

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

Forty-sixth General Assembly

OF THE

STATE OF IOWA

PREPARED FOR PUBLICATION BY AND UNDER THE DIRECTION OF
CHARLES D. O'DONNELL
SUPERINTENDENT OF PRINTING

STATE OF IOWA LIBRARY

Published by
THE STATE OF IOWA
Des Moines
1935

L10601
AUG 20 1935

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STATE OF IOWA

Office of Superintendent of Printing

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Charles D. Donnell

Superintendent of Printing.

WABLL 310 WATC

STATE ROSTER

List of state officers, boards and commissions, judges of the supreme, district and municipal courts, officers and members of the general assembly, as prepared and furnished by the Honorable Mrs. Alex Miller, Secretary of State, under section 163 of the code.

STATE OFFICERS, BOARDS AND COMMISSIONS

| Name | Position | County from which originally chosen |
|-------------------------|--|-------------------------------------|
| Clyde L. Herring..... | Governor | Polk |
| Edith M. Johnson... | Secretary to the Governor..... | Polk |
| N. G. Kraschel | Lieutenant Governor | Shelby |
| Mrs. Alex Miller..... | Secretary of State..... | Washington |
| James C. Green..... | Deputy Secretary of State..... | Polk |
| C. W. Storms..... | Auditor of State..... | Lee |
| C. J. Burns..... | Deputy Auditor of State..... | Wapello |
| Leo J. Wegman..... | Treasurer of State..... | Carroll |
| Roy M. Williams.... | Deputy Treasurer of State..... | Adair |
| Edw. L. O'Connor.... | Attorney General..... | Johnson |
| C. E. Walters..... | Special Assistant Attorney General..... | Tama |
| Walter F. Maley.... | Assistant Attorney General..... | Polk |
| Clair E. Hamilton.... | Assistant Attorney General..... | Madison |
| Harry F. Garrett.... | Assistant Attorney General..... | Wayne |
| Lehan T. Ryan..... | Assistant Attorney General..... | Polk |
| Le Roy A. Rader.... | Assistant Attorney General..... | Clay |
| Ray Murray..... | Secretary of Agriculture..... | Winnebago |
| H. C. Aaberg..... | Assistant Secretary of Agriculture..... | Sioux |
| Agnes Samuelson.... | Superintendent of Public Instruction..... | Page |
| Fred L. Mahannah.. | Deputy Superintendent of Public Instruction..... | Jones |
| Charles H. Grahl.... | Adjutant General..... | Polk |
| Ralph A. Lancaster.. | Assistant Adjutant General..... | Scott |
| M. P. Conway..... | Railroad Commissioner | Cass |
| Harry B. Dunlap.... | Railroad Commissioner | Story |
| Geo. A. Huffman.... | Railroad Commissioner | Polk |
| J. J. Lynch..... | Secretary, Board of Railroad Commissioners..... | Polk |
| John C. De Mar..... | Commerce Counsel..... | Polk |
| Walter Condran.... | Assistant Commerce Counsel..... | Polk |
| Stephen Robinson.. | Assistant Commerce Counsel..... | Polk |
| Clyde L. Herring.... | Executive Council | Polk |
| Mrs. Alex Miller..... | | Washington |
| Leo J. Wegman..... | | Carroll |
| C. W. Storms..... | Secretary, Executive Council..... | Lee |
| Ray Murray..... | | Winnebago |
| Ross Ewing..... | State Board of Education..... | Polk |
| George T. Baker, Pres.. | | Scott |
| Anna B. Lawther.... | | Dubuque |
| John P. Wallace.... | | Polk |
| Harry M. Neas..... | | Keokuk |
| J. H. Anderson..... | | Winnebago |
| Thos. W. Keenan.... | | Page |
| Henry C. Shull.... | | Woodbury |
| S. J. Galvin..... | | Franklin |
| Cora Simpson..... | | Winneshiek |
| W. R. Boyd, Chairman | Finance Committee, Board of Education..... | Linn |
| W. H. Gemmill, Secy... | | Polk |
| W. G. Noth..... | | Scott |
| W. H. Gemmill..... | Secretary, State Board of Education and of Finance Committee | Polk |
| E. H. Felton, Chairman | State Board of Control..... | Warren |
| Harry C. White..... | | Benton |
| Frank M. Stevens.... | | Decatur |
| Robert B. Miller..... | Secretary, State Board of Control..... | Page |

STATE OFFICERS—CONTINUED

| Name | Position | County from which originally chosen |
|---|--|-------------------------------------|
| F. E. Palmer..... | Commission for the Blind..... | Benton |
| C. E. Laustrup..... | | Pottawattamie |
| Mrs. Gertrude Sebern.. | Secretary, Commission for the Blind..... | Webster |
| Ethel Towne Holmes.. | | Polk |
| O. J. Ditto..... | State Highway Commission..... | Osceola |
| Irving H. Knudson..... | | Hamilton |
| Curtis L. McKinnon... | | Henry |
| Harry M. Greene..... | | Pottawattamie |
| Fred P. Hagemann..... | | Bremer |
| Fred R. White..... | State Highway Engineer..... | Story |
| Ex-Officio: | | |
| Mrs. Alex Miller..... | State Printing Board..... | Washington |
| C. W. Storms..... | | Lee |
| Edw. L. O'Connor..... | | Johnson |
| Appointive: | | |
| Leo J. Carle..... | Superintendent of Printing..... | Cerro Gordo |
| W. J. Casey..... | | Marion |
| Charles D. O'Donnell.. | Code Editor..... | Polk |
| U. G. Whitney..... | Assistant Code Editor..... | Woodbury |
| Nancy M. Conlee..... | Industrial Commissioner..... | Lee |
| A. B. Funk..... | Deputy Industrial Commissioner..... | Polk |
| Ralph Young..... | Insurance Commissioner..... | Polk |
| Ray Murphy..... | Deputy Insurance Commissioner..... | Ida |
| Maurice V. Pew..... | Superintendent of Banking..... | Linn |
| D. W. Bates..... | Deputy Superintendent of Banking..... | Monroe |
| Ralph Bunce..... | State Fire Marshal..... | Washington |
| J. Vincent Pyle..... | Deputy Fire Marshal..... | Lucas |
| A. Lubbaden..... | Labor Commissioner..... | Marion |
| Frank E. Wenig..... | Deputy Labor Commissioner..... | Clay |
| J. D. Seaman..... | Custodian..... | Polk |
| D. B. Johnston..... | Assistant Custodian..... | Winnebago |
| John M. Bowler..... | State Conservation Commission..... | Polk |
| Mrs. Henry Frankel, Chairman..... | | Pottawattamie |
| A. E. Rapp..... | | Wapello |
| Dr. W. C. Boone..... | | Sac |
| Dr. E. E. Speaker..... | | Clayton |
| Logan Blizzard..... | | Winnebago |
| Dr. F. J. Colby..... | | Des Moines |
| W. A. Burhans..... | | Story |
| M. L. Hutton..... | | Polk |
| Ross Ewing..... | | State Fair Board..... |
| Clyde L. Herring..... | Winnebago | |
| Ray Murray..... | Story | |
| R. M. Hughes..... | Buena Vista | |
| President Emeritus: C. E. Cameron..... | Pocahontas | |
| J. P. Mullen, Pres..... | Ringgold | |
| F. E. Sheldon, V. Pres.. | Polk | |
| A. R. Corey, Secy..... | Monona | |
| N. W. McBeath, Treas.. | Johnson | |
| E. T. Davis..... | Franklin | |
| Earl Ferris..... | Fayette | |
| Paul P. Stewart..... | Linn | |
| C. J. Knickerbocker.... | Mahaska | |
| C. Ed Beman..... | Story | |
| Charles F. Curtiss..... | Cass | |
| Carl E. Hoffman..... | Crawford | |
| Sears McHenry..... | Monona | |
| H. L. Pike..... | | |

STATE OFFICERS—CONTINUED

| Name | Position | County from which originally chosen |
|---|---|-------------------------------------|
| Robert S. Herrick..... | Secretary Horticultural Society..... | Polk |
| Charles D. Reed..... | Director of Weather and Crop Service..... | Polk |
| Walter L. Bierring, M.D. | Commissioner of Health..... | Polk |
| Ex-Officio: | | |
| Clyde L. Herring.... | } | Polk |
| Mrs. Alex Miller.... | | Washington |
| Leo J. Wegman..... | | Carroll |
| Charles W. Storms... | | Lee |
| Ray Murray..... | | Winnebago |
| Appointive: | | |
| E. M. Myers, M.D., Chairman | } State Board of Health..... | Boone |
| Herbert E. Stroy, M.D. | | Jones |
| Wm. E. Walsh, M.D.... | | Fayette |
| Charles E. Irwin, M.D. | | Linn |
| Walter A. Sternberg, M.D. | | Henry |
| A. A. Johnson, M.D., Chairman | } Board of Medical Examiners..... | Pottawattamie |
| Frank M. Fuller, M.D.... | | Lee |
| Erwin Schenk, M.D.... | | Polk |
| L. C. Hemsworth, D.D.S. Chairman | } Board of Dental Examiners..... | Black Hawk |
| Hardy F. Pool, D.D.S.... | | Cerro Gordo |
| J. J. Booth, D.D.S.... | | Linn |
| E. B. Whinery, D.D.S.... | } Board of Embalmers Examiners..... | Johnson |
| Raymond J. Lash, D.D.S. | | Pottawattamie |
| W. F. Hopley, Chm.... | | Humboldt |
| O. O. Greenlee..... | } Board of Osteopathic Examiners..... | Wayne |
| Alois M. Didesch..... | | Dubuque |
| H. B. Willard, D.O.... | | Delaware |
| D. E. Hanna, D.O.... | } Board of Optometry Examiners..... | Dallas |
| W. D. Andrews, D.O.S., Chairman | | Kossuth |
| Alfred J. Meyer, Chm.. | | Scott |
| V. V. Kirby..... | } Board of Chiropractic Examiners..... | Polk |
| Roscoe C. Griffith..... | | Shelby |
| R. L. Sheeler, Chm.... | | Pottawattamie |
| N. A. Golinvaux..... | } Board of Podiatry Examiners..... | Black Hawk |
| H. T. Opshal..... | | Winneshiek |
| Cecil L. Moon..... | | Marshall |
| Paul M. Hawk..... | } Board of Cosmetology Examiners..... | Black Hawk |
| Stewart E. Reed..... | | Polk |
| Mrs. Alice C. Graf, Chairman | | Guthrie |
| Mrs. Mayme Madden... | } Board of Barbers Examiners..... | Scott |
| Mrs. Mabel Hart..... | | Story |
| Larry D. Hamilton, Chm. | | Pottawattamie |
| Lew W. Skinner..... | } Director Barber Division..... | Woodbury |
| John W. Bales..... | | Linn |
| W. B. Wilson..... | | Polk |
| Joseph H. Bodine, Ph.D. | } Board of Examiners in Basic Sciences..... | Johnson |
| Edward Benbrook, Ph.D. | | Story |
| Chas. Carter..... | | Jefferson |
| Benjamin H. Peterson, Ph.D. | } | Linn |
| William L. Strunk, Ph.D. | | Winneshiek |
| Robert E. O'Brian, Ph.D. | | Woodbury |
| Lutie B. Larson, R. N., Chairman | } Board of Examiners of Nurses..... | Black Hawk |
| Myrtle McAhrens..... | | Bremer |
| Mrs. Mattie Lynes, R.N. | | Linn |
| Sister M. Petronilla, R.N. | | Cerro Gordo |
| Vera Sage, R.N..... | | Des Moines |

STATE OFFICERS—CONTINUED

| Name | Position | County from which originally chosen |
|--------------------------------------|--|-------------------------------------|
| R. T. Rhys..... | State Mine Inspectors..... | Wapello |
| J. E. Jeffreys..... | | Polk |
| E. A. Farnsworth..... | | Mahaska |
| Phil R. Clarkson..... | Secretary, Mine Inspectors..... | Polk |
| Geo. M. Simpson..... | | Fayette |
| Matt D. Cooney, legal member..... | Board of Parole..... | Dubuque |
| Frank M. Carrell..... | | Polk |
| Sam D. Woods..... | Secretary, Board of Parole..... | Adair |
| R. E. Buchanan..... | Academy of Science..... | Story |
| L. P. Sherman..... | | Poweshiek |
| Florence C. Nichols..... | Editor..... | Story |
| Joseph C. Gilman..... | Secretary-Treasurer, Academy of Science..... | Story |
| Clyde L. Herring..... | Geological Board..... | Polk |
| C. W. Storms..... | | Lee |
| E. A. Gilmore..... | | Johnson |
| Raymond M. Hughes..... | | Story |
| Robt. E. Buchanan, President..... | | Story |
| Arthur C. Trowbridge..... | | Geologist..... |
| Allen C. Tester..... | Assistant State Geologist..... | Johnson |
| Agnes Samuelson..... | Board of Vocational Education and Rehabilitation..... | Page |
| George T. Baker..... | | Scott |
| Frank E. Wenig..... | | Clay |
| Forest E. Moore..... | | Story |
| A. B. Funk..... | Employment Agency Commission..... | Polk |
| Mrs. Alex Miller..... | | Washington |
| Frank E. Wenig..... | | Clay |
| Clyde L. Herring..... | | Polk |
| Mrs. Alex Miller..... | | Washington |
| Agnes Samuelson..... | | Page |
| E. G. Albert..... | Board of Trustees of the State Library and State Historical Department..... | Greene |
| John W. Anderson..... | | Woodbury |
| Maurice F. Donegan..... | | Scott |
| W. H. Hamilton..... | | Keokuk |
| John W. Kintzinger..... | | Dubuque |
| Richard F. Mitchell..... | | Webster |
| James M. Parsons..... | | Polk |
| Leon W. Powers..... | | Crawford |
| Paul W. Richards..... | Montgomery | |
| Johnson Brigham..... | State Librarian..... | Polk |
| A. J. Small..... | Law Librarian..... | Polk |
| E. R. Harlan..... | Curator, Historical Department..... | Van Buren |
| Ex-Officio: | | |
| Johnson Brigham..... | | Polk |
| Agnes Samuelson..... | | Page |
| E. A. Gilmore..... | State Library Commission..... | Johnson |
| W. Earl Hall..... | | Cerro Gordo |
| Mrs. D. S. Humeston..... | | Monroe |
| Mrs. H. H. Tedford..... | | Ringgold |
| Mrs. J. C. Pryor..... | | Des Moines |
| Julia A. Robinson..... | Secretary, Library Commission..... | Polk |
| George W. Gillman..... | | Webster |
| George Judisch..... | State Board of Pharmacy Examiners..... | Story |
| Duane H. Redfield..... | | Page |
| Walter F. Meads..... | Secretary, Board of Pharmacy Examiners..... | Page |
| W. P. Nemmers..... | | Polk |
| G. J. Keller..... | State Board of Engineering Examiners..... | Johnson |
| C. H. Currie..... | | Hamilton |
| J. S. Dodds..... | | Story |
| W. O. Price..... | | Story |
| Ross Ewing..... | Secretary, State Board of Engineering Examiners..... | Polk |

STATE OFFICERS—CONTINUED

| Name | Position | County from which originally chosen |
|---------------------------|--|-------------------------------------|
| Arthur Eberling..... | Board of Architectural Examiners..... | Scott |
| Wm. L. Perkins..... | | Union |
| J. Chris Jensen..... | | Pottawattamie |
| Geo. A. Kraetsch..... | | Polk |
| Chas. T. Altfillisch..... | | Winneshiek |
| Jacob Ritter..... | | Appanoose |
| Fred Norwood..... | Board of Examiners for Mine Inspectors.... | Polk |
| William Anderson..... | | Monroe |
| James Mitchell, Sr..... | | Marion |
| C. E. Harvey..... | | Polk |
| John De Mar..... | | Polk |
| R. C. Turner..... | Board of Examiners of Court Reporters..... | Woodbury |
| F. C. Walrath..... | | Polk |
| L. F. Ream..... | | Polk |
| L. H. Keightley..... | Board of Examiners for Certified Accountants | Woodbury |
| M. E. Brooks..... | | Dubuque |
| J. C. Pryor..... | | Des Moines |
| Jesse Marshall..... | | Woodbury |
| E. A. Gilmore..... | Commissioner on Uniform Laws..... | Johnson |
| Agnes Samuelson, Pres.. | | Page |
| O. R. Latham..... | | Black Hawk |
| J. S. Nollen..... | Board of Educational Examiners..... | Poweshiek |
| F. M. Olry..... | | Crawford |
| Arthur Deamer..... | | Linn |
| Viola H. Schell..... | | Poweshiek |
| D. W. Bates, Chairman.. | Secretary, Board Educational Examiners..... | Monroe |
| M. E. Tate..... | | Lee |
| L. J. Schuster..... | | Clinton |
| H. P. Dowling..... | | Shelby |
| B. F. Kauffman..... | | Polk |
| Ex-Officio: | State Banking Board..... | |
| Edw. L. O'Connor..... | | Johnson |
| H. J. Hoffman..... | | Dubuque |
| J. A. Graham..... | | Audubon |
| C. M. Jepson..... | | Woodbury |
| J. A. Devitt..... | | Mahaska |
| E. B. Wilson..... | Greene | |
| John K. Valentine, Chm.. | State Board of Assessment and Review..... | Appanoose |
| C. F. Green..... | | Woodbury |
| Louis E. Roddewig..... | | Scott |
| Elsie E. Dachroth..... | Secretary, State Board of Assessment and Review | |
| Chas. B. Murtagh..... | | Cerro Gordo |
| Chas. B. Murtagh..... | Comptroller | Kossuth |
| Dan J. Schnittjer..... | | Kossuth |
| W. P. Wortman..... | Members, Appeal Board..... | Delaware |
| Bernard E. Manley, Chm.. | | Mills |
| Andrew Stewart..... | | Cerro Gordo |
| Diek R. Lane..... | Liquor Control Commission..... | Calhoun |
| Wm. H. Millhaem..... | | Scott |
| Mrs. E. R. Meredith, | Secretary, Liquor Control Commission..... | Polk |
| Chairman | | |
| John F. Porterfield..... | Old Age Assistance Commission..... | Story |
| A. L. Urick..... | | Fremont |
| Byron G. Allen..... | | Polk |
| | Superintendent, Old Age Assistance Com- mission | Pocahontas |

JUDICIAL DEPARTMENT
SUPREME COURT

| Name | Position | County from which chosen | Address |
|--------------------------|----------------------|--------------------------|------------|
| John W. Anderson..... | Chief Justice..... | Woodbury..... | Sioux City |
| E. G. Albert..... | Justice..... | Greene..... | Jefferson |
| Maurice F. Donegan..... | Justice..... | Scott..... | Davenport |
| W. H. Hamilton..... | Justice..... | Keokuk..... | Sigourney |
| John W. Kintzinger..... | Justice..... | Dubuque..... | Dubuque |
| Richard F. Mitchell..... | Justice..... | Webster..... | Ft. Dodge |
| James M. Parsons..... | Justice..... | Polk..... | Des Moines |
| Leon W. Powers..... | Justice..... | Crawford..... | Denison |
| Paul W. Richards..... | Justice..... | Montgomery..... | Bed Oak |
| B. W. Garrett..... | Clerk..... | Decatur..... | Leon |
| Richard C. Reichman..... | Deputy Clerk..... | Polk..... | Des Moines |
| U. G. Whitney..... | Reporter..... | Woodbury..... | Sioux City |
| Nancy M. Conlee..... | Deputy Reporter..... | Lee..... | Keokuk |

DISTRICT COURTS

| Name | Address | Dist. | Counties in District |
|-------------------------|-------------------|-------|--|
| John E. Craig..... | Keokuk..... | 1 | Lee |
| John M. Rankin..... | Keokuk..... | | |
| George W. Dashiell..... | Albia..... | 2 | Appanoose, Davis, Jefferson, Lucas, Monroe, Van Buren and Wapello |
| Elmer K. Daugherty..... | Ottumwa..... | | |
| R. W. Smith..... | Centerville..... | | |
| C. F. Wennerstrum..... | Chariton..... | | |
| H. H. Carter..... | Corydon..... | 3 | Adams, Clarke, Decatur, Ringgold, Taylor, Union and Wayne |
| Homer A. Fuller..... | Mt. Ayr..... | | |
| George A. Johnson..... | Creston..... | | |
| Miles W. Newby..... | Sioux City..... | 4 | Woodbury and Monona |
| A. O. Wakefield..... | Sioux City..... | | |
| Robert H. Munger..... | Sioux City..... | | |
| F. H. Rice..... | Sioux City..... | | |
| W. S. Cooper..... | Winterset..... | 5 | Adair, Dallas, Guthrie, Madison, Marion and Warren |
| E. W. Dingwell..... | Adel..... | | |
| Norman R. Hays..... | Knoxville..... | | |
| D. W. Hamilton..... | Grinnell..... | 6 | Washington, Keokuk, Poweshiek, Mahaska and Jasper |
| Frank Bechly..... | Montuzuma..... | | |
| J. G. Peterson..... | Oskaloosa..... | | |
| F. D. Kelsey..... | Maquoketa..... | 7 | Clinton, Jackson, Muscatine and Scott |
| John E. Purcell..... | Clinton..... | | |
| W. R. Maines..... | Davenport..... | | |
| William W. Scott..... | Davenport..... | | |
| H. D. Evans..... | Iowa City..... | 8 | Iowa and Johnson |
| James P. Gaffney..... | Williamsburg..... | | |
| Joseph E. Meyer..... | Des Moines..... | 9 | Polk |
| O. S. Franklin..... | Des Moines..... | | |
| Russell Jordan..... | Des Moines..... | | |
| F. S. Shankland..... | Des Moines..... | | |
| Loy Ladd..... | Des Moines..... | | |
| John J. Halloran..... | Des Moines..... | | |
| R. W. Hasner..... | Independence..... | 10 | Black Hawk, Buchanan, Delaware and Grundy |
| George W. Wood..... | Waterloo..... | | |
| A. B. Lovejoy..... | Waterloo..... | | |
| H. E. Fry..... | Boone..... | 11 | Boone, Franklin, Hamilton, Hardin, Story, Webster and Wright |
| Sherwood Clock..... | Hampton..... | | |
| T. G. Garfield..... | Ames..... | | |
| O. J. Henderson..... | Webster City..... | | |
| Joseph J. Clark..... | Mason City..... | 12 | Bremer, Butler, Floyd, Cerro Gordo, Hancock, Winnebago, Mitchell and Worth |
| M. F. Edwards..... | Parkersburg..... | | |

DISTRICT COURTS—CONTINUED

| Name | Address | Dist. | Counties in District |
|----------------------------|---------------------|-------|--|
| M. H. Kepler..... | Northwood..... | | |
| Thomas A. Beadmore..... | Charles City..... | | |
| W. L. Eichendorf..... | McGregor..... | 13 | Allamakee, Chickasaw, Clayton, Fayette Howard and Winneshiek |
| T. H. Goheen..... | Calmar..... | | |
| H. E. Taylor..... | Waukon..... | | |
| James DeLand..... | Storm Lake..... | 14 | Buena Vista, Clay, Dickinson, Emmet, Hum- boldt, Kossuth, Palo Alto and Pocahontas |
| F. C. Davidson..... | Emmetsburg..... | | |
| George A. Heald..... | Spencer..... | | |
| Grover W. Brown..... | Shenandoah..... | 15 | Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page Pottawattamie and Shelby |
| Earl Peters..... | Clarinda..... | | |
| John P. Tingley..... | Council Bluffs..... | | |
| Ernest M. Miller..... | Harlan..... | | |
| H. J. Mantz..... | Audubon..... | | |
| M. E. Hutchison..... | Lake City..... | 16 | Calhoun, Carroll, Crawford, Greene, Ida and Sac |
| R. L. McCord..... | Sac City..... | | |
| P. J. Klinker..... | Denison..... | | |
| C. B. Stiger..... | Toledo..... | 17 | Marshall, Tama and Benton |
| B. O. Tankersley..... | Marshalltown..... | | |
| Chas. J. Haas, (Contested) | Marion..... | 18 | Cedar, Jones and Linn |
| Frederick O. Ellison..... | Anamosa..... | | |
| John T. Moffit..... | Tipton..... | | |
| Herbert C. Ring..... | Cedar Rapids..... | | |
| D. E. Maguire..... | Dubuque..... | 19 | Dubuque |
| P. J. Nelson..... | Dubuque..... | | |
| James D. Smyth..... | Burlington..... | 20 | Des Moines, Henry and Louisa |
| Oscar Hale..... | Wapello..... | | |
| O. S. Thomas..... | Rock Rapids..... | 21 | Lyon, Sioux, O'Brien, Plymouth, Cherokee and Osceola |
| W. C. Garberson..... | Sibley..... | | |
| R. G. Rodman..... | Cherokee..... | | |

MUNICIPAL COURTS

| Name | Address | Name | Address |
|------------------------|----------------|------------------------|--------------|
| John Y. Luke..... | Ames | R. L. Powers..... | Des Moines |
| Emmet P. Delaney..... | Clinton | L. R. Sheets..... | Marshalltown |
| John L. Blanchard..... | Council Bluffs | H. R. Kenaston..... | Sioux City |
| Daniel H. Sheehan..... | Council Bluffs | Ralph C. Prichard..... | Sioux City |
| Don G. Allen..... | Des Moines | Berry J. Sisk..... | Sioux City |
| J. E. Mershon..... | Des Moines | Ben G. Howrey..... | Waterloo |
| Chas. S. Cooter..... | Des Moines | Geo. J. Sager..... | Waterloo |

FORTY-SIXTH GENERAL ASSEMBLY

OFFICERS OF THE SENATE

President—Nelson G. Kraschel of Harlan, Shelby county.
President Pro Tempore—Harold L. Irwin of DeWitt, Clinton county.
Secretary—Hedo M. Zacherle of Des Moines, Polk county.
Assistant Secretary—Walter M. Meier of Council Bluffs, Pottawattamie county.
Reading Clerk—Robert C. Phillips of Des Moines, Polk county.
Engrossing Clerk—Sara J. Conlin of Cascade, Dubuque county.
Enrolling Clerk—Margaret Mathis of Des Moines, Polk county.
Assistant Enrolling Clerk—Doris Wilson of Manson, Calhoun county.
Journal Clerk—Helen Blake of Indianola, Warren county.
Assistant Journal Clerk—Wilma Wassman of LeMars, Plymouth county.
General Clerk—Ray R. Sheehan of Des Moines, Polk county.
Assistant General Clerk—Robert Jamison of Seymour, Wayne county.
Clerk of Enrolled Bills—Frances Crawford of Des Moines, Polk county.
File Clerk—Howard O'Brien of Independence, Buchanan county.
Bill Clerk—Marjorie L. Wilkinson of Mount Ayr, Ringgold county.
Postmistress—Mrs. Belle Streeby of Ottumwa, Wapello county.

Sergeant-at-Arms—William C. Boyle of Dougherty, Cerro Gordo county.
Assistant Sergeant-at-Arms—Nick Colsch of Waukon, Allamakee county.
Chief Doorkeeper—Redfield C. Mills of Redfield, Dallas county.
Lieutenant Governor's Clerk—Edna Mae Montgomery of Panora, Guthrie county.
Secretary's Clerk—Frances Aliber of Des Moines, Polk county.

SENATORS

| Name | Address | Dist. | Counties Composing District |
|-----------------------|----------------|-------|--|
| Anderson, Paul H. | Harcourt | 27 | Webster, Calhoun |
| Aschenbrenner, Carl | Pella | 15 | Marion, Monroe |
| Baldwin, Howard C. | Cascade | 35 | Dubuque |
| Beardsley, William S. | New Virginia | 11 | Warren, Clarke |
| Bell, Andrew | Denison | 34 | Crawford, Harrison, Monona |
| Bell, James M. | Burlington | 9 | Des Moines |
| Berg, John | Cedar Falls | 38 | Black Hawk, Grundy |
| Billingsley, John W. | Newton | 29 | Jasper |
| Byers, Frank C. | Cedar Rapids | 26 | Linn |
| Calhoun, John N. | Keosauqua | 2 | Van Buren, Jefferson |
| Chrystal, I. G. | Coon Rapids | 48 | Carroll, Greene, Sac |
| Corwin, E. P. | Fruitland | 20 | Muscatine, Louisa |
| Dewey, A. Claire | Washington | 10 | Washington, Henry |
| Donohue, E. P. | New Hampton | 44 | Chickasaw, Floyd |
| Doze, J. E. | Humeston | 4 | Wayne, Lucas |
| Driscoll, T. F. | Farmington | 1 | Lee |
| Elthon, Leo | Fertile | 41 | Worth, Mitchell, Winnebago |
| Fisch, Mike G. | LeMars | 46 | Plymouth, Cherokee, Ida |
| Geske, M. X. | McGregor | 36 | Clayton |
| Goetsch, Sam D. | Decorah | 42 | Winneshiek, Howard |
| Grunewald, H. J. | Van Horne | 45 | Benton, Tama |
| Harrington, V. F. | Sioux City | 32 | Woodbury |
| Hopkins, George M. | Guthrie Center | 17 | Guthrie, Audubon, Dallas |
| Hush, Homer | Essex | 8 | Montgomery, Mills |
| Husted, Ora E. | Truro | 16 | Madison, Adair |
| Irwin, Harold L. | Dewitt | 22 | Clinton |
| Kimberley, D. W. | Davenport | 21 | Scott |
| *Knudson, Irving H. | Ellsworth | 37 | Hamilton, Hardin, Wright |
| McArthur, William | Mason City | 43 | Cerro Gordo, Franklin, Hancock |
| Malone, C. E. | Atlantic | 18 | Cass, Shelby |
| Mason, E. I. | Brooklyn | 12 | Poweshiek, Keokuk |
| Meyer, L. H. | Readlyn | 39 | Bremer, Butler |
| Miller, H. D. | Morley | 24 | Jones, Cedar |
| Millhone, Paul L. | Clarinda | 7 | Page, Freemont |
| Moore, Morris | Walnut | 19 | Pottawattamie |
| Mullaney, T. W. | Waukon | 40 | Allamakee, Fayette |
| Nelson, Fred W. | Nevada | 31 | Story, Boone |
| Parker, George L. | Independence | 33 | Buchanan, Delaware |
| Patterson, G. W. | Burt | 47 | Kossuth, Clay, Dickinson, Emmet, Palo Alto |
| Pendray, Carolyn C. | Maquoketa | 23 | Jackson |
| Reese, Chris | Marshalltown | 28 | Marshall |
| Roelofs, Garritt E. | Sioux Center | 49 | Sioux, Lyon, O'Brien, Osceola |
| Schmidt, Paul W. | Iowa City | 25 | Johnson, Iowa |
| Shangle, L. T. | Oskaloosa | 14 | Mahaska |
| Shaw, Albert J. | Pocahontas | 50 | Pocahontas, Buena Vista, Humboldt |
| Stanley, Claude | Corning | 6 | Adams, Taylor |
| *Stevens, Frank M. | Garden Grove | 5 | Decatur, Ringgold, Union |
| Stevens, Roy E. | Ottumwa | 13 | Wapello |
| *Valentine, John K. | Centerville | 3 | Appanoose, Davis |
| Wilson, George A. | Des Moines | 30 | Polk |

* Resigned July 1, 1935.

OFFICERS OF THE HOUSE

Speaker—John H. Mitchell of Fort Dodge, Webster county.
Speaker Pro Tempore—A. H. Bonnstetter of West Bend, Kossuth county.
Chief Clerk—Virgil Lakin of Martinsburg, Keokuk county.
Assistant Clerk—William F. Reinecke of Manchester, Delaware county.
Reading Clerk—Philip Shutt of Independence, Buchanan county.
Engrossing Clerk—Hazel Showalter of Corydon, Wayne county.
Enrolling Clerk—Margaret Free of Spencer, Clay county.
Journal Clerk—Raymond Bywater of Iowa City, Johnson county.
Assistant Journal Clerk—Goldie Peterson of Harlan, Shelby county.
Special Clerk—Jennie Gregg of Des Moines, Polk county.
Clerk of Enrolled Bills—Louise O'Connor of Imogene, Fremont county.
File Clerk—Leonard Boos of Anamosa, Jones county.
Bill Clerk—Kenneth Koch of Waverly, Bremer county.
Assistant Bill and File Clerk—Charles Spengler of Melvin, Osceola county.
Postmaster—Frank Winters of Tipton, Cedar county.
Sergeant-at-Arms—Oley Nelson of Slater, Story county.
Assistant Sergeant-at-Arms—Raymond Brewer of Missouri Valley, Harrison county.
Speaker's Clerk—Golden Sylvester of Des Moines, Polk county.
Chief Clerk's Clerk—Katherine Flynn of Washington, Washington county.

REPRESENTATIVES

| Name | Address | County Composing District |
|-------------------------|----------------|---------------------------|
| Alesch, Gustave | Marcus | Plymouth |
| Avery, A. H. | Spencer | Clay |
| Ayres, Chas. C., Jr. | Ottumwa | Wapello |
| Baumhover, A. H. | Carroll | Carroll |
| Benz, Martin E. | Lawler | Chickasaw |
| Blattspieler, Lewis | Manly | Worth |
| Blue, Robert D. | Eagle Grove | Wright |
| Bonnstetter, A. H. | West Bend | Kossuth |
| Bowers, L. C. | Kent | Union |
| Burington, Don W. | Sioux City | Woodbury |
| Campbell, J. R. | Osceola | Clarke |
| Clark, Marley D. | Mt. Vernon | Linn |
| Copeland, Harry F. | Waukeec | Dallas |
| Cramer, W. H. | Emerson | Mills |
| Craven, J. E. | Kellogg | Jasper |
| Cundy, J. E. | Cedar Falls | Black Hawk |
| Cunningham, Paul H. | Des Moines | Polk |
| Cunningham, John | Humboldt | Humboldt |
| Curtis, Glenn | Cherokee | Cherokee |
| Dancer, David A. | Lamoni | Decatur |
| Daniels, Harry E. | Churdan | Greene |
| Doran, Ben B. | Grand Junction | Boone |
| Dreessen, Wm. J. | Breda | Crawford |
| Elliott, E. A. | Des Moines | Polk |
| Ellsworth, E. O. | Iowa Falls | Hardin |
| Evans, Dave M. | Cresco | Howard |
| Falvey, M. C. | Albia | Monroe |
| Felter, Victor | Indianola | Warren |
| Fishbaugh, Earl C., Jr. | Shenandoah | Page |
| Flynn, Joe | Decorah | Winneshiek |
| Foster, LaMar | West Branch | Cedar |
| Freeburn, Paul | Davenport | Scott |
| Frizzell, J. W. | Brooklyn | Poweshiek |
| Fuelling, Otto | Farmersburg | Clayton |
| Fuester, C. E. R. | Ida Grove | Ida |
| Gallagher, J. P. | Williamsburg | Iowa |
| Gaughen, M. J. | Greeley | Delaware |
| Goode, Dewey E. | Bloomfield | Davis |
| Groves, George W. | Webster City | Hamilton |
| Hansen, J. P. | Otranto | Mitchell |
| Hanson, Edmund | Centerville | Appanoose |
| Hartman, Henry M. | Burlington | Des Moines |
| Hendrickson, Thos. | Corning | Adams |

REPRESENTATIVES—CONTINUED

| Name | Address | County Composing District |
|------------------------|-------------------|---------------------------|
| Henningsen, A. H. | Graettinger | Palo Alto |
| Hickenlooper, B. B. | Cedar Rapids | Linn |
| Hultman, O. N. | Stanton | Montgomery |
| Irwin, John R. | Keokuk | Lee |
| Jenkins, John J. | Columbus Junction | Louisa |
| Johannes, W. J. | Ashton | Osceola |
| Johnson, Chas. G. | Marathon | Buena Vista |
| Johnson, Oscar E. | Kanawha | Hancock |
| Johnston, Jas. F. | Chariton | Lucas |
| Knudson, Herman M. | Mason City | Cerro Gordo |
| Kringlaak, Ole | Lake Mills | Winnebago |
| Kuester, G. T. | Griswold | Cass |
| Laughlin, E. P. | Imogene | Fremont |
| Lookingbill, C. E. | Nevada | Story |
| Love, H. S. | Bridgewater | Adair |
| McFarlane, Arch W. | Waterloo | Black Hawk |
| McGill, Frank T. | Rock Valley | Sioux |
| *McKinnon, Curtis L. | New London | Henry |
| McLean, Don V. | Marshalltown | Marshall |
| McNie, Morris | Hampton | Franklin |
| Maniece, E. J. | Estherville | Emmet |
| Mercer, Leroy S. | Iowa City | Johnson |
| Metcalf, Bert L. | Nichols | Muscatine |
| Mitchell, John H. | Ft. Dodge | Webster |
| Moore, Chas. D. | Urbana | Benton |
| Moore, R. G. | Dunlap | Harrison |
| Moore, E. A. | Harlan | Shelby |
| Moore, Leonard L. | Bedford | Taylor |
| Moore, J. C., Jr. | Promise City | Wayne |
| Moore, John W. | Sioux City | Woodbury |
| Oehmke, W. F. | Larchwood | Lyon |
| Ove, Edward N. | Dike | Grundy |
| Peaco, Milton | Clinton | Clinton |
| Peel, Loren I. | Keosauqua | Van Buren |
| Putnam, Chas. F. | Council Bluffs | Pottawattamie |
| Reilly, Eugene H. | Dubuque | Dubuque |
| Rice, C. L. | Delta | Keokuk |
| Riddle, Matt B. | Ute | Monona |
| Roan, Philip F. | Ft. Madison | Lee |
| Roe, Ove T. | Waukon | Allamakee |
| Rutherford, Thos., Jr. | Audubon | Audubon |
| Ryder, John | Dubuque | Dubuque |
| Schlatter, George M. | Bellevue | Jackson |
| Scott, Geo. L. | West Union | Fayette |
| Selby, John H. | Odebolt | Sac |
| Shifflet, Grant A. | Diagonal | Ringgold |
| Smith, C. Colfax | Clarksville | Butler |
| Sorg, H. H. | Tripoli | Bremer |
| Sours, Roy J. | Charles City | Floyd |
| *Stewart, Andrew | Rockwell City | Calhoun |
| Stewart, E. L. | Washington | Washington |
| Stimpson, Thomas | Monticello | Jones |
| Taylor, John H. | New Sharon | Mahaska |
| Teter, L. D. | Knoxville | Marion |
| Thies, William | Avoca | Pottawattamie |
| Thiessen, J. H. | Camanche | Clinton |
| Thompson, G. L. | Lamont | Buchanan |
| Thompson, Stanley M. | Yale | Guthrie |
| Thompson, Jens | Rolfe | Pocahontas |
| Treimer, Wm. | Hartley | O'Brien |
| Weed, Arthur R. | Winterset | Madison |
| Wieben, Edward E. | Dysart | Tama |
| Wiese, Louis H. | Davenport | Scott |
| Yager, W. A. | Spirit Lake | Dickinson |
| Zeigler, Sanford, Jr. | Fairfield | Jefferson |

*Resigned July 1, 1935.

CONDITION OF THE TREASURY

HON. CHARLES D. O'DONNELL,
Superintendent of Printing.

Dear Sir: In accordance with the requirements of Section 18, Article III, of the Constitution of Iowa, I have the honor to submit for publication with the laws of the Forty-sixth General Assembly, the following statement of the condition of the treasury showing the receipts and disbursements for the biennial fiscal period beginning July 1, 1932, and ending June 30, 1934, as taken from the records of the State Comptroller.

Respectfully submitted,

C. B. MURTAGH,
State Comptroller.

STATEMENT OF THE CONDITION OF TREASURY
**Receipts, Disbursements and Balances in the Several Funds for Biennial Report
Ending June 30, 1934**

| | Balance July 1, 1932 | Total Receipts | Total Available | Total Disbursements | June 30, 1934, Balances |
|---|-------------------------|------------------------|------------------------|------------------------|----------------------------|
| General Revenue (does not include interim account, \$1,977,692.98) ... | \$ 2,728,978.11 | \$27,718,067.67 | \$30,447,045.78 | \$29,044,022.50 | \$ 1,403,023.28 |
| Trust funds | 5,015,079.13 | 43,103,029.59 | 48,118,108.72 | 46,582,484.25 | 1,535,624.47 |
| State college en- dowment cash .. | 1,534.32 | 24,395.10 | 25,929.42 | 2,700.00 | 23,229.42 |
| State college en- dowment bonds . | 693,600.00 | 2,700.00 | 696,300.00 | 101,200.00 | 595,100.00 |
| State college en- dowment interest | 100.00 | 31,429.03 | 31,529.03 | 31,529.03 | |
| Soldiers' bonus tax (does not include interim \$438,951.23) | 379,227.15 | 2,682,784.44 | 3,062,011.59 | 2,773,756.25 | 288,255.34 |
| Soldiers' bonus bond sale receipts | 3,858.80 | | 3,858.80 | 121.00 | 3,737.80 |
| | <u>\$ 8,822,377.51</u> | <u>\$73,562,405.83</u> | <u>\$82,384,783.34</u> | <u>\$78,535,813.03</u> | <u>\$ 3,848,970.31</u> |

For itemized report of receipts and disbursements see State Comptroller's Report, 1935.

LAWS

OF THE

Forty-sixth General Assembly

OF THE

STATE OF IOWA

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE
CAPITAL OF THE STATE, BEGUN ON THE FOURTEENTH DAY OF
JANUARY, AND ENDED ON THE TWENTY-THIRD DAY OF
APRIL, A. D. 1935, IN THE EIGHTY-NINTH YEAR
OF THE STATE

GENERAL LAWS

INCLUDING CERTAIN OF THE EMERGENCY ACTS

CHAPTER 1

SUPREME COURT OPINIONS. DIGEST. PRINTING

H. F. 112

AN ACT to authorize and direct the printing of the skeleton card digest of the current opinions of the supreme court, now being maintained in the office of the code editor.

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

1 SECTION 1. The state printing board is directed to cause to be
2 printed, from time to time, in cumulated, pamphlet form, and from
3 copy to be furnished by the code editor, the skeleton card digest which
4 covers the current opinions of the supreme court and which is being
5 maintained in the office of said code editor. The code editor shall
6 have sole charge of the proof reading. Said pamphlet shall be sold
7 by the superintendent of printing at a price which will fairly reim-
8 burse the state for the cost of printing and paper stock.

1 SEC. 2. Free distribution of said pamphlets shall be made as follows :
2 1. To each judge of the supreme, district, municipal, and superior
3 courts, two copies.
4 2. To the attorney general and to each assistant attorney general,
5 two copies.
6 3. To the code editor, not to exceed twenty-five copies.

House File 112. Approved April 11, 1935.

CHAPTER 2

AUDITOR OF STATE. REPORTS

H. F. 114

AN ACT to amend section three hundred forty-two (342), code, 1931, relating to reports to be made by the auditor of state.

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

- 1 SECTION 1. Section three hundred forty-two (342), code, 1931, is
 2 amended as follows, to wit:
 3 1. By striking out the first four lines thereof and by inserting
 4 in lieu thereof the following, to wit:
 5 "342. Reports of audits. The auditor of state shall make or cause
 6 to be made and filed and kept in his office written reports of all audits
 7 and examinations, which reports shall set out in detail the following:."

House File 114. Approved March 7, 1935.

CHAPTER 3

COUNTY FUNDS. CERTAIN TRANSFERS PROHIBITED

H. F. 40

AN ACT to amend section three hundred eighty-eight (388), code, 1931, as amended by chapter sixty-two (62), section two (2), acts of the Forty-fifth General Assembly, extraordinary session, relating to the transfer of active county funds.

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

- 1 SECTION 1. That section three hundred eighty-eight (388), code,
 2 1931, as amended by chapter sixty-two (62), section two (2), acts of
 3 the Forty-fifth General Assembly, extraordinary session, is hereby
 4 amended by striking the period after the word "thereof" in line 5, and
 5 inserting in lieu thereof the following:
 6 "; but in no event shall there be transferred for any purpose any
 7 of the funds collected and received for the construction and mainte-
 8 nance of secondary roads."

House File 40. Approved March 29, 1935.

CHAPTER 4

COLUMBUS DAY

S. F. 35

AN ACT to authorize the governor to issue annually a proclamation to commemorate the life and history of Christopher Columbus.

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

- 1 SECTION 1. The governor of this state is hereby authorized and
 2 requested to issue annually a proclamation, calling upon our state
 3 officials to display the American flag on all state and school buildings
 4 and the people of the state to display the flag at their homes, lodges,
 5 churches, and places of business on the twelfth day of October, known

6 as Columbus day; to commemorate the life and history of Christopher
 7 Columbus and to urge that services and exercises be had in churches,
 8 halls and other suitable places expressive of the public sentiment be-
 9 fitting the anniversary of the discovery of America.

Senate File 35. Approved April 8, 1935.

CHAPTER 5

REGISTRATION OF VOTERS

H. F. 63

AN ACT to amend section six hundred seventy-six (676), code, 1931, relating to registration of voters.

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

1 SECTION 1. Section six hundred seventy-six (676), code, 1931, is
 2 amended by striking from line 4 thereof, the word "six", and by in-
 3 serting in lieu thereof, the word "ten."

1 SEC. 2. Amend section six hundred seventy-six (676), code, 1931,
 2 by adding thereto the following: "Provided, however, that by city
 3 ordinance, registration of voters may be required in any city having
 4 a population of not less than six thousand and not more than ten
 5 thousand."

House File 63. Approved April 15, 1935.

CHAPTER 6

STATE EDUCATIONAL INSTITUTIONS. BOND OF TREASURERS

S. F. 66

AN ACT to amend paragraph five (5), section ten hundred sixty-three (1063) of the code, 1931, relating to the amount of the bond to be furnished by each treasurer of a state educational institution under the supervision and control of the Iowa state board of education.

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

1 SECTION 1. That paragraph five (5) of section ten hundred sixty-
 2 three (1063), of the code, 1931, be amended by striking out lines 3, 4,
 3 5 and 6 thereof, and substituting the following therefor: "shall
 4 furnish a surety bond, the amount thereof to be determined by the
 5 said board."

Senate File 66. Approved March 23, 1935.

CHAPTER 7

SOLDIERS' PREFERENCE LAW

H. F. 307

AN ACT to amend chapter sixty (60), code, 1931, and section eleven hundred sixty-one (1161), code, 1931, relating to appointments under the soldiers' preference law; providing for a record of qualification and appeals to the district court and supreme court of the state of Iowa.

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

1 SECTION 1. Section eleven hundred sixty-one (1161), code, 1931,
2 is hereby amended by adding thereto the following:

3 "Said appointing officer, board, or person shall set forth in writing
4 and file for public inspection, the specific grounds upon which it is
5 held that the person appointed is entitled to said appointment, or in
6 the case such appointment is refused, the specific grounds for the
7 refusal thereof."

1 SEC. 2. Chapter sixty (60), code, 1931, is hereby amended by in-
2 serting after section eleven hundred sixty-two (1162) the following
3 section:

4 "1162-g1. In addition to the remedy provided in section one thou-
5 sand one hundred sixty-two (1162), code, 1931, an appeal may be taken
6 by any person belonging to any of the classes of persons to whom a
7 preference is hereby granted, from any refusal to allow said prefer-
8 ence, as provided in this chapter, to the district court of the county
9 in which such refusal occurs. The appeal shall be made by serving
10 upon the appointing board within twenty days after the date of the
11 refusal of said appointing officer, board, or persons to allow said pref-
12 erence, a written notice of such appeal, stating the grounds of the
13 appeal; a demand in writing for a certified transcript of the record,
14 and all papers on file in his office affecting or relating to said appoint-
15 ment. Thereupon, said appointing officer, board, or person, shall,
16 within ten days make, certify, and deliver to appellant such a trans-
17 cript; and the appellant shall, within five days thereafter, file the same
18 and a copy of the notice of appeal with the clerk of said court, and
19 said notice of appeal shall stand as appellant's complaint and there-
20 upon said cause shall be entered on the trial calendar of said court
21 for trial the same as in case of an appeal from a justice of the peace.
22 The court shall receive and consider any pertinent evidence, whether
23 oral or documentary, concerning said appointment from which the
24 appeal is taken, and if the court shall find that the said applicant is
25 qualified as defined in section one thousand one hundred fifty-nine
26 (1159), code, 1931, to hold the position for which he has applied, said
27 courts shall, by its mandate, specifically direct the said appointing
28 officer, board or person as to their further action in the matter. An
29 appeal may be taken from judgment of the said district court on any
30 such appeal on the same terms as an appeal is taken in civil actions."

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in full force from and after its publication, as prescribed
3 by law, in the Iowa Legionaire, a newspaper published in Des Moines,

4 Iowa, and the Red Oak Express, a newspaper published in Red Oak,
5 Iowa.

House File 307. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Iowa Legionaire, May 24, 1935, and the Red Oak Express, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 8

ADMINISTRATION OF OATHS. INVESTIGATORS OLD AGE ASSISTANCE

H. F. 59

AN ACT to amend section twelve hundred sixteen (1216), code, 1931, relative to the administration of oaths and empowering investigators for old age assistance to take affirmations in any matter pertaining to the business of their office.

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

1 SECTION 1. Section twelve hundred sixteen (1216), code, 1931, is
2 amended by adding thereto, the following subsection:

3 "6. All investigators for old age assistance as provided for under
4 chapter nineteen (19), acts of the Forty-fifth General Assembly, in
5 extraordinary session."

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Sioux
3 City Journal, a newspaper published at Sioux City, Iowa, and the
4 Globe-Post, a newspaper published at Le Mars, Iowa.

House File 59. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Sioux City Journal, and the Le Mars Globe-Post, May 2, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 9

ABANDONED MINES. FILLING AND SEALING OF OPENINGS

S. F. 294

AN ACT to amend chapter sixty-eight (68), code, 1931, relating to the filling or sealing of openings of abandoned mines subject to the approval of the mine inspector; relating to the breaking of any seal on any finished or abandoned mine; relating to the moving of any machinery or equipment away from such abandoned mine before the requirements of this act have been complied with; and relating to the penalty for violation of the provisions of this act.

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

1 SECTION 1. Amend chapter sixty-eight (68), code, 1931, by adding
2 thereto, immediately following section twelve hundred forty-one
3 (1241) the following:

4 "It shall be the duty of the owner, lessee, operator of the mine or
5 owner of land on which mine is located, to permanently fill, or seal
6 all openings to the same immediately after it is finished or abandoned,
7 so as to prevent any person or animal from entering or falling into
8 the said finished or abandoned mine; and before said filling or sealing

9 is commenced or undertaken, the mine owner, lessee or operator shall
 10 notify the mine inspector of the district in which the mine is located,
 11 and the same shall be subject to the approval of said mine inspector
 12 who is hereby authorized and empowered to prescribe the manner
 13 and the kind of material with which the same shall be filled or sealed.

1 "SEC. 2. It shall be unlawful for any person, firm or corporation
 2 to open or to break any seal placed on any finished or abandoned mine;
 3 or to open or to break any seal placed on any mine ordered closed
 4 by the mine inspector, unless said person, firm or corporation, has
 5 first received a written permit from the mine inspector to do so, and
 6 then only in the manner prescribed by him in said permit.

1 "SEC. 3. It shall be unlawful for any owner, lessee, or operator
 2 of any coal mine, or any person, firm or corporation, to take or move
 3 away from the premises of a finished or an abandoned mine any ma-
 4 chinery, equipment or material without the consent of the mine in-
 5 spector until first all the requirements of this act have been complied
 6 with, and have been approved in writing by the mine inspector.

1 "SEC. 4. Any owner, lessee, operator, or the agent thereof, or
 2 officer, or agent of any firm or corporation, refusing or neglecting
 3 to comply with the provisions of this act in relation to filling, or seal-
 4 ing the openings of finished or abandoned mines, shall be fined not
 5 exceeding five hundred (500) dollars, or be imprisoned in the county
 6 jail not exceeding six months, or both."

Senate File 294. Approved May 3, 1935.

CHAPTER 10

WORKMEN'S COMPENSATION. OPERATION OF COAL MINES

S. F. 300

AN ACT to amend the law as the same appears in chapters seventy (70), seventy-one (71), seventy-two (72), code, 1931, relating to compensation for injuries sustained arising out of and in the course of employment; providing that the right to reject the law relating to compensation for injuries sustained arising out of and in the course of employment shall not apply to the business of operating a mine and of producing coal for sale under any system of operation; making it a misdemeanor to operate a mine or do any work in connection therewith, or incident thereto, without first obtaining insurance covering compensation payments or obtaining relief therefrom; and providing injunctive process to prevent continuing such wrongful acts.

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

1 SECTION 1. It shall be conclusively presumed that the work and
 2 operation of any and all coal mines, or production of coal, under
 3 whatever system of operation is an extra hazardous business, enter-
 4 prise and occupation.

1 SEC. 2. The law as the same appears in section thirteen hundred
 2 sixty-four (1364) and other sections of chapters seventy (70), seventy-
 3 one (71), and seventy-two (72), of the code, 1931, including the
 4 words "except as provided in this chapter" as the same appear in
 5 section thirteen hundred sixty-three (1363) all in so far as it relates
 6 to the right to reject the terms, provisions and conditions of the

7 compensation law, shall not apply to any employer or employee engaged
8 in the operation of coal mines, or production of coal, under any system
9 of removing coal for sale, but all provisions of the law in chapters
10 seventy (70), seventy-one (71) and seventy-two (72), relating to
11 compensation for injuries sustained arising out of and in the course
12 of such employment shall be exclusive, compulsory, and obligatory
13 upon the employer and employee in such employment.

1 SEC. 3. It shall be unlawful for any person, firm, association, cor-
2 poration or partnership to engage in the business of operating a
3 mine under any system of removing coal for sale, or any work in
4 connection therewith, or incident thereto, without first obtaining in-
5 surance covering compensation payments or obtaining relief therefrom
6 as provided in chapters seventy (70), seventy-one (71) and seventy-
7 two (72), of the code, 1931, as herein amended. Any violation of this
8 section shall be deemed a misdemeanor and upon conviction of such
9 offense the offender shall be punished by a fine of not less than ten
10 (10) dollars nor more than one hundred (100) dollars. Each day
11 such offense is committed shall be regarded as a separate, wrongful
12 act and may be prosecuted in one proceeding, but in separate counts,
13 at the election of the prosecuting attorney.

1 SEC. 4. It shall be the duty of the attorney general of the state of
2 Iowa and/or the county attorney of the county where such offense has
3 been committed, or when he has reason to believe such offense is about
4 to be committed, to bring an action in equity in the name of the state
5 to enjoin such offenders from continuing such wrongful acts, and the
6 court or judge before whom such action is brought shall, if the facts
7 warrant, issue a temporary or permanent writ of injunction without
8 bond.

Senate File 300. Approved May 3, 1935.

CHAPTER 11

CIGARETTE AND OLEOMARGARINE TAX STAMPS

S. F. 67

AN ACT to amend sections fifteen hundred seventy-four (1574), fifteen hundred seventy-four-a one (1574-a1), fifteen hundred seventy-five (1575), thirty-one hundred-d six (3100-d6), thirty-one hundred-d seven (3100-d7), thirty-one hundred-d eight (3100-d8), thirty-one hundred-d ten (3100-d10), all of the code of 1931, to transfer certain duties relating to cigarette and oleomargarine tax stamps from the auditor of state to the state comptroller.

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

1 SECTION 1. Section fifteen hundred seventy-four (1574), code of
2 1931, is amended as follows:

3 1. Strike from lines 1 and 2 the words "auditor of state" and insert
4 in lieu "state comptroller."

5 2. Strike from line 4 the word "auditor" and insert in lieu "comp-
6 troller."

1 SEC. 2. Section fifteen hundred seventy-four-a one (1574-a1), code
2 of 1931, is amended as follows:

3 1. Strike from line 2 the word "auditor" and insert in lieu "comp-
4 troller."

5 2. Strike from lines 4 and 5 the word "accountant" and insert
6 in lieu "comptroller."

1 SEC. 3. Section fifteen hundred seventy-five (1575), code of 1931,
2 is amended by striking from line 7 the word "auditor" and inserting
3 in lieu "comptroller."

1 SEC. 4. Section thirty-one hundred-d six (3100-d6), code of 1931,
2 is amended by striking from line 2 the words "auditor of state" and
3 inserting in lieu "state comptroller."

1 SEC. 5. Section thirty-one hundred-d seven (3100-d7), code of 1931,
2 is amended by striking from line 2 the words "auditor of state" and
3 inserting in lieu "state comptroller."

1 SEC. 6. Section thirty-one hundred-d eight (3100-d8), code of 1931,
2 is amended as follows:

3 1. Strike from line 3 the words "auditor of state" and insert in
4 lieu "state comptroller."

5 2. Strike from lines 5 and 6 the words "state accountant" and
6 insert in lieu "state comptroller."

1 SEC. 7. Section thirty-one hundred-d ten (3100-d10), code of 1931,
2 is amended by striking from line 8 the words "auditor of state" and
3 inserting in lieu "state comptroller."

1 SEC. 8. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Boyden
3 Reporter, a newspaper published at Boyden, Iowa, and in the Lyon
4 County Reporter, a newspaper published at Rock Rapids, Iowa.

Senate File 67. Approved February 19, 1935.

I hereby certify that the foregoing act was published in the Boyden Reporter and
the Lyon County Reporter, February 21, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 12 COMPRESSED GAS SYSTEMS

H. F. 270

AN ACT to define and regulate the installation of compressed gas systems.

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

1 SECTION 1. Definition. A compressed gas for the purpose of this
2 bill is

3 a. An inflammable liquefied hydrocarbon material having a vapor
4 pressure exceeding twenty-five pounds per square inch gauge at sev-
5 enty (70) degrees F. and/or

6 b. Any inflammable liquefied hydrocarbon material with a lesser
7 vapor pressure, but not less than nine (9) pounds absolute vapor
8 pressure at seventy (70) degrees F., when same is used as or in
9 a similar manner to "bottled gas" for purposes such as cooking, water
10 heating, and the like by the gas feed, liquid feed, or other utilization
11 system, or as raw material in "Pentane-air" machines and the like,
12 other than where used industrially for cutting, fabricating, etc.

1 SEC. 2. (1) All compressed gas systems to be used for house light-
2 ing, cooking, water heating, and refrigeration, hereafter installed,
3 shall be installed and maintained in the following manner:

4 (2) Location and operation.

5 a. Cylinders and regulating equipment shall be located outside of
6 any building excepting buildings specially constructed for the sole
7 purpose of housing the equipment. The discharge from safety reliefs
8 shall be located not less than five (5) feet away from any opening in
9 such building which is below the level of such discharge.

10 b. Cylinders shall be set upon a firm fireproof foundation.

11 c. Extra cylinders shall be stored outside of any building where
12 the gas is being utilized and where they may be protected from extreme
13 heat. No combustible material shall be piled within twenty (20)
14 feet of cylinder, also fires, and electrical apparatus such as switches
15 and other apparatus which may cause sparking shall not be located
16 within twenty (20) feet of the cylinders or regulating equipment.

17 (3) Piping.

18 a. Piping for systems conveying gas to the building and gas-
19 burning appliances in the gaseous phase shall be standard full-weight
20 wrought iron, or steel or brass or copper pipe, or seamless copper,
21 brass, or other non-ferrous tubing approved by the national board
22 of fire underwriters. All lines leading to consuming devices shall be
23 proven free from leaks by testing at a pressure not less than the
24 maximum working pressure as determined by the regulator setting. In-
25 stallation shall comply with the recommended good practice require-
26 ments for the installation, maintenance and use of piping and fittings
27 for city gas.

28 b. In systems of a type in which compressed gas in liquid form
29 enters the building only heavy walled seamless brass or copper tubing
30 may be used. Internal diameter of such tubing should not be greater
31 than 3/32 inch and wall thickness not less than 3/64 inch. Tubing
32 shall be as short as possible and so attached and protected as to avoid
33 injury or damage. Tubing shall be tested and proven tight under a
34 pressure of at least fifty (50) pounds per square inch after all con-
35 nections have been made.

36 (4) Cylinders.

37 a. Only cylinders which are constructed and maintained in ac-
38 cordance with the regulations of the interstate commerce commission
39 for this class of service shall be considered suitable for employment
40 in any compressed gas system for house heating, lighting, cooking,
41 water heating, refrigeration, etc.

42 b. Shipments of containers in this class of service shall be made
43 in accordance with the then existing regulations of the interstate
44 commerce commission on covering the transportation and handling
45 of such fuels.

46 c. When cylinders are not in use, outlet valves shall be kept tightly
47 closed even though cylinders may be considered empty.

48 d. Cylinders shall be protected against mechanical injury or tam-
49 pering at all times.

1 SEC. 3. No person, firm, corporation, or concern shall keep for sale,
2 handle or install any compressed gas system which does not comply
3 with the foregoing rules and regulations and any violation of this

4 section shall be punishable by fine not to exceed five hundred (500)
5 dollars or a term in the county jail not to exceed sixty days or by
6 both such fine and imprisonment as the court may direct.

1 SEC. 4. It shall be the duty of the office of the state fire marshal
2 to oversee and enforce the above regulations.

1 SEC. 5. The owner or operator of any compressed gas system, here-
2 after installed, which does not conform with the foregoing regulations,
3 shall, upon written notice personally served or sent by registered mail
4 from the office of state fire marshal, cease to use or operate the system
5 until the same complies with or conforms to the foregoing regulations
6 and any failure to comply with the regulations after notice as above
7 prescribed or any failure to install compressed gas systems otherwise
8 than above directed shall be punishable by a fine not to exceed five
9 hundred (500) dollars or imprisonment in the county jail not to exceed
10 sixty days or by both such fine and imprisonment as the court may
11 direct.

House File 270. Approved May 1, 1935.

CHAPTER 13

STATE CONSERVATION COMMISSION

H. F. 507

AN ACT to abolish the state board of conservation, the state fish and game commission, and the office of state forestry commissioner, and to impose the rights, powers and duties of said agencies on a new agency which shall be known as the state conservation commission; to create said latter commission and to define its rights, powers and duties; to coordinate various sections of the statutes with said change in the law and to this end to amend or repeal various sections and provisions of the statutes.

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

1 SECTION 1. Creation of commission—Membership. There is here-
2 by created a state conservation commission which shall consist of
3 seven citizens of the state who are interested in and have substan-
4 tial knowledge of the subjects embraced in this chapter. Not more
5 than four of said members shall, when appointed, belong to the
6 same political party. No person appointed to said commission shall
7 during his term hold any other state or federal office.

1 SEC. 2. Appointment. Said members shall be appointed by the
2 governor with the approval of two thirds ($\frac{2}{3}$) of the members of the
3 senate.

1 SEC. 3. Initial appointments. Upon the taking effect of this chap-
2 ter, the governor shall make the first appointments as follows:

- 3 1. Two for a term ending July 1, 1937.
- 4 2. Three for a term ending July 1, 1939.
- 5 3. Two for a term ending July 1, 1941.

1 SEC. 4. Full-time appointments. During the session of the general
2 assembly in 1937 and at a corresponding time each two years there-
3 after, the governor shall appoint two or three members, as the case
4 may be, for a full term of six years.

1 SEC. 5. Vacancies. In case of vacancies, the governor shall appoint
2 for the unexpired portion of the term, and if the general assembly
3 be not then in session the governor shall, upon the convening of the
4 general assembly, promptly report said appointment to the senate for
5 its approval.

1 SEC. 6. Compensation. Each member of the commission shall re-
2 ceive the sum of seven (7) dollars and fifty (50) cents for each day
3 actually and necessarily employed in the discharge of official duties,
4 provided said compensation shall not exceed five hundred (500) dollars
5 for each fiscal year.

1 SEC. 7. Expenses generally. The members and employees of the
2 commission, the conservation director and conservation officers shall
3 be reimbursed for all actual and necessary expenses incurred by them
4 in the discharge of their official duties when absent from their usual
5 place of abode, unless said appointees or employees are serving under
6 a contract which requires them to defray their own expenses.

1 SEC. 8. Bonds—Surety. The commission may require bonds of
2 appointees and employees other than those herein specifically named.
3 All bonds insuring the fidelity of the commissioners, and of the ap-
4 pointees and employees of the commission shall be signed by a surety
5 authorized by law to execute such bonds.

1 SEC. 9. Premium. The premium on all the aforesaid fidelity bonds
2 shall be paid from the administration fund of the commission.

1 SEC. 10. Office. The commission shall keep its office at the seat
2 of government. The executive council shall supply and properly
3 furnish said rooms.

1 SEC. 11. Organization and meetings. Said commission shall or-
2 ganize annually by the election of a chairman. The commission shall
3 meet annually at the seat of government on the first Tuesday of Janu-
4 ary, April, July, and October and at such other times and places as it
5 may deem necessary. Meetings may be called by the chairman, and
6 shall be called by the chairman on the request of two members of
7 the commission.

1 SEC. 12. The commission first appointed shall organize immediately
2 upon the appointment and qualifying of its members.

1 SEC. 13. Conservation director. The commission shall employ an
2 administrative head who shall be known as state conservation director
3 and be responsible to the commission for the execution of its policies.
4 He shall be a person of executive ability and possess special knowledge
5 relative to the duties herein imposed on the commission.

1 SEC. 14. Term and salary. Said director shall serve during the
2 pleasure of the commission and shall receive an annual salary, not
3 to exceed four thousand (4,000) dollars, to be fixed by the commission.

1 SEC. 15. Officers and employees. Said director shall, with the con-
2 sent of the commission and at such salary as the commission shall fix,
3 employ such assistants, including a professionally trained state forester

4 of recognized standing, as may be necessary to carry out the duties
5 imposed by this chapter on the commission; also and under the same
6 conditions, said director shall appoint such officers as may be necessary
7 to enforce the laws, rules, and regulations, the enforcement of which
8 are herein imposed on said commission. Said officers shall be known
9 as state conservation officers. The salaries of the state conservation
10 officers shall not exceed one thousand five hundred (1,500) dollars per
11 year.

1 SEC. 16. Conservation officers. No person shall be appointed as a
2 conservation officer until he has satisfactorily passed a competitive
3 examination, held under such rules as the commission may adopt, and
4 other qualifications being equal only those of highest rank in exami-
5 nations shall be appointed.

1 SEC. 17. Peace officers. Conservation officers shall have the power
2 of, and be deemed peace officers within the scope of the duties herein
3 imposed on them.

1 SEC. 18. Removal. The appointees and employees aforesaid may
2 be removed by the said director at any time subject to the approval
3 of the commission.

1 SEC. 19. Funds. The financial resources of said commission shall
2 consist of three funds:

- 3 1. A state fish and game protection fund.
- 4 2. A state conservation fund, and
- 5 3. An administration fund.

6 The state fish and game protection fund, except as otherwise pro-
7 vided, shall consist of all moneys accruing from license fees and all
8 other sources of revenue arising under the division of fish and game.

9 The conservation fund, except as otherwise provided, shall consist
10 of all other funds accruing to the conservation commission.

11 The administration fund shall consist of an equitable portion of the
12 gross amount of the two aforesaid funds, to be determined by the com-
13 mission, sufficient to pay the expense of administration entailed by this
14 chapter.

1 SEC. 20. Report of funds. The conservation director shall, at least
2 monthly, make return and pay to the treasurer of state all moneys then
3 in his hands belonging to the aforesaid funds.

1 SEC. 21. Section two hundred forty-six (246), code, 1931, is
2 amended by striking therefrom paragraph seventeen (17) and by in-
3 serting in lieu thereof the following:

4 "17. State conservation director."

1 SEC. 22. Expenditures. All funds accruing to the fish and game
2 protection fund, except the said equitable portion, shall be expended
3 solely in carrying on the activities embraced in the division of fish and
4 game.

5 All administrative expense shall be paid from the administration
6 fund.

7 All other expenditures shall be paid from the conservation fund.

8 All expenditures under this act shall be subject to approval by the
9 state comptroller.

1 SEC. 23. Divisions of department. The department of conservation,
2 herein created, shall consist of the following divisions:

3 1. A division of fish and game which shall include matters relating
4 to fish and fisheries, waterfowl, game, fur-bearing and other animals,
5 birds, and other wild life resources.

6 2. A division of lands and waters which shall include matters relat-
7 ing to state waters, state parks, forests and forestry, and lakes and
8 streams, including matters relating to scenic, scientific, historical,
9 archeological, and recreational matters.

10 3. A division of administration which shall include matters relating
11 to accounts, records, enforcement, technical service, and public
12 relations.

1 SEC. 24. Rules and regulations. The existing rules, orders, and
2 regulations of the state board of conservation and of the fish and game
3 commission shall continue to be the rules, orders and regulations of the
4 conservation commission, created herein, until changed or modified
5 by said latter commission.

1 SEC. 25. No member, officer, or employee of the commission shall,
2 directly or indirectly, exert his influence to induce any other officers
3 or employees of the state to adopt his political views, or to favor any
4 particular candidate for office, nor shall such member, officer, or em-
5 ployee contribute in any manner, directly or indirectly, any money or
6 other things of value to any person, organization or committee for
7 political campaign or election purposes. Any person violating this
8 section shall be removed from his office or position.

1 SEC. 26. Section ten hundred sixty-three (1063), code, 1931, is
2 amended by striking out paragraphs fifteen (15) and sixteen (16)
3 and by inserting in lieu thereof the following:

4 "Members state conservation commission, five thousand (5,000)
5 dollars.

6 State conservation director, ten thousand (10,000) dollars.

7 State conservation officers, one thousand (1,000) dollars."

1 SEC. 27. Section twenty-five hundred eighty-seven (2587), code,
2 1931, is amended by striking out the word "forestry" from line 4 of
3 paragraph one (1).

1 SEC. 28. Section twenty-six hundred seventeen (2617), code, 1931,
2 is amended by striking out the words "department of agriculture" and
3 by inserting in lieu thereof the words "state conservation commission."

1 SEC. 29. Section three hundred two (302), code, 1931, is amended
2 by inserting therein the following:

3 "39. State conservation commission."

1 SEC. 30. All books, records, files and property belonging to the state
2 fish and game commission, to the state board of conservation, and to
3 the forestry commissioner are hereby transferred to the state con-
4 servation commission herein created.

1 SEC. 31. All unexpended funds belonging to the fish and game pro-
2 tection funds, as it exists at the time this act takes effect, shall be
3 credited to the fish and game protection fund herein created. All unex-

4 pended appropriations or funds now available to the state board of
5 conservation, under either chapter one hundred eighty-eight (188),
6 acts Forty-fifth General Assembly, or under chapter one hundred forty-
7 five (145), acts extra session Forty-fifth General Assembly, or from
8 other sources, shall be credited to the conservation fund herein created,
9 and the state comptroller and treasurer of state shall make such trans-
10 fers on the books of their offices.

1 SEC. 32. All present employees of the state board of conservation
2 and of the fish and game commission shall be deemed employees of the
3 conservation commission, herein created, until said latter commission
4 otherwise orders.

1 SEC. 33. Any investigation or proceeding now pending which in any
2 manner affects the state board of conservation or the fish and game
3 commission shall be continued in behalf of or against the conservation
4 commission herein created.

1 SEC. 34. Coordination of statutes. Wherever in the statutes, other
2 than this act, reference is made to the state game warden, it shall be
3 deemed to mean "state conservation director"; also, wherever in said
4 statutes reference is made to assistant or deputy game wardens, or
5 to park or lake custodians, it shall be deemed to mean "state conserva-
6 tion officers" and the code editor is directed to make the proper changes.
7 Wherever in the statutes, other than this act, reference is made to
8 the fish and game commission, the fish and game department, or the
9 board of conservation, it shall be deemed to mean "state conservation
10 commission"; also, wherever in said statutes reference is made to
11 fish and game commission funds, it shall be deemed to mean "fish and
12 game protection fund", and the code editor is directed to make the
13 proper changes.

1 SEC. 35. Section two (2), chapter thirty (30), acts Forty-fifth
2 General Assembly, is amended by inserting in line 9 immediately after
3 the word "promulgated" the following, to wit:
4 "provided, that the said publication of said rules and regulations
5 shall not be required in case of an emergency, and in such emergency
6 the commission shall give such advance notice as it may deem reason-
7 able, and."

1 SEC. 36. The following sections of the code, 1931, are hereby re-
2 pealed: sections seventeen hundred three-d one (1703-d1) to seven-
3 teen hundred three-d ten (1703-d10), inclusive, seventeen hundred
4 three-d thirteen (1703-d13), seventeen hundred three-d fourteen (1703-
5 d14), seventeen hundred three-d sixteen (1703-d16) to seventeen hun-
6 dred three-d thirty (1703-d30), inclusive, seventeen hundred twelve
7 (1712), seventeen hundred seventeen (1717), seventeen hundred forty-
8 three (1743), seventeen hundred ninety-five (1795), seventeen hundred
9 ninety-six (1796), eighteen hundred twenty (1820), eighteen hundred
10 twenty-one (1821), and twenty-six hundred four (2604).

1 SEC. 37. Partial invalidity. The invalidity of any part of this
2 chapter shall not affect any remaining part which can be given force
3 and effect independent of such invalid part.

1 SEC. 38. Publication. This act being deemed of immediate im-
 2 portance shall be in full force and effect after its passage and publica-
 3 tion in the Sheldon Mail, a newspaper published at Sheldon, Iowa, and
 4 in the Globe-Gazette, a newspaper published at Mason City, Iowa.

House File 507. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Mason City Globe-Gazette, May 7, 1935, and the Sheldon Mail, May 8, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 14

STATE CONSERVATION COMMISSION. ACQUISITION OF PROPERTY

S. F. 360

AN ACT authorizing the state conservation commission to acquire or lease property for development as state forests and conservation areas subject to regular tax levies for each and every year in the respective taxing districts, and providing for the disposition of income from such lands.

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

1 SECTION 1. That the state conservation commission is hereby author-
 2 ized to accept gifts, donations or contributions of land suitable for
 3 forestry or conservation purposes and to enter into agreements with
 4 the federal government or other agencies for acquiring by lease, pur-
 5 chase or otherwise such lands as in the judgment of the commission
 6 are desirable for said purposes.

1 SEC. 2. All lands acquired under this act by the state conservation
 2 commission or any agency of the federal government shall be subject
 3 to the regular tax levies as other real estate in said taxing district in
 4 each and every year and this provision of law shall be written into
 5 every conveyance of real estate under this act. The valuation of said
 6 land for assessment and taxation shall be limited to the price at
 7 which same was purchased by the state conservation commission or
 8 any agency of the federal government.

1 SEC. 3. When lands are acquired or leased, the said commission is
 2 authorized to make expenditures from any of its funds not otherwise
 3 obligated, for the management, development and utilization of such
 4 areas; to sell or otherwise dispose of products from such lands, and
 5 to make such rules and regulations as may be necessary to carry out
 6 the purposes of this act.

1 SEC. 4. All revenues derived from lands now owned or later acquired
 2 under the provisions of this act shall be segregated by the treasurer
 3 of state for the use of the state conservation commission in the acqui-
 4 sition, management, development and use of such lands until all obliga-
 5 tions incurred have been paid in full. Thereafter, fifty (50) per cent
 6 of all net profits accruing from the administration of such lands shall
 7 be applicable for such purposes as the general assembly may prescribe,
 8 and fifty (50) per cent shall be paid into the temporary school funds
 9 of the county in which lands are located.

1 SEC. 5. Obligations for the acquisition of land incurred by the
2 commission shall be paid solely and exclusively from revenues derived
3 from such lands and shall not impose any liability upon the general
4 credit and taxing power of the state.

1 SEC. 6. The commission shall have full power and authority to sell,
2 exchange or lease lands under its jurisdiction when in its judgment
3 it is advantageous to the state to do so, provided said sale, lease or
4 exchange shall not be contrary to the terms of any contract which it
5 has entered into.

1 SEC. 7. This act being deemed of immediate importance shall be in
2 force and effect from and after its passage and publication in two
3 newspapers of this state, as provided by law.

Senate File 360. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Remsen Bell-Enterprise,
May 16, 1935, and the Le Mars Globe-Post, May 13, 1935, in accordance with section
55, code, 1931.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 15

STATE CONSERVATION COMMISSION. HUNTING AND FISHING.

LICENSE FEES

H. F. 28

AN ACT to amend section ten (10) of chapter thirty (30), acts of the Forty-fifth
General Assembly, regular session, as amended by chapter twenty (20), acts of the
Forty-fifth General Assembly, extraordinary session, relating to the license fees for
hunting and fishing.

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

1 SECTION 1. Amend section ten (10) of chapter thirty (30), acts
2 of the Forty-fifth General Assembly, regular session, by repealing all
3 of chapter twenty (20), acts of the Forty-fifth General Assembly,
4 extraordinary session, and substituting in lieu thereof the following:
5 "Fishing licenses:
6 All persons legal residents of the state, except otherwise
7 provided \$1.00
8 "Hunting licenses:
9 All persons legal residents of the state, except otherwise
10 provided 1.00
11 "Hunting and fishing combined licenses:
12 All persons legal residents of the state, except otherwise
13 provided 1.50"

1 SEC. 2. This act being deemed of immediate importance shall be
2 in force and effect after its passage and publication in the Bloomfield
3 Democrat, a newspaper published at Bloomfield, Iowa, and in the Spirit
4 Lake Beacon, a newspaper published at Spirit Lake, Iowa.

House File 28. Approved March 14, 1935.

I hereby certify that the foregoing act was published in the Bloomfield Democrat
and the Spirit Lake Beacon, March 21, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 16
BEER AND MALT LIQUORS

S. F. 320

AN ACT to amend chapter twenty-five (25), acts of the Forty-fifth General Assembly in extraordinary session, relating to the manufacture, sale and distribution of beer; creating a state permit board and defining its powers and duties; providing for the issuance and revocation of permits authorizing boards of supervisors to adopt rules and regulations and cities and towns to pass ordinances governing the sale and distribution of beer; providing for hearings by the state permit board; and fixing the hours during which beer may be sold, delivered, or consumed.

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

1 SECTION 1. Chapter twenty-five (25), acts of the Forty-fifth Gen-
2 eral Assembly in extraordinary session, as amended, is amended by
3 striking out subsection "b" of section six (6) of said act, and inserting
4 in lieu thereof the following:

5 "b. 'Permit board' shall mean the state permit board composed of
6 the treasurer of state, the secretary of state, and the auditor of state,
7 of the state of Iowa."

8 Said chapter twenty-five (25) is further amended by striking out
9 subsection "e" of section six (6) of said act, and inserting in lieu
10 thereof the following:

11 "e. The term 'good moral character' shall not be construed to in-
12 clude the following: Any person, firm, or corporation who, preceding
13 the making of an application for any permit under the provisions of
14 this act, has been found guilty of violating any of the provisions of
15 the beer act or any of the intoxicating liquor laws of the state or who
16 has been convicted of a felony or an indictable misdemeanor."

1 SEC. 2. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding at the end of section seven (7), of said chapter, a new
4 paragraph which shall be as follows:

5 "In order to promote uniform compliance with the provisions of
6 this act there is hereby created a state permit board to be composed
7 of the treasurer of state, who shall be the chairman thereof, the sec-
8 retary of state, and the auditor of state, which board shall issue
9 state permits and shall have the power to revoke the same upon hear-
10 ing as provided in this act and to review actions of the city or town
11 councils, including cities under special charter, and boards of super-
12 visors, in refusing to revoke permits, as hereinafter provided. The
13 permit board shall serve without additional compensation. The per-
14 mit board shall meet on the first Monday in each month for a regular
15 meeting, and upon call at any time. The majority of its members
16 shall constitute a quorum but no final action shall be taken in the
17 revocation of a permit without a majority vote. In the event it should
18 be impossible for any of the officials designated as members of this
19 board to be present at any meeting of the board, such official may
20 designate a deputy or assistant in his department to attend such meet-
21 ing or meetings and act for him and in his stead but at no meeting
22 shall any final decision of the board be made unless at least two (2)
23 members thereof are present in person."

1 SEC. 3. Section eight (8) of said chapter twenty-five (25), acts
2 of the Forty-fifth General Assembly in extraordinary session, as
3 amended, is amended as follows:

4 1. Insert immediately preceding the word "and" in line 11 the
5 words "and to clubs as defined in section nineteen (19)."

6 2. Add at the end of said section eight (8) the following:

7 "Each applicant applying for a class 'B' or 'C' permit, shall, in
8 addition to procuring a permit from a city or town council, or board
9 of supervisors, as provided in this act, obtain a state permit from
10 the state permit board upon application made to the board and upon
11 payment of a fee of three (3) dollars. Such fees collected shall be
12 placed in a special fund by the treasurer of state to be used by the
13 state permit board for the purpose of enforcing the provisions of
14 this act.

15 "Upon the issuance of a permit by a city or town council, or board
16 of supervisors, such council or board shall forthwith certify to the
17 state permit board the action so taken. The state permit board shall
18 promptly issue a state permit to all applicants to whom a permit
19 has been issued by a city or town council or by a board of supervisors,
20 which shall expire at the same time as the permit issued by said
21 council or board, and shall forthwith certify to such council or board
22 as to the issuance of each permit.

23 "Upon the revoking of a permit by any city or town council or
24 board of supervisors, such council or board shall certify to the state
25 permit board the action so taken, and thereupon the state permit
26 board shall immediately cancel its permit to such permit holder, and
27 such action of the state permit board and other granting authority
28 shall be final."

1 SEC. 4. Section twelve (12) of said chapter twenty-five (25), acts
2 of the Forty-fifth General Assembly in extraordinary session, as
3 amended, is amended as follows:

4 Strike all after the comma in line 18 of said section, and strike
5 lines 19, 20, 21, 22 and 23, and insert in lieu thereof the following:
6 "and is located within a business district or an area now or hereafter
7 zoned as a business district."

1 SEC. 5. Section sixteen (16) of said chapter twenty-five (25), acts
2 of the Forty-fifth General Assembly in extraordinary session, as
3 amended, is amended by adding at the end of said section the follow-
4 ing: "and that no sale or delivery shall be made between the hours
5 of 1:00 a. m. and 6:00 a. m., and no sale or delivery on Sunday."

1 SEC. 6. Chapter twenty-five (25), acts of the Forty-fifth General
2 Assembly in extraordinary session, as amended, is amended by strik-
3 ing section thirty-four (34) of said chapter and inserting in lieu
4 thereof the following:

5 "SEC. 34. It is expressly provided, any provision of this chapter
6 to the contrary notwithstanding, that cities and towns, including cities
7 under special charter, and boards of supervisors, shall have the
8 power and authority to revoke any permit issued under their author-
9 ity for a violation of any of the provisions of this act, or any ordinance
10 adopted by a city or town under the provisions hereof, or any rule

11 or regulation adopted by a board of supervisors, or for any cause
12 which, in the judgment of the governing body, may be inimical to
13 or prevent the carrying out of the intent and purposes of this act.
14 Any permit revoked as in this act provided, shall not be renewed or
15 a new permit shall not be granted to the same person for a period of
16 one (1) year from the date of revocation; further, the governing body
17 may refuse to issue a permit effective on the same premises to any
18 other person for a period of one (1) year from the date of revoca-
19 tion. Cities and towns, including cities under special charter, are
20 hereby empowered to adopt ordinances for the enforcement of chapter
21 twenty-five (25), acts of the Forty-fifth General Assembly in extra-
22 ordinary session, as amended by this act, and are further empowered
23 to adopt ordinances providing for the limitation of class 'B' permits,
24 as follows:

25 "Allowing only one (1) class 'B' permit to be issued upon applica-
26 tion meeting the requirements of chapter twenty-five (25), acts of
27 the Forty-fifth General Assembly in extraordinary session, as amended
28 by this act, for each five hundred (500) population, or fractional
29 part thereof, up to twenty-five hundred (2500), and allowing only
30 one additional permit for each seven hundred fifty (750) popu-
31 lation or fractional part thereof, over and above twenty-five hundred
32 (2500), provided, however, that in towns having a population of
33 one thousand (1,000) or less, two permits shall be allowed if proper
34 application is made therefor in accordance with the requirements
35 of the provisions of said chapter twenty-five (25), acts of the
36 Forty-fifth General Assembly in extraordinary session, as amended,
37 and said city and town councils are further empowered to adopt ordi-
38 nances, subject to the express provisions of section twenty-three (23)
39 of said chapter twenty-five (25), for the fixing of the hours during
40 which beer may be sold and consumed in the places of business of
41 class 'B' permittees, and further providing that subject to the express
42 provisions of said section twenty-three (23), of said chapter twenty-
43 five (25), acts of the Forty-fifth General Assembly in extraordinary
44 session, no sale or consumption of beer shall be allowed on the premises
45 of a class 'B' permittee, as above provided, between the hours of
46 1:00 a. m. and 6:00 a. m.; and for the location of the premises of
47 class 'B' permittees; and for the prohibiting or regulation of danc-
48 ing in places where beer is sold; and are empowered to adopt ordi-
49 nances, not in conflict with the provisions of chapter twenty-five
50 (25), acts of the Forty-fifth General Assembly in extraordinary ses-
51 sion as amended by this act, governing any other activities or matters
52 which may affect the sale and distribution of beer under class 'B'
53 permits and the welfare and morals of the community involved."

1 SEC. 6-a. In determining the number of permits to be issued under
2 the provisions of section six (6), of this act, class "B" permits issued
3 to clubs and hotels as contemplated in chapter twenty-five (25), acts
4 of the Forty-fifth General Assembly in extraordinary session, shall
5 be excluded from the limitation as to number, as in section six (6)
6 provided.

1 SEC. 7. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,

3 by inserting after the comma following the word "bootlegging" in
4 line 3 in section thirty-one (31) thereof the following: "or who is
5 guilty of the sale or dispensing of wines or spirits in violation of the
6 law, or who shall allow the mixing or adding of alcohol to beer or any
7 other beverage on the premises of class 'B' permittees or who shall
8 be guilty of the violation of this chapter as amended, or of any ordi-
9 nances enacted by any city or town as provided for in this act."

1 SEC. 7-a. No liquor for beverage purposes having an alcoholic con-
2 tent greater than four (4) per cent by weight, shall be used, or kept
3 for any purpose in the place of business of class "B" permittees, or
4 on the premises of such class "B" permittees, at any time. A viola-
5 tion of any provision of this section shall be grounds for revocation
6 of the permit.

1 SEC. 7-b. The above section seven-a (7-a) shall not apply in any
2 manner or in any way to drug stores regularly and continuously em-
3 ploying a registered pharmacist, from having alcohol in stock for
4 medicinal and compounding purposes.

1 SEC. 8. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by striking from section twenty-five (25) of said chapter all of line
4 7 after the period following the word "dollars" in said line, and by
5 striking all of line 8, and by striking all that part of line 9 to and
6 including the period, and inserting in lieu thereof the following: "The
7 annual permit fee for a class 'B' permit, except class 'B' permits issued
8 to hotels and clubs as contemplated in chapter twenty-five (25), acts
9 of the Forty-fifth General Assembly in extraordinary session, and
10 golf or country clubs, shall be fixed by the authorities empowered by
11 this act to issue permits, but the amount of said permit fee shall not
12 be less than one hundred (100) dollars, nor more than three hundred
13 (300) dollars."

1 SEC. 9. Further amend said chapter twenty-five (25), acts of
2 the Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows: "All class 'B' permits, except
4 permits issued to golf and country clubs under the provisions of chap-
5 ter twenty-five (25), acts of the Forty-fifth General Assembly in
6 extraordinary session, as amended, shall terminate as of July 1, 1935.
7 The authorities empowered by this act to issue permits shall refund
8 the permit holder an amount proportionate to the unexpired term of
9 the permit, except in cases where the county has received one half
10 of the permit fee and in such cases the county shall refund one half
11 of the said proportionate amount and the granting authority the
12 other one half. All Class 'B' permits issued to golf or country clubs,
13 shall expire on July first after the date of issuance."

1 SEC. 10. Further amend said chapter twenty-five (25), acts of
2 the Forty-fifth General Assembly in extraordinary session, as amended,
3 by striking lines 4 to 11, inclusive, of section thirty-three (33) thereof,
4 being subdivision "a", and substituting therefor the following:
5 "a. All permit fees collected under the provisions of this act by
6 any municipality shall be retained by such municipality and allocated
7 to its general fund."

1 SEC. 11. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows:

4 "Minors are prohibited from serving beer in the place of business
5 of any permit holder in which the business of selling beer constitutes
6 more than fifty (50) per cent of the gross business transacted
7 therein."

1 SEC. 12. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows:

4 "The state permit board may review the action of any city or town
5 council, including special charter cities, and boards of supervisors,
6 in any case where a hearing has been had relative to the cancellation
7 or revocation of a permit and it appears from the records of the hear-
8 ing held by said city or town council or board of supervisors, that the
9 permit has not been revoked or canceled, and it appears from an
10 investigation made by the state permit board that there is reasonable
11 ground to believe that such permit holder has been guilty of violation
12 of the provisions of this act, and upon such hearing the permit board
13 shall make a finding, after hearing the facts with reference to the
14 grounds for the revocation of such permit, and by a majority vote
15 shall determine whether or not such permit shall be revoked and make
16 an order accordingly, and said finding shall be final.

17 "If the state permit board finds from investigation that a review
18 of the action of any city or town council, including special charter
19 cities and boards of supervisors, should be had, or that such governing
20 bodies have failed to take action, the state permit board shall there-
21 upon fix a date for the hearing thereof and shall notify the permit
22 holder of such hearing by registered mail of the date fixed for hearing
23 and the date set for the hearing shall not be less than seven (7) days
24 from the mailing of the notice. Such notice shall be mailed to the
25 permittee at the post office address where his place of business is
26 conducted under his permit. All such hearings shall be held at the
27 seat of government of the state of Iowa, at Des Moines, Iowa.

28 "In the preparation and conduct of the hearing, the board shall
29 have power to require by subpoena the testimony of witnesses and the
30 production of papers or documents and any member of the board may
31 sign subpoenas, administer oaths and affirmations, examine witnesses,
32 and receive evidence. The fees and mileage of such witnesses shall be
33 the same as prescribed by law in the trial of civil cases and the per-
34 mittee in all such hearings shall have the opportunity to be heard in
35 person and by counsel. All parties to any hearing before the board
36 shall have the right to the attendance of witnesses at such hearings
37 upon making request therefor to the board and designating the person
38 or persons sought to be subpoenaed. In case of disobedience to a sub-
39 poena the board may invoke the aid of any court of competent juris-
40 diction in requiring the attendance and testimony of witnesses and the
41 production of papers or documents and such court may issue an order
42 requiring the persons to appear before the board and give evidence or
43 to produce papers as the case may be, and any failure to obey such
44 orders of the court may be punished by the court for contempt thereof.
45 Testimony may be taken by deposition as in civil cases and any per-

46 son may be compelled to appear and testify as in civil actions in the
47 courts of this state. Any person who shall neglect and refuse to attend
48 and testify or answer any lawful question or produce documentary
49 evidence if it is in his power to do so, in obedience to a subpoena or
50 lawful requirement by such board, shall be guilty of a misdemeanor
51 and upon conviction thereof by a court of competent jurisdiction shall
52 be punished in accordance with the provisions of section twelve thou-
53 sand eight hundred ninety-four (12894), code of Iowa, 1931.

54 "Like hearings may also be had in cases where a verified petition
55 signed by at least ten (10) taxpayers has first been presented to the
56 city or town council, including special charter cities or the boards of
57 supervisors, as the case may be, or where the state permit board from
58 its investigation asks that a hearing be had on the revocation of a
59 permit, and in the event the city or town council, including special
60 charter cities and boards of supervisors, neglects or refuses to have
61 such hearing, the matter may be presented to the state permit board
62 upon such verified petition in writing, signed by at least ten (10)
63 taxpayers of the jurisdiction for which the permit was granted, or
64 the state permit board may upon its own motion conduct such hearing,
65 and the same procedure as in this section provided shall apply with
66 reference to notice of hearing witnesses, testimony and contempt pro-
67 ceedings for failure to appear, and the board shall make a finding in
68 such cases, which finding shall be binding on the permit holder and
69 also on the city or town councils, including special charter cities or
70 boards of supervisors, as the case may be."

1 SEC. 13. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows: "Subject to the express provisions
4 of section twenty-three (23) of chapter twenty-five (25), acts of the
5 Forty-fifth General Assembly in extraordinary session, as amended,
6 no beer shall be sold or consumed in the places of business of class 'B'
7 permittees located outside of a city or town between the hours of 1:00
8 a. m. and 6:00 a. m., except clubs as contemplated in section nineteen
9 (19) of said chapter twenty-five (25). Boards of supervisors are
10 authorized and empowered, subject to the above, to fix opening and
11 closing hours and are further authorized and empowered to adopt
12 rules and regulations for the prohibiting or regulation of dancing in
13 places where beer is sold; and are empowered to adopt rules and regu-
14 lations, not in conflict with the provisions of chapter twenty-five (25),
15 acts of the Forty-fifth General Assembly in extraordinary session, as
16 amended by this act, governing any other activities or matters which
17 may affect the sale and distribution of beer under class 'B' permits
18 and the welfare and morals of the community involved."

1 SEC. 14. Further amend said chapter twenty-five (25), acts of the
2 Forty-fifth General Assembly in extraordinary session, as amended,
3 by adding a new section as follows: "No person, firm or corporation
4 shall bottle beer within the state of Iowa, except class 'A' permittees
5 who have complete equipment for bottling beer and who have received
6 the approval of the local board of health as to sanitation, and it shall
7 be the duty of local boards of health to inspect the premises and equip-
8 ment of class 'A' permittees who desire to bottle beer."

1 SEC. 15. This act being deemed of immediate importance shall
 2 be in full force and effect after its passage and publication in the
 3 Dyersville Commercial, a newspaper published at Dyersville, Iowa,
 4 and in the Daily Tribune, a newspaper published at Dubuque, Iowa.

Senate File 320. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Dyersville Commercial,
 May 9, 1935, and the Dubuque Daily Tribune, May 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 17

BASIC SCIENCES. BOARD OF EXAMINERS

S. F. 20

AN ACT to establish a board of examiners in the basic sciences; to provide for its organization, powers, duties and compensation; to provide for examination in the basic sciences; authorizing such board to issue a certificate of proficiency in the basic sciences, which certificate shall be a pre-requisite to eligibility for examination for license to practice medicine and surgery, osteopathy, osteopathy and surgery and chiropractic or any other system or method of healing that may hereafter be legalized in the state of Iowa; to define the basic sciences, the healing arts, a license and to provide penalties for the violation of this act; to provide that the provisions of this act shall be severable.

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

1 SECTION 1. This act shall be known as the "Iowa basic science law."

1 SEC. 2. Definitions for the purpose of this act—

2 a. The basic sciences shall mean the following subjects:

- 3 1. Anatomy.
- 4 2. Physiology.
- 5 3. Chemistry.
- 6 4. Pathology.
- 7 5. Bacteriology.
- 8 6. Hygiene.

9 b. The practice of the healing art shall mean holding one's self
 10 out as being able to diagnose, treat, operate or prescribe for any
 11 human disease, pain, injury, deformity or physical or mental condi-
 12 tion and who shall either offer or undertake, by any means or method,
 13 to diagnose, treat, operate or prescribe for any human disease, pain,
 14 injury, deformity or physical or mental condition.

15 c. A license shall mean a certificate issued to a person licensed
 16 to practice certain professions affecting the public health as provided
 17 in title eight (8) of the code of Iowa, 1931, and acts amendatory
 18 thereto.

1 SEC. 3. There is hereby established a board of examiners in the
 2 basic sciences of six members authorized and directed to conduct
 3 a written examination of all persons who shall hereafter apply for
 4 a license to practice medicine and surgery, osteopathy, osteopathy
 5 and surgery, chiropractic or any other system or method of healing
 6 that may hereafter be legalized in this state; said examination shall
 7 cover the six following basic sciences, viz:

- 8 1. Anatomy.
- 9 2. Physiology.
- 10 3. Chemistry.
- 11 4. Pathology.
- 12 5. Bacteriology.
- 13 6. Hygiene.

1 SEC. 4. No person shall hereafter be eligible for examination or
2 be permitted to take an examination for a license to practice medicine
3 and surgery, osteopathy, osteopathy and surgery, chiropractic or any
4 other system or method of healing that may be hereafter legalized in
5 this state or be granted any such license until he has presented to
6 the licensing board empowered to issue a license, a certificate of pro-
7 ficiency in the basic sciences as provided in this act. This require-
8 ment shall be in addition to all other requirements now or hereafter
9 in effect with respect to the issuance of such license or licenses.

1 SEC. 5. Nothing in this act shall be construed to apply to persons
2 holding licenses as physicians and surgeons, osteopaths, osteopaths
3 and surgeons or chiropractors at the time this act takes effect;
4 nor shall this act, at any time, be construed to apply to dentists,
5 dental hygienists, nurses, pharmacists, optometrists, embalmers, po-
6 diatrists, barbers or cosmetologists practicing within the limits of
7 their respective licenses or christian scientists. This act shall not
8 apply to students regularly registered, enrolled and in attendance
9 as of July 1, 1936, in accredited schools of medicine, osteopathy or
10 chiropractic in the state of Iowa.

1 SEC. 6. The governor shall, with the approval of two thirds of
2 the senate in executive session, appoint a board of examiners in the
3 basic sciences, hereinafter referred to as the "board", consisting of
4 six members learned respectively in the basic sciences named herein
5 from the faculties of the universities and four year colleges accred-
6 ited by the Iowa state board of educational examiners, who shall be
7 appointed two for two years, two for four years, and two for six years
8 from the dates of their respective appointments. On the expiration
9 of the term of any member the governor shall, with the approval of
10 two thirds of the senate in executive session, fill the vacancy or va-
11 cancies by appointment for a term of six years; on the death, resig-
12 nation or removal of any member the governor shall, with the approval
13 of two thirds of the senate in executive session, fill the vacancy by
14 appointment for the unexpired portion of the term. No member of
15 the board shall hold a degree in any of the healing arts. Not more
16 than one member of the board shall be appointed from the faculties
17 of any one of the universities or four year colleges described herein.

1 SEC. 7. The board shall meet and organize, as soon as practicable,
2 after appointment. It shall have power to elect officers from its
3 members, to adopt a seal and to make such rules, in addition to the
4 rules hereinafter specified, as it deems expedient to carry this act
5 into effect. The board shall elect a chairman and secretary from its
6 members.

1 SEC. 8. The secretary of the board shall keep a correct record of
2 the proceedings of said board and the questions submitted in the
3 examination of the applicant, and the applicant's answers thereto,

4 and upon the granting of a certificate of proficiency in the basic
5 sciences shall, at the time of granting said certificate, certify to the
6 state department of health the application upon which such certifi-
7 cate was issued, together with the questions submitted in the exam-
8 ination of such applicant and the answers thereto and such secretary
9 shall deposit with the department of health all records not needed
10 for the current use of his examining board.

1 SEC. 9. The state department of health shall furnish the board
2 with all articles and supplies required for the public use and neces-
3 sary to enable said board to perform the duties imposed upon it by
4 law. Such articles and supplies shall be obtained by the departments
5 in the same manner in which the regular supplies are obtained and
6 the same shall be considered and accounted for as if obtained for the
7 use of the department.

1 SEC. 10. The executive council shall furnish the board with a suit-
2 able office and quarters in which to conduct the examinations held by
3 said board at the seat of government.

1 SEC. 11. Each member of the board shall, in addition to necessary
2 traveling and hotel expenses, receive ten (10) dollars per day for
3 each day actually engaged in the discharge of his duties, including
4 compensation for the time spent in traveling to and from the place
5 of conducting the examination, and for a reasonable number of days
6 for the preparation of examination questions and the reading of
7 papers, in addition to the time actually spent in conducting examina-
8 tions. The compensation and expenses of the members and other ex-
9 penses of the board shall be paid out of the fees received from appli-
10 cants.

1 SEC. 12. The fee for examination* or any re-examination by the
2 board shall be ten (10) dollars, the fee for the issuing of a certifi-
3 cate by authority of reciprocity, as provided herein, shall be ten (10)
4 dollars. All fees shall be paid to the secretary of the board by the
5 applicant at the time of filing application. The secretary shall pay
6 all money received as fees into the state treasury to be placed in a
7 special fund to the credit of the board. The state treasurer shall pay
8 out of such fund the compensation and expense of the members and
9 other expenses incurred by the board on vouchers signed by the presi-
10 dent and secretary of the board.

1 SEC. 13. No person shall be eligible for examination for a certifi-
2 cate of proficiency in the basic sciences until he shall have furnished
3 satisfactory evidence to the board that he has attained the age of
4 twenty-one years, is of good moral character and is a graduate of
5 an accredited high school or possesses the educational qualifications
6 equivalent to those required for graduation by an accredited high
7 school, to be determined by the board.

1 SEC. 14. Any person desiring to take the examination for a cer-
2 tificate of proficiency in the basic sciences shall make application to
3 the board, at least fifteen days before the examination, on a form
4 provided by the board. Such application shall be accompanied by
5 the examination fee and such affidavits as are necessary to show

6 the eligibility of the candidate to take such examination. All appli-
 7 cations shall be in accordance with the rules of the board and shall
 8 be signed and verified by the oath of the applicant. Provided, that
 9 said application shall not contain questions to be answered by said
 10 applicant which will disclose the professional school he may have
 11 attended or what system of treating the sick he intends to pursue.

1 SEC. 15. The board shall give public notice of the time and place
 2 of all examinations to be held under this act and such notice shall be
 3 given in such manner as the board may deem expedient and in ample
 4 time to allow all candidates to comply with the provisions of this title.

1 SEC. 16. Said board shall meet at Des Moines and there conduct
 2 examinations in the basic sciences four times each year respectively,
 3 on the second Tuesday in January, April, July and October. The
 4 examination shall be conducted in writing in such manner that
 5 the applicant shall be known by number only until such examination
 6 papers are read and the proper grade determined. The examination
 7 shall be of such a nature as to constitute a reasonable test as to whether
 8 the person so examined has such knowledge of the elementary prin-
 9 ciples of the basic sciences as might be acquired after the completion
 10 of a course of study of the following subjects for the number of hours
 11 specified:

| 12 | Subject | Hours | Subject | Hours |
|----|------------|-------|--------------|-------|
| 13 | Anatomy | 400 | Pathology | 160 |
| 14 | Physiology | 200 | Bacteriology | 100 |
| 15 | Chemistry | 200 | Hygiene | 40 |

16 The board shall establish rules for conducting of all examinations,
 17 grading of examinations and passing upon the technical qualifica-
 18 tions of applicants as shown by such examinations. An applicant to
 19 pass the examination must obtain a grade of not less than seventy
 20 per cent in any one subject and a total average grade of seventy-
 21 five per cent in all subjects. If an applicant fails to attain the re-
 22 quired grade in one or more subjects, he may be re-examined in the
 23 subject or subjects in which he failed, at any examination within
 24 one year without further application or examination fee. No part
 25 in the preparation of questions, the actual giving of the examina-
 26 tions or the grading of papers can in any way be delegated to any
 27 person other than a member of the board, or otherwise performed
 28 by any person not then a member of such board.

1 SEC. 17. Three members of the board shall constitute a quorum
 2 for conducting examinations.

1 SEC. 18. The board shall issue a certificate of proficiency in the
 2 basic sciences to each of the successful applicants after examination,
 3 as provided in this act.

1 SEC. 19. Each certificate of proficiency in the basic sciences shall
 2 be in the form prescribed by the board, under the name and seal of
 3 the board and signed by its chairman and secretary.

1 SEC. 20. The board may, in its discretion, waive the examination
 2 and issue a certificate of proficiency in the basic sciences provided
 3 for herein and may accept in lieu of examination proof that the appli-

4 cant has passed before a board of examiners in the basic sciences or
5 by whatsoever name it may be known or before any examining or
6 licensing board in the healing art of any state, territory or other
7 jurisdiction under the United States, or of any foreign country, an
8 examination in anatomy, physiology, chemistry, pathology, bacteri-
9 ology and hygiene as comprehensive and as exhaustive as that re-
10 quired under authority of this act.

1 SEC. 21. Upon presentation to said board of examiners of a cer-
2 tificate from any college or university accredited by the North Central
3 Association of Secondary Schools and Colleges that the person seek-
4 ing a certificate of proficiency under the provisions of this act has
5 completed a course of study in one or more of said basic sciences of
6 the number of hours provided for in section sixteen (16) of this act
7 and has attained a grade of seventy-five per cent in said subject
8 or subjects the said board of examiners shall waive examination in
9 said subject or subjects, and if said applicant shall have completed
10 a course of study in all of said basic sciences of the number of hours
11 provided for herein and has attained an average grade of seventy-five
12 per cent in each of said subjects the board of examiners shall upon
13 receipt of a certificate to that effect setting forth the grades of the
14 applicant in each of said subjects as hereinbefore provided, issue to
15 said applicant a certificate of proficiency in the basic sciences as
16 provided for under the Iowa basic science law without further ex-
17 amination.

1 SEC. 22. Any person who shall practice the healing art without
2 first having obtained a certificate of proficiency in the basic sciences
3 or violate or participate in the violation of any provisions of this act
4 shall be guilty of a misdemeanor and upon conviction thereof shall
5 be punished by a fine of not more than five hundred (500) dollars,
6 or by imprisonment in the county jail for not more than one year
7 or by both such fine and imprisonment. It shall be the duty of
8 the attorney general and of the several county attorneys to prosecute
9 violations of this act.

1 SEC. 23. No provision of this act shall be construed as repealing
2 any statutory provision in force at the time of its passage with ref-
3 erence to the requirements governing the issuing of licenses to prac-
4 tice the healing art, or any branch thereof, but any board authorized
5 to issue licenses to practice the healing art, or any branch thereof,
6 may, in its discretion, accept certificates issued by the board of ex-
7 aminers in the basic sciences in lieu of examining applicants in such
8 sciences, or may continue to examine applicants in such sciences as
9 heretofore.

1 SEC. 24. Should any section, clause, sentence or provision of this
2 act be held to be invalid for any reason, such holding or decree shall
3 not be construed as affecting the validity of any of the remaining por-
4 tions of this act, it being the intent of the legislature that this act
5 shall stand and the legislature would have adopted the remainder of
6 this act notwithstanding the invalidity of any such section, clause,
7 sentence or provision.

Senate File 20. Approved April 9, 1935.

CHAPTER 18

NURSES' EXAMINING BOARD

S. F. 50

AN ACT to amend the law as it appears in section twenty-four hundred fifty-one (2451), code, 1931, relating to examining boards for professions and to provide for the examining board of nurses to consist of five (5) members; to amend the law as it appears in section twenty-four hundred fifty-six (2456), code, 1931, relating to the term of examiners and to provide for nurse examiners to be appointed for a term of five (5) years; to amend the law as it appears in section twenty-four hundred fifty-seven (2457), code, 1931, relating to the nomination of examiners by state associations, societies or boards, and to provide that appointments to the boards of examiners shall be made from such nominations; to amend the law as it appears in chapter one hundred fifteen (115), code, 1931, by prescribing certain powers and duties of nurse examiners, including the appointment of a full-time secretary for said examiners, and prescribing the duties and powers of such secretary; by providing for the fees collected under this act to be credited to a special fund to be used in administering the provisions of this act.

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

1 SECTION 1. That section twenty-four hundred fifty-one (2451), code,
2 1931, be and the same is hereby amended by striking the word "board"
3 in line 2 thereof and inserting in lieu thereof the words "and nurse
4 boards each of."

1 SEC. 2. That section twenty-four hundred fifty-six (2456), code,
2 1931, be and the same is hereby amended by inserting after the word
3 "dental" in line 3 thereof the words "and nurse."

1 SEC. 3. That section twenty-four hundred fifty-seven (2457), code,
2 1931, be and the same is hereby amended by striking the word "may"
3 in line 9 thereof and substituting in lieu thereof the word "shall."

1 SEC. 4. That chapter one hundred fifteen (115), code, 1931, be and
2 the same is hereby amended by including therein and making a part
3 thereof, immediately following section twenty-five hundred thirty-seven
4 (2537) the following:

1 "SEC. 5. The board of nurse examiners is authorized to appoint a
2 full-time secretary who shall not be a member of the board, and the
3 provisions of section twenty-four hundred fifty-nine (2459) which
4 provides for a secretary for each examining board shall not apply to
5 this board.

1 "SEC. 6. All records which pertain to the licensing of nurses in
2 this state shall be kept by the secretary who shall keep a record of all
3 proceedings of the board of nurse examiners and perform such further
4 duties as the board shall generally or specifically determine.

1 "SEC. 7. Every application for a license to practice nursing in this
2 state shall be made direct to the secretary of the board of nurse exam-
3 iners, and upon the granting of any such license the secretary shall
4 certify to the department of health that such license has been granted.
5 Every reciprocal agreement for the recognition of any such license
6 issued in another state shall be negotiated by the board. All examina-
7 tion, license and renewal fees received from such persons licensed to
8 practice nursing shall be paid to and collected by the secretary of the

9 board, who shall remit to the treasurer of state quarterly all fees col-
 10 lected, and at the same time render to the state comptroller an item-
 11 ized and verified report showing the source from which said fees
 12 were obtained. All such fees collected and remitted shall be placed
 13 in a special fund by the treasurer of state and the state comptroller
 14 to be known as the 'Nurses' Fund,' to be used by the board to admin-
 15 ister and enforce the laws relating to the practice of nursing, to elevate
 16 the standards of schools of nursing, and to promote the educational
 17 and professional standards of nurses and nursing in this state, and no
 18 part of such expense shall be paid out of the state treasury. Any re-
 19 mainder in said fund at the end of each fiscal year, after all expense in
 20 carrying out the provisions of this act have been paid, or a sum suffi-
 21 cient for payment thereof set apart, shall be paid into the general fund
 22 of the state. Said fund shall be subject at all times to the warrant of
 23 the state comptroller, drawn upon written requisition of the chairman
 24 of the board and attested by the secretary, for the payment of all sal-
 25 aries and other expenses necessary to carry out the provisions of this
 26 act, but in no event shall the total expenses therefor exceed the total
 27 fees collected and deposited to the credit of said fund.

1 "SEC. 8. Subject to the approval of the commissioner of public
 2 health, the board may appoint such assistants and inspectors as may
 3 be necessary to properly administer and enforce the provisions of this
 4 act. They shall perform such duties as the board shall assign to them.
 5 The amount of salary or compensation of the secretary and such ap-
 6 pointees shall be fixed by the executive council.

1 "SEC. 9. The provisions of this title insofar as they affect the prac-
 2 tice of nursing shall be enforced by the board of nurse examiners, and
 3 the provisions of section twenty-five hundred twenty-three (2523), sec-
 4 tion twenty-five hundred twenty-three-c one (2523-c1) and section
 5 twenty-five hundred twenty-four (2524) shall not apply to said pro-
 6 fession. In discharging the duties and exercising the powers provided
 7 for in this act, the board and its secretary shall be governed by all the
 8 provisions of law which govern the department of health when dis-
 9 charging a similar duty or exercising a similar power that pertains to
 10 the nursing profession.

1 "SEC. 10. No provision of law in conflict with any provision of this
 2 act shall have any effect thereon or upon the rights of any person
 3 licensed under this title."

1 SEC. 11. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its publication in the Cedar
 3 Rapids Gazette, a newspaper published in Cedar Rapids, Iowa, and the
 4 Clinton Herald, a newspaper published in Clinton, Iowa.

Senate File 50. Approved April 17, 1935.

I hereby certify that the foregoing act was published in the Clinton Herald, April
 19, 1935, and the Cedar Rapids Gazette, April 20, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 19
NURSE EXAMINERS

S. F. 49

AN ACT to amend section twenty-four hundred fifty-five (2455), code, 1931, relating to certain limitations placed on members of examining boards of certain professions, to remove said limitations as same apply to nurse examiners.

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

1 SECTION 1. That section twenty-four hundred fifty-five (2455) of
2 the code, 1931, is amended by striking the period after the word "bar-
3 bering" in line 14 thereof, and substituting in lieu therefor a comma
4 and adding thereafter the following:

5 "providing, however, that the foregoing shall not apply to nurse
6 examiners."

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Cedar
3 Rapids Gazette, a newspaper published in Cedar Rapids, Iowa, and the
4 Clinton Herald, a newspaper published in Clinton, Iowa.

Senate File 49. Approved April 11, 1935.

I hereby certify that the foregoing act was published in the Clinton Herald, April 13, 1935, and the Ames Tribune, April 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

Note: Ames Tribune substituted for the Cedar Rapids Gazette in accordance with section 55, code, 1931.

CHAPTER 20

PRACTICE OF PHARMACY. PENALTIES FOR VIOLATION

S. F. 101

AN ACT to provide penalties for the violation of certain provisions of the law which apply or relate to or affect the practice of pharmacy, and to this end to amend section twenty-five hundred twenty-two (2522), code, 1931, as amended by chapter thirty (30), section seven (7), acts of the Forty-fifth General Assembly, extraordinary session, and to repeal section twenty-five hundred eighty-three-d one (2583-d1) of said code.

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

1 SECTION 1. Section twenty-five hundred twenty-two (2522), code,
2 1931, as amended by chapter thirty (30), section seven (7), acts of the
3 Forty-fifth General Assembly, extraordinary session, is amended by
4 inserting after the word "except" where same appears in line 4 of said
5 chapter thirty (30), section seven (7), acts of the Forty-fifth General
6 Assembly, extraordinary session, the following:

7 "insofar as said provisions apply or relate to or affect the practice
8 of pharmacy and."

1 SEC. 2. The following section is hereby enacted, and the code editor
2 is directed to insert the same in the code immediately following section
3 twenty-five hundred thirty-one (2531), code, 1931, to wit:

4 "2531-g1. Penalties. Any person violating any provision of this or
5 the following chapters of this title when said provisions apply or relate
6 to or affect the practice of pharmacy shall be fined not less than twenty-
7 five (25) dollars nor more than one hundred (100) dollars, or be im-
8 prisoned not more than thirty days in the county jail."

1 SEC. 3. Section twenty-five hundred eighty-three-d one (2583-d1),
2 code, 1931, is hereby repealed.

Senate File 101. Approved March 19, 1935.

CHAPTER 21

PRACTICE OF PHARMACY. APPLICABILITY

S. F. 102

AN ACT to amend section twenty-five hundred seventy-nine (2579), code, 1931, relating to persons not engaged in the practice of pharmacy and to clarify the classes to whom said section shall be applicable.

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

1 SECTION 1. Section twenty-five hundred seventy-nine (2579), code,
2 1931, is amended by striking the sentence, "No section in this chapter
3 shall be construed to include the following classes:" and substituting
4 therefor, "Neither section twenty-five hundred seventy-eight (2578)
5 nor section twenty-five hundred eighty-two (2582) shall be construed
6 to include the following classes:."

Senate File 102. Approved March 19, 1935.

CHAPTER 22

PRACTICE OF PHARMACY. REQUIREMENTS FOR LICENSE

S. F. 103

AN ACT to fix and determine the conditions and qualifications under which persons may be licensed to practice pharmacy and to this end, in part, to amend section twenty-five hundred eighty-one (2581), and section twenty-five hundred eighty-three (2583), code, 1931, relating to said subject matter.

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

1 SECTION 1. Section twenty-five hundred eighty-one (2581), code,
2 1931, is amended by adding thereto the following, to wit:

3 "This section shall apply to all persons who, prior to July 4, 1936,
4 were actually in attendance in any recognized college of pharmacy, ir-
5 respective of the time when such persons apply for said license."

1 SEC. 2. On and after July 4, 1936, every applicant for a license to
2 practice pharmacy, except for those embraced in section twenty-five
3 hundred eighty-one (2581), shall:

4 1. Be not less than twenty-one years of age, and of good moral
5 character, and of temperate habits.

6 2. Be a graduate of an accredited high school, or its equivalent.

7 3. Be a graduate of a school or college of pharmacy, or of a depart-
8 ment of pharmacy of a university, recognized and approved by the
9 board of pharmacy examiners.

10 4. File proof, satisfactory to the board, of a minimum of one year's
11 practical experience in a pharmacy, substantiated by proper affidavits;
12 said experience to be under the supervision of a licensed pharmacist
13 and not concurrent with time of college attendance.

14 5. Pass an examination prescribed by the board of pharmacy exam-
15 iners in the science and practice of pharmacy.

1 SEC. 3. Section twenty-five hundred eighty-three (2583), code,
2 1931, is amended by striking all parts of said section following the word
3 "American" in line 5 and by inserting in lieu of said stricken words the
4 following words, to wit:

5 "Association of colleges of pharmacy."

Senate File 103. Approved March 19, 1935.

CHAPTER 23

PRACTICE OF OSTEOPATHY, OSTEOPATHY AND SURGERY

H. F. 174

AN ACT to repeal the law as it appears in chapter one hundred eighteen (118), code, 1931, and to enact a substitute therefor regulating the practice of osteopathy and of osteopathy and surgery and authorizing the board of supervisors of any county to enter into a contract with one licensed thereunder for the care and treatment of its indigent sick.

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

1 That the law as it appears in chapter one hundred eighteen (118),
2 code, 1931, be repealed and the following sections be enacted in lieu
3 thereof and as a substitute therefor:

1 "SECTION 1. For the purpose of this code, the following definitions
2 are enacted:

3 a. Osteopathy is that school of healing art which teaches and prac-
4 tices scientific methods and modalities used in the prevention and treat-
5 ment of human diseases, but whose basic concept, in contrast with all
6 other schools, places paramount emphasis upon the normality of blood
7 circulation and all other body functions as a necessary pre-requisite to
8 health and holds that such normality is more certain of achievement by
9 and through manual stimulation or inhibition of the nerve mechanism
10 controlling such functions, or by the correction of anatomical malad-
11 justments.

12 b. Osteopathic practice is that method of rehabilitating, restoring
13 and maintaining body functions by and through manual stimulation or
14 inhibition of nerve mechanism controlling such body functions, or by
15 the correction of anatomical maladjustment, and/or by other therapeu-
16 tic agents, methods and modalities used supplementary thereto; but
17 such supplementary agents, methods or modalities shall be used only
18 preliminary to, preparatory to and/or in conjunction with such manual
19 treatment. Such osteopathic practice is hereby declared not to be the
20 practice of medicine within the meaning of chapter 116, and is not sub-
21 ject to the provisions of said chapter.

1 SEC. 2. For the purpose of this title—

2 1. The following classes of persons shall be deemed to be engaged
3 in the practice of osteopathy:

4 a. Persons publicly professing to be osteopathic physicians or pub-
5 licly professing to assume the duties incident to such practice of
6 osteopathy.

7 b. Persons who treat human ailments by that school of healing art
8 hereinbefore defined as osteopathy.

9 2. The following classes of persons shall be deemed to be engaged in
10 the practice of osteopathy and surgery:

11 a. Persons publicly professing to be osteopathic physicians and sur-
12 geons, or publicly professing to assume the duties incident to such prac-
13 tice of osteopathic surgery.

14 b. Persons who treat human ailments according to that school of
15 healing art hereinbefore defined as osteopathy, including the practice
16 of major surgery.

1 SEC. 3. The preceding section shall not be so construed as to include
2 the following classes of persons:

3 1. Licensed practitioners of medicine and surgery, podiatrists,
4 chiropractors, nurses, and dentists, who are exclusively engaged in
5 the practice of their respective professions.

6 2. Practitioners of medicine and surgery of the United States army,
7 navy, or public health service when acting in the line of duty in this
8 state, or to osteopathic physicians or osteopathic physicians and sur-
9 geons, licensed in another state, when incidentally called into this state
10 in consultation with an osteopathic physician or osteopathic physician
11 and surgeon, licensed in this state.

12 3. Students of osteopathy or of osteopathy and surgery who have
13 completed at least two years' study in a college of osteopathy approved
14 by the osteopathic examiners and who render gratuitous service to
15 persons in case of emergency.

1 SEC. 4. Every applicant for a license to practice osteopathy shall:

2 1. Present to the osteopathic examiners of Iowa satisfactory evi-
3 dence that he has a preliminary education equal at least to the require-
4 ments for graduation from an accredited high school or other secondary
5 school of equal or greater standards, and that prior to his matriculation
6 in an osteopathic college he has also completed two years of college or
7 university study consisting of at least sixty semester hours of col-
8 legiate work in an accredited college or university, during which col-
9 lege or university course he has had at least twelve semester hours of
10 chemistry, eight semester hours of physics, eight semester hours of
11 biology, six semester hours of English, twelve semester hours of non-
12 science subjects; provided, however, that this two years of collegiate
13 pre-osteopathic work shall not be required of any applicant who has
14 matriculated in an accredited college of osteopathy prior to March 1,
15 1935.

16 2. Present a diploma issued by an accredited college of osteopathy
17 approved by the osteopathic examiners of Iowa.

18 3. Pass an examination in the science of osteopathy as herein de-
19 fined and in the practice of the same, including minor surgery, as pre-
20 scribed by the osteopathic examiners of Iowa.

1 SEC. 5. In addition to all the requirements of the preceding section,
2 every applicant for a license to practice osteopathy and surgery shall:

3 1. Present satisfactory evidence that he has completed either—

4 a. A two year post-graduate course, of nine months each, in an ac-
5 credited college of osteopathy approved by the osteopathic examiners
6 of Iowa, involving a thorough and intensive study of the subject of
7 surgery as prescribed by such osteopathic examiners, or

8 b. A one year post-graduate course of nine months, as prescribed in
9 the preceding paragraph, and, in addition thereto, has completed a one
10 year course of training as a surgical assistant in a hospital having at
11 least twenty-five beds for patients and equipped for doing major sur-
12 gical work.

13 2. Pass an examination as prescribed by the osteopathic examiners
14 in the subject of surgery, which shall be of such character as to thor-
15 oughly test the qualifications of the applicant as a practitioner of
16 major surgery.

1 SEC. 6. No college of osteopathy shall be approved by the osteopathic
2 examiners as an accredited college of recognized standing unless it has
3 in all respects met the standards fixed and required by the bureau of
4 professional education of the American Osteopathic Association, and
5 which requires completion of a scientific course of professional study,
6 including all of the basic subjects and courses then being taught gen-
7 erally in approved medical schools, and covering a period of not less
8 than four full school years of nine months each, in actual resident
9 attendance. Such professional course shall require a specific and pub-
10 lished schedule of study and clinical practice for the entire school
11 period, and this schedule shall include a study of:

12 I. Such basic and fundamental subjects as—

13 (1) Anatomy, (a) regional, (b) dissection, (c) applied, (d) surgical,
14 and (e) microscopic.

15 (2) Histology.

16 (3) Physiology.

17 (4) Pathology.

18 (5) Diagnosis, (a) physical, (b) differential, and (c) laboratory.

19 (6) Chemistry, including bio-chemistry and toxicology.

20 (7) Pharmaco-dynamics.

21 (8) Bacteriology.

22 II. (9) Surgery, (a) major, (b) minor, (c) orificial and (d) ortho-
23 pedic.

24 III. (10) Principles of osteopathy and

25 (11) Comparative therapeutics.

26 IV. (12) Practice of osteopathy as applied to the diagnosis and
27 treatment of human diseases, including—

28 (13) Clinical practice.

29 (14) Neurology and psychiatry.

30 (15) Obstetrics.

31 (16) Pediatrics.

32 (17) Eye, ear, nose and throat.

33 (18) Urology.

34 (19) Gynecology.

35 (20) Proctology.

36 (21) Dietetics.

37 (22) X-ray, both diagnostic and therapeutic.

38 (23) Hygiene.

39 (24) Dermatology.

40 (25) Syphilology and

41 (26) Jurisprudence.

42 V. Supplemental therapeutics, including such subjects as—

43 (27) Hydrotherapy.

44 (28) Electrotherapy.

45 (29) Drug therapy.

46 (30) Biological therapy and

47 (31) Psychotherapy

1 SEC. 7. One licensed as an osteopathic physician may practice osteo-
2 pathy as defined in section 1 hereof, including obstetrics and minor sur-
3 gery. One specially licensed as an osteopathic physician and surgeon
4 under section 5 hereof may also practice major surgery. Neither osteo-
5 pathic physicians nor osteopathic physicians and surgeons licensed

6 under this chapter shall be subject to the provisions of chapter 116,
7 code of Iowa, 1931.

1 SEC. 8. A license to practice osteopathy or osteopathy and surgery
2 shall not authorize the licensee to prescribe or give internal curative
3 medicines and a license to practice osteopathy shall not authorize the
4 licensee to engage in major operative surgery. The words "internal
5 curative medicine," as used herein, shall be so construed as not to in-
6 clude antidotes, biologics, drugs necessary to the practice of minor sur-
7 gery and obstetrics, or to the simpler remedies commonly given for
8 temporary relief.

1 SEC. 9. The board of supervisors of any county may enter into con-
2 tract with one licensed hereunder for the care and treatment of its
3 indigent sick.

1 SEC. 10. One licensed hereunder shall have the right to examine
2 applicants, recommend admissions and make reports in connection with
3 the admission of patients to all state-owned institutions.

House File 174. Approved April 8, 1935.

CHAPTER 24

DENTISTS AND DENTAL HYGIENISTS

H. F. 203

AN ACT to amend section two thousand four hundred forty-seven (2447), code of Iowa, 1931, so it shall not apply to dentists and dental hygienists; and to amend section two thousand four hundred ninety-two (2492), code of Iowa, 1931, so it shall not permit acts of unprofessional conduct by dentists and dental hygienists; and to amend section two thousand four hundred ninety-three (2493), code of Iowa, 1931, so as to include other acts of unprofessional conduct on the part of dentists and dental hygienists as hereinafter provided; and to amend chapter one hundred twenty-one (121), title VIII, code of Iowa, 1931, by adding thereto provisions for the expiration and renewal of licenses to practice dentistry or dental hygiene, regulations covering the department of health and the commissioner of public health relative thereto, appeal from orders of the commissioner of public health rejecting applications for renewal of such licenses, reinstatement of such former licensees whose licenses have lapsed or not been renewed, the revocation of such licenses, the defining of acts by dentists and dental hygienists which shall be "unprofessional conduct," the repeal of any acts in conflict herewith, the result of any portion of this act being unconstitutional or invalid and that this act being of immediate importance shall be effective upon publication as provided by law.

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

1 SECTION 1. That section two thousand four hundred forty-seven
2 (2447) of the 1931 code of Iowa, is hereby amended by adding thereto
3 the following:

4 "This section and section two thousand four hundred forty-eight
5 (2448) shall not apply to dentists and dental hygienists."

1 SEC. 2. That section two thousand four hundred ninety-two (2492),
2 subdivision 7, of the 1931 code of Iowa, is hereby amended by adding
3 thereto the following:

4 "This shall not be construed as permitting dentists or dental hygien-
5 ists to advertise their services or products, contrary to the other pro-
6 visions of this title relative thereto."

1 SEC. 3. That section two thousand four hundred ninety-three
2 (2493) of the 1931 code of Iowa, be amended by adding thereto, at the
3 end thereof, the following:

4 "and as to dentists and dental hygienists 'unprofessional conduct'
5 shall also consist of any of the acts denominated as such in the other
6 provisions of this title relating to dentists and dental hygienists."

1 SEC. 4. That chapter 121, title VIII, of the 1931 code of Iowa, is
2 hereby amended by adding thereto the following sections:

3 "1. Definition. For the purpose of this chapter, 'commissioner'
4 shall mean the commissioner of public health or his deputy.

5 "2. Renewal of licenses. Every license to practice dentistry or den-
6 tal hygiene shall expire on the thirtieth day of June following the date
7 of issuance of such license. Application for renewal of such license
8 shall be made in writing to the department at least sixty days
9 prior to the expiration of such license, accompanied by the legal fee
10 and the affidavit of the applicant, upon a form to be prescribed by said
11 department, in which affidavit the applicant shall state in substance
12 that he has not during the term of the license which he then holds or
13 the last renewal thereof violated any of the provisions of this title
14 or committed any of the acts of unprofessional conduct, naming them,
15 as defined in this title.

16 "3. Time of renewal. Such renewal of license shall not be issued by
17 the department prior to the fifteenth day of May of each year.

18 "4. Renewal and notice of expiration. Every year the department
19 shall notify each licensee by mail of the expiration of his license, and
20 subject to the provisions of this chapter the same shall be renewed
21 upon application being made, without examination.

22 "5. Determining right to renewal. If, prior to the renewal of any
23 such license, the commissioner is informed upon oath or affirmation
24 lawfully administered, that any such applicant has during the term of
25 his last license or the last renewal thereof violated any of the provi-
26 sions of this title or committed any of the acts of unprofessional con-
27 duct as defined in this title, or if it is certified in writing to said depart-
28 ment by the state board of dental examiners, or any member thereof,
29 that said board of examiners, or any member thereof, is credibly in-
30 formed that such violation of law or act of unprofessional conduct has
31 been so committed by such applicant, then the department shall notify
32 such applicant by registered letter, with postage prepaid, mailed to
33 his address as shown by the records of said department that such
34 information or certificate has come to the attention of the department,
35 and that on a day named the applicant may appear before the com-
36 missioner at the office of the department and show cause why said
37 license should be renewed. In such event the renewal of license shall
38 not be made prior to the date so fixed and the making of such a show-
39 ing by the applicant.

40 "6. Record of hearing. The time and place of such hearing before
41 the commissioner shall be entered as part of the records of the depart-
42 ment and shall be open to public inspection.

43 "7. Oaths of witnesses. The commissioner is hereby empowered
44 to and shall administer oaths to all persons offering testimony at such
45 hearing.

46 "8. Persons entitled to testify. Upon such hearing being had any
47 person having knowledge of the facts pertaining to the propriety of
48 the renewal of such license may testify thereto.

49 "9. Grounds for rejecting application. If at said hearing, and if
50 appeal is taken, then upon appeal as hereinafter provided, it shall be
51 established that the applicant has theretofore failed to comply with
52 all of the provisions of this title or has during the term of his license
53 or the last renewal thereof committed any of the acts of unprofessional
54 conduct as defined in this title, then the commissioner shall reject
55 such application and said license shall not be renewed except as here-
56 inafter provided.

57 "10. Record of notice of order. The minutes of all evidence heard
58 by said commissioner or exhibits introduced, at said hearing for or
59 against the granting of said application for a license, together with the
60 order of the commission granting or rejecting such application for re-
61 newal of license, which shall be in writing, shall be and become a part
62 of the records of said department and shall be open to public inspec-
63 tion. Written notice of said order shall be mailed to the applicant
64 by the department.

65 "11. Appeal. If the commissioner should reject any such applica-
66 tion, and refuse to renew any such license, the applicant may, within
67 thirty days after the order of the commissioner, and not afterward,
68 appeal therefrom by a writ of certiorari to the district court where
69 upon such appeal the hearing shall be de novo and all legal evidence
70 pertaining to the matter of whether or not such license should be re-
71 newed may be submitted, including new evidence not submitted to
72 the commissioner.

73 "12. Effect of appeal. The order of the commissioner rejecting such
74 application, and refusing to renew such license, shall remain in force
75 and effect until such appeal is successfully prosecuted by the appli-
76 cant and finally determined upon the merits and no new or temporary
77 license shall be issued to the applicant pending such appeal.

78 "13. Reinstatement of former licensee. Any former licensee whose
79 application for renewal of license has been rejected by the commis-
80 sioner and who has not successfully prosecuted an appeal therefrom
81 as herein provided shall not thereafter receive such a license or re-
82 newal thereof except upon the recommendation of the examining
83 board of his profession, with the approval of the commissioner, and
84 the payment of the renewal fees then due. Such examining board
85 may require examination of the former licensee, in which case he
86 shall pay the examination fees provided by law.

87 "14. Reinstatement of lapsed license. Any former licensee who has
88 allowed his license to lapse by failing to file application for the renewal
89 of the same as above provided may be reinstated with or without ex-
90 amination as the examining board of his profession may decide, but
91 then only upon the recommendation of said examining board, with the
92 approval of the commissioner, and upon payment of the renewal fees
93 then due, and then only upon filing application and affidavit with the
94 department in the manner and form above provided.

95 If examination shall be required by said examining board such
96 former licensee shall pay the fees provided by law.

97 "15. Revocation of license. As to dentists and dental hygienists a
98 license to practice either of such professions shall be revoked or sus-

99 pended in the manner and upon the grounds elsewhere provided in this
100 title, and also when the affidavit accompanying the application of such
101 licensee for renewal of license filed with the department is not in all
102 respects true.

103 "16. Unprofessional conduct. As to dentists and dental hygienists
104 'unprofessional conduct' shall consist of any of the acts denominated
105 as such elsewhere in this title, and also any other of the following
106 acts:

107 a. All advertising of any kind or character other than the carrying
108 or publishing of a professional card or the display of a window or
109 street sign at the licensee's place of business; which professional card
110 or window or street sign shall display only the name, address, profes-
111 sion, office hours and telephone connections of the licensee.

112 b. Exploiting or advertising through the press, on the radio, or by
113 the use of handbills, circulars or periodicals, other than professional
114 cards stating only the name, address, profession, office hours and tele-
115 phone connections of the licensee.

116 c. Employing or making use of advertising solicitors or publicity
117 agents or soliciting employment personally or by representative.

118 "17. Application. The provisions hereof shall not in any wise apply
119 to acts done or violations of law committed prior to the enactment
120 hereof."

1 SEC. 5. Constitutionality. If any portion hereof should be ad-
2 judged to be unconstitutional or for any other reason invalid, the
3 other provisions hereof shall be and remain in full force and effect.

1 SEC. 6. All acts, or parts of acts, in conflict herewith are hereby
2 repealed.

1 SEC. 7. Publication. This act being of immediate importance shall
2 be in full force and effect from and after its publication in the Sioux
3 City Tribune, a newspaper published in the city of Sioux City, Iowa,
4 and the Fort Dodge Messenger, a newspaper published in the city of
5 Fort Dodge, Iowa.

House File 203. Approved May 6, 1935.

I hereby certify that the foregoing act was published in the Sioux City Tribune and
the Fort Dodge Messenger, May 11, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 25

OPTOMETRY. APPROVED SCHOOLS

S. F. 182

AN ACT to amend section twenty-five hundred seventy-seven (2577), code, 1931, relating
to approved schools of optometry.

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

1 SECTION 1. That section twenty-five hundred seventy-seven (2577),
2 code, 1931, be amended by striking the word "two" in line 6 and insert-
3 ing in lieu thereof the word "three."

Senate File 182. Approved May 4, 1935.

CHAPTER 26

PRACTICE OF EMBALMING

H. F. 167

AN ACT to amend section twenty-five hundred eighty-five-c one (2585-c1), section twenty-five hundred eighty-five-c two (2585-c2), twenty-five hundred eighty-five-c three (2585-c3), twenty-five hundred eighty-five-c four (2585-c4), and section twenty-five hundred eighty-five-c five (2585-c5), code, 1931, and to repeal section twenty-five hundred eighty-five-c six (2585-c6), code, 1931, all relating to the licensing, supervision and regulation of the practice of embalming.

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

1 SECTION 1. Section twenty-five hundred eighty-five-c one (2585-c1),
2 code, 1931, is hereby amended by striking from lines 5 and 6, 15 and 16,
3 22 and 23 of said section the words "firm, corporation or association
4 of persons."

1 SEC. 2. Section twenty-five hundred eighty-five-c two (2585-c2),
2 code, 1931, is amended by inserting after the word "except" in line 13
3 of said section the words "a registered student."

1 SEC. 3. Section twenty-five hundred eighty-five-c three (2585-c3),
2 code, 1931, is amended by striking from lines 7 and 8 of said section
3 the words "eighth grade common school" and by inserting in lieu
4 thereof the words "accredited high school" and by inserting after the
5 word "thereof" in lines 8 and 9 of said section the words "with evidence
6 of one year's studentship under a regularly licensed embalmer in the
7 state of Iowa prior to entering an accredited school of embalming."

8 Further amend said section by striking from line 12 the words "of
9 not less than twelve weeks."

10 Further amend said section by striking all of subdivision three and by
11 inserting in lieu thereof the following:

12 "3. The applicant shall at the first regular examination held by the
13 board after his graduation, pass the examination prescribed and may
14 then receive a class 'A' certificate of studentship and shall then com-
15 plete one additional year of continuous studentship. The applicant shall
16 during his studentship arterially embalm not less than twenty-five
17 human bodies under the direct supervision of a licensed embalmer in
18 good standing in the state of Iowa."

1 SEC. 4. Section twenty-five hundred eighty-five-c four (2585-c4),
2 code, 1931, is hereby amended by striking from lines 3 and 4 the word
3 "apprenticeship" and inserting in lieu thereof the word "studentship"
4 and by striking from line 8 of said section the words "an apprentice"
5 and inserting in lieu thereof the words "a student."

1 SEC. 5. Section twenty-five hundred eighty-five-c five (2585-c5),
2 code, 1931, is amended by adding after the word "shall" in line 4 of said
3 section the words "in addition to the provisions of section twenty-four
4 hundred ninety-two (2492), code, 1931," and by striking from line 4
5 of said section the word "only."

1 SEC. 6. That the law as it appears in section twenty-five hundred
2 eighty-five-c six (2585-c6), code, 1931, be and the same is hereby
3 repealed.

1 SEC. 7. Provided, however, that the provisions of this act relating
2 to the period of studentship shall not apply to any student now regu-
3 larly registered as by law provided.

House File 167. Approved May 1, 1935.

CHAPTER 27

HOG CHOLERA VIRUS AND SERUM

S. F. 223

AN ACT to amend sections twenty-seven hundred twenty-three (2723), twenty-seven hundred twenty-four (2724), twenty-seven hundred twenty-five (2725), twenty-seven hundred twenty-six (2726), and twenty-seven hundred thirty-seven (2737), code of Iowa, 1931, limiting the time of and clarifying the amount of fees charged for schools of instruction in the use of anti-hog-cholera serum and virus; clarifying provisions as to the time for issuance of permits and information; and declaring an emergency.

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

1 SECTION 1. That section twenty-seven hundred twenty-three (2723),
2 code of Iowa, 1931, be amended by striking from line 6 thereof the fol-
3 lowing: “, accompanied by a fee of three dollars;” and by adding at the
4 end of said section the following: “At the time and place such school
5 is conducted said agent or person shall collect the sum of three dollars
6 from each applicant, provided a total of not over thirty dollars is col-
7 lected from the entire number attending. If over ten applicants attend,
8 the total of thirty dollars collected shall be prorated equally among
9 them.”

1 SEC. 2. That section twenty-seven hundred twenty-four (2724),
2 code of Iowa, 1931, be amended by inserting in line 2 thereof after the
3 word “shall” and before the word “consist” the following: “be con-
4 ducted in one day and shall,” and by inserting in line 6 thereof after
5 the word “conducted” and before the word “in” where it first appears
6 in said line, the following: “on the same day and.”

1 SEC. 3. Amend section twenty-seven hundred twenty-five (2725),
2 code of Iowa, 1931, by striking from line 2 thereof the words “at once”
3 and by inserting in lieu thereof the words “within five days” and by
4 striking from line 6 thereof the word “then” and by inserting in lieu
5 thereof the words “within ten days.”

1 SEC. 4. Amend section twenty-seven hundred twenty-six (2726),
2 code of Iowa, 1931, by striking from line 2 thereof the words “at once”
3 and by inserting in lieu thereof the words “within five days.”

1 SEC. 5. Amend section twenty-seven hundred thirty-seven (2737),
2 code of Iowa, 1931, by striking from line 6 thereof the words “imme-
3 diately upon” and by inserting in lieu thereof the words “within ten
4 days after.”

1 SEC. 6. This act is deemed of immediate importance and shall be in
2 full force and effect from and after its publication in The Garner Her-
3 ald, a newspaper published at Garner, Iowa, and in the Ames Times-
4 Tribune, a newspaper published at Ames, Iowa.

Senate File 223. Approved May 3, 1935.

I hereby certify that the foregoing act was published in The Garner Herald and the Ames Times-Tribune, May 8, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 28

STATE AND COUNTY WARRANTS. INTEREST AND DISCOUNT

H. F. 138

AN ACT to coordinate certain sections of the code with the budget and financial control act (now appearing as chapter four (4), acts Forty-fifth General Assembly) and to render all said statutes harmonious, and to this end to amend section twenty-eight hundred ninety-one (2891) relating to the financial affairs of the state fair board, section thirty-nine hundred seventy-nine (3979) relating to state claims for medical treatment in the state psychopathic hospital, sections forty-four hundred eighty-one (4481) and forty-four hundred eighty-two (4482) relating to apportionment of the interest on the permanent school fund, sections fifty-two hundred ninety (5290), fifty-two hundred ninety-one (5291) and seventy-one hundred eighty-one (7181), relating to the registration of unpaid municipal bonds, and sections seventy-four hundred (7400) and seventy-four hundred one (7401) relating to interest on unpaid county and state warrants and to the discounting of such warrants by certain public officers, all said sections being of the code, 1931.

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

1 SECTION 1. Section twenty-eight hundred ninety-one (2891), code,
2 1931, is amended by striking therefrom the words "director of the bud-
3 get" and by inserting in lieu of said stricken words the words "auditor
4 of state."

1 SEC. 2. Section thirty-nine hundred seventy-nine (3979), code, 1931,
2 is repealed and the following is enacted in lieu thereof, to wit:
3 "3979. Collection for treatment. If the bills for such patient are
4 paid by the state, it shall be the duty of the medical director of the said
5 state psychopathic hospital to file a certified copy of the claim which
6 has been so paid, with the auditor of the proper county, who shall pro-
7 ceed to collect the same by action, if necessary, in the name of the state
8 psychopathic hospital, and when collected pay the same to the state
9 comptroller. The said medical director shall also, at the same time,
10 forward a duplicate of the account to the state comptroller."

1 SEC. 3. Section forty-four hundred eighty-one (4481), code, 1931, is
2 repealed and the following is enacted in lieu thereof, to wit:
3 "4481. Notice of apportionment—Deficiency. Immediately after
4 making the apportionment of the interest of the permanent school
5 fund, the state comptroller shall notify the auditor of each county of
6 the sum to which his county is entitled, and, if a county has less there-
7 of than it is entitled to under the apportionment, the comptroller shall
8 forward to the county auditor a warrant for the amount of the defi-
9 ciency."

1 SEC. 4. Section forty-four hundred eighty-two (4482), code, 1931, is
2 repealed and the following is enacted in lieu thereof, to wit:
3 "4482. Apportionment—Excess. If the county has an excess of
4 such interest above the amount apportioned to it, the county auditor
5 shall forthwith draw and forward to the state comptroller a warrant
6 on the proper fund of his county for the amount of the excess."

1 SEC. 5. Section fifty-two hundred ninety (5290), code, 1931, is
2 amended as follows, to wit:
3 1. By striking out the words "auditor of state" and by inserting in
4 lieu thereof the words "state board of assessment and review."

5 2. By striking out the last two words of said section and by inserting
6 in lieu thereof the words "office of said board."
7 3. By coordinating the pronouns in said section with the change
8 herein made.

1 SEC. 6. Section fifty-two hundred ninety-one (5291), code, 1931, is
2 amended by striking out the words "state auditor" and by inserting in
3 lieu thereof the words "said board."

1 SEC. 7. Section seventy-one hundred eighty-one (7181), code, 1931,
2 is amended as follows:

3 1. By striking out the words "auditor of state" in line 8 and by
4 inserting in lieu thereof the words "state board of assessment and
5 review."

6 2. By striking out the words "auditor of state" in line 25 and by in-
7 serting in lieu thereof the words "state comptroller."

8 3. By striking out the words "in his office" in line 27 and by insert-
9 ing in lieu thereof the word "aforesaid."

10 4. By coordinating the pronouns in said section with the change here-
11 in made.

1 SEC. 8. Section seventy-four hundred (7400), code, 1931, is repealed
2 and the following is enacted in lieu thereof, to wit:

3 "7400. Interest on warrants. When interest is due and allowed by
4 the treasurer of state on the redemption of state warrants, or by the
5 county treasurer on the redemption of county warrants, the same shall
6 be receipted on the warrants by the holder, with the date of the pay-
7 ment, and no interest shall be allowed by the state comptroller or
8 board of supervisors except such as is thus receipted."

1 SEC. 9. Section seventy-four hundred one (7401), code, 1931, is
2 amended by inserting immediately after the word "discounts" in line
3 3 the words "state comptroller's or."

House File 138. Approved April 15, 1935.

CHAPTER 29

THE CREAM GRADING LAW

S. F. 159

AN ACT to amend title X, code, 1931; to regulate the purchase, sale, handling and treatment of cream; to provide for the grading of cream and for the issuance of licenses authorizing such grading; to provide for the issuance of licenses as a condition precedent to the operation of creameries, cream stations, and cream routes; to prohibit the sale for human consumption of unlawful cream, as herein defined; and to provide penalties for the violation of this act.

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

1 SECTION 1. Title. This chapter may be cited as "The cream grad-
2 ing law" and is an amendment to title X, code, 1931.

1 SEC. 2. Enforcement. The secretary of agriculture shall enforce
2 the provisions hereof, and to this end may adopt such rules and regu-
3 lations, not inconsistent herewith, as may appear necessary.

1 SEC. 3. Definitions. For the purposes of this act:

2 1. "Secretary" means the secretary of the department of agri-
3 culture.

4 2. "Person" includes individuals, partnerships, corporations, and
5 associations.

6 3. "Creamery" means an establishment to which milk or cream of
7 divers producers is delivered and where said products are manufac-
8 tured into butter or cheese for commercial purposes.

9 4. "Cream station" means a place, other than a creamery, where
10 deliveries of cream are weighed, sampled, graded or tested for pur-
11 chase on a butter fat basis.

12 5. "Cream route" means any method used in gathering or trans-
13 porting cream for hire from two or more producers to a cream station
14 or creamery, except common carriers.

15 6. "Sweet cream" means cream that is clean to the taste and smell
16 and the acidity of which does not exceed two tenths of one per cent
17 calculated as lactic acid.

18 7. "First grade cream" means cream that is clean to the taste
19 and smell, smooth, without objectionable flavors or odors, and having,
20 at the time and place of purchase, an acidity not exceeding six tenths
21 of one per cent calculated as lactic acid.

22 8. "Second grade cream" means cream that has objectionable flavors
23 and odors, or is too sour, or is too old to grade as first grade cream.

24 9. "Unlawful cream" means cream which contains dirt, filth, oil,
25 or other foreign matter which renders it unfit for human consump-
26 tion, or that is stale, cheesy, rancid, putrid, decomposed or actively
27 foaming.

1 SEC. 4. Basis of purchase. All purchases of cream for butter-
2 making purposes shall be made on the basis of sweet cream, first
3 grade cream and second grade cream.

1 SEC. 5. Price differential. Every person owning or operating a
2 creamery, or cream station, or cream vehicle route and engaged in the
3 business of buying two or more grades of cream shall maintain a
4 price differential between said grades of not less than one cent per
5 pound of butter fat.

1 SEC. 6. Posting. Said differential and the price paid for the va-
2 rious grades of cream purchased, shall be continuously posted in a
3 conspicuous place in each creamery, cream station and vehicle used in
4 transporting purchased cream, controlled or managed by the party so
5 purchasing.

1 SEC. 7. Licensed graders. A grader of cream, duly licensed as
2 herein provided, shall, when cream is delivered or gathered for the
3 manufacture of butter, be maintained in every creamery and cream
4 station; also in every vehicle when cream is not gathered in individual
5 containers.

1 SEC. 8. License granted. Such license shall be issued by the sec-
2 retary to persons who shall have passed a satisfactory examination
3 as to their qualifications to grade cream and who confirm their quali-
4 fications by an actual demonstration. Said license shall not be trans-
5 ferable.

1 SEC. 9. Tenure—Fee. Each license shall, unless sooner revoked,
2 be valid for one year from date of issuance. The fee therefor shall
3 be one (1) dollar which shall be paid before the license is issued.

1 SEC. 10. Duty of grader. Each licensed grader of cream shall
2 immediately grade each lot of cream delivered to or received by him.
3 Wherever a particular lot of cream is graded, whether at the creamery,
4 at the cream station, or at the vehicle used for transportation, the
5 grader shall forthwith make and preserve a true record of said par-
6 ticular lot, which record shall show:
7 1. Name of the producer or owner.
8 2. Date of delivery.
9 3. Quantity delivered.
10 4. Grade or grades assigned.
11 5. Price paid.

1 SEC. 11. Treatment of graded cream. As soon as cream is graded,
2 it shall be placed forthwith in a clean container. Each container con-
3 taining graded cream shall have a label or tag firmly attached thereto
4 showing in a legible and conspicuous manner the grade of the cream
5 therein and the date when said cream was graded. The grader of
6 said cream shall see that this section is complied with.

1 SEC. 12. Treatment of unlawful cream. It is hereby made the
2 duty of each licensed grader of cream to thoroughly mix with any
3 unlawful cream whenever and wherever discovered by him such
4 harmless coloring matter as will prevent such unlawful cream from
5 being used for human consumption.

1 SEC. 13. Sediment test. A test for the purpose of determining
2 the amount and nature of sediment in cream shall always be made by
3 the grader on the first purchase of cream from a customer. If the
4 test reveals no undue amount of sediment, no further sediment test
5 need be made on the cream of such customer during the following
6 month, but at least one test for sediment shall be made each month
7 on the cream sold by each customer. But the grader shall make such
8 test whenever he has reason to believe that such test is advisable.

1 SEC. 14. Details of test. Test for sediment shall be made with
2 either two or four ounces of cream. When made with two ounces, the
3 sediment pad shall be one and one-fourth inches in diameter and
4 have a filtering surface of one inch. When made with four ounces,
5 the sediment pad or cloth shall have a strand thickness of six thou-
6 sandths of an inch and at least one hundred threads to the inch, and
7 a filtering surface of not more than one and one-half inches in di-
8 ameter.

1 SEC. 15. Operating license. No creamery or cream station or ve-
2 hicle for the collection of cream shall be operated unless the owner or
3 operator shall have first obtained from the secretary a license for
4 each creamery, each cream station, and each vehicle so owned or
5 operated.

1 SEC. 16. Issuance of license. The license to operate as aforesaid
2 shall be issued by the secretary and shall specify the particular cream-

3 ery or cream station, the operation of which is authorized; also, in a
4 general way, the route over which the vehicle is authorized to operate.

1 SEC. 17. Tenure—Fees. Such license, unless sooner revoked, shall
2 be valid for one year from the date of issuance. The fee therefor,
3 payable to the secretary before its issuance, shall be:

- 4 1. For each creamery, three (3) dollars.
- 5 2. For each cream station, one (1) dollar.
- 6 3. For each vehicle, one (1) dollar.

1 SEC. 18. Posting. The holder of said license shall keep said license
2 continuously posted in some conspicuous place inside said creamery,
3 or cream station, or inside the driver's compartment of the said ve-
4 hicle, as the case may be.

1 SEC. 19. Revocation of license. Any license issued under this chap-
2 ter may be revoked by the secretary for any violation of this chapter
3 or for violation of any standard of sanitation prescribed by any other
4 statute applicable to the holder of such license, but only after the
5 holder of the license has been given reasonable notice of the intention
6 to revoke the license and reasonable opportunity to be heard, provided,
7 that when a licensee is convicted of a wilful violation of any require-
8 ment of this chapter, the secretary shall summarily suspend said
9 license for a period of thirty days, and provided, that upon a second
10 such conviction the secretary shall summarily and permanently revoke
11 said license.

1 SEC. 20. Sanitation. No creamery, or cream station or vehicle
2 used on a route for the collection of cream shall be operated or per-
3 mitted to be operated in an unclean or insanitary condition.

1 SEC. 21. Separate rooms. The owner or operator of a creamery
2 or cream station shall maintain a separate room or rooms for the
3 handling and sorting of cream and dairy products, which room or
4 rooms shall be constructed and maintained in the same sanitary condi-
5 tion now required by statute for the construction and maintenance of
6 creameries generally, be well lighted and ventilated, and be provided
7 with proper cooling facilities and an adequate supply of hot and cold
8 water.

1 SEC. 22. Transportation. Cream while being transported to a
2 creamery or cream station, either by the producer or purchaser, shall
3 be protected by wet blankets or by such other means as will keep said
4 cream in a reasonably cool condition.

1 SEC. 23. Empty cans. Empty cream cans shall be thoroughly
2 washed and kept in a sanitary condition, stored, and protected from
3 the weather.

1 SEC. 24. Inspection. The secretary and all his authorized agents
2 shall have access, at all reasonable times, to all creameries and cream
3 stations and other places, including vehicles for transportation, where
4 milk or cream is produced, received, tested, purchased, transported,
5 or used for the manufacture of butter.

1 SEC. 25. Samples. The secretary, and all such authorized agents
2 on showing their authority and upon paying or offering to pay the
3 value thereof, may take from any producer, handler, receiver, or seller
4 of milk or cream, or from any manufacturer of butter, whether prin-
5 cipal, agent, or employee, samples of milk, cream or butter for pur-
6 poses of inspection and analysis.

1 SEC. 26. Prohibited acts. The following acts or omissions are pro-
2 hibited:

3 1. The purchase or receipt of cream for butter-making purposes
4 except on the basis of grades as herein provided.

5 2. The failure to provide a price differential as herein provided.

6 3. The grading by an unlicensed grader of any lot of cream.

7 4. The improper or incorrect grading by a licensed grader of any
8 lot of cream.

9 5. Knowingly offering or exposing for sale of unlawful cream for
10 butter-making purposes or for any human consumption.

11 6. The purchase, possession or acceptance of unlawful cream for
12 human consumption.

13 7. The failure of a licensed grader of cream to make and keep such
14 records as are herein required of him.

15 8. The possession by the owner or operator of a creamery or of a
16 cream station, or of a cream route vehicle of any graded cream which
17 is unlabeled or falsely labeled.

18 9. The maintenance of a creamery or cream station or cream route
19 vehicle in an insanitary condition.

20 10. The conducting or maintaining of a creamery, or cream station,
21 or cream route vehicle in such a manner that cream may be contam-
22 inated.

23 11. The act of obstructing or hindering any official inspection by the
24 secretary or by any of his authorized agents.

25 12. The removal or defacement of any tag or tags as herein re-
26 quired which have been attached to a receptacle containing cream.

27 13. The handling or transportation of cream contrary to the pro-
28 visions of this chapter.

29 14. The operation of a creamery, or cream station, or cream route
30 vehicle without obtaining a license as herein provided.

31 This enumeration of prohibited acts shall not be construed to ex-
32 empt the violator of any other provision of this chapter from crim-
33 inal responsibility.

1 SEC. 27. Penalties. Any person who, by himself or by his agent
2 or employee, wilfully violates any requirement of this act shall be
3 fined not less than twenty-five (25) dollars nor more than one hun-
4 dred (100) dollars.

1 SEC. 28. Saving clause. The invalidity of any portion of this chap-
2 ter shall not affect the validity of any other portion thereof which
3 can be given effect without such invalid part.

Senate File 159. Approved April 22, 1935.

CHAPTER 30

SEED POTATOES. CERTIFICATION SYSTEM

S. F. 143

AN ACT for the protection of the seed potato supply of the state of Iowa.

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

1 SECTION 1. It is hereby established that the certification system is
2 essential to a good seed potato supply for the state and that from long
3 use by state authorities in states producing the great bulk of northern
4 seed used in Iowa, blue tags attached to bags containing such certi-
5 fied seed have become identified in the minds of the public as evidence
6 of official certification of such seed, and of the superior quality thereof.

1 SEC. 2. The sale of, the contracting for delivery, the exposure for
2 sale of seed potatoes or potatoes sold to be used for seed bearing a tag
3 either blue in color or prominently printed blue, or the word "certi-
4 fied" or similar printed or written claim or about which any such
5 verbal claim has been made, unless in truth such seed has been certi-
6 fied by duly constituted state authority, are hereby forbidden within
7 the state of Iowa, except that:

8 a. First crop grown from certified seed may bear a statement as
9 follows: "These seed potatoes are not certified but are the first crop
10 grown from certified seed;" provided, however, that the words "not
11 certified", and "certified" shall be in type of equal size and weight of
12 face, equally displayed and close together, and that such statement
13 if put upon a tag, shall be on a tag not blue in color nor prominently
14 printed in blue. The statements permitted under this section are a
15 violation of this act if false in fact.

1 SEC. 3. Any seed potatoes offered in violation of the terms of this
2 act shall be confiscated and sold for the benefit of the school funds of
3 this state. Any individual or the manager or agent of any firm or
4 corporation violating the terms of this act shall be fined not less than
5 ten (10) dollars nor more than one hundred (100) dollars. The sale
6 of seed potatoes in violation of this act shall be judged grounds for
7 civil damage of fifty (50) cents per hundred pounds due the buyer
8 from the seller, his salesman, agent or manager, the said fifty (50)
9 cents per hundred damage to be over and above any reduction in crop
10 shown to have been sustained by the use of seed misrepresented to
11 the buyer.

1 SEC. 4. It shall be the duty of the secretary of agriculture and his
2 agents to enforce this act and of the county attorneys and of the
3 attorney general of the state to cooperate with him in the enforce-
4 ment of this act. The secretary of agriculture is empowered and
5 directed to prescribe the color, form and wording of tags and labels
6 used on seed potatoes.

1 SEC. 5. This act being deemed of immediate importance shall be
2 in force and effect from and after its passage and publication in the
3 Northwood Anchor, a newspaper published at Northwood, Iowa, and
4 the Lake Mills Graphic, a newspaper published at Lake Mills, Iowa.

Senate File 143. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Northwood Anchor,
May 9, 1935, and the Lake Mills Graphic, May 8, 1935.

MRS. ALEX MILLER, *Secretary of State*

CHAPTER 31

SECRETARY OF AGRICULTURE. POWERS

H. F. 113

AN ACT to amend section thirty-two hundred forty-four-b six (3244-b6), code, 1931, as amended by the extra session of the Forty-fifth General Assembly, chapter thirty-five (35), relating to the power of the secretary of agriculture to make rules and regulations.

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

1 SECTION 1. Section thirty-two hundred forty-four-b six (3244-b6),
 2 code, 1931, as amended by the extra session of the Forty-fifth General
 3 Assembly, chapter thirty-five (35), is so amended that said section will
 4 read as follows, to wit:
 5 "3244-b6. Enforcement—Rules and regulations. The secretary of
 6 agriculture shall enforce the provisions of sections thirty-two hundred
 7 forty-four-b one (3244-b1) to thirty-two hundred forty-four-f one
 8 (3244-f1), inclusive. He shall make rules and regulations for the en-
 9 forcement of the provisions of said sections not inconsistent therewith,
 10 and such rules and regulations shall include reasonable variations and
 11 tolerances."

House File 113. Approved March 7, 1935.

CHAPTER 32

ADOPTION OF CHILDREN

H. F. 118

AN ACT to repeal sections thirty-seven hundred fourteen (3714) and thirty-seven hundred fifteen (3715), code, 1931, and to enact a substitute therefor, and so to amend sections thirty-seven hundred two (3702), thirty-seven hundred seventeen (3717), and thirty-seven hundred nineteen (3719), of said code as to coordinate said sections with chapter four hundred seventy-three (473) of said code, relating to the adoption of children.

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

1 SECTION 1. Sections thirty-seven hundred fourteen (3714) and
 2 thirty-seven hundred fifteen (3715), code, 1931, are hereby repealed
 3 and the following is enacted in lieu thereof, to wit:
 4 "3715-g1. Adoption. Children in said home may be adopted as pro-
 5 vided in chapter 473."
 1 SEC. 2. Section thirty-seven hundred seventeen (3717), code, 1931,
 2 is amended by striking from lines 2 and 3 thereof the words "articles
 3 of adoption, or."
 1 SEC. 3. Section thirty-seven hundred nineteen (3719), code, 1931, is
 2 amended by striking from line 3 thereof the words "by adoption or";
 3 also by striking from lines 6 and 7 the words "adoption or."
 1 SEC. 4. Section thirty-seven hundred two (3702), code, 1931, is
 2 amended by inserting, immediately after the word "adopted" in line 1
 3 the following words and figures, to wit: "under chapter 473"; also by
 4 striking from line 8 the words, "adoption or."

House File 118. Approved March 29, 1935.

CHAPTER 33

STATE BOARD OF EDUCATION. LOANING OF FUNDS

S. F. 72

AN ACT to amend section thirty-nine hundred twenty-six (3926) of the code, 1931, relating to the loaning of funds belonging to the institutions that are under the supervision and control of the Iowa state board of education.

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

1 SECTION 1. That paragraph 2 of section thirty-nine hundred twenty-
2 six (3926) of the code, 1931, be amended by inserting the following
3 words after the word "annually" in line 3: "provided, however, that the
4 rate of interest be not less than four (4) per cent per annum."

1 SEC. 2. That paragraph 3 of section thirty-nine hundred twenty-six
2 (3926) of the code, 1931, be amended by striking out the words "not
3 otherwise invested and any surplus income on funds not immediately
4 required for other purposes," in lines 1, 2 and 3 thereof.

Senate File 72. Approved March 23, 1935.

CHAPTER 34

SCHOOL FOR THE DEAF. REPORTS

S. F. 70

AN ACT to amend section four thousand seventy-two (4072) of the code, 1931, relating to the date on which the superintendent of the Iowa school for the deaf shall make certain reports to the state comptroller.

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

1 SECTION 1. That section four thousand seventy-two (4072) of the
2 code, 1931, be amended by striking out the words "April" in line 2 and
3 "October" in line 3 and substituting therefor the words "June" and
4 "December," respectively.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect from and after its publication in the Council Bluffs Nonpareil,
3 and the Cedar Valley Times, newspapers published in Council Bluffs,
4 Iowa, and Vinton, Iowa, respectively.

Senate File 70. Approved April 11, 1935.

I hereby certify that the foregoing act was published in the Cedar Valley Times, April 15, 1935, and the Council Bluffs Nonpareil, April 13, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 35

SCHOOL DISTRICTS. BOUNDARY LINES

H. F. 36

AN ACT to fix a minimum size below which existing school districts cannot be reduced and below which new districts cannot be established; to repeal sections forty-one hundred thirty-one-c one (4131-c1) and forty-one hundred thirty-five (4135), code, 1931, and to repeal sections forty-one hundred thirty-two (4132) and forty-one hundred fifty-two (4152), code, 1931, and enact substitutes therefor, all relating to the alteration of boundary lines of school districts.

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

1 SECTION 1. Minimum size of school districts. No new school district
2 shall be formed, nor shall the boundary lines of any existing school dis-
3 trict be so changed as to make it contain an area less than four (4)
4 government sections of land; but nothing herein shall be construed to
5 prevent the boundary lines of an existing school district from being
6 changed so that it shall be included in and consolidated with other dis-
7 tricts, or joined to another district to form a single school district, nor
8 shall it be construed to permit the formation of a consolidated district
9 with an area of less than sixteen (16) government sections of land
10 or to permit the reduction of an existing consolidated district below an
11 area of sixteen (16) government sections of land.

1 SEC. 2. Section forty-one hundred thirty-two (4132), code, 1931, is
2 hereby repealed and the following enacted in lieu thereof:
3 "4132. Restoration. When the natural obstacles by reason of which
4 territory has been set off by the county superintendent from one school
5 district and attached to another in the same or an adjoining county, as
6 provided in section forty-one hundred thirty-one (4131), have been re-
7 moved, such territory may, upon the concurrence of the respective
8 boards, be restored to the school district from which set off and shall
9 be so restored by said boards upon the written application of two thirds
10 of the electors residing upon the territory so set off together with the
11 concurrence of the county superintendent and the board of the school
12 district from which such territory was originally set off by the county
13 superintendent."

1 SEC. 3. Section forty-one hundred fifty-two (4152), code, 1931, is
2 hereby repealed and the following enacted in lieu thereof:
3 "4152. Subdivision of independent districts. Independent districts
4 may subdivide for the purpose of forming two or more independent dis-
5 tricts, the board of directors of the original independent district to
6 establish the boundary lines of the districts thus formed, but no such
7 new district shall be organized except on a majority vote of the electors
8 of each proposed district nor with territory less than that required by
9 section one (1) of this act."

1 SEC. 4. Repeal. Sections forty-one hundred thirty-one-c one (4131-
2 c1) and forty-one hundred thirty-five (4135), code, 1931, are hereby
3 repealed.

House File 36. Approved February 20, 1935.

CHAPTER 36

SCHOOLS. OFFICERS. VACANCIES, QUALIFICATIONS, TENURE

S. F. 82

AN ACT to repeal sections forty-two hundred twenty-three-a two (4223-a2) and forty-two hundred twenty-three-b one (4223-b1), code, 1931, as amended by chapter fifty-three (53), acts Forty-fifth General Assembly, and enact substitutes therefor; to repeal sections forty-two hundred sixteen-c twenty-eight (4216-c28) and forty-two hundred twenty-two (4222), code, 1931, and enact substitutes therefor; to amend sections forty-two hundred sixteen-c seven (4216-c7), forty-two hundred sixteen-c nine (4216-c9), forty-two hundred sixteen-c ten (4216-c10), and forty-two hundred sixteen-c twenty-four (4216-c24), code, 1931; and to amend sections thirteen (13) and fourteen (14), chapter fifty-three (53), acts Forty-fifth General Assembly, all relating to the election or appointment, qualification, and tenure of school officers.

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

1 SECTION 1. Section forty-two hundred twenty-three-a two (4223-
2 a2), code, 1931, as amended by section eighteen (18), chapter fifty-
3 three (53), acts Forty-fifth General Assembly, is repealed and the
4 following enacted in lieu thereof:

5 "4223-a2. Vacancies filled by board—Qualification—Tenure. Va-
6 cancies occurring among the officers or members of a school board
7 shall be filled by the board by appointment. A person so appointed
8 to fill a vacancy in an elective office shall hold until the organization
9 of the board the third Monday in March immediately following the
10 next regular election and until his successor is elected and qualified.
11 A person appointed to fill a vacancy in an appointive office shall hold
12 such office for the residue of the unexpired term and until his suc-
13 cessor is appointed and qualified. Any person so appointed shall
14 qualify within ten days thereafter in the manner required by section
15 forty-two hundred sixteen-c twenty-eight (4216-c28)."

1 SEC. 2. Section forty-two hundred twenty-three-b one (4223-b1),
2 code, 1931, as amended by section nineteen (19), chapter fifty-three
3 (53), acts Forty-fifth General Assembly, is hereby repealed and the
4 following enacted in lieu thereof:

5 "4223-b1. Vacancies filled by special election—Qualification—Ten-
6 ure. In any case where a vacancy or vacancies occur among the
7 elective officers or members of a school board and the remaining mem-
8 bers of such board have not filled such vacancy within ten days after
9 the occurrence thereof, or when the board is reduced below a quorum
10 for any cause, the secretary of the board, or if there be no secretary,
11 the county superintendent of schools shall call a special election in the
12 district, subdistrict, or subdistricts, as the case may be, to fill such
13 vacancy or vacancies, giving the notices required by law for such
14 special elections, which election shall be held not sooner than ten days
15 nor later than fourteen days thereafter. In any case where the sec-
16 retary fails for more than three days to call such election, the county
17 superintendent shall call it by giving the notices required by law for
18 special elections.

19 Any appointment by the board to fill any vacancy in an elective
20 office on or after the day notice has been given for a special election
21 to fill such vacancy as provided herein shall be null and void.

22 In any case of a special election as provided herein to fill a vacancy

23 occurring among the elective officers or members of a school board
 24 before the expiration of a full term, the person so elected shall qualify
 25 within ten days thereafter in the manner required by section forty-
 26 two hundred sixteen-c twenty-eight (4216-c28) and shall hold office
 27 for the residue of the unexpired term and until his successor is elected,
 28 or appointed, and qualified."

1 SEC. 3. Section forty-two hundred sixteen-c twenty-eight (4216-
 2 c28), code, 1931, is hereby repealed and the following enacted in lieu
 3 thereof:

4 "4216-c28. Oath required. Each director or subdirector elected
 5 at a regular district or subdistrict election, as the case may be, shall
 6 qualify by taking the oath of office on or before the time set for the
 7 organization meeting of the board the third Monday in March, and
 8 his election and qualification entered of record by the secretary. The
 9 oath may be administered by any qualified member of the board, the
 10 secretary of the board, or the county superintendent of schools, and
 11 may be taken in substantially the following form:

12 'Do you solemnly swear that you will support the constitution of
 13 the United States and the constitution of the state of Iowa and that
 14 you will faithfully and impartially to the best of your ability discharge
 15 the duties of the office of..... (naming the office) in
 16 (naming the district) as now or hereafter re-
 17 quired by law?'

18 If the oath of office is taken elsewhere than in the presence of the
 19 board in session it may be administered by any officer listed in sections
 20 twelve hundred fifteen (1215) and twelve hundred sixteen (1216)
 21 and shall be subscribed to by the person taking it in substantially the
 22 following form:

23 'I,, do solemnly swear that I will sup-
 24 port the constitution of the United States and the constitution of the
 25 state of Iowa and that I will faithfully and impartially to the best of
 26 my ability discharge the duties of the office of.....
 27 (naming the office) in..... (naming the district) as
 28 now or hereafter required by law.'

29 Such oath shall be properly verified by the administering officer and
 30 filed with the secretary of the board.

31 The treasurer elected at a regular election in city and town dis-
 32 tricts shall qualify by taking the oath of office in the manner herein
 33 required and filing a bond as required by section forty-three hundred
 34 five (4305) within ten days after the first secular day in July follow-
 35 ing his election."

1 SEC. 4. Section forty-two hundred twenty-two (4222), code, 1931,
 2 is hereby repealed and the following enacted in lieu thereof:

3 "4222. Appointment of secretary and treasurer. At the meeting of
 4 the board the first secular day in July the board shall appoint a secre-
 5 tary who shall not be a teacher or other employee of the board. It
 6 shall also, except in districts composed in whole or in part of a city
 7 or town, appoint a treasurer. Such officers shall be appointed from
 8 outside the membership of the board for terms of one year beginning
 9 with the first secular day in July which appointment and qualifica-
 10 tion shall be entered of record in the minutes of the secretary. They

11 shall qualify within ten days following their appointment by taking
 12 the oath of office in the manner required by section forty-two hundred
 13 sixteen-c twenty-eight (4216-c28), and filing a bond as required by
 14 section forty-three hundred five (4305) and shall hold office until their
 15 successors are appointed and qualified."

1 SEC. 5. Section forty-two hundred sixteen-c seven (4216-c7), code,
 2 1931, is hereby amended by striking out lines 6, 7, 8, and 9 and insert-
 3 ing in lieu thereof the following: "In subdistricts a suitable polling
 4 place shall be selected by the person authorized by law to post the
 5 notices of such elections."

1 SEC. 6. Section forty-two hundred sixteen-c nine (4216-c9), code,
 2 1931, is hereby amended by striking from lines 17 and 18 the words
 3 "nor adjourn before twelve o'clock m." and inserting in lieu thereof
 4 the words "nor later than seven o'clock p. m."

1 SEC. 7. Section forty-two hundred sixteen-c ten (4216-c10), code,
 2 1931, is hereby amended as follows:

3 1. Strike from lines 5 and 6 the words "at the organization of the
 4 meeting the voters present" and insert in lieu thereof the words "or
 5 refuses to serve, the voters present at the polls."

6 2. Strike out all of said section after the period following the word
 7 "attendance" in line 20 and insert in lieu thereof the following: "In
 8 subdistrict elections the judges shall consist of the subdirector and
 9 two qualified electors selected by the voters present at the polling
 10 place. If the subdirector is absent or refuses to serve as such judge,
 11 or if an elector selected as judge refuses to serve, the voters present
 12 shall select a judge to take his place."

1 SEC. 8. Section forty-two hundred sixteen-c twenty-four (4216-
 2 c24), code, 1931, is hereby amended by striking from lines 13 and 14
 3 the words "chosen for a term of one year" and inserting in lieu thereof
 4 the words "elected at the regular election for a term of one year and
 5 until his successor is elected, or appointed, and qualified."

1 SEC. 9. Section thirteen (13), chapter fifty-three (53), acts Forty-
 2 fifth General Assembly, is hereby amended by inserting immediately
 3 after the word "election" in line 4 the words "or to appoint within
 4 the time fixed by law."

1 SEC. 10. Section fourteen (14), chapter fifty-three (53), acts Forty-
 2 fifth General Assembly, is hereby amended by striking from line 6
 3 the words "or at a special election."

Senate File 82. Approved March 19, 1935.

CHAPTER 37

SCHOOLS. PAYMENT OF CLAIMS

S. F. 79

AN ACT to amend section forty-two hundred thirty-nine (4239), code, 1931, relating to the payment of claims against school districts.

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

1 SECTION 1. Section forty-two hundred thirty-nine (4239), code,
 2 1931, is hereby amended by adding thereto the following:
 3 "Each warrant shall be made payable to the person entitled to
 4 receive such money. The board of directors of any school district
 5 may, however, by resolution of record authorize the secretary to issue
 6 warrants when said board of directors is not in session in payment of
 7 freight, drayage, express, postage, printing, water, light, and tele-
 8 phone rents, but only upon duly verified bills for same filed with the
 9 secretary, and for the payment of salaries pursuant to the terms of a
 10 written contract and said secretary shall either deliver in person or
 11 mail said warrants to the payee. Each such warrant shall be made
 12 payable only to the person performing the service or furnishing the
 13 supplies for which said warrant makes payment, and shall state the
 14 purpose for which said warrant is issued. All bills and salaries for
 15 which warrants are issued prior to audit and allowance by the board
 16 as provided herein shall be passed upon by the board of directors at
 17 the first meeting thereafter and shall be entered of record in the
 18 regular minutes of the secretary."

Senate File 79. Approved March 19, 1935.

CHAPTER 38

SCHOOLS. TUITION FEES. NONRESIDENT PUPILS

S. F. 80

AN ACT to amend chapter forty-one (41), acts extra session Forty-fifth General Assembly, relating to high school tuition and transportation; to prohibit special privileges to nonresident high school pupils at the expense of the district unless the district is fully reimbursed; and to provide the penalty for a violation, and the method of enforcement.

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

1 SECTION 1. Chapter forty-one (41), acts of the Forty-fifth General
 2 Assembly, extraordinary session, is hereby amended by adding thereto
 3 following the period in line 20 the following:
 4 "It shall be unlawful for any school district maintaining a high
 5 school course of instruction to provide nonresident high school pupils
 6 with transportation to high school or normal college unless the dis-
 7 trict is fully reimbursed therefor, as provided in this section, or to
 8 rebate to such pupils or their parents, directly or indirectly, any por-
 9 tion of the high school tuition collected or to be collected from the
 10 home district of such pupils, or to authorize or permit such pupils to
 11 receive at the expense of the district, directly or indirectly, any spe-

12 cial compensation, benefit, privilege, or other thing of value that is
 13 not and cannot legally be made available to all other pupils enrolled
 14 in such high school. Any superintendent or board members respon-
 15 sible for such unlawful act shall each be personally liable to a fine of
 16 not to exceed one hundred dollars. Action to recover such penalty or
 17 action to enjoin such unlawful act may be instituted by the board of
 18 any school district or by a taxpayer in any school district."

Senate File 80. Approved April 16, 1935.

CHAPTER 39

SCHOOLS. TEACHERS' MINIMUM WAGE

H. F. 4

AN ACT to amend chapter sixty-five (65), section one (1), acts of the Forty-fifth General Assembly, relating to the minimum salary of teachers.

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

1 SECTION 1. Chapter sixty-five (65), section one (1), acts of the
 2 Forty-fifth General Assembly, is amended by striking from line 5
 3 the words and figures "forty dollars (\$40.00)" and inserting in lieu
 4 thereof the words and figures "fifty (50) dollars."

House File 4. Approved April 5, 1935.

CHAPTER 40

SCHOOLS. TEACHERS' PENSION FUND

H. F. 379

AN ACT to repeal section forty-three hundred forty-six (4346), code, 1931, as amended by chapter one hundred twenty-one (121), section fourteen (14), acts of the Forty-fifth General Assembly, and to enact a substitute therefor relating to the creation of the pension fund in independent school districts adopting the pension and annuity retirement system for public school teachers.

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

1 SECTION 1. That section forty-three hundred forty-six (4346), code,
 2 1931, as amended by chapter one hundred twenty-one (121), section
 3 fourteen (14), acts of the Forty-fifth General Assembly, be and the
 4 same is hereby repealed and the following enacted in lieu thereof:

1 "SEC. 2. The fund for such retirement system shall be created from
 2 the following sources:

3 1. From the proceeds of an assessment of teachers in the school dis-
 4 trict not exceeding one per cent of their salaries in a given school year,
 5 or such greater percentage as the board of directors of such school dis-
 6 trict may authorize and a majority of such teachers shall, at the time
 7 of such authorization by the board, agree to pay.

8 2. From the proceeds of an annual tax levy, not exceeding the
 9 amount produced in the current school year by the assessment of teach-
 10 ers as provided in the preceding paragraph of this section.

11 3. From the interest on any permanent fund which may be created
 12 by gift, bequest, or otherwise."

1 SEC. 3. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its publication in the Park Avenue
 3 News, a newspaper published at Des Moines, Iowa, and Plain Talk, a
 4 newspaper published at Des Moines, Iowa.

House File 379. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Des Moines Park Avenue News and the Des Moines Plain Talk, May 2, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 41

SCHOOL GARDENS OR FARMS

H. F. 115

AN ACT to repeal sections forty-four hundred forty (4440) to forty-four hundred forty-five (4445), inclusive, code, 1931, relating to state aid for certain school activities.

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

1 SECTION 1. Sections forty-four hundred forty (4440) to forty-four
 2 hundred forty-five (4445), inclusive, code, 1931, are hereby repealed.

House File 115. Approved March 13, 1935.

CHAPTER 42

PRIMARY ROADS. REFUNDING BONDS

S. F. 65

AN ACT to authorize the issuance and sale of primary road refunding bonds in counties whose indebtedness may be in excess of the legal limitations; to require that funds received by the county treasurer from the sale of such refunding bonds shall be deposited in a special trust account; to provide that such funds shall be computed as an offset against the indebtedness of said county; to provide that the issuance of such bonds shall not be regarded as incurring an indebtedness; to require that any other funds received by the county treasurer for the payment of primary road bonded indebtedness or interest thereon shall be deposited in such special trust account, and to prohibit the use of any of such funds for any purpose other than the payment of primary road bonded indebtedness of said county and interest thereon and to repeal all laws to the extent they conflict therewith.

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

1 SECTION 1. Any county which has primary road bonded indebted-
 2 ness outstanding is hereby authorized to issue and sell primary road
 3 refunding bonds, notwithstanding that at the time of such issuance
 4 and sale the indebtedness of such county may be in excess of its legal
 5 limitations. The proceeds of such primary road refunding bonds, to-
 6 gether with all other funds from time to time coming into the posses-
 7 sion or control of a county treasurer for the purpose of paying interest
 8 on or principal of primary road bonded indebtedness shall be by such
 9 county treasurer converted into a separate account, and any of same
 10 as may be deposited in an otherwise qualified county depository shall,
 11 when so deposited, be designated and held by such depository without
 12 interest as a special trust fund deposit. When funds in any such sep-
 13 arate account and/or special trust fund deposit shall be held for the

14 retirement of certain designated bonds, then such funds shall be
 15 regarded as sinking funds and shall be computed as an offset against
 16 the indebtedness of said county represented by such particularly des-
 17 ignated bonds.

18 The issuance of primary road refunding bonds by any county and
 19 the conversion of the proceeds thereof into a separate account and/or
 20 special trust fund deposit shall not be regarded as the incurring of
 21 indebtedness by such county within the meaning of any constitutional
 22 or statutory limitation. No withdrawal shall be made from said sep-
 23 arate account or said special trust fund deposit except in payment for
 24 interest on or principal of primary road bonds or bonds issued to refund
 25 primary road bonds of such county.

1 SEC. 2. All laws in conflict herewith are to the extent of such con-
 2 flict hereby repealed.

1 SEC. 3. This act being deemed of immediate importance shall be
 2 in force and effect after its passage and publication in The Keosauqua
 3 Republican, a newspaper published at Keosauqua, Iowa, and in the
 4 Cedar Rapids Gazette, a newspaper published at Cedar Rapids, Iowa.

Senate File 65. Approved February 19, 1935.

I hereby certify that the foregoing act was published in the Cedar Rapids Gazette,
 February 20, 1935, and The Keosauqua Republican, February 21, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 43

PRIMARY ROADS. DIAGONAL HIGHWAYS

H. F. 186

AN ACT to amend section forty-seven hundred fifty-five-b eight (4755-b8), code, 1931,
 relating to the improvement of the primary road system and prohibiting the acquiring
 or improving of a new system of diagonal highways, with certain exceptions.

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

1 SECTION 1. Section forty-seven hundred fifty-five-b eight (4755-b8),
 2 code, 1931, is hereby amended by striking the period at the end of line 24
 3 and adding the following: "and that the said highway commission is
 4 hereby prohibited from purchasing right of way, grading, bridging or
 5 surfacing a new system of diagonal highways radiating from any city
 6 within this state with a population of over 100,000. However, that por-
 7 tion of highway number 88 now partially constructed between Des
 8 Moines, Iowa, and Marshalltown, Iowa, may be completed.

1 SEC. 2. If any part of this act is for any reason held to be unconsti-
 2 tutional and/or involved, such decision shall not affect the remaining
 3 portions of this act.

1 SEC. 3. This act being deemed of immediate importance shall be in
 2 force and effect from and after its publication in the Times-Repub-
 3 lican, a newspaper published at Marshalltown, Iowa, and the Waterloo
 4 Courier, a newspaper published at Waterloo, Iowa.

House File 186. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Marshalltown Times-
 Republican, and the Waterloo Courier, May 1, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 44

PRIMARY ROADS. PAVING ASSESSMENT REFUNDS

S. F. 335

AN ACT to repeal sections four thousand seven hundred fifty-five-b twenty-one (4755-b21) to four thousand seven hundred fifty-five-b twenty-five (4755-b25) of the code of Iowa, 1931, relating to the refunding of primary road paving assessment refunds, to dispose of unexpended balances in the primary road paving assessment reimbursement funds in the various counties, and to provide for the payment of all outstanding primary road paving assessment certificates or bonds.

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

1 SECTION 1. Sections four thousand seven hundred fifty-five-b
2 twenty-one (4755-b21) to four thousand seven hundred fifty-five-b
3 twenty-five (4755-b25), both inclusive, of the code of Iowa, 1931, are
4 hereby repealed.

1 SEC. 2. Unpaid or unrepresented claims for primary road paving
2 assessment refunds under the provisions of sections four thousand
3 seven hundred fifty-five-b twenty-one (4755-b21) to section four thou-
4 sand seven hundred fifty-five-b twenty-five (4755-b25), both inclusive,
5 code of Iowa, 1931, are hereby terminated and declared to be null and
6 void.

1 SEC. 3. If any county which, under the provisions of chapter 237
2 of the laws of the Thirty-eighth General Assembly, or as said chapter
3 may from time to time have been amended, levied special assessments
4 on real property to aid in making payment for the paving of primary
5 roads or parts thereof in said county, any balance remains in the
6 funds provided under the provisions of section four thousand seven
7 hundred eight (4708), code of Iowa, 1924, or under section four thou-
8 sand seven hundred fifty-five-b twenty-four (4755-b24), code of Iowa,
9 1931, for the reimbursement of such paving assessments, such bal-
10 ance or balances shall be transferred to the primary road fund. The
11 state highway commission shall check the said special assessment
12 refund accounts of each of said counties and determine the amount
13 of such remaining balance or balances if any. As soon as said
14 balance or balances have been determined in any county, the county
15 treasurer of such county shall remit such balance to the state high-
16 way commission, and the commission shall cause such amount to be
17 credited to the primary road fund.

1 SEC. 4. If in any county which levied special assessments for pri-
2 mary road paving, as outlined in the preceding section, there are
3 outstanding certificates or bonds issued in anticipation of such assess-
4 ments, all such outstanding certificates or bonds shall be called in and
5 paid out of the primary road fund.

6 The state highway commission shall check the records and accounts
7 of each of said counties and determine the amount, if any, of such
8 outstanding certificates or bonds and interest thereon, and shall remit
9 the proper amount for the payment thereof to the county treasurer of

10 said county. The county treasurer shall promptly thereafter call in
11 and pay such certificates or bonds and interest thereon.

1 SEC. 5. Publication clause.

Senate File 335. Approved May 4, 1935.

Note: Section 5 is insufficient authority for publication according to an opinion by the attorney general. The foregoing act will become effective July 4, 1935.

CHAPTER 45

MOTOR VEHICLES. LICENSE FEES FOR CERTAIN TRUCKS

H. F. 24

AN ACT to amend chapter two hundred fifty-one (251), code, 1931, relating to the annual license fees for motor vehicles converted into trucks with a loading capacity of less than one thousand (1,000) pounds.

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

1 SECTION 1. Chapter two hundred fifty-one (251), code, 1931, is
2 hereby amended by inserting after section forty-nine hundred eight-a
3 one (4908-a1) the following section:

4 "4908-g1. Any motor vehicle originally registered as a passenger
5 car and thereafter converted into a truck, with a loading capacity of
6 less than one thousand (1,000) pounds, shall be registered as a
7 passenger car."

House File 24. Approved April 15, 1935.

CHAPTER 46

MOTOR VEHICLES. OPERATORS' AND CHAUFFEURS' LICENSE FEES

H. F. 495

AN ACT to amend sections forty-nine hundred sixty-d seventeen (4960-d17), forty-nine hundred sixty-d twenty-five (4960-d25), forty-nine hundred sixty-d twenty-six (4960-d26), and forty-nine hundred sixty-d thirty (4960-d30), code, 1931, and chapters seventy-seven (77) and eighty-one (81), acts of the Forty-fifth General Assembly, all relating to the expiration date of and the fee to be charged for operators' and chauffeurs' licenses, expenditure of said fee, and powers of examiners.

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

1 SECTION 1. That section forty-nine hundred sixty-d seventeen
2 (4960-d17), code, 1931, is hereby amended by adding thereto the fol-
3 lowing:

4 "Examiners appointed by the department shall have the authority
5 of peace officers for the purpose of enforcing the laws relating to
6 motor vehicles and the operation thereof."

1 SEC. 2. That chapter seventy-seven (77), section three (3), acts
2 of the Forty-fifth General Assembly, amending section forty-nine hun-
3 dred sixty-d twenty-five (4960-d25), is hereby amended by striking
4 the period in line 6 and adding the following: "to be used for the pur-
5 pose of making effective the uniform operators' and chauffeurs' license
6 law, during the period covered by such licenses."

1 SEC. 3. That section forty-nine hundred sixty-d twenty-six (4960-
2 d26), code, 1931, is hereby amended by striking all of said section
3 following the period in line 3.

1 SEC. 4. That section forty-nine hundred sixty-d thirty (4960-d30),
 2 code, 1931, be amended by striking the words "December thirty-first"
 3 in lines 2 and 3 and inserting in lieu thereof the words "June thirtieth."

1 SEC. 5. That chapter eighty-one (81), acts of the Forty-fifth Gen-
 2 eral Assembly, amending section forty-nine hundred sixty-d thirty
 3 (4960-d30), code, 1931, is hereby amended by striking the words
 4 "December thirty-first" from line 5 and inserting in lieu thereof the
 5 words "June thirtieth."

House File 495. Approved May 6, 1935.

CHAPTER 47

MOTOR VEHICLES. TESTING STATIONS

S. F. 76

AN ACT to amend section forty-nine ninety-two (4992), code, 1931, relating to powers of local authorities in cities and towns and granting additional powers thereto to pass and enforce ordinances for the acquisition, erection, establishment, equipment, operation and maintenance of motor vehicle testing stations, for testing automobiles and trucks using the streets of any such city or town; providing for the collection of fees for such testing service and for applying said fees to the cost of construction, establishment, equipment, operation and maintenance of any such station, and granting to cities and towns additional powers to pay for such testing stations, including the acquisition, erection, establishment, equipment, operation and maintenance thereof, out of past or future earnings or out of the general fund, and authorizing the issuance of revenue bonds payable solely from the earnings of such stations; providing a penalty for the violation of any such ordinance, and validating all ordinances heretofore passed not inconsistent with the provisions hereof.

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

1 SECTION 1. Amend section forty-nine ninety-two (4992), code,
 2 1931, by adding thereto the following sections:
 3 "3. In addition to all the powers heretofore granted to local authori-
 4 ties, all cities and towns, including cities operating under special char-
 5 ter, shall have the power to acquire, establish, erect, equip, operate
 6 and maintain motor vehicle testing stations therein and to pay for
 7 the same out of the proceeds of the collection of fees charged for
 8 testing motor vehicles, including trucks.
 9 "4. Cities and towns shall have the power to fix the amount of
 10 fees, not exceeding twenty-five (25) cents per test and not more than
 11 fifty (50) cents per year, provided, however, the limitation as to the
 12 amount of fees as herein provided shall not apply to cities having a
 13 population of one hundred thousand (100,000) or more, for the in-
 14 spection of any motor vehicle or truck for any defect prohibited by
 15 law upon any motor vehicle operated upon the streets, alleys or thor-
 16 oughfares of cities and towns. Cities and towns shall have additional
 17 power to set aside all fees so collected in a separate fund out of which
 18 all costs and expenses in connection with or growing out of the con-
 19 struction, establishment, equipment, operation and maintenance of
 20 said station shall be paid. Any surplus remaining in said fund at
 21 the end of the fiscal year over and above the actual cost of operating
 22 the testing station, shall be paid into the general fund of the city or
 23 town.

24 "5. The right to use the streets, alleys and thoroughfares of any
25 city or town so passing any such ordinance shall be dependent upon
26 compliance with the terms of any such ordinance and with the laws
27 of the state of Iowa relating to motor vehicles and the parking or
28 use thereof on the streets, roads or public highways of such city or
29 town.

30 "The state motor vehicle department shall prescribe the shape, size,
31 color and inscription of a sticker to be placed by any such city or
32 town so operating a motor vehicle testing station hereunder, upon the
33 windshield of any motor vehicle so passing the tests herein provided.
34 Said city or town shall insert the name thereof and the date said
35 sticker was issued.

36 "Said stickers shall be sold by the state to any such city or town
37 so establishing a motor vehicle testing station, under the provisions
38 hereof, at reasonable cost.

39 "Said sticker when so prepared, issued and placed, shall exempt the
40 owner and driver of the automobile so passing said test from any other
41 tests hereunder at any place in the state of Iowa for the period for
42 which said sticker was issued.

43 "6. Any ordinance of a city or town having been heretofore passed
44 relating to the establishment, equipment, and operation of any such
45 testing station is hereby declared valid, insofar as it may be con-
46 sistent with the terms and provisions hereof, together with the pub-
47 lication thereof, and all the acts and conduct of the city council, offi-
48 cers, employees and persons or other body authorized to acquire, erect,
49 establish, equip, operate or maintain any such testing station, are
50 hereby declared valid.

51 "Any city which has heretofore set up a traffic safety council, or
52 other body, by ordinance, for the construction, operation and main-
53 tenance of any such testing station, shall continue to so operate, main-
54 tain, supervise, and control said station through said traffic safety
55 council.

56 "7. Cities and towns shall have the power to enforce any such
57 ordinance by fine, not exceeding twenty-five (25) dollars, or impris-
58 onment, not exceeding seven days, in default of payment, which said
59 fine or imprisonment may be imposed upon either the owner or operator
60 of any such vehicle.

61 "8. Cities and towns may provide for the inspection of motor ve-
62 hicles and trucks operated upon the streets, alleys or thoroughfares
63 thereof when owned by residents of any such city or town where so
64 operated.

65 "9. The state motor vehicle department shall have supervision and
66 control over the type of tests and the facilities therefor in any such
67 motor vehicle testing station, and any such city or town desiring to
68 establish any such station shall first procure the approval thereof
69 by the state motor vehicle department.

70 "10. Cities and towns shall have additional powers to pay for any
71 such testing station or stations and the equipment, maintenance and
72 operation thereof out of past or future earnings of said station or
73 stations or out of the general fund, and cities and towns may issue
74 revenue bonds for the acquisition, erection, establishment, equipment,
75 operation and maintenance of any such station or stations, which said

76 bonds shall be payable solely from the earnings of said station or
77 stations."

1 SEC. 2. This act being of immediate importance shall become effec-
2 tive upon publication in the Des Moines Register, a newspaper pub-
3 lished at Des Moines, Iowa, and the Guthrie Times, a newspaper pub-
4 lished at Guthrie Center, Iowa.

Senate File 76. Approved May 6, 1935.

I hereby certify that the foregoing act was published in the Guthrie Center Times,
May 16, 1935, and the Des Moines Beaverdale News, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

Note: The Des Moines Beaverdale News substituted for the Des Moines Register in
accordance with section 55, code, 1931.

CHAPTER 48

MOTOR VEHICLES. HIGHWAY SAFETY PATROL

H. F. 67

AN ACT to repeal section fifty hundred seventeen-a one (5017-a1), code, 1931, and
to enact a substitute therefor, pertaining to a highway safety patrol.

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

1 SECTION 1. Section fifty hundred seventeen-a one (5017-a1), code,
2 1931, is hereby repealed, and the following is enacted as a substitute
3 therefor:

1 "SEC. 2. There is hereby created in the motor vehicle department
2 under the secretary of state, an Iowa highway safety patrol.

1 "SEC. 3. The secretary of state is hereby authorized to employ not
2 to exceed fifty-three (53) men as an Iowa highway safety patrol, and
3 not more than sixty (60) per cent of such employees shall at any time
4 be members of the same political party.

1 "SEC. 4. Such appointees shall be selected after an examination
2 as to physical and mental fitness, to be prescribed by the secretary of
3 state and at time of appointment shall be citizens of the state of Iowa
4 and of good moral character and shall not be less than twenty-five
5 (25) years of age.

1 "SEC. 5. No member of the patrol shall, while in such position, be
2 a candidate for any political office, or take part in or contribute any
3 money or other things of value, directly or indirectly, to any political
4 campaign or to any candidate for public office. Anyone violating the
5 provisions of this section shall be guilty of a misdemeanor and upon
6 conviction shall be punished as provided by law.

1 "SEC. 6. During the period of six months after appointment any
2 member of the Iowa highway safety patrol shall be subject to dis-
3 missal at the will of the secretary of state. After six months' service
4 no member of the patrol shall be subject to dismissal unless charges
5 have been filed with the secretary to the executive council showing
6 cause for dismissal of appointee as a member of the Iowa highway
7 safety patrol. A date shall be set for hearing before the executive
8 council and the appointee notified in writing of date of such hearing

9 and of charges filed. Said hearing shall be held not less than ten days
10 after notification to appointee. After hearing, at which the appointee
11 shall be entitled to legal counsel, a majority vote of the members of
12 the executive council shall be necessary for dismissal and their de-
13 cision shall be final.

1 "SEC. 7. The duties of the Iowa highway safety patrol shall be the
2 enforcement of the provisions of chapter two hundred fifty-one (251),
3 code of Iowa, 1931, relating to the regulation of motor vehicles and
4 laws of the road. They shall also have the power and it shall be their
5 duty to arrest without warrant any person or persons committing or
6 attempting to commit within their presence or view a breach of peace
7 or other violation of the law.

1 "SEC. 8. The secretary of state is hereby authorized to purchase
2 uniforms and necessary equipment for the use of the patrol, and to
3 pay expenses of same.

1 "SEC. 9. Prior to entering upon the discharge of his duties, each
2 of such appointees shall furnish to the department a surety bond to
3 the state of Iowa, conditioned upon the faithful discharge of his duties,
4 in the sum of five thousand (5,000) dollars.

1 "SEC. 10. The salaries of the patrol shall be set by the secretary
2 of state with the approval of the governor and state comptroller but
3 shall not exceed the following: chief of patrol, \$200.00 per month;
4 assistant chief, \$165.00 per month; patrolmen, \$100.00 per month.

5 "Providing, however, that after the first year of service the salary
6 of a patrolman be increased five (5) dollars per month for each suc-
7 ceeding year until said salary shall have reached one hundred twenty-
8 five (125) dollars per month.

1 "SEC. 11. The secretary of state is hereby authorized to set up a
2 training school for patrolmen and shall prescribe the rules and regula-
3 tions of such school and period of training to be required of appointees
4 to the Iowa highway safety patrol. The expenses of such training
5 school shall be paid in the same manner as other expenses of the
6 patrol.

1 "SEC. 12. All salaries and expenses for the patrol shall be paid
2 from the maintenance fund of the motor vehicle department.

1 "SEC. 13. It shall be unlawful for any member of the highway pa-
2 trol, while on duty as such, to wear any uniform of the United States
3 army, navy, marine corps, or the national guard, or any part of such
4 uniform, or a uniform or a part of a uniform similar thereto within
5 the state of Iowa. Anyone violating the provisions of this section is
6 guilty of a misdemeanor and upon conviction shall be punished as
7 provided by law."

1 SEC. 14. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Charles City Press, a daily newspaper published at Charles City,
4 Iowa, and the New London Journal, a weekly newspaper published at
5 New London, Iowa.

House File 67. Approved May 7, 1935.

I hereby certify that the foregoing act was published in the Charles City Press,
May 15, 1935, and the New London Journal, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 49

MOTOR VEHICLES. SPEED STANDARD

S. F. 26

AN ACT to amend section five thousand twenty-nine (5029), code, 1931, relating to speed standard of motor vehicles operated upon the highways.

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

- 1 SECTION 1. That section five thousand twenty-nine (5029), code,
2 1931, is hereby amended by striking the period at the end of line 10
3 thereof and substituting in lieu thereof a comma and adding thereto
4 the following:
5 "Such driver having the right to assume, however, that all persons
6 using said highway, will observe the law."

Senate File 26. Approved May 3, 1935.

CHAPTER 50

MOTOR VEHICLE FUEL. REFUND OF LICENSE FEES

S. F. 15

AN ACT to amend section thirty (30), chapter fifty-six (56), acts of the Forty-fifth General Assembly in extraordinary session, relating to permits for refund of motor vehicle fuel license fees.

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

- 1 SECTION 1. Section thirty (30), chapter fifty-six (56), acts of the
2 Forty-fifth General Assembly in extraordinary session, is amended
3 by striking in line 4 thereof the words "an annual" and inserting in
4 lieu thereof the following: "a."

- 1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect after publication in the Red Oak Express, a news-
3 paper published at Red Oak, Iowa, and in the.....,
4 a newspaper published at.....

Senate File 15. Approved March 29, 1935.

I hereby certify that the foregoing act was published in the Red Oak Express, April 1, 1935, and the Sigourney Review, April 3, 1935, in accordance with section 55, code, 1931.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 51

COUNTY AUDITORS. COMPENSATION

H. F. 105

AN ACT to amend chapter fifty-nine (59), section one (1), acts of the Forty-fifth General Assembly, extraordinary session, relating to county auditors' salaries.

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

- 1 SECTION 1. Chapter fifty-nine (59), section one (1), acts of the
2 Forty-fifth General Assembly, extraordinary session, is hereby amended
3 by striking from line 6 the words "of five thousand or over."

1 SEC. 2. This act being determined of immediate importance shall
 2 be in force and effective from and after its publication in the Jasper
 3 County Mirror, a newspaper published at Monroe, Iowa, and the New
 4 Sharon Star, a newspaper published at New Sharon, Iowa.

House File 105. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Jasper County Mirror and the New Sharon Star, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 52

TAXES. SEGREGATION BY COUNTY TREASURER

H. F. 38

AN ACT providing for the segregation by the county treasurer of taxes paid in the year 1935 which were due and owing prior to January 1, 1935, and providing that the money so segregated shall be sent to the public taxing bodies in the amount due said taxing bodies and providing that the treasurer of any such taxing body shall keep an accurate list of all warrants which he stamped "unpaid for lack of funds," with the date of issuance, number of the warrant and the amount of same, and providing for the payment of the warrants which were stamped unpaid for lack of funds in the previous fiscal year out of the money so segregated, and providing for the disposition of any balance after the payment of all outstanding warrants, and authorizing the issuance of bonds in the event that the funds are insufficient to pay all outstanding warrants.

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

1 SECTION 1. It shall be the duty of the county treasurer to segre-
 2 gate any tax money received in 1935 which taxes were due and pay-
 3 able prior to January 1, 1935, and out of the taxes so segregated the
 4 county treasurer shall pay the taxing body the amount due to said
 5 taxing district, designating the same as tax money due and payable
 6 prior to January 1, 1935.

1 SEC. 2. The taxing body receiving said money shall keep the same
 2 in a separate fund and shall use the same to pay any warrants includ-
 3 ing interest, as by law provided, which were issued by said taxing
 4 body, but which were not paid for lack of funds.

1 SEC. 3. It shall be the duty of the treasurer of any such taxing
 2 body to keep an accurate list of all warrants which he has stamped
 3 "unpaid for lack of funds", and said list shall show the number of
 4 each warrant, date of issuance, and the amount of the same.

5 When all of the warrants shown on the said list have been paid,
 6 the treasurer of said taxing body shall then use the balance of the
 7 money in the same manner as though the same had not been segre-
 8 gated.

1 SEC. 4. In the event that there is not enough money collected from
 2 back taxes to pay all of said warrants during the year 1935, the tax-
 3 ing bodies are hereby authorized to issue bonds on January 1, 1936,
 4 or any time thereafter to raise an amount sufficient to pay any out-
 5 standing warrants with interest.

1 SEC. 5. Taxing bodies as used in this act shall mean any division
2 of government that either certifies for levy or levies taxes.

1 SEC. 6. All acts or parts of acts not in accordance with the terms
2 of this act are hereby repealed.

1 SEC. 7. This act being deemed of immediate importance shall be
2 in force and effect from and after its publication in the Council Bluffs
3 Nonpareil, a newspaper published at Council Bluffs, Iowa, and the
4 Avoca Journal-Herald, a newspaper published at Avoca, Iowa.

House File 38. Approved March 29, 1935.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil,
April 1, 1935, and the Avoca Journal-Herald, April 4, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 53

PUBLIC FUNDS. REPLACEMENT OF LOSSES

H. F. 136

AN ACT so to amend sections fifty-one hundred sixty-nine-a two (5169-a2) to fifty-one
hundred sixty-nine-a nine (5169-a9), inclusive, code, 1931, except sections fifty-one
hundred sixty-nine-a six (5169-a6) and fifty-one hundred sixty-nine-a eight (5169-
a8), as to render said sections harmonious with chapter four (4), acts Forty-fifth
General Assembly, otherwise known as the "budget and financial control act," all
said sections having relation to the replacement of losses of public funds in the
hands of county treasurers.

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

1 SECTION 1. Section fifty-one hundred sixty-nine-a two (5169-a2),
2 code, 1931, is amended by striking therefrom the words "and re-
3 tained in the office of said auditor" and by inserting in lieu thereof
4 the words "with the state comptroller."

1 SEC. 2. Section fifty-one hundred sixty-nine-a three (5169-a3), code,
2 1931, is amended by striking out the word "he" in line 3 and by in-
3 serting in lieu thereof the words "the state comptroller."

1 SEC. 3. Section fifty-one hundred sixty-nine-a four (5169-a4), code,
2 1931, is amended by striking from line 1 the words "auditor of state"
3 and by inserting in lieu thereof the words "state comptroller."

1 SEC. 4. Section fifty-one hundred sixty-nine-a five (5169-a5), code,
2 1931, is amended by striking therefrom the words "treasurer of state"
3 and by inserting in lieu thereof the words "state comptroller."

1 SEC. 5. Section fifty-one hundred sixty-nine-a seven (5169-a7),
2 code, 1931, is repealed and the following is enacted in lieu thereof,
3 to wit:

4 "5169-a7. Default—Remedy. Should the amount apportioned to a
5 county be not paid, the default shall be reported by the state comp-
6 troller to the state board of assessment and review, and the said board
7 shall forthwith levy upon all the taxable property of the delinquent
8 county, except moneys and credits, a tax sufficient to raise said ap-
9 portionment together with a penalty of twenty-five (25) per cent
10 thereon, and all interest. Said levy shall be transmitted to the county
11 auditor of the delinquent county who shall enter said levy on the first

12 ensuing tax list of the county, and said tax shall be collected and re-
13 mitted to the state comptroller."

1 SEC. 6. Section fifty-one hundred sixty-nine-a nine (5169-a9), code,
2 1931, is amended by striking therefrom the words "auditor of state"
3 and by inserting in lieu thereof the words "state comptroller."

House File 136. Approved May 3, 1935.

CHAPTER 54

COUNTY ATTORNEYS. COMPENSATION

S. F. 391

AN ACT to amend section fifty-two hundred twenty-eight (5228) of the code of Iowa, 1931, relating to the compensation of county attorneys and to amend section fifty-two hundred twenty-nine (5229) of the code, relating to the compensation of assistant county attorneys.

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

1 SECTION 1. Section fifty-two hundred twenty-eight (5228) of the
2 code, 1931, is hereby amended by striking from subsection one (1),
3 line 1, the words "eleven hundred" and substituting therefor the words
4 "twelve hundred" and

5 Also, by striking from subsection 2 thereof, the words "fourteen hun-
6 dred" and substituting the words "fifteen hundred."

7 Also, by striking from subsection 3, the words "sixteen hundred"
8 and substituting therefor the words "seventeen hundred."

9 Also, by striking from subsection 4, the words "seventeen hundred"
10 and substituting therefor the words "two thousand."

11 Also, by striking from subsection 5, the words "two thousand" and
12 substituting therefor the words "twenty-five hundred."

13 Also, by striking from subsection 6, the words "twenty-two hun-
14 dred" and substituting therefor the words "twenty-six hundred fifty."

15 Also, by striking from subsection 7, the words "twenty-five hun-
16 dred" and substituting therefor the words "three thousand."

1 SEC. 2. Amend section fifty-two hundred twenty-nine (5229) of
2 the code, 1931, as follows:

3 1. Strike from line 2 of subsection 2, the words "one thousand
4 dollars" and insert in lieu thereof the words "sixteen hundred dollars."

5 2. Strike the word "fifteen" in line 2 of subsection 3, and insert
6 in lieu thereof the word "seventeen."

1 SEC. 3. This act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in the Aller-
3 ton News, a newspaper published at Allerton, Iowa, and the Wheat-
4 land Gazette, a newspaper published at Wheatland, Iowa.

Senate File 391. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Allerton News, May 9, 1935, and the Wheatland Gazette, May 8, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 55

OLD AGE ASSISTANCE

S. F. 357

AN ACT to amend and revise chapter nineteen (19), acts of the Forty-fifth General Assembly in extraordinary session, relating to the protection, welfare and assistance of aged persons in need and having domicile in the state of Iowa, relating to the method therefor; relating to the tax levied to support an assistance system; relating to recovery by the state from the estate and life insurance of a deceased recipient for assistance paid him during his lifetime; creating a fund to be known as the old age assistance revolving fund and making an appropriation therefor.

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

1 SECTION 1. Amend chapter nineteen (19), acts of the Forty-fifth
2 General Assembly in extraordinary session, by adding to section one
3 (1), the following subsections:

4 "e. The term 'domicile' shall mean the fixed permanent residence of
5 the applicant or recipient of old age assistance, to which, when absent,
6 he has the intention of returning.

7 "f. The term 'residence' shall mean the place of dwelling of the
8 applicant or recipient of old age assistance, whether permanent or
9 temporary, and such dwelling place may or may not be the domicile
10 of such person."

1 SEC. 2. Amend section two (2) of chapter nineteen (19), acts of
2 the Forty-fifth General Assembly in extraordinary session, by insert-
3 ing in line 6, following the word "years", the words "and ending
4 July first of the respective year."

1 SEC. 3. Amend section five (5) of chapter nineteen (19), acts of
2 the Forty-fifth General Assembly in extraordinary session, by insert-
3 ing the words ", and ending July first," following the word "respec-
4 tively" in line 9.

5 Further amend said section by inserting in line 15, following the
6 word "woman," the words and punctuation ", except that whenever a
7 change in the office of overseer of the poor might place three men on
8 the board, the appointive members shall serve the balance of their
9 term unless removed for cause."

1 SEC. 4. Amend section six (6) of chapter nineteen (19), acts of
2 the Forty-fifth General Assembly in extraordinary session, by strik-
3 ing from line 4 the word "traveling."

1 SEC. 5. Amend section seven (7), chapter nineteen (19), acts of
2 the Forty-fifth General Assembly in extraordinary session, by strik-
3 ing the first sentence found in lines 1 and 2 and inserting in lieu
4 thereof the following: "Any member of the board may qualify him-
5 self as a local investigator, as hereinafter provided, or the board may
6 appoint one or more local investigators, at a salary for each to be
7 set by the board and approved by the commission."

1 SEC. 6. Amend section nine (9) of chapter nineteen (19), acts of
2 the Forty-fifth General Assembly in extraordinary session, by strik-
3 ing from line 3 the words "one dollar per day" and inserting in lieu
4 thereof the words "three hundred dollars a year."

1 SEC. 7. Amend chapter nineteen (19), acts of the Forty-fifth Gen-
2 eral Assembly in extraordinary session, by striking all of section
3 eleven (11) and inserting in lieu thereof the following:

4 "Sec. 11. Income considered. The income of the applicant shall
5 be his income for the twelve months preceding the date on which his
6 application is made; provided, that if the applicant does at the request
7 of the commission show to their satisfaction a decrease of income,
8 the amount of such decrease may be deducted from the income of the
9 preceding twelve months in determining the amount of assistance to
10 be allowed. However, in calculating the income of the applicant, occa-
11 sional or uncertain earning and/or gifts, as determined by the com-
12 mission, in the amount of one hundred dollars in the aforesaid twelve-
13 month period, shall not be considered."

1 SEC. 8. Amend section twelve (12), acts of the Forty-fifth Gen-
2 eral Assembly in extraordinary session, by inserting, following the
3 word "who" in line 2, the words and punctuation, ", at the time of
4 making application for assistance or for the renewal of a certificate
5 of assistance."

6 Further amend said section by striking all of lines 3 and 4 and
7 inserting in lieu thereof the following:

8 "a. Has obtained legal residence and has domicile in the county
9 from which he applies."

10 Further amend said section by striking lines 6 and 7 and inserting
11 in lieu thereof the following:

12 "c. Is a citizen of the United States."

13 Further amend said section by striking all of subsection d and
14 inserting in lieu thereof the following:

15 "d. Has a domicile in this state and has had such domicile con-
16 tinuously for at least nine years immediately preceding the date of
17 application, but such continuous domicile shall be deemed to have been
18 interrupted by periods of absence from the state when such periods of
19 absence total more than four years, except as otherwise provided in
20 subsections e and f of this section."

21 Further amend said section by inserting, immediately following
22 subsection d, the following:

23 "e. Has had at least five years residence in the state during the
24 nine years immediately preceding the date of application, one of said
25 five years having been continuous and immediately preceding such
26 date. However, continuous residence shall be deemed to have been
27 interrupted by periods of absence exceeding a total of thirty days
28 during the said one year even though a domicile has not been acquired
29 outside this state, except that temporary absences as a patient in a
30 hospital or sanitarium shall not be deemed to have interrupted such
31 continuous residence."

32 Further amend said section by inserting, as subsection f, the fol-
33 lowing:

34 "f. Has been absent from the state in the service of the state or
35 of the United States but has not acquired a domicile outside this state."

36 Further amend said section by striking line 28 and inserting in
37 lieu thereof the following:

38 "j. Has no spouse, child, other person, municipality, association,
39 society or corporation responsible under the law of this."

40 Further amend said section by striking from line 32 the words
41 "one dollar per day" and inserting in lieu thereof the words "three
42 hundred dollars a year."

43 Further amend said section by changing the subsection designa-
44 tions as follows: e to g; f to h; g to i; and i to k.

1 SEC. 9. Amend chapter nineteen (19), acts of the Forty-fifth Gen-
2 eral Assembly in extraordinary session, by striking all of section thir-
3 teen (13), and inserting in lieu thereof the following:

4 "Sec. 13. Property exclusions. No person shall receive old age
5 assistance if the assessed value of his real property, less recorded
6 liens, exceeds two thousand dollars, or if married and not separated
7 from the spouse, if the net assessed value of his real property together
8 with that of such spouse, less recorded liens, exceeds three thousand
9 dollars.

10 "No person shall receive old age assistance if he has more than
11 three hundred dollars in cash, on deposit in a bank, in postal savings,
12 or if the immediate cash value, as determined by the board and subject
13 to review by the commission, of his holdings of bonds, stocks, mort-
14 gages, other securities or investments, except real estate, exceeds three
15 hundred dollars. At the discretion of the commission, however, where
16 such immediate sale, for cash, of such securities or investments neces-
17 sitates an undue financial sacrifice, the applicant, when in immediate
18 need of assistance, shall assign such securities and investments to
19 the state to be held in trust by the commission to reimburse the old
20 age assistance revolving fund for the amount paid from the old age
21 pension fund and the old age assistance revolving fund in assistance
22 or other benefits in behalf of said applicant.

23 "No person shall be allowed assistance if the claimant has deprived
24 himself, directly or indirectly, of any property for the purpose of
25 qualifying for old age assistance, or if the claimant or the husband
26 or wife conveys or encumbers any real estate or other property owned
27 by them or by either of them for the purpose of preventing the state
28 from reimbursing itself for assistance granted or to be granted here-
29 under.

30 "A sworn statement by both the vendor and vendee of the reasons
31 and/or considerations of any transfer of real and/or personal prop-
32 erty within the five years immediately preceding the date of applica-
33 tion for old age assistance may be required by the board or commission
34 to be made in such manner and on such forms as the commission may
35 direct; provided, however, that no sworn statement need be made for
36 any transfer prior to January 1, 1934, unless the commission so di-
37 rects."

1 SEC. 10. Amend section fourteen (14), chapter nineteen (19), acts
2 of the Forty-fifth General Assembly in extraordinary session, by strik-
3 ing from line 2 the word "property" and inserting in lieu thereof the
4 words "real estate."

5 Further amend said section by striking all of line 3 following the
6 word "of", and inserting in lieu thereof the words "the assessed value

7 of such real property after deducting the amount of all recorded en-
8 cumbrances and/or liens thereon."

9 Further amend said section by striking all of lines 4 and 5 and in-
10 serting in lieu thereof the following:

11 "The annual income of any personal property, including moneys
12 and credits, which does not produce a reasonable income, shall be
13 computed at five per centum of the value of such property as deter-
14 mined by the board and reported to the commission; provided, how-
15 ever, that the value of household goods and/or heirlooms shall be ex-
16 empted to the amount of five hundred dollars in such computation."

1 SEC. 11. Amend section fifteen (15) of chapter nineteen (19), acts
2 of the Forty-fifth General Assembly in extraordinary session, by add-
3 ing in line 2, preceding the word "assistance", the words "or who has
4 received."

5 Further amend said section by striking from line 4 the words and
6 punctuation, "together with simple interest at six per centum an-
7 nually,."

8 Further amend said section by striking from line 9 the word "pen-
9 sion" and inserting in lieu thereof the words "assistance revolving."

10 Further amend said section by inserting following the word "re-
11 ceiving" in line 11 the words "or have received."

12 Further amend said section by adding thereto the following sen-
13 tence: "Furthermore, no such claim shall be enforced against any
14 real estate of the recipient, or the real estate of a person who has
15 been a recipient, while it is occupied by the recipient's surviving
16 spouse, if the latter, at the time of marriage to the recipient, was not
17 more than fifteen years younger than the recipient, and does not
18 marry again."

1 SEC. 12. Amend section sixteen (16), chapter nineteen (19), acts
2 of the Forty-fifth General Assembly in extraordinary session, by add-
3 ing to line 10 the following sentence: "The county recorder shall not
4 charge a fee for such recording and indexing."

5 Further amend said section by adding, following line 10, the fol-
6 lowing paragraphs:

7 "Assistance furnished under this act shall not constitute a lien on
8 any real estate owned by the Indian tribes residing in this state.
9 This is the sole exception to the provisions of this and the preceding
10 section.

11 "No statute of limitations shall apply to any lien or cause of action,
12 belonging to the state and arising under the provisions of this section
13 or act, while the recipient, former recipient, or the spouse survives.

14 "The commission shall release liens, accruing under the provisions
15 of this section and act, when fully paid, when compromised and
16 settled, or when the estate, of which real estate affected by this act
17 is a part, has been probated and the proceeds allowable have been ap-
18 plied on such liens."

19 Further amend said section by striking from line 21 the word
20 "applicant" and insert in lieu thereof the following: "recipient, or
21 person who has received assistance, and the surviving spouse of such
22 person, which spouse meets the requirements set out in section fifteen
23 of this act,."

24 Further amend said section by striking from line 22 the word
25 "pension" and inserting in lieu thereof the words "assistance re-
26 volving."

1 SEC. 13. Amend chapter nineteen (19), acts of the Forty-fifth
2 General Assembly in extraordinary session, by adding, following sec-
3 tion sixteen (16), the following:

4 "Sec. 16-a. Executor responsible. Any person becoming bene-
5 ficially entitled to any property or interest therein by any method of
6 transfer or otherwise, and all administrators, executors, referees, and
7 trustees of estates subject to liens provided for by this chapter, shall
8 be respectively liable personally or under their bond for the proper
9 settlement of such lien and claim by making proper application of the
10 proceeds of said estate, under the provisions of sections fifteen (15)
11 and sixteen (16), chapter nineteen (19), acts of the Forty-fifth Gen-
12 eral Assembly in extraordinary session, as amended by this act.

13 "Sec. 16-d. Assignment of insurance. Any person, who has been
14 granted a certificate of old age assistance and is receiving payments
15 of assistance from the old age pension fund, may petition the com-
16 mission to accept an assignment of any assignable death benefits, loan
17 value, or cash surrender value, of any life insurance policy, death or
18 funeral benefit of any association, society or organization, requiring
19 further payment of premiums or assessments which such person be-
20 lieves he is unable to pay. The commission may accept such assign-
21 ment if it deems such action advisable and in the best interests of such
22 person and the state. Upon the payment of such death benefit, the
23 commission shall first deduct the amount of the funeral expenses,
24 incurred under the provisions of section twenty-five (25) of this act,
25 the amount of the premiums or assessments paid by the commission
26 to keep the insurance or benefit in force, and the amount of assistance
27 paid to such person, all of which shall accrue to the old age assistance
28 revolving fund, and pay the balance received, if any, to such person
29 as was the beneficiary last specified upon the policy."

1 SEC. 14. Amend section eighteen (18) of chapter nineteen (19),
2 acts of the Forty-fifth General Assembly in extraordinary session,
3 by striking all of lines 1, 2 and 3 and inserting in lieu thereof the
4 following:

5 "Sec. 18. Investigation. Whenever an application is made for old
6 age assistance, the board shall promptly make an investigation through
7 an investigator, and in addition such direct investigation as it deems
8 advisable, and after hearing the applicant, if."

9 Further amend said section by striking from line 7 the words "a
10 copy of."

1 SEC. 15. Amend section twenty (20), chapter nineteen (19), acts
2 of the Forty-fifth General Assembly in extraordinary session, by
3 striking from lines 2 and 3 the words "one year" and inserting in
4 lieu thereof the words "two years."

5 Further amend said section by adding thereto the sentence: "The
6 amount of assistance granted under this act shall be subject to review
7 at any time by the commission and the amount received by the re-
8 cipient may be increased, decreased, or discontinued."

1 SEC. 16. Amend chapter nineteen (19), acts of the Forty-fifth
2 General Assembly in extraordinary session, by striking all of section
3 twenty-one (21) and inserting in lieu thereof the following:

4 "Sec. 21. Renewal of certificate. A renewal certificate of assist-
5 ance shall be required for each biennium, to be issued by the com-
6 mission in such form, in such manner and following such investigation
7 as the commission shall direct.

8 "The general provisions as to the eligibility of applicants for
9 assistance shall apply to recipients whose certificates are subject to
10 review for the issuance of renewal certificates of assistance, with
11 the following exceptions as to residence:

12 "Provided, that he does not establish a domicile outside this state,
13 a person may, while receiving assistance and with the approval of
14 the commission, retain his rights under the provisions of this chapter
15 and section, even though he takes up residence outside the state for
16 reasons of the infirmities of age, health or economic necessity:

17 "a. In any privately supported charitable, benevolent or fraternal
18 institution;

19 "b. In any privately supported hospital or sanitarium, except in-
20 stitutions for the feeble minded and insane;

21 "c. In the household of a relative or friend."

1 SEC. 17. Amend section twenty-two (22) of chapter nineteen (19),
2 acts of the Forty-fifth General Assembly in extraordinary session, by
3 striking from line 4 the words "petition was received by the board"
4 and inserting in lieu thereof the following: "application is approved
5 by the commission."

1 SEC. 18. Amend chapter nineteen (19), acts of the Forty-fifth
2 General Assembly in extraordinary session, by adding as section
3 twenty-two-a (22-a) the following:

4 "Sec. 22-a. Expiration of certificates. All applications for assist-
5 ance which have been or are received and upon which assistance is
6 granted by the commission between August 1, 1934, and July 1, 1935,
7 shall be numbered, to designate individual pensioners and the county
8 board to which they made application. The method of numbering
9 shall be by numbers designating the various counties of the state
10 according to their alphabetical arrangement by names.

11 "The individual applications on which assistance is granted shall
12 be numbered or designated as 'pension' numbers consecutively, be-
13 ginning with one, and separated by a hyphen from the county number,
14 according to the order of their approval by the commission.

15 "The expiration of the assistance certificates, provided for under
16 the provisions of section twenty (20) of this act, and granted by
17 the commission between the dates set forth above, shall be deemed
18 to be on September 30, 1935, for all application files whose pension
19 numbers end in 1; and

20 "October 31, 1935, for all applications whose pension numbers end
21 in 2; and

22 "November 30, 1935, for all applications whose pension numbers
23 end in 3; and

24 "December 31, 1935, for all applications whose pension numbers end
25 in 4; and

26 "January 31, 1936, for all applications whose pension numbers end
 27 in 5; and
 28 "February 29, 1936, for all applications whose pension numbers end
 29 in 6; and
 30 "March 31, 1936, for all applications whose pension numbers end
 31 in 7; and
 32 "April 30, 1936, for all applications whose pension numbers end in
 33 8; and
 34 "May 31, 1936, for all applications whose pension numbers end in
 35 9; and
 36 "June 30, 1936, for all applications whose pension numbers end in 0."

1 SEC. 19. Amend section twenty-five (25) of chapter nineteen (19),
 2 acts of the Forty-fifth General Assembly in extraordinary session, by
 3 inserting in line 4, following the word "deceased", the words and
 4 punctuation "or any life insurance or death or funeral benefit asso-
 5 ciation or society payment, made by reason of the death of such
 6 person, payable to his estate or the spouse or any relative, responsible
 7 under sections fifty-two hundred ninety-eight (5298), fifty-three
 8 hundred one (5301) and ten thousand five hundred one-b six
 9 (10501-b6) of the code, 1931."

10 Further amend said section by adding thereto: "The person to
 11 whom such funeral expense is paid as above provided is hereby pro-
 12 hibited from soliciting, accepting or contracting to receive any further
 13 compensation for services rendered in connection with such burial
 14 except on written approval of the board and subject to such rules and
 15 regulations as the commission shall direct."

1 SEC. 20. Amend section twenty-seven (27) of chapter nineteen
 2 (19), acts of the Forty-fifth General Assembly in extraordinary session,
 3 by adding thereto the following:

4 "This section shall not be construed to exclude the spouse, minor
 5 children or other dependents of the recipient of old age assistance,
 6 or the members of the same family or household as said recipient from
 7 receiving other forms of aid, relief, assistance or pensions handled
 8 or paid through the state or any of its political subdivisions. In ad-
 9 ministering old age assistance or other forms of relief, the officials
 10 of this state and its political subdivisions shall assume old age assist-
 11 ance payments to be made for the sole benefit of the aged person to
 12 whom the certificate of assistance has been issued."

1 SEC. 21. Amend chapter nineteen (19), acts of the Forty-fifth
 2 General Assembly in extraordinary session, by adding as section
 3 twenty-nine-a (29-a) the following:

4 "Sec. 29-a. Unlawful to charge for cashing warrant. It shall be
 5 unlawful for any person, firm or corporation to charge a fee, service
 6 charge or exchange for the cashing of a warrant issued on the old
 7 age pension fund, or to discount or pay less than the face value of
 8 any warrant drawn on the old age pension fund when cashing the
 9 same or accepting it in the payment of the purchase price of goods or
 10 merchandise, services, rent, taxes, or indebtedness."

1 SEC. 23. Amend section thirty-four (34), acts of the Forty-fifth
 2 General Assembly in extraordinary session, by striking from line 11

3 the words "the tax list" and inserting in lieu thereof the words "a
4 tax list as specified by the auditor of state."

5 Further amend said section by striking from lines 13 and 14 the
6 words "at the same time as property taxes and subject to the same
7 penalties" and inserting in lieu thereof the words "as of January
8 first, with a delinquency date of July first, after which latter date a
9 penalty of one per centum for each month or fractional month of
10 delinquency."

11 Further amend said section by striking from lines 16, 17, 18 and
12 19 the words and punctuation ", provided, however, that said tax,
13 if paid, shall be credited on any poll taxes assessed for street, road,
14 or other purposes against the person paying same," and inserting in
15 lieu thereof the following punctuation and words:

16 "in any subsequent year to that in which any tax is due and pay-
17 able, the county treasurer shall charge any unpaid tax and/or penalty
18 against the property owned by the person by whom said tax is payable;
19 or said county treasurer, when such delinquent person is not the
20 owner of real estate, shall cause to be served a notice, which shall
21 be served in the same manner as an original notice, upon the delin-
22 quent taxpayer's spouse or employer, if either, of the amount of the
23 tax and penalties due and costs of collection and said spouse or em-
24 ployer shall pay the same, and thereupon the employer may subse-
25 quently withhold the amount thus paid in tax, penalty and cost of
26 collection from any wages or salary then or in the future due said
27 employee but costs of collection shall not be chargeable unless the
28 tax and penalties are collected."

29 Further amend said section by inserting, after line 40, the following
30 paragraph:

31 "The officer of each department, division, or bureau of the state
32 government, including state educational institutions, whose duty it
33 is to make out a payroll and to certify the same, shall be liable, person-
34 ally and under his bond, for the failure of any state employee, under
35 his jurisdiction, to pay the per capita tax levied under the provisions
36 of this section. Such officer is hereby authorized to act in the same
37 manner in withholding the tax from the salary or wages of a state
38 employee as is granted a private employer and a municipal employer
39 under the provisions of this section and act.

40 "The penalties accruing under the provisions of this section shall
41 accompany the tax and be credited to the old age pension fund."

1 SEC. 24. Amend chapter nineteen (19), acts of the Forty-fifth Gen-
2 eral Assembly in extraordinary session, by adding thereto, as section
3 thirty-four-a (34-a), the following:

4 "Sec. 34-a. Refund of tax. Whenever any tax, as provided for
5 in the preceding section, has been erroneously paid or has been paid
6 or collected more than once for the same year, the taxpayer by whom
7 the tax was erroneously paid shall have the amount of said tax or
8 duplicated tax refunded to him upon application to the county treasurer
9 and the submission of satisfactory proof that the tax has been
10 erroneously paid or paid more than once for any year. Such refund
11 shall be from any old age pension funds then in the hands of such
12 county treasurer."

13 Further amend said chapter by adding thereto, as section thirty-
14 four-b (34-b), the following:

15 "Sec. 34-b. Authority to accept gifts. The commission is author-
16 ized to accept in behalf of the state any gifts, deeds, or bequests of
17 money or property the proceeds of which shall accrue to the benefit
18 of the old age pension fund. In the making of such gifts or contri-
19 butions the donor shall attach no conditions whatsoever. The man-
20 agement and disposition of any property so received will be in the
21 commission but such management and disposition shall be subject to
22 the approval of the executive council."

23 Further amend said chapter by adding thereto, as section thirty-
24 four-c (34-c), the following:

25 "Sec. 34-c. Revolving fund created. There is hereby created a fund,
26 to be known as the 'old age assistance revolving fund,' to be used for
27 the purpose of protecting the interests of the recipients of old age
28 assistance and such interests of the state and the old age pension fund
29 as arise under the provisions of sections thirteen (13), fifteen (15)
30 and sixteen (16), of chapter nineteen (19), acts of the Forty-fifth
31 General Assembly in extraordinary session, as amended by this act,
32 and such interests as provided in section thirteen (13) of this act.

33 "To establish the old age assistance revolving fund, there is hereby
34 appropriated out of any funds in the state treasury, not otherwise
35 appropriated, the sum of twenty-five thousand dollars. The state
36 comptroller shall set aside from the appropriation, herein made, the
37 amount necessary to be used by the commission. Upon orders by
38 the commission the comptroller shall draw warrants from this fund,
39 if he so approve, for the purposes herein described.

40 "All moneys hereafter received, under the provisions of the above
41 described sections, including any money received under the appro-
42 priation herein made, shall constitute the old age assistance revolving
43 fund. Whenever said fund shall have a balance in excess of the amount
44 necessary to carry out the provisions for which it is created, the
45 state comptroller shall transfer such excess to the old age pension
46 fund and shall notify the commission of such transfer."

1 SEC. 25. Amend section thirty-six (36) of chapter nineteen (19),
2 acts of the Forty-fifth General Assembly in extraordinary session, by
3 striking from lines 2 and 3 the words and punctuation "March 15,
4 1935," and inserting in lieu thereof the words "June 1, 1936,."

5 Further amend said section by striking from line 6 the words and
6 punctuation "April 1, 1935," and inserting in lieu thereof the words
7 "June 30, 1936,."

1 SEC. 26. Amend section thirty-seven (37) of chapter nineteen (19),
2 acts of the Forty-fifth General Assembly in extraordinary session, by
3 striking from line 2 the word "calendar" and inserting in lieu thereof
4 the word "fiscal."

1 SEC. 27. Following the publication of this act in two newspapers
2 of general circulation in this state, as provided by law, sections eight
3 (8), nine (9), ten (10), twenty-three (23) and twenty-five (25),
4 shall be effective as of July 1, 1935. The remainder of this act being

5 deemed of immediate importance shall be in full force and effect after
6 its publication as herein provided.

Senate File 357. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Keokuk Gate City, May 8, 1935, and the Winterset Madisonian, May 9, 1935, in accordance with section 55, code, 1931.

MRS. ALEX MILLER, *Secretary of State.*

Note: Section 22 does not appear in the bill as passed by the Forty-sixth General Assembly.

Note: The reference in section 8 to "section twelve (12)" and in section 23 to "section thirty-four (34), acts of the Forty-fifth General Assembly, in extraordinary session," probably applies to "chapter 19" of said acts.

CHAPTER 56

SUPPORT OF THE POOR. ENFORCEMENT OF LIABILITY

S. F. 392

AN ACT to amend section fifty-three hundred two (5302), chapter two hundred sixty-seven (267), code, 1931, to provide that the county old age assistance boards or the state old age assistance commission may apply to the district court for an order to compel legally responsible relatives to support indigent and elderly persons.

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

1 SECTION 1. Amend section fifty-three hundred two (5302), chapter
2 two hundred sixty-seven (267), code, 1931, by inserting, following
3 the word "trustees" in line 4, the words and punctuation " , county
4 old age assistance board, or state old age assistance commission."

Senate File 392. Approved May 4, 1935.

CHAPTER 57

TOWNSHIP HALLS. JOINT OWNERSHIP

H. F. 123

AN ACT to amend sections fifty-five hundred seventy-seven (5577), fifty-five hundred seventy-eight (5578), and fifty-five hundred seventy-nine (5579), code, 1931, relating to the location, construction or purchase, and joint ownership of township halls.

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

1 SECTION 1. Section fifty-five hundred seventy-seven (5577), code,
2 1931, is amended by adding thereto the following:

3 "They shall also have the power to join with the city or town
4 authorities of any city or town within their borders and build and
5 equip said building as a public hall under such terms and conditions
6 as may be mutually agreed upon."

1 SEC. 2. Section fifty-five hundred seventy-eight (5578), code, 1931,
2 is amended as follows:

3 1. Line 1, insert after the word "trustees" the following: "Or in
4 case of joint ownership, in conjunction with the city or town author-
5 ities."

6 2. Line 7, strike the period and insert in lieu thereof the following:
7 "for the township's share of the cost thereof."

1 SEC. 3. Section fifty-five hundred seventy-nine (5579), code, 1931,
2 is amended by inserting after the period in line 11 the following:

3 "In case of joint ownership by the township and town, the duties
4 herein enumerated shall devolve jointly upon the township trustees
5 and the town authorities or they may purchase a building already
6 built with the same limitations as in said section fifty-five hundred
7 seventy-seven (5577)."

1 SEC. 4. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Bode
3 Bugle, a newspaper published at Bode, Iowa, and the Livermore Ga-
4 zette, a newspaper published at Livermore, Iowa.

House File 123. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Bode Bugle, May 17, 1935,
and the Livermore Gazette, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 58

CITY OR TOWN HALLS. JOINT OWNERSHIP

H. F. 122

AN ACT to amend section fifty-seven hundred seventy-three (5773), code, 1931, relating
to city or town halls and providing for joint ownership with townships.

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

1 SECTION 1. Section fifty-seven hundred seventy-three (5773), code,
2 1931, is amended by adding thereto the following:

3 "The said city or town may under the terms and conditions set out
4 in this section, join with the township authorities in building said
5 building and equipping the same, and under such terms and conditions
6 as may be mutually agreed upon."

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the Humboldt
3 Republican, a newspaper published at Humboldt, Iowa, and the Ren-
4 wick Times, a newspaper published at Renwick, Iowa.

House File 122. Approved April 20, 1935.

I hereby certify that the foregoing act was published in the Humboldt Republican,
April 26, 1935, and the Renwick Times, April 25, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 59

CITY TREASURER. BOND

H. F. 79

AN ACT to amend chapter two hundred eighty-seven (287) and section fifty-six hundred fifty-five (5655), code, 1931, relating to the bond of city treasurer and the expense of procuring said bond.

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

1 SECTION 1. Chapter two hundred eighty-seven (287), code, 1931,
2 is amended by inserting after section fifty-six hundred fifty-four
3 (5654) thereof the following section:

4 "5654-g1. The bond of the city treasurer shall be in the sum of
5 not to exceed ten thousand (10,000) dollars."

1 SEC. 2. Section fifty-six hundred fifty-five (5655), code, 1931, is
2 amended by striking from line 4 the words "one-half of."

House File 79. Approved April 8, 1935.

CHAPTER 60

PUBLIC DANCE HALLS DEFINED

H. F. 17

AN ACT to amend section fifty-seven hundred forty-five (5745), code, 1931, relating to the definition of public dance halls and to the repeal of conflicting acts.

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

1 SECTION 1. Amend section fifty-seven hundred forty-five (5745),
2 code, 1931, by adding to subsection one (1) of said section the follow-
3 ing:

4 "Any place open to the public where dancing is allowed shall, under
5 this section, be considered a public dance hall notwithstanding the
6 fact that food is served and a restaurant license held under section
7 twenty-eight hundred nine (2809), code, 1931."

1 SEC. 2. All laws or parts of laws in conflict herewith are hereby
2 repealed.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in full force from and after publication in the Waterloo
3 Courier, a newspaper published at Waterloo, Iowa, and the Clinton
4 Herald, a newspaper published at Clinton, Iowa.

House File 17. Approved April 15, 1935.

I hereby certify that the foregoing act was published in the Waterloo Courier and the Clinton Herald, April 17, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 61

SERVICE TRADES. ORDINANCES PROVIDING FAIR COMPETITION

H. F. 173

AN ACT declaring a state and national emergency to exist affecting the service trades within the state of Iowa; declaring the necessity for ordinances providing for fair competition among service trades; declaring this act an emergency measure; authorizing councils of cities, including special charter cities, and towns within their respective jurisdictions to enact or repeal such ordinances providing for fair competition among those trades wherein services are rendered to the public without the sale of merchandise as such except as a mere incident to such service; providing for application to the governing body of cities, including special charter cities, and towns for the establishment of ordinances providing for fair competition, and providing a penalty for violation of provisions of ordinances so adopted.

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

1 SECTION 1. A state and national emergency productive of wide-
2 spread unemployment and disorganization of trade which burdens
3 commerce and affects the public welfare, is hereby declared to exist,
4 causing an emergency which injuriously affects the morale and stand-
5 ard of living and threatens to affect the industrial peace and safety
6 and health of the people of the state of Iowa. Among the trades
7 particularly affected are those in which services are rendered upon a
8 person or persons without necessarily involving the sale of merchan-
9 dise. In such trades there is ruinous price cutting, widespread un-
10 employment and economic distress, and for the purpose of ameliorat-
11 ing such conditions, it is necessary and desirable to authorize the
12 adoption of ordinances providing for fair competition applicable to
13 such trades in the various cities and towns of the state, as provided
14 in this act.

1 SEC. 2. This act applies only to those trades where personal services
2 are rendered upon a person or persons without the sale of merchandise
3 as such, which are herein referred to as service trades. The fact
4 that title to personal property may pass as an incident to rendering
5 such service or services, does not prevent the trade in which this
6 happens from being a service trade provided, however, that no pro-
7 visions in this act shall apply to any trade school.

1 SEC. 3. In all cities or towns under twenty-five hundred (2500)
2 population, the owners, operators, or managers of not less than sixty-
3 five (65) per cent, and in all cities or towns of twenty-five hundred
4 (2500) population or over, the owners, operators, or managers of not
5 less than seventy (70) per cent of the business establishments in any
6 such service trade in any city or town may apply to the governing
7 body of such city or town for the enactment of an ordinance providing
8 for fair competition for such trade within such city or town. The
9 councils of the cities and towns shall have jurisdiction within such
10 cities and towns to carry out within their respective jurisdictions the
11 provisions of this act.

1 SEC. 4. The provisions of this act shall be applicable to special
2 charter cities.

1 SEC. 5. The violation of any provision of any ordinance adopted
2 under the provision of this act shall constitute a misdemeanor. Each

3 and every day's continuance of such violation shall constitute a sepa-
4 rate offense, and each offense is punishable by a fine of not more than
5 one hundred (100) dollars or imprisonment for not more than thirty
6 (30) days.

1 SEC. 6. The application for an ordinance providing for fair competi-
2 tion shall state the number of business establishments in the city or
3 town engaged in the trade petitioning for such ordinance, and sig-
4 nature of only one person respectively signing on behalf of a business
5 establishment, shall be counted in determining the percentage of
6 establishments making application. The application shall set forth
7 the provisions of the requested ordinance. Such ordinance may contain
8 any other fair trade practice provisions which are not unlawful.

1 SEC. 7. At any meeting after receiving such application, the gov-
2 erning body of a city or town may reject or approve, in whole or in
3 part, the application for such ordinance. The rejection of an applica-
4 tion shall not prejudice the filing of a new application. The governing
5 body may enact, in whole or in part, the provisions of such ordinance.
6 and thereafter such adopted ordinance shall regulate as to matter
7 contained therein the conduct of every person engaged in such service
8 trade within its jurisdiction. The governing body of a city or town
9 may repeal in whole or in part such ordinance as provided for in this
10 section.

1 SEC. 8. If any section, sentence, clause or part of this act is for any
2 reason held to be unconstitutional, such decision shall not affect the
3 validity of the remaining portions of this act. The legislature hereby
4 declares that it would have passed this act and each section, sentence,
5 clause, or part hereof, irrespective of the fact that one or more sec-
6 tions, sentences, clauses, or parts thereof may be declared unconsti-
7 tutional.

1 SEC. 9. This act is hereby declared to be an emergency measure
2 necessary for the immediate preservation of public health, peace,
3 safety, and economic security within the state.

1 SEC. 10. This act being deemed of immediate importance shall
2 be in force and effect from and after its publication in the Clinton
3 Herald, a newspaper published at Clinton, Iowa, and the Sioux City
4 Tribune, a newspaper published at Sioux City, Iowa.

House File 173. Approved May 1, 1935.

I hereby certify that the foregoing act was published in the Clinton Herald, May
8, 1935, and the Sioux City Tribune, May 10, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 62

PARK COMMISSIONERS. GENERAL POWERS

H. F. 81

AN ACT to amend section fifty-seven hundred ninety-eight (5798), code, 1931, relating to general powers of park commissioners.

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

1 SECTION 1. That section fifty-seven hundred ninety-eight (5798),
2 code, 1931, is hereby amended by inserting immediately after the
3 semicolon in the sixth line thereof the following:
4 "except as otherwise provided in this chapter it."

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Waterloo Daily Courier, a newspaper published at Waterloo, Iowa,
4 and the Cedar Falls Record, a newspaper published at Cedar Falls,
5 Iowa.

House File 81. Approved February 15, 1935.

I hereby certify that the foregoing act was published in the Waterloo Daily Courier, February 18, 1935, and the Cedar Falls Record, February 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 63

PARK COMMISSIONERS. ERECTION OF PUBLIC HALLS, SOLDIERS MONUMENTS

H. F. 80

AN ACT to repeal section fifty-eight hundred thirteen (5813), code, 1931, and to enact a substitute therefor providing that certain cities and towns may locate and erect city or town halls in public parks, or public grounds, and that they may by ordinance permit the location and erection of soldiers monuments or memorial halls in said public parks and public grounds.

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

1 SECTION 1. That section fifty-eight hundred thirteen (5813), code,
2 1931, be and is hereby repealed and the following enacted in lieu
3 thereof:
4 "Cities and towns, including cities under the commission form of
5 government, when authorized by the voters under the provisions of
6 section fifty-seven hundred seventy-three (5773), code, 1931, to erect
7 a city or town hall for general community and municipal purposes
8 for any one or more of the purposes as set out in said section fifty-
9 seven hundred seventy-three (5773) may locate and erect such city
10 or town hall in any public park, public square or public grounds be-
11 longing to the city or town, and the park commission shall grant per-
12 mission therefor whether or not said grounds, park or square is unfit
13 or not desirable for park purposes. Cities and towns, all forms, may
14 by ordinance permit soldiers monuments or memorial halls, which
15 may be erected under the provisions of chapter thirty-three (33), code,

16 1931, to be located and erected in any public park or public grounds of
17 the city or town."

1 SEC. 2. This act shall not apply to cities having a population of one
2 hundred twenty-five thousand (125,000) or more.

1 Sec. 3. This act being deemed of immediate importance shall take
2 effect and be in full force from and after its passage and publication
3 in the Waterloo Daily Courier, a newspaper published at Waterloo,
4 Iowa, and the Cedar Falls Record, a newspaper published at Cedar
5 Falls, Iowa.

House File 80. Approved February 15, 1935.

I hereby certify that the foregoing act was published in the Cedar Falls Record,
February 16, 1935, and the Waterloo Daily Courier, February 18, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 64

RIVER FRONT COMMISSION. TAX LEVY

S. F. 290

AN ACT to amend section fifty-eight hundred twenty-two (5822), code of Iowa, 1931,
as amended by section thirty-nine (39), chapter one hundred twenty-one (121), laws
of the Forty-fifth General Assembly of Iowa, relating to the amount or rate of tax
that may be fixed by the river front improvement commission.

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

1 SECTION 1. Section fifty-eight hundred twenty-two (5822), code
2 of Iowa, 1931, as amended by section thirty-nine (39), chapter one
3 hundred twenty-one (121), laws of the Forty-fifth General Assembly
4 of Iowa, is amended by striking from line 29 the words "one-half
5 mills" and substituting therefor the words "three quarters of one mill."

Senate File 290. Approved April 9, 1935.

CHAPTER 65

SEWERS. CONSTRUCTION AND TAX LEVY

S. F. 378

AN ACT providing that cities having a population between forty-two thousand (42,000)
and forty-five thousand (45,000) and having an area of not less than fifteen (15)
square miles may construct storm sewers, condemn property and levy a four (4)
mill tax for storm sewer purposes, and may anticipate such tax and issue bonds, on
resolution of the council, payable only out of such tax, and making code section
sixty-two hundred sixty-four (6264) applicable to such bonds.

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

1 SECTION 1. Any city having a population of not less than forty-
2 two thousand (42,000) nor more than forty-five thousand (45,000)
3 and having a total area of not less than fifteen (15) square miles
4 shall have power to construct storm sewers, and to levy annually a
5 tax not exceeding four (4) mills for the storm sewer fund, which shall
6 be used only to pay all or any part of the cost of construction, re-

7 construction, maintenance, extension, repair, and outlet either within
8 or without the city limits, of storm sewers, and may condemn property
9 for such purposes.

1 SEC. 2. Said tax may be anticipated and bonds may be issued under
2 the authority of a resolution of the city council; such bonds shall
3 mature serially within twenty (20) years from their date, shall bear
4 interest at a rate not exceeding five per cent per annum, shall be
5 payable at the office of the city treasurer and shall be in such form
6 as the council shall designate by resolution. Said bonds shall not be
7 general obligations of the city but shall be secured by the pledge of
8 the tax authorized in section one (1) hereof and shall be payable only
9 out of the storm sewer fund which shall consist of the proceeds of
10 said tax. It shall be the duty of the city to hold said funds separate
11 and apart, in trust, for the payment of said bonds and interest and
12 to apply said fund to the payment of said bonds and the interest
13 thereon. The provisions of section sixty-two hundred sixty-four (6264)
14 of the code shall apply to said bonds.

1 SEC. 3. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Council
3 Bluffs Nonpareil, a newspaper published at Council Bluffs, Iowa, and
4 the Farmer-Labor Press, a newspaper published at Council Bluffs,
5 Iowa.

Senate File 378. Approved April 18, 1935.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil,
April 21, 1935, and the Council Bluffs Farmer-Labor Press, April 18, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 66

CITIES AND TOWNS. PUBLIC UTILITY PLANTS

H. F. 133

AN ACT to amend section sixty-one hundred forty-four (6144), code, 1931, relating
to the management of municipally owned waterworks, heating plant, or electric
light or power plant.

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

1 SECTION 1. Section sixty-one hundred forty-four (6144), code, 1931,
2 is amended by striking from lines 2 and 3 the words: "other than
3 cities of the first class but."

House File 133. Approved April 29, 1935.

CHAPTER 67

CITIES AND TOWNS. MUNICIPAL HOSPITALS

S. F. 207

AN ACT to amend section six thousand two hundred eleven (6211), code, 1931, relating
to the power of any city or town to levy annual taxes for particular purposes.

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

1 SECTION 1. Section six thousand two hundred eleven (6211), code,
2 1931, is amended by adding to subsection twenty-six (26) the following:

3 "Cities having a population of not less than four thousand (4,000)
4 and not more than five thousand (5,000), in which a municipal hospital
5 has been established, may levy, under the provisions of this section,
6 not to exceed two and one-half mills, for rebuilding, remodeling or
7 enlarging such hospital."

1 SEC. 2. This act being enacted to meet an emergency and being
2 deemed of immediate importance shall be in force and effect from
3 and after its passage and publication in the Iowa Falls Citizen, a
4 newspaper published at Iowa Falls, Iowa, and in the Freeman-Journal, a
5 newspaper published at Webster City, Iowa, without expense to the
6 state.

Senate File 207. Approved April 20, 1935.

I hereby certify that the foregoing act was published in the Iowa Falls Citizen and the
Webster City Freeman-Journal, April 25, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 68

CITIES AND TOWNS. FIRE DEPARTMENT MAINTENANCE

S. F. 144

AN ACT to repeal subdivision nine (9) of section sixty-two hundred eleven (6211),
code, 1931, and to enact a substitute therefor, relating to the tax levy for fire depart-
ment maintenance fund in cities and towns, including those operating under special
charter.

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

1 SECTION 1. That subdivision nine (9) of section sixty-two hundred
2 eleven (6211), code, 1931, as amended, be and the same is hereby
3 repealed and the following enacted in lieu thereof:

4 "9. Fire department maintenance fund. Regardless of the form of
5 government thereof, any city with a population of more than eight
6 thousand, not exceeding three and one-half mills; any city with a popu-
7 lation of less than eight thousand, not exceeding one and three-fourths
8 mills; and any town not exceeding three fourths of one mill. The
9 foregoing levies shall be used only to maintain a fire department, except
10 that any such city with a population under three thousand, and any
11 such town may also use such funds for the purchase of fire equipment.

12 "Provided, however, that during the years 1936 and 1937 no levy
13 in excess of two and one-half mills shall be made without the approval
14 of the state comptroller, upon application and upon showing made to
15 the state comptroller of a strict necessity arising from the fact that
16 the amount of money which can otherwise be made available for the
17 fire maintenance is inadequate."

Senate File 144. Approved May 3, 1935.

CHAPTER 69

COUNTY INDEBTEDNESS. POOR RELIEF

S. F. 128

AN ACT to amend section sixty-two hundred thirty-eight (6238) of the code of Iowa insofar as relates to indebtedness of counties for poor relief purposes.

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

1 SECTION 1. That section sixty-two hundred thirty-eight (6238) of
2 the code of Iowa, be amended by adding thereto the following: "In-
3 debtedness heretofore or hereafter incurred by a county for poor relief
4 purposes shall not be construed or regarded as having been incurred
5 for its general or ordinary purposes insofar as said indebtedness may
6 be incurred solely for poor relief purposes."

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in full force from and after its publication in the Font-
3 anelle Observer, a newspaper published at Fontanelle, Iowa, and the
4 Earlham Echo, a newspaper published at Earlham, Iowa.

Senate File 128. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Fontanelle Observer and the Earlham Echo, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 70

STREET IMPROVEMENTS. ASSESSMENTS. PAYMENT

H. F. 64

AN ACT to amend the law as it appears in section sixty-six ten-c forty-six (6610-c46), code, 1931, relating to street improvements, special assessments and payments by the county treasurer to the city treasurer, authorizing and directing the county treasurer of any county to pay to certain cities and towns all moneys in his hands, collected upon special assessments for which street improvement or sewer certificates were issued by said city or town, and which money has been in the treasurer's hands for four (4) years or more, uncalled for by the owner, and providing that said cities and towns shall hold said money for the owner and pay the same to the owner of any certificate upon demand, but in the event said money is not demanded for a period of ten (10) years from the date the installments become due and payable, the said moneys so uncalled for, shall become the property of said city or town; and to repeal all laws or parts of laws in conflict with this act.

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

1 SECTION 1. Section sixty-six ten-c forty-six (6610-c46), code, 1931,
2 is hereby amended by adding thereto the following:
3 "The county treasurer is hereby authorized and directed to transfer
4 to the treasurer of any city or town issuing special assessment cer-
5 tificates, all moneys collected by said county treasurer on said certifi-
6 cates which have not been called for by the owners of said certificates
7 and which said moneys shall have been in the possession of said county
8 treasurer for a period of four (4) years or more. When said moneys
9 have been paid to the city treasurer the said city treasurer shall retain
10 the same for the benefit of the owners of said certificates and pay the

11 same to the said owners of any such certificates upon his demand.
 12 When a period of ten (10) years has elapsed from the date said in-
 13 stallments, respectively, become due and payable, and the owner of
 14 said certificates has not called for said moneys, the said moneys so
 15 uncalled for shall become the property of said city or town and shall
 16 be placed in a fund which shall be known as the general default and
 17 deficiency fund, from which any defaults and deficiencies on bond
 18 schedules may be paid.

19 "In the interim between the date when said money shall have been
 20 received by said city or town and the expiration of said ten-year period,
 21 said city or town shall hold the same for the benefit of the owner of any
 22 such certificate, and shall pay the same to any such owner upon
 23 demand."

1 SEC. 2. All laws or parts of laws in conflict herewith are hereby
 2 repealed.

House File 64. Approved April 11, 1935.

CHAPTER 71

SPECIAL CHARTER CITIES. TAXATION. CITY IMPROVEMENT FUND

H. F. 11

AN ACT to amend section seventy-four (74) of chapter one hundred twenty-one (121), acts Forty-fifth General Assembly, relating to the millage which may be levied in special charter cities for the city improvement fund.

WHEREAS, cities incorporated under the general law are permitted to levy a tax of one and one-fourth mills for their improvement fund; and

WHEREAS, cities acting under special charter are only permitted to levy three fourths of a mill for their improvement fund, and

WHEREAS, three fourths of a mill is not sufficient to meet the demands made on said fund in cities acting under special charter, therefore,

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

1 SECTION 1. Section seventy-four (74) of chapter one hundred
 2 twenty-one (121), acts Forty-fifth General Assembly, is amended by
 3 striking from line 7 of said section the word "three-fourths" and by
 4 substituting in lieu thereof the words "one and one half."

1 SEC. 2. This act shall be applicable only to cities acting under special
 2 charter.

House File 11. Approved February 20, 1935.

CHAPTER 72

SPECIAL CHARTER CITIES. TAXATION. EMERGENCY FUND

S. F. 22

AN ACT to authorize cities acting under special charter to levy a tax for an emergency fund, providing the uses which may be made of said funds and the conditions under which funds may be transferred therefrom.

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

1 SECTION 1. Cities acting under special charter may, with the ap-
2 proval of the state comptroller, levy a tax not to exceed one (1) mill
3 for an emergency fund, and may transfer funds from said emergency
4 fund to any other fund of the city to meet deficiencies in such other
5 funds, provided the state comptroller approves of said proposed trans-
6 fers after the governing body of the city has unanimously requested
7 such approval.

Senate File 22. Approved February 19, 1935.

CHAPTER 73

SPECIAL CHARTER CITIES. TAX SALE. PUBLICATION OF NOTICE

S. F. 4

AN ACT to amend sections sixty-eight hundred seventy-three (6873) and sixty-eight hundred seventy-four (6874), code, 1931, relating to notice of tax sale and cost of publication thereof in special charter cities.

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

1 SECTION 1. That section sixty-eight hundred seventy-three (6873),
2 code, 1931, be amended by striking from line 12 thereof the word
3 "three" and inserting in lieu thereof the word "two," and by striking
4 from lines 13 and 14 thereof the words "at least one week" and insert-
5 ing in lieu thereof the words "not more than two weeks."

1 SEC. 2. That section sixty-eight hundred seventy-four (6874), code,
2 1931, be amended by striking from line 2 thereof the word "twenty"
3 and inserting in lieu thereof the word "thirty."

1 SEC. 3. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Davenport
3 Democrat, a newspaper published at Davenport, Iowa, and in the
4 Davenport Daily Times, a newspaper published at Davenport, Iowa.

Senate File 4. Approved February 11, 1935.

I hereby certify that the foregoing act was published in the Davenport Democrat and Davenport Daily Times, February 13, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 74

SPECIAL CHARTER CITIES. TAX SALE. PURCHASE OF PROPERTY

S. F. 3

AN ACT to amend section sixty-nine hundred ten (6910), code, 1931, relating to the power of cities acting under special charter to purchase property at tax sale.

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

1 SECTION 1. That section sixty-nine hundred ten (6910), code, 1931,
2 be and the same is hereby amended by striking out of line 2 thereof
3 the words "said sale" and inserting in lieu thereof "any tax sale,
4 whether such purchase be for ordinary taxes or for special assess-
5 ments."

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Davenport
3 Democrat, a newspaper published at Davenport, Iowa, and in the
4 Davenport Times, a newspaper published at Davenport, Iowa.

Senate File 3. Approved February 6, 1935.

I hereby certify that the foregoing act was published in the Davenport Democrat and Davenport Times, February 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 75

BOARD OF ASSESSMENT AND REVIEW. TAXATION OF CHAIN STORES

H. F. 311

AN ACT to impose an occupation tax on conducting a business by a system of chain stores for selling or otherwise disposing of tangible personal property, such as goods, wares and merchandise at retail, with certain exceptions; providing for the assessment and collection of said tax, and for the distribution and use of the proceeds therefrom; providing for appeals by taxpayers; providing for the administration of said law; providing penalties and fines for the violation thereof; and providing for an appropriation for the enforcement thereof and the repealing of any laws in conflict herewith.

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

1 SECTION 1. Reference. This act shall be known as the "Chain
2 Store Tax Act of 1935."

1 SEC. 2. Definitions. The following words, terms and phrases,
2 when used in this act, shall have the meanings ascribed to them in
3 this section except where the context clearly indicates a different
4 meaning.

5 a. The word "board" means the state board of assessment and
6 review.

7 b. "Person" includes any individual, firm, copartnership, joint
8 adventure, association, corporation, estate, trust, business trust, re-
9 ceiver, or any other group or combination acting as a unit, and the
10 plural as well as the singular thereof, and all firms however or-
11 ganized and whatever be the plan of operation.

12 c. "Sale" means any transfer, exchange or barter, conditional or
13 otherwise, in any manner or by any means whatsoever, for a con-
14 sideration.

15 d. "Retail sale" or "sale at retail" means the sale to a consumer
16 or to any person for any purpose, other than for resale, of tangible
17 personal property including goods, wares and merchandise.

18 e. "Business" includes any merchandising activity engaged in by
19 any person or caused to be engaged in by him with the object of
20 gain, profit or advantage, either direct or indirect.

21 f. "Store" means any store or stores, or any mercantile or other
22 establishment in which tangible goods, wares or merchandise of
23 any kind are sold or kept for sale at retail.

24 g. "Conducting a business by a system of chain stores" when used
25 in this act shall be construed to mean and include every person, as
26 defined in this act, in the business of owning, operating or main-
27 taining, directly or indirectly, under the same general management,
28 supervision, control or ownership in this state, and/or in this state
29 and any other state, two or more stores, where goods, wares, articles,
30 commodities, or merchandise of any kind whatsoever are sold or
31 offered for sale at retail and where the person operating such store
32 or stores receive the retail profit from the commodities sold therein.
33 Two or more stores shall, for the purpose of this act, be treated
34 as being under a single or common ownership, control, supervision
35 or management, if directly or indirectly owned or controlled by
36 a single person or any group of persons, or by a common interest
37 in such stores, or if any part of the gross revenues, net revenues
38 or profits from such store shall, directly or indirectly, be required
39 to be immediately or ultimately made available for the beneficial
40 uses, or shall directly or indirectly inure to the immediate or
41 ultimate benefit, of any single person or group of persons having a
42 common interest therein. Not more than one of said stores need
43 be located in this state, if one or more of said stores of said person
44 is located in any other state. The fact that two or more retail stores
45 are ostensibly owned and operated by different persons, shall not
46 defeat the application of this act where such stores are under the
47 same general management, supervision, or ownership. Lease and
48 agency, and lease and ownership agreements or contracts, or opera-
49 tion under a common name shall, unless shown to the contrary, be
50 deemed to constitute operation under the same general management,
51 supervision, or ownership. Provided, however, that leased or licensed
52 departments, located in a store under a contract obligating such de-
53 partments to pay to the store a fixed rental or a percentage of the
54 gross receipts, shall not be deemed to be owned, operated, supervised,
55 or managed by the store in which such departments are located.

56 h. "Gross receipts" when used in this act shall be construed to
57 mean and include the total amount of all sales at retail valued in
58 money, whether received in money or otherwise, provided, however,
59 that discounts for any purpose allowed or taken on sales shall not
60 be included, nor shall the sale price of property returned by customers
61 when the full sale price thereof is refunded either by cash or in credit
62 be included. Provided, however, that on sales at retail valued in
63 money when such sales are made under a conditional sales contract,
64 or under other forms of sale wherein the payment of the principal

65 sum thereunder be extended over a period longer than sixty (60)
 66 days, that only such portion of the sale amount thereof shall be
 67 accounted for, for the purpose of the imposition of the tax in this
 68 act as has actually been received in cash by the retailer during the
 69 taxable year as herein defined. Gross receipts as interpreted under
 70 this section shall not include any federal or state sales tax or any
 71 special taxes now or hereafter imposed by the state or federal gov-
 72 ernment which special tax or taxes are added to or included in the
 73 retail selling price of any merchandise sold under this act. Gross
 74 receipts shall not include the consideration received by the vendor
 75 from the purchaser residing without this state unless the purchaser
 76 is present within this state at the time of such sale or purchase.

77 i. "Taxable year" means the year commencing on July first and
 78 ending on June thirtieth of each calendar year.

1 SEC. 3. Exemptions. There are specifically exempted from the
 2 provisions of the act and from the computation of the amount of
 3 tax imposed by it the following:

4 a. Cooperative associations not organized for profit under the laws
 5 of this state in good faith and not for the purpose or with the intent
 6 of evading the tax hereby imposed.

7 b. Persons exclusively engaged in gardening and/or farming, sell-
 8 ing in this state products of their own raising.

9 c. Persons selling at retail one or more of the following products:
 10 coal, ice, lumber, grain, feed, building materials (not including
 11 builders and general hardware, glass and paints) if the total retail
 12 sales of any such person or persons of such products within the
 13 state shall, during such taxable year, exceed ninety-five (95) per
 14 cent of the total retail sales of all sources within the state of any
 15 such person or persons.

16 d. Liquor stores, established and operated by the state liquor con-
 17 trol commission.

18 e. Hotels or rooming houses, including dining rooms or cafes op-
 19 erated in connection therewith and by the same management.

1 SEC. 4. Tax imposed. There is hereby imposed upon every person
 2 within the state of Iowa engaged in conducting a business by a system
 3 of chain stores from any of which stores are sold or otherwise dis-
 4 posed of at retail tangible personal property such as goods, wares,
 5 and merchandise, an annual occupation tax for each taxable year
 6 during which year or any part thereof, such person is so engaged, as
 7 follows to wit:

8 a. A specific amount on each person engaged in conducting a busi-
 9 ness by a system of chain stores to be determined as follows:

10 1. Five (5) dollars for each store in excess of one (1) and not in
 11 excess of ten (10) if said business is conducted at not in excess of
 12 ten (10) stores within this state under a single or common ownership,
 13 supervision or management.

14 2. Fifteen (15) dollars for each store in excess of ten (10) and
 15 not in excess of twenty (20) if said business is conducted at in excess
 16 of ten (10) but not in excess of twenty (20) stores within this state
 17 under a single or common ownership, supervision or management.

18 3. Thirty-five (35) dollars for each store in excess of twenty (20)
 19 and not in excess of thirty (30) if said business is conducted at in

20 excess of twenty (20) but not in excess of thirty (30) stores within
21 this state under a single or common ownership, supervision or man-
22 agement.

23 4. Sixty-five (65) dollars for each store in excess of thirty (30)
24 and not in excess of forty (40) if said business is conducted at in
25 excess of thirty (30) but not in excess of forty (40) stores within
26 this state under a single or common ownership, supervision or man-
27 agement.

28 5. One hundred five (105) dollars for each store in excess of forty
29 (40) and not in excess of fifty (50) if said business is conducted at
30 in excess of forty (40) and not in excess of fifty (50) stores within
31 the state under a single or common ownership, supervision or man-
32 agement.

33 6. One hundred fifty-five (155) dollars for each store in excess of
34 fifty (50) if said business is conducted at in excess of fifty (50)
35 stores within this state under a single or common ownership, super-
36 vision or management.

37 b. An amount based on the combined gross receipts of each person
38 on all of said business of each and all stores within this state under
39 a single or common ownership, control, supervision, or management,
40 conducting a business by a system of chain stores, but which shall
41 be computed by applying the following rates to the entire or combined
42 gross receipts:

43 1. \$25.00 when the gross receipts are not in excess of fifty thousand
44 (50,000) dollars.

45 2. \$10.00 for each additional \$10,000 or fraction thereof of gross
46 receipts in excess of fifty thousand (50,000) dollars but not in excess
47 of one hundred thousand (100,000) dollars.

48 3. \$25.00 for each additional \$10,000 or fraction thereof of gross
49 receipts in excess of one hundred thousand (100,000) dollars but not
50 in excess of one hundred fifty thousand (150,000) dollars.

51 4. \$60.00 for each additional \$10,000 or fraction thereof of gross
52 receipts in excess of one hundred fifty thousand (150,000) dollars but
53 not in excess of two hundred thousand (200,000) dollars.

54 5. \$75.00 for each additional \$10,000 or fraction thereof of gross
55 receipts in excess of two hundred thousand (200,000) dollars but not
56 in excess of three hundred thousand (300,000) dollars.

57 6. \$100.00 for each additional \$10,000 or fraction thereof of gross
58 receipts in excess of three hundred thousand (300,000) dollars but
59 not in excess of four hundred thousand (400,000) dollars.

60 7. \$125.00 for each additional \$10,000 or fraction thereof of gross
61 receipts in excess of four hundred thousand (400,000) dollars but not
62 in excess of five hundred thousand (500,000) dollars.

63 8. \$150.00 for each additional \$10,000 or fraction thereof of gross
64 receipts in excess of five hundred thousand (500,000) dollars but not
65 in excess of six hundred thousand (600,000) dollars.

66 9. \$175.00 for each additional \$10,000 or fraction thereof of gross
67 receipts in excess of six hundred thousand (600,000) dollars but not
68 in excess of seven hundred thousand (700,000) dollars.

69 10. \$200.00 for each additional \$10,000 or fraction thereof of gross
70 receipts in excess of seven hundred thousand (700,000) dollars but
71 not in excess of eight hundred thousand (800,000) dollars.

- 72 11. \$225.00 for each additional \$10,000 or fraction thereof of gross
73 receipts in excess of eight hundred thousand (800,000) dollars but not
74 in excess of nine hundred thousand (900,000) dollars.
- 75 12. \$250.00 for each additional \$10,000 or fraction thereof of gross
76 receipts in excess of nine hundred thousand (900,000) dollars but
77 not in excess of one million (1,000,000) dollars.
- 78 13. \$275.00 for each additional \$10,000 or fraction thereof of gross
79 receipts in excess of one million (1,000,000) dollars but not in excess
80 of one million two hundred fifty thousand (1,250,000) dollars.
- 81 14. \$300.00 for each additional \$10,000 or fraction thereof of gross
82 receipts in excess of one million two hundred fifty thousand (1,250,-
83 000) dollars but not in excess of one million five hundred thousand
84 (1,500,000) dollars.
- 85 15. \$325.00 for each additional \$10,000 or fraction thereof of gross
86 receipts in excess of one million five hundred thousand (1,500,000)
87 dollars but not in excess of one million seven hundred fifty thousand
88 (1,750,000) dollars.
- 89 16. \$350.00 for each additional \$10,000 or fraction thereof of gross
90 receipts in excess of one million seven hundred fifty thousand (1,-
91 750,000) dollars but not in excess of two million (2,000,000) dollars.
- 92 17. \$375.00 for each additional \$10,000 or fraction thereof of gross
93 receipts in excess of two million (2,000,000) dollars but not in excess
94 of two million five hundred thousand (2,500,000) dollars.
- 95 18. \$400.00 for each additional \$10,000 or fraction thereof of gross
96 receipts in excess of two million five hundred thousand (2,500,000)
97 dollars but not in excess of three million (3,000,000) dollars.
- 98 19. \$425.00 for each additional \$10,000 or fraction thereof of gross
99 receipts in excess of three million (3,000,000) dollars but not in excess
100 of three million five hundred thousand (3,500,000) dollars.
- 101 20. \$450.00 for each additional \$10,000 or fraction thereof of gross
102 receipts in excess of three million five hundred thousand (3,500,000)
103 dollars but not in excess of four million (4,000,000) dollars.
- 104 21. \$475.00 for each additional \$10,000 or fraction thereof of gross
105 receipts in excess of four million (4,000,000) dollars but not in excess
106 of four million five hundred thousand (4,500,000) dollars.
- 107 22. \$500.00 for each additional \$10,000 or fraction thereof of gross
108 receipts in excess of four million five hundred thousand (4,500,000)
109 dollars but not in excess of five million (5,000,000) dollars.
- 110 23. \$600.00 for each additional \$10,000 or fraction thereof of gross
111 receipts in excess of five million (5,000,000) dollars but not in excess
112 of six million (6,000,000) dollars.
- 113 24. \$700.00 for each additional \$10,000 or fraction thereof of gross
114 receipts in excess of six million (6,000,000) dollars but not in excess
115 of seven million (7,000,000) dollars.
- 116 25. \$800.00 for each additional \$10,000 or fraction thereof of gross
117 receipts in excess of seven million (7,000,000) dollars but not in
118 excess of eight million (8,000,000) dollars.
- 119 26. \$900.00 for each additional \$10,000 or fraction thereof of gross
120 receipts in excess of eight million (8,000,00) dollars but not in excess
121 of nine million (9,000,000) dollars.
- 122 27. \$1,000 for each additional \$10,000 or fraction thereof of gross
123 receipts in excess of nine million (9,000,000) dollars.

124 The tax imposed by subsection "b" hereof shall be computed for the
125 annual period commencing July 1, 1935, and terminating June 30,
126 1936, and for each succeeding twelve month period thereafter. The
127 tax imposed by subsection "a" hereof shall be due and payable on
128 July 1, 1935, and on July first of each succeeding year thereafter;
129 the tax imposed hereby as far as measured by subsection "a" hereof,
130 shall be computed on the basis of the number of stores operated by
131 any person under a system of chain stores in this state as of July
132 first of each taxable year. The tax imposed by subsection "b" hereof
133 shall be due and payable on August 1, 1936, and on August first of
134 each succeeding year thereafter or within thirty days after any person
135 liable for such tax shall cease entirely to do business within this state
136 of the kind on which the tax is imposed.

1 SEC. 5. Returns. Every person subject to the payment of a tax
2 as provided in subsection "b" of section four (4) hereof shall on or be-
3 fore August 1, 1936, and on or before August first of each succeeding
4 year thereafter file with the board a verified return in such form
5 and manner as may be prescribed by the board, showing the gross
6 receipts of such person for the taxable year as herein defined, the
7 amount of the tax due, and such further information as the board
8 may require to enable it to compute and collect the tax herein im-
9 posed; provided, however, that the board may, upon the request of
10 any such person and a proper showing for the necessity therefor,
11 grant an extension of time not to exceed thirty (30) days in which
12 to make such return and to pay such tax.

1 SEC. 6. Failure to file return—Incorrect return. If a return re-
2 quired by this act is not filed, or if a return when filed is incorrect or
3 insufficient and the maker fails to file a corrected or sufficient return
4 within twenty (20) days after the same is required by notice from
5 the board, such board shall determine the amount of tax due from
6 such information as it may be able to obtain and, if necessary, may
7 estimate the tax on the basis of external indices, such as number of
8 employees of the person concerned, rentals paid by him, his stock on
9 hand, and/or other factors. The board shall give notice of such de-
10 termination to the person liable for the tax. Such determination shall
11 finally and irrevocably fix the tax unless the person against whom it
12 is assessed shall, within thirty (30) days after the giving of notice
13 of such determination, apply to the board for a hearing or unless the
14 board of its own motion shall reduce the same. At such hearing
15 evidence may be offered to support such determination or to prove
16 that it is correct. After such hearing the board shall give notice of
17 its decision to the person liable for the tax.

1 SEC. 7. Appeals. 1. An appeal may be taken by the taxpayer to
2 the district court of the county in which he resides, or in which his
3 principal place of business is located, within sixty (60) days after
4 he shall have received notice from the board of its determination
5 as provided for in the preceding section.

6 2. The appeal shall be taken by a written notice to the chairman
7 of the board and served as an original notice. When said notice is
8 so served it shall, with the return thereon, be filed in the office of
9 the clerk of said district court, and docketed as other cases, with the

10 taxpayer as plaintiff and the board as defendant. The plaintiff shall
 11 file with such clerk a bond for the use of the defendant, and the state
 12 of Iowa with sureties approved by such clerk, in penalty at least
 13 double the amount of tax appealed from, and in no case shall the
 14 bond be less than fifty (50) dollars, and conditioned that the plaintiff
 15 shall pay any amount found to be due the defendant and/or the state
 16 of Iowa and will perform the orders of the court.

17 3. The court shall hear the appeal in equity and determine anew
 18 all questions submitted to it on appeal from the determination of the
 19 board. The court shall render its decree thereon and a certified
 20 copy of said decree shall be filed by the clerk of said court with the
 21 board who shall then correct the assessment in accordance with said
 22 decree. An appeal may be taken by the taxpayer or the board to the
 23 supreme court of this state in the same manner that appeals are
 24 taken in suits of equity, irrespective of the amount involved.

1 SEC. 8. Lien of tax—Collection—Action authorized. Whenever
 2 any taxpayer liable to pay a tax and/or penalty imposed refuses or
 3 neglects to pay the same, the amount, including any interest, penalty,
 4 or addition to such tax, together with the court costs that may accrue
 5 in the collection thereof, shall be a lien in favor of the state of Iowa
 6 upon all property and rights to property, whether real or personal,
 7 belonging to said taxpayer.

8 The lien aforesaid shall attach at the time the tax becomes due and
 9 payable and shall continue until the liability for such amount is sat-
 10 isfied.

11 In order to preserve the aforesaid lien against subsequent mort-
 12 gagees, purchasers or judgment creditors, for value and without
 13 notice of the lien, on any property situated in a county, the board
 14 shall file with the recorder of the county, in which said property is
 15 located, a notice of said lien.

16 The county recorder of each county shall prepare and keep in his
 17 office a book to be known as "Index of chain store tax liens" so ruled
 18 as to show in appropriate columns the following data, under the names
 19 of taxpayers, arranged alphabetically:

- 20 1. The name of the taxpayer.
- 21 2. The name "state of Iowa" as claimant.
- 22 3. Time notice of lien was received.
- 23 4. Date of notice.
- 24 5. Amount of lien when due.
- 25 6. When satisfied.

26 The recorder shall indorse on each notice of lien the day, hour, and
 27 minute when received and preserve the same, and shall forthwith
 28 index said notice in said index book and shall forthwith record said
 29 lien in the manner provided for recording real estate mortgages,
 30 and the said lien shall be effective from the time of the indexing
 31 thereof.

32 The board shall pay a recording fee as provided in section fifty-
 33 one hundred seventy-seven (5177), code, 1931, for the recording of
 34 such lien, or for the satisfaction thereof.

35 Upon the payment of a tax as to which the board has filed notice
 36 with a county recorder, the board shall forthwith file with said re-
 37 corder a satisfaction of said tax and the recorder shall enter said

38 satisfaction on the notice on file in his office and indicate said fact
39 on the index aforesaid.

40 Upon any tax herein provided for becoming delinquent the board
41 may notify the county treasurer of any county in which the person
42 owing the tax owns real or personal property of the amount of
43 such delinquent tax with interest and penalties. Upon receiving
44 such notification the treasurer shall spread the amount of such tax
45 with interest and penalties upon the records in his office against
46 the person owing the same and shall proceed to collect such amount
47 in the manner provided for the collection of delinquent taxes under
48 chapters 346, 347, 348, 349 of the code, 1931, as amended.

49 The amount realized by the method provided in this paragraph
50 shall not discharge the lien of such tax unless the full amount owing
51 is received. Any amount received by the treasurer shall be remitted
52 by him to the board.

53 The attorney general, shall, upon the request of the board, bring
54 an action at law or in equity, as the facts may justify, without bond,
55 to enforce payment of any taxes and/or penalties, and in such action
56 he shall have the assistance of the county attorney of the county in
57 which the action is pending.

58 It is expressly provided that the foregoing remedies of the state
59 shall be cumulative and that no action taken by the board or attor-
60 ney general shall be construed to be an election on the part of the
61 state or any of its officers to pursue any remedy hereunder to the
62 exclusion of any other remedy provided by law.

1 SEC. 9. Service of notices. Any notice, except notice of appeal,
2 authorized or required under the provisions of this act may be given
3 by mailing the same to the person for whom it is intended by reg-
4 istered mail, addressed to such person at the address given in the
5 last return filed by him pursuant to the provisions of this act, or if
6 no return has been filed, then to such address as may be obtainable.
7 The mailing of such notice shall be presumptive evidence of the re-
8 ceipt of the same by the person to whom addressed. Any period of
9 time which is determined according to the provisions of this act by
10 the giving of notice shall commence to run from the date of regis-
11 tration and posting of such notice.

1 SEC. 10. The provisions of the Iowa code relative to the limita-
2 tion of time for the enforcement of a civil remedy shall not apply
3 to any proceeding or action taken to levy, appraise, assess, determine
4 or enforce the collection of any tax or penalty provided by this act.

1 SEC. 11. Board to administer act. The Iowa state board of assess-
2 ment and review shall administer and enforce the assessment of the
3 tax imposed by this act. It may make and publish such rules and
4 regulations, not inconsistent with this act, and shall distribute the
5 same throughout the state and furnish them on application, but fail-
6 ure to receive or secure them shall not relieve any person from the
7 obligation of making any return required of him by this act.

1 SEC. 12. Board may examine books. For the purpose of determin-
2 ing the correctness of any return, or of determining whether or not
3 any person should have made a return or paid tax hereunder, the
4 board of assessment and review shall have the power to examine or

5 cause to be examined any books, papers, records or memoranda which
6 are the property of or in the possession of the taxpayer or any other
7 person. It shall further have the power to require the attendance
8 of any taxpayer or other person having knowledge, or information
9 relevant to such determinations aforementioned, to compel the pro-
10 duction of books, papers, records or memoranda by persons so re-
11 quired to attend, to take testimony on matters material to such de-
12 terminations, and to administer oaths or affirmations in any such
13 connection. The board of assessment and review is empowered to
14 any time and from time to time to require any owner, manager, or
15 employee of any store in the state of Iowa to file with the board of
16 assessment and review, a statement under oath, showing the owner-
17 ship, management and control of such store for the purpose of de-
18 termining whether or not such store is subject to the tax hereby
19 imposed. Such statement shall be in such form as the board shall
20 prescribe.

1 SEC. 13. Appropriation. For expenditure by the board in carry-
2 ing out the provisions of this act, there is hereby appropriated from
3 the general fund of the state, not otherwise appropriated, the sum
4 of twenty-five thousand (25,000) dollars for the taxable year 1935-
5 1936 and thereafter, an amount equal to three (3) per cent of the
6 amount of taxes collected under this act; provided, however, that
7 any balance of said amount equal to said three (3) per cent remain-
8 ing after the payment of administrative expense, shall be trans-
9 ferred back to the special tax fund, and provided, further, that be-
10 fore any distribution shall be made hereunder during the first tax-
11 able year that the sum of twenty-five thousand (25,000) dollars here-
12 inbefore appropriated out of the general fund of the state shall be
13 repaid to the general fund of the state.

1 SEC. 14. All fees, taxes, interest and penalties imposed under this
2 act must be paid to the board in the form of remittances payable to
3 the treasurer of the state of Iowa, and said board shall transmit each
4 payment daily to the state treasurer, to be deposited in the state
5 treasury to the credit of the general fund.

1 SEC. 15. Penalties—Offenses. 1. Any person failing to file a return
2 or corrected return or to pay any tax within the time required shall
3 be subject to a penalty of five (5) per cent of the amount of tax due,
4 plus one (1) per cent of such tax for each month of delay or fraction
5 thereof, excepting the first month after such return was required
6 to be filed or such tax became due; but the board, if satisfied that
7 the delay was excusable, may remit all or any part of such penalty.
8 Such penalty shall be paid to the board and disposed of in the same
9 manner as other receipts under this act. Unpaid penalties may be
10 enforced in the same manner as the tax imposed.

11 2. Any person required to make, render, sign, or verify any return
12 or supplementary return, who makes any false or fraudulent return
13 with the intent to defeat or evade the assessment required by law to
14 be made, shall be guilty of a felony and shall, for each such offense,
15 be fined not less than five hundred (500) dollars, nor not more than
16 five thousand (5,000) dollars, or be imprisoned not exceeding one (1)

17 year, or be subject to both fine and imprisonment, in the discretion
18 of the court.

19 3. The certificate of the board to the effect that the tax has not
20 been paid, that a return has not been filed, or that information has
21 not been supplied pursuant to the provisions of this act, shall be
22 prima facie evidence thereof.

1 SEC. 16. The tax levied and collected under this act shall not be
2 affected or be in lieu of the Iowa retail sales tax or any other tax
3 levied under any other act but the taxes levied and collected here-
4 under are levied and collected as an occupation tax.

1 SEC. 17. If any section, provision or clause of this act should be
2 declared invalid, such invalidity shall not be construed to affect the
3 portions of this act not so held invalid.

1 SEC. 18. This act shall not apply to any stores owned or operated
2 by any person, firm, or corporation when all of said stores so owned
3 or operated, are located in unincorporated villages and no store is
4 more than six (6) miles distant from every other store so owned or
5 operated.

1 SEC. 19. Constitutionality. If any section, subsection, clause, sen-
2 tence, or phrase of this act is for any reason held to be unconstitu-
3 tional and invalid, such decision shall not affect the validity of the
4 remaining portions of this act. The legislature hereby declares that
5 in the passage of this act it is the expressed intent of the legislature
6 to impose an occupation tax upon any and all persons engaged in con-
7 ducting a business by a system of chain stores, as herein defined and
8 provided, as far as the same is constitutional and valid, and the
9 legislature hereby further declares that it would have passed this
10 act and each section, subsection, clause, sentence and phrase hereof
11 irrespective of whether any one or more of the sections, subsections,
12 clauses, sentences or phrases be declared unconstitutional.

1 SEC. 20. Repealing clause. All laws and parts of laws, if any,
2 in conflict with this act are hereby repealed.

1 SEC. 21. Publication clause. This act being deemed of immediate
2 importance shall be in full force and effect after its passage and
3 publication in the Sioux City Journal, a newspaper published at
4 Sioux City, Iowa, and in the Anthon Herald, a newspaper published
5 at Anthon, Iowa.

House File 311. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Sioux City Journal, May
2, 1935, and the Anthon Herald, May 8, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 76

BOARD OF ASSESSMENT AND REVIEW. IOWA EMERGENCY RELIEF
ADMINISTRATION FUND

S. F. 406

AN ACT to amend chapter eighty-two (82), acts of the Forty-fifth General Assembly in extraordinary session, to provide and appropriate funds for the Iowa emergency relief administration and for emergency conservation work in Iowa and to revise the allocation of revenues for general state purposes.

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

1 SECTION 1. Chapter eighty-two (82), acts of the Forty-fifth Gen-
2 eral Assembly in extraordinary session is hereby amended by strik-
3 ing all of paragraphs two (2) and three (3) of section sixty-one (61)
4 thereof and inserting in lieu thereof the following:

5 "2. a. On July 1, 1935, and quarterly thereafter, up to and includ-
6 ing April 1, 1937, the board shall, from the revenue collected under
7 this act, set aside and cause to be paid into a fund to be known as the
8 Iowa emergency relief administration fund, which fund is hereby
9 created, the sum of one million (1,000,000) dollars quarterly, which
10 sums are hereby appropriated for direct relief and for work relief and
11 for expenses incidental thereto, for the purpose of caring for unem-
12 ployed and needy persons within this state. The funds hereby appro-
13 priated shall be administered through the Iowa emergency relief ad-
14 ministration and shall be withdrawn only as needed from time to time,
15 by requisition of the governor, and upon warrants drawn by the state
16 comptroller payable to the Iowa emergency relief administration. With
17 the exception of necessary administrative expenses, said fund shall
18 be allocated by the Iowa emergency relief administration throughout
19 the various counties of the state in accordance with the need therefor.

20 "b. On July 1, 1935, and semi-annually thereafter, up to and in-
21 cluding January 1, 1937, the board shall, from the revenue collected
22 under this act, set aside and cause to be paid into a fund to be known
23 as the Iowa emergency conservation work fund, which fund is hereby
24 created, the sum of one hundred twenty-five thousand (125,000) dol-
25 lars semi-annually, which sums are hereby appropriated for the use
26 of emergency conservation work in Iowa, and which shall be used
27 only for acquisition of lands, purchase of supplies, materials and
28 equipment, or rental thereof, or for the employment of necessary per-
29 sonnel in connection with the civilian conservation corps program,
30 for which expenditures the civilian conservation corps does not pro-
31 vide. Said sum hereby appropriated shall be administered through
32 the emergency conservation work in Iowa, and shall be withdrawn
33 only as needed from time to time, by requisition of the governor and
34 upon warrants drawn by the state comptroller payable to emergency
35 conservation work in Iowa.

36 "3. On July 1, 1935, and on October 1, 1935, the board shall, from
37 the revenue collected under this act, set aside and cause to be paid
38 into the general fund of the state a sum not to exceed one million
39 five hundred thousand (1,500,000) dollars on each date, which sums
40 shall be used together with other revenues expendable for such pur-
41 poses, to pay all items of general expense of the state government

42 for that part of the calendar year commencing July 1, 1935, and ex-
43 tending through December 31, 1935, as authorized and appropriated
44 for by the general assembly."

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication as
3 provided by law in the Sigourney Review, a newspaper published at
4 Sigourney, Iowa, and in the Kossuth County Advance, a newspaper
5 published at Algona, Iowa.

Senate File 406. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Sigourney Review, May 8, 1935, and the Kossuth County Advance, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 77

TAXATION. EXEMPTIONS. RECEIVERS OF OLD AGE ASSISTANCE

S. F. 121

AN ACT to amend chapter three hundred thirty (330), code, 1931, by amending sections six thousand nine hundred fifty (6950), six thousand nine hundred fifty-one (6951) and six thousand nine hundred fifty-two (6952), relating to suspension of taxes, and interest thereon, upon property owned by persons receiving old age assistance.

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

1 SECTION 1. Amend chapter three hundred thirty (330), code, 1931,
2 by adding thereto, following section sixty-nine hundred fifty (6950),
3 the following section:

4 "Whenever a person has been issued a certificate of old age assist-
5 ance and is receiving monthly or quarterly payments of assistance
6 from the old age pension fund, such person shall be deemed to be
7 unable to contribute to the public revenue. The old age assistance
8 commission shall thereupon notify the board of supervisors, of the
9 county in which such assisted person owns property, of the aforesaid
10 fact, giving a statement of property, real and personal, owned, pos-
11 sessed, or upon which such person is paying the taxes as a purchaser
12 under contract. It shall then be the duty of the board of supervisors
13 so notified to order the country treasurer to suspend the collection of
14 the taxes assessed against such person or contractually payable by
15 him for such time as such person shall remain the owner or con-
16 tractually prospective owner of such property and during the period
17 such person receives monthly or quarterly payments of assistance
18 from the old age pension fund."

1 SEC. 2. Amend chapter three hundred thirty (330), code, 1931,
2 section sixty-nine hundred fifty-one (6951), by inserting after the
3 word "petitioner", in line 3, the words "referred to in section sixty-
4 nine hundred fifty (6950), or the public and the aged person referred
5 to in the preceding section."

6 Further amend said section sixty-nine hundred fifty-one (6951),
7 by inserting after the word "petitioner", in line 5, the words "referred
8 to in section sixty-nine hundred fifty (6950), or the aged person re-
9 ferred to in the preceding section."

10 Further amend said section sixty-nine hundred fifty-one (6951),
 11 by striking from line 7 the word "section" and inserting in lieu thereof
 12 the word "sections."

1 SEC. 3. Amend chapter three hundred thirty (330), code, 1931,
 2 section sixty-nine hundred fifty-two (6952), line 12, by adding the
 3 following phrase: "except that no interest on taxes shall be charged
 4 against the property or estate of a person receiving or having re-
 5 ceived monthly or quarterly payments of old age assistance."

Senate File 121. Approved April 12, 1935.

CHAPTER 78

COLLECTION OF TAXES. REMISSION OF TAXES ON BANK STOCK IN RECEIVERSHIP

H. F. 471

AN ACT to provide for remission of unpaid taxes on the capital stock of any bank placed in the hands of a receiver.

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

1 SECTION 1. Whenever a bank operated within the state of Iowa
 2 has been heretofore or shall hereafter be closed and placed in the
 3 hands of a receiver, the board of supervisors shall remit all unpaid
 4 taxes on the capital stock of said bank.

1 SEC. 2. This act being deemed of immediate importance shall be
 2 in full force and take effect from and after its publication in Cedar
 3 Valley Daily Times, a newspaper published at Vinton, Iowa, and in
 4 Radcliffe Signal, a newspaper published at Radcliffe, Iowa.

House File 471. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Cedar Valley Daily Times, May 11, 1935, and the Radcliffe Signal, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 79

COLLECTION OF TAXES. FIRST INSTALLMENT OF 1935

S. F. 199

AN ACT extending the time in which to pay, without penalty, the first installment of all taxes payable in 1935, and to provide for interest on said installment in case payment is not made within the time specified.

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

1 SECTION 1. That the first half, or what is denominated in the
 2 statutes as the first installment, of all taxes payable in the year 1935
 3 shall not be deemed delinquent until July 1, 1935, and may be paid
 4 at any time prior to said day without interest as a penalty. Any
 5 penalty paid prior to the taking effect of this act shall be credited as a
 6 payment on the second installment. If said installment be not paid

7 prior to said July 1, 1935, it shall draw, from April 1, 1935, interest
8 as a penalty, three fourths of one (1) per cent per month until paid.

1 SEC. 2. This act is deemed of immediate importance and shall be
2 in force and effect from and after its publication in two newspapers
3 of this state, in the Osceola Sentinel, a newspaper published at Osceola,
4 Iowa, and the Indianola Herald, a newspaper published at Indianola,
5 Iowa.

Senate File 199. Approved April 12, 1935.

I hereby certify that the foregoing act was published in the Osceola Sentinel, April
25, 1935, and the Indianola Herald, April 18, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 80

TAX LIST. CERTIFIED TAXABLE VALUATIONS

H. F. 137

AN ACT to amend section seventy-one hundred forty-eight (7148), code, 1931, relative
to the certification to the state board of assessment and review of the taxable value
of real and personal property.

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

1 SECTION 1. Section seventy-one hundred forty-eight (7148), code,
2 1931, is amended by striking out the words "auditor of state" and by
3 inserting in lieu thereof the words, "state board of assessment and
4 review."

House File 137. Approved April 10, 1935.

CHAPTER 81

TAX LEVIES. REPEAL OF POLL TAX

H. F. 5

AN ACT to amend section seventy-one hundred seventy-one (7171), code, 1931, relating
to the repeal of the poll tax levied on each male resident over twenty-one years of age.

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

1 SECTION 1. Section seventy-one hundred seventy-one (7171), code,
2 1931, is amended by striking from subsection two (2) the following:
3 " , with a poll tax of fifty cents on each male resident over twenty-one
4 years of age."

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the Sioux City
3 Tribune, a newspaper published at Sioux City, Iowa, and Ida County
4 Pioneer Record, a newspaper published at Ida Grove, Iowa.

House File 5. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Ida County Pioneer
Record and the Sioux City Tribune, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 82
ANNUAL TAX SALE

S. F. 359

AN ACT to amend section seventy-two hundred forty-four (7244), code of Iowa, 1931, relating to tax sales.

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

- 1 SECTION 1. Section seventy-two hundred forty-four (7244), code
2 of Iowa, 1931, is hereby amended by inserting a comma in lieu of the
3 period at the end of said section and adding thereto the following:
4 "provided, however, that no property, against which the county
5 holds a tax-sale certificate, shall be offered or sold."

Senate File 359. Approved May 3, 1935.

CHAPTER 83
TAX SALE. COUNTY AS PUBLIC BIDDER

S. F. 150

AN ACT to repeal section seven thousand two hundred fifty-five-b one (7255-b1) of the code, 1931, to enact a substitute therefor, and to amend sections seven thousand two hundred seventy-nine (7279) and seven thousand two hundred eighty-four (7284) of the code, 1931, all relating to taxes and the collection thereof, and making provision of section six thousand forty-one (6041), code, 1931, applicable to this act.

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

- 1 SECTION 1. That section 7255-b1 is hereby repealed and the fol-
2 lowing is hereby enacted in lieu thereof:
3 "When property is offered at a tax sale under the provisions of
4 section 7255 of the code, 1931, and no bid is received, or if the bid
5 received is less than the total amount of the delinquent general taxes,
6 interest, penalties and costs, the county in which said real estate is
7 located, through its board of supervisors, shall bid for the said real
8 estate a sum equal to the total amount of all delinquent general taxes,
9 interest, penalties and costs charged against said real estate. No money
10 shall be paid by the county or other tax levying and tax certifying
11 body for said purchase, but each of the tax levying and tax certifying
12 bodies having any interest in said general taxes for which said real
13 estate is sold shall be charged with the full amount of all the said de-
14 linquent general taxes due said levying and tax certifying bodies, as
15 its just share of the purchase price."

- 1 SEC. 2. That section 7279 of the code, 1931, is hereby amended by
2 inserting after the comma in line 2 thereof the following: "or after
3 nine (9) months from the date of a sale made under the provisions of
4 section 7255 of the code, 1931."

- 1 SEC. 3. That section 7279 of the code, 1931, be further amended by
2 adding thereto the following: "When said notice is given by a county
3 as a holder of a certificate of purchase the notice shall be signed by
4 the county auditor."

1 SEC. 4. That section 7284 of the code, 1931, is hereby amended by
 2 adding thereto the following: "When the county acquires title to real
 3 estate by virtue of a tax deed such real estate shall be controlled, man-
 4 aged and sold by the board of supervisors as provided in chapter 449
 5 of the code, 1931, except that any sale thereof shall be for cash and
 6 for a sum not less than the total amount stated in the tax-sale certifi-
 7 cate including all indorsements of subsequent general taxes, interests
 8 and costs, without the written approval of a majority of all the tax
 9 levying and tax certifying bodies having any interest in said general
 10 taxes. All money received from said real estate either as rent or as
 11 proceeds from the sale thereof shall, after payment of any general
 12 taxes which have accrued against said real estate since said tax sale
 13 and after payment of insurance premiums on any buildings located
 14 on said real estate and after expenditures made for the actual and
 15 necessary repairs and upkeep of said real estate, be apportioned to the
 16 tax levying and certifying bodies in proportion to their interests in
 17 the taxes for which said real estate was sold."

1 SEC. 5. General taxes and special assessments, including the col-
 2 lection thereof, levied by a special charter city, levying and collecting
 3 its own taxes and special assessments should not be affected by any
 4 such sale to the county in which said real estate is located.

1 SEC. 6. Section six thousand forty-one (6041), code, 1931, shall
 2 apply to all tax sales made under the provisions of this act.

1 SEC. 7. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication in
 3 the Winterset Madisonian, a newspaper published at Winterset, Iowa,
 4 and in the Adair County Free Press, a newspaper published at Green-
 5 field, Iowa.

Senate File 150. Approved March 25, 1935.

I hereby certify that the foregoing act was published in the Adair County Free Press,
 March 28, 1935, and the Ames Tribune, March 30, 1935.

MRS. ALEX MILLER, *Secretary of State.*

Note: The Ames Tribune substituted for the Winterset Madisonian in accordance
 with section 55, code, 1931.

CHAPTER 84

PUBLIC FUNDS IN CLOSED BANKS

H. F. 116

AN ACT to repeal chapter one hundred thirty-eight (138), acts Forty-fifth General
 Assembly, relating to the restoration or replenishment of the state sinking fund for
 public deposits with funds obtained from the reconstruction finance corporation
 and other agencies.

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

1 SECTION 1. Chapter one hundred thirty-eight (138), acts of the
 2 Forty-fifth General Assembly, is hereby repealed.

House File 116. Approved May 2, 1935.

CHAPTER 85

DEPOSIT OF PUBLIC FUNDS. INTEREST

H. F. 506

AN ACT to amend section seventy-four hundred twenty-d six (7420-d6), code, 1931, as amended, relating to public deposits.

WHEREAS, many of our public bodies in many of the counties do not have ample depository facilities for their funds it being estimated that such a condition prevails with seriousness in approximately one half of the counties and to a certain degree in nearly all counties, because banks as below explained cannot today afford to pay as high a rate of interest on public funds that they could in normal earning times; and

WHEREAS, the public fund law strictly requires that public funds must be deposited and that the rate of interest payable by depositories cannot be less than 2% per annum on 90% of the collected daily balances payable each month; and

WHEREAS, it is believed as forcibly brought out by prevailing conditions that some central authority such as the treasurer of state with the approval of the executive council ought to have discretionary authority to adjust the rate above a certain minimum interest rate so that all public bodies may be able to find sufficient acceptable depositories for their public funds as the public fund law requires, and

WHEREAS, hundreds of banking institutions in existence today cannot afford during these present economic times when good bank loans were never so few and bank earnings consequently were never so scarce to accept all of the public funds now offered to them and pay interest upon them at the end of each month at the statutory required rate of 2% per annum.

WHEREAS, innumerable banks today are serving as depositories for their local public bodies and handling public funds at a loss for the reason that they cannot loan out public funds as they could in normal earning years and break even with the combined cost of overhead expense and the payment of 2% interest that the present law requires them to pay if they accept public funds, and

WHEREAS, night burglary and daylight holdup insurance rates represent an important item of overhead expense for such portion of public funds that are kept under insurance, the daylight holdup insurance rate alone for cash and securities kept on hand by a bank being \$20.00 per thousand dollars per year or 2%, and

WHEREAS, Iowa banks cannot any longer deposit public funds with their city correspondents and earn 1% or 2% interest thereon as they formerly could, the federal "Banking Act of 1933" now prohibiting any bank a member of the federal reserve system or the federal deposit insurance corporation from paying interest on funds deposited with said bank by any other bank, and

WHEREAS, while Iowa banking institutions are willing to extend adequate depository facilities to all public bodies they do feel that there is a very definite limit to the amount of loss in handling public funds which they can absorb and beyond that they cannot prudently go, because bank supervising departments particularly federal bank supervising departments will not permit them to continue to absorb known avoidable losses to the detriment of other depositors, and

WHEREAS, it is believed that the following bill will solve the present dilemma in which public bodies throughout the state now find themselves in obtaining adequate acceptable depository facilities for their public funds and will enable a central authority such as the treasurer of state, with the approval of the executive council, all upon behalf of the state, interested in the depository problems of all public bodies as well as directly interested in the financial welfare of the state sinking fund, to adjust the rate of interest payable upon public funds, but not below the minimum fixed in the following bill, consistent with the prevailing economic conditions, and

WHEREAS, it is believed that the aggregate amount of interest for the state sinking fund will immediately materially increase rather than be diminished if the following bill is enacted because it will permit more public funds to find interest paying depositories even though the rate of interest may be slightly lower than the present statutory rate, and

WHEREAS, it is the intent of the following bill to authorize the central rate making authority suggested therein to prescribe a slightly lower minimum interest rate whenever conditions like those now prevailing make it seem advisable to so do, yet it at the same time will insure that the higher interest rate now payable will again be payable in the future to the state sinking fund when public funds like other funds may again be employed by the depositories handling them, therefore,

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

1 SECTION 1. Section seventy-four hundred twenty-d six (7420-d6)
 2 of the code, 1931, as amended, be and the same is hereby amended by
 3 striking all of said section after the word "deposited" in line 8 thereof
 4 and inserting in lieu thereof the following:
 5 "for the months of April and October, provided further that in
 6 order that public bodies throughout the state may be able at all times
 7 to obtain sufficient acceptable depositories the treasurer of state with
 8 the approval of the executive council may from time to time adjust the
 9 rate of interest that shall be payable by all depositories on public funds
 10 in their hands but in no event shall such rate of interest be adjusted
 11 below one (1) per cent per annum on ninety (90) per cent of the
 12 collected daily balances payable as hereinbefore required. Hence-
 13 forth public deposits shall be deposited with reasonable promptness
 14 and shall be evidenced by pass book entry by the depository legally
 15 designated as depository for such funds. Provided, however, that
 16 the rate of interest set by the treasurer of state shall apply to all
 17 public deposits of the state of Iowa."

1 SEC. 2. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its publication in the Fort Dodge
 3 Messenger, a newspaper published at Fort Dodge, Iowa, and the Gowrie
 4 News, a newspaper published at Gowrie, Iowa.

House File 506. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Fort Dodge Messenger, May 7, 1935, and the Gowrie News, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 86

DEPOSIT OF PUBLIC FUNDS

H. F. 125

AN ACT to amend section seventy-four hundred twenty-d eight (7420-d8), code, 1931, relating to the liability of officers who make deposits of public funds in accordance with chapter three hundred fifty-two-D one (352-D1), code, 1931.

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

1 SECTION 1. Section seventy-four hundred twenty-d eight (7420-
2 d8), code, 1931, is amended by striking from said section the following
3 words, to wit:

4 "No treasurer or other county officer or township clerk" and by
5 inserting in lieu thereof the words:

6 "No officer referred to in section seventy-four hundred twenty-d
7 one, (7420-d1), code, 1931, and as amended by chapter one hundred
8 thirty-six (136), section one (1), of the acts of the Forty-fifth Gen-
9 eral Assembly."

House File 125. Approved March 19, 1935.

CHAPTER 87

STATE SINKING FUND FOR PUBLIC DEPOSITS. ANTICIPATORY
WARRANTS, ISSUANCE

H. F. 85

AN ACT to repeal sections seventy-four hundred twenty-b three (7420-b3) and seventy-four hundred twenty-b six (7420-b6), code, 1931, as amended by chapters one hundred thirty-eight (138) and one hundred thirty-nine (139), acts of the Forty-fifth General Assembly, and to enact a substitute therefor, relating to the issuance of anticipatory warrants in payment of claims filed against the state sinking fund for public deposits and providing for the issuance and sale of refunding warrants, and providing for the notice of sale of such warrants, receiving sealed and open bids therefor, rejection of said bids and penalty for violation thereof; and to repeal all acts or parts of acts in conflict herewith.

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

1 SECTION 1. That section seventy-four hundred twenty-b three (7420-
2 b3), code, 1931, as amended by chapters one hundred thirty-eight
3 (138) and one hundred thirty-nine (139), acts of the Forty-fifth
4 General Assembly, be and the same is hereby repealed and the fol-
5 lowing enacted in lieu thereof:

6 "Whenever duly allowed and certified claims are on file with the
7 treasurer of state to the amount of fifty thousand (50,000) dollars
8 or more and the state sinking fund for public deposits contains
9 insufficient funds for immediate payment of said claims the treas-
10 urer of state with the written approval of the executive council of
11 the state of Iowa may issue anticipatory warrants for the purpose
12 of raising funds for the immediate payment of said claims but said
13 warrants outstanding and unpaid shall not exceed at any one time
14 the sum of three million five hundred thousand (3,500,000) dollars;
15 provided, however, that the treasurer of state by and with the ap-
16 proval of the executive council of the state of Iowa may issue such

17 additional anticipatory warrants as may be necessary or required
18 to refund existing warrants and the issuance of additional antici-
19 patory warrants for the purpose of refunding anticipatory war-
20 rants shall not be considered to be a violation of the prohibition here-
21 inbefore contained fixing the amount of said warrants to be outstand-
22 ing at any one time in an amount not to exceed three million five hun-
23 dred thousand (3,500,000) dollars."

1 SEC. 2. That section seventy-four hundred twenty-b six (7420-b6),
2 code, 1931, as amended by chapter one hundred thirty-eight (138), acts
3 of the Forty-fifth General Assembly, be and the same is hereby repealed
4 and the following is enacted in lieu thereof:

5 "Said warrants shall be offered by the treasurer of state at public
6 sale and shall be sold at a price not less than par plus accrued interest
7 to the date when the treasurer of state shall actually receive payment
8 for said warrants and make delivery of the same to the purchaser.

1 "SEC. 3. When said anticipatory warrants are to be offered for sale,
2 the treasurer of state shall by advertisement published for two or more
3 successive weeks in at least two daily newspapers in the state of Iowa,
4 one of which shall be in Des Moines, Iowa, give ten (10) days' notice of
5 the time and place of the sale of said warrants which notice shall con-
6 tain a statement of the amount of such warrants to be offered for
7 sale, the time and place of sale, and any further information which
8 may be deemed pertinent.

1 "SEC. 4. Sealed bids may be received at any time prior to the call
2 for open bids. After the sealed bids are on file, the executive council
3 shall call for open bids. After all of the open bids have been received
4 the substance of the best bid shall be recorded in the minutes of the
5 secretary of the executive council. The secretary of the executive coun-
6 cil shall then in the presence of the executive council open all sealed bids
7 that may have been filed and shall note the substance of the best sealed
8 bids.

1 "SEC. 5. Any or all bids may be rejected and the sale may be ad-
2 vertised anew, in the same manner, or the anticipatory warrants or any
3 portion thereof may thereafter be sold at private sale to any one or
4 more of such bidders or other person providing, however, that prefer-
5 ence shall be given to individuals residing in Iowa, corporations organ-
6 ized under the laws of the state of Iowa and resident partnerships in
7 so far as possible to do so. In case of a private sale, the said warrants
8 shall be sold upon terms not less favorable to the public than the most
9 favorable bids made by a bona fide and responsible bidder at the last
10 advertised sale.

1 "Sec. 6. No commission shall be paid directly or indirectly in con-
2 nection with the sale of any anticipatory warrant. No expense shall be
3 contracted or paid in connection with such sale other than the ex-
4 penses incurred in advertising such anticipatory warrants for sale.

1 "SEC. 7. Any public officer or employee who fails to perform any
2 duty required by this act or who does any act prohibited by this act
3 shall be guilty of an indictable misdemeanor."

1 SEC. 8. Nothing contained in chapter three hundred fifty-two-A
2 one (352-A1), code, 1931, as amended by this act, shall be deemed to
3 prevent the refunding of any warrants heretofore or hereafter issued
4 under the provisions of this chapter.

1 SEC. 9. All acts or parts of acts in conflict herewith are hereby re-
2 pealed.

1 SEC. 10. If any section, subsection, sentence, or phrase of this act
2 is for any reason held to be unconstitutional and/or invalid such de-
3 cision shall not affect the validity of the remaining portions of this act.
4 The legislature hereby declares that they would have passed this act
5 and each section, subsection, clause, sentence, and phrase, irrespective
6 of whether any one or more of the sections, subsections, clauses, sen-
7 tences, or phrases shall be declared unconstitutional.

1 SEC. 11. This act is deemed of immediate importance and shall be
2 in full force and effect from and after its publication in the Eagle
3 Grove Eagle, a newspaper published at Eagle Grove, Iowa, and the
4 Wright County Monitor, a newspaper published at Clarion, Iowa.

House File 85. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Eagle Grove Eagle, May
2, 1935, and the Wright County Monitor, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 88

DRAINAGE DISTRICTS. PURCHASE OF TAX-SALE CERTIFICATES

S. F. 249

AN ACT to amend section seventy-five hundred ninety-c one (7590-c1), code, 1931, relat-
ing to the purchase of tax-sale certificates in drainage districts.

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

1 SECTION 1. That section seventy-five hundred ninety-c one (7590-
2 c1), code, 1931, be and the same is hereby amended by adding thereto
3 the following:

4 "In any event where upon the request of the holder of any bond or
5 bonds issued by any drainage district the board of supervisors shall
6 fail, neglect or refuse to purchase the certificate of sale issued by
7 the county treasurer and referred to in this section in manner and
8 form as permitted by this section, the holder of such bond or bonds
9 may, upon filing with the county auditor a sworn statement as to the
10 making of such written request upon the board of supervisors and a
11 recital of the failure of such board to act in the premises by comply-
12 ing with the provisions of this section, in the same manner and form
13 purchase such certificate and the ownership thereof shall thereupon
14 vest in such holder of such bond or bonds in trust for said drainage
15 district or subdistrict, provided, however, that the holder shall have
16 a lien upon said certificate and any beneficial interest arising there-
17 from for his actual outlays including his reasonable expenses and
18 attorney's fees, if any, incurred in the premises. In the event any such
19 holder of any bond or bonds shall acquire title he shall have a right to
20 lease or convey said premises, upon giving thirty days' written notice

21 to the board of supervisors by filing the same with the county
 22 auditor and in the event said board shall not approve said lease or sale,
 23 the same shall be referred to the district court of the county where
 24 the land is situated and there tried and determined in the manner pre-
 25 scribed in section seventy-five hundred ninety-c one (7590-c1), code,
 26 1931. Any funds realized from the lease or sale of said land shall be
 27 first applied in extinguishing the lien of the holder of the certificate
 28 herein provided for and the balance shall be paid to the said drainage
 29 bond fund of said district."

1 SEC. 2. This act being deemed of immediate importance shall take
 2 effect and be in force from and after its publication in the Daily Times
 3 and The Davenport Democrat, newspapers published in Davenport,
 4 Iowa.

Senate File 249. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Davenport Daily Times
 and the Davenport Democrat, May 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 89

DRAINAGE OR LEVEE DISTRICTS. ABANDONMENT AND DISSOLUTION

S. F. 297

AN ACT to provide for the abandonment and dissolution of drainage or levee districts
 in certain cases; to provide procedure for same; to provide for appeal from order
 of board for same and to provide for payment of expense of same and refund of
 any balance; to provide for sale of property and distribution of proceeds and to
 provide for abandonment of rights of way.

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

1 SECTION 1. Jurisdiction to abandon and dissolve. When any drain-
 2 age or levee district is free from indebtedness and it shall appear that
 3 the necessity therefor no longer exists or that the expense of the con-
 4 tinued maintenance of the ditch or levee is in excess of the benefits
 5 to be derived therefrom, the board of supervisors or board of trustees,
 6 as the case may be, shall have power and jurisdiction, upon petition
 7 of a majority of the land owners, who, in the aggregate, own sixty
 8 per cent of all land in such district, to abandon the same and dissolve
 9 and discontinue such districts.

1 SEC. 2. Notice of hearing. Upon the filing of such petition the
 2 board shall enter an order fixing the date for hearing thereon not less
 3 than forty days from the date of the filing thereof and shall enter an
 4 order directing the county auditor, if such district is under the con-
 5 trol of the board of supervisors, or the clerk of the board, if under
 6 the control of a board of trustees, to immediately cause notice of hear-
 7 ing thereon to be served on the owners of lands in such district as may
 8 then be provided by law in proceedings for the establishment of a
 9 drainage or levee district.

1 SEC. 3. Hearing on petition. At the time set for hearing on said
 2 petition the board shall hear and determine the sufficiency of the pe-
 3 tition as to form and substance, which petition may be amended at any

4 time before final action thereon, and all objections filed against the
5 abandonment and dissolution of such district. If it shall find that
6 such district is free from indebtedness and that the necessity for the
7 continued maintenance thereof no longer exists or that the expense of
8 the continued maintenance of such district is not commensurate with
9 the benefits derived therefrom, it shall enter an order abandoning and
10 dissolving such district, which order shall be filed with the county
11 auditor of the county or counties in which such district is situated and
12 noted on the drainage record.

1 SEC. 4. Appeal. Appeal may be taken from the order of the board
2 to the district court of the county in which such district or a part
3 thereof is situated, in the same time and manner as appeal may be
4 taken from an order of the board of supervisors establishing a district.

1 SEC. 5. Expense—Refund. In case there are sufficient funds on
2 hand in such district, or there are unpaid assessments outstanding or
3 other property belonging to such district in an amount sufficient to
4 pay such expense, the expense of abandonment and dissolution shall be
5 paid out of such funds or out of funds realized by the sale of such
6 property. Where such district is free of indebtedness but there are
7 not sufficient funds on hand or unpaid assessments outstanding or
8 other assets to pay such expense the board shall assess such expense
9 against the property in the district in the same proportions as the
10 last preceding assessments of benefits. Any excess remaining to the
11 credit of such district after sale of its assets and after payment of
12 such expenses shall be prorated back to the property owners in the
13 district in the proportions according to class and benefits as last
14 assessed. If the petition is denied, the costs of said proceedings shall
15 be paid by the petitioning owners.

1 SEC. 6. Abandonment of rights of way. If such a dissolution is
2 effected, the rights of way of the district for all purposes of the dis-
3 trict shall be deemed abandoned.

1 SEC. 7. This act being deemed of immediate importance shall be in
2 full force and take effect from and after its passage and publication
3 in the Farmington News Republican, a newspaper published at Farm-
4 ington, Iowa, and in the Dyersville Commercial, a newspaper published
5 at Dyersville, Iowa.

Senate File 297. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Farmington News Repub-
lican, May 9, 1935, and the Dyersville Commercial, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 90

DRAINAGE OR LEVEE DISTRICTS. AUTHORITY UNDER FEDERAL
BANKRUPTCY POWERS

H. F. 146

AN ACT authorizing drainage districts with pumping plant and/or levee, having the power to incur indebtedness, to proceed under and take advantage of the provisions of federal bankruptcy laws enacted for the relief of such taxing districts.

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

1 SECTION 1. That all drainage districts with pumping plant and/or
2 levee, which have power to incur indebtedness, through action of their
3 own governing bodies are hereby authorized to proceed under and take
4 advantage of all laws enacted by the congress of the United States
5 under the federal bankruptcy powers, which laws have for their object
6 the relief of municipal indebtedness, including H. R. 5950 of the
7 Seventy-third Congress, entitled "An act to amend an act entitled 'An
8 act to establish a uniform system of bankruptcy throughout the United
9 States,' approved July 1, 1898, and acts amendatory thereof and sup-
10 plementary thereto," approved May 24, 1934, and the officials and
11 governing bodies of such drainage, pumping plant and/or levee dis-
12 tricts, are authorized to adopt all proceedings and to do any and all
13 acts necessary or convenient to fully avail such drainage, pumping
14 plant, and/or levee districts, of the provisions of such acts of congress.

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the Wapello
3 Republican, a newspaper published at Wapello, Iowa, and in the Musca-
4 tine Journal and News Tribune, a newspaper published at Muscatine,
5 Iowa.

House File 146. Approved April 11, 1935.

I hereby certify that the foregoing act was published in the Wapello Republican, April 18, 1935, and the Muscatine Journal and News Tribune, April 12, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 91

DRAINAGE DISTRICTS. REFINANCING

H. F. 312

AN ACT to amend chapter three hundred fifty-eight-B one (358-B1), code, 1931; to provide for the refinancing, adjustment, composition and refunding in such adjusted amount, of the debts of drainage, levee and pumping plant districts in distress; to authorize the governing boards, or board of supervisors, of such districts to borrow money from the Reconstruction Finance Corporation or other loan agency, and to issue bonds therefor, and to cancel old assessments and replace them with new assessments for the payment of said bonds; to provide a procedure therefor and a manner of hearing, notice and appeal therefrom; and to provide for an amendment to section seven thousand seven hundred fourteen-b ten (7714-b10), as amended by chapter one hundred one (101), section two (2), acts of the Forty-fifth General Assembly, extraordinary session, and seven thousand seven hundred fourteen-b nine (7714-b9), code, 1931, and to provide for the issuance of bonds for a period of not to exceed forty years.

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

1 SECTION 1. Chapter three hundred fifty-eight-B one (358-B1), code,
2 1931, is hereby amended by adding thereto the following sections:

1 "SEC. 2. For the purpose of refinancing, adjusting, composing and
2 refunding in such adjusted amount the indebtedness of any drainage
3 districts with levee or pumping plant, found to be in financial distress,
4 the governing body thereof, or board of supervisors as the case may
5 be, upon its own motion, is authorized to enter into agreements with
6 the creditors of said district, for the reduction and composition of its
7 outstanding indebtedness, and to make application for and negotiate
8 with the Reconstruction Finance Corporation, or any other loaning
9 agency, for the borrowing of funds for such purposes.

1 "SEC. 3. In order to effect such loan, the governing body of such
2 district, or board of supervisors, is authorized to execute such agree-
3 ments and contracts, and to fulfill such requirements of the loaning
4 agency as are not inconsistent with this chapter; and to issue, and
5 pledge or sell such bonds at their face value to the said Reconstruction
6 Finance Corporation, or other loaning agency, furnishing the funds for
7 such debt readjustment, in the amount required for such adjustment.

8 "The governing body, or board of supervisors, shall also have the
9 authority as a part of such plan of refinancing, adjusting, composing,
10 and refunding its indebtedness, to cancel the old assessments collec-
11 tible against the land within the district, pledged to the payment of
12 its outstanding indebtedness and proportionately and equitably relevy
13 the same, with interest, over the period covered by the new bonds, in
14 an amount sufficient to pay said new bonds and interest thereon, pro-
15 vided, however, that the new assessments thereby created against any
16 tract of land within the district shall not be in excess of the unpaid
17 assessments against such tract before the readjustment or composition
18 is made, and provided further, that such new and extended assessment
19 against such tract shall fully replace the old assessment.

1 "SEC. 4. At the direction of the governing board of such district,
2 or board of supervisors, the county auditor of the county within which
3 the land on which the indebtedness is being adjusted is situated, shall
4 compile a tabulated report as to the lands within the said district,
5 setting forth:

6 "1. The name of the owner of each assessed tract as shown by the
7 transfer books in his office.

8 "2. The amount of the unpaid old assessments against each of said
9 tracts.

10 "3. The amount of the new assessment required to pay the new bonds
11 to be issued, together with the installments to be paid thereon annually
12 of principal and interest, and the maximum period of time over which
13 such assessments shall be paid.

14 "After such report is tabulated and filed, a hearing upon the con-
15 templated action of the governing body of such district, or board of
16 supervisors, to make the proposed adjustment, composition, renewal
17 and refunding in such adjusted amount of its outstanding indebtedness,
18 together with the issuance of bonds and the levying of assessments
19 therefor, shall be had in the manner and upon the same notice as
20 is prescribed in sections seven thousand seven hundred fourteen-b
21 four (7714-b4) to seven thousand seven hundred fourteen-b six
22 (7714-b6), inclusive, of this chapter, and appeal may be made there-
23 from as provided in this chapter."

1 SEC. 5. Section seven thousand seven hundred fourteen-b nine
2 (7714-b9), code, 1931, is amended by striking from line 4 thereof, the
3 word "fifteen," and substituting in lieu thereof, the word "forty."

1 SEC. 6. Section seven thousand seven hundred fourteen-b ten
2 (7714-b10), code, 1931, as amended by chapter one hundred one (101),
3 section two (2), acts of the Forty-fifth General Assembly, extraordi-
4 nary session, is amended by striking from line 5 thereof, the word
5 "twenty," and substituting in lieu thereof, the word "forty."

1 SEC. 7. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Wapello
3 Republican, a newspaper published at Wapello, Iowa, and the Muscatine
4 Journal and News Tribune, a newspaper published at Muscatine, Iowa.

House File 312. Approved April 15, 1935.

I hereby certify that the foregoing act was published in the Wapello Republican,
April 18, 1935, and the Muscatine Journal and News Tribune, April 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 92

COMMISSION OF AERONAUTICS. POWERS

S. F. 329

AN ACT to amend sections eighty-three hundred thirty-eight-c two (8338-c2) and eighty-
three hundred thirty-eight-c seven (8338-c7), code, 1931, and section one (1), chapter
one hundred eighty-three (183), acts of the Forty-fifth General Assembly, relating to
the powers of the commission of aeronautics and the erection of objects or structures
near certain airports.

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

1 SECTION 1. Section eighty-three hundred thirty-eight-c two (8338-
2 c2), code, 1931, is hereby amended by striking the period at the end
3 thereof and adding the following: "unless said requirements are
4 waived in writing by the commission of aeronautics."

1 SEC. 2. Section eighty-three hundred thirty-eight-c seven (8338-
2 c7), code, 1931, is hereby amended as follows:

3 1. Strike subsection h and substitute in lieu thereof the following:
4 "h. The commission of aeronautics shall have power to grant waivers
5 for any flight other than as herein provided."

6 2. Strike from lines 8 and 9 of subsection j the words "board of
7 railroad commissioners" and insert in lieu thereof "commission of
8 aeronautics."

1 SEC. 3. That section one (1) of chapter one hundred eighty-three
2 (183), acts of the Forty-fifth General Assembly, is hereby amended
3 by striking out after the word "structure" in line 3 the words "over
4 fifty feet high", and amend line 4 after the word "municipal" by in-
5 serting "or regularly established" and amend line 4 by inserting after
6 the word "airport" the words "or landing place," and amend line 5
7 by changing the period after the word "navigation" to a comma and
8 adding thereto the following: "including take-off and landing, unless
9 such object or structure constitutes a proper use or enjoyment of the
10 land on which the same is located."

Senate File 329. Approved April 20, 1935.

CHAPTER 93

CORPORATIONS FOR PECUNIARY PROFIT. EXTENSION OF CHARTER

S. F. 227

AN EMERGENCY ACT to amend the law relating to corporations for pecuniary profit as it now appears in section eighty-three hundred sixty-four (8364), code, 1931; lengthening, by three (3) years, the corporate life of all such corporations whose charter would otherwise expire during the year 1935 or 1936; postponing the time within which the charter of such corporations may be renewed; suspending all laws, or parts of law, in conflict herewith, and providing for the termination of this emergency act.

WHEREAS, the governor of the state of Iowa in his inaugural address to the Forty-fifth General Assembly of Iowa, and also to the Forty-sixth, has declared that an economic emergency exists, which emergency is general throughout the state and adversely affects its future welfare; and,

WHEREAS, the Forty-fifth and Forty-sixth General Assemblies of Iowa have both declared that such economic emergency does now so exist and that it adversely affects the general welfare of the people of the state of Iowa and makes it necessary that the corporate life of those private corporations whose charters expire during this financial depression be lengthened so that the liquidation of such corporations, or the sale of its corporate stock or property, could not be forced during these times of economic depression when such property has little or no market value, now, therefore,

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

1 SECTION 1. That the law as it appears in section eighty-three hundred
2 sixty-four (8364), code, 1931, be and the same is hereby amended by
3 changing the period at the end thereof to a semicolon, and by adding
4 thereto, immediately following such semicolon, the following:
5 "provided, however, that the corporate life of any such corporation
6 whose charter expired during the calendar year 1934 and which, at the
7 time this act becomes effective, has not been legally renewed in accord-
8 ance with the provisions of section eighty-three hundred sixty-five
9 (8365), code, 1931, and the corporate life of any other such corpora-
10 tion whose charter expires during the calendar years 1935 or 1936 shall
11 hereby be extended for a period of two years from its respective expira-
12 tion date, and no corporate charter of any such corporation shall be
13 renewed under and by virtue of or in accordance with section eighty-
14 three hundred sixty-five (8365), code, 1931, for a period of two years
15 following such expiration date."

1 SEC. 2. That the law as it appears in section eighty-five hundred
2 eighty-three (8583), code, 1931, be and the same is hereby amended by
3 changing the period at the end thereof to a semicolon and by adding
4 thereto, immediately following such semicolon, the following:
5 "provided, however, that the corporate life of any such corporation
6 whose charter expires during the calendar year 1935 or 1936 shall
7 hereby be extended for a period of two years from its respective
8 expiration date, and no corporate charter of any such corporation shall
9 be renewed under and by virtue of, or in accordance with, the provisions
10 of section eighty-five hundred ninety-two (8592), code, 1931, for a
11 period of two years following such expiration date."

1 SEC. 3. In no event shall this act be in force after December 31, 1938.

1 SEC. 4. This act being adopted to meet an emergency through police
2 power of the state and being deemed of immediate importance shall be
3 in full force and effect after its passage and publication in the Mount
4 Pleasant Free Press and the Des Moines Register, newspapers pub-
5 lished at Mount Pleasant, Iowa, and Des Moines, Iowa, respectively.

Senate File 227. Approved May 14, 1935.

I hereby certify that the foregoing was published in the Mount Pleasant Free Press, May 23, 1935, and the Des Moines American Citizen, May 24, 1935.

MRS. ALEX MILLER, *Secretary of State.*

Note: The Des Moines American Citizen substituted for the Des Moines Register in accordance with section 55, code, 1931.

CHAPTER 94

COOPERATIVE CORPORATIONS

S. F. 113

AN ACT to revise and modernize the laws relating to cooperative corporations with and without capital stock; to define such corporations, and other terms; to provide for the incorporation, regulation, renewal, dissolution and internal affairs of such corporations; to define their necessary and permissible powers and activities; to provide for classes of stockholders and the rights, privileges, duties and obligations of stockholders and members; to exempt certain cooperative securities from the Iowa securities act; to permit marketing contracts and provide remedies thereon; to require certain fees, reports and penalties; to regulate the use of the word "cooperative"; to extend the act to certain existing cooperatives; to permit the admission of foreign cooperatives; to limit the application of chapters three hundred eighty-nine (389) and three hundred ninety (390) of the 1931 code of Iowa, and for other related purposes.

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

1 SECTION 1. This act applies only to cooperative associations as de-
2 fined in section two (2) hereof. All such associations hereafter formed
3 must be organized under this act.

1 SEC. 2. a. A "cooperative association" is one which, in serving some
2 purpose enumerated in section six (6) hereof, deals with or functions
3 for its members at least to the extent required by section three (3),
4 and which distributes its net earnings among its members in proportion
5 to their dealings with it, except for limited dividends or other items
6 permitted in this act; and in which each voting member has one vote
7 and no more.

8 b. "Association" means a corporation formed under this act.

9 c. "Agricultural products" include horticultural, viticultural, forest-
10 ry, dairy, livestock, poultry, bee and any other farm products.

11 d. "Agricultural associations" are those formed for a purpose speci-
12 fied in subsection b, section six (6).

13 e. "Member" refers not only to members of nonstock associations
14 but also to common stockholders of stock associations, unless the con-
15 text of a particular provision otherwise indicates.

1 SEC. 3. Dealing with non-members. a. A nonstock livestock ship-
2 ping association shall not handle livestock of any non-members.

3 b. Any association may limit its dealings or any class thereof to
4 members only.

5 c. No association shall, during any year, deal or function with or for
6 non-members to an extent exceeding one half of the value of business
7 done. This provision shall not apply to its sales or services to municipi-
8 pal or governmental bodies; nor to agricultural associations' purchases
9 from or sales to corporate landowners who are not primarily engaged
10 in the business of farming.

1 SEC. 4. Use of term cooperative restricted. No person or firm, and
2 no corporation hereafter organized, which is not an association defined
3 herein, shall use the word "cooperative" or any abbreviation thereof in
4 its name or advertising or in any connection with its business, except
5 foreign associations admitted under section fifty-four (54). The attor-
6 ney general or any association or any member thereof may sue and
7 enjoin such use.

1 SEC. 5. Five or more individuals, or two or more associations, may
2 organize an association. All individual incorporators of agricultural
3 associations must be engaged in producing agricultural products, which
4 term shall include landlords and tenants as specified in section thirteen
5 (13) hereof.

1 SEC. 6. Associations may be formed either:

2 a. To conduct a mercantile, manufacturing, mechanical or mining
3 business, or to construct or operate telephone or electric transmission
4 lines; or

5 b. To produce, grade, blend, preserve, process, store, warehouse,
6 market, sell or handle any agricultural product, or any by-product
7 thereof; or to purchase, produce, sell or supply machinery, petroleum
8 products, equipment, fertilizer, supplies, business or educational service
9 to or for those engaged as bona fide producers of agricultural products;
10 or to finance any such activities; or to engage in any cooperative activity
11 connected with any of said purposes; or for any number of these pur-
12 poses.

1 SEC. 7. Except as expressly limited in its articles, each association
2 shall have power to do anything permitted anywhere in this act, and
3 also:

4 a. To conduct any business enumerated in section six (6) hereof
5 which its articles specify; and to conduct such business either as prin-
6 cipal or as agent for its members.

7 b. To borrow any amounts of money, and give any form of obligation
8 or security therefor.

9 c. To make advances to patrons or members, or members of member-
10 associations, and take any form of obligation or security therefor. To
11 acquire, hold, transfer or pledge any obligation or security represent-
12 ing funds actually advanced or used for any cooperative activity; or
13 stock, memberships, bonds or obligations of any cooperative organiza-
14 tion dealing in any product handled by the association, or any by-prod-
15 uct thereof; to make any contract, endorsement or guaranty it deems
16 desirable incident to its transfer or pledge of any obligation or security.
17 No association organized under this act shall engage in the business of
18 banking. Provided, however, that nothing in this act shall be construed
19 in any way to repeal or change chapter four hundred fifteen-B one,
20 (415-B1), code, 1931, relating to cooperative banks.

21 d. To acquire, own or dispose of any real or personal property deemed
22 convenient for its business, including patents, trademarks and copy-
23 rights.

24 e. To exercise any power, right or privilege suitable or necessary
25 for, or incident to, promoting or accomplishing any of its powers, pur-
26 poses or activities, or granted to ordinary corporations, save such as
27 are inconsistent with this act.

28 f. To exercise any of its powers anywhere.

1 SEC. 8. An agricultural association may contract with any member
2 for his exclusive sale to or through it, of all or any part of his agricul-
3 tural products or other designated commodities. Such contracts may
4 permit the association to take and sell the property without acquiring
5 title thereto, and pay the member the sale price less costs and expenses
6 of selling, which may include the member's prorata portion of the
7 association's annual outlay for overhead, interest, preferred dividends,
8 reserves or other specified charges. Such contracts must be for a speci-
9 fied time, not less than one year. Each contract shall fix a period of
10 at least ten days during each year after the first, within which either
11 party may terminate it without affecting any liability previously
12 accrued.

1 SEC. 9. a. Contracts permitted by section eight (8) may provide
2 that the member pay the association any sum, fixed in amount or by a
3 specified method of computation, for each violation thereof; also all
4 the association's expenses of any suit thereon, including bond premiums
5 and attorney's fees. All such provisions shall be enforced as written,
6 whether at law or in equity, and shall be deemed proper measurement
7 of actual damages, and not penalties or forfeitures.

8 b. The association may obtain specific performance of any such con-
9 tract, or enjoin its threatened or continued breach, despite the ade-
10 quacy of any legal or other remedy.

11 c. If the association files a verified petition, showing an actual or
12 threatened breach of any such contract and seeking any remedy there-
13 for, the court or any judge thereof shall, without notice or delay but
14 on such bond as it deems proper, issue a temporary injunction against
15 such breach or its continuance.

16 d. The parties to such contracts may agree to arbitrate any contro-
17 versy subsequently arising thereunder, and fix the number of arbitra-
18 tors and method of their appointment. Such agreements shall be valid
19 and irrevocable, except on such grounds as invalidate contracts gener-
20 ally. If they specify no method for appointing arbitrators, or if either
21 party fails to follow such method, or if for any reason arbitrators are
22 not named or vacancies filled, either party may apply to the district
23 court to designate the necessary arbitrator, who shall then act under
24 the agreement with the same authority as if named in it. Unless other-
25 wise agreed, there shall be but one arbitrator.

1 SEC. 10. Any association may make any agreement or arrangement
2 with any other association or cooperative organization for the coop-
3 erative or more economical carrying on of any of its business. Any
4 number of such associations or organizations may unite to employ or
5 use, or may separately employ or use, the same methods, means or
6 agencies for conducting their respective businesses.

1 SEC. 11. No association, contract, method or act which complies
2 with this act shall be deemed a conspiracy or combination in restraint
3 of trade or an illegal monopoly, or an attempt to lessen business or
4 fix prices arbitrarily, or to accomplish any improper or illegal purpose.

1 SEC. 12. The private property of the members or stockholders
2 shall be exempt from execution for the debts of the corporation.

1 SEC. 13. No membership or share of common stock shall ever be
2 issued to, or held by, any party not eligible to membership in the
3 association under its articles. Individuals may be made eligible only
4 if they are engaged in producing products marketed by the association,
5 or if they customarily consume or use the supplies or commodities
6 it handles, or use the services it renders. Farm tenants, and land-
7 lords who receive a share of agricultural products as rent, may be
8 made eligible to membership in agricultural associations as producers.
9 Other associations engaged in any directly or indirectly related ac-
10 tivity may be made eligible to membership. Federated associations
11 may be formed whose membership is restricted to cooperative associa-
12 tions.

1 SEC. 14. Membership in nonstock associations. Membership in
2 associations without capital stock may be acquired by eligible parties
3 in the manner provided in the articles, which shall specify the rights
4 of members, the issuing price of memberships, and what, if any, fixed
5 dividends accrue thereon. If the articles so provide, membership
6 shall be of two classes, voting and non-voting. Voting members shall
7 be agricultural producers, and all other members shall be non-voting
8 members. Non-voting members shall have all the rights of membership
9 except the right to vote.

1 SEC. 15. Contents of certificates. The association shall issue cer-
2 tificates of membership or stock, each of which state the fixed dividend,
3 if any, and the restrictions or limitations upon its ownership, voting,
4 transfer, redemption or cancellation.

1 SEC. 16. Subscriptions—Issuing certificates. If the articles permit,
2 any eligible subscriber for common stock or membership may vote
3 and be treated as a member, after making part payment therefor in
4 cash and giving his note for the balance. Such subscriptions may be
5 forfeited as provided in section thirty-two (32). No stock or mem-
6 bership certificate shall be issued until fully paid for. No subscriber
7 shall hold office until his certificate has been issued.

1 SEC. 17. Transfer of stock or membership. No common stock shall
2 be transferable, unless the articles expressly provide for transfer to
3 others eligible for membership. Such provision may require that
4 the transfer be preceded by an offer to the association, or be other-
5 wise restricted. No nonstock membership shall be transferable, and
6 all certificates thereof shall be surrendered to the association on the
7 member's voluntary withdrawal.

1 SEC. 18. Expulsion of members. The directors may expel any
2 member if he has attempted to transfer his membership or stock in
3 violation of its terms, or has wilfully violated any article or by-law
4 which provides for such penalty.

1 SEC. 19. Cancellation of membership or stock. If a common stock-
2 holder or member dies, or becomes ineligible, or is expelled, his stock
3 or membership shall forthwith be canceled. In cases of expulsion the
4 association shall pay him its value as shown by the books on the date
5 of cancellation, but not more than its original issuing price, within
6 sixty days thereafter. In cases of death or ineligibility, it shall pay
7 such value to him or his personal representative within two years there-
8 after, without interest.

1 SEC. 20. Withdrawal of members. The articles may permit and
2 regulate voluntary withdrawal of members and the resulting cancella-
3 tion of their common stock and memberships.

1 SEC. 21. Obligations not affected. The death, expulsion or with-
2 drawal of a member shall not impair his contracts, debts, or obliga-
3 tions to the association.

1 SEC. 22. Capital stock. Associations with capital stock may divide
2 the shares into common and preferred stock. Par value stock shall
3 not be issued for less than par. The general corporation laws shall
4 govern the consideration for which no-par stock is issued. If the
5 articles so provide, common stock may be issued in two classes,
6 voting and non-voting. Voting stock shall be issued to all agricultural
7 producers and non-voting stock to all other members. Non-voting
8 stock shall have all privileges of membership except the right to vote.
9 Preferred stock held by non-members shall not exceed in amount that
10 held by members.

1 SEC. 23. Dividends on common stock. Unless the articles provide
2 that common stock shall receive no dividends, the directors may de-
3 clare non-cumulative dividends thereon at such rate as they may fix,
4 not exceeding eight (8) per cent per annum.

1 SEC. 24. Preferred stock. Preferred stock shall bear cumulative
2 or non-cumulative dividends as fixed by the articles, not exceeding
3 eight (8) per cent per annum. It shall have no vote. It shall be
4 issued and be transferable without regard to eligibility or membership,
5 and be redeemable on terms specified in the articles. The directors
6 shall determine the time and amount of its issue.

1 SEC. 25. Issuing preferred stock in purchases. An association
2 may discharge all or any part of obligations incurred in purchasing any
3 business, property or stock, or an interest therein, by issuing its
4 authorized preferred stock in an amount not exceeding the fair market
5 value of the thing purchased. Issuance of such stock in an amount
6 exceeding twenty-five thousand (25,000) dollars shall be governed
7 by the law as found in sections eighty-four hundred thirteen (8413)
8 and eighty-four hundred fourteen (8414), chapter three hundred
9 eighty-six (386) of the 1931 code of Iowa. Issuance of such stock
10 in amounts smaller than twenty-five thousand (25,000) dollars shall
11 be upon the fair market value of the property purchased, as deter-
12 mined through an appraisal made by the directors or a competent
13 appraiser employed by the directors. Within thirty days after such
14 issue, the association shall file with the secretary of state a verified
15 report containing an accurate detailed description of the thing pur-
16 chased, the valuation thereof by the directors, and the amount of pre-

17 ferred stock thus issued. Such preferred stock shall be valid as though
18 paid for in cash.

1 SEC. 26. Service charges. Unless the articles otherwise provide,
2 the by-laws or the directors may prescribe charges to be made to
3 each member for services rendered him or upon products bought from
4 or sold to him, and the time and manner of their collection.

1 SEC. 27. Meetings. a. Regular meetings of members shall be held
2 at least once each year, the first of which shall be on the date specified
3 in its articles. Unless otherwise provided in the articles or by-laws,
4 subsequent meetings shall be on the same date in each succeeding
5 year.

6 b. Unless otherwise provided in the articles, the directors may call
7 special meetings of members, and must do so upon written demand of
8 twenty (20) per cent of the members.

9 c. Unless he waives it in writing, each member shall have ten
10 days' written notice of the time and place of all meetings, and of the
11 purpose of all special meetings. Such notice shall be given to him
12 in person or by mail directed to his address as shown on the books
13 of the association, or if the articles so provide, by publication in a
14 regular publication of general circulation among its members, or a
15 newspaper of general circulation published at the principal place
16 of business of the association.

1 SEC. 28. Number of votes. No member may own more than one
2 membership or share of common stock. Each voting member shall
3 be entitled to one vote and no more at all corporate meetings.

1 SEC. 29. Manner of voting. Votes shall be cast in person, and not
2 by proxy. The vote of a member-association shall be cast only by its
3 representative duly authorized in writing. If the articles or by-laws
4 permit, an absent member may cast his signed written vote upon any
5 proposition of which he has been previously notified in writing, and
6 of which a copy accompanies his vote.

1 SEC. 30. Distribution of earnings. The directors shall annually
2 dispose of the earnings of the association in excess of its operating
3 expenses as follows:

4 a. To provide a reasonable reserve for depreciation, obsolescence,
5 bad debts, or contingent losses or expenses.

6 b. At least ten (10) per cent of the remaining earnings must be
7 added to surplus until surplus equals either (first) thirty (30) per cent
8 of the total of all capital paid in for stock or memberships, plus all
9 unpaid patronage dividends, plus certificates of indebtedness payable
10 upon liquidation, or (second) one thousand (1,000) dollars, whichever
11 is greater. No additions shall be made to surplus whenever it exceeds
12 either fifty (50) per cent of such total, or one thousand (1,000) dollars,
13 whichever is greater.

14 c. Not less than one (1) per cent nor more than five (5) per cent
15 of such earnings in excess of reserves may be placed in an educational
16 fund, to be used as the directors deem suitable for teaching or pro-
17 moting cooperation.

18 d. After the foregoing, to pay fixed dividends on stock or member-
19 ships, if any.

20 e. All remaining net earnings shall be allocated to a revolving
21 fund and shall be credited to the account of each member, including
22 subscribers described in section sixteen (16), ratably in proportion
23 to the business he has done with the association during such year.
24 Such credits are herein referred to as "deferred patronage dividends."

1 SEC. 31. Control of allocation by members. The members may at
2 any meeting control the amount to be allocated to surplus or educa-
3 tional fund, within the limits specified in section thirty (30), or the
4 amount to be allocated to reserves.

1 SEC. 32. Patronage dividends of subscribers. Patronage dividends
2 to subscribers whose stock or membership is not fully paid in cash
3 shall be applied toward such payment until it is completed. If the
4 articles or by-laws so provide, subscriptions not fully paid within
5 two years may be canceled and all payments or patronage dividends
6 thereon forfeited.

1 SEC. 33. Use of revolving fund. The directors may use the re-
2 volving fund to pay the obligations or add to the capital of the asso-
3 ciation or retire its preferred stock. In such event the deferred
4 patronage dividends credited to members shall constitute a charge
5 on the revolving fund and future additions thereto, and on the cor-
6 porate assets, subordinate to creditors and preferred stockholders
7 then or thereafter existing. Deferred patronage dividends for any
8 year shall have priority over those for any subsequent year.

1 SEC. 34. Patronage dividend certificates. If its articles or by-laws
2 so provide, an association may issue transferable or nontransferable
3 certificates for deferred patronage dividends.

1 SEC. 35. Time of payment. Credits or certificates referred to in
2 the last two sections shall not mature until the dissolution or liquida-
3 tion of the association, but shall be callable by the association at any
4 time in the order of priority specified in section thirty-three (33).

1 SEC. 36. Directors. a. The affairs of each association shall be man-
2 aged by a board of not less than five directors, who must be mem-
3 bers of the association or officers or members of a member-association.
4 They shall be elected by the members as the articles prescribe.

5 b. Unless the articles or by-laws otherwise provide, vacancies in
6 the board shall be filled by the remaining directors, the director thus
7 selected to serve for the remainder of the vacant term.

8 c. The articles or by-laws may permit the directors to select an
9 executive committee from their own number; and may prescribe its
10 authority, which may be co-extensive with that of the whole board.

11 d. Directors shall be elected by districts, if the articles specify the
12 districts, the number of directors from each, the manner of nomina-
13 tion, redistricting or reapportionment, and whether directors shall
14 be directly elected by the members or by delegates chosen by them.
15 Districts shall be so formed and redistricting shall be ordered, from
16 time to time, so that the districts contain as nearly as possible an
17 equal number of members.

1 SEC. 37. Officers and employees. a. The directors shall select from
2 their own number a president, one or more vice presidents, a secretary-

3 treasurer or a secretary and a treasurer, and shall fill vacancies in such
4 offices. Unless the articles or by-laws otherwise provide, said officers
5 shall be chosen for annual terms at the close of the first regular meet-
6 ing of members in each year.

7 b. The directors shall also choose and may remove such other officers
8 and employees as they deem proper, or as the articles or by-laws may
9 prescribe.

1 SEC. 38. Removal of officers and directors. At any meeting called
2 for that purpose, any officer or director may be removed by vote of a
3 majority of all voting members of the association. A director chosen
4 under section thirty-six (36), paragraph d, may likewise be removed
5 by vote of a majority of all members in his district.

1 SEC. 39. Referendum. If provided for in the articles of incorpora-
2 tion, any action of directors shall, on demand of one third of the direc-
3 tors made and recorded at the same meeting, be referred to a regular
4 or special meeting of members called for such purpose. Such action
5 shall stand until and unless annulled by a majority of the votes cast
6 at such meeting, which vote shall not impair rights of third parties
7 previously acquired.

1 SEC. 40. Articles. Articles of incorporation must be signed and
2 acknowledged by each incorporator. They may deal with any fiscal or
3 internal affair of the association or any subject hereof in any manner
4 not inconsistent with this act. All articles must state in the English
5 language:

6 a. The name of the association, which must include the word "co-
7 operative"; and the address of its principal office.

8 b. The purposes for which it is formed, and a statement that it is
9 organized under this act.

10 c. Its duration, which may be perpetual.

11 d. The name, occupation and post-office address of each incorporator.

12 e. The number of directors, their qualifications and terms of office
13 and how they shall be chosen and removed.

14 f. Who are eligible for membership, how members shall be admitted
15 and membership lost, how earnings shall be distributed among mem-
16 bers, how assets shall be distributed in liquidation, and, in addition,
17 either:

18 1. That the association shall have capital stock; the classes, par value
19 and authorized number of shares of each class thereof; how shares
20 shall be issued and paid for; and what rights, limitations, conditions
21 and restrictions pertain to the stock, which shall be alike as to all stock
22 of the same class; or

23 2. That the association shall have no capital stock, and what limita-
24 tions, conditions, restrictions and rights pertain to membership; and if
25 the rights are unequal, the rules respecting them shall be specifically
26 stated.

27 g. The date of the first regular meeting of members.

1 SEC. 41. Amendments. Articles may be amended at any meeting
2 called for that purpose, an exact copy of the proposed amendment hav-
3 ing been first mailed to each member ten days prior to such meet-
4 ing, by an affirmative vote of three fourths of all votes cast, providing
5 that at least twenty-five (25) per cent of all members vote thereon.

6 Amendments, signed and acknowledged by officers designated for
7 such purpose, shall be filed and recorded as provided in section forty-
8 four (44).

1 SEC. 42. Renewal. An association may extend its duration per-
2 petually, or for any definite time, by resolution adopted by a majority
3 of all its members, or any different vote for which the articles may
4 provide, at a meeting called for that purpose and held before its orig-
5 inal expiration.

6 Unless the association has meanwhile wound up, its duration may
7 be extended in like manner within three years after its original ex-
8 piration, with the same effect as if done prior thereto, by a vote of
9 two thirds of all its members.

10 The resolution must state the name of the association, its original
11 expiration date, and for how long thereafter its duration is extended,
12 and must also adopt, and designate officers to execute, renewal articles
13 of incorporation containing the things required in section forty (40).

14 The renewal articles shall be signed, filed and recorded as required
15 by section forty-one (41) hereof. Renewal shall not relieve the associa-
16 tion from fees, charges or penalties which may have accrued against it.

1 SEC. 43. Existing corporations adopting this act.

2 a. Any existing Iowa cooperative corporation may, by a majority
3 vote of all its members, at a meeting called for that purpose and held
4 before its present articles expire, amend its articles so as to comply
5 with this act and section forty (40), which may extend its corporate
6 duration. Such amended articles, signed and acknowledged by officers
7 designated for that purpose, shall be filed and recorded, and a certifi-
8 cate of incorporation issued, as required by section forty-four (44)
9 hereof, whereupon such corporation shall be deemed an association
10 under this act.

11 b. Any such existing corporation whose present articles have now
12 expired, or will expire before January 1, 1938, may adopt this act as
13 above provided at any time before that date, with the same effect as
14 though done before such articles expired.

15 c. If any shareholder or member of such corporation vote against
16 such amendment, those voting for it shall purchase his stock or interest
17 at its real value, within two years from the date of such vote, paying
18 interest thereon at the rate of six (6) per cent until paid. The associa-
19 tion may retire the stock or interest thus purchased.

20 d. If any shareholder or member of such corporation shall not be
21 eligible to continue membership under such amendment, the associa-
22 tion shall within two years after the amendment is filed purchase and
23 retire his stock or membership for its real value.

24 e. It shall be presumed that the real value of such stock or interest
25 is its proportionate share of the corporate assets at book value less
26 liabilities as shown by its books.

1 SEC. 44. Filing, recording, certificate of incorporation. Articles,
2 amendments, and renewals shall be filed with and approved and re-
3 corded by the secretary of state; and recorded in the county where the
4 association has its principal place of business, as required by the gen-
5 eral corporation laws.

6 Upon approving the articles, the secretary of state shall issue a cer-
7 tificate of incorporation, whereupon corporate existence shall begin.

1 SEC. 45. Fees. The following fees shall be paid to the secretary of
2 state:

3 a. Upon filing articles of incorporation or renewals thereof, ten
4 (10) dollars for authorized capital stock up to twenty-five thousand
5 (25,000) dollars, and one (1) dollar per one thousand (1,000) dollars
6 or fraction in excess thereof; or ten (10) dollars if there be no capital
7 stock.

8 b. Upon filing amendments, one (1) dollar, and if authorized capital
9 stock is increased to an amount exceeding twenty-five thousand (25,-
10 000) dollars, an additional fee of one (1) dollar per thousand (1,000)
11 dollars or fraction of such excess.

12 c. Upon filing all articles, renewals, or amendments, a recording
13 fee of ten (10) cents per one hundred (100) words, but not less than
14 fifty (50) cents.

15 d. An annual license fee of one (1) dollar shall be paid by each
16 domestic or foreign association on or before the first day of April in
17 each year, with its annual report.

1 SEC. 46. By-laws. Unless the articles otherwise provide, the di-
2 rectors may adopt by-laws for the association, which shall remain in
3 force until altered by a vote of a majority of the members, or such
4 larger vote as may be fixed by its articles. By-laws shall be kept by
5 the secretary subject to inspection by any member at any time. By-
6 laws may deal with the fiscal or internal affairs of the association or
7 any subject of this act in any manner not inconsistent with this act
8 or the articles.

1 SEC. 47. Dissolution. a. An association whose duration has expired,
2 or which is sooner dissolved by voluntary act of its members, shall
3 continue to exist for the purpose of winding up its affairs until its
4 complete liquidation under clause c hereof.

5 b. An association may be dissolved by two thirds of all votes cast
6 at any meeting called for that purpose at which a majority of all
7 voting members vote.

8 c. Upon the expiration or voluntary dissolution of an association,
9 the members shall designate three of their number as trustees
10 to replace the officers and directors and wind up its affairs. Such
11 trustees shall thereupon have all the powers of the board, including
12 the power to sell and convey all real or personal property and execute
13 conveyances thereof. Within the time fixed in their designation, or
14 any extension thereof, they shall liquidate its assets, pay its debts
15 and expenses, and distribute any remaining funds among the members,
16 and thereupon the association shall stand dissolved and cease to exist.
17 The trustees shall make, sign, and acknowledge a duplicate report of
18 such dissolution, filing one with the secretary of state and one
19 with the recorder of the county where the articles were recorded.

20 d. The trustees and their successors in office shall be chosen, and
21 the time for their action fixed and extended, by a majority of all
22 votes cast at any meeting called for such purpose.

1 SEC. 48. Distribution in liquidation. On dissolution or liquidation,
2 the assets of the association shall first pay liquidation expenses, next
3 its obligations other than patronage dividends or certificates issued
4 therefor; and the remainder shall be distributed in the following
5 priority:

- 6 a. To pay preferred stock and any dividends accrued thereon.
7 b. To pay any deferred patronage dividends or certificates issued
8 therefor. If the fund is insufficient to pay them all, it shall be pro-
9 rated regardless of the priority specified in sections thirty-three (33)
10 and thirty-five (35).
11 c. To pay to members or common stockholders the amounts for
12 which their memberships or shares were originally issued, together
13 with such accrued dividends, if any, as the articles provide.
14 d. Any remaining assets shall be distributed among the members at
15 the date of dissolution or liquidation in proportion to their deferred
16 patronage dividends.

1 SEC. 49. Annual reports. Each association shall, before April first
2 of each year, file a report with the secretary of state on forms pre-
3 scribed by him, to be accompanied by the annual fee required by
4 section forty-five (45) paragraph d. Such report shall be sworn to
5 by an officer of the association, or a receiver or trustee liquidating its
6 affairs, and shall state:

- 7 a. Its name and address.
8 b. The names, addresses and occupations of its officers and directors.
9 c. The number of shares of each class of stock authorized and out-
10 standing and the par value thereof; or, if there be none, the number
11 of members and the amount of membership fees paid in.
12 d. The nature and character of its business.
13 e. What percentage of its business was done with or for its own
14 members during the preceding fiscal or calendar year, and what per-
15 centage thereof was done with or for each class of non-members
16 specified in section three (3), paragraph c.
17 f. Any other information deemed necessary by the secretary to
18 advise him whether the association is actually functioning as a
19 cooperative.

1 SEC. 50. Notice of delinquent reports. Before May fifteenth the
2 secretary shall send to each association failing to report or pay the
3 fee, a registered letter directed to its principal office specified in
4 its articles, stating the delinquency and its consequences.

1 SEC. 51. Forfeiture. If an association fails to file such report or
2 pay such fee before July first, its corporate rights shall stand forfeited.
3 The secretary shall notify it thereof by mail, remove its name from
4 his list of live corporations, and notify the attorney general who shall
5 cause its affairs to be wound up.

1 SEC. 52. Reinstatement. If, following such forfeiture, the asso-
2 ciation shall file the report and pay the annual fee plus a penalty of
3 ten (10) dollars and all actual expenses of any suit begun to wind
4 it up, and shall make a showing of good cause for its delinquency
5 which is satisfactory to the secretary of state and the secretary shall
6 set aside such forfeiture and any such suit shall be dismissed.

1 SEC. 53. Quo warranto. The right of an association to exist or
2 continue under this act may be inquired into by the attorney general,
3 but not otherwise. If from its annual report or otherwise, the secre-
4 tary of state is informed that it is not functioning as a cooperative,

5 he shall so notify the attorney general, who, if he finds reasonable
6 cause so to believe, shall bring action to oust it and wind up its affairs.

1 SEC. 54. Foreign associations. a. Any foreign corporation now
2 or hereafter organized under generally similar laws of any other state
3 shall be admitted to do business in Iowa upon compliance with the
4 general laws relating to foreign corporations and payment of the
5 fees required by section forty-five (45) of this act. Upon the secretary
6 of state being satisfied that such foreign corporation is so organized
7 and has so complied, he shall issue it a certificate authorizing it to do
8 business in Iowa.

9 b. Such foreign associations thus admitted shall be entitled to all
10 remedies provided in this act, and to enforce all contracts thereto-
11 fore or thereafter made by it which any association might make under
12 this act.

13 c. If such foreign corporation amends its articles it shall forthwith
14 file a copy thereof with the secretary of state, certified by the secretary
15 or other proper official of the state under whose laws it is formed,
16 and shall pay the fees prescribed for amendments by section forty-
17 five (45).

1 SEC. 55. Individual exemptions applicable. All exemptions or
2 privileges applying to agricultural products in the possession or control
3 of the individual producer shall apply to such products in the
4 possession or control of any association which have been delivered to
5 it by its members.

1 SEC. 56. Conflicting laws not applicable. Any law conflicting with
2 any part of this act shall be construed as not applicable to associations
3 formed hereunder.

1 SEC. 57. Reserved powers. The state reserves the right to modify,
2 amend or repeal this act, or any part hereof, and to cancel, modify,
3 repeal or extend any grant, power, permit or franchise obtained or
4 secured under this act, at any future time.

1 SEC. 58. Limitation of promotion expense. No funds of the asso-
2 ciation shall be used, nor any of its stock or memberships issued for
3 any promotion expenses, either in the form of commissions, fees,
4 salaries or otherwise.

1 SEC. 59. Exemptions from securities act. None of the exemptions
2 contained in section eighty-five hundred eighty-one-c four (8581-c4)
3 and eighty-five hundred eighty-one-c five (8581-c5), chapter three
4 hundred ninety-three-C one (393-C1), code of 1931, shall apply to
5 any security issued by any association formed hereunder, when the
6 total amount thereof exceeds twenty-five thousand (25,000) dollars.

7 This section shall not apply to certificates of interest or indebted-
8 ness issued to members or patrons for revolving fund deductions or
9 for deferred patronage dividends.

1 SEC. 60. Constitutionality, saving clause. The invalidity of any
2 part or clause of this act shall not affect the validity of any other
3 clause or portion thereof which can be given effect without such invalid
4 part.

1 SEC. 61. The provisions of chapters three hundred eighty-nine
 2 (389) and three hundred ninety (390), code, 1931, are hereby declared
 3 inoperative as to corporations chartered from and after July 4, 1935,
 4 but said chapters three hundred eighty-nine (389) and three hundred
 5 ninety (390), code, 1931, shall continue in force and effect as to
 6 corporations organized or operating thereunder prior to July 4, 1935,
 7 so long as any such corporations elect to operate under or renew
 8 their charters under said chapters.

Senate File 113. Approved May 3, 1935.

CHAPTER 95

INVESTMENT OF FUNDS. FRATERNAL BENEFICIARY SOCIETIES

H. F. 111

AN ACT to amend paragraph eight (8) of section eighty-eight hundred twenty-nine (8829), code, 1931, relating to the investment of the funds of fraternal beneficiary societies, orders, or associations.

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

1 SECTION 1. Paragraph eight (8) of section eighty-eight hundred
 2 twenty-nine (8829), code, 1931, is amended by striking out the figures
 3 "8825" as they appear in line 12 from the bottom of the section, and by
 4 inserting in lieu of said stricken figures the following figures, to wit:
 5 "8830."

House File 111. Approved April 11, 1935.

CHAPTER 96

INSURANCE OTHER THAN LIFE. CONDITIONS INVALIDATING POLICY

S. F. 273

AN ACT to amend section eighty-nine hundred eighty-one (8981) of chapter four hundred four (404), code, 1931, to exempt liens accruing to the benefit of the old age pension fund from the general provisions relating to lien conditions in insurance contracts, other than life, invalidating policies.

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

1 SECTION 1. Amend section eighty-nine hundred eighty-one (8981)
 2 of chapter four hundred four (404), code, 1931, by striking line 9 and
 3 inserting in lieu thereof the following: "control, except a lien accruing
 4 to the benefit of the old age pension fund as provided for in sections
 5 fifteen (15) and sixteen (16) of chapter nineteen (19), acts of the
 6 Forty-fifth General Assembly in extraordinary session, or."

1 SEC. 2. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its publication in two newspapers
 3 of general circulation in this state, as provided by law.

Senate File 273. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Des Moines Daily Record, May 13, 1935, and the Des Moines Plain Talk, May 16, 1935, in accordance with section 55, code, 1931.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 97

INSURANCE OTHER THAN LIFE. INUREMENT OF POLICIES

H. F. 119

AN ACT to amend section eighty-nine hundred forty (8940), code, 1931, by striking out certain provisions relating to the inurement of policies of insurance to the benefit of one who has obtained a judgment against the insured, to repeal section nine thousand seventy-one (9071) of said code, and to enact a substitute for such stricken and repealed provisions, and to provide the time in which an action to enforce such inurement may be brought.

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

1 SECTION 1. Inurement of policy. All policies insuring the legal
2 liability of the insured, issued in this state by any company, association
3 or reciprocal exchange shall, notwithstanding any other provision of
4 the statutes, contain a provision providing that, in event an execution
5 on a judgment against the insured be returned unsatisfied in an action
6 by a person who is injured or whose property is damaged, the judgment
7 creditor shall have a right of action against the insurer to the same
8 extent that such insured could have enforced his claim against such
9 insurer had such insured paid such judgment.

1 SEC. 2. Settlement. No settlement between said insurer and in-
2 sured, after loss, shall bar said action unless consented to by said judg-
3 ment plaintiff.

1 SEC. 3. Limitation on action. Said action may be brought against
2 said insurer within one hundred eighty days from the entry of judg-
3 ment in case no appeal is taken, and, in case of appeal, within one hun-
4 dred eighty days after the judgment is affirmed on appeal, anything in
5 the policy or statutes to the contrary notwithstanding.

1 SEC. 4. Paragraph five (5) of section eighty-nine hundred forty
2 (8940), code, 1931, is amended as follows:

3 1. By striking from subparagraph b of said paragraph five (5),
4 lines 10 to 15, inclusive.

5 2. By striking from subparagraph e of said paragraph five (5)
6 all parts of said subparagraph following the word "mortgages" in line
7 17 of said subparagraph.

8 3. By striking from paragraph nine (9) of said section, all parts of
9 said paragraph following the word "person" in line 22 of said paragraph.

1 SEC. 5. Section nine thousand seventy-one (9071), code, 1931, is
2 hereby repealed.

House File 119. Approved May 2, 1935.

CHAPTER 98

BANK AND TRUST COMPANIES. INVESTMENT IN FUNDS OF
NATIONAL HOUSING ACT

S. F. 118

AN ACT to amend section ninety-one hundred eighty-three (9183), code, 1931, as amended by the acts of the Forty-fifth General Assembly in the extraordinary session, and section ninety-two hundred twenty-three (9223), code, 1931, pertaining to investment of funds and limitations of liabilities of state banks, savings banks and trust companies and authorizing state banks, savings banks and trust companies to make loans pursuant to titles I and II of the national housing act, or amendments to said act, and to invest in mortgages insured, and in debentures issued, by the federal housing administrator and to invest in capital stock and securities of national mortgage associations, or similar credit institutions; allowing equal privileges to national banks authorized by federal law to make such loans; providing rules of construction; and providing for this act to take effect from and after publication.

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

1 SECTION 1. That section ninety-one hundred eighty-three (9183),
2 code, 1931, be amended by adding thereto as subsection seven (7) the
3 following:

4 "Federal housing securities. In bonds and notes secured by mort-
5 gage or trust deed insured by the federal housing administrator, and in
6 debentures issued by the federal housing administrator pursuant to
7 title II of the national housing act, or amendments to said act, and in
8 securities issued by national mortgage associations or similar credit
9 institutions now or hereafter organized under title III of the national
10 housing act, or amendments to said act; but not exceeding twenty-five
11 (25) per cent of the assets of the bank or trust company shall consist
12 of such investments."

1 SEC. 2. That section ninety-two hundred twenty-three (9223), code,
2 1931, be amended by inserting therein after line 19, the following:

3 "Provided, further, that irrespective of the provisions of this or any
4 other section of the code, 1931, state banks, savings banks and trust
5 companies may make such loans and advances of credit and purchases
6 of obligations representing loans and advances of credit as are eligible
7 for insurance pursuant to title I, section 2 of the national housing act,
8 or amendments to said act, and may obtain such insurance; and may
9 make such loans secured by real property or leasehold as the federal
10 housing administrator insures or makes a commitment to insure pur-
11 suant to title II of the national housing act, or amendments to said act,
12 and may obtain such insurance; but such loans, advances of credits,
13 purchases of obligations representing loans and advances of credit shall
14 in no event, exceed in the aggregate, twenty-five (25) per cent of the
15 assets of the bank or trust company."

1 SEC. 3. That section ninety-one hundred eighty-three (9183) of the
2 code, 1931, as amended by the acts of the Forty-fifth General Assembly,
3 extraordinary session, be and the same is hereby amended by adding
4 after the word "organization" in line 10 of subdivision six (6) thereof
5 the following:

6 " , and an amount not in excess of fifteen (15) per cent of their capital
7 stock and surplus in capital stock of any national mortgage association

8 authorized under title III of the national housing act approved June 27,
9 1934, or any amendments thereto."

1 SEC. 4. No law of this state requiring security upon which loans or
2 investments may be made, or prescribing the nature, amount or form
3 of such security, or prescribing or limiting interest rates upon loans or
4 investments, or prescribing or limiting the period for which loans or
5 investments may be made, shall be deemed to apply to loans or invest-
6 ments pursuant to the foregoing paragraphs.

1 SEC. 5. Should any section of this act or part thereof be held uncon-
2 stitutional or invalid, such decisions shall only affect the specific pro-
3 visions which may be held invalid or unconstitutional and shall not
4 affect the validity of the remaining portions of this act, provided that
5 nothing in this act shall deny equal privileges to national banks located
6 in this state insofar as such banks now or later may be authorized by
7 federal law to carry on federal housing administration loan work.

1 SEC. 6. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Red Oak
3 Express, a newspaper published at Red Oak, Iowa, and in the Center-
4 ville Daily Iowegian, a newspaper published at Centerville, Iowa.

Senate File 118. Approved April 17, 1935.

I hereby certify that the foregoing act was published in the Centerville Daily Iowegian, April 20, 1935, and the Red Oak Express, April 22, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 99

STATE AND SAVINGS BANKS, LOAN AND TRUST COMPANIES, SURPLUS FUND

H. F. 232

AN ACT to repeal sections ninety-one hundred eighty-nine (9189), ninety-two hundred fourteen (9214), ninety-two hundred fifteen (9215), ninety-two hundred seventeen (9217), ninety-three hundred one (9301), and ninety-three hundred two (9302), of the code, 1931, relating to state banks, savings banks, and loan and trust companies.

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

1 SECTION 1. Sections ninety-one hundred eighty-nine (9189), ninety-
2 two hundred fourteen (9214), ninety-two hundred fifteen (9215),
3 ninety-two hundred seventeen (9217), ninety-three hundred one
4 (9301), and ninety-three hundred two (9302), code, 1931, are hereby
5 repealed.

House File 232. Approved April 10, 1935.

CHAPTER 100

BANK OR TRUST COMPANIES. PAYMENT OF DIVIDENDS

S. F. 394

AN ACT to amend sections ninety-two hundred sixty-two-c one (9262-c1), ninety-one hundred eighty-nine (9189), ninety-two hundred seventeen (9217) and ninety-three hundred one (9301) of the code, 1931, all relating to the declaration and payment of dividends by a bank or trust company until it first has established a required surplus.

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

1 SECTION 1. That section ninety-two hundred sixty-two-c one
2 (9262-c1) of the code, 1931, be amended by adding a comma after the
3 word "dividend" and before the word "until" in the third line of said
4 section, and inserting after said comma and before the word "until,"
5 the following:

6 "except dividends required to be paid on class 'A' preferred stock
7 issued by such banking institutions to the Reconstruction Finance
8 Corporation, or any other governmental agency,."

1 SEC. 2. That section ninety-one hundred eighty-nine (9189) of the
2 code, 1931, be amended by adding after the comma following the word
3 "declared" in line 2 of said section and before the word "not" in said
4 line, the following:

5 "except dividends required to be paid on class 'A' preferred stock
6 issued by the bank to the Reconstruction Finance Corporation or any
7 other governmental agency,."

1 SEC. 3. That section ninety-two hundred seventeen (9217) of the
2 code, 1931, be amended by inserting after the comma following the
3 word "bank" in line 2 thereof and before the word "not" in said line,
4 the following:

5 "except dividends required to be paid on class 'A' preferred stock
6 issued by such banks to the Reconstruction Finance Corporation or any
7 other governmental agency,."

1 SEC. 4. That section ninety-three hundred one (9301) of the code,
2 1931, be amended by inserting after the comma following the word
3 "declared" in line 2 of said section and before the word "not" in said
4 line, the following:

5 "except dividends required to be paid on class 'A' preferred stock
6 issued by the bank to the Reconstruction Finance Corporation or any
7 other governmental agency,."

1 SEC. 5. This act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication as pro-
3 vided by law, in Sioux City Tribune, a newspaper published at Sioux
4 City, Iowa, and in Movable Mail, a newspaper published at Movable, Iowa.

Senate File 394. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Sioux City Tribune and the Movable Mail, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 101

BANKING INSTITUTIONS. PARTICIPATION IN FEDERAL AID

S. F. 395

AN ACT to authorize any state bank, trust company, bank and trust company, banking association or stock savings bank now or hereafter organized under the laws of this state or the conservator, receiver or liquidator thereof, to enter into such contracts, incur such obligations and generally to do such acts as may be appropriate or necessary to take advantage of any and all memberships, loans, subscriptions, contracts, grants, rights or privileges which may, at any time, be available or enure to said banking institutions or their depositors or stockholders, or their conservators, liquidators, or receivers, by virtue of any act or resolution of the congress of the United States to aid, regulate or safeguard banking institutions and depositors, including the act creating the federal deposit insurance corporation; to empower any such banking institution to subscribe to and acquire any stock or debentures or bonds or other types of securities of said corporation; to authorize a sale of all or any part of the assets of such institutions to the federal deposit insurance corporation, and to authorize receivers and liquidators and the superintendent of banking to borrow money from the federal deposit insurance corporation and to pledge the assets of any of such institutions as security for any such loan; to provide for the subrogation of said corporation to the rights against said closed institutions of all insured depositors, whose deposits have been paid, or for the payment of which funds have been made available; to recognize the right of said corporation to make examinations of and to require reports from such institution, and the exchange of examination reports made by said corporation of any such institutions with the reports of examinations made by the state banking department of any such institutions; to provide for disclosure by said superintendent of banking to said corporation of the condition and affairs of such insured institution and access to information regarding the same.

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

1 SECTION 1. The term "banking institution," as used in this act
 2 shall be construed to mean any state bank, trust company, bank and
 3 trust company, banking association or stock savings bank, which is
 4 now or may hereafter be organized under the laws of this state.

1 SEC. 2. Any banking institution now or hereafter organized under
 2 the laws of this state is hereby empowered, on the authority of its
 3 board of directors, or a majority thereof, with the approval of the
 4 superintendent of banking, to enter into such contracts, incur such
 5 obligations and generally to do and perform any and all such acts
 6 and things whatsoever as may be necessary or appropriate in order
 7 to take advantage of any and all memberships, loans, subscriptions,
 8 contracts, grants, rights or privileges, which may at any time be
 9 available or enure to banking institutions or to their depositors, cred-
 10 itors, stockholders, conservators, receivers or liquidators, by virtue
 11 of those provisions of section eight (8) of the federal "banking act
 12 of 1933" (section 12B of the federal reserve act, as amended), which
 13 establish the federal deposit insurance corporation and provide for the
 14 insurance of deposits, or of any other provisions of that or of any
 15 other act or resolution of congress to aid, regulate or safeguard bank-
 16 ing institutions and their depositors, including any amendments of
 17 the same or any substitutions therefor; also, to subscribe for and
 18 acquire any stock, debentures, bonds or other types of securities of
 19 the federal deposit insurance corporation.

1 SEC. 3. Whenever the federal deposit insurance corporation shall
 2 pay, or make available for payment, the insured deposit liabilities

3 of any closed state bank, trust company, bank and trust company,
4 banking association or stock savings bank, it shall be subrogated to
5 all rights of the depositor to the extent of such payment. Such sub-
6 rogation in the case of any closed state bank, trust company, bank
7 and trust company, banking association or stock savings bank shall
8 include the right to receive the same dividends from the proceeds of
9 the assets of said closed bank as would have been payable to such
10 depositor on a claim for the insured deposit, such depositor retaining
11 his claim for any uninsured portion of his deposit.

1 SEC. 4. The federal deposit insurance corporation may, at any
2 time it sees proper, make or cause to be made an examination of any
3 state bank, trust company, bank and trust company, banking associa-
4 tion or stock savings bank that is or may hereafter become a member
5 of its fund, and, upon the application of any such institution to be-
6 come a member of its fund, shall have the right of such examination
7 for the purpose of determining the applicant's qualification for ad-
8 mission to such fund, and the corporation shall furnish the superin-
9 tendent of banking with a copy of all such examinations when com-
10 pleted. The superintendent of banking may furnish to said corporation,
11 or to any official or supervising examiner thereof, a copy of any or
12 all examinations made of any such banking institutions and of any
13 and all reports made by the same, and shall give access to said cor-
14 poration, or any official or supervising examiner thereof, any and all
15 information possessed by the office of said superintendent of banking
16 with reference to the condition or affairs of any such insured insti-
17 tution.

18 Nothing in this section shall be construed to limit the duty of any
19 banking institution in this state, deposits in which are to any extent
20 insured under the provisions of section eight (8) of the "banking act
21 of 1933" (section 12B of the federal reserve act, as amended), or
22 of any amendment of or substitution for the same, to comply with
23 the provisions of said act, its amendments or substitutions, nor to
24 limit the powers of the superintendent of banking with reference to
25 examinations and reports under existing law.

1 SEC. 5. With respect to any banking institution, which is now or
2 may hereafter be closed on account of inability to meet the demands
3 of its depositors or by action of the superintendent of banking or of
4 a court or by action of its directors or in the event of its insolvency
5 or suspension, the superintendent of banking and/or the receiver or
6 liquidator of such institution with the permission of said superintend-
7 ent of banking may borrow from said corporation and furnish any
8 part or all of the assets of said institution to said corporation as
9 security for a loan from same, provided, that where said banking
10 institution is in receivership, the order of a court of record of competent
11 jurisdiction shall be first obtained approving such loan, and upon a
12 like order from such court, and, with the permission of said super-
13 intendent of banking, the receiver of any such institution and/or the
14 superintendent of banking without such order may sell to said cor-
15 poration any part or all of the assets of such institution.

16 The provisions of this section shall not be construed to limit the
17 power of any banking institution, the superintendent of banking or

18 receivers or liquidators to pledge or sell assets in accordance with
19 any existing law.

1 SEC. 6. The validity of any provision or part of this act shall not
2 be dependent upon any other provision or part thereof. If any pro-
3 vision or part thereof should for any reason be held unconstitutional
4 or invalid such decision shall not affect the validity of any of the
5 remaining provisions or parts of this act.

1 SEC. 7. Insofar as the provisions of this act may conflict with
2 any other act or parts thereof the provisions of this act shall control.

1 SEC. 8. This act being deemed of immediate importance shall
2 be in full force and effect from and after its passage and publication
3 as provided by law, in the Sioux City Tribune, a newspaper published
4 at Sioux City, Iowa, and in the Anthon Herald, a newspaper published
5 at Anthon, Iowa.

Senate File 395. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Sioux City Tribune, May 9, 1935, and the Anthon Herald, May 8, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 102

BANKS AND TRUST COMPANIES. COMPLIANCE WITH MINIMUM CAPITAL REQUIREMENTS

S. F. 396

AN ACT to amend chapter one hundred nineteen (119) of the laws of the Forty-fifth General Assembly, extraordinary session, and authorizing the preferred stock issued as provided for therein, to be included in determining whether state banks, savings banks and trust companies have complied with minimum capital requirements.

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

1 SECTION 1. Amend chapter one hundred nineteen (119), acts of the
2 Forty-fifth General Assembly, extraordinary session, by adding thereto,
3 the following:

4 "Any preferred stock lawfully issued pursuant to and under the pro-
5 visions of this act, shall be included in determining whether such bank-
6 ing institution has complied with the minimum capital requirements
7 provided by law for banking institutions in this state."

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication as pro-
3 vided by law, in Sioux City Journal, a newspaper published at Sioux
4 City, Iowa, and in Sloan Star, a newspaper published at Sloan, Iowa.

Senate File 396. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Sioux City Journal, May 8, 1935, and the Sloan Star, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 103

MONEYS. RATE OF INTEREST

H. F. 106

AN ACT to amend sections ninety-four hundred four (9404) and ninety-four hundred five (9405), code, 1931, relating to interest in all cases unless specifically agreed upon and interest on judgments and decrees.

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

1 SECTION 1. That section ninety-four hundred four (9404), code,
2 1931, be and the same is hereby amended by striking from line 2 thereof
3 the word "six" and inserting in lieu thereof the word "five"; also
4 by striking from line 5 thereof the word "eight" and inserting in lieu
5 thereof the word "seven."

1 SEC. 2. That section ninety-four hundred five (9405), code, 1931,
2 be and the same is hereby amended by striking from line 3 the word
3 "six" and inserting in lieu thereof the word "five"; also by striking
4 from line 8 thereof the word "eight" and inserting in lieu thereof the
5 word "seven."

House File 106. Approved March 19, 1935.

CHAPTER 104

BONDED WAREHOUSES FOR AGRICULTURAL PRODUCTS

S. F. 254

AN ACT to repeal chapter four hundred twenty-six (426), of the code, 1931, and to enact a substitute therefor, to provide for the licensing and bonding of warehouses for storage of agricultural products; to prohibit storage of agricultural products in grain elevators that are not licensed; to provide for licensing of weighers and graders of agricultural products; to provide for fees for inspection and licensing of warehouses; to provide for administration of the act by the board of railroad commissioners and to provide penalties for violation of the act.

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

1 SECTION 1. Repeal. That chapter four hundred twenty-six (426),
2 of the code, 1931, be and is hereby repealed, and the following enacted
3 in lieu thereof:

1 "SEC. 2. Terms defined. As used in this act:

2 1. 'Commissioners' shall mean the 'board of railroad commissioners.'

3 2. 'Warehouse' shall be deemed to mean every building, structure,
4 or other protected inclosure in which any agricultural product is or
5 may be stored within the state.

6 3. 'Grain elevator' means a type of warehouse equipped with
7 mechanical devices specially adapted to aid in handling grain and
8 in common use as an adjunct to transportation of grain.

9 4. 'Agricultural product' shall mean cotton, wool, grain, tobacco,
10 flax seed, sugar and all canned goods made from agricultural products.
11 Other products of agriculture found by the commission to be suitable
12 for keeping in storage may be warehoused under the provisions of
13 this act.

14 5. 'Grain' means wheat, corn, oats, barley, rye, flax seed, field peas,
15 soy beans, grain sorghums, spelts, and such other products as are usu-
16 ally stored in grain elevators, subject to determination by the commis-
17 sioners.

18 6. 'Person' means an individual, corporation, partnership, or two
19 or more persons having a joint or common interest.

20 7. 'Warehouseman' means a person lawfully engaged in the busi-
21 ness of storing agricultural products.

22 8. 'Receipt' means a warehouse receipt.

23 9. 'Delivery charge' means a charge on delivery of products from
24 a warehouse whether same has been in storage or in temporary deposit,
25 and shall include all compensation for handling the product in re-
26 ceiving it into and delivering it from the warehouse, and shall be
27 independent of and in addition to storage rates or any charges for
28 cleaning or other processing of the product.

29 10. 'Storage rates' means a charge for storage based on elapsed
30 time of storage and shall be independent of and in addition to handling
31 charges connected with receiving products into and removing them
32 from a warehouse.

33 11. 'Storage' means: a. Agricultural products, not the property
34 of the warehouseman, that are placed in a warehouse to be held under
35 the custody of the warehouseman.

36 b. Agricultural products that are the property of a warehouseman
37 licensed under the provisions of this act, and held in his warehouse,
38 when others than the warehouseman acquire an interest in their being
39 held and safely kept.

40 c. Grain other than the property of the operator when received
41 into a grain elevator warehouse for any purpose whatsoever if allowed
42 to remain in the warehouse more than ten days from the day of receipt
43 of the first consignment of any given lot, which lot shall include only
44 products deposited during the ten day period.

1 "SEC. 3. License required. Any warehouseman in this state before
2 receiving agricultural products into grain elevators for storage must
3 first procure a bonded warehouse license from the board of railroad
4 commissioners or be licensed and bonded under the provisions of a
5 United States warehouse act, except as permitted under the provisions
6 of this act relating to temporary permits. Any grain elevator, not so
7 licensed and not operated under such permit, shall not receive grain
8 for storage and shall not store grain, other than that which is the
9 property of the warehouseman for a time exceeding ten days from
10 the day of receipt of the first consignment of any given lot, except
11 that grain offered for sale to an unlicensed grain elevator operator
12 at the prevailing market price may be received and held for such
13 reasonable time as is necessary for the operator to determine sufficiency
14 of title in the seller, before making payment therefor, but he shall not
15 store grain for purchase at a price left for future determination, com-
16 monly known as deferred payment contract.

1 "SEC. 4. Rules and regulations. The commissioners shall from
2 time to time make such rules and regulations as they may deem neces-
3 sary for the efficient execution of the provisions of this act.

1 "SEC. 5. License—Conditions. The commissioners are authorized,
2 upon application to them, to issue to any warehouseman or to any
3 person about to become a warehouseman a license or licenses for the
4 conduct of a warehouse or warehouses in accordance with this act
5 and such rules and regulations as may be made hereunder, provided
6 that each such warehouse, or designated portion thereof, be found
7 suitable for the proper storage of the particular agricultural product
8 or products for which a license is applied, and that such warehouseman
9 agrees, as a condition to the granting of a license or licenses, to comply
10 with and abide by all the terms of this act and the rules and regulations
11 that may be prescribed hereunder; and may issue temporary permits
12 to any warehouseman to operate grain elevator warehouses, receiving
13 storage therein, for such reasonable time as the commissioners may
14 deem necessary, to provide opportunity for such warehouseman to
15 procure bond and be licensed. Two or more warehouse buildings
16 located in the same city or town, and operated under the same man-
17 agement and responsibility may be licensed as one warehouse. Licenses
18 to operate warehouses under the same control and responsibility in
19 two or more cities or towns, may be issued under one applica-
20 tion, but separate licenses will be required for such warehouses as to
21 each city or town. Licenses issued to operate grain elevators and
22 auxiliaries thereto as warehouses shall be restricted to the storage
23 of grain as defined in this act.

1 "SEC. 6. Bond required. Any person applying for a license or
2 licenses to conduct a warehouse or warehouses in accordance with this
3 act shall, as a condition to the granting thereof, execute and file with
4 the commissioners a good and sufficient bond, other than personal
5 security, to the state to secure the faithful performance of his obliga-
6 tions as a warehouseman under the terms of this act and the rules and
7 regulations prescribed hereunder, and of such additional obligations as
8 a warehouseman which may be assumed by him under contracts with
9 the respective depositors of agricultural products in such warehouse.

1 "SEC. 7. Form, amount, sureties, and conditions. Said bond shall
2 be in such form and shall contain such terms and conditions as the
3 commissioners may prescribe to carry out the purposes of this act, and
4 shall be endorsed as surety by a bonding company authorized to do
5 business in this state. The minimum amount of such bond required
6 for grain elevators with an approved storage capacity up to twenty
7 thousand bushels shall be not less than five thousand dollars; the mini-
8 mum bond for grain elevators with an approved storage capacity
9 greater than twenty thousand bushels shall be increased at the rate of
10 one thousand dollars for each additional four thousand bushels or frac-
11 tion thereof up to a total of forty thousand bushels, and shall be in-
12 creased at the rate of one thousand dollars for each additional six thou-
13 sand bushels or fraction thereof over forty thousand up to one hundred
14 thousand bushels, and shall be increased at the rate of one thousand
15 dollars for each additional ten thousand bushels or fraction thereof
16 over one hundred thousand bushels. The minimum bond for ware-
17 houses other than grain elevators shall be five thousand dollars, and
18 shall be for not less than forty per cent of the value of the stored prod-
19 uct at the time the storage is received into the warehouse. One bond
20 cumulative as to minimum requirements may be accepted from a ware-

21 houseman operating grain elevators in two or more cities or towns,
22 when the licenses to operate the several warehouses are issued under
23 one application.

1 "SEC. 8. Insurance required. All agricultural products in storage
2 in a warehouse, licensed or operated under permit, as provided in this
3 act, also all such products deposited temporarily in such warehouses
4 other than property not in storage owned by the warehouseman, shall
5 be kept fully insured as to current value by the warehouseman against
6 loss by fire, inherent explosion, or windstorm with insurance companies
7 authorized to operate in this state. The expense of providing such in-
8 surance shall be borne by the warehouseman and absorbed in his stor-
9 age rates or delivery charges.

1 "SEC. 9. Tenure of license—Renewal. Each license issued under
2 section 5 of this act shall terminate on the thirtieth day of June next
3 after the date of issuance, and upon a showing satisfactory to the com-
4 missioners may from time to time be renewed or extended by a written
5 instrument, which shall likewise terminate on the thirtieth day of June
6 next after the effective date of such renewal or extension.

1 "SEC. 10. Fees. The commissioners shall charge, assess, and cause
2 to be collected ten dollars for every examination or inspection of a ware-
3 house under this act when such examination or inspection is made upon
4 application of a warehouseman, and a license fee not exceeding the rate
5 of one dollar per month for the term of each license or renewal thereof
6 issued to a warehouseman under this act. All such fees shall be de-
7 posited into the treasury and covered as miscellaneous receipts.

1 "SEC. 11. Use of term 'bonded warehouse.' Upon the filing with
2 the approval by the commissioners of a bond, in compliance with this
3 act, for the conduct of a warehouse, such warehouse shall be designated
4 as bonded hereunder; but no warehouse shall be designated as bonded
5 under this act, and no name or description conveying the impression
6 that it is so bonded, shall be used, until a bond, such as provided for in
7 sections 3, 6, and 7, has been filed with and approved by the commis-
8 sioners, nor unless the license issued under this act for the conduct of
9 such warehouse remains unsuspended and unrevoked. Every grain
10 elevator in this state not operating under a license issued under a
11 United States warehouse act, if open for receipt of agricultural prod-
12 ucts not wholly the property of the operator thereof, shall within thirty
13 days after the effective date of this act display in a conspicuous place,
14 a sign in letters not less than four inches high containing either the
15 words 'licensed storage warehouse' or 'grain storage not accepted' or
16 'storage warehouse license applied for' according to its true status.

1 "SEC. 12. Discrimination. Every warehouseman conducting a
2 warehouse licensed under this act shall receive for storage therein, so
3 far as its authorized storage capacity permits, any agricultural prod-
4 uct of the kind customarily stored therein by him which may be
5 tendered to him in a suitable condition for warehousing, in the usual
6 manner and in the ordinary and usual course of business, without mak-
7 ing any discrimination between persons desiring to avail themselves
8 of warehouse facilities.

1 "SEC. 13. Presumption attending storage. Any person who de-
2 posits agricultural products for storage in a warehouse licensed, or
3 operating under permit, under this act shall be deemed to have de-
4 posited the same subject to the terms of this act and the rules and
5 regulations prescribed hereunder. A deposit of agricultural products
6 in a grain elevator licensed or operated under permit, under this act,
7 without instructions otherwise, will be assumed to be a delivery for sale
8 at the local market on the day of delivery. If such deposit is accom-
9 panied with a request to hold for instructions and is not legally re-
10 moved from the warehouse, or sold to the warehouseman, paid for in
11 full, within ten days after the day of receipt of the first consignment
12 of the lot, it shall be assumed to become storage and the warehouseman
13 shall issue his receipt therefor.

1 "SEC. 14. Separate keeping of deposits. Every warehouseman con-
2 ducting a warehouse licensed under this act shall keep the agricultural
3 products therein of one depositor so far separate from agricultural
4 products of other depositors, and from other agricultural products of
5 the same depositor for which a separate receipt has been issued, as to
6 permit at all times the identification and re-delivery of the agricultural
7 products deposited, except that, if authorized by agreement or by cus-
8 tom, a warehouseman may mingle fungible agricultural products with
9 other agricultural products of the same kind and grade, and shall be
10 severally liable to each depositor for the care and re-delivery of his
11 share of such mass, to the same extent and under the same circum-
12 stances as if the agricultural products had been kept separate, but he
13 shall at no time while they are in his custody mix fungible agricultural
14 products of different grades.

1 "SEC. 15. Inspecting and grading. Grain, flax seed, or any other
2 fungible agricultural product stored in a warehouse licensed under this
3 act for which no separate compartment is provided, and its identity
4 preserved, shall be inspected and graded by a person duly licensed to
5 grade the same.

1 "SEC. 16. License to classify, grade, or weigh. The commissioners
2 may, upon presentation of satisfactory proof of competency, issue to
3 any person a license to classify any agricultural product or products,
4 stored or to be stored in a warehouse licensed under this act, according
5 to grade or otherwise and to certificate the grade or other class thereof,
6 or to weigh the same and certificate the weight thereof, or both to
7 classify and weigh the same and to certificate the grade or other class
8 and the weight thereof, upon condition that such person agree to com-
9 ply with and abide by the terms of this act and of the rules and regula-
10 tions prescribed hereunder so far as the same relate to him.

1 "SEC. 17. Revocation of license to classify or weigh. Any license
2 issued to any person to classify or to weigh any agricultural product
3 or products under this act may be suspended or revoked by the com-
4 missioners whenever they are satisfied, after opportunity afforded to
5 the licensee concerned for a hearing, that such licensee has failed to
6 classify or to weigh any agricultural product or products correctly, or
7 has violated any of the provisions of this act or of the rules and regu-
8 lations prescribed hereunder, so far as the same may relate to him or

9 that he has used his license or allowed it to be used for any improper
10 purpose whatsoever. Pending investigation, the commissioners, when-
11 ever they deem necessary, may suspend a license temporarily without
12 hearing.

1 "SEC. 18. Original receipts. For all agricultural products that
2 become storage in a warehouse licensed under this act, original receipts
3 shall be issued by the warehouseman conducting the same. When
4 mutually agreed between the warehouseman and the depositor the
5 receipts may be negotiable. It shall be the duty of the warehouseman
6 to refrain from issuing a negotiable receipt when he has any doubt
7 that full title to the product is in the person or persons whose names
8 are shown in the receipt in such manner that their endorsement is
9 essential to a transfer of same. All receipts issued by a warehouse-
10 man operating under permit as provided in this act shall be non-
11 negotiable. The warehouseman may issue a negotiable receipt to
12 replace a non-negotiable receipt if satisfactory showing of title is made
13 to him, but no receipts shall be issued except for agricultural products
14 actually stored in the warehouse at the time of the issuance thereof.

1 "SEC. 19. Contents of receipt. Every receipt issued for agricultural
2 products stored in a warehouse licensed under this act shall embody
3 within its written or printed terms:

4 1. The location of the warehouse in which the agricultural products
5 are stored.

6 2. The date of issue of the receipt.

7 3. The consecutive number of the receipt.

8 4. A statement whether the agricultural products received will
9 be delivered to the bearer, to a specified person, or to a specified person
10 or his order.

11 5. The rate of storage and delivery charges. In the case of grain
12 stored in grain elevators the storage rate shall be not less than one
13 thirtieth cent per day per bushel, exclusive of not to exceed ten
14 days of free storage from the date of receipt of the first consignment
15 of any lot. The delivery charge shall be three cents per bushel.
16 No delivery charge shall be made for products sold to the warehouse-
17 man whether such sold product has been in storage or not. The
18 specific delivery charge herein provided shall not be mandatory as
19 to products both received into warehouses and removed therefrom in
20 carload lots. The commission, may, after public hearing, change such
21 minimum storage rates and delivery charges.

22 6. A description of the agricultural products received, showing the
23 quantity thereof, or, in case of agricultural products customarily put
24 up in bales or packages, a description of such bales or packages, by
25 marks, numbers, or other means of identification, and the weight of
26 such bales or packages.

27 7. The grade or other class of the agricultural products received
28 and the standard or description in accordance with which such classi-
29 fication has been made; provided, that such grade or other class shall
30 be stated according to the official standard of the United States ap-
31 plicable to such agricultural products as the same may be fixed and
32 promulgated; provided, further, that until such official standards of
33 the United States for any agricultural product or products have been

34 fixed and promulgated, the grade or other class thereof may be stated
35 in accordance with any recognized standard or in accordance with
36 such rules and regulations not inconsistent herewith as may be pre-
37 scribed by the secretary of agriculture of the United States.

38 8. A statement that the receipt is issued subject to the Iowa bonded
39 warehouse license act and the rules and regulations prescribed there-
40 under.

41 9. If the receipt be issued for agricultural products of which the
42 warehouseman is owner, either solely or jointly or in common with
43 others, the fact of such ownership.

44 10. A statement of the amount of advances made and of liabilities
45 incurred for which the warehouseman claims a lien; provided, that
46 if the precise amount of such advances made or of such liabilities in-
47 curred be at the time of the issue of the receipt unknown to the ware-
48 houseman or his agent who issues it, a statement of the fact that
49 advances have been made or liabilities incurred and the purpose there-
50 of shall be sufficient.

51 11. The date of termination of storage contract.

52 12. Such other terms and conditions as may be required by the
53 board of railroad commissioners.

54 13. The signature of the warehouseman, which may be made by
55 his authorized agent.

1 "SEC. 20. Validating warehouseman's receipts. When a warehouse-
2 man issues a warehouse receipt for products owned by himself, and
3 disposes of the title or an interest in the title to such products through
4 the medium of such receipt, he shall be construed to have the custody
5 of such products in the interest of the person acquiring such title
6 or interest, and to be the warehouseman for such products to the
7 same degree and responsibility as though the receipt had been issued
8 against products owned by the person acquiring such title or interest.
9 The rights of such person acquired through such receipt shall be of
10 the same standing as though such person had made the deposit from
11 owned products or as the owner of a preferred interest in such products.
12 The extent of interest or title that may be transferred through the
13 medium of such receipt will be subordinate to the equivalent of the
14 warehouseman's usual storage charges, and shall be superior to any
15 and all other interests that the warehouseman may retain, or that he
16 may transfer in any other manner whatsoever.

1 "SEC. 21. Receipt for nonfungible products. When requested by
2 the depositor of other than fungible agricultural products, a receipt
3 omitting compliance with paragraph seven of section nineteen (19)
4 of this act may be issued if it have plainly and conspicuously embodied
5 in its written or printed terms a provision that such receipt is not
6 negotiable.

1 "SEC. 22. Termination of storage contracts. Storage contracts
2 shall terminate as to shelled corn not later than April first, and as
3 to all other products not later than June thirtieth, next after date
4 of contract. The owner of a receipt may terminate a storage contract
5 at will prior to stated date of termination. Storage contracts shall
6 have a forced termination—

7 a. On revocation of warehouse license or permit.

8 b. When for any reason the warehouseman determines he will be
9 unable to prevent ruinous deterioration of any products in storage,
10 by giving such notice to the owner of the receipt, or to the person in
11 whose name the deposit was made, as is reasonably possible under
12 the circumstances and shall notify the commission.

13 c. At lawful termination of bond provided and inability of ware-
14 houseman to replace same.

15 d. On lawful cancellation of insurance by insurance company, and
16 inability of warehouseman to replace same.

1 "SEC. 23. Standards for products. The commissioners are author-
2 ized from time to time, to establish and promulgate standards for
3 agricultural products in this act defined by which their quality or
4 value may be judged or determined; provided, that the standards for
5 any agricultural products which have been or which in future may
6 be established by or under authority of any act of congress shall be,
7 and are hereby, adopted for the purpose of this act as the official
8 standards for the agricultural products to which they relate.

1 "SEC. 24. Duplication of receipts forbidden—Duplicate receipts pro-
2 vided. While an original receipt issued under provisions of this act
3 is outstanding and uncanceled by the warehouseman issuing the same
4 no other or further receipt shall be issued for the product covered
5 thereby nor for any part thereof, except that in case of a lost or
6 destroyed receipt a new receipt, shown to be a duplicate of the missing
7 original receipt may be issued by the warehouseman. Such duplicate
8 of original receipt shall be endowed with all rights appertaining to
9 the original. Before issuing such duplicate receipt, if it is a negotiable
10 receipt, the warehouseman shall require an indemnity bond that will
11 fully protect all rights under the missing original receipt.

1 "SEC. 25. Delivery of products on demand—Conditions. A ware-
2 houseman conducting a warehouse licensed under this act in the absence
3 of some lawful excuse shall, without unnecessary delay, deliver the
4 agricultural products stored therein upon a demand made either by
5 the holder of a receipt for such agricultural products or by the depositor
6 thereof if such demand be accompanied with:

7 1. An offer to satisfy the warehouseman's lien:

8 2. An offer to surrender the receipt, which if negotiable, shall bear
9 such indorsements as would be necessary for the negotiation of the
10 receipt.

11 3. A readiness and willingness to sign, when the products are
12 delivered, an acknowledgment that they have been delivered if such
13 signature is requested by the warehouseman.

14 4. At termination of storage period other than forced termination
15 as defined in section twenty-two (22) of this act, in the absence of
16 a demand for delivery, or mutual agreement for the renewal of the
17 storage contract entered into prior to the expiration of the storage
18 contract, the warehouseman shall sell the storage products. If such
19 products are other than grain stored in a grain elevator the sale shall
20 be after giving ten days' notice by registered mail to the address
21 of the depositor as shown on warehouse receipts or to the holder of
22 the receipt if he is known to be other than the depositor and is recorded

23 with the warehouseman. If the product is grain stored in a grain
24 elevator the sale shall be at the local market price at the close of busi-
25 ness on the day the storage contract terminates except that if the
26 termination date is not a market day—the sale shall be on the basis
27 of the next market day's opening. The warehouseman shall deduct
28 from the proceeds of such sale all legal accrued charges, and pay the
29 balance of such proceeds to the owner upon surrender of the storage
30 receipt. In the event of forced termination of storage contract as
31 provided in section twenty-two (22) of this act, the warehouseman
32 shall provide such reasonable opportunity as the circumstances will
33 permit for the depositor to repossess the deposit, but will be permitted
34 to take such prompt action as is necessary to minimize loss, and may
35 sell such products, the proceeds of such sale to be applied as elsewhere
36 provided in this section. The warehouseman in the event of forced
37 termination of storage contract shall be responsible to the depositor
38 for the value of the product on the date of such termination for the
39 kind and quality of products evidenced by the receipt.

1 "SEC. 26. Cancellation of receipt. A warehouseman conducting
2 a warehouse licensed under this act shall plainly cancel upon the face
3 thereof each receipt returned to him upon the delivery by him of
4 the agricultural products for which the receipt was issued.

1 "SEC. 27. Duties of warehouseman. Every warehouseman con-
2 ducting a warehouse licensed under this act shall:

3 1. Keep in a place of safety complete and correct records of all
4 agricultural products stored therein and withdrawn therefrom, of
5 all warehouse receipts issued by him, and of the receipts returned
6 to and canceled by him.

7 2. Make reports to the commissioners concerning such warehouse
8 and the condition, contents, operation, and business thereof in such
9 form and at such times as the commissioners may require.

10 3. Conduct said warehouse in all other respects in compliance with
11 this act and the rules and regulations made hereunder, and shall be
12 liable for any loss or injury to the stored products caused by his
13 failure to exercise such care in regard to them as a reasonably careful
14 owner of similar products would exercise, but he shall not be liable
15 in the absence of an agreement to the contrary for any loss or injury
16 to the products which could not have been avoided by the exercise
17 of such care.

18 4. Warehousemen operating grain elevators that are licensed under
19 this act to operate less than the full capacity of such elevators, shall
20 receive into holding compartments of such elevators, products other
21 than their own, only into such designated sections that they are licensed
22 to operate.

1 "SEC. 28. Duties of commissioners. The commissioners are
2 authorized:

3 1. To investigate the storage, warehousing, classifying, according
4 to grade and otherwise, weighing, and certification of agricultural
5 products.

6 2. Upon application to them by any person applying for license to
7 conduct a warehouse under this act, to inspect such warehouse or
8 cause it to be inspected.

9 3. At any time, with or without application to them, to inspect or
10 cause to be inspected all warehouses licensed under this act, and shall
11 check the storage quantities not less than once each three months.

12 4. To determine whether warehouses for which licenses are applied
13 or have been issued under this act are suitable for the proper storage
14 of the agricultural product or products proposed to be stored therein.

15 5. To classify warehouses licensed or applying for a license in
16 accordance with their ownership, location, surroundings, capacity,
17 conditions, and other qualities, and as to the kinds of licenses issued
18 or that may be issued for them pursuant to this act.

19 6. To prescribe, within the limitations of this act, the duties of
20 the warehousemen conducting warehouses licensed under this act
21 with respect to their care of and responsibility for agricultural products
22 stored therein.

1 "SEC. 29. Examination of books, records, and accounts. The com-
2 missioners are authorized through their officials, employees, or agents
3 designated by them to examine all books, records, papers, and ac-
4 counts of warehouses licensed under this act, and of the warehousemen
5 conducting such warehouses relating thereto.

1 "SEC. 30. Suspension or revocation of license. The commissioners
2 may, after opportunity for hearing has been afforded to the licensee
3 concerned, suspend or revoke any license issued to any warehouseman
4 conducting a warehouse under this act, for any violation of or failure
5 to comply with any provision of this act or of the rules and regulations
6 made hereunder or upon the ground that unreasonable or exorbitant
7 charges have been made for services rendered. Pending investigation,
8 the commissioners, whenever they deem necessary, may suspend a
9 license temporarily without hearing.

1 "SEC. 31. Insufficiency of bond or insurance—Revocation of license.
2 Whenever the commissioners shall determine that a bond approved
3 by them is, or for any cause has become insufficient, or that insurance
4 is not fully provided as required under section eight (8) of this act,
5 they may require additional bond or insurance be provided by the
6 warehouseman concerned, conforming with the requirements of sec-
7 tions six (6), seven (7) and eight (8) of this act and unless the same
8 be provided within the time fixed by a written demand therefor the
9 license of such warehouseman may be suspended or revoked.

1 "SEC. 32. Action on bond. Any person injured by the breach of any
2 obligation for which a bond is given as security under the provisions
3 of sections six (6), seven (7) or thirty-one (31) of this act, shall be
4 entitled to sue on the bond in his own name in any court of competent
5 jurisdiction to recover the damages he may have sustained by such
6 breach.

1 "SEC. 33. Publication of results of investigation. The commis-
2 sioners from time to time may publish the results of any investigation
3 made under this act, and they may publish the names and locations of
4 warehouses licensed and bonded and the names and addresses of
5 persons licensed under this act and lists of all licenses terminated
6 under this act and the causes therefor.

1 "SEC. 34. Penalties. Every person who shall forge, alter, counter-
2 feit, simulate, or falsely represent, or shall without proper authority,
3 use any license issued under this act, or who shall violate or fail
4 to comply with any provisions of sections three (3), eight (8) and
5 eleven (11) of this act, or who shall issue or utter a false or fraudulent
6 receipt or certificate, shall be deemed guilty of a misdemeanor, and
7 upon conviction thereof shall be fined not more than five hundred
8 dollars or imprisoned not more than six months, or both, in the dis-
9 cretion of the court.

1 "SEC. 35. Existing licenses extended. The licenses of warehouse-
2 men operating under provisions of chapter 426, of the Iowa code of
3 1931, when this act becomes effective, are hereby automatically ex-
4 tended to the date on which renewal premium payments shall be due
5 on their bonds on file with the commission under the provisions of said
6 chapter. Such licenses may be renewed under the provisions of this
7 act.

1 "SEC. 36. Existing receipts extended. Warehouse receipts issued
2 under provisions of chapter 426, of the Iowa code of 1931, that are
3 outstanding when licenses are renewed as provided in section 35 of
4 this act, will continue in full force to the end of their storage period
5 as though the license had been renewed under provisions of said chap-
6 ter 426, subject to lawful termination of such renewed license.

1 "SEC. 37. Buffer fund appropriation. For the first biennium fol-
2 lowing the passage of this act, the general appropriation provided
3 for the railroad commission, may be supplemented from the funds
4 collected under the provisions of this act to such amount as may be
5 approved by the state executive council.

1 "SEC. 38. Rule of construction. If any section, subsection, clause
2 or phrase of this act is for any reason found to be unconstitutional
3 and invalid, such decision shall not affect the validity of the remaining
4 portions of this act. The legislature hereby declares that it would
5 have passed this act and each section, subsection, sentence, clause or
6 phrase thereof, irrespective of whether any one or more of the sec-
7 tions, subsections, sentences or phrases be declared unconstitutional."

Senate File 254. Approved May 3, 1935.

CHAPTER 105

UNBONDED AGRICULTURAL WAREHOUSES

H. F. 242

AN ACT to repeal sections ninety-seven hundred fifty-three (9753), ninety-seven hundred fifty-four (9754), ninety-seven hundred fifty-seven (9757), ninety-seven hundred sixty (9760), ninety-seven hundred sixty-three (9763), ninety-seven hundred sixty-four (9764), ninety-seven hundred sixty-seven (9767), ninety-seven hundred sixty-nine (9769), ninety-seven hundred seventy-one (9771), ninety-seven hundred seventy-four (9774) to ninety-seven hundred eighty-three (9783), inclusive, ninety-seven hundred eighty-five (9785) to ninety-seven hundred eighty-nine (9789), inclusive, and ninety-seven hundred ninety-eight (9798), code, 1931, as amended, and section four (4), chapter one hundred twenty-six (126) and section four (4), chapter one hundred twenty-seven (127), and chapter one hundred twenty-eight (128), acts of the Forty-fifth General Assembly, extra session, relating to unbonded agricultural warehouses and to enact a substitute therefor; to limit the appointment of warehouse boards one to a county; to require members of warehouse boards to be residents of the county in which they are to serve; to provide for the election of a secretary-treasurer, president and vice president for each warehouse board; to require each secretary-treasurer and sealer to furnish bonds for at least one thousand (1,000) dollars; to provide for the issuance of certificate of reinspection and collection of fees therefor; to provide for subsequent inspection of grain under storage; to require the secretary of agriculture to include in the certificate form a statement that no other certificate is outstanding on the grain represented thereby; to prohibit the issuance of more than one certificate on a granary, crib, or bin; to provide for continuing the negotiability of certificates issued to tenant owners after their leases expire; to require owners to file or cause to be filed with the county recorder a duplicate of any and/or all certificates before or at the time such certificates are negotiated; to require county recorders to stamp original certificates and retain duplicates thereof; to provide for release of certificates through the secretary of local warehouse board or the secretary of agriculture and to provide for prorating surplus funds in the treasury of the local warehouse board.

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

1 SECTION 1. Sections ninety-seven hundred fifty-three (9753), ninety-
 2 seven hundred fifty-four (9754), ninety-seven hundred fifty-seven
 3 (9757), ninety-seven hundred sixty (9760), ninety-seven hundred
 4 sixty-three (9763), ninety-seven hundred sixty-four (9764), ninety-
 5 seven hundred sixty-seven (9767), ninety-seven hundred sixty-nine
 6 (9769), ninety-seven hundred seventy-one (9771), ninety-seven hun-
 7 dred seventy-four (9774) to ninety-seven hundred eighty-three (9783),
 8 inclusive, ninety-seven hundred eighty-five (9785) to ninety-seven hun-
 9 dred eighty-nine (9789), inclusive, and ninety-seven hundred ninety-
 10 eight (9798), code, 1931, as amended, and section four (4), chapter
 11 one hundred twenty-six (126) and section four (4), chapter one hun-
 12 dred twenty-seven (127) and chapter one hundred twenty-eight (128),
 13 acts of the Forty-fifth General Assembly, extra session, are hereby
 14 repealed and the following enacted in lieu thereof:

1 "SEC. 2. Local supervisory board—Appointment. A local super-
 2 visory board consisting of not less than three nor more than seven
 3 members shall be appointed by the secretary of agriculture in any
 4 county upon the application of one or more citizens as hereinafter
 5 provided for the purpose of supervising grain in storage and the issu-
 6 ing of certificates against such grain, and generally and under the
 7 direction of the secretary of agriculture for carrying out the purposes
 8 and enforcing the provisions of this chapter.

1 "SEC. 3. Application for board. Any person may make application
2 to the secretary of agriculture for the appointment of a board in and
3 for the county in which he resides, or the secretary of agriculture may
4 make such appointments upon his own initiative. When any such appli-
5 cation is made the secretary of agriculture shall as soon as practicable
6 investigate the situation and determine upon the advisability or other-
7 wise of making the requested appointment.

1 "SEC. 4. Qualifications of members. The members of such boards
2 shall at the time of their appointment be producers of grain in the
3 state and residents in the county thereof.

1 "SEC. 5. Officers. Each board shall elect one of its own members
2 as its secretary-treasurer and shall also elect a president and vice
3 president from its own membership and their duties shall be those of
4 such officers in similar organizations.

1 "SEC. 6. Bond and oath of secretary-treasurer. Each secretary-
2 treasurer shall furnish a corporate surety bond for the faithful per-
3 formance of his duties in such amount as shall be determined by the
4 secretary of agriculture, but in no event shall such bond be in an
5 amount less than one thousand (1,000) dollars. Such bonds shall in
6 every case be subject to the secretary's approval and be deposited
7 with him. The premium thereon shall be payable out of any funds
8 in the hands of the board.

1 "SEC. 7. Bond and oath of sealer. Each sealer shall furnish a cor-
2 porate surety bond for the faithful performance of his duties in such
3 amount as shall be determined by the secretary of agriculture, but in
4 no event shall such bond be in an amount less than one thousand
5 (1,000) dollars. Such bonds shall in every case be subject to the
6 secretary's approval and be deposited with him, the premium thereon
7 shall be payable out of any funds in the hands of the board. Such
8 sealer shall also qualify by taking an oath similar to that required of
9 public officials.

1 "SEC. 8. Duties of sealers. It shall be the duty of the sealer under
2 the direction of the secretary of agriculture to:

- 3 1. Supervise the storage of grain.
- 4 2. Ascertain the amount stored by each owner who shall desire to
5 avail himself of the provisions of this chapter.
- 6 3. Determine, so far as possible, the grade and quality thereof.
- 7 4. Ascertain, prior to the issuance of any certificate, and/or certifi-
8 cate of reinspection that the granary, crib, bin or other receptacle in
9 which the grain is stored is satisfactory for the storage of such grain,
10 and that such receptacle conforms to the regulations applicable thereto
11 promulgated by the secretary of agriculture.

12 He shall, before delivering certificate and/or certificate of rein-
13 spection to the owner, ascertain that there are no other certificates
14 outstanding upon the grain, and shall seal the granary, crib, bin or
15 other receptacle in which the grain is stored in the manner herein-
16 after provided, and thereafter make periodic inspections of the gran-
17 aries, cribs, bins or other receptacles so sealed at such times and in
18 such manner as the secretary of agriculture may determine, but in
19 no event less frequently than ninety-day intervals, rendering to the

20 secretary of agriculture with reference to each such subsequent in-
 21 spection, and to the owner when requested, report or affidavit, in such
 22 form as may be required, in regard to the amount and condition of the
 23 grain under seal and the condition of the structure within which it is
 24 stored.

25 The sealer shall at the request of any borrower, issue a certificate
 26 of reinspection on forms prescribed by the secretary of agriculture
 27 for the purpose of enabling said borrower to obtain the renewal or
 28 extension of an outstanding obligation secured by the pledge of a
 29 farm-warehouse certificate. The fees for such reinspection shall be
 30 determined and collected in the same manner as hereinbefore pro-
 31 vided for original sealing fees.

1 "SEC. 9. Certificates — Form and contents. Certificates shall be
 2 upon forms prepared by the secretary of agriculture, and every such
 3 certificate must embody within its written or printed terms:

4 1. The name and license number of the board under which such
 5 certificate is issued.

6 2. The consecutive number of the certificate.

7 3. The date of issue of the certificate.

8 4. A particular description of the granary, bin, crib or other re-
 9 ceptacle in which the grain is stored, and of the premises upon which
 10 it is located.

11 5. A description of the grain.

12 6. The name of the owner or owners, whether ownership is sole,
 13 joint, or in trust, and the conditions of such ownership, and in the
 14 case of tenants the date of termination of the lease.

15 7. A statement of any loans or other indebtedness made to or owing
 16 by the owner which in any manner constitutes a lien, whether statutory
 17 or contractual, including both mortgage and landlord's liens, upon the
 18 grain, which statement shall be signed by the owner or his agent.

19 8. A form of waiver of liens which may be signed by the lienholder.

20 9. A statement whether the goods received will be delivered to the
 21 bearer, to a specified person, or to a specified person or his order, and
 22 at what place it will be delivered.

23 10. A facsimile signature of the secretary of agriculture, and the
 24 countersignature of the sealer.

25 11. If the owner is married, a waiver by the spouse of any claim
 26 of exemption and a consent to the instrument.

27 12. Statement that no other certificates are outstanding on the grain
 28 represented thereby.

1 "SEC. 10. Amount of certificates. The sealer shall issue to the
 2 owner one or more certificates as herein provided, but the aggregate
 3 amount of the grain represented by such certificate or certificates shall
 4 in no event exceed the amount of grain stored and sealed by the sealer
 5 and each certificate shall cover a separate granary, crib or bin.

1 "SEC. 11. Negotiable certificates. A certificate in which it is stated
 2 that the grain stored will be delivered to the bearer, or to the order of
 3 any person named in such certificate, is a negotiable certificate. No
 4 provision shall be inserted in a negotiable certificate that it is non-
 5 negotiable. Such provisions, if inserted, shall be void.

1 "SEC. 12. Duplicate certificate—Filing with recorder. Before or at
2 the time the owner negotiates the original warehouse certificate he
3 shall file or cause to be filed a duplicate copy of said certificate in the
4 office of the county recorder of the county in which the grain is lo-
5 cated, which duplicate shall remain in the custody of the recorder ex-
6 cept as hereinafter provided.

7 Said owner shall then deliver to the assignee said original certifi-
8 cate bearing the stamp of the county recorder, showing the date, time
9 and number of filing the duplicate thereof.

1 "SEC. 13. Indexing by recorder. When a duplicate is filed in the
2 office of the recorder, he shall index the same in the chattel mortgage
3 index or other suitable index book showing date of the certificate, the
4 number thereof, to whom issued, kind, quantity and location of the
5 grain and stamp the original thereof showing the date, time and num-
6 ber of filing. He shall collect twenty-five cents for each certificate
7 indexed. The filing and indexing of such certificate shall impart the
8 same notice as the filing and indexing of a chattel mortgage.

1 "SEC. 14. Record of assignment. When the owner or holder of a
2 certificate makes written assignment thereof after said instrument is
3 filed, the recorder shall on request of the assignee enter a copy of such
4 assignment upon the duplicate in his office, and enter upon his index
5 book the date of the assignment and the names of the assignor and
6 the assignee. He shall collect twenty-five cents for each such assign-
7 ment entered.

1 "SEC. 15. Release of certificates. The owner may secure the can-
2 cellation of a certificate by delivering the original to the secretary of
3 agriculture or secretary of the local board, through which it was
4 issued with the request that it be canceled. The secretary of agri-
5 culture or secretary of the local board shall stamp the original 'can-
6 celed', with the date of such cancellation and retain same. Upon
7 notice in writing from the secretary of agriculture or the secretary of
8 the local board through which the certificate was issued that it has
9 been canceled, the county recorder shall release the duplicate filed of
10 record without charge.

1 "SEC. 16. Duty to deliver. The owner shall, in the absence of some
2 lawful excuse provided by this chapter, deliver the grain stored upon
3 demand made by the holder of a certificate for the grain, or for such
4 part thereof as is represented by the certificate if such demand is
5 accompanied by:

6 1. A showing that all such liens as may appear upon the certificate
7 and which shall subsist upon the date of the demand have been waived
8 or satisfied.

9 2. An offer to surrender the certificate if negotiable, with such in-
10 dorsements as would be necessary for the negotiation of certificate.

11 3. A readiness and willingness to sign, when the goods are deliv-
12 ered, an acknowledgment that they have been delivered, if such signa-
13 ture is requested by the owner.

1 "SEC. 17. Fees of secretary of agriculture. The secretary of agri-
2 culture shall receive for services rendered under the provisions of this
3 chapter, three (3) dollars, for each license issued.

1 "SEC. 18. Refunds. Surplus funds remaining in the treasury of the
2 local warehouse board October first of each year shall be refunded to
3 the owners as the board may direct, providing, however, that the pro-
4 cedure and time and amount of such refund is approved by the secre-
5 tary of agriculture and providing that where the amount paid by the
6 owner was insufficient to meet the costs incurred in sealing, no refund
7 shall be made to such owners.

1 "SEC. 19. Saving clause. Should any of the provisions of these sec-
2 tions be held unconstitutional, those held constitutional shall remain
3 in full force and effect."

House File 242. Approved April 15, 1935.

CHAPTER 106

TRADEMARK PROTECTION

S. F. 222

AN ACT to protect trademark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a distinguished trademark, brand or name.

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

1 SECTION 1. Subdivision 1. No contract relating to the sale or resale
2 of a commodity which bears, or the label or content of which bears,
3 the trademark, brand, or name of the producer or owner of such com-
4 modity and which is in fair and open competition with commodities
5 of the same general class produced by others shall be deemed in viola-
6 tion of any law of the state of Iowa by reason of any of the following
7 provisions which may be contained in such contract:

8 a. That the buyer will not resell such commodity except at the price
9 stipulated by the vendor.

10 b. That the vendee or producer require in delivery to whom he may
11 resell such commodity to agree that he will not, in turn, resell except
12 at the price stipulated by such vendor or by such vendee.

13 2. Such provisions in any contract shall be deemed to contain or
14 imply conditions that such commodity may be resold without refer-
15 ence to such agreement in the following cases:

16 a. In closing out the owner's stock for the purpose of discontinuing
17 delivering such commodity.

18 b. When the goods are damaged or deteriorated in quality, and
19 notice is given to the public thereof.

20 c. By any officer acting under the orders of any court.

1 SEC. 2. Wilfully and knowingly advertising, offering for sale or
2 selling any commodity at less than the price stipulated in any contract
3 entered into pursuant to the provisions of section one (1) of this act,
4 whether the person so advertising, offering for sale or selling is or is
5 not a party to such contract, is unfair competition and is actionable
6 at the suit of any person damaged thereby.

1 SEC. 3. This act shall not apply to any contract or agreement be-
2 tween producers or between wholesalers or between retailers as to
3 sale or resale prices.

1 SEC. 4. The following terms, as used in this act, are hereby defined
2 as follows:

3 "Producer" means grower, baker, maker, manufacturer or publisher.
4 "Commodity" means any subject of commerce.

1 SEC. 5. If any provision of this act is declared unconstitutional
2 it is the intent of the legislature that the remaining portions thereof
3 shall not be affected but that such remaining portions remain in full
4 force and effect.

1 SEC. 6. All acts or parts of acts inconsistent herewith are hereby
2 repealed.

Senate File 222. Approved May 16, 1935.

CHAPTER 107

PARTY IN ACTIONS. STATE OF IOWA

S. F. 299

AN ACT providing that the state of Iowa may be made a party in actions involving the title to or partition of real estate, the foreclosure of mortgages and liens upon real estate, and the determination of the priority of liens against real estate; and providing the method of service of notice and fixing the status of the state as a party.

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

1 SECTION 1. Upon the conditions herein provided for the protection
2 of the state of Iowa, the consent of the state of Iowa be and it is hereby
3 given, to be made a party in any suit or action which is now pending
4 or which may hereafter be brought in any of the district courts of
5 Iowa, any of the United States district courts within the state of Iowa
6 or in any other court of or in Iowa having jurisdiction of the subject
7 matter, involving the title to real estate, the partition of real estate,
8 the foreclosure of liens or mortgages against real estate or the de-
9 termination of the priorities of liens or claims against real estate,
10 for the purpose of obtaining an adjudication touching or pertaining
11 to any mortgage or other lien or claim which the state of Iowa may
12 have or claim to the real estate involved.

1 SEC. 2. Service upon the state of Iowa shall be made by serving a
2 copy of the original notice with a copy of the petition upon the county
3 attorney for the county, or counties, in which the real estate is located,
4 and by sending a copy of the original notice and petition by registered
5 mail to the attorney general of Iowa, at Des Moines, Iowa, at least
6 twenty days before the first day of the next term of court.

1 SEC. 3. After compliance with the preceding sections, the state of
2 Iowa shall have the same standing as any other defendant and any
3 and all orders, judgments or decrees rendered and entered shall be
4 binding on the state of Iowa, the same as on any other defendant, and
5 the state of Iowa shall have the same rights with respect thereto as any
6 other defendant similarly situated.

1 SEC. 4. This act is deemed of immediate importance and shall be in
2 force and effect from and after its passage and publication in the

3 Central City News-Letter, a newspaper published at Central City,
4 Iowa, and in the Adams County Free Press, a newspaper published at
5 Corning, Iowa.

Senate File 299. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Central City News-Letter and the Adams County Free Press, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 108

JUDGMENTS. DURATION

S. F. 176

AN ACT relating to the duration of judgments rendered solely on promissory obligations secured by mortgage or deed of trust of real estate, without foreclosure against said security.

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

1 SECTION 1. Judgments hereafter rendered on promissory obliga-
2 tions secured by mortgage or deed of trust of real estate, but without
3 foreclosure against said security, shall not be subject to renewal by
4 action thereon, and, after the lapse of two years from the date of ren-
5 dition, shall be without force and effect for any purpose whatsoever
6 except as a set-off or counter claim.

1 SEC. 2. Judgments heretofore rendered or in actions now pending
2 upon promissory obligations secured by mortgage or deed of trust of
3 real estate, and upon which judgments or actions now pending the
4 holder thereof brought suit direct upon the said promissory obligation
5 without a foreclosure against said security, shall have no force or
6 vitality for any purpose other than a set-off or counter claim from
7 and after the expiration of two years from the passage of this act
8 and no execution shall be issued thereon.

1 SEC. 3. This act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in the Newton
3 Daily News, a newspaper published at Newton, Iowa, and in the Baxter
4 New Era, a newspaper published in Baxter, Iowa.

Senate File 176. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Newton Daily News, May 2, 1935, and the Baxter New Era, May 1, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 109

EXEMPTION FROM EXECUTION

S. F. 57

AN ACT to declare that an emergency now exists; to provide for the increase of the statutory exemption from execution for residents who are heads of families; to provide for the selection of such exempt property; to provide for exemptions heretofore set off; to provide for preservation of right to parties under chapter 177, acts of the Forty-fifth General Assembly; to provide for suspension of conflicting acts; and to provide that if any part of this act is held unconstitutional it shall not affect the remaining parts.

WHEREAS, the Forty-fifth General Assembly enacted chapter one hundred seventy-seven (177), providing for an increase in the amount of statutory exemptions from execution for residents who are heads of families, and

WHEREAS, at the time of the enacting of said chapter the governor of the state of Iowa had declared that an emergency existed, and the General Assembly had determined that such an emergency did exist, which was general throughout the state, and

WHEREAS, the governor of the state of Iowa in his inaugural address to the Forty-sixth General Assembly stated in substance that said emergency still exists, and that the need of the people of Iowa for the provisions of chapter one hundred seventy-seven (177), acts of the Forty-fifth General Assembly, still exist, and that the period thereof should be extended, and

WHEREAS, the Forty-sixth General Assembly has determined that such an emergency exists at this time, and that the needs still exist for continuing the provisions of the above described act of the general assembly, therefore,

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

1 SECTION 1. The Forty-sixth General Assembly hereby declares and
2 determines that the emergency which existed when chapter one hun-
3 dred seventy-seven (177), of the acts of the Forty-fifth General As-
4 sembly was enacted does continue to exist, and that such emergency
5 at this time is general throughout the state of Iowa, and that the safety
6 and future welfare of the state as a whole is endangered thereby. The
7 General Assembly acting under the power reserved by the people of
8 Iowa does hereby enact the following:

1 "SEC. 2. A debtor who is a resident of this state and the head of a
2 family who has not had an exemption under chapter one hundred sev-
3 enty-seven (177), acts of the Forty-fifth General Assembly, may, in
4 addition to the exemptions provided in section eleven thousand seven
5 hundred sixty (11760), code, 1931, select and have set off to him live-
6 stock, farm products, farm utensils or machinery, household goods, or
7 other property owned by him, in the aggregate value not to exceed the
8 sum of \$500.00, and hold said property exempt from general execution
9 until March 1, 1937.

1 "SEC. 3. Such debtor may include, as a part of the exemption pro-
2 vided in section two (2) of this act, household goods of his own selection,
3 of value not to exceed \$100.00, whether said property may or may not
4 have been pledged for debt.

1 "SEC. 4. Such debtor may hold as exempt from general execution,
2 until March 1, 1937, all property that has been set off to him under

3 the provisions of chapter one hundred seventy-seven (177), acts of the
4 Forty-fifth General Assembly.

1 "SEC. 5. Whenever the debtor claims the additional exemptions pro-
2 vided for in this act, the officer or person having the execution or writ
3 of attachment or other process for service shall select one appraiser, the
4 debtor shall select another and these two appraisers shall select a third.
5 These appraisers shall fix the value of the property claimed by the
6 debtor to be exempted under provisions of this act.

1 "SEC. 6. The provisions of this act shall not apply to executions or
2 attachments that were levied on or before the sixteenth day of March,
3 1933, upon any property provided for in chapter one hundred seventy-
4 seven (177) of the acts of the Forty-fifth General Assembly of Iowa,
5 nor shall it affect the remedies for existing obligations as against prop-
6 erty then in existenee, except household goods not to exceed one hun-
7 dred (100) dollars in value, as provided in section three (3) of this act.

1 "SEC. 7. All acts, and parts of acts, in conflict with the provisions of
2 this act are suspended during the period this act is in effect.

1 "SEC. 8. If any portion of this act is held to be unconstitutional or
2 invalid, such decision shall not affect the validity of the remaining por-
3 tions of this act."

1 SEC. 9. This act being deemed of immediate importance shall be-
2 come effective from and after its publication in the Adams County Free
3 Press, a newspaper published in Corning, Adams County, Iowa, and in
4 the Bedford Times-Press, a newspaper published in Bedford, Taylor
5 County, Iowa.

Senate File 57. Approved February 7, 1935.

I hereby certify that the foregoing act was published in the Adams County Free
Press and the Bedford Times-Press, February 14, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 110

EXTENSION OF REDEMPTION PERIOD

H. F. 84

AN EMERGENCY ACT relating to the extension of the redemption period from the sale under foreclosure of real estate where deeds of conveyance have not already passed; declaring that the emergency still exists; providing for the making of applications for extensions of the period of redemption and for the kind and manner of notices to be given; making the provisions of this act applicable to all cases where the courts have granted such extension; and providing for applications now on file, for payment and distribution of rents and for suspension of all acts or parts of acts in conflict with this act.

WHEREAS, the Forty-fifth General Assembly enacted chapter one hundred seventy-nine (179), providing for the extension of the redemption period in any action for the foreclosure of a real estate mortgage or a deed of trust upon the conditions provided for in said act, and

WHEREAS, that at the time of the enacting of said chapter the governor of the state of Iowa had declared that an emergency existed, and the Gen-

eral Assembly had determined that such an emergency did exist, which was general throughout the state, and that the safety and future welfare of the state as a whole was endangered thereby, and the General Assembly acting under the power reserved by the people of Iowa did so enact said chapter, and

WHEREAS, in the case entitled "Des Moines Joint Stock Land Bank, Appellant, vs. David T. Nordholm, et al., Appellees," 217 Iowa, page 1319, decided by the supreme court of the state of Iowa, on the fourth day of April, 1934, it was held that said act was not in violation of the constitutional provisions regarding the impairment of the obligations of contracts, or the deprivation of the obligations of contracts, or the deprivation of vested property rights without due process of law, and it was stated that contract rights and vested interests must reasonably yield to the paramount right of the state through the reservoir of its reserved police power to protect by appropriate legislation, its sovereignty, its government, its people and their general welfare against exigencies arising out of a great emergency, and

WHEREAS, the governor of the state of Iowa in his inaugural address to the Forty-sixth General Assembly stated in substance that said emergency still exists, and that the need of the people of Iowa for the extension of the time of redemption as provided in said chapter one hundred seventy-nine (179), acts of the Forty-fifth General Assembly, still exists and that said period should be extended, and

WHEREAS, the governor of the state of Iowa has not rescinded or recalled or otherwise modified the proclamation, above referred to, and

WHEREAS, the Forty-sixth General Assembly has determined that such emergency exists at this time, and that the need for continuing and extending the time to which such period of redemption may be applied for and extended, and for such relief is as great at this time as it was at the time of the enactment of chapter one hundred seventy-nine (179), acts of the Forty-fifth General Assembly, and economic conditions have since arisen greatly aggravating the then existing conditions, therefore,

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

1 SECTION 1. The Forty-sixth General Assembly hereby declares and
2 determines that the emergency which existed when chapter one hun-
3 dred seventy-nine (179), of the acts of the Forty-fifth General Assem-
4 bly, was enacted does continue to exist, and that such emergency at this
5 time is general throughout the state of Iowa, and that the safety and
6 future welfare of the state as a whole is endangered thereby. The
7 General Assembly acting under the power reserved by the people of
8 Iowa does hereby enact the following:

1 "SEC. 2. In any action, for the foreclosure of a real estate mortgage
2 or a deed of trust, which has been commenced prior to March 1, 1935,
3 in any of the courts, and in which a decree has been or may hereafter
4 be entered, but the redemption period, as now provided, has not expired,
5 upon application of the owner or owners of such real estate, the court
6 shall, unless upon hearing upon said application good cause is shown
7 to the contrary, order that no sheriff's deed shall be issued until March
8 1, 1937, and in the meantime said owner or owners may redeem such
9 property, and are entitled to possession thereof.

10 "Provided, the court having jurisdiction of such foreclosure action

11 shall order and direct, that there shall be applied from the income of
 12 said real estate so much thereof as is just and equitable, toward the
 13 payment of taxes accruing thereon during the period of redemption
 14 extension as provided by this act, and any balance distributed as the
 15 court may direct, and shall make such provision for the preservation of
 16 said property as will be just and equitable during the redemption period,
 17 and to this end the court may, in his discretion, in order to carry out
 18 the foregoing powers, appoint a receiver of said real estate, and invest
 19 said receiver with such powers as the court may find will be just and
 20 equitable to all parties to the proceeding.

21 "Providing, that in the event the said owner or owners do not comply
 22 with the orders of the court, the order for extension of redemption
 23 period as authorized by this act shall, on proper hearing, be set aside
 24 by order of the court.

1 "SEC. 3. During the period of extension of redemption, as herein
 2 provided, the owner or owners of said real estate shall have the exclu-
 3 sive right to redeem, and the rights of redemption of subsequent mort-
 4 gagees, junior lienholders, and creditors shall terminate within the pe-
 5 riod as by law now provided, the provisions of this act notwithstanding.

1 "SEC. 4. During the period of extension of redemption, as herein
 2 provided, the clerk of the district court of the county in which such
 3 foreclosure action is brought, shall receive and disburse the income
 4 from said real estate, as the court shall order as just and equitable.

1 "SEC. 5. Immediately upon this act going into effect the clerk of the
 2 district court shall notify by registered mail in properly addressed and
 3 stamped envelopes at their last known addresses all defendant mort-
 4 gators or grantors of deeds of trust who have been granted extensions
 5 of the period of redemption, and which have not been revoked, and
 6 also their attorney or attorneys of record, that unless an application
 7 for a further extension under this chapter is made before March 1, 1935,
 8 that the extension theretofore granted shall automatically expire.

1 "SEC. 6. Immediately upon filing of the application for the further
 2 extension of a period of redemption, the court shall set the time and
 3 place of hearing and prescribe the kind of notice to be given to all
 4 parties plaintiff, and no sheriff's deed shall issue until the hearing is
 5 had upon such application and the extension of the period of redemption
 6 denied, and unless good cause is shown why said extension should not
 7 be granted until March 1, 1937, the court shall grant the extension.

1 "SEC. 7. The provisions of this act shall not apply to any mortgages
 2 or deeds of trust executed subsequent to March 1, 1934, nor shall it
 3 apply to mortgagors or mortgagors under deeds of trust who acquired
 4 the real estate subsequent to March 1, 1934, except only in cases where
 5 the period of redemption has already been extended by court order.

1 "SEC. 8. The provisions of this act shall apply to any mortgages or
 2 deeds of trust executed prior to March 1, 1934, and subsequently re-
 3 newed.

1 "SEC. 9. All applications which have been filed for extension of re-
 2 demption and upon which no hearings have been held shall be in full
 3 force and effect.

1 "SEC. 10. Every original notice covering the foreclosure of a real
2 estate mortgage, or deed of trust, or the note or notes secured thereby,
3 served after the taking effect of this act, shall, during the time this act
4 is in effect, contain a notice to the defendant or defendants that he or
5 they may appear at the time and place stipulated in said notice and
6 file application for continuance of said cause of action until March 1,
7 1937.

1 "SEC. 11. The words 'owner or owners' as used in this act, shall in-
2 clude any person holding rights in real estate as joint tenant, tenant in
3 common, life tenant, devisee or heir at law and/or any person holding
4 the legal title to real estate. The application for extension by one or
5 more owners, when made as provided in this act, shall inure to the
6 benefit of all of the owners, if there be more than one.

1 "SEC. 12. All acts or parts of acts in conflict with this act are hereby
2 suspended.

1 "SEC. 13. If any section, subsection, clause, sentence, or phrase of
2 this act is for any reason held to be unconstitutional and/or invalid, such
3 decision shall not affect the validity of the remaining portions of this act.
4 The legislature hereby declares that it would have passed this act and
5 each section, subsection, clause, sentence, or phrase hereof, irrespective
6 of whether any one or more of the sections, subsections, clauses, sen-
7 tences, or phrases be declared unconstitutional."

1 SEC. 14. This act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in the Oelwein
3 Daily Register, a newspaper published at Oelwein, Iowa, and in the
4 Sioux City Tribune, a newspaper published at Sioux City, Iowa.

House File 84. Approved February 6, 1935.

I hereby certify that the foregoing act was published in the Sioux City Tribune and
the Oelwein Daily Register, February 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 111

REDEMPTION FROM EXECUTION SALE

S. F. 174

AN ACT to amend section eleven thousand seven hundred eighty-four (11784), code,
1931, relating to redemption from execution sale by the title holder and to provide
for the making of such redemption by the surrender of the sheriff's certificate.

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

1 SECTION 1. That section eleven thousand seven hundred eighty-
2 four (11784), code, 1931, be amended by adding after the period at the
3 end thereof the following:

4 "Redemption may also be made by the title holder presenting to the
5 clerk of the district court sheriff's certificate of sale properly assigned
6 to the title holder, whereupon the clerk of the district court shall can-
7 cel the said certificate and enter full redemption in the sale book."

1 SEC. 2. This act being deemed of immediate importance shall be
 2 in full force and take effect from and after its passage and publication
 3 in the Charles City Press, a newspaper published at Charles City,
 4 Iowa, and in the Mason City Globe-Gazette, a newspaper published at
 5 Mason City, Iowa.

Senate File 174. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Charles City Press, May 8, 1935, and the Mason City Globe-Gazette, May 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 112

MORTGAGES. REAL ESTATE OF DECEDENT

S. F. 298

AN ACT to provide for the mortgaging by an executor or administrator of real estate of decedent, a part or all of which is exempt as a homestead for the purpose of extending or refinancing liens thereon and paying claims and charges against the estate and paying commissions or other expenses of securing such loans and to provide the procedure thereof, and to limit the time within which the validity of such mortgage may be questioned.

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

1 SECTION 1. If a decedent held an interest in real estate, any part
 2 of which was exempt to him or is exempt to his spouse or issue as a
 3 homestead or otherwise, and any part of said real estate is subject to
 4 a lien or liens, claims and charges, on which a payment is delinquent,
 5 due, or about to become due, whether a claim for the debt for which
 6 said lien exists has been filed in the estate or not, and the court or
 7 judge having jurisdiction of said estate is satisfied on consideration
 8 of the circumstances that it is for the best interests of said estate and
 9 the owners of said real estate or any interest therein to extend or
 10 refinance such lien or liens and the indebtedness secured thereby, and
 11 to pay any claims and charges against the estate; the court or judge
 12 may authorize and order the executor or administrator to borrow
 13 money for such purposes, and mortgage all or any part of said real
 14 estate therefor, and to execute or join in the execution of a note or
 15 notes and a mortgage or mortgages on the same, and from the pro-
 16 ceeds thereof also pay the necessary or required commission or other
 17 expenses of securing said loans.

1 SEC. 2. Any such mortgage shall have the effect of waiving any
 2 exemption as homestead or otherwise of any minor or incompetent
 3 or person under legal disability owning an interest in said real estate
 4 as fully as such owner could do if he were sui juris.

1 SEC. 3. The application for such authority and order shall be veri-
 2 fied by the executor or administrator, shall describe the property and
 3 the interest of the owners therein together with the nature of any
 4 exemptions in favor of any of them, shall contain a full statement of
 5 the liens thereon, and claims or charges to be paid, and the purposes
 6 and objects of the proposed loan to be secured by said mortgage and
 7 the reasons urged as justifying the same as promoting the best inter-
 8 ests of the estate and the owners of said real estate.

1 SEC. 4. The notice of said application and the procedure thereon
 2 shall be that prescribed in sections eleven thousand nine hundred
 3 thirty-five (11935), eleven thousand nine hundred thirty-six (11936),
 4 eleven thousand nine hundred forty-one (11941), eleven thousand nine
 5 hundred forty-two (11942), and eleven thousand nine hundred forty-
 6 three (11943), code, 1931, and mortgages executed by such authority
 7 shall be in compliance with sections eleven thousand nine hundred
 8 forty-four (11944) to eleven thousand nine hundred fifty (11950),
 9 both inclusive, code, 1931, and section eleven thousand nine hundred
 10 fifty-one (11951), code, 1931, shall apply to mortgages hereunder.

1 SEC. 5. Upon the hearing on the application authority shall not
 2 be granted to the executor or administrator by the court or judge
 3 except upon an express finding that such mortgage and waiver of
 4 exemptions of homestead or otherwise for the purposes stated therein
 5 will promote the best interests of the estate and the owners of the real
 6 estate and any interest therein.

1 SEC. 6. This act being deemed of immediate importance shall be
 2 in full force and take effect from and after its passage and publica-
 3 tion in the Bloomfield Democrat, a newspaper published at Bloomfield,
 4 Iowa, and in the Nashua Reporter, a newspaper published at Nashua,
 5 Iowa.

Senate File 298. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Bloomfield Democrat, May 9, 1935, and the Nashua Reporter, May 8, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 113

MORTGAGES AND SALES. PROPERTY OF PERSONS UNDER GUARDIANSHIP

S. F. 292

AN ACT to provide for the sale or mortgage of exempt real and personal property of persons under guardianship and for the waiver of such exemptions by guardians and to prescribe the procedure therefor, and to limit the period of time within which the validity of such sale may be questioned.

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

1 SECTION 1. Whenever any real or personal property, or any inter-
 2 est therein, is owned by any person under guardianship, and any
 3 right of exemption, including homestead, as to said property exists in
 4 favor of such owner, the court or judge, having jurisdiction of the
 5 guardianship, may authorize and order the guardian on behalf of the
 6 ward to waive such exemption as fully as the ward could do if he were
 7 sui juris and not under guardianship, and to sell or mortgage or to
 8 join with other owners thereof or an executor or administrator of a
 9 decedent's estate in a sale or mortgage of such property when the
 10 court or judge finds that such sale or mortgage will promote the best
 11 interests of such owner and his estate, any provisions of law incon-
 12 sistent herewith or to the contrary notwithstanding.

1 SEC. 2. The petition for such authority and order shall be verified
 2 by the guardian, shall describe the property and the interest of the

3 ward therein, together with the nature of any exemption or exemp-
 4 tions in his favor, shall contain a full statement of liens, charges or
 5 other debts to be paid and the purposes and objects of the proposed
 6 waiver and sale or mortgage, and the reasons urged as justifying the
 7 same as promoting the best interests of the ward and his estate.

1 SEC. 3. The notice of said petition and the procedure thereon shall
 2 be that prescribed in sections 12589 to 12595, code, 1931, both in-
 3 clusive; and section 12596, code, 1931, shall apply to sales made here-
 4 under.

1 SEC. 4. Upon the hearing on the petition such authority shall not
 2 be granted to the guardian by the court or judge except upon an ex-
 3 press finding that such waiver and sale or mortgage for the purposes
 4 stated therein will promote the best interests of the ward and his
 5 estate.

1 SEC. 5. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication in
 3 the Cascade Pioneer, a newspaper published at Cascade, Iowa, and
 4 in the Mt. Vernon Hawkeye-Record and The Lisbon Herald, a news-
 5 paper published at Mt. Vernon, Iowa.

Senate File 292. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Cascade Pioneer, May 9,
 1935, and the Mt. Vernon Hawkeye-Record and The Lisbon Herald, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 114

MORTGAGES. REAL ESTATE, BY FIDUCIARY

S. F. 293

AN ACT relating to mortgaging of real estate by an executor, administrator, guardian, trustee, or other person in a fiduciary capacity; to provide for the purchase by any such fiduciary, of stock in any association or corporation created or which may be created by authority of the United States and as an instrumentality of the United States, when such purchase is necessary or required as an incident or condition of obtaining from or through any such association or corporation, a real estate mortgage loan on land belonging to the estate of a deceased person, minor, or other incompetent, represented by such fiduciary.

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

1 SECTION 1. When any court of competent jurisdiction shall enter
 2 an order authorizing any executor, administrator, guardian, trustee
 3 or other person in a fiduciary capacity, to execute a real estate mort-
 4 gage to encumber any property under his control in such capacity
 5 to secure a loan obtained or to be obtained from any association or
 6 corporation, created or which may be created by authority of the
 7 United States and as an instrumentality of the United States, such
 8 court may authorize the executor, administrator, guardian, trustee,
 9 or other fiduciary, to purchase stock in any association or corporation,
 10 created or which may be created by authority of the United States
 11 and as an instrumentality of the United States, when such purchase of
 12 stock is necessary or required as an incident or condition of obtaining
 13 the loan, and to mortgage the property under his control in such

14 capacity for this purpose, as well as to make payment for the stock
15 so purchased from the proceeds of the loan so obtained.

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and take effect from and after its passage and publication
3 in the Centerville Daily Iowegian of Centerville, Iowa, a newspaper
4 published at Centerville, Iowa, and in the Charles City Daily Press, a
5 newspaper published at Charles City, Iowa.

Senate File 293. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Centerville Daily Iowegian, May 7, 1935, and the Charles City Daily Press, May 8, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 115

MORTGAGES. EMERGENCY DELAY OF FORECLOSURES

S. F. 34

AN EMERGENCY ACT relating to the foreclosure of real estate mortgages and deeds of trust; providing for the continuance of such actions; providing for determination by the court of the rights of the holder of such mortgages, and of the owner or owners of the real estate, and of persons liable on such mortgages, deeds of trust, or the notes secured thereby, to the possession of the real estate, and to the rents, income and profits therefrom; providing for suspension of conflicting acts; providing that applications heretofore filed under chapter one hundred eighty-two (182), acts of the Forty-fifth General Assembly, whether ruled upon or not, shall be considered as refiled under this act; and providing for the termination of this act.

WHEREAS, the Forty-fifth General Assembly enacted chapter one hundred eighty-two (182), providing for the continuance of actions for the foreclosure of real estate mortgages and deeds of trust upon the conditions provided for in said act.

WHEREAS, that at the time of the enacting of said chapter the governor of the state of Iowa had declared that an emergency existed, and the general assembly had determined that such an emergency did exist, which was general throughout the state, and that the safety and future welfare of the state as a whole was endangered thereby, and the general assembly acting under the power reserved by the people of Iowa did so enact said chapter, and

WHEREAS, in the case entitled "Des Moines Joint Stock Land Bank, Appellant, vs. David T. Nordholm, et al., Appellees," 217 Iowa, page 1319, decided by the supreme court of the state of Iowa, on the fourth day of April, 1934, it was held that legislation of this character was not in violation of the constitutional provisions regarding the impairment of the obligations of contracts, or the deprivation of vested property rights without due process of law, and it was stated that contract rights and vested interests must reasonably yield to the paramount rights of the state through the reservoir of its reserved police power to protect by appropriate legislation, its sovereignty, its government, its people and their general welfare against exigencies arising out of a great emergency, and

WHEREAS, the governor of the state of Iowa in his inaugural address to the Forty-sixth General Assembly stated in substance that said emergency

still exists, and that the need of the people of Iowa for the continuance of foreclosure actions as provided by chapter one hundred eighty-two (182), acts of the Forty-fifth General Assembly, still exists and that the period thereof should be extended, and

WHEREAS, the governor of the state of Iowa has not rescinded or recalled or otherwise modified the proclamation above referred to, and

WHEREAS, the Forty-sixth General Assembly has determined that such emergency exists at this time, and that the need exists for continuing and extending the time to which continuance of such actions may be had, and that the need for such relief is as great at this time as it was at the time of the enactment of chapter one hundred eighty-two (182), acts of the Forty-fifth General Assembly, therefore,

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

1 SECTION 1. The Forty-sixth General Assembly hereby declares and
2 determines that the emergency which existed when chapter one hun-
3 dred eighty-two (182), of the acts of the Forty-fifth General Assembly
4 was enacted does continue to exist, and that such emergency at this
5 time is general throughout the state of Iowa, and that the safety and
6 future welfare of the state as a whole is endangered thereby. The
7 general assembly acting under the power reserved by the people of
8 Iowa does hereby enact the following:

1 "SEC. 2. In all actions for the foreclosure of real estate mortgages or
2 deeds of trust or notes secured thereby now pending in which decrees
3 have not been entered and in all actions hereafter commenced for the
4 foreclosure of real estate mortgages or deeds of trust or on notes se-
5 cured thereby, in any court of record in the state of Iowa, while this
6 act is in effect, the court, upon the application of the owner or owners
7 of such real estate who are defendants in said cause, and shall upon hear-
8 ing upon an application filed for a continuance, order said cause con-
9 tinued until March 1, 1937, unless good cause is shown to the contrary,
10 and upon the entry of such order of continuance, the court shall make
11 order or orders for possession of said real estate giving preference to
12 the owner or owners in possession, determine a fair rental to be paid
13 by the party or parties to be in possession, and the court shall further
14 order the application and distribution of the rents, income, and profits
15 from said real estate, and make such provision for the preservation
16 of said property as will be just and equitable during the continuance
17 of said cause, which order or orders shall provide that such rents, in-
18 come or profits shall be paid to and distributed by the clerk of the
19 district court of the county in which said suit is pending, or any other
20 person agreed upon by the parties to the action, and further provide
21 that in such distribution, taxes, insurance, cost of maintenance and
22 upkeep of said real estate shall be paid in the priority named, and any
23 balance distributed as the court may further direct; provided, how-
24 ever, that the court shall, upon a substantial violation of its said order
25 or orders, or for other good and sufficient cause shown, set aside said
26 order of continuance and the cause shall proceed to trial as by law
27 now provided, the provisions of this act to the contrary notwith-
28 standing.

1 "SEC. 3. All applications heretofore filed for continuances under
2 chapter one hundred eighty-two (182), of the acts of the Forty-fifth
3 General Assembly, and on which orders have been entered continuing
4 said cause, and which orders are now in full force and effect, and all
5 applications which have not been adjudicated shall be considered re-
6 filed even though hearing may have been had and order entered on the
7 applications, which applications may be amended, or substitutions
8 made therefor, and such cause shall not proceed to trial until the
9 application for a continuance, or the amendments thereto, or the sub-
10 stituted application therefor has been disposed of by court order, and
11 in all such cases the provisions of section two (2) of this act relating to
12 the continuances to March 1, 1937, possession, rentals, distribution
13 of rents and profits, and the setting aside of the orders for contin-
14 uance, shall apply.

1 "SEC. 4. The provisions of this act shall not apply to any mortgages
2 or deeds of trust executed subsequent to January 1, 1934, nor shall
3 it apply to mortgagors or mortgagors under deeds of trust who ac-
4 quired the real estate subsequent to January 1, 1934, except only in
5 cases where continuances have already been granted by court order
6 under chapter one hundred eighty-two (182), of the acts of the Forty-
7 fifth General Assembly of Iowa.

1 "SEC. 5. The provisions of this act shall apply to any mortgages or
2 deeds of trust executed prior to January 1, 1934, and subsequently
3 renewed.

1 "SEC. 6. In all cases where the hearing has not already been had on
2 the application for continuance, the court shall determine the rentals
3 and distribution of the rents, issues and profits from and after the
4 date of the commencement of the said action of foreclosure.

1 "SEC. 7. If any section, subsection, clause, sentence, or phrase of
2 this act is for any reason held to be unconstitutional and/or invalid,
3 such decision shall not affect the validity of the remaining portions
4 of this act. The legislature hereby declares that it would have passed
5 this act and each section, subsection, clause, sentence, or phrase hereof,
6 irrespective of whether any one or more of the sections, subsections,
7 clauses, sentences, or phrases be declared unconstitutional.

1 "SEC. 8. All acts and parts of acts in conflict with this act are
2 suspended while this act is in effect."

1 SEC. 9. This act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in the Charles
3 City Press, a newspaper published at Charles City, Iowa, and in the
4 Davenport Democrat, a newspaper published at Davenport, Iowa.

Senate File 34. Approved February 4, 1935.

I hereby certify that the foregoing act was published in the Charles City Press, Febru-
ary 6, 1935, and the Davenport Democrat, February 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 116

MORTGAGES. EMERGENCY DELAY OF FORECLOSURES

H. F. 152

AN ACT to amend Senate File thirty-four (34), section two (2), acts of the Forty-sixth General Assembly, and approved by the governor on the fourth day of February, 1935, and now on file in the office of the secretary of state, relating to an emergency act relative to the foreclosure of real estate mortgages and deeds of trust or notes secured thereby.

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

1 SECTION 1. Senate File thirty-four (34), section two (2), acts of
2 the Forty-sixth General Assembly, approved by the governor on the
3 fourth day of February, 1935, and now on file in the office of the secre-
4 tary of state, is amended by inserting after the words "real estate"
5 in line 8 the following:
6 "or person liable on said mortgages or deeds of trust or notes se-
7 cured thereby,"

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the Sioux City
3 Tribune, a newspaper published in Sioux City, Iowa, and the Daven-
4 port Democrat, a newspaper published in Davenport, Iowa.

House File 152. Approved February 22, 1935.

I hereby certify that the foregoing act was published in the Sioux City Tribune, February 23, 1935, and the Davenport Democrat, February 24, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 117

CONTRACTS FOR THE SALE OF REAL ESTATE

S. F. 59

AN EMERGENCY ACT relating to contracts for the sale of real estate where the vendor retains legal title; providing for the continuance of actions brought upon said contracts; providing for the suspension of forfeiture proceedings; providing for the preservation of the rights and equities of the vendee or his heirs or assigns under said contracts; providing for possession of said real estate, and to the rents, income and profits therefrom and providing for the distribution thereof; and providing for the suspension of all acts or parts of acts in conflict with this act while same is in effect.

WHEREAS, the Forty-fifth General Assembly enacted emergency legislation for the delay of foreclosures of real estate mortgages and deeds of trust, and for the extension of the period of redemption on real estate which had been sold at execution sale, and

WHEREAS, that at the time of the enacting of said emergency legislation, the governor of the state of Iowa had declared that an emergency existed, and the general assembly had determined that such an emergency did exist, which was general throughout the state, and that the safety and future welfare of the state as a whole was endangered thereby, the general assembly acting under the power reserved by the people of Iowa did so enact said emergency legislation, and

WHEREAS, in the case entitled "Des Moines Joint Stock Land Bank, Appellant, vs. David T. Nordholm, et al., Appellees," 217 Iowa, page 1319, decided by the supreme court of the state of Iowa, on the fourth day of April, 1934, it was held that legislation of this character was not in violation of the constitutional provisions regarding the impairment of the obligations of contracts, or the deprivation of vested property rights without due process of law, and it was stated that contract rights and vested interests must reasonably yield to the paramount rights of the state through the reservoir of its reserved police power to protect by appropriate legislation, its sovereignty, its government, its people and their general welfare against exigencies arising out of a great emergency, and

WHEREAS, the governor of the state of Iowa in his inaugural address to the Forty-sixth General Assembly stated that said emergency still existed, and that the need of the people of the state of Iowa for the delay of foreclosures, and the extension of the period of redemption provided for by the emergency legislation passed by the Forty-fifth General Assembly still exists and that the said emergency legislation should be extended, and

WHEREAS, the governor of the state of Iowa has not rescinded or recalled or otherwise modified the proclamation issued in the year 1933, above referred to, and

WHEREAS, the Forty-sixth General Assembly has determined that such emergency exists at this time, and that real estate contracts where the vendor retains legal title have not been afforded protection under the emergency legislation heretofore passed and that there is great need for the protection of purchasers under such contracts and that the emergency exists as to such contracts and is as great as was the emergency in 1933.

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

1 SECTION 1. The Forty-sixth General Assembly hereby declares and
2 determines that the emergency which existed when the emergency
3 laws passed by the Forty-fifth General Assembly were enacted does
4 continue to exist, that such emergency at this time is general through-
5 out the state of Iowa, and that the safety and future welfare of the
6 state as a whole is in danger thereby, the general assembly acting
7 under the power reserved by the people of the state of Iowa does
8 hereby enact the following:

1 "SEC. 2. All contracts for the sale of real estate, executed prior to
2 January 1, 1934, wherein the vendor has retained legal title, shall be
3 subject to the provisions herein.

1 "SEC. 3. In any cause wherein any such real estate contract is
2 sought to be foreclosed or forfeited, the vendee or his heirs or assigns
3 shall be entitled to have his or their rights and equities in said real
4 estate preserved, as herein provided, until March 1, 1937.

1 "SEC. 4. When any action at law or in equity is commenced upon
2 any such contract, the vendee or his heirs or assigns, may file an appli-
3 cation for a continuance of said cause, and upon a hearing thereon,
4 unless good cause to the contrary is shown, the court shall order the
5 said cause continued to March 1, 1937, and shall make further order
6 or orders for possession of said real estate giving preference to the

7 vendee or vendees in possession, determine a fair rental to be paid by
8 the party or parties to be in possession from the time the action was
9 commenced, and the court shall further order the application and dis-
10 tribution of the rents, income, and profits from said real estate, and
11 make such provision for the preservation of said property as will be
12 just and equitable during the continuance of said cause, which order
13 or orders shall provide that such rents, income, or profits shall be paid
14 to and distributed by the clerk of the district court of the county in
15 which said suit is pending, or any other person agreed upon by the
16 parties to the action, and further provide that in such distribution,
17 taxes, insurance, cost of maintenance and upkeep of said real estate
18 shall be paid in the priority named, and any balance distributed as the
19 court may further direct; provided, however, that the court shall, upon
20 a substantial violation of its said order or orders, or for other good and
21 sufficient cause, set aside said order of continuance and the cause shall
22 proceed to trial by law now provided, the provisions of this act to the
23 contrary notwithstanding.

1 "SEC. 5. Within not to exceed thirty days after the service
2 of a notice of forfeiture of a real estate contract, the vendee, or his
3 heirs or assigns, may file in the office of the clerk of the district court
4 of the county wherein a part or all of the real estate is situated, a
5 verified petition praying that the said proceedings be abated. The
6 said petition shall include a true copy of the contract sought to be for-
7 feited, or reason for not filing same, together with the notice of for-
8 feiture. Thereupon, the court, or any judge thereof, shall order that
9 the forfeiture proceedings be suspended until hearing is had upon the
10 said application, and no forfeiture shall ensue until such hearing is
11 had. The court, in said order, shall fix the time and place of hearing
12 upon the application and prescribe the manner and time of service of
13 notice upon the adverse party or parties. Upon the hearing, unless
14 good cause to the contrary is shown, the court shall order that the
15 forfeiture proceedings continue to stand suspended until March 1, 1937.

1 "SEC. 6. It is further provided that all provisions contained in sec-
2 tion 4 of this act as to possession of the real estate, the rents thereof,
3 and the distribution of income therefrom, and all the provisions re-
4 garding the violations of orders of the court, and the power of the
5 court to terminate the period of suspension, shall be applicable to the
6 procedure herein. The provisions of this act shall not be construed as
7 to suspend, beyond March 1, 1937, the forfeiture of any contract which,
8 but for the operation of this act, would have been completed.

1 "SEC. 7. The court in ruling upon any applications or petitions filed
2 under this act shall take into consideration the initial payment made
3 by the vendee, or his heirs or assigns, subsequent payments made upon
4 the said contract, the efforts of the said vendee or his heirs or assigns
5 to comply with the said contract and any other facts and circumstances
6 showing good faith efforts on the part of the said vendee or his heirs
7 or assigns to carry out the provisions of the said contract.

1 "SEC. 8. If any section, subsection, clause, sentence or phrase of
2 this act is for any reason held to be unconstitutional and/or invalid,
3 such decision shall not affect the validity of the remaining portions of

4 this act. The legislature hereby declares that it would have passed
5 this act and each section, subsection, clause, sentence, or phrase hereof,
6 irrespective of whether any one or more of the sections, subsections,
7 clauses, sentences, or phrases be declared unconstitutional.

1 "SEC. 9. All acts or parts of acts in conflict with this act are sus-
2 pended while this act is in effect.

1 "SEC. 10. From and after the first day of March, 1937, this act shall
2 be of no force and effect."

1 SEC. 11. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Atlantic
3 News-Telegraph, a newspaper published at Atlantic, Iowa, and the
4 Mason City Globe-Gazette, a newspaper published at Mason City, Iowa,

Senate File 59. Approved February 20, 1935.

I hereby certify that the foregoing act was published in the Atlantic News-Telegraph,
and the Mason City Globe-Gazette, February 20, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 118

GUARDIANSHIP OF VETERANS. INVESTMENT OF FUNDS

S. F. 238

AN ACT to repeal the law as it appears in section twelve thousand six hundred forty-
four-c fourteen (12644-c14), code, 1931, and to enact a substitute therefor relating
to the investment of funds of veterans under guardianship.

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

1 SECTION 1. That the law as it appears in section twelve thousand six
2 hundred forty-four-c fourteen (12644-c14), code, 1931, is hereby re-
3 pealed and the following enacted as a substitute therefor:

4 "Every guardian shall invest the funds of the estate in such securi-
5 ties, investments or real estate as may be authorized and permitted by
6 order of court or in such securities as is authorized and enumerated in
7 section twelve thousand seven hundred seventy-two (12772), and in
8 which the guardian has no interest."

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication in the
3 Des Moines Daily Record, a newspaper published at Des Moines, Iowa,
4 and in the Plain Talk, a newspaper published at Des Moines, Iowa.

Senate File 238. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Des Moines Daily Record
and the Des Moines Plain Talk, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 119

AUTHORIZED SECURITIES AND INVESTMENTS OF TRUST FUNDS

S. F. 291

AN ACT to amend section twelve thousand seven hundred and seventy-two (12772), code, 1931, relating to authorized securities and investments of trust funds by fiduciaries.

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

1 SECTION 1. That section twelve thousand seven hundred and sev-
2 enty-two (12772), subsection 2, is amended by inserting after the word
3 "bank" in line 2, the following, "or by the Federal Farm Mortgage Cor-
4 poration or any corporation or governmental agency or instrumentality
5 authorized to issue bonds, or debentures."

1 SEC. 2. That section twelve thousand seven hundred and seventy-two
2 (12772) is further amended by adding the following subsection there-
3 to: "Bonds and debentures guaranteed by the federal government.
4 Bonds, debentures, or other interest bearing obligations, the payment
5 of which is guaranteed by the United States of America."

1 SEC. 3. That section twelve thousand seven hundred and seventy-
2 two (12772) is further amended by adding the following subsection
3 thereto: "Stock in federal government instrumentalities. Stock in any
4 association or corporation created or which may be created by author-
5 ity of the United States and as an instrumentality of the United States,
6 when the purchase of said stock is necessary or required as an incident
7 or condition of obtaining a loan from any association or corporation
8 created or which may be created by authority of the United States and
9 as an instrumentality of the United States."

1 SEC. 4. This act being deemed of immediate importance shall be
2 in full force and take effect from and after its passage and publication
3 in the Van Buren Record, a newspaper published at Bonaparte, Iowa,
4 and in the Oskaloosa Tribune, a newspaper published at Oskaloosa,
5 Iowa.

Senate File 291. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Bonaparte Van Buren Record, May 9, 1935, and the Oskaloosa Tribune, May 10, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 120

INVESTMENT OF FUNDS. SECURITIES UNDER NATIONAL HOUSING ACT

H. F. 438

AN ACT to promote the objects of the national housing act by authorizing insurance companies and building and loan associations, to make loans pursuant to titles I and II of the national housing act, and by authorizing insurance companies, building and loan associations, trustees, guardians, executors, administrators, and other fiduciaries, the state of Iowa and its political subdivisions, and institutions and agencies thereof, and all other persons, associations and corporations, subject to the laws of this state, to invest in mortgages insured, and in debentures issued by the federal housing administrator, and to invest in securities of national mortgage associations.

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

1 SECTION 1. Insurance companies and building and loan associations—
2 a. May make such loans and advances of credit and purchases of
3 obligations representing loans and advances of credit as are eligible for
4 insurance pursuant to title I, section 2, of the national housing act, and
5 may obtain such insurance.

6 b. May make such loans, secured by real property or leasehold, as
7 the federal housing administrator insures or makes a commitment to
8 insure pursuant to title II of the national housing act, and may obtain
9 such insurance.

1 SEC. 2. It shall be lawful for insurance companies, building and loan
2 associations, trustees, guardians, executors, administrators, and other
3 fiduciaries, the state of Iowa and its political subdivisions, and insti-
4 tutions and agencies thereof, and all other persons, associations and
5 corporations, subject to the laws of this state, to invest their funds,
6 and the moneys in their custody or possession, eligible for investment,
7 in bonds and notes secured by mortgage or trust deed insured by the
8 federal housing administrator, and in the debentures issued by the
9 federal housing administrator pursuant to title II of the national hous-
10 ing act, and in securities issued by national mortgage associations or
11 similar credit institutions now or hereafter organized under title III of
12 the national housing act.

1 SEC. 3. No law of this state requiring security upon which loans
2 or investments may be made, or prescribing the nature, amount or form
3 of such security, or prescribing or limiting interest rates upon loans or
4 investments may be made, shall be deemed to apply to loans or invest-
5 ments pursuant to the foregoing paragraphs.

1 SEC. 4. This act being deemed of immediate importance shall be in
2 force and effect after its passage and publication in the Sioux City
3 Tribune, published in Sioux City, Iowa, and Dallas County News, pub-
4 lished in Adel, Iowa.

House File 438. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Sioux City Tribune, May 11, 1935, and the Dallas County News, May 15, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 121

SHORTHAND REPORTER. FILING REPORT

H. F. 135

AN ACT to require the filing of the shorthand reporter's translation of his report of a trial and to constitute such filed translation a public record for the use of all parties to an appeal.

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

1 SECTION 1. Shorthand translations—Filing. The shorthand report-
 2 er's translation of his report of a trial, duly certified by said reporter as
 3 correct, and from which an abstract, or an amendment to the abstract,
 4 has been prepared and served on appeal, shall be filed with the clerk of
 5 the district court immediately after said abstract or amendment is
 6 served on the opposite party, and be deemed a public record for the use
 7 of all parties to the appeal.

House File 135. Approved April 11, 1935.

CHAPTER 122

DANGEROUS AND CONCEALED WEAPONS

H. F. 179

AN ACT to amend sections twelve thousand nine hundred thirty-seven (12937), twelve thousand nine hundred thirty-eight (12938) and twelve thousand nine hundred fifty (12950), code, 1931, and to repeal section twelve thousand nine hundred thirty-six (12936), code, 1931, and enact a substitute therefor; all relating to the sale and carrying of dangerous and concealed weapons and the violation thereof.

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

1 SECTION 1. That section twelve thousand nine hundred thirty-seven
 2 (12937), code, 1931, be and the same is hereby amended as follows:
 3 1. Line 5, strike the words "five hundred" and substitute in lieu
 4 thereof the words "one thousand."

5 2. Line 7, strike the word "two" and substitute in lieu thereof the
 6 word "five."

1 SEC. 2. That section twelve thousand nine hundred thirty-eight
 2 (12938), code, 1931, be and the same is hereby amended by inserting in
 3 line 4, after the word "conceal" the words "or otherwise,."

1 SEC. 3. That section twelve thousand nine hundred fifty (12950),
 2 code, 1931, be and the same is hereby amended by striking the period in
 3 line 4 following the word "cracker" and inserting in lieu thereof "silenc-
 4 er, and no pistol or revolver shall be sold to any person under the age
 5 of twenty-one years."

1 SEC. 4. That section twelve thousand nine hundred thirty-six
 2 (12936), code, 1931, be and the same is hereby repealed and the fol-
 3 lowing enacted in lieu thereof:

4 "12936-g1. It shall be unlawful for any person, except as hereinafter
 5 provided, to go armed with or carry a dirk, dagger, sword, pistol, revolv-
 6 er, stiletto, metallic knuckles, pocket billy, sand bag, skull cracker, slug
 7 shot or other offensive or dangerous weapon, except hunting knives
 8 adapted and carried as such, concealed either on or about his person,
 9 except in his own dwelling house or place of business or other land pos-
 10 sessed by him. No person shall carry a pistol or revolver concealed on
 11 or about his person or whether concealed or otherwise in any vehicle
 12 operated by him, except in his dwelling house or place of business or
 13 on other land possessed by him, without a license therefor as herein
 14 provided."

1 SEC. 5. Any person who with intent to use the same unlawfully
 2 against the person of another goes armed with a pistol, revolver, or
 3 other firearm, dagger, dirk, razor, stiletto, or knife having a blade of
 4 three inches in length or other dangerous or deadly instrument shall be
 5 guilty of a felony and on the conviction thereof shall be punished by a
 6 fine not to exceed one thousand (1000) dollars or imprisonment in the
 7 state prison for not more than five (5) years, or by both such fine and
 8 imprisonment, in the discretion of the court.

House File 179. Approved May 4, 1935.

CHAPTER 123

LARCENY AT NIGHTTIME

S. F. 52

AN ACT to amend section thirteen thousand eight (13008), code, 1931, relating to larceny at nighttime.

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

1 SECTION 1. Section thirteen thousand eight (13008), code, 1931, is
 2 amended by adding after the comma following the word "watercraft"
 3 in the fourth line thereof, the following words: "or in any motor ve-
 4 hicle and/or trailer."

1 SEC. 2. This act being deemed of immediate importance shall be in
 2 force and effect from and after its passage and publication in the
 3 Clearfield Enterprise, a newspaper published in Clearfield, Iowa, and in
 4 the Adams County Free Press, a newspaper published in Corning,
 5 Adams County, Iowa.

Senate File 52. Approved April 9, 1935.

I hereby certify that the foregoing act was published in the Clearfield Enterprise and the Adams County Free Press, April 11, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 124

POLICE RADIO BROADCASTING SYSTEM

S. F. 321

AN ACT to amend chapter six hundred sixteen-D one (616-D1), code, 1931, as amended by the acts of the Forty-fifth General Assembly, extraordinary session, relating to Iowa police radio system and to provide an appropriation therefor.

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

1 SECTION 1. That chapter six hundred sixteen-D one (616-D1), code,
2 1931, as amended by the acts of the Forty-fifth General Assembly, ex-
3 traordinary session, be and the same is hereby amended by adding
4 thereto the following: "The attorney general is hereby authorized to
5 enter into contracts for the installation and maintenance of one addi-
6 tional police broadcasting unit in the southeastern part of the state and
7 one additional police broadcasting unit in the southwestern part of
8 the state, and for the installation of and for such rearrangement or
9 interchange of police broadcasting equipment among any or all of the
10 stations as may be deemed practical by the attorney general to better
11 coordinate the five police radio broadcasting units that shall make
12 up the state-wide Iowa police radio broadcasting system, and to pay so
13 much as may be found to be needed of any maintenance costs for oper-
14 ating station KNFN at Waterloo and station KNFO at Storm Lake
15 until the end of this biennium, June 30, 1935, the total cost of all of
16 which shall not exceed the sum of twenty thousand (20,000) dollars.
17 That these two additional police broadcasting units above referred
18 to shall be installed and maintained by the attorney general in such
19 locations in said parts of the state as the attorney general shall find will
20 best serve the peace officers therein, in the transmission of direct and
21 rapid communications and information to them. These additional
22 police radio broadcasting units shall be connected with and be a part
23 of the state-wide Iowa police radio broadcasting system heretofore in-
24 stalled at the state capitol in Des Moines, Iowa, and shall be under the
25 direct supervision of the department of justice."

1 SEC. 2. There is hereby appropriated from the general funds of the
2 state, not otherwise appropriated, the sum of twenty thousand (20,000)
3 dollars or so much thereof as may be necessary to carry out the pro-
4 visions of this act.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Daily Trib-
3 une, a newspaper published in the town of Dubuque, Iowa, and the
4 Hopkinton Leader, a newspaper published in the town of Hopkinton,
5 Iowa, without expense to the state.

Senate File 321. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Dubuque Daily Tribune,
May 21, 1935, and the Hopkinton Leader, May 23, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 125

SEARCH WARRANTS

H. F. 190

AN ACT to define the term "search warrant"; to declare the conditions under which search warrants may issue; to amend, revise, and codify various statutes pertaining to search warrants, in order to provide a uniform procedure governing search warrant proceedings, and to this end to repeal chapter six hundred seventeen (617) of the code, 1931, and to enact a substitute therefor; also to amend sections two thousand ten (2010), thirty-one hundred fifty-nine (3159), and thirteen thousand two hundred three (13203) of said code; also to repeal the following chapter and sections of said code, as amended, to wit:

1. Sections fifteen hundred seventy-eight (1578) to fifteen hundred eighty-one (1581), inclusive.
2. Section thirty-one hundred sixty (3160).
3. Chapter ninety-six (96).
4. Sections thirteen thousand two hundred (13200), thirteen thousand two hundred one (13201), and sections thirteen thousand two hundred four (13204) to thirteen thousand two hundred nine (13209), inclusive.
5. Sections thirteen thousand two hundred eleven (13211) to thirteen thousand two hundred fifteen (13215), inclusive.

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

1 Chapter six hundred seventeen (617), code, 1931, is hereby repealed
2 and the following is enacted in lieu thereof, to wit:

1 "SECTION 1. Definition. A search warrant is an order in writing in
2 the name of the state, signed by a magistrate, other than a judge of the
3 supreme court, directed to a peace officer, commanding him to search
4 for personal property, and bring it before the magistrate.

1 "SEC. 2. Docketing—Trial—Nature of proceedings. Search warrant
2 proceedings shall be docketed in the name of the state against the prop-
3 erty seized and shall be tried as an ordinary action, the county attorney
4 appearing for the state.

1 "SEC. 3. When authorized. A search warrant may be issued:

- 2 1. For property which has been stolen or embezzled.
- 3 2. For property which has been used as a means or as one of the
4 means of committing or of accomplishing the commission of a felony.
- 5 3. For property which is in the possession of a person with the intent
6 to use it as a means of committing a public offense, or which has been
7 delivered by such person to another for the purpose of concealing it.
- 8 4. For property which is being used or employed in carrying on, keep-
9 ing or maintaining a place of any description for the purpose of gam-
10 bling for money or for any other thing of value.
- 11 5. For personal property of the character enumerated in section thir-
12 teen thousand two hundred three (13203) of the code.
- 13 6. For property of the character specifically enumerated in section
14 thirteen thousand two hundred ten (13210) of the code.
- 15 7. For cigarettes and cigarette papers, and the containers thereof,
16 received, possessed, kept, stored, sold or given away in violation of any
17 law of this state, or with intent to violate any such law.
- 18 8. For intoxicating liquors, including alcohol, brandy, whiskey, rum,
19 gin, beer, ale, porter, wine, spirituous, vinous, and malt liquors, manu-
20 factured, sold, kept for sale, owned, or possessed in violation of any law

21 of this state, including all instrumentalities, containers, equipment,
 22 articles or things used or employed or intended to be used or employed
 23 in effecting said unlawful acts or any of them.

24 9. For any other property which is legally subject to a search war-
 25 rant by any law of this state.

1 "SEC. 4. Information. Any credible resident of this state may make
 2 application for the issuance of a search warrant by filing before any
 3 magistrate, except a judge of the supreme court, a written informa-
 4 tion, supported by his oath or affirmation, and alleging therein the ex-
 5 istence of any ground or grounds specified in this chapter as ground
 6 for the issuance of a search warrant and that he believes and has sub-
 7 stantial reason to believe that said ground or grounds exist in fact.
 8 Said information shall describe with reasonable certainty the person
 9 or premises, or both, to be searched, the property to be seized, and the
 10 person, if known, in possession of said premises and property.

1 "SEC. 5. Issuance of warrant. If the magistrate is satisfied from his
 2 examination of the applicant, and of other witnesses, if any, and of the
 3 allegations of the information, of the existence of the grounds of the
 4 application, or that there is probable cause to believe their existence,
 5 he shall issue a search warrant, signed by him with his name of office,
 6 directed to any peace officer in the county, commanding him forthwith
 7 to search the person or place named for the property specified, and bring
 8 said property before him.

1 "SEC. 6. Form of warrant. The warrant may be in substantially the
 2 following form:

3 County of..... }
 4 State of Iowa }
 5 To any peace officer of said county :
 6 Proof having been this day made before me as provided by law that
 7 (here, with reasonable certainty and in accordance with the information
 8 and other proof obtained by the magistrate, designate the property, its
 9 location, the person in possession thereof, and the unlawful use or pur-
 10 pose to which it has been, or is being employed or held)
 11 and being satisfied that the foregoing recital relative to said prop-
 12 erty is probably true, now, therefore, you are commanded to make imme-
 13 diate search of (here state whether the search is of the person of a
 14 named person or of said premises, or of both) and if said property or
 15 any part thereof be found you are commanded to bring said property
 16 forthwith before me at my office.
 17 Dated at..... this..... day of.....
 18 193.....
 19
 20 (Official title)

1 "SEC. 7. Service of warrant. A search warrant may in all cases be
 2 served by any peace officer, but by no other person, except in aid of the
 3 officer on his requisition, he being present and acting in its execution.

1 "SEC. 8. Execution of warrant. The peace officer to whom such war-
 2 rant shall be delivered shall, in the daytime or in the nighttime, forth-
 3 with obey and execute, as effectually as possible, the commands of said

4 warrant, and forthwith make return of his doings to said magistrate,
5 who shall securely keep all property so seized and the vessels, if any,
6 containing said property until final action be had thereon.

1 "SEC. 9. Breaking in to execute warrant. The officer may break
2 open any outer or inner door or window of a house, or any part thereof,
3 or anything therein, to execute the warrant, if, after notice of his
4 authority and purpose, he is refused admittance.

1 "SEC. 10. Liberating person assisting in execution. He may break
2 open any outer or inner door or window of a house for the purpose of
3 liberating a person who, having entered to aid him in the execution of
4 the warrant, is detained therein, or, when necessary, for his own
5 liberation.

1 "SEC. 11. Arrest of persons. The officer serving a search warrant,
2 shall, in connection therewith, and in addition thereto, make arrest of
3 persons under all circumstances justifying an arrest without a warrant,
4 and take said persons before said magistrate to be dealt with as pro-
5 vided by law.

1 "SEC. 12. Return of warrant. A search warrant must be executed
2 and returned to the magistrate who issued it within ten days after its
3 date. After the expiration of such time the warrant, unless executed,
4 is void.

1 "SEC. 13. Receipt for property. When the officer takes any property
2 under the warrant, he must, on demand, give to the person from whom
3 it was taken, or in whose possession it was found, an itemized receipt
4 therefor.

1 "SEC. 14. Inventory. The officer must forthwith return the warrant
2 to the magistrate, with a complete inventory of the property taken,
3 made publicly or in the presence of the person from whose possession
4 it was taken and of the applicant for the warrant, if they be present.

1 "SEC. 15. Copy of inventory. The magistrate, if required, must
2 deliver a copy of the inventory to the person from whose possession
3 the property was taken, and to the applicant for the warrant.

1 "SEC. 16. Notice of hearing. Said magistrate, in the event of a
2 seizure under said warrant, shall, within forty-eight hours after the
3 officer's return is filed with him, issue a notice of hearing on said seiz-
4 ure, which notice shall:
5 1. Be addressed:
6 a. To the person or persons named or described in said information
7 as the owner or keeper or possessor of said property.
8 b. To all persons whom it may concern.
9 2. Describe said property so seized with reasonable certainty, and
10 state where, when, and why the same was seized.
11 3. Summon said persons and all others whom it may concern to ap-
12 pear before said magistrate within the county at a place and time named
13 in said notice, which time shall not be less than five nor more than fif-
14 teen days after the filing of said return, and show cause, if any they

15 have, why said property, together with the containers in which the
16 same are contained, if any, should not be forfeited.

17 4. Be signed by said magistrate.

1 "SEC. 17. Service of notice. Said notice shall be served at least
2 three days prior to the hearing:

3 1. By posting a copy thereof in some conspicuous place on or about
4 the building or place where said property was seized.

5 2. If the person or persons named or described in the information as
6 owner or keeper of the property so seized be resident of said county,
7 then by personally serving said notice on said person, or by leaving a
8 copy of said notice at the last known usual place of residence of said
9 person with some adult member of his family if found at said residence.

1 "SEC. 18. Hearing. The magistrate must, at the time so fixed, or at
2 an adjournment thereof, proceed to take testimony in relation to the
3 property so seized.

1 "SEC. 19. Substitute magistrate. Should the magistrate issuing the
2 warrant be absent or for any reason be unable to serve at the time of
3 the hearing aforesaid, any other magistrate of the county, designated
4 by the absent magistrate or by the county attorney, shall act.

1 "SEC. 20. Procedure. The procedure in the trial of cases not com-
2 menced before a judge of the district court may be the same, substan-
3 tially as in case of misdemeanors triable before justices of the peace.
4 Proceedings commenced before a judge of the district court may be
5 treated as pending in the district court and be disposed of under the
6 general procedure therein provided except as it may be herein modified.

1 "SEC. 21. Right to contest forfeiture. At the time and place pre-
2 scribed in said notice, the person named in said information, or any
3 other person claiming an interest in said property, or in any part there-
4 of, may appear and show specific and legal cause why the same should
5 not be forfeited.

1 "SEC. 22. Insufficient description—Effect. When any property shall
2 have been seized by virtue of any such warrant, the same shall not be
3 discharged or returned to any person claiming the same, by reason of
4 any alleged insufficiency of description in the warrant, but the claim-
5 ant shall only have a right to be heard on the merits of the case.

1 "SEC. 23. Property restored. If it appears that the property taken
2 is not the same as that described in the warrant, or that there is no
3 probable cause for believing the existence of the grounds on which the
4 warrant was issued, the magistrate shall cause it to be restored to the
5 person from whom it was taken.

1 "SEC. 24. Execution, return, and costs. The officer shall obey said
2 order and make return thereon to the court of his acts thereunder and
3 the costs of the proceeding in such case attending the restoration shall
4 be taxed to and paid by the state.

1 "SEC. 25. Judgment of forfeiture and destruction. If the magis-
2 trate finds that the property or any part thereof seized under the search
3 warrant is of the illegal nature or character alleged in the information,

4 he shall enter judgment of forfeiture to the state of said property, or
5 of the part thereof, as the case may be, and shall, in addition to said
6 judgment of forfeiture, enter an order directing the immediate destruc-
7 tion of all such property which does not have a legitimate use and the
8 sale of all property other than money which may be used legitimately,
9 unless said latter property is otherwise disposed of as in this chapter
10 provided.

1 "SEC. 26. Execution—Sale—Destruction. Execution shall issue for
2 the sale of all property, except money, which may have a legitimate
3 use, and for the destruction of all property having no legitimate use.
4 Sales shall be made as provided by section eleven thousand seven hun-
5 dred twenty-four (11724), of the code. Due return of the execution
6 shall be made thereon by the officer executing it.

1 "SEC. 27. Limitation on sale. Property seized under search war-
2 rant and forfeited to the state and ordered sold shall be sold only to
3 persons who have legal right to purchase or receive such property.

1 "SEC. 28. Stamping cigarettes, etc. In the sale of cigarettes and
2 cigarette papers which have been seized on search warrant and for-
3 feited, the officer shall be exempt from the provisions of the law re-
4 quiring the stamping of such articles before sale.

1 "SEC. 29. Proceeds. The proceeds derived from a sale and the money
2 seized and forfeited, if any, shall be paid by the peace officer to the
3 county treasurer and by him credited to the school fund of the county.

1 "SEC. 30. Disposition of stolen or like property. If the property
2 taken by virtue of a search warrant was stolen or embezzled, it must
3 be restored to the owner, upon his making satisfactory proof to the
4 magistrate of his ownership thereof, or of his right of possession
5 thereto, as provided in chapter five hundred sixteen (516). If it
6 was taken on a warrant issued on the grounds stated in the second or
7 third subdivision of section three (3) hereof, the magistrate must
8 retain it in his possession, subject to the order of any other court having
9 jurisdiction to try the offense which the property taken was used as
10 a means of committing, or so intended to be.

1 "SEC. 31. Utilizing condemned liquors. When a judgment has been
2 entered decreeing a forfeiture of any intoxicating liquors, the mag-
3 istrate shall direct the disposition of such liquors and the vessels con-
4 taining the same:

- 5 1. By ordering the destruction thereof; or
- 6 2. By ordering any portion thereof consisting of alcohol, brandies,
7 wine, or whiskey, to be delivered, for medicinal or scientific purposes,
8 to any state or reputable hospital in the county, or in adjoining coun-
9 ties, or to the board of control of state institutions, or to any reputable
10 educational institution in the state for scientific purposes.

1 "SEC. 32. Dispensation by board of control. Liquors delivered to
2 the board of control shall be dispensed by it to any state institution
3 or reputable hospital in this state and solely for medical or scientific
4 purposes.

1 "SEC. 33. Transportation by carrier. When any such liquor is
2 ordered delivered or shipped, the magistrate shall securely attach, or

3 cause to be attached, to the box or package containing the same, a certi-
4 fied copy of the order of the court and thereupon any common carrier
5 may receive, transport, and deliver such liquor to the consignee.

6 The cost of packing and transportation shall be paid by the con-
7 signee receiving such liquor.

1 "SEC. 34. Utilizing other property. When property seized under
2 search warrant has been finally forfeited to the state, and is of a na-
3 ture useful to peace officers in law enforcement, the magistrate may
4 order it delivered to any state, county, or city law-enforcing agency,
5 and in such case the head, chief, or superintendent of such agency
6 shall receipt to the magistrate therefor, and hold and use magistra-
7 tery solely in effecting law enforcement, and deliver the same to his
8 successor and shall be liable therefor on his bond.

1 "SEC. 35. Costs. If no person be made defendant, or if judgment
2 be in favor of all the defendants who appear and are made such,
3 then the costs of the proceeding shall be paid as in ordinary criminal
4 prosecution where the prosecution fails.

5 If the judgment shall be against only one party defendant, he shall
6 be adjudged to pay all the costs of the proceedings.

7 If such judgment shall be against more than one party defendant
8 claiming distinct interests in said property, the costs of said proceed-
9 ings and trial shall be, according to the discretion of said magistrate,
10 equitably apportioned among said defendants.

11 Execution shall be issued on said judgments against said defend-
12 ants for the amount of costs so adjudged against them.

1 "SEC. 36. Seizure of other property—Disposition. When any offi-
2 cer in the execution of a search warrant shall find any stolen or em-
3 bezzled property, or shall seize any other things for which a search
4 warrant is allowed by this chapter, all the property and things so
5 seized shall be safely kept, by the direction of the court or magistrate,
6 so long as shall be necessary for the purpose of being produced as
7 evidence on any trial; and as soon as may be afterwards all such
8 stolen and embezzled property shall be restored to the owner thereof,
9 and all other things seized by virtue of such warrant may be de-
10 stroyed, or otherwise disposed of, under the direction of the court or
11 magistrate.

1 "SEC. 37. Searching prisoner. When a person charged with an
2 offense is supposed by the magistrate before whom he is brought to
3 have upon his person a dangerous weapon, or anything which may be
4 used as evidence of the commission of the offense, the magistrate may
5 direct him to be searched in his presence, and the weapon or evidence
6 to be retained, subject to his order, or the order of the court in which
7 the defendant may be tried.

1 SEC. 38. Maliciously suing out warrant. Whoever maliciously and
2 without probable cause procures a search warrant to be issued and
3 executed is guilty of a misdemeanor.

1 "SEC. 39. Officer exceeding authority. A peace officer who, in ex-
2 ecuting a search warrant, wilfully exceeds his authority, or exercises
3 it with unnecessary severity, is guilty of a misdemeanor.

1 "SEC. 40. Appeal by claimant. Any person appearing as aforesaid
2 may, when the proceedings are not before a judge of the district court,
3 appeal to the district court from said judgment or forfeiture, as to
4 the whole or any part of said property.

1 "SEC. 41. Appeal—How taken. Said appeal shall be taken by filing
2 with the magistrate, within two days after the entry of forfeiture, a
3 written notice of appeal specifically stating the part of the judgment
4 of forfeiture appealed from, and a bond in such reasonable sum as the
5 magistrate may fix and approve, conditioned to pay all costs of the
6 proceedings in case appellant is unsuccessful on his appeal.

1 "SEC. 42. Appeal by state. Where the judgment is against the
2 state, it shall have the same right of appeal, and on the same condi-
3 tions, except that no bond shall be required.

1 "SEC. 43. Stay of proceedings. If an appeal be taken, the same
2 shall operate as a stay of proceedings and the property seized under
3 the warrant and involved in the appeal shall not be returned to any
4 claimant thereof nor sold or destroyed or otherwise disposed of until
5 final determination is had.

1 "SEC. 44. Applicability. Search warrant proceedings instituted
2 after the taking effect of this chapter shall, in all cases, be governed
3 by this chapter. Search warrant proceedings instituted before the
4 taking effect of this chapter shall be governed by the law under which
5 such proceedings were instituted even though herein repealed."

1 SEC. 45. The following chapter and sections of the code, 1931, as
2 amended, are hereby repealed, to wit:

3 1. Sections fifteen hundred seventy-eight (1578) to fifteen hundred
4 eighty-one (1581), inclusive.

5 2. Section thirty-one hundred sixty (3160).

6 3. Chapter ninety-six (96).

7 4. Sections thirteen thousand two hundred (13200), thirteen thou-
8 sand two hundred one (13201), and thirteen thousand two hundred
9 four (13204) to thirteen thousand two hundred nine (13209), in-
10 clusive.

11 5. Sections thirteen thousand two hundred eleven (13211) to thir-
12 teen thousand two hundred fifteen (13215), inclusive.

1 SEC. 46. Section thirty-one hundred fifty-nine (3159), code, 1931,
2 is amended by adding after the last word thereof, the words, "as pro-
3 vided in chapter six hundred seventeen (617)."

1 SEC. 47. Section thirteen thousand two hundred three (13203),
2 code, 1931, is amended by striking out the last 3 lines of said section,
3 and by inserting in lieu of said stricken words, the following words,
4 to wit: "and said personal property may be seized and disposed of
5 under chapter six hundred seventeen (617) of the code."

1 SEC. 48. Section two thousand ten (2010), code, 1931, is amended
2 by striking from paragraph one (1), line 3, the word and figures
3 "section 1973" and by inserting in lieu thereof the following, to wit:
4 "chapter six hundred seventeen (617)."

House File 190. Approved April 15, 1935.

CHAPTER 126

STATE BUDGET. ESTABLISHING GENERAL FUND OF STATE AND MAKING
APPROPRIATIONS FOR BIENNIUM

House Substitute for H. F. 214

AN ACT to establish the general fund for the state of Iowa, for the biennium beginning July 1, 1935, and ending June 30, 1937, and to appropriate therefrom for all departments and various divisions thereof, of the state of Iowa, for all purposes provided by law, for the said biennium.

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

1 SECTION 1. That the amount derived from delinquent state taxes,
2 other than from the bonus levy, during the fiscal years beginning
3 July 1, 1935, and July 1, 1936, and ending June 30, 1936, and June
4 30, 1937, respectively, and all revenue from other sources, which is
5 available for appropriations for state purposes, and all other money
6 in the state treasury which is not by law segregated, shall be estab-
7 lished as a general fund, and so much thereof as may be necessary,
8 shall be, and the same is hereby appropriated for the biennium
9 beginning July 1, 1935, and ending June 30, 1937, in the following
10 manner and for the following uses, to wit:

DEPARTMENT OF AGRICULTURE

1 SEC. 2. For the department of agriculture there is hereby appro-
2 priated for each year of the biennium beginning July 1, 1935, and
3 ending June 30, 1937, the sum of three hundred fourteen thousand
4 one hundred forty-nine (314,149) dollars or so much thereof as may
5 be necessary, to be used in the following manner:

AGRICULTURAL DEPARTMENT
(See page 1 of budget report)

| | | |
|---|--|---------------------|
| 6 | For salary of secretary of agriculture..... | \$ 5,000.00 |
| 7 | For salaries, support, maintenance and miscel- | |
| 8 | laneous purposes | 116,215.00 |
| 9 | Total agricultural department..... | <u>\$121,215.00</u> |

(1) ANIMAL HEALTH AND VETERINARY
(See page 2 of budget report)

| | | |
|----|---|--------------|
| 10 | For the control and eradication of contagious and | |
| 11 | infectious livestock diseases, T. B. inspectors, | |
| 12 | \$1,500.00 to \$2,400.00 annually, and necessary | |
| 13 | traveling expenses; assistant state veterina- | |
| 14 | rians (per diem and expenses), indemnities | |
| 15 | and miscellaneous | \$137,500.00 |

(2) IOWA BEEF PRODUCERS ASSOCIATION
(See page 3 of budget report)

| | | |
|----|-----------------|-------------|
| 16 | State aid | \$ 5,000.00 |
|----|-----------------|-------------|

(3) CORN AND SMALL GRAIN GROWERS ASSOCIATION
(See page 3 of budget report)

| | | |
|----|-----------------|-------------|
| 17 | State aid | \$ 2,500.00 |
|----|-----------------|-------------|

(4) DAIRY ASSOCIATION
(See page 3 of budget report)

18 State aid\$ 5,000.00
19 (To be expended in accordance with the provi-
20 sions of chapter one hundred thirty-seven
21 (137), code of 1931)

(5) HORTICULTURAL SOCIETY
(See page 5 of budget report)

22 State aid\$ 5,000.00

(6) POULTRY ASSOCIATION, SHORT COURSES,
COUNTY ACHIEVEMENT SHOWS
(See page 4 of budget report)

23 State aid\$ 17,500.00

(7) BOARD OF VETERINARY EXAMINERS
(See page 2 of budget report)

24 Per diem and expenses of board members.....\$ 400.00

(8) IOWA HORSE BREEDERS ASSOCIATION
(See page 5 of budget report)

25 State aid\$ 5,000.00

(9) WEATHER AND CROPS BUREAU
(See page 6 of budget report)

26 For salaries, support, maintenance and miscel-
27 laneous purposes\$ 7,634.00

(10) STATE ENTOMOLOGIST
(See page 4 of budget report)

28 For salaries, support, maintenance and miscel-
29 laneous purposes\$ 7,400.00

30 Grand total of all appropriations for all purposes
31 for each year of the biennium for the depart-
32 ment of agriculture.....\$314,149.00

BOARD OF ASSESSMENT AND REVIEW
(See page 8 of budget report)

1 SEC. 3. For the board of assessment and review there is hereby
2 appropriated for each year of the biennium beginning July 1, 1935,
3 and ending June 30, 1937, the sum of sixty-four thousand five hundred
4 forty-three (64,543) dollars or so much thereof as may be necessary,
5 to be used in the following manner:

6 For salaries: (a)
7 Chairman\$ 4,000.00
8 Vice chairman 4,000.00
9 Member 4,000.00
10 For salaries, support, maintenance and miscel-

| | | |
|----|--|--------------|
| 11 | laneous purposes: (b)..... | 52,543.00 |
| 12 | Grand total of all appropriations for all purposes | |
| 13 | for each year of the biennium for the board of | |
| 14 | assessment and review..... | \$ 64,543.00 |

AUDITOR OF STATE
(See page 9 of budget report)

| | | |
|---|---|--------------|
| 1 | SEC. 4. For the office of auditor of state there is hereby appropri- | |
| 2 | ated for each year of the biennium beginning July 1, 1935, and ending | |
| 3 | June 30, 1937, the sum of ninety thousand (90,000) dollars or so much | |
| 4 | thereof as may be necessary, to be used in the following manner: | |
| 5 | For salary of auditor of state..... | \$ 5,000.00 |
| 6 | For salaries and miscellaneous purposes..... | 85,000.00 |
| 7 | Grand total of all appropriations for all purposes | |
| 8 | for each year of the biennium for the depart- | |
| 9 | ment of auditor of state..... | \$ 90,000.00 |

COMMISSION FOR THE BLIND
(See page 11 of budget report)

| | | |
|----|---|--------------|
| 1 | SEC. 5. For the commission for the blind there is hereby appropri- | |
| 2 | ated for each year of the biennium beginning July 1, 1935, and end- | |
| 3 | ing June 30, 1937, the sum of ten thousand (10,000) dollars or so | |
| 4 | much thereof as may be necessary, to be used in the following manner: | |
| 5 | For salary of secretary..... | \$ 2,370.00 |
| 6 | For salaries, support, maintenance and miscel- | |
| 7 | laneous purposes..... | 7,630.00 |
| 8 | Grand total of all appropriations for all purposes | |
| 9 | for each year of the biennium for the commis- | |
| 10 | ion for the blind..... | \$ 10,000.00 |

STATE COMPTROLLER
(See page 12 of budget report)

| | | |
|----|---|--------------|
| 1 | SEC. 6. For the department of the state comptroller there is here- | |
| 2 | by appropriated for each year of the biennium beginning July 1, 1935, | |
| 3 | and ending June 30, 1937, the sum of forty thousand three hundred | |
| 4 | sixty-four (40,364) dollars and eighty (80) cents or so much thereof | |
| 5 | as may be necessary, to be used in the following manner: | |
| 6 | For salary of state comptroller..... | \$ 4,500.00 |
| 7 | For salaries and miscellaneous purposes..... | 35,864.80 |
| 8 | Grand total of all appropriations for all purposes | |
| 9 | for each year of the biennium for the depart- | |
| 10 | ment of state comptroller..... | \$ 40,364.80 |

BOARD OF CONSERVATION
(See page 14 of budget report)

| | | |
|---|---|--|
| 1 | SEC. 7. For the board of conservation there is hereby appropri- | |
| 2 | ated for each year of the biennium beginning July 1, 1935, and end- | |
| 3 | ing June 30, 1937, the sum of one hundred ten thousand (110,000) | |

4 dollars or so much thereof as may be necessary, to be used in the
 5 following manner:
 6 For miscellaneous purposes:
 7 For maintenance of state parks, purchase
 8 of land and general improvements, and for
 9 the construction, maintenance and improve-
 10 ment of roads and highways in said parks
 11 and for other general conservation pur-
 12 poses\$110,000.00

13 Grand total of all appropriations for all purposes
 14 for each year of the biennium for the board of
 15 conservation\$110,000.00

BOARD OF CONTROL

(See page 14 of budget report)

1 SEC. 8. For the board of control there is hereby appropriated for
 2 each year of the biennium beginning July 1, 1935, and ending June
 3 30, 1937, the sum of seventy-two thousand four hundred sixty-six
 4 (72,466) dollars or so much thereof as may be necessary, to be used
 5 in the following manner:

GENERAL OFFICE AND CHILD WELFARE DIVISION

6 For salaries of members of the board
 7 2 at \$3,850.00 each.....\$ 7,700.00
 8 1 at \$3,600.00 member newly elected and con-
 9 firmed by the Forty-sixth General Assembly. 3,600.00
 10 For salaries, support, maintenance and miscel-
 11 laneous purposes 61,166.00

12 Grand total of all appropriations for all pur-
 13 poses for each year of the biennium for the
 14 board of control.....\$ 72,466.00

CUSTODIAN

(See page 15 of budget report)

1 SEC. 9. For the department of the custodian there is hereby ap-
 2 propriated for each year of the biennium beginning July 1, 1935, and
 3 ending June 30, 1937, the sum of seventy-five thousand eight hundred
 4 ten (75,810) dollars or so much thereof as may be necessary, to be
 5 used in the following manner:

6 For salary of custodian.....\$ 2,000.00
 7 For salaries, support and maintenance and mis-
 8 cellaneous purposes 73,810.00

9 Grand total of all appropriations for all purposes
 10 for each year of the biennium for the depart-
 11 ment of the custodian.....\$ 75,810.00

JUDGES OF THE DISTRICT COURT

(See page 16 of budget report)

1 SEC. 10. For the department of the district court judges there is
 2 hereby appropriated for each year of the biennium beginning July 1,

| | | |
|----|---|--------------|
| 3 | 1935, and ending June 30, 1937, the sum of three hundred seventy- | |
| 4 | two thousand five hundred (372,500) dollars or so much thereof as | |
| 5 | may be necessary, to be used in the following manner: | |
| 6 | For salaries of judges of the district court of | |
| 7 | Iowa (70 judges)..... | \$350,000.00 |
| 8 | For miscellaneous purposes: | |
| 9 | Traveling expenses of judges and court report- | |
| 10 | ers in and out of districts..... | 22,500.00 |
| | | <hr/> |
| 11 | Grand total of all appropriations for all purposes | |
| 12 | for each year of the biennium for the depart- | |
| 13 | ment of district court judges..... | \$372,500.00 |

BOARD OF EDUCATION
(See page 16 of budget report)

| | | |
|----|--|--------------|
| 1 | SEC. 11. For the department of the board of education there is | |
| 2 | hereby appropriated for each year of the biennium beginning July 1, | |
| 3 | 1935, and ending June 30, 1937, the sum of fifty-four thousand seven | |
| 4 | hundred twelve (54,712) dollars or so much thereof as may be nec- | |
| 5 | essary, to be used in the following manner: | |
| 6 | For salaries: | |
| 7 | Chairman, finance committee..... | \$ 2,900.00 |
| 8 | Member, finance committee..... | 2,900.00 |
| 9 | Secretary, finance committee..... | 3,300.00 |
| 10 | For salaries, support, maintenance and miscel- | |
| 11 | laneous purposes..... | 45,612.00 |
| 12 | Board members to receive a per diem of \$10.00 | |
| 13 | per day and shall not exceed \$600.00 per year | |
| 14 | per member. | |
| | | <hr/> |
| 15 | Grand total of all appropriations for all purposes | |
| 16 | for each year of the biennium for the board | |
| 17 | of education..... | \$ 54,712.00 |

EXECUTIVE COUNCIL
(See page 17 of budget report)

1 SEC. 12. For the department of the executive council there is
 2 hereby appropriated for each year of the biennium beginning July 1,
 3 1935, and ending June 30, 1937, the sum of two hundred fifty thou-
 4 sand two hundred thirty-five (250,235) dollars or so much thereof
 5 as may be necessary, to be used in the following manner:

GENERAL OFFICE

| | | |
|---|--|--------------|
| 6 | For salaries, support, maintenance and miscel- | |
| 7 | laneous purposes..... | \$250,235.00 |

STATE FAIR BOARD
(See page 19 of budget report)

1 SEC. 13. For the department of the state fair board there is hereby
 2 appropriated for each year of the biennium beginning July 1, 1935,
 3 and ending June 30, 1937, the sum of sixty thousand (60,000) dollars
 4 or so much thereof as may be necessary, to be used in the following
 5 manner:

| | | |
|----|--|--------------|
| 6 | For maintenance and operating expense of fair.. | \$ 50,000.00 |
| 7 | For premiums | 10,000.00 |
| | | <hr/> |
| 8 | Grand total of all appropriations for all purposes | |
| 9 | for each year of the biennium for the state fair | |
| 10 | board | \$ 60,000.00 |

AGRICULTURAL SOCIETIES

(See page 20 of budget report)

- 1 SEC. 14. For the agricultural societies there is hereby appro-
 2 priated for each year of the biennium beginning July 1, 1935, and
 3 ending June 30, 1937, the sum of one hundred twenty thousand
 4 (120,000) dollars or so much thereof as may be necessary, to be used
 5 in the following manner:
 6 For miscellaneous purposes:
 7 State aid to county fairs.....\$120,000.00
 8 The foregoing appropriation for state aid to county fairs shall be
 9 deemed conditioned on full compliance with all other statutes which
 10 regulate and prescribe the conditions under which such aid is payable.

FIRE MARSHAL

(See page 20 of budget report)

- 1 SEC. 15. For the department of the state fire marshal there is
 2 hereby appropriated for each year of the biennium beginning July 1,
 3 1935, and ending June 30, 1937, the sum of seventeen thousand
 4 (17,000) dollars or so much thereof as may be necessary, to be used in
 5 the following manner:
 6 For salary of state fire marshal.....\$ 2,628.00
 7 For support, maintenance, salaries and miscel-
 8 laneous purposes 14,372.00
- | | | |
|----|--|--------------|
| 9 | Grand total of all appropriations for all purposes | |
| 10 | for each year of the biennium for the depart- | |
| 11 | ment of the state fire marshal..... | \$ 17,000.00 |

GEOLOGICAL SURVEY

(See page 21 of budget report)

- 1 SEC. 16. For the department of the geological survey there is
 2 hereby appropriated for each year of the biennium beginning July 1,
 3 1935, and ending June 30, 1937, the sum of ten thousand (10,000)
 4 dollars or so much thereof as may be necessary, to be used in the
 5 following manner:
 6 For salaries, support, maintenance and miscel-
 7 laneous purposes\$ 10,000.00
- | | | |
|----|--|--------------|
| 8 | Grand total of all appropriations for all purposes | |
| 9 | for each year of the biennium for the depart- | |
| 10 | ment of the geological survey..... | \$ 10,000.00 |

GOVERNOR

(See page 21 of budget report)

- 1 SEC. 17. For the department of the governor there is hereby ap-
 2 propriated for each year of the biennium beginning July 1, 1935, and

3 ending June 30, 1937, the sum of twenty thousand four hundred six
 4 (20,406) dollars or so much thereof as may be necessary, to be used
 5 in the following manner:
 6 For the salary of governor of the state of Iowa . . \$ 7,500.00
 7 For salaries, support and miscellaneous purposes 12,906.00

8 Grand total of all appropriations for all purposes
 9 for each year of the biennium for the depart-
 10 ment of the governor \$ 20,406.00

GRAND ARMY OF THE REPUBLIC

(See page 22 of budget report)

1 SEC. 18. For the department of the grand army of the republic
 2 there is hereby appropriated for each year of the biennium beginning
 3 July 1, 1935, and ending June 30, 1937, the sum of seven hundred fifty
 4 (750) dollars or so much thereof as may be necessary, to be used in
 5 the following manner:
 6 Headquarters expenses \$ 750.00

7 Grand total of all appropriations for all purposes
 8 for each year of the biennium for the depart-
 9 ment of the grand army of the republic \$ 750.00

DEPARTMENT OF HEALTH

(See page 22 of budget report)

1 SEC. 19. For the department of health there is hereby appropri-
 2 ated for each year of the biennium beginning July 1, 1935, and end-
 3 ing June 30, 1937, the sum of seventy-six thousand eight hundred
 4 eighty (76,880) dollars or so much thereof as may be necessary, to
 5 be used in the following manner:

GENERAL OFFICE

6 For salary of commissioner of the department
 7 of health \$ 4,500.00
 8 For salaries, support, maintenance and miscel-
 9 laneous purposes 40,660.00

10 Total general office \$ 45,160.00

MATERNITY AND CHILD HYGIENE

11 For salaries, support, maintenance and miscel-
 12 laneous purposes \$ 8,500.00

INSPECTOR—DEPARTMENT OF HEALTH

13 For salaries, support, maintenance and miscel-
 14 laneous purposes \$ 3,940.00

SANITARY ENGINEERING AND HOUSING DIVISION

15 For salaries, support, maintenance and miscel-
 16 laneous purposes \$ 19,280.00

17 Grand total of all appropriations for all purposes

18 for each year of the biennium for the depart-
19 ment of health.....\$ 76,880.00

(1) BOARD OF BARBERS EXAMINERS

20 For the board of barbers examiners there is hereby appropriated
21 for each year of the biennium beginning July 1, 1935, and ending
22 June 30, 1937, the sum of fifteen thousand five hundred twenty (15,-
23 520) dollars or so much thereof as may be necessary, to be used in
24 the following manner:

25 For salaries, support, maintenance and miscel-
26 laneous purposes\$ 15,520.00

27 Grand total of all appropriations for all purposes
28 for each year of the biennium for the board of
29 barbers examiners\$ 15,520.00

(2) BOARD OF CHIROPRACTIC EXAMINERS

30 For the board of chiropractic examiners there is hereby appropri-
31 ated for each year of the biennium beginning July 1, 1935, and ending
32 June 30, 1937, the sum of sixteen hundred eighty (1680) dollars or
33 so much thereof as may be necessary to be used in the following
34 manner:

35 For salaries, support, maintenance and miscel-
36 laneous purposes\$ 1,680.00

37 Grand total of all appropriations for all purposes
38 for each year of the biennium for the board of
39 chiropractic examiners\$ 1,680.00

(3) BOARD OF COSMETOLOGY EXAMINERS

40 For the board of cosmetology examiners there is hereby appropri-
41 ated for each year of the biennium beginning July 1, 1935, and ending
42 June 30, 1937, the sum of twelve thousand forty (12,040) dollars or
43 so much thereof as may be necessary, to be used in the following
44 manner:

45 For salaries, support, maintenance and miscel-
46 laneous purposes\$ 12,040.00

47 Grand total of all appropriations for all purposes
48 for each year of the biennium for the board of
49 cosmetology examiners\$ 12,040.00

(4) BOARD OF DENTAL EXAMINERS

50 For the board of dental examiners there is hereby appropriated
51 for each year of the biennium beginning July 1, 1935, and ending
52 June 30, 1937, the sum of two thousand four hundred (2,400) dollars
53 or so much thereof as may be necessary, to be used in the following
54 manner:

55 For per diem: (a)
56 Board members\$ 1,800.00
57 Other expenses: (b)
58 Traveling\$ 600.00

59 Grand total of all appropriations for all purposes
 60 for each year of the biennium for the board of
 61 dental examiners\$ 2,400.00

(5) BOARD OF EMBALMERS EXAMINERS

62 For the board of embalmers examiners there is hereby appropriated
 63 for each year of the biennium beginning July 1, 1935, and ending
 64 June 30, 1937, the sum of nine hundred seventy (970) dollars or so
 65 much thereof as may be necessary, to be used in the following manner:

66 For per diem: (a)
 67 Board members\$ 470.00
 68 Other expenses: (b)
 69 Traveling 500.00

70 Grand total of all appropriations for all purposes
 71 for each year of the biennium for the board of
 72 embalmers examiners\$ 970.00

(6) BOARD OF MEDICAL EXAMINERS

73 For the board of medical examiners there is hereby appropriated
 74 for each year of the biennium beginning July 1, 1935, and ending June
 75 30, 1937, the sum of one thousand (1,000) dollars or so much thereof
 76 as may be necessary, to be used in the following manner:

77 For per diem: (a)
 78 Board members\$ 650.00
 79 Other expenses: (b)
 80 Traveling 350.00

81 Grand total of all appropriations for all purposes
 82 for each year of the biennium for the board of
 83 medical examiners\$ 1,000.00

(7) BOARD OF NURSES EXAMINERS

84 For the board of nurses examiners there is hereby appropriated
 85 for each year of the biennium beginning July 1, 1935, and ending June
 86 30, 1937, the sum of five thousand four hundred (5,400) dollars
 87 or so much thereof as may be necessary, to be used in the following
 88 manner:

89 For per diem: (a)
 90 Board members\$ 1,500.00
 91 Other expenses: (b)
 92 For salaries, support, and miscellaneous pur-
 93 poses\$ 3,900.00

94 Grand total of all appropriations for all purposes
 95 for each year of the biennium for the board of
 96 nurses examiners\$ 5,400.00

(8) BOARD OF OPTOMETRY EXAMINERS

97 For the board of optometry examiners there is hereby appropriated
 98 for each year of the biennium beginning July 1, 1935, and ending June
 99 30, 1937, the sum of seven hundred fifty (750) dollars or so much
 100 thereof as may be necessary, to be used in the following manner:

| | | |
|-------|--|-----------|
| 101 | For per diem: (a) | |
| 102 | Board members | \$ 500.00 |
| 103 | Other expenses: (b) | |
| 104 | Traveling | 250.00 |
| <hr/> | | |
| 105 | Grand total of all appropriations for all purposes | |
| 106 | for each year of the biennium for the board of | |
| 107 | optometry examiners | \$ 750.00 |

(9) BOARD OF OSTEOPATHIC EXAMINERS

108 For the board of osteopathic examiners there is hereby appropriated
 109 for each year of the biennium beginning July 1, 1935, and ending June
 110 30, 1937, the sum of one thousand five hundred sixty (1,560) dollars
 111 or so much thereof as may be necessary, to be used in the following
 112 manner:

| | | |
|-------|---------------------|-----------|
| 113 | For per diem: (a) | |
| 114 | Board members | \$ 280.00 |
| 115 | Other expenses: (b) | |
| 116 | Traveling | 200.00 |
| 117 | Secretary | 1,080.00 |
| <hr/> | | |

| | | |
|-----|--|-------------|
| 118 | Grand total of all appropriations for all purposes | |
| 119 | for each year of the biennium for the board of | |
| 120 | osteopathic examiners | \$ 1,560.00 |

(10) BOARD OF PODIATRY EXAMINERS

121 For the board of podiatry examiners there is hereby appropriated
 122 for each year of the biennium beginning July 1, 1935, and ending June
 123 30, 1937, the sum of three hundred ninety-five (395) dollars or so
 124 much thereof as may be necessary, to be used in the following manner:

| | | |
|-------|---------------------|-----------|
| 125 | For per diem: (a) | |
| 126 | Board members | \$ 320.00 |
| 127 | Other expenses: (b) | |
| 128 | Traveling | \$ 75.00 |
| <hr/> | | |

| | | |
|-----|--|-----------|
| 129 | Grand total of all appropriations for all purposes | |
| 130 | for each year of the biennium for the board of | |
| 131 | podiatry examiners | \$ 395.00 |

(11) BOARD OF PHARMACY EXAMINERS

(See page 39 of budget report)

132 For the board of pharmacy examiners there is hereby appropriated
 133 for each year of the biennium beginning July 1, 1935, and ending June
 134 30, 1937, the sum of fourteen thousand four hundred (14,400) dollars
 135 or so much thereof as may be necessary, to be used in the following
 136 manner:

| | | |
|-----|--|--------------|
| 137 | For salaries, support, maintenance and miscel- | |
| 138 | laneous purposes | \$ 14,400.00 |

HISTORICAL DEPARTMENT

(See page 28 of budget report)

1 SEC. 20. For the historical department there is hereby appropri-
 2 ated for each year of the biennium beginning July 1, 1935, and end-

| | | |
|----|---|--------------|
| 3 | ing June 30, 1937, the sum of twenty-nine thousand three hundred | |
| 4 | (29,300) dollars or so much thereof as may be necessary, to be used | |
| 5 | in the following manner: | |
| 6 | For salary of curator, historical department.... | \$ 2,400.00 |
| 7 | For miscellaneous, salaries, support and main- | |
| 8 | tenance of the following divisions: general, | |
| 9 | archives, library, museum, annals of Iowa, | |
| 10 | Iowa in war and newspaper..... | 26,900.00 |
| | | <hr/> |
| 11 | Grand total of all appropriations for all purposes | |
| 12 | for each year of the biennium for the historical | |
| 13 | department | \$ 29,300.00 |

HISTORICAL SOCIETY

(See page 29 of budget report)

| | | |
|---|---|--------------|
| 1 | SEC. 21. For the historical society there is hereby appropriated | |
| 2 | for each year of the biennium beginning July 1, 1935, and ending June | |
| 3 | 30, 1937, the sum of twenty-eight thousand (28,000) dollars or so | |
| 4 | much thereof as may be necessary, to be used in the following manner: | |
| 5 | For salaries, support, maintenance and miscel- | |
| 6 | laneous purposes | \$ 28,000.00 |
| | | <hr/> |
| 7 | Grand total of all appropriations for all purposes | |
| 8 | for each year of the biennium for the historical | |
| 9 | society | \$ 28,000.00 |

INDUSTRIAL COMMISSION

(See page 30 of budget report)

| | | |
|----|---|--------------|
| 1 | SEC. 22. For the department of the industrial commission there | |
| 2 | is hereby appropriated for each year of the biennium beginning July | |
| 3 | 1, 1935, and ending June 30, 1937, the sum of twenty-five thousand | |
| 4 | nine hundred (25,900) dollars or so much thereof as may be necessary, | |
| 5 | to be used in the following manner: | |
| 6 | For salary of the industrial commissioner..... | \$ 3,000.00 |
| 7 | For salaries, support, maintenance, compensa- | |
| 8 | tion and miscellaneous purposes..... | 22,900.00 |
| | | <hr/> |
| 9 | Grand total of all appropriations for all purposes | |
| 10 | for each year of the biennium for the depart- | |
| 11 | ment of the industrial commission..... | \$ 25,900.00 |

DEPARTMENT OF INSURANCE

(See page 31 of budget report)

| | | |
|---|--|-------------|
| 1 | SEC. 23. For the department of insurance there is hereby appro- | |
| 2 | priated for each year of the biennium beginning July 1, 1935, and | |
| 3 | ending June 30, 1937, the sum of forty-four thousand one hundred | |
| 4 | twenty-five (44,125) dollars or so much thereof as may be necessary, | |
| 5 | to be used in the following manner: | |
| 6 | For salary of the commissioner of insurance..... | \$ 4,000.00 |
| 7 | For salaries, support, maintenance and miscel- | |
| 8 | laneous purposes | 40,125.00 |
| | | <hr/> |

9 Grand total of all appropriations for all purposes
10 for each year of the biennium for the depart-
11 ment of insurance.....\$ 44,125.00

DEPARTMENT OF JUSTICE

(See page 32 of budget report)

1 SEC. 24. For the department of justice there is hereby appro-
2 priated for each year of the biennium beginning July 1, 1935, and
3 ending June 30, 1937, the sum of ninety-three thousand five hundred
4 (93,500) dollars or so much thereof as may be necessary, to be
5 used in the following manner:
6 For salary of the attorney general.....\$ 6,000.00
7 For salaries, support, maintenance and miscel-
8 laneous purposes\$ 87,500.00

9 Grand total of all appropriations for all purposes
10 for each year of the biennium for the depart-
11 ment of justice.....\$ 93,500.00

BUREAU OF LABOR

(See page 33 of budget report)

1 SEC. 25. For the department of the bureau of labor there is hereby
2 appropriated for each year of the biennium beginning July 1, 1935,
3 and ending June 30, 1937, the sum of eighteen thousand two hundred
4 forty (18,240) dollars or so much thereof as may be necessary, to be
5 used in the following manner:
6 For salary of the commissioner of labor.....\$ 3,000.00
7 For salaries, support, maintenance and miscel-
8 laneous purposes 15,240.00

9 Grand total of all appropriations for all purposes
10 for each year of the biennium for the depart-
11 ment of the bureau of labor.....\$ 18,240.00

LIBRARY COMMISSION

(See page 33 of budget report)

1 SEC. 26. For the department of the library commission there is
2 hereby appropriated for each year of the biennium beginning July
3 1, 1935, and ending June 30, 1937, the sum of nineteen thousand five
4 hundred (19,500) dollars or so much thereof as may be necessary, to
5 be used in the following manner:
6 For salary of the secretary.....\$ 2,112.00
7 For salaries, support, maintenance and miscel-
8 laneous purposes 17,388.00

9 Grand total of all appropriations for all purposes
10 for each year of the biennium for the depart-
11 ment of the library commission.....\$ 19,500.00

STATE LIBRARY

(See page 34 of budget report)

1 SEC. 27. For the department of the state library there is hereby
2 appropriated for each year of the biennium beginning July 1, 1935,
3 and ending June 30, 1937, the sum of forty-one thousand nine hun-

4 dred sixteen (41,916) dollars or so much thereof as may be necessary,
 5 to be used in the following manner:

GENERAL DIVISION

6 For salary of state librarian.....\$ 2,400.00

LAW DIVISION

7 For salary of law librarian.....\$ 2,400.00

MEDICAL DIVISION

8 For salary of medical librarian.....\$ 2,000.00

ECONOMICS AND SOCIOLOGY DIVISION

9 For salary of librarian.....\$ 1,500.00

10 For salaries, support, maintenance and miscel-
 11 laneous purposes for all divisions to be exp-
 12 ended under the supervision of the state
 13 librarian\$ 33,616.00

14 Grand total of all appropriations for all purposes
 15 for each year of the biennium for the depart-
 16 ment of the state library.....\$ 41,916.00

BOARD OF MINE EXAMINERS

(See page 35 of budget report)

1 SEC. 28. For the department of the board of mine examiners there
 2 is hereby appropriated for each year of the biennium beginning July
 3 1, 1935, and ending June 30, 1937, the sum of fifteen hundred (1500)
 4 dollars or so much thereof, as may be necessary, to be used in the
 5 following manner:

6 Per diem and expenses.....\$ 1,500.00

7 Grand total of all appropriations for all purposes
 8 for each year of the biennium for the depart-
 9 ment of the board of mine examiners.....\$ 1,500.00

MINE INSPECTORS

(See page 36 of budget report)

1 SEC. 29. For the department of mine inspectors there is hereby
 2 appropriated for each year of the biennium beginning July 1, 1935,
 3 and ending June 30, 1937, the sum of sixteen thousand five hundred
 4 (16,500) dollars or so much thereof as may be necessary, to be used
 5 in the following manner:

6 For salaries, support, maintenance and miscel-
 7 laneous purposes provided that \$4,000 be allo-
 8 cated to the Iowa coal institute.....\$ 16,500.00

9 Grand total of all appropriations for all purposes
 10 for each year of the biennium for the depart-
 11 ment of mine inspectors.....\$ 16,500.00

THE NATIONAL GUARD

(See page 36 of budget report)

1 SEC. 30. For the department of the national guard there is hereby
 2 appropriated for each year of the biennium beginning July 1, 1935,

| | | |
|----|--|--------------|
| 3 | and ending June 30, 1937, the sum of two hundred twelve thousand | |
| 4 | six hundred fifty (212,650) dollars or so much thereof as may be | |
| 5 | necessary to be used in the following manner: | |
| 6 | For salary of adjutant general..... | \$ 3,000.00 |
| 7 | For salaries, support, graves registration, mili- | |
| 8 | tary property audit, aeronautics commission, | |
| 9 | maintenance and miscellaneous purposes..... | \$209,650.00 |
| 10 | Grand total of all appropriations for all purposes | |
| 11 | for each year of the biennium for the depart- | |
| 12 | ment of the national guard..... | \$212,650.00 |

BOARD OF PAROLE

(See page 39 of budget report)

| | | |
|----|--|--------------|
| 1 | SEC. 31. For the department of the board of parole there is hereby | |
| 2 | appropriated for each year of the biennium beginning July 1, 1935, | |
| 3 | and ending June 30, 1937, the sum of twenty-seven thousand nine | |
| 4 | hundred ten (27,910) dollars or so much thereof as may be necessary, | |
| 5 | to be used in the following manner: | |
| 6 | For salaries of board members, 2 at \$2,790.00 | |
| 7 | each | \$ 5,580.00 |
| 8 | For salary of legal members, 1 at \$3,000.00.... | 3,000.00 |
| 9 | For salaries, support, maintenance and miscel- | |
| 10 | laneous purposes | \$ 19,330.00 |
| 11 | Grand total of all appropriations for all purposes | |
| 12 | for each year of the biennium for the depart- | |
| 13 | ment of the board of parole..... | \$ 27,910.00 |

STATE PRINTING BOARD

(See page 41 of budget report)

| | | |
|----|---|--------------|
| 1 | SEC. 32. For the department of the state printing board there is | |
| 2 | hereby appropriated for each year of the biennium beginning July 1, | |
| 3 | 1935, and ending June 30, 1937, the sum of fourteen thousand six | |
| 4 | hundred twenty (14,620) dollars or so much thereof as may be neces- | |
| 5 | sary, to be used in the following manner: | |
| 6 | GENERAL OFFICE | |
| 6 | For salary of superintendent of printing..... | \$ 3,120.00 |
| 7 | For salaries, support, maintenance and miscel- | |
| 8 | laneous purposes | 11,500.00 |
| 9 | Grand total of all appropriations for all purposes | |
| 10 | for each year of the biennium for the depart- | |
| 11 | ment of the state printing board office..... | \$ 14,620.00 |

STATE PRINTING BOARD

(See page 41 of budget report)

| | | |
|---|---|--|
| 1 | SEC. 33. For the department of the state printing board there is | |
| 2 | hereby appropriated for each year of the biennium beginning July 1, | |
| 3 | 1935, and ending June 30, 1937, the sum of one hundred twenty-nine | |
| 4 | thousand one hundred fifty (129,150) dollars or so much thereof as | |
| 5 | may be necessary, to be used in the following manner: | |

STATE PURPOSES

6 For the necessary printing and binding author-
 7 ized by law for the General Assembly and for
 8 all state departments that have not been pro-
 9 vided for in departmental appropriations. . . . \$129,150.00
 10 This section is not to be construed or interpreted to include the
 11 expense of any printing for any of the following departments, bureaus,
 12 boards, or associations: state teachers' association, animal health and
 13 veterinary division of agricultural department for elimination of
 14 bovine tuberculosis, Iowa beef producers' association, Iowa corn and
 15 small grain growers' association, farmers' institutes, Iowa state dairy
 16 association, Iowa state poultry breeders' association, short courses,
 17 board of conservation, state entomologist, state fair board, agricul-
 18 tural societies, Iowa department of the grand army of the republic,
 19 horse breeders' association, state library and all divisions thereof,
 20 psychopathic hospital, indigent hospital, state highway commission,
 21 receivership division of the banking department, board of engineer-
 22 ing examiners, fish and game department, motor vehicle department,
 23 motor vehicle fuel tax division, institutions under the board of control,
 24 institutions under the board of education and the state board
 25 of vocational education, board of educational examiners, industrial
 26 survey, motor carrier department, truck operator department, and
 27 any and every agency, activity and undertaking that has a fund for
 28 general support. Providing, that funds appropriated by this section,
 29 in the discretion of the printing board, may be used in supplying
 30 paper stock, multigraph or mimeograph work for any of the fore-
 31 going departments, bureaus, associations and institutions, any sum so
 32 used for supplying multigraph or mimeograph work to be refunded
 33 to the printing board and returned to the credit of the appropriation
 34 made for printing board general office expense; any sum so used for
 35 supplying paper stock to be refunded to the printing board and re-
 36 turned to the credit of the appropriation made by this section. These
 37 payments shall be made to the printing board in the same manner
 38 as other claims against such departments are paid, and the printing
 39 board shall remit the proceeds to the comptroller of state on the first
 40 secular day of each calendar month, taking the comptroller's receipt
 41 therefor, showing the same properly credited to the respective ap-
 42 propriations.

SUPERINTENDENT OF PUBLIC INSTRUCTION

(See page 41 of budget report)

1 SEC. 34. For the department of the superintendent of public in-
 2 struction there is hereby appropriated for each year of the biennium
 3 beginning July 1, 1935, and ending June 30, 1937, the sum of thirty-
 4 nine thousand four hundred thirty-four (39,434) dollars or so much
 5 thereof as may be necessary, to be used in the following manner:

GENERAL OFFICE

6 For salary of superintendent of public instruc-
 7 tion \$ 4,500.00
 8 For salaries, support, maintenance and miscel-

| | | |
|----|--|--------------|
| 9 | laneous purposes | 34,934.00 |
| 10 | Grand total of all appropriations for all purposes | |
| 11 | for each year of the biennium for the depart- | |
| 12 | ment of the superintendent of public instruc- | |
| 13 | tion, office | \$ 39,434.00 |

SUPERINTENDENT OF PUBLIC INSTRUCTION

(See page 42 of budget report)

1 SEC. 35. For the department of the superintendent of public in-
 2 struction there is hereby appropriated for each year of the biennium
 3 beginning July 1, 1935, and ending June 30, 1937, the sum of four
 4 hundred one thousand four hundred fifty (401,450) dollars or so much
 5 thereof as may be necessary, to be used in the following manner:

STATE AID TO PUBLIC SCHOOLS

| | | |
|----|--|--------------|
| 6 | For state aid to public schools: | |
| 7 | Normal training schools..... | \$100,000.00 |
| 8 | Consolidated | 125,000.00 |
| 9 | Standard schools (for use of rural schools | |
| 10 | only) | 90,000.00 |
| 11 | Normal institutes | 4,450.00 |
| 12 | Mining camp schools..... | 45,000.00 |
| 13 | Mining camp schools emergencies..... | 27,000.00 |
| 14 | Handicapped children | 10,000.00 |

15 The superintendent of public instruction shall apportion the appro-
 16 priations for state aid to schools in mining camp districts and certify
 17 to the state comptroller the amounts so allotted to these school corpo-
 18 rations. Whereupon the state comptroller shall draw a warrant on
 19 the treasurer of state payable to each school corporation for the
 20 amount certified by the superintendent of public instruction and for-
 21 ward the same to the secretary of the school corporation.

| | | |
|----|--|--------------|
| 22 | Grand total of all appropriations for all purposes | |
| 23 | for each year of the biennium for the depart- | |
| 24 | ment of the superintendent of public instruc- | |
| 25 | tion for state aid to public schools..... | \$401,450.00 |

RELIEF

1 SEC. 36. For relief there is hereby appropriated for each year of
 2 the biennium beginning July 1, 1935, and ending June 30, 1937, the
 3 sum of five hundred sixty (560) dollars or so much thereof as may
 4 be necessary, to be used in the following manner:

| | | |
|---|----------------------------------|-----------|
| 5 | For relief purposes: | |
| 6 | Relief of Frederick M. Hull..... | \$ 360.00 |
| 7 | Relief of Marjorie Ball | 200.00 |

| | | |
|---|--|-----------|
| 8 | Grand total of all appropriations for all purposes | |
| 9 | for each year of the biennium, for relief..... | \$ 560.00 |

BOARD OF RAILROAD COMMISSIONERS

(See page 42 of budget report)

1 SEC. 37. For the department of the board of railroad commis-
 2 sioners there is hereby appropriated for each year of the biennium

3 beginning July 1, 1935, and ending June 30, 1937, the sum of sixty
 4 thousand six hundred (60,600) dollars or so much thereof as may be
 5 necessary, to be used in the following manner:

RAILROAD COMMISSION OFFICE

| | | |
|-------|--|--------------|
| 6 | For salaries of commissioners (3 at \$3,800 each) | \$ 11,400.00 |
| 7 | For salaries, support, maintenance and miscel- | |
| 8 | laneous purposes | 49,200.00 |
| <hr/> | | |
| 9 | Grand total of all appropriations for all purposes | |
| 10 | for each year of the biennium for the depart- | |
| 11 | ment of the railroad commission..... | \$ 60,600.00 |

SECRETARY OF STATE

(See page 44 of budget report)

1 SEC. 38. For the department of secretary of state there is hereby
 2 appropriated for each year of the biennium beginning July 1, 1935,
 3 and ending June 30, 1937, the sum of forty-eight thousand seven
 4 hundred (48,700) dollars or so much thereof as may be necessary, to
 5 be used in the following manner:

| | | |
|-------|--|--------------|
| 6 | For salary of secretary of state..... | \$ 5,000.00 |
| 7 | For salaries, support, maintenance and miscel- | |
| 8 | laneous purposes for all divisions..... | 43,700.00 |
| <hr/> | | |
| 9 | Grand total of all appropriations for all purposes | |
| 10 | for each year of the biennium for the depart- | |
| 11 | ment of the secretary of state..... | \$ 48,700.00 |

CLERK OF THE SUPREME COURT

(See page 45 of budget report)

1 SEC. 39. For the department of the clerk of the supreme court
 2 there is hereby appropriated for each year of the biennium begin-
 3 ning July 1, 1935, and ending June 30, 1937, the sum of nine thou-
 4 sand ninety (9,090) dollars or so much thereof as may be necessary,
 5 to be used in the following manner:

| | | |
|-------|--|-------------|
| 6 | For salary of clerk of the supreme court..... | \$ 3,127.60 |
| 7 | For salaries, support, maintenance and miscel- | |
| 8 | laneous purposes | 5,962.40 |
| <hr/> | | |
| 9 | Grand total of all appropriations for all purposes | |
| 10 | for each year of the biennium for the depart- | |
| 11 | ment of the clerk of the supreme court..... | \$ 9,090.00 |

SUPREME COURT

(See page 45 of budget report)

1 SEC. 40. For the department of the supreme court there is hereby
 2 appropriated for each year of the biennium beginning July 1, 1935,
 3 and ending June 30, 1937, the sum of eighty-three thousand four
 4 hundred (83,400) dollars or so much thereof as may be necessary, to
 5 be used in the following manner:

| | | |
|---|---|--------------|
| 6 | For salaries of judges (9 at \$7,500 each)..... | \$ 67,500.00 |
| 7 | For salaries, support, maintenance and miscel- | |

| | | |
|----|--|--------------|
| 8 | laneous purposes | 15,900.00 |
| 9 | Grand total of all appropriations for all purposes | |
| 10 | for each year of the biennium for the depart- | |
| 11 | ment of the supreme court..... | \$ 83,400.00 |

REPORTER OF THE SUPREME COURT AND CODE EDITOR

(See page 46 of budget report)

1 SEC. 41. For the department of the reporter of the supreme court
 2 and code editor there is hereby appropriated for each year of the
 3 biennium beginning July 1, 1935, and ending June 30, 1937, the sum
 4 of eleven thousand six hundred seventy-six (11,676) dollars and forty
 5 (40) cents or so much thereof as may be necessary, to be used in the
 6 following manner:

| | | |
|----|---|-------------|
| 7 | For salary of reporter of the supreme court and | |
| 8 | code editor | \$ 3,850.00 |
| 9 | For salaries, support, maintenance and miscel- | |
| 10 | laneous purposes | 7,826.40 |

| | | |
|----|--|--------------|
| 11 | Grand total of all appropriations except as pro- | |
| 12 | vided by section one hundred seventy-seven | |
| 13 | (177) of the code for all purposes for each year | |
| 14 | of the biennium for the department of the re- | |
| 15 | porter of the supreme court and code editor.. | \$ 11,676.40 |

TREASURER OF STATE

(See page 46 of budget report)

1 SEC. 42. For the department of treasurer of state there is hereby
 2 appropriated for each year of the biennium beginning July 1, 1935,
 3 and ending June 30, 1937, the sum of eighty-one thousand five hun-
 4 dred (81,500) dollars or so much thereof as may be necessary, to be
 5 used in the following manner:

| | | |
|---|--|-------------|
| 6 | For salary of treasurer of state..... | \$ 5,000.00 |
| 7 | For salaries, support, maintenance and miscel- | |
| 8 | laneous purposes for all divisions..... | 76,500.00 |

| | | |
|----|--|--------------|
| 9 | Grand total of all appropriations for all purposes | |
| 10 | for each year of the biennium for the depart- | |
| 11 | ment of the treasurer of state..... | \$ 81,500.00 |

BOARD OF VOCATIONAL EDUCATION

(See page 48 of budget report)

1 SEC. 43. For the department of vocational education there is
 2 hereby appropriated for each year of the biennium beginning July 1,
 3 1935, and ending June 30, 1937, the sum of thirty-five thousand forty
 4 (35,040) dollars or so much thereof as may be necessary, to be used
 5 in the following manner:

| | | |
|---|--|-----------|
| 6 | For salary of director of the vocational education | |
| 7 | division and civilian rehabilitation division...\$ | 3,000.00 |
| 8 | For salaries, support, maintenance and miscel- | |
| 9 | laneous purposes | 32,040.00 |

| | | |
|----|--|--|
| 10 | Grand total of all appropriations for all purposes | |
|----|--|--|

11 for each year of the biennium for the depart-
 12 ment of the board of vocational education. . . . \$ 35,040.00

BOARD OF CONTROL OF STATE INSTITUTIONS

(See pages 58-70 of budget report)

1 SEC. 44. For the board of control of state institutions, for the
 2 support, maintenance, operation, additions and betterments of all
 3 state institutions under control of the said board, namely:
 4 State hospital and colony for epileptics and feeble minded, Wood-
 5 ward.
 6 Institutions for feeble-minded children, Glenwood.
 7 State hospital for insane, Cherokee.
 8 State hospital for insane, Clarinda.
 9 State hospital for insane, Independence.
 10 State hospital for insane, Mount Pleasant.
 11 State juvenile home, Toledo.
 12 Penitentiary, Fort Madison.
 13 Men's reformatory, Anamosa.
 14 Women's reformatory, Rockwell City.
 15 State sanatorium, Oakdale.
 16 Iowa soldiers' home, Marshalltown.
 17 Iowa soldiers' orphans home, Davenport.
 18 Training school for boys, Eldora.
 19 Training school for girls, Mitchellville.
 20 There is hereby appropriated the sum of three million eight hun-
 21 dred eighty thousand seven hundred seventy-seven (3,880,777) dol-
 22 lars or so much thereof as may be necessary for each year of the
 23 biennium beginning July 1, 1935, and ending June 30, 1937, to be
 24 used at the respective institutions in the following manner and for
 25 the following purposes:

STATE HOSPITAL AND COLONY FOR EPILEPTICS AND
 FEEBLE MINDED, WOODWARD

26 1. For the state hospital and colony for epileptics and feeble
 27 minded there is hereby appropriated for each year of the biennium
 28 beginning July 1, 1935, and ending June 30, 1937, the sum of two
 29 hundred fifty thousand five hundred twenty-two (250,522) dollars
 30 and thirty (30) cents or so much thereof as may be necessary to be
 31 used in the following manner:

32 For salaries, support, maintenance and improve-
 33 ments \$250,522.30

INSTITUTION FOR FEEBLE-MINDED CHILDREN, GLENWOOD

34 2. For the institution for feeble-minded children there is hereby
 35 appropriated for each year of the biennium beginning July 1, 1935,
 36 and ending June 30, 1937, the sum of three hundred twenty-seven
 37 thousand four hundred eighty-three (327,483) dollars and fifty (50)
 38 cents or so much thereof as may be necessary, to be used in the
 39 following manner:

40 For salaries, support and maintenance and im-
 41 provements \$327,483.50

STATE HOSPITAL FOR INSANE, CHEROKEE

42 3. For the state hospital for the insane, Cherokee, there is hereby
 43 appropriated for each year of the biennium beginning July 1, 1935,
 44 and ending June 30, 1937, the sum of three hundred forty-eight thou-
 45 sand four hundred sixty-one (348,461) dollars and ten (10) cents or
 46 so much thereof as may be necessary, to be used in the following
 47 manner:

48 For salaries, support, maintenance and improve-
 49 ments\$348,461.10

STATE HOSPITAL FOR INSANE, CLARINDA

50 4. For the state hospital for the insane, Clarinda, there is hereby
 51 appropriated for each year of the biennium beginning July 1, 1935,
 52 and ending June 30, 1937, the sum of two hundred ninety-three thou-
 53 sand three hundred seventeen (293,317) dollars and ten (10) cents
 54 or so much thereof as may be necessary, to be used in the following
 55 manner:

56 For salaries, support, maintenance and improve-
 57 ments\$293,317.10

STATE HOSPITAL FOR INSANE, INDEPENDENCE

58 5. For the state hospital for the insane, Independence, there is
 59 hereby appropriated for each year of the biennium beginning July 1,
 60 1935, and ending June 30, 1937, the sum of three hundred twenty-
 61 nine thousand eight hundred seventy-seven (329,877) dollars and
 62 ninety (90) cents or so much thereof as may be necessary, to be used
 63 in the following manner:

64 For salaries, support, maintenance and improve-
 65 ments\$329,877.90

STATE HOSPITAL FOR INSANE, MT. PLEASANT

66 6. For the state hospital for the insane, Mount Pleasant, there is
 67 hereby appropriated for each year of the biennium beginning July 1,
 68 1935, and ending June 30, 1937, the sum of three hundred nineteen
 69 thousand one hundred thirty-nine (319,139) dollars and eighty (80)
 70 cents or so much thereof as may be necessary, to be used in the
 71 following manner:

72 For salaries, support, maintenance and improve-
 73 ments\$319,139.80

STATE JUVENILE HOME, TOLEDO

74 7. For the state juvenile home, Toledo, there is hereby appropriated
 75 for each year of the biennium beginning July 1, 1935, and ending
 76 June 30, 1937, the sum of one hundred nineteen thousand sixty-nine
 77 (119,069) dollars and thirty (30) cents or so much thereof as may
 78 be necessary, to be used in the following manner:

79 For salaries, support, maintenance and improve-
 80 ments\$119,069.30

PENITENTIARY, FORT MADISON

81 8. For the state penitentiary, Fort Madison, there is hereby appro-
 82 priated for each year of the biennium beginning July 1, 1935, and
 83 ending June 30, 1937, the sum of four hundred sixty-nine thousand

84 one hundred fifty (469,150) dollars and fifty (50) cents or so much
85 thereof as may be necessary, to be used in the following manner:

86 For salaries, support, maintenance and improve-
87 ments\$469,150.50

88 Provided, however, that in the appropriation herein made the board
89 of control shall so allocate said appropriation that every employee of
90 the penitentiary at Fort Madison shall have one day vacation out of
91 every consecutive seven days.

STATE REFORMATORY, ANAMOSA

92 9. For the men's reformatory, Anamosa, there is hereby appro-
93 priated for each year of the biennium beginning July 1, 1935, and
94 ending June 30, 1937, the sum of three hundred seventy-five thousand
95 four hundred fifty (375,450) dollars and ninety (90) cents or so much
96 thereof as may be necessary, to be used in the following manner:

97 For salaries, support, maintenance and improve-
98 ments\$375,450.90

99 Provided, however, that in the appropriation herein made the board
100 of control shall so allocate said appropriation that every employee of
101 the men's reformatory at Anamosa shall have one day vacation out
102 of every consecutive seven days.

WOMEN'S REFORMATORY, ROCKWELL CITY

103 10. For the women's reformatory, Rockwell City, there is hereby
104 appropriated for each year of the biennium beginning July 1, 1935,
105 and ending June 30, 1937, the sum of fifty-six thousand six hundred
106 ten (56,610) dollars or so much thereof as may be necessary, to be
107 used in the following manner:

108 For salaries, support, maintenance and improve-
109 ments\$ 56,610.00

STATE SANATORIUM, OAKDALE

110 11. For the state sanatorium, Oakdale, there is hereby appro-
111 priated for each year of the biennium beginning July 1, 1935, and
112 ending June 30, 1937, the sum of two hundred nineteen thousand
113 four hundred ninety-four (219,494) dollars or so much thereof as
114 may be necessary, to be used in the following manner:

115 For salaries, support, maintenance and improve-
116 ments\$219,494.00

SOLDIERS HOME, MARSHALLTOWN

117 12. For the Iowa soldiers home, Marshalltown, there is hereby
118 appropriated for each year of the biennium beginning July 1, 1935,
119 and ending June 30, 1937, the sum of two hundred five thousand five
120 hundred ninety-five (205,595) dollars or so much thereof as may be
121 necessary, to be used in the following manner:

122 For salaries, support, maintenance and improve-
123 ments\$205,595.00

IOWA SOLDIERS' ORPHANS HOME, DAVENPORT

124 13. For the Iowa soldiers' orphans home, Davenport, there is
125 hereby appropriated for each year of the biennium beginning July 1,
126 1935, and ending June 30, 1937, the sum of one hundred eighty-eight
127 thousand fifty-nine (188,059) dollars and ninety (90) cents or so

128 much thereof as may be necessary, to be used in the following
 129 manner:
 130 For salaries, support, maintenance and improve-
 131 ments\$188,059.90

TRAINING SCHOOL FOR BOYS, ELDORA

132 14. For the training school for boys, Eldora, there is hereby ap-
 133 propriated for each year of the biennium beginning July 1, 1935, and
 134 ending June 30, 1937, the sum of one hundred seventy-seven thou-
 135 sand five hundred eighty-four (177,584) dollars and eighty (80)
 136 cents or so much thereof as may be necessary, to be used in the fol-
 137 lowing manner:

138 For salaries, support, maintenance and improve-
 139 ments\$177,584.80

TRAINING SCHOOL FOR GIRLS, MITCHELLVILLE

140 15. For the training school for girls, Mitchellville, there is hereby
 141 appropriated for each year of the biennium beginning July 1, 1935,
 142 and ending June 30, 1937, the sum of seventy-six thousand nine hun-
 143 dred sixty (76,960) dollars and ninety (90) cents or so much thereof
 144 as may be necessary, to be used in the following manner:

145 For salaries, support, maintenance and improve-
 146 ments\$ 76,960.90

EMERGENCY FUND

147 16. For emergency purposes, there is hereby appropriated for each
 148 year of the biennium beginning July 1, 1935, and ending June 30,
 149 1937, the sum of fourteen thousand (14,000) dollars or so much
 150 thereof as may be necessary, to be used in the following manner:

151 For emergencies and unforeseen expenses at any
 152 or all institutions under the control of said
 153 board\$ 14,000.00

ADDITIONAL EMERGENCY FUND

154 17. For the board of control institutions there is hereby appro-
 155 priated for each year of the biennium beginning July 1, 1935, and
 156 ending June 30, 1937, the sum of one hundred thousand (100,000)
 157 dollars or so much thereof as may be necessary, to meet any emer-
 158 gency or contingency that may arise at any of the institutions under
 159 the board, but no expenditures shall be made from this fund without
 160 the approval of the governor and the state comptroller first obtained.

ROAD FUND

161 18. For road purposes there is hereby appropriated for each year
 162 of the biennium beginning July 1, 1935, and ending June 30, 1937, the
 163 sum of ten thousand (10,000) dollars or so much thereof as may be
 164 necessary, to be used in the following manner:

165 For construction, maintenance and repairs of
 166 roads at institutions under the control of said
 167 board\$ 10,000.00

168 Grand total of all appropriations for all purposes
 169 for each year of the biennium for all institu-
 170 tions under the board of control.....\$3,880,777.00

STATE BOARD OF EDUCATION

(See pages 71-92 of budget report)

1 SEC. 45. For the state board of education, for the administration,
 2 maintenance, operation, additions and betterments of the state uni-
 3 versity of Iowa, at Iowa City; the Iowa state college of agriculture
 4 and mechanic arts, at Ames; the Iowa state teachers college, at Cedar
 5 Falls; the Iowa school for the deaf, at Council Bluffs; the Iowa school
 6 for the blind, at Vinton; the university hospital, at Iowa City; the
 7 psychopathic hospital, at Iowa City; and the bacteriological labora-
 8 tory, at Iowa City; and for soldiers tuition:

9 There is hereby appropriated the sum of five million eight hundred
 10 forty-one thousand seven hundred twenty (5,841,720) dollars or
 11 so much thereof as may be necessary, for each year of the biennium
 12 beginning July 1, 1935, and ending June 30, 1937, to be used in the
 13 following manner and for the following purposes, to wit:

STATE UNIVERSITY OF IOWA

14 1. For the state university of Iowa, at Iowa City, for each year
 15 of said biennium, the sum of one million nine hundred fifty thousand
 16 (1,950,000) dollars or so much thereof as may be necessary, for sal-
 17 aries other than the president, support, maintenance, equipment and
 18 general improvements.

19 a. There is hereby appropriated for the salary of the president of
 20 the state university of Iowa for each year of the biennium beginning
 21 July 1, 1935, and ending June 30, 1937, a sum not to exceed ten thou-
 22 sand (10,000) dollars.

IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS

23 2. For the Iowa state college of agriculture and mechanic arts at
 24 Ames, Iowa, for each year of said biennium, the sum of one million
 25 nine hundred thirty-one thousand (1,931,000) dollars or so much
 26 thereof as may be necessary, for salaries, other than the president,
 27 support, maintenance, equipment and general improvements.

28 a. There is hereby appropriated for the salary of the president
 29 of the Iowa state college of agriculture and mechanic arts for each
 30 year of the biennium beginning July 1, 1935, and ending June 30,
 31 1937, a sum not to exceed nine thousand (9,000) dollars.

IOWA STATE TEACHERS COLLEGE

32 3. For the Iowa state teachers college, at Cedar Falls, for each
 33 year of said biennium, the sum of five hundred sixty-three thousand
 34 (563,000) dollars or so much thereof as may be necessary, for salaries
 35 other than the president, support, maintenance, equipment and gener-
 36 al improvements.

37 a. There is hereby appropriated for the salary of the president
 38 of the Iowa state teachers college for each year of the biennium be-
 39 ginning July 1, 1935, and ending June 30, 1937, a sum not to exceed
 40 seven thousand (7,000) dollars.

IOWA SCHOOL FOR THE DEAF

41 4. For the Iowa school for the deaf, at Council Bluffs, for each
 42 year of said biennium, the sum of two hundred seven thousand (207,-

43 000) dollars or so much thereof as may be necessary, to be expended
 44 as follows:
 45 For salaries, support and maintenance.....\$207,000.00

IOWA SCHOOL FOR THE BLIND

46 5. For the Iowa school for the blind at Vinton, for each year of
 47 said biennium the sum of one hundred five thousand (105,000) dol-
 48 lars or so much thereof as may be necessary, to be expended as follows:
 49 For salaries, support, maintenance, general im-
 50 provements and betterments.....\$105,000.00

MEDICAL AND SURGICAL TREATMENT OF INDIGENT PERSONS,
 UNIVERSITY HOSPITAL

51 6. For the purpose of carrying out the provisions of chapter one
 52 hundred ninety-nine (199), code, 1931, for each year of said bien-
 53 nium, the sum of nine hundred forty thousand, nine hundred ninety-
 54 four (940,994) dollars or so much thereof as may be necessary, to
 55 be expended in the manner and under the authority provided in said
 56 chapter.

PSYCHOPATHIC HOSPITAL

57 7. For the psychopathic hospital, at Iowa City, for each year of
 58 said biennium the sum of one hundred thousand (100,000) dollars
 59 or so much thereof as may be necessary, to be used in the manner
 60 and under the authority provided in chapter one hundred ninety-seven
 61 (197), code, 1931; provided, however, that said amount shall be avail-
 62 able in monthly installments, not exceeding eight thousand three hun-
 63 dred thirty-three (8,333) dollars and that said installments shall be
 64 expended only upon the submission of bills in the manner provided
 65 in section three thousand nine hundred eighty-four (3984) of said
 66 chapter.

BACTERIOLOGICAL LABORATORY

67 8. For the bacteriological laboratory, at Iowa City, for each year
 68 of said biennium, the sum of twelve thousand two hundred twenty-
 69 six (12,226) dollars or so much thereof as may be necessary, to be
 70 used in the manner and under the authority provided in chapter one
 71 hundred ninety-six (196), code, 1931.

SOLDIERS TUITION

72 9. The sum of four thousand (4,000) dollars or so much thereof
 73 as may be necessary, for each year of the biennium beginning July
 74 1, 1935, and ending June 30, 1937, for the payment of tuition for
 75 honorably discharged soldiers or sailors of the world war of the
 76 United States who are citizens of the state of Iowa, who enroll in
 77 any division of the State university, at Iowa City, or the college of
 78 agriculture and mechanic arts at Ames, said payment being fixed
 79 at twenty (20) dollars for each such student for each semester and
 80 each summer school.

WORLD WAR ORPHANS EDUCATIONAL AID

81 10. The sum of two thousand five hundred (2,500) dollars for
 82 the use and benefit of children, not under sixteen (16), and not over

83 twenty-one (21) years of age; in amount not exceeding one hundred
 84 fifty (150) dollars for any one child, for any one year, who shall
 85 have lived in the state of Iowa two (2) years preceding application
 86 for aid hereunder, and who are children of men or women who died
 87 during the World War between the dates of April 6, 1917, and July
 88 22, 1921, while serving in the army, navy, or marine corps of the
 89 United States, as a result of such service; to defray the expenses of
 90 tuition, matriculation, laboratory and similar fees, books, and supplies,
 91 for such child or children—not including clothing—for attendance at
 92 any educational or training institution of college grade, located within
 93 the state of Iowa.

94 Eligibility for aid hereunder shall be determined upon application
 95 thereto by the Iowa bonus board, and the eligibility of all eligible
 96 applicants shall be certified by the adjutant general of Iowa, to the
 97 comptroller of Iowa, and all amounts that may be, or may become
 98 due to any individual, or any educational or training institution under
 99 this appropriation shall be paid to the individual or institution by the
 100 said comptroller upon receipt by him of certification by the president
 101 or governing board of such educational or training institution as to
 102 the accuracy of charges made, and attendance of the individual at such
 103 educational or training institution.

104 Grand total of all appropriations for all pur-
 105 poses for each year of the biennium, for all
 106 institutions under the board of education . . . \$5,841,720.00

GENERAL CONTINGENT FUND

1 SEC. 46. For the purpose of establishing a general contingent
 2 fund for the state, there is hereby appropriated for each year of the
 3 biennium beginning July 1, 1935, and ending June 30, 1937, the sum
 4 of eighty thousand (80,000) dollars or so much thereof as may be
 5 necessary, to be administered by the committee on retrenchment and
 6 reform for contingencies arising during the biennium, which are
 7 legally payable from the general fund of the state.

INSURANCE DEPARTMENT

1 SEC. 47. The insurance commissioner is hereby authorized to
 2 employ not to exceed eighteen (18) insurance examiners, of which
 3 examiners the commissioner may designate two examiners in charge
 4 at per diem not to exceed seventeen (17) dollars and fifty (50) cents
 5 each, and expenses as herein provided, all other examiners at per
 6 diem not exceeding fifteen (15) dollars each, and their actual and
 7 necessary expenses while engaged in the performance of their duties,
 8 said per diem and expenses to be paid from funds in the state treas-
 9 ury upon presentation of proper vouchers and warrants; provided,
 10 however, that the state treasurer shall be reimbursed in the manner
 11 and under the authority provided in sections eight thousand six hun-
 12 dred thirty-two (8632) and eight thousand six hundred thirty-three
 13 (8633), code, 1931.

COUNTY AND MUNICIPAL EXAMINERS

1 SEC. 48. The auditor of state is hereby authorized to employ
 2 county, municipal, and school examiners and assistants at a per diem

3 not exceeding seven (7) dollars each, and their actual and necessary
 4 expenses while engaged in the performance of their duties, to be paid
 5 in the manner provided in sections one hundred twenty-five (125)
 6 and one hundred twenty-six (126), code, 1931.

PIONEER LAW MAKERS

1 SEC. 49. For the pioneer law makers there is hereby appropriated
 2 the sum of seventy-five (75) dollars or so much thereof as may be
 3 necessary for each year of the biennium beginning July 1, 1935, and
 4 ending June 30, 1937.

PRESIDENTIAL ELECTORS

1 SEC. 50. For the presidential electors there is hereby appropriated
 2 the sum of one hundred fifty (150) dollars or so much thereof as may
 3 be necessary for each year of the biennium beginning July 1, 1935,
 4 and ending June 30, 1937.

BOARD OF ENGINEERING EXAMINERS

1 SEC. 51. The board of engineering examiners is hereby author-
 2 ized to pay its secretary a salary of six hundred (600) dollars per
 3 year and to pay a clerk three hundred (300) dollars per year, to be
 4 paid out of funds belonging to the board of engineering examiners.

GENERAL PROVISIONS

1 SEC. 52. The governing board of any state department, institu-
 2 tion, or agency, or, if there be no governing board, the head of any
 3 department, institution or agency, in the interest of economy and
 4 efficiency, may, with the written consent and approval of the governor
 5 and state comptroller, first obtained, at any time during the biennium,
 6 partially or wholly use its unexpended appropriations for purposes
 7 properly within the scope of such department, institution or agency.

1 SEC. 53. No state department, institution, or agency receiving
 2 appropriations under the provisions of this act shall expend funds
 3 or approve claims in excess of its appropriations except as otherwise
 4 provided in this act. If the expenditures of any state department,
 5 institution, or agency, shall in any other manner exceed the amounts
 6 of its appropriation, the members of the governing board of any such
 7 state department, institution or agency who shall have voted for such
 8 excessive expenditures, or, if there be no governing board, the head
 9 of any such state department, institution, or agency making excessive
 10 expenditure or approving excessive claims shall be personally liable
 11 for the full amount of the unauthorized deficit thus created.

12 When the appropriation of any department, institution or agency,
 13 is insufficient to properly meet the legitimate expense of such depart-
 14 ment, institution or agency of the state, the state comptroller, with
 15 the approval of the governor, is authorized to transfer from any other
 16 department, institution or agency of the state having an appropriation
 17 in excess of its necessity, sufficient funds to meet that deficiency.

1 SEC. 54. No obligation of any kind, whatsoever, shall be incurred
 2 or created subsequent to June 30, 1937, against any appropriation
 3 made by this act, unless otherwise specifically provided by law, and,

4 on June 30, 1937, it shall be the duty of the head of each department,
5 board or commission, receiving appropriations under the provisions
6 of this act, to file with the state comptroller a list of all expenditures
7 for which warrants have not been drawn.

1 SEC. 55. Except where otherwise specifically provided by law, all
2 appropriations made by this act, remaining unexpended or unobli-
3 gated, at the close of business on December 31, 1937, shall revert to
4 and become a part of the general fund in the state treasury.

1 SEC. 56. All salaries provided for by this act are in lieu of all
2 existing statutory salaries, for the positions provided herein, and
3 shall be payable in equal monthly or semi-monthly installments, and
4 shall be in full compensation for all services except as otherwise
5 expressly provided.

6 Employees of the state are granted one week's vacation after one
7 year's steady employment and two week's vacation after two or more
8 year's employment, with pay. Leave of absence of thirty days is
9 granted to employees on account of sickness or injury, accumulative
10 for three consecutive years, with pay at the discretion of the heads
11 of departments.

1 SEC. 57. Employees of the state shall be under the control of the
2 head of the department and the compensation shall be subject to
3 approval of the governor and state comptroller. Any employee may
4 be assigned to such duties as the department head shall direct.

1 SEC. 58. For the office of state comptroller there is hereby set
2 aside from the collection of taxes on motor vehicle fuel, the sum of
3 two thousand five hundred (2,500) dollars or so much thereof as may
4 be necessary annually, for use in employing sufficient help in writing
5 motor vehicle fuel tax refund warrants.

1 SEC. 59. For the office of the industrial commissioner there is
2 hereby set aside from the primary road fund the sum of fifteen thou-
3 sand (15,000) dollars or so much thereof as may be necessary annu-
4 ally, for use in paying all claims of the employees of the state highway
5 commission who are injured or killed while on duty, as provided for
6 in chapter seventy (70) of the code.

1 SEC. 60. For the office of the attorney general there is hereby set
2 aside from the primary road fund the sum of fifteen thousand (15,000)
3 dollars or so much thereof as may be necessary annually, for the
4 purpose of covering all costs of litigation arising from or pertaining
5 to primary roads.

1 SEC. 61. For the purpose of complying with the requirements of
2 the federal public works act and to make repairs, improvements and
3 betterments at the various state institutions there is hereby appropri-
4 ated the sum of four hundred fifty-five thousand three hundred
5 seventy-five (455,375) dollars or so much thereof as may be necessary
6 for each year of the biennium beginning July 1, 1935, and ending
7 June 30, 1937.

8 To be expended by the board of control:

9 New power plant, Clarinda state hospital...\$ 43,750.00

| | | |
|----|--|-----------|
| 10 | Remodeling power plant and new equipment | |
| 11 | for same at Cherokee state hospital..... | 26,250.00 |
| 12 | Boilers and power plant equipment, Mitchell- | |
| 13 | ville | 7,000.00 |
| 14 | New hospital building, Oakdale..... | 43,750.00 |
| 15 | One new cottage, Woodward | 61,250.00 |
| 16 | Extension prison wall, Ft. Madison..... | 4,375.00 |
| 17 | Remodeling kitchens and dining rooms, | |
| 18 | Clarinda | 56,000.00 |
| 19 | To be expended by the board of education: | |
| 20 | State university, Iowa City..... | 60,000.00 |
| 21 | State college, Ames..... | 60,000.00 |
| 22 | State teachers college, Cedar Falls..... | 30,000.00 |
| 23 | School for blind, Vinton..... | 21,000.00 |
| 24 | School for deaf, Council Bluffs..... | 15,750.00 |
| 25 | To be expended by the state fair board: | |
| 26 | State fair grounds, repairing and remodeling | |
| 27 | swine building | 26,250.00 |

28 No expenditure of any of the funds appropriated by this section
 29 shall be made unless first approved by the comptroller and by the
 30 executive council, and unless funds available therefor are over and
 31 above funds necessary to meet general appropriations.

32 The governor and comptroller are hereby authorized to obtain fed-
 33 eral grants to the state to be used in connection with funds above
 34 appropriated for repairs, improvements and betterments.

1 SEC. 62. Where any provisions of the laws of this state are in
 2 conflict with this act the provisions of this act shall govern for the
 3 biennium.

1 SEC. 63. All appropriations made by this act are to be recorded
 2 and accounted for as is the procedure for the appropriations for the
 3 present biennium.

1 SEC. 64. For the commission on uniform laws there is hereby
 2 appropriated for each year of the biennium beginning July 1, 1935,
 3 and ending June 30, 1937, the sum of six hundred (600) dollars or
 4 so much thereof as may be necessary to be used in the following
 5 manner:

6 For miscellaneous purposes.....\$ 600.00

House Substitute for House File 214. Approved May 4, 1935.

CHAPTER 127

INAUGURAL EXPENSES

S. F. 39

AN ACT making appropriation to defray the expense of the inaugural ceremonies.

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

1 SECTION 1. There is hereby appropriated out of the funds of the
2 state treasury, not otherwise appropriated, the sum of three hundred
3 eighty-nine (389) dollars and fifty (50) cents, or so much thereof
4 as may be necessary, to pay the expenses incurred on account of the
5 inaugural ceremonies and reception. Warrants shall be drawn upon
6 the treasury for the sum herein appropriated in favor of the adjutant
7 general upon the filing of vouchers therefor with the auditor of state.

1 SEC. 2. This act being deemed of immediate importance shall
2 take effect and be in force from and after its passage and publication
3 in the Lake View Resort, a newspaper published in the city of Lake
4 View, Iowa, and the Benton County Times, a newspaper published
5 in the city of Vinton, Iowa.

Senate File 39. Approved March 20, 1935.

I hereby certify that the foregoing act was published in the Lake View Resort, March 28, 1935, and the Benton County Times, March 23, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 128

GENERAL ASSEMBLY. MISCELLANEOUS EXPENSE

H. F. 516

AN ACT making an appropriation for the payment of typewriter rental, miscellaneous expenses of the Forty-sixth General Assembly, and other expenses that are payable from the general fund of the state.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
2 state treasury not otherwise appropriated, the following sums or
3 so much thereof as may be necessary, to pay the claims and expenses
4 indicated.

1 SEC. 2. To the several typewriter agencies for tables and machines
2 furnished the Forty-sixth General Assembly:

3 Royal Typewriter Company, Inc., the sum of two hundred sixty-
4 two (262) dollars and fifty (50) cents, rental for thirty-five (35)
5 typewriters, house of representatives.

6 General Typewriter Exchange, the sum of one hundred eighty
7 (180) dollars, rental for twenty-four (24) typewriters, house of
8 representatives.

9 Gaar Brothers Typewriter Company, the sum of two hundred
10 ninety (290) dollars, rental for fifty-eight (58) typewriters and
11 the sum of twenty-five (25) dollars for repairs on typewriters for
12 the senate.

13 Underwood Elliott Fisher Company, the sum of sixty-three (63)
14 dollars, rental for eighteen typewriter tables.

1 SEC. 3. To the Des Moines Rubber Stamp Works for badges and
2 supplies furnished the Forty-sixth General Assembly, the sum of
3 eighty-four (84) dollars and ninety-five (95) cents for the house of
4 representatives and the sum of sixty-two (62) dollars and fifty (50)
5 cents for the senate.

1 SEC. 4. To the Interstate Transit Lines, Des Moines, Iowa, the
2 sum of twenty-five (25) dollars for transportation of members of the
3 house of representatives, appropriation committee, group number 1,
4 on inspection tour of the women's reformatory at Rockwell City,
5 Iowa.

1 SEC. 5. To Van Ginkle Athletic Manufacturing Company, Des
2 Moines, Iowa, the sum of sixty (60) dollars for twelve (12) coats
3 for pages of the house of representatives.

1 SEC. 6. To the Wingate Costume Company, Des Moines, Iowa, the
2 sum of fifty (50) dollars for ten (10) coats for pages of the senate.

1 SEC. 7. To Walter Beam for services rendered in connection with
2 the opening of the senate of the Forty-sixth General Assembly, the
3 sum of twenty-eight (28) dollars and thirty-five (35) cents.

1 SEC. 8. To Margaret Mathis for services rendered in connection
2 with the opening of the senate of the Forty-sixth General Assembly,
3 the sum of twenty-eight (28) dollars and thirty-five (35) cents.

1 SEC. 9. To Ray Sheehan for services rendered in connection with
2 the opening of the senate of the Forty-sixth General Assembly, the
3 sum of twenty-eight (28) dollars and thirty-five (35) cents.

1 SEC. 10. To Hedo M. Zacherle, secretary of the senate, for postage,
2 supplies and other expenses incurred and paid for by him in con-
3 nection with the duties of his office during the regular session of the
4 Forty-sixth General Assembly, the sum of sixteen (16) dollars and
5 thirty-four (34) cents.

1 SEC. 11. A sum sufficient to pay the per diem compensation made
2 necessary by house concurrent resolution twenty (20) for services
3 required by officers and employees of the Forty-sixth General As-
4 sembly after final adjournment.

1 SEC. 12. To Virgil Lekin, chief clerk of the house of representa-
2 tives, for postage, supplies and other expenses incurred and paid by
3 him in connection with the duties of his office during the Forty-sixth
4 General Assembly, the sum of forty-three (43) dollars and forty (40)
5 cents.

1 SEC. 13. The sum of five thousand (5,000) dollars as a legislative
2 emergency fund to be expended under the direction of the executive
3 council for supplies, replacement of chairs, express charges, tele-
4 phone and telegraph services, and other miscellaneous expenses.

1 SEC. 14. To Hedo M. Zacherle, secretary of the senate, and Virgil
2 Lekin, chief clerk of the house, the sum of fifty (50) dollars each,

3 or so much thereof as may be necessary, for miscellaneous expenses
4 and postage incurred by them after the close of the regular session
5 of the Forty-sixth General Assembly.

1 SEC. 15. To Virgil Lakin, chief clerk of the house of representa-
2 tives, for services rendered in connection with the opening of the
3 Forty-sixth General Assembly, the sum of sixty-three (63) dollars.

1 SEC. 16. To Jennie Gregg, special clerk of the house of representa-
2 tives, for services rendered in connection with the opening of the
3 Forty-sixth General Assembly, the sum of eighty-one (81) dollars
4 and ninety (90) cents.

1 SEC. 17. To Peter Russell, porter, for services rendered in con-
2 nection with the opening of the house of representatives of the Forty-
3 sixth General Assembly, the sum of fourteen (14) dollars and forty
4 (40) cents.

1 SEC. 18. To Younker Brothers, Inc., the sum of one hundred
2 twenty-nine (129) dollars and thirty-five (35) cents in payment
3 for standards, velour ropes and installation of same in the senate
4 chamber.

1 SEC. 19. To Zaisers, Stationers and Office Outfitters, the sum of
2 seventy-five (75) dollars for rental of thirty (30) typewriter tables
3 for the senate.

1 SEC. 20. To George M. Hamilton, porter, for services rendered
2 in connection with the opening of the senate in the Forty-sixth Gen-
3 eral Assembly, the sum of sixteen (16) dollars and twenty (20)
4 cents.

1 SEC. 21. To Frank Shaffer, for services rendered in connection
2 with the opening of the senate in the Forty-sixth General Assembly,
3 the sum of sixteen (16) dollars and twenty (20) cents.

1 SEC. 22. To Clyde L. Herring, governor, the sum of two hundred
2 ten (210) dollars for money advanced by him to the interim com-
3 mittee named in the Forty-fifth General Assembly in extra session.

1 SEC. 23. The state comptroller is hereby authorized and directed
2 to draw warrants and the treasurer of state to pay the same, in the
3 amounts appropriated herein, upon certification by the president and
4 secretary of the senate for senate expense, and by the speaker and
5 chief clerk of the house of representatives for house expense, or by
6 certification by the secretary of the executive council under the pro-
7 visions of section thirteen (13) of this act.

1 SEC. 24. There is hereby appropriated out of any money in the
2 state treasury not otherwise appropriated, a sum sufficient to pay
3 the per diem compensation of the officers and employees of the Forty-
4 sixth General Assembly held after April 23, 1935.

1 SEC. 25. This act being deemed of immediate importance shall
2 be in full force and effect from and after its passage and publication
3 in the Iowa Daily Record, a newspaper published at Des Moines,

4 Iowa, and the Fort Dodge Messenger, a newspaper published at Fort
5 Dodge, Iowa.

House File 516. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Des Moines Daily Record and the Fort Dodge Messenger, May 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 129

ELECTION CONTEST. MILLER VS. ZEIGLER

H. F. 93

AN ACT to make an appropriation for the expenses incurred in the election contest of Miller vs. Zeigler.

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

| | | |
|----|--|-----------------|
| 1 | SECTION 1. There is hereby appropriated out of any moneys in the | |
| 2 | state treasury not otherwise appropriated, the sum of three hundred | |
| 3 | eighty-eight (388) dollars and fifteen (15) cents, or so much as may | |
| 4 | be necessary to pay the expenses of the election contest wherein A. H. | |
| 5 | Miller was the contestant and Sanford Zeigler Jr., was the contestee. | |
| 6 | Warrants shall be drawn for the sums herein appropriated in favor of | |
| 7 | the following persons: | |
| 8 | X. C. Nady and Leo D. Thoma, | |
| 9 | X. C. Nady, attorney's fees..... | \$100.00 |
| 10 | Attorney's expenses | 10.00 |
| 11 | Leo D. Thoma, attorney's fees..... | 100.00 |
| 12 | Attorney's expenses | 10.00 |
| 13 | C. E. Wheatley, ex-county auditor, expenses..... | 35.00 |
| 14 | Sigurd Jorgenson, county auditor, expenses..... | 10.00 |
| 15 | | |
| 16 | Total expense | <u>\$265.00</u> |

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after publication in the Jasper County
3 Mirror, a newspaper published at Monroe, Iowa, and the Colfax Trib-
4 une, a newspaper published at Colfax, Iowa.

House File 93. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Jasper County Mirror, May 9, 1935, and the Colfax Tribune, May 2, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 130

ELECTION CONTEST. FRANK PELZER VS. C. E. MALONE

S. F. 107

AN ACT to defray the expenses of the election contest in the eighteenth senatorial district, comprising Cass and Shelby counties, between Frank Pelzer, contestant, and C. E. Malone, incumbent.

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

1 SECTION 1. There is hereby appropriated out of any moneys in the
2 state treasury not otherwise appropriated, the sum of seven hundred
3 eighty-eight (788) dollars and eighty-one (81) cents, or so much as
4 may be necessary to pay the expenses of the election contest wherein
5 Frank Pelzer was the contestant and C. E. Malone, incumbent. War-
6 rants shall be drawn for the sums herein appropriated in favor of the
7 following persons in amounts as follows:

| | | |
|----|---|-----------------|
| 8 | Hertert, Swift & Cullison, attorney's fees..... | \$250.00 |
| 9 | Swan, Martin & Martin, attorney's fees..... | 250.00 |
| 10 | Chris Broderson, auditor of Shelby county, ex- | |
| 11 | penses | 14.50 |
| 12 | Expenses, Hertert, Swift & Cullison..... | 192.86 |
| 13 | Expenses, Swan, Martin & Martin..... | 71.45 |
| 14 | | |
| 15 | Total expense | <u>\$778.81</u> |

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after publication in the Harlan Trib-
3 une, a newspaper published at Harlan, Iowa, and the Griswold Amer-
4 ican, a newspaper published at Griswold, Iowa.

Senate File 107. Approved April 18, 1935.

I hereby certify that the foregoing act was published in the Harlan Tribune, April 25, 1935, and the Griswold American, April 24, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 131

ARMORY RENTAL

S. F. 370

AN ACT to make an emergency appropriation for armory rental allowances, covering additional rental of new armories constructed in the state of Iowa since October 1, 1934.

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

1 SECTION 1. That there is hereby appropriated out of any money in
2 the state treasury not otherwise appropriated, the sum of four thou-
3 sand one hundred sixty (4,160) dollars, as an emergency appropria-
4 tion, for additional armory rental for new armories constructed at
5 Ottumwa, Iowa, Cedar Falls, Iowa, Burlington, Iowa, and Des Moines,
6 Iowa, for the remainder of the fiscal year, 1934-1935.

1 SEC. 2. The appropriation provided for in section one (1) of this
2 act shall be expended under the direction of the adjutant general, with
3 the approval of the governor.

1 SEC. 3. This act being deemed of immediate importance shall take
 2 effect from and after its publication in the
 3 a newspaper published in, Iowa, and in the
 4, a newspaper published in
 5 Iowa.

Senate File 370. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Washington Evening Journal, May 11, 1935, and the Batavia News, May 16, 1935, in accordance with section 55, code, 1931.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 132

COMMISSION FOR BLIND. VOCATIONAL SUMMER SCHOOLS

H. F. 502

AN ACT to make an emergency appropriation for the purpose of paying the necessary expenses of the vocational summer school for the adult blind who are residents of the state.

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

1 SECTION 1. There is hereby appropriated out of money in the state
 2 treasury not otherwise appropriated, the sum of one thousand five
 3 hundred (1,500) dollars as an emergency appropriation for the purpose
 4 of paying for the vocational summer school for the adult blind who are
 5 residents of the state, conducted by the state commission for the blind
 6 in the buildings of the state school for the blind at Vinton.

1 SEC. 2. The appropriation provided for in section one (1) of this act,
 2 shall be expended under the direction of the Iowa state commission for
 3 the blind and shall be paid out only on warrants drawn by the state
 4 comptroller upon the treasurer of state certified by the commission for
 5 the blind.

1 SEC. 3. The emergency appropriation provided for in section one
 2 (1) of this act, shall be available on June 1, 1935.

1 SEC. 4. This act shall take effect and be in force from and after its
 2 publication in the Adams County Free Press and the Oakland Acorn,
 3 newspapers published in Corning, Iowa, and Oakland, Iowa, respec-
 4 tively.

House File 502. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Adams County Free Press and the Oakland Acorn, May 2, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 133
COSMETOLOGY EXAMINERS

H. F. 496

AN ACT to make an appropriation for the board of cosmetology examiners.

WHEREAS, by the appropriation act of the Forty-fifth General Assembly, being chapter one hundred eighty-eight (188), acts of the said assembly, there was appropriated for the board of cosmetology examiners for each year of the biennium beginning July 1, 1933, the sum of eleven thousand three hundred sixty (11,360) dollars, and

WHEREAS, a transfer from the general contingent fund of an additional five hundred (500) dollars was made on June 30, 1934, to meet additional necessary expenses of said department, making a total of eleven thousand eight hundred sixty (11,860) dollars for the first year of said biennium, and

WHEREAS, said department collected and paid into the treasury during the first year of said biennium the sum of eighteen thousand eight hundred eighty-four (18,884) dollars, or a total of seven thousand twenty-four (7,024) dollars more than was appropriated and transferred to said department, and

WHEREAS, the appropriation of eleven thousand three hundred sixty (11,360) dollars for the second year of the biennium appears to be inadequate to meet the expenses of said department for said year, and

WHEREAS, the receipts of said department for said second year of the biennium will without doubt exceed the receipts of the preceding year so that no part of any appropriation to said cosmetology department will be paid out of general taxes but on the contrary will leave a large portion of the receipts of said department in the state treasury, therefore

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

1 SECTION 1. There is hereby appropriated for the board of cosme-
2 tology examiners out of any money in the state treasury not otherwise
3 appropriated, the sum of one thousand (1,000) dollars for salaries,
4 support, maintenance, and miscellaneous purposes, this appropriation
5 being additional to that made by chapter one hundred eighty-eight
6 (188), acts of the Forty-fifth General Assembly.

1 SEC. 2. The state comptroller is hereby authorized and directed
2 to draw warrants in the aggregate amount of one thousand (1,000)
3 dollars on account of the appropriation herein made, and the treasurer
4 of state is hereby authorized to pay said warrants out of any funds
5 in the state treasury not otherwise appropriated.

1 SEC. 3. This act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication in the
3 Johnson County Democrat, a newspaper published at Oxford, Iowa,
4 and in the Cedar Valley Daily Times, a newspaper published at Vinton,
5 Iowa.

House File 496. Approved May 2, 1935.

I hereby certify that the foregoing act was published in the Johnson County Democrat, May 9, 1935, and the Cedar Valley Daily Times, May 8, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 134

GRAND ARMY OF THE REPUBLIC

S. F. 373

AN ACT to make an appropriation to the department of the Grand Army of the Republic to defray expenses of publishing final history of the Grand Army of the Republic.

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

1 SECTION 1. There is hereby appropriated out of any moneys in the
2 state treasury, not otherwise appropriated, the sum of twenty-five hun-
3 dred (2,500) dollars as an appropriation to the department of the
4 grand army of the republic to be paid to said department to defray
5 additional expenses of publishing the history of the grand army of
6 the republic.

1 SEC. 2. The state comptroller is hereby directed to issue a warrant
2 payable to the department of the grand army of the republic out of
3 any funds in the state treasury, not otherwise appropriated, and the
4 treasurer of state is hereby directed to pay said warrant.

Senate File 373. Approved May 4, 1935.

CHAPTER 135

IOWA NATIONAL GUARD

S. F. 389

AN ACT to make an appropriation to the Iowa national guard to cover the cost of the erection of a garage and machine shop and to replace equipment lost when fire destroyed the garage and machine shop during the month of November, 1934, and which was not replaced from funds from the providential and contingent fund.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
2 state treasury not otherwise appropriated, the sum of twenty-five thou-
3 sand (25,000) dollars or so much thereof as may be necessary to the
4 Iowa national guard to replace and rebuild a combination garage and
5 machine shop, and equipment for same, which was destroyed by fire
6 at Camp Dodge during the month of November, 1934.

1 SEC. 2 This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Colfax
3 Tribune, a newspaper published in Colfax, Iowa, and in the Milo Motor.
4 a newspaper published in Milo, Iowa.

Senate File 389. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Milo Motor and the Colfax Tribune, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 136

STATE BOARD OF EDUCATION. STATE TEACHERS COLLEGE

H. F. 54

AN ACT to make an emergency appropriation for salaries, support and maintenance of the Iowa state teachers college, Cedar Falls, Iowa.

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

1 SECTION 1. There is hereby appropriated out of any money in the
2 state treasury, not otherwise appropriated, the sum of sixty thousand
3 (60,000) dollars as an emergency appropriation, or as much thereof as
4 may be necessary, for salaries, support and maintenance of the Iowa
5 state teachers college, Cedar Falls, Iowa, for the remainder of the fis-
6 cal year 1934-1935.

1 SEC. 2. The appropriation provided for in section one (1) of this act
2 shall be expended under the direction of the Iowa state board of
3 education.

1 SEC. 3. The emergency appropriation provided for in section one
2 (1) of this act, shall be available on March 1, 1935, or at any time
3 thereafter, and shall be paid on the order of the Iowa state board of
4 education.

1 SEC. 4. This act being deemed of immediate importance shall take
2 effect from and after its publication in the Cedar Falls Record and the
3 Dubuque Telegraph-Herald, newspapers published in Cedar Falls,
4 Iowa, and Dubuque, Iowa, respectively.

House File 54. Approved February 8, 1935.

I hereby certify that the foregoing act was published in the Cedar Falls Record, February 9, 1935, and the Dubuque Telegraph-Herald, February 11, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 137

STATE BOARD OF EDUCATION. EXPENSES OF BLIND STUDENTS

S. F. 32

AN ACT to make an emergency appropriation for the purpose of paying the necessary expenses of worthy and deserving blind students who are residents of the state and who are attending institutions for higher learning.

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

1 SECTION 1. There is hereby appropriated out of money in the state
2 treasury, not otherwise appropriated, the sum of one thousand (1,000)
3 dollars as an emergency appropriation, or as much thereof as may be
4 necessary, for the purpose of aiding worthy and deserving blind stu-
5 dents who are residents of the state of Iowa, and who are regularly
6 enrolled in institutions for higher learning, to assist them in defraying
7 their necessary expenses including the cost of a reader or assistant.

1 SEC. 2. The aid provided for in section one (1) of this act, shall be
2 granted only to worthy persons who are not able or whose parents are

3 not able to provide the means for continuing their study in a college
4 or university.

1 SEC. 3. The appropriation provided for in section one (1) of this
2 act, shall be expended under the direction of the Iowa state board of
3 education, and shall be paid out only on warrants drawn by the state
4 comptroller upon the treasurer of state, certified by the secretary of
5 the said Iowa state board of education.

1 SEC. 4. The emergency appropriation provided for in section one (1)
2 of this act, shall be available on February 15, 1935, or at any time there-
3 after.

1 SEC. 5. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Cedar Valley
3 Times and the Keokuk County News, newspapers published in Vinton,
4 Iowa, and Sigourney, Iowa, respectively.

Senate File 32. Approved February 19, 1935.

I hereby certify that the foregoing act was published in the Cedar Valley Times and
the Keokuk County News, February 21, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 138

IOWA STATE DAIRY ASSOCIATION

H. F. 268

AN ACT to make an appropriation to the Iowa state dairy association and to require
said association to hold a state-wide 4-H dairy calf club exposition.

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

1. SECTION 1. 4-H dairy calf club exposition. The Iowa state dairy
2 association is hereby empowered, authorized and directed to hold
3 annually at such time and place in Iowa as said association may select
4 an exposition of 4-H dairy calves and contests.

1 SEC. 2. Exposition defined. For the purpose of this act, 4-H dairy
2 calf club exposition is interpreted to include the exhibits of dairy club
3 heifers and the holding of judging contests, demonstration contests,
4 record book contests, and production contests for 4-H dairy club mem-
5 bers.

1 SEC. 3. Statement of expenditures. After each exposition the presi-
2 dent and secretary of said association shall file with the state secre-
3 tary of agriculture a sworn statement of the actual amount of cash
4 premiums paid at such exposition for the current season which must
5 correspond with the published offer of premiums by said association.

1 SEC. 4. Certification by department. The department of agriculture
2 on receipt of such statement shall, if it complies with the preceding
3 section, certify to the state comptroller that a named amount is due
4 said association as state aid.

1 SEC. 5. Payment of state aid. The state comptroller on receipt of
2 such certificate shall draw a warrant in favor of the secretary or

3 treasurer of said association for a sum equal to eighty (80) per cent
4 of the amount paid in premiums by it, but in no case shall the amount
5 exceed two thousand (2,000) dollars in any one year.

1 SEC. 6. Appropriation. There is hereby appropriated from any
2 funds in the state treasury not otherwise appropriated the sum of
3 two thousand (2,000) dollars for each year of the biennium ending
4 June 30, 1937, or so much of said amount as is necessary to carry out
5 the provisions of this act.

House File 268. Approved April 29, 1935.

CHAPTER 139

JUDGES OF DISTRICT COURT

S. F. 372

AN ACT to make an appropriation to the judges of the district court of the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund
2 of the state the sum of ten thousand (10,000) dollars, or so much
3 thereof as may be necessary, to pay the salaries and expenses of the
4 judges of the district court of Iowa to June 30, 1935.

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after publication in The Keosauqua
3 Republican a newspaper published at Keosauqua, Iowa, and the Lock-
4 ridge Times a newspaper published at Lockridge, Iowa.

Senate File 372. Approved April 29, 1935.

I hereby certify that the foregoing act was published in The Keosauqua Republican
and the Lockridge Times, May 2, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 140

SCHOOL DISTRICTS. EMERGENCY NEEDS

H. F. 364

AN ACT to make an appropriation for the emergency needs of distressed school dis-
tricts and to provide for the manner of expenditure of said funds.

WHEREAS, the school boards of certain school districts in the state, be-
cause of decreased revenues resulting from the economic depression, are
confronted with the necessity of closing public schools therein, and

WHEREAS, the federal emergency relief administration, which has hereto-
fore extended aid to districts in which such emergency conditions have
existed, has required that the state of Iowa appropriate funds for this
purpose as a condition precedent to the granting of further federal aid, and

WHEREAS, the maintenance and availability of public schools in the
state is, and always has been, of general and state-wide concern, therefore,

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

1 SECTION 1. There is hereby appropriated out of any funds in the
2 state treasury, not otherwise appropriated, the sum of ten thousand
3 (10,000) dollars, or so much thereof as may be necessary, for the
4 purpose of meeting the emergency needs of school districts.

1 SEC. 2. It is further provided that the fund hereby appropriated
2 shall be administered through the Iowa emergency relief administra-
3 tion.

1 SEC. 3. Money from said fund shall be withdrawn from the state
2 treasury only as needed from time to time, by requisition of the gov-
3 ernor of the state of Iowa, and upon warrant drawn by the state
4 comptroller directly to the Iowa emergency relief administration.

1 SEC. 4. The money herein appropriated shall be advanced only for
2 the emergency needs of those school districts in which the closing of
3 a school is imminent because of the lack of funds and resources nec-
4 essary to maintain the operation of said school to the end of the cur-
5 rent term and no such advancement shall be made to any district
6 except upon a satisfactory showing that the district has made the
7 maximum effort to maintain the normal school term.

1 SEC. 5. No such school district shall be advanced any funds pro-
2 vided herein except upon the approval and recommendation of the
3 governor of the state of Iowa, the superintendent of public instruction
4 of the state of Iowa, and the Iowa emergency relief administrator.

1 SEC. 6. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Oskaloosa
3 Tribune, a newspaper published in Oskaloosa, Iowa, and the Gowrie
4 News, a newspaper published in Gowrie, Iowa.

House File 364. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Oskaloosa Tribune, May 3, 1935, and the Gowrie News, May 2, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 141

LABOR. PUBLIC EMPLOYMENT OFFICES

H. F. 500

AN ACT to make an appropriation to the bureau of labor for the purpose of carrying out the provisions of chapter sixteen (16), acts of the Forty-fifth General Assembly, extraordinary session.

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

1 SECTION 1. There is hereby appropriated from the general funds
2 of the state of Iowa, not otherwise appropriated, to the bureau of
3 labor of the state of Iowa, the sum of sixty thousand four hundred
4 fifty (60,450) dollars for each year of the biennium beginning July
5 1, 1935, for the purpose of maintaining public employment offices

6 under the supervision of the bureau of labor; for the purpose of co-
 7 operating with the United States employment service, and for carry-
 8 ing out the provisions of chapter sixteen (16), acts of the Forty-fifth
 9 General Assembly, extraordinary session.

House File 500. Approved May 3, 1935.

CHAPTER 142

MUSCATINE COUNTY

S. F. 314

AN ACT to make an appropriation to Muscatine county, Iowa.

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

1 SECTION 1. There is hereby appropriated, out of any money in the
 2 state treasury not otherwise appropriated, to Muscatine county, Iowa,
 3 the sum of one thousand three hundred and nineteen (1,319) dollars
 4 and forty-seven (47) cents in full payment and settlement of main-
 5 tenance tax on land owned by the state of Iowa in drainage district
 6 number thirteen (13) in said county.

1 SEC. 2. The state comptroller is hereby authorized and directed to
 2 draw his warrant for said sum in favor of Muscatine county, Iowa,
 3 and the treasurer of state is hereby authorized to pay the same.

1 SEC. 3. Receipt of said sum by said county shall be in full settle-
 2 ment of any and all claims and demands against the state of Iowa
 3 for drainage taxes due and payable against and on account of land
 4 owned by the state in said district number thirteen (13) in said
 5 county.

Senate File 314. Approved April 29, 1935.

CHAPTER 143

OLD AGE PENSION FUND

H. F. 517

AN ACT to make an appropriation to the old age pension fund.

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

1 SECTION 1. There is hereby appropriated, out of any funds in the
 2 state treasury not otherwise appropriated, for each year of the bien-
 3 nium beginning July 1, 1935, and ending June 30, 1937, to the old age
 4 pension fund provided for in chapter nineteen (19) of the acts of the
 5 Forty-fifth General Assembly in extraordinary session, the sum of
 6 one million (1,000,000) dollars.

1 SEC. 2. The sum herein appropriated shall be transferred, from any
 2 funds in the state treasury not otherwise appropriated, to the old age

3 pension fund from time to time, by the comptroller and at his discre-
 4 tion, for the purposes described under the provisions of chapter nine-
 5 teen (19) of the acts of the Forty-fifth General Assembly in extra-
 6 ordinary session as amended by senate file 357, acts of the Forty-
 7 sixth General Assembly.

House File 517. Approved May 4, 1935.

CHAPTER 144

POLK COUNTY

S. F. 385

AN ACT to make an appropriation to the treasurer of Polk county, Iowa, for paving assessment against the state of Iowa.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
 2 state treasury, not otherwise appropriated, the sum of four thousand
 3 six hundred six (4,606) dollars and seventy-eight (78) cents to the
 4 treasurer of Polk county, Iowa, in full settlement of paving assess-
 5 ment against the state of Iowa on account of paving Dean avenue
 6 along the south side of the state fair grounds.

1 SEC. 2. The state comptroller is hereby directed to issue a warrant
 2 payable to the treasurer of Polk county in the sum of four thousand
 3 six hundred six (4,606) dollars and seventy-eight (78) cents and the
 4 treasurer of the state of Iowa is hereby authorized and directed to
 5 pay said warrant out of any funds not otherwise appropriated.

1 SEC. 3. The receipt of said sum by the Polk county treasurer shall
 2 be in full settlement for any and all claims on account of paving Dean
 3 avenue along the south side of the state fair grounds by the city of
 4 Des Moines, against the state of Iowa.

1 SEC. 4. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its publication in the Gowrie
 3 News, a newspaper published at Gowrie, Iowa, and in the Jasper
 4 County Mirror, a newspaper published at Monroe, Iowa.

Senate File 385. Approved May 4, 1935.

I hereby certify that the foregoing was published in the Gowrie News, May 9, 1935,
 and the Jasper County Mirror, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 145

DOLAN ALLEN

H. F. 478

AN ACT to make an appropriation to Dolan Allen.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund to Dolan Allen of Grundy Center, Iowa, the sum of two hundred
3 thirteen (213) dollars and twenty-eight (28) cents to compensate him
4 for damages to his truck due to a collision with a highway commission
5 truck on primary road number fifty-eight (58) in Grundy county,
6 Iowa, on January 24, 1935.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
2 rant payable to said Dolan Allen out of the primary road fund in the
3 sum of two hundred thirteen (213) dollars and twenty-eight (28)
4 cents and the treasurer of state is hereby authorized to pay said war-
5 rant and charge the same against said fund.

1 SEC. 3. The receipt of said amount by said Dolan Allen shall be in
2 full settlement of any and all claims held by him against the state of
3 Iowa growing out of said collision.

House File 478. Approved April 29, 1935.

CHAPTER 146

HOMER ASHMORE, ET AL.

S. F. 398

AN ACT to make appropriations to Homer Ashmore, Blanche Capps, Jones county, Iowa; Ray Murtoth, Berandine Mitzkowski, Minnie Baars, Stella Kayser, Olga Gomez, Carrie Louise Baars, and Esther Mason.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
2 state treasury not otherwise appropriated, to Homer Ashmore, the
3 sum of forty-four (44) dollars in full settlement of his claim against
4 the state of Iowa for compensation on account of forty-four (44) days
5 of enlisted service in Company F, 3rd Inf. Iowa N. G., from June 1,
6 1917, to July 14, 1917, on which date he was discharged on surgeon's
7 certificate of disability, he having heretofore received no compensation
8 for said service.

1 SEC. 2. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated, to Mrs. Blanche Capps of Des
3 Moines, Iowa, the sum of one thousand (1,000) dollars to be paid to
4 her at the rate of twenty-five (25) dollars per month, said monthly
5 payments to be made on the first day of each month after this act
6 takes effect and until the full amount of this appropriation is paid,
7 this appropriation being made in full settlement of all claims held
8 by her against the state of Iowa on account of the accidental death of
9 her husband, Bert Capps, when he fell from an elevator in the heating

10 plant on the state capitol grounds on March 6, 1935, while he was
11 employed by the FERA.

1 SEC. 3. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated, to Jones county, Iowa, the sum
3 of eight hundred seventy-three (873) dollars and fifty (50) cents in
4 full settlement of its claim against the state of Iowa on account of
5 expenses incurred in criminal cause No. 2246 entitled, State of Iowa
6 vs. J. M. Conway, during the March 1934 term of the district court of
7 Jones county, Iowa, the said J. M. Conway, defendant, having been
8 an employee of the state and having been convicted of the crime of
9 embezzlement by a public officer.

1 SEC. 4. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated, to the following named persons
3 the amounts set opposite their names, to-wit:

| | | |
|----|----------------------------|----------|
| 4 | Ray Murtogh | \$137.57 |
| 5 | Berandine Mitzkowski | .35 |
| 6 | Minnie Baars | .59 |
| 7 | Stella Kayser | 18.35 |
| 8 | Olga Gomez | 21.10 |
| 9 | Carrie Louise Baars | 3.00 |
| 10 | Esther Mason | 6.60 |

11 The above amounts being in full settlement of the claims held by the
12 several parties against the state of Iowa on account of the loss of per-
13 sonal property when a building in which they were living at the
14 women's reformatory at Rockwell City, Iowa, was destroyed by fire.

1 SEC. 5. The state comptroller is hereby authorized and directed
2 to draw his warrants payable to the several parties named in this act
3 for the sums herein appropriated to them respectively, and the treas-
4 urer of state is hereby authorized and directed to pay said warrants
5 and to charge them against the funds designated by this act.

1 SEC. 6. Receipt by said parties herein named of the sums appro-
2 priated to them respectively, shall be in full settlement of all claims
3 and demands held by them against the state of Iowa growing out of
4 the matters referred to herein.

1 SEC. 7. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Times Republican, a newspaper published at Corydon, Iowa, and
4 the Humeston New Era, a newspaper published at Humeston, Iowa.

Senate File 398. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Corydon Times Republican,
May 16, 1935, and the Humeston New Era, May 15, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 147

MAUD EMERSON BARNHART, ET AL.

S. F. 388

AN ACT to make appropriations to Maud Emerson Barnhart, William A. Emerson administrator, Ray Lowrey, Fred Spatz, Harry Lund, R. W. Maples, Earl Connell, Ivan A. Connell, Orville Connell, Rollin Connell, Ross Connell, Mrs. J. W. Kinney, J. W. Daniels, H. F. Carr, and Major Elton L. Titus.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund of the state of Iowa to Maud Emerson Barnhart, Toronto, Iowa,
3 the sum of fifty-five (55) dollars in settlement of damage claimed by
4 her on account of a collision of a car, in which she was riding, with a
5 highway commission truck on primary road number 30, in Cedar
6 county, Iowa, on March 20, 1933, the appropriation being made to
7 reimburse her for hospital and medical expense due to said accident.

1 SEC. 2. There is hereby appropriated out of the primary road fund
2 to William A. Emerson, administrator of the estate of C. A. Emerson,
3 deceased, the sum of four hundred sixteen (416) dollars and five (5)
4 cents in full settlement of his claim against the state of Iowa on ac-
5 count of the death of said C. A. Emerson, as a result of a collision of
6 an automobile being driven by him, with a highway commission truck
7 on primary road number 30 in Cedar county, Iowa, March 20, 1933,
8 said appropriation being the amount claimed as necessary to reim-
9 burse said administrator for medical and burial expense for said
10 C. A. Emerson.

1 SEC. 3. There is hereby appropriated out of the primary road fund
2 to Ray Lowrey, Malvern, the sum of seventy-seven (77) dollars and
3 twenty-five (25) cents in full settlement of his claim for damage sus-
4 tained in a collision of his truck with a highway commission main-
5 tainer on primary road number 134 in Mills county, December 19, 1934.

1 SEC. 4. There is hereby appropriated out of the primary road fund
2 to Fred Spatz of Booneville, Iowa, the sum of fifty (50) dollars in full
3 settlement of his claim for damage on account of a collision of his
4 automobile with a highway commission maintainer in the city of Col-
5 fax on primary road number 6 on March 6, 1935.

1 SEC. 5. There is hereby appropriated out of the primary road fund
2 of the state of Iowa to Harry Lund the sum of sixty-three (63) dol-
3 lars and ninety-five (95) cents in full settlement of his claim for
4 damage on account of a collision of his automobile with a highway
5 commission truck on primary road number 71 in Audubon county
6 on August 16, 1934.

1 SEC. 6. There is hereby appropriated out of the primary road fund
2 to the following named parties the amounts set opposite their names
3 in payment for labor of shovelling snow on primary road number 6
4 in Poweshiek county, December 1, 1934 at 35 cents per hour, to wit:

| | | |
|---|-----------------------|--------|
| 5 | R. W. Maples | \$3.50 |
| 6 | Earl Connell | 2.28 |
| 7 | Ivan A. Connell | 2.45 |

| | | |
|----|-----------------------|------|
| 8 | Orville Connell | 2.80 |
| 9 | Rollin Connell | 3.15 |
| 10 | Ross Connell | 2.80 |

1 SEC. 7. There is hereby appropriated out of the primary road fund
2 to Mrs. J. W. Kinney of Dayton, Iowa, the sum of one thousand (1,000)
3 dollars in settlement of her claim against the state of Iowa on account
4 of the death of her husband, J. W. Kinney, while an employee of the
5 highway commission in Webster County, Iowa, on December 20, 1934.
6 The state comptroller is hereby authorized and directed to draw
7 his warrant to the said Mrs. J. W. Kinney for the sum of thirty (30)
8 dollars per month until said one thousand (1,000) dollars is fully paid,
9 and the treasurer of state is hereby authorized to pay said warrant
10 and charge the same to the primary road fund of the state of Iowa,
11 said thirty (30) dollars to be due and payable to said Mrs. J. W. Kin-
12 ney on the first day of each month.

1 SEC. 8. There is hereby appropriated out of the primary road fund
2 to J. W. Daniels of Carroll, Iowa, the sum of twenty-five (25) dollars
3 in full settlement of all damage sustained by him as a result of a
4 collision of his automobile with a highway commission maintainer on
5 primary road number 71 in Carroll county, on January 25, 1935.

1 SEC. 9. There is hereby appropriated out of the primary road fund
2 to H. F. Carr of Corning, Iowa, the sum of three hundred fifty (350)
3 dollars in full settlement of all claims held by him on account of per-
4 sonal injury and automobile damage sustained in a collision with a
5 highway commission automobile on primary road number 148 in Adams
6 county, May 26, 1933.

1 SEC. 10. There is hereby appropriated out of the primary road fund
2 to Major Elton L. Titus of Iowa City, Iowa, the sum of eighteen (18)
3 dollars in settlement of his claim for damage to his automobile due to
4 collision with a roll of snow fence which fell from a highway com-
5 mission truck directly in front of his car on primary road number
6 30 in Boone county, on April 1, 1935.

1 SEC. 11. The state comptroller is hereby authorized and directed
2 to draw his warrants payable to the order of the several parties to
3 whom the appropriations are herein made in the amounts appro-
4 priated to them, and the treasurer of state is hereby authorized and
5 directed to pay said warrants and to charge the same to the primary
6 road fund of the state of Iowa.

1 SEC. 12. The receipt by the several parties named in this act of the
2 sums herein appropriated to them shall be in full settlement of all
3 claims on any and all accounts held by them against the state of Iowa
4 whatsoever and particularly all claims growing out of the matters
5 referred to in this act.

Senate File 388. Approved May 4, 1935.

CHAPTER 148

MRS. OSCAR BARNES, ET AL.

H. F. 501

AN ACT to make appropriations to Mrs. Oscar Barnes, O. D. Albrecht, O. Evald Olson, Adolph Wiese, Martin Borlaug, J. C. Robinson, Henry G. Peterson, Everett Harris, Gordon L. Elliott, and W. C. Johnson.

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

1 SECTION 1. There is hereby appropriated out of the state fair board
2 fund (188-15, 45th) to Mrs. Oscar Barnes of Des Moines, Iowa, the
3 sum of one hundred (100) dollars in settlement of her claim for dam-
4 ages on account of injury sustained by her in the stock pavilion on the
5 Iowa state fair grounds, Monday, August 27, 1934, when other spec-
6 tators became frightened and injured her as they attempted to get out
7 of said building.

1 SEC. 2. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated (10-31, 45 Extra) to O. D. Al-
3 brecht the sum of thirty-five (35) dollars to compensate him for use of
4 motorcycle and side car April 28 to May 6, 1933, to precede troops to
5 LeMars, and to O. Evald Olson the sum of fifteen (15) dollars for medi-
6 cal services rendered Private James Wolfe and Private Kenneth A.
7 Erwin in May and June, 1933, while they were in line of military duty.

1 SEC. 3. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated to Adolph Wiese the sum of three
3 hundred (300) dollars in full settlement of all claims held by him
4 against the state of Iowa on any account whatsoever and more particu-
5 larly his claim for damages sustained while he was an inmate of the
6 state penitentiary at Fort Madison, Iowa, the injury being inflicted by
7 a saw which lacked proper guards.

1 SEC. 4. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated to Martin Borlaug the sum of five
3 hundred (500) dollars in full settlement of his claim for damages on
4 account of the collapse of a bridge across Turkey river on the public
5 highway about three (3) miles south of Cresco, Iowa.

1 SEC. 5. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated to J. C. Robinson of Shelby
3 county, Iowa, the sum of nine hundred seventy-five (975) dollars in full
4 settlement of all claims held by him for damages on account of injuries
5 sustained by him, damage to his automobile, and expense incurred as
6 a result of a collision of his Chrysler coach with Iowa official car No. 37
7 on highway No. 7 in Pottawattamie county, said state car being at that
8 time operated by an employee of the state board of assessment and
9 review.

1 SEC. 6. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated the sum of one hundred (100) dol-
3 lars to Henry G. Peterson of Des Moines, Iowa, in full settlement of all
4 claims held by him against the state of Iowa on account of injuries
5 sustained on December 1, 1933, while he was doing carpenter work on
6 the state-house grounds, he having been injured while operating an

7 obsolete planer with an oblong head, which planer was unsafe for use
8 and due to its defective condition cut off a portion of the index finger
9 on the right hand and caused some injury to another finger.

1 SEC. 7. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated to Everett Harris the sum of five
3 hundred (500) dollars in full settlement of any and all claims for dam-
4 ages held by him against the state of Iowa on account of injuries sus-
5 tained while he was an inmate of the state reformatory at Anamosa on
6 or about April 5, 1932, said injury being an axe wound on the foot of
7 the claimant, which, on account of not having had proper medical
8 treatment, has caused claimant great pain and suffering and more or
9 less permanent injury.

1 SEC. 8. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated the sum of thirty (30) dollars to
3 Gordon L. Elliott of Des Moines, Iowa, in full settlement of his claim
4 against the state for reporting joint hearing of senate and house com-
5 mittees on insurance in investigation of the insurance department, as
6 authorized by House J. R. No. 6, and for two copies of transcript of
7 proceedings of said hearings, said claim being for the total sum of
8 fifty-nine (59) dollars.

1 SEC. 9. There is hereby appropriated out of any funds in the state
2 treasury heretofore appropriated to the department of the bureau of
3 labor to W. C. Johnson of Waterloo, Iowa, the sum of twenty-six (26)
4 dollars in full settlement of all claims held by him and growing out of
5 damage to his Whippet automobile as a result of a collision with a bu-
6 reau of labor automobile on or about February 27, 1935, in Waterloo,
7 Iowa.

1 SEC. 10. The state comptroller is hereby directed to issue his war-
2 rants to the several parties named in this act for the amounts herein
3 appropriated to them, said warrants to be drawn on the funds specified
4 by this act, and the treasurer of state is hereby authorized to pay said
5 warrants and charge the same to the funds specified by said warrants
6 and by this act.

1 SEC. 11. Receipt by the parties herein named of said sums appro-
2 priated by this act to them shall be in full settlement of any and all
3 claims held by them against the state of Iowa growing out of the mat-
4 ters referred to in this act and on any and all accounts whatsoever.

House File 501. Approved May 3, 1935.

CHAPTER 149

GUY BOYLES

H. F. 475

AN ACT to make an appropriation to Guy Boyles.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
 2 state treasury not otherwise appropriated to Guy Boyles of Hawarden,
 3 Iowa, the sum of one thousand (1,000) dollars in full settlement of any
 4 and all claims he now holds or may hereafter hold against the state of
 5 Iowa on account of injuries sustained by him while an inmate of the
 6 state reformatory at Anamosa, and particularly an injury sustained on
 7 October 13, 1933, while he was engaged in washing the ceiling of the
 8 mail room at said reformatory.

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
 2 rant payable to said Guy Boyles out of any funds in the state treasury
 3 not otherwise appropriated in the sum of one thousand (1,000) dollars
 4 and the treasurer of state is hereby authorized and directed to pay said
 5 warrant out of said funds.

1 SEC. 3. The receipt of said one thousand (1,000) dollars by said Guy
 2 Boyles shall be in full settlement of all claims held by him against the
 3 state of Iowa growing out of injuries sustained by him while in said
 4 reformatory.

House File 475. Approved April 29, 1935.

CHAPTER 150

ETHEL CONNER CARLSON

S. F. 310

AN ACT to make an appropriation to Ethel Conner Carlson.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
 2 state treasury, not otherwise appropriated, the sum of one thousand
 3 (1,000) dollars to Ethel Conner Carlson in full settlement of all claims
 4 held by her against the state of Iowa on account of the accidental death
 5 of her husband, Carl G. Carlson, staff sergeant of service company,
 6 133rd Infantry Iowa National Guard, during the period of the encamp-
 7 ment at Camp Dodge on August 21, 1931.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant payable to the said Ethel Conner Carlson in the sum of one thou-
 3 sand (1,000) dollars and the treasurer of state is hereby authorized
 4 and directed to pay said warrant out of any funds not otherwise
 5 appropriated.

1 SEC. 3. The receipt of said sum by said Ethel Conner Carlson shall
2 be in full settlement of any and all claims held by her against the state
3 of Iowa on any and all accounts whatsoever.

1 SEC. 4. This act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the Seymour Her-
3 ald, a newspaper published at Seymour, Iowa, and in the Batavia News,
4 a newspaper published at Batavia, Iowa.

Senate File 310. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Seymour Herald and the
Batavia News, May 2, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 151

W. J. CONLEY

H. F. 492

AN ACT to make an appropriation to W. J. Conley.

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

1 SECTION 1. There is hereby appropriated out of any money in the
2 state treasury not otherwise appropriated to W. J. Conley of Des
3 Moines, Iowa, the sum of five hundred (500) dollars in full settlement
4 of his claim for damages on account of the death of his horse known as
5 "Harvest Heart" as a result of said horse being killed when the truck
6 in which it was being transported went through a defective bridge in
7 Taylor county, Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
2 rant payable to the said W. J. Conley in the sum of five hundred (500)
3 dollars, and the treasurer of state is hereby authorized and directed to
4 pay said warrant out of any funds in the state treasury not otherwise
5 appropriated.

1 SEC. 3. Receipt of said five hundred (500) dollars by said W. J.
2 Conley shall be in full settlement of any and all claims by him against
3 the state of Iowa growing out of the accident resulting in the death of
4 said horse and injury to certain other personal property.

House File 492. Approved May 3, 1935.

CHAPTER 152

J. M. CREE

S. F. 367

AN ACT to make an appropriation to J. M. Cree.

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

1 SECTION 1. There is hereby appropriated out of any money in the
 2 state treasury not otherwise appropriated to J. M. Cree the sum of
 3 ninety-one (91) dollars and fifty (50) cents in full settlement of his
 4 claim for damage on account of a collision on February 15, 1935, be-
 5 tween his car and a state official car operated by one Walter W. Kelley,
 6 an employee of the bureau of labor at Seventh street and University
 7 avenue, Des Moines, Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant payable to the said J. M. Cree out of any funds in the state treas-
 3 ury not otherwise appropriated, and the treasurer of state is hereby
 4 directed to pay said warrant.

1 SEC. 3. Receipt of said sum by said J. M. Cree shall be in full settle-
 2 ment of any and all claims by him against the state of Iowa on any ac-
 3 counts whatsoever, and particularly on account of said automobile acci-
 4 dent.

Senate File 367. Approved May 4, 1935.

CHAPTER 153

J. T. DAVENPORT

S. F. 312

AN ACT to make an appropriation to J. T. Davenport.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund to J. T. Davenport of Albia, Iowa, the sum of thirty-six (36) dol-
 3 lars and fifty (50) cents.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant payable to J. T. Davenport against the primary road fund in the
 3 sum of thirty-six (36) dollars and fifty (50) cents, and the treasurer of
 4 the state is hereby authorized to pay said warrant and charge the same
 5 against said fund.

1 SEC. 3. The receipt of said sum by said Davenport shall be in full
 2 settlement of any and all claims held by him against the state, growing
 3 out of the payment by him of an excessive license fee over a period of
 4 years on his 1926 Nash sedan.

Senate File 312. Approved April 29, 1935.

CHAPTER 154

T. E. DIAMOND, ET AL.

S. F. 386

AN ACT to make an appropriation to T. E. Diamond, Henry C. Schull, James F. Toy, Leone Webster, and Frank C. Walrath.

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

1 SECTION 1. There is hereby appropriated out of any moneys in the
2 state treasury not otherwise appropriated to the following named per-
3 sons the amounts set opposite their names to compensate them for
4 services and to reimburse them for expenses paid in connection with the
5 legislative investigation provided for by house concurrent resolution
6 number 6, as amended, to wit:

| | | |
|----|---|----------|
| 7 | T. E. Diamond, compensation as attorney, 9 days | |
| 8 | at \$25 per day..... | \$225.00 |
| 9 | Meals | 21.40 |
| 10 | Hotel | 25.00 |
| 11 | Mileage | 35.10 |
| 12 | Storage | 4.00 |
| 13 | Henry C. Schull, witness, mileage..... | 20.00 |
| 14 | James F. Toy, witness, mileage..... | 20.00 |
| 15 | Leone Webster, extra clerical help..... | 32.50 |
| 16 | Frank C. Walrath, reporter, 11 days reporting and | |
| 17 | 9 copies of transcript..... | 759.60 |

1 SEC. 2. The state comptroller is hereby authorized and directed to
2 draw his warrant to each of said persons above named in the amounts
3 hereby appropriated to them respectively, and the treasurer of state is
4 hereby authorized and directed to pay the same out of any funds in
5 the state treasury not otherwise appropriated.

1 SEC. 3. The receipt of said sums by said persons shall be in full
2 settlement of all claims of said persons incurred pursuant to said house
3 concurrent resolution number 6.

1 SEC. 4. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Humeston New Era, a newspaper published at Humeston, Iowa, and
4 The Seymour Herald, a newspaper published at Seymour, Iowa.

Senate File 386. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Humeston New Era, May 8, 1935, and The Seymour Herald, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 155

CARL FEUCHT AND THE NATIONAL REFINING COMPANY

H. F. 479

AN ACT to make appropriations to Carl Feucht and the National Refining Company.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund of the state of Iowa to Carl Feucht of Larchwood, Iowa, the sum
3 of twenty-seven (27) dollars and ninety (90) cents in full settlement
4 of his claim for damage on account of repairs to his automobile due to
5 a collision with highway commission truck on primary road number
6 nine (9), in Lyon county, November 3, 1934, and to the National Re-
7 fining Company of Dubuque, Iowa, the sum of sixty-seven (67) dollars
8 and thirty (30) cents in full settlement of its claim for damages to a
9 gasoline tank resulting from a collision with a highway commission
10 truck on primary road number fifty-eight (58) in Grundy county,
11 on January 24, 1935.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
2 rants payable to said parties out of the primary road fund in said
3 amounts respectively, and the treasurer of state is hereby authorized
4 and directed to pay the same out of said fund.

1 SEC. 3. Receipt of said sums by said parties respectively, shall be
2 in full settlement of any and all claims held by them against the state
3 of Iowa on any and all accounts whatsoever.

House File 479. Approved April 29, 1935.

CHAPTER 156

JOHN F. FISCHER

S. F. 318

AN ACT to make an appropriation to John F. Fischer.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund of the state of Iowa to John F. Fischer of Dickens, Iowa, the sum
3 of two hundred (200) dollars.

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
2 rant to said party for said sum, and the treasurer of state is hereby
3 authorized and directed to pay the same from the primary road fund
4 of the state of Iowa.

1 SEC. 3. Receipt of said sum by said John F. Fischer shall be in full
2 settlement of all claims he has or may have against the state of Iowa on
3 account of the loss of some ten acres of his potato crop due to the
4 construction of primary road number eighteen (18) along the south
5 edge of the town of Dickens in Clay county, Iowa, without sufficient
6 provision for drainage and including any and all accounts and claims
7 whatsoever against the state of Iowa.

Senate File 318. Approved April 29, 1935.

CHAPTER 157

CHARLES FLINCHUM

H. F. 473

AN ACT to make an appropriation to Charles Flinchum.

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

1 SECTION 1. There is hereby appropriated out of any money in the
2 state treasury not otherwise appropriated to Charles Flinchum the
3 sum of fifty (50) dollars in settlement of his claim against the state of
4 Iowa on account of the loss of his thumb on December 8, 1933, as the
5 result of an injury sustained in the prison laundry at Fort Madison,
6 Iowa.

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
2 rant for said sum payable to said Charles Flinchum, and the treasurer
3 of state is hereby authorized and directed to pay said warrant out of
4 any funds in the state treasury not otherwise appropriated.

1 SEC. 3. The receipt of said sum by said Charles Flinchum shall be
2 in full settlement of any and all claims held by him against the state of
3 Iowa growing out of said accident.

House File 473. Approved April 29, 1935.

CHAPTER 158

RALPH FOSTER

S. F. 304

AN ACT to make an appropriation to Ralph Foster.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund to Ralph Foster of Red Oak, Iowa, the sum of fifty-two (52) dol-
3 lars and ninety-nine (99) cents.

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
2 rant to said Ralph Foster for said sum, and the state treasurer is
3 hereby authorized and directed to pay the same from the primary road
4 fund.

1 SEC. 3. Receipt of said sum by said Ralph Foster shall be in full
2 settlement of all claims against the state of Iowa on account of damage
3 to his Dodge truck in collision with highway commission Ford truck
4 and snow plow on primary road number forty-eight (48) in Page
5 county, Iowa, January 13, 1934, and including any and all accounts of
6 claims whatsoever against the state of Iowa.

Senate File 304. Approved April 29, 1935.

CHAPTER 159

R. E. FRISBY AND D. A. LUIING

H. F. 455

AN ACT to make an appropriation to R. E. Frisby and D. A. Luining.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund to R. E. Frisby of Nashua, Iowa, the sum of seven (7) dollars and
 3 ten (10) cents and to D. A. Luining of Rhodes, Iowa, the sum of one hun-
 4 dred two (102) dollars in full payment of the claim of said Frisby, on
 5 account of damage to his wagon and harness in a collision with a high-
 6 way commission truck on primary road number two hundred eighteen
 7 (218) about one mile south of Nashua, Iowa, on December 14, 1933,
 8 and the claim of said D. A. Luining for damage to his automobile, personal
 9 injury, and auto rental due to collision with a highway commission auto-
 10 mobile on June 15, 1934, on a secondary road south of Rhodes, Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rants to said parties for said sums respectively, and the treasurer of
 3 state is hereby authorized and directed to pay said warrants out of the
 4 primary road fund.

1 SEC. 3. The receipt of said sums by said parties shall be in full set-
 2 tlement of any and all claims held by them against the state of Iowa.

House File 455. Approved April 29, 1935.

CHAPTER 160

H. J. GOERNER

S. F. 311

AN ACT to make an appropriation to H. J. Goerner.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund to H. J. Goerner of Burlington, Iowa, the sum of eighteen
 3 dollars, the same being a refund to him of the amount he paid on his
 4 Ajax automobile in excess of what he was required by law to pay as a
 5 license fee on said vehicle, covering the years 1929 to 1932, inclusive.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant payable to the said H. J. Goerner in the sum of eighteen dollars,
 3 and the treasurer of state is hereby authorized to pay such warrant
 4 and charge the same against said fund; and the receipt of said sum
 5 by said Goerner shall be in full settlement of any and all claims by him
 6 against the state of Iowa on and in all accounts whatsoever.

Senate File 311. Approved April 29, 1935.

CHAPTER 161

A. C. GREEN AND HANS BOECK

S. F. 319

AN ACT to make an appropriation to A. C. Green and Hans Boeck.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund to the following named persons, the amounts set opposite their
 3 names, to wit:
 4 A. C. Green, Denison.....\$26.80
 5 Hans Boeck 23.25

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
 2 rants to said parties for said sums respectively, and the treasurer of
 3 state is hereby authorized and directed to pay the same from the pri-
 4 mary road fund of the state of Iowa.

1 SEC. 3. The receipt of the said sums by said parties respectively,
 2 shall be in full settlement of all claims and damages they may hold
 3 against the state of Iowa arising out of a collision on March 31, 1934,
 4 of an automobile with a highway commission Chevrolet truck and
 5 snow plow on primary road number thirty (30) in Carroll county, Iowa.

Senate File 319. Approved April 29, 1935.

CHAPTER 162

MAMIE V. GRIMSO

H. F. 477

AN ACT to make an appropriation to Mamie V. Grimso.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
 2 state treasury not otherwise appropriated to Mamie V. Grimso, the sur-
 3 viving spouse of Hans A. Grimso, the sum of one thousand six hundred
 4 (1,600) dollars in full settlement of any and all claims against the state
 5 on account of the death of said Hans A. Grimso, as a result of the col-
 6 lapse of a bridge on the public highway near Cresco, Iowa, on or about
 7 October 5, 1933.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant to Mamie V. Grimso, surviving spouse of Hans A. Grimso, for the
 3 sum of one thousand six hundred (1,600) dollars payable out of any
 4 funds in the state treasury not otherwise appropriated, and the state
 5 treasurer is hereby authorized to pay said warrant out of said fund.

1 SEC. 3. Receipt of said one thousand six hundred (1,600) dollars by
 2 said Mamie V. Grimso shall be in full settlement of any and all claims
 3 by her and by the estate of said decedent growing out of the accidental
 4 death of said Hans A. Grimso.

House File 477. Approved April 29, 1935.

CHAPTER 163

ROBERT HALL, ET AL.

S. F. 305

AN ACT to make an appropriation to Robert Hall, the Anderson Auto Exchange, and Roy Veldhuizen.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund to the following persons the amounts set opposite their names,
3 to wit:

| | | |
|---|--------------------------------------|---------|
| 4 | Robert Hall, St. Louis, Mo..... | \$15.00 |
| 5 | Anderson Auto Exchange, Corning..... | 6.48 |
| 6 | Roy Veldhuizen, Lansing..... | 7.61 |

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
2 rants to said parties for said sums respectively, and the treasurer of
3 state is hereby authorized and directed to pay the same from the pri-
4 mary road fund of the state of Iowa.

1 SEC. 3. Receipt of said sums by said parties respectively, shall be
2 in full settlement of all claims and damages they may hold against the
3 state of Iowa on any and all accounts whatsoever, including a collision
4 of the Plymouth sedan of Robert Hall with a highway commission
5 Chevrolet truck and snow plow on primary road number thirty-four
6 (34) in Jefferson county, Iowa, on December 2, 1934; including cost of
7 repair of automobile owned by Mr. Wheeler of Corning, Iowa, which
8 was damaged in a collision with highway commission roller in Corning
9 on or about May 6, 1934, and including a collision of the Plymouth
10 automobile of Roy Veldhuizen with highway commission power main-
11 tainer on primary road number ten (10) in Wright county, Iowa,
12 August 4, 1934.

Senate File 305. Approved April 29, 1935.

CHAPTER 164

H. W. HANSON, ESTATE CLEO D. ALLEN

S. F. 375

AN ACT to make an appropriation to H. W. Hanson as administrator of the estate of Cleo D. Allen, deceased.

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

1 SECTION 1. There is hereby appropriated out of any money in the
2 state treasury not otherwise appropriated to H. W. Hanson as admin-
3 istrator of the estate of Cleo D. Allen, deceased, the sum of two hun-
4 dred eighty-nine (289) dollars in full settlement of his claim against
5 the state for a soldiers bonus.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
2 rant to said H. W. Hanson as administrator of the estate of Cleo D.
3 Allen, deceased, payable out of any funds in the state treasury not
4 otherwise appropriated in the sum of two hundred eighty-nine (289)

5 dollars and the treasurer of state is hereby authorized and directed to
6 pay said warrant out of said funds.

1 SEC. 3. Receipt of said two hundred eighty-nine (289) dollars by
2 said administrator shall be in full settlement of any and all claims
3 against the state on account of failure heretofore to pay said bonus to
4 said Cleo D. Allen or his estate.

Senate File 375. Approved May 4, 1935.

CHAPTER 165

CHARLES HAZEN, ET AL.

S. F. 317

AN ACT to make an appropriation to Charles Hazen, J. F. Hollingsworth, O. P. M. Criley and the Sunshine Store.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund to the following named persons and company, the amounts set
3 opposite their names:

| | | |
|---|------------------------------------|---------|
| 4 | Charles Hazen of Belle Plaine..... | \$ 2.30 |
| 5 | J. F. Hollingsworth of Nevada..... | 13.50 |
| 6 | O. P. M. Criley of Ottumwa..... | 1.12 |
| 7 | Sunshine Store, Centerville..... | 12.48 |

8 The above appropriations are made to reimburse said parties for loss
9 and damage sustained by them on January 3, 1935, December 1, 1934,
10 and December 3, 1934, respectively, in the operation by the state high-
11 way commission on certain primary highways of snow plows in the
12 removal of snow from said highways.

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
2 rants to said parties for said sums respectively, and the treasurer of
3 state is hereby authorized and directed to pay the same from the pri-
4 mary road fund of the state of Iowa.

1 SEC. 3. Receipt of said sums by said parties respectively, shall be in
2 full settlement of all claims and damages they may hold against the
3 state of Iowa on account of injuries sustained by them.

Senate File 317. Approved April 29, 1935.

CHAPTER 166

H. L. HELLER, ET AL.

S. F. 374

AN ACT to make an appropriation to H. L. Heller, M. V. Harmon, L. C. Syfert, W. M. Cutter, Carl Weeks, Walter Kiser, Joe Michels, E. E. Peterson, E. Kennedy, Carl R. Ryder, Elsie Maden, Mrs. J. H. Kelley, and H. M. Kelley.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund to H. L. Heller of Ottumwa, Iowa, the sum of two (2) dollars in
3 full settlement of damages on account of collision with highway com-
4 mission snow plow on primary road number 34 in Jefferson county on
5 November 30, 1934.

1 SEC. 2. There is hereby appropriated out of the primary road fund
2 to M. V. Harmon of Des Moines, Iowa, the sum of nineteen (19) dollars
3 in full settlement of damages due to collision with highway commis-
4 sion truck on primary road number 6 in Jasper county on January
5 22, 1935.

1 SEC. 3. There is hereby appropriated out of the primary road fund
2 to L. C. Syfert, Keosauqua, Iowa, the sum of thirty-three (33) dollars
3 and forty-four (44) cents in full settlement of damages due to colli-
4 sion with highway commission car on primary road number 1 in Van
5 Buren county on May 14, 1934.

1 SEC. 4. There is hereby appropriated out of the primary road fund
2 to W. M. Cutter, the sum of ten (10) dollars and forty-three (43) cents
3 in full settlement of damages to automobile due to collision with high-
4 way commission truck, which occurred on primary road number 34 in
5 Jefferson county on December 19, 1934.

1 SEC. 5. There is hereby appropriated out of the primary road fund
2 to Carl Weeks of Des Moines, Iowa, the sum of eight (8) dollars and
3 thirty-four (34) cents in full settlement of damages to automobile
4 through collision with highway commission car in Indianola, Iowa,
5 December 31, 1934.

1 SEC. 6. There is hereby appropriated out of the primary road fund
2 to Walter Kiser of Wilton Junction, Iowa, the sum of twenty-four (24)
3 dollars and twenty-six (26) cents in full settlement of damages to
4 Chevrolet truck as a result of collision with highway commission mo-
5 tor patrol on primary road number 38 in Cedar county, on July 23, 1934.

1 SEC. 7. There is hereby appropriated out of the primary road fund
2 to Joe Michels of Springbrook, Iowa, the sum of four (4) dollars and
3 twenty-five (25) cents in full settlement of damages to his automobile
4 as a result of collision with a highway commission motor patrol on
5 primary road number 55 in Jackson county on February 8, 1935.

1 SEC. 8. There is hereby appropriated out of the primary road fund
2 to E. E. Peterson, Murray, Iowa, the sum of thirty-six (36) dollars and
3 fifty-eight (58) cents in full settlement of damages to his Oldsmobile
4 coupe as a result of collision with a highway commission snow plow on
5 primary road number 65 in Warren county, January 16, 1935.

1 SEC. 9. There is hereby appropriated out of the primary road fund
2 to Ed Kennedy of Coon Rapids, Iowa, the sum of ten (10) dollars in
3 full settlement of damages to his automobile as a result of a collision
4 with a highway commission automobile in Jefferson, Iowa, December
5 16, 1934.

1 SEC. 10. There is hereby appropriated out of the primary road fund
2 to Carl R. Ryder of Des Moines, Iowa, the sum of nineteen (19) dollars
3 and thirty-seven (37) cents in full settlement of damages to his
4 Plymouth coupe sustained when struck by gravel thrown from high-
5 way commission truck on primary highway number 6 in Polk county,
6 December 10, 1934.

1 SEC. 11. There is hereby appropriated out of the primary road fund
2 to Elsie Maden of Brighton, Iowa, the sum of eight (8) dollars and
3 fifty (50) cents in full settlement of damages to her automobile sus-
4 tained as a result of a collision with a highway commission power
5 maintainer in Washington, Iowa, on February 23, 1935.

1 SEC. 12. There is hereby appropriated out of the primary road fund
2 to Mrs. J. H. Kelley and H. M. Kelley, Washington, Iowa, the sum of
3 three hundred fifty-four (354) dollars and forty (40) cents in full
4 settlement of the claim of the former on account of personal injuries
5 and in full settlement of the claim of the latter on account of damages
6 and expense incidental and growing out of a collision with a highway
7 commission snow plow on primary road number 2 in Keokuk county
8 on January 13, 1934.

1 SEC. 13. The state comptroller is hereby authorized and directed to
2 draw his several warrants in favor of the above named parties re-
3 spectively, in payment of the above appropriations, and the treasurer
4 of state is hereby directed to pay said claims out of the primary road
5 fund.

1 SEC. 14. Receipt by the above named parties respectively, of the
2 amounts herein appropriated to them shall be in full settlement of any
3 and all claims and demands held by them against the state of Iowa
4 on any and all accounts whatsoever and particularly on account of the
5 items specifically referred to in this act.

Senate File 374. Approved May 4, 1935.

CHAPTER 167
LEE HURLBURT
S. F. 308

AN ACT to make an appropriation to Lee Hurlburt.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund to Lee Hurlburt, Cedar Falls, Iowa, the sum of fifty-one (51) dol-
3 lars and forty-eight (48) cents.

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
2 rant to said Lee Hurlburt for said sum, and the treasurer of state is
3 hereby authorized and directed to pay the same from the primary road
4 fund of the state of Iowa.

1 SEC. 3. Receipt of said sum by said party shall be in full settlement
2 of all claims he may have against the state of Iowa on account of a
3 collision of his Ford V-8 truck with a highway commission Coleman
4 truck and snow plow on primary road number twenty (20) in Black
5 Hawk county, November 30, 1934.

Senate File 308. Approved April 29, 1935.

CHAPTER 168
HERMAN JORDAN AND WILL AGER
S. F. 315

AN ACT to make an appropriation to Herman Jordan and Will Ager.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund of the state of Iowa to the following named persons the amounts
3 set opposite their names, to wit:

4 Herman Jordan of Frederika.....\$71.55
5 Will Ager of Frederika..... 42.82

1 SEC. 2. The state comptroller is hereby authorized to issue his
2 warrants to said parties for said sums respectively, and the treasurer
3 of state is hereby authorized and directed to pay the same from the
4 primary road fund.

1 SEC. 3. The receipt of said sums by said parties respectively, shall
2 be in full settlement of all claims and demands they have against the
3 state of Iowa on any account whatsoever, including their claims for
4 damages to property caused by employees of highway commission
5 blasting in quarry in Bremer county, Iowa, during CWA operations in
6 the winter of 1933-34.

Senate File 315. Approved April 29, 1935.

CHAPTER 169

GEORGE KANAK

H. F. 482

AN ACT to make an appropriation to George Kanak.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund the sum of twenty-five hundred (2,500) dollars to George Kanak
 3 of Iowa City, Iowa, in full settlement of all damages sustained by him
 4 as a result of a collision of his automobile with a state highway com-
 5 mission tractor on primary road number fourteen (14) in Floyd
 6 county, Iowa, November 23, 1934.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant to the said George Kanak in the sum of twenty-five hundred
 3 (2,500) dollars and the treasurer of state is hereby authorized and
 4 directed to pay said warrant and charge the same to the primary road
 5 fund of the state of Iowa.

1 SEC. 3. Receipt of said sum by the said George Kanak shall be in
 2 full settlement of any and all claims held by him now or hereafter aris-
 3 ing out of said accident.

House File 482. Approved April 29, 1935.

CHAPTER 170

JOHN KANAK

H. F. 483

AN ACT to make an appropriation to John Kanak.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund to John Kanak of Iowa City, Iowa, the sum of five hundred (500)
 3 dollars in settlement of personal injury sustained by him as a result of
 4 a collision with a state highway commission tractor on primary road
 5 number fourteen (14) in Floyd county, Iowa, November 23, 1934.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant payable to said John Kanak out of the primary road fund in the
 3 sum of five hundred (500) dollars and the treasurer of state is hereby
 4 authorized and directed to pay said warrant out of said fund.

1 SEC. 3. Receipt of said five hundred (500) dollars by said John
 2 Kanak shall be in full settlement of any and all claims by him against
 3 the state of Iowa growing out of said collision.

House File 483. Approved April 29, 1935.

CHAPTER 171

CLARENCE R. KILLION

H. F. 476

AN ACT to make an appropriation to Clarence R. Killion.

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

1 SECTION 1. There is hereby appropriated out of any money in the
 2 state treasury not otherwise appropriated to Clarence R. Killion of
 3 Fairfield, Iowa, the sum of three hundred fifty (350) dollars in full
 4 settlement of his claim for a soldiers bonus, it being shown that he is
 5 an honorably discharged soldier and that he had never previously re-
 6 ceived said bonus.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant to said Clarence R. Killion for the sum of three hundred fifty
 3 (350) dollars and the treasurer of state is hereby authorized and di-
 4 rected to pay the same, charging the sum against said funds.

1 SEC. 3. The receipt of said three hundred fifty (350) dollars by said
 2 Clarence R. Killion shall be in full settlement of any and all claims
 3 held by him against the state of Iowa for a soldiers bonus.

House File 476. Approved April 29, 1935.

CHAPTER 172

W. B. KING

S. F. 313

AN ACT to make an appropriation to W. B. King.

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

1 SECTION 1. There is hereby appropriated, out of any funds now in
 2 the state treasury heretofore appropriated for the Iowa state college of
 3 agriculture and mechanic arts, to W. B. King of Ames, Iowa, the sum
 4 of one hundred (100) dollars in settlement of his claim for damage on
 5 account of the loss of an eye while he was engaged in doing research
 6 work in the interests of said college on November 30, 1926.

1 SEC. 2. The state comptroller is hereby directed to draw his war-
 2 rant to the said W. B. King for the sum of one hundred (100) dollars
 3 and the treasurer of state is hereby authorized to pay the same out of
 4 any funds in his hands heretofore appropriated to said college.

1 SEC. 3. The receipt of said sum by the said W. B. King shall be in
 2 full settlement of any and all claims held by him against the state of
 3 Iowa growing out of injuries to his left eye resulting in the loss of that
 4 eye.

Senate File 313. Approved April 29, 1935.

CHAPTER 173

JAMES KNOX

S. F. 309

AN ACT to make an appropriation to James Knox.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund to James Knox, 214 Michigan Theatre Building, Ann Arbor,
 3 Michigan, the sum of sixty-three (63) dollars and fifty-nine (59) cents
 4 to compensate him for damages to his Ford automobile sustained in a
 5 collision with highway commission Chevrolet truck and snow plow on
 6 primary road number one hundred forty-nine (149) in Keokuk county,
 7 Iowa, on March 24, 1934.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant to said James Knox, and the treasurer of state is hereby author-
 3 ized and directed to pay the same from the primary road fund of the
 4 state of Iowa.

1 SEC. 3. Receipt of said sum by said James Knox shall be in full
 2 settlement of all claims he may hold against the state of Iowa on all
 3 accounts whatsoever.

Senate File 309. Approved April 29, 1935.

CHAPTER 174

C. A. LENZ

S. F. 306

AN ACT to make an appropriation to C. A. Lenz.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund of the state of Iowa to C. A. Lenz, the sum of fifty (50) dollars
 3 and forty (40) cents.

1 SEC. 2. The state comptroller is hereby authorized to issue his
 2 warrant to said C. A. Lenz for said sum, and the treasurer of state is
 3 hereby authorized and directed to pay the same from the primary
 4 road fund.

1 SEC. 3. Receipt of said sum by said C. A. Lenz shall be in full set-
 2 tlement of all claims he has against the state of Iowa on any account
 3 whatsoever, including a claim for damage to his Ford automobile re-
 4 sulting from a collision with a highway commission truck and trailer
 5 on primary road number eighteen (18) in Nora Springs, Iowa, Febru-
 6 ary 7, 1935.

Senate File 306. Approved April 29, 1935.

CHAPTER 175

REED McMURRAY AND ROY MARINELLI

H. F. 481

AN ACT to make an appropriation to Reed McMurray and Roy Marinelli.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund to Reed McMurray the sum of one hundred fifty-five (155) dol-
 3 lars and to Roy Marinelli the sum of twenty-eight (28) dollars and
 4 fifty-seven (57) cents in full settlement of all damages sustained by
 5 them as a result of an automobile accident when one of claimants
 6 drove into an unlighted obstruction and hole in the pavement where
 7 repairs were being made on primary road number sixty-three (63) in
 8 Wapello county, Iowa, on the night of November 21, 1934.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rants to said parties for said sums respectively, and the treasurer of
 3 state is hereby authorized to pay said warrants and charge the same
 4 to the primary road fund of the state of Iowa.

1 SEC. 3. Receipt of said sums by said parties respectively, shall be in
 2 full settlement of any and all claims that they may have against the
 3 state of Iowa growing out of said accident.

House File 481. Approved April 29, 1935.

CHAPTER 176

CRAIG MILLER

S. F. 303

AN ACT to make an appropriation to Craig Miller.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund to Craig Miller, the sum of twenty (20) dollars and seventy-seven
 3 (77) cents to compensate him for damages to his Ford V-8 automobile
 4 in a collision with FWD truck and snow plow on primary road num-
 5 ber fifteen (15) in Story county, December 15, 1934.

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
 2 rant to said party for said sum, and the treasurer of state is hereby
 3 authorized and directed to pay the same from the primary road fund
 4 of the state of Iowa.

1 SEC. 3. Receipt of said sum by said Craig Miller shall be in full
 2 settlement of any and all claims he may hold against the state of Iowa
 3 on account of said collision.

Senate File 303. Approved April 29, 1935.

CHAPTER 177

JOHN H. MITCHELL AND GARRITT E. ROELOFS

S. F. 323

AN ACT to make an appropriation to John H. Mitchell and Garritt E. Roelofs.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
 2 state treasury not otherwise appropriated, to Honorable John H.
 3 Mitchell, speaker of the house of representatives, and to Senator Gar-
 4 ritt E. Roelofs, each the sum of one hundred (100) dollars in payment
 5 of expenses incurred by them as delegates to the second Interstate
 6 Assembly held at Washington, D. C., February 28 and March 1 and 2,
 7 1935, to consider said federal and state policies, said expenses being
 8 incurred pursuant to house concurrent resolution 11.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rants payable to said parties in the amounts herein appropriated, and
 3 the treasurer of state is hereby authorized and directed to pay the
 4 same out of any funds in the state treasury not otherwise appropriated.

1 SEC. 3. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its publication in the Allerton
 3 News, a newspaper published at Allerton, Iowa, and the Remsen Bell-
 4 Enterprise, a newspaper published at Remsen, Iowa.

Senate File 323. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Allerton News and the Remsen Bell-Enterprise, May 2, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 178

HORACE PALMER

H. F. 505

AN ACT to make an appropriation to Horace Palmer.

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

1 SECTION 1. There is hereby appropriated, out of the primary road
 2 fund of the state of Iowa, to Horace Palmer, the sum of seven (7)
 3 dollars in full settlement of his claim against the state of Iowa and
 4 the Iowa state highway commission.

1 SEC. 2. The state comptroller is hereby authorized to draw a war-
 2 rant against the primary road fund in favor of Horace Palmer for the
 3 sum of seven (7) dollars and the state treasurer is hereby directed to
 4 pay the same out of said fund.

1 SEC. 3. The receipt of said seven (7) dollars by the said Horace
 2 Palmer shall be in full settlement of all claims held by him against
 3 the state of Iowa and the Iowa state highway commission on any and
 4 all accounts whatsoever.

House File 505. Approved May 4, 1935.

CHAPTER 179

ARTHUR H. PETERSON

H. F. 480

AN ACT to make an appropriation to Arthur H. Peterson.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund to Arthur H. Peterson of Des Moines, Iowa, the sum of thirty
 3 (30) dollars in full settlement of any and all claims he now holds
 4 or may hold against the state of Iowa on account of his driving his auto-
 5 mobile into an unlighted obstruction and hole in the pavement on
 6 primary road number sixty-five (65) in Polk county, Iowa, on the
 7 night of November 21, 1934.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
 2 rant to the said Arthur H. Peterson in the sum of thirty (30) dollars
 3 and the state treasurer is hereby authorized to pay said warrant out
 4 of said fund, receipt of which sum by said Peterson shall be in full
 5 settlement of any and all claims held by him growing out of said
 6 accident.

House File 480. Approved April 29, 1935.

CHAPTER 180

DORIS SOVEREIGN AND W. H. BONGARTZ

S. F. 316

AN ACT to make an appropriation to Doris Sovereign and W. H. Bongartz.

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

1 SECTION 1. There is hereby appropriated out of the primary road
 2 fund of the state of Iowa to the following named persons the amounts
 3 set opposite their names, to wit:

| | |
|---------------------------------|---------|
| 4 Doris Sovereign, Cresco..... | \$25.00 |
| 5 W. H. Bongartz, Waterloo..... | 8.00 |

1 SEC. 2. The state comptroller is hereby authorized to issue his war-
 2 rants to said parties for said sums respectively, and the treasurer of
 3 state is authorized to pay the same from the primary road fund of
 4 the state of Iowa.

1 SEC. 3. The receipt of said sums by said parties respectively, shall
 2 be in full settlement of all claims and demands they have against the
 3 state of Iowa on any account whatsoever, including the claim for dam-
 4 age to the Chevrolet coupe of Doris Sovereign resulting from a col-
 5 lision with a highway commission Monarch tractor and snow plow
 6 on primary road number nine (9) in Howard county, Iowa, December
 7 28, 1934, and including claim for damage to Chrysler automobile of
 8 W. H. Bongartz resulting from collision with a highway commission
 9 Ford truck on primary road number twenty-four (24) in Chickasaw
 10 county, October 2, 1934.

Senate File 316. Approved April 29, 1935.

CHAPTER 181

JAMES SPAIN

H. F. 493

AN ACT to make an appropriation to James Spain.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund to James Spain, Parkersburg, Iowa, the sum of one hundred (100)
3 dollars in full settlement of all claims by him for damage on account
4 of the construction of primary road number 14 near and adjacent
5 to land owned by him in Butler county, Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
2 rant payable to the said James Spain out of the primary road fund in
3 the sum of one hundred (100) dollars, and the treasurer of state is
4 hereby authorized and directed to pay said warrant and charge the
5 same against said funds.

1 SEC. 3. Receipt of said one hundred (100) dollars by said James
2 Spain shall be in full settlement of any and all claims by him against
3 the state of Iowa growing out of the construction and improvement
4 of said primary highway.

House File 493. Approved May 3, 1935.

CHAPTER 182

MARION STEPHENS

H. F. 474

AN ACT to make an appropriation to Marion Stephens.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
2 state treasury not otherwise appropriated to Marion Stephens the
3 sum of two hundred fifty (250) dollars in settlement of his claim
4 against the state of Iowa on account of injuries sustained by him in
5 an assault made upon him by various persons on April 28, 1933, while
6 he was employed as a special state agent for the state of Iowa under
7 appointment by the governor, while said Marion Stephens was at-
8 tempting to assist the sheriff of Crawford county in holding a sher-
9 iff's sale pursuant to order of the district court.

1 SEC. 2. The state comptroller is hereby directed to issue his war-
2 rant for two hundred fifty (250) dollars payable to said Marion
3 Stephens out of any funds in the state treasury not otherwise appro-
4 priated, and the treasurer of state is hereby authorized and directed
5 to pay said warrant out of said funds.

1 SEC. 3. Receipt of said sum by said Marion Stephens shall be in full
2 settlement of all claims held by him against the state of Iowa growing
3 out of said assault.

House File 474. Approved April 29, 1935.

CHAPTER 183

E. A. SUMMERVILLE

S. F. 307

AN ACT to make an appropriation to E. A. Summerville.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund of the state of Iowa to E. A. Summerville, the sum of forty-eight
3 (48) dollars and two (2) cents.

1 SEC. 2. The state comptroller is hereby authorized to issue his
2 warrant to said party for said sum, and the treasurer of state is hereby
3 authorized and directed to pay the same from the primary road fund.

1 SEC. 3. Receipt of said sum by said E. A. Summerville shall be in
2 full settlement of all claims he has against the state of Iowa on any
3 account whatsoever, including damage to his Chevrolet automobile
4 in a collision with a highway commission Ford truck on primary road
5 number sixty-one (61) in Muscatine county on January 3, 1935.

Senate File 307. Approved April 29, 1935.

CHAPTER 184

J. M. VERNON, ET AL.

S. F. 366

AN ACT to make an appropriation to J. M. Vernon, Edd Scantlebury, and Miles Baier.

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

1 SECTION 1. There is hereby appropriated out of any money in the
2 state treasury not otherwise appropriated to J. M. Vernon the sum
3 of thirty-three (33) dollars and fifty-five (55) cents in payment of
4 his claim for veterinary services rendered to the state on January 16,
5 March 2, and April 18, 1933, under direction of the state department
6 of agriculture.

1 SEC. 2. There is hereby appropriated out of any money in the state
2 treasury not otherwise appropriated to Edd Scantlebury the sum of
3 ten (10) dollars and sixty (60) cents for veterinary services rendered
4 under the direction of the state department of agriculture, July 21
5 and July 22, 1934, in connection with the testing of horses for glanders.

1 SEC. 3. There is hereby appropriated to Miles Baier of Hampton,
2 Iowa, out of any money in the state treasury not otherwise appro-
3 priated, the sum of two hundred fifty (250) dollars in payment for
4 two horses destroyed under order of the state department of agri-
5 culture on July 27, 1934, on account of being infected with glanders.

1 SEC. 4. The state comptroller is hereby directed to issue his war-
2 rants payable to said parties for the above amounts respectively, and
3 the treasurer of state is hereby authorized and directed to pay said

4 warrants out of any funds in the state treasury not otherwise appro-
5 priated.

1 SEC. 5. Receipt by the parties above named of the amounts herein
2 appropriated to them respectively, shall be in full settlement of any
3 and all claims by them against the state of Iowa on account of the
4 matters set out in their several claims, as above specified.

Senate File 366. Approved May 4, 1935.

CHAPTER 185

SIMON WARNER, ET AL.

S. F. 397

AN ACT to make appropriations to Simon Warner, Donald Warner, L. C. Meader, John F. Fischer, Clarence A. Altemeir, Harold Manders, Dorothy Manders, Faye Elizabeth Tollari, Julia E. Bell, James E. Bell, Andrew Florine, D. A. Luing, R. E. Frisby, and Frank Comp.

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

1 SECTION 1. There is hereby appropriated out of the primary road
2 fund to Simon Warner the sum of sixty (60) dollars and to Donald
3 Warner the sum of sixty (60) dollars, and to L. C. Meader the sum of
4 sixty-seven (67) dollars in full settlement of their claims against the
5 state highway commission for labor performed on tile contract on
6 primary road number 88 in Polk county in the fall of 1934.

1 SEC. 2. There is hereby appropriated out of the primary road fund
2 to the following named parties the amounts set opposite their names in
3 full settlement of damages sustained by them as a result of a collision
4 of a school bus, in which they were riding, with a highway commission
5 truck in the town of Waukee, Iowa, to wit:

| | | |
|---|------------------------------|----------|
| 6 | Clarence A. Altemeir | \$ 75.00 |
| 7 | Harold Manders | 150.00 |
| 8 | Dorothy Manders | 150.00 |
| 9 | Faye Elizabeth Tollari | 125.00 |

1 SEC. 3. There is hereby appropriated out of the primary road fund
2 to Julia E. Bell of Burlington, Iowa, the sum of one thousand seventy-
3 five (1,075) dollars and to James E. Bell of Burlington, Iowa, the
4 sum of five hundred (500) dollars in full settlement of any and all
5 claims held by them against the state of Iowa and the Iowa state
6 highway commission on account of injuries and damage sustained by
7 them when their automobile skidded on the pavement and turned over
8 in the ditch on primary road number 61 immediately north of Dav-
9 enport in Scott county, Iowa, on October 30, 1933.

1 SEC. 4. There is hereby appropriated out of any money in the
2 state treasury not otherwise appropriated, to Andrew Florine, the
3 sum of three hundred (300) dollars in full settlement of all claims
4 and demands held by him against the state of Iowa on account of
5 personal injuries sustained by him and damages to his automobile as
6 a result of driving upon a bridge located on an abandoned portion of
7 primary road number 113 in Jones county, on January 13, 1933, from
8 which bridge the floor had been removed, a barricade placed on said

9 highway by the highway commission to prevent the use of said road,
10 barricade of which had been wrongfully removed by parties unknown.

1 SEC. 5. There is hereby appropriated out of the primary road fund
2 to Frank Comp of Winterset, Iowa, the sum of thirty (30) dollars in
3 full settlement of his claim against the state of Iowa for forty-two
4 (42) dollars and ninety (90) cents on account of damage to his auto-
5 mobile as a result of a collision with a state highway commission
6 grader after dark and during a snow storm, on primary highway
7 number 2 in Madison county on January 12, 1934.

1 SEC. 6. The state comptroller is hereby authorized and directed
2 to draw his warrants payable to the parties named in this act for the
3 amounts appropriated to them respectively, and the treasurer of state
4 is hereby authorized and directed to pay said warrants and charge the
5 same to the funds specified in this act.

1 SEC. 7. The receipt of said warrants by the several parties named
2 in this act shall be in full settlement of all claims and demands held
3 by them against the state of Iowa, and particularly their claims based
4 on the matters referred to in this act.

1 SEC. 8. This act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication in the
3 Allerton News, a newspaper published at Allerton, Iowa, and in the
4 Seymour Herald, a newspaper published at Seymour, Iowa.

Senate File 397. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Allerton News and the
Seymour Herald, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 186

EARL WYMORE

S. F. 401

AN ACT to make an appropriation to Earl Wymore.

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

1 SECTION 1. There is hereby appropriated out of any money hereto-
2 fore appropriated to the fish and game department of the state of Iowa
3 to Earl Wymore of Rose Hill, the sum of one hundred twenty-five
4 (125) dollars in full settlement of all claims and demands held by
5 him against the state of Iowa and the fish and game department, aris-
6 ing out of a collision of a truck belonging to the fish and game de-
7 partment with a truck of claimant on or about October 16, 1933.

1 SEC. 2. The state comptroller is hereby authorized and directed
2 to draw his warrant payable to said Earl Wymore for the amount set
3 out in section one (1), and the treasurer of state is hereby authorized
4 and directed to pay said warrant and charge the same to the fund
5 specified in this act.

1 SEC. 3. The receipt of said warrant by said party shall be in full
2 settlement of all claims and demands held by him against the state
3 of Iowa and the fish and game department, and particularly the claim
4 based on the matters referred to in this act.

Senate File 401. Approved May 4, 1935.

SPECIAL ACTS

CHAPTER 187

MENS REFORMATORY. USE OF FUNDS

H. F. 472

AN ACT to authorize the board of control of state institutions to use from the funds on hand from the "maintenance of industries of the mens reformatory" the sum of sixty thousand (60,000) dollars for building a hospital building and equipping same, the erection of corn cribs and granaries and the purchase of real estate consisting of certain lots at the mens reformatory at Anamosa, Iowa.

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

1 SECTION 1. The board of control of state institutions is hereby au-
2 thorized to use from the funds on hand from the "maintenance of in-
3 dustries of the mens reformatory" the sum of sixty thousand (60,-
4 000) dollars for the building of a hospital building and equipping same,
5 the erection of corn cribs and granaries and the purchase of real estate
6 consisting of certain lots at the mens reformatory at Anamosa, Iowa.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in force from and after the date of its publication in the
3 Iowa City Press-Citizen, a newspaper published at Iowa City, Iowa, and
4 in the Newton Daily News, a newspaper published at Newton, Iowa.

House File 472. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Iowa City Press-Citizen and the Newton Daily News, May 13, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 188

LAND PATENT TO JACOB AMBURN

H. F. 497

AN ACT directing the governor, on behalf of the state of Iowa, to issue to Jacob Amburn a patent or conveyance to certain land in Keokuk county, Iowa.

WHEREAS, the United States of America, by act of congress, dated March 3, 1845, granted to the state of Iowa, school lands including the northwest quarter of the southeast quarter of section sixteen, township seventy-four north, range eleven west of the fifth P. M., in Keokuk county, Iowa, containing forty acres, and said land was purchased from the state of Iowa January 1, 1851, by Jacob Amburn, and

WHEREAS, no patent has been issued by the state of Iowa, covering said above described land to the said Jacob Amburn nor to any other person, firm or corporation, and

WHEREAS, Glen Gott is now the owner of said above described lands except a strip of land two rods wide in equal width off of the west end thereof, and holds title thereto by perfect chain of title from Jacob Amburn, and that he has been, together with his grantors in possession of said lands since the first day of January, 1851, and had during said time paid the taxes on the said land and made improvements thereon, and

WHEREAS, the state of Iowa, does not now and never has asserted title to said land, but that the state of Iowa failed to issue a patent to said Jacob Amburn or to any other person, and that the failure to issue a patent therefor, now creates an apparent defect in the title to said land; now, therefore,

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

1 SECTION 1. That the governor and secretary of state shall, in the
2 name of the state of Iowa and under its seal, convey by patent to the
3 said Jacob Amburn, the following described real estate situated in the
4 county of Keokuk, state of Iowa, to wit:

5 The northwest quarter of the southeast quarter of section sixteen,
6 township seventy-four north, range eleven west of the fifth P. M., and
7 thereby transfer to the said Jacob Amburn any and all right, title and
8 interest which the state of Iowa may have in or to the said described
9 real estate, except a strip of land two rods wide in equal width off of
10 the west end thereof, said patent to issue without expense to the state
11 of Iowa.

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the Sigourney
3 Review, a weekly newspaper published at Sigourney, Iowa, and in the
4 Keokuk County News, a weekly newspaper published at Sigourney,
5 Iowa, and without expense to the state.

House File 497. Approved May 3, 1935.

I hereby certify that the foregoing act was published in The Sigourney Review,
June 5, 1935, and the Keokuk County News, June 6, 1935.

MRS. ALEX MILLER, *Secretary of State.*

LEGALIZING ACTS

CHAPTER 189

AKRON BUILDING AND LOAN ASSOCIATION

S. F. 125

AN ACT to restore the corporate status of the Akron Domestic Local Building and Loan Association of Akron, Iowa, and to legalize the corporate acts of the directors and officers thereof.

WHEREAS, the Akron Domestic Local Building and Loan Association of Akron, Iowa, was organized as an Iowa corporation February 1, 1910, and expired February 10, 1930, and

WHEREAS, through inadvertence, renewal articles were not filed although the said corporation continued the conduct of the business for which it was formed, and

WHEREAS, the records of the business conducted by the said corporation in the interim have been examined by the auditor of the state of Iowa and approved by him, and

WHEREAS, said corporation has filed with the secretary of state, certificate of renewal; renewal, amended and substituted articles of incorporation, and delinquent annual reports together with the required fees, and desires to be reinstated for the period of twenty years dating from expiration of the original charter, February 1, 1930, therefore,

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

1 SECTION 1. The secretary of state is hereby authorized and di-
2 rected to restore the corporate status of the Akron Domestic Local
3 Building and Loan Association dating the renewal of said corpora-
4 tion from February 1, 1930.

1 SEC. 2. The corporate acts of said corporation, its directors and
2 officers during the interim from its expiration February 1, 1930, to
3 the date of renewal herein authorized are hereby legalized and shall
4 have the same force and effect as though said corporation had been
5 properly renewed at expiration.

1 SEC. 3. This act shall not be construed to affect pending litigation,
2 if any, involving the said corporation.

1 SEC. 4. This act being deemed of immediate necessity shall take
2 effect and be in force from and after the date of publication in two
3 newspapers of the state, such publication to be made without expense
4 to the state.

Senate File 125. Approved April 5, 1935.

I hereby certify that the foregoing act was published in the Remsen Bell-Enterprise, April 18, 1935, and the Le Mars Globe-Post, April 15, 1935, in accordance with section 55, code, 1931.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 190

THE AMES TRIBUNE PUBLISHING COMPANY

H. F. 504

AN ACT to legalize the renewal of the corporate period of the Ames Tribune Publishing Company of Ames, Iowa.

WHEREAS, the corporate period of the Tribune Publishing Company of Ames, Iowa, expired on January 1, 1935, and

WHEREAS, the said Tribune Publishing Company failed to take the necessary steps to renew its articles of incorporation during the statutory period therefor, to wit: within three months before or after the time for the termination thereof, and

WHEREAS, since the expiration of the corporate period of said corporation it has acted in a corporate capacity and continued its affairs and business in the same manner as before the expiration of its corporate period, and

WHEREAS, a special meeting of the stockholders of said corporation has been held, renewal and amended articles of incorporation have been adopted and all other necessary steps taken to renew said corporation, and

WHEREAS, the said corporation desires to continue conducting its business as provided in its articles of incorporation under the provisions of chapter 384, title XIX of the code of Iowa;

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

1 SECTION 1. That all the proceedings for the renewal of the corpo-
2 rate existence of the Tribune Publishing Company of Ames, Iowa, be
3 and the same are hereby declared legal and binding and effective, and
4 shall have the same force and effect as though said proceedings had
5 been had within the statutory period prescribed by law, and the secre-
6 tary of the state of Iowa is hereby directed to issue a certificate of
7 renewal to the Tribune Publishing Company of Ames, Iowa, and said
8 certificate shall have the same force and effect as though issued within
9 the time prescribed by law.

1 SEC. 2. This act shall not affect pending litigation, if any, involving
2 said corporation.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Ames Trib-
3 une, Ames, Iowa, and the Nevada Journal, Nevada, Iowa, without ex-
4 pense to the state.

House File 504. Approved May 2, 1935.

I hereby certify that the foregoing act was published in the Nevada Journal and the Ames Tribune, May 22, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 191

BAGLEY WATERWORKS COMPANY

H. F. 254

AN ACT to legalize the corporate acts and proceedings of the Bagley Water Works Company of Bagley, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal articles of incorporation by said Bagley Water Works Company.

WHEREAS, the period of corporate existence of the Bagley Water Works Company, organized under the laws of the state of Iowa, with its principal place of business in the town of Bagley, Guthrie county, Iowa, expired on the thirtieth day of April, 1930, and through inadvertence the same was not renewed within the period prescribed by statute; and

WHEREAS, the said Bagley Water Works Company continued thereafter to conduct its business and affairs as a corporation, and

WHEREAS, on the twenty-fifth day of February, A. D. 1935, at a special meeting of the stockholders of said corporation, called for that purpose, the corporate existence of said corporation was renewed for a period of twenty years from the date of its expiration and said stockholders adopted said renewal articles of incorporation, and

WHEREAS, on the day of, 1935, a certificate evidencing the renewal of the corporate existence of said corporation, and the adoption of renewal articles of incorporation, was filed in the office of the secretary of the state of Iowa, and provision duly made for the payment of the filing and recording fees provided by law; now, therefore,

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

1 SECTION 1. All proceedings had with respect to the renewal of the
2 corporate existence of the Bagley Water Works Company and the adop-
3 tion of the renewal articles of incorporation, be and they are hereby
4 legalized and shall have the same force and effect as if adopted pursu-
5 ant to law within the period prescribed by statute, and shall be held
6 and considered as a renewal and extension of the period of corporate
7 existence of said corporation, which expired on the thirtieth day of
8 April, 1930, and all the corporate acts and proceedings of said cor-
9 poration and the adoption of the renewal articles of incorporation,
10 are hereby declared to be valid and legal and to have the same force
11 and effect as though said renewal and extension of corporate existence
12 had been consummated within the time prescribed by law. The sec-
13 retary of state is hereby authorized and directed to issue to said Bag-
14 ley Water Works Company, a certificate of renewal of corporation
15 existence of said corporation, providing that the corporate existence
16 shall expire on the thirtieth day of April, 1950. Nothing in this act
17 shall be deemed or construed to affect pending litigation.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Bagley
3 Gazette, a weekly newspaper published in the town of Bagley, Guthrie
4 county, Iowa, and in The Guthrian, a weekly newspaper printed and
5 published in Guthrie Center, Guthrie county, Iowa, without expense
6 to the state.

House File 254. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Bagley Gazette and the Guthrie Center Guthrian, May 23, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 192

CUMBERLAND TELEPHONE COMPANY

S. F. 213

AN ACT to legalize renewal of the corporate status of the Cumberland Telephone Company of Cumberland, Iowa.

WHEREAS, the corporate existence of the Cumberland telephone company, organized under the laws of the state of Iowa, with its principal place of business at Cumberland, Iowa, expired on the seventeenth day of September, 1934, and, through inadvertence, the same was not renewed within the period prescribed by law; and

WHEREAS, the said Cumberland telephone company continued thereafter to conduct its business and affairs as a corporation; and

WHEREAS, the stockholders of the Cumberland telephone company have adopted renewal, amended and substituted articles of incorporation and filed

same, together with proper renewal fees with the secretary of state; now, therefore,

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

1 SECTION 1. All proceedings had with respect to the renewal of the
2 corporate existence of the Cumberland telephone company and all cor-
3 porate acts of said corporation, its officers and directors since expira-
4 tion of the corporate existence of said corporation are hereby legal-
5 ized and shall have the same force and effect as though adopted
6 pursuant to law and within the period prescribed by statute.

1 SEC. 2. The secretary of state is hereby authorized and directed
2 to issue a certificate of renewal to the Cumberland telephone company,
3 said renewal to extend for a period of twenty years from September
4 17, 1934.

1 SEC. 3. Nothing in this act shall be construed to affect pending
2 litigation involving said Cumberland telephone company.

1 SEC. 4. This act shall be in full force and effect after its publication
2 in the Atlantic News-Telegraph, a newspaper published in the town of
3 Atlantic, Iowa, and the Cumberland Enterprise, a newspaper published
4 in the town of Cumberland, Iowa, without expense to the state.

Senate File 213. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Atlantic News-Telegraph,
May 17, 1935, and the Cumberland Enterprise, May 30, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 193

DAVENPORT AUTO TRUCK COMPANY

S. F. 380

AN ACT to legalize the corporate acts and proceedings of the Davenport Auto Truck Company of Davenport, Iowa.

WHEREAS, the period of corporate existence of the Davenport auto truck company, organized under the laws of the state of Iowa, with its principal place of business in the city of Davenport, Scott county, Iowa, expired on the fifth day of January, 1932, and through inadvertence the same was not renewed within the period prescribed by statute; and

WHEREAS, the said Davenport auto truck company continued thereafter to conduct its business and affairs as a corporation; and

WHEREAS, on the seventh day of November, 1932, the corporate period of said corporation was renewed for a period of twenty years and certificate of incorporation issued to it by the secretary of the state of Iowa upon payment of the filing and recording fees as provided by law; and

WHEREAS, through inadvertence publication of notice of incorporation was not done within three months after the filing of articles of incorporation and the issuance of the certificate of incorporation, now, therefore,

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

1 SECTION 1. All proceedings had with respect to the renewal of the
2 corporate existence of the Davenport auto truck company and the adop-
3 tion of renewal, amended and substituted articles of incorporation be
4 and the same are hereby legalized and shall have the same force and
5 effect as if adopted pursuant to law within the period prescribed by
6 statute, and shall be held and considered as a renewal and extension
7 of the period of corporate existence of said corporation, which expired
8 January 5, 1932, and all of the corporate acts and proceedings of said
9 corporation subsequent to January 5, 1932, including the proceedings
10 in connection with the renewal and extension of the corporate existence
11 of said corporation and the adoption of renewal, amended and sub-
12 stituted articles of incorporation, are hereby declared to be valid and
13 legal and to have the same force and effect as though said renewal and
14 extension of the corporate existence had been consummated within the
15 time prescribed by law.

16 The secretary of state is hereby authorized and directed to issue
17 to said Davenport auto truck company a certificate of renewal of the
18 corporate existence of said corporation, providing that the corporate
19 existence shall expire on the seventh day of November, 1952. Nothing
20 in this act shall be deemed or construed to affect pending litigation.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Davenport
3 Democrat and Leader and in the Davenport Daily Times, newspapers
4 published in the city of Davenport, Scott County, Iowa, without expense
5 to the state.

Senate File 380. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Davenport Daily Times
and Davenport Democrat and Leader, May 22, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 194

FARMERS ELEVATOR COMPANY OF NORTHWOOD

H. F. 287

AN ACT to legalize the corporate acts of the directors and officers of the Farmers
Elevator Company, Northwood, Iowa, and to restore the corporate status of such
company.

WHEREAS, the Farmers Cooperative Company, Northwood, Iowa, was
organized as an Iowa corporation under the provisions of chapter 384 on
August 21, 1911, and

WHEREAS, renewal, amended and substituted articles of incorporation
were filed August 24, 1931, under the terms of which the name of said com-
pany was changed to Farmers Elevator Company and under which said
company elected to change its corporate status to that of a cooperative asso-
ciation under the provisions of chapter 389, and

WHEREAS, the Farmers Elevator Company, Northwood, Iowa, was er-
roneously canceled by the secretary of state on April 15, 1932, and

WHEREAS, the Farmers Elevator Company, Northwood, Iowa, continued to act in a corporate capacity and desires to so continue, now, therefore,

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

1 SECTION 1. The secretary of state is hereby directed to reinstate
2 the Farmers Elevator Company, Northwood, Iowa, upon the filing by
3 said company of any delinquent annual reports and the payment by
4 said company of any fees and penalties that may have accrued.

1 SEC. 2. The corporate acts of the Farmers Elevator Company,
2 Northwood, Iowa, and the acts of the directors and officers of said
3 company during the period of its cancellation are hereby legalized and
4 shall have the same effect as though no cancellation had been ordered
5 against said corporation.

1 SEC. 3. This act shall not be construed to affect pending litigation,
2 if any, involving the Farmers Elevator Company.

1 SEC. 4. This act being an immediate necessity shall take effect
2 and be in force from and after the date of its publication in two news-
3 papers of the state, in the Mason City Globe-Gazette, a newspaper pub-
4 lished at Mason City, Iowa, and the Northwood Anchor, a newspaper
5 published at Northwood, Iowa, such publication to be made without
6 expense to the state.

House File 287. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Mason City Globe-Gazette, May 14, 1935, and the Northwood Anchor, May 16, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 195

FARNHAMVILLE MUTUAL TELEPHONE COMPANY

H. F. 454

AN ACT to legalize corporate acts and proceedings of the Farnhamville Mutual Telephone Company of Farnhamville, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation by said Farnhamville Mutual Telephone Company.

WHEREAS, the period of corporate existence of the Farnhamville Mutual Telephone Company, organized under the laws of the state of Iowa, with its principal place of business the town of Farnhamville, Calhoun county, Iowa, expired on the twenty-first day of March, 1925, and through inadvertence the same was not renewed within the period prescribed by statute; and

WHEREAS, the said Farnhamville Mutual Telephone Company continued thereafter to conduct its business and affairs as a corporation; and

WHEREAS, on the fifteenth day of August, 1934, at a special meeting of the stockholders of said corporation, called for that purpose, the corporate period of said corporation was renewed for a period of twenty years from the date of its expiration, and said stockholders adopted said renewal, substituted and amended articles of incorporation; and

WHEREAS, on the twenty-eighth day of March, 1935, a certificate evidencing the renewal of the corporate existence of said corporation, and the adoption of renewal, amended and substituted articles of corporation was filed in the office of the secretary of the state of Iowa, and provision duly made for the payment of the filing and recording fees provided by law; now, therefore,

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

1 SECTION 1. All proceedings had with the prospect to the renewal
2 of the corporate existence of the Farnhamville Mutual Telephone Com-
3 pany and the adoption of renewal, amended, and substituted articles
4 of incorporation be and they are hereby legalized and shall have the
5 same force and effect as if adopted pursuant to law within the period
6 prescribed by statute, and shall be held and considered as a renewal
7 and extension of the corporate existence of said corporation which ex-
8 pired March 21, 1925, and all the corporate acts and proceedings of
9 said corporation, and the adoption of renewal, amended, and substi-
10 tuted articles of incorporation are hereby declared to be valid and legal
11 and to have the same force and effect as though said renewal and ex-
12 tension of the corporate existence had been consummated within the
13 time prescribed by law. The secretary of state is hereby authorized
14 and directed to issue said Farnhamville Mutual Telephone Company
15 a certificate of renewal of the corporate existence of said corporation
16 providing that the corporate existence shall expire on the twenty-first
17 day of March, 1945. Nothing in this act shall be deemed or construed
18 to affect pending litigation.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Rockwell
3 City Advocate, a weekly newspaper published in the town of Rockwell
4 City, Calhoun County, Iowa, and in the Farnhamville Index, a weekly
5 newspaper printed and published at Farnhamville, Calhoun County,
6 Iowa.

House File 454. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Rockwell City Advocate and the Farnhamville Index, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 196

HAWKEYE REALTY COMPANY OF AMES

H. F. 39

AN ACT to legalize the corporate acts and proceedings of the Hawkeye Realty Company, of Ames, Iowa, and to provide for the renewal and extension of the period of corporate existence of said Hawkeye Realty Company, of Ames, Iowa.

WHEREAS, the period of the corporate existence of the Hawkeye Realty Company, of Ames, Iowa, organized under the laws of the state of Iowa, with its principal place of business in the county of Story, Iowa, and its post-office address as Ames, Iowa, expired on the third day of May, 1931, and through inadvertence the same was not renewed within the period prescribed by statute; and

WHEREAS, the said Hawkeye Realty Company of Ames, Iowa, has thereafter continued to conduct its business and affairs as a corporation the same as it had done prior to the expiration of its charter; and

WHEREAS, on the third day of November, 1934, all the stockholders represented at a meeting of said corporation joined in the adoption of a resolution to extend the corporate period from the date of expiration thereof, and further joined in the adoption and execution of renewal articles of incorporation; and

WHEREAS, on the twenty-third day of November, 1934, said renewal articles of incorporation together with all delinquent annual reports were filed in the office of the secretary of the state of Iowa, with the required filing and recording fees attached, in order that when this act is passed the secretary of state shall issue to the said Hawkeye Realty Company a renewal of their expired charter, and after which the said corporation will do all things necessary and required of it the same as if it were renewed within the time as required by statute; and

WHEREAS, the said renewal articles of incorporation provide that this corporate existence of said corporation shall expire on the third day of May, 1951, being twenty years from the date of expiration of the former corporate charter; now, therefore,

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

1 SECTION 1. All proceedings had with respect to the renewal of said
2 corporation be and the same are hereby legalized and shall have the
3 same force and effect as though in full compliance with the laws of
4 the state of Iowa, and shall be held and considered as a renewal and
5 extension of the period of corporate existence of the said Hawkeye
6 Realty Company of Ames, Iowa, which expired on the third day of
7 May, 1931, and that all corporate acts and proceedings of said corpo-
8 ration subsequent to the third day of May, 1931, including the pro-
9 ceedings in connection with the renewal or extension of the corporate
10 existence of said corporation are hereby declared to be valid and legal
11 the same as if they had in all respects been done in accordance with
12 the general laws of the state of Iowa relating to corporations.

13 The secretary of state is hereby authorized and directed to issue to
14 said Hawkeye Realty Company of Ames, Iowa, a certificate of renewal
15 of the corporate existence of said corporation and providing that the
16 said corporate existence shall expire on the third day of May, 1951.
17 Nothing in this act shall be deemed or construed to affect pending
18 litigation.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Mile Post,
3 a newspaper published in Ames, Story County, Iowa, and in Plain
4 Talk, a newspaper published in Des Moines, Polk County, Iowa, with-
5 out expense to the state.

House File 39. Approved March 29, 1935.

I hereby certify that the foregoing act was published in the Ames Mile Post and the Des Moines Plain Talk, April 25, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 197

LEDYARD CO-OPERATIVE CREAMERY COMPANY

H. F. 46

AN ACT to legalize the corporate acts and proceedings of The Ledyard Co-operative Creamery Company, Ledyard, Iowa, and to provide for the renewal and extension of the period of corporate existence of said company.

WHEREAS, the period of corporate existence of The Ledyard Co-operative Creamery Company, a corporation organized under the laws of the state of Iowa, with its principal place of business at Ledyard, Iowa, expired on March 28, 1934, and through inadvertence the same was not renewed within the period prescribed by statute, and

WHEREAS, on the twelfth day of December, 1934, at a special meeting of said corporation called for that purpose, it was unanimously voted to renew the corporate period of said corporation for an additional period of twenty years from and after March 28, 1934, and articles of incorporation for said renewal and extended period were duly signed, and

WHEREAS, on or about the seventh day of January, 1935, said articles of incorporation, together with the certificate of renewal duly executed by the president and secretary of said The Ledyard Co-operative Creamery Company, acting on authority of the stockholders, accompanied by the proper filing and recording fee, were filed in the office of the secretary of state, and

WHEREAS, the thirty-fourth annual report of the corporation, being the last report due, and the annual fee in connection therewith, having been filed and paid, and said corporation has complied with all the requirements of the office of the secretary of state, and

WHEREAS, said articles of incorporation and said certificate of renewal provide for the period of corporate existence to expire on March 28, 1954, being twenty years from the expiration of the former corporate charter, and

WHEREAS, all proceedings have been approved as to form by the secretary of state, subject to a legalizing act by the general assembly, and all filing and recording fees have been paid,

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

1 SECTION 1. That all proceedings for the renewal of the corporate
2 existence of The Ledyard Co-operative Creamery Company, of Led-
3 yard, Iowa, are hereby declared legal, binding, and effective, and to
4 have the same force and effect as though said proceedings had been
5 performed within the period prescribed by law, and the secretary of
6 state is hereby directed to record said certificate of renewal, and the
7 said amended and substituted articles of incorporation of The Ledyard
8 Co-operative Creamery Company, and when so recorded, said matters
9 and things shall have the same effect as though recorded within the
10 period prescribed by law, and the secretary of state is hereby directed
11 to issue to the said The Ledyard Co-operative Creamery Company, a
12 certificate of renewal of the corporate existence of said company, pro-
13 viding that said corporate existence shall expire March 28, 1954.

1 SEC. 2 Nothing herein contained shall be construed as to affect
2 pending litigation, if any.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Bancroft
3 Register, a newspaper published in Bancroft, Iowa, and the Algona
4 Upper Des Moines, a newspaper published in Algona, Iowa, said pub-
5 lications to be without expense to the state.

House File 46. Approved March 7, 1935.

I hereby certify that the foregoing act was published in the Bancroft Register and
the Algona Upper Des Moines, March 21, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 198

THE LONE ROCK TELEPHONE COMPANY

S. F. 343

AN ACT to legalize renewal of the corporate status of the Lone Rock Telephone Com-
pany of Mason City, Iowa.

WHEREAS, the corporate existence of the Lone Rock Telephone Company,
organized under the laws of the state of Iowa, with its principal place of
business at Mason City, Iowa, expired on the twentieth day of July, 1932,
and, through inadvertence, the same was not renewed within the period
prescribed by law; and

WHEREAS, the said Lone Rock Telephone Company continued thereafter
to conduct its business and affairs as a corporation; and

WHEREAS, the stockholders of the Lone Rock Telephone Company have
adopted renewal, amended and substituted articles of incorporation and
filed same, together with proper renewal fees with the secretary of state;
now, therefore,

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

1 SECTION 1. All proceedings had with respect to the renewal of the
2 corporate existence of the Lone Rock Telephone Company and all cor-
3 porate acts of said corporation, its officers and directors since expira-
4 tion of the corporate existence of said corporation are hereby legalized
5 and shall have the same force and effect as though adopted pursuant
6 to law and within the period prescribed by statute.

1 SEC. 2. The secretary of state is hereby authorized and directed
2 to issue a certificate of renewal to the Lone Rock Telephone Company,
3 said renewal to extend for a period of twenty-five years from July
4 20, 1932.

1 SEC. 3. Nothing in this act shall be construed to affect pending liti-
2 gation involving said Lone Rock Telephone Company.

1 SEC. 4. This act being deemed of immediate importance shall take
2 effect and be in force from and after publication in the Mason City

3 Globe-Gazette, a newspaper published in Mason City, Iowa, and in
4 the Clear Lake Mirror, a newspaper published in Clear Lake, Iowa,
5 without expense to the state.

Senate File 343. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Mason City Globe-Gazette,
June 1, 1935, and the Clear Lake Mirror, June 6, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 199

THE NEW NONPAREIL COMPANY OF COUNCIL BLUFFS

H. F. 503

AN ACT to legalize the renewal of the corporate period of the New Nonpareil Company,
of Council Bluffs, Iowa.

WHEREAS, the corporate period of the New Nonpareil Company, of Council Bluffs, Iowa, expired on December 15, 1934, and

WHEREAS, the said New Nonpareil Company failed to take the necessary steps to renew its articles of incorporation during the statutory period therefor, to wit: within three months before or after the time for the termination thereof, and

WHEREAS, since the expiration of the corporate period of said corporation it has acted in a corporate capacity and continued its affairs and business in the same manner as before the expiration of its corporate period, and

WHEREAS, a special meeting of the stockholders of said corporation has been held, renewal and amended articles of incorporation have been adopted, and all other necessary steps taken to renew said corporation, and

WHEREAS, the said corporation desires to continue conducting its business as provided in its articles of incorporation under the provisions of chapter 384, title XIX of the code of Iowa;

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

1 SECTION 1. That all the proceedings for the renewal of the cor-
2 porate existence of the New Nonpareil Company, of Council Bluffs,
3 Iowa, be and the same are hereby declared legal and binding and effec-
4 tive, and shall have the same force and effect as though said proceed-
5 ings had been had within the statutory period prescribed by law, and
6 the secretary of the state of Iowa is hereby directed to issue a certifi-
7 cate of renewal to the New Nonpareil Company, of Council Bluffs, Iowa,
8 and said certificate shall have the same force and effect as though issued
9 within the time prescribed by law.

1 SEC. 2. This act shall not affect pending litigation, if any, involv-
2 ing said corporation.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in The Ocheyedan
3 Arrow, a newspaper published at Ocheyedan, Iowa, and the Sibley

4 Gazette-Tribune, a newspaper published at Sibley, Iowa, without ex-
5 pense to the state.

House File 503. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Sibley Gazette-Tribune,
May 23, 1935, and the Ocheyedan Arrow, May 30, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 200

RINGSTED TELEPHONE COMPANY

H. F. 52

AN ACT to legalize the corporate acts and proceedings of Ringsted Telephone Company, Ringsted, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said Ringsted Telephone Company.

WHEREAS, the period of corporate existence of Ringsted Telephone Company, organized under the laws of the state of Iowa, with its principal place of business in the town of Ringsted, Emmet county, Iowa, expired on the fourteenth day of April, 1934, and through inadvertence the same was not renewed within the period prescribed by statute; and

WHEREAS, the said Ringsted Telephone Company continued thereafter to conduct its business and affairs as a corporation; and

WHEREAS, on the tenth day of August, 1934, at a special meeting of the stockholders of said corporation called for that purpose, the corporate period of said corporation was renewed for a period of twenty years from the date of its expiration, and said stockholders adopted certain renewal, amended and substituted articles of incorporation; and

WHEREAS, on the sixteenth day of October, 1934, a certificate evidencing the renewal of the corporate existence of said corporation and the adoption of renewal, amended and substituted articles of incorporation was filed in the office of the secretary of state of the state of Iowa, and provision duly made for the payment of the filing and recording fees provided by law, now, therefore,

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

1 SECTION 1. All proceedings had with respect to the renewal of the
2 corporate existence of Ringsted Telephone Company and the adoption
3 of renewal, amended and substituted articles of incorporation be and
4 the same are hereby legalized and shall have the same force and effect
5 as if adopted pursuant to law within the period prescribed by statute,
6 and shall be held and considered as a renewal and extension of the
7 period of corporate existence of said corporation, which expired
8 April 14, 1934, and all the corporate acts and proceedings of said corporation subsequent to April 14, 1934, including the proceedings in
9 connection with the renewal and extension of the corporate existence
10 of said corporation and the adoption of renewal, amended and substituted
11 articles of incorporation, are hereby declared to be valid and
12 legal and to have the same force and effect as though said renewal and
13

14 extension of the corporate existence had been consummated within the
15 time prescribed by law.

16 The secretary of state is hereby authorized and directed to issue to
17 said Ringsted Telephone Company a certificate of renewal of the cor-
18 porate existence of said corporation, providing that the corporate exist-
19 ence shall expire on the fourteenth day of April, 1954. Nothing in
20 this act shall be deemed or construed to affect pending litigation.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Ringsted Dis-
3 patch, a newspaper published in the town of Ringsted, Emmet County,
4 Iowa, and the Vindicator and Republican, a newspaper published in
5 the city of Estherville, Emmet County, Iowa, without expense to the
6 state.

House File 52. Approved March 29, 1935.

I hereby certify that the foregoing act was published in the Ringsted Dispatch, April 25, 1935, and the Estherville Vindicator and Republican, April 18, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 201

TIMES COMPANY OF DAVENPORT

S. F. 203

AN ACT to legalize the corporate acts and proceedings of The Times Company of Davenport, Iowa, and to provide for the renewal and extension of the period of corporate existence and the adoption of renewal, amended and substituted articles of incorporation of said The Times Company.

WHEREAS, the period of corporate existence of The Times Company, organized under the laws of the state of Iowa, with its principal place of business in the city of Davenport, Scott county, Iowa, expired on the eighteenth day of October, 1934, and through inadvertence the same was not renewed within the period prescribed by statute; and

WHEREAS, the said The Times Company continued thereafter to conduct its business and affairs as a corporation; and

WHEREAS, on the fourth day of March, 1935, at a special meeting of the stockholders of said corporation called for that purpose, the corporate period of said corporation was renewed for a period of twenty years from the date of its expiration, and said stockholders adopted certain renewal, amended and substituted articles of incorporation; and

WHEREAS, on the sixth day of March, 1935, a certificate evidencing the renewal of the corporate existence of said corporation and the adoption of renewal, amended and substituted articles of incorporation was filed in the office of the secretary of state of the state of Iowa, and provision duly made for the payment of the filing and recording fees provided by law, now, therefore,

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

1 SECTION 1. All proceedings had with respect to the renewal of the
2 corporate existence of The Times Company and the adoption of re-

3 newal, amended and substituted articles of incorporation be and the
 4 same are hereby legalized and shall have the same force and effect as
 5 if adopted pursuant to law within the period prescribed by statute,
 6 and shall be held and considered as a renewal and extension of the
 7 period of corporate existence of said corporation, which expired October
 8 18, 1934, and all the corporate acts and proceedings of said corporation
 9 subsequent to October 18, 1934, including the proceedings in connec-
 10 tion with the renewal and extension of the corporate existence of said
 11 corporation and the adoption of renewal, amended and substituted
 12 articles of incorporation, are hereby declared to be valid and legal and
 13 to have the same force and effect as though said renewal and extension
 14 of the corporate existence had been consummated within the time pre-
 15 scribed by law.

16 The secretary of state is hereby authorized and directed to issue
 17 to said The Times Company a certificate of renewal of the corporate
 18 existence of said corporation, providing that the corporate existence
 19 shall expire on the eighteenth day of October, 1954. Nothing in this
 20 act shall be deemed or construed to affect pending litigation.

1 SEC. 2. This act being deemed of immediate importance shall take
 2 effect and be in force from and after its publication in The Ottumwa
 3 Courier, a newspaper published in the city of Ottumwa, Iowa, and
 4 in the Davenport Democrat & Leader, a newspaper published in the
 5 city of Davenport, Iowa, without expense to the state.

Senate File 203. Approved April 5, 1935.

I hereby certify that the foregoing act was published in the Ottumwa Courier and
 the Davenport Democrat & Leader, April 11, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 202

COUNTY ATTORNEYS. LEGALIZING COMPENSATION

S. F. 201

AN ACT to legalize the compensation paid to county attorneys and assistant county
 attorneys in counties having a population less than sixty thousand under the provi-
 sions of chapter eighty-nine (89), acts of the Forty-fifth General Assembly.

WHEREAS, the Forty-fifth General Assembly passed an act which was
 designated as a salary reduction act and which is chapter eighty-nine (89),
 acts of the Forty-fifth General Assembly, and

WHEREAS, under the said act county attorneys in counties having a popu-
 lation of less than sixty thousand (60,000) were granted certain increases
 in salary, and

WHEREAS, the said increase in salary to the said county attorneys in
 counties having a population of less than sixty thousand (60,000) was based
 upon the fact that the Forty-fifth General Assembly repealed certain pro-
 visions of the code which provided for payment of commissions and fees
 to county attorneys in addition to their salaries, and

WHEREAS, the supreme court of Iowa has held the salary reduction act
 to be unconstitutional;

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

1 SECTION 1. That all salaries paid to county attorneys and assist-
2 ant county attorneys in counties having a population of less than sixty
3 thousand (60,000) are hereby ratified, confirmed and legalized and
4 the various counties in which the salary of the county attorney and
5 assistant county attorney was increased shall have no right of recovery
6 for any salary paid under and by virtue of chapter eighty-nine (89),
7 acts of the Forty-fifth General Assembly.

Senate File 201. Approved April 29, 1935.

CHAPTER 203

LEGALIZATION OF CERTAIN TAX DEEDS

H. F. 20

AN ACT to legalize certain tax deeds issued without compliance with the requirements of section seventy-two hundred eighty-three (7283) of the code, 1931, and corresponding sections of earlier codes, relating to collections of costs of serving notice.

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

1 SECTION 1. Tax deeds legalized. That in all instances where tax
2 deeds have been issued by county treasurers in the absence of the
3 report and entry required by section seventy-two hundred eighty-three
4 (7283) of the code, 1931, or corresponding sections of earlier codes
5 relating to collection of costs of serving notices, such tax deeds shall
6 not by reason of omission to make such report and entry be held invalid,
7 but are hereby legalized. Nothing herein contained shall be construed
8 as curing any other defect in tax deeds than that herein specifically
9 described. Nothing herein contained shall be so construed as to affect
10 pending litigation.

1 SEC. 2. This act being deemed of immediate importance shall be
2 in force and effect from and after its passage and publication in the
3 Spirit Lake Beacon, a newspaper published at Spirit Lake, Iowa, and
4 the Lake Park News, a newspaper published at Lake Park, Iowa, with-
5 out expense to the state.

House File 20. Approved February 22, 1935.

I hereby certify that the foregoing act was published in the Spirit Lake Beacon and the Lake Park News, March 21, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 204

PRIMARY ROAD BOND REDEMPTION FUND. TRANSFERS AUTHORIZED

S. F. 136

AN ACT to provide for the disposal of balances from local tax levies remaining in the primary road bond and interest redemption fund in any county and to legalize certain transfers of local tax levies.

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

1 SECTION 1. If in any county which levied a tax on the property
2 of the county, under the provisions of section forty-seven hundred and
3 fifty-three-a twelve (4753-a12), code, 1931, or as the same may from
4 time to time have been amended, a balance remains in the primary
5 road bond and interest redemption fund, which is in excess of the
6 matured but unpaid primary road bonds, or bonds issued to refund
7 primary road bonds and/or matured but unpaid interest coupons on
8 such bonds, such excess balance may be transferred to the county gen-
9 eral fund or to such other county fund as the board of supervisors may
10 designate.

1 SEC. 2. If in any such county such balance in the primary road bond
2 and interest redemption fund has heretofore been transferred as here-
3 in provided, such transfer as to such excess amount is hereby legalized.

1 SEC. 3. This act being deemed of immediate importance shall be
2 in force and effect from and after its passage and publication in the
3, a newspaper published at,
4 Iowa, and in the, a newspaper published at
5, Iowa.

Senate File 136. Approved April 20, 1935.

I hereby certify that the foregoing act was published in the Sioux City Tribune, April 23, 1935, and the Ames Tribune, April 22, 1935, in accordance with section 55, code, 1931.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 205

RETIRED FIREMEN AND POLICEMEN. LEGALIZING PROCEEDING OF CERTAIN CITIES

S. F. 126

AN ACT to legalize the proceedings of the governing bodies of certain cities, including cities acting under special charter, relating to written agreements evidencing and acknowledging the obligations of said cities to certain active and/or retired firemen and/or policemen, and to declare that said proceedings, or written certificates evidencing the same, constitute competent and conclusive evidence as to the obligations therein agreed to by each said city.

WHEREAS, section 19 of senate file number 295 enacted by the Forty-fifth General Assembly in extra session, repealed section six thousand three hundred twenty-three (6323), code, 1931, and enacted a substitute therefor which authorized certain cities in this state to enter into written agreements with certain firemen and policemen evidencing the obligations of said cities under said substitute section of the code, and

WHEREAS, the governing bodies of several said cities did by resolution, ordinance, or other proceeding purport to enter into agreements with said certain persons and did issue written certificates of agreement evidencing and acknowledging said obligations, and

WHEREAS, said agreements were made for proper corporate purposes authorized by law, being the protection of disabled and retired firemen and policemen and their dependents, and

WHEREAS, doubts have arisen concerning the legality of said agreements on the ground that no election was held upon said question, and

WHEREAS, it is deemed advisable to put said doubts, as well as any and all other doubts, which have arisen or may hereafter arise concerning the legality of said agreements forever at rest, now, therefore,

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

1 SECTION 1. That the proceedings heretofore had by the governing
2 bodies of the cities of Des Moines, Council Bluffs, Sioux City, Marshall-
3 town, Cedar Rapids, Burlington, Oskaloosa, Ottumwa, Clinton, Iowa
4 City, Mason City, Keokuk, Muscatine, Waterloo, Fort Dodge, Daven-
5 port and Boone in this state, relating to written agreements with each
6 active and/or retired fireman and/or policeman entitled to the benefit
7 of the provisions of section six thousand three hundred twenty-three
8 (6323), code, 1931, as amended by section 19 of senate file number
9 295 enacted by the Forty-fifth General Assembly in extra session, evi-
10 dencing and acknowledging the obligations of said cities under said
11 section, be and the same are hereby declared legal and valid, the same
12 as if all provisions of law relating to such agreements valid and binding
13 upon said cities had in all respects been strictly followed, and said pro-
14 ceedings, or written certificates evidencing same, are hereby declared
15 to constitute competent and conclusive evidence as to said obligations
16 therein agreed to by each said city.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in Plain Talk,
3 a newspaper published in the city of Des Moines, Iowa, and the Non-
4 pareil, a newspaper published in the city of Council Bluffs, Iowa, all
5 without expense to the state.

Senate File 126. Approved April 12, 1935.

I hereby certify that the foregoing act was published in the Des Moines Plain Talk, April 25, 1935, and the Council Bluffs Nonpareil, April 23, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 206

AUDUBON COUNTY. EXPENDITURES FROM SECONDARY ROAD
MAINTENANCE FUND

S. F. 393

AN ACT to legalize the action of the county auditor and county board of supervisors of Audubon county, Iowa, in making expenditures and issuing warrants in 1934 against the secondary road maintenance fund of said county; to make said warrants the legal, valid, and binding obligations of said county, and to authorize the county treasurer of said county to pay said warrants out of any funds coming into his hands in 1935 and belonging to the secondary road maintenance fund of said county.

WHEREAS, the board of supervisors of Audubon county, Iowa, in the year 1934 allowed and authorized the payment of certain claims against the secondary road maintenance fund of said county and authorized the county auditor of said county to issue warrants against the secondary road maintenance fund of said county in payment of said claims, and

WHEREAS, said claims so allowed were bona fide claims against said county and should be paid, and

WHEREAS, the county auditor of said county pursuant to said authority issued warrants against the secondary road maintenance fund of said county in payment of said claims, and

WHEREAS, there was no money in the secondary road maintenance fund of said county adequate to meet and pay said warrants, which warrants were thereupon stamped by the county treasurer of said county "not paid for want of funds," and

WHEREAS, question has been raised as to the right and authority of the county treasurer of said county to pay said warrants out of funds received and paid into the secondary road maintenance fund of said county in the year 1935 until after all of the current obligations accruing against said fund in the year 1935 have been paid, and

WHEREAS, the demands against said fund in 1935 will be so great in amount as not to permit the payment of said warrants out of the 1935 receipts of said secondary road maintenance fund, if 1935 claims against said fund are given priority, now, therefore,

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

1 SECTION 1. That the action of the county auditor and county board
2 of supervisors of Audubon county, Iowa, in making expenditures and
3 issuing warrants in 1934 against the secondary road maintenance fund
4 of said county in a sum in excess of twenty-two thousand (22,000)
5 dollars are hereby legalized and validated and said warrants are hereby
6 declared to constitute legal, valid, and binding obligations and in-
7 debtedness of said county.

1 SEC. 2. That the proceedings heretofore taken by said county board
2 of supervisors and county auditor for the issuance of said secondary
3 road maintenance fund warrants in the year 1934 are hereby validated
4 and confirmed and said secondary road maintenance fund warrants,
5 issued pursuant to and in accordance with said proceedings, are hereby

6 declared legal and to constitute valid and binding obligations of said
7 county.

1 SEC. 3. The county treasurer of Audubon county, Iowa, is hereby
2 authorized to pay said warrants issued in 1934 out of any funds coming
3 into his hands in 1935 and belonging to the secondary road maintenance
4 fund of said county.

1 SEC. 4. Nothing in this act shall affect pending litigation.

1 SEC. 5. This act being deemed of immediate importance shall be
2 in force and effect from and after its publication in the Audubon
3 County Journal, a newspaper published at Exira, Iowa, and the Ad-
4 vocate-Republican, a newspaper published at Audubon, Iowa.

Senate File 393. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Audubon County Journal
and the Audubon Advocate-Republican, May 9, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 207

DALLAS CENTER. LEGALIZING TAX LEVY

S. F. 62

AN ACT to legalize and validate the tax levy made by the town council of the town
of Dallas Center in Dallas county, Iowa, in the year 1934 and to be collected in the
year 1935 for the purpose of providing funds to pay interest and create a sinking
fund to retire principal on forty-one thousand (41,000) dollars waterworks bonds
of said town of Dallas Center, Iowa.

WHEREAS, the town council of the town of Dallas Center in Dallas county,
Iowa, heretofore pursuant to chapters three hundred twelve (312) and
three hundred nineteen (319) of the code, 1931, as amended, did legally
call an election, fixing the time and place thereof, and did legally submit
thereat to the voters of said town to be by them voted upon, the proposition
of establishing and erecting a municipal waterworks system within said
town, issuing bonds for such purpose in an amount not exceeding forty-
one thousand (41,000) dollars and levying a tax upon all taxable property
within said town for the payment of said bonds and interest thereon, and

WHEREAS, at said election held and conducted on the sixth day of Decem-
ber, A. D. 1934, at and in said town of Dallas Center in Dallas county,
Iowa, the said proposition of establishing and erecting such waterworks
system and the issuance of such waterworks bonds was duly carried and
adopted by the voters of said town, and

WHEREAS, the said town council of the town of Dallas Center, Dallas
county, Iowa, has by resolution, pursuant to section eleven hundred seventy-
nine-b two (1179-b2) of the code, 1931, duly authorized the issuance of
forty-one thousand (41,000) dollars, three and three-fourths (3¾) per
centum waterworks bonds of said town and has by such resolution author-
ized the levy of taxes in an amount sufficient to pay the principal and interest
thereof at maturity, and a certified copy of said resolution passed and
approved by said town council on December 22, 1934, has been filed with
the auditor of Dallas county, Iowa, as provided by law, and

WHEREAS, the said resolution makes no provision for any levy of taxes for the year 1934 to be collected during the year 1935, and the said town of Dallas Center has insufficient funds for the purpose of paying interest upon said bonds accruing on July 1, 1935, and on January 1, 1936, and

WHEREAS, the town council of said town of Dallas Center did on the twenty-second day of December, A. D. 1934, by separate resolution provide for a supplemental levy of taxes for the year 1934 to be collected during the year 1935 by authorizing a levy upon all taxable property within the said town of Dallas Center, Iowa, in the sum of fifteen hundred thirty-seven (1,537) dollars and fifty (50) cents, for the said year 1934 to be collected during the said year of 1935 for the purpose of providing funds to pay interest due on July 1, 1935, and on January 1, 1936, on said waterworks bonds and create a sinking fund to retire the principal of said waterworks bonds of said town, and

WHEREAS, doubts have arisen as to the validity and legal sufficiency of the said levy of taxes for the year 1934 to be collected during the year 1935, for the purpose of providing funds to pay said interest and principal on said waterworks bonds and it is deemed advisable to put said doubts and all other doubts which may arise concerning the legality of said levy or the collection of said tax forever at rest, now, therefore,

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

1 SECTION 1. The supplemental levy of taxes made by the town council
2 of the said town of Dallas Center in Dallas county, Iowa, for the
3 year nineteen hundred thirty-four (1934) and to be collected during
4 the year nineteen hundred thirty-five (1935), by authorizing a levy
5 upon all taxable property within the said town of Dallas Center, in
6 Dallas county, Iowa, in the sum of fifteen hundred thirty-seven (1,537)
7 dollars and fifty (50) cents for the said year nineteen hundred thirty-
8 four (1934) to be collected during the said year of nineteen hundred
9 thirty-five (1935) for the purpose of providing funds to pay interest
10 due on July first, nineteen hundred thirty-five (1935), and on January
11 first, nineteen hundred thirty-six (1936), on forty-one thousand (41,-
12 000) dollars waterworks bonds of said town of Dallas Center, Iowa,
13 and create a sinking fund to retire the principal of said waterworks
14 bonds, and the spreading of said tax levy upon the books and records
15 of the auditor of Dallas county, Iowa, when and as spread, and the
16 collection of said taxes by the treasurer of Dallas county, Iowa, when
17 and as collected, be and the same are hereby legalized, validated and
18 confirmed, notwithstanding any provisions of law in conflict therewith.

1 SEC. 2. Nothing in this act shall affect pending legislation.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in full force from and after its publication in the Dallas
3 Center Times, a newspaper published in the town of Dallas Center,
4 Iowa, and the Adel News, a newspaper published in the town of Adel,
5 Iowa, without expense to the state.

Senate File 62. Approved April 29, 1935.

Note: Not published. Effective July 4, 1935.

CHAPTER 208

CITY OF DAVENPORT. LEGALIZING EXPENDITURES FOR PUBLICATION OF DELINQUENT TAX LISTS

S. F. 340

AN ACT to legalize certain expenditures heretofore made by the city of Davenport, Iowa, a municipal corporation acting under special charter, for the publication of delinquent tax lists during the years 1932, 1933 and 1934.

WHEREAS, the city of Davenport, Iowa, did in 1932, in accordance with section sixty-eight hundred seventy-three (6873) of the code, 1931, publish the delinquent tax list for said city in the Daily Times, a newspaper published in said city, once each week for three consecutive weeks at a cost of eleven hundred twenty-nine (1,129) dollars and sixty (60) cents; and

WHEREAS, the city of Davenport, Iowa, did in 1933, publish the delinquent tax list for said city in the Democrat and Leader, a newspaper published in said city, once each week for three consecutive weeks at a cost of sixteen hundred thirty-eight (1,638) dollars and forty (40) cents; and

WHEREAS, the city of Davenport, Iowa, did in 1934, publish the delinquent tax list for said city in the Daily Times, a newspaper published in said city, once each week for three consecutive weeks at a cost of nineteen hundred eighteen (1,918) dollars and eighty (80) cents; and

WHEREAS, the cost of said publications was based on the rate of forty (40) cents per item instead of twenty (20) cents per item as provided in section sixty-eight hundred seventy-four (6874) of the code, 1931; and

WHEREAS, said delinquent tax lists could not have been published in either of said newspapers at a cost of twenty (20) cents per item on account of the fact that the publication of the same at said price would have been a direct loss to the newspapers so publishing at that price; and

WHEREAS, the statutory cost per item for publishing delinquent tax lists in cities and towns under the general law and in counties was at the rate of forty (40) cents per item during the periods herein above referred to; now, therefore,

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

1 SECTION 1. That the payments heretofore made by the city of Dav-
2 enport, Iowa, to the Times Company and to the Democrat Company
3 for the publication of delinquent tax lists during the years 1932, 1933
4 and 1934, be and the same are hereby declared legal and that the same
5 are hereby validated and legalized and declared to be properly and
6 lawfully made, anything in the statutes then existing to the contrary
7 notwithstanding.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Daily
3 Times and the Davenport Democrat, newspapers published in the city
4 of Davenport, Scott county, Iowa, without expense to the state.

Senate File 340. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Davenport Daily Times, May 11, 1935, and the Davenport Democrat, May 12, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 209

CITY OF DAVENPORT. LEGALIZING EXPENDITURES IN OPERATING AIRPORT

S. F. 379

AN ACT to legalize expenditures heretofore made by the city of Davenport, Iowa, a municipal corporation acting under special charter, on account of the care, maintenance and operations of a municipal airport.

WHEREAS, the city of Davenport did heretofore enter into a certain series of written contracts with Davenport Airways, Incorporated, bearing dates respectively August 9, 1929, April 3, 1930, and March 1, 1933, under the terms of which the city of Davenport leased of the Davenport Airways, Inc., a certain airport within the corporate limits of said city as and for a municipal airport, and under the provisions thereof bound itself to pay a certain stipulated rental, and

WHEREAS, by reason of failure of revenues to accrue to Davenport Airways, Inc., on account of depressed business conditions, which revenues were to supplement the expenditures made by the city of Davenport and thereby render the contracts so entered into possible of performance, and to adequately maintain said airport, it became necessary for the city of Davenport to make additional payments in excess of the rentals so stipulated, which payments amounted in the aggregate to the sum of thirteen thousand eight hundred thirty-six (13,836) dollars and thirty-eight (38) cents.

WHEREAS, doubts have arisen as to the legality of such payments because of their being in excess of the rentals stipulated to be paid under the provisions of the several contracts between the city of Davenport and Davenport Airways, Inc., therefore,

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

1 SECTION 1. That payments heretofore made by the city of Dav-
2 enport to Davenport Airways, Inc., on account of the contracts so
3 entered into or otherwise, be and the same are hereby declared to
4 have been made for a public purpose, and the same are hereby validated
5 and legalized and declared to have been properly and lawfully made,
6 anything in said contracts to the contrary notwithstanding.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in The Daily
3 Times, a newspaper published in the city of Davenport, Scott county,
4 Iowa, without expense to the state.

Senate File 379. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Davenport Daily Times and the Davenport Democrat, May 27, 1935, in accordance with section 55, code, 1931.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 210

TOWN OF GRUNDY CENTER. BONDS AND TAX LEVY FOR SWIMMING POOL

S. F. 289

AN ACT to legalize and validate proceedings taken by the town council of the town of Grundy Center, Iowa, authorizing and providing for the issuance of swimming pool bonds and making provisions for the levy of taxes to pay said bonds.

WHEREAS, it is shown by the records of the town council of the town of Grundy Center, Iowa, that at an election in said town on August 30, 1934, there was submitted the proposition of issuing bonds of said town in the sum of \$10,000 for the purpose of acquiring land and/or establishing a swimming pool in the town of Grundy Center, Iowa, and that at said election more than sixty (60) per cent of the votes cast on said proposition were in favor thereof; and

WHEREAS, in submitting and voting upon aforesaid proposition said town, its council and the electors thereof, intended and understood that if said proposition carried, said bonds would be issued for the purpose of establishing a swimming pool on land already owned by said town; and

WHEREAS, said town council by resolution adopted on February 4, 1935, authorized and provided for the issuance of swimming pool bonds of said town in the amount of ten thousand (10,000) dollars for the purpose of establishing a swimming pool on land already owned by said town, and in and by said resolution also provided for the levy of taxes to pay the principal of and interest upon said bonds; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said proceedings to authorize the issuance of said bonds in the amount and for the purpose aforesaid and concerning the provision made in and by the resolution aforesaid for the levy of taxes, and it is deemed advisable to put said doubts and all others that might arise forever at rest; now, therefore,

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

1 SECTION 1. That all proceedings heretofore taken by the town
2 council of the town of Grundy Center, Iowa, authorizing and providing
3 for the issuance of swimming pool bonds of said town in the amount
4 of ten thousand (10,000) dollars, and making provision for the levy
5 of taxes to pay the principal of and interest on said bonds, are hereby
6 legalized, validated and confirmed and declared to constitute legal
7 and sufficient authority for the issuance of said bonds and the im-
8 position of annual taxes on all the taxable property in said town
9 sufficient to pay the principal and interest. Said swimming pool bonds,
10 when issued pursuant to and in accordance with the resolution adopted
11 by the town council on February 4, 1935, are hereby declared to be
12 legal and to constitute valid and binding obligations and indebtedness
13 of said town.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Grundy
3 Register, a newspaper published in the town of Grundy Center, Iowa,

4 and in the Grundy County Spokesman, a newspaper published in the
5 town of Grundy Center, Iowa, without expense to the state.

Senate File 289. Approved April 5, 1935.

I hereby certify that the foregoing act was published in the Grundy County Spokesman and the Grundy Register, April 11, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 211

HUMBOLDT COUNTY. LEGALIZING ELECTION IN NORWAY TOWNSHIP

H. F. 248

AN ACT to legalize an election held in Norway township, Humboldt county, Iowa, on the sixth day of November, 1934, relating to the purchase and maintenance jointly with the incorporated town of Thor, Iowa, certain fire apparatus and equipment; to purchase real estate and build a building thereon jointly with said incorporated town and to levy a tax therefor.

WHEREAS, on the sixth day of November, 1934, obedient to a petition duly presented and a notice given, the voters of Norway township, Humboldt county, Iowa, held an election at which there was submitted the following propositions:

"1. Shall the following public measure be adopted:

Shall the proposition to levy a tax of not exceeding three-fourths mills on the dollar for the erection of a public hall or community hall, for the joint use of said township and the incorporated town of Thor, Iowa, be adopted, such levy to be made for a period not exceeding five years? The petitioners wishing it to be clearly understood that the town hall is to be erected in the town of Thor, Iowa, and be open to the public for all civic purposes.

"2. Shall the following public measure be adopted:

Shall the proposition of acquiring, owning and maintaining jointly with the incorporated town of Thor, Iowa, in said county fire apparatus and equipment and to pay for the same and the maintenance thereof and for services rendered by members of a duly organized fire department out of a tax to be levied by a resolution of not exceeding one quarter of a mill to be paid each year, and for not exceeding ten years, until such apparatus and equipment shall have been fully paid for, all as provided by law."

WHEREAS, that at said election one hundred eighty-seven (187) votes were cast of which number the first above stated measure received one hundred thirty-eight (138) affirmative votes and forty-nine (49) negative votes.

WHEREAS, that upon the second proposition there were cast one hundred seventy-seven (177) votes of which number one hundred thirty-two (132) were affirmative votes and forty-five (45) were negative votes.

WHEREAS, that doubts have arisen as to whether or not the said township authorities had a legal right under the then existing law, to hold said election; therefore,

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

1 SECTION 1. That the calling of said election and the voting thereat
2 and any and all action taken by the township authorities in levying
3 a tax as authorized by the voters thereat, and all other acts of the
4 township authorities with relation to the said matters are hereby leg-
5 alized, validated and in full force and effect, as fully as though the
6 statute regarding said acts had authorized the same at said time, and
7 that all records of said election and proceedings are hereby validated
8 and legalized.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect from and after its publication in the Livermore Gazette, a news-
3 paper published at Livermore, Iowa, and the Bode Bugle, a newspaper
4 published at Bode, Iowa, without expense to the state.

House File 248. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Livermore Gazette, May 23, 1935, and Bode Bugle, May 24, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 212

HUMBOLDT COUNTY. LEGALIZING ELECTION IN TOWN OF THOR

H. F. 249

AN ACT to legalize an election held in the incorporated town of Thor, Humboldt county, Iowa, on the twenty-ninth day of October, 1934, relating to the purchase and maintenance jointly with Norway township, certain fire apparatus and equipment; to purchase real estate and build a building thereon jointly with said township authorities and levy a tax therefor and issue bonds.

WHEREAS, on the twenty-ninth day of October, 1934, obedient to a petition duly signed and on notice given, the incorporated town of Thor, Iowa, held an election at which there was submitted the following propositions:

"1. Shall the following public measure be adopted:

Shall the incorporated town of Thor, Iowa, purchase, acquire, own and maintain jointly with Norway township, in Humboldt county, Iowa, fire apparatus and equipment and pay for the same and the maintenance thereof and for services rendered by members of a duly organized fire department out of a tax to be levied by ordinance or resolution of not exceeding $\frac{3}{8}$ of a mill per year to be paid each year, but for not exceeding 5 years until such apparatus and equipment shall have been fully paid for?

"2. Shall the following public measure be adopted:

Shall the incorporated town of Thor, Iowa, purchase and acquire a site for, and construct thereon, a town hall, which may be used for general community and municipal purposes, including fire station, and contract indebtedness for such purposes not exceeding \$8,000 and issue bonds for such purposes not exceeding \$10,000 and levy a tax annually upon the taxable property in the incorporated town of Thor, Iowa, not exceeding

1¼ mills per annum for the payment of such bonds and the interest thereon?"

WHEREAS, that at said election one hundred twelve (112) votes were cast of which number the first above stated measure received one hundred eight (108) affirmative and three (3) negative votes.

WHEREAS, that on the second proposition the affirmative votes were one hundred eight (108) and the negative votes were four (4).

WHEREAS, that doubts have arisen as to whether or not the said town authorities had a legal right under the then existing law to hold said election; therefore,

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

1 SECTION 1. That the calling of said election and the voting thereat
2 and any and all action taken by the town authorities in levying a tax
3 as authorized by the voters thereat and all other acts of the said town
4 authorities with relation to the said matter are hereby legalized, vali-
5 dated and in full force and effect as fully as though the statute re-
6 garding the said acts had authorized the same at said time, and that
7 all records of the said election and proceedings are hereby validated
8 and legalized.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall take
2 effect from and after its publication in the Renwick Times, a news-
3 paper published at Renwick, Iowa, and the Humboldt Republican, a
4 newspaper published at Humboldt, Iowa, without expense to the state.

House File 249. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Humboldt Republican, May 24, 1935, and the Renwick Times, May 23, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 213

MARION COUNTY. LEGALIZING CERTAIN CONTRACTS FOR SECONDARY ROAD GRADING

H. F. 443

AN ACT to legalize certain contracts and the acts of the board of supervisors of Marion county, Iowa, in the letting of and entering into said contracts to and with Len Visser and Ed McDonald for grading certain secondary roads in said county.

WHEREAS, in the year 1933 Len Visser was employed by the board of supervisors of Marion county, Iowa, to perform certain labor in grading county trunk road "S" north of the city of Pella, Iowa, at prices varying from sixteen (16) cents to twenty-four (24) cents per cubic yard, depending upon the kind of earth removed; and

WHEREAS, in the year 1933 Ed McDonald was employed by the board of supervisors of Marion county, Iowa, to perform certain labor in grading certain roads, known as project number 2, of Swan township, and project number 3, of Knoxville township, at prices varying from fifteen (15) cents

to sixteen (16) cents per cubic yard, depending upon the kind of earth removed; and

WHEREAS, after said work was commenced by the said Len Visser and Ed McDonald and a portion of the same completed, the board of supervisors of Marion county, Iowa, requested them to grade more than was originally contemplated, and the total amount of grading performed by each at the prices agreed upon exceeded fifteen hundred (1500) dollars; and

WHEREAS, the total amount due the said Len Visser for labor performed in grading county trunk road "S" is thirty-three hundred forty-one (3341) dollars and sixty-eight (68) cents; and

WHEREAS, the total amount due the said Ed McDonald for labor performed in grading said roads, known as project number 2 and project number 3, is the sum of thirty-three hundred thirty-eight (3338) dollars and thirty-one (31) cents; and

WHEREAS, the board of supervisors of Marion county, Iowa, has not made payment to either of said parties, because the total amount due to each for labor performed exceeds the sum of fifteen hundred (1500) dollars, which is in excess of the legal limit where the work was not contracted at a public letting; and

WHEREAS, said labor was performed in good faith and in a good and workmanlike manner, and at as low a price as could have been obtained had there been a public letting; now, therefore,

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

1 SECTION 1. That certain contracts and the acts of the board of
2 supervisors of Marion county, Iowa, in the letting of said contracts
3 in 1933 to Len Visser and Ed McDonald for grading secondary roads
4 in said county, a part thereof having been let to and made and entered
5 into with the said Len Visser for grading county trunk road "S" north
6 of the city of Pella, in the sum total of thirty-three hundred forty-one
7 (3341) dollars and sixty-eight (68) cents, and the others thereof
8 having been let to and made and entered into with the said Ed McDon-
9 ald for grading project number two, Swan township, and for grading
10 project number three, Knoxville township, in the sum total of
11 thirty-three hundred thirty-eight (3338) dollars and thirty-one (31)
12 cents, be and the same hereby are legalized and declared valid in said
13 total amounts only, and without interest, to the same force and effect
14 as though said board of supervisors, in the letting of and entering
15 into said contracts, had complied with the provisions of chapter two
16 hundred forty (240), code, 1931, relating thereto.

House File 443. Approved May 2, 1935.

CHAPTER 214

SAC COUNTY. LEGALIZING TAX LEVY FOR COUNTY NURSE

H. F. 266

AN ACT to legalize the action of the board of supervisors in the levying of taxes for maintaining the services of a county nurse in Sac county, Iowa.

WHEREAS, the board of supervisors of Sac county, Iowa, did hold a public hearing on the tenth day of August, 1934, at 10:30 a. m., for the purpose of hearing objections to the levy of taxes, in the amount of .054 mills, for the purpose of maintaining the services of a county nurse; and

WHEREAS, no one appeared to object to said levy; and

WHEREAS, some of the taxes derived from said levy have already been collected and used to maintain the county nurse; and

WHEREAS, doubts have arisen as to the validity of said levy and the right to collect said taxes, and it is deemed advisable to put said doubts, and all other doubts that might arise, forever at rest; now, therefore,

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

1 SECTION 1. That the action of the board of supervisors of Sac
2 county, Iowa, in making in 1934 a levy of a tax of .054 mills to be
3 collected in 1935, for the purpose of maintaining a county nurse, is
4 hereby legalized and validated and said levy is hereby declared to be
5 legal and valid and to constitute a legal, valid and binding levy against
6 the taxable real and personal property within said county.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Odeboldt
3 Chronicle, a newspaper published in Odeboldt, Iowa, and the Sac Sun,
4 a newspaper published in Sac City, Iowa, without expense to the state.

House File 266. Approved May 1, 1935.

I hereby certify that the foregoing act was published in the Odebolt Chronicle and the Sac City Sun, May 23, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 215

WRIGHT COUNTY. LEGALIZING PAYMENT CERTAIN DRAINAGE BONDS

H. F. 406

AN ACT to legalize the payment by the county treasurer of Wright county, Iowa, from the general funds of Wright county, Iowa, the sum of \$1378.15 for bonds and coupons issued by and against drainage district number 176 of Wright county, Iowa.

WHEREAS, a former treasurer of Wright county, Iowa, paid certain bonds and coupons issued by and against drainage district number 176 of Wright county, Iowa, in the amount of \$1378.15 from the general funds of Wright county, Iowa, and

WHEREAS, the said treasurer is not now in office and his bond is no longer liable for said wrongful payment of said bonds and coupons, and

WHEREAS, it is impossible to levy an assessment on said drainage district to pay the amount of \$1378.15 wrongfully paid by said county treasurer and so reimburse the county fund of Wright county, Iowa,

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

1 SECTION 1. That the payment of the sum of \$1378.15 by the county
2 treasurer of Wright county, Iowa, for the purpose of retiring certain
3 bonds and coupons issued by and against drainage district number
4 176 of Wright county, Iowa, out of the general funds of Wright county,
5 Iowa, be and the same is hereby legalized and made a permanent trans-
6 fer out of the general funds of Wright county, Iowa.

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Eagle
3 Grove Eagle, a newspaper published at Eagle Grove, Iowa, and the
4 Wright County Monitor, a newspaper published at Clarion, Iowa, both
5 of said publications to be without expense to the state.

House File 406. Approved May 2, 1935.

I hereby certify that the foregoing act was published in the Eagle Grove Eagle, May 23, 1935, and the Wright County Monitor, May 30, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 216

WAYNE COUNTY. LEGALIZING EXPENDITURES FROM POOR FUND

S. F. 117

AN ACT to legalize the action of the county auditor and county board of supervisors of Wayne county, Iowa, in making expenditures and issuing warrants in 1934 against the poor fund of said county; to make said warrants the legal, valid, and binding obligations of said county, and to authorize the county treasurer of said county to pay said warrants out of any funds coming into his hands in 1935 and belonging to the poor fund of said county.

WHEREAS, the board of supervisors of Wayne county, Iowa, in the year 1934 allowed and authorized the payment of certain claims against the poor fund of said county and authorized the county auditor of said county to issue warrants against the poor fund of said county in payment of said claims, and

WHEREAS, said claims so allowed were bona fide claims against said county and should be paid, and

WHEREAS, the county auditor of said county pursuant to said authority issued warrants against the poor fund of said county in payment of said claims, and

WHEREAS, there was no money in the poor fund of said county adequate to meet and pay said warrants, which warrants were thereupon stamped by the county treasurer of said county "not paid for want of funds", and

WHEREAS, question has been raised as to the right and authority of the county treasurer of said county to pay said warrants out of funds received and paid into the poor fund of said county in the year 1935 until after

all of the current obligations accruing against said fund in the year 1935 have been paid, and

WHEREAS, the demands against said fund in 1935 will be so great in amount as not to permit the payment of said warrants out of the 1935 receipts of said poor fund, if 1935 claims against said fund are given priority; now, therefore,

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

1 SECTION 1. That the action of the county auditor and county board
2 of supervisors of Wayne county, Iowa, in making expenditures and
3 issuing warrants in 1934 against the poor fund of said county in a
4 sum in excess of fifteen thousand (15,000) dollars are hereby legalized
5 and validated and said warrants are hereby declared to constitute
6 legal, valid, and binding obligations and indebtedness of said county.

1 SEC. 2. That the proceedings heretofore taken by said county board
2 of supervisors and county auditor for the issuance of said poor fund
3 warrants in the year 1934 are hereby validated and confirmed and
4 said poor fund warrants, issued pursuant to and in accordance with
5 said proceedings, are hereby declared legal and to constitute valid
6 and binding obligations of said county.

1 SEC. 3. The county treasurer of Wayne county, Iowa, is hereby
2 authorized to pay said warrants issued in 1934 out of any funds com-
3 ing into his hands in 1935 and belonging to the poor fund of said county.

1 SEC. 4. Nothing in this act shall affect pending litigation.

1 SEC. 5. This act being deemed of immediate importance shall be
2 in force and effect from and after its publication in the Times-Repub-
3 lican, a newspaper published at Corydon, Iowa, and the Humeston
4 New Era, a newspaper published at Humeston, Iowa.

Senate File 117. Approved April 16, 1935.

I hereby certify that the foregoing act was published in the Corydon Times-Republi-
can, April 25, 1935, and the Humeston New Era, April 17, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 217

APPANOOSE COUNTY. TRANSFER OF FUNDS

H. F. 250

AN ACT to make permanent a temporary transfer of funds in Appanoose county, Iowa, from the bovine tuberculosis fund to the pauper fund of said county.

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

1 SECTION 1. That the temporary transfer of three thousand (3,000)
2 dollars from the bovine tuberculosis fund of Appanoose county to the
3 pauper fund of said county of date December 31, 1934, and approved
4 by the director of the budget of the state of Iowa, be made a permanent
5 transfer, and the same is hereby legalized and made valid.

1 SEC. 2. This act being deemed of immediate importance shall take
 2 effect and be in full force from and after its publication in the Center-
 3 ville Daily Iowegian, a newspaper published at Centerville, Iowa, and
 4 in the Moulton Tribune, a newspaper published at Moulton, Iowa, both
 5 said publications to be without expense to the state of Iowa.

House File 250. Approved April 20, 1935.

I hereby certify that the foregoing act was published in the Centerville Daily Iowegian,
 April 26, 1935, and the Moulton Tribune, May 2, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 218

CLAYTON COUNTY. TRANSFER OF FUNDS

S. F. 185

AN ACT to make permanent a temporary transfer made December 31, 1932, by author-
 ity of the state comptroller of Iowa, of nine thousand three hundred (9,300) dollars
 from the court expense fund of Clayton county, Iowa, to the poor fund of said county.

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

1 SECTION 1. That the temporary transfer of nine thousand three
 2 hundred (9,300) dollars from the court expense fund of Clayton county,
 3 Iowa, to the poor fund of said county, of date December 30, 1932, and
 4 approved by the state comptroller of Iowa, of date December 31, 1932,
 5 is hereby made a permanent transfer.

1 SEC. 2. This act being deemed of immediate importance shall take
 2 effect and be in full force from and after its publication in the Clayton
 3 County Register, a newspaper published at Elkader, Iowa, and in the
 4 Guttenberg Press, a newspaper published at Guttenberg, Iowa, both
 5 of said publications to be without expense to the state.

Senate File 185. Approved May 3, 1935.

I hereby certify that the foregoing act was published in the Clayton County Register,
 May 30, 1935, and the Guttenberg Press, May 23, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 219

CLAYTON COUNTY. TRANSFER OF FUNDS

S. F. 184

AN ACT to make permanent a temporary transfer made January 9, 1934, by authority
 of the state comptroller of Iowa, of eleven thousand (11,000) dollars from the court
 expense fund of Clayton county, Iowa, to the poor fund of said county.

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

1 SECTION 1. That the temporary transfer of eleven thousand (11,-
 2 000) dollars from the court expense fund of Clayton county, Iowa, to
 3 the poor fund of said county, of date December 12, 1933, and approved
 4 by the state comptroller of Iowa, of date January 9, 1934, is hereby
 5 made a permanent transfer.

1 SEC. 2. This act being deemed of immediate importance shall take
 2 effect and be in full force from and after its publication in the Clayton
 3 County Register, a newspaper published at Elkader, Iowa, and in
 4 the Guttenberg Press, a newspaper published at Guttenberg, Iowa, both
 5 of said publications to be without expense to the state.

Senate File 184. Approved April 29, 1935.

I hereby certify that the foregoing act was published in the Clayton County Register,
 May 30, 1935, and the Guttenberg Press, May 23, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 220

DALLAS COUNTY. TRANSFER OF FUNDS

S. F. 364

AN ACT to legalize action of the board of supervisors of Dallas county, Iowa, in making expenditures from the Dallas county insane fund for the purpose of paying the expenses and maintenance of the Dallas county home.

WHEREAS, the board of supervisors of Dallas county, Iowa, has for the year 1933, paid the total cost of maintaining the Dallas county home from the insane fund of Dallas county, Iowa; and

WHEREAS, doubts have arisen as to legality of such proceedings and expenditures, and it is deemed advisable to put such doubts forever at rest; now, therefore,

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

1 SECTION 1. The action of the board of supervisors of Dallas county,
 2 Iowa, in making expenditures for the expenses and maintenance of
 3 the Dallas county home in the year 1933, in the sum of six thousand
 4 twenty-three (6,023) dollars and ninety-two (92) cents from the
 5 county insane fund, are hereby declared to be legal, valid and binding.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance shall take
 2 effect and be in force from and after its passage and publication in
 3 the Perry Daily Chief, a newspaper published in Perry, Iowa, and in
 4 the Dallas County News, a newspaper published in Adel, Iowa, with-
 5 out expense to the state.

Senate File 364. Approved May 4, 1935.

I hereby certify that the foregoing act was published in the Perry Daily Chief, May 22, 1935, and the Dallas County News, May 29, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 221

CITY OF MUSCATINE. TRANSFER OF FUNDS

S. F. 41

AN ACT to legalize the transfer of money from the light fund of the city of Muscatine, Iowa, to the special fire maintenance fund and to authorize the issuance of bonds to fund the same.

WHEREAS, the city council of the city of Muscatine, Iowa, did for the year 1934 and had for some years prior thereto certified a levy which was the maximum amount permitted by statute for the fire fund of said city; and

WHEREAS, said levies were upon a fifty (50) per cent valuation of the taxable property in said city; and

WHEREAS, the maximum levy permitted by statute in the year 1934 was divided by four, and whereas the assessed valuation has been only multiplied by two under the acts of the Forty-fifth General Assembly; and

WHEREAS, the proceeds of said levy were insufficient to meet even the reduced payroll of the fire department of said city and the other claims against said fund; and

WHEREAS, the city of Muscatine, Iowa, by its council, has by resolutions duly and legally adopted, and in accordance with the statutes relating thereto, and with the approval of the state comptroller on each transfer made by said city, temporarily transferred the total sum of twelve thousand (12,000) dollars from the light fund to said fire fund, for the purpose of meeting the payroll payments and other demands made thereon; and

WHEREAS, the levy of two and one-half mills in the fire fund will hardly be sufficient to meet the payments of expenses required hereafter in the said fund, leaving no surplus in the fire fund to reimburse the said light fund for the amounts so transferred; and

WHEREAS, the city of Muscatine, Iowa, is a special charter city and all laws relating to cities acting under special charter have been complied with; therefore,

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

1 SECTION 1. That the action of the city council of the city of Mus-
2 catine, Iowa, and the municipal board of light and water trustees of
3 the municipally owned light and water plants of said city in making
4 a transfer of the sum of twelve thousand (12,000) dollars from the
5 light fund to said special fire maintenance fund, is hereby legalized
6 and validated and the said sums are hereby declared to constitute
7 legal, valid and binding obligations and indebtedness of the city of
8 Muscatine to said light and water funds.

1 SEC. 2. That the city of Muscatine by its city council and officers,
2 is hereby authorized to issue its funding bonds in the amount of twelve
3 thousand (12,000) dollars and to levy taxes to pay the principal and
4 interest of said funding bonds issued pursuant to this legislative
5 authority.

1 SEC. 3. This act being deemed of immediate importance shall
 2 take effect and be in full force from and after its publication in the
 3 Muscatine Journal and News Tribune, a newspaper published at Musca-
 4 tine, Iowa, and the West Liberty Index, a newspaper published at
 5 West Liberty, Iowa, without expense to the state.

Senate File 41. Approved February 15, 1935.

I hereby certify that the foregoing act was published in the Muscatine Journal and News Tribune, March 5, 1935, and the West Liberty Index, March 7, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 222

POTTAWATTAMIE COUNTY. TRANSFER OF FUNDS

H. F. 132

AN ACT to legalize the transfer of funds from the maintenance fund of Pottawattamie county, Iowa, to the general fund.

WHEREAS, on application of the board of supervisors of Pottawattamie county, Iowa, there was authorized and approved by the state comptroller of the state of Iowa, a temporary transfer of forty-five thousand (45,000) dollars from the maintenance fund of said county to the general fund for emergency poor relief of said county, which transfer was duly made; and

WHEREAS, the extraordinary conditions, which resulted in necessary drains upon the said general fund for emergency poor relief in excess of the revenues available from taxation, have continued and the said forty-five thousand (45,000) dollars so transferred from said maintenance fund has not been required, and it now appears will not be required, to balance said maintenance fund; therefore

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

1 SECTION 1. That the temporary transfer of forty-five thousand (45,-
 2 000) dollars from the maintenance fund of Pottawattamie county,
 3 Iowa, to the general fund for emergency poor relief of said county,
 4 approved by the state comptroller of the state of Iowa of date of July
 5 18, 1934, and duly made, is hereby made a permanent transfer.

1 SEC. 2. This act being deemed of immediate importance shall take
 2 effect and be in full force from and after its publication in the Council
 3 Bluffs Nonpareil, a newspaper published at Council Bluffs, Iowa, and
 4 in the Avoca Journal-Herald, a newspaper published at Avoca, Iowa.
 5 Both of said publications to be without expense to the state.

House File 132. Approved May 1, 1935.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil, May 22, 1935, and the Avoca Journal-Herald, May 23, 1935.

MRS. ALEX MILLER, *Secretary of State.*

JOINT RESOLUTIONS

CHAPTER 223

CONSTITUTIONAL AMENDMENT. STATE CENSUS

S. J. R. 7

JOINT RESOLUTION agreeing to a proposed amendment to article three (III) of the constitution of the state of Iowa by repealing section thirty-three (33) thereof relating to the state census.

WHEREAS, by senate joint resolution number five (5) of the Forty-fifth General Assembly, an amendment to the constitution of the state was proposed; and

WHEREAS, the said proposed amendment was agreed to by a majority of the members elected to the house of representatives of the Forty-fifth General Assembly and entered upon its official printed journal at pages 295 and 296 with the yeas and nays taken thereon, and was agreed to by a majority of the members elected to the senate of said Forty-fifth General Assembly and entered upon its official printed journal at pages 187 and 188 with the yeas and nays taken thereon; and

WHEREAS, said proposed amendment was in words and figures as follows, to wit:

“Amend article three (III) by repealing section thirty-three (33) relating to the state census”; and

WHEREAS, the said resolution and proposed amendment have been published as provided by law and have been, by the secretary of state of the state of Iowa reported to this, the Forty-sixth General Assembly, for action thereon; and

WHEREAS, such report of the secretary of state of the state of Iowa, has been presented to this, the Forty-sixth General Assembly, and is entered upon its official printed journals at pages 208 and 209 of the senate and at page 258 of the house of representatives; now, therefore,

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

1 SECTION 1. That the proposed amendment to the constitution of the
2 state of Iowa as contained in and proposed by said senate joint resolu-
3 tion number five (5) of the Forty-fifth General Assembly, being in
4 words and figures as follows, to wit:

5 “Amend article three (III) by repealing section thirty-three (33)
6 relating to the state census”, be and the same is hereby agreed to, en-
7 acted, and adopted by the Forty-sixth General Assembly.

Senate Joint Resolution 7. Approved April 5, 1935.

CHAPTER 224

CONSTITUTIONAL AMENDMENT. VERDICT IN CIVIL CASES

S. J. R. 8

JOINT RESOLUTION proposing an amendment to the constitution of the state of Iowa granting the right to the General Assembly to authorize the return of a verdict in a civil case upon the concurrence of nine (9) of the members of the jury.

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

1 SECTION 1. That section nine (9) of article I of the constitution of
2 the state of Iowa is hereby amended by adding thereto the following:
3 "The general assembly may authorize the return of verdicts in civil
4 cases upon the concurrence of not less than nine (9) members of the
5 jury."

1 SEC. 2. That the foregoing proposed amendment be and the same is
2 hereby referred to the legislature to be chosen at the next general
3 election for members of the next General Assembly, and that the sec-
4 retary of state cause the same to be published for three (3) months
5 prior to said election, as provided by law.

Senate Joint Resolution 8. Approved May 3, 1935.

CHAPTER 225

GENERAL ASSEMBLY. CHAPLAINS

H. J. R. 1

A JOINT RESOLUTION providing for the opening each day with prayer, of the two houses of the Forty-sixth General Assembly and the compensation therefor.

WHEREAS, it has been customary for the senate and the house of the Iowa General Assembly to open each daily session with prayer, and

WHEREAS, it is desirable that ministers from throughout the state be procured to offer prayer, and

WHEREAS, some reasonable compensation should be provided to compensate and assist in defraying the expense of such ministers,

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

1 SECTION 1. That a compensation of five (5) dollars be provided for
2 the opening of each house, each day, by prayer, and that sufficient funds
3 are hereby appropriated out of the general funds of the state to provide
4 such compensation, except by any member or employee thereof.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in full force from and after its publication in the Nevada
3 Journal, a newspaper published in Nevada, Iowa, and the Ames Mile
4 Post, a newspaper published in Ames, Iowa, without expense to the
5 state.

House Joint Resolution 1. Approved February 12, 1935.

I hereby certify that the foregoing act was published in the Nevada Journal, February 23, 1935, and the Ames Mile Post, February 28, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 226

GENERAL ASSEMBLY. COMPENSATION, OFFICERS AND EMPLOYEES

H. J. R. 2

A JOINT RESOLUTION fixing the compensation of officers and employees of the Forty-sixth General Assembly.

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

1 SECTION 1. Pursuant to the provisions of section nineteen (19) of
 2 the code, 1931, it is provided that the daily compensation of all officers
 3 and employees of the Forty-sixth General Assembly be as follows, to be
 4 paid in accordance with the rules of the senate and house:

OFFICERS AND EMPLOYEES OF THE SENATE

| | | |
|----|--|--------|
| 5 | Secretary of the senate..... | \$9.00 |
| 6 | Assistant secretary of the senate..... | 6.30 |
| 7 | Reading clerk | 6.30 |
| 8 | Engrossing clerk | 6.30 |
| 9 | Enrolling clerk | 6.30 |
| 10 | Assistant enrolling clerk..... | 6.30 |
| 11 | Journal clerk | 6.30 |
| 12 | Assistant journal clerk..... | 6.30 |
| 13 | General clerk | 6.30 |
| 14 | Assistant general clerk..... | 4.25 |
| 15 | Clerk to lieutenant governor..... | 4.50 |
| 16 | Clerk to secretary..... | 4.50 |
| 17 | Bill clerk | 4.50 |
| 18 | File clerk | 4.50 |
| 19 | Sergeant-at-arms | 4.50 |
| 20 | Assistant sergeant-at-arms | 4.50 |
| 21 | Chief doorkeeper | 4.50 |
| 22 | Doorkeepers | 3.60 |
| 23 | Enrolled bills clerk..... | 4.50 |
| 24 | Postmistress | 3.60 |
| 25 | Committee clerks | 3.60 |
| 26 | Matron | 3.60 |
| 27 | Janitors | 3.60 |
| 28 | Messenger to the mail carrier..... | 3.60 |
| 29 | Telephone messenger | 3.00 |
| 30 | Lieutenant governor's page..... | 2.50 |
| 31 | Secretary's page | 2.50 |
| 32 | Pages | 2.50 |

HOUSE OFFICERS AND EMPLOYEES

| | | |
|----|------------------------------|--------|
| 33 | Chief clerk | \$9.00 |
| 34 | Assistant chief clerk..... | 6.30 |
| 35 | Journal clerk | 6.30 |
| 36 | Assistant journal clerk..... | 6.30 |
| 37 | Engrossing clerk | 6.30 |
| 38 | Enrolling clerk | 6.30 |
| 39 | Reading clerk | 6.30 |
| 40 | Special clerk | 6.30 |

| | | |
|----|------------------------------------|------|
| 41 | Filing clerk | 4.50 |
| 42 | Supply clerk | 3.60 |
| 43 | Clerk of enrolled bills..... | 6.30 |
| 44 | Bill clerk | 4.50 |
| 45 | Assistant bill and file clerk..... | 4.50 |
| 46 | Speaker's clerk | 4.50 |
| 47 | Chief clerk's clerk..... | 4.50 |
| 48 | Committee clerks | 3.60 |
| 49 | Postmaster | 3.60 |
| 50 | Sergeant-at-arms | 4.50 |
| 51 | Assistant sergeant-at-arms | 4.50 |
| 52 | Porters | 3.60 |
| 53 | Telephone messenger | 3.00 |
| 54 | Chief doorkeeper | 4.50 |
| 55 | Doorkeepers | 3.60 |
| 56 | Chief clerk's page..... | 2.50 |
| 57 | Speaker's page | 2.50 |
| 58 | Pages | 2.50 |
| 59 | Assistant electrician | 3.60 |

EXTRA HELP

| | | |
|----|---|--------|
| 60 | Assistant in law research..... | \$5.85 |
| 61 | Assistant in general research..... | 5.85 |
| 62 | Stenographers and typists for law library..... | 3.60 |
| 63 | Page to librarian and his office..... | 3.60 |
| 64 | Legislative assistant for economics department..... | 3.60 |
| 65 | Stenographer for economics division..... | 3.60 |
| 66 | Assistant messenger to mail carrier..... | 3.60 |
| 67 | Assistant matron | 3.60 |
| 68 | Elevator tenders | 3.60 |
| 69 | Janitors | 3.60 |
| 70 | Post office assistant..... | 3.60 |

1 SEC. 2. It is further provided that the president and secretary of the
2 senate and the speaker and chief clerk of the house shall be authorized
3 to pay compensation to persons acting as temporary officers or employ-
4 ees, prior to the permanent organization of their respective houses, in
5 the positions set forth in section one (1) and at the same scale of com-
6 pensation as set forth therein.

1 SEC. 3. This act being deemed of immediate importance shall be in
2 force and effect from and after its publication in the Ottumwa Daily
3 Courier, a newspaper published at Ottumwa, Iowa, and in the Newton
4 Daily News, a newspaper published at Newton, Iowa.

House Joint Resolution 2. Approved January 29, 1935.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier
and the Newton Daily News, January 31, 1935.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 227

IOWA LIQUOR CONTROL COMMISSION

S. J. R. 1

JOINT RESOLUTION creating a joint investigating committee to investigate the operation of the Iowa liquor control act and the administration of said act by the Iowa liquor control commission, to make report of its findings together with recommendations to the Forty-sixth General Assembly giving said committee the power to subpoena witnesses and administer oaths, and to provide an appropriation therefor.

WHEREAS, criticism has been made of the operation of the Iowa liquor control act, passed by the Forty-fifth General Assembly in extraordinary session, and of the administration of said act by the Iowa liquor control commission; and that,

WHEREAS, it is desirable that a legislative investigation be had, therefore,

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

1 SECTION 1. That a joint investigation committee of six members of
2 the Forty-sixth General Assembly of the state of Iowa be appointed,
3 three of whom shall be appointed by the president of the senate from
4 the members of the senate, to be selected from both political parties, and
5 three of whom shall be appointed by the speaker of the house of rep-
6 resentatives from the members of the house of representatives, to be
7 selected from both political parties.

1 SEC. 2. That the said investigating committee be and is hereby
2 authorized, directed and empowered to investigate the operations of
3 said Iowa liquor control act and the administration of said act by the
4 Iowa liquor control commission and the transactions of any individuals,
5 firms, corporations or partnerships with the Iowa liquor control com-
6 mission, and the official acts of the individual members of said commis-
7 sion and any of the members thereof and all of the acts and things
8 done by the said commission, its members and its employees. Each
9 member of the joint investigation committee is hereby authorized to
10 issue subpoenas for witnesses and to administer oaths, to require the
11 production of books and records pertaining to any transaction with or
12 by the Iowa liquor control commission from any place either within or
13 without the state.

1 SEC. 3. Upon the completion of said investigation by said commit-
2 tee, they shall make a written and detailed report of the findings of the
3 joint investigating committee with its recommendations to the Forty-
4 sixth General Assembly. The findings of the committee and the rec-
5 ords of the evidence shall be a matter of public record.

1 SEC. 4. That in the event any person, firm or corporation or officer,
2 agent or employee thereof, fails or refuses to produce for the examina-
3 tion and inspection of the joint committee any books, records or papers
4 showing, or in any manner pertaining to any transaction with the Iowa
5 liquor control commission or fails or refuses to appear for examination
6 before the joint committee when requested or subpoenaed by it, shall
7 be, thereafter, barred and prohibited from transacting any business
8 with the Iowa liquor control commission. The record of such failing

9 or refusing, appearing in the record of the joint committee shall be
10 notice to the Iowa liquor control commission of such failure or refusal
11 and the said commission and each individual member thereof shall be
12 held responsible in seeing that no future transactions with any such
13 persons, firms or corporations, or others so failing or refusing shall
14 be had.

1 SEC. 5. There is hereby appropriated out of funds in the state gen-
2 eral fund, the sum of ten thousand (10,000) dollars, or so much there-
3 of as may be necessary to pay the expenses of the committee, including
4 the employment of such attorneys, auditors, investigators and employ-
5 ees deemed necessary by said committee.

1 SEC. 6. This act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in the Cedar
3 Rapids Gazette, a newspaper published at Cedar Rapids, Iowa, and in
4 the Sioux City Tribune, a newspaper published at Sioux City, Iowa.

Senate Joint Resolution 1. Approved February 15, 1935.

I hereby certify that the foregoing act was published in the Cedar Rapids Gazette,
February 16, 1935, and the Sioux City Tribune, February 18, 1935.

MRS. ALEX MILLER, *Secretary of State.*

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