by said executor or administrator by registered mail and a return filed showing the mailing of the same.

"Sec. 3. In all estates of decedents in which the executor or administrator has failed to file an income tax return and where the estate has been closed prior to January 1, 1940, it shall be presumed that no income

tax is owing to the state of Iowa from said estate and said presumption shall be conclusive after the first day of January, 1942.

"Sec. 4. This act being deemed of immediate importance, shall be in full force and effect from and after its publication in the Red Oak Sun of Red Oak, Iowa, and the Malvern Leader, of Malvern, Iowa."

The amendment was adopted.

Senator Donohue 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, 43:

Augustine	Evans	Johnson	Pelzer
Bekman	Faul	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Fuller	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Henningsen	Martin	Watson
Donohue	Hess	Miller	Whitehill
Elthon	Hill	Mowry	Zeigler
Emerson	Hunt	Munger	

Nays, none.

Absent or not voting, 7:

Baldwin	Dykhous	Hattery	Mercer
Benson	Goode	Lundy	

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

Senator Donohue 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.

Senator Donohue asked and received unanimous consent to have the bill engrossed.

Senator Shaw moved that the Senate request the return of House File 134 from the House, which 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 552, a bill for an act to make appropriations to Walker-Shum, Bedford, Iowa, and Westcott-Doughty-Chandler Funeral Chapel, Sioux City, Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 548, a bill for an act to make an appropriation to Dr. Floyd C. Bridge, Storm Lake, Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 265, a bill for an act authorizing the deduction from salary of an employe of the state of Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 67, a bill for an act relating to control and management of certain drainage districts.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 549, a bill for an act to make appropriations to Firestone Tire and Rubber Co. and Lally's Service, Des Moines, Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 194, a bill for an act providing for a levy of taxes for airports.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 544, a bill for an act relating to appropriations to cover refunds on motor vehicle registration fees.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 545, a bill for an act to make an appropriation to Breda Savings Bank, Breda, Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 546, a bill for an act to make appropriations to persons in settlement of damages sustained on account of accidents on primary roads.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 547, a bill for an act to make an appropriation to LeRoy Huskamp, Cedar Falls, Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 550, a bill for an act to make an appropriation to Lyon Brothers, Cambridge, Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 436, a bill for an act relating to time for filing claims against estates.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 539, a bill for an act relating to senatorial districts.

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

House File 295, a bill for an act relating to agricultural seeds.

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

House File 155, a bill for an act relating to authorized investment of trust funds.

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

House File 444, a bill for an act relating to escaped inmates from the Women's Reformatory.

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

House File 541, a bill for an act relating to adoption records to be sent to the state board of control.

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

House File 336, a bill for an act relating to paroling of patients from a state hospital.

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

House File 442, a bill for an act relating to the purchase of land adjoining the Iowa state penitentiary.

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

House File 515, a bill for an act relating to placing of children in the Iowa Soldiers' Orphans' Home.

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

House File 526, a bill for an act relating to the investment in real estate bonds and mortgages by banks.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 242, a bill for an act relating to the use of public school buildings.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENTS TO SENATE FILE 242

Amend by striking the comma after the word "purposes" in the last line of the bill and inserting in lieu thereof the following: "; provided, however, that the board may not grant such permission to any organization known or believed to hold views that are in conflict with the pub-

lican form of government as set forth in the Constitution of the United States;”.

Further amend by adding the following as section two of the bill:

“Sec. 2. The rights now in existence shall not be affected by the provisions of this act.”.

### THIRD READING OF BILLS

On motion of Senator Cromwell, Senate File 508, a bill for an act to declare the necessity of creating, in areas in or proximate to which there is located an ordnance plant or other project which the Federal Government shall deem desirable in the development of the national defense, public bodies corporate and politic to be known as housing authorities to undertake slum clearance and projects to provide dwelling accommodations for persons of low income in urban and rural areas; to create such housing authorities in cities and counties; to define the powers and duties of housing authorities and to provide for the exercise of such powers, including acquiring property, exercising the power of eminent domain, borrowing money, issuing bonds and other obligations, and giving security therefor; to provide that housing authorities, their property and securities shall be exempt from taxation and assessment, but to authorize certain payments in lieu of taxes; to confer remedies on obligees of housing authorities; to authorize cities, towns and counties to enter into agreements with housing authorities and to cooperate with housing authorities for the full development thereof, and to permit such housing facilities to be used for the housing of national defense workers during the emergency period where deemed necessary, was taken up and considered.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 508 Section 20 in line 7 by changing the word “may” to “shall”.

The amendment was adopted.

Senator Cromwell asked and received unanimous consent to withdraw the amendments filed by him and found on pages 755, 791 and 808 of the Journal.

Senator Byers offered the following amendment and moved its adoption:

Amend Senate File 508 by striking the word “activities” in line four (4) of section 23 and inserting in lieu thereof “projects as herein defined”.

The amendment was adopted.

Senator Cromwell offered the following amendment and moved its adoption:

I offer the following amendments to Senate File 508 in lieu of all pending amendments:

Amend Senate File 508 as follows:

Amend paragraph (b) of section 2 to read as follows:

"City shall mean any city in the state (including any city operating under special charter, under commission government, or under management plan), having a population of twenty-five thousand (25,000) persons or over, in or in the vicinity of which there is or shall be located a national defense project (defined to mean and include an ordnance plant or depot, military establishment, arsenal, powder plant, munition plant or depot connected with and essential to the national defense)."

In line 14 of section 2, strike the following: ", in the case of a city,".

In lines 15 and 16 of section 2, strike the following: ", and in the case of a county, the Board of Supervisors".

In line 22 of section 2, strike the following: ", in the case of a city,".

In line 23 of section 2, strike the following: "and in the case of a county, the county auditor".

In line 27 of section 2 strike the following: "which lies within the" and insert in lieu thereof, "of operation of a housing".

In lines 29, 30, 31 and 32 of section 2, strike the following: "; and two (2) in the case of a housing authority of a county, shall include all of the county except that portion which lies within the territorial boundaries of any city".

In line 76 of section 2, pluralize the second word "assignee".

Amend section 3 by substituting for the first two paragraphs thereof the following:

"In each city as hereinbefore defined there is hereby authorized to be created a public body corporate and politic to be known as the 'Housing Authority' of the city. The creation of such housing authority may be effected by the adoption by the governing body of the city of a resolution declaring that there is need for the authority to function in such city. The determination of the governing body as to whether there is need for such an authority (a) may be made by the governing body on its own motion, or (b) may be made by the governing body upon the filing of a petition signed by one hundred (100) qualifying voters residing in said city asserting that there is need for the authority to function in such city and requesting that the governing body so declare.

"The governing body may adopt a resolution declaring that there is need for the housing authority to function in the city, (1) if it finds (and only if it finds) (a) that there is located in or in the vicinity of the city, a national defense project as defined in paragraph (b) of Section 2, which has resulted in a shortage of safe and sanitary dwelling accommodations in such city; (b) that unsafe or unsanitary inhabited dwelling accommodations exist in such city; and (c) that there is a shortage of safe and sanitary dwelling accommodations in such city available to

persons of low incomes at rentals they can afford to pay; and (2) if such findings (and only if such findings) are approved in writing by the Iowa Industrial and Defense Commission."

In line 43 of section 3 strike the following: "or county, as the case may be".

In lines 6, 7, 8, and 9 of section 4, strike the following sentence: "When the governing body of a county adopts a resolution, as aforesaid, declaring the need for the housing authority of the county to function, such governing body shall appoint five (5) persons as commissioners of such authority."

In line 17 of section 4, strike the words, "or county".

In line 2 of section 5, strike the word "offices" and insert the word "office".

In lines 8 and 9 of section 5, strike the following: ", in the case of an authority for a city,".

In lines 9 and 10 of section 5, strike the following: "and the governing body, in the case of an authority for a county,".

In line 20 of section 5, strike the words "or a county".

In section 8, strike all of lines 82 to and including 93.

In line 10 of section 9, strike the word "that" and insert in lieu thereof "than".

In line 2 of section 12, after the word "planning," insert the word "zoning,".

In lines 4 and 5 of section 22, strike the words "town or county" and insert after the word "defined" in line 5 a comma (,).

In lines 18 and 19 of section 22, strike the following ", town or county".

In line 20 of section 22, strike the words "or town".

In line 22 of section 22, strike the following ", town or county".

In line 25 of section 22, strike the words "or county".

In line 37 of section 22, strike the words "or county".

In line 42 of section 22, strike the words "or county".

In line 45 of section 22, strike the words "or county".

In line 51 of section 22, strike the words "or county".

In line 56 of section 22, strike the words "or county".

In line 63 of section 22, strike the following: ", town, or county".

In line 70 of section 22, strike the words "or county".

In line 71 of section 22, strike the words "or county".

In line 77 of section 22, strike the word "Act" and substitute in lieu thereof the word "Section".

In line 5 of section 23, pluralize the word "dwelling".

In line 7 of section 23, strike the word "Act" and insert in lieu thereof the word "Section".

In line 10 of section 23, pluralize the word "right".

In line 15 of section 23, insert the word "projects" after the word "housing".

In line 18 of section 23, strike the word "are" and insert in lieu thereof the word "as".

In line 24 of section 23, pluralize the word "section".

In line 34 of section 23, pluralize the word "section".



In line 57 of section 23, strike the following: "town, or county,".

In line 57 of section 23, strike the words "the section" and insert in lieu thereof the following: "paragraph (b) of Section 2".

In line 62 of section 23, strike the following: ", town, or county".

In line 63 of section 23, strike the following: "such sections . . . . ."  
and insert in lieu thereof "the preceding sections".

In line 89 of section 23, strike the word "expeditious" and insert in lieu thereof the word "expeditious".

In line 92 of section 23, strike the word "Act" and insert in lieu thereof "Section".

In lines 95, 96 and 97 of section 23, strike the following "ordnance plant or other project which the Federal Government shall deem desirable in the development of the national defense", and insert in lieu thereof the following: "national defense project as hereinbefore defined".

FRED CROMWELL.

Senator Munger offered the following amendment to the amendment and moved its adoption:

Amend the amendment to Senate File 508 filed March 25, 1941, by Cromwell by striking from line 6 thereof the following: ", military establishment".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Vrba offered the following amendment and moved its adoption:

Amend Senate File 508 by striking all of section 26 and inserting in lieu thereof the following:

"This act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Cresco Plain Dealer, a newspaper published at Cresco, Iowa, and The Hawk-Eye Gazette, a newspaper published at Burlington, Iowa.

The amendment was adopted.

Senator Cromwell offered the following amendment and moved its adoption:

Amend Senate File 508 as follows:

In line 16 of section 8 after the word "thereof" insert the following: ", provided such cost of construction, reconstruction, improvement, alteration or repair of any dwelling unit shall not exceed the sum of two thousand five hundred (\$2,500.00) dollars,".

Senator Cromwell asked and received unanimous consent to withdraw the amendment.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senate File 508 as follows:

Amend section 8, subsection b, line 16 by adding after the word "thereof" the following:

"provided such cost of construction, reconstruction, improvement, alteration and repair per family dwelling unit shall not exceed the sum of three thousand dollars (\$3,000), exclusive of land, cost of demolition and non-dwellnig facilities."

Senator Bekman offered the following amendment to the amendment and moved its adoption:

Amend the Bekman amendment filed April 2, 1941, as follows:

Strike from line 1 of said amendment the word "such" and insert in lieu thereof the words "the average".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Further action was temporarily deferred.

Senator Findlay asked and received unanimous consent to present the high school class of Moorland who were present in the balcony with their superintendent, Harold Miller and principal, V. B. Ervoy.

Senator Hattery asked and received unanimous consent to present the ninth grade civics class of the Luther school who were present in the balcony.

Senator Clark asked and received unaimous consent to present twenty-five students of the civil government class of Cambria who were present in the balcony.

Senator Lundy asked and received unanimous consent to present the civics class of the Knoxville high school who were present with their teachers Miss Cook and Miss Pogel.

Senator Lundy asked and received unanimous consent to present Maxine Thompson, Marie Johnson, Dorothy Crosby, Marita Gholson, Joan Monroe, and Eloise Hedrick, members of the girls sextet of the Knoxville high school who sang several songs. Wendell Fuller directed the sextet.

#### HOUSE MESSAGES CONSIDERED

House File 295, a bill for an act to repeal chapter one hundred fifty-three (153), Code, 1939, relating to agricultural seeds, and to enact a substitute in lieu thereof.

Read first and second times.

Senator Stewart asked and received unanimous consent to substitute House File 295 for Senate File 503 on the calendar.

House File 155, a bill for an act to amend paragraph five (5) of section twelve thousand seven hundred seventy-two (12772), Code, 1939, relating to authorized investment of trust funds.

Read first and second times and referred to sifting committee.

House File 336, a bill for an act to repeal section thirty-five hundred five (3505), Code, 1939, and to enact a substitute therefor to provide for the paroling of patients from a state hospital.

Read first and second times and referred to sifting committee.

House File 442, a bill for an act to authorize the purchase of certain land adjoining the Iowa State Penitentiary, and to provide for an appropriation therefor.

Read first and second times and referred to sifting committee.

House File 444, a bill for an act to amend section three thousand seven hundred thirty-eight (3738), Code, 1939, relating to escaped inmates from the Women's Reformatory.

Read first and second times and referred to sifting committee.

House File 515, a bill for an act to amend chapter one hundred eighty-five (185) and section thirty-seven hundred two (3702), Code, 1939, to provide for placing children of the Iowa Soldiers' Orphans' Home and the State Juvenile Home in certain charitable or religious institutions.

Read first and second times and referred to sifting committee.

House File 526, a bill for an act to amend section nine thousand one hundred eighty-three (9183), Code, 1939, relating to the investment in real estate bonds and mortgages by banks.

Read first and second times and referred to sifting committee.

House File 541, a bill for an act to amend section ten thousand five hundred one and eight tenths (10501.8), Code, 1939, relating to records of adoption, by providing for a copy of certain adoption records to be sent to the state board of control.

Read first and second times and referred to sifting committee.

On motion of Senator Donohue, the Senate recessed until 1:30 p. m.

## AFTERNOON SESSION

The Senate reconvened, President Hickenlooper 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 has adopted the report of the Joint Committee appointed to investigate the Wartburg College property with the view of purchasing the same for state use.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 462, a bill for an act making an appropriation for various departments of state.

A. C. GUSTAFSON, *Chief Clerk.*

## REPORT OF SPECIAL COMMITTEE

**MR. SPEAKER AND MEMBERS OF THE HOUSE:** Your committee appointed in compliance with the provisions of House Concurrent Resolution 16, begs leave to report that we have visited and thoroughly investigated the Wartburg College property at Clinton, Iowa, and after such investigation it is an opinion of the majority of this committee that the state of Iowa should acquire the property to be used as a vocational training school to relieve the over crowded condition at Eldora Training School, and the State Institution at Toledo, Iowa, Glenwood, Iowa, and the Orphans' Home in Davenport. We are of the opinion that this would eliminate the possibility of increased building of those institutions and also enable them to take care of the waiting list now seeking admission to these institutions.

We understand that there are at least 125 children at Toledo and the Soldiers' Orphans' Home in Davenport that are eligible and need this class of schooling now. Therefore, we desire to recommend that the state acquire this property to be used as mentioned above or for some other state purpose if the same can be acquired at a price not exceeding \$200,000.00.

Attached is a report of the conditions of the buildings and photographs.

## REPORT ON BUILDINGS AT CLINTON

Wooded Area—

Size: 72 acres.

Remarks: See photograph (note reverse side).

Driveway to College Grounds—

Remarks: See photograph (note reverse side).

Gymnasium—

Remarks: See photograph (note reverse side).

Clubhouse—

Large living room, porch, kitchen and bath.

Remarks: See photograph (note reverse side).

**Dormitory—**

Forty rooms plus dining hall and four storage rooms in basement.  
Heated from central heating system. Two large bathrooms on each floor.

Remarks: See photograph (note reverse side).

**Main College—**

Rooms vary in size.

Remarks: See photograph (note reverse side).

**Residences—**

No. 1: Seven rooms, modern, independent hot air heating system.

Remarks: See photograph (note reverse side).

No. 2: Ten rooms, modern, independent hot air heat.

Remarks: See photograph (note reverse side).

No. 3: Two houses, 10 rooms, modern, independent hot air heat.

Remarks: See photograph (note reverse side).

No. 4: Ten rooms, modern, heated from central heating plant, connected with main buildings by tunnel.

Remarks: See photograph (note reverse side).

No. 5: Eight rooms, steam heating system with stoker, oak floors.

Remarks: See photograph (note reverse side).

No. 6: Both houses, 10 rooms, modern, independent hot air heat.

Remarks: See photograph (note reverse side).

DEWEY S. BUTTERFIELD.

JOE F. GARDNER.

S. RAY EMERSON.

O. H. HENNINGSEN.

*Members of the Committee.*

**MEMBERS OF THE 49TH GENERAL ASSEMBLY:** We, the Committee appointed to inspect the Wartburg property at Clinton, wish to report that we have done so and hereby submit our findings and general description of said property together with the committee report.

The special committee to inspect Wartburg at Clinton did so on Tuesday, March 18, 1941. This report is the summary of the committee findings.

Almost directly west of Clinton, a city of about 27,000, on a hill is the main building, facing east. It contains about 100 rooms on three floors. The attic is high and roomy and can be finished for any purpose or need. There is a fine, spacious chapel seating at least 120 besides room for 50 or more persons in the balcony. There is also library space in this building.

The 72 acres on which the Wartburg property stands is a beautiful, rolling landscape with a brook-spring water, running through the land.

The basement of the main building is divided into a fruit and vegetable cellar, dining room, kitchen, bakery, showers, store room and a tunnel leading to a fine brick building which has been the home of the helpers. Besides this brick home there are 5 frame ten room houses to the west of the administrative buildings. These houses and several others, equally beautiful, had been occupied by the teachers. There is a fine \$14,000 brick house south of the main building. This was formerly occupied by the president of the college.

All large buildings and the president's home are steam heated. The other dwellings have individual hot air heating.

All plumbing appears to be intact and in good repair. The furnace is an oil burning type. Storage tanks for 2 carloads of oil. The kitchen stoves are gas stoves. All stoves, as well as the furnace, are in repair, clean and all surfaces kept oiled to prevent rust.

The dormitory, a two story structure, is divided in two sections, north and south. The second floor is a duplicate of the lower floor. This building is in excellent condition and will house about 100 people. The rooms are such as to join two rooms into one apartment, one room large enough for three beds, the other for two. Each room having a clothes closet. Lavatories and bath are in excellent condition.

The athletic field is to the west of the main building; the dormitory, east; and the gym, at present occupied by some Federal Project, also east.

The large building was constructed in 1894. There is not a crack in the basement walls and these walls stand on solid rock. This building has a slate roof. The dormitory is a newer structure and of the fire-resisting type.

To summarize—the Wartburg property at Clinton, about 4 miles from downtown, appealed to us. A beautiful location and the property well kept. The light fixtures are good. Outside of the shower and chemical rooms, the plastering is good and in these rooms very little repair is required.

The committee appointed to inspect the property requisitioned transportation from the "car dispatcher". Messrs. Clyde G. Krein, Henry Krein and Kermit G. Kruse of Clinton took us through the buildings and readily answered our questions. They were very patient with us. Clinton is about 210 miles from Des Moines on highway 30 out of Marshalltown.

If the state needs this property, as is intimated, for crippled children or a school, we are happy to have had this small part in inspecting it.

Respectfully submitted,

DEWEY S. BUTTERFIELD.

JOE F. GARDNER.

#### HOUSE AMENDMENT TO SENATE FILE 462

Amend Senate File 462 as follows:

Amend by striking all of section 3 and inserting in lieu thereof the following:

Sec. 3. For the office of board of control there is hereby appropriated from the general fund of the state for each year of the biennium beginning July 1, 1941, and ending June 30, 1943, the sum of seventy-two thousand five hundred dollars (\$72,500.00) or so much thereof as may be necessary to be used in the following manner:

For salaries, members of the board (3 at \$3,850.00).....	\$ 11,550.00
For salary of secretary.....	2,550.00
For salaries, support, maintenance and miscellaneous purposes .....	58,400.00

Grand total of all appropriations for all purposes for each year of the biennium for the board of control....\$ 72,500.00

Amend section 6 by striking from lines 5 and 6 the words and figures "thirty-two thousand five hundred fifty dollars (\$32,550.00)" and inserting in lieu thereof the words and figures "thirty-one thousand five hundred fifty dollars (\$31,550.00)".

Further amend section 6 by striking from line 13 the figures "21,450.00" and inserting in lieu thereof the figures "20,450.00".

Further amend section 6 by striking from line 17 the figures "\$32,550.00" and inserting in lieu thereof the figures "\$31,550.00".

Amend section 12 by striking from lines 5 and 6 the words and figures "one hundred eighty-five thousand dollars (\$185,000.00)" and inserting in lieu thereof the words and figures "one hundred thirty-nine thousand five hundred dollars (\$139,500.00)".

Further amend section 12 by striking the figures "\$185,000.00" in line 14 and also in line 18, and inserting in lieu thereof the figures "\$139,500.00".

Further amend by striking the colon after the word "lands" in the first paragraph of section 12, and adding thereto the following:

"; provided, however, that the commission may continue to produce and sell at private sale game cover packets and trees for erosion control such as are now offered for sale by it, and may continue to produce trees for a demonstration windbreak and reforestation in each township in the state, and may dispose of trees now growing under their supervision under their present plan of distribution."

Amend section 14 as follows:

Strike from lines 5 and 6 thereof the words and figures "three hundred forty-one thousand six hundred fifty-four (341,654.00)" and insert in lieu thereof the words and figures "three hundred forty-six thousand seven hundred four dollars (\$346,704.00)".

Strike from line 12 the figures "114,704.00" and insert in lieu thereof the figures "109,704.00".

Strike from line 14 the figures "123,004.00" and insert in lieu thereof the figures "\$118,004.00".

Insert after the word "diseases" in line 18, the words "including Bang's disease".

Strike from line 21 the figures "\$106,140.00" and insert in lieu thereof the figures "\$131,140.00".

Strike lines 22, 23, 24, 25, and 26; and renumber the subdivisions under the Department of Agriculture beginning with "Beef Producers' Association".

Strike from line 28 the figures "4,500.00" and insert in lieu thereof the figures "5,000.00".

Insert in line 35 after the word "diseases", the words "and for other purposes as approved by the secretary of agriculture,".

Strike from line 50 the figures "6,550.00" and insert in lieu thereof the figures "7,350.00".

Strike lines 51, 52, and 53.

Strike from line 57 the figures "300.00" and insert in lieu thereof the figures "600.00".

Strike from line 59 the figures "18,300.00" and insert in lieu thereof the figures "\$18,600.00".

Strike from line 70 the figures "5,000.00" and insert in lieu thereof the figures "4,250.00".

Amend section 14 by adding after line 70 thereof the following:

"(16) Hatchery Inspection

"For state hatchery inspection fund..... 10,000.00".

Strike from line 74 the figures "\$341,854.00" and insert in lieu thereof the figures "\$346,704.00".

Amend section 16 as follows:

Strike from lines 5, 6, and 7 the words and figures "four hundred fifty-seven thousand two hundred fifty-four dollars and eighty-eight cents (\$457,254.88)" and insert in lieu thereof the words and figures "four hundred fifty-six thousand seven hundred fifty-four dollars and eighty-eight cents (\$456,754.88)".

Strike from line 15 the figures "33,304.88" and insert in lieu thereof the figures "37,804.88".

Strike lines 25 to 31, inclusive.

Strike from line 34 the figures "\$457,254.88" and insert in lieu thereof the figures "\$456,754.88".

Amend section 18 as follows:

Insert the word "-three" after the word "fifty" in line 5 and change the figures "(\$250,000.00)" in line 6 to the figures "(\$253,000.00)".

Further amend said section by inserting between lines 12 and 13 the following:

"For the purpose of revising the accounting and accounting procedure of the state including the payment of consultants .....\$ 3,000.00".

Further amend said section by striking the figures "\$250,000.00" in line 16 and inserting in lieu thereof the figures "\$253,000.00".

Amend section 20 by striking from line 9 the figures "3,300.00" and inserting in lieu thereof the figures "3,000.00"; also by striking from line 15 and line 6 the figures "\$19,300.00" and inserting in lieu thereof the figures "\$19,000.00"; also by striking the words "three hundred" in line 5.

Amend section 21 as follows:

Strike from lines 5 and 6 the words and figures "one thousand dollars (\$1,000.00)" and insert in lieu thereof the words and figures "one thousand one hundred twenty-five dollars and fifty cents (\$1,125.50)".

Strike from lines 8 and 13 the figures "\$1,000.00" and insert in lieu thereof the figures "\$1,125.50".

Amend section 31 as follows:

Strike from lines 5 and 6 the words and figures "one hundred sixty-one thousand six hundred seventy dollars (\$161,670.00)" and insert in lieu thereof the words and figures "one hundred eighty-six thousand six hundred seventy dollars (\$186,670.00)".

Strike from line 20 the figures "\$145,000.00" and insert in lieu thereof the figures "\$170,000.00".

Strike from line 24 the figures "\$161,670.00" and insert in lieu thereof the figures "\$186,670.00".

Insert in line 86 before the word "state" the words and figures "supreme court report fund, \$25,000.00;".



Amend section 32 as follows:

Strike from lines 5, 6, and 7 the words and figures "eight hundred fifty-one thousand sixty-one dollars and fifty cents (\$851,061.50)" and insert in lieu thereof the words and figures "eight hundred forty-seven thousand three hundred eighty-six dollars and fifty cents (\$847,386.50)".

Strike from line 56 the figures "28,810.00" and insert in lieu thereof the figures "25,135.00".

Strike from line 58 the figures "\$31,210.00" and insert in lieu thereof the figures "\$27,535.00".

Strike from line 66 the figures "\$851,061.50" and insert in lieu thereof the figures "\$847,386.50".

Amend section 33 as follows:

Strike all of section 33 and insert in lieu thereof the following:

"Sec. 33. For the department of the reporter of the supreme court and code editor there is hereby appropriated from the general fund of the state for each year of the biennium the sum of twelve thousand five hundred sixty-five dollars (\$12,565.00) or so much thereof as may be necessary to be used in the following manner:

For salary of reporter of supreme court and code editor...\$ 3,850.00

For salaries, support, maintenance and miscellaneous purposes ..... 8,715.00

Grand total of all appropriations for all purposes for each year of the biennium for the department of the reporter of the supreme court and code editor .....\$ 12,565.00".

Amend section 35 as follows:

Strike from line 22 the figures "\$3,000.00" and insert in lieu thereof the figures \$3,300.00".

Strike from line 24 the figures "\$11,020.00" and insert in lieu thereof the figures "\$10,720.00".

Amend section 38 as follows:

Strike all of section 38 and insert in lieu thereof the following:

"Sec. 38. For the state employment service there is hereby appropriated from the general funds of the state for each year of the biennium beginning July 1, 1941, and ending June 30, 1943, the sum of fifty-seven thousand three hundred ninety-five dollars (\$57,395.00) or so much thereof as may be necessary to be used in the following manner:

For salaries, support, maintenance and miscellaneous purposes .....\$ 57,395.00

Grand total of all appropriations for all purposes for each year of the biennium for the department of the state employment service.....\$ 57,395.00".

Amend section 39 as follows:

Strike from line 5 the words and figures "forty-nine thousand seven hundred dollars (\$49,700.00)" and insert in lieu thereof the words and figures "forty-nine thousand four hundred dollars (\$49,400.00)".

Strike from line 9 the figures "\$39,700.00" and insert in lieu thereof the figures "\$39,400.00".

Strike from line 12 and line 15 the figures "\$49,700.00" and insert in lieu thereof the figures "\$49,400.00".

Amend section 40 as follows:

Add after the period at the end of line 12 the following:

"In no case shall any county receive more than two thousand dollars (\$2,000.00). In counties having more than one fair entitled to state aid, the state aid available for the county shall be prorated to said fairs on the basis of cash premiums paid by said fairs."

Amend section 41 as follows:

Strike all of section 41 and insert in lieu thereof the following:

"Sec. 41. For the state tax commission there is hereby appropriated from the general fund of the state for each year of the biennium beginning July 1, 1941, and ending June 30, 1943, the sum of six hundred forty-eight thousand six hundred thirty-six dollars (\$648,636.00) or so much thereof as may be necessary to be used in the following manner:

For salary of chairman.....	\$ 4,500.00
For salary of vice chairman.....	4,500.00
For salary of member.....	4,500.00
For salary of assistant attorney general.....	4,000.00
For salaries, support, maintenance and miscellaneous purposes .....	631,136.00

Grand total of all appropriations for all purposes for each year of the biennium for the state tax commission .....\$648,636.00".

### THIRD READING OF BILLS

On motion of Senator Cromwell, the Senate resumed consideration of Senate File 508.

Senator Hattery offered the following amendment and moved its adoption:

Amend Senate File 508 by striking paragraph D, sub-section 11 of Section 22.

Senator Hattery asked and received unanimous consent to withdraw the amendment.

Senator Hattery offered the following amendment and moved its adoption:

Amend Senate File 508 by inserting after the word "adopted" in line 71 of section 22 the following: "according to the provisions of Chapter 290, Code, 1939".

Further amend section 22 by striking the words "by a" at the end of line 71 and by striking all of lines 72 to 76 inclusive.

The amendment was adopted.

Senator Faul offered the following amendment and moved its adoption :

Amend Senate File 508 by striking all of paragraph 10 from section 22.

The amendment was adopted.

Senator Byers offered the following amendment and moved its adoption :

Amend Senate File 508 by striking all of paragraphs (e) and (g) of section 23.

The amendment was adopted.

Senator Watson offered the following amendment and moved its adoption :

Amend Senate File 508 by striking all of subsection 11 of section 22a.

Senator Cromwell offered the following amendment as a substitute for the amendment by Senator Watson and moved its adoption :

Amend Senate File 508 by inserting after the word "changes" in line 51 of section 22 the words "except where found necessary by the city council or city governing authority".

The substitution was made and the amendment was adopted.

Senator Goode offered the following amendment and moved its adoption :

Amend Senate File 508 by striking subsection b of Section 22.

The amendment was adopted.

Senator Cromwell 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, 14:

Augustine	Elthon	Mowry	Talbott
Baldwin	Johnson	Munger	Vrba
Bekman	Keir	Shaw	Zeigler
Cromwell	Mercer		

Nays, 33:

Benson	Dewey	Findlay	Hattery
Berg	Donohue	Fuller	Henningsen
Byers	Emerson	Hamiel	Hess
Clark	Evans	Hart	Hill
Corwin	Faul	Harvey	Hunt

Jones	Lundy	Miller	Turner
Leo	Lynes	Pelzer	Watson
Long	Martin	Stewart	Whitehill
Love			

Absent or not voting, 3:

Dykhouse	Goode	Sjulin
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The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

#### HOUSE AMENDMENTS CONSIDERED

Senator Mowry called up for consideration Senate File 242, a bill for an act to amend section forty-three hundred seventy-one (4371), Code, 1939, relating to the use of public school buildings, amended by the House, and moved that the Senate concur in the following amendments:

Amend by striking the comma after the word "purposes" in the last line of the bill and inserting in lieu thereof the following: "; provided, however, that the board may not grant such permission to any organization known or believed to hold views that are in conflict with the republican form of government as set forth in the Constitution of the United States;".

Further amend by adding the following as section two of the bill:

Sec. 2. The rights now in existence shall not be affected by the provisions of this act."

The motion prevailed and the Senate concurred in the House amendments.

Senator Mowry 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, 39:

Augustine	Faul	Hunt	Pelzer
Baldwin	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Clark	Goode	Long	Stewart
Corwin	Hart	Love	Talbott
Dewey	Harvey	Lundy	Turner
Donohue	Hattery	Martin	Watson
Dykhouse	Henningesen	Miller	Whitehill
Elthon	Hess	Mowry	Zeigler
Evans	Hill	Munger	

Nays, 1:

Hamiel

Absent or not voting, 10:

Bekman	Cromwell	Jones	Mercer
Benson	Emerson	Lynes	Vrba
Byers	Johnson		

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

Senator Mowry 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.

Senator Berg, called up for consideration Senate File 245, a bill for an act to create fund for emergency relief during the ensuing biennium providing for appropriations therefor and administration thereof by the State Board of Social Welfare, and relating to the state sinking fund for public deposits, and moved that the Senate recede from the following Senate amendment to the House amendment:

Amend the House amendment to Senate File 245 by inserting a period after the figures "\$125,000.00" in line 22 thereof and by striking all the remainder of the paragraph commencing with the word "provided".

The motion lost and the Senate refused to recede from its amendment to the House amendment.

Senator Baldwin called up for consideration Senate File 360, a bill for an act to amend chapter two hundred thirteen (213), Code, 1939, to provide for publication or posting of monthly summaries of proceedings and expenditures of school districts, amended by the House, and moved that the Senate refuse to concur in the following amendments:

#### HOUSE AMENDMENT TO SENATE FILE 360

Amend Senate File 360 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Section four thousand two hundred forty-two (4242), Code, 1939, is hereby repealed and the following enacted in lieu thereof:

"In each consolidated district and in each independent city or town school district, the board shall, during the first week of January and the first week of July of each year, publish by one insertion in at least one newspaper, if there is a newspaper published in said district, a summarized statement verified by affidavit of the secretary of the board showing the receipts and disbursements of all funds for the preceding six months, the statement of disbursements to show the names of the persons, firms, or corporations, and the total amount paid to each during said six months period. The fee for publication of the statement provided for herein shall not exceed one-half of the legal publication fee provided by statute for the publication of legal notice."

Amend the title of Senate File 360 as follows:

Strike the first line of the title and the figures "1939" in the second line and substitute the following: "An act to repeal section four thousand

two hundred forty-two (4242), Code, 1939, and to enact a substitute therefor"; further amend the title by striking the word "monthly" in line three and inserting in lieu thereof the word: "semi-annual".

The motion prevailed and the Senate refused to concur.

Senator Berg called up for consideration Senate File 462, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for various departments and various divisions thereof, of the state of Iowa, for the purposes provided by law, amended by the House, and moved that the Senate refuse to concur in the amendments to Senate File 462 found on pages 1044 to 1048 of the Journal.

The motion prevailed and the Senate refused to concur.

Senator Evans asked unanimous consent that Senate File 396 be made a special order of business for 10:00 a. m. Friday.

Objection was made.

Senator Evans then moved that Senate File 396 be made a special order of business for 10:00 a. m. Friday.

Roll call was demanded.

On the question, "Shall Senate File 396 be made a special order of business?" the vote was:

Ayes, 27:

Baldwin	Dykhous	Harvey	Munger
Benson	Elthon	Hattery	Pelzer
Berg	Emerson	Hess	Shaw
Byers	Evans	Hill	Sjulin
Corwin	Faul	Hunt	Talbott
Cromwell	Findlay	Long	Whitehill
Donohue	Hart	Mowry	

Nays, 17:

Augustine	Hamiel	Keir	Martin
Bekman	Henningsen	Leo	Stewart
Dewey	Johnson	Love	Turner
Fuller	Jones	Lundy	Zeigler
Goode			

Absent or not voting, 6:

Clark	Mercer	Vrba	Watson
Lynes	Miller		

The motion having failed to receive a two-thirds majority was lost.

Senator Shaw asked and received unanimous consent to present the Honorable Dan W. Turner, a former senator and former governor of Iowa.

The President requested Senators Shaw and Turner to escort former governor Turner to the rostrum.

The Honorable Mr. Turner addressed the Senate briefly.

Senator Jones asked and received unanimous consent to present a group of students from Simpson college who were present in the balcony.

Senator Goode asked and received unanimous consent to substitute House File 407 for Senate File 259 on the calendar.

Senator Bekman asked and received unanimous consent to file the following amendment correcting the title to Senate File 211:

Amend the title to Senate File 211 by inserting before the word "relating" in the first line thereof the following: ", Code, 1939,".

Senator Fuller filed the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION 25

*Be It Resolved by the Senate, the House Concurring:*

A committee of seven members is hereby created, to consist of three members of the Senate, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker, and the chairman of the State Highway Commission shall be an ex-officio member of said committee.

Immediately upon the appointment of the members of said committee, a meeting shall be called by the present chairman of the State Highway Commission, which meeting shall be held at a place and time designated by him. At its first meeting the members of said committee shall elect one of the members as chairman.

The chief engineer of the State Highway Commission shall act as secretary and engineer for the committee.

If, during the interim between the adjournment of the 49th General Assembly and the convening of the 50th General Assembly, a vacancy should occur in the membership of said committee from the Senate or from the House of Representatives, the Lieutenant Governor or the Speaker of the House, according to whether said vacancy is in the Senate or House committee membership, shall fill said vacancy by appointment as herein provided for the original members of the committee.

It shall be the duty of said committee to make a comprehensive study of the toll bridges over the Missouri and Mississippi rivers on the boundaries of the state of Iowa; to collect such data with respect to each of

said bridges as the committee may deem pertinent; to investigate the desirability and feasibility of public ownership of such bridges; to investigate the possibility of freeing said bridges of tolls, and to plan for the financing thereof; and to make a written report of its findings and recommendations to the Governor and to the 50th General Assembly.

No member of the committee shall receive any compensation for his services, but each shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties as a member of the committee. The chairman of the committee shall certify the expense of each member thereof to the State Highway Commission; and, upon such certification, such expense shall be paid by the State Highway Commission out of the primary road fund in the same manner as are other expenses of the State Highway Commission.

Senator Zeigler moved that all bills on the calendar, except bills under unfinished business, bills on the special calendar and special orders, be rereferred to the sifting committee, which motion prevailed.

#### PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

House File 420, a proposed bill for legalization of \$30,000 fire station bonds issued by the city of Spencer, for the purpose of erecting and equipping a fire station in said city.

WALTER H. BEAM.

#### 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 Files 396, 469, 287, 455, 399, 504, and House Files 295 and 346.

E. P. DONOHUE, *Chairman*.

#### AMENDMENTS FILED

Amend Senate File 517 as follows:

1. Sub-section 5, section 1 of Senate File 517 is amended by striking from line 18 the following, "seven (7)" and inserting in lieu thereof the following, "three (3) half" and by adding to the end of sub-section 5 the following: "Shooting allowed each open day from twelve (12) noon until five (5) p. m." Further amend sub-section 5 by striking the figure "3" in the column designated "bag limit" and inserting in lieu thereof the figure "2" and adding "1 female bird". Further amend said sub-section by striking the figure "6" in the column designated "possession limit" and inserting in said column "2 female birds".

2. Further amend Senate File 517 by adding after section 11 the following new section: "Sec. 12. Section one thousand seven hundred ninety-four and two thousandths (1794.002), Code, 1939, is hereby amended by adding thereto the following: 'The provisions of this section shall not be



construed as authorizing the commission to extend the season for hunting pheasants as provided in this chapter nor shall it be construed as authorizing the commission to extend the area for hunting pheasants to any additional counties other than those named in this chapter.' "

3. Renumber section 12.

E. P. DONOHUE

Amend the Baldwin amendment to Senate File 259, filed March 24th, by inserting after the comma in line five (5) the following: subject to the approval of the board of supervisors.

HOWARD C. BALDWIN.

Amend Senate File 396 by adding the following:

"Sec. 2. Section four thousand six hundred eighty-six and thirty-one hundredths (4686.31), Code, 1939, is hereby amended by adding thereto the following: 'Provided that in the event it may be necessary for the state of Iowa to participate in the federal program for the improvement and construction of defense highways in the state of Iowa and it may be necessary for the state of Iowa to match federal funds allotted to the state of Iowa for the construction and improvement of defense highways, there is hereby allocated such additional sums over and above seventeen million dollars (\$17,000,000) as may be necessary to enable the state of Iowa to cooperate with the federal government in any defense highway program adopted, and which funds shall be allocated to a fund to be known as the "Defense Highway Fund". Before any funds are allocated to the said defense fund the transfer thereof must have the express approval of the legislative committee on retrenchment and reform.'

Sec. 3. Section four thousand six hundred eighty-six and thirty-three hundredths (4686.33), Code, 1939, is hereby repealed."

Further amend Senate File 396 by renumbering section 2 as section 4.

E. P. DONOHUE

K. A. EVANS.

S. RAY EMERSON.

Amend Senate File 517 by adding to section 1 following sub-section 1, the following:

Further amend said section by inserting in the column designated "Kind of Animals and Locality" immediately following the word "Squirrels—Gray, Fox," add a new line as follows: "Flying Squirrels" and by adding in the same line under the column designated "Open Season" add the following: "Continuous closed season."

CLARENCE L. CLARK (by request).

Amend Senate File 517 by inserting a new section as follows:

Sec. 12. Section one thousand seven hundred ninety-four and forty-nine thousandths (1794.049), Code, 1939, is hereby amended by striking subsections 1, 2, 3, 4, 5, 6, and 7, and inserting in lieu thereof:

1. Badger .....Noon, November 9 to noon, January 10,
2. Mink .....Noon, November 9 to noon, January 10,
3. Raccoon .....Noon, November 9 to noon, January 10,
4. Skunk .....Noon, November 9 to noon, January 10,
5. Opossum .....Noon, November 9 to noon, January 10,
6. Civit Cat .....Noon, November 9 to noon, January 10,

7. Muskrat .....Noon, November 9 to noon, January 10,  
Further amend by renumbering the remaining section.

ROBT. KEIR.

Amend the amendment to Senate File 399 by Evans and Henningsen, filed March 26, as follows:

1. By changing the period in line 6 of section 8 of said amendment to a semi-colon and adding after said semi-colon the following: "provided, however, that such vehicles shall not be subject to said road use compensation fee while held by a licensed dealer for sale or trade."

2. By changing the period in line 4 of section 19 of said amendment to a comma and adding after said comma the following: "except that said fee of the owner of any motor truck, truck tractor, or road tractor for the quarter in which the same is purchased shall be computed and paid on the basis of one-ninetieth of the quarterly fee multiplied by the number of days remaining in such quarter."  
K. A. EVANS.

On motion of Senator Donohue, the Senate adjourned until 10:00 a. m. Friday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 4, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Morris Peterson, pastor of the Lutheran church of Kanawha.

The Journal of April 3d was corrected and approved.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Dykhouse, from merchants of Inwood, in opposition to Senate File 5.

Senator Hill asked and received unanimous consent to present the senior class of the Blairsburg Consolidated High School who were present in the balcony with their superintendent Mr. Hamilton.

Senator Sjulín asked and received unanimous consent to present the students of the government class of Clarinda Junior College who were present in the balcony.

Senator Johnson asked and received unanimous consent to present a group of students from Woden High School of Hancock county who were present in the balcony.

## 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 228, a bill for an act relating to the issuance of duplicate sheriff's certificates of sale.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 331, a bill for an act relating to county public hospitals.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 525, a bill for an act relating to unemployment compensation.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 248, a bill for an act relating to rights and privileges of persons inducted into the military forces.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 535, a bill for an act relating to and providing for payment of contribution by employers on wages.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 536, a bill for an act relating to the river front improvement commission of Fort Dodge, Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 137, a bill for an act relating to taxation of insurance companies.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 139, a bill for an act relating to the reinstatement of the corporate rights of cooperative associations.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 116, a bill for an act relating to powers and duties of the State Comptroller.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 156, a bill for an act relating to soil conservation.

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 registration and re-registration of certain motor vehicles for sale or trade.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 106, a bill for an act relating to the legalization of acts of corporations.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 103, a bill for an act relating to legalizing judgments and decrees.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 98, a bill for an act relating to annual tax on mutual assessment insurance associations.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 100, a bill for an act relating to the tax on gross premiums of foreign insurance companies.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 484, a bill for an act making an appropriation for the purchase of land near the state teachers college.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 257, a bill for an act relating to salaries of assessors and deputies in certain cities.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 551, a bill for an act for an appropriation to Johnstone Bakery, Boone, Iowa.

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

House File 536, a bill for an act legalizing the expenditure of certain funds in Pottawattamie county.

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

House File 352, a bill for an act relating to itinerant merchants.

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

House File 161, a bill for an act relating to the state apiarist.

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

House File 392, a bill for an act relating to the expenses of judges of the district court.

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

House File 82, a bill for an act relating to the false drawing or uttering of checks.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 484

Amend line three of section one by inserting after the word "dollars" the following: "or so much thereof as may be necessary,".

#### HOUSE AMENDMENT TO SENATE FILE 257

Amend Senate File 257 by adding at the end of said Senate File 257 the following:

Sec. 3. Section five thousand six hundred sixty-nine (5669), Code, 1939, is further amended by adding thereto after paragraph two (2) the following: "In cities under the commission form of government having a population of more than twenty-five thousand (25,000) and less than forty-five thousand (45,000) the compensation of a head deputy assessor shall be fifteen hundred dollars per year."

Amend Senate File 257 by striking the title thereto and substituting in lieu thereof the following:

A bill for an act to amend section five thousand six hundred sixty-nine (5669), Code, 1939, relating to the salaries of city assessors and deputy city assessors, in cities under the commission form of government and in cities of the first class.

#### HOUSE AMENDMENT TO SENATE FILE 551

Amend Senate File 551 by inserting the following as section 3:

Sec. 3. There is hereby appropriated out of the general fund of the state to W. H. Alkire of Webster City, Iowa, the sum of two hundred seventy-one and eighty-one hundredths dollars (\$271.81), the same to be in full settlement of medical care and incidental items required therewith, because of personal injury sustained by the said W. H. Alkire while in the line of duty as a policeman at the Iowa State Fair ground during the evening of August 27, 1935.

Sec. 4. The State Comptroller is hereby authorized to issue a warrant to the above named party in the amount stated, and the treasurer is hereby directed to pay the same from the general fund of the state of Iowa.

Further amend by renumbering the remaining sections.

Amend the title by striking the period at the end thereof and substituting therefor the following: "and W. H. Alkire of Webster City, Iowa."

#### THIRD READING OF BILLS

On motion of Senator Goode, the Senate resumed consideration of House File 407, a bill for an act to repeal sections two thousand three hundred eighty-five (2385), two thousand three hundred eighty-six (2386), two thousand three hundred eighty-nine (2389), two thousand three hundred ninety (2390), two thousand three hundred ninety-one (2391) and two thousand three hundred ninety-five (2395), all in the Code, 1939, and to amend sections two thousand three hundred eighty-four (2384), two thousand three hundred ninety-two (2392), two thousand three hundred ninety-four (2394), two thousand three hundred ninety-six (2396), two thousand four hundred seventeen (2417), and two thousand four hundred twenty-six (2426), Code, 1939, and to amend chapter one hundred fourteen (114), Code, 1939, all relating to the registration of vital statistics and providing for the appointment of a county registrar.

Senator Elthon offered the following amendment and moved its adoption:

Amend House File 407, section 13 line 7 thereof by striking the word "furnished" and inserting in lieu thereof the word "approved".

The amendment was adopted.

Senator Byers took the chair at 10:47 a. m.

Senator Dykhouse offered the following amendment and moved its adoption:

Amend House File 407 by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Sections two thousand three hundred eighty-five (2385), two thousand three hundred eighty-six (2386), two thousand three hundred eighty-nine (2389) to two thousand three hundred ninety-two (2392), inclusive, two thousand three hundred ninety-five (2395), two thousand three hundred ninety-six (2396), and two thousand four hundred seventeen (2417) to two thousand four hundred twenty (2420), inclusive, Code, 1939, are hereby repealed.

Sec. 2. Sections two thousand three hundred twenty-four (2324), two thousand three hundred twenty-five (2325), two thousand three hundred twenty-seven (2327), two thousand three hundred thirty-one (2331), two thousand three hundred thirty-three (2333), two thousand three hundred ninety-four (2394), two thousand three hundred ninety-eight (2398), two thousand four hundred one (2401) to two thousand four hundred six (2406), inclusive, and two thousand four hundred fourteen (2414), Code, 1939, are hereby amended by striking from said sections the words "local registrar" wherever the words appear in said sections, and by inserting in lieu thereof in each place the words "clerk of the district court."

Sec. 3. Sections two thousand three hundred twenty-nine (2329), two thousand three hundred thirty-five (2335), two thousand three hundred forty-six (2346), two thousand three hundred forty-eight (2348), two thousand three hundred ninety-seven (2397), two thousand four hundred (2400), and two thousand four hundred ten (2410), Code, 1939, are hereby amended by striking from said sections the words "local registrar of the district" wherever such words appear in said sections, and by inserting in lieu thereof in each place the words "clerk of the district court of the county."

Sec. 4. Section two thousand three hundred seventeen (2317), Code, 1939, is hereby amended by striking from said section all of subsections one (1) and three (3) thereof and by renumbering the remaining subsections.

Sec. 5. Section two thousand three hundred nineteen (2319), Code, 1939, is hereby amended by striking from lines seven (7) and eight (8) thereof the words "local registrar of the registration district" and inserting in lieu thereof the words "clerk of the district court of the county".

Sec. 6. Section two thousand three hundred twenty (2320), subsection twenty-four (24), Code, 1939, is hereby amended by striking from line one (1) of said subsection the word "registrar", and by inserting in lieu thereof the words "the clerk of the district court".

Sec. 7. Section two thousand three hundred twenty-nine (2329), Code, 1939, is hereby amended by striking the word "district" from lines four (4) and five (5) of said section and inserting in lieu thereof in each place the word "county".

Sec. 8. Section two thousand three hundred thirty-five (2335), Code, 1939, is hereby amended by striking from line twelve (12) of said section the words "local registrar" and inserting in lieu thereof the words "clerk of the district court".

Sec. 9. Section two thousand three hundred eighty-four (2384), Code, 1939, is hereby amended by striking all of subsection one (1) thereof and by renumbering the remaining subsections.

Sec. 10. Section two thousand three hundred ninety-three (2393), Code, 1939, is hereby amended as follows:

1. Strike from lines one (1) and two (2) of subsection two (2) the following: "local registrars, deputy registrars, and subregistrars, and".

2. Strike from line two (2) of subsection five (5) the words "local registrars and".

Sec. 11. Section two thousand three hundred ninety-four (2394), Code, 1939, is hereby amended by striking from line five (5) of subsection six (6) thereof the words "as registrar".

Sec. 12. Section two thousand four hundred four (2404), Code, 1939, is hereby amended by striking from line four (4) of said section the word "registrar" and inserting in lieu thereof the words "clerk of the district court".

Sec. 13. Section two thousand four hundred ten (2410), Code, 1939, is hereby amended by striking from line seven (7) thereof the words "registration district" and inserting in lieu thereof the word "county".

Sec. 14. Section two thousand four hundred eleven (2411), Code, 1939, is hereby amended by striking from lines three (3) and four (4) thereof the words "and local registrar" and inserting in lieu thereof the words "registrar and clerk of the district court".

Sec. 15. Section one thousand five hundred thirty-one (1531), Code, 1939, is hereby amended by striking from subsection four (4), paragraph a thereof the words "registrar of vital statistics" and inserting in lieu thereof the words "clerk of the district court".

Sec. 16. Section two thousand five hundred eighty-five and two hundredths (2585.02), Code, 1939, is hereby amended by striking from lines two (2) and three (3) of subsection five (5) the words "registrar of vital statistics" and inserting in lieu thereof the words "clerk of the district court".

Sec. 17. Section three thousand six hundred sixty-one and forty-five thousandths (3661.045), Code, 1939, is hereby amended by striking from line four (4) thereof the words "registrar of vital statistics" and inserting in lieu thereof the words "clerk of the district court".

Sec. 18. House File two hundred nine (209), Acts of the Forty-ninth (49th) General Assembly, now on file in the office of the secretary of state, is hereby amended by striking from line seven (7) of section one (1) of the enrolled act the words "registration district" and by inserting in lieu thereof the word "county".

Further amend House File 407 by striking all of the title following the words "An Act" and inserting in lieu thereof the following: "to amend chapter one hundred ten (110), Code, 1939, relating to the disposal of dead bodies, chapter one hundred fourteen (114), Code, 1939, relating to the registration of vital statistics, section one thousand five hundred



thirty-one (1531), Code, 1939, relating to child labor permits and birth certificates, section two thousand five hundred eighty-five and two hundredths (2585.02), Code, 1939, relating to embalmers and burial permits, section three thousand six hundred sixty-one and forty-five thousandths (3661.045), Code, 1939, relating to birth reports by maternity hospitals, and House File two hundred nine (209), Acts of the Forty-ninth (49th) General Assembly, relating to death certificates and burial and removal permits.

Roll call was demanded.

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

Ayes, 21:

Berg	Evans	Keir	Munger
Clark	Hart	Long	Pelzer
Corwin	Henningsen	Lundy	Shaw
Cromwell	Hess	Lynes	Whitehill
Dewey	Hill	Mowry	Zeigler
Dykhouse			

Nays, 22:

Augustine	Findlay	Jones	Sjulin
Bekman	Goode	Leo	Stewart
Benson	Harvey	Love	Talbott
Byers	Hattery	Martin	Turner
Elthon	Hunt	Miller	Watson
Faul	Johnson		

Absent or not voting, 7:

Baldwin	Emerson	Hamiel	Vrba
Donohue	Fuller	Mercer	

The amendment was lost.

Senator Berg offered the following amendment and moved its adoption:

Amend section 13, line 7 by striking out all after the word "book" and inserting in lieu thereof: "the sample form to be prescribed and furnished by the State Registrar".

Senator Berg asked and received unanimous consent to withdraw the amendment.

Senator Faul offered the following amendment and moved its adoption:

Amend House File 407 by striking the period following the word "district" in line 6 of section 9 and substituting therefor the following: ", except that local registrars in cities having a population of thirty-five thousand (35,000) or more, shall be appointed by the local board of health."

The amendment was adopted.

Senator Goode 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, 41:

Augustine	Findlay	Johnson	Pelzer
Bekman	Goode	Jones	Shaw
Benson	Hamiel	Leo	Sjulin
Berg	Hart	Long	Stewart
Clark	Harvey	Love	Talbott
Corwin	Hattery	Lundy	Turner
Cromwell	Henningsen	Lynes	Vrba
Dewey	Hess	Mercer	Watson
Dykhouse	Hill	Miller	Whitehill
Elthon	Hunt	Mowry	Zeigler
Faul			

Nays, none.

Absent or not voting, 9:

Baldwin	Emerson	Fuller	Martin
Byers	Evans	Keir	Munger
Donohue			

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

Senator Faul offered the following amendment to the title and moved its adoption:

Amend the title to House File 407 by striking the period at the end thereof and adding the following: ", and providing for the appointment of local registrars by local boards of health in cities having a population in excess of thirty-five thousand (35,000)."

The amendment was adopted and the title as amended was agreed to.

Senator Goode 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.

#### HOUSE AMENDMENTS CONSIDERED

Senator Hill called up for consideration Senate File 551, a bill for an act to make an appropriation to Johnstone Bakery, Boone, Iowa, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 551 by inserting the following as section 3:

"Sec. 3. There is hereby appropriated out of the general fund of the state to W. H. Alkire of Webster City, Iowa, the sum of two hundred seventy-one and eighty-one hundredths dollars (\$271.81), the same to be

in full settlement of medical care and incidental items required therewith, because of personal injury sustained by the said W. H. Alkire while in the line of duty as a policeman at the Iowa State Fair ground during the evening of August 27, 1935.

Sec. 4. The State Comptroller is hereby authorized to issue a warrant to the above named party in the amount stated, and the treasurer is hereby directed to pay the same from the general fund of the state of Iowa.

Further amend by renumbering the remaining sections.

Amend the title by striking the period at the end thereof and substituting therefor the following: "and W. H. Alkire of Webster City, Iowa."

The motion prevailed and the Senate concurred in the House amendment.

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, 43:

Augustine	Faul	Jones	Pelzer
Bekman	Findlay	Keir	Shaw
Benson	Fuller	Leo	Sjulin
Berg	Goode	Long	Stewart
Byers	Hamiel	Love	Talbott
Clark	Hart	Lundy	Turner
Corwin	Harvey	Lynes	Vrba
Cromwell	Hattery	Martin	Watson
Dewey	Henningsen	Miller	Whitehill
Dykhouse	Hill	Mowry	Zeigler
Elthon	Johnson	Munger	

Nays, none.

Absent or not voting, 7:

Baldwin	Emerson	Hess	Mercer
Donohue	Evans	Hunt	

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, which motion prevailed.

Senator Berg called up for consideration Senate File 484, a bill for an act to appropriate the sum of twenty thousand dollars for the purchase of certain real estate near the Iowa State Teachers College in Black Hawk county, Iowa, amended by the House, and moved that the Senate concur in the following amendments:

Amend line three of section one by inserting after the word "dollars" the following: "or so much thereof as may be necessary,".

The motion prevailed and the Senate concurred in the House amendments.

Senator Berg moved that the bill be read 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, 37:

Augustine	Faul	Hunt	Munger
Bekman	Findlay	Johnson	Pelzer
Benson	Goode	Leo	Shaw
Berg	Hamiel	Long	Sjulin
Byers	Harvey	Lundy	Stewart
Clark	Hattery	Lynes	Turner
Corwin	Henningsen	Martin	Vrba
Cromwell	Hess	Miller	Watson
Elthon	Hill	Mowry	Whitehill
Evans			

Nays, none.

Absent or not voting, 13:

Baldwin	Emerson	Jones	Mercer
Dewey	Fuller	Keir	Talbott
Donohue	Hart	Love	Zeigler
Dykhouse			

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

Senator Berg 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.

### THIRD READING OF BILLS

On motion of Senator Hamiel, House File 463, a bill for an act to legalize and validate the permanent transfer of funds by the Consolidated School District of Morley in Jones county, Iowa, from the schoolhouse fund to the general fund of said school district, made necessary by the reason of extreme emergency, was taken up and considered.

Senator Hamiel 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, 42:

Augustine	Goode	Keir	Pelzer
Bekman	Hamiel	Leo	Shaw
Berg	Hart	Long	Sjulin
Byers	Harvey	Love	Stewart
Clark	Hattery	Lundy	Talbott
Corwin	Henningsen	Lynes	Turner
Cromwell	Hess	Martin	Vrba
Dykhouse	Hill	Miller	Watson
Elthon	Hunt	Mowry	Whitehill
Faul	Johnson	Munger	Zeigler
Findlay	Jones		

Nays, none.

Absent or not voting, 8:

Baldwin	Dewey	Emerson	Fuller
Benson	Donohue	Evans	Mercer

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

Senator Hamiel 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.

On motion of Senator Donohue, Senate File 396, a bill for an act to amend section forty-six hundred eighty-six and thirty-one hundredths (4686.31), Code, 1939, relating to funds available for the farm-to-market road system, was taken up and considered.

Senator Donohue asked and received unanimous consent to withdraw the amendment filed by Senators Donohue, Evans and Emerson and found on page 1055 of the Journal.

President Hickenlooper took the chair at 11:48 a. m.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 396 as follows:

(1) By striking all of section 1 and substituting the following:

"Section 1. Section four thousand six hundred eighty-six and thirty-one hundredths (4686.31), Code, 1939, is repealed and the following is substituted therefor.

"Section 4686.31 The State Highway Commission shall transfer from the primary road fund on or before June 30, 1941, and on or before June 30 of each year thereafter, all moneys in excess of the sum of seventeen million dollars (\$17,000,000.00) received in the primary road fund from state sources, exclusive, however, of funds received from sale of primary road bonds, to be distributed as follows: one-half shall go to the farm-to-market road fund and one-half shall be distributed to cities and towns by the ratio that the population of each bears to the total

population of all cities and towns in the state, as determined by the latest census. Such sums shall be used only for the maintenance and repairs of the city streets and highways.”

(2) By adding to the title the following: “and for streets and highways in cities and towns.”.

Senator Faul offered the following amendment to the amendment and moved its adoption:

Amend the Faul amendment to Senate File 396 by striking the words “one-half” in line 11 and substituting in lieu thereof the words “three-fourths”; further amend by striking the words “one-half” in line 12 and substituting in lieu thereof the words “one-fourth”.

The amendment to the amendment was lost.

The amendment was lost.

Further action was deferred temporarily.

#### PROOF OF PUBLICATION

I hereby certify that, as Secretary of the Senate, I have received proof of publication of the following:

House File 544, a proposed bill for the legalization of the proceedings of the board of supervisors of Jones county.

House File 463, a proposed bill for the legalization of the proceedings of the board of directors of the Consolidated School District of Morley in Jones county.

WALTER H. BEAM.

On motion of Senator Donohue, the Senate recessed until 1:30 p. m.

#### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

#### INTRODUCTION OF BILLS

Senate File 554, by committee on judiciary 2, a bill for an act to amend section one thousand two hundred twenty-five and twelve one-hundredths (1225.12), Code, 1939, relating to salaries of the Iowa Highway Patrol.

Read first and second times and referred to sifting committee.

Senator Augustine filed the following concurrent resolution by Senators Augustine and Vrba:

#### SENATE CONCURRENT RESOLUTION 26

*Whereas*, The Iowa Senate has gone on record in opposition to the

United State Housing Project proposed for the city of Burlington by defeating Senate File 508, and

*Whereas*, It was stated on the floor of the Senate by the President pro tem of the Senate that he was "opposed to the Federal Government's gaining any more foothold in the State of Iowa", and

*Whereas*, The defeat of Senate File 508 was by a vote of 33 to 14, thus indicating the Republican majority's agreement with the opinion of the distinguished president pro tem, and

*Whereas*, It appears, therefore, that the passage of Senate File 224 and the appropriation of \$50,000.00 for obtaining National Defense Industries for Iowa was but an empty gesture, therefore

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

Section 1. Appropriate steps be taken to withdraw all funds appropriated to the Iowa Industrial and Defense Commission provided for in Senate File 224 and return the same to the General Fund.

### 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 420, a bill for an act to legalize proceedings of the city council of Spencer, Iowa.

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

Senate File 541, a bill for an act to make an appropriation for the Iowa State Tax Commission for the period ending June 30, 1941.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 419, a bill for an act to provide for the erecting and equipping of an office building on the state capitol grounds.

Also: That the Speaker of the House has appointed as a conference committee on Senate File 360, a bill for an act to require publication or posting of proceedings, expenditures of school districts monthly, Representatives Hutchison of Kossuth, Lucas of Taylor, Keeney of Palo Alto and Van Oosterhout of Sioux.

Also: That the Speaker of the House has appointed as a conference committee on Senate File 245, a bill for an act to create the Iowa Emergency Relief Fund, Representatives Hutchison of Kossuth, Swamer of Johnson, Randall of Worth and Van Oosterhout of Sioux.

Also: That the Speaker of the House has appointed as a conference committee on Senate File 462, a bill for an act to appropriate funds for various state departments, Representatives Greene of Crawford, Prentiss of Ringgold, Fishbaugh of Page and Kuester of Cass.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE AMENDMENT TO SENATE FILE 419

Amend Section four (4) of Senate File 419 by adding the following to the third paragraph of said section:

"The legislative advisory committee shall meet and organize on the second Monday in May, 1941, and at the same time and immediately following its organization, meet with the executive council in order that the committee and council may advise on carrying out the provisions of this act."

Further amend Senate File 419 by striking the last two lines of Section four and inserting in lieu thereof "the joint committee of the executive council and of the legislative advisory committee."

Senator Berg offered the following resolution and moved its adoption:

## SENATE CONCURRENT RESOLUTION 27

*Be It Resolved by the Senate, the House Concurring:* That the Senate and House join and that the legislature request from the Governor the return by him to the legislature, by returning the same to the Senate, Senate File 472 for such further action as the legislature may deem proper.

The resolution was adopted.

Senator Munger took the chair at 2:25 p. m.

## THIRD READING OF BILLS

The Senate resumed consideration of Senate File 396.

Senator Donohue offered the following amendment and moved its adoption:

Amend Senate File 396 by striking section 2 thereof.

The amendment was adopted.

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

Senator Munger announced that Senators Byers and Evans had filed written requests to be recorded as voting "aye" on Senate File 396. Consent was granted.

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

Ayes, 36:

Augustine	Byers	Dykhouse	Faul
Baldwin	Clark	Elthon	Findlay
Benson	Cronwell	Emerson	Hart
Berg	Donohue	Evans	Harvey



Hattery	Keir	Martin	Sjulin
Hess	Leo	Mercer	Talbott
Hill	Long	Mowry	Turner
Hunt	Lundy	Munger	Vrba
Johnson	Lynes	Shaw	Whitehill

Nays, 13:

Bekman	Goode	Love	Stewart
Corwin	Henningsen	Miller	Watson
Dewey	Jones	Pelzer	Zeigler
Fuller			

Absent or not voting, 1:

Hamiel

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

Senator Donohue 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.

On motion of Senator Donohue, Senate File 469, a bill for an act to amend chapter 251.2, Code, 1939, relating to motor vehicle fuel taxes, and the collection of such taxes on liquified gas used in motor vehicles, and providing penalties for violation of said chapter, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

1. Amend section 1 of Senate File 469 by striking the letter "d" in line 1 and substituting the figure "4".

2. Amend section 2 of Senate File 469 by striking the letter "q" in line 3 and substituting the figures "17", further by striking the letter "(a)" in line 4 and substituting the figure "1", further by striking the letter "r" in line 16 and substituting the figures "16", further by striking the letter "s" in line 24 and substituting the figures "19", further by striking the letter "t" in line 30 and substituting the figures "20", further by striking the letter "(r)" in line 28 and substituting the figure "4", further by striking "(d)" in line 33 and substituting the figure "4".

3. Amend section 3 by striking the letter "d" in line 11 and in line 13 and substituting the figure "4" in each instance.

4. Amend section 10 by striking "d" in line 14 and substituting the figure "4".

5. Amend section 12 of Senate File 469 by striking the letter "d" in line 5 and in line 8 and substituting the figure "4" in each instance.

6. Amend section 14 of Senate File 469 by filling the blank in line 8 with the figures "30".

7. Amend section 15 of Senate File 469 by inserting the word "fuel" after the word "motor" in line 3.

8. Amend section 16 of Senate File 469 by striking the letter "d." in line five (5) and in line 11 and inserting the figure "4" in each instance.

The amendment was adopted.

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

Senator Munger announced that Senator Dewey had filed a written request to be recorded as voting "aye" on Senate File 469.

Consent was granted.

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

Ayes, 41:

Augustine	Findlay	Johnson	Munger
Baldwin	Fuller	Jones	Shaw
Bekman	Goode	Leo	Sjulin
Benson	Hamiel	Long	Stewart
Clark	Hart	Love	Talbott
Corwin	Harvey	Lundy	Turner
Dewey	Hattery	Martin	Vrba
Donohue	Henningsen	Mercer	Watson
Dykhouse	Hess	Miller	Whitehill
Emerson	Hill	Mowry	Zeigler
Faul			

Nays, none.

Absent or not voting, 9:

Berg	Elthon	Hunt	Lynes
Byers	Evans	Keir	Pelzer
Cromwell			

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

Senator Faul 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.

On motion of Senator Faul, Senate File 287, a bill for an act to amend section nine thousand one hundred four (9104), of chapter four hundred nine (409), Code, 1939, pertaining to consolidation and reinsurance, by including in such section chapter four hundred eight (408), Code, 1939, pertaining to reciprocal or inter-insurance contracts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul 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, 39:

Augustine	Elthon	Hill	Mowry
Baldwin	Emerson	Johnson	Munger
Bekman	Faul	Keir	Shaw
Benson	Fuller	Leo	Sjulin
Berg	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Turner
Dewey	Harvey	Lynes	Whitehill
Donohue	Hattery	Martin	Zeigler
Dykhouse	Henningsen	Mercer	

Nays, none.

Absent or not voting, 11:

Byers	Findlay	Jones	Vrba
Cromwell	Hess	Miller	Watson
Evans	Hunt	Pelzer	

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

Senator Faul 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.

Senator Faul asked and received unanimous consent to have Senate Files 469 and 287 immediately messaged to the House.

On motion of Senator Benson, Senate File 455, a bill for an act to repeal section one thousand seven hundred three and fifteen hundredths (1703.15), Code, 1939, and to enact a substitute therefor relating to the manner in which aircraft shall use the waters of the state of Iowa and providing that the Conservation Commission shall make rules therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Benson 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, 42:

Augustine	Dewey	Goode	Hill
Baldwin	Donohue	Hamiel	Johnson
Bekman	Dykhouse	Hart	Jones
Benson	Elthon	Harvey	Keir
Berg	Emerson	Hattery	Leo
Clark	Faul	Henningsen	Long
Corwin	Fuller	Hess	Love

Lundy  
Lynes  
Martin  
Mercer

Miller  
Mowry  
Munger  
Pelzer

Shaw  
Sjulin  
Stewart

Talbott  
Turner  
Whitehill

Nays, none.

Absent or not voting, 8:

Byers  
Cromwell

Evans  
Findlay

Hunt  
Vrba

Watson  
Zeigler

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

Senator Benson 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.

Senator Benson asked and received unanimous consent to have Senate File 455 immediately messaged to the House.

On motion of Senator Stewart, House File 295, a bill for an act to repeal chapter one hundred fifty-three (153), Code, 1939, relating to agricultural seeds, and to enact a substitute in lieu thereof, was taken up and considered.

Senator Stewart offered the following amendment and moved its adoption:

Amend House File 295, section 1, by inserting after the word "includes" in line 2 the words "an individual".

The amendment was adopted.

Senator Goode offered the following amendment and moved its adoption:

Amend House File 295 by striking from line 12 of section 1 the words "field corn".

The amendment was lost.

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

The President announced that Senator Johnson had filed a written request to be recorded as voting "aye" on House File 295.

Consent was granted.

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

## Ayes, 34:

Benson	Fuller	Keir	Munger
Berg	Hamiel	Leo	Pelzer
Clark	Hart	Long	Sjulin
Cromwell	Harver	Lynes	Stewart
Dewey	Hattery	Martin	Talbott
Dykhouse	Henningsen	Mercer	Turner
Elthon	Hess	Miller	Watson
Faul	Hill	Mowry	Zeigler
Findlay	Johnson		

## Nays, 3:

Corwin	Goode	Jones
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## Absent or not voting, 13:

Augustine	Donohue	Hunt	Shaw
Baldwin	Emerson	Love	Vrba
Bekman	Evans	Lundy	Whitehill
Byers			

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

Senator Stewart 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.

President Hickenlooper took the chair at 3:25 p. m.

## MESSAGES FROM THE HOUSE

The following messages were received from the House :

**MR. PRESIDENT:** I am directed to request the return of House File 420, a bill for an act providing for issuance of bonds for fire station purposes.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the House was asked:

Senate Concurrent Resolution 27 requesting the return from the Governor of Senate File 472.

A. C. GUSTAFSON, *Chief Clerk.*

## THIRD READING OF BILLS

On motion of Senator Keir, House File 420, a bill for an act to legalize and validate proceedings taken by the city council of the city of Spencer, Clay county, Iowa, authorizing and providing for the issuance of bonds for fire station purposes and making provisions for the levy of taxes to pay said bonds, was taken up and considered.

Senator Keir 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, 42:

Baldwin	Findlay	Leo	Pelzer
Bekman	Fuller	Long	Shaw
Benson	Goode	Love	Sjulin
Berg	Hamiel	Lundy	Stewart
Clark	Hart	Lynes	Talbott
Cromwell	Harvey	Martin	Turner
Dewey	Hattery	Mercer	Vrba
Donohue	Henningsen	Miller	Watson
Dykhouse	Hess	Mowry	Whitehill
Emerson	Jones	Munger	Zeigler
Faul	Keir		

Nays, none.

Absent or not voting, 8:

Augustine	Corwin	Evans	Hunt
Byers	Elthon	Hill	Johnson

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

Senator Keir 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.

#### CONFERENCE COMMITTEES APPOINTED

The President appointed Senators Berg, Whitehill, Faul and Mercer as the conference committee on the part of the Senate on Senate File 245.

The President appointed Senators Mowry, Hess, Munger, and Baldwin as the conference committee on the part of the Senate on Senate File 360.

The President appointed Senators Berg, Corwin, Henningsen and Stewart as the Conference Committee on the part of the Senate on Senate File 462.

Senator Donohue called up the motion filed March 29th to reconsider the vote by which Senate File 523 passed the Senate, and moved that the Senate reconsider.

On the question, "Shall the Senate reconsider the vote by which Senate File 523 passed the Senate?" the vote was:

Ayes, 3:

Cromwell	Goode	Munger
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## Nays, 25:

Bekman	Hamiel	Keir	Pelzer
Clark	Hart	Leo	Talbott
Dewey	Harvey	Long	Turner
Donohue	Hattery	Lynes	Watson
Emerson	Hess	Mercer	Whitehill
Faul	Hill	Mowry	Zeigler
Findlay			

## Absent or not voting, 22:

Augustine	Dykhouse	Johnson	Miller
Baldwin	Elthon	Jones	Shaw
Benson	Evans	Love	Sjulin
Berg	Fuller	Lundy	Stewart
Byers	Henningsen	Martin	Vrba
Corwin	Hunt		

The motion to reconsider was lost.

Senator Donohue asked and received unanimous consent to have Senate File 523 immediately messaged to the House.

The President announced that Senator Hamiel had filed a written request at the desk to have Senate File 463 immediately messaged to the House.

Consent was granted.

Senator Stewart offered the following concurrent resolution by the agricultural committee:

## SENATE CONCURRENT RESOLUTION 28

*Whereas*, Agriculture is the basic industry of Iowa, and the continued prosperity and development of the state is largely dependent on the general prosperity of its farm population, and

*Whereas*, Changing conditions, both foreign and domestic, have created grave agricultural problems including those of confused and undesirable marketing conditions, increased production due to modern machinery, aggravated under consumption, absentee ownership, decrease in the number of family-sized farms, as well as many other related and acute problems, and

*Whereas*, The permanent solution of this problem, as yet unfound, presents a challenge to the state, and

*Whereas*, The temporary nature of the present farm problems, dependent as it is upon annual congressional appropriation offers no permanent solution, and

*Whereas*, The time available to members during a legislative session is too limited to pursue the intensive study required;

*Be It Resolved by the Senate, the House concurring*: That the Governor be and he is hereby requested and empowered to appoint a committee, to serve without pay, the chairman of which shall be the Secretary of Agriculture, and the members of which shall be composed of five

(5) members from the House of Representatives and five (5) members from the Senate. The duty of this committee shall be to study and investigate agricultural problems and to suggest means for meeting them, reporting results back to the Fiftieth General Assembly.

#### HOUSE MESSAGES CONSIDERED

House File 82, a bill for an act to amend section thirteen thousand forty-seven (13047), Code, 1939, relating to the false drawing or uttering of checks.

Read first and second times and referred to sifting committee.

House File 161, a bill for an act to amend section four thousand thirty-nine (4039), relating to the state apiarist.

Read first and second times and referred to sifting committee.

House File 352, a bill for an act to amend sections one thousand two hundred twenty-five and thirty hundredths (1225.30), one thousand two hundred twenty-five and thirty-two hundredths (1225.32), and one thousand two hundred twenty-five and thirty-three hundredths (1225.33), Code, 1939, relating to itinerant merchants.

Read first and second times and referred to sifting committee.

House File 392, a bill for an act to amend section ten thousand eight hundred five (10805), Code, 1939, relating to the expenses of judges of the district court.

Read first and second times and referred to sifting committee.

House File 536, a bill for an act to legalize the expenditure of certain funds in 1936 by Pottawattamie county.

Read first and second times and referred to sifting committee.

House File 296, a bill for an act to amend chapter two hundred fifty-one and one tenth (251.1), Code, 1939, and sections five thousand thirty-five and fifteen hundredths (5035.15), and five thousand ten and eight hundredths (5010.08), Code, 1939, relating to registration and re-registration of certain motor vehicles for sale or trade, and to the portion of the fee retained by the county.

Read first and second times and referred to sifting committee.



## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 3d he had approved the following:

Senate File 17, relating to tax exemptions for military service of a widowed mother of a deceased soldier, sailor or marine.

Senate File 169, relating to school taxes.

Senate File 79, exempting from taxation cooperative corporations and associations not operated for profit and engaged in furnishing electric energy to farms and farm establishments, rural churches, rural schools and rural business establishments and providing for the method of taxation thereafter.

Senate File 213, regulating the sale of baby chicks; providing for the licensing of handlers and dealers, providing for inspection of establishments and penalties.

Senate File 236, relating to the applicability of the provisions of the chain store tax.

Senate File 246, relating to compensation of state officers and employees.

Senate File 247, relating to insurance or bond of motor vehicle truck operators.

Senate File 252, pertaining to discrimination against Iowa reciprocal or interinsurance exchanges doing business in other states and providing for similar taxes, fines, penalties, and certificates of authority for foreign reciprocal or interinsurance exchanges doing business in this state.

Senate File 293, right to acquire by purchase, gift, condemnation or lease, lands for parking motor vehicles.

Senate File 311, relating to insurance or bond of motor vehicle truck operators.

Senate File 339, relating to approval of compensation of employees of the state during the biennial fiscal period ending June 30, 1943.

Senate File 442, legalizing the transfer of funds from the town bond fund to the town paving fund of Lake Mills.

Senate File 513, an emergency appropriation for the state print-

ing board to permit said board to function during the remainder of the biennium.

At the request of Senator Dewey, the following excerpts from a letter from Congressman Gilchrist are printed in the Journal:

CONGRESS OF THE UNITED STATES  
House of Representatives  
Washington, D. C.

April 2, 1941.

Hon. A. Claire Dewey,  
Iowa State Senate,  
State House,  
Des Moines, Iowa.

Dear Senator:

I was glad to get your letter telling me of the passage of the concurrent resolution which Mr. Poston introduced in the House and which you introduced and got through the Senate. I think this is good work.

As you state, it is too bad that this matter has not been taken up seriously long ago. The federal constitution is a hard thing to change and such a constitutional amendment cannot be accomplished without much effort and time spent upon the passage of the amendment, and it will be perhaps years before this change can actually be made. There is much opposition to it by many states, which opposition is easy to understand since the change would greatly affect their population and necessarily under the change, their representation in congress. And yet at the same time most of these states do not count these aliens when it comes to representation in their state legislatures. It is well to have Iowa on record as favoring, as well as demanding, such an amendment to the fourteenth amendment to the constitution.

I send personal greetings and best wishes.

Sincerely yours,

FRED C. GILCHRIST.

On the request of Senator Whitehill, House File 253 was returned from the sifting committee and referred to the committee on appropriations.

#### 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. 372, H. F. 147, S. F. 517, H. F. 127, H. F. 252, S. F. 222, S. F. 446, H. F. 26, H. F. 153, S. F. 543, and that H. F. 442 be referred to appropriations committee.

"SPECIAL SENATE CALENDAR"

April 5, 1941

H. F. 394, H. F. 358, S. F. 553, S. F. 250, S. F. 493, S. F. 554, S. F. 518, H. F. 123, H. F. 387, H. F. 167, H. F. 82, H. F. 392, H. F. 75, H. F. 146, H. F. 285, H. F. 447, H. F. 161, H. F. 162, H. F. 104, S. F. 529.

E. P. DONOHUE, *Chairman.*

## AMENDMENTS FILED

Amend Senate File 543 as follows:

By striking all of the title to said bill and inserting in lieu thereof the following: "A bill for an act to amend section six thousand sixty-six and twenty-nine hundredths (6066.29), Code, 1939, relating to bonds issued by cities and towns for the construction of self-liquidating improvements, and to amend chapters three hundred eight and two tenths (308.2) and three hundred eight and three tenths (308.3), both of the Code, 1939, making said chapters applicable to special charter cities.";

By adding to said Senate File the following section:

"Sec. 3. Chapter three hundred eight and two tenths (308.2), Code, 1939, is hereby amended by adding thereto a new section as follows: "The provisions of this chapter shall apply to cities organized and acting under special charters.".

E. P. CORWIN.

On motion of Senator Faul the Senate adjourned until 10:00 a. m. Saturday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 5, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. William Mack, Pastor of the Union Park Presbyterian Church of Des Moines.

The Journal of April 4th was corrected and approved.

At the request of Senator Faul, leave of absence was granted for the day to the following Senators: Augustine, Baldwin, Bekman, Byers, Clark, Cromwell, Donohue, Elthon, Hamiel, Hattery, Hunt, Johnson, Keir, Lundy, Martin, Mercer, Sjulín, Vrba and Whitehill.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Long, from city officials of Quasqueton, in opposition to Senate File 375.

## 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 returns herewith as requested, House File 134, a bill for an act relating to lien and inheritance tax, which bill had been returned by the Governor upon the joint request of the House and Senate.

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

House File 278, a bill for an act relating to foreign corporations doing business in Iowa, and legalizing the acts of the Secretary of State in connection with their licensing.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 418, a bill for an act authorizing highway commission in enforcement of maximum weight laws.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 398, a bill for an act relating to regulation and sale of securities.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 388, a bill for an act relating to collection of taxes on insurance company premiums.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 542, a bill for an act relating to funds for improvements, repairs and supplies for the state capitol buildings and grounds.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 365, a bill for an act to make an appropriation to the person, firm, or corporation for the first producing oil well in Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 75, a bill for an act relating to the making of income tax returns by administrators.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 440, a bill for an act relating to certain claims against state; providing for investigation and payment of.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 481, a bill for an act relating to teachers' contracts and to provide for continuing contracts of teachers.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 411, a bill for an act relating to exemption from income tax of certain profits made without the state.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 291, a bill for an act to authorize appointment of committee on revision and codification of school laws.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 440

Amend Senate File 440 by adding the following as a new section:

"Claims against the state of Iowa in the amount of fifty dollars (\$50.00) or less shall not be investigated by the Attorney General or his assistants as provided for by this act."

#### HOUSE AMENDMENT TO SENATE FILE 481

Amend Senate File 481 by inserting after the figure "15th" in line 8 of section 1, the following: "of each year".

## HOUSE AMENDMENT TO SENATE FILE 411

Amend Senate File 411 by striking the period after the word "state" in line six (6) and by adding the following:

" , and when such other state allows a similar exemption with regard to profits made from the operation of a business outside that state. Operation of a business as used in this section shall not include salaries, commissions, fees or other remuneration for personal or professional services."

## HOUSE AMENDMENT TO SENATE FILE 291

Amend Senate File 291 by striking from section 1, lines nineteen (19), twenty (20) and twenty-one (21), the words and figures "for the biennium ending June 30, 1941, the sum of five thousand dollars (\$5,000.00) and from the general fund of the state".

Also amend by striking from line twenty-three (23) of said section the words and figures "ten thousand (\$10,000.00)" and inserting in lieu thereof the words and figures "seven thousand five hundred (\$7,500.00)."

Further amend by inserting after the word "economical," in line twenty-two (22) of Sec. 2 the following: "The commission shall give special attention to the problem of raising revenue for school purposes other than direct taxes upon tangible property and also to the problems of alleviating or adjusting the taxes on agricultural lands."

Senator Goode asked and received unanimous consent to have all bills immediately messaged to the House as passed today.

## THIRD READING OF BILLS

On motion of Senator Love, House File 394, a bill for an act to provide for a period of limitation within which certain funds deposited with the clerk of the district court may be claimed, was taken up and considered.

Senator Love 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:

Benson	Findlay	Leo	Pelzer
Berg	Fuller	Long	Shaw
Corwin	Goode	Love	Stewart
Dewey	Harvey	Lynes	Talbott
Dykhouse	Henningsen	Miller	Turner
Emerson	Hess	Mowry	Watson
Evans	Hill	Munger	Zeigler
Faul	Jones		

Nays, none.

Absent or not voting, 20:

Augustine	Cromwell	Hattery	Martin
Baldwin	Donohue	Hunt	Mercer
Bekman	Elthon	Johnson	Sjulin
Byers	Hamiel	Keir	Vrba
Clark	Hart	Lundy	Whitehill

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

Senator Love 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.

On motion of Senator Faul, House File 358, a bill for an act to legalize proof of publication of notice made by the affidavit of the assistant publisher prior to January 1, 1940, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend House File 358 by adding thereto the following: "This act shall not be construed to affect pending litigation."

The amendment was adopted.

Senator Faul 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:

Benson	Findlay	Leo	Pelzer
Berg	Fuller	Long	Shaw
Corwin	Goode	Love	Stewart
Dewey	Harvey	Iynes	Talbott
Dykhouse	Henningsen	Miller	Turner
Emerson	Hess	Mowry	Watson
Evans	Hill	Munger	Zeigler
Faul	Jones		

Nays, none.

Absent or not voting, 20:

Augustine	Cromwell	Hattery	Martin
Baldwin	Donohue	Hunt	Mercer
Bekman	Elthon	Johnson	Sjulin
Byers	Hamiel	Keir	Vrba
Clark	Hart	Lundy	Whitehill

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

Senator Faul 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.

On motion of Senator Talbott, Senate File 553, a bill for an act to amend section seven thousand three hundred eight (7308), Code, 1939, relating to exemptions from inheritance tax and providing for an exemption in the case of property passing to veterans' organizations, was taken up and considered.

Senator Talbott offered the following amendments and moved their adoption:

Amend Senate File 553 by striking the quotation marks and periods in line 5 and insert the following: "of the United States of America".

Further amend Senate File 553 by adding as section 2 the following: "This act, being deemed of immediate importance, shall be in full force and effect from and after its passage and publication in the Brooklyn Chronicle, a newspaper published at Brooklyn, Iowa, and the Missouri Valley Times, a newspaper published at Missouri Valley, Iowa".

The amendments were adopted.

Senator Talbott 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Berg 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.

#### HOUSE FILE 295 RECONSIDERED

Senator Stewart asked and received unanimous consent to take



from the table the motion to reconsider the vote by which House File 295 passed the Senate.

On the question, "Shall the vote by which House File 295 passed the Senate be reconsidered?" the vote was:

Ayes, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

The motion to reconsider prevailed.

Senator Stewart moved that the Senate reconsider the vote by which House File 295 passed to its third reading, which motion prevailed.

Senator Stewart offered the following amendment and moved its adoption:

Amend House File 295 by inserting following the enacting clause the following:

"Chapter one hundred fifty-three (153), Code, 1939, is hereby repealed and the following enacted in lieu thereof:".

The amendment was adopted.

Senator Stewart 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:

Benson	Findlay	Leo	Pelzer
Berg	Fuller	Long	Shaw
Corwin	Hart	Love	Stewart
Dewey	Harvey	Lynes	Talbott
Dykhouse	Henningsen	Miller	Turner
Emerson	Hess	Mowry	Watson
Evans	Hill	Munger	Zeigler
Faul	Jones		

Nays, 1:

Goode

Absent or not voting, 19: .

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Stewart offered the following amendment to the title and moved its adoption:

Amend by striking the title and inserting in lieu thereof the following:

“An Act to repeal chapter one hundred fifty-three (153), Code, 1939, and to enact a substitute therefor relating to agricultural seeds and the distribution thereof and providing for penalties and methods of enforcement.”

The amendment was adopted and the title as amended was agreed to.

Senator Stewart 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.

### THIRD READING OF BILLS

On motion of Senator Love, Senate File 250, a bill for an act to amend section nine thousand forty-three (9043), Code, 1939, relating to returns to policyholders of associations transacting hail insurance business, was taken up and considered.

Senator Love 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Faul 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.

On motion of Senator Dewey, Senate File 518, a bill for an act to amend section eighteen hundred twenty-eight and two hundredths (1828.02), Code, 1939, relating to the speed limit on state park roads, was taken up and considered.

Senator Goode 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Goode 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.

On motion of Senator Hill, House File 123, a bill for an act to amend section three thousand fifty-eight (3058), chapter one hundred forty-eight (148), Code, 1939, relating to the definition and

standards for lard and rendered pork fat, with report of committee recommending passage, was taken up, considered, and the report of the committee 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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, which motion prevailed.

On motion of Senator Zeigler, House File 387, a bill for an act to repeal chapter eighty and one tenth (80.1), Code, 1939, relating to compressed gas systems; and to enact a substitute therefor, defining "liquid petroleum gases", providing for regulations and for penalties for violation thereof, was taken up and considered.

Senator Zeigler 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Zeigler 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.

On motion of Senator Watson, House File 167, a bill for an act to authorize law-enforcing officers of other states to make arrests within the state of Iowa under certain circumstances and to provide for a method of procedure in such cases, was taken up and considered.

Senator Watson 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Watson 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.

On motion of Senator Faul, House File 82, a bill for an act to

amend section thirteen thousand forty-seven (13047), Code, 1939, relating to the false drawing or uttering of checks, was taken up and considered.

Senator Faul 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Faul 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.

On motion of Senator Faul, House File 392, a bill for an act to amend section ten thousand eight hundred five (10805), Code, 1939, relating to the expenses of judges of the district court, was taken up and considered.

Senator Faul 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henning s n	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Faul 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.

On motion of Senator Watson, House File 75, a bill for an act to amend section six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), Code, 1939, relating to the "Homestead Tax Credit" and giving to certain remaindermen the benefits thereof, was taken up and considered.

Senator Watson 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Watson 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.

On motion of Senator Mowry, House File 285, a bill for an act

to amend section four thousand three hundred twenty-three (4323), Code, 1939, relating to the purchase and distribution of books by the county board of education and the county superintendent of schools, was taken up and considered.

Senator Mowry 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:

Benson	Findlay	Leo	Pelzer
Berg	Fuller	Long	Shaw
Corwin	Goode	Love	Stewart
Dewey	Hart	Lynes	Talbott
Dykhouse	Henningsen	Miller	Turner
Emerson	Hess	Mowry	Watson
Evans	Hill	Munger	Zeigler
Faul	Jones		

Nays, 1:

Harvey

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Mowry 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.

On motion of Senator Corwin, House File 161, a bill for an act to amend section four thousand thirty-nine (4039), relating to the state apiarist, was taken up and considered.

Senator Corwin 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	



Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Corwin 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.

On motion of Senator Corwin, House File 162, a bill for an act to amend chapter two hundred (200), Code, 1939, relating to the state apiarist, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Corwin 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Corwin 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.

On motion of Senator Faul, House File 104, a bill for an act to

amend chapter twenty-three (23), Code, 1939, and various sections thereof, to wit: section three hundred fifty-one (351), three hundred fifty-three (353), three hundred fifty-five (355), three hundred fifty-six (356), three hundred fifty-seven (357), three hundred fifty-eight (358), three hundred fifty-nine (359), three hundred sixty-two (362), three hundred sixty-five (365), three hundred sixty-six (366), and to repeal sections three hundred fifty-four (354) and three hundred sixty (360), relating to public contracts and bonds, 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 Section 14, and inserting in lieu thereof the following:

"Section 14. This act, being deemed of immediate importance shall be in full force and effect from and after its publication in the Centerville Iowegian, a newspaper published in Centerville, Iowa, and in the Manly Signal, a newspaper published at Manly, Iowa."

The amendment was adopted.

Senator Faul 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Faul 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.

On motion of Senator Faul, Senate File 529, a bill for an act to permit and provide for conveying to the United States, certain lands in Allamakee and Clayton counties in the state of Iowa. The purpose of the gift provided for by this act is to enable the United States to establish a national monument and preserve of the pre-historic effigy Indian mounds located upon the land described in this act, these mounds being the only ones of their kind in the United States, was taken up and considered.

Senator Faul 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, 31:**

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

**Nays, none.**

**Absent or not voting, 19:**

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Faul 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.

Senator Corwin asked and received unanimous consent to take up Senate File 543, a bill for an act to amend section six thousand sixty-six and twenty-nine hundredths (6066.29) of chapter three hundred eight and three tenths (308.3), Code of Iowa, 1939, relating to bonds issued by cities and towns for the construction of self-liquidating improvements and to make the provisions of said chapter three hundred eight and three tenths (308.3), Code of Iowa, 1939, as thus amended, applicable to special charter cities.

Senator Corwin offered the following amendment and moved its adoption:

Amend Senate File 543 as follows:

By striking all of the title to said bill and inserting in lieu thereof the following: "A bill for an act to amend section six thousand sixty-six and twenty-nine hundredths (6066.29), Code, 1939, relating to bonds issued by cities and towns for the construction of self-liquidating improvements, and to amend chapters three hundred eight and two tenths (308.2) and three hundred eight and three tenths (308.3), both of the Code, 1939, making said chapters applicable to special charter cities.";

By adding to said Senate File the following section:

"Sec. 3. Chapter three hundred eight and two tenths (308.2), Code, 1939, is hereby amended by adding thereto a new section as follows: "The provisions of this chapter shall apply to cities organized and acting under special charters."

The amendment was adopted.

Senator Corwin 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Corwin 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.

#### HOUSE AMENDMENTS CONSIDERED

Senator Mowry called up for consideration Senate File 481, a bill for an act to amend section four thousand two hundred

twenty-nine (4229), Code, 1939, relating to teachers' contracts, and to provide for continuing contracts for teachers, amended by the House, and moved that the Senate concur in the following amendment:

Amend Senate File 481 by inserting after the figure "15th" in line 8 of section 1, the following: "of each year".

The Senate concurred in and adopted the House amendment.

Senator Mowry moved that the bill as amended by the House and concurred in by the Senate 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitchill
Clark	Hattery	Martin	

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

Senator Mowry 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.

Senator Mowry called up for consideration Senate File 411, a bill for an act to amend subsection two (2) of section six thousand nine hundred forty-three and forty thousandths (6943.040), Code, 1939, by adding thereto a paragraph relating to the exemption of profits made in a foreign state, amended by the House, and moved that the Senate concur in the following amendment:

Amend Senate File 411 by striking the period after the word "state" in line 6 and by adding the following: ", and when such other state allows a similar exemption with regard to profits made from the operation of a business outside that state. Operation of a business as used in this section shall not include salaries, commissions, fees or other remuneration for personal or professional services."

The Senate concurred in and adopted the House amendment.

Senator Mowry moved that the bill, as amended by the House and concurred in by the Senate, 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Turner
Emerson	Henningsen	Miller	Watson
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Mowry 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.

#### 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 351, a bill for an act relating to homestead exemption.

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

House File 421, a bill for an act relating to waiver of homestead tax credits.

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

House File 538, a bill for an act relating to tax credited to the general fund 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 177, a bill for an act relating to city and town fire departments.

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

House File 399, a bill for an act relating to privileged communications in professional confidence.

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

House File 323, a bill for an act relating to excessive tax levies and providing for revision or elimination of unauthorized or unlawful levies by the county auditor.

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

House File 491, a bill for an act relating to fire protection in hotels.

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

House File 272, a bill for an act relating to the board of supervisors of Lucas county.

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

House File 544, a bill for an act relating to the board of supervisors of Jones county, Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 284, a bill for an act relating to street improvements and sewers in cities and towns.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 469, a bill for an act relating to collection of taxes on liquefied gas.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 47, a bill for an act to regulate the sale of second-hand watches.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 527, a bill for an act relating to election and all proceedings of the town council and town officials of the town of Rudd, Iowa.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 467, a bill for an act relating to requirements for fish and game licenses.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 10, a bill for an act relating to qualifications and salary of superintendent of state school at Glenwood.

A. C. GUSTAFSON, *Chief Clerk.*

### THIRD READING OF BILLS

Senator Berg asked and received unanimous consent to take up House File 127, a bill for an act requiring cities and towns, including those operating under special charter, maintaining police or fire departments, to defend, in the name and on behalf of, the members of such departments in actions brought against them because of any claims for bodily injuries, death, or property damage made against such members and resulting from their operation of motor or other vehicles while in the performance of their duties and to indemnify such members against liability, loss or expense because of any such claim; also authorizing said cities and towns to compromise any such claims made against such members and in case of judgment to pay the same, and in its discretion to pay the premiums on liability insurance on such members.

Senator Berg 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, 31:

Benson	Findlay	Jones	Pelzer
Berg	Fuller	Leo	Shaw
Corwin	Goode	Long	Stewart
Dewey	Hart	Love	Talbott
Dykhouse	Harvey	Lynes	Watson
Emerson	Henningsen	Miller	Turner
Evans	Hess	Mowry	Zeigler
Faul	Hill	Munger	

Nays, none.

Absent or not voting, 19:

Augustine	Cromwell	Hunt	Mercer
Baldwin	Donohue	Johnson	Sjulin
Bekman	Elthon	Keir	Vrba
Byers	Hamiel	Lundy	Whitehill
Clark	Hattery	Martin	

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

Senator Berg 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.



Senator Watson asked and received unanimous consent to take up Senate File 554, a bill for an act to amend section one thousand two hundred twenty-five and twelve one-hundredths (1225.12), Code, 1939, relating to salaries of the Iowa Highway Patrol.

Senator Watson asked and received unanimous consent to defer action on Senate File 554 and that it retain its place on the calendar.

Senator Dewey asked and received unanimous consent to present Mr. Lindquist and Mr. Nelson, who were here from Cook county, Minnesota, to attend the Sports' Show.

#### COMMUNICATION FROM THE GOVERNOR

STATE OF IOWA  
Executive Offices  
Des Moines

April 4, 1941.

TO THE HONORABLE MEMBERS OF THE SENATE,  
Forty-ninth General Assembly of Iowa.

GENTLEMEN: I acknowledge receipt of Senate Concurrent Resolution No. 27, requesting the return of Senate File 472 to the Senate for such further action as the legislature may deem proper, and herewith return Senate File 472.

Respectfully submitted,  
GEO. A. WILSON.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 50, 67, 194, 217, 220, 265, 315, 318, 376, 436, 437, 514, 539, 544, 545, 546, 547, 548, 549, 550 and 552.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 the presence of the Senate, Senate Files 50, 67, 194, 217, 220, 265, 315, 318, 376, 436, 437, 514, 539, 544, 545, 546, 547, 548, 549, 550 and 552.

## BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has on this 5th day of April 1941, sent to the governor for his approval, Senate Files 50, 67, 194, 217, 220, 265, 315, 318, 376, 436, 437, 514, 539, 544, 545, 546, 547, 548, 549, 550 and 552.

EDWARD H. VRBA, *Chairman.*

Passed on file.

## HOUSE MESSAGES CONSIDERED

House File 177, a bill for an act to amend section five thousand seven hundred sixty-six and one-tenth (5766.1), Code, 1939, relating to city and town fire departments.

Read first and second times and referred to sifting committee.

House File 272, a bill for an act to legalize the action of the board of supervisors of Lucas county, Iowa, in making expenditures from the court fund and poor fund that should have been made from the general fund.

Read first and second times and referred to sifting committee.

House File 278, a bill for an act to amend chapter three hundred eighty-six (386), Code, 1939, relating to foreign corporations doing business in Iowa, and legalizing the acts of the secretary of state in connection with their licensing.

Read first and second times and referred to sifting committee.

House File 323, a bill for an act to amend section seven thousand one hundred sixty-nine (7169), Code, 1939, relating to excessive tax levies and providing for revision or elimination of unauthorized or unlawful levies by the county auditor.

Read first and second times and referred to sifting committee.

House File 351, a bill for an act to amend section six thousand nine hundred forty-three and one hundred forty-three thousandths (6943.143), Code, 1939, relating to homestead exemption.

Read first and second times and referred to sifting committee.

House File 399, a bill for an act to amend section eleven thousand two hundred and sixty-three (11263), Code, 1939, relating to privileged communications in professional confidence.

Read first and second times and referred to sifting committee.

House File 421, a bill for an act to amend section six thousand nine hundred forty-three and one hundred forty-seven thousandths (6943.147), Code, 1939, relating to waiver of homestead tax credits.

Read first and second times and referred to sifting committee.

House File 491, a bill for an act to amend section two thousand eight hundred forty-three (2843), Code, 1939, relating to fire protection in hotels; to transfer certain duties in connection therewith from the labor commissioner to the state fire marshal.

Read first and second times and referred to sifting committee.

House File 538, a bill for an act to amend chapter three hundred thirty-eight (338), Code, 1939, by adding thereto a new section providing that receipts from the tax imposed by said chapter shall be credited to the general fund of the state of Iowa.

Read first and second times and referred to sifting committee.

House File 544, a bill for an act to legalize the action of the Board of Supervisors of Jones county, Iowa, in making expenditures from the poor fund of said county to state revenue which should have been made from the general fund of said county.

Read first and second times and referred to sifting committee.

#### REPORTS OF COMMITTEES

Senator Berg submitted the following report:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 408, a bill for an act to appropriate from the general fund of the state of Iowa to the Board of Education for the purpose of providing facilities for the care of infantile paralysis and orthopedic patients in the university hospital, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 146, a bill for an act to amend chapter eighteen and one tenth (18.1), Code, 1939, relating to the duties of the state car dispatcher; to provide an appropriation to create a car dispatcher revolving fund to be used in the purchase of supplies, replacements, and

new motor vehicles; to provide for records and reports on the use of state-owned motor vehicles, and to provide for the apportionment of the expenses of the state car dispatcher's department among the various state departments, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 253, a bill for an act to provide for a part of the adjutant's salary, secretarial, stenographic and clerical hire, printing, stationery and postage for the Department of Iowa, United Spanish War Veterans' organization of the state of Iowa; and to provide headquarters for the adjutant of such organization or representative selected by the Department of Iowa, Spanish War Veterans organization of the state of Iowa, for the biennium commencing July 1, 1941, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman*.

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 384, a bill for an act to provide an emergency appropriation to the Department of the Grand Army of the Republic for the purpose of meeting headquarter expenses from December 1, 1940, to July 1, 1941, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman*.

Ordered passed on file.

## REPORT OF CONFERENCE COMMITTEE ON SENATE FILE 462

TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE:

We, your conference committee appointed to consider the differences between the Senate and the House on Senate File 462, beg leave to report that we have had the same under consideration and desire to report as follows:

1. That section 3 read as follows:

"Sec. 3. For the office of board of control there is hereby appropriated from the general fund of the state for each year of the biennium July 1, 1941, and ending June 30, 1943, the sum of seventy-two thousand five hundred dollars (\$72,500.00) or so much thereof as may be necessary to be used in the following manner:

For salaries, members of the board (3 at \$3,850.00).....	\$11,550.00
For salary of secretary.....	2,550.00
For salaries, support, maintenance and miscellaneous purposes	58,400.00

Grand total of all appropriations for all purposes for each  
year of the biennium for the board of control.....\$72,500.00

2. Section 6, lines 5 and 6, change words and figures "thirty-one thousand five hundred fifty dollars (\$31,550.00) to read "thirty-two thousand five-hundred fifty dollars (\$32,550.00)".

3. Section 6, line 13, change figures "\$20,450.00" to "\$21,450.00".

4. Section 6, line 17, change figures "\$31,550.00" to "\$32,550.00".

5. Section 12, lines 5 and 6, change words and figures "one hundred thirty-nine thousand five hundred dollars (\$139,500.00)" to one hundred sixty-two thousand two hundred fifty dollars (\$162,250.00)".

6. Section 12, lines 14 and 18, change figures "\$139,500.00" to "\$162,250.00".

7. Section 12, paragraph 1, strike the colon after the word "lands" and add thereto the following: "; provided, however, that the commission may continue to produce and sell at private sale game cover packets and trees for erosion control such as are now offered for sale by it, and may continue to produce trees for a demonstration wind-break in each township in the state, and may dispose of trees now growing under their supervision under their present plan of distribution."

8. Section 14, lines 5 and 6, change words and figures "three hundred forty-six thousand seven hundred four (\$346,704.00) to "three hundred forty-eight thousand four hundred four (\$348,404.00)".

9. Section 14, line 12, change figures "109,704.00" to "112,204.00".

10. Section 14, line 14, change figures "\$118,004.00" to "\$120,504.00".

11. Section 14, line 18, insert after the word "diseases" the words "including Bang's disease".

12. Section 14, line 21, change figures "\$106,140.00" to "\$131,140.00", as in House amendment.

13. Section 14, strike lines 22, 23, 24, 25, and 26, and renumber the subdivisions under the Department of Agriculture beginning with "Beef Producers' Association", as in House amendment.

14. Section 14, line 28, change figures "5,000.00" to "4,500.00."

15. Section 14, line 35, insert after the word "diseases" the words "and for other purposes as approved by the secretary of agriculture," as in the House amendment.

16. Section 14, subdivision (10) to read as follows:

"For state aid.....	\$6,350.00
For vegetable growers' association.....	1,000.00
<hr/>	
Total for Horticultural Societies.....	\$7,350.00"

17. Section 14, line 57, change figures "600.00" to "300.00".

18. Section 14, line 59, change the figures "\$18,600.00" to "\$18,300.00".

19. Section 14, line 70, change figures "4,250.00" to "5,000.00".

20. Section 14, insert after subdivision (15) the following subdivision, as in House amendment:

"(16) Hatchery Inspection

For State hatchery inspection fund.....\$10,000.00"

21. Section 14, line 74, change the figures "\$346,704.00" to "\$348,404.00".

22. Section 16, lines 5, 6, and 7, words and figures to read "four hundred fifty-six thousand seven hundred fifty-four dollars and eighty-eight cents (\$456,745.88)" as in the House amendment.

23. Section 16, line 15, figures to read "37,804.88" as in the House amendment.

24. Section 16, strike lines 25 to 31 inclusive, as in House amendment.

25. Section 16, line 34, figures to read "\$456,754.88" as in the House amendment.

26. Section 18, line 5, insert after the word "fifty" the word "-three", and change the figure "(\$250,000.00)" to "(\$253,000.00)" as in House amendment.

27. Section 18, insert after line 12 the following, as in House amendment:

"For the purpose of revising the accounting and accounting procedure of the state including the payment of consultants.....\$3,000.00".

28. Section 18, line 16, figures to read "\$253,000.00" as in the House amendment.

29. Section 20, line 9, change figures "3,000.00" to "3,300.00".

30. Section 20, line 5, insert after the word "thousand" the words "three hundred", and change figures "(\$19,000.00)" in line 6 to "(\$19,300.00)".

31. Section 20, line 15, change figures "19,000.00" to "19,300.00".

32. Section 21, lines 5 and 6, words and figures to read "one thousand one hundred twenty-five dollars and fifty cents (\$1,125.50)" as in the House amendment.

33. Section 21, lines 8 and 13, figures to read "1,125.50" as in the House amendment.

34. Section 31, lines 5 and 6, words and figures to read "one hundred eighty-six thousand six hundred seventy dollars (\$186,670.00)" as in the House amendment.

35. Section 31, line 20, figures to read "\$170,000.00" as in the House amendment.

36. Section 31, line 24, figures to read "\$186,670.00" as in the House amendment.

37. Section 31, line 86, insert before the word "state" the words and figures "supreme court report fund, \$25,000.00;" as in the House amendment.

38. Section 32, lines 5, 6, and 7, change words and figures "eight hundred forty-seven thousand three hundred eighty-six dollars and fifty cents (\$847,386.50)" to "eight hundred fifty-one thousand sixty-one dollars and fifty cents (\$851,061.50)".

39. Section 32, line 56, change figure "25,135.00" to "28,810.00".

40. Section 32, line 58, change figures "\$27,535.00" to "\$31,210.00".

41. Section 32, line 66, change figures "\$847,386.50" to "\$851,061.50".

42. Section 33, to read as follows as in House amendment:

"Sec. 33. For the department of the reporter of the supreme court and code editor there is hereby appropriated from the general fund of the state for each year of the biennium beginning July 1, 1941, and ending June 30, 1943, the sum of twelve thousand five hundred sixty-five dollars (\$12,565.00) or so much thereof as may be necessary to be used in the following manner:

For salary of reporter of supreme court and code editor.....\$ 3,850.00

For salaries, support, maintenance and miscellaneous purposes 8,715.00

Grand total of all appropriations for all purposes for each year of the biennium for the department of the reporter of the supreme court and code editor.....\$12,565.00"

43. Section 35, line 22, figures to read "\$3,300.00" as in the House amendment.

44. Section 35, line 24, figures to read "\$10,720.00" as in the House amendment.

45. Section 38 to read as follows as in House amendment:

"Sec. 38. For the state employment service there is hereby appropriated from the general fund of the state for each year of the biennium beginning July 1, 1941, and ending June 30, 1943, the sum of fifty-nine thousand eight hundred fifty-two dollars and fifty-two cents (\$59,852.52) or so much thereof as may be necessary to be used in the following manner:

For salaries, support, maintenance and miscellaneous purposes .....\$59,852.52

Grand total of all appropriations for all purposes for each year of the biennium for the department of the state employment service .....\$59,852.52."

46. Section 39, line 5, change words and figures "forty-nine thousand four hundred dollars (\$49,400)" to "forty-nine thousand seven hundred dollars (\$49,700.00)".

47. Section 39, line 9, change figures "\$39,400.00" to "\$39,700.00".

48. Section 39, lines 12 and 15, change figures "\$49,400.00" to "\$49,700.00".

49. Section 40, line 12, add after the period the following as in House amendment:

"In no case shall any county receive more than two thousand dollars (\$2,000.00). In counties having more than one fair entitled to state aid, the state aid available for the county shall be prorated to said fairs on the basis of cash premiums paid by state fairs."

50. Section 41 to read as follows:

"Sec. 41. For the State Tax Commission there is hereby appropriated from the general fund of the state for each year of the biennium beginning July 1, 1941, and ending June 30, 1943, the sum of six hundred fifty-seven thousand one hundred thirty-six dollars (\$657,136.00) or so much thereof as may be necessary to be used in the following manner:

For salary of chairman.....\$ 4,500.00
For salary of vice chairman..... 4,500.00
For salary of member..... 4,500.00
For salary of assistant attorney general..... 4,500.00
For salaries, support, maintenance and miscellaneous purposes ..... 639,136.00

Grand total of all appropriations for all purposes for each  
year of the biennium for the state tax commission.....\$657,136.00"

Respectfully submitted,

G. T. KUESTER.

HUGH W. PARKER.

EARL C. FISHBAUGH, JR.

X. T. PRENTIS.

*On the part of the House.*

JOHN P. BERG.

E. P. CORWIN.

O. H. HENNINGSSEN.

PAUL P. STEWART.

*On the part of the Senate.*

On motion of Senator Goode, the Senate adjourned until 10 a. m.  
Monday.



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 7, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. C. E. Lookingbill, pastor of the Pleasant Grove Community Church of Nevada.

The Journal of April 5th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Baldwin for the day, to attend a funeral, on request of Senator Watson; Senator Hart for the day, on account of illness, on request of Senator Hattery.

On motion of Senator Whitehill, the Senate recessed for thirty minutes to view the Army Day parade of mechanized units from Fort Des Moines.

## PETITIONS AND MEMORIALS

The following petitions were presented and placed on file:

By Senator Johnson, from residents of Britt, favoring passage of Senate File 345.

By Senator Emerson, from business men of Leon, in opposition to Senate File 5.

By Senator Corwin, from residents of Muscatine favoring passage of the loss-leader bill; also from residents of the independent school district No. 1 of Sweetland township, Muscatine county, relative to certain taxation legislation.

By Senator Elthon, from residents of Mitchell county, favoring certain school legislation.

By Senator Hill, from business men of Ackley, in opposition to House File 315.

## INTRODUCTION OF BILLS

Senate File 555, by committee on judiciary 2, a bill for an act to amend chapter four hundred four (404), Code, 1939, relating to

alien insurers; to provide for the maintenance of deposits by alien non-life insurers, and in the event of the insolvency of such insurers, to provide for the liquidation of such deposits or subsequent reinsurance.

Read first and second times and referred to sifting committee.

Senator Vrba asked and received unanimous consent to present the school patrol from the Decorah public schools. The Decorah schools hold the splendid record of not having a single accident occur to their pupils since the patrol was organized twelve years ago.

Senator Dewey called up the following concurrent resolution and moved its adoption.

#### HOUSE CONCURRENT RESOLUTION 29

*Whereas*, The state of Iowa has some 65 meandering state-owned lakes which, at normal water level, total some 41,000 acres of water surface, and

*Whereas*, These lakes are a natural resource of great value and importance which has had comparatively little public consideration and which are rapidly filling in with silt and erosion, and

*Whereas*, An emergency exists whereby some 18 lakes of these state-owned lakes need immediate attention to increase the depth of the water level either by damming or dredging; therefore,

*Be It Resolved by the House of Representatives, the Senate Concurring:*

Section 1. That the state conservation commission of Iowa set up a long time program for the conserving and dredging of Iowa owned lakes, for silt and erosion has filled lakes to the extent where an emergency exists and is causing death and destruction to fish, and is a menace to boating and bathing; each project to be numbered according to the extreme emergency which exists.

Sec. 2. Such a program and estimated cost of each project together with all surveys, blue prints, and information necessary to carry out this program shall be submitted to the Governor of the state of Iowa for his approval on or before July 1, 1941.

Sec. 3. Upon the approval of this program by the Governor, it will be the duty of the state conservation commission to carry out this program by contract, or otherwise; to see that it is done properly and for the best interest to the state of Iowa.

Sec. 4. Each project shall be paid for from moneys appropriated by the legislature, or by other sources whereby such funds are available and not needed for maintenance of the state conservation commission.

Senator Corwin offered the following amendment to the resolution and moved its adoption:

Change the figure "1941" in line 20 to "1942".

The amendment was adopted.

The resolution as amended was adopted.

President Pro Tem Byers took the chair at 10:56 a. m.

### THIRD READING OF BILLS

On motion of Senator Shaw the Senate resumed consideration of Senate File 120, a bill for an act to amend section one thousand four hundred fifty-six (1456), Code, 1939, relating to the time of taking an appeal in workmen's compensation cases.

Senator Donohue called up the following amendment, previously under consideration, and moved its adoption:

Amend the amendment to Senate File 120, found on page 955 of the Journal, by adding thereto, at the end thereof, the following:

Sec. 2. Amend section fourteen hundred and fifty-two (1452), Code, 1939, by striking therefrom the last sentence thereof, and by substituting for the part so stricken, the following:

"An appeal may be taken from any order or decision of the Industrial Commissioner to the district court, and from the district court to the supreme court; and on such appeal the facts and the law shall be determined anew by each court on the record thus certified and filed".

Sec. 3. That there be stricken from section fourteen hundred and forty-nine (1449), Code, 1939, the words, "in a proceeding on review," appearing in the third line thereof; that there be stricken from section fourteen hundred and fifty-three (1453), Code, 1939, the words, "found by the commissioner" appearing in the ninth line thereof; also that all acts or parts of acts in conflict herewith are hereby repealed in so far as they are inconsistent with any provision of this act.

Senator Faul moved that action on Senate File 120 be deferred.

Roll call was demanded.

On the question, "Shall action be deferred on the bill?" the vote was:

#### Ayes, 23:

Augustine	Dykhous	Harvey	Mowry
Bekman	Elthon	Hattery	Munger
Clark	Faul	Johnson	Shaw
Corwin	Findlay	Jones	Vrba
Cromwell	Fuller	Lundy	Watson
Dewey	Goode	Martin	

#### Nays, 20:

Byers	Hess	Long	Stewart
Donohue	Hill	Love	Talbott
Emerson	Hunt	Lynes	Turner
Evans	Keir	Mercer	Whitehill
Hamiel	Leo	Sjulin	Ziegler

Absent or not voting, 7:

Baldwin	Berg	Henningsen	Pelzer
Benson	Hart	Miller	

Motion to defer was adopted and action was deferred.

### HOUSE AMENDMENTS CONSIDERED

Senator Berg called up for consideration Senate File 257, a bill for an act to amend section fifty-six hundred sixty-nine (5669), Code, 1939, relating to the salaries of City Assessors and Deputy City Assessors in cities under the commission form of government and in cities acting under special charter having a population of more than sixty thousand and less than one hundred twenty-five thousand, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 257 by adding at the end of said Senate File 257 the following:

Sec. 3. Section five thousand six hundred sixty-nine (5669), Code, 1939, is further amended by adding thereto after paragraph two (2) the following: "In cities under the commission form of government having a population of more than twenty-five thousand (25,000) and less than forty-five thousand (45,000) the compensation of a head deputy assessor shall be fifteen hundred dollars per year."

Amend Senate File 257 by striking the title thereto and substituting therefor the following:

An act to amend section five thousand six hundred sixty-nine (5669), Code, 1939, relating to the salaries of city assessors and deputy city assessors, in cities under the commission form of government and in cities of the first class.

The Senate adopted and concurred in the House amendments.

Senator Berg moved that the bill as amended by the House and concurred in by the Senate 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:

Augustine	Evans	Keir	Pelzer
Benson	Findlay	Leo	Shaw
Berg	Fuller	Long	Sjulin
Byers	Goode	Love	Stewart
Clark	Hamiel	Lynes	Talbott
Corwin	Harvey	Martin	Turner
Dewey	Hattery	Mercer	Vrba
Dykhouse	Henningsen	Miller	Watson
Elthon	Hill	Mowry	Whitehill
Emerson	Jones	Munger	Zeigler

Nays, none.

Absent or not voting, 10:

Baldwin	Donohue	Hess	Johnson
Bekman	Faul	Hunt	Lundy
Cromwell	Hart		

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

Senator Berg, 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.

Senator Mowry called up for consideration Senate File 291, a bill for an act to authorize and direct the state superintendent of public instruction to prepare a proposed revision and codification of the laws of Iowa relating to education; to authorize the appointment of a special legislative committee on revision and codification of school laws, to receive the report and proposals of the state superintendent of public instruction when completed; to authorize an appropriation of five thousand dollars (\$5,000.00) immediately and the sum of ten thousand dollars (\$10,000.00) per annum each year of the biennium to defray expenses incurred by the state superintendent of public instruction in carrying out the provisions of this act; and to provide for the legislative committee to examine the proposed revision and codification of school laws as submitted by the state superintendent of public instruction and to make its report and recommendations to the General Assembly at its next biennial session, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 291 by striking from section 1, lines nineteen (19), twenty (20) and twenty-one (21), the words and figures "for the biennium ending June 30, 1941, the sum of five thousand dollars (\$5,000.00) and from the general fund of the state".

Also amend by striking from line twenty-three (23) of said section the words and figures "ten thousand (\$10,000.00)" and inserting in lieu thereof the words and figures "seven thousand five hundred (\$7,500.00)."

Further amend by inserting after the word "economical." in line twenty-two (22) of Sec. 2 the following: "The commission shall give special attention to the problem of raising revenue for school purposes other than direct taxes upon tangible property and also to the problems of alleviating or adjusting the taxes on agricultural lands."

The Senate concurred in and adopted the House amendments.

Senator Mowry moved that the bill, as amended by the House, and concurred in by the Senate, 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, 43:

Augustine	Emerson	Johnson	Munger
Bekman	Evans	Jones	Pelzer
Benson	Faul	Keir	Shaw
Berg	Findlay	Leo	Sjulin
Byers	Fuller	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Harvey	Lynes	Turner
Dewey	Hattery	Martin	Vrba
Donohue	Henningsen	Mercer	Watson
Dykhouse	Hill	Miller	Whitehill
Elthon	Hunt	Mowry	

Nays, 2:

Goode                      Zeigler

Absent or not voting, 5:

Baldwin                  Hart                      Hess                      Lundy  
Cromwell

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

Senator Mowry, 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.

Senator Faul called up for consideration Senate File 440, a bill for an act relating to certain claims between the state of Iowa and others and providing for the presentation, investigation, determination, settlement and payment of such claims, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 440 by adding the following as a new section:

"Claims against the state of Iowa in the amount of fifty dollars (\$50.00) or less shall not be investigated by the Attorney General or his assistants as provided for by this act."

The motion lost and the Senate refused to concur in the House amendment.

Senator Emerson called up for consideration Senate File 419, a bill for an act to provide for the erecting and equipping of an office building on the state capitol grounds; to provide for the appointment of a legislative advisory committee and authorize the executive council and legislative advisory committee to designate the location of said building; to authorize the executive council and legislative advisory committee to employ an architect or architects to prepare plans and specifications for said office building; and to enter into a contract or contracts for the erection and equipping of said office building; and to provide for an appropriation

therefor, amended by the House, and moved that the Senate concur in the following amendments:

Amend Section four (4) of Senate File 419 by adding the following to the third paragraph of said section:

"The legislative advisory committee shall meet and organize on the second Monday in May, 1941, and at the same time and immediately following its organization, meet with the executive council in order that the committee and council may advise on carrying out the provisions of this act."

Further amend Senate File 419 by striking the last two lines of Section four and inserting in lieu thereof "the joint committee of the executive council and of the legislative advisory committee."

The Senate concurred in and adopted the House amendments.

Senator Emerson moved that the bill as amended by the House and concurred in by the Senate 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, 41:**

Augustine	Faul	Keir	Munger
Bekman	Findlay	Leo	Shaw
Benson	Fuller	Long	Sjulin
Berg	Goode	Love	Stewart
Byers	Hamiel	Lundy	Talbott
Clark	Harvey	Lynes	Turner
Corwin	Hattery	Martin	Vrba
Dewey	Henningsen	Mercer	Watson
Dykhouse	Hill	Miller	Whitehill
Emerson	Jones	Mowry	Zeigler
Evans			

**Nays, none.**

**Absent or not voting, 9:**

Baldwin	Elthon	Hess	Johnson
Cromwell	Hart	Hunt	Pelzer
Donohue			

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

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

Senator Munger moved that Senate File 399 be laid on the table.

Roll call was demanded.

On the question, "Shall the bill be laid on the table?" the vote was:

**Ayes, 25:**

Augustine	Elthon	Johnson	Munger
Bekman	Emerson	Leo	Pelzer
Byers	Findlay	Love	Shaw
Clark	Fuller	Martin	Stewart
Corwin	Hamiel	Miller	Vrba
Dewey	Hill	Mowry	Zeigler
Dykhouse			

**Nays, 20:**

Benson	Faul	Hess	Mercer
Berg	Goode	Hunt	Sjulin
Cromwell	Harvey	Keir	Turner
Donohue	Hattery	Lundy	Watson
Evans	Henningesen	Lynes	Whitehill

**Absent or not voting, 5:**

Baldwin	Jones	Long	Talbott
Hart			

The motion prevailed and Senate File 399 was laid on the table.

### THIRD READING OF BILLS

On motion of Senator Talbott, Senate File 504, a bill for an act to repeal chapter four hundred twenty-six (426), Code, 1939, relating to bonded warehouses for agricultural products, and to enact a substitute therefor, was taken up and considered.

Senator Stewart asked and received unanimous consent to withdraw the amendment filed by him and found on pages 753 and 754 of the Journal.

Senator Talbott offered the following amendments and moved their adoption:

Amend Senate File 504, Section 14, by inserting after the word "products" in line 48 the words "other than bulk grain".

Further amend Senate File 504, Section 14 by inserting after the word "storage" in line 50, the following: "of the bulk grain plus the minimum amount which would have been required for the exclusive storage".

Further amend Senate File 504, Section 17, by striking all of said section after the word "grain" in line 15, and inserting in lieu thereof the following: "This section shall not apply to the storage of bulk grain owned by any person, and stored by him in his own warehouse".

Further amend Senate File 504, Section 32 by striking the word "is" in line 19, and inserting in lieu thereof the word "and".

Further amend Senate File 504, Section 38, by striking the comma after the word "receipt" in line 6, and inserting in lieu thereof a semi-colon.



Further amend Senate File 504, Section 38, by striking the comma in line 11 and inserting in lieu thereof a semi-colon.

The amendments were adopted.

On motion of Senator Goode the Senate recessed until 1:30 p. m.

### AFTERNOON SESSION

The Senate reconvened, President Pro Tem Byers 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 has passed the following bill in which the concurrence of the House was asked:

Senate File 287, a bill for an act relating to reciprocal or interinsurance contracts.

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

Senate File 340, a bill for an act to make an appropriation to Muscatine County, Iowa.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 187, a bill for an act to authorize county treasurers to administer oaths.  
A. C. GUSTAFSON, *Chief Clerk.*

### HOUSE AMENDMENT TO SENATE FILE 187

Amend Senate File 187 as follows:

Strike all of lines 4, 5 and 6 and substitute in lieu thereof the following: "Each county treasurer, each deputy treasurer, and each automobile clerk of each county treasurer's office shall have the power to administer all oaths authorized and required by".

Amend title by striking from line four the words "certain designated employees" and inserting in lieu thereof the words "each automobile clerk".

Senator Hill asked and received unanimous consent to present the Senior class from the Randall school, Hamilton county, who were present in the balcony.

### THIRD READING OF BILLS

On motion of Senator Talbott, the Senate resumed consideration of Senate File 504.

Senator Goode offered the following amendment and moved its adoption:

Amend Senate File 504, section 3, by striking from lines 5, 6, and 7 the following: "The commission may inspect or cause to be inspected any warehouse and may require the filing of reports describing any warehouse or the operation thereof."

The amendment was adopted.

Senator Talbott 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:

Augustine	Evans	Hill	Martin
Bekman	Faul	Hunt	Mowry
Byers	Findlay	Jones	Pelzer
Clark	Fuller	Keir	Sjulin
Cromwell	Goode	Leo	Stewart
Dewey	Hamiel	Long	Talbott
Donohue	Harvey	Love	Turner
Elthon	Hattery	Lundy	Watson
Emerson	Hess	Lynes	Zeigler

Nays, none.

Absent or not voting, 14:

Baldwin	Dykhouse	Mercer	Shaw
Benson	Hart	Miller	Vrba
Berg	Henningsen	Munger	Whitehill
Corwin	Johnson		

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

Senator Talbott 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.

Senator Talbott asked and received unanimous consent to have Senate File 504 immediately messaged to the House.

Senator Hattery moved that the Senate now take up the bills on the special Senate calendar.

The motion prevailed, and the Senate took up the special calendar.

On motion of Senator Hattery, Senate File 554, a bill for an act to amend section one thousand two hundred twenty-five and twelve one-hundredths (1225.12), Code, 1939, relating to salaries of the Iowa Highway Patrol, was taken up and considered.

Senator Hess offered the following amendment and moved its adoption:

Amend Senate File 554 by striking all of section 1 after the word "Commissioner" in line 12 and inserting in lieu thereof a comma after the word "Commissioner" and inserting the following words: "the Governor and the comptroller".

The amendment was lost.

Senator Hess offered the following amendment and moved its adoption:

Amend Senate File 554 by striking the words "the Commissioner with the approval of the Governor" as set out in lines 12 and 13 of section 1 and inserting in lieu thereof the following: "the executive council".

Senator Hess asked and received unanimous consent to withdraw the amendment.

Senator Augustine offered the following amendment and moved its adoption:

Amend Senate File 554 by striking the period following the word "governor" in line 13 and adding thereto the following: "but in no case shall the salaries paid be reduced."

The amendment was lost.

Senator Hattery 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:

Bekman	Elthon	Henningsen	Miller
Benson	Emerson	Hess	Mowry
Berg	Evans	Hill	Munger
Byers	Faul	Keir	Shaw
Clark	Fuller	Leo	Sjulin
Cromwell	Goode	Long	Talbott
Dewey	Hamiel	Love	Turner
Donohue	Harvey	Lynes	Whitehill
Dykhouse	Hattery	Martin	Zeigler

Nays, 5:

Augustine	Stewart	Vrba	Watson
Lundy			

Absent or not voting, 9:

Baldwin	Hart	Johnson	Mercer
Corwin	Hunt	Jones	Pelzer
Findlay			

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

Senator Hattery 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.

On motion of Senator Lynes, House File 146, a bill for an act to amend chapter eighteen and one tenth (18.1), Code, 1939, relating to the duties of the state car dispatcher; to provide an appropriation to create a car dispatcher revolving fund to be used in the purchase of supplies, replacements, and new motor vehicles; to provide for records and reports on the use of state-owned motor vehicles, and to provide for the apportionment of the expenses of the state car dispatcher's department among the various state departments using state-owned motor vehicles, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend House File 146 by striking from line 18 of section 4 the word "governor" and inserting the words "executive council".

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend House File 146 by inserting after the word "compensation" in line 6 of section 5 the words "of the state car dispatcher".

The amendment was adopted.

Senator Lynes 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:

Bekman	Evans	Jones	Mowry
Berg	Faul	Keir	Shaw
Byers	Findlay	Leo	Sjulin
Clark	Goode	Long	Stewart
Cromwell	Hamiel	Love	Talbott
Dewey	Harvey	Lynes	Turner
Donohue	Hattery	Martin	Watson
Elthon	Hess	Mercer	Whitehill
Emerson	Hill	Miller	

Nays, 4:

Augustine	Henningesen	Pelzer	Zeigler
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Absent or not voting, 11:

Baldwin	Dykhouse	Hunt	Munger
Benson	Fuller	Johnson	Vrba
Corwin	Hart	Lundy	

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

Senator Lynes 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.

On motion of Senator Mowry, House File 447, a bill for an act to amend and revise section four thousand three hundred twenty-two (4322), Code, 1939, relating to the library fund of common schools, was taken up and considered.

Senator Mowry 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:

Augustine	Evans	Hunt	Miller
Bekman	Faul	Johnson	Mowry
Berg	Findlay	Jones	Munger
Byers	Fuller	Keir	Shaw
Clark	Goode	Leo	Sjulin
Corwin	Hamiel	Long	Stewart
Cromwell	Harvey	Love	Talbott
Dewey	Hattery	Lundy	Turner
Donohue	Henningsen	Lynes	Watson
Dykhouse	Hess	Martin	Whitehill
Elthon	Hill	Mercer	Zeigler
Emerson			

Nays, none.

Absent or not voting, 5:

Baldwin	Hart	Pelzer	Vrba
Benson			

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

Senator Mowry 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.

#### CONFERENCE REPORT ADOPTED

Senator Berg called up the conference committee report on Senate File 462, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, funds for various departments and various divisions thereof, of the state of Iowa, for the purposes provided by law, and moved its adoption.

The motion prevailed and the report was adopted.

Senator Berg moved the adoption of the amendments contained in the conference committee report.

The amendments were adopted.

Senator Berg moved that the bill as amended 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, 43:**

Augustine	Evans	Johnson	Mowry
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Harvey	Lundy	Vrba
Cromwell	Henningsen	Lynes	Watson
Dewey	Hess	Martin	Whitehill
Dykhouse	Hill	Mercer	Zeigler
Emerson	Hunt	Miller	

**Nays, none.**

**Absent or not voting, 7:**

Baldwin	Elthon	Hattery	Turner
Donohue	Hart	Munger	

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

Senator Berg 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.

Senator Berg asked and received unanimous consent to have the Secretary correct the totals of the sections to conform to the amendments.

Senator Berg asked and received unanimous consent to have Senate File 462 immediately messaged to the House.

#### HOUSE AMENDMENTS CONSIDERED

Senator Hattery called up for consideration Senate File 187, a bill for an act to amend section six thousand nine hundred forty-three and thirty thousandths (6943.030), Code, 1939, to authorize the administration of oaths by county treasurers, deputy county treasurers and employees of county treasurers' offices when authorized and required by the State Tax Commission; to provide for the signature to the jurat thereof and to provide for affixing the seal of the county treasurer thereon, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 187 as follows:

Strike all of lines 4, 5, and 6 and substitute in lieu thereof the following: "Each county treasurer, each deputy treasurer, and each automobile clerk of each county treasurer's office shall have the power to administer all oaths authorized and required by".

Amend title by striking from line four the words "certain designated employees" and inserting in lieu thereof the words "each automobile clerk".

The Senate concurred in the House amendments.

Senator Hattery moved that the bill as amended by the House and concurred in by the Senate 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, 42:

Augustine	Fuller	Keir	Munger
Bekman	Goode	Leo	Pelzer
Berg	Hamiel	Long	Shaw
Byers	Harvey	Love	Stewart
Clark	Hattery	Lundy	Talbott
Corwin	Henningsen	Lynes	Turner
Cromwell	Hess	Martin	Vrba
Dewey	Hill	Mercer	Watson
Donohue	Hunt	Miller	Whitchill
Faul	Johnson	Mowry	Zeigler
Findlay	Jones		

Nays, none.

Absent or not voting, 8:

Baldwin	Dykhouse	Emerson	Hart
Benson	Elthon	Evans	Sjulin

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

Senator Hattery 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.

#### REPORT OF CONFERENCE COMMITTEE ON SENATE FILE 245

MR. PRESIDENT AND MR. SPEAKER: We, the undersigned members of the Conference Committee appointed to consider the differences between the Senate and the House on Senate File 245, beg leave to report that we have had the same under consideration and recommend that the Senate

recede from its amendment to the House amendment and that the Senate concur in and adopt the House amendment.

Respectfully submitted,

J. P. BERG.

T. C. HUTCHISEN.

G. M. FAUL.

M. D. VAN OOSTERHOUT.

B. C. WHITEHILL.

CLAUS RANDALL.

L. S. MERCER.

J. J. SWANER.

*On the Part of the Senate.*

*On the Part of the House.*

Senator Berg called up the conference committee report on Senate File 245, a bill for an act to create fund for emergency relief during the ensuing biennium providing for appropriations therefor and administration thereof by the State Board of Social Welfare, and relating to the state sinking fund for public deposits, and moved that the Senate adopt the report.

The motion prevailed and the report was adopted.

Senator Berg moved the adoption of the House amendment as recommended in the conference committee report.

The motion prevailed and the amendment was adopted.

Senator Berg moved that the bill as amended 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:

Augustine	Findlay	Johnson	Mowry
Benson	Fuller	Jones	Sjulin
Berg	Goode	Keir	Stewart
Byers	Hamiel	Long	Talbott
Clark	Hattery	Lundy	Turner
Corwin	Henningsen	Lynes	Vrba
Dewey	Hess	Martin	Watson
Dykhouse	Hill	Mercer	Whitehill
Faul	Hunt	Miller	Zeigler

Nays, none.

Absent or not voting, 14:

Baldwin	Elthon	Harvey	Munger
Bekman	Emerson	Leo	Pelzer
Cromwell	Evans	Love	Shaw
Donohue	Hart		

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

Senator Berg 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.

### THIRD READING OF BILLS

On motion of Senator Donohue, House File 346, a bill for an act to amend section ten thousand nine hundred ninety-one and one-tenth (10991.1), Codé, 1939, relating to actions for damages because of the negligent or wrongful injury or death of women, was taken up and considered.

Senator Donohue 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, 46:**

Augustine	Faul	Jones	Munger
Bekman	Findlay	Keir	Pelzer
Benson	Fuller	Leo	Shaw
Byers	Goode	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Harvey	Lundy	Talbott
Cromwell	Hattery	Lynes	Turner
Dewey	Henningsen	Martin	Vrba
Donohue	Hess	Mercer	Watson
Dykhouse	Hill	Miller	Whitehill
Emerson	Hunt	Mowry	Zeigler
Evans	Johnson		

**Nays, none.**

**Absent or not voting, 4:**

Baldwin	Berg	Elthon	Hart
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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 Donohue 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.

On motion of Senator Bekman, House File 372, a bill for an act to amend sections three thousand six hundred eighty-four and two hundredths (3684.02), three thousand six hundred eighty-four and three hundredths (3684.03), three thousand six hundred eighty-four and four hundredths (3684.04), three thousand six hundred eighty-four and fourteen hundredths (3684.14), three thousand six hundred eighty-four and fifteen hundredths (3684.15), and chapter one hundred eighty-two and one tenth (182.1), Code, 1939, pertaining to aid to the blind and relating to personal earnings of the

blind persons eligible to receive assistance under the provisions of said chapter; relating to expenses for treatment as provided under said chapter; to provide for guardianship proceedings carried out without payment of fees or court costs, at the discretion of the district court, and providing that such a guardian may give bond without sureties; to provide that records and investigations of applicants for, and recipients of, blind assistance shall be privileged communications and shall be held as confidential, was taken up and considered.

Senator Bekman 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:

Augustine	Emerson	Johnson	Mowry
Bekman	Faul	Jones	Munger
Benson	Findlay	Keir	Pelzer
Berg	Hamiel	Long	Shaw
Byers	Harvey	Love	Talbott
Clark	Hattery	Lynes	Turner
Corwin	Henningsen	Martin	Vrba
Cromwell	Hess	Mercer	Watson
Dewey	Hill	Miller	Whitehill
Elthon	Hunt		

Nays, none.

Absent or not voting, 12:

Baldwin	Evans	Hart	Sjulin
Donohue	Fuller	Leo	Stewart
Dykhouse	Goode	Lundy	Zeigler

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

Senator Bekman offered the following amendment to the title and moved its adoption:

Amend the title to House File 372 by striking from lines 3 and 4 the following: "three thousand six hundred eighty-four and four hundredths (3684.04),".

The amendment was adopted and the title as amended was agreed to.

Senator Bekman 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.

On motion of Senator Mowry, House File 147, a bill for an act to amend section six thousand two hundred eleven (6211), subsec-

tion nineteen (19), Code, 1939, relating to library fund, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Lundy offered the following amendment and moved its adoption:

Amend House File 147 by striking all following the enacting clause and by substituting in lieu thereof the following:

Section 1. Section six thousand two hundred eleven (6211), subsection nineteen (19), Code, 1939, is amended by striking from lines one (1), two (2), and three (3), commencing with the word "When" and ending with the word "mills" and substituting therefor the following: "When a free public library has been established, not exceeding one and one-fourth ( $1\frac{1}{4}$ ) mills in all cities and towns having a population of more than twenty-five thousand (25,000), and not exceeding two (2) mills in cities having less than twenty-five thousand (25,000)".

Senator Lundy asked and received unanimous consent to change the figures in lines 8 and 9 of the amendment from "twenty-five thousand (25,000)" to thirty thousand (30,000).

Senator Mowry moved to amend the amendment by Senator Lundy by changing the words and figures in lines 8 and 9 from "thirty thousand (30,000)" to "thirty-five thousand (35,000)".

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Corwin offered the following amendment and moved its adoption:

Amend House File 147 by adding thereto the following new section: "Sec. 2. The provisions of this act shall apply to cities operating under special charter."

The amendment was adopted.

Senator Lundy 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:

Augustine	Emerson	Hunt	Mercer
Bekman	Faul	Johnson	Mowry
Benson	Findlay	Jones	Munger
Berg	Fuller	Keir	Shaw
Byers	Hamiel	Leo	Sjulin
Clark	Harvey	Long	Talbott
Corwin	Hattery	Love	Vrba
Cromwell	Henningsen	Lundy	Watson
Dewey	Hess	Lynes	Whitehill
Elthon	Hill	Martin	Zeigler

Nays, none.

Absent or not voting, 10:

Baldwin	Evans	Miller	Stewart
Donohue	Goode	Pelzer	Turner
Dykhouse	Hart		

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

Senator Lundy 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.

Senator Lundy asked and received unanimous consent to have House File 147 immediately messaged to the House.

On motion of Senator Berg, House File 253, a bill for an act to provide for a part of the adjutant's salary, secretarial, stenographic and clerical hire, printing, stationery and postage for the Department of Iowa, United Spanish War Veterans Organization of the State of Iowa; and to provide headquarters for the adjutant of such organization or representative selected by the Department of Iowa, Spanish War Veterans Organization of the State of Iowa, for the biennium commencing July 1, 1941; such appropriation to be paid from the general fund of the state not otherwise appropriated, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Whitehill 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, 39:

Augustine	Evans	Hunt	Mercer
Bekman	Faul	Johnson	Mowry
Berg	Findlay	Jones	Munger
Byers	Goode	Keir	Shaw
Clark	Hamiel	Leo	Stewart
Corwin	Harvey	Long	Talbott
Dewey	Hattery	Love	Turner
Donohue	Henningsen	Lundy	Watson
Elthon	Hess	Lynes	Whitehill
Emerson	Hill	Martin	

Nays, none.

Absent or not voting, 11:

Baldwin	Dykhouse	Miller	Vrba
Benson	Fuller	Pelzer	Zeigler
Cromwell	Hart	Sjulin	

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

Senator Whitehill 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.

On motion of Senator Berg, House File 384, a bill for an act to provide an emergency appropriation to the Department of the Grand Army of the Republic for the purpose of meeting head-quarter expenses from December 1, 1940, to July 1, 1941, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Berg 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, 41:

Augustine	Faul	Johnson	Miller
Bekman	Findlay	Jones	Mowry
Berg	Goode	Keir	Munger
Clark	Hamiel	Leo	Pelzer
Corwin	Harvey	Long	Shaw
Cromwell	Hattery	Love	Stewart
Dewey	Henningsen	Lundy	Talbott
Donohue	Hess	Lynes	Turner
Elthon	Hill	Martin	Watson
Emerson	Hunt	Mercer	Whitehill
Evans			

Nays, none.

Absent or not voting, 9:

Baldwin	Dykhous	Hart	Vrba
Benson	Fuller	Sjulin	Zeigler
Byers			

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

Senator Berg 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.

President Hickenlooper took the chair at 4:36 p. m.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba, 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 8 and 463.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *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 8 and 463.

### THIRD READING OF BILLS

On motion of Senator Berg, House File 408, a bill for an act to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1941, and ending June 30, 1943, to the board of education for the purpose of providing facilities for the care of infantile paralysis and orthopedic patients in the University Hospital, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mercer 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, 43:

Augustine	Emerson	Hunt	Miller
Bekman	Evans	Johnson	Mowry
Berg	Faul	Jones	Munger
Byers	Findlay	Keir	Pelzer
Clark	Goode	Leo	Shaw
Corwin	Hamiel	Long	Stewart
Cromwell	Harvey	Love	Talbott
Dewey	Hattery	Lundy	Turner
Donohue	Henningsen	Lynes	Watson
Dykhouse	Hess	Martin	Whitehill
Elthon	Hill	Mercer	

Nays, none.

Absent or not voting, 7:

Baldwin	Fuller	Sjulin	Zeigler
Benson	Hart	Vrba	

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

Senator Mercer 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.

President Pro Tem Byers took the chair at 4:45 p. m.

On motion of Senator Dewey, Senate File 517, a bill for an act to amend chapter eighty-six (86), Code, 1939, relating to fish and game conservation, and chapter eighty-six and one tenth (86.1), Code, 1939, relating to fish and game licenses, and contraband articles used in violating provisions of said chapter or regulations adopted by the state conservation commission and the exemption of certain articles therefrom, was taken up and considered.

Senator Clark offered the following amendment and moved its adoption :

Amend Senate File 517, section 1, by striking lines 13 to 15 inclusive. Further amend by re-numbering the remaining subsection.

The amendment was adopted.

Senator Kier offered the following amendment and moved its adoption :

Amend Senate File 517 by inserting a new section as follows:

Sec. 12. Section one thousand seven hundred ninety-four and forty-nine thousandths (1794.049), Code, 1939, is hereby amended by striking subsections 1, 2, 3, 4, 5, 6, and 7, and inserting in lieu thereof:

1. Badger .....Noon, November 9 to noon, January 10,
2. Mink .....Noon, November 9 to noon, January 10,
3. Raccoon .....Noon, November 9 to noon, January 10,
4. Skunk .....Noon, November 9 to noon, January 10,
5. Opossum .....Noon, November 9 to noon, January 10,
6. Civit Cat .....Noon, November 9 to noon, January 10,
7. Muskrat .....Noon, November 9 to noon, January 10,

Further amend by renumbering the remaining section.

The amendment was adopted.

Senator Clark offered the following amendment and moved its adoption :

Amend Senate File 517 by adding to section 1 following sub-section 1, the following:

2. Insert in the column designated "Kind of Animals and Locality" immediately following the word "Squirrels—Gray, Fox," a new line as follows: "Flying Squirrels" and insert in the same line under the column designated "Open Season" the following: "Continuous closed season."

The amendment was adopted.

Senator Donohue asked and received unanimous consent to withdraw the amendment filed by him and found on pages 1054 and 1055 of the Journal.

Senator Dewey offered the following amendment and moved its adoption:

Amend Senate File 517, section 5, subsection 2, by adding the following:

“And enact in lieu thereof the following:

It shall be lawful to take or have in possession paddlefish, rock sturgeon, and sand sturgeon from June 1 to November 30, both dates inclusive, but at no other time.”

The amendment was adopted.

Senator Dewey offered the following amendment and moved its adoption:

Amend Senate File 517, section 1, by striking subsection 3 and renumbering the following subsections.

The amendment was adopted.

Senator Watson offered the following amendment and moved its adoption:

Amend Senate File 517 by striking all of section 10.

The amendment was adopted.

Senator Donohue offered the following amendments and moved their adoption:

Amend Senate File 517 as follows:

1. Section 1, sub-section 5, is amended by striking from line 18 the word and figure “seven (7)” and inserting in lieu thereof the word and figure “three (3)”.

2. Amend section 1 of Senate File 517 by adding thereto the following sub-section: “4. Insert in the column designated “Bag Limit” opposite the word “PHEASANTS” the following ‘Or it shall be permissible to have one (1) hen pheasant and two (2) male birds’, and insert in the column designated “Possession Limit” opposite the word “PHEASANTS” the following ‘Or it shall be permissible to have in possession two (2) hen pheasants and four (4) male birds.’”

3. Further amend Senate File 517 by adding after section 11 the following new section: “Sec. 12. Section one thousand seven hundred ninety-four and two thousandths (1794.002), Code, 1939, is hereby amended by adding thereto the following: ‘The provisions of this section shall not be construed as authorizing the commission to extend the season for hunting pheasants as provided in this chapter nor shall it be construed as authorizing the commission to extend the area for hunting pheasants to any additional counties other than those named in this chapter.’”

4. Renumber section 12.

Senator Mowry offered the following amendment and moved its adoption:



Amend the amendment by Senator Donohue to Senate File 517 by striking from line 3 of paragraph 1 the word and figure "three (3)" and inserting the word and figure "five (5)".

The amendment was lost.

Senator Donohue moved the adoption of part 1 of his amendment.

Senator Faul moved the previous question on all pending amendments and the main bill.

The question is, "Shall the main question be now put?" which motion prevailed.

Part 1 of the amendment was adopted.

Senator Donohue moved that part 2 of the amendment be adopted.

Part 2 of the amendment was adopted.

Senator Donohue moved that parts 3 and 4 of the amendment be adopted.

Parts 3 and 4 of the amendment were adopted.

Senator Donohue moved the adoption of the following amendment:

Amend Senate File 517 by striking from line 19 of section 5 the word "Friday" and inserting the word "Saturday".

The amendment was lost.

Senator Dewey 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, 37:

Augustine	Faul	Keir	Pelzer
Bekman	Findlay	Leo	Shaw
Benson	Harvey	Long	Sjulin
Clark	Hattery	Lundy	Stewart
Corwin	Henningsen	Lynes	Talbott
Dewey	Hill	Martin	Turner
Donohue	Hunt	Mercer	Vrba
Elthon	Johnson	Miller	Watson
Emerson	Jones	Munger	Whitehill
Evans			

Nays, 3:

Byers	Cromwell	Mowry
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Absent or not voting, 10:

Baldwin	Fuller	Hart	Love
Berg	Goode	Hess	Zeigler
Dykhouse	Hamiel		

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

Senator Dewey 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.

Senator Dewey asked and received unanimous consent to have Senate File 517 immediately messaged to the House.

#### ADDITIONAL COPIES

Senator Berg asked and received unanimous consent to have 5,000 copies of Senate File 2 printed as finally passed.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 5th he had approved the following:

Senate File 2, providing physical requirements as a prerequisite to the issuance of a marriage license.

Senate File 227, to expedite the collection of taxes, both county and city, and special assessments against real estate located in cities acting under special charter.

Senate File 267, relating to the power and authority of attorneys in fact, the bond required and the account of the subscribers of reciprocal or interinsurance exchanges.

Senate File 333, relating to tax exemptions for military service and providing for the recording of military discharges.

Senate File 385, relating to use of poor fund by the county board of supervisors.

#### AMENDMENTS FILED

Amend House File 351 by striking all after the enacting clause and substituting in lieu thereof the following:

"Section 1. Amend section six thousand nine hundred forty-three and one hundred forty-three thousandths (6943.143), Code, 1939, by striking the word "June" in line fourteen (14), and inserting in lieu thereof the word "July".

Sec. 2. Amend section six thousand nine hundred forty-three and one hundred forty-four thousandths (6943.144), Code, 1939, by striking all of said section after the word "disallowance" as it appears in lines six (6) and seven (7) of said section and inserting in lieu thereof the following: "notice thereof shall be sent by registered mail to claimant at his last known address."

Sec. 3. Amend section six thousand nine hundred forty-three and one hundred forty-five thousandths (6943.145), Code, 1939, by striking the word "July" in line three (3) and inserting in lieu thereof the word "August".

Sec. 4. Amend section six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152), Code, 1939, by striking all of paragraph "a" and substituting in lieu thereof the following: "a. The homestead must embrace the dwelling house in which the owner is living at the time of filing the application and said application must contain an affidavit of his intention to occupy said dwelling house, in good faith, as a home for six (6) months or more in the year for which the credit is claimed."

Sec. 5. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the New Hampton American, a newspaper published at New Hampton, Iowa and the Fredericksburg News, a newspaper published at Fredericksburg, Iowa.

E. P. DONOHUE.

#### AMENDMENT TO HOUSE FILE 35

Amend House File 35 in the following manner, to-wit:

1. Amend section one (1) by inserting after the word "blood" in line six (6) the words "or urine" and insert after the word "the" in line five (5) the word "voluntary".

2. Amend section two (2) by inserting after the word "blood" in line five (5) the words "or urine". Also by inserting after the word "blood" in line six (6) the words "or urine".

3. Amend section three (3) by inserting after the word "blood" in line one (1) the words "or urine". Also insert after the word "blood" in lines six (6), seven (7) and sixteen (16) in each case the words "or urine".

4. Amend section four (4) by inserting after the word "blood" in line one (1) and five (5) the words "or urine" in each instance. Also amend by striking the words "with or without" in line two (2) and inserting in lieu thereof the words "only with".

5. Amend section five (5) by inserting after the word "blood" in line one (1) the words "or urine".

6. Amend by striking all of section six (6) and inserting in lieu of what there appears as section six (6) the following: "The results of the analysis of any blood or urine or the results of any breath test may be admitted in evidence in any criminal case involving the operation of a motor vehicle upon the public highway and the intoxication of the operator. Opinion evidence may be given by qualified persons as to the intoxication of a person as represented by the analysis of any blood or urine or the test of any breath taken."

JOHN R. HATTERY.

Amend Senate File 222 by adding the following after section two (2) and renumbering the remaining section:

"Sec. 3. This act shall apply to special charter cities."

FRANK D. MARTIN.

Amend Senate File 555 as follows:

(1) By striking section 1 and substituting in lieu thereof the following:

Section 1. Chapter four hundred four (404), Code, 1939, is amended by adding thereto the following additional sections:

An alien insurer is hereby defined to mean an insurance company incorporated or organized under the laws of any country other than the United States.

Sec. 2. Every alien insurer authorized to transact business in this state shall at all times maintain a deposit with the Commissioner of Insurance in cash or in securities in which insurance companies are authorized to invest, a sum equal to the unearned premium reserve on all policies covering risks located in this state. Such securities shall be approved, and the amount of such deposit shall be determined, by the commissioner in accordance with section eight thousand nine hundred thirty-nine (8939), Code, 1939, provided, that the minimum amount of any deposit shall be twenty-five thousand dollars (\$25,000.00). The commissioner, in his discretion, may permit the withdrawal of interest earnings.

No such alien insurer shall be granted a certificate of authority to transact business in this state, or a renewal thereof, until such deposit shall have been made, and the commissioner may revoke the certificate of authority of any such alien insurer which fails to make such deposit within a reasonable period of time after the effective date of this act.

(2) Renumber the succeeding sections.

GEORGE FAUL.

On motion of Senator Henningsen, the Senate adjourned until 10:00 a. m. Tuesday.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 8, 1941.

The Senate met in regular session, President Pro Tem Frank C. Byers presiding.

Prayer was offered by E. L. Patterson, pastor of the Methodist church of Monroe.

The Journal of April 7th was corrected and approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows: Senator Dewey for the day, on request of Senator Shaw; Senator Hart for the day on account of illness, on request of Senator Byers.

## PETITIONS AND MEMORIALS

The following petition was presented and placed on file:

By Senator Hill, from residents of Wright county, relative to trailers.

Senator Corwin called up the following concurrent resolution and moved its adoption:

## HOUSE CONCURRENT RESOLUTION 34

*Be It Resolved by the House, the Senate Concurring:* That the Chief Clerk of the House and the Secretary of the Senate 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-ninth General Assembly 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 supplies of members for shipment to their homes.

The Chief Clerk of the House and the Secretary of the Senate are hereby authorized to correct the Journal of the House and Senate 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 by the Comptroller of State upon certification by the Speaker and Chief Clerk of the House and the President and Secretary of the Senate.

The motion prevailed and the resolution was adopted.

Senator Faul called up the following concurrent resolution and moved its adoption:

#### HOUSE CONCURRENT RESOLUTION 30

*Be It Resolved by the House, the Senate Concurring:* That the printed bills filed in the Bill Rooms of the House and the Senate be left intact until these rooms are required for the use of the succeeding General Assembly.

The motion prevailed and the resolution was adopted.

#### 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 a Special Calendar: House File 351; Senate Files 102, 104, 105, 109, 112; House Files 491, 278, 544, 541, 536, 538, 515; Senate File 209; House Files 336, 444, 272, 169 and 323. E. P. DONOHUE, *Chairman*.

#### THIRD READING OF BILLS

On motion of Senator Faul, Senate File 555, a bill for an act to amend chapter four hundred four (404), Code, 1939, relating to alien insurers; to provide for the maintenance of deposits by alien non-life insurers, and in the event of the insolvency of such insurers, to provide for the liquidation of such deposits or subsequent reinsurance, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 555 as follows:

(1) By striking section 1 and substituting in lieu thereof the following:

Section 1. Chapter four hundred four (404), Code, 1939, is amended by adding thereto the following additional sections:

An alien insurer is hereby defined to mean an insurance company incorporated or organized under the laws of any country other than the United States.

Sec. 2. Every alien insurer authorized to transact business in this state shall at all times maintain a deposit with the Commissioner of Insurance in cash or in securities in which insurance companies are authorized to invest, a sum equal to the unearned premium reserve on all policies covering risks located in this state. Such securities shall be approved, and the amount of such deposit shall be determined, by the commissioner in accordance with section eight thousand nine hundred thirty-nine (8939), Code, 1939, provided, that the minimum amount of any

deposit shall be twenty-five thousand dollars (\$25,000.00). The commissioner, in his discretion, may permit the withdrawal of interest earnings.

No such alien insurer shall be granted a certificate of authority to transact business in this state, or a renewal thereof, until such deposit shall have been made, and the commissioner may revoke the certificate of authority of any such alien insurer which fails to make such deposit within a reasonable period of time after the effective date of this act.

(2) Renumber the succeeding sections.

The amendment was adopted.

Senator Faul 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, 43:

Augustine	Faul	Jones	Munger
Baldwin	Findlay	Keir	Pelzer
Bekman	Goode	Leo	Sjulin
Benson	Hamiel	Long	Stewart
Byers	Harvey	Love	Talbott
Clark	Hattery	Lundy	Turner
Corwin	Henningsen	Lynes	Vrba
Cromwell	Hess	Martin	Watson
Dewey	Hill	Mercer	Whitehill
Dykhouse	Hunt	Miller	Zeigler
Elthon	Johnson	Mowry	

Nays, none.

Absent or not voting, 7:

Berg	Emerson	Fuller	Shaw
Donohue	Evans	Hart	

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

Senator Faul 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.

Senator Faul asked and received unanimous consent to have Senate File 555 immediately messaged to the House.

On motion of Senator Mowry, House File 252, a bill for an act to amend section forty-three hundred forty-one, (4341), Code, 1939, relating to the minimum wages of teachers employed in the public schools, was taken up and considered.

Senator Clark offered the following amendment and moved its adoption:

Amend House File 252 by striking all after the enacting clause and substituting in lieu thereof the following:

"Section 1. Section 4341, Code, 1939, is hereby amended by striking the words 'fifty dollars per month' from line four (4) and inserting in lieu thereof the following: 'fifty-five dollars per month if they have had no teaching experience, sixty dollars per month if they have had one year's teaching experience and sixty-five dollars per month if they have had five years or more teaching experience;'"

The amendment was lost.

Senator Mowry 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:

Augustine	Dykhouse	Hill	Mowry
Baldwin	Emerson	Hunt	Munger
Bekman	Faul	Johnson	Shaw
Benson	Findlay	Keir	Sjulin
Berg	Fuller	Leo	Turner
Byers	Hamiel	Lynes	Vrba
Clark	Harvey	Martin	Watson
Corwin	Hattery	Mercer	Whitehill
Cromwell	Henningsen	Miller	Zeigler
Donohue	Hess		

Nays, 3:

Long	Pelzer	Stewart
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Absent or not voting, 9:

Dewey	Goode	Jones	Lundy
Elthon	Hart	Love	Talbott
Evans			

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

Senator Mowry 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.

On motion of Senator Faul, Senate File 222, a bill for an act to amend section fifty-seven hundred forty-five (5745), Code, 1939, by granting additional powers to cities or towns to regulate the seizure, collection, protection and disposal of dogs, and to enter into contracts therefor with certain societies or associations, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Faul offered the following amendment and moved its adoption:



Amend Senate File 222 by striking sections 2 and 3.

Senator Faul asked and received unanimous consent to withdraw the amendment.

Senator Martin offered the following amendment and moved its adoption:

Amend Senate File 222 by adding the following after section two (2) and renumbering the remaining section:

“Sec. 3. This act shall apply to special charter cities.”

The amendment was adopted.

Senator Elthon offered the following amendment and moved its adoption:

Amend Senate File 222, section 3, line 3, by inserting after the word “the” the words “Cedar Rapids Gazette”.

Further amend said section by inserting in line 3 after the word “in” the words “Cedar Rapids”.

Further amend said section by inserting after the word “the” in line 4 the words “Plain Talk”.

Further amend said section by inserting after the word “in” in line 5 the words “Des Moines”.

The amendment was adopted.

Senator Faul 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:

Augustine	Elthon	Hunt	Mowry
Baldwin	Emerson	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Goode	Leo	Stewart
Byers	Hamiel	Long	Talbott
Clark	Harvey	Love	Turner
Corwin	Hattery	Lundy	Vrba
Cromwell	Henningsen	Lynes	Watson
Dewey	Hess	Martin	Whitehill
Dykhouse	Hill	Miller	Zeigler

Nays, none.

Absent or not voting, 6:

Donohue	Fuller	Mercer	Sjulin
Evans	Hart		

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

Senator Faul 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.

Senator Faul asked and received unanimous consent to have Senate File 222 immediately messaged to the House.

President Hickenlooper took the chair at 10:46 a. m.

On motion of Senator Clark, House File 26, a bill for an act to repeal section one thousand one hundred ninety-eight (1198), Code, 1939, and to enact a substitute therefor, and to amend section one thousand one hundred ninety-nine (1199), and section one thousand one hundred ninety-seven (1197), Code, 1939, relating to the appointment of notaries public, was taken up and considered.

Senator Clark offered the following amendment and moved its adoption:

Amend House File 26 by adding thereto the following:

"Sec. 4. On all instruments certified by, or sworn to before, a notary public, the expiration date of his commission shall be stated immediately following his signature and official title, but the failure to state the expiration date shall not invalidate any act of a notary public unless otherwise provided by law."

The amendment was adopted.

Senator Clark 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, 11:

Augustine	Henningsen	Martin	Vrba
Clark	Leo	Mercer	Whitehill
Harvey	Long	Talbott	

Nays, 22:

Bekman	Findlay	Jones	Pelzer
Benson	Hamiel	Keir	Shaw
Berg	Hattery	Lundy	Stewart
Byers	Hill	Mowry	Turner
Cromwell	Hunt	Munger	Zeigler
Emerson	Johnson		

Absent or not voting, 17:

Baldwin	Elthon	Goode	Lynes
Corwin	Evans	Hart	Miller
Dewey	Faul	Hess	Sjulin
Donohue	Fuller	Love	Watson
Dykhouse			

The bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

Senator Cromwell 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, which motion prevailed.

On motion of Senator Vrba, House File 153, a bill for an act to amend chapter four hundred sixty-four (464), Code, 1939, by adding thereto a section relating to publication by clerks of the district courts of notice of time fixed for hearing of probate of any will, and legalizing notices of hearings published prior to January 1, 1939, and not in conformity with statutory requirement, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend House File 153 by adding thereto the following: "This act shall not affect pending litigation."

Senator Vrba asked and received unanimous consent to have action deferred and that the bill 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 558, a bill for an act providing for equipment and improvement at the Iowa State College.

Also: That the House has passed the following bill, in which the concurrence of the House was asked:

Senate File 438, a bill for an act relating to the salary of the treasurer of the Iowa State Fair Board.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 540, a bill for an act relating to the redistricting of the state into eight congressional districts.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 407, a bill for an act to make an appropriation for the use of the State Conservation Commission.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the Senate is asked:

House Concurrent Resolution 35, relating to the appointment of a committee to study and investigate agricultural problems.

Also: That the House has concurred in Senate amendments to and

adopted House Concurrent Resolution 29, relating to the conservation of Iowa controlled lakes.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the House was asked:

Senate Concurrent Resolution 17, relating to the adjournment of the general assembly sine die.

Also: That the House has adopted the following concurrent resolution, in which the concurrence of the House was asked:

Senate Concurrent Resolution 24, relating to the use of Iowa coal.

Also: That the House has adopted conference committee report on and amendments recommended therein and passed Senate File 245, providing for an appropriation for the administration by the State Board of Social Welfare.

Also: That the House has adopted conference committee report on and amendments recommended therein and passed Senate File 462, a bill for an act making appropriations for various departments of state.

Also: That the House has concurred in Senate amendments to and passed House File 372, a bill for an act relating to assistance to the blind.

Also: That the House has concurred in Senate amendments to and passed House File 407, a bill for an act relating to registration of vital statistics.

Also: That the House has concurred in Senate amendments to and passed House File 104, a bill for an act relating to contracts for municipal improvements.

Also: That the House has concurred in Senate amendments to and passed House File 147, a bill for an act relating to library fund.

Also: That the House has concurred in Senate amendments to and passed House File 358, a bill for an act to legalize proof of publication of notice made by affidavit of assistant publisher.

Also: That the House has concurred in Senate amendments to and passed House File 295, a bill for an act relating to agricultural seeds.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 540

Amend by striking the word "Winnebago" in line fifteen (15) of section one (1). Also further amend said section by adding immediately following the comma (,) after the word "Kossuth" in line twenty-three (23) the word "Winnebago".

#### HOUSE AMENDMENT TO SENATE FILE 407

Amend by adding to the end of section 2 the following: "Provided, however, that the commission may continue to produce and sell at pri-

vate sale game cover packets and trees for erosion control such as are now offered for sale by it, and may continue to produce trees for a demonstration windbreak in each township in the state, and may dispose of trees now growing under their present plan of distribution.

#### HOUSE CONCURRENT RESOLUTION 35

By Committee on Agriculture No. 1

*Whereas*, Agriculture is the basic industry of Iowa, and the continued prosperity and development of the state is largely dependent on the general prosperity of its farm population, and

*Whereas*, Changing conditions, both foreign and domestic, have created grave agricultural problems including those of confused and undesirable marketing conditions, increased production due to modern machinery aggravated by under consumption, absentee ownership, decrease in the number of family-sized farms, as well as many other related and acute problems, and

*Whereas*, The permanent solution of this problem, as yet unfound, presents a challenge to the state, and

*Whereas*, The temporary nature of the present farm program, dependent as it is upon annual congressional appropriation, offers no permanent solution, and

*Whereas*, The time available to members during a legislative session is too limited to pursue the intensive study required, therefore

*Be It Resolved by the House, the Senate Concurring*: That the Governor be and is hereby requested and empowered to appoint a committee, the chairman of which shall be the Secretary of Agriculture, and the members of which shall be composed of five (5) members from the House of Representatives and five (5) members from the Senate. The duty of this committee shall be to study and investigate agricultural problems and to suggest means for meeting them, reporting results back to the Fiftieth General Assembly.

No member of the committee shall receive any compensation for his services, but each shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties as a member of the committee. The chairman of the Committee shall certify the expense of each member thereof to the Department of Agriculture, and upon certification thereof, such expense shall be paid by the Department of Agriculture out of its department funds in the same manner as other expenses of the Department of Agriculture.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 98, 100, 103, 106, 116, 137, 139, 156, 187, 228, 242, 248, 257, 287, 291, 331, 340, 419, 525, 535, 536, and 541.

EDWARD H. VRBA, *Chairman Senate Committee.*  
GORDON SMITH, *Chairman House Committee.*

## 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 98, 100, 103, 106, 116, 137, 139, 156, 187, 228, 242, 248, 257, 287, 291, 331, 340, 419, 525, 535, 536 and 541.

## BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 8th day of April, 1941, sent to the Governor for his approval: Senate Files 98, 100, 103, 106, 116, 137, 139, 156, 187, 228, 242, 248, 257, 287, 291, 331, 340, 419, 525, 535, 536, and 541.

EDWARD H. VRBA, *Chairman.*

Passed on file.

Senator Berg moved that the signature of the President of the Senate be expunged from Senate File 472.

The motion prevailed and the signature of the President was expunged.

Senator Berg moved that the vote by which the report of the committee on enrolled bills was adopted be reconsidered, which motion prevailed.

Senator Berg moved to take from the table the motion to reconsider the vote by which the bill passed the Senate.

The motion prevailed.

Senator Berg moved that the vote by which the bill passed the Senate be reconsidered.

On the question, "Shall the Senate reconsider?" the vote was:

Ayes, 33:

Bekman	Harvey	Leo	Pelzer
Benson	Hattery	Long	Shaw
Berg	Henningesen	Love	Stewart
Byers	Hill	Lundy	Talbott
Clark	Hunt	Mercer	Turner
Cromwell	Johnson	Miller	Vrba
Emerson	Jones	Mowry	Whitehill
Findlay	Keir	Munger	Zeigler
Hamiel			

Nays, none.

## Absent or not voting, 17:

Augustine	Dykhousé	Fuller	Lynes
Baldwin	Elthon	Goode	Martin
Corwin	Evans	Hart	Sjulin
Dewey	Faul	Hess	Watson
Donohue			

The motion prevailed and the Senate reconsidered the vote by which the bill passed the Senate.

Senator Berg moved to reconsider the vote by which the bill passed to its third reading, which motion prevailed.

Senator Berg asked and received unanimous consent to have Senate File 472 messaged to the House.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 75, 82, 123, 127, 161, 162, 167, 285, 387, 392, 394, 420, and 447.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 75, 82, 123, 127, 161, 162, 167, 285, 387, 392, 394, 420, and 447.

## HOUSE MESSAGES CONSIDERED

House File 558, a bill for an act to appropriate from the general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for improvements and equipment at the Iowa State College of Agriculture and Mechanic Arts at Ames, and providing for the manner of expenditure thereof.

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

Senator Mowry asked and received unanimous consent to present the senior government class of the Mingo high school who were present in the balcony.

Senator Lundy asked and received unanimous consent to present the A cappella choir from Central College at Pella.

The choir sang several selections, under the direction of Prof. H. H. Root.

Senator Byers asked and received unanimous consent to present the civil government class from Mt. Vernon College who were present in the balcony.

Senator Shaw asked and received unanimous consent to present a class from the Allison school who were present with Prof. Truesdale in the balcony.

On motion of Senator Hill, the Senate recessed until 2 p. m.

### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

### HOUSE AMENDMENTS CONSIDERED

Senator Berg called up for consideration Senate File 407, a bill for an act to make an appropriation for the use of the state conservation commission, amended by the House, and moved that the Senate concur in the following amendment:

Amend by adding to the end of section 2 the following:

“Provided, however, that the commission may continue to produce and sell at private sale Game Cover Packets and trees for erosion control such as are now offered for sale by it, and may continue to produce trees for a demonstration windbreak in each township in the state, and may dispose of trees now growing under their present plan of distribution.”

The motion prevailed and the Senate concurred in and adopted the House amendments.

Senator Berg moved that the bill as amended by the House and concurred in by the Senate 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:

Augustine	Hattery	Long	Munger
Berg	Henningsen	Love	Pelzer
Byers	Hess	Lundy	Talbott
Cromwell	Hill	Martin	Turner
Emerson	Hunt	Mercer	Vrba
Findlay	Jones	Miller	Whitehill
Hamiel	Keir	Mowry	Zeigler
Harvey	Leo		



Nays, none.

Absent or not voting, 20:

Baldwin	Dewey	Faul	Lynes
Bekman	Donohue	Fuller	Shaw
Benson	Dykhousé	Goode	Sjulin
Clark	Elthon	Hart	Stewart
Corwin	Evans	Johnson	Watson

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

Senator Berg 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.

### 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 551, a bill for an act relating to power of municipalities.

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

House File 545, a bill for an act relating to the regulation of the sale of beer.

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

House File 546, a bill for an act relating to restrictions of permittees under Class "B" permits.

A. C. GUSTAFSON, *Chief Clerk.*

### THIRD READING OF BILLS

On motion of Senator Byers Senate File 102, a bill for an act to amend, revise and codify chapter four hundred sixty-one (461), Code, 1939, relating to the legalization of official acts of notaries public and for acknowledgments generally, was taken up and considered.

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:

Augustine	Byers	Findlay	Henningsen
Bekman	Clark	Hamiel	Hess
Benson	Cromwell	Harvey	Hill
Berg	Emerson	Hattery	Hunt

Jones	Lundy	Munger	Turner
Keir	Martin	Pelzer	Vrba
Leo	Mercer	Shaw	Whitehill
Long	Miller	Talbott	Zeigler
Love	Mowry		

Nays, none.

Absent or not voting, 16:

Baldwin	Dykhouse	Fuller	Lynes
Corwin	Elthon	Goode	Sjulin
Dewey	Evans	Hart	Stewart
Donohue	Faul	Johnson	Watson

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, which motion prevailed.

#### HOUSE MESSAGES CONSIDERED

House File 551, a bill for an act to amend section one thousand nine hundred twenty-one and one hundred twenty-nine thousandths (1921.129), Code, 1939, relating to power of municipalities.

Read first and second times and referred to sifting committee.

House File 545, a bill for an act to amend chapter ninety-three and two tenths (93.2), Code, 1939, relating to the regulation of the sale of beer.

Read first and second times and referred to sifting committee.

House File 546, a bill for an act relating to beer and malt liquors and the regulation and sale thereof, and to amend section one thousand nine hundred twenty-one and one hundred seven thousandths (1921.107), Code, 1939, relating to restrictions of permits under class "B" permits.

Read first and second times and referred to sifting committee.

#### THIRD READING OF BILLS

On motion of Senator Byers, Senate File 104, a bill for an act to provide a special limitation on actions involving conveyances in which the spouse joined in relinquishing homestead rights but did not join in the granting clause of the conveyance, was taken up and considered.

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, 36:**

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 14:**

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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, which motion prevailed.

On motion of Senator Byers, Senate File 105, a bill for an act to amend, revise, and codify chapter four hundred sixty-three (463), Code, 1939, relating to legalizing acts affecting the title to real property, was taken up and considered.

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, 36:**

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

**Nays, none.**

Absent or not voting, 14:

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Lynes 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.

On motion of Senator Byers, Senate File 109, a bill for an act to amend and revise chapter four hundred eighty-seven (487), Code, 1939, relating to limitation of actions, was taken up and considered.

Senator Byers offered the following amendment and moved its adoption:

Amend Senate File 109 by striking from line 14 of section 1 the following: "by filing petition and service of notice".

Further amend said Senate File 109 by striking from line 10 of section 2 the following: "after the taking effect of this section." and inserting in lieu thereof "from July 4, 1941."

Further amend said Senate File 109 by striking the word "masters" in line 25 of section 4 and inserting in lieu thereof the word "master's".

Amend the title to said Senate File 109 by striking the entire title and inserting in lieu thereof the following: "An Act to amend and revise the special limitations sections of chapter four hundred eighty-seven (487) relating to limitations of actions, amending and revising sections eleven thousand twenty-one (11021), eleven thousand twenty-two (11022), eleven thousand twenty-four (11024), and eleven thousand twenty-nine (11029), Code, 1939, and repealing section eleven thousand twenty-three (11023), Code, 1939, all of which pertain to and affect the title to real estate and provide a special statute of limitations."

The amendment was adopted.

Senator Faul offered the following amendment and moved its adoption:

Amend Senate File 109 by striking lines 27 to 33, inclusive, of section 4 and by inserting in lieu thereof the following:

"For the purpose of this section, such possession of said real estate may be shown of record by an affidavit showing such possession, and when said affidavit has been filed and recorded, it shall be the duty of the recorder to enter upon the margin of said record a certificate to the effect that said affidavit was filed by the owner in possession, as named in said affidavit, or by his attorney in fact, as shown by the records."

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, 36:

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

Nays, none.

Absent or not voting, 14:

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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, which motion prevailed.

On motion of Senator Munger, Senate File 112, a bill for an act to amend sections ten thousand seventy (10070), ten thousand seventy-one (10071) and ten thousand seventy-nine (10079), Code, 1939, relating to conveyances of real property, was taken up and considered.

Senator Munger 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:

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

Nays, none.

**Absent or not voting, 14:**

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Munger 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.

Senator Hamiel asked and received unanimous consent to have Senate Files 102, 104, 105, 109, and 112 immediately messaged to the House.

On motion of Senator Bekman, House File 491, a bill for an act to amend section two thousand eight hundred forty-three (2843), Code, 1939, relating to fire protection in hotels; to transfer certain duties in connection therewith from the labor commissioner to the state fire marshal, was taken up and considered.

Senator Bekman 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:**

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

**Nays, none.****Absent or not voting, 14:**

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Bekman 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.

On motion of Senator Cromwell, House File 278, a bill for an act to amend chapter three hundred eighty-six (386), Code, 1939, relating to foreign corporations doing business in Iowa, and legalizing the acts of the secretary of state in connection with their licensing, was taken up and considered.

Senator Cromwell 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:**

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 14:**

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Cromwell 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.

On motion of Senator Hamiel, House File 544, a bill for an act to legalize the action of the Board of Supervisors of Jones county, Iowa, in making expenditures from the poor fund of said county to state revenue which should have been made from the general fund of said county, was taken up and considered.

Senator Hamiel 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:**

Augustine	Berg	Cromwell	Fuller
Bekman	Byers	Emerson	Hamiel
Benson	Clark	Findlay	Harvey

Hattery	Jones	Martin	Shaw
Henningsen	Keir	Mercer	Talbott
Hess	Leo	Miller	Turner
Hill	Long	Mowry	Vrba
Hunt	Love	Munger	Whitehill
Johnson	Lundy	Pelzer	Zeigler

Nays, none.

Absent or not voting, 14:

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Hamiel 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.

On motion of Senator Bekman, House File 541, a bill for an act to amend section ten thousand five hundred one and eight tenths (10501.8), Code, 1939, relating to records of adoption, by providing for a copy of certain adoption records to be sent to the state board of control, was taken up and considered.

Senator Bekman 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:

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

Nays, none.

Absent or not voting, 14:

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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



Senator Bekman 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.

On motion of Senator Bekman, House File 536, a bill for an act to legalize the expenditure of certain funds in 1936 by Pottawattamie county, was taken up and considered.

Senator Bekman 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:**

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 14:**

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Bekman 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.

On motion of Senator Hill, House File 538, a bill for an act to amend chapter three hundred thirty-eight (338), Code, 1939, by adding thereto a new section providing that receipts from the tax imposed by said chapter shall be credited to the general fund of the state of Iowa, was taken up and considered.

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, 36:**

Augustine	Berg	Cromwell	Fuller
Bekman	Byers	Emerson	Hamiel
Benson	Clark	Findlay	Harvey

Hattery	Jones	Martin	Shaw
Henningsen	Keir	Mercer	Talbott
Hess	Leo	Miller	Turner
Hill	Long	Mowry	Vrba
Hunt	Love	Munger	Whitehill
Johnson	Lundy	Pelzer	Zeigler

Nays, none.

Absent or not voting, 14:

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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, which motion prevailed.

On motion of Senator Cromwell, Senate File 209, a bill for an act to amend chapter two hundred ninety (290), Code, 1939, relating to ordinances and providing for the adoption of a municipal code, the amendment thereof, its admissibility as evidence and providing for the publication of such code, with report of committee recommending passage, was taken up and considered.

Senator Hill offered the following amendment and moved its adoption:

Amend Senate File 209 by striking from lines 4 of section 1 the words "of the first class".

The amendment was adopted.

Senator Cromwell 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:

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

Nays, none.

**Absent or not voting, 14:**

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Cromwell 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.

On motion of Senator Whitehill, House File 336, a bill for an act to repeal section thirty-five hundred five (3505), Code, 1939, and to enact a substitute therefor to provide for the paroling of patients from a state hospital, was taken up and considered.

Senator Whitehill 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:**

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

**Nays, none.****Absent or not voting, 14:**

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Whitehill 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.

On motion of Senator Whitehill, House File 444, a bill for an act to amend section three thousand seven hundred thirty-eight (3738), Code, 1939, relating to escaped inmates from the Women's Reformatory, was taken up and considered.

Senator Whitehill 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:**

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 14:**

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Whitehill 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.

On motion of Senator Clark, House File 272, a bill for an act to legalize the action of the board of supervisors of Lucas county, Iowa, in making expenditures from the court fund and poor fund that should have been made from the general fund, was taken up and considered.

Senator Clark 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:**

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 14:**

Baldwin	Dykhous	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Clark 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.

On motion of Senator Hess, House File 169, a bill for an act to amend chapter four hundred seventy-three (473), Code, 1939, relating to the sealing of adoption records, was taken up and considered.

Senator Hess 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:**

Augustine	Fuller	Jones	Munger
Bekman	Hamiel	Keir	Pelzer
Benson	Harvey	Leo	Shaw
Berg	Hattery	Long	Talbott
Byers	Henningesen	Love	Turner
Clark	Hess	Martin	Vrba
Cromwell	Hill	Mercer	Whitehill
Emerson	Hunt	Miller	Zeigler
Findlay	Johnson	Mowry	

**Nays, 1:**

Lundy

**Absent or not voting, 14:**

Baldwin	Dykhous	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Cromwell 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.

On motion of Senator Hamiel, House File 323, a bill for an act to amend section seven thousand one hundred sixty-nine (7169), Code, 1939, relating to excessive tax levies and providing for

revision or elimination of unauthorized or unlawful levies by the county auditor, was taken up and considered.

Senator Hamiel 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:**

Augustine	Fuller	Jones	Mowry
Bekman	Hamiel	Keir	Munger
Benson	Harvey	Leo	Pelzer
Berg	Hattery	Long	Shaw
Byers	Henningsen	Love	Talbott
Clark	Hess	Lundy	Turner
Cromwell	Hill	Martin	Vrba
Emerson	Hunt	Mercer	Whitehill
Findlay	Johnson	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 14:**

Baldwin	Dykhouse	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Hamiel 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.

Senator Berg asked and received unanimous consent to have the House amendments on Senate File 540 made a special order of business for 10:00 a. m. Wednesday.

Senator Berg asked and received unanimous consent to have the rules suspended and that House File 442, a bill for an act to authorize the purchase of certain land adjoining the Iowa State Penitentiary, and to provide for an appropriation therefor, be read a third time and placed upon its passage.

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

**Ayes, 36:**

Augustine	Cromwell	Hattery	Jones
Bekman	Emerson	Henningsen	Keir
Benson	Findlay	Hess	Leo
Berg	Fuller	Hill	Long
Byers	Hamiel	Hunt	Love
Clark	Harvey	Johnson	Lundy

Martin	Mowry	Shaw	Vrba
Mercer	Munger	Talbott	Whitehill
Miller	Pelzer	Turner	Zeigler

Nays, none.

Absent or not voting, 14:

Baldwin	Dykhousé	Goode	Sjulin
Corwin	Elthon	Hart	Stewart
Dewey	Evans	Lynes	Watson
Donohue	Faul		

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

Senator Berg 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.

#### REPORT OF CONFERENCE COMMITTEE ON SENATE FILE 360

**MR. PRESIDENT AND MR. SPEAKER:** We, the undersigned members of the Conference Committee appointed to consider the differences between the Senate and the House on Senate File 360, beg leave to report that we have had the same under consideration and recommend that the House recede from its amendment to Senate File 360 and that Senate File 360 be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Section four thousand two hundred forty-two (4242), Code, 1939, is hereby amended by striking all of said section beginning with the comma after the word "year" in line ten (10) and inserting a period in lieu thereof, and by adding the following: "In all such districts of more than 125,000 population, the statement of disbursements is to show the names of the persons, firms or corporations, and the total amount paid to each during the school year."

Sec. 2. Chapter two hundred thirteen (213), Code, 1939, is hereby amended by inserting therein as a new section following section four thousand two hundred forty-two and one tenth (4242.1) the following:

"In each consolidated district and in each independent city or town school district, except districts of over 125,000 population, the board shall quarterly publish by one insertion in at least one newspaper published in the district, if there is a newspaper published in the district, a statement verified by affidavit of the secretary of the board showing a summary of the proceedings of the board pertaining to financial matters or expenses to the district for the previous quarter, including the list of all warrants issued by the board, the names of the persons, firms or corporations receiving same, the amount thereof and the reason therefor; except that warrants issued to persons regularly employed by the school district for services regularly performed by them need be listed not oftener than annually. The fee for publication of the statement

provided for herein shall not exceed one half of the legal publication fee provided by statute for the publication of legal notice.

"In every other school district, the president and secretary of the board shall file the quarterly statement, within ten days after the end of each quarter, with the county superintendent of schools for each previous quarter and shall post copies thereof in three (3) conspicuous places in the district."

ROSS R. MOWRY.

H. C. BALDWIN.

R. E. HESS.

*On the Part of the Senate.*

Respectfully submitted,

THEO. C. HUTCHISON.

M. D. VAN OOSTERHOUT.

JAS. A. LUCAS.

GEO. H. KEENEY.

*On the Part of the House.*

Senator Hess asked and received unanimous consent to take up the conference committee report on Senate File 360, a bill for an act to amend chapter two hundred thirteen (213), Code, 1939, to provide for publication or posting of monthly summaries of proceedings and expenditures of school districts, and moved its adoption.

Senator Clark asked and received unanimous consent to defer action on the conference committee report and that it be carried on the calendar as unfinished business.

Senator Berg asked unanimous consent to take up House File 558.

Objection was made.

### THIRD READING OF BILLS

On motion of Senator Donohue, House File 351, a bill for an act to amend section six thousand nine hundred forty-three and one hundred forty-three thousandths (6943.143), Code, 1939, relating to homestead exemption, was taken up and considered.

Senator Donohue offered the following amendment and moved its adoption:

Amend House File 351 by striking all after the enacting clause and substituting in lieu thereof the following:

"Section 1. Amend section six thousand nine hundred forty-three and one hundred forty-three thousandths (6943.143), Code, 1939, by striking the word "June" in line fourteen (14), and inserting in lieu thereof the word "July".

Sec. 2. Amend section six thousand nine hundred forty-three and one hundred forty-four thousandths (6943.144), Code, 1939, by striking all of said section after the word "disallowance" as it appears in lines six (6) and seven (7) of said section and inserting in lieu thereof the fol-



lowing: "notice thereof shall be sent by registered mail to claimant at his last known address."

Sec. 3. Amend section six thousand nine hundred forty-three and one hundred forty-five thousandths (6943.145), Code, 1939, by striking the word "July" in line three (3) and inserting in lieu thereof the word "August".

Sec. 4. Amend section six thousand nine hundred forty-three and one hundred fifty-two thousandths (5943.152), Code, 1939, by striking all of paragraph "a" and substituting in lieu thereof the following: "a. The homestead must embrace the dwelling house in which the owner is living at the time of filing the application and said application must contain an affidavit of his intention to occupy said dwelling house, in good faith, as a home for six (6) months or more in the year for which the credit is claimed."

Sec. 5. This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the New Hampton American, a newspaper published at New Hampton, Iowa, and the Fredericksburg News, a newspaper published at Fredericksburg, Iowa.

The amendment was adopted.

Senator Donohue 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, 37:

Augustine	Fuller	Keir	Mowry
Baldwin	Goode	Leo	Pelzer
Bekman	Hamiel	Long	Shaw
Benson	Harvey	Love	Sjulin
Clark	Hattery	Lundy	Talbott
Donohue	Henningsen	Lynes	Turner
Emerson	Hess	Martin	Vrba
Evans	Hill	Mercer	Watson
Faul	Hunt	Miller	Zeigler
Findlay			

Nays, 1:

Cromwell

Absent or not voting, 12:

Berg	Dewey	Hart	Munger
Byers	Dykhouse	Johnson	Stewart
Corwin	Elthon	Jones	Whitehill

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

Senator Donohue offered the following amendment to the title and moved its adoption:

Amend the title to House File 351 by inserting immediately after the

first comma (,) in line 3 the following: "six thousand nine hundred forty-three and one hundred forty-four thousandths (6943.144), six thousand nine hundred forty-three and one hundred forty-five thousandths (6943.145) and six thousand nine hundred forty-three and one hundred fifty-two thousandths (6943.152)".

The amendment was adopted and the title as amended was agreed to.

Senator Donohue 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.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 10, 47, 75, 284, 365, 388, 398, 411, 418, 467, 469, 481, 484, 527, 542 and 551.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 10, 47, 75, 284, 365, 388, 398, 411, 418, 467, 469, 481, 484, 527, 542 and 551.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

MR. PRESIDENT: Your committee on enrolled bills respectfully reports that it has, on this 8th day of April, 1941, sent to the Governor for his approval: Senate Files 10, 47, 75, 284, 365, 388, 398, 411, 418, 467, 469, 481, 484, 527, 542 and 551.

EDWARD H. VRBA, *Chairman.*

Passed on file.

Senator Faul asked and received unanimous consent to substitute House File 289 for Senate File 446, on the calendar.

#### MOTION TO RECONSIDER

MR. PRESIDENT: I move that the vote by which action was deferred on Senate File 120 be reconsidered.

E. P. CORWIN.

STATE OF IOWA  
Executive Office  
Des Moines

Geo. A. Wilson  
Governor

April 8, 1941

Mr. President, Mr. Speaker and Members of the Forty-ninth General Assembly of Iowa:

I have this day received from President Charles E. Friley of Iowa State College, copies of the estimate made by the college engineers on the cost of replacement of the Agricultural Engineering Laboratory, which was destroyed by fire on March 31, 1941, and enclose the same herewith for the attention of your honorable body.

Sincerely yours,  
GEO. A. WILSON.

GAW:L

Enc. 2

IOWA STATE COLLEGE  
Division of Engineering  
Office of the Dean

April 7, 1941.

President Charles E. Friley  
117 Beardshear Hall

Subject: Damage by Fire to the Agricultural Engineering Laboratory at the Iowa State College

Dear President Friley:

Fire of unknown origin broke out in the Agricultural Engineering Laboratory sometime between 6:00 a. m. and 7:00 a. m. March 31, 1941. The alarm was sent in a little before 7:00 a. m. The fire department responded promptly, but the flames spread in the wooden roof and about four-fifths of the building was damaged beyond repair before the fire was brought under control.

This laboratory building was constructed in 1922 and consisted of a concrete floor slab, walls of one course of brick, backed up by eight-inch tile, with brick piers to carry the roof beams, and a roof of wood joists and sheathing, covered with composition ("tar paper") roofing. In several of the rooms a wood ceiling was nailed to the under side of the roof joists, and many of the partitions in the building were of ordinary beaded partition lumber.

The fire started near the north end of the east wing and travelled around to the west wing before it could be stopped.

The difficulty of bringing the fire under control is explained by the nature of the roof construction. Since no fire walls were provided, the fire was able to travel the entire length of the building in the space under the sheathing and above the ceiling.

The heat caused the roof beams to expand enough to push out the walls, and the pressure buckled the beams. Also, the heat caused the brick walls to expand and, upon cooling, to crack badly. The east wing and the front will have to be rebuilt in their entirety. A part of the west

wing will have to be rebuilt and the remainder protected by fire walls and a fire-proof ceiling. It will not be necessary to reroof that portion.

The wrecked portion of the building can be rebuilt on the old foundation, and the old concrete floor can be used but will need to be resurfaced in most of the rooms. In rebuilding, fireproof roof construction should be used throughout. The front part of the building was poorly designed, and as a result there was much waste space. This part should be redesigned to make efficient use of the space. For example, the ceiling height in the rear portion is thirteen feet while the front is only nine feet, and that is all that is needed; but the walls in front were the same height as in the rear, with a clear loss of four feet of height plus an attic space varying in height with the slope of the roof from two to three feet.

It will also be possible to make better use of the space by some rearrangement of partitions to provide rooms of a size that experience has demonstrated to be more usable than those in the old building.

The estimated cost of restoring the building is as follows:

I. <i>Part to be entirely rebuilt.</i> Estimated cost 28 cents per cubic foot for fireproof construction.	
356,000 cubic feet at \$0.28 per foot.....	\$ 99,680
II. <i>Part to be fireproofed.</i>	
Firewalls and fireproof ceiling.....	3,547
	<hr/>
Total of Parts I and II.....	\$103,227
III. <i>Furniture and shop equipment.....</i>	23,246
	<hr/>
Grand Total .....	\$126,473

Since these figures must of necessity be approximate even though the cubic foot cost of twenty-eight cents is based on recent experiences on the campus, it is believed that the restoration can be accomplished for \$125,000 or less. If any Federal aid is obtainable, there will, of course, be a corresponding saving to the state.

This laboratory accommodated about one hundred students majoring in agricultural engineering, all of the agricultural students that take farm mechanics, and a number of research workers dealing with such problems as grain storage, farm structures, farm power and tillage. Several employees of the U. S. Department of Agriculture who were working on co-operative research were provided space in the building. All of these have had to be moved into other buildings that were already scheduled to capacity. Much of the work will have to be suspended until the laboratory can be replaced. Its rebuilding is therefore urgent.

Yours very truly,

T. R. AGG

Dean of Engineering

H. H. KILDEE

Dean of Agriculture

TRA:ah

## 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 Files 301, 352; Senate File 237; House Files 177, 57, 138, 155, 526, 166, and 289. E. P. DONOHUE, *Chairman*.

## AMENDMENTS FILED

Amend House File 515 by striking the period immediately following the word "children" in line 7 and substituting therefor a comma and adding the following: "but no child shall be placed in any such institution outside of the State of Iowa unless it shall first be determined by the board that no suitable institution with which said child might be placed exists within the state of Iowa."  
GEORGE FAUL.

Amend House File 515 by inserting immediately after the word "institution" in line 6 of section 1 thereof the following words "located within this state".

Further amend by inserting immediately after the word "institution" in line 5 of section 2 thereof the following words "located within this state".  
E. K. BEKMAN.  
ROSS R. MOWRY.

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

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 9, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rabbi Monroe Levens of the Polk Boulevard Synagogue of Des Moines.

The Journal of April 8th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petition was presented and placed on file:

By Senator Henningsen, from members of the Brick Masons and Plasterers Union No. 15 of Clinton, in opposition to House File 298, and favoring passage of Senate File 322.

## INTRODUCTION OF BILLS

Senate Joint Resolution 11, by committee on public lands and buildings, a joint resolution providing for the purchase of certain property at Clinton, Iowa, known as Wartburg College for the use of the state of Iowa, and making appropriations therefor.

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

Senate File 556, by committee on military affairs, a bill for an act to provide for qualified electors of the state of Iowa who are in military service to vote at the primary and general elections in 1942.

Read first and second times and referred to sifting committee.

## CALL OF THE SENATE

We the undersigned members of the Senate demand a call of the Senate under Rule 5 of the Rules of the Senate on any motion or vote to withdraw a bill from the sifting committee of the Senate:

SANFORD ZEIGLER, JR.  
OSCAR E. JOHNSON  
FRANK PELZER  
J. D. LONG  
R. E. BENSON

O. H. HENNINGSEN  
J. BERG  
ROBT. W. HARVEY  
AI MILLER  
FRANK D. MARTIN

M. C. HAMIEL  
 S. RAY EMERSON  
 LEROY MERCER  
 A. J. SHAW  
 ROSS R. MOWRY  
 G. W. HUNT  
 ROBERT P. MUNGER  
 H. S. LOVE  
 JOHN R. HATTERY

CLARENCE L. CLARK  
 ROBERT KEIR  
 FRED CROMWELL  
 G. R. HILL  
 JOHN E. TALBOTT  
 STANLEY L. HART  
 ED VRBA  
 GEO. FAUL  
 A. E. AUGUSTINE

#### HOUSE AMENDMENTS CONSIDERED

The time having arrived for consideration of the special order, Senator Goode called up for consideration Senate File 540, a bill for an act to repeal section five hundred twenty-six and one tenth (526.1), Code, 1939, and to enact a substitute therefor, redistricting the state into eight (8) congressional districts, amended by the House, and moved that the Senate concur in the following amendment.

Amend by striking the word "Winnebago" in line fifteen (15) of section one (1). Also further amend said section by adding immediately following the comma (,) after the word "Kossuth" in line twenty-three (23) the word "Winnebago".

The motion prevailed and the Senate concurred in the House amendment.

Senator Goode 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:

Augustine	Evans	Johnson	Mowry
Bekman	Faul	Jones	Munger
Benson	Findlay	Keir	Pelzer
Berg	Fuller	Leo	Shaw
Clark	Goode	Long	Sjulin
Cromwell	Hamiel	Love	Talbott
Dykhouse	Henningsen	Lundy	Turner
Elthon	Hess	Lynes	Watson
Emerson	Hill	Miller	Whitehill

#### Nays, 7:

Baldwin	Hart	Stewart	Zeigler
Corwin	Hunt	Vrba	

#### Absent or not voting, 7:

Byers	Donohue	Hattery	Mercer
Dewey	Harvey	Martin	

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

Senator Goode 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.

On motion of Senator Hess, the Senate resumed consideration of the following conference committee report on Senate File 360, a bill for an act to amend chapter two hundred thirteen (213), Code, 1939, to provide for publication or posting of monthly summaries of proceedings and expenditures of school districts, and moved its adoption, and moved that the Senate concur in and adopt the report.

#### REPORT OF CONFERENCE COMMITTEE ON SENATE FILE 360

**MR. PRESIDENT AND MR. SPEAKER:** We, the undersigned members of the Conference Committee appointed to consider the differences between the Senate and the House on Senate File 360, beg leave to report that we have had the same under consideration and recommend that the House recede from its amendment to Senate File 360 and that Senate File 360 be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Section 1. Section four thousand two hundred forty-two (4242), Code, 1939, is hereby amended by striking all of said section beginning with the comma after the word "year" in line ten (10) and inserting a period in lieu thereof, and by adding the following: "In all such districts of more than 125,000 population, the statement of disbursements is to show the names of the persons, firms or corporations, and the total amount paid to each during the school year."

Sec. 2. Chapter two hundred thirteen (213), Code, 1939, is hereby amended by inserting therein as a new section following section four thousand two hundred forty-two and one tenth (4242.1) the following:

"In each consolidated district and in each independent city or town school district, except districts of over 125,000 population, the board shall quarterly publish by one insertion in at least one newspaper published in the district, if there is a newspaper published in the district, a statement verified by affidavit of the secretary of the board showing a summary of the proceedings of the board pertaining to financial matters or expenses to the district for the previous quarter, including the list of all warrants issued by the board, the names of the persons, firms or corporations receiving same, the amount thereof and the reason therefor; except that warrants issued to persons regularly employed by the school district for services regularly performed by them need be listed not oftener than annually. The fee for publication of the statement provided for herein shall not exceed one half of the legal publication fee provided by statute for the publication of legal notice.

"In every other school district, the president and secretary of the



board shall file the quarterly statement, within ten days after the end of each quarter, with the county superintendent of schools for each previous quarter and shall post copies thereof in three (3) conspicuous places in the district."

ROSS R. MOWRY.  
H. C. BALDWIN.  
R. E. HESS.

*On the Part of the Senate.*

Respectfully submitted,

THEO. C. HUTCHISON.  
M. D. VAN OOSTERHOUT.  
JAS. A. LUCAS.  
GEO. H. KEENEY.

*On the Part of the House.*

Senator Cromwell moved the previous question on the conference committee report. The motion prevailed.

The Senate concurred in and adopted the conference committee report.

Senator Hess moved that the amendments contained in the conference committee report be adopted, which motion prevailed.

Senator Hess 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:

Baldwin	Fuller	Johnson	Pelzer
Bekman	Goode	Jones	Shaw
Benson	Hamiel	Keir	Sjulin
Corwin	Hart	Leo	Stewart
Cromwell	Harvey	Long	Talbott
Elthon	Hattery	Love	Turner
Emerson	Henningsen	Lynes	Vrba
Evans	Hess	Mercer	Watson
Faul	Hill	Miller	Whitehill
Findlay	Hunt	Mowry	Zeigler

Nays, 3:

Augustine	Clark	Munger
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Absent or not voting, 7:

Berg	Dewey	Dykhouse	Martin
Byers	Donohue	Lundy	

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

Senator Hess offered the following amendment to the title and moved its adoption:

Amend the title to Senate File 360 by striking from line 3 the word "monthly" and inserting in lieu thereof the word "quarterly".

The amendment was adopted and the title as amended was agreed to.

Senator Hess 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.

Senator Hess asked and received unanimous consent to have Senate File 360 immediately messaged to the House.

#### 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 and passed House File 146, a bill for an act relating to duties of state car dispatcher.

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

House File 344, a bill for an act to make an appropriation for the maintenance of the birthplace of Herbert Hoover.

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

House File 513, a bill for an act to make an appropriation for the purpose of purchasing the Gardner Log Cabin property in Arnolds Park.

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

House File 552, a bill for an act relating to the issuance of class "B" permits for the sale of beer.

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

House File 553, a bill for an act relating to the regulation and sale of beer to minors.

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

House File 555, a bill for an act relating to the regulation of the sale of beer.

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

House File 562, a bill for an act relating to vehicles and traffic.

A. C. GUSTAFSON, *Chief Clerk.*

#### THIRD READING OF BILLS

On motion of Senator Faul, House File 289, a bill for an act to repeal sections three thousand four hundred six (3406), three thousand four hundred seven (3407), three thousand four hundred eight (3408), three thousand four hundred nine (3409), and three thousand four hundred ten (3410) and three thousand four

hundred seventy-five (3475), Code, 1939, relating to the institutions for feeble-minded and to amend chapter one hundred seventy (170), Code, 1939, by adding sections thereto, all providing liability for, collection, and payment of the costs of supporting inmates of said institution, was taken up and considered.

Senator Faul 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:**

Berg	Hamiel	Love	Sjulin
Clark	Harvey	Lynes	Stewart
Corwin	Hattery	Martin	Talbott
Cromwell	Henningsen	Mercer	Turner
Elthon	Hess	Miller	Vrba
Emerson	Hill	Munger	Watson
Faul	Keir	Pelzer	Whitehill
Findlay	Leo	Shaw	Zeigler
Goode	Long		

**Nays, 3:**

Baldwin	Johnson	Jones
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**Absent or not voting, 13:**

Augustine	Dewey	Evans	Hunt
Bekman	Donohue	Fuller	Lundy
Benson	Dykhouse	Hart	Mowry
Byers			

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

Senator Faul 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.

On motion of Senator Faul, House File 153, a bill for an act to amend chapter four hundred sixty-four (464), Code, 1939, by adding thereto a section relating to publication by clerks of the district courts of notice of time fixed for hearing of probate of any will, and legalizing notices of hearings published prior to January 1, 1939, and not in conformity with statutory requirement, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend House File 153 by adding thereto the following: "This act shall not affect pending litigation."

The amendment was adopted.

Senator Faul 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, 37:

Baldwin	Hamiel	Leo	Pelzer
Benson	Harvey	Long	Shaw
Corwin	Hattery	Love	Sjulin
Cromwell	Henningsen	Lynes	Stewart
Dewey	Hill	Martin	Talbott
Dykhouse	Hunt	Mercer	Turner
Emerson	Johnson	Miller	Vrba
Evans	Jones	Mowry	Watson
Faul	Keir	Munger	Whitehill
Findlay			

Nays, none.

Absent or not voting, 13:

Augustine	Clark	Fuller	Hess
Bekman	Donohue	Goode	Lundy
Berg	Elthon	Hart	Zeigler
Byers			

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

Senator Vrba 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.

On motion of Senator Whitehill, House File 515, a bill for an act to amend chapter one hundred eighty-five (185) and section thirty-seven hundred two (3702), Code, 1939, to provide for placing children of the Iowa Soldiers' Orphans' Home and the State Juvenile Home in certain charitable or religious institutions, was taken up and considered.

Senator Faul offered the following amendment and moved its adoption:

Amend House File 515 by striking the period immediately following the word "children" in line 7 and substituting therefor a comma and adding the following: "but no child shall be placed in any such institution outside the State of Iowa unless it shall first be determined by the board that no suitable institution with which said child might be placed exists within the state of Iowa."

The amendment was adopted.

Senators Bekman and Mowry offered the following amendments and moved their adoption:

Amend by inserting immediately after the word "institution" in line

6 of section 1 thereof the following words "located within this state".

Further amend by inserting immediately after the word "institution" in line 5 of section 2 thereof the following words "located within this state".

Senator Mowry asked and received unanimous consent to withdraw the amendments.

Senator Whitehill 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:**

Augustine	Faul	Keir	Pelzer
Baldwin	Findlay	Leo	Shaw
Bekman	Fuller	Long	Sjulin
Clark	Hamiel	Love	Stewart
Corwin	Harvey	Lynes	Talbott
Cromwell	Hattery	Martin	Turner
Dewey	Henningsen	Mercer	Vrba
Dykhouse	Hill	Miller	Watson
Emerson	Johnson	Mowry	Whitehill
Evans	Jones	Munger	Zeigler

**Nays, none.**

**Absent or not voting, 10:**

Benson	Donohue	Hart	Hunt
Berg	Elthon	Hess	Lundy
Byers	Goode		

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

Senator Whitehill 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.

On motion of Senator Miller, House File 301, a bill for an act to make permanent certain transfers of funds in Guthrie County, Iowa, was taken up and considered.

Senator Miller 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:**

Augustine	Dewey	Goode	Hill
Baldwin	Dykhouse	Hamiel	Keir
Bekman	Emerson	Hart	Leo
Byers	Evans	Harvey	Long
Clark	Faul	Hattery	Love
Cromwell	Findlay	Hess	Lynes

Martin	Pelzer	Stewart	Watson
Mercer	Shaw	Talbott	Whitehill
Miller	Sjulin	Vrba	Zeigler

Nays, none.

Absent or not voting, 14:

Benson	Elthon	Johnson	Mowry
Berg	Fuller	Jones	Munger
Corwin	Henningsen	Lundy	Turner
Donohue	Hunt		

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

Senator Miller 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.

Senator Byers took the chair at 11:26 a. m.

On motion of Senator Hill, Senate File 237, a bill for an act to designate the rights and remedies of the owner and holder of security on real estate in the filing of claims against estates and to prescribe the procedure with reference thereto, with report of 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 section 1 of Senate File 237 by striking the words "the mortgage" in lines 5 and 6 and substituting in lieu thereof the words "such claimant".

Also amend by striking from line 7 the following: "thereof," and inserting in lieu thereof "of his claim, he".

Insert the words "said claimant and" immediately following the word "and" in line 14.

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, 38:

Augustine	Dykhouse	Goode	Jones
Baldwin	Elthon	Hamiel	Keir
Bekman	Emerson	Hart	Leo
Byers	Evans	Harvey	Long
Clark	Faul	Hess	Lundy
Corwin	Findlay	Hill	Martin
Cromwell	Fuller	Johnson	Mercer

Miller	Shaw	Talbott	Vrba
Mowry	Sjulin	Turner	Whitehill
Pelzer	Stewart		

Nays, 2:

Watson	Zeigler
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Absent or not voting, 10:

Benson	Donohue	Hunt	Lynes
Berg	Hattery	Love	Munger
Dewey	Henningsen		

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, which motion prevailed.

On motion of Senator Corwin, House File 352, a bill for an act to amend sections one thousand two hundred twenty-five and thirty hundredths (1225.30), one thousand two hundred twenty-five and thirty-two hundredths (1225.32), and one thousand two hundred twenty-five and thirty-three hundredths (1225.33), Code, 1939, relating to itinerant merchants, was taken up and considered.

Senator Corwin 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:

Augustine	Emerson	Hill	Munger
Baldwin	Evans	Jones	Shaw
Bekman	Findlay	Keir	Sjulin
Berg	Fuller	Long	Talbott
Byers	Hart	Love	Turner
Clark	Harvey	Martin	Watson
Cromwell	Hattery	Mercer	Whitehill
Dykhouse	Henningsen	Miller	Zeigler
Elthon	Hess		

Nays, 1:

Pelzer

Absent or not voting, 15:

Benson	Faul	Johnson	Mowry
Corwin	Goode	Leo	Stewart
Dewey	Hamiel	Lundy	Vrba
Donohue	Hunt	Lynes	

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

Senator Corwin 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.

On motion of Senator Hattery, House File 177, a bill for an act to amend section five thousand seven hundred sixty-six and one-tenth (5766.1), Code, 1939, relating to city and town fire departments, was taken up and considered.

Senator Hattery 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, 42:**

Augustine	Findlay	Jones	Pelzer
Baldwin	Fuller	Keir	Shaw
Bekman	Goode	Leo	Sjulin
Benson	Hamiel	Long	Stewart
Eyers	Hart	Love	Talbott
Corwin	Harvey	Lynes	Turner
Cromwell	Hattery	Martin	Vrba
Dykhouse	Henningsen	Mercer	Watson
Elthon	Hess	Mowry	Whitehill
Emerson	Hill	Munger	Zeigler
Evans	Hunt		

**Nays, none.**

**Absent or not voting, 8:**

Berg	Dewey	Faul	Lundy
Clark	Donohue	Johnson	Miller

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

Senator Hattery 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.

Senator Fuller asked and received unanimous consent to consider the following concurrent resolution and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 25

*Be It Resolved by the Senate, the House Concurring:*

A committee of seven members is hereby created, to consist of three members of the Senate, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker, and the chairman of the State Highway Commission shall be an ex-officio member of said committee.

Immediately upon the appointment of the members of said committee, a meeting shall be called by the present chairman of the State Highway



Commission, which meeting shall be held at a place and time designated by him. At its first meeting the members of said committee shall elect one of the members as chairman.

The chief engineer of the State Highway Commission shall act as secretary and engineer for the committee.

If, during the interim between the adjournment of the 49th General Assembly and the convening of the 50th General Assembly, a vacancy should occur in the membership of said committee from the Senate or from the House of Representatives, the Lieutenant Governor or the Speaker of the House, according to whether said vacancy is in the Senate or House committee membership, shall fill said vacancy by appointment as herein provided for the original members of the committee.

It shall be the duty of said committee to make a comprehensive study of the toll bridges over the Missouri and Mississippi rivers on the boundaries of the state of Iowa; to collect such data with respect to each of said bridges as the committee may deem pertinent; to investigate the desirability and feasibility of public ownership of such bridges; to investigate the possibility of freeing said bridges of tolls, and to plan for the financing thereof; and to make a written report of its findings and recommendations to the Governor and to the 50th General Assembly.

No member of the committee shall receive any compensation for his services, but each shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties as a member of the committee. The chairman of the committee shall certify the expense of each member thereof to the State Highway Commission; and, upon such certification, such expense shall be paid by the State Highway Commission out of the primary road fund in the same manner as are other expenses of the State Highway Commission.

The resolution was lost.

Senator Johnson asked and received unanimous consent to present a class from the Britt High School, who were present in the balcony with their teacher.

Senator Hunt asked and received unanimous consent to present former Senator Geske to the Senate.

Senator Hunt escorted Senator Geske to the rostrum. Senator Geske addressed the Senate briefly.

Senator Benson asked and received unanimous consent to present the government class from the Sac City High School, who were present in the balcony with their instructor.

Senator Mercer asked and received unanimous consent to present the class in business law from the Amana Society School, who were present in the balcony with their instructor.

On motion of Senator Donohue, the Senate recessed until 2:00 p. m.

### AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

Senator Stewart asked and received unanimous consent to take up the following concurrent resolution and moved its adoption:

#### HOUSE CONCURRENT RESOLUTION 33

*Whereas*, Our Federal Government has recognized the necessity of placing the control of the production, manufacture and distribution of many of our products under the supervision of a Council of National Defense, and

*Whereas*, There has been established a division of this Council of National Defense known as the Consumers' Division, and

*Whereas*, In a recent report of this Consumers' Division a statement was made that recent increases in food costs were due mainly to a rise of 4 per cent in meat prices, and advice was given in this same report that the consumers of this nation would do well to look for cheaper cuts of meat and for meat substitutes, and to secure available information on the preparation of well-balanced meatless meals, and

*Whereas*, The Hon. Mark G. Thornburg, secretary of agriculture for the state of Iowa, has already very properly recognized that such statements from a federal office will result in decreased consumption of Iowa farm products and has in a letter to Miss Harriet Elliott, Consumers' Commissioner of the National Defense Council, voiced his objections to such statements on the grounds that—

1. The total amount of meat in storage in the United States is 25 per cent over the five-year average and 9 per cent greater than the amount in storage on February 1, 1940;

2. Hogs are now selling for less than 79 per cent of parity and more than 1,000,000,000 lbs. of pork and pork products are in the various storage plants of the country;

3. During the last days of 1940, an article concerning a Washington release was printed in newspapers throughout the Corn Belt which in effect assured the farmers that the defense program now being inaugurated with all its new employment would more than make up for the foreign market which the Corn Belt farmers have lost. (We have lost a foreign market for 140,000,000 lbs. of lard annually.)

4. It is not with satisfaction that the Iowa farmer watches a federal department in one year plow under crops and destroy livestock and in another advise increasing hog production at a time when stocks of pork and pork products in storage are abnormally high, and then hears of another federal department suggesting meat substitutes and well-balanced meatless meals; and

*Whereas*, The Congress of the United States has recently enacted the lend-lease bill which contains a provision whereby Great Britain could buy or borrow farm products as well as armaments; now therefore.

*Be It Resolved by the House of Representatives of the Forty-ninth General Assembly of the State of Iowa, the Senate Concurring:* That for the reasons stated in the preamble of this resolution the membership of the Council of National Defense, the Secretary of Agriculture of the United States, and the Administrator of the Federal Surplus Commodities Corporation be respectfully requested to so coordinate their programs as they affect agriculture so that the farmers of the nation will have adequate recognition of their problems and that surplus farm products will be more readily consumed by the consumers of this nation and will be made available to the people of the democratic nations of Europe.

*Be It Further Resolved,* That all sections of the Council for National Defense be respectfully requested to consider the advisability of starting from the premise that the farmer is one of the most vital factors in our national defense program and that the important place of agriculture in national defense be recognized.

*Be It Also Further Resolved,* That a copy of this resolution be forwarded to the Hon. Franklin D. Roosevelt, president of the United States, the Hon. Henry A. Wallace, vice president, the Hon. Claude R. Wickard, secretary of agriculture, the Hon. William G. Knudson, chairman of the Council for National Defense, the Hon. Milo Perkins, Administrator of the Federal Surplus Commodities Corporation, and to the two United State Senators and the nine Congressmen who now represent Iowa in the National Congress.

The motion prevailed and the resolution was adopted.

Senator Bekman asked unanimous consent to take up the following concurrent resolution and moved its adoption:

#### SENATE CONCURRENT RESOLUTION 29

*Be It Resolved by the Senate, the House Concurring:* That the Senate and House join and that the Legislature request from the Governor the return by him to the Legislature, by returning the same to the Senate, Senate File 194, for such further action as the Legislature may deem proper.

E. K. BEKMAN.  
ELMER CORWIN.

The motion prevailed and the resolution was adopted.

Senator Bekman asked and received unanimous consent to have Senate Concurrent Resolution 29 immediately messaged to the House.

Senator Faul asked and received unanimous consent to introduce the sixth grade pupils from Lucas school, who were present in the balcony.

## THIRD READING OF BILLS

On motion of Senator Keir, House File 57, a bill for an act to authorize counties to expend any balance remaining from primary road bond issues authorized or sold for road purposes, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Keir 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, 42:

Augustine	Emerson	Hunt	Müller
Baldwin	Evans	Jones	Munger
Bekman	Faul	Keir	Pelzer
Benson	Findlay	Leo	Shaw
Berg	Goode	Long	Sjulin
Byers	Hart	Love	Talbott
Clark	Harvey	Lundy	Vrba
Corwin	Hattery	Lynes	Watson
Dewey	Henningsen	Martin	Whitehill
Dykhouse	Hess	Mercer	Zeigler
Elthon	Hill		

Nays, none.

Absent or not voting, 8:

Cromwell	Fuller	Johnson	Stewart
Donohue	Hamiel	Mowry	Turner

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

Senator Keir 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.

## 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 receded from its amendments to and passed the following bill:

Senate File 440, a bill for an act relating to certain claims between the state of Iowa and others.

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

House File 563, a bill for an act to legalize acts amendatory to the motor vehicle law.

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

Senate File 510, a bill for an act to make appropriations to Clarke county and to Dr. C. R. Harken.

Also: That the House has failed to pass the following bill in which the concurrence of the House was asked:

Senate File 509, a bill for an act to make an appropriation to Glen Yates.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 29, requesting the return of Senate File 194 from the Governor.  
A. C. GUSTAFSON, *Chief Clerk*.

### HOUSE MESSAGES CONSIDERED

House File 552, a bill for an act to amend section one thousand nine hundred twenty-one and one hundred twenty-nine thousandths (1921.129) and chapter ninety-three and two tenths (93.2), Code, 1939, relating to the issuance of class "B" permits for the sale of beer.

Read first and second times and referred to sifting committee.

House File 553, a bill for an act to repeal section one thousand nine hundred twenty-one and one hundred sixteen thousandths (1921.116), Code, 1939, relating to the regulation and sale of beer to or by minors, and to enact a substitute therefor.

Read first and second times and referred to sifting committee.

House File 555, a bill for an act to amend chapter ninety-three and two tenths (93.2), sections one thousand nine hundred twenty-one and one hundred eight thousandths (1921.108), one thousand nine hundred twenty-one and one hundred nineteen thousandths (1921.119), one thousand nine hundred twenty-one and one hundred twenty-nine thousandths (1921.129), and one thousand nine hundred twenty-one and one hundred thirty thousandths (1921.130), Code, 1939, all relating to the regulation of the sale of beer and the permit fees of the licensee.

Read first and second times and referred to sifting committee.

House File 344, a bill for an act to make an appropriation for the maintenance of the birthplace of Herbert Hoover.

Read first and second times and referred to sifting committee.

House File 513, a bill for an act to appropriate the sum of ten thousand dollars for the purpose of purchasing the Gardner log

cabin property in Arnolds Park, Dickinson county, Iowa, and to establish the same as the Abbie Gardner Sharp Memorial.

Read first and second times and referred to sifting committee.

House File 563, a bill for an act to legalize any and all acts and actions taken under and in pursuance of the provisions of chapter 134, acts of the Forty-seven General Assembly and acts amendatory thereto, being the motor vehicle law.

Read first and second times and referred to sifting committee.

House File 562, a bill for an act to amend, revise and re-enact chapter two hundred fifty-one and one tenth (251.1), Code, 1939, all relating to vehicles and traffic; the creation of the department of public safety and fixing the powers and duties of the commissioner thereof; the registration of motor vehicles, the licensing thereof and requirement of display of plates; the regulation of change of motor numbers; the transfer of title or interest in motor vehicles; permits to non-resident owners; the operation under special plates; the purchase and sale of used motor vehicles; reports of stolen and recovered vehicles; offenses against registration laws and suspension or revocation of registration; registration fees and collection thereof; penalties, costs, and collection and disposition of funds; value and weight of vehicles; plates, containers and supplies; operator and chauffeurs' licenses, issue of licenses, expiration and renewal, cancellation, suspension or revocation of licenses; violation of license provisions; hours of operation; law of the road; power of local authorities; traffic signs, signals and markings on highways; accidents and reports on same; accident liability; driving while intoxicated and reckless driving; speed restrictions; signals and method of giving; pedestrian's rights and duties; street cars and safety zones; school busses, establishing rules for control of vehicles; clearance and identification lights; size and weight of load; parties; procedure upon arrest and reports in criminal cases; actions against non-residents, and fixing penalties for violation.

Read first and second times and referred to sifting committee.

### THIRD READING OF BILLS

On motion of Senator Pelzer, House File 138, a bill for an act to amend section forty-two hundred sixty-seven and one tenth (4267.1), Code, 1939, relating to junior colleges, providing that a junior college may be established in a school district having a popu-

lation of five thousand (5,000) or more, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Pelzer 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:**

Benson	Goode	Keir	Sjulin
Byers	Hart	Long	Stewart
Clark	Harvey	Love	Turner
Corwin	Henningsen	Lynes	Vrba
Donohue	Hess	Miller	Watson
Elthon	Hill	Mowry	Whitehill
Evans	Johnson	Pelzer	Zeigler
Fuller			

**Nays, 14:**

Augustine	Emerson	Leo	Munger
Baldwin	Findlay	Lundy	Shaw
Berg	Hunt	Mercer	Talbott
Dykhousé	Jones		

**Absent or not voting, 7:**

Bekman	Dewey	Hamiel	Martin
Cromwell	Faul	Hattery	

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

Senator Pelzer 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.

On motion of Senator Hart, House File 155, a bill for an act to amend paragraph five (5) of section twelve thousand seven hundred seventy-two (12772), Code, 1939, relating to authorized investment of trust funds, was taken up and considered.

Senator Hunt 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:**

Augustine	Cromwell	Faul	Hattery
Baldwin	Dewey	Findlay	Henningsen
Benson	Donohue	Fuller	Hess
Berg	Dykhousé	Goode	Hill
Byers	Elthon	Hamiel	Hunt
Clark	Emerson	Hart	Johnson
Corwin	Evans	Harvey	Jones

Keir	Mercer	Pelzer	Vrba
Leo	Miller	Shaw	Watson
Lundy	Mowry	Sjulin	Whitehill
Lynes	Munger	Stewart	Zeigler
Martin			

Nays, 1:

Long

Absent or not voting, 4:

Bekman	Love	Talbott	Turner
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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 Hunt 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.

On motion of Senator Hart, House File 526, a bill for an act to amend section nine thousand one hundred eighty-three (9183), Code, 1939, relating to the investment in real estate bonds and mortgages by banks, was taken up and considered.

Senator Cromwell offered the following amendments and moved their adoption:

Amend House File 526 by striking from line 15 thereof the words "of Title II".

Further amend House File 526 by adding the following new sections:

Sec. 2. Sub-section seven (7) of section ninety-one hundred eighty-three (9183), Code, 1939, be and the same is hereby amended by striking from line 5 thereof the words "title II of".

Sec. 3. Section ninety-two hundred twenty-three (9223), Code, 1939, be and the same is hereby amended by striking from line 31 thereof the words "title II of".

Further amend House File 526 by renumbering section 2 as section 4.

The amendments were adopted.

Senator Cromwell 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, 43:

Augustine	Cromwell	Goode	Hunt
Baldwin	Dewey	Hamiel	Johnson
Bekman	Dykhousé	Hart	Jones
Benson	Emerson	Harvey	Keir
Berg	Evans	Hattery	Leo
Byers	Faul	Henningsen	Lynes
Clark	Findlay /	Hess	Martin
Corwin	Fuller	Hill	Mercer



Miller	Pelzer	Stewart	Whitehill
Mowry	Shaw	Vrba	Zeigler
Munger	Sjulin	Watson	

Nays, 1:

Long

Absent or not voting, 6:

Donohue	Love	Talbott	Turner
Elthon	Lundy		

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

The amendment was adopted and the title as amended was

Senator Cromwell asked and received unanimous consent to offer the following amendment to the title, and moved its adoption:

Amend the title to House File 526 by inserting in line 2, just preceding the word "Code" the following: "and ninety-two hundred twenty-three (9223),".

agreed to.

Senator Cromwell 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.

STATE OF IOWA  
Executive Office  
Des Moines

April 9, 1941.

To the President and Members of the Senate:

Pursuant to Senate Concurrent Resolution 29, I am returning herewith Senate File 194, a bill for an act to amend Section 5903.05 providing for a levy of taxes for airports.

Respectfully,  
GEO. A. WILSON

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT: I am directed to inform your honorable body that the House requests the return of Senate File 194, a bill for an act to provide for the levy of taxes on airports. A. C. GUSTAFSON, *Chief Clerk*.

Senator Donohue moved that action on House File 166 be deferred, which motion prevailed, and action on the bill was deferred.

Senator Bekman moved that Senate File 194 be returned to the House in compliance with the request therefor.

The motion prevailed and the bill was returned to the House.

## 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 Files 173, 207, 401, 400, 415, Senate File 556, and House File 91. Also recommend that House File 513 and 344 be voted out and referred to the appropriations committee.

E. P. DONOHUE, *Chairman.*

## REPORTS OF COMMITTEES

Senator Berg submitted the following report:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 344, a bill for an act to make an appropriation for the maintenance of the birthplace of Herbert Hoover at West Branch, Iowa, begs leave to report it has had the same under consideration and recommends the same do pass.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 558, a bill for an act to appropriate from the general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for improvements and equipment at the Iowa State College of Agriculture and Mechanic Arts at Ames, and providing for the manner of expenditure thereof, 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 from lines 1, 2, and 3, of section 2 the following: "general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943," and insert in lieu thereof "fund provided by section fifty-one (51), chapter one (1), Acts of the Forty-Eighth General Assembly,".

JOHN P. BERG, *Chairman.*

Ordered passed on file.

## AMENDMENTS FILED

Amend House File 400 as follows:

1. By striking all of section 7 following the word "amended" in line 3 and inserting in lieu thereof the following: "to strike lines seventy-five (75), seventy-six (76), seventy-seven (77) and all of line seventy-eight (78) to and including the period (.) and inserting in lieu thereof the following: 'The district court shall act as an appellate court and shall hear the facts upon which the recipient is basing his claim for old age assistance and shall enter such order as is warranted by the facts.'"

2. Further amend House File 400 by adding to section 10 the following: "Section three thousand eight hundred twenty-eight and eighteen thousandths (3828.018), Code, 1939, is further amended by adding thereto the following section: 'Where a person has been receiving old age assistance under the provisions of this act and while receiving such

assistance is committed to any tax supported institution for any cause and is not receiving old age assistance at the time of his death, he shall, notwithstanding such facts, be qualified to receive his burial expense as provided in this section.'"

3. Further amend section 10 by striking therefrom the following: "in line five (5) thereof the word "shall" and by substituting the word "may".

4. Further move to amend House File 400, section 11, by striking therefrom lines 4 to 10 inclusive and striking from line 11 the words "further amend said section".

5. Further amend by striking from section 14 the following: "all of line 3 following the word "amended" and lines 4, 5, 6, 7 and 8".

6. Strike all of section 17.

E. P. DONOHUE.

Amend House File 415 by inserting in section six (6), line four (4), after the word "citizens" the following: "of any precinct, or of any city or town where said city or town contains more than one precinct, wherein the business under the Class "B" license referred to in such complaint is conducted".

EDWARD H. VRBA.

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

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 10, 1941.

The Senate met in regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. Percy H. Nickless, pastor of the Central Presbyterian Church of Des Moines.

The Journal of April 9th was corrected and approved.

## PETITIONS AND MEMORIALS

The following petition was presented and placed on file:

By Senator Findlay, from residents of Webster county, favoring certain liquor legislation.

## INTRODUCTION OF BILLS

Senate File 557, by committee on appropriations, a bill for an act making an appropriation for the payment of miscellaneous expenses of the Forty-ninth General Assembly.

Read first and second times and placed on calendar.

Senate File 558, by committee on appropriations, a bill for an act to create a fund to be known as the Aid to Dependent Children Fund and to provide for the administration thereof by the State Board of Social Welfare and to make an appropriation to said fund.

Read first and second times and placed on 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 passed the following bill in which the concurrence of the Senate is asked:

House File 415, a bill for an act to amend chapter ninety-three and two tenths (93.2), Code, 1939, relating to beer and malt liquors.

A. C. GUSTAFSON, *Chief Clerk.*

Senator Donohue called up the following House concurrent resolution and moved its adoption:

## HOUSE CONCURRENT RESOLUTION 15

Memorializing the Congress of the United States to amend the Constitution of the United States, relative to taxes on incomes, gifts, and inheritances; and providing limitations on taxes so levied; and repealing the sixteenth amendment to the constitution of the United States.

*Whereas*, There is now pending in the current session of the congress of the United States, proposed legislation to repeal the sixteenth amendment to the constitution of the United States, and to amend the constitution of the United States relative to taxes on incomes, gifts and inheritances; and providing for a limitation of taxes thereon; and

*Whereas*, The people of the state of Iowa are greatly interested in the passage of such legislation; now, therefore,

*Be It Resolved by the House of Representatives of the State of Iowa, the Senate Concurring*: That the congress of the United States be memorialized as follows: That application be and it is hereby made to the congress of the United States to call a convention for the purpose of proposing the following article as an amendment to the constitution of the United States:

## Article

Section 1. The sixteenth amendment to the Constitution of the United States is hereby repealed.

Sec. 2. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration: Provided, That in no case shall the maximum rate of tax exceed twenty-five per centum.

Sec. 3. The maximum rate of any tax, duty, or excise which Congress may lay and collect with respect to the devolution or transfer of property, or any interest therein, upon or in contemplation of death or intended to take effect in possession or enjoyment at or after or by way of gift, shall in no case exceed twenty-five per centum.

Sec. 4. Section 1 and 2 shall take effect at midnight on the thirty-first day of December following the ratification of this article. Nothing contained in this article shall affect the power of the United States after said date to collect any tax on incomes for any period ending on or prior to said thirty-first day of December laid in accordance with the terms of any law then in effect.

Sec. 5. Section 3 shall take effect at midnight on the last day of the sixth month following the ratification of this article. Nothing contained in this article shall affect the power of the United States to collect any tax on any devolution or transfer occurring prior to the taking effect of Section 3 laid in accordance with the terms of any law then in effect.

*Be It Further Resolved*: That the Congress of the United States be, and it hereby is, requested to provide, as the mode of ratification, that said amendment, shall be valid to all intents and purposes, as part of the constitution of the United States, when ratified by the legislatures of three fourths of the several states.

*Be It Further Resolved*: That the secretary of state be, and he hereby is, directed to send a duly certified copy of this resolution to the

Senate of the United States and one to the house of representatives in the congress of the United States, and to each Iowa member thereof.

The motion prevailed and the resolution was adopted.

Senator Donohue, on behalf of the members of the Senate, presented President Hickenlooper with a gun.

President Hickenlooper, in accepting, said: "I sincerely appreciate the thoughtfulness of the senators. The thought has just occurred to me that if the gun had been presented at the beginning of the session it might have helped preserve order along with the gavel. The session two years ago and the session this year will without any doubt be the finest experience I have ever had or will ever have. My association with this group of sincere, fine, loyal gentlemen is a fine experience and there has never been a single time that I could have even offered any complaint of the treatment I have received. Every senator has been completely fair. You gentlemen have made these sessions the finest I have ever enjoyed or that I will ever enjoy; and when I say that I am sincerely grateful, I really mean it."

#### 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 pass the following joint resolution in which the concurrence of the House was asked:

Senate Joint Resolution 7, relating to the term of office of certain officers of the state and county.

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

Senate File 538, a bill for an act relating to the reinsuring of domestic companies.

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

Senate File 528, a bill for an act to authorize cities and towns to incur indebtedness.

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

Senate File 59, a bill for an act relating to the jurisdiction of juvenile court.

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

Senate File 15, a bill for an act relating to caring for neglected, dependent and delinquent children.

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

Senate File 221, a bill for an act relating to the licensing or prohibiting the running at large of dogs.

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

Senate File 179, a bill for an act relating to group insurance.

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

Senate File 336, a bill for an act relating to the practice of professional engineering.

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

Senate File 414, a bill for an act relating to the regulations of the registration, etc. of commercial fertilizers in the state.

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

Senate File 211, a bill for an act relating to the practice of optometry.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 310, a bill for an act relating to inclusion of prior suspended taxes in tax sales; relating to penalty and interest thereon.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 524, a bill for an act relating to fees for attorneys.

Also: That the House has amended and passed the following bill, in which the concurrence of the House was asked:

Senate File 176, a bill for an act relating to cigarette tax.

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

House File 176, a bill for an act relating to motor vehicles used for transporting other motor vehicles.

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

House File 404, a bill for an act relating to zones of West Okoboji lake.

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

House File 368, a bill for an act relating to the salaries of probation officers.

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

House File 370, a bill for an act relating to use and disposal of dead animals.

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

House File 488, a bill for an act relating to the appointment of district juvenile probation officers and certain judicial districts.

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

House File 111, a bill for an act relating to drainage districts.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 310

Amend Senate File 310 by striking from line four (4) of section one (1) the words " 'delinquent' in line six (6)" and inserting in lieu thereof the words " 'thereon' in line eight (8)".

Further amend by striking lines eight (8) to sixteen (16) inclusive of section one (1) and inserting in lieu thereof the following:

" 'No interest or penalty on suspended taxes shall be included in the sale price, except that six per cent interest per annum from the date of suspension shall be included as to taxes suspended under the provisions of section 6950.' "

#### HOUSE AMENDMENT TO SENATE FILE 524

Strike from line four the word and figures: "three (3)" and insert the following in lieu thereof: "two (2)".

#### HOUSE AMENDMENT TO SENATE FILE 176

Amend the title to Senate File 176 by striking the period at the end thereof and adding the following: ", and making an appropriation to carry out the provisions of section one thousand five hundred fifty-six and two hundredths (1556.02), Code, 1939,".

#### REPORT OF COMMITTEE

Senator Berg submitted the following report:

MR. PRESIDENT: Your committee on appropriations, to which was referred House File 513, a bill for an act to appropriate the sum of ten thousand dollars for the purpose of purchasing the Gardner Log Cabin property in Arnolds Park, Dickinson County, Iowa, and to establish the same as the Abbie Gardner Sharp Memorial, 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 513 as follows: Strike from Section 1 line 2 the word "ten" and insert in lieu thereof the word "five".

Also strike from line 1 of the title the word "ten" and insert in lieu thereof the word "five".

Further amend by striking all of Sec. 2 and inserting in lieu thereof the following:

"Sec. 2. The executive council and the committee on retrenchment



and reform are authorized in their discretion to purchase said property within the limits of the amount hereby appropriated and if such purchase shall not be made by January 1, 1942 this appropriation shall revert to the general fund.

JOHN P. BERG, *Chairman.*

Ordered passed on file.

Senator Stewart called up the following concurrent resolution and moved its adoption :

### HOUSE CONCURRENT RESOLUTION 35

#### By Committee on Agriculture No. 1

*Whereas*, Agriculture is the basic industry of Iowa, and the continued prosperity and development of the state is largely dependent on the general prosperity of its farm population, and

*Whereas*, Changing conditions, both foreign and domestic, have created grave agricultural problems including those of confused and undesirable marketing conditions, increased production due to modern machinery aggravated by under consumption, absentee ownership, decrease in the number of family-sized farms, as well as many other related and acute problems, and

*Whereas*, The permanent solution of this problem, as yet unfound, presents a challenge to the state, and

*Whereas*, The temporary nature of the present farm program, dependent as it is upon annual congressional appropriation, offers no permanent solution, and

*Whereas*, The time available to members during a legislative session is too limited to pursue the intensive study required, therefore

*Be It Resolved by the House, the Senate Concurring*: That the Governor be and is hereby requested and empowered to appoint a committee, the chairman of which shall be the Secretary of Agriculture, and the members of which shall be composed of five (5) members from the House of Representatives and five (5) members from the Senate. The duty of this committee shall be to study and investigate agricultural problems and to suggest means for meeting them, reporting results back to the Fiftieth General Assembly.

No member of the committee shall receive any compensation for his services, but each shall be reimbursed for his actual and necessary expenses incurred in the performance of his duties as a member of the committee. The chairman of the Committee shall certify the expense of each member thereof to the Department of Agriculture, and upon certification thereof, such expense shall be paid by the Department of Agriculture out of its department funds in the same manner as other expenses of the Department of Agriculture.

The motion prevailed and the resolution 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 expunged the signature of the Speaker to and has reconsidered the vote by which the following bill was passed and has further amended and passed Senate File 194, a bill for an act to provide for the levying of taxes for airports.

A. C. GUSTAFSON, *Chief Clerk.*

## HOUSE AMENDMENT TO SENATE FILE 194

Amend Senate File 194 by adding thereto as Section 2 the following:

Section 2. The tax authorized by this act shall not be levied by any city or town until approved by the electors of such city or town in accordance with the provisions of Chapter three hundred nineteen (319), Code, 1939, except in such cities or towns which now or may hereafter provide for the management or control of an airport by a commission under the provisions of Senate File 64 of the acts of the 49th General Assembly.

Further amend by renumbering Section 2 of the bill as Section 3.

Senator Bekman called up Senate File 194, a bill for an act to amend section fifty-nine hundred three and five hundredths (5903.05) providing for a levy of taxes for airports, and moved that the signature of the President of the Senate be stricken from the enrolled bill.

The motion prevailed.

Senator Bekman moved that the Senate reconsider the report of the Committee on Enrolled bills.

The motion prevailed and the Senate reconsidered.

Senator Bekman moved to take from the table the motion to reconsider the vote by which the bill passed the Senate.

The motion prevailed.

Senator Bekman moved that the Senate reconsider the vote by which the bill passed the Senate.

On the question, "Shall the Senate reconsider the vote by which the bill passed the Senate?" the vote was:

Ayes, 38:

Baldwin	Donohue	Goode	Hill
Bekman	Dykhous	Hamiel	Hunt
Berg	Emerson	Harvey	Johnson
Byers	Evans	Hattery	Jones
Clark	Faul	Henningsen	Keir
Corwin	Findlay	Hess	Leo

Long	Mercer	Sjulin	Vrba
Love	Mowry	Talbott	Whitehill
Lundy	Munger	Turner	Zeigler
Lynes	Shaw		

Nays, none.

Absent or not voting, 12:

Augustine	Dewey	Hart	Pelzer
Benson	Elthon	Martin	Stewart
Cromwell	Fuller	Miller	Watson

The motion to reconsider prevailed.

#### HOUSE AMENDMENTS CONSIDERED

Senator Bekman moved that the Senate concur in and adopt the House amendments to Senate File 194.

The motion prevailed and the Senate concurred in and adopted the House amendments.

Senator Bekman 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, 41:

Augustine	Emerson	Henningsen	Martin
Baldwin	Evans	Hess	Mercer
Bekman	Faul	Hill	Miller
Berg	Findlay	Hunt	Munger
Byers	Fuller	Johnson	Shaw
Clark	Goode	Jones	Sjulin
Corwin	Hamiel	Leo	Talbott
Cromwell	Hart	Long	Turner
Dewey	Harvey	Love	Vrba
Donohue	Hattery	Lynes	Whitehill
Dykhouse			

Nays, 3:

Mowry	Watson	Zeigler
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Absent or not voting, 6:

Benson	Keir	Pelzer	Stewart
Elthon	Lundy		

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

Senator Bekman 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.

#### HOUSE MESSAGES CONSIDERED

House File 415, a bill for act to amend chapter ninety-three and two tenths (93.2), Code, 1939, relating to the tax and restric-

tions upon the sale of beer and malt liquors, providing for license fee by permit holders and the collection of said fee, providing for the regulation of classes of beer permits and the requirements to obtain said permits; to provide for the enforcement and administration of said act; to define certain unlawful acts relating to the manner of sale, and distribution of beer and malt liquors; to provide penalties for violation of the law by permit holders; to provide penalties for violation of the law by minors; to provide for the regulation and sale of beer and malt liquors on the part of breweries; and to provide means, methods and regulations for tax paid crown tops and stamps showing tax payment on beer imported into Iowa; and to provide penalties for the violation of the provisions of this act.

Read first and second times and referred to sifting committee.

House File 176, a bill for an act relating to motor vehicles or combinations thereof used for transporting other motor vehicles and providing certain limitations for such motor vehicles and combinations.

Read first and second times and referred to sifting committee.

House File 368, a bill for an act to amend section three thousand six hundred twelve (3612), chapter one hundred seventy-nine (179), Code, 1939, relating to the salaries of probation officers and their deputies.

Read first and second times and referred to sifting committee.

House File 404, a bill for an act to amend section one thousand seven hundred three and thirteen hundredths (1703.13), Code, 1939, relating to zones of West Okoboji lake.

Read first and second times and referred to sifting committee.

House File 370, a bill for an act to amend chapter one hundred thirty-one (131), Code, 1939, relating to use and disposal of dead animals and authorizing the department of agriculture to enter into reciprocal agreements with states adjoining the state of Iowa, permitting transportation of carcasses of dead animals from Iowa into adjoining states and from adjoining states into Iowa by duly constituted licenses.

Read first and second times and referred to sifting committee.

House File 111, a bill for an act to amend section seven thousand five hundred sixty-three (7563), Code, 1939, to repeal sections seven thousand five hundred sixty-four (7564), seven thousand five hundred sixty-five (7565), seven thousand five hundred sixty-six (7566), seven thousand five hundred sixty-seven (7567), and seven thousand five hundred sixty-eight (7568), Code, 1939, and to enact in lieu of said repealed sections other sections, relating to the cleaning out, deepening, enlarging, extending, or straightening of certain outlet drainage ditches, drains, and natural water-courses within drainage districts containing same, and to the apportionment of the cost among the drainage districts outletting into said outlet ditch, and providing for notice and hearing upon the recommendation of and plan for such work and upon the apportionment of the cost thereof among the drainage districts to be benefited thereby.

Read first and second times and referred to sifting committee.

House File 488, a bill for an act to amend title eleven (XI), Code, 1939, by adding thereto a new chapter, relating to the appointment of district juvenile probation officers in certain judicial districts; to prescribe their powers and duties, and to fix their compensation; and to provide a method for payment of salaries and expenses.

Read first and second times and referred to sifting committee.

### THIRD READING OF BILLS

Senator Berg called up Senate File 472, a bill for an act to amend chapter ten (10), Code, 1939, relating to compensation of examiners and their assistants, and 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, 41:

Augustine	Faul	Hill	Mowry
Baldwin	Findlay	Johnson	Pelzer
Bekman	Fuller	Jones	Shaw
Berg	Goode	Leo	Sjulin
Byers	Hamiel	Long	Talbott
Clark	Hart	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Elthon	Henningsen	Mercer	Whitehill
Emerson	Hess	Miller	Zeigler
Evans			

Nays, none.

Absent or not voting, 9:

Benson	Dykhouse	Keir	Munger
Corwin	Hunt	Lundy	Stewart
Donohue			

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

Senator Berg 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.

#### HOUSE AMENDMENTS CONSIDERED

Senator Mowry called up for consideration Senate File 310, a bill for an act to amend sections seven thousand two hundred forty-four (7244), and six thousand nine hundred fifty-two (6952), Code, 1939, relating to the inclusion of prior suspended taxes in tax sales; relating to penalty and interest on such suspended taxes, and granting to the petitioner for tax suspension or any other person the right to pay suspended taxes at any time, amended by the House, and moved that the Senate concur in the following amendments:

Amend Senate File 310 by striking from line 4 of section 1 the words "delinquent" in line six (6)" and inserting in lieu thereof the words "thereon" in line eight (8)".

Further amend by striking lines 8 to 16 inclusive of section 1 and inserting in lieu thereof the following:

"No interest or penalty on suspended taxes shall be included in the sale price, except that six per cent interest per annum from the date of suspension shall be included as to taxes suspended under the provisions of section 6950."

The motion prevailed and the Senate concurred in and adopted the House amendments.

Senator Mowry moved that the bill as amended by the House and concurred in by the Senate 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:

Augustine	Clark	Elthon	Hamiel
Baldwin	Corwin	Emerson	Hart
Berkman	Cromwell	Evans	Harvey
Berg	Dewey	Findlay	Henningsen
Byers	Dykhouse	Goode	Hess

Hill	Long	Miller	Talbott
Hunt	Love	Mowry	Turner
Johnson	Lynes	Pelzer	Vrba
Jones	Martin	Shaw	Watson
Leo	Mercer	Sjulin	Zeigler

Nays, none.

Absent or not voting, 10:

Benson	Fuller	Lundy	Stewart
Donohue	Hattery	Munger	Whitehill
Faul	Keir		

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

Senator Mowry 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.

Senator Berg called up for consideration Senate File 176, a bill for an act to amend sections one thousand five hundred fifty-six and two hundredths (1556.02), one thousand five hundred fifty-six and three hundredths (1556.03), and one thousand five hundred fifty-six and seven hundredths (1556.07), Code, 1939, relating to cigarette tax, amended by the House, and moved that the Senate concur in the following amendment:

Amend the title to Senate File 176 by striking the period at the end thereof and adding the following: “, and making an appropriation to carry out the provisions of section one thousand five hundred fifty-six and two hundredths (1556.02), Code, 1939,”.

The motion prevailed and the Senate concurred in and adopted the House amendment.

Senator Berg moved that the bill as amended by the House and concurred in by the Senate, 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, 41:

Augustine	Evans	Hill	Miller
Bekman	Faul	Hunt	Mowry
Berg	Findlay	Johnson	Munger
Byers	Fuller	Jones	Pelzer
Clark	Goode	Leo	Shaw
Corwin	Hamiel	Long	Sjulin
Cromwell	Hart	Love	Talbott
Dewey	Harvey	Lynes	Turner
Dykhouse	Henningsen	Martin	Vrba
Elthon	Hess	Mercer	Zeigler
Emerson			

Nays, none.

Absent or not voting, 9:

Baldwin	Hattery	Lundy	Watson
Benson	Keir	Stewart	Whitehill
Donohue			

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

Senator Berg 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.

Senator Donohue called up for consideration Senate File 524, a bill for an act to amend section twelve thousand three hundred fifty-one (12351), Code, 1939, relating to fees for attorneys employed by referees in partition actions, amended by the House, and moved that the Senate concur in the following amendment:

Amend Senate File 524 by striking from line 4 the word and figure "three (3)" and inserting in lieu thereof the word and figure "two (2)".

The motion prevailed and the Senate concurred in and adopted the House amendment.

Senator Donohue moved that the bill as amended by the House and concurred in by the Senate, 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:

Augustine	Dykhouse	Hill	Miller
Baldwin	Elthon	Hunt	Mowry
Bekman	Emerson	Johnson	Pelzer
Benson	Evans	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Henningsen	Martin	Watson
Donohue	Hess	Mercer	Zeigler

Nays, none.

Absent or not voting, 6:

Faul	Hattery	Munger	Whitehill
Fuller	Lundy		

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



Senator Donohue 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.

#### 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 Senate is asked:

House Concurrent Resolution 39, relating to the presentation of chairs to the presiding officers of the 49th General Assembly.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 37, relating to the marketing, grading, and processing of swine.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 36, relating to the system of registering land titles.  
A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE CONCURRENT RESOLUTION 39

*Be It Resolved by the House of Representatives, the Senate Concurring:* That the Speaker of the House of Representatives and the President 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, Iowa, to be forwarded to the home residence of the persons mentioned herein.

#### HOUSE CONCURRENT RESOLUTION 37

*Whereas,* The swine industry is of vital importance to the income and welfare of the agricultural interests of the nation, and

*Whereas,* There appears to be certain marketing practices now in effect which tend to depress hog values and confuse the producer, and

*Whereas,* Present market reports, particularly at direct buying points, are rather general and do not record in detail the exact buying prices on various types and grades, and

*Whereas,* It appears that sufficient pertinent, detailed information concerning the marketing, grading and processing of swine is not at present available to the general public; now therefore,

*Be It Resolved by the House, the Senate Concurring:*

That the United States Department of Agriculture undertake such studies as may be necessary to

1. Determine definite market grades of swine which may be closely correlated with carcass cut-out value;
2. Provide a concise summary of the innovations necessary to incorporate such grades into the present swine marketing system;

3. Make such changes in market news service as would provide producers with detailed market information regarding price differentials between various grades and types at important direct buying centers.

*Be It Further Resolved*, That the Iowa Department of Agriculture and Iowa State College shall offer full cooperation in carrying out the necessary investigation and research, and

*Be It Further Resolved*, That a report on the determinations and findings of such research be made available by January 1, 1943 for the consideration of the Fiftieth General Assembly.

*Be It Further Resolved*, That a copy of this resolution be sent to the Secretary of Agriculture, Washington, D. C.

#### HOUSE CONCURRENT RESOLUTION 36

*Whereas*, The present system of registering land titles is tremendously burdensome, due to the fact that in each transaction titles must be traced back to the time of the original grant by the government; and

*Whereas*, Excessive costs are forced upon the person securing the abstract, and particularly the purchaser who must employ an attorney to examine said abstract, which attorney is forced to go through the abstract even if it is two hundred pages long each time and charge therefor accordingly; and

*Whereas*, Where there is a will there is a way and it is highly probable that a careful study of this situation, together with the laws of this state, will result in a great saving of time and expense to all parties concerned; now, therefore,

*Be It Resolved by the House, the Senate Concurring*: That the Governor be and he is hereby requested and empowered to appoint an interim committee of three competent persons to investigate the feasibility and practicability of the adoption and use of an improved system of registering land titles, and that said committee report their findings to the next meeting of the General Assembly.

Senator Jones asked and received unanimous consent to present the pupils of the Beech Consolidated School, Warren county, who were present in the balcony.

Senator Leo asked and received unanimous consent to present the senior class of the Garwin High School, who were present in the balcony.

#### THIRD READING OF BILLS

Senator Berg asked and received unanimous consent to take up Senate File 557, a bill for an act making an appropriation for the payment of miscellaneous expenses of the Forty-ninth General Assembly.

Senator Byers offered the following amendment and moved its adoption:

Amend Senate File 557 by adding the following at the end of section one thereof:

Lefebure Corporation, supplies.....\$1,569.70

(Warrant shall be issued to the Lefebure Corporation for this account or so much thereof as may be necessary only on certification of the Executive Council.)

The amendment was lost.

Senator Baldwin offered the following amendment and moved its adoption:

Amend Senate File 557 by adding at the end of section 1 the following:  
10 Senate Pages, \$10.00 each.....\$100.00

The amendment was adopted.

Senator Berg 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, 46:**

Augustine	Elthon	Hunt	Mowry
Baldwin	Emerson	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Stewart
Byers	Hamiel	Long	Talbott
Clark	Hart	Love	Turner
Corwin	Harvey	Lundy	Vrba
Cromwell	Hattery	Martin	Watson
Dewey	Henningsen	Mercer	Whitehill
Donohue	Hess	Miller	Zeigler
Dykhouse	Hill		

**Nays, none.**

**Absent or not voting, 4:**

Evans	Goode	Lynes	Sjulin
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The bill having received a constitutional majority was declared to have passed the Senate.

Senator Berg offered the following amendment to the title and moved its adoption:

Amend Senate File 557 by striking the period at the end of the title and adding thereto the following: "and an additional appropriation to the Board of Control, and an emergency appropriation for protection of state archives."

The amendment was adopted and the title as amended was agreed to.

Senator Berg 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.

Senator Berg asked and received unanimous consent to take up House File 344, a bill for an act to make an appropriation for the maintenance of the birthplace of Herbert Hoover.

The report of the committee recommending passage, was taken up, considered, and adopted.

Senator Hamiel 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:**

Augustine	Elthon	Hill	Munger
Baldwin	Emerson	Hunt	Pelzer
Bekman	Findlay	Johnson	Shaw
Benson	Fuller	Jones	Sjulin
Berg	Goode	Keir	Stewart
Byers	Hamiel	Long	Talbott
Clark	Hart	Lundy	Turner
Corwin	Harvey	Lynes	Vrba
Cromwell	Hattery	Martin	Watson
Dewey	Henningsen	Mercer	Whitehill
Donohue	Hess	Mowry	Zeigler
Dykhouse			

**Nays, none.**

**Absent or not voting, 5:**

Evans	Leo	Love	Miller
Faul			

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

Senator Hamiel 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.

### 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 and passed House File 515, a bill for an act relating to placing of children in certain charitable or religious institutions.

Also: That the House has concurred in Senate amendments to and passed House File 351, a bill for an act relating to time of qualifying for homestead exemption.

Also: That the House has concurred in Senate amendments to and passed House File 153, a bill for an act relating to probate of wills and legalizing of certain notices of hearings.

Also: That the House has concurred in Senate amendments to and passed House File 526, a bill for an act relating to investment in real estates bonds and mortgages by banks.

Also: That the House has adopted conference committee report on and amendments recommended therein and passed Senate File 360, a bill for an act providing for publication or posting of monthly summaries of proceeding of school districts.

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

Senate File 543, a bill for an act relating to bonds issued by cities and towns.

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

House File 557, a bill for an act pertaining to the maximum weight of any vehicle.  
A. C. GUSTAFSON, *Chief Clerk*.

Senator Munger moved to take from the table the motion to reconsider the vote by which Senate File 557 passed the Senate.

The motion prevailed by a two-thirds majority.

Senator Berg moved that the Senate reconsider the vote by which Senate File 557 passed the Senate.

On the question "Shall the Senate reconsider the vote by which the bill passed the Senate?" the vote was:

**Ayes, 31:**

Bekman	Elthon	Jones	Shaw
Benson	Emerson	Keir	Sjulin
Berg	Evans	Leo	Stewart
Byers	Findlay	Long	Talbott
Clark	Fuller	Love	Turner
Cromwell	Goode	Lundy	Whitehill
Donohue	Harvey	Lynes	Zeigler
Dykhouse	Hill	Munger	

**Nays, 14:**

Baldwin	Hess	Mercer	Pelzer
Corwin	Hunt	Miller	Vrba
Hart	Johnson	Mowry	Watson
Henningsen	Martin		

**Absent or not voting, 5:**

Augustine	Faul	Hamiel	Hattery
Dewey			

Senator Berg moved to reconsider the vote by which the bill went to its third reading, which motion prevailed.

Senator Donohue moved to reconsider the vote by which the following amendment was adopted:

Amend Senate File 557 by adding at the end of section 1 the following:

“10 Senate pages, \$10.00 each.....\$100.00”

The motion prevailed.

The amendment was lost.

Senator Berg 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:**

Bekman	Emerson	Hill	Mowry
Benson	Evans	Hunt	Munger
Berg	Faul	Johnson	Shaw
Byers	Findlay	Keir	Sjulin
Clark	Goode	Leo	Stewart
Corwin	Hamiel	Long	Talbott
Cromwell	Hart	Lundy	Vrba
Donohue	Harvey	Lynes	Watson
Dykhouse	Hattery	Mercer	Whitehill
Elthon	Henningsen	Miller	Zeigler

**Nays, none.**

**Absent or not voting, 10:**

Augustine	Fuller	Love	Pelzer
Baldwin	Hess	Martin	Turner
Dewey	Jones		

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

Senator Berg 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.

#### HOUSE MESSAGES CONSIDERED

House File 557, a bill for an act to amend chapter two hundred fifty-one and one hundredth (251.01), of the Code, 1939, and five thousand thirty-five and twelve one hundredths (5035.12) pertaining to the maximum weight of any such vehicle or combination of vehicles.

Read first and second times and referred to sifting committee.

## EXECUTIVE SESSION

On motion of Senator Donohue, the Senate resolved itself into executive session.

The Senate confirmed the following appointments:

Mrs. George Kyseth of Wright county, as a member of the State Board of Education for the term ending June 30, 1947.

W. S. Rupe of Story county, as a member of the State Board of Education for the term ending June 30, 1947.

The Senate arose from executive session and resumed regular session.

Senator Johnson asked and received unanimous consent to exchange seats with Senator Baldwin.

On motion of Senator Berg, the Senate recessed until 2:15 p. m.

## AFTERNOON SESSION

The Senate reconvened, President Hickenlooper presiding.

## 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 Files 176 and 404.

E. P. DONOHUE, *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 amended and passed the following bill in which the concurrence of the House was asked:

Senate File 256, a bill for an act relating to duties of reporter of supreme court and code editor; to provide for payment of certain printing.

Also: That the House amended and passed the following bill in which the concurrence of the House was asked:

Senate File 526, a bill for an act to make an appropriation to board of education for improvement, equipment of the University of Iowa.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 40, relating to the return to the House of Senate File 484.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 557, a bill for an act making an appropriation for the payment of miscellaneous expenses of the 49th General Assembly.

A. C. GUSTAFSON, *Chief Clerk.*

#### HOUSE AMENDMENT TO SENATE FILE 256

Amend Senate File 256 as follows:

Strike Section 1, Sec. 3, Sec. 4 and Sec. 5; and renumber Sec. 2 as Section 1, and Sec. 6 as Sec. 2.

#### HOUSE AMENDMENT TO SENATE FILE 557

Amend Senate File 557 as follows:

Strike lines 25, 26 and 27 of Section 1.

#### HOUSE AMENDMENTS TO SENATE FILE 526

Amend by striking the words and figures "Two hundred fifty thousand dollars (\$250,000.00)" in lines 3 and 4 and inserting in lieu thereof "One hundred and fifty thousand dollars (\$150,000.00)".

Also amend by striking the figures "(\$250,000.00)" in line 7 and inserting in lieu thereof "(\$150,000.00)".

#### HOUSE CONCURRENT RESOLUTION 40

*Be It Resolved by the House, the Senate Concurring:* That the Governor be respectfully requested to return Senate File 484 for the further consideration of the General Assembly.

#### THIRD READING OF BILLS

Senator Whitehill asked and received unanimous consent to suspend the rules and take up Senate File 556, a bill for an act to provide for qualified electors of the state of Iowa who are in military service to vote at the primary and general elections in 1942.

Senator Whitehill 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, 43:**

Augustine	Corwin	Evans	Harvey
Baldwin	Cromwell	Faul	Hattery
Bekman	Dewey	Findlay	Henningsen
Berg	Dykhouse	Goode	Hill
Byers	Elthon	Hamiel	Hunt
Clark	Emerson	Hart	Johnson



Jones	Lynes	Pelzer	Vrba
Keir	Martin	Shaw	Watson
Long	Miller	Sjulin	Whitehill
Love	Mowry	Talbott	Zeigler
Lundy	Munger	Turner	

Nays, none.

Absent or not voting, 7:

Benson	Fuller	Leo	Stewart
Donohue	Hess	Mercer	

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

Senator Whitehill 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.

On motion of Senator Berg, House File 558, a bill for an act to appropriate from the general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for improvements and equipment at the Iowa State College of Agriculture and Mechanic Arts at Ames, and providing for the manner of expenditure thereof, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The following committee amendment was considered:

Strike from lines 1, 2, and 3, of section 2 of House File 558, the following: "general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943," and insert in lieu thereof "fund provided by section fifty-one (51), chapter one (1), Acts of the Forty-Eighth General Assembly,".

The amendment was adopted.

Senator Berg 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, 46:

Augustine	Dewey	Hamiel	Jones
Baldwin	Donohue	Hart	Keir
Bekman	Dykhouse	Harvey	Leo
Benson	Elthon	Hattery	Long
Berg	Emerson	Henningsen	Love
Byers	Evans	Hess	Lundy
Clark	Faul	Hill	Lynes
Corwin	Findlay	Hunt	Martin
Cromwell	Goode	Johnson	Mercer

Miller  
Mowry  
Munger

Shaw  
Sjulin  
Talbot

Turner  
Watson

Whitehill  
Zeigler

Nays, none.

Absent or not voting, 4:

Fuller

Pelzer

Stewart

Vrba

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

Senator Berg offered the following amendment to the title:

Amend the title as follows: Strike from lines 1, 2, and 3, of the title the following: "general fund of the state for the biennium beginning July 1, 1941, and ending June 30, 1943," and insert in lieu thereof "fund provided by section fifty-one (51) chapter one (1), Acts of the Forty-Eighth General Assembly,".

The amendment was adopted and the title as amended was agreed to.

Senator Berg 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.

Senator Berg asked and received unanimous consent to suspend the rules and take up House File 513, a bill for an act to appropriate the sum of ten thousand dollars for the purpose of purchasing the Gardner log cabin property in Arnolds Park, Dickinson county, Iowa, and to establish the same as the Abbie Gardner Sharp Memorial.

The report of the committee recommending amendment and passage was taken up, considered and adopted.

The following committee amendment was considered.

Amend House File 513 as follows: Strike from section 1 line 2 the word "ten" and insert in lieu thereof the word "five".

Also strike from line 1 of the title the word "ten" and insert in lieu thereof the word "five".

Further amend by striking all of Sec. 2 and inserting in lieu thereof the following:

"Sec. 2. The executive council and the committee on retrenchment and reform are authorized in their discretion to purchase said property within the limits of the amount hereby appropriated and if such purchase shall not be made by January 1, 1942, this appropriation shall revert to the general fund.

Senator Keir moved to amend the committee amendment by striking paragraphs 1 and 2.

Senator Donohue moved the previous question on the pending amendment and the bill, which motion prevailed.

The amendment to the amendment was lost.

The amendment was adopted.

Senator Berg 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, 31:**

Augustine	Dykhouse	Henningsen	Mercer
Baldwin	Elthon	Hess	Miller
Benson	Evans	Hunt	Munger
Byers	Findlay	Johnson	Shaw
Clark	Goode	Keir	Talbott
Corwin	Hamiel	Leo	Vrba
Cromwell	Hart	Lundy	Whitehill
Dewey	Hattery	Lynes	

**Nays, 15:**

Bekman	Harvey	Love	Turner
Donohue	Hill	Mowry	Watson
Emerson	Jones	Pelzer	Zeigler
Faul	Long	Sjulin	

**Absent or not voting, 4:**

Berg	Fuller	Martin	Stewart
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The bill having received a constitutional majority was declared to have passed the Senate.

Senator Berg asked and received unanimous consent to offer the following amendment to the title and moved its adoption:

Amend House File 513 by striking the word "ten" in line 1 of the title and inserting in lieu thereof the word "five".

The amendment was adopted and the title as amended was agreed to.

Senator Berg 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.

On motion of Senator Berg, Senate File 558, a bill for an act to create a fund to be known as the Aid to Dependent Children Fund and to provide for the administration thereof by the State

Board of Social Welfare and to make an appropriation to said fund, was taken up and considered.

Senator Faul 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:**

Augustine	Elthon	Hess	Miller
Baldwin	Emerson	Hill	Mowry
Bekman	Faul	Hunt	Munger
Benson	Findlay	Johnson	Shaw
Berg	Fuller	Jones	Sjulin
Byers	Goode	Keir	Talbott
Clark	Hamiel	Leo	Turner
Corwin	Hart	Long	Vrba
Cromwell	Harvey	Lundy	Watson
Dewey	Hattery	Martin	Whitehill
Donohue	Henningsen	Mercer	Zeigler

**Nays, none.**

**Absent or not voting, 6:**

Dykhouse	Love	Pelzer	Stewart
Evans	Lynes		

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

Senator Faul 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.

#### HOUSE AMENDMENTS CONSIDERED

Senator Mercer called up for consideration Senate File 526, a bill for an act to appropriate from the general fund of the state, for the biennium beginning July 1, 1941, and ending June 30, 1943, to the Board of Education for improvement and equipment at the State University of Iowa, Iowa City, amended by the House, and moved that the Senate concur in and adopt the following amendments:

Amend by striking the words and figures "Two hundred fifty thousand dollars (\$250,000.00)" in lines 3 and 4 and insert in lieu thereof "One hundred and fifty thousand dollars (\$150,000.00)".

Also amend by striking the figures "(\$250,000.00)" in line 7 and insert in lieu thereof "(\$150,000.00)".

The Senate concurred in and adopted the House amendments.

Senator Mercer moved that the bill as amended by the House and concurred in by the Senate 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, 46:

Augustine	Elthon	Hill	Mercer
Baldwin	Emerson	Hunt	Miller
Bekman	Faul	Johnson	Mowry
Benson	Findlay	Jones	Munger
Berg	Fuller	Keir	Shaw
Byers	Goode	Leo	Sjulin
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lundy	Watson
Dewey	Hattery	Lynes	Whitehill
Donohue	Henningsen	Martin	Zeigler
Dykhouse	Hess		

Nays, none.

Absent or not voting, 4:

Evans	Pelzer	Stewart	Vrba
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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 Mercer 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.

#### REPORT ON CAPITOL ELEVATORS

MR. PRESIDENT: Your committee to whom was referred House Concurrent Resolution 6 relating to a survey of the elevators in the capitol building beg to report that they have made a thorough investigation and hereby report their findings:

The present equipment was inspected December 4, 1940, by the Otis Elevator Company and was found at that time to be operating in a safe and satisfactory manner. The present equipment is obsolete and of such design that it would be impractical to attempt any modernization of the present equipment. It is our recommendation that consideration be given to the removal of at least one of the present elevators, including the present hoistway doors and installing complete new modern equipment that would provide faster service as well as a more attractive appearance. To accomplish this, we would recommend equipment based on the following outline submitted by the Otis Elevator Company:

Capacity.....	3,000 pounds
Speed.....	500 feet per minute
Platform size.....	7'x6'6"
Travel.....	Basement to fourth floor
Control.....	Full signal with multi-voltage operation

Leveling.....	Automatic Self Leveling to floors
Machines.....	Gearless Type
Car Enclosure.....	Metal Cab
Hoistway Doors.....	Hollow Metal Hoisting Doors
Signals.....	Hall Lanterns with soft tap gongs

For the equipment as above outlined and installed, covering two elevators would entail an expense of approximately fifty thousand dollars. For one elevator, approximately twenty-five thousand five hundred dollars.

LEROY S. MERCER.

W. J. JOHANNES.

S. RAY EMERSON.

F. A. LATCHAW.

*On the part of the Senate.*

*On the part of the House.*

Senator Mercer moved the adoption of the committee report.

The motion prevailed and the report of the committee was adopted.

#### REPORT OF COMMITTEE ON HISTORICAL BUILDING

**MR. PRESIDENT:** As chairman of the Public Lands and Buildings Committee, I hand you herewith report of subcommittee appointed to investigate conditions existing in the State Historical Department and ask unanimous consent that it be printed in the Journal.

S. RAY EMERSON, *Chairman.*

**MR. CHAIRMAN:** Your committee appointed to investigate the matter of storage and care of the state archives in the State Historical Department, have in the brief period allowed, made such survey as possible and beg leave to report.

There is a woeful lack of space and accommodations afforded for the purpose—that much of the present building is occupied by the Department of Vital Statistics; that records and files are in many cases stored in the basement and in tunnels wholly unsuitable for such purposes and that filing and indexing facilities are inadequate to make the use of much of this material available to the public. That additional room, filing cases, and some additional help in the department should be provided at the earliest possible time.

The time available to us has been wholly inadequate for a proper study and we recommend that the committee on retrenchment and reform proceed with this study and make such provisions as may be immediately necessary to preserve this valuable property of the state.

ALBERT J. SHAW.

E. P. CORWIN.

O. H. HENNINGSEN.

*Sub-Committee Members.*

Senator Emerson moved the adoption of the committee report.

The motion prevailed and the report was adopted.

Senator Byers offered the following resolution and moved its adoption:

## SENATE RESOLUTION 6

*Be It Resolved by the Senate:* The Secretary of the Senate is hereby directed to collect all committee minute books containing the minutes and proceedings of all Senate committees immediately upon adjournment of the General Assembly and place them in safe keeping in a place designated by the executive council.

At the expiration of ninety days after the adjournment of the General Assembly, the sheets containing the minutes and other proceedings of the various committees, except the committee rules, shall be removed from the minute books and be destroyed under the direction of the executive council, and said committee rules shall be returned to the secretary of the Senate upon the convening of the succeeding General Assembly.

Senate Byers asked and received unanimous consent to have action temporarily deferred on the resolution.

Senator Byers took the chair at 3:36 p. m.

Senator Donohue called up the following concurrent resolution and moved its adoption:

## HOUSE CONCURRENT RESOLUTION 39

*Be It Resolved by the House of Representatives, the Senate Concurring:* That the Speaker of the House of Representatives and the President 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, Iowa, to be forwarded to the home residence of the persons mentioned herein.

The motion prevailed and the resolution was adopted.

## THIRD READING OF BILLS

On motion of Senator Baldwin, House File 173, a bill for an act to amend section six thousand six hundred and thirty-three (6633), Code, 1939, to provide for compensation for councilmen in cities of thirty thousand (30,000) or more population, acting under the city manager plan, was taken up and considered.

Senator Baldwin 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, 32:

Augustine	Clark	Donohue	Findlay
Baldwin	Corwin	Dykhouse	Harvey
Bekman	Cromwell	Elthon	Hattery
Byers	Dewey	Evans	Hess

Hill	Lundy	Pelzer	Turner
Johnson	Martin	Shaw	Vrba
Keir	Mercer	Sjulin	Watson
Long	Mowry	Talbott	Whitehill

Nays, none.

Absent or not voting, 18:

Benson	Goode	Jones	Miller
Berg	Hamiel	Leo	Munger
Emerson	Hart	Love	Stewart
Faul	Henningsen	Lynes	Zeigler
Fuller	Hunt		

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, which motion prevailed.

On motion of Senator Clark, House File 207, a bill for an act to amend chapter one hundred twenty-five and one tenth (125.1), Code, 1939, and chapter ninety-two (92), Acts of the Forty-eighth General Assembly, relating to soil conservation districts; the powers, duties, and compensation of the state soil conservation committee; the election and terms of office of district commissioners, their powers, duties, and compensation; the discontinuance of soil conservation districts; and the biennial report to the Governor; and to amend chapter seven and one tenth (7.1), Code, 1939, relating to submission of biennial estimate of expenditures to the State Comptroller by the state soil conservation committee, was taken up and considered.

Senator Clark 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, 41:

Augustine	Evans	Hill	Munger
Bekman	Faul	Hunt	Pelzer
Benson	Findlay	Jones	Shaw
Byers	Fuller	Keir	Sjulin
Clark	Goode	Leo	Talbott
Corwin	Hamiel	Long	Turner
Cromwell	Hart	Lundy	Vrba
Dewey	Harvey	Mercer	Watson
Donohue	Hattery	Miller	Whitehill
Dykhouse	Hess	Mowry	Zeigler
Elthon			

Nays, none.



Absent or not voting, 9:

Baldwin	Henningsen	Love	Martin
Berg	Johnson	Lynes	Stewart
Emerson			

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

Senator Clark 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.

### 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 429, a bill for an act relating to the election of park commissioners.

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

Senate File 238, a bill for an act relating to ratio of representation in the House of Representatives of the State Legislature.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 555, a bill for an act relating to alien insurers.

A. C. GUSTAFSON, *Chief Clerk.*

### HOUSE AMENDMENT TO SENATE FILE 555

Amend Senate File 555 by adding immediately following the first paragraph of section 2:

"In lieu of the deposit provided herein any such alien insurer may file with the Commissioner a bond of equal amount executed by a licensed United States surety company, so conditioned for the protection of Iowa creditors and policyholders."

### THIRD READING OF BILLS

Senator Bekman asked and received unanimous consent to take up House File 400, a bill for an act to amend section three thousand eight hundred twenty-eight and three one thousandths (3828.003), Code, 1939; to repeal section three thousand eight hundred twenty-eight and five one thousandths (3828.005), Code, 1939; to amend section three thousand eight hundred twenty-eight and eight one thousandths (3828.008), Code, 1939; to amend section three thou-

sand eight hundred twenty-eight and nine one thousandths (3828.009), Code, 1939; to repeal section three thousand eight hundred twenty-eight and eleven one thousandths (3828.011), Code, 1939; to amend section three thousand eight hundred twenty-eight and fourteen one thousandths (3828.014), Code, 1939; to amend section three thousand eight hundred twenty-eight and sixteen one thousandths (3828.016), Code, 1939; to amend section three thousand eight hundred twenty-eight and eighteen one thousandths (3828.018), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-one one thousandths (3828.021), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-two one thousandths (3828.022), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-three one thousandths (3828.023), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-six one thousandths (3828.026), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-nine one thousandths (3828.029), Code, 1939; to amend section three thousand eight hundred twenty-eight and thirty-five one thousandths (3828.035), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-seven one thousandths (3828.047), Code, 1939; all relating to old age assistance; to the powers and duties of the state board; to the appointment of a superintendent of old age assistance; to persons entitled to assistance; to the amount of assistance; to income from property owned by applicants; to procedure with application for old age assistance; to the issuance of assistance certificates; to residence of a recipient of assistance outside of the state of Iowa; to the payment of funeral expenses for persons receiving assistance; to the deduction from the estate of a deceased recipient for assistance advanced; to the transfer of real estate to the state board; to insurance which may be assigned to the state board; to the liability of certain persons for the support of a claimant or recipient of old age assistance; to residents in institutions; to court costs in connection with guardianship proceedings; to the confidential nature of records, was taken up and considered.

Senator Donohue asked and received unanimous consent to withdraw the amendment filed by him and found on page 1192 of the Journal.

President Hickenlooper took the chair at 4:00 p. m.

Senator Donohue offered the following amendment and moved its adoption:

Amend House File 400 as follows:

Amend House File 400 by adding to section 10 the following: "Section three thousand eight hundred twenty-eight and eighteen thousandths (3828.018), Code, 1939, is further amended by adding thereto the following section: 'Where a person has been receiving old age assistance under the provisions of this act and while receiving such assistance is committed to any tax supported institution for any cause and is not receiving old age assistance at the time of his death, he shall, notwithstanding such facts, be qualified to receive his burial expense as provided in this section.' "

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend section 10 of House File 400 by striking therefrom the following: "in line four (4) thereof the word "shall" and by substituting the word "may", and further amended by striking".

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend House File 400, section 11, by striking therefrom lines 4 to 10 inclusive and striking from line 11 the words "further amend said section".

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend by striking from section 14 of House File 400 the following: "all of line 3 following the word "amended" and lines 4, 5, 6, 7 and 8".

Senator Donohue asked and received unanimous consent to change the word "amended" in line 3 of the amendment to "by".

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend section 17 of House File 400 as follows: By striking all of said section following the period in line 8.

The amendment was adopted.

Senator Bekman offered the following amendment and moved its adoption:

Amend Senator Donohue's amendment to House File 400 as follows:

By striking all of section 6 and substituting in lieu thereof the following:

6. Further amend by striking from section 17 the following: "all of line 10 following the word 'words' and all of lines 11 and 12 and all of line 13 except the word 'and'."

Senator Bekman asked and received unanimous consent to withdraw the amendment.

Senator Bekman 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, 46:**

Augustine	Faul	Johnson	Mowry
Baldwin	Findlay	Jones	Pelzer
Bekman	Fuller	Keir	Shaw
Benson	Goode	Leo	Sjulin
Byers	Hamiel	Long	Stewart
Clark	Hart	Love	Talbott
Corwin	Harvey	Lundy	Turner
Cromwell	Hattery	Lynes	Vrba
Dewey	Henningsen	Martin	Watson
Donohue	Hess	Mercer	Whitehill
Dykhouse	Hill	Miller	Zeigler
Elthon	Hunt		

**Nays, none.**

**Absent or not voting, 4:**

Berg	Emerson	Evans	Munger
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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 Bekman 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.

#### HOUSE AMENDMENTS CONSIDERED

Senator Faul called up for consideration Senate File 555, a bill for an act to amend chapter four hundred four (404), Code, 1939, relating to alien insurers; to provide for the maintenance of deposits by alien non-life insurers, and in the event of the insolvency of such insurers, to provide for the liquidation of such deposits or subsequent reinsurance, amended by the House, and moved that the Senate concur in the following amendment:

Amend Senate File 555 by adding immediately following the first paragraph of section 2:

"In lieu of the deposit provided herein any such alien insurer may

file with the Commissioner a bond of equal amount executed by a licensed United States surety company, so conditioned for the protection of Iowa creditors and policyholders.”.

The motion prevailed and the Senate concurred in and adopted the House amendment.

Senator Faul moved that the bill, as amended by the House and concurred in by the Senate, 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, 43:**

Augustine	Elthon	Hunt	Mowry
Baldwin	Evans	Johnson	Pelzer
Bekman	Faul	Jones	Shaw
Benson	Findlay	Keir	Sjulin
Berg	Goode	Leo	Stewart
Byers	Hamiel	Long	Talbott
Clark	Hart	Lundy	Turner
Corwin	Hattery	Lynes	Vrba
Cromwell	Henningsen	Martin	Watson
Dewey	Hess	Mercer	Whitehill
Dykhouse	Hill	Miller	

**Nays, none.**

**Absent or not voting, 7:**

Donohue	Fuller	Love	Zeigler
Emerson	Harvey	Munger	

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

Senator Faul 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.

Senator Berg called up for consideration Senate File 256, a bill for an act to amend chapter thirteen (13), Code, 1939, defining further duties of the reporter of the supreme court and code editor, and to amend section two hundred sixty-five (265), Code, 1939, providing for the payment for the printing of legal publications compiled and published by him, and providing an appropriation to carry out the provisions of said chapter and said section, amended by the House, and moved that the Senate concur in the following amendment:

Amend Senate File 256 as follows:

Strike section 1, section 3, section 4, and section 5, and renumber section 2 as section 1, and section 6 as section 2.

The motion prevailed and the Senate concurred in and adopted the House amendment.

Senator Berg moved that the bill, as amended by the House and concurred in by the Senate, 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, 42:**

Baldwin	Evans	Hunt	Pelzer
Bekman	Faul	Jones	Shaw
Berg	Findlay	Keir	Sjulin
Byers	Fuller	Love	Stewart
Clark	Goode	Lundy	Talbott
Corwin	Hamiel	Lynes	Turner
Cromwell	Hart	Martin	Vrba
Donohue	Harvey	Mercer	Watson
Dykhouse	Hattery	Miller	Whitehill
Elthon	Henningsen	Mowry	Zeigler
Emerson	Hill		

**Nays, none.**

**Absent or not voting, 8:**

Augustine	Dewey	Johnson	Long
Benson	Hess	Leo	Munger

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

Senator Berg 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.

Senator Berg called up for consideration Senate File 557, a bill for an act making an appropriation for the payment of miscellaneous expenses of the Firty-ninth General Assembly, amended by the House, and moved that the Senate refuse to concur in the following amendment:

**Amend Senate File 557 as follows:**

**Strike lines 25, 26, and 27 of section 1.**

The motion prevailed and the Senate refused to concur in the House amendment.

### THIRD READING OF BILLS

On motion of Senator Bekman, House File 401, a bill for an act to amend section three thousand eight hundred twenty-eight and one one-thousandth (3828.001), Code, 1939; to repeal section three thousand eight hundred twenty-eight and two one-thousandths

(3828.002), Code, 1939, to amend section three thousand eight hundred twenty eight and six one-thousandths (3828.006), Code, 1939; to amend section three thousand eight hundred twenty-eight and eight one-thousandths (3828.008), Code, 1939; to amend section three thousand eight hundred twenty-eight and ten one-thousandths (3828.010), Code, 1939; to amend section three thousand eight hundred twenty-eight and twelve one-thousandths (3828.012), Code, 1939; to amend section three thousand eight hundred twenty-eight and fourteen one-thousandths (3828.014), Code, 1939; to amend section three thousand eight hundred twenty-eight and sixteen one-thousandths (3828.016), Code, 1939; to amend section three thousand eight hundred twenty-eight and eighteen one-thousandths (3828.018), Code, 1939; to amend section three thousand eight hundred twenty-eight and nineteen one-thousandths (3828.019), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty one-thousandths (3828.020), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-one one-thousandths (3828.021), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-three one-thousandths (3828.023), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-five one-thousandths (3828.025), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-six one thousandths (3828.026), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-seven one-thousandths (3828.027), Code, 1939; to amend section three thousand eight hundred twenty-eight and twenty-eight one-thousandths (3828.028), Code, 1939; to amend section three thousand eight hundred twenty-eight and thirty-five one-thousandths (3828.035), Code, 1939; to amend section three thousand eight hundred twenty-eight and thirty-nine one-thousandths (3828.039), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-two one thousandths (3828.042), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-three one-thousandths (3828.043), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-four one-thousandths (3828.044), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-five one-thousandths (3828.045), Code, 1939; to amend section three thousand eight hundred twenty-eight and forty-seven one-thousandths (3828.047), Code, 1939; to amend section three thousand eight hundred twenty-eight and

fifty one-thousandths (3828.050), Code, 1939; all relating to old-age assistance; to the definition of terms used in chapter one-hundred eighty-nine and one-tenth (189.1); to the creation of the division of old-age assistance; to old-age assistance investigators; to whom old-age assistance may be granted; to the consideration of the income of an applicant for old-age assistance; to property exclusions; to procedure with application for old-age assistance; to the issuance of assistance certificates; to the renewal of assistance certificates; to the assistance certificates improperly obtained; to the time when assistance commences; to the payment of funeral expenses for persons receiving assistance; to the transfer of real estate to the state board; to compromise settlements by the state; to insurance that may be assigned by the state board; to notify the board of increase of property or income; to recovery from responsible relatives of old age assistance furnished recipient; to guardianship proceedings during incapacity of applicant or recipient; to the creation of the old-age assistance fund; to the creation of the old age assistance revolving fund; to the authority of the state board to accept gifts; to the cancellation of warrants; to the payment of funds to the United States; to the confidential nature of records; and to the penalty for the violation of Chapter one hundred eighty-nine and one-tenth (189.1), was taken up and considered.

Senator Bekman 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, 47:

Augustine	Emerson	Hill	Mowry
Baldwin	Evans	Hunt	Pelzer
Bekman	Faul	Johnson	Shaw
Berg	Findlay	Jones	Sjulin
Byers	Fuller	Keir	Stewart
Clark	Goode	Long	Talbott
Corwin	Hamiel	Love	Turner
Cromwell	Hart	Lundy	Vrba
Dewey	Harvey	Lynes	Watson
Donohue	Hattery	Martin	Whitehill
Dykhouse	Henningsen	Mercer	Zeigler
Elthon	Hess	Miller	

Nays, none.

Absent or not voting, 3:

Benson	Leo	Munger
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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 Bekman 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.

### 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 396, a bill for an act relating to funds available for the farm-to-market road system.

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

Senate File 475, a bill for an act relating to unemployment compensation, contributions; to redefine "wages" and "annual payroll".

A. C. GUSTAFSON, *Chief Clerk.*

### THIRD READING OF BILLS

Senator Cromwell asked and received unanimous consent to take up House File 91, a bill for an act to provide for advance notice of the defenses of insanity or alibi in criminal cases, with report of committee recommending passage.

The committee report was adopted.

Senator Cromwell 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, 46:**

Augustine	Evans	Johnson	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbett
Cromwell	Hart	Lynes	Turrer
Dewey	Hattery	Martin	Vrba
Donohue	Henningsen	Mercer	Watson
Dykhouse	Hess	Miller	Whitehill
Elthon	Hill	Mowry	Zeigler
Emerson	Hunt		

Nays, none.

Absent or not voting, 4:

Baldwin	Corwin	Harvey	Lundy
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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 Cromwell 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.

Senator Keir asked and received unanimous consent to take up House File 404, a bill for an act to amend section one thousand seven hundred three and thirteen hundredths (1703.13), Code, 1939, relating to zones of West Okoboji lake.

Senator Keir 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, 39:**

Augustine	Findlay	Jones	Munger
Bekman	Hamiel	Keir	Pelzer
Benson	Hart	Leo	Shaw
Berg	Harvey	Long	Stewart
Byers	Hattery	Love	Talbott
Clark	Henningsen	Lundy	Turner
Cromwell	Hess	Martin	Vrba
Dewey	Hill	Mercer	Whitehill
Dykhouse	Hunt	Miller	Zeigler
Emerson	Johnson	Mowry	

**Nays, none.**

**Absent or not voting, 11:**

Baldwin	Elthon	Fuller	Sjulin
Corwin	Evans	Goode	Watson
Donohue	Faul	Lynes	

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

Senator Keir 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.

Senator Byers took the chair.

### 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 164, a bill for an act relating to archives.

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

Senate File 199, a bill for an act relating to fire department maintenance fund and the millage rate therein authorized.

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

Senate File 352, a bill for an act relating to unemployment compensation; to permit appeal by employers.

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

Senate File 353, a bill for an act relating to appointment, salaries of employees of unemployment compensation commission.

A. C. GUSTAFSON, *Chief Clerk.*

### THIRD READING OF BILLS

Senator Donohue asked and received unanimous consent to take up House File 176, a bill for an act relating to motor vehicles or combinations thereof used for transporting other motor vehicles and providing certain limitations for such motor vehicles and combinations.

Senator Donohue 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:

Augustine	Elthon	Henningsen	Lynes
Berg	Emerson	Hess	Mercer
Byers	Evans	Hill	Pelzer
Clark	Faul	Jones	Talbott
Corwin	Findlay	Keir	Turner
Cromwell	Goode	Long	Watson
Dewey	Hamiel	Love	Whitehill
Donohue	Hart	Lundy	Zeigler
Dykhouse	Harvey		

#### Nays, 8:

Baldwin	Hunt	Martin	Munger
Fuller	Leo	Miller	Stewart

#### Absent or not voting, 8:

Bekman	Hattery	Mowry	Sjulin
Benson	Johnson	Shaw	Vrba

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

Senator Donohue 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.

President Hickenlooper took the chair.

Senator Fuller moved that the Senate recess until the fall of the gavel.

The motion 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 House was asked:

Senate File 556, a bill for an act relating to electors of the state who are in military service, providing they can vote at the primary and general elections in 1942.

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

Senate File 529, a bill for an act conveying to the United States certain lands in Allamakee and Clayton counties, Iowa.

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

Senate File 553, a bill for an act relating to exemptions from inheritance tax and providing for an exemption in the case of property passing to veterans' organizations.

Also: That the House has adopted the following concurrent resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 38, relating to a permanent legislative program.

Also: That the House has amended and passed the following bill in which the concurrence of the House was asked:

Senate File 476, a bill for an act relating to employment service in Iowa; preservation, destruction of records.

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

Senate File 554, a bill for an act relating to salaries of the Iowa Highway Patrol.

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

Senate File 455, a bill for an act relating to the manner in which aircraft shall use the waters of 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 505, a bill for an act relating to control of Bang's disease in cattle.  
A. C. GUSTAFSON, *Chief Clerk.*

### HOUSE CONCURRENT RESOLUTION 38

*Whereas*, The present General Assembly was able to greatly expedite its work through the legislative program prepared by the House Efficiency Committee, and

*Whereas*, Such programs are very successful in surrounding states through the creation of Legislative Councils, and,

*Whereas*, It would be highly desirable that such a program should be made available for the succeeding General Assembly and finally become a permanent phase of the legislative program of the state, now, therefore,

*Be It Resolved by the House, the Senate Concurring*: That the Legislative Committee on Retrenchment and Reform be respectfully requested to include such a program in their committee work, that such committee make it possible for proper research to be made into any legislation that may be proposed by any member of the General Assembly, and that such a committee make a special study of the operations of the Legislative Councils in the surrounding states and submit its report and recommendations thereon to the next General Assembly.

### HOUSE AMENDMENT TO SENATE FILE 476

Amend Sec. 5 (A) of Senate File 476 by striking from lines 8, 9 and 10 of said subsection the words: "All moneys in this fund shall be expended solely for the purpose of defraying the costs of the administration of this chapter, and for no other purpose whatsoever.", and inserting in lieu thereof the following: "All moneys in this fund which are received from the federal government or any agency thereof or which are appropriated by the state for the purposes described in section fifteen hundred fifty-one and eighteen hundredths (1551.18) of this act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this act."

### AMENDMENT TO SENATE FILE 505

Amend section twenty-eight (28) of Senate File 505 by inserting after the word "repealed" in line two (2) the following: " , provided that the tax levies made and taxes collected under the provisions of said Chapter 87 Acts of the 48th General Assembly shall continue in force and be applied and used under the provisions of this act to the end that the work of controlling and eradicating Bang's disease under said Chapter 87 Acts of the 48th General Assembly, may continue without interruption under the provisions of this act."

Further amend by striking Section 27 thereof.

### HOUSE AMENDMENTS CONSIDERED

Senator Bekman called up for consideration Senate File 476, a bill for an act to amend chapter seventy-seven and two tenths

(77.2), Code of Iowa, 1939, and more particularly to amend section fifteen hundred fifty-one and seven hundredths (1551.07), relating to the title of said act; section fifteen hundred fifty-one and sixteen hundredths (1551.16) relating to the name of the agency; section fifteen hundred fifty-one and seventeen hundredths (1551.17) relating to the preservation and destruction of records; section fifteen hundred fifty-one and eighteen hundredths (1551.18) relating to the Iowa employment service; section fifteen hundred fifty-one and nineteen hundredths (1551.19) relating to the administration fund; section fifteen hundred fifty-one and twenty-five hundredths (1551.25) relating to definitions used in said act; all sections of the Code of Iowa, 1939; and to repeal all acts, or parts of acts, in conflict herewith, amended by the House, and moved that the Senate concur in the following amendment:

Amend Sec. 5 (A) of Senate File 476 by striking from lines 8, 9, and 10, of said subsection the words: "All moneys in this fund shall be expended solely for the purpose of defraying the costs of the administration of this chapter, and for no other purpose whatsoever.", and inserting in lieu thereof the following: "All moneys in this fund which are received from the federal government or any agency thereof or which are appropriated by the state for the purposes described in section fifteen hundred fifty-one and eighteen hundredths (1551.18) of this act shall be expended solely for the purposes and in the amounts found necessary by the Social Security Board for the proper and efficient administration of this act."

The motion prevailed and the Senate concurred in and adopted the House amendment.

Senator Bekman moved that the bill as amended by the House and concurred in by the Senate, 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:

Augustine	Findlay	Johnson	Mowry
Bekman	Hamiel	Jones	Shaw
Benson	Hart	Keir	Stewart
Berg	Harvey	Leo	Talbott
Byers	Hattery	Long	Turner
Clark	Henningsen	Love	Vrba
Cromwell	Hess	Mercer	Whitehill
Dewey	Hill	Miller	Zeigler
Emerson	Hunt		

Nays, none.

Absent or not voting, 16:

Baldwin	Elthon	Goode	Munger
Corwin	Evans	Lundy	Pelzer
Donohue	Faul	Lynes	Sjulin
Dykhouse	Fuller	Martin	Watson

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

Senator Bekman 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.

### THIRD READING OF BILLS

On motion of Senator Donohue, House File 415, a bill for an act to repeal all of chapter ninety-three and two tenths (93.2), Code, 1939, relating to the tax and restrictions upon the sale of beer and malt liquors, and to enact a substitute therefor, providing for definitions of terms relative to the powers and duties of the state permit board, and definitions of beers and malt liquors classes of permits; providing for a tax on beer and malt liquors, and the collection of said tax; providing for the regulation of classes of beer permits and the requirements to obtain said permits; and to require permits and bonds for dealers in beer and malt liquors; to provide for the enforcement and administration of said act; and to define certain unlawful acts relating to the manner of sale, distribution and solicitation for the sale of beer and malt liquors; to provide penalties for violation of the law by permit holders; to provide penalties for violation of the law by minors; to provide for the regulation and sale of beer and malt liquors on the part of breweries; and to provide penalties for the violation of the provisions of this act, was taken up and considered.

Senator Vrba offered the following amendment and moved its adoption:

Amend House File 415 by inserting in section six (6), line four (4), after the word "citizens" the following: "of any precinct, or of any city or town where said city or town contains more than one precinct, wherein the business under the Class "B" license referred to in such complaint is conducted".

The amendment was adopted.

Senator Mowry offered the following amendment and moved its adoption:

Amend House File 415 by adding to the end of section 6 the following:

“Any permit revoked as in this chapter provided shall not be renewed or a new permit shall not be granted to the same person for a period of one year from the date of revocation; nor shall a permit be granted to any other person to sell beer on the same premises for a period of one year from the date of said revocation.”

The amendment was lost.

Senator Mowry offered the following amendment and moved its adoption:

Amend House File 415 by adding a new subsection to section 11 as follows:

Amend section one thousand nine hundred twenty-one and ninety-seven thousandths (1921.097), Code, 1939, by adding the following: “The state permit board shall also have the power and authority to make and publish such rules and regulations not inconsistent with the provisions of chapter ninety-three and two tenths (93.2), necessary and advisable for its detailed administration of the provisions of said chapter. The state permit board is hereby authorized to appoint an assistant whose sole duty it shall be to administer and enforce the provisions of this chapter, including the collection of all taxes provided for herein. In such enforcement, the state permit board may call to its aid the Attorney General, the special agents of the state, the sheriff and his deputy or deputies of any county, and the police department of each city, including the day and night marshal of any incorporated town, any county attorney, and any neglect misfeasance and malfeasance shown by any peace officer referred to in this section will be sufficient cause for his removal as provided for by the statutes of this state.”

Roll call was demanded.

On the question “Shall the amendment be adopted?” the vote was:

Ayes, 9:

Augustine	Faul	Hamiel	Miller
Dewey	Findlay	Harvey	Mowry
Emerson			

Nays, 22:

Berg	Fuller	Hunt	Pelzer
Byers	Goode	Long	Talbott
Clark	Hattery	Martin	Turner
Corwin	Henningsen	Mercer	Vrba
Donohue	Hess	Munger	Whitehill
Evans	Hill		

Absent or not voting, 19:

Baldwin	Elthon	Leo	Sjulin
Bekman	Hart	Love	Stewart
Benson	Johnson	Lundy	Watson
Cromwell	Jones	Lynes	Zeigler
Dykhouse	Keir	Shaw	



The amendment was lost.

Senator Fuller moved that the bill be tabled.

Roll call was demanded.

On the question, "Shall the bill be tabled?" the vote was:

Ayes, 5:

Baldwin	Faul	Fuller	Mowry
Dewey			

Nays, 31:

Bekman	Emerson	Hunt	Pelzer
Berg	Evans	Jones	Shaw
Byers	Findlay	Keir	Stewart
Clark	Goode	Leo	Talbott
Corwin	Hattery	Long	Turner
Cromwell	Henningsen	Love	Watson
Donohue	Hess	Lundy	Whitehill
Elthon	Hill	Lynes	

Absent or not voting, 14:

Augustine	Hart	Mercer	Sjulin
Benson	Harvey	Miller	Vrba
Dykhouse	Johnson	Munger	Zeigler
Hamiel	Martin		

The motion to table House File 415 was lost.

Senator Byers offered the following amendment and moved its adoption:

Amend House File 415 by striking all of Section 8 thereof and substituting in lieu thereof the following:

Section 8. Section one thousand nine hundred twenty-one and one hundred thousandths (1921.100) of the Code of 1939 is amended by adding thereto the following:

Any Class "B" permittee or his executor, administrator or any person duly appointed by the Court to take charge of and administer the property or assets of such permittee for the benefit of his creditors, may voluntarily surrender any permit, issued under this chapter, to the issuing authority and when so surrendered the issuing authority shall refund to the person so surrendering the permit a proportionate amount of the permit fee paid for such permit as follows; if surrendered during the first three (3) months of the period for which said permit was issued the refund shall be three-fourths ( $\frac{3}{4}$ ) of the amount of the permit fee; if surrendered more than three (3) months but not more than six (6) months after issuance the refund shall be one half ( $\frac{1}{2}$ ) of the amount of the permit fee; if surrendered more than six (6) months but not more than nine (9) months after issuance the refund shall be one fourth ( $\frac{1}{4}$ ) of the amount of the permit fee. No refund shall be made, however, for any permit surrendered more than nine (9) months after issuance. No refund shall be made to any permit holder, upon the surrender of his permit, if there is at the time of said

surrender a complaint filed with the board or council charging him with a violation of the provisions of this chapter. If upon hearing on any such complaint, so filed, his permit be not revoked, then said permit holder shall be eligible, upon surrender of his license, to receive a refund as herein provided. But in event his license is revoked upon such hearing then he shall not be eligible for the refund of any portion of his permit fee."

The amendment was adopted.

Senators Byers offered the following amendment and moved its adoption:

Amend House File 415 by striking all of sections 10, 11 and 12 thereof.

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption:

Amend section 4 of House File 415 by striking from line 24 the words "a violation" and substituting in lieu thereof the following: "A knowing violation".

The amendment was adopted.

Senator Donohue offered the following amendment and moved its adoption

Amend section seven (7) of House File 415 by striking the word "such" in line ten (10) and inserting in lieu thereof the word "each".

Also amend by inserting the word "population" after the figures "(2500)" in both lines twelve (12) and fourteen (14).

Also by inserting the words "at least" before the word "two" in line fifteen (15).

The amendment was adopted.

Senator Johnson offered the following amendment and moved its adoption:

Amend subsection (b), section 5 of House File 415 by inserting immediately after the word "shall" in line 3 the following: "in cities having a population of more than 5,000 people".

Roll call was demanded.

Action was temporarily deferred.

## CALL OF THE SENATE

We, the undersigned Senators, request a call of the Senate on House File 415.

J. BERG.

E. P. DONOHUE.

O. H. HENNINGSEN.

JOHN E. TALBOTT.

LEO ELTHON.

E. K. BEKMAN.

STANLEY L. HART.

FRANK C. BYERS.

DEWEY E. GOODE.

J. T. DYKHOUSE.

ROBERT P. MUNGER.

FRED CROMWELL.

G. R. HILL.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 9th he had approved the following bills:

Senate File 50, relating to agreements by cities with the highway commission with respect to any project for the paving of a portion of the primary road extension within such city or town.

Senate File 67, relating to the control, management, and supervision of certain drainage districts wholly or partially within cities and towns and to confer on city and town councils certain powers.

Senate File 217, relating to personal exemption from income tax.

Senate File 220, relating to the publication of certain advertisements and notices.

Senate File 265, authorizing the deduction from the salary or wages of an employe or employees of the state of Iowa or any county or town, or any institution supported in whole or in part by public funds, or any subdivisions thereof, the amount of his or their subscription payments to any corporation operating a non-profit hospital service plan.

Senate File 315, relating to general powers of cities and towns to erect, purchase, or remodel a city or town hall.

Senate File 318, relating to landlord's lien.

Senate File 376, relating to general powers of cities and towns to levy special taxes to build, purchase or remodel a city or town hall, and authorizing city or town councils including city or town councils of cities or towns under special charter to rent property located within or adjoining the corporate limits and to maintain, repair, improve or equip such property and to lease such prop-

erty from the owner or owners of such property for auditorium purposes.

Senate File 436, to shorten the time for filing claims against estates of decedents from twelve months to six months and to eliminate claims of the fourth class against such estates.

Senate File 437, relating to liens for inheritance taxes.

Senate File 514, relating to the execution of the budget, the expenditure of appropriations, the reversion and transfer of balances, the financial fiscal term, and the use of appropriations.

Senate File 539, relating to senatorial districts.

Senate File 544, relating to appropriations to certain named persons to cover refunds on motor vehicle registration fees.

Senate File 545, to make an appropriation to Breda Savings Bank, Breda, Iowa.

Senate File 546, making an appropriation to certain named persons in settlement of damages sustained by them on account of accidents on primary roads or on account of collisions with state highway equipment, or on account of acts of commission or omission by the state highway commission or its employees.

Senate File 547, relating to appropriation to Leroy Huskamp, Cedar Falls.

Senate File 548, to make an appropriation to Dr. Floyd C. Bridge, Storm Lake.

Senate File 549, to make an appropriation to Firestone Tire and Rubber Company, Des Moines, and Lally's Service, Des Moines.

Senate File 550, to make an appropriation to Lyon Brothers, Cambridge.

Senate File 552, to make appropriations to Walker-Shum, Bedford, and Westcott-Doughty-Chandler Funeral Chapel, Sioux City.

#### AMENDMENTS FILED

Amend House File 415, as follows:

1. By striking the following language appearing in subsection (a) of section five (5) beginning in line two (2) and ending in line six (6): "Except that cities and towns, including cities or towns organized under special charter, may, by ordinance, and any county board of supervisors may by resolution authorize and license dancing in connection with the

operation of a beer business under a class 'B' license provided", and inserting in lieu thereof the word, "unless".

H. C. BALDWIN.  
DEVERE WATSON.

Amend Senate File 415, subsection (a), section 5 by changing in line 7 the figure "1000" to "500".

OSCAR E. JOHNSON.

Amend House File 415 by adding the following sections:

Section 1. That chapter ninety-three and two tenths (93.2), Code, 1939, is hereby amended by adding immediately following section one thousand nine hundred twenty-one and ninety-nine thousandths (1921.099), the following sections to-wit:

Sec. 2. No permit shall be issued or obtained, and any existing permit shall cease to have force as hereinafter provided, in any village, township, county, incorporated town or city, including cities under special charter and those under the commission form of government, in which a majority of the votes cast at an election held therein opposes the sale, or manufacture for sale, of beer in such territory.

Sec. 3. Such election shall be called and held in such subdivision when there is addressed to the body authorized by law to call, provide for, and hold elections therefor;

(a) A petition to such body that there be submitted to the electors of such subdivision at the next general or municipal election as the case may be in the manner provided by law the proposal: "Shall beer be sold, or manufactured for sale, in (describing the subdivision)?"

(b) Such petition shall be signed by at least twenty-five per cent of the electors who voted at the last general election preceding the filing of such petition; and such petition may consist of the aggregate of a number of separate petitions, which however, when filed shall constitute the petition herein referred to;

(c) Such petition shall be filed with the city or town clerk if the election is asked for in a city or town, or with the county auditor if it is asked for in a township, village or county, at least sixty (60) days prior to the date of the next succeeding municipal or general election as the case may be.

Sec. 4. Upon filing of such petition the city or town council or board of supervisors as the case may be shall proceed at once to canvass the same and complete such canvass and enter of record in its proceedings its findings as to the sufficiency or insufficiency of such petition within fifteen (15) days after filing the same.

Sec. 5. If such petition is sufficient such council or board of supervisors as the case may be shall forthwith order and provide by proper procedure for the holding of such election and furnish the ballots therefor.

Sec. 6. Such ballot shall contain the following proposal: "Shall beer be sold, or manufactured for sale, in (describing the subdivision)?"

Sec. 7. Opposite and to the right of such proposal as it appears upon the ballot shall be placed two squares one above the other, and to the left of the upper square shall be printed the word "Yes", and to the left of the lower square the word "No", and in casting his vote upon such

proposal the voter favoring such proposition shall place a cross in the square opposite the word "Yes" and the voter opposed to such proposition shall place a cross in the square opposite the word "No."

Sec. 8. The board of supervisors or council as the case may be shall promptly appropriate and provide funds to meet the expenses of such election.

Sec. 9. The ballots cast on said proposal at such election shall be counted and the results certified as required by the laws applicable to such general or municipal election, and the ballots at once returned to such clerk or auditor as the case may be, who shall canvass same and certify the result, and make a permanent record thereof in his office which certificate and record shall be completed within thirty (30) days after such election.

Sec. 10. If the majority of the votes cast on said proposal at such election opposes the sale, or manufacture for sale, of beer in such subdivision, all licenses or permits or other authority for the handling, purchasing, or sale, or manufacture for sale, of beer shall be without force after ninety (90) days from the date of such election and thereafter it shall be unlawful to manufacture for sale, sell, offer or keep for sale, beer as defined by this chapter therein, notwithstanding any other provisions in this chapter contained and all the prohibitions of this chapter as to the making or selling of beer without a permit shall at once fully apply in such territory.

Sec. 11. Pro rata refunds may be made to the holder of any license or permit voided as herein provided by the authority which issued such license or permit.

Sec. 12. No such election shall be held in by and for such subdivision oftener than once in two years, and then only at regular municipal or general election dates; and if at any such subsequent election the majority of the votes cast on said proposal favors such subdivision being territory in which such beer may be sold, or manufactured for sale, ninety (90) days after the date of such election the provisions of this chapter shall again prevail permitting the handling and sale of beer in such subdivision.

ROSS R. MOWRY.

Amend House File 415, Section 5, by adding thereto the following:  
“(d) The place of said business shall be lighted so that all objects are plainly visible at all times, and all parts of such place of business shall be illuminated to a minimum of two foot candles as measured by a photometer at a plane of thirty inches above the floor line.”

HUGH W. LUNDY.

Senator Donohue moved that the Senate recess until the fall of the gavel, which motion prevailed.

The Senate resumed regular session, President B. B. Hickenlooper presiding.

Prayer was offered by Rev. J. A. Kettle, Pastor of the Methodist church of Des Moines.

#### 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 and passed House File 400, a bill for an act relating to old age assistance.

Also: That the House has concurred in Senate amendments to and passed House File 558, a bill for an act making an appropriation for improvement and equipment at the Iowa State College.

Also: That the House has concurred in Senate amendments to and passed House File 513, a bill for an act to appropriate sum for purchase of the Abbie Gardner Sharp Memorial.

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

Senate File 523, a bill for an act to authorize counties, cities, towns and school corporations to extend or renew indebtedness.

Also: That the House had adopted the joint report of the committee appointed to make a survey of the elevators in the capitol building.

Also: That the House insists on its amendments to Senate File 557, a bill for an act making an appropriation for the payment of miscellaneous expenses of the Forty-ninth General Assembly and requests a conference committee, and the Speaker of the House has appointed as members of such committee on the part of the House, Hoegh, Lucas, Morrissey and Bryson.

A. C. GUSTAFSON, *Chief Clerk.*

Senator Hill asked and received unanimous consent to present a troop of girl scouts who were present in the balcony.

#### CONFERENCE COMMITTEE APPOINTED

The President appointed, as a conference committee on Senate File 557, Senators Shaw, Hill, Whitehill and Corwin.

Senator Leo called up the following concurrent resolution and moved its adoption :

#### HOUSE CONCURRENT RESOLUTION 37

*Whereas*, The swine industry is of vital importance to the income and welfare of the agricultural interests of the nation, and

*Whereas*, There appear to be certain marketing practices now in effect which tend to depress hog values and confuse the producer, and

*Whereas*, Present market reports, particularly at direct buying points, are rather general and do not record in detail the exact buying prices on various types and grades, and

*Whereas*, It appears that sufficient pertinent, detailed information concerning the marketing, grading and processing of swine is not at present available to the general public; now therefore,

*Be It Resolved by the House, the Senate Concurring:*

That the United States Department of Agriculture undertake such studies as may be necessary to

1. Determine definite market grades of swine which may be closely correlated with carcass cut-out value;
2. Provide a concise summary of the innovations necessary to incorporate such grades into the present swine marketing system;
3. Make such changes in market news service as would provide producers with detailed market information regarding price differentials between various grades and types at important direct buying centers.

*Be It Further Resolved*, That the Iowa Department of Agriculture and Iowa State College shall offer full cooperation in carrying out the necessary investigation and research, and

*Be It Further Resolved*, That a report on the determinations and findings of such research be made available by January 1, 1943 for the consideration of the Fiftieth General Assembly.

*Be It Further Resolved*, That a copy of this resolution be sent to the Secretary of Agriculture, Washington, D. C.

The motion prevailed and the resolution was adopted.

### THIRD READING OF BILLS

On motion of Senator Donohue, the Senate resumed consideration of House File 415, a bill for an act to repeal all of chapter ninety-three and two tenths (93.2), Code, 1939, relating to the tax and restrictions upon the sale of beer and malt liquors, and to enact a substitute therefor, providing for definitions of terms relative to the powers and duties of the state permit board, and definitions of beers and malt liquors classes of permits; providing a tax on beer and malt liquors, and the collection of said tax; providing for the regulation of classes of beer permits and the requirements to obtain said permits; and to require permits and bonds for dealers in beer and malt liquors; to provide for the enforcement and administration of said act; and to define certain unlawful acts relating to the manner of sale, distribution and solicitation for the sale of beer and malt liquors; to provide penalties for violation of the law by permit holders; to provide penalties for violation of the law by minors; to provide for the regulation and



sale of beer and malt liquors on the part of breweries; and to provide penalties for the violation of the provisions of this act.

Senator Byers moved that each speaker on House File 415 and the amendments be allowed five minutes to speak, which motion prevailed.

Under the call of the Senate on House File 415, all members answered "present" to the roll call except Senator Johnson who had filed a sealed vote on the bill.

Senator Ethon moved that Senator Johnson be excused from the call until recalled.

The motion prevailed and Senator Johnson was excused.

The Senate resumed consideration of the following amendment by Senator Johnson:

Amend subsection (b), section 5 of House File 415 by inserting immediately after the word "shall" in line 3 the following: "in cities having a population of more than 5,000 people".

Senator Clark moved the previous question on the amendment.

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

Ayes, 2:

Baldwin                      Dykhouse

Nays, 47:

Augustine	Evans	Hunt	Munger
Bekman	Faul	Jones	Pelzer
Benson	Findlay	Keir	Shaw
Berg	Fuller	Leo	Sjulin
Byers	Goode	Long	Stewart
Clark	Hamiel	Love	Talbott
Corwin	Hart	Lundy	Turner
Cromwell	Harvey	Lynes	Vrba
Dewey	Hattery	Martin	Watson
Donohue	Henningsen	Mercer	Whitehill
Elthon	Hess	Miller	Zeigler
Emerson	Hill	Mowry	

Absent or not voting, 1:

Johnson

The amendment was lost.

Senator Lundy offered the following amendment and moved its adoption:

Amend House File 415, Section 5, by adding thereto the following:

"(d) The place of said business shall be lighted so that all objects are plainly visible at all times, and all parts of such place of business shall be illuminated to a minimum of two foot candles as measured by a photometer at a plane of thirty inches above the floor line."

Senator Lundy asked and received unanimous consent to insert after the word "a" the words "foot candle meter" and strike the word "photometer" in lines 4 and 5 of the amendment.

The amendment was adopted.

Senator Baldwin offered the following amendment by Senators Baldwin and Watson, and moved its adoption:

Amend House File 415, as follows:

1. By striking the following language appearing in subsection (a) of section five (5) beginning in line two (2) and ending in line six (6): "Except that cities and towns, including cities or towns organized under special charter, may, by ordinance, and any county board of supervisors may by resolution authorize and license dancing in connection with the operation of a beer business under a class "B" license provided", and inserting in lieu thereof the word, "unless".

Roll call was demanded.

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

Ayes, 2:

Baldwin	Watson
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Nays, 43:

Augustine	Evans	Hill	Munger
Bekman	Faul	Hunt	Pelzer
Benson	Findlay	Jones	Shaw
Berg	Fuller	Keir	Sjulin
Byers	Goode	Leo	Stewart
Clark	Hamiel	Long	Talbott
Corwin	Hart	Love	Turner
Cromwell	Harvey	Lundy	Vrba
Dykhouse	Hattery	Lynes	Whitehill
Elthon	Henningsen	Miller	Zeigler
Emerson	Hess	Mowry	

Absent or not voting, 5:

Dewey	Johnson	Martin	Mercer
Donohue			

The amendment was lost.

Senator Dewey moved that the Senate recess until the fall of the gavel.

The motion was lost.

Senator Johnson offered the following amendment and moved its adoption:

Amend Senate File 415, subsection (a), section 5 by changing in line 7 the figure "1000" to "500".

Senator Goode moved the previous question on the amendment.

The amendment was adopted.

Senator Donohue moved that the Senate recess until the fall of the gavel, which motion prevailed.

The Senate resumed session, President Hickenlooper presiding.

#### CONFERENCE REPORT ON S. F. 557

Senator Shaw called up the following conference committee report and moved its adoption:

MR. PRESIDENT AND MR. SPEAKER: We, your conference committee to which was referred the differences between the Senate and the House on Senate File 557, a bill for an act making an appropriation for the payment of miscellaneous expenses of the Forty-ninth General Assembly, begs leave to submit the following report: Strike the figure "50.00" in line twenty-seven (27) and insert in lieu thereof the figure "30.00"; strike the figure "100.00" in line twenty-nine (29) and insert in lieu thereof the figure "70.00".

Respectfully submitted,

A. J. SHAW.

LEO A. HOEGH.

B. C. WHITEHILL.

JAMES A. LUCAS.

G. R. HILL.

EDW. J. MORRISSEY.

E. P. CORWIN.

C. A. BRYSON.

*On the part of the Senate.*

*On the part of House.*

The motion prevailed and the conference committee report was adopted.

Senator Shaw moved that the amendments contained in the report be adopted, which motion prevailed and the amendments were adopted.

Senator Berg 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:

Augustine	Emerson	Hill	Mowry
Bekman	Evans	Hunt	Munger
Berg	Findlay	Jones	Pelzer
Byers	Goode	Keir	Shaw
Clark	Hart	Long	Sjulin
Dewey	Harvey	Love	Talbutt
Donohue	Hattery	Mercer	Turner
Dykhouse	Henningsen	Miller	Zeigler
Elthon	Hess		

Nays, none.

Absent or not voting, 16:

Baldwin	Faul	Leo	Stewart
Benson	Fuller	Lundy	Vrba
Corwin	Hamiel	Lynes	Watson
Cromwell	Johnson	Martin	Whitehill

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

Senator Berg 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.

#### HOUSE AMENDMENTS CONSIDERED

Senator Stewart called up for consideration Senate File 505, a bill for an act to provide for control and eradication of Bang's disease in cattle; to provide for the levy in such county of a tax to be placed in a fund to be known as the County Bang's Disease Eradication Fund; and repealing chapter eighty-seven (87), Acts of the 48th General Assembly, amended by the House, and moved that the Senate concur in the following amendments:

Amend section twenty-eight (28) of Senate File 505 by inserting after the word "repealed" in line two (2) the following: " , provided that the tax levies made and taxes collected under the provisions of said Chapter 87 Acts of the 48th General Assembly shall continue in force and be applied and used under the provisions of this act to the end that the work of controlling and eradicating Bang's disease under said Chapter 87 Acts of the 48th General Assembly, may continue without interruption under the provisions of this act."

Further amend by striking Section 27 thereof.

The motion prevailed and the Senate concurred in and adopted the House amendments.

Senator Stewart 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, 43:

Augustine	Dewey	Fuller	Hunt
Baldwin	Donohue	Goode	Jones
Bekman	Dykhouse	Hart	Keir
Berg	Elthon	Harvey	Leo
Byers	Emerson	Hattery	Long
Clark	Evans	Henningsen	Love
Corwin	Faul	Hess	Lynes
Cromwell	Findlay	Hill	Martin

Mercer  
Miller  
Mowry

Munger  
Pelzer  
Shaw

Sjulin  
Stewart  
Talbot

Turner  
Zeigler

Nays, none.

Absent or not voting, 7:

Benson  
Hamiel

Johnson  
Lundy

Vrba  
Watson

Whitehill

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

Senator Stewart 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.

### THIRD READING OF BILLS

The Senate resumed consideration of House File 415.

Under the call of the Senate on House File 415, all members answered "present" except Senators Hamiel, Benson and Johnson.

Senator Johnson had been previously excused.

The Sergeant-at-Arms was instructed to bring Senators Hamiel and Benson to the Senate chamber.

Senator Donohue moved to reconsider the vote by which the amendment to section 4, found on page 1240 of the Journal, was adopted.

The motion prevailed and the Senate reconsidered.

Senator Donohue then asked and received unanimous consent to withdraw the amendment.

Senator Mowry offered the following amendment by Senators Mowry, Shaw, Hamiel and Dewey and moved its adoption:

Amend House File 415 by adding thereto the following section:

"Amend chapter ninety-three and two tenths (93.2), Code, 1939, by adding thereto the following section:

"No beer permit shall be issued to any person, firm, or corporation that has paid to the federal government any special tax imposed on the business of selling intoxicating liquors. The possession of such federal special tax receipt or stamp by a permittee shall make mandatory the revocation of his beer permit."

Senator Goode moved the previous question on the amendment.

Roll call was demanded.

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

**Ayes, 13:**

Augustine	Hunt	Leo	Shaw
Dewey	Jones	Love	Sjulin
Findlay	Keir	Mowry	Stewart
Harvey			

**Nays, 34:**

Baldwin	Elthon	Henningsen	Munger
Bekman	Emerson	Hess	Pelzer
Berg	Evans	Hill	Talbott
Byers	Faul	Long	Turner
Clark	Fuller	Lynes	Vrba
Corwin	Goode	Martin	Watson
Cromwell	Hamiel	Mercer	Whitehill
Donohue	Hart	Miller	Zeigler
Dykhouse	Hattery		

**Absent or not voting, 3:**

Benson	Johnson	Lundy
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The amendment was lost.

Senator Mowry offered the following amendment and moved its adoption:

Amend House File 415 by adding the following sections:

Section 1. That chapter ninety-three and two tenths (93.2), Code, 1939, is hereby amended by adding immediately following section one thousand nine hundred twenty-one and ninety-nine thousandths (1921.099), the following sections to-wit:

Sec. 2. No permit shall be issued or obtained, and any existing permit shall cease to have force as hereinafter provided, in any village, township, county, incorporated town or city, including cities under special charter and those under the commission form of government, in which a majority of the votes cast at an election held therein opposes the sale, or manufacture for sale, of beer in such territory.

Sec. 3. Such election shall be called and held in such subdivision when there is addressed to the body authorized by law to call, provide for, and hold elections therefor;

(a) A petition to such body that there be submitted to the electors of such subdivision at the next general or municipal election as the case may be in the manner provided by law the proposal: "Shall beer be sold, or manufactured for sale, in (describing the subdivision)?"

(b) Such petition shall be signed by at least twenty-five per cent of the electors who voted at the last general election preceding the filing of such petition; and such petition may consist of the aggregate of a number of separate petitions, which however, when filed shall constitute the petition herein referred to;

(c) Such petition shall be filed with the city or town clerk if the election is asked for in a city or town, or with the county auditor if it is asked for in a township, village or county, at least sixty (60) days prior to the

date of the next succeeding municipal or general election as the case may be.

Sec. 4. Upon filing of such petition the city or town council or board of supervisors as the case may be shall proceed at once to canvass the same and complete such canvass and enter of record in its proceedings its findings as to the sufficiency or insufficiency of such petition within fifteen (15) days after filing the same.

Sec. 5. If such petition is sufficient such council or board of supervisors as the case may be shall forthwith order and provide by proper procedure for the holding of such election and furnish the ballots therefor.

Sec. 6. Such ballot shall contain the following proposal: "Shall beer be sold, or manufactured for sale, in (describing the subdivision)?"

Sec. 7. Opposite and to the right of such proposal as it appears upon the ballot shall be placed two squares one above the other, and to the left of the upper square shall be printed the word "Yes", and to the left of the lower square shall be printed the word "No", and in casting his vote upon such proposal the voter favoring such proposition shall place a cross in the square opposite the word "Yes" and the voter opposed to such proposition shall place a cross in the square opposite the word "No."

Sec. 8. The board of supervisors or council as the case may be shall promptly appropriate and provide funds to meet the expenses of such election.

Sec. 9. The ballots cast on said proposal at such election shall be counted and the results certified as required by the laws applicable to such general or municipal election, and the ballots at once returned to such clerk or auditor as the case may be, who shall canvass same and certify the result, and make a permanent record thereof in his office which certificate and record shall be completed within thirty (30) days after such election.

Sec. 10. If the majority of the votes cast on said proposal at such election opposes the sale, or manufacture for sale, of beer in such subdivision, all licenses or permits or other authority for the handling, purchasing, or sale, or manufacture for sale, of beer shall be without force after ninety (90) days from the date of such election and thereafter it shall be unlawful to manufacture for sale, sell, offer or keep for sale, beer as defined by this chapter therein, notwithstanding any other provisions in this chapter contained and all the prohibitions of this chapter as to the making or selling of beer without a permit shall at once fully apply in such territory.

Sec. 11. Pro rata refunds may be made to the holder of any license or permit voided as herein provided by the authority which issued such license or permit.

Sec. 12. No such election shall be held in by and for such subdivision oftener than once in two years, and then only at regular municipal or general election dates; and if at any such subsequent election the majority of the votes cast on said proposal favors such subdivision being territory in which such beer may be sold, or manufactured for sale, ninety (90) days after the date of such election the provisions of this chapter shall again prevail permitting the handling and sale of beer in such subdivision.

ROSS R. MOWRY.

Senator Goode moved the previous questions on the amendment.

Roll call was demanded.

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

Ayes, 17:

Augustine	Findlay	Jones	Shaw
Benson	Hamiel	Keir	Sjulin
Dewey	Harvey	Miller	Turner
Dykhouse	Hattery	Mowry	Watson
Elthon			

Nays, 29:

Baldwin	Emerson	Hill	Munger
Bekman	Evans	Hunt	Pelzer
Berg	Faul	Leo	Stewart
Byers	Goode	Long	Talbott
Clark	Hart	Lynes	Vrba
Corwin	Henningesen	Martin	Whitehill
Cromwell	Hess	Mercer	Zeigler
Donohue			

Absent or not voting, 4:

Fuller	Johnson	Love	Lundy
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The amendment was lost.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I desire to explain my negative vote on the amendment to House File 415, filed April 10 by Senator Mowry, relative to local option.

In principle I favor local option and would have voted in the affirmative had it not been for the fact that I was convinced after a study of the situation that the House would not concur in the amendment as a result there would be no legislation relative to the regulation and sale of beer this session and since I was equally convinced the it was essential to the welfare of the people of Iowa that at least some constructive corrections should be made in the present beer law, if nothing else, the only action I could consistently take was to vote against Senator Mowry's amendment.

ROBERT P. MUNGER.

Senator Vrba offered the following amendment and moved its adoption:

Amend House File 415 by adding the words " , tobacco store" immediately following the word "store" in line 6 of section 3.

Senator Sjulin moved the previous question on the amendment.

The amendment was lost.



Senator Byers offered the following amendment and moved its adoption:

Amend House File 415 by adding thereto a new section as follows:

Sec. 9. Section one thousand nine hundred twenty-one and one hundred twenty-nine thousandths (1921.129) is hereby amended by striking from lines fifty-two (52) and fifty-three (53) of said section the following: "and for the prohibiting and regulation of dancing in places where beer is sold;"

The amendment was adopted.

Senator Byers moved the previous question on the main bill.

Senator Donohue 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.

The President announced that Senator Johnson had left a written request at the desk to be recorded as voting "aye" on the bill.

The request was granted.

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

**Ayes, 48:**

Augustine	Emerson	Hill	Miller
Bekman	Evans	Hunt	Mowry
Benson	Faul	Johnson	Munger
Berg	Findlay	Jones	Pelzer
Byers	Fuller	Keir	Shaw
Clark	Goode	Leo	Sjulin
Corwin	Hamiel	Long	Stewart
Cromwell	Hart	Love	Talbott
Dewey	Harvey	Lundy	Turner
Donohue	Hattery	Lynes	Vrba
Dykhouse	Henningsen	Martin	Whitehill
Elthon	Hess	Mercer	Zeigler

**Nays, 2:**

Baldwin                      Watson

Absent or not voting, none.

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

Senator Donohue offered the following amendment to the title and moved its adoption:

Amend title to House File 415 by striking from lines 11, 12, 13 and 14 thereof the following: "to provide for the regulation and sale of beer and malt liquors on the part of breweries; and to provide means, methods and

regulations for tax paid crown tops and stamps showing tax payment on beer imported into Iowa;”.

The amendment was adopted and the title as amended was agreed to.

Senator Donohue 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.

#### REPORT OF SIFTING COMMITTEE

MR. PRESIDENT: Your sifting committee begs leave to report that it has had House File 557 under consideration and recommends that it be placed on the calendar as amended by said committee.

E. P. DONOHUE, *Chairman.*

#### AMENDMENT TO HOUSE FILE 557

Amend House File 557 by striking all after the enacting clause and inserting in lieu thereof the following:

“Section 1. Section five thousand thirty-five and twelve hundredths (5035.12), Code, 1939, is amended by adding thereto the following: ‘Provided, however, trucks registered under the laws of the state of Iowa and displaying Iowa license plates shall be entitled to a total maximum load on any one axle of any vehicle, including the weight of the vehicle and the load it carries, of seventeen thousand (17,000) pounds for vehicles equipped with pneumatic tires or fourteen thousand (14,000) pounds for vehicles equipped with solid rubber tires, provided the total maximum weight of any vehicle or combination of vehicles and load shall not in any event exceed fourteen (14) tons plus five hundred (500) pounds for each foot or fraction thereof, of distance between the front and rear axles of the vehicle or first and last axle of a combination of vehicles. An axle may be divided into two (2) or more parts, provided, however, that all parts in the same vertical transverse plane shall be considered as one axle.’”

E. P. DONOHUE.

DEWEY E. GOODE.

CARL O. SJULIN.

H. C. BALDWIN.

DE VERE WATSON.

J. T. DYKHOUSE.

LEO ELTHON.

K. A. EVANS.

GEORGE FAUL.

E. P. CORWIN.

J. KENDALL LYNES.

Senator Donohue called up the report of the Sifting Committee on House File 557, a bill for an act to amend chapter two hundred fifty-one and one hundredth (251.01), of the Code, 1939, and five thousand thirty-five and twelve one hundredths (5035.12) pertaining to the maximum weight of any such vehicle or combination of vehicles and moved its adoption.

The motion prevailed and the report of the committee was adopted.

Senator Donohue moved that the amendment contained in the report of the Sifting Committee be adopted.

The motion prevailed and the amendment was adopted.

### THIRD READING OF BILLS

Senator Donohue 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, 42:

Augustine	Emerson	Jones	Mowry
Baldwin	Evans	Keir	Munger
Bekman	Faul	Leo	Pelzer
Berg	Findlay	Long	Shaw
Byers	Fuller	Love	Sjulin
Clark	Hamiel	Lundy	Stewart
Corwin	Hart	Lynes	Talbott
Cromwell	Harvey	Martin	Turner
Donohue	Henningsen	Mercer	Whitehill
Dykhouse	Hess	Miller	Zeigler
Elthon	Hunt		

Nays, 2:

Benson	Watson
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Absent or not voting, 6:

Dewey	Hattery	Johnson	Vrba
Goode	Hill		

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

### EXPLANATION OF VOTE

MR. PRESIDENT: I desire to explain my affirmative vote on House File 557 as amended.

Although I am opposed to trade barriers and felt that this bill may impose a trade barrier by requiring registration of the trucks in Iowa yet I felt constrained to vote "aye" since the bill will benefit Iowa truckers and the barrier raised in all probability and in practice will not materially interfere with inter-state movement since the law relating to trucks not registered in Iowa has not been changed.

ROBERT P. MUNGER.

Senator Donohue offered the following amendment to the title and moved its adoption:

Amend House File 557 by striking the period at the end of the title and

inserting the following: "registered in the state of Iowa and bearing Iowa license plates."

The amendment was adopted and the title as amended was agreed to.

Senator Donohue 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.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 9th he had approved the following:

Senate File 481, relating to teachers' contracts, and to provide for continuing contracts for teachers.

Also that on April 10th he had approved the following:

Senate File 419, providing for the erecting and equipping of an office building on the state capitol grounds.

Senate File 291, authorizing the appointment by the Governor of a commission to cooperate with the Superintendent of Public Instruction in the preparation of a proposed revision and codification of the laws of Iowa relating to education.

Senate File 527, legalizing and validating the election and all proceedings of the town council and town officials of the town of Rudd, holding a special election on the proposition of erecting and equipping a community building and issuing bonds.

Senate File 536, legalizing and validating proceedings taken by the River Front Improvement Commission of Ft. Dodge.

Senate File 541, making an appropriation to the State Tax Commission.

Senate File 10, relating to qualifications and salary of the Superintendent of Glenwood State School.

Senate File 47, regulating the sale of second-hand watches; and prescribing penalties for violation.

Senate File 139, relating to the reinstatement of the corporate rights of cooperative associations.

Senate File 156, relating to soil conservation.

Senate File 187, relating to administration of oaths by certain county officers when authorized and required by the State Tax Commission.

Senate File 242, relating to the use of public school buildings.

Senate File 248, relating to rights and privileges granted persons called, ordered, entering, or inducted into the Military or Naval Forces or Nurse Corps of this state or the United States.

Senate File 340, an appropriation to Muscatine county.

Senate File 467, relating to requirements for Fish and Game licenses.

Senate File 525, relating to and providing for unemployment compensation and to preserve the benefit rights of individuals entering military service.

Senate File 535, relating to and providing for payment of contribution by employers on wages, defining the term "wages" and repealing all acts or parts of acts inconsistent with this act.

Senate File 542, an appropriation from the general fund for improvements, repairs, and supplies for the state capitol buildings and grounds.

Senate File 551, an appropriation to Johnstone Bakery, Boone, and W. H. Alkire of Webster City.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 104, 147, 253, 295, 346, 372, 358, 384, 407, 408, 169, 252, 272, 278, 323, 336, 442, 444, 491, 536, 538, 541, 544, and 146.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 104, 147, 253, 295, 346, 372, 358, 384, 407, 408, 169, 252, 272, 278, 323, 336, 442, 444, 491, 536, 538, 541, 544 and 146.

### 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 and passed House File 557, a bill for an act pertaining to the maximum weight of motor vehicles.

Also: That the House has adopted conference committee report on and amendments recommended therein and passed Senate File 557 a bill to make an appropriation for the miscellaneous expenses of the 49th General Assembly.

Also: That the House has concurred in Senate amendments to and passed House File 415, a bill for an act relating to the tax and restrictions upon the sale of beer and malt liquors. **A. C. GUSTAFSON, Chief Clerk.**

Senator Donohue moved that no further bills be considered by the Senate and that the only business to be done by the Senate be the enrolling of the bills and the details connected therewith, which motion prevailed.

President Hickenlooper announced that in accordance with the provision of Senate File 419 he would appoint the following Senators on the Legislative Advisory Committee: Senators Emerson, Donohue, and Henningsen.

President Hickenlooper announced that in accordance with Senate Concurrent Resolution 24 he would appoint the following Senators to contact all major industries on the use of Iowa coal: Senators Lundy and Bekman.

President Hickenlooper announced that in accordance with the provisions of sections 39 and 40 of the Code, 1939, and other provisions relative thereto, he would appoint the following senators as members of the Committee on Retrenchment and Reform representative of the minority party: Senators Baldwin and Mercer.

President Hickenlooper further designated Senator Shaw, Chairman of the Judiciary Committee No. 1 in the Senate, as Chairman of the Judiciary Committee carrying membership on the Committee on Retrenchment and Reform.

Senator Donohue moved that the Senate recess until the fall of the gavel, which motion prevailed.

The Senate reconvened at the fall of the gavel, President Hickenlooper presiding.

President Hickenlooper announced that in accordance with House Concurrent Resolution 18, he would appoint the following Senators on the Iowa Commission on Interstate Cooperation:

Senators Cromwell, Hunt, Augustine, Harvey, and Love.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS

Senator Vrba 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 91, 173, 176, 207, 400, 401, 404, 513, 557, 558, 415, 57, 138, 153, 155, 344, 351, 515, 526, 177, 289, 301, 352; and Senate Files 15, 59, 179, 211, 221, 336, 414, 440, 510, 528, 538, 540, 35, 245, 407, 438, 462, 164, 199, 256, 455, 505, 523, 529, 553, 554, 555, 556, 557, 176, 194, 238, 310, 352, 353, 360, 396, 429, 472, 475, 476, 524, 526 and 543.

EDWARD H. VRBA, *Chairman Senate Committee.*

GORDON SMITH, *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 57, 138, 153, 155, 344, 351, 515, 526, 91, 173, 176, 207, 400, 401, 404, 513, 557, 558, 415, 177, 289, 301, 352, and Senate Files 15, 59, 179, 211, 221, 336, 414, 440, 510, 528, 538, 540, 35, 245, 407, 438, 462, 164, 199, 256, 455, 505, 523, 529, 553, 554, 555, 556, 557, 176, 194, 238, 310, 352, 353, 360, 396, 429, 472, 475, 476, 524, 526 and 543.

#### BILLS SENT TO THE GOVERNOR

Senator Vrba from the committee on enrolled bills submitted the following report:

**MR. PRESIDENT:** Your committee on enrolled bills respectfully reports that it has, on this 10th day of April, 1941, sent to the governor for his approval Senate Files 15, 59, 179, 211, 221, 336, 414, 440, 510, 528, 538, 540, 35, 245, 407, 438, 462, 164, 199, 256, 455, 505, 523, 529, 553, 554, 555, 556, 557, 176, 194, 238, 310, 352, 353, 360, 396, 429, 472, 475, 476, 524, 526 and 543.

EDWARD H. VRBA, *Chairman.*

Passed on file.

**COMMITTEE TO NOTIFY THE GOVERNOR**

Senator Benson moved that the President appoint a committee of two to wait on the Governor and notify him that the Senate was ready to adjourn sine die and to ascertain whether or not he had any further communication to lay before the Senate. The motion prevailed.

The President appointed as such committee, Senators Benson and Love.

**COMMITTEE TO NOTIFY THE HOUSE**

Senator Benson moved that the President appoint a committee of two to notify the House that the Senate was ready to adjourn sine die.

The motion prevailed.

The President appointed as such committee, Senators Baldwin and Faul.

**REPORT OF SPECIAL COMMITTEE**

The committee appointed to wait upon the Governor reported that it had performed its duty and that the Governor sent the following message:

Congratulations to all the members of the Forty-ninth General Assembly. You have served your State well. You have given to a troubled world a real demonstration of how a republican system of self-government can and should operate. Your efforts will go a long way toward making Iowa a better place in which to live. It has been a pleasure to work with you. I wish you all good luck, and Godspeed.

Geo. A. Wilson.

The report was accepted and the committee discharged.

**A COMMITTEE FROM THE HOUSE**

A committee from the House appeared and announced that the House was ready to adjourn sine die.

**REPORT OF SPECIAL COMMITTEE**

The committee appointed to notify the House that the Senate was ready to adjourn sine die returned and announced that it had performed its duty.

The report was accepted and the committee was discharged.



## FINAL ADJOURNMENT

The hour of five o'clock p. m. having arrived, President B. B. Hickenlooper declared the Senate of the Forty-ninth General Assembly adjourned sine die.



## SENATE FILES APPROVED AFTER SESSION

The following list shows the Senate Files approved by the Governor after the close of the session, with the date of approval.

Following the "Bills Approved" is a copy of the letter of the Governor relative to the veto of Senate File 365, which provided for an appropriation for the first oil-producing well in Iowa.

- S. F. 15—Relating to settlement of estates; payment of legacies; widow's allowance. Approved April 15.
- S. F. 35—Relating to posting of bond on sale or mortgage of real estate in an estate. Approved April 16.
- S. F. 59—To confer jurisdiction on juvenile court in commitment of children over eighteen years of age. Approved April 15.
- S. F. 75—Relating to income tax returns by administrators. Approved April 16.
- S. F. 98—Pertaining to annual tax on mutual assessment insurance associations. Approved April 23.
- S. F. 100—Relating to tax on gross premiums of foreign insurance companies. Approved April 23.
- S. F. 103—Legalizing certain judgments and decrees. Approved April 23.
- S. F. 106—Relating to legalization of acts concerning corporations. Approved April 16.
- S. F. 116—Relating to powers and duties of state comptroller. Approved April 15.
- S. F. 137—Relating to taxation of insurance companies. Approved April 16.
- S. F. 164—Relating to archives. Approved April 16.
- S. F. 176—Relating to payment for cigarette tax stamps. Approved April 15.
- S. F. 179—Relating to group insurance with respect to contractual relationship. Approved April 15.
- S. F. 194—Providing for levy of taxes for airports. Approved April 15.
- S. F. 199—Relating to millage rate for fire department maintenance fund. Approved April 30.
- S. F. 211—Relating to practice of optometry and dispensing of ophthalmic lenses. Approved April 14.
- S. F. 221—Relating to licensing of dogs; ordinances to prohibit running at large. Approved April 15.
- S. F. 228—Relating to issuance of duplicate sheriff's certificate of sale. Approved April 15.
- S. F. 238—Relating to ratio of representation in the House of Representatives. Approved April 15.
- S. F. 245—To create fund for emergency relief; administration thereof by board of social welfare. Approved April 16.

- S. F. 256—Relating to duties of reporter of Supreme Court and code editor. Approved April 16.
- S. F. 257—Relating to salaries of assessors and deputies in certain cities. Approved April 16.
- S. F. 284—Relating to street improvements and sewers. Approved May 5.
- S. F. 287—Pertaining to reciprocal or interinsurance contracts. Approved April 15.
- S. F. 310—Relating to inclusion of prior suspended taxes in tax sales; penalty and interest thereon. Approved April 15.
- S. F. 331—To require one year residence in county for free care in county hospitals. Approved April 21.
- S. F. 336—Relating to practice of professional engineering. Approved April 30.
- S. F. 352—Relating to unemployment compensation; to permit appeal by employers. Approved April 16.
- S. F. 353—Relating to appointment and compensation of employees of unemployment compensation commission. Approved April 23.
- S. F. 360—To require quarterly publication or posting of school district proceedings. Approved April 24.
- S. F. 365—To make an appropriation for first oil producing well in Iowa. Vetoed May 1.
- S. F. 388—Relating to collection of taxes on insurance company premiums. Approved April 23.
- S. F. 396—Relating to funds available for farm-to-market road system. Approved April 15.
- S. F. 398—Relating to regulation of sale of securities. Approved April 15.
- S. F. 407—Making an appropriation for use of conservation commission. Approved May 5.
- S. F. 411—Relating to exemption from income tax of certain profits made outside the state. Approved April 15.
- S. F. 414—Relating to regulation of sale of commercial fertilizers. Approved April 16.
- S. F. 418—Authorizing highway commission in enforcement of maximum weight laws. Approved April 16.
- S. F. 429—Relating to election of park commissioners. Approved April 15.
- S. F. 438—Relating to salary of treasurer of state fair board. Approved April 15.
- S. F. 440—Relating to certain claims against state; providing for investigation and payment. Approved April 15.
- S. F. 455—Providing for rules by conservation commission with respect to use of state waters by aircraft. Approved April 21.
- S. F. 462—To appropriate funds for various state departments. Approved April 15.
- S. F. 469—Relating to collection of taxes on liquefied gas. Approved May 5.
- S. F. 472—Relating to compensation of examiners and assistants in state auditor's department. Approved April 21.
- S. F. 475—Relating to unemployment compensation; defining "wages" and "annual payroll". Approved April 15.
- S. F. 476—Relating to employment service in Iowa; preservation and destruction of records. Approved April 16.

- S. F. 484—Making an appropriation for purchase of certain real estate near Iowa State Teachers College. Approved May 5.
- S. F. 505—Relating to control and eradication of Bang's disease in cattle. Approved April 30.
- S. F. 510—To make appropriations to Clarke county and Dr. C. R. Harken. Approved April 15.
- S. F. 523—Authorizing counties, cities, towns and school corporations with respect to refunding of indebtedness. Approved April 23.
- S. F. 524—Relating to fees for attorneys employed by referees in partition actions. Approved April 15.
- S. F. 526—Making an appropriation for improvement and equipment at the University of Iowa. Approved May 5.
- S. F. 528—Authorizing cities and towns to incur indebtedness for construction, purchase, or remodeling of city halls. Approved April 15.
- S. F. 529—Providing for conveying of certain lands in Allamakee and Clayton counties to the United States. Approved April 21.
- S. F. 538—Providing for preservation of Iowa title to deposits made by domestic insurance companies in case of reinsurance. Approved April 15.
- S. F. 540—Redistricting state into eight congressional districts. Approved April 15.
- S. F. 543—Relating to bonds issued by cities and towns for self-liquidating improvements. Approved May 5.
- S. F. 553—Providing for exemption from inheritance tax in case of property passing to veterans' organizations. Approved April 16.
- S. F. 554—Relating to salaries of members of Iowa highway patrol. Approved April 21.
- S. F. 555—Requiring maintenance of deposits by alien insurance companies doing business in Iowa. Approved April 15.
- S. F. 556—Providing for electors in military service to vote in primary and general elections. Approved April 21.
- S. F. 557—Making appropriation for use of board of control, and for miscellaneous expenses of the general assembly. Approved April 15.

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May 1, 1941.

TO THE HONORABLE MEMBERS OF THE SENATE, FORTY-NINTH IOWA GENERAL ASSEMBLY.

GENTLEMEN: This will advise the members that I have disapproved the following bill on the date shown: May 1, 1941.

Senate File 365, an Act to make an appropriation to the person, firm or corporation for the first producing oil well in Iowa.

Senate File 365 is an Act to make an appropriation to the person, firm, or corporation for the first producing oil well in Iowa. Two years ago, a similar bill came before me from the General Assembly, and I disapproved with the following statement of objections:

"House File 433 is a bill for an act to make an appropriation for the first producing oil well in Iowa.

"By the terms of Section 1, there is appropriated the sum of \$25,000 to

the first person, firm or corporation who, in this state, shall drill the first producing oil well.

"It will be noted that, when the measure was before the House for final passage, sixty-two members thereof voted in favor of the Act, and when it was before the Senate on final passage, twenty-eight votes were cast in favor of the bill.

"Section 31, Title III of the Constitution provides in part, 'no public money shall be appropriated for local or private purposes, unless such appropriation . . . be allowed by two-thirds of the members elected to each branch of the General Assembly.'

"Thus, it is apparent from an examination of the record that the bill did not receive the required number of votes in either branch of the Assembly. So, for the reason above stated, I disapprove of the bill."

The situation existing with respect to Senate File 365 is identical, the bill having received a total of 29 ayes and 17 nays, upon the final passage in the Senate, and in the House, 65 ayes and 22 nays.

For the reason that this is the second time that this bill has come before me with less than a two-thirds vote, I deemed it advisable to refer the question of its passage to the Attorney General for a decision.

His opinion, given under date of April 29, 1941, follows:

"HON. GEO. A. WILSON,  
"Governor,  
"State House.

"MY DEAR GOVERNOR:

"I have your favor of April 24th in which you ask the following question:

" 'Did Senate File 365, in view of the recorded vote and the Constitution as cited, pass or fail to pass the two houses?'

"An examination of the journals of the Senate and House discloses that Senate File 365 did not receive the affirmative vote of two-thirds of the members elected to each branch of the General Assembly.

"It is the conclusion of this department that this Act attempts to appropriate money for 'local or private purposes' and that it failed to pass the two Houses.

"Yours very truly,  
"JOHN M. RANKIN,  
"Attorney General of Iowa."

For the reason set out in the above opinion from the Attorney General, I disapprove of Senate File 365.

Sincerely yours,  
GEO. A. WILSON.

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## IN MEMORIAM

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### *Senate*

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CASSIUS C. DOWELL.....February 29, 1864-February 4, 1940  
GEORGE M. HOPKINS.....October 16, 1866-October 2, 1940  
C. COLFAX SMITH.....November 28, 1868-December 5, 1939  
FRANK E. ELLIS.....March 12, 1879-February 6, 1941  
WILLIAM C. COCHRANE.....February 10, 1867-March 28, 1941  
ARTHUR L. RULE.....January 4, 1876-November 4, 1940  
O. A. BYINGTON.....December 1, 1859-January 7, 1941  
BENJAMIN F. SHAMBAUGH.....January 29, 1871-April 7, 1940  
HARRY B. SWAN.....February 1, 1894-March 13, 1941  
M. L. HUTTON.....February 11, 1886-February 18, 1941

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# JOURNAL OF THE SENATE

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## MEMORIALS

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### CASSIUS C. DOWELL

MR. PRESIDENT: Your committee, which was appointed to prepare and report resolutions commemorating the character, service and life of the late Cassius C. Dowell, begs leave to submit the following report:

Cassius C. Dowell was born February 29, 1864, in a log cabin which stood upon Scotch Ridge in the northern part of Warren County, Iowa. He was reared there on the family farm and acquired his early education in the public schools. Later, he attended Simpson College at Indianola, Iowa, and finally he was graduated from the Liberal Arts and the Law College of Drake University in Des Moines. He was admitted to the Bar of the State of Iowa in 1888. Immediately entering the practice of law in Des Moines, he continued in his chosen profession for twenty-six years.

In 1914, he forsook the law, upon election to the House of Representatives of the Congress of the United States, and thereafter devoted his full time and energy to public service.

Shortly after his admission to the Bar, he was appointed and served as Assistant County Attorney of Polk County, and thereafter in his private practice he was at various times associated with other leading members of the Bar of his County and State, handling much important litigation with credit to himself and satisfaction to his clients. Politics and public service, however, had a strong and early attraction for him.

Cassius C. Dowell was elected to the House of Representatives of the General Assembly of Iowa in 1893, and served in such body from 1894 to 1898. In 1901 he was elected to the Senate of the General Assembly of Iowa, where he served from 1902 to 1912. He rendered notable service in both bodies of the General Assembly as Chairman of the Judiciary Committees, and throughout his years of service in the General Assembly exhibited a broad knowledge of parliamentary and legislative procedure.

In 1914, Cassius C. Dowell was elected to the House of Representatives of the Congress of the United States, where he served continuously, except for the Seventy-fourth Congress, down to the date of his death. During his twenty-three years of service in that body, he served at various times on the Committee on Territories, the Judiciary Committee, the Committee on Elections No. 3 and the Committee on Roads. In 1919 he became Chairman of the Committee on Elections, which chairmanship he relinquished in 1921 to assume the chairmanship of the Committee on Roads, which chairmanship he held until 1933. As a member and Chairman of the Committee on Roads, he was responsible for much of the legislation pertaining to aid for the Federal Highway System and was Nationally known as a leader in the good roads' movement. His service in the Congress was marked by his deep interest in the problems of agri-



culture, the Federal Highway System and the Nation's territorial problems. In the Congress of the United States, as in the General Assembly of Iowa, he was recognized as a parliamentary authority. His devotion to office is attested to by his unflinching attendance upon the sessions of Congress and the fact that he never failed to vote upon matters coming before that body for consideration.

While his career at the Bar and in public office was marked by conservatism and caution, nevertheless it was equally recognized that he had the unflinching courage to act when the time for action came.

Cassius C. Dowell died at Washington, D. C., on February 4, 1940, while serving in the Congress of the United States, survived by his widow, Belle Riddle Dowell, who served as his Secretary during his years of service in this body, and by his sister, Sidna J. Dowell.

Cassius C. Dowell enjoyed the respect and affection of those with whom he served at the Bar and in public life. By his death, Iowa lost an able and faithful servant.

*Therefore, Be It Resolved*, That in the passing of the Honorable Cassius C. Dowell the State of Iowa mourns the loss of one of its most honored and distinguished citizens.

*Be It Further Resolved*, That a copy of this resolution be printed in the Journal of the Senate and that enrolled copies hereof be sent to the members of his family.

GEORGE M. FAUL,  
JOHN R. HATTERY,  
HUGH W. LUNDY,

*Committee.*

The resolution was unanimously adopted.

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#### GEORGE M. HOPKINS

MR. PRESIDENT: Your committee, appointed to prepare a suitable memorial commemorating the life and service of George M. Hopkins of Bear Grove, Iowa, begs leave to submit the following report:

George M. Hopkins was born in Bear Grove, Iowa, October 16, 1866, and died at his home in Bear Grove, southwest of Guthrie Center, October 2, 1940. He received his education in the Guthrie county rural schools, Guthrie county high school, Western Normal College in Shenandoah, Iowa, and Varparaiso Normal School in Varparaiso, Indiana.

Mr. Hopkins taught in the rural schools of Iowa and Nebraska for four years and served seven years as principal of the village school at Bassett, Nebraska. He was elected county superintendent of Rock county, Nebraska, where he served for eight years. Later he spent 12 years as township school board member and 11 on the county board of education. As senator, he represented Guthrie, Dallas and Audubon counties.

Senator Hopkins was married in 1894 to Alma Laura Green at Kirkwood, Nebraska, Mrs. Hopkins preceding him in death in April of this year.

Surviving are three sons: Mark Hopkins, Houston, Texas; Donald Hopkins of Yankton, South Dakota, and Masey Hopkins of Guthrie Cen-

ter. Two daughters, Mrs. Margie Orth of Racine, Wisconsin, and Dorothy Hopkins of Guthrie Center also survive. He leaves a brother, Ed Hopkins of Bassett, Nebraska, and a sister, Mary Hopkins of Guthrie Center.

Senator Hopkins had been in ill health for about a year and was not a candidate for re-election to the state senate, of which he had been a member since 1932. Prior to his terms in the senate he had served as a representative in the house, being elected in 1926, and re-elected in 1928 and 1930. During his terms in both houses he won a reputation as a champion of school reforms, his wide experience in the field of education making him a valuable supporter of this type of legislation; therefore,

*Be It Resolved by the Senate of the Forty-ninth General Assembly of Iowa in Regular Session:* That in the passing of George M. Hopkins the state mourns the loss of a valuable and honored citizen and a man of strong character, and the Senate of Iowa by this resolution extends its sympathy to his family.

*Be It Further Resolved,* That a copy of this memorial resolution be printed in the Journal of the Senate and that the secretary be directed to send enrolled copies to the members of the family of the deceased.

AI MILLER,  
FRANK BYERS,  
E. P. CORWIN,

*Committee.*

The resolution was unanimously adopted.

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### C. COLFAX SMITH

MR. PRESIDENT: Your committee appointed to prepare suitable resolutions commemorating the life, character, and public service of the late Honorable C. Colfax Smith, begs leave to submit the following:

C. Colfax Smith was born in Adair county, November, 1868. His early education was obtained in the public schools, and the high school in Harlan, Iowa. He taught for a short time in the country schools, then took a college course and became superintendent of schools in Fontanelle, Iowa. Resigned this position to enter Northwestern Medical School, where he finished in 1904. Married to Rachel Corrough of Malcom, Iowa, and has two daughters: Louise, a librarian in Toledo, Ohio; and Marian Elizabeth (Mrs. Arthur) Oliphant of Des Moines. He was a Mason and Odd Fellow and a member of the Presbyterian church.

C. Colfax Smith was a member of the Senate during the Forty-seventh and Forty-eighth General Assemblies from the Thirty-ninth District, Butler and Bremer counties, and had been a member of the House during the Forty-sixth General Assembly from Butler county.

During the last few months of his life he was in poor health, intermittently confined, and gradually grew worse until his death which occurred December 5, 1939, at Clarksville, Iowa, where he resided.

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* In the passing of Senator Smith the State of Iowa has lost a faithful

servant and the people a real friend; and we extend to Mrs. Smith and family our sincere sympathy.

*Be It Further Resolved*, That a copy of this resolution be entered in the memorial section of the Journal, and that a copy be sent to the surviving widow.

J. KENDALL LYNES,  
A. J. SHAW,  
ROBT. W. HARVEY,

*Committee.*

The resolution was unanimously adopted.

FRANK E. ELLIS

MR. PRESIDENT: Your committee appointed to prepare suitable resolutions commemorating the life, character, and public service of the late Honorable Frank E. Ellis, begs leave to submit the following:

Frank E. Ellis, son of Honorable J. W. and Mary Forbes-Ellis, was born on a farm in Jackson county, March 12, 1879, and passed away at his home in Maquoketa, February 6, 1941. He taught in the public schools for two years, then engaged in the insurance and real estate business. He expended great effort in collecting and maintaining the Frank Ellis Museum of archaeology and anthropology in Maquoketa, housed in a beautiful fireproof building which he erected in 1930, and which is free to school children.

He was an honored member of the Senate in the sessions of the Forty-seventh and Forty-eighth General Assemblies. In politics he was always affiliated with the Democratic party, although he numbered among his friends the adherents of all political parties. He enjoyed the confidence, respect, and esteem of all who knew him, irrespective of political affiliation. On all moral questions his voice and vote were always on the side of righteous living. His unswerving fidelity to duty, his faithfulness in every public and private trust, and his character as a citizen, inspired all with whom he came in contact to a higher ideal of life and living.

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* In the passing of Senator Ellis, a great bereavement is recognized by the community in which he lived, and the state of Iowa which he served with distinguished ability and unquestioned fidelity.

*Be It Further Resolved*, That a copy of this resolution be entered in the memorial section of the Journal of the Senate, and a copy sent to the surviving relatives.

D. D. FULLER,  
ROSS R. MOWRY,  
A. E. AUGUSTINE,

*Committee.*

The resolution was unanimously adopted.

## WILLIAM C. COCHRANE

MR. PRESIDENT: Your committee appointed to prepare suitable resolutions commemorating the life, character, and public service of the late Honorable William C. Cochrane of Red Oak, Iowa, begs leave to submit the following:

William Cochrane, son of William and Catherine Brunt Cochrane, was born in Hartford, Warren county, Iowa, on the 10th day of February, 1867, and died at Los Angeles, California, on the 28th day of March, 1941.

When he was five years old his parents moved to Des Moines and five years later they moved to Monroe, Iowa, where he grew to manhood. He was educated in the public schools of Des Moines and Monroe. When he was thirteen his father died and, being the eldest son, he shared with his mother the responsibility of rearing and educating the younger children. At the age of eighteen, he was offered a position with a mercantile firm in Monroe, which he accepted. Seven years later he bought a half-interest in the business, making the first payment of \$1,500 with funds which he had saved from his modest salary.

In 1895 he was married to Miss Myrtle Murphy who died on May 13, 1924. To them were born three daughters.

In 1900 Mr. Cochrane joined his brother-in-law, the late Thos. D. Murphy, in organizing the Thos. D. Murphy Company, for the manufacture and sale of art calendars. For the first eighteen years he was sales manager for the company, building up a force of specialty salesmen throughout America and establishing a market for the company's product in all the English speaking countries of the world. Upon Mr. Murphy's death, September 15, 1928, Mr. Cochrane became president of the company, and in 1935 he bought the controlling interest in the firm.

He was married on February 1, 1939, to Miss Clara Lou Cowgill of Villisca.

Mr. Cochrane took a deep interest in the community and the state of Iowa. He served on the city council for six years, and as president of the park commission for four years. He served on the committee that established the Red Oak Chautauqua, and acted as its president for several years. He was also president of the Montgomery County Welfare League for a number of years.

For fifteen years Mr. Cochrane was a director of the Iowa Manufacturers Association, and was president of the same in 1921 and 1922. He was also president of the Advertising Specialty Association, a national organization, and in that capacity was its official representative at the international convention in Berlin, Germany, in 1928.

For many years he was director of the Employers' Mutual Casualty Company of Des Moines, one of the larger insurance companies.

When the United States entered the World War, President Woodrow Wilson appointed him a member of the selective service board of the southern district of Iowa, with headquarters in the State House in Des Moines. He served throughout the war, a part of the time as president of the board. He was also president of the Montgomery County Red Cross during that time, and continued in that capacity until his death.

Mr. Cochrane was chairman of the Montgomery County good roads commission, when the bond issue for the first pavement was voted.

He took a deep interest in politics, being a Republican all of his life. He believed it to be the duty of every citizen not only to vote, but also to work for the political principles in which he believed. He was selected presidential elector for the Ninth Congressional District in 1912 and for the Seventh Congressional District in 1940 on the Republican ticket. He was a delegate to the Republican National Convention in Cleveland in 1936.

He was elected State Senator from Mills and Montgomery counties to the 42nd extra session, and re-elected to the 43rd and 44th sessions. He resigned from the 44th session because of ill health.

Mr. Cochrane was chairman of the official board of the First Methodist Church, and for 25 years taught in the Sunday School. He was a Rotarian, Shriner and a member of the Masonic bodies.

He is survived by his widow and three daughters, Mrs. Malcolm D. Lomas, Mrs. J. Lyman Turner and Mrs. John L. Crofts; four granddaughters, Mary Joe, Louise and Margaret Lomas, and Joanna Turner, and one grandson, William Cochrane Turner; two brothers, James H. Cochrane of Des Moines, and L. W. Cochrane of Joplin, Missouri; one sister, Mrs. John Gray of Maryville, Missouri. A nephew, Thomas C. Murphy, son of his life-long business partner, Thos. D. Murphy, also survives, as do several other nieces and nephews.

The record of his life above shows a man true in character, democratic in spirit, and an honor to his community, state and nation.

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* In the passing of Senator Cochrane the State of Iowa has lost a faithful servant and the people a real friend; and we extend to Mrs. Cochrane our sincere sympathy.

*Be It Further Resolved,* That a copy of this resolution be entered in the memorial section of the Journal, and that a copy be sent to the surviving widow.

K. A. EVANS,  
FRANK C. BYERS,  
CARL O. SJULIN,

*Committee.*

The resolution was unanimously adopted.

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#### ARTHUR L. RULE

MR. PRESIDENT: Your committee appointed to prepare suitable resolutions commemorating the life, character, and public service of the late Honorable Arthur L. Rule, begs leave to submit the following:

Arthur L. Rule was born in Mason City, Iowa, January 4, 1876, and was a resident of that city his entire life where he was identified with numerous enterprises connected with the growth of the community. He was a member of the law firm of Blythe, Markley and Rule from 1903 until his death.

As a young man Mr. Rule attended Shattuck Military Academy at

Faribault, Minnesota, and Northwestern University and was a graduate of the State University of Iowa, where he received his law degree. On June 5, 1901, he was married to Miss Edith Brady of Cedar Rapids, who preceded him in death, and from this union two daughters were born, Mrs. Edith Rule Carrington and Miss Margaret B. Rule.

Mr. Rule was a veteran of the Spanish-American War where he became a personal friend of General Rush Lincoln, a relative of Abraham Lincoln. He was a Lieutenant Colonel in the Iowa National Guard. Being a profound student of Lincoln, Mr. Rule was always delighted to speak on the life of the Great Emancipator at the annual observance of Lincoln's birthday and on February 12, 1931, he gave an address on Lincoln before a joint session of the Iowa legislature. In 1916 Mr. Rule was elected to the Iowa Senate, where he served for four years.

Arthur Rule came as near as anyone could to being everyone's friend and counsellor and he was always happy to converse with people interested in history and the theatre. During his lifetime he made a wide acquaintance among the leading theatrical people of our country and many a time was host to theatrical and circus people when they visited his home town of Mason City.

Mr. Rule passed away on November 4, 1940, at his home in Mason City.

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* In the passing of Senator Rule the State of Iowa has lost a faithful servant and the people a real friend; and we extend to Mrs. Edith Rule Carrington and Miss Margaret B. Rule our sincere sympathy.

*Be It Further Resolved,* That a copy of this resolution be entered in the memorial section of the Journal, and that a copy be sent to the two surviving daughters.

OSCAR E. JOHNSON,  
LEO ELTHON,  
E. P. DONOHUE,

*Committee.*

The resolution was unanimously adopted.

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#### O. A. BYINGTON

**MR. PRESIDENT:** Your committee appointed to prepare suitable resolutions commemorating the life, character, and public services of the late Honorable O. A. Byington, begs leave to submit the following:

Otto A. Byington was the son of pioneer parents, Mary and LeGrand Byington, who came from Chillicothe, Ohio, in 1849 to make their permanent home in Iowa City. He was the fourth child in a family of six. Attending the local schools, Mr. Byington became a student at the University of Iowa, from which he received his liberal arts degree in 1880 and his degree in law the following year. From that time on he practiced law in Iowa City.

On June 1, 1889, he was married to Fannie Bremner of Marshalltown, who preceded him in death in 1929. He is survived by two sons, Dr. L. B. Byington of San Francisco, Calif., and William O. Byington of Iowa City.

He was a member of the Masonic lodge, Kiwanis club, and served for many years as an elder of the First Presbyterian Church.

His political career began in 1886 when he was elected as County Superintendent of Schools of Johnson county. From 1903 to 1907, he served as Judge of the District Court for Iowa and Johnson counties, and throughout the years has been known as "Judge" Byington, despite his insistence that he was simply a lawyer and no longer a judge. In 1896, he was elected to the House of Representatives and served in that body during the Twenty-sixth General Assembly and the Twenty-sixth Extra Session, and from 1917 to 1921 as Senator during the Thirty-seventh and Thirty-eighth General Assemblies.

Mr. Byington came as near as anyone could to being everybody's friend, and was respected and admired by those who knew him. His counsel and advice were sought by many in public life.

He always managed to keep in touch with his classmates of college days and liked to entertain them at commencement time. His liberal arts class held its 60th reunion at his home last June.

Mr. Byington had been subjected to a heart ailment for the last several years, and although he was apparently recovering satisfactorily from an operation last September, a recurrence of his coronary disturbance proved fatal and he passed away, January 7, 1941. *Therefore,*

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* In the passing of Senator Byington the state has lost a valuable citizen and a faithful public servant whose counsel will be missed.

*Be It Further Resolved,* That a copy of this resolution be printed in the Journal of the Senate as a commemoration of his life, and that enrolled copies hereof be transmitted to the members of the family of the deceased.

LEROY S. MERCER,  
ROSS R. MOWRY,  
E. P. CORWIN,

*Committee.*

The resolution was unanimously adopted.

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### BENJAMIN F. SHAMBAUGH

MR. PRESIDENT: Your committee appointed to prepare suitable resolutions commemorating the life, character, and public service of the late Benjamin F. Shambaugh, begs leave to submit the following:

When the spirit of Benjamin F. Shambaugh soared out and above the din and dust of time into the realm of rest and peace on the seventh day of April, 1940, the State of Iowa lost an efficient counsellor and a true friend.

As a professor of the State University of Iowa for over forty years, which is perhaps longer than any other professor ever served a university or college, he had been recognized as one of the outstanding leaders in the political science field of the United States. His efforts were sincere in this work and many men from all parts of our country in this particular profession followed his guidance. He had been honored

by many universities and colleges for his untiring service to the University and this work in particular.

As a member of the Board of Curators of the State Historical Society of Iowa from 1896 to 1907, and as the first Superintendent and Editor of the Society from 1907 to the date of his death, he promoted the cause of Iowa History with vision and with creative genius.

His high standards of research, his critical editing of more than 75,000 pages of Iowa History, and his achievement of taste and excellence in the style and format of its publications gave to the Society the distinction of ranking first in research and publications among the historical societies of this country.

His desire to make the history of the State accessible to all the citizens of the Commonwealth brought personal recognition of his services to the State.

His quiet dignity, his imaginative brilliancy, his dramatic method, all contributed to the charm and inspiration of his personality.

His magnetic personality and his friendly interest inspired many young scholars to enter upon research with zeal and enthusiasm.

His high standard of efficiency in administration, his unquestioned integrity, and his great concern for the welfare of those associated with him challenged unusual loyalty and cooperation from staff and governing body.

His spirit of devotion, his undaunted idealism, and his untiring energy will live in the memory of all those who were associated with him and who attempt to carry on his work and his vision.

*Be It Resolved by the Senate of the Forty-ninth General Assembly:* In the passing of Dr. Shambaugh the State of Iowa has lost a faithful and real friend; and we extend to Mrs. Shambaugh our sincere sympathy.

*Be It Further Resolved,* That a copy of this resolution be entered in the memorial section of the Journal, and that a copy be sent to the surviving widow.

O. H. HENNINGSEN,  
CARL O. SJULIN,  
LEROY S. MERCER,

*Committee.*

The resolution was unanimously adopted.

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#### HARRY B. SWAN

MR. PRESIDENT: Your committee appointed to prepare suitable resolutions commemorating the life, character, and public services of the late Harry Bryant Swan, begs leave to submit the following report:

Harry Bryant Swan was born February 1, 1894, at Atlantic, Iowa, within a block of his present home. His parents were natives of the state of Maine. On his mother's side he traced his ancestry to the Mayflower and to the Revolutionary War stock.

In his youth he struggled to get an education, shoveling snow, selling newspapers, and doing janitor work to obtain the necessary funds; and



later he worked his way through the State University of Iowa where he was graduated from the college of law. He began the practice of law in his home town in 1915 where his father also was an attorney.

Mr. Swan served in the World War, receiving the commission of first lieutenant. After his return, he was elected city councilman in Atlantic.

In the state primaries of 1934 he was candidate for the Republican nomination for the office of Attorney General. In 1939 he was honored by being elected to the position of state chairman of his party, which office he held at the time of his death. He performed the duties of this office in an outstandingly capable manner.

He was a member of the State Bar Association and the American Bar Association, a Legionnaire, a Rotarian, and a member of the Elks and the Masonic lodges.

He was an inspiring leader, a tireless worker and beloved by all who came in contact with him. In this period of dire national crisis, our country can ill afford the loss of the counsel and guidance of this noble American. His untimely and tragic death will be keenly felt by all who knew him; *now therefore,*

*Be It Resolved by the Senate:* That in the passing of Harry Bryant Swan, the community, the state and the nation have lost a valued and beloved citizen; and that in honor of his life and services these resolutions be spread upon the Journal of the Senate, and that the Secretary of the Senate be directed to forward an enrolled copy to the family of the deceased.

FRANK PELZER,  
DE VERE WATSON,  
H. S. LOVE,  
K. A. EVANS,  
OLIVER TURNER,

*Committee.*

The resolution was unanimously adopted.

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#### M. L. HUTTON

**MR. PRESIDENT:** The committee appointed to choose a suitable resolution commemorating the life, character and public service of M. L. Hutton submits the following:

M. L. Hutton was born on a farm in Washington county, Iowa, on February 11, 1886, and died at the Mercy Hospital in Des Moines, February 18, 1941. Mr. Hutton attended public school in Columbus City and Columbus Junction, Iowa, and the Iowa State College, where he majored in Civil Engineering. After graduation he was employed by the C. M. & St. P. Ry. on the Pacific Coast for about fifteen months, and was then employed by the Great Northern Railway in the maintenance of way department. He served as county engineer of Louisa county from 1912 to 1914, and engaged in private engineering and was employed by the Central States Engineering Company of Muscatine during the year 1915. During the years 1916 to 1919, he was county engineer of Des Moines county and from 1919 to 1929 he was in the employ of

Iowa State Highway Commission. During this time he was in charge of road work at state institutions, and for four years was head of the department of Road Administration. From 1929 to 1935 he was administrator for the Board of Conservation and from 1933 to 1935 served as chief engineer of emergency conservation work for the state of Iowa. From 1934 until the date of his death, he served as supervisor of the state planning board survey of lakes and streams. He also was, at the date of his death, director of state conservation.

On April 25, 1913, he was united in marriage with Miss Tecla Johnson of Hallock, Minnesota. One son, Donald, was born to this marriage. Mr. Hutton is survived by his wife and son.

*Be It Resolved*, That in the passing of M. L. Hutton, the state of Iowa mourns the loss of one of its honored and distinguished citizens and servants.

*Be It Further Resolved*, That a copy of this resolution be printed in the Journal of the Senate as a commemoration of the life and worth of the deceased and that enrolled copies hereof be made and given to his wife and son.

A. CLAIRE DEWEY,  
E. P. CORWIN,  
CARL O. SJULIN,

*Committee.*

The resolution was unanimously adopted.

# HISTORY OF SENATE BILLS IN SENATE

## SENATE FILES AND JOINT RESOLUTIONS PASSED AND APPROVED—206

J. R. 1, 2.

2, 3, 6, 7, 10, 14, 15, 16, 17, 18, 19, 22, 25, 27, 31, 32,  
33, 35, 36, 42, 43, 44, 47, 50, 52, 58, 59, 61, 62, 64, 66, 67,  
69, 70, 73, 75, 79, 80, 85, 86, 89, 90, 91, 97, 98, 99, 100, 103,  
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302, 306, 310, 311, 315, 317, 318, 331, 333, 336, 339, 340, 349, 352, 353, 356,  
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524, 525, 526, 527, 528, 529, 535, 536, 538, 539, 540, 541, 542, 543, 544, 545,  
546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557.

Passed both Houses, vetoed by Governor, S. F. 365.

### RECORD OF EACH SENATE BILL

S. F.	Page	S. F.	Page
1	By Faul, Bekman, Hattery, Lundy and Johnson. To provide uniform state-wide aid to dependent children; to prescribe powers, duties of welfare boards; to repeal widows' pension laws.	4	By Faul. To provide for support of minor children in divorce actions prior to term time.
	Introduced, passed on file..... 8		Introduced, passed on file..... 9
	Referred ..... 84		Referred ..... 84
	Recommended for passage..... 210		Amendment filed ..... 87
	Action deferred ..... 261		Recommended for amendment and passage ..... 578
	Amendment adopted ..... 263	5	By Dewey and Shaw. Relating to retail sales tax; to provide for collection and impose penalties for violation of provisions thereof.
	Passed; ayes 42, nays none..... 263		Introduced, passed on file..... 9
2	By Berg. To require physical examination before marriage license is issued.		Referred ..... 84
	Introduced, passed on file..... 8		Amendment filed ..... 464
	Referred ..... 84		Amendment printed in bill form 461
	Recommended for passage..... 266		Returned without recommendation ..... 628
	Amendments adopted ..... 352, 353		Placed on calendar..... 807
	Passed; ayes 47, nays 2..... 354		Amendment filed ..... 821
	Returned with House amendment ..... 729	6	By Mowry. To provide for additional levy by supervisors for support of poor.
	Concurred in part..... 802		Introduced, passed on file..... 9
	Report of conference committee and amendment adopted.... 948		Referred ..... 84
	Passed; ayes 41, nays 3..... 948		Amendment filed ..... 139
	Reported enrolled ..... 1028		Recommended for passage..... 164
	Signed by President..... 1029		Amendment adopted ..... 166
	Sent to Governor..... 1029		Passed; ayes 35, nays 5..... 166
	Signed by Governor..... 1136		Title amended ..... 166
3	By Faul. Relating to procedure for assessing real, personal property in certain cities; appointment and powers of assessors and boards of review.		Returned from House..... 180
	Introduced and passed on file... 9		Reported enrolled ..... 193
	Referred ..... 84		Signed by President..... 193
	Recommended for passage..... 107		Sent to Governor..... 193
	Amendment filed ..... 108		Signed by Governor..... 233
	Amendments adopted ..... 119	7	By Mowry. Relating to term of office of county school superintendent; time of annual report.
	Passed; ayes 48, nays none..... 120		Introduced, passed on file..... 10
	Returned from House..... 274		Referred ..... 84
	Reported enrolled ..... 297		Recommended for passage..... 168
	Signed by President..... 297		Passed; ayes 43, nays 1..... 176
	Sent to Governor..... 297		Returned with House amendment ..... 433
	Signed by Governor..... 355		Concurred ..... 439

S. F.	Page
Passed; ayes 46, nays none.....	439
Reported enrolled .....	515
Signed by President.....	516
Sent to Governor.....	516
Signed by Governor.....	554
8 By Mowry. Relating to settlement of estates; payment of claims and legacies; widow's allowance.	
Introduced, passed on file.....	10
Referred .....	84
9 By Vrba. Relating to exemption of property from taxation of aged or infirm persons.	
Introduced, passed on file.....	13
Referred .....	84
Recommended for indefinite postponement .....	301
Indefinitely postponed .....	341
10 By Evans. Relating to qualifications and salary of superintendent of state school at Glenwood.	
Introduced, passed on file.....	13
Referred .....	84
Recommended for amendment and passage .....	279
Amendment adopted .....	401
Passed; ayes 41, nays none.....	402
Returned from House.....	1102
Reported enrolled .....	1168
Signed by President.....	1168
Sent to Governor.....	1168
Signed by Governor.....	1258
11 By Hill. To quiet title of real estate; to establish interest therein.	
Introduced, passed on file.....	13
Referred .....	84
12 By Hill. Pertaining to exemption of agricultural produce; to extend benefits to owners of sealed grain.	
Introduced, passed on file.....	13
Referred .....	85
Recommended for passage.....	211
H. F. 34 substituted.....	414
13 By Stewart. To permit sale of land by counties to anyone instead of to school districts only.	
Introduced, passed on file.....	13
Referred .....	85
Recommended for passage.....	185
Passed; ayes 37, nays none.....	194
14 By Faul. To legalize payments made by counties to institutions for support of neglected, dependent and delinquent children.	
Introduced, passed on file.....	13
Referred .....	85
Recommended for passage.....	185
Passed; ayes 39, nays none.....	197
Returned with House amendment Concurrred .....	682
Passed; ayes 36, nays none.....	697
Reported enrolled .....	783
Signed by President.....	783
Sent to Governor.....	784
Signed by Governor.....	846

S. F.	Page
15 By Faul. To provide certain maximum allowance to institutions for care of neglected, dependent and delinquent children.	
Introduced, passed on file.....	14
Referred .....	85
Recommended for passage.....	210
Passed; ayes 35, nays 12.....	274
Returned from House.....	1196
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.....	
16 By Faul. Relating to rights, privileges of persons entering military service.	
Introduced, passed on file.....	14
Referred .....	85
Amendments filed .....	170, 268
Recommended for amendment and passage .....	252
Amendments adopted .....	298, 299
Passed; ayes 40, nays none.....	299
Returned from House.....	550
Reported enrolled .....	575
Signed by President.....	576
Sent to Governor.....	592
Signed by Governor.....	676
17 By Faul. Relating to tax exemptions for military service to widowed mothers of deceased soldier, sailor or marine.	
Introduced, passed on file.....	14
Referred .....	85
Recommended for passage.....	267
Amendment adopted .....	361
Passed; ayes 43, nays none.....	361
Returned from House.....	933
Reported enrolled .....	951
Signed by President.....	951
Sent to Governor.....	970
Signed by Governor.....	1079
18 By Faul. Relating to application for writ of habeas corpus for inmates of federal institutions.	
Introduced, passed on file.....	14
Referred .....	85
Recommended for passage.....	251
Passed; ayes 41, nays none.....	300
Returned from House.....	432
Reported enrolled .....	515
Signed by President.....	516
Sent to Governor.....	516
Signed by Governor.....	554
19 By Faul. Relating to means to quiet title to real estate acquired by tax deed; to limit time for bringing actions to recover.	
Introduced, passed on file.....	14
Amendments filed .....	57
Referred .....	85
Amendments filed .....	129, 205, 283
Recommended for passage.....	252
Amendments adopted.....	313, 314, 315
Passed; ayes 42, nays none.....	315
Returned from House.....	783
Reported enrolled .....	799
Signed by President.....	799
Sent to Governor.....	799
Signed by Governor.....	868

SENATE RECORD OF SENATE BILLS

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S. F.	Page
20 By Mowry. Relating to rules governing separation of juries in criminal cases.	
Introduced, passed on file.....	14
Referred .....	85
Recommended for indefinite postponement .....	249
Indefinitely postponed .....	341
21 By Mowry. Relating to rules governing separation of juries in civil actions.	
Introduced, passed on file.....	15
Referred .....	85
Recommended for indefinite postponement .....	249
Indefinitely postponed .....	341
22 By Mowry, Augustine, Henningsen, Baldwin, Faul, Corwin and Munger. To limit use of white canes to the blind; to require precaution by motorists.	
Introduced, passed on file.....	15
Amendment filed .....	59
Referred .....	85
Recommended for amendment and passage .....	211
Amendments adopted .....	219
Passed; ayes 45, nays none.....	220
Returned from House.....	411
Reported enrolled .....	426
Signed by President.....	426
Sent to Governor.....	436
Signed by Governor.....	519
23 By Dykhouse. Relating to hand and arm signals under motor vehicle law.	
Introduced, passed on file.....	15
Referred .....	85
Recommended for passage.....	188
Passed; ayes 44, nays none.....	224
24 By Shaw. Relating to tenant homesteads; to provide reduced rate of tax valuation therefor.	
Introduced, passed on file.....	15
Referred .....	85
Amendments filed .....	280, 527
25 By Donohue, Bekman, Byers, Hunt, Talbott, Watson, Long, Hattery, Munger and Hill. To empower Supreme Court to prescribe procedure for civil proceedings in all courts of this state.	
Introduced, passed on file.....	15
Referred .....	85
Recommended for passage.....	84
Passed; ayes 46, nays 3.....	102
Reported enrolled .....	347
Signed by President.....	347
Sent to Governor.....	348
Signed by Governor.....	367
26 By Leo. Apportionment of counties into senatorial districts.	
Introduced, passed on file.....	16
Referred .....	85
27 By Martin. Relating to payment of tuition of non-resident pupils attending an approved high school in another district.	
Introduced, passed on file.....	16

S. F.	Page
Referred .....	85
Recommended for passage.....	151
Passed; ayes 40, nays none.....	160
Returned from House.....	433
Reported enrolled .....	515
Signed by President.....	516
Sent to Governor.....	516
Signed by Governor.....	554
28 By Special Tax Committee. To provide for property assessment at sixty per cent of actual value.	
Introduced, passed on file.....	34
Public hearing ordered.....	38
Committee of the whole.....	46
H. F. 22 substituted.....	84
29 By Special Tax Committee. To fix limitation of indebtedness of municipalities.	
Introduced, passed on file.....	34
Public hearing ordered.....	38
Committee of the whole.....	46
Amendment filed .....	59
Deferred .....	95
H. F. 23 substituted.....	105
Amendment filed .....	108
30 By Shaw. To extend tax exemption on agricultural produce.	
Introduced, passed on file.....	35
Referred .....	85
31 By Martin. Authorizing certain charter cities to make levy for water, light or power funds.	
Introduced, passed on file.....	35
Referred .....	85
Recommended for passage.....	169
Passed; ayes 45, nays none.....	179
Returned from House.....	384
Reported enrolled .....	426
Signed by President.....	426
Sent to Governor.....	436
Signed by Governor.....	519
32 By Martin. Relating to time for collection by charter cities of interest or penalty upon taxes.	
Introduced, passed on file.....	35
Referred .....	85
Recommended for amendment and passage .....	229
Amendment adopted .....	243
Passed; ayes 44, nays none.....	243
Returned from House.....	550
Reported enrolled .....	575
Signed by President.....	576
Sent to Governor.....	592
Signed by Governor.....	676
33 By Martin. To cancel tax sale in which deed has not been obtained within certain time limit.	
Introduced, passed on file.....	36
Referred .....	85
Recommended for passage.....	230
Passed; ayes 42, nays none.....	244
Returned from House.....	550
Reported enrolled .....	575
Signed by President.....	576
Sent to Governor.....	592
Signed by Governor.....	675

S. F.	Page	S. F.	Page
34 By Faul. Relating to machinery and material on public improvements.		42 By Lundy. Relating to renewal of emergency tax levy by counties.	
Introduced, passed on file.....	36	Introduced, passed on file.....	41
Referred .....	85	Referred .....	85
35 By Faul. Relating to posting of bond on sale or mortgage of real estate in an estate.		Recommended for passage.....	164
Introduced, passed on file.....	36	Passed; ayes 41, nays none.....	165
Referred .....	85	Returned from House.....	180
Recommended for passage.....	168	Reported enrolled .....	193
Deferred .....	177	Signed by President.....	193
Amendment adopted .....	181	Sent to Governor.....	193
Passed; ayes 48, nays none.....	181	Signed by Governor.....	233
Returned from House.....	795	43 By Byers. Relating to time for filing protests against and appeals from budgets.	
Reported enrolled .....	1261	Introduced, passed on file.....	42
Signed by President.....	1261	Referred .....	85
Sent to Governor.....	1261	Recommended for passage.....	186
Signed by Governor.....	1261	Passed; ayes 37, nays none.....	198
36 By Faul. Relating to amount of bond given by guardian upon sale or mortgage of real estate.		Returned from House.....	492
Introduced, passed on file.....	36	Reported enrolled .....	521
Referred .....	85	Signed by President.....	521
Recommended for passage.....	168	Sent to Governor.....	529
Amendment adopted .....	182	Signed by Governor.....	555
Passed; ayes 44, nays none.....	182	44 By Shaw. Relating to income tax; to include loans from Commodity Credit Corp. as gross income.	
Returned from House.....	795	Introduced, passed on file.....	42
Reported enrolled .....	825	Referred .....	85
Signed by President.....	826	Amendment filed .....	138
Sent to Governor.....	826	Recommended for passage.....	187
Signed by Governor.....	925	Amendment adopted .....	199
37 By Evans. To require copy of discharge certificate in obtaining exemption for military service.		Passed; ayes 41, nays none.....	199
Introduced, passed on file.....	36	Returned with House amendments .....	238
Referred .....	85	Concurred .....	309
Amendment filed .....	139	Passed; ayes 44, nays none.....	310
38 By Mowry. Relative to trial court decisions on motion for directed verdict.		Reported enrolled .....	347
Introduced, passed on file.....	36	Signed by President.....	347
Referred .....	85	Sent to Governor.....	348
Recommended for indefinite postponement .....	522	Signed by Governor.....	367
Indefinitely postponed .....	611C	45 By Cromwell. Relating to filing date for soldiers' exemptions.	
39 By Mowry. To establish Constitution Sunday and provide for observance thereof.		Introduced, passed on file.....	42
Introduced, passed on file.....	37	Referred .....	85
Referred .....	85	46 By Evans and Cromwell. Administration of estates of absentees.	
Recommended for passage.....	251	Introduced, passed on file.....	42
Passed; ayes 45, nays none.....	324	Referred .....	85
40 By Vrba and Augustine. Relating to reduction of registration fees on certain vehicles; to establish maximum and minimum fees.		Recommended for passage.....	252
Introduced, passed on file.....	41	Amendments adopted .....	324
Referred .....	85	Passed; ayes 42, nays none.....	325
Recommended for indefinite postponement .....	188	47 By Mowry. To regulate sale of second-hand watches.	
Indefinitely postponed .....	341	Introduced, passed on file.....	42
41 By Vrba and Augustine. To fix maximum annual motor vehicle fees.		Referred .....	85
Introduced, passed on file.....	41	Recommended for amendment and passage .....	253
Referred .....	85	Amendments adopted .....	402
Recommended for indefinite postponement .....	188	Passed; ayes 30, nays 19.....	403
Indefinitely postponed .....	341	Returned from House.....	1101
42 By Hill. Relating to return by fiduciary of personal net income tax; legalizing discharges of fiduciaries heretofore granted.		Reported enrolled .....	1168
Introduced, passed on file.....	42	Signed by President.....	1168
Referred .....	85	Sent to Governor.....	1168
		Signed by Governor.....	1258

SENATE RECORD OF SENATE BILLS

1281

S. F.	Page
49 By Baldwin. Relating to bona fide subscribers of a newspaper.	
Introduced, passed on file.....	42
Referred .....	85
50 By Berg. Relating to paving of primary road extensions within cities or towns.	
Introduced, passed on file.....	58
Referred .....	85
Recommended for amendment and passage .....	228
Amendments adopted .....	245
Passed; ayes 45, nays none.....	245
Returned from House.....	1015
Reported enrolled .....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1241
51 By Bekman. Appointment, election of trustees of county public hospitals.	
Introduced, passed on file.....	58
Referred .....	85
Recommended for indefinite postponement .....	252
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Passed; ayes 37, nays none.....	911
<b>147 By Committee on Judiciary</b>	
No. 1. Relating to fish and	
game.	
Introduced, placed on calendar	115
Deferred .....	134
Placed on special calendar.....	807
Passed; ayes 37, nays none.....	911
<b>148 By Committee on Judiciary</b>	
No. 1. Relating to weed de-	
struction.	
Introduced, placed on calendar	115
Deferred .....	134
<b>149 By Committee on Judiciary</b>	
No. 1. Relating to fish and	
game licenses.	
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Deferred .....	134
<b>150 By Committee on Judiciary</b>	
No. 1. Relating to persons	
eligible for old age assist-	
ance.	
Introduced, placed on calendar	116
Deferred .....	134

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<b>151 By Committee on Judiciary</b>	
No. 1. To eliminate from	
1939 Code all reference to	
state census.	
Introduced, placed on calendar	116
Deferred .....	134
Placed on special calendar.....	807
Passed; ayes 37, nays none.....	914
<b>152 By Committee on Judiciary</b>	
No. 1. Relating to mileage	
allowances of public officers	
and employees.	
Introduced, placed on calendar	116
Deferred .....	134
Passed; ayes 43, nays none.....	161
Returned with House amend-	
ment .....	768
Concurred .....	804
Passed; ayes 38, nays none.....	804
Reported enrolled .....	825
Signed by President.....	826
Sent to Governor.....	826
Signed by Governor.....	926
<b>153 By Committee on Judiciary</b>	
No. 1. Relating to mileage	
allowances of public officers	
and employees.	
Introduced, placed on calendar	116
Deferred .....	134
Withdrawn .....	161
<b>154 By Committee on Judiciary</b>	
No. 1. Referring to depart-	
ments and personnel under	
control of state board of li-	
brary trustees.	
Introduced, placed on calendar	116
Deferred .....	134
Placed on special calendar.....	807
Passed; ayes 37, nays none.....	921
<b>155 By Committee on Judiciary</b>	
No. 1. Relating to annual	
reports of common carriers.	
Introduced, placed on calendar	116
Deferred .....	134
<b>156 By Committee on Judiciary</b>	
No. 1. Relating to soil con-	
servation.	
Introduced, placed on calendar	116
Deferred .....	134
Placed on special calendar.....	807
Passed; ayes 37, nays none.....	913
Returned from House.....	1058
Reported enrolled.....	1147
Signed by President.....	1148
Sent to Governor.....	1148
Signed by Governor.....	1258
<b>157 By Baldwin and Long. Rel-</b>	
ating to practice of chiro-	
practic.	
Introduced, referred .....	117
Recommended for indefinite	
postponement .....	577
Amendment filed .....	580
<b>158 By Faul. To permit fra-</b>	
ternal beneficiary associa-	
tions to write sick and	
funeral benefits.	
Introduced, referred .....	117
<b>159 By Goode. Relating to</b>	
consideration of income with	
reference to old age assist-	
ance.	
Introduced, referred .....	117

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160 By Faul. Relating to collection of sewage rentals. Introduced, passed on file.....	131	168 By Committee on Ways and Means. To fix maximum that may be assessed against property for special improvements. Introduced, placed on calendar	142
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Recommended for passage.....	287	Passed; ayes 46, nays none.....	159
Amendment adopted .....	418	Returned from House.....	411
Passed; ayes 37, nays none....	419	Reported enrolled .....	426
161 By Faul. To make an appropriation to defray expense of inaugural ceremonies. Introduced, referred .....	131	Signed by President.....	426
Amendment filed .....	140	Sent to Governor .....	436
Recommended for passage.....	204	Signed by Governor.....	519
H. F. 128 substituted.....	209	169 By Elthon. Relating to school taxes in certain districts. Introduced, referred .....	143
162 By Shaw and Faul. To empower cities and towns to create housing assessment districts. Introduced, passed on file.....	136	Recommended for amendment and passage .....	316
Referred .....	138	Amendment adopted .....	442
Amendments filed .....	317, 463	Passed; ayes 40, nays none....	442
Recommended for amendment and passage .....	429	Returned from House.....	933
163 By Watson and Vrba. Relating to assistance to voters. Introduced, passed on file.....	136	Reported enrolled .....	951
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164 By Whitehill. All relating to archives. Introduced, passed on file.....	136	Sent to Governor.....	970
Referred .....	138	Signed by Governor.....	1079
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165 By Committee on Ways and Means. To provide for assessment of property at sixty per cent of actual value. Introduced, placed on calendar	137	Amendment filed .....	431
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Messaged to House.....	146	Recommended for passage.....	210
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166 By Faul. To provide for group insurance for employees of municipally owned waterworks. Introduced, referred .....	142	Concurred .....	851
Recommended for passage.....	253	Passed; ayes 34, nays 4.....	852
Amendment filed .....	317	Reported enrolled .....	908
Amendments adopted .....	335	Signed by President.....	908
Passed; ayes 46, nays none....	335	Sent to Governor.....	908
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Reported enrolled .....	825	175 By Munger, Martin, Faul and Cromwell. To make paid fire departments mandatory in certain cities. Introduced, referred .....	153
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167 By Augustine. To provide that certain percentages of profit from liquor stores be used for police protection. Introduced, referred .....	142		
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176 By Berg. Relating to pay- ment for cigarette tax stamps.	
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Recommended for passage.....	267
Passed; ayes 44, nays none.....	390
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Concurred .....	1205
Passed; ayes 41, nays none.....	1206
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.	
177 By Committee on Insur- ance. Relating to invest- ments by insurance com- panies.	
Introduced, placed on calendar	154
Amendment adopted.....	217
Passed; ayes 45, nays none.....	218
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Reported enrolled .....	875
Signed by President.....	875
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178 By Committee on Insur- ance. Relating to loss to growing crops by hail and providing for notice thereof.	
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179 By Committee on Insur- ance. Relating to group in- surance with respect to con- tractual relationship.	
Introduced, placed on calendar	154
Passed; ayes 43, nays none.....	221
Returned from House.....	1197
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.	
180 By Committee on Insur- ance. Relating to rights, privileges, obligations of frat- ernal beneficiary associa- tions; authorizing issuance of certain certificates.	
Introduced, placed on calendar	154
Amendment filed .....	343
Amendment adopted .....	349
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Signed by President.....	799
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Signed by Governor.....	846
181 By Committee on Insur- ance. To authorize certain minors to contract for life insurance.	
Introduced, placed on calendar.	155
Amendment adopted .....	221
Passed; ayes 42, nays none.....	222
Title amended .....	222
Indefinitely postponed .....	728
182 By Committee on Insur- ance. Relating to invest- ment of trust funds by fidu- ciaries.	
Introduced, placed on calendar.	155
Passed; ayes 46, nays none.....	222

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183 By Committee on Insur- ance. To authorize certain minors to receive life insur- ance benefit payments and receipt therefor.	
Introduced, placed on calendar.	155
Amendment adopted .....	223
Passed; ayes 41, nays none.....	223
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184 By Martin. Relating to permanent registration of voters; relating to printing of names on ballots.	
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Recommended for passage.....	512
Passed; ayes 26, nays none.....	649
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Amendment adopted .....	664
Passed; ayes 39, nays none.....	664
185 By Augustine. Permitting fence viewers to employ reg- istered land surveyor.	
Introduced, referred .....	155
Recommended for passage.....	253
Passed; ayes 40, nays 4.....	338
186 By Donohue. Relating to retirement systems for po- licemen and firemen.	
Introduced, referred .....	155
Recommended for indefinite post- ponement .....	428
Rereferred .....	430
187 By Hattery. Authorizing county treasurers, deputies and employees to administer oaths.	
Introduced, referred .....	156
Recommended for passage.....	250
Amendment adopted .....	339
Passed; ayes 44, nays none.....	339
Title amended .....	339
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Concurred .....	1125
Passed; ayes 42, nays none.....	1125
Reported enrolled .....	1147
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Signed by Governor.....	1259
188 By Watson. To provide for maintenance of county his- torical societies.	
Introduced, referred .....	156
Amendment filed .....	343
Recommended for amendment and passage .....	462
189 By Committee on Judiciary No. 2. Relating to selection and tenure of Chief Justice of the Supreme Court.	
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Amendment adopted .....	178
Passed; ayes 46, nays none.....	178
Returned from House.....	550
Reported enrolled .....	575
Signed by President.....	576
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Signed by Governor.....	676
190 By Shaw. Relating to ut- tering, publishing of false in- struments and fixing punish- ment therefor.	
Introduced, referred .....	167
Recommended for passage.....	278

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Passed; ayes 46, nays none.....	416
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Signed by President.....	867
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191 By Augustine. Authorizing cities and towns to contract for fire protection.	
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192 By Donohue. Relating to dismissal of members of Iowa highway safety patrol.	
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193 By Lundy. Relating to beer parlors and to Class C permits.	
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194 By Corwin and Bekman. To provide for a levy of taxes for airports.	
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Referred.....	205
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Recommended for passage.....	405
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Reported enrolled.....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.....	
195 By Hill. Relating to petitions for initiation of elections on any proposition.	
Introduced, passed on file.....	190
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196 By Donohue, Corwin, Bekman, Sjulín and Zeigler. Relating to unemployment compensation for seasonal employees.	
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197 By Hill, Corwin, Johnson, Berg and Zeigler. To prohibit sale of merchandise outside trade of seller.	
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198 By Berg, Corwin, Hart, Hill, Johnson, Munger and Zeigler. To define and prohibit unfair sales and trade practices.	
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Referred.....	205
Amendments filed.....	303, 546
Recommended for passage.....	524
199 By Faul, Watson, Henningsen and Johnson. Relating to fire department maintenance fund and millage rate authorized therein.	
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Referred.....	205
Recommended for passage.....	287
Passed; ayes 36, nays 2.....	441
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Reported enrolled.....	1261
Signed by President.....	1261
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Signed by Governor.....	
200 By Watson and Faul. Relating to benefits under retirement systems for policemen and firemen.	
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201 By Committee on Appropriations. To establish general fund for biennium ending June 30, 1943.	
Introduced, placed on calendar.....	192
Passed; ayes 47, nays none.....	227
Returned from House.....	362
Reported enrolled.....	385
Signed by President.....	385
Sent to Governor.....	385
Signed by Governor.....	426
202 By Committee on Appropriations. Relative to allocation of revenue for old age assistance.	
Introduced, placed on calendar.....	192
Passed; ayes 47, nays none.....	228
Returned from House.....	482
Reported enrolled.....	521
Signed by President.....	521
Sent to Governor.....	529
Signed by Governor.....	555
203 By Committee on Appropriations. To make appropriations from liquor control fund to industrial commissioner and department of public safety.	
Introduced, placed on calendar.....	192
Passed; ayes 44, nays none.....	240
Returned from House.....	588
Reported enrolled.....	613
Signed by President.....	613
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Signed by Governor.....	676
204 By Committee on Appropriations. To appropriate funds from the primary road fund to the industrial commissioner.	
Introduced, placed on calendar.....	192
Passed; ayes 46, nays none.....	241
Returned from House.....	588
Reported enrolled.....	613
Signed by President.....	613
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205 By Committee on Appropriations. To appropriate funds to state comptroller from motor vehicle fuel tax fund.	
Introduced, placed on calendar.	192
Passed; ayes 44, nays none.	242
Returned from House.	588
Reported enrolled.	613
Signed by President.	613
Sent to Governor.	613
Signed by Governor.	676
206 By Committee on Appropriations. To make appropriation to meet deficit in workmen's compensation service department.	
Introduced, placed on calendar.	192
Amendment adopted.	242
Passed; ayes 44, nays none.	242
Returned with House amendment.	588
Concurred.	646
Passed; ayes 31, nays none.	647
Reported enrolled.	696
Signed by President.	696
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Signed by Governor.	707
207 By Shaw. Relating to appeals to Supreme Court in workmen's compensation cases.	
Introduced, passed on file.	193
Referred.	205
208 By Martin. Relating to lien of unpaid sales tax.	
Introduced, passed on file.	207
Referred.	212
Recommended for passage.	370
Passed; ayes 42, nays none.	575
Failed.	833
209 By Watson and Faul. To provide for adoption of municipal code.	
Introduced, passed on file.	207
Referred.	212
Recommended for passage.	509
Placed on special calendar.	1140
Amendment adopted.	1160
Passed; ayes 36, nays none.	1161
210 By Munger, Fuller, Martin, Hess and Hattery. Relating to powers, duties, jurisdiction of board of barber examiners.	
Introduced, passed on file.	207
Referred.	212
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211 By Sjulín, Bekman, and Hill. Relating to practice of optometry and the dispensing of ophthalmic lenses.	
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Referred.	212
Recommended for passage.	427
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Passed; ayes 42, nays 4.	1027

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Signed by President.	1261
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Signed by Governor.	
212 By Clark, Evans and Cromwell. To define an abstract of title; to create board of abstract examiners.	
Introduced, passed on file.	214
Referred.	230
Recommended for amendment and passage.	523
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Amendments filed.	869
213 By Committee on Agriculture. To provide regulations for the sale of baby chicks.	
Introduced, passed on file.	215
Amendments filed.	254, 268, 279, 288
Amendments adopted.	285, 286, 292, 293
Deferred.	293
Passed; ayes 36, nays 2.	297
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Returned with House amendments.	877
Concurred.	904
Passed; ayes 33, nays 3.	904
Reported enrolled.	951
Signed by President.	951
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214 By Vrba. To provide for mailing to stockholders financial statements of corporations for pecuniary profits.	
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Referred.	230
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Recommended for indefinite postponement.	521
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215 By Augustine. To levy annual head tax upon every eligible voter; to provide for refund of.	
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Referred.	230
216 By Mowry. Relating to termination of teachers' contracts.	
Introduced, passed on file.	215
Referred.	230
217 By Donohue. Relating to personal exemption from income tax to children who support a parent.	
Introduced, passed on file.	215
Referred.	230
Recommended for passage.	287
Passed; ayes 40, nays none.	422
Returned with House amendment.	998
Concurred.	1021
Passed; ayes 40, nays none.	1021
Reported enrolled.	1103
Signed by President.	1103
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218 By Cromwell. To authorize school districts to sell property to the Federal government; to provide for disposition of proceeds.	
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Recommended for passage.....	265
Passed; ayes 44, nays none.....	391
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219 By Love. Relating to dates for county political conventions.	
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Recommended for passage.....	266
Passed; ayes 43, nays none.....	395
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Signed by President.....	867
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Recommended for passage.....	427
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Reported enrolled.....	1103
Signed by President.....	1103
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221 By Byers, Faul, Baldwin, Watson and Henningsen. Relating to licensing of dogs; to prohibit running at large.	
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Recommended for amendment and passage.....	371
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Passed; ayes 39, nays none.....	663
Returned from House.....	1197
Reported enrolled.....	1261
Signed by President.....	1261
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Signed by Governor.....	
222 By Byers, Faul, Baldwin, Watson and Henningsen. To empower cities and towns to regulate seizure of dogs; to enter into contracts with societies or associations.	
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223 By Cromwell. To provide for joining of school districts altered by Federal government in locating national defense projects.	
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Referred .....	230
Recommended for passage.....	265
Passed; ayes 43, nays none.....	395

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224 By Committee on National Defense Coordination. To create Iowa Industrial and Defense commission and appropriate funds therefor.	
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225 By Baldwin. Relating to compensation of councilmen.	
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Recommended for passage.....	428
226 By Elthon. Relating to penalties on delinquent taxes.	
Introduced, passed on file.....	233
Referred .....	255
227 By Martin. Relating to public bidder law; collection of taxes against real estate in certain cities.	
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Referred .....	255
Recommended for passage.....	287
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Amendment adopted.....	422
Passed; ayes 42, nays none.....	423
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Reported enrolled.....	1028
Signed by President.....	1029
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228 By Hill. Relating to issuance of duplicate sheriff's certificates of sale.	
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Referred .....	255
Recommended for passage.....	523
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Deferred.....	826
Amendment adopted.....	838
Passed; ayes 45, nays none.....	839
Returned from House.....	1057
Reported enrolled.....	1147
Signed by President.....	1148
Sent to Governor.....	1148
Signed by Governor.....	
229 By Elthon. To impose tax on privilege of declaring, receiving dividends on corporation stock.	
Introduced, passed on file.....	234
Referred .....	255
230 By Clark. Relating to records kept by county auditors of patients in institutions.	
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Referred .....	255
Recommended for passage.....	577
231 By Clark. Relating to authority of fiduciaries and others to invest in building and loan associations.	
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Referred .....	255
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232 By Love. Relating to the grading of cream.	
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Referred .....	255
233 By Augustine. Relating to mileage paid on individually owned automobiles used for state business.	
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Referred .....	255
Recommended for passage.....	265
234 By Keir. To provide for clearing at par of checks drawn on any Iowa bank.	
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Recommended for passage.....	462
235 By Cromwell, Bekman and Donohue. Relating to civil service rights of chiefs of police.	
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Amendment filed .....	885
236 By Mercer and Hattery. Relating to applicability of certain provisions of the chain store tax law.	
Introduced, passed on file.....	235
Referred .....	255
Recommended for passage.....	301
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Returned from House.....	933
Reported enrolled .....	951
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237 By Hill. Rights of holder of security on real estate in filing claims against estates.	
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Amendment filed .....	546
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Amendment adopted .....	1180
Passed; ayes 38, nays 2.....	1181
238 By Bekman. Relating to ratio of representation in the House of Representatives of the state legislature.	
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Referred .....	255
Recalled, referred .....	406
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Signed by President.....	1261
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Signed by Governor.....	
239 By Watson. Relating to compensation of attorneys appointed by the court.	
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Referred .....	255
Recommended for passage.....	342
Passed; ayes 46, nays none.....	445
240 By Committee on Public Utilities. Relating to annual reports to be filed with state tax commission by owners of utilities.	
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Signed by Governor.....	953
241 By Committee on Judiciary No. 2. Relating to attachment proceedings.	
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242 By Committee on Public Schools. Relating to use of public school buildings for community purposes.	
Introduced, placed on calendar..	257
Passed; ayes 46, nays none.....	397
Returned with House amendment .....	1035
Concurred .....	1050
Passed; ayes 39, nays 1.....	1051
Reported enrolled .....	1147
Signed by President.....	1148
Sent to Governor.....	1148
Signed by Governor.....	1259
243 By Committee on Appropriations. To make an appropriation for relief of Frederick M. Hull.	
Introduced, placed on calendar..	257
Passed; ayes 42, nays none.....	398
Returned from House.....	588
Reported enrolled .....	613
Signed by President.....	613
Sent to Governor.....	613
Signed by Governor.....	766
244 By Committee on Appropriations. Relating to appropriations for state institutions and duties of executive council in relation thereto.	
Introduced, placed on calendar..	257
Passed; ayes 41, nays none.....	398
Returned from House.....	713
Reported enrolled .....	729
Signed by President.....	729
Sent to Governor.....	780
Signed by Governor.....	753
245 By Committee on Appropriations. To create fund for emergency relief; administration thereof by board of social welfare.	
Introduced, placed on calendar..	257
Amendment filed .....	374
Amendment adopted .....	399
Amendment as amended adopted	403
Passed; ayes 40, nays none.....	404
Title amended .....	404
Ordered engrossed .....	404
Returned with House amendment .....	784
Deferred .....	900
Amendment to House amendment adopted .....	902
Passed; ayes 40, nays none.....	903
Refused to recede.....	1051
Conference committee appointed .....	1076
Report and amendment adopted	1126
Passed; ayes 36, nays none.....	1126

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Reported enrolled .....	1261
Signed by President .....	1261
Sent to Governor .....	1261
Signed by Governor.	
<b>246 By Committee on Appropriations. Relating to compensation of state officers and employees.</b>	
Introduced, placed on calendar..	258
Special order .....	516
Amendments filed .....	431, 545
Referred .....	543
Recommended for passage .....	577
Amendment adopted .....	606
Passed; ayes 37, nays none .....	607
Returned from House .....	949
Reported enrolled .....	930
Signed by President .....	990
Sent to Governor .....	990
Signed by Governor .....	1079
<b>247 By Faul. Relating to liability bond or insurance of motor vehicle truck operators.</b>	
Introduced, passed on file .....	258
Referred .....	267
Recommended for passage .....	405
Passed; ayes 32, nays none .....	648
Returned from House .....	933
Reported enrolled .....	951
Signed by President .....	951
Sent to Governor .....	970
Signed by Governor .....	1079
<b>248 By Faul. Relating to rights and privileges of persons in military service.</b>	
Introduced, passed on file .....	258
Referred .....	267
Recommended for passage .....	522
Placed on calendar .....	770
Amendment filed .....	788
Passed; ayes 44, nays none .....	844
Returned from House .....	1058
Reported enrolled .....	1147
Signed by President .....	1148
Sent to Governor .....	1148
Signed by Governor .....	1259
<b>249 By Love. Relating to amounts to be returned to members of hall insurance associations.</b>	
Introduced, passed on file .....	270
Referred .....	430
<b>250 By Love. Relating to returns to policyholders of hall insurance associations.</b>	
Introduced, passed on file .....	270
Referred .....	279
Placed on calendar .....	807
Placed on special calendar .....	1080
Passed; ayes 31, nays none .....	1089
<b>251 By Committee on Insurance. Relating to the licensing of insurance agents.</b>	
Introduced, placed on calendar..	270
Passed; ayes 43, nays none .....	417
<b>252 By Committee on Insurance. Pertaining to discrimination against Iowa reciprocal or interinsurance exchanges doing business in other states.</b>	
Introduced, placed on calendar..	270

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Passed; ayes 44, nays none .....	417
Returned from House .....	933
Reported enrolled .....	951
Signed by President .....	951
Sent to Governor .....	970
Signed by Governor .....	1079
<b>253 By Committee on Highways. Relating to destruction of weeds along roadways.</b>	
Introduced, placed on calendar..	271
Passed; ayes 43, nays none .....	418
<b>254 By Committee on Insurance. Relating to issuance of certain certificates by fraternal beneficiary associations.</b>	
Introduced, placed on calendar..	271
<b>255 By Cromwell. Relating to compensation to sheriffs for criminal photographic work.</b>	
Introduced, passed on file .....	271
Referred .....	279
Recommended for passage .....	342
Passed; ayes 36, nays none .....	446
<b>256 By Committee on Judiciary No. 1. Relating to duties of reporter of supreme court and code editor; to provide for payment of certain printing.</b>	
Introduced, referred .....	281
Amendments filed .....	317, 356, 373, 527
Recommended for passage .....	355
Special order .....	531, 533
Amendments adopted .....	532, 533, 586, 587
Amendments withdrawn .....	586
Passed; ayes 45, nays none .....	587
Concurred .....	1228
Passed; ayes 42, nays none .....	1228
Reported enrolled .....	1261
Signed by President .....	1261
Sent to Governor .....	1261
Signed by Governor.	
<b>257 By Byers, Munger, and Martin. Relating to salaries of assessors and deputies in certain cities.</b>	
Introduced, passed on file .....	282
Recommended for passage .....	428
Amendments filed .....	631, 755, 788, 789
Placed on calendar .....	770
Amendments withdrawn .....	830
Amendments as amended adopted .....	831
Amendments adopted .....	831
Passed; ayes 41, nays none .....	832
Returned with House amendments .....	1059
Concurred .....	1114
Passed; ayes 40, nays none .....	1115
Reported enrolled .....	1147
Signed by President .....	1148
Sent to Governor .....	1148
Signed by Governor.	
<b>258 By Committee on Judiciary No. 2. Relating to legalization of acts of notaries public, acknowledgments, and instruments executed by attorneys in fact.</b>	
Introduced, placed on calendar..	289
Amendment filed .....	407
Amendment adopted .....	424
Passed; ayes 45, nays none .....	424

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259 By Goode. Relating to registration of vital statistics and providing for county registrar.	
Introduced, passed on file.....	289
Referred .....	301
Placed on calendar.....	770
Amendments filed .....	847, 1055
H. F. 407 substituted.....	1053
260 By Faul. Relating to airport hazards; to authorize cities and towns.	
Introduced, passed on file.....	290
Referred .....	301
Recommended for passage.....	627
Placed on calendar.....	926
Amendment filed .....	1006
261 By Findlay. Relating to election judges and clerks; providing for appointment of registration deputies.	
Introduced, passed on file.....	291
Referred .....	301
Recommended for passage.....	512
Passed; ayes 29, nays none.....	641
262 By Augustine. To legalize payments of certain warrants issued by city of Oska-loosa, Iowa.	
Introduced, passed on file.....	291
Referred .....	301
Recommended for passage.....	371
Proof of publication certified..	426
H. F. 246 substituted.....	634
263 By Bekman. Relating to appointment of investigator to uncover untaxed property.	
Introduced, passed on file.....	291
Referred .....	301
264 By Henningsen and Dyk-house. Relating to licensing of insurance agents; to provide for examination of.	
Introduced, passed on file.....	291
Referred .....	301
Returned without recommenda-tion .....	628
Amendment filed .....	630
265 By Donohue. To permit public employees to partici-pate in non-profit hospital service plan.	
Introduced, passed on file.....	305
Referred .....	316
Recommended for passage.....	611B
Passed; ayes 30, nays none.....	645
Returned from House.....	1034
Reported enrolled.....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1241
266 By Committee on Manu-facturing, Commerce and Trade. To make uniform laws relating to trust receipts and pledges of personal property.	
Introduced, placed on calendar	306
Amendment filed .....	431
Amendment adopted .....	440
Passed; ayes 43, nays none.....	440
Title amended .....	440

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267 By Committee on Insur-ance. Relating to reciprocal or interinsurance exchanges and the contracts thereof.	
Introduced, placed on calendar...	306
Passed; ayes 42, nays none....	443
Returned with House amend-ment .....	933
Concurred .....	971
Passed; ayes 39, nays none.....	971
Reported enrolled .....	1007
Signed by President.....	1007
Sent to Governor.....	1029
Signed by Governor.....	1136
268 By Watson. Relating to reimbursement of school dis-tricts for loss of taxes.	
Introduced, passed on file.....	306
Referred .....	316
269 By Watson. Relating to taxation of state owned lands.	
Introduced, passed on file.....	306
Referred .....	316
270 By Findlay. To provide for paving from business dis-tricts of cities and town to paved primary roads.	
Introduced, passed on file.....	306
Referred .....	316
271 By Byers, Bekman, Faul, Mowry, Benson, and Elthon. Relating to teachers' con-tracts; appeals from deci-sions of board terminating thereof.	
Introduced, passed on file.....	306
Referred .....	316
Amendment filed .....	464
272 By Benson and Clark. Re-lating to records kept by county treasurer in connec-tion with tax sales and deeds.	
Introduced, passed on file.....	307
Referred .....	316
273 By Committee on Conser-vation. Relating to agents of licensed fur dealers.	
Introduced, placed on calendar...	307
Passed; ayes 42, nays none....	444
274 By Bekman, Henningsen and Watson. Relating to river front improvement commissions.	
Introduced, passed on file.....	307
Referred .....	317
Recommended for passage.....	371
Amendments filed .....	464, 558
Amendment withdrawn .....	640
Amendment adopted .....	642
Passed; ayes 29, nays none.....	643
Title amended .....	643
Returned from House.....	850
Reported enrolled .....	875
Signed by President.....	875
Sent to Governor.....	875
Signed by Governor.....	978
275 By Committee on Dalry-ing. To create Iowa Dairy Industry Commission.	
Introduced, placed on calendar..	319
H. F. 243 substituted.....	530

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276 By Committee on Election Reform. To provide when nominations can be made at county conventions.		285 By Committee on Insurance. To authorize, license, benevolent insurance companies.	
Introduced, placed on calendar..	320	Introduced, placed on calendar..	334
H. F. 33 substituted.....	549	Amendments filed .....	374, 545
277 By Committee on Election Reform. Relating to nominations by political parties.		286 By Committee on Judiciary No. 2. Relating to appointment and continuance in office of city assessor.	
Introduced, placed on calendar..	320	Introduced, placed on calendar..	334
Minority report for indefinite postponement .....	405	Passed; ayes 38, nays none.....	348
Amendments filed.....	557, 558	Returned from House.....	384
278 By Bekman. Relating to duties of city manager and exempting therefrom supervision of waterworks trustees.		Reported enrolled .....	426
Introduced, passed on file.....	320	Signed by President.....	426
Referred .....	342	Sent to Governor.....	436
Amendments filed .....	430, 631	Signed by Governor.....	519
Recommended for passage.....	674	287 By Faul. Pertaining to reciprocal or interinsurance contracts.	
279 By Munger. Relating to uniforms and equipment for police and fire departments.		Introduced, passed on file.....	334
Introduced, passed on file.....	320	Referred .....	343
Referred .....	342	Recommended for passage.....	544
Amendment filed .....	374	Placed on calendar.....	807, 1054
Recommended for passage.....	673	Passed; ayes 39, nays none.....	1073
280 By Munger. Relating to delinquent date for dog licenses.		Returned from House.....	1119
Introduced, passed on file.....	320	Reported enrolled .....	1147
Referred .....	342	Signed by President.....	1148
Recommended for passage.....	510	Sent to Governor.....	1148
281 By Munger. To authorize counties to anticipate revenues, to issue anticipatory warrants and negotiate notes.		288 By Baldwin. Relating to publication of city or town ordinances in book form.	
Introduced, passed on file.....	320	Introduced, passed on file.....	334
Referred .....	342	Referred .....	343
282 By Byers. To permit use of room in court houses for housing of law libraries.		289 By Long. Relating to termination of leasehold interests.	
Introduced, passed on file.....	321	Introduced, passed on file.....	345
Referred .....	343	Referred .....	356
Recommended for passage.....	509	Recommended for passage.....	521
Passed; ayes 27, nays none.....	641	290 By Donohue, Henningsen, Hattery and Hess. Relating to time of election and term of county officers.	
283 By Committee on Cities and Towns. Relating to street and sewer improvements and special assessments.		Introduced, passed on file.....	345
Introduced, placed on calendar	333	Referred .....	356
Amendments filed .....	538, 583	291 By Committee on Public Schools. To authorize appointment of committee on revision and codification of school laws.	
Amendments adopted .....	566, 625	Introduced, referred .....	345
Deferred .....	566	Recommended for amendment and passage .....	576
Amendment as amended adopted	624	Amendment adopted .....	609
Passed; ayes 36, nays none.....	625	Deferred .....	609
Title amended .....	625	Special order .....	626
284 By Committee on Cities and Towns. Relating to bond issues for additional improvements to streets and sewers.		Amendments filed.....	789, 791, 808
Introduced, placed on calendar..	333	Amendments to amendment adopted .....	817
Amendment adopted .....	551	Amendment as amended adopted	817
Passed; ayes 39, nays none.....	552	Passed; ayes 43, nays 2.....	817
Returned from House.....	1101	Title amended .....	818
Reported enrolled .....	1168	Ordered engrossed .....	818
Signed by President.....	1168	Returned with House amendment .....	1083
Sent to Governor.....	1168	Concurred .....	1115
Signed by Governor.....		Passed; ayes 43, nays 2.....	1116
		Reported enrolled .....	1147
		Signed by President.....	1148
		Sent to Governor.....	1148
		Signed by Governor.....	1258

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292 By Committee on Pharmacy. Relating to narcotic drugs; providing for certain exemptions and for confiscation of vehicles.	
Introduced, placed on calendar..	346
Amendment filed .....	374
Amendments adopted .....	553
Passed; ayes 38, nays none.....	554
Title amended .....	554
Returned from House.....	795
Reported enrolled .....	825
Signed by President.....	826
Sent to Governor.....	826
Signed by Governor.....	926
293 By Committee on Cities and Towns. To authorize cities and towns with respect to parking lots.	
Introduced, placed on calendar..	346
Amendment filed .....	546
Amendments adopted .....	567
Passed; ayes 42, nays 1.....	568
Returned with House amendment .....	863
Concurred .....	876
Passed; ayes 34, nays 5.....	876
Reported enrolled .....	951
Signed by President.....	951
Sent to Governor.....	970
Signed by Governor.....	1079
294 By Martin. To create division of painting industry license; to regulate business of painting.	
Introduced, passed on file.....	346
Referred .....	356
295 By Watson. Relating to liquor injunctions and declaring certain of them null and void.	
Introduced, passed on file.....	346
Referred .....	356
Recommended for passage.....	522
Placed on calendar.....	770
Deferred .....	845
296 By Martin. Relating to pensions for employees of public school districts.	
Introduced, passed on file.....	347
Referred .....	356
297 By Dykhouse. To legalize proceedings relating to issuance of refunding bonds by city of Hawarden, Sioux county, Iowa.	
Introduced, passed on file.....	347
Referred .....	356
Proof of publication certified... 355	
Recommended for passage..... 427	
H. F. 237 substituted..... 635	
298 By Dewey and Cromwell. Relating to bond elections for additions to county public hospitals.	
Introduced, passed on file.....	347
Referred .....	356
Recommended for passage.....	510
299 By Dewey and Cromwell. Relating to expenditure of county public hospital funds.	
Introduced, passed on file.....	347
Referred .....	356
Recommended for passage.....	510
Amendment filed .....	807

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300 By Lundy. To legalize election, proceedings relating to issuance, sale of bonds by Monroe county, Iowa.	
Introduced, passed on file.....	358
Referred .....	373
Proof of publication certified... 426	
Recommended for passage..... 522	
Passed; ayes 31, nays none..... 634	
Returned from House..... 835	
Reported enrolled .....	867
Signed by President..... 867	
Sent to Governor..... 868	
Signed by Governor..... 953	
301 By Faul. To provide for opening, paving of roadway through capitol grounds.	
Introduced, passed on file.....	359
Referred .....	373
Placed on calendar.....	770
Returned without recommendation .....	923
Passed; ayes 26, nays 21.....	986
302 By Committee on Appropriations. Authorizing expenditures by the state highway commission from the primary road fund.	
Introduced, placed on calendar..	359
Special order .....	516
Amendment filed .....	527
Passed; ayes 46, nays none.....	535
Amendment filed .....	865
Returned from House.....	795
Reported enrolled .....	825
Signed by President .....	826
Sent to Governor .....	826
Signed by Governor.....	926
303 By Martin. Authorizing cities and towns to levy tax on premiums charged by foreign insurance companies.	
Introduced, passed on file.....	365
Referred .....	373
304 By Evans. To permit certain junior colleges to receive state aid for normal training.	
Introduced, passed on file.....	365
Referred .....	373
Recommended for passage.....	557
305 By Henningsen. Relating to return of excess levies in levee and drainage districts.	
Introduced, passed on file.....	365
Referred .....	373
306 By Committee on Military Affairs. To provide for organization of Iowa State Guard.	
Introduced, placed on calendar..	366
Special order .....	413
Passed ayes 48, nays none.....	439
Returned from House.....	457
Reported enrolled .....	515
Signed by President.....	516
Sent to Governor.....	516
Signed by Governor.....	555
307 By Byers. To license, regulate electricians and electrical contractors.	
Introduced, passed on file.....	366
Referred .....	373
Placed on calendar.....	926

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308 By Mowry. Relating to purchase of certain real estate at tax sales by counties. Introduced, passed on file.....	366	316 By Munger. Relating to deputy treasurers and clerks. Introduced, passed on file.....	383
Referred .....	373	Referred .....	406
Recommended for passage.....	511		
309 By Hill. To make legalizing acts applicable to the state and subdivisions thereof. Introduced, passed on file.....	366	317 By Committee on Public Lands and Buildings. To provide for keeping up inventories of all state-owned property. Introduced, placed on calendar..	383
Referred .....	373	Amendments filed .....	464, 512
Recommended for passage.....	611A	Amendment adopted .....	665
		Passed; ayes 28, nays none.....	666
310 By Mowry. Relating to inclusion of prior suspended taxes in tax sales; relating to penalty and interest thereon. Introduced, passed on file.....	366	Returned from House.....	833
Referred .....	373	Reported enrolled .....	867
Recommended for passage.....	675	Signed by President.....	867
Placed on special calendar.....	926	Sent to Governor.....	868
Amendment adopted .....	962	Signed by Governor.....	953
Passed; ayes 28, nays none.....	962		
Returned with House amendment .....	1197	318 By Farm Tenancy Committee. Relating to landlord's lien and designating property subject thereto. Introduced, passed on file.....	383
Concurred .....	1204	Deferred .....	666
Passed; ayes 40, nays none.....	1205	Amendment adopted .....	670
Reported enrolled .....	1261	Passed; ayes 40, nays 4.....	670
Signed by President.....	1261	Title amended .....	671
Sent to Governor.....	1261	Returned from House.....	1015
Signed by Governor.....	1261	Reported enrolled .....	1103
		Signed by President.....	1103
311 By Committee on Judiciary No. 2. Relating to insurance or bond of motor vehicle truck operators. Introduced, placed on calendar..	382	Sent to Governor .....	1104
Passed; ayes 31, nays none.....	637	Signed by Governor.....	1241
Returned from House.....	933		
Reported enrolled .....	951	319 By Baldwin, Corwin and Faul. All relating to commission for the blind. Introduced, passed on file.....	383
Signed by President.....	951	Referred .....	406
Sent to Governor.....	970	Recommended for amendment and passage .....	674
Signed by Governor.....	1079	Amendment filed .....	676
312 By Munger. Relating to self-liquidating improvements. Introduced, passed on file.....	382	320 By Watson. Relating to writs of injunctions in divorce or marriage annulment cases. Introduced, passed on file.....	384
Referred .....	406	Referred .....	406
		Placed on calendar.....	726
313 By Munger. Relating to time of paying salaries of all officers authorized in code. Introduced, passed on file.....	382	Passed; ayes 40, nays none.....	766
Referred .....	406		
		321 By Mowry. To authorize issuance of patent to certain lands in Polk county, Iowa. Introduced, passed on file.....	384
314 By Munger. Relating to county clerk of district court. Introduced, passed on file.....	383	Referred .....	406
Referred .....	406	Recommended for passage.....	578
315 By Munger. Relating to general powers of cities and towns with respect to purchase, remodeling of city hall. Introduced, passed on file.....	383	322 By Munger. Relating to increased compensation, medical, hospital allowance under workmen's compensation. Introduced, passed on file.....	391
Referred .....	406	Referred .....	406
Recommended for passage.....	627		
Placed on calendar.....	726	323 By Shaw, Findlay, Love, Keir, Elthon, Long and Johnson. Relating to chain stores, regulation and taxing thereof. Introduced, passed on file.....	391
Passed; ayes 35, nays none.....	762	Referred .....	406
Returned from House.....	1015	Amendment filed .....	848
Reported enrolled .....	1103		
Signed by President.....	1103		
Sent to Governor.....	1104		
Signed by Governor.....	1241		



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324 By Hill. To make an appropriation for purpose of improving Lake Cornelia; to purchase lands adjacent thereto.	
Introduced, passed on file.....	392
Referred .....	406
325 By Byers. Relating to salaries of probation officers and deputies.	
Introduced, passed on file.....	392
Referred .....	406
Recommended for passage.....	628
326 By Berg. Relating to rules, regulations which may be imposed by river-front improvement commissions.	
Introduced, passed on file.....	392
Referred .....	406
Recommended for passage.....	627
Amendment adopted .....	639
Passed; ayes 30, nays none.....	640
327 By Cromwell. Relating to assessment of stocks of merchandise.	
Introduced, passed on file.....	392
Referred .....	406
328 By Cromwell, Evans and Bekman. Relating to insanity as grounds for divorce.	
Introduced, passed on file.....	392
Referred .....	406
Amendment filed .....	512
329 By Shaw and Mercer. Relating to basis of computation for workmen's compensation.	
Introduced, passed on file.....	392
Referred .....	406
330 By Cromwell. Relating to assessment of personal property of manufacturers.	
Introduced, passed on file.....	392
Referred .....	406
331 By Emerson, Bekman, Faul, Dewey and Benson. To require one year residence in county for free care in county hospitals.	
Introduced, passed on file.....	393
Referred .....	406
Recommended for passage.....	429
Passed; ayes 46, nays none.....	689
Returned from House.....	1057
Reported enrolled .....	1147
Signed by President.....	1148
Sent to Governor.....	1148
Signed by Governor.	
332 By Bekman. To provide for retirement plan for employees of waterwork plants.	
Introduced, passed on file.....	409
Referred .....	430
333 By Committee on Military Affairs. Relating to tax exemption for military service and providing for recording of military discharges.	
Introduced, placed on calendar..	410
Amendment adopted .....	690
Passed; ayes 45, nays 1.....	690
Returned with House amendment .....	933

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Concurred .....	971
Passed; ayes 39, nays none.....	972
Reported enrolled .....	1007
Signed by President.....	1007
Sent to Governor.....	1029
Signed by Governor.....	1136
334 By Committee on Cities and Towns. Relating to special assessments in cities and towns.	
Introduced, placed on calendar..	410
335 By Committee on Public Schools. To provide for supervision of interscholastic boys' athletic competition in high schools.	
Introduced, placed on calendar..	410
Placed on calendar.....	770
Amendment adopted .....	845
Passed; ayes 41, nays 3.....	846
Tabled by House.....	1015
336 By Emerson. Relating to practice of professional engineering.	
Introduced, passed on file.....	410
Referred .....	430
Recommended for passage.....	578
Placed on calendar.....	770
Passed; ayes 42, nays none.....	827
Returned from House.....	1197
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.	
337 By Hunt. Relating to normal training of teachers.	
Introduced, passed on file.....	411
Referred .....	430
338 By Cromwell. Relating to licensing of trailers used for living quarters; distribution of revenue therefrom.	
Introduced, passed on file.....	419
Referred .....	430
339 By Berg. Relating to approval of compensation of state employees.	
Introduced, passed on file.....	419
Referred .....	430
Recommended for passage.....	577
Passed; ayes 33, nays none.....	608
Returned from House.....	949
Reported enrolled .....	990
Signed by President.....	990
Sent to Governor.....	990
Signed by Governor.....	1079
340 By Corwin. To make an appropriation to Muscatine county, Iowa.	
Introduced, passed on file.....	419
Referred .....	430
Recommended for passage.....	512
Special order .....	516
Amendment adopted .....	541
Passed; ayes 41, nays none.....	540
Returned from House.....	1119
Reported enrolled .....	1147
Signed by President.....	1148
Sent to Governor.....	1148
Signed by Governor.....	1259

S. F.	Page	S. F.	Page
341 By Goode. Relating to claims for damages due to construction, maintenance of highways; authorizing commissioner.		351 By Committee on Ways and Means. Relating to income tax; to repeal blanket deduction of ten per cent of gross income.	
Introduced, passed on file.....	420	Introduced, placed on calendar..	435
Referred .....	430		
Placed on calendar.....	726	352 By Committee on Social Security. Relating to unemployment compensation; to permit appeal by employers.	
Passed; ayes 41, nays none.....	765	Introduced, placed on calendar..	435
		Amendment filed .....	463
342 By Dykhouse, Henningsen, Watson and Whitehill. Relating to attorneys actively engaged in real estate business; to require license.		Placed on calendar.....	770
Introduced, passed on file.....	420	Amendments adopted .....	776
Referred .....	430	Passed; ayes 43, nays none.....	776
		Returned from House.....	1233
343 By Dykhouse. Relating to compromising of personal taxes in estates.		Reported enrolled .....	1261
Introduced, passed on file.....	420	Signed by President.....	1261
Referred .....	430	Sent to Governor.....	1261
Returned without recommendation .....	611B	Signed by Governor.	
344 By Hattery. Relating to cities and towns and to granting of franchises.		353 By Committee on Social Security. Relating to appointment, salaries of employees of unemployment compensation commission; relating to 60-40 per cent ratio.	
Introduced, passed on file.....	434	Introduced, placed on calendar..	436
Referred .....	449	Placed on calendar.....	770
		Passed; ayes 41, nays none.....	778
345 By Committee on Public Schools. To create an agricultural land credit fund.		Returned from House.....	1233
Introduced, referred .....	434	Reported enrolled .....	1261
Amendments filed .....	463, 821	Signed by President.....	1261
Referred .....	820	Sent to Governor.....	1261
Referred .....	926	Signed by Governor.	
346 By Leo. Relating to admission to and transfer from the Iowa Soldiers' Orphans Home.		354 By Lundy. To regulate outdoor commercial advertising.	
Introduced, passed on file.....	434	Introduced, passed on file.....	436
Referred .....	449	Referred .....	449
347 By Leo. Relating to age of inmates of the Iowa Juvenile Home; to provide for transfer of certain children.		355 By Cromwell. Relating to exemption from liability from debt of earnings of head of a family.	
Introduced, passed on file.....	434	Introduced, passed on file.....	436
Referred .....	449	Referred .....	449
		Placed on calendar.....	926
348 By Committee on Livestock and Marketing. To recognize Iowa sheep association to define duties and objects thereof.		356 By Committee on Appropriations. Relating to salary of superintendent of sanitarium at Oakdale.	
Introduced, placed on calendar..	435	Introduced, placed on calendar..	436
		Special order .....	516
349 By Committee on Ways and Means. Relating to withholding agents and income tax of nonresidents.		Passed; ayes 41, nays none.....	540
Introduced, placed on calendar..	435	Returned from House.....	615
Passed; ayes 31, nays none.....	645	Reported enrolled .....	696
Returned from House.....	784	Signed by President.....	696
Reported enrolled .....	799	Sent to Governor.....	696
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		357 By Baldwin. Relating to possession of gambling devices.	
350 By Committee on Ways and Means. To authorize tax commission with respect to income tax returns after certain period.		Introduced, passed on file.....	436
Introduced, placed on calendar..	435	Referred .....	449
		Placed on calendar.....	926
		358 By Committee on Banks and Banking. Relating to investment of trust funds in real estate mortgages.	
		Introduced, placed on calendar..	453
		Placed on calendar.....	926
		Amendment filed .....	952

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359 By Committee on appropriations. To make emergency appropriation to complete certain courses of study in rural and high schools.	
Introduced, placed on calendar..	453
Special order .....	516
Passed; ayes 39, nays none.....	541
Returned from House.....	795
Reported enrolled .....	825
Signed by President.....	826
Sent to Governor.....	826
Signed by Governor.....	926
360 By Committee on Public Schools. To require publication or posting monthly of proceedings and expenditures of school districts.	
Introduced, placed on calendar..	453
Placed on calendar.....	770
Passed; ayes 42, nays none.....	844
Returned with House amendment .....	1008
Referred .....	1024
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Conference committee report.....	1165
Referred .....	1166
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Passed; ayes 40, nays 3.....	1175
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Reported enrolled .....	1261
Signed by President.....	1261
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Signed by Governor.	
361 By Committee on Banks and Banking. Relating to fiduciaries; to require that trust funds be kept in separate account.	
Introduced, placed on calendar..	453
362 By Committee on Banks and Banking. Relating to banks and trust companies as fiduciaries; providing for deposit of securities in lieu of bond.	
Introduced, placed on calendar..	453
363 By Baldwin. Relating to appropriations by supervisors for eradicating diseases among bees.	
Introduced, passed on file.....	454
Referred .....	463
Recommended for indefinite postponement .....	511
Indefinitely postponed .....	611C
364 By Baldwin. Relating to penalty for frauds upon hotel keepers and boarding house operators.	
Introduced, passed on file.....	454
Referred .....	463
365 By Watson, Sjullin, Evans, Harvey, Turner, Emerson, Pelzer, and Miller. To make an appropriation for first oil producing well in Iowa.	
Introduced, passed on file.....	454
Referred .....	463
Placed on calendar.....	770
Recommended for passage.....	820
Passed; ayes 29, nays 17.....	987
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Reported enrolled .....	1168
Signed by President.....	1168
Sent to Governor.....	1168
Vetoed by Governor.	
366 By Augustine, Baldwin, Johnson, and Vrba. Relating to payments for old age assistance and to appropriate funds therefor.	
Introduced, passed on file.....	454
Referred .....	463
367 By Hamiel. Relating to salaries of employers at the penitentiary and men's reformatory.	
Introduced, passed on file.....	454
Referred .....	463
368 By Augustine, Munger, Jones, Martin, and Keir. Relating to salary of county recorder.	
Introduced, passed on file.....	485
Referred .....	525
369 By Elthon. To provide equal educational opportunities to all farmers through agricultural extension service.	
Introduced, passed on file.....	485
Referred .....	525
370 By Donohue. Authorizing appointment of a boundary commission.	
Introduced, passed on file.....	485
Referred .....	525
371 By Augustine. To protect homestead tax credit of those in active military service.	
Introduced, passed on file.....	485
Referred .....	525
372 By Watson. Relating to fraternal beneficiary associations with respect to applicability to certain organizations.	
Introduced, passed on file.....	485
Referred .....	525
373 By Augustine, Whitehill, and Johnson. Relating to proof of financial responsibility by owners, operators of motor vehicles.	
Introduced, passed on file.....	485
Referred .....	525
374 By Martin. Relating to compensation of chief deputy sheriffs in certain counties.	
Introduced, passed on file.....	486
Referred .....	525
375 By Martin. Relating to construction of buildings where films are used and duties of fire marshal therewith.	
Introduced, passed on file.....	486
Referred .....	525
Amendment filed .....	755

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376 By Munger. Relating to powers of cities and towns to levy special taxes for city hall.	
Introduced, passed on file.....	486
Referred .....	525
Recommended for passage.....	674
Placed on calendar.....	726
Amendment adopted.....	762
Passed; ayes 40, nays none.....	763
Returned with House amendment .....	1015
Concurred .....	1019
Passed; ayes 47, nays 1.....	1020
Reported enrolled .....	1103
Signed by President.....	1103
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377 By Munger. To create system for administration of adult probation and parole; to abolish state board of parole.	
Introduced, passed on file.....	486
Referred .....	525
378 By Watson. Relating to chattel mortgages and conditional sales; to limit lien.	
Introduced, passed on file.....	486
Referred .....	525
Recommended for passage.....	611B
379 By Vrba, Augustine, and Baldwin. To declare necessity of creating housing authorities.	
Introduced, passed on file.....	487
Referred .....	525
380 By Vrba, Augustine, and Baldwin. To authorize housing authorities to cooperate with Federal government.	
Introduced, passed on file.....	387
Referred .....	525
381 By Vrba, Augustine, and Baldwin. To provide that housing authority bonds shall be legal investments.	
Introduced, passed on file.....	487
Referred .....	525
382 By Vrba, Augustine, and Baldwin. To authorize cities, towns, counties to aid housing projects.	
Introduced, passed on file.....	488
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383 By Augustine. To grant free combined fishing, hunting licenses to persons in active military service.	
Introduced, passed on file.....	488
Referred .....	525
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384 By Faul. To provide that cities and towns receive certain surpluses from liquor control act fund.	
Introduced, passed on file.....	488
Referred .....	525
385 By Faul. Relating to use of poor fund by county supervisors.	
Introduced, passed on file.....	488
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Passed; ayes 39, nays none.....	765
Returned from House.....	998
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Signed by President.....	1029
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386 By Faul. Relating to valuation, taxation of shares of stock in banks and loan and trust companies.	
Introduced, passed on file.....	489
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387 By Faul. Relating to total maximum weight of any vehicle or combination of vehicles.	
Introduced, passed on file.....	489
Referred .....	525
388 By Faul. Relating to collection of taxes on insurance company premiums; to require duplicate statements.	
Introduced, passed on file.....	489
Referred .....	525
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Passed; ayes 28, nays none.....	967
Returned from House.....	1083
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Signed by Governor.....	
389 By Faul. To provide that cities and towns receive certain surpluses from motor vehicle fuel tax.	
Introduced, passed on file.....	489
Referred .....	525
390 By Faul. Providing for publication of trial assignments in newspapers.	
Introduced, passed on file.....	489
Referred .....	525
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391 By Cromwell. Relating to double election boards.	
Introduced, passed on file.....	489
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Recommended for passage.....	579
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Reported enrolled .....	867
Signed by President.....	867
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392 By Cromwell. Relating to nominations by primary election.	
Introduced, passed on file.....	490
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Recommended for passage.....	579
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393 By Cromwell. Relating to canvass of votes; duties of county auditor thereto.	
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Recommended for passage.....	580
Placed on calendar.....	726
Passed; ayes 34, nays none.....	751
Returned from House.....	833
Reported enrolled .....	867
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394 By Cromwell. Relating to canvass of absent voters ballots.	
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Referred .....	525
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Passed; ayes 40, nays 1.....	859
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Signed by President.....	908
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395 By Cromwell. Relating to reports of election results; to require immediately from precincts where voting machines are used.	
Introduced, passed on file.....	490
Referred .....	525
Recommended for passage.....	580
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Returned from House.....	834
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396 By Emerson, Evans, and Donohue. Relating to funds available for farm-to-market road system.	
Introduced, passed on file.....	490
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Signed by Governor.....	
397 By Augustine. To permit taking of ten inch large mouth bass from Lake Keomah.	
Introduced, passed on file.....	490
Referred .....	525
398 By Bekman and Faul. Relating to registration and regulation of sale of securities.	
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Recommended for passage.....	510
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Passed; ayes 41, nays none.....	879
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399 By Committee on Motor Vehicles. Relating to taxation of motor vehicle certificated carriers.	
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400 By Cromwell. Relating to limitation, termination of real property liens for taxes for old age assistance fund.	
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401 By Committee on Election Reform. Relating to time of election and term of county officers.	
Introduced, placed on calendar	496
Special order .....	627
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402 By Baldwin and Dykhous. To create state reciprocity board for interstate cooperation on motor vehicle fees.	
Introduced, passed on file.....	496
Referred .....	525
403 By Baldwin and Dykhous. Relating to taxation of certificated motor carriers; to change name, purpose of compensation tax.	
Introduced, passed on file.....	496
Referred .....	525
404 By Committee on Public Schools. To provide for establishment, administration of retirement system for teachers.	
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405 By Hess. To authorize counties to expend any balance of primary road bond issues.	
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406 By Love. Relating to time of payment of first installment of taxes payable in 1941.	
Introduced, passed on file.....	496
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407 By Committee on Appropriations. To make appropriation for use of conservation commission.	
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Passed; ayes 31, nays 1.....	692	ers.	
Returned with House amend-		Introduced, passed on file.....	499
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Signed by Governor.		ambulance service in coun-	
408 By Hattery. Relating to		ties having county public	
certificate of title to motor		hospitals.	
vehicles and assignment		Introduced, passed on file.....	499
thereof.		Referred .....	526
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409 By Cromwell and Corwin.		thorizing highway commis-	
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410 By Whitehill. Relating to		Passed; ayes 38, nays none.....	860
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ing same and any defects		Reported enrolled .....	1168
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Referred .....	526	Signed by Governor.	
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411 By Mowry and Whitehill.		provide for erection equip-	
Relating to exemption from		ment of office building on	
income tax of certain profits		state capitol grounds.	
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Passed; ayes 31, nays none.....	1100	Returned with House amend-	
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412 By Augustine. Providing		Signed by President.....	1148
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ers; absent voters' ballots		420 By Committee on Appro-	
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Referred .....	526	control.	
413 By Augustine. Relating to		Introduced, placed on calendar	500
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tate acquired by insurance		Amendment adopted .....	537
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414 By Committee on Agricul-		Signed by President.....	696
ture. Relating to regulation		Sent to Governor.....	696
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lizers.		421 By Committee on Appro-	
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Passed; ayes 42, nays none....	764	Special order .....	516
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		Passed; ayes 30, nays none....	648

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Signed by President.....	696
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Signed by Governor.....	707
 422 By Faul. Relating to school sites and buildings in townships contiguous to certain cities; to provide for tax levy.	
Introduced, passed on file.....	500
Referred .....	526
 423 By Cromwell and Hart. Authorizing purchase, operation of toll bridges and issuance of revenue bonds.	
Introduced, passed on file.....	500
Referred .....	526
Recommended for passage.....	692
Placed on calendar.....	926
 424 By Dewey. Relating to sewerage systems and pollution of water; duties of department of health in connection therewith.	
Introduced, passed on file.....	500
Referred .....	526
 425 By Faul and Johnson. To establish October ninth as Lief Ericson Day.	
Introduced, passed on file.....	501
Referred .....	526
Recommended for indefinite postponement .....	611A
Indefinitely postponed .....	675
 426 By Byers. Relating to revenue bonds issued by cities or towns; registration of same under "Iowa Securities Law."	
Introduced, passed on file.....	501
Referred .....	526
 427 By Byers. To legalize action of Linn county, Iowa, in connection with care of patients in state institutions.	
Introduced, passed on file.....	501
Referred .....	526
Placed on calendar.....	770
Passed; ayes 45, nays none....	829
 428 By Byers. Relating to compensation of probate referees.	
Introduced, passed on file.....	501
Referred .....	526
 429 By Byers. Relating to election of park commissioners.	
Introduced, passed on file.....	501
Referred .....	526
Placed on calendar.....	770
Amendment adopted .....	828
Passed; ayes 45, nays none....	828
Returned from House.....	1223
Reported enrolled .....	1261
Signed by President.....	1261
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Signed by Governor.....	
 430 By Committee on Public Schools. All relating to elementary schools; authorizing employment of teachers for certain schools.	
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431 By Shaw. Relating to applications for homestead tax credit.	
Introduced, passed on file.....	501
Referred .....	526
 432 By Shaw. Relating to listing of real estate for taxation.	
Introduced, passed on file.....	502
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 433 By Shaw. Relating to exemption of corporations from taxation.	
Introduced, passed on file.....	502
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 434 By Shaw. Relating to the assessment of certain machinery.	
Introduced, passed on file.....	502
Referred .....	526
 435 By Shaw. Relating to date for listing, valuation of real estate for assessment purposes.	
Introduced, passed on file.....	502
Referred .....	526
 436 By Committee on Judiciary No. 2. Relating to time of filing claims against estates.	
Introduced, placed on calendar	502
Amendment filed .....	754
Placed on calendar.....	770
Amendments adopted .....	865, 866
Passed; ayes 46, nays none....	866
Title amended .....	866
Ordered engrossed .....	866
Returned from House.....	1034
Reported enrolled .....	1103
Signed by President .....	1103
Sent to Governor.....	1104
Signed by Governor.....	1242
 437 By Committee on Judiciary No. 2. Relating to liens for inheritance taxes.	
Introduced, placed on calendar	502
Placed on calendar.....	770
Passed; ayes 44, nays none....	783
Returned from House.....	1015
Reported enrolled .....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1242
 438 By Committee on Judiciary No. 2. Relating to salary of treasurer of state fair board.	
Introduced, placed on calendar	503
Placed on special calendar.....	926
Passed; ayes 28, nays none....	958
Returned from House.....	1145
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.....	
 439 By Committee on Judiciary No. 2. Relating to posting of supersedeas bond in certain damage cases.	
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440 By Committee on Judiciary No. 2. Relating to certain claims against state; provid- ing for investigation, pay- ment of.	
Introduced, placed on calendar	503
Placed on calendar	770
Amendments adopted	782
Passed; ayes 44, nays none	782
Returned with House amend- ment	1083
Refused to concur	1116
Returned from House	1186
Reported enrolled	1261
Signed by President	1261
Sent to Governor	1261
Signed by Governor.	
441 By Committee on Judiciary No. 2. Relating to question of survivor, insured or benefi- ciary.	
Introduced, placed on calendar	503
442 By Elthon. To legalize ac- tion of council of Lake Mills, Iowa.	
Introduced, passed on file	503
Referred	526
Recommended for passage	611A
Placed on calendar	770
Amendment adopted	829
Passed; ayes 46, nays none	830
Returned from House	932
Reported enrolled	951
Signed by President	951
Sent to Governor	970
Signed by Governor	1079
443 By Mowry, Sjuln and Turner. Relating to liquor control; to provide for peti- tions, elections.	
Introduced, passed on file	503
Referred	526
444 By Mowry, Sjuln and Turner. Relating to beer and malt liquors; to provide for petitions, elections.	
Introduced, passed on file	504
Referred	526
445 By Dewey. Relating to protection of certain fur- bearing animals; size, char- acter of traps.	
Introduced, passed on file	504
Referred	526
Recommended for passage	630
Placed on calendar	770
446 By Committee on Public Health. Relating to institu- tions for the feeble-minded and support of inmates thereof.	
Introduced, passed on file	504
Placed on calendar	807, 1080
Amendment filed	848
H. F. 289 substituted	1168
447 By Sjuln. Relating to adoption records and record- ing of vital statistics relat- ing thereto.	
Introduced, passed on file	504
Referred	526

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448 By Berg. Relating to courses of study at state educational institutions.	
Introduced, passed on file	505
Referred	526
Recommended for amendment and passage	611C
Placed on calendar	807
449 By Dykhouse. To make an appropriation for improve- ment of Rush Lake.	
Introduced, passed on file	505
Referred	526
450 By Love. To legalize proof of publication notice made by affidavit of assist- ant publisher.	
Introduced, passed on file	505
Referred	526
Recommended for passage	611A
Placed on calendar	807
H. F. 358 substituted	939
451 By Love. To limit time in which fees deposited with clerk of court may be claimed.	
Introduced, passed on file	505
Referred	526
452 By Benson. Relating to tax on airplane gas for state aeronautical purposes.	
Introduced, passed on file	505
Referred	526
453 By Benson. Relating to commission of aeronautics; to provide for co-ordinator.	
Introduced, passed on file	505
Referred	526
454 By Benson. Relating to establishment of branches of state traveling library; powers, duties of trustees.	
Introduced, passed on file	506
Referred	526
455 By Benson. To provide for rules by conservation com- mission with respect to use of state waters by aircraft.	
Introduced, passed on file	506
Referred	526
Recommended for passage	630
Placed on calendar	770, 1054
Passed; ayes 42, nays none	1074
Returned from House	1234
Reported enrolled	1261
Signed by President	1261
Sent to Governor	1261
Signed by Governor.	
456 By Benson. To present gift to battleship Iowa; ap- pointment of committee to make presentation.	
Introduced, passed on file	506
Referred	526
457 By Benson. Relating to auditing of counties, cities and school districts by state auditor's office.	
Introduced, passed on file	506
Referred	526



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458 By Benson. To legalize payment of certain refund warrants.	
Introduced, passed on file.....	506
Referred .....	526
Recommended for passage.....	611B
Placed on calendar .....	726
Passed; ayes 34, nays none....	761
Returned from House.....	834
Reported enrolled .....	867
Signed by President.....	867
Sent to Governor.....	868
Signed by Governor.....	953
459 By Benson. All relating to local budget law.	
Introduced, passed on file.....	507
Referred .....	526
Amendment filed .....	754
460 By Benson. Relating to license fee on public scales.	
Introduced, passed on file.....	507
Referred .....	526
Recommended for amendment and passage .....	611
461 By Committee on Labor. To create three member industrial commission.	
Introduced, placed on calendar	507
462 By Committee on Appropriations. To appropriate funds for various state departments.	
Introduced, placed on calendar	507
Special order .....	516
Deferred .....	533
Amendments filed .....	527, 545, 546, 558, 580
Amendments adopted..	589, 590, 591
Passed; ayes 45, nays none....	592
Returned with House amendment .....	1042
Refused to concur.....	1052
Conference committee appointed .....	1076
Conference committee report..	1106
Report and amendments adopted .....	1123
Passed; ayes 43, nays none....	1124
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.	
463 By Evans. To appropriate sum for purchase of property as addition to Glenwood state school.	
Introduced, passed on file.....	508
Referred .....	526
Referred .....	926
464 By Dewey. Authorizing contracts waiving workmen's compensation under certain conditions.	
Introduced, passed on file.....	508
Referred .....	526
465 By Clark and Keir. Relating to beer and malt liquors and penalty for violations by permit holders.	
Introduced, passed on file.....	508
Referred .....	526

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466 By Lundy. Relating to taxation of utilities owned and operated by municipalities.	
Introduced, passed on file.....	508
Referred .....	526
467 By Dewey and Shaw. Relating to certain exemptions in requirements for fish and game licenses.	
Introduced, passed on file.....	508
Referred .....	526
Recommended for passage.....	630
Passed; ayes 30, nays none....	638
Returned from House.....	1101
Reported enrolled .....	1168
Signed by President.....	1168
Sent to Governor.....	1168
Signed by Governor.....	1259
468 By Committee on Judiciary No. 1. To provide for determination of surviving spouse, heirs and beneficiaries.	
Introduced, placed on calendar	529
469 By Committee on Judiciary No. 2. Relating to collection of taxes on liquefied gas.	
Introduced, placed on calendar	529
Placed on calendar.....	807, 1054
Amendment filed .....	881
Amendment adopted .....	1072
Passed; ayes 41, nays none....	1072
Returned from House.....	1101
Reported enrolled .....	1168
Signed by President.....	1168
Sent to Governor.....	1168
Signed by Governor.	
470 By Committee on Appropriations. Relating to compensation of examiners and assistants in insurance department.	
Introduced, placed on calendar	572
Passed; ayes 42, nays none....	609
Returned from House.....	795
Reported enrolled .....	825
Signed by President.....	826
Sent to Governor.....	826
Signed by Governor.....	926
471 By Committee on Appropriations. To provide administrative fund for board of social welfare.	
Introduced, placed on calendar..	573
Deferred .....	610
Passed; ayes 36, nays none....	626
Returned from House.....	864
Reported enrolled .....	908
Signed by President.....	908
Sent to Governor.....	908
Signed by Governor.....	1004
472 By Committee on Appropriations. Relating to compensation of examiners and assistants in the state auditor's department.	
Introduced, placed on calendar	573
Passed; ayes 36, nays none....	610
Returned with House amendment .....	863
Refused to concur.....	903
Returned from House.....	979
Reported enrolled .....	1007
Signed by President.....	1007
Sent to Governor.....	1029
Returned by Governor.....	1103

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Record expunged .....	1148
Vote reconsidered .....	1149
Messaged to House .....	1149
Passed; ayes 41, nays none .....	1204
Reported enrolled .....	1261
Signed by President .....	1261
Sent to Governor .....	1261
Signed by Governor.	
 473 By Committee on Claims. To make appropriations to certain named persons in settlement of accident claims.	
Introduced, referred .....	573
Returned without recommenda- tion .....	673
Passed; ayes 42, nays none .....	718
Returned from House .....	795
Reported enrolled .....	825
Signed by President .....	826
Sent to Governor .....	826
Signed by Governor .....	926
 474 By Committee on Claims. To make appropriation to J. E. Tighe Motor Company, Keokuk, Iowa.	
Introduced, referred .....	573
Returned without recommenda- tion .....	673
Passed; ayes 42, nays none .....	719
 475 By Committee on Social Security. Relating to un- employment compensation, collection of contributions; to redefine "wages" and "an- nual payroll".	
Introduced, placed on calendar	585
Amendment filed .....	726
Placed on calendar .....	770
Amendments adopted .....	779
Passed; ayes 36, nays none .....	780
Returned from House .....	1231
Reported enrolled .....	1261
Signed by President .....	1261
Sent to Governor .....	1261
Signed by Governor.	
 476 By Committee on Social Security. Relating to em- ployment service in Iowa; preservation, destruction of records..	
Introduced, placed on calendar	585
Placed on calendar .....	770
Amendments filed .....	770
Amendments adopted .....	780, 781
Passed; ayes 40, nays none .....	781
Returned with House amend- ment .....	1234
Concurred .....	1236
Passed; ayes 34, nays none .....	1237
Reported enrolled .....	1261
Signed by President .....	1261
Sent to Governor .....	1261
Signed by Governor.	
 477 By Committee on Claims. To make appropriations to Palo Alto hospital associa- tion, Dr. E. D. Beatty and Dr. H. R. Powers.	
Introduced, referred .....	606
Returned without recommenda- tion .....	673
Passed; ayes 42, nays none .....	719
Returned from House .....	795
Reported enrolled .....	826

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Signed by President .....	826
Sent to Governor .....	826
Signed by Governor .....	926
 478 By Committee on Banks and Banking. Authorizing banks to make installment loans subject to certain defi- nite limitations.	
Introduced, placed on calendar	620
 479 By Committee on Banks and Banking. Relating to investment by banks in real estate bonds and mortgages.	
Introduced, placed on calendar	620
Placed on calendar .....	926
 480 By Committee on Claims. To make appropriations to Myrtle Hicks, Charles W. Matheson, Mrs. Cecil Meld- linger and Hazel J. Smith.	
Introduced, referred .....	660
Returned without recommenda- tion .....	673
Amendment adopted .....	759
Passed; ayes 39, nays none .....	759
Returned from House .....	883
Reported enrolled .....	908
Signed by President .....	908
Sent to Governor .....	908
Signed by Governor .....	1004
 481 By Committee on Public Schools. Relating to teach- ers' contracts and to provide for continuing thereof.	
Introduced, placed on calendar	667
Placed on calendar .....	770
Deferred .....	838
Amendments filed .....	847, 927
Amendment as amended adopted .....	1025
Passed; ayes 50, nays none .....	1025
Returned with House amend- ment .....	1083
Concurred .....	1099
Passed; ayes 31, nays none .....	1099
Reported enrolled .....	1168
Signed by President .....	1168
Sent to Governor .....	1168
Signed by Governor .....	1258
 482 By Committee on Public Schools. Relating to school taxes and bonds and provid- ing for certain exemptions.	
Introduced, placed on calendar	667
 483 By Committee on Public Schools. Relating to pur- chase, distribution of school books.	
Introduced, placed on calendar	667
 484 By Committee on Appro- priations. To make appro- priation for purchase of cer- tain real estate near Iowa State Teachers College.	
Introduced, placed on calendar	668
Passed; ayes 34, nays none .....	720
Returned with House amend- ment .....	1059
Concurred .....	1066
Passed; ayes 37, nays none .....	1066
Reported enrolled .....	1168
Signed by President .....	1168
Sent to Governor .....	1168
Signed by Governor.	

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485 By Committee on appropriations. To make emergency appropriation for expenses of judges of district court.	
Introduced, placed on calendar...	668
Passed; ayes 41, nays none...	721
Returned from House.....	795
Reported enrolled .....	825
Signed by President.....	826
Sent to Governor.....	826
Signed by Governor.....	926
486 By Committee on Military Affairs. To create commission and provide funds for presentation of gifts to Battleship Iowa and Cruiser Des Moines.	
Introduced, referred .....	668
Recommended for passage....	734
487 By Committee on Cities and Towns. Relating to garbage disposal and street cleaning fund.	
Introduced, placed on calendar..	668
488 By Committee on Cities and Towns. Providing an optional method of financing special assessments for street improvements, sewers.	
Introduced, placed on calendar..	668
489 By Committee on Judiciary No. 2. Providing for change of venue in actions involving any state officer or department head.	
Introduced, placed on calendar..	668
490 By Committee on Judiciary No. 2. Relating to disposition of cosmetology fees.	
Introduced, placed on calendar..	669
491 By Committee on Judiciary No. 2. Relating to issuance of writs directed to the state or any officer, department head thereof.	
Introduced, placed on calendar..	669
492 By Committee on Judiciary No. 2. Relating to time for granting writs of certiorari.	
Introduced, placed on calendar..	669
493 By Committee on Judiciary No. 2. Relating to personal net income tax in estates; to change to flat rate.	
Introduced, placed on calendar..	669
Amendment filed .....	869
Placed on special calendar.....	1080
494 By Committee on Ways and Means. Relating to support of liquor commission and providing for authorization of expenditures by General Assembly.	
Introduced, referred .....	677
495 By Committee on Ways and Means. Relating to personal net income tax, amending "definition of dividend."	
Introduced, referred .....	678

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496 By Committee on Ways and Means. Relating to personal liability of member of board of supervisors in voting bonds in excess of constitutional limit.	
Introduced, referred .....	678
497 By Committee on Claims. To make an appropriation to Wilda Trumbo, Des Moines, Iowa.	
Introduced, referred .....	678
Rereferred .....	758
498 By Committee on Cities and Towns. Relating to increasing millage for park purposes by cities and towns.	
Introduced, referred .....	678
499 By Committee on Printing. Relating to state printing board and public printing; to change name of superintendent of state printer.	
Introduced, referred .....	696
500 By Committee on Public Health. Relating to powers, duties of department of health with respect to public swimming pools.	
Introduced, referred .....	696
501 By Committee on Motor Vehicles. Relating to the imposition of the motor vehicle fuel tax.	
Introduced, referred .....	696
Placed on calendar.....	770
Passed; ayes 45, nays none....	832
502 By Committee on National Defense Coordination. To protect property involved in national defense projects.	
Introduced, referred .....	711
503 By Committee on Agriculture. To rewrite section relating to agricultural seeds with respect to defining noxious weeds.	
Introduced, referred .....	711
Placed on calendar.....	807
H. F. 295 substituted.....	1040
504 By Committee on Agriculture. Relating to bonded warehouses for agricultural products.	
Introduced, referred .....	711
Amendment filed .....	753
Placed on calendar.....	807, 1054
Amendments adopted .....	1119, 1120
Passed; ayes 36, nays none....	1120
505 By Committee on Agriculture. Relating to control, eradication of Bang's disease in cattle.	
Introduced, referred .....	711
Placed on calendar.....	770
Deferred .....	832
Amendments filed .....	881, 885
Amendment as amended adopted	984
Title amended .....	985
Passed; ayes 45, nays none....	985
Ordered engrossed .....	985
Returned with House amendment .....	1235

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Concurred .....	1250
Passed; ayes 43, nays none.....	1251
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.....	
506 By Committee on Claims. To make an appropriation to Emmett county, Iowa.	
Introduced, referred .....	711
Returned without recommenda- tion .....	734
Passed; ayes 39, nays none.....	768
Returned from House.....	864
Reported enrolled .....	908
Signed by President.....	908
Sent to Governor.....	908
Signed by Governor.....	1004
507 By Committee on Claims. To make an appropriation to Method of Economy Com- pany, Des Moines, Iowa.	
Introduced, referred .....	711
Returned without recommenda- tion .....	734
Rereferred .....	772
508 By Committee on Cities and Towns. Authorizing creation of housing author- ities near national defense projects.	
Introduced, referred .....	724
Amendments filed .....	755, 770, 791, 808, 870, 991, 1030
Placed on calendar.....	770
Amendments adopted .....	1036, 1037, 1039, 1040, 1048, 1049
Failed; ayes 14, nays 33.....	1050
509 By Committee on Claims. To make an appropriation to Glen Yates, Osage, Iowa.	
Introduced, referred .....	725
Returned without recommenda- tion .....	734
Passed; ayes 42, nays none.....	773
Failed .....	1187
510 By Committee on Claims. To make appropriations to Clarke county, Iowa, and Dr. C. K. Harken.	
Introduced, referred .....	725
Returned without recommenda- tion .....	734
Passed; ayes 43, nays none.....	774
Returned from House.....	1187
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.....	
511 By Committee on National Defense Coordination. To regulate the manufacture, distribution and possession of explosives.	
Introduced, referred .....	725
512 By Committee on Approp- riations. To provide an ap- propriation for state aid to public schools for education of physically handicapped children.	
Introduced, placed on calendar..	728
Passed; ayes 43, nays none.....	774
Returned from House.....	864

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Reported enrolled .....	908
Signed by President.....	908
Sent to Governor.....	908
Signed by Governor.....	1004
513 By Committee on Approp- riations to provide for an appropriation for the state printing board.	
Introduced, placed on calendar..	728
Amendment filed .....	735
Amendment adopted .....	777
Passed; ayes 41, nays none.....	778
Returned from House.....	949
Reported enrolled .....	990
Signed by President.....	990
Sent to Governor.....	990
Signed by Governor.....	1079
514 By Committee on Approp- riations. Relating to the budget and financial control act.	
Introduced, placed on calendar..	728
Passed; ayes 39, nays none.....	775
Title amended .....	775
Returned with House amend- ment .....	949
Concurred .....	1018
Passed; ayes 38, nays none.....	1019
Reported enrolled .....	1103
Signed by President.....	1103
Sent to Governor.....	1103
Signed by Governor.....	1242
515 By Committee on Claims. To make an appropriation to George C. Blachley, Des Moines, Iowa.	
Introduced, referred .....	738
Returned without recommenda- tion .....	820
Failed; ayes 14, nays 16.....	945
516 By Committee on Live- stock and Marketing. To provide for sale of hogs on carcass grading basis at cer- tain packing houses.	
Introduced, referred .....	738
Amendment filed .....	927
517 By Committee on Conser- vation of resources. Relat- ing to open season on pheas- ants.	
Introduced, referred .....	758
Placed on calendar.....	807
Amendments filed.....	991, 1054, 1055
Placed on calendar.....	1080
Amendments adopted 1133, 1134, 1135	
Passed; ayes 37, nays 3.....	1136
518 By Committee on Conser- vation of Resources. Relat- ing to speed limit on state park roads.	
Introduced, referred .....	758
Placed on calendar.....	807
Placed on special calendar.....	1080
Passed; ayes 31, nays none.....	1089
519 By Committee on Public Schools. Relating to trans- fer of school funds.	
Introduced, referred .....	771
Amendment filed .....	821

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520 By Committee on Claims. To make an appropriation to Charles L. Snyder and LeRoy A. Rader.	
Introduced, referred .....	771
Returned without recommendation .....	820
Failed; ayes 11, nays 14.....	946
521 By Committee on Judiciary No. 2. Relating to acknowledgments by persons connected with building and loan associations.	
Introduced, referred .....	793
Placed on special calendar....	926
Passed; ayes 28, nays none....	957
522 By Committee on Judiciary No. 2. Relating to time for claiming tax exemption on agricultural land.	
Introduced, referred .....	794
Placed on calendar.....	807
523 By Committee on Judiciary No. 2. Authorizing counties, cities, towns and school corporations with respect to refunding of indebtedness.	
Introduced, referred .....	794
Passed; ayes 28, nays none....	968
Motion to reconsider filed.....	968
Motion lost .....	1077
Returned from House.....	1245
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.	
524 By Committee on Judiciary No. 2. Relating to fees for attorneys employed by referees in partition actions.	
Introduced, referred .....	794
Placed on special calendar....	926
Passed; ayes 28, nays none....	960
Returned with House amendment .....	1197
Concurred .....	1206
Passed; ayes 44, nays none....	1206
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.	
525 By Committee on Social Security. To preserve unemployment compensation for individuals entering military service.	
Introduced, referred .....	812
Placed on special calendar....	926
Passed; ayes 28, nays none....	959
Returned from House.....	1058
Reported enrolled .....	1147
Signed by President.....	1148
Sent to Governor.....	1148
Signed by Governor.....	1259
526 By Committee on Appropriations. To make an appropriation to board of education for improvement, equipment at the University of Iowa.	
Introduced, placed on calendar..	812
Passed; ayes 38, nays 6.....	988
Returned with House amendment .....	1213
Concurred .....	1218
Passed; ayes 46, nays none....	1219

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Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.	
527 By Committee on Judiciary No. 2. To legalize action of council of Rudd, Iowa, in issuance of bonds for erection of community hall.	
Introduced, referred .....	824
Placed on special calendar....	926
Deferred .....	956
Proof of publication certified..	970
Passed; ayes 38, nays none....	980
Returned from House.....	1101
Reported enrolled .....	1168
Signed by President.....	1168
Sent to Governor.....	1168
Signed by Governor.....	1258
528 By Committee on Judiciary No. 2. To authorize cities and towns to incur indebtedness for purchase, remodeling of city halls.	
Introduced, referred .....	824
Placed on special calendar....	926
Passed; ayes 28, nays none....	957
Returned from House.....	1196
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.	
529 By Committee on Conservation. To provide for conveying of certain lands in Allamakee and Clayton counties to the United States.	
Introduced, referred .....	824
Placed on special calendar....	1080
Passed; ayes 31, nays none....	1097
Returned from House.....	1234
Reported enrolled .....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.	
530 By Committee on Insurance. To authorize appointment of commission to cooperate in proposed revision of Iowa insurance laws.	
Introduced, referred .....	839
Referred .....	926
531 By Committee on Cities and Towns. To empower cities and towns with respect to sewage treatment plants and trunk line sewer within or without corporate limits.	
Introduced, referred .....	839
532 By Committee on Mines and Mining. Relating to change of methods by mine operators.	
Introduced, referred .....	861
533 By Committee on Mines and Mining. Relating to maps of mines and mine extensions.	
Introduced, referred .....	861
534 By Committee on Mines and Mining. Relating to temporary employment in mines.	
Introduced, referred .....	861

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535 By Committee on Social Security. Relating to unemployment compensation; providing for payment of contributions by employers and defining term "wages".	
Introduced, referred	873
Placed on special calendar	926
Amendment filed	952
Amendment adopted	959
Passed; ayes 28, nays none	960
Returned from House	1058
Reported enrolled	1147
Signed by President	1148
Sent to Governor	1148
Signed by Governor	1259
536 By Committee on Judiciary No. 2. To legalize proceedings taken by the river front improvement commission of Fort Dodge, Iowa.	
Introduced, referred	873
Placed on special calendar	926
Proof of publication certified	954
Passed; ayes 26, nays 1	956
Returned from House	1058
Reported enrolled	1147
Signed by President	1148
Sent to Governor	1148
Signed by Governor	1258
537 By Committee on Judiciary No. 2. Relating to use tax by making clarifying definitions of term "Use".	
Introduced, referred	874
538 By Committee on Judiciary No. 2. To provide for preservation, in case of reinsurance, of Iowa title to deposits made by domestic companies.	
Introduced, referred	874
Placed on special calendar	926
Amendment adopted	961
Passed; ayes 28, nays none	961
Returned from House	1196
Reported enrolled	1261
Signed by President	1261
Sent to Governor	1261
Signed by Governor	
539 By Committee on State Political Districts. Relating to revision of certain senatorial districts.	
Introduced, placed on calendar	896
Special order	898
Passed; ayes 34, nays 10	997
Returned from House	1035
Reported enrolled	1103
Signed by President	1103
Sent to Governor	1104
Signed by Governor	1242
540 By Committee on Congressional Redistricting. To re-district state into eight congressional districts.	
Introduced, placed on calendar	897
Special order	898
Minority report submitted	948
Amendment filed	991
Minority report rejected; ayes 23, nays 25	998
Rereferred	1003
Returned without recommendation	1005
Amendment to substitute amendment recommended	1005

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Amendment filed	1005
Amendments to substitute amendments adopted	1010
Amendments adopted	1011, 1017
Deferred	1011
Passed; ayes 37, nays 13	1017
Ordered engrossed	1018
Returned with House amendment	1145
Special order	1164
Concurred	1173
Passed; ayes 36, nays 7	1174
Reported enrolled	1261
Signed by President	1261
Sent to Governor	1261
Signed by Governor	
541 By Committee on Appropriations. To make appropriation for use of State Tax Commission.	
Introduced, placed on calendar	897
Passed; ayes 41, nays none	940
Returned from House	1069
Reported enrolled	1147
Signed by President	1148
Sent to Governor	1148
Signed by Governor	1258
542 By Committee on Appropriations. To make an appropriation for improvements, repairs and supplies for state capitol building and grounds.	
Introduced, placed on calendar	906
Passed; ayes 40, nays none	939
Returned from House	1083
Reported enrolled	1168
Signed by President	1168
Sent to Governor	1168
Signed by Governor	1259
543 By Committee on Cities and Towns. To make applicable to special charter cities with respect to bonds issued for self-liquidating improvements	
Introduced, referred	906
Placed on calendar	1080
Amendment filed	1081
Amendment adopted	1098
Passed; ayes 31, nays none	1098
Returned from House	1211
Reported enrolled	1261
Signed by President	1261
Sent to Governor	1261
Signed by Governor	
544 By Committee on Claims. To make appropriations to certain named persons to cover refunds on motor vehicle registration fees.	
Introduced, referred	906
Returned without recommendation	924
Passed; ayes 35, nays 3	946
Returned from House	1034
Reported enrolled	1103
Signed by President	1103
Sent to Governor	1104
Signed by Governor	1242
545 By Committee on Claims. To make an appropriation to Breda Savings Bank, Breda, Iowa.	
Introduced, referred	907
Returned without recommendation	924

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Passed; ayes 42, nays none.....	973
Returned from House.....	1034
Reported enrolled.....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1242
546 By Committee on Claims. To make appropriations to certain named persons in settlement of damage claims due to highway accidents.	
Introduced, referred.....	907
Returned without recommenda- tion.....	924
Passed; ayes 37, nays none.....	974
Returned from House.....	1034
Reported enrolled.....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1242
547 By Committee on Claims. To make an appropriation to LeRoy Huskamp, Cedar Falls, Iowa.	
Introduced, referred.....	907
Returned without recommenda- tion.....	924
Passed; ayes 37, nays none.....	975
Returned from House.....	1034
Reported enrolled.....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1242
548 By Committee on Claims. To make an appropriation to Dr. Floyd C. Bridge, Storm Lake, Iowa.	
Introduced, referred.....	907
Returned without recommenda- tion.....	924
Passed; ayes 36, nays none.....	976
Returned from House.....	1034
Reported enrolled.....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1242
549 By Committee on Claims. To make appropriations to Firestone Tire and Rubber Company, Des Moines, Iowa; Lally's Service, Des Moines, Iowa.	
Introduced, referred.....	907
Returned without recommenda- tion.....	925
Passed; ayes 34, nays none.....	976
Returned from House.....	1034
Reported enrolled.....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1242
550 By Committee on Claims. To make an appropriation to Lyons Brothers, Cambridge, Iowa.	
Introduced, referred.....	907
Returned without recommenda- tion.....	925
Passed; ayes 40, nays none.....	977
Returned from House.....	1034
Reported enrolled.....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1242

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551 By Committee on Claims. To make an appropriation to Johnstone Bakery, Boone, Iowa.	
Introduced, referred.....	907
Returned without recommenda- tion.....	925
Passed; ayes 37, nays none.....	978
Returned with House amend- ment.....	1059
Concurred.....	1065
Passed; ayes 43, nays none.....	1065
Reported enrolled.....	1168
Signed by President.....	1168
Sent to Governor.....	1168
Signed by Governor.....	1259
552 By Committee on Claims. To make appropriations to Walker-Shum, Bedford, Iowa, and Westcott-Dough- ty-Chandler Funeral Chapel, Sioux City, Iowa.	
Introduced, referred.....	907
Returned without recommenda- tion.....	925
Passed; ayes 37, nays none.....	978
Returned from House.....	1033
Reported enrolled.....	1103
Signed by President.....	1103
Sent to Governor.....	1104
Signed by Governor.....	1242
553 By Committee on Military Affairs. Relating to exemp- tions from inheritance tax; providing for exemption in case of property passing to veterans' organizations.	
Introduced, referred.....	937
Placed on special calendar.....	1080
Amendments adopted.....	1086
Passed; ayes 31, nays none.....	1086
Returned from House.....	1234
Reported enrolled.....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.....	
554 By Committee on Judiciary No. 2. Relating to salaries of the Iowa highway patrol.	
Introduced, referred.....	1068
Placed on special calendar.....	1080
Deferred.....	1103
Passed; ayes 36, nays 5.....	1121
Returned from House.....	1234
Reported enrolled.....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.....	
555 By Committee on Judiciary No. 2. To provide for main- tenance of deposits by alien nonlife insurance companies.	
Introduced, referred.....	1111
Amendment filed.....	1138
Amendment adopted.....	1141
Passed; ayes 43, nays none.....	1141
Returned with House amend- ment.....	1223
Concurred.....	1227
Passed; ayes 43, nays none.....	1227
Reported enrolled.....	1261
Signed by President.....	1261
Sent to Governor.....	1261
Signed by Governor.....	

S. F.	Page	S. F.	Page
556 By Committee on Military Affairs. To provide for vote of qualified electors of Iowa in military service in primary and general elections.	1172	Title amended .....	1209
Introduced, referred .....	1172	Reconsidered, amendment lost..	1212
Placed on calendar .....	1192	Passed; ayes 40, nays none.....	1212
Passed; ayes 43, nays none.....	1215	Returned with House amend- ment .....	1214
Returned from House.....	1234	Refused to concur.....	1228
Reported enrolled .....	1261	Conference committee appointed..	1245
Signed by President.....	1261	Conference report adopted.....	1249
Sent to Governor.....	1261	Passed; ayes 34, nays none.....	1250
Signed by Governor.		Returned from House.....	1260
557 By Committee on Appropriations. To make an appropriation for miscellaneous expenses of Forty-ninth General Assembly.		Reported enrolled .....	1261
Introduced, placed on calendar..	1194	Signed by President.....	1261
Amendment adopted .....	1209	Sent to Governor.....	1261
Passed; ayes 46, nays none.....	1209	Signed by Governor.	
		558 By Committee on Appropriations. To create Aid to Dependent Children Fund and provide for administration thereof.	
		Introduced, placed on calendar..	1194
		Passed; ayes 44, nays none.....	1218



# HISTORY OF HOUSE BILLS IN SENATE

## HOUSE FILES AND JOINT RESOLUTIONS PASSED AND APPROVED—139

J. R. 1, 2.

1, 2, 3, 4, 5, 6, 8, 9, 13, 23, 24, 27, 29, 30, 31, 32,  
33, 34, 38, 40, 46, 47, 50, 53, 57, 59, 63, 65, 68, 71, 78, 79,  
80, 82, 83, 84, 86, 87, 91, 93, 94, 104, 106, 108, 116, 117, 118, 121,  
123, 127, 128, 133, 138, 146, 147, 149, 150, 152, 153, 155, 159, 161, 162, 163,  
167, 169, 171, 173, 177, 190, 192, 207, 209, 223, 224, 237, 238, 239, 243, 246,  
248, 250, 251, 252, 253, 265, 271, 272, 278, 285, 288, 289, 291, 295, 301, 310,  
320, 323, 336, 344, 346, 351, 352, 358, 372, 384, 387, 392, 394, 397, 400, 401,  
404, 407, 408, 412, 415, 420, 437, 442, 444, 447, 463, 491, 506, 513, 517, 518,  
523, 524, 526, 536, 538, 541, 544, 557, 558.

Passed both Houses, vetoed by Governor—H. F. 75, 176, 515.

## RECORD OF EACH HOUSE BILL IN SENATE

H. F.	Page	H. F.	Page
1 By Efficiency Committee. To clarify property liens in relation to motor carriers.		6 By Efficiency Committee. Relating to time when com- pensation tax payments be- come delinquent.	
Received .....	44	Received .....	45
Referred .....	86	Referred .....	86
Recommended for passage.....	187	Recommended for passage.....	229
Passed; ayes 39, nays none.....	203	Passed; ayes 47, nays none.....	311
Reported enrolled .....	237	Reported enrolled .....	347
Signed by President.....	237	Signed by President.....	347
2 By Efficiency Committee. Relating to refund, assess- ment of tax on certain motor vehicles.		7 By Efficiency Committee. Relating to expiration date of licenses for food estab- lishments.	
Received .....	45	Received .....	45
Referred .....	86	Referred .....	86
Recommended for passage.....	510	Recommended for passage.....	266
Placed on calendar.....	693	Failed; ayes 17, nays 12.....	414
Passed; ayes 37, nays none.....	698		
Reported enrolled .....	738		
Signed by President.....	738		
3 By Efficiency Committee. Relating to payments for identification plates.		8 By Efficiency Committee. Relating to adulteration of food.	
Received .....	45	Received .....	65
Referred .....	86	Referred .....	86
Recommended for passage.....	229	Recommended for passage.....	427
Passed; ayes 44, nays none.....	311	Amendment adopted .....	686
Reported enrolled .....	347	Passed; ayes 41, nays 1.....	687
Signed by President.....	347	Conference committee appointed	800
		Report of conference committee	989
		Report adopted .....	1023
		Passed; ayes 41, nays 2.....	1024
		Reported enrolled .....	1132
		Signed by President.....	1132
4 By Efficiency Committee. To provide penalty for viola- tion of provisions for taxa- tion of motor vehicles.		9 By Lucas. Relating to loss to growing crops by hail; providing for notice thereof.	
Received, passed on file.....	308	Received, passed on file.....	217
Referred .....	317	Substituted for S. F. 178.....	218
Recommended for amendment and passage .....	576	Passed; ayes 43, nays none.....	218
Placed on calendar.....	693	Reported enrolled .....	261
Amendment adopted .....	699	Signed by President.....	261
Deferred .....	699		
Passed; ayes 40, nays none.....	700		
Reported enrolled .....	814		
Signed by President.....	814		
5 By Efficiency Committee. Relating to refund of motor vehicle fuel license fees.		13 By Yager and Knudson. Relating to liens on boats and boat engines and motors.	
Received .....	45	Received, passed on file.....	247
Referred .....	86	Referred .....	255
Recommended for passage.....	187	Recommended for amendment and passage .....	370
Passed; ayes 38, nays none.....	203	Passed; ayes 44, nays none.....	572
Reported enrolled .....	237	Reported enrolled .....	613
Signed by President.....	237	Signed by President.....	613

H. F.	Page
22 By Efficiency Committee. Providing for assessment of property at sixty per cent of valuation.	
Received	83
Substituted for S. F. 28	84
Amendment filed	87
Special order	87
Amendments adopted	92
Passed; ayes 48, nays 1	92
Reconsidered	99
Vote on amendment reconsid- ered	100
Amendment withdrawn	100
Passed; ayes 47, nays 1	101
Reported enrolled	109
Signed by President	110
Return requested	146
Received	147
Signature, report expunged	148
Enrolled bills report rejected	148
Vote reconsidered	149
23 By Efficiency Committee. To fix limitation of indebted- ness of municipalities.	
Received	98
Substituted for S. F. 29	105
Amendments adopted	106
Amendment filed	108
Passed; ayes 46, nays 1	107
Reported enrolled	138
Signed by President	138
24 By Knowlton. Relating to commitment, care and sup- port of insane persons.	
Received, passed on file	277
Referred	279
Recommended for passage	611C
Placed on calendar	693
Passed; ayes 34, nays 2	699
Reported enrolled	738
Signed by President	738
26 By Poston. Relating to appointment of notaries pub- lic.	
Received, referred	769
Amendment filed	789
Placed on calendar	807, 1080
Amendment adopted	1144
Failed; ayes 11, nays 22	1144
27 By Efficiency Committee. To provide for issuance of travel orders for motor ve- hicles.	
Received	65
Referred	86
Recommended for passage	576
Passed; ayes 30, nays none	639
Reported enrolled	724
Signed by President	724
28 By Efficiency Committee. To define "permit" in motor vehicle truck operator law.	
Received	65
Referred	86
Recommended for amendment and passage	448
Placed on calendar	693
Amendments filed	693, 735, 789, 808, 821, 869
Deferred	701, 819, 863, 905, 972
29 By Efficiency Committee. To further define "motor ve- hicle;" to provide exemption for school busses.	
Received, referred	126

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Recommended for passage	229
Passed; ayes 40, nays none	312
Reported enrolled	347
Signed by President	347
30 By Efficiency Committee. To change provisions with regard to identification plates.	
Received	66
Referred	86
Recommended for passage	266
Passed; ayes 45, nays none	399
Reported enrolled	446
Signed by President	446
31 By Efficiency Committee. To make appropriation for current and miscellaneous expenses of General Assem- bly.	
Received	66
Referred	86
Placed on calendar	693
Amendment adopted	712
Passed; ayes 39, nays none	712
Reported enrolled	799
Signed by President	799
32 By Efficiency Committee. To clarify definition of "gross weight" of motor car- riers.	
Received	66
Referred	86
Recommended for passage	229
Passed; ayes 43, nays none	313
Reported enrolled	347
Signed by President	347
33 By Lampman. Relating to nominations prohibited by political conventions.	
Received, passed on file	359
Referred	373
Substituted for S. F. 276	549
Passed; ayes 42, nays 2	563
Reported enrolled	613
Signed by President	613
34 By Keeney. To extend tax exemption on agricultural produce.	
Received, passed on file	412
Substituted for S. F. 12	414
Deferred	414
Amendments filed	431, 449
Amendments adopted	460
Passed; ayes 35, nays 11	461
Title amended	461
Insists	544
Conference committee appointed	544
Report of conference committee	587
Report and amendment adopted	623
Passed; ayes 39, nays 2	623
Reported enrolled	724
Signed by President	724
35 By Keeney and Eckerman. Authorizing chemical tests in drunken driving cases.	
Received, referred	769
Amendment filed	1136
38 By Morrissey and Dvorak. Relating to bonds for muni- cipal officers.	
Received, passed on file	412
Referred	430

H. F.	Page
Recommended for passage.....	674
Placed on calendar.....	693
Passed; ayes 37, nays 1.....	701
Reported enrolled.....	738
Signed by President.....	738

40 By Efficiency Committee.  
Relating to free distribution  
of Supreme Court reports.

Received.....	90
Referred.....	129
Recommended for passage.....	187
Amendment filed.....	205
Amendment adopted.....	226
Passed; ayes 45, nays none.....	226
Reported enrolled.....	277
Signed by President.....	277

44 By Efficiency Committee.  
To provide twenty-four hour  
permit for transportation of  
household goods by non-resi-  
dent truck operators.

Received.....	91
Referred.....	129
Recommended for passage.....	511
Amendment filed.....	611D

46 By Efficiency Committee.  
Relating to pasteurization of  
dairy products.

Received.....	135
Referred.....	138
Recommended for passage.....	265
Passed; ayes 44, nays none.....	400
Reported enrolled.....	446
Signed by President.....	446

47 By Efficiency Committee.  
Relating to time for reports  
on warrants by county treas-  
urers.

Received.....	135
Referred.....	138
Recommended for passage.....	427
Passed; ayes 45, nays none.....	685
Reported enrolled.....	724
Signed by President.....	724

50 By Efficiency Committee.  
To fix time Commerce Com-  
mission shall remit to treas-  
urer taxes received from cer-  
tified carriers.

Received, passed on file.....	162
Referred.....	170
Amendment filed.....	246
Placed on calendar.....	693
Passed; ayes 39, nays none.....	702
Reported enrolled.....	738
Signed by President.....	738

53 By Dodds, Pine and Foster.  
To authorize counties to sell  
property to the federal gov-  
ernment; to provide for sub-  
stitution of other property.

Received.....	95
Substituted for S. F. 55.....	96
Passed; ayes 50, nays none.....	97
Reported enrolled.....	138
Signed by President.....	138

55 By Pine and Prentiss. Re-  
lating to residence require-  
ments for military tax ex-  
emption.

Received, passed on file.....	359
Referred.....	373
Recommended for passage.....	629

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57 By Avery. Authorizing counties to expend balance from primary road bond is- sues.	

Received, passed on file.....	366
Referred.....	373
Recommended for passage.....	579
Placed on calendar.....	1171
Passed; ayes 42, nays none.....	1186
Reported enrolled.....	1261
Signed by President.....	1261

59 By Johnson of Marion. Re-  
lating to final reports by fu-  
diciaries.

Received, passed on file.....	277
Referred.....	279
Recommended for passage.....	342
Passed; ayes 39, nays none.....	614
Reported enrolled.....	724
Signed by President.....	724

63 By Risse. Relating to in-  
terest rate on bonds issued  
by drainage districts.

Received, referred.....	593, 611C
Placed on calendar.....	726
Passed; ayes 38, nays none.....	731
Reported enrolled.....	799
Signed by President.....	799

65 By Poston. Relating to  
authority of fiduciaries and  
others to invest funds in  
building and loan associa-  
tions.

Received, passed on file.....	277
Referred.....	279
Substituted for S. F. 231.....	665
Deferred.....	665, 684
Amendment adopted.....	685
Passed; ayes 43, nays none.....	686
Reported enrolled.....	738
Signed by President.....	738

68 By Burma. Relating to  
residence requirement before  
poor relief is granted.

Received, passed on file.....	355
Referred.....	356
Recommended for passage.....	426
Passed; ayes 39, nays 4.....	688
Reported enrolled.....	724
Signed by President.....	724

71 By Efficiency Committee.  
Relative to notice of re-  
demption period with respect  
to old age assistance.

Received, passed on file.....	163
Referred.....	170
Recommended for passage.....	250
Passed; ayes 47, nays none.....	341
Reported enrolled.....	369
Signed by President.....	369

75 By Eckerman and Dietz.  
To give certain remainder-  
men benefits of homestead  
tax credit.

Received, passed on file.....	277
Referred.....	279
Placed on calendar.....	807
Placed on special calendar.....	1080
Passed; ayes 31, nays none.....	1093
Reported enrolled.....	1149
Signed by President.....	1149

H. F.	Page
78 By McFarlane and Butterfield. To authorize payment of refund warrant to Peter J. Blough.	
Received, passed on file.....	247
Referred .....	255
Substituted for S. F. 93.....	272
Passed; ayes 46, nays none....	273
Reported enrolled .....	315
Signed by President.....	316
79 By McFarlane and Butterfield. Relating to compensation of councilmen.	
Received, passed on file.....	308
Referred .....	317
Recommended for passage.....	428
Substituted for S. F. 92.....	444
Passed; ayes 41, nays 1.....	444
Reported enrolled .....	515
Signed by President.....	516
80 By Dvorak and Miller. Relating to right of way of motor vehicles at intersections.	
Received, passed on file.....	359
Referred .....	373
Recommended for passage.....	579
Placed on calendar.....	693
Passed; ayes 43, nays none....	703
Reported enrolled .....	738
Signed by President.....	738
81 By Hoegh. Relating to time compensation begins under workmen's compensation.	
Received, referred .....	593, 611C
82 By Dodds, Claypool, Hocum, Hutchison and Foster. Relating to drawing or uttering of false checks.	
Received, referred .....	1078
Placed on special calendar.....	1080
Passed; ayes 31, nays none....	1092
Reported enrolled .....	1149
Signed by President.....	1149
83 By Johannes and Smith. Relating to Hens for services on agricultural products.	
Received, passed on file.....	394
Referred .....	406
Recommended for passage.....	611C
Placed on calendar .....	693
Passed; ayes 41, nays none....	704
Reported enrolled .....	738
Signed by President.....	738
84 By Burma. Fixing value of property for inheritance purposes by court; pertaining to notice and appeal.	
Received, passed on file.....	308
Referred .....	317
Recommended for passage.....	522
Placed on calendar.....	693
Passed; ayes 41, nays none....	705
Reported enrolled .....	738
Signed by President.....	738
85 By Avery, Hutchison and Morrissey. To provide for clearing at par of checks drawn on banks.	
Received, referred .....	805
86 By Allen. Relating to voting by agent in drainage districts.	
Received, passed on file.....	359

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Referred .....	373
Recommended for passage.....	578
Passed; ayes 30, nays none....	644
Reported enrolled .....	724
Signed by President.....	724
87 By Burma. To provide for fixing value by court of property appraised for inheritance tax purposes.	
Received, passed on file.....	308
Referred .....	317
Recommended for passage.....	522
Placed on calendar.....	693
Passed; ayes 39, nays 2.....	705
Reported enrolled .....	738
Signed by President.....	738
91 By Dodds, Claypool, Hocum, Hutchison and Foster. To provide for advance notice of defenses of insanity, alibi, in criminal cases.	
Received, passed on file.....	394
Referred .....	406
Recommended for passage.....	521
Placed on calendar.....	1192
Passed; ayes 46, nays none....	1232
Reported enrolled .....	1261
Signed by President.....	1261
93 By Efficiency Committee. Relating to impersonation of an officer of the Iowa highway safety patrol.	
Received, passed on file.....	163
Referred .....	179
Recommended for passage.....	250
Passed; ayes 43, nays none....	350
Reported enrolled .....	385
Signed by President.....	385
94 By Efficiency Committee. Relating to fees charged by secretary of state for recording documents and for copies of same.	
Received, passed on file.....	163
Referred .....	170
Recommended for passage.....	251
Passed; ayes 45, nays none....	351
Reported enrolled .....	385
Signed by President.....	385
101 By Dancer and Paulus. To prohibit use of butter substitutes in certain public institutions.	
Received, passed on file.....	461
Referred .....	463
104 By Hoegh, Dancer, Alesch, Good and Yager. Relating to contracts for municipal improvements; to provide for appeal board.	
Received, passed on file.....	278
Referred .....	279
Recommended for amendment and passage .....	629
Placed on calendar .....	770
Placed on special calendar.....	1080
Amendment adopted .....	1096
Passed; ayes 31, nays none....	1096
Reported enrolled .....	1259
Signed by President.....	1259
105 By Efficiency Committee. Relating to restricted driving permits to students.	
Received, passed on file.....	185

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Referred .....	188
Amendment filed .....	189
<b>106 By Efficiency Committee.</b>	
Relating to registration of	
motor vehicles of nonresi-	
dents.	
Received, passed on file .....	204
Referred .....	205
Recommended for passage .....	266
Passed; ayes 42, nays none .....	401
Reported enrolled .....	446
Signed by President .....	446
<b>107 By Efficiency Committee.</b>	
To require brakes on house	
trailers; relating to use of	
spotlights on cars and to re-	
quire lights on bicycles.	
Received, passed on file .....	204
Referred .....	205
Recommended for amendment	
and passage .....	511
<b>108 By Paullus, Miller, Yager,</b>	
<b>Wilson, Hocum, Scott of Sac</b>	
<b>and Bockwoldt. Relating to</b>	
<b>speed restrictions for motor</b>	
<b>vehicles.</b>	
Received, passed on file .....	360
Referred .....	373
Placed on calendar .....	693
Amendment adopted .....	706
Passed; ayes 35, nays 3 .....	706
Title amended .....	706
Reported enrolled .....	799
Signed by President .....	799
<b>111 By Allen. Relating to</b>	
<b>clean-out of drainage ditch</b>	
<b>outlet and to assessment</b>	
<b>therefor.</b>	
Received, referred .....	1203
Passed on file .....	1214
<b>114 By Johnson of Marion. Re-</b>	
<b>lating to time for taking ap-</b>	
<b>peal to supreme court.</b>	
Received, referred .....	593, 611C
<b>116 By Johnson of Marion. Re-</b>	
<b>lating to sentence for second</b>	
<b>violation of liquor laws.</b>	
Received, passed on file .....	462
Referred .....	463
Placed on calendar .....	693
Passed; ayes 39, nays none .....	715
Reported enrolled .....	758
Signed by President .....	758
<b>117 By Dvorak. Relating to</b>	
<b>change of venue from justice</b>	
<b>courts.</b>	
Received, referred .....	593, 611C
Placed on calendar .....	693
Recommended for passage .....	711
Passed; ayes 43, nays none .....	716
Reported enrolled .....	758
Signed by President .....	758
<b>118 By Dvorak. Relating to</b>	
<b>chauffeur's licenses for oper-</b>	
<b>ation of certain motor ve-</b>	
<b>hicles.</b>	
Received, referred .....	682
Placed on calendar .....	693
Passed; ayes 32, nays 7 .....	716
Reported enrolled .....	758
Signed by President .....	758

H. F.	Page
<b>121 By Gardner of Linn and</b>	
<b>Relly. Relating to tax levy</b>	
<b>for purpose of obtaining fire</b>	
<b>equipment.</b>	
Received, referred .....	555, 557
Placed on calendar .....	726
Passed; ayes 40, nays none .....	732
Reported enrolled .....	799
Signed by President .....	799
<b>123 By Morrissey and Blue.</b>	
<b>Relating to definition and</b>	
<b>standards for lard.</b>	
Received, passed on file .....	492
Referred .....	527
Recommended for passage .....	675
Placed on calendar .....	807
Placed on special calendar .....	1030
Passed; ayes 31, nays none .....	1090
Reported enrolled .....	1149
Signed by President .....	1149
<b>127 By McFarlane, Eckerman,</b>	
<b>Judd, Carlson, Irwin, Thomp-</b>	
<b>son, Relly, Greene, Snaken-</b>	
<b>berg, Arant and Butterfield.</b>	
<b>Relating to defense by cities</b>	
<b>and towns of firemen and po-</b>	
<b>licemen.</b>	
Received, referred .....	787
Placed on calendar .....	807, 1080
Passed; ayes 31, nays none .....	1102
Reported enrolled .....	1149
Signed by President .....	1149
<b>128 By Gardner of Linn. To</b>	
<b>make appropriation to de-</b>	
<b>fray expenses of inaugural</b>	
<b>ceremonies.</b>	
Received, passed on file .....	204
Referred .....	205
Substituted for S. F. 161 .....	209
Passed; ayes 40, nays none .....	210
Reported enrolled .....	261
Signed by President .....	261
<b>131 By Gardner of Linn. Re-</b>	
<b>lating to boards of memorial</b>	
<b>buildings and monuments; to</b>	
<b>include Iowa Volunteers.</b>	
Received, referred .....	555, 557
<b>133 By Dvorak. Relating to</b>	
<b>finer assessed against real</b>	
<b>estate brokers.</b>	
Received, referred .....	555, 557
Placed on calendar .....	726
Passed; ayes 37, nays none .....	739
Reported enrolled .....	799
Signed by President .....	799
<b>134 By Lampman. Relating to</b>	
<b>inheritance taxes in certain</b>	
<b>cases of nonresident land-</b>	
<b>holder estates.</b>	
Received, referred .....	666, 675
Placed on calendar .....	726
Deferred .....	739
Passed; ayes 40, nays none .....	744
Reported enrolled .....	799
Signed by President .....	799
Return from House requested .....	1033
Returned from House .....	1082
<b>136 By Hoegh. To provide for</b>	
<b>licensing of coin operated</b>	
<b>moving picture machines.</b>	
Received, referred .....	905

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138 By Kuester. Relating to establishment of junior colleges.		Placed on calendar.....	807, 1080
Received, passed on file.....	412	Amendment filed .....	927
Referred .....	430	Amendment offered .....	1145
Returned without recommendation .....	525	Deferred .....	1145
Placed on calendar.....	926, 1171	Amendment adopted .....	1177
Passed; ayes 29, nays 14.....	1189	Passed; ayes 37, nays none.....	1178
Reported enrolled .....	1261	Reported enrolled .....	1261
Signed by President.....	1261	Signed by President.....	1261
145 By Stanek. Relating to emergency clearing of certain roads, driveways; hiring of road maintenance machinery.		155 By Committee on Banks and Banking. Relating to authorized investment of trust funds.	
Received, referred .....	805	Received, referred .....	1041
146 By Burma. Relating to duties of state car dispatcher; to provide appropriation for revolving fund for office expenses.		Placed on calendar.....	1171
Received, referred .....	805	Passed; ayes 45, nays 1.....	1190
Referred .....	926	Reported enrolled .....	1261
Placed on special calendar.....	1080	Signed by President.....	1261
Recommended for passage.....	1105	159 By Walter of Marshall, Morrissey, Dancer, Weichman, Brindle, Burma, Cooper, Dietz, Hermesen and Wilson. Relating to contagious and infectious diseases of animals; Bang's disease.	
Amendments adopted .....	1122	Received, referred .....	666, 675
Passed; ayes 35, nays 4.....	1122	Placed on calendar.....	726
Reported enrolled .....	1259	Passed; ayes 36, nays none.....	741
Signed by President.....	1259	Reported enrolled .....	799
147 By Moyle. Relating to library funds.		Signed by President.....	799
Received, passed on file.....	412	161 By Lampman, Cooper, Knudson, Johannes, Avery, Wichman, Kruse, Walter of Marshall. Relating to bees, combs, hives brought from other states and inspection thereof.	
Referred .....	430	Received, referred .....	1078
Recommended for passage.....	462	Placed on special calendar.....	1080
Amendment filed .....	848	Passed; ayes 31, nays none.....	1095
Placed on calendar .....	1080	Reported enrolled .....	1149
Amendments adopted .....	1129	Signed by President.....	1149
Passed; ayes 40, nays none.....	1130	162 By Lampman, Cooper, Knudson, Johannes, Avery, Wichman, Kruse and Walter of Marshall. To place state apiarist under department of agriculture.	
Reported enrolled .....	1259	Received, passed on file.....	493
Signed by President.....	1259	Referred .....	527
149 By Fishbaugh. Relating to bonds of public officers.		Recommended for passage.....	672
Received, passed on file.....	355	Placed on calendar .....	926
Referred .....	356	Placed on special calendar.....	1080
Placed on calendar.....	726	Passed; ayes 31, nays none.....	1095
Passed; ayes 41, nays none.....	740	Reported enrolled .....	1149
Reported enrolled .....	799	Signed by President.....	1149
Signed by President.....	799	163 By Risse, Knippling, Pine, Kuester, Lampman, Ritchie, Kruse and Sharp. Relating to county homes and transfer of inmates thereof.	
150 By Committee on Social Security. Relating to overpayment of benefits under unemployment compensation act.		Received, referred .....	667, 675
Received, passed on file.....	278	Placed on calendar.....	726
Referred .....	279	Passed; ayes 40, nays none.....	742
Recommended for passage.....	423	Reported enrolled .....	799
Passed; ayes 40, nays 3.....	688	Signed by President.....	799
Reported enrolled .....	724	166 By Cooper, Risse, Hocum and Wilson. Relating to minimum school age and to provide for completion of kindergarten.	
Signed by President.....	724	Received, referred .....	805
152 By Latchaw. Relating to civil service in special charter cities.		Placed on calendar.....	1171
Received, passed on file.....	492	Deferred .....	1191
Referred .....	527		
Placed on calendar.....	726		
Passed; ayes 36, nays none.....	740		
Reported enrolled .....	799		
Signed by President.....	799		
153 By Knowlton. Relating to probate of wills and legalizing of certain notices of hearings.			
Received, passed on file.....	493		
Referred .....	527		

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167 By Claypool, Dodds and Hutchison. To make uniform, law on fresh pursuit, authorizing cooperation with other states.	
Received, referred .....	805
Placed on calendar .....	926
Placed on special calendar .....	1080
Passed; ayes 31, nays none .....	1091
Reported enrolled .....	1149
Signed by President .....	1149
169 By Avery. Relating to the sealing of adoption records.	
Received, referred .....	788
Placed on calendar .....	807
Placed on special calendar .....	1140
Passed; ayes 35, nays 1 .....	1163
Reported enrolled .....	1259
Signed by President .....	1259
171 By Johnson of Marion. To make permanent a temporary transfer of funds in Marion county, Iowa.	
Received, referred .....	555, 557
Placed on calendar .....	726
Passed; ayes 36, nays none .....	742
Reported enrolled .....	799
Signed by President .....	799
173 By Reilly and Manley. To provide for compensation for councilmen in cities of 30,000 under city manager plan.	
Received, referred .....	868
Placed on calendar .....	1192
Passed; ayes 32, nays none .....	1222
Reported enrolled .....	1261
Signed by President .....	1261
176 By Graft and Burma. Relating to motor vehicles used for transporting other motor vehicles.	
Received, referred .....	1202
Placed on calendar .....	1213
Passed; ayes 34, nays 8 .....	1233
Reported enrolled .....	1261
Signed by President .....	1261
177 By Steinberg. Relating to petitions for fire protection outside city limits.	
Received, referred .....	1104
Placed on calendar .....	1171
Passed; ayes 42, nays none .....	1182
Reported enrolled .....	1261
Signed by President .....	1261
179 By Greene. Relating to finger and palm prints.	
Received, referred .....	556, 557
190 By Welchman. To legalize proceedings in platting of Wamser's addition to town of Keystone, Iowa.	
Received, referred .....	556, 557
Placed on calendar .....	726
Passed; ayes 41, nays none .....	743
Reported enrolled .....	799
Signed by President .....	799
192 By Committee on National Defense. To create Iowa Industrial and Defense Commission and appropriate funds therefor.	
Received, passed on file .....	248
Substituted for S. F. 224 .....	248
Passed; ayes 43, nays none .....	249
Reported enrolled .....	277
Signed by President .....	277

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200 By Miller, Good, Hocum, Burk, McFarlane, Alesch, Foster and Dietz. To appropriate sum of \$25,000 to Iowa state college for research work and to provide for report of same.	
Received, referred .....	667
Recommended for passage .....	922
207 By Hoegh and Lucas. Relating to submission of biennial estimate of expenditures to comptroller by soil conservation committee.	
Received .....	850
Placed on calendar .....	1192
Passed; ayes 41, nays none .....	1223
Reported enrolled .....	1261
Signed by President .....	1261
208 By Committee on Public Health. Relating to time of filing of original returns on marriages and divorces.	
Received, passed on file .....	360
Referred .....	373
Placed on calendar .....	807
209 By Committee on Public Health. Relating to death certificates and burial permits.	
Received, passed on file .....	360
Referred .....	373
Recommended for passage .....	577
Placed on calendar .....	726
Passed; ayes 39, nays none .....	744
Reported enrolled .....	799
Signed by President .....	799
223 By Committee on Ways and Means. To provide limitation of time in which tax commission may examine records of taxpayer.	
Received, passed on file .....	446
Referred .....	449
Amendment filed .....	580
Recommended for passage .....	629
Placed on calendar .....	726
Amendments adopted .....	745
Passed; ayes 39, nays 1 .....	745
Conference committee appointed .....	803
Report of conference committee .....	877
Report and amendment adopted .....	900
Passed; ayes 42, nays none .....	901
Reported enrolled .....	936
Signed by President .....	936
224 By Committee on Ways and Means. Providing for limitation of time in which tax commission may allow claims for refund.	
Received, passed on file .....	447
Referred .....	449
Recommended for passage .....	629
Placed on calendar .....	726
Amendments adopted .....	746
Passed; ayes 39, nays none .....	746
Conference committee appointed .....	803
Report of conference committee .....	878
Report and amendment adopted .....	901, 902
Passed; ayes 46, nays none .....	902
Reported enrolled .....	936
Signed by President .....	936

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237 By Van Oosterhout. To legalize proceedings relating to issuance of bonds of city of Hawarden, Iowa.	
Received, referred.....	556, 557
Substituted for S. F. 297.....	635
Passed; ayes 28, nays none.....	635
Reported enrolled.....	724
Signed by President.....	724
238 By Committee on Ways and Means. To authorize state tax commission in destruction of records, reports filed by taxpayers after certain period.	
Received, passed on file.....	447
Referred.....	449
Recommended for passage.....	628
Placed on calendar.....	726
Passed; ayes 41, nays none.....	747
Title amended.....	747
Reported enrolled.....	814
Signed by President.....	814
239 By Snakenberg. To legalize certain expenditures of Keokuk county, Iowa.	
Received, referred.....	841
Proof of publication certified....	847
Placed on special calendar.....	926
Passed; ayes 28, nays none.....	964
Reported enrolled.....	1028
Signed by President.....	1029
243 By Committee on Dairy and Foods. To create Iowa Dairy Industry Commission.	
Received, passed on file.....	493
Referred.....	527
Substituted for S. F. 275.....	530
Passed; ayes 42, nays 3.....	531
Reported enrolled.....	611
Signed by President.....	611
246 By Graft. To legalize certain warrants issued by the city of Oskaloosa, Iowa.	
Received, referred.....	556, 557
Substituted for S. F. 262.....	634
Passed; ayes 31, nays none.....	634
Reported enrolled.....	724
Signed by President.....	724
248 By Stewart. Relating to bond elections for additions to county public hospitals.	
Received, referred.....	841
Placed on special calendar.....	926
Passed; ayes 28, nays none.....	963
Reported enrolled.....	1028
Signed by President.....	1029
250 By Committee on State Educational Institutions. Relating to loans and investments of endowment funds.	
Received, referred.....	682
Placed on calendar.....	693
Passed; ayes 41, nays none.....	717
Reported enrolled.....	758
Signed by President.....	758
251 By Stewart. Relating to county public hospital funds and expenditures thereof.	
Received, referred.....	841
Placed on special calendar.....	926
Passed; ayes 28, nays none.....	964
Reported enrolled.....	1028
Signed by President.....	1029

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252 By Guernsey, Stewart and Moyle. Relating to minimum wages of teachers employed in public schools.	
Received, referred.....	905
Placed on calendar.....	926, 1080
Passed; ayes 38, nays 3.....	1142
Reported enrolled.....	1259
Signed by President.....	1259
253 By Committee on Military Affairs. To provide for headquarters and certain expenses of Iowa Spanish war veterans.	
Received, referred.....	1001
Referred.....	1080
Recommended for passage.....	1106
Passed; ayes 39, nays none.....	1131
Reported enrolled.....	1259
Signed by President.....	1259
259 By Committee on Animal Industry. To recognize Iowa state sheep association; to promote welfare of the industry in Iowa.	
Received, referred.....	736
265 By Committee on Appropriations. To provide for emergency appropriation to the division of vital statistics.	
Received, referred.....	366
Recommended for passage.....	511
Special order.....	516
Passed; ayes 45, nays none.....	534
Reported enrolled.....	557
Signed by President.....	557
271 By Committee on Appropriations. To appropriate fund for support of institutions under board of control for biennium.	
Received, referred.....	367
Recommended for amendment and passage.....	448
Special order.....	516
Amendment adopted.....	538
Passed; ayes 41, nays none.....	539
Reported enrolled.....	613
Signed by President.....	613
272 By Hoegh. To legalize action of board of supervisors of Lucas county, Iowa.	
Received, referred.....	1104
Placed on special calendar.....	1140
Passed; ayes 36, nays none.....	1163
Reported enrolled.....	1259
Signed by President.....	1259
278 By Claypool. Legalizing acts of secretary of state in connection with licensing of foreign corporations.	
Received, referred.....	1104
Placed on special calendar.....	1140
Passed; ayes 36, nays none.....	1157
Reported enrolled.....	1259
Signed by President.....	1259
285 By Johnson of Marion. Relating to purchase, distribution of school books.	
Received, referred.....	1001
Placed on special calendar.....	1080
Passed; ayes 30, nays 1.....	1084
Reported enrolled.....	1149
Signed by President.....	1149



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288 By Committee on Appropriations. To make an appropriation for support of institutions under board of education.	
Received, passed on file.....	462
Referred .....	463
Recommended for passage.....	512
Special order .....	516
Passed; ayes 45, nays none.....	534
Reported enrolled .....	611
Signed by President.....	611
289 By Randall, Claypool and Kuester. Relating to institutions for feeble-minded and costs of supporting inmates thereof.	
Received, referred .....	841
Substituted for S. F. 446.....	1168
Placed on calendar.....	1171
Passed; ayes 34, nays 3.....	1177
Reported enrolled .....	1261
Signed by President.....	1261
291 By Johnson of Linn. To make an appropriation for expenses incurred in Randall vs. Norland election contest.	
Received, referred .....	806
Recommended for passage.....	923
Passed; ayes 38, nays 2.....	943
Reported enrolled .....	1028
Signed by President.....	1029
295 By Committee on Agriculture No. 1. Relating to agricultural seeds.	
Received, referred .....	1040
Substituted for S. F. 503.....	1041
Placed on calendar.....	1054
Amendment adopted .....	1074
Passed; ayes 34, nays 3.....	1075
Reconsidered .....	1087
Amendment adopted .....	1087
Passed; ayes 30, nays 1.....	1088
Title amended .....	1088
Reported enrolled .....	1259
Signed by President.....	1259
296 By Committee on Motor Vehicles and Transportation. Relating to payment of registration fees for certain motor vehicles.	
Received, referred .....	1078
301 By Duffield. To make permanent certain transfers of funds of Guthrie county, Iowa.	
Proof of publication certified...	821
Received, referred .....	1011
Placed on calendar.....	1171
Passed; ayes 36, nays none.....	1180
Reported enrolled .....	1261
Signed by President.....	1261
310 By Foster. To legalize action of city council of Mount Pleasant, Iowa.	
Received, referred .....	556, 557
Placed on calendar.....	726
Proof of publication certified...	726
Passed; ayes 41, nays none.....	748
Reported enrolled .....	799
Signed by President.....	799

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314 By Hoegh, Knowlton, Martin, Avery, Yager, Moyle, Kuester, Randall and Dancer. Relating to licensing of vending machines and amusement devices.	
Received, referred .....	905
315 By Knowlton, Hoegh, Avery, Yager, Martin, Moyle, Kuester, Randall and Dancer. To impose tax upon all admissions to places of amusement.	
Received, referred .....	937
316 By Knowlton, Hoegh, Avery, Yager, Martin, Moyle, Kuester, Randall and Dancer. Relating to licensing of pinball machines and amusement devices.	
Received, referred .....	937
320 By Bryson. To legalize and make permanent transfer of funds of Hardin county, Iowa.	
Received, referred .....	556, 557
Placed on calendar.....	726
Passed; ayes 40, nays none.....	749
Reported enrolled .....	799
Signed by President.....	799
323 By Shimanek and Poston. To provide for revision or elimination of unauthorized, unlawful tax levies.	
Received, referred .....	1104
Placed on special calendar.....	1140
Passed; ayes 36, nays none.....	1164
Reported enrolled .....	1259
Signed by President.....	1259
336 By Committee on Board of Control. To provide for paroling of patients from a state hospital.	
Received, referred .....	1041
Placed on special calendar.....	1140
Passed; ayes 36, nays none.....	1161
Reported enrolled .....	1259
Signed by President.....	1259
344 By Smith. To make appropriation for maintenance of birthplace of Herbert Hoover.	
Received, referred .....	1187
Rereferred .....	1192
Recommended for passage.....	1192
Passed; ayes 45, nays none.....	1210
Reported enrolled .....	1261
Signed by President.....	1261
346 By Claypool and Hutchison. Relating to damages because of negligent, wrongful injury or death of women.	
Received, referred .....	938
Placed on calendar.....	1054
Passed; ayes 46, nays none.....	1127
Reported enrolled .....	1259
Signed by President.....	1259
351 By Blattl and Burma. Relating to time of qualifying for homestead exemptions.	
Received, referred .....	1104
Amendment filed .....	1136
Placed on special calendar.....	1140

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Amendment adopted .....	1167	Passed; ayes 31, nays none.....	1093
Passed; ayes 37, nays 1.....	1167	Reported enrolled .....	1149
Title amended .....	1168	Signed by President.....	1149
Reported enrolled .....	1261		
Signed by President.....	1261	394 By Beeler. To provide for limitation of time in which court fees can be claimed.	
352 By Hall and McFarlane. Relating to permits for itin- erant merchants.		Received, referred .....	938
Received, referred .....	1078	Placed on special calendar.....	1080
Placed on calendar.....	1171	Passed; ayes 30, nays none.....	1085
Passed; ayes 34, nays 1.....	1181	Reported enrolled .....	1149
Reported enrolled .....	1261	Signed by President.....	1149
Signed by President.....	1261		
358 By Beeler. To legalize proof of publication of notice made by affidavit of assistant publisher.		397 By Committee on Appro- priations. To make appro- priation for improvement, equipment of the school for the blind.	
Received, referred .....	938	Received, referred .....	806
Substituted for S. F. 450.....	939	Recommended for passage.....	822
Placed on special calendar.....	1080	Passed; ayes 42, nays none.....	941
Amendment adopted .....	1085	Reported enrolled .....	1028
Passed; ayes 30, nays none.....	1085	Signed by President.....	1029
Reported enrolled .....	1259		
Signed by President.....	1259	399 By Committee on Old Age Assistance. Relating to priv- ileged communications in professional confidence.	
368 By Johnson of Linn. Rel- ating to salaries of proba- tion officers and their depu- ties.		Received, referred .....	1104
Received, referred .....	1202		
Passed on file .....	1213	400 By Committee on Old Age Assistance. All relating to old age assistance; to re- move certain restrictions re- lating to income of recip- ients.	
370 By Reilly. Relating to transportation of carcasses of dead animals over state lines.		Received, referred .....	1012
Received, referred .....	1202	Placed on calendar.....	1192
Passed on file .....	1213	Amendments filed .....	1192, 1193
372 By Committee on Social Security. Relating to aid to the blind; pertaining to per- sonal earnings of blind per- sons.		Amendments adopted .....	1225
Received, referred .....	786	Passed; ayes 46, nays none.....	1226
Placed on calendar.....	807, 1080	Reported enrolled .....	1261
Passed; ayes 38, nays none.....	1128	Signed by President.....	1261
Title amended .....	1128		
Reported enrolled .....	1259	401 By Committee on Old Age Assistance. All relating to old age assistance; to elim- inate division of and place under social welfare.	
Signed by President.....	1259	Received, referred .....	1013
384 By Committee on Appro- priations. To provide an emergency appropriation to the G. A. R. to meet head- quarters expenses.		Placed on calendar.....	1192
Received, referred .....	806	Passed; ayes 47, nays none.....	1231
Recommended for passage.....	1106	Reported enrolled .....	1261
Passed; ayes 41, nays none.....	1131	Signed by President.....	1261
Reported enrolled .....	1259		
Signed by President.....	1259	404 By Committee on Conser- vation of Resources. Relat- ing to zones of West Okoboji lake.	
387 By Butterfield and Lucas. Relating to compressed gas systems; to define "liquid pe- troleum gases."		Received, referred .....	1202
Received, referred .....	841	Placed on calendar.....	1213
Placed on calendar.....	926	Passed; ayes 39, nays none.....	1232
Placed on special calendar.....	1080	Reported enrolled .....	1261
Passed; ayes 31, nays none.....	1091	Signed by President.....	1261
Reported enrolled .....	1149		
Signed by President.....	1149	407 By Committee on Public Health. Relating to regis- tration of vital statistics and providing for county regis- trars.	
392 By Hutchison and Clay- pool. Relating to expenses of judges of the district court.		Received, referred .....	787
Received, referred .....	1078	Placed on calendar.....	807
Placed on special calendar.....	1080	Amendments filed .....	822, 886
		Substituted for S. F. 259.....	1053
		Amendments adopted.....	1061, 1063
		Passed; ayes 41, nays none.....	1064
		Title amended .....	1064
		Reported enrolled .....	1259
		Signed by President.....	1259

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408 By Stewart, Swaner and Scott of Fayette. To make appropriation for facilities in University hospital for care of infantile paralysis and orthopedic patients.	
Received, referred .....	938
Recommended for passage.....	1105
Passed; ayes 43, nays none.....	1132
Reported enrolled .....	1259
Signed by President.....	1259
412 By Hutchison. To legalize acts, proceedings of the National Mutual Insurance Association of Iowa.	
Received, referred .....	842
Placed on special calendar.....	926
Passed; ayes 28, nays none.....	966
Reported enrolled .....	1028
Signed by President.....	1029
415 By Nelson. Relating to tax, restriction upon sale of beer; relative to powers, duties of permit board.	
Received, referred .....	1201
Passed on file.....	1212
Call of the Senate.....	1241
Amendments filed .....	1193, 1242, 1243, 1244
Amendments adopted .....	1237, 1240, 1248, 1249
Amendment reconsidered, withdrawn .....	1251
Explanation of vote.....	1254
Amendment adopted .....	1255
Passed; ayes 48, nays 2.....	1255
Title amended .....	1256
Reported enrolled .....	1261
Signed by President.....	1261
420 By Avery. To legalize, validate proceedings of council of Spencer, Iowa.	
Received, referred .....	842
Placed on special calendar.....	926
Proof of publication certified.....	1054
Passed; ayes 42, nays none.....	1076
Reported enrolled .....	1149
Signed by President.....	1149
421 By Johnson of Marion. Relating to waiver of homestead tax credits.	
Received, referred .....	1105
437 By Degen. To legalize acts, proceedings of Harker-Beauman and Company, Estherville, Iowa.	
Received, referred .....	842
Placed on special calendar.....	926
Passed; ayes 28, nays none.....	965
Reported enrolled .....	1028
Signed by President.....	1029
442 By Committee on Board of Control. To authorize purchase of certain land adjoining Iowa penitentiary and provide appropriation therefor.	
Received, referred .....	1041
Referred .....	1080
Passed; ayes 36, nays none.....	1165
Reported enrolled .....	1259
Signed by President.....	1259

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444 By Committee on Board of Control. Relating to escaped inmates from women's reformatory.	
Received, referred .....	1041
Placed on special calendar.....	1140
Passed; ayes 36, nays none.....	1162
Reported enrolled .....	1259
Signed by President.....	1259
447 By Risse and Moyle. Relating to library fund of common schools.	
Received, referred .....	938
Placed on special calendar.....	1080
Passed; ayes 45, nays none.....	1123
Reported enrolled .....	1149
Signed by President.....	1149
463 By Shimanek. To legalize transfer of funds of consolidated school district of Morley, Jones county, Iowa.	
Received, referred .....	842
Placed on special calendar.....	926
Proof of publication certified.....	1068
Passed; ayes 42, nays none.....	1067
Reported enrolled .....	1132
Signed by President.....	1132
483 By Gregory. Relating to farm aid associations and appropriation by board of supervisors.	
Received, referred .....	1014
487 By Committee on Banks and Banking. Authorizing banks to make installment loans subject to certain definite limitations.	
Received, referred .....	868
488 By Gregory, Kuester, Pine, Poston, Tatum, Moyle, Dvorak and Bryson. Relating to appointment of district juvenile probation officers in certain districts.	
Received, referred .....	1203
Passed on file .....	1214
491 By Gregory. Relating to fire protection in hotels.	
Received, referred .....	1105
Placed on special calendar.....	1140
Passed; ayes 36, nays none.....	1156
Reported enrolled .....	1259
Signed by President.....	1259
506 By Committee on Appropriations. Relating to indexing of vital records and issuing of certified birth certificates.	
Received, referred .....	806
Recommended for passage.....	923
Passed; ayes 41, nays none.....	944
Reported enrolled .....	1028
Signed by President.....	1029
513 By Committee on Public Lands and Buildings. To appropriate sum for purchase of the Abble Gardner Sharp Memorial.	
Received, referred .....	1187
Referred .....	1192
Recommended for amendment and passage .....	1198
Amendment adopted .....	1217

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Passed; ayes 31, nays 15.....	1217
Title amended .....	1217
Reported enrolled .....	1261
Signed by President .....	1261
<b>515 By Committee on Board of Control. Relating to placing of children in certain charitable or religious institutions.</b>	
Received, referred .....	1041
Placed on special calendar.....	1140
Amendments filed .....	1171
Amendment adopted .....	1178
Passed; ayes 40, nays none.....	1179
Reported enrolled .....	1261
Signed by President.....	1261
<b>517 By Committee on Appropriations. To appropriate funds for the Iowa Cooperative Commission and the Council of State Governments.</b>	
Received, referred .....	805
Recommended for passage.....	923
Passed; ayes 42, nays none.....	942
Reported enrolled .....	1028
Signed by President.....	1029
<b>518 By Committee on Judiciary No. 1. To legalize proceedings of board of supervisors of Black Hawk county, Iowa.</b>	
Proof of publication certified..	821
Received, referred .....	842
Placed on special calendar.....	926
Passed; ayes 28, nays none.....	966
Reported enrolled .....	1028
Signed by President.....	1029
<b>520 By Committee on Schools and Textbooks. To encourage combination of school corporations and elimination of expense; to establish "School Tax Relief Fund."</b>	
Received, referred .....	1001
<b>523 By Committee on Appropriations. Making an appropriation to defray expense of sending delegates to National Defense conference.</b>	
Received, referred .....	806
Recommended for passage.....	923
Passed; ayes 35, nays none.....	941
Reported enrolled .....	1028
Signed by President.....	1029
<b>524 By Committee on Appropriations. Making an appropriation for payment of miscellaneous expenses of Forty-ninth General Assembly.</b>	
Received, referred .....	806
Recommended for passage.....	924
Passed; ayes 40, nays none.....	943
Reported enrolled .....	1028
Signed by President.....	1029
<b>526 By Committee on Banks and Banking. Relating to investment by banks in real estate bonds and mortgages.</b>	
Received, referred .....	1041
Placed on calendar.....	1171
Amendments adopted .....	1190
Passed; ayes 43, nays 1.....	1191
Title amended .....	1191
Reported enrolled .....	1261
Signed by President.....	1261

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<b>536 By Committee on Judiciary No. 1. To legalize expenditure of certain funds by Pottawattamie county.</b>	
Proof of publication certified..	881
Received, referred .....	1078
Placed on special calendar.....	1140
Passed; ayes 36, nays none.....	1159
Reported enrolled .....	1259
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Reported enrolled .....	1259
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ZEIGLER, SANFORD, JR.—Senator Second District.

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