

# **ACTS AND JOINT RESOLUTIONS**

PASSED AT THE

**REGULAR SESSION**

OF THE

**Forty-seventh General Assembly**

OF THE

**STATE OF IOWA**

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PREPARED FOR PUBLICATION BY AND UNDER THE DIRECTION OF  
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SUPERINTENDENT OF PRINTING

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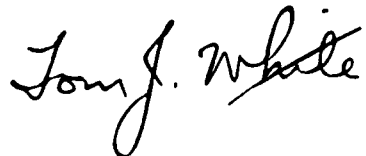
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STATE OF IOWA  
Office of Superintendent of Printing

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“11312. Printed copies of the statute laws of this or any other of the United States, or of Congress, or of any foreign government, purporting or proved to have been published under the authority thereof, or proved to be commonly admitted as evidence of the existing laws in the courts of such state or government, shall be admitted in the courts of this state as presumptive evidence of such laws.”



Superintendent of Printing.

VIA MAIL ORDER SERVICE



# 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 Robert E. O'Brien, Secretary of State, under section 163 of the Code.

## STATE OFFICERS, BOARDS AND COMMISSIONS

Name	Position	County from which originally chosen
Nels G. Kraschel.....	Governor .....	Shelby
G. W. Kirtley.....	Executive Assistant .....	Shelby
Robert Burlingame .....	Secretary to the Governor.....	Hardin
John K. Valentine.....	Lieutenant Governor .....	Appanoose
Robert E. O'Brien.....	Secretary of State.....	Woodbury
James C. Green.....	Deputy Secretary of State.....	Polk
C. W. Storms.....	Auditor of State.....	Lee
J. J. Foarde.....	Deputy Auditor of State.....	Black Hawk
Leo J. Wegman.....	Treasurer of State.....	Carroll
Ed. M. Hogan.....	Deputy Treasurer of State.....	Johnson
John H. Mitchell.....	Attorney General .....	Webster
Henry Roelofs.....	Special Assistant Attorney General.....	Sioux
Buell McCash.....	Assistant Attorney General.....	Davis
Don W. Burlington.....	Assistant Attorney General.....	Woodbury
T. J. Mahoney.....	Assistant Attorney General.....	Boone
Paul Freeburn.....	Assistant Attorney General.....	Scott
Chas. W. Wilson.....	Assistant Attorney General.....	Emmet
N. S. Genung.....	Assistant Attorney General.....	Mills
Thomas L. Curran.....	Secretary of Agriculture.....	Wapello
Homer Hush.....	Assistant Secretary of Agriculture.....	Montgomery
Agnes Samuelson.....	Superintendent of Public Instruction.....	Page
Fred L. Mahannah.....	Deputy Supt. of Public Instruction.....	Jones
Charles H. Grahl.....	Adjutant General .....	Polk
Ralph A. Lancaster.....	Assistant Adjutant General.....	Scott
Geo. A. Huffman, Chm....	} Iowa State Commerce Commission (formerly Railroad Commission).....	Polk
M. P. Conway.....		Cass
Harry B. Dunlap.....	} Secretary Commerce Commission.....	Story
J. J. Lynch.....		Polk
John C. De Mar.....	} Commerce Counsel .....	Polk
Nels G. Kraschel.....		Shelby
Robert E. O'Brien.....	} Executive Council .....	Woodbury
Leo J. Wegman.....		Carroll
C. W. Storms.....		Lee
Thomas L. Curran.....		Wapello
Ross Ewing.....	} Secretary, Executive Council.....	Polk
George T. Baker, Pres....		Scott
Anna B. Lawther.....	} State Board of Education.....	Dubuque
John P. Wallace.....		Polk
W. Earl Hall.....		Cerro Gordo
Richard F. Plock.....		Des Moines
Thos. W. Keenan.....		Page
Henri C. Shull.....		Woodbury
S. J. Galvin.....		Franklin
Cora Simpson.....		Winneshiek
W. R. Boyd, Chairman....		Linn
M. R. Pierson, Sec'y.....		Polk
W. G. Noth.....	Scott	
M. R. Pierson.....	} Secretary, State Board of Education and of Finance Committee.....	Polk
Harry C. White, Chm....		Benton
E. H. Felton.....	} State Board of Control.....	Warren
Frank M. Stevens.....		Decatur
G. S. Wooten.....	} Secretary, State Board of Control.....	Boone
F. E. Palmer.....		Benton
C. E. Laustrup.....	} Commission for the Blind.....	Pottawattamie
Mrs. George Kraetsch.....		Polk
Ethel Towne Holmes....	Secretary, Commission for the Blind.....	Polk

## STATE OFFICERS—CONTINUED

Name	Position	County from which originally chosen	
C. L. McKinnon	State Highway Commission	Henry	
I. A. Knudson		Hamilton	
Harry Greene		Pottawattamie	
A. A. Hurst		Jackson	
Gus A. Olson		Monona	
Fred R. White	Chief Engineer	Story	
Ex-officio:			
Robert E. O'Brian, Chm.	State Printing Board	Woodbury	
C. W. Storms		Lee	
John H. Mitchell		Webster	
Appointive:			
G. L. Caswell	Superintendent of Printing	Story	
J. R. Bahne		Hardin	
Tom J. White	Code Editor	Greene	
U. G. Whitney	Assistant Code Editor	Woodbury	
Nancy M. Conlee	Industrial Commissioner	Lee	
John T. Clarkson	Deputy Industrial Commissioner	Monroe	
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	State Department of Social Welfare	Marion	
Msgr. Martin Cone		Scott	
Ivan O. Hasbrouck		Greene	
Mrs. B. C. Hopkins		Polk	
E. P. Schoentgen		Pottawattamie	
Warren F. Miller		Buchanan	
Peter J. Kies		Dubuque	
Claude M. Stanley		Adams	
Walter F. Scholes		Pottawattamie	
Madge White		Polk	
Milton E. Peaco	Labor Commissioner	Clinton	
Frank Flaherty	Deputy Labor Commissioner	Linn	
Harry E. Cornish	Custodian	Dallas	
John M. Bowler	Assistant Custodian	Polk	
Logan Blizzard, Chm.	State Conservation Commission	Clayton	
Dr. R. G. Moore		Harrison	
R. E. Stewart		Wapello	
Dr. E. W. Neenan		Woodbury	
Dr. F. J. Colby		Winnebago	
W. A. Burhans		Des Moines	
Mrs. Addison Parker		Polk	
M. L. Hutton		Director, State Conservation Commission	Story
Ross Ewing		Secretary, State Conservation Commission	Polk
Ex-officio:			
Nels G. Kraschel	State Fair Board	Shelby	
Thomas L. Curran		Wapello	
C. E. Friley		Story	
President Emeritus:			
C. E. Cameron	State Fair Board	Buena Vista	
J. P. Mullen, Pres.		Pocahontas	
F. E. Sheldon, Vice Pres.		Ringgold	
A. R. Corey, Sec'y.		Polk	
N. W. McBeath, Treas.		Polk	
E. T. Davis		Johnson	
Earl Ferris		Franklin	
L. B. Cunningham		Howard	
C. J. Knickerbocker		Linn	
C. Ed. Beman		Mahaska	
Charles F. Curtiss	Story		
Carl E. Hoffman	Cass		
Sears McHenry	Crawford		
H. L. Pike	Monona		

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:		
Nels G. Kraschel.....	} State Board of Health.....	Shelby
Robert E. O'Brian.....		Woodbury
Leo J. Wegman.....		Carroll
Chas. W. Storms.....		Lee
Thomas L. Curran.....		Wapello
Appointive:		
E. M. Myers, M.D., Chm.	} Board of Medical Examiners.....	Boone
Herbert E. Stroy, M.D..		Clarke
W. J. Connell, M.D.....		Dubuque
W. A. Sternberg, M.D....		Henry
Chas. E. Irwin, M.D.....		Linn
Aldis A. Johnson, M.D., Chm. ....	} Board of Medical Examiners.....	Pottawattamie
Erwin Schenk, M.D., Sec'y.		Polk
Frank M. Fuller, M.D.....		Lee
Phil H. Sheridan, D.D.S., Chm. ....	} Board of Dental Examiners.....	Dubuque
Hardy F. Pool, D.D.S., Sec'y. ....		
R. J. Lash, D.D.S.....	} Board of Dental Examiners.....	Cerro Gordo
F. B. Whinery, D.D.S.....		Pottawattamie
J. J. Foley, D.D.S.....		Johnson
O. O. Greenlee, L.E., Chm.	} Board of Embalmer Examiners.....	Webster
Alois M. Didesch, L.E., Sec'y. ....		Wayne
A. L. Fleenor, L.E.....	} Board of Osteopathy Examiners.....	Dubuque
C. N. Stryker, D.D., Chm..		Hamilton
D. E. Hannan, D.O., Sec'y..		O'Brien
H. B. Willard, D.O.....	} Board of Osteopathy Examiners.....	Dallas
Alfred J. Meyer, Chm.....		Delaware
V. V. Kirby, Sec'y.....	} Board of Optometry Examiners.....	Scott
R. C. Griffith.....		Polk
C. B. Kerr, D.C.....	} Board of Chiropractic Examiners.....	Shelby
H. T. Opsahl, D.C., Sec'y...		Story
R. L. Sheeler, D.C., V. P...		Winneshiek
Stewart E. Reed, Chm.....	} Board of Podiatry Examiners.....	Pottawattamie
Cecil L. Moon.....		Polk
Wm. H. Thomas.....	} Board of Cosmetology Examiners.....	Marshall
Mrs. Mayme Madden, Chm.		Polk
Mrs. Joe Werek, Sec'y...		Scott
Mrs. Mae Haney.....	} Board of Cosmetology Examiners.....	Jasper
L. D. Hamilton, Chm.....		Pottawattamie
T. F. Thompson.....	} Board of Barber Examiners.....	Woodbury
Lee W. Skinner.....		Linn
W. B. Wilson.....	Director of Barber Division.....	Pottawattamie
Charles Carter, Chm.....	} Board of Basic Science Examiners.....	Polk
William L. Strunk, Sec'y..		Jefferson
Joseph H. Bodine.....		Winneshiek
Benjamin H. Peterson....		Johnson
G. W. Heitkamp.....		Linn
Lutie B. Larsen, R.N.....	} Board of Nurses Examiners.....	Dubuque
Vera Sage, R.N.....		Black Hawk
Sister M. Petronilla, R.N..		Des Moines
Dorothy Freriks, R.N.....		Cerro Gordo
Alida A. Hobbs, R.N.....		Polk
R. T. Ryhs.....	} State Mine Inspectors.....	Polk
J. E. Jeffreys.....		Wapello
E. A. Farnsworth.....		Polk
Phil R. Clarkson.....	Secretary Mine Inspectors.....	Mahaska
		Polk

## STATE OFFICERS—CONTINUED

Name	Position	County from which originally chosen	
Ernest R. Moore	Board of Parole	Linn	
Leslie O. Ross		Fremont	
Hubert Utterback		Polk	
Sam D. Woods	Secretary Board of Parole	Shelby	
N. G. Kraschel			
C. W. Storms	Geological Board	Lee	
E. A. Gilmore		Johnson	
Charles E. Friley		Story	
Arthur C. Trowbridge		Johnson	
Allen C. Tester	Geologist		
Agnes Samuelson	Assistant State Geologist		
George T. Baker	Board of Vocational Education and Rehabilitation	Page	
Milton Peaco		Scott	
Forest E. Moore	Director	Clinton	
N. G. Kraschel		Story	
Robert E. O'Brian		Shelby	
Agnes Samuelson		Woodbury	
John W. Anderson		Page	
Maurice F. Donegan		Woodbury	
W. H. Hamilton		Scott	
John W. Kintzinger		Keokuk	
Richard F. Mitchell		Dubuque	
James F. Parsons		Webster	
Paul W. Richards	Board of Trustees of the State Library and State Historical Department	Polk	
Ed. A. Sager		Montgomery	
Carl B. Stiger		Bremer	
John D. Denison		Tama	
A. J. Small		Polk	
O. E. Klingaman		Polk	
Ex-officio:		Curator, Historical Department	Bremer
John Denison			Polk
Agnes Samuelson			Page
E. A. Gilmore		State Library Commission	Johnson
Arthur Thompson	Woodbury		
Mrs. D. S. Humeston	Monroe		
Edith Sackett	Clay		
Mrs. J. C. Pryor		Des Moines	
Julia A. Robinson	Secretary, Library Commission		
Duane H. Redfield	State Board of Pharmacy Examiners	Page	
George W. Gillman		Webster	
Hugh Tyler		Taylor	
Walter F. Meads	Secretary, Board of Pharmacy Examiners	Page	
L. M. Martin		Pottawattamie	
C. J. Keller	State Board of Engineering Examiners	Johnson	
C. H. Currie		Hamilton	
J. S. Dodds		Story	
Maurice C. Miller		Polk	
Ross Ewing	Secretary, State Board of Engineering Examiners	Polk	
Arthur Eberling		Scott	
Wm. L. Perkins	Board of Architectural Examiners	Union	
J. Chris Jensen		Pottawattamie	
Geo. A. Kraetsch		Polk	
Chas. T. Altfillisch		Winneshek	
Jacob Ritter		Appanoose	
Fred Norwood		Polk	
William Anderson	Board of Examiners for Mine Inspectors	Monroe	
William Jervis		Polk	
James Smith		Monroe	
John De Mar		Polk	
R. C. Turner	Board of Examiners of Court Reporters	Woodbury	
Gordon Elliott		Polk	
F. J. Harrigan	Board of Examiners for Certified Accountants	Polk	
L. H. Keightley		Woodbury	
M. E. Brooks		Dubuque	

## STATE OFFICERS—CONTINUED

Name	Position	County from which originally chosen
Agnes Samuelson, Pres...	Board of Educational Examiners.....	Page
O. R. Latham.....		Black Hawk
J. S. Nollen.....		Poweshiek
F. M. Olry.....		Crawford
Arthur Deamer.....	Executive Secretary.....	Linn
Russell E. Jonas.....		Polk
D. W. Bates.....	State Banking Board.....	Monroe
Frank Kauffman.....		Polk
J. L. Campbell.....		Humboldt
L. J. Schuster.....		Clinton
H. P. Dowling.....		Shelby
Ex-officio:	Board of Law Examiners.....	Webster
John H. Mitchell.....		Dubuque
H. J. Hoffman.....		Audubon
J. A. Graham.....		Woodbury
C. M. Jepson.....	State Board of Assessment and Review...	Mahaska
J. A. Devitt.....		Johnson
William Hart.....		Scott
Louis E. Roddewig.....		Woodbury
C. F. Green.....		Wayne
D. L. Murrow.....	Secretary, State Board of Assessment and Review.....	
Elsie E. Dachroth.....		
		Comptroller.....
Chas. B. Murtagh.....	Assistant Comptroller.....	Polk
Fred Porter.....	Liquor Control Commission.....	Cerro Gordo
Bernard E. Manley.....		Calhoun
Andrew Stewart.....		Scott
Dick R. Lane.....		Webster
W. J. Ryan.....	Secretary, Liquor Control Commission...	Woodbury
Mrs. Chas E. Palmer, Pres.	Iowa Housing League.....	
Mrs. Robert Lappan, Sec'y.....		Polk
J. C. Pryor.....	Commission on Uniform Laws.....	Des Moines
Jesse Marshall.....		Woodbury
Dean Wiley B. Rutledge..		Johnson
Dean H. H. Kildee, Chm...	Iowa State Planning Board.....	Story
A. H. Wieters, Sec'y.....		Polk
P. H. Elwood, Consultant.		Story
R. H. Matson, Director...		Polk

## JUDICIAL DEPARTMENT

## SUPREME COURT

Name	Position	County from which chosen	Address
W. H. Hamilton	Chief Justice	Keokuk	Sigourney
Maurice F. Donegan	Justice	Scott	Davenport
John W. Kintzinger	Justice	Dubuque	Dubuque
Richard F. Mitchell	Justice	Webster	Fort Dodge
James M. Parsons	Justice	Polk	Des Moines
Paul W. Richards	Justice	Montgomery	Red Oak
Ed. A. Sager	Justice	Bremer	Waverly
Carl B. Stiger	Justice	Tama	Toledo
John W. Anderson	Justice	Woodbury	Sioux City

## DISTRICT COURTS

Name	Address	Dist.	Counties in District
J. R. Leary	Fort Madison	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		
Charles F. Wennerstrum	Chariton		
H. H. Carter	Corydon	3	Adams, Clarke, Decatur, Ringgold, Taylor, Union and Wayne
Homer A. Fuller	Mount Ayr		
Geo. A. Johnston	Creston		
Robert H. Munger	Sioux City	4	Monona, Woodbury
Miles W. Newby	Onawa		
F. H. Rice	Sioux City		
A. O. Wakefield	Sioux City		
W. S. Cooper	Winterset	5	Adair, Dallas, Guthrie, Madison, Marion and Warren
E. W. Dingwell	Adel		
Norman R. Hays	Knoxville		
P. J. Siegers	Newton	6	Jasper, Keokuk, Mahaska, Poweshiek and Washington
Frank Bechly	Montezuma		
J. G. Patterson	Oskaloosa		
D. V. Jackson	Muscatine	7	Clinton, Jackson, Muscatine and Scott
F. D. Kelsey	Maquoketa		
W. R. Maines	Davenport		
John E. Purcell	Clinton		
W. W. Scott	Davenport		
H. D. Evans	Iowa City	8	Iowa, Johnson
Jas. P. Gaffney	Marengo		
O. S. Franklin	Des Moines	9	Polk
John J. Halloran	Des Moines		
Russell Jordan	Des Moines		
Loy Ladd	Des Moines		
Jos. E. Meyer	Des Moines		
F. S. Shankland	Des Moines		
R. W. Hasner	Independence	10	Black Hawk, Buchanan, Delaware and Grundy
A. B. Lovejoy	Waterloo		
George W. Wood	Waterloo		
H. E. Fry	Boone	11	Boone, Franklin, Hamilton, Hardin, Story, Webster, and Wright
Sherwood A. Clock	Hampton		
T. G. Garfield	Ames		
O. J. Henderson	Webster City		
T. A. Beardmore	Charles City	12	Bremer, Butler, Cerro Gordo, Floyd, Hancock, Mitchell, Winnebago and Worth
Joseph J. Clark	Mason City		
M. F. Edwards	Parkersburg		
M. H. Kepler	Northwood		

## DISTRICT COURTS—CONTINUED

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

## MUNICIPAL COURTS

Name	Address	Name	Address
John Y. Luke	Ames	Edwin C. Moore	Des Moines
Armstrong McCullough	Clinton	L. R. Sheets	Marshalltown
Daniel Sheehan	Council Bluffs	H. R. Kenaston	Sioux City
Harry L. Robertson	Council Bluffs	Bernard Brown	Sioux City
Don Allen	Des Moines	Berry J. Siak	Sioux City
Chas. S. Cooter	Des Moines	George J. Sager	Waterloo
Ralph Powers	Des Moines	Ben G. Howrey	Waterloo

## SUPERIOR COURTS

Name	Address	Name	Address
Thomas B. Powell	Cedar Rapids	Jay Cook	Oelwein

## FORTY-SEVENTH GENERAL ASSEMBLY

## OFFICERS OF THE SENATE

*President*—John K. Valentine, Centerville.  
*President Pro Tempore*—Frank C. Byers, Cedar Rapids.  
*Secretary*—Walter H. Beam, Martensdale.  
*Assistant Secretary*—C. H. Pitchforth, Muscatine.  
*Reading Clerk*—Robert C. Phillips, Des Moines.  
*Journal Clerk*—Lola B. Lowry, Des Moines.  
*Assistant Journal Clerk*—Margaret G. Allen, Estherville.  
*Engrossing Clerk*—Wendell Lowe, Weldon.  
*Enrolling Clerk*—Helena M. Mitchell, Des Moines.  
*Assistant Enrolling Clerk*—Florence Wattles, Waukon.  
*Clerk of Enrolled Bills*—Katherine Hanson, Leland.  
*General Clerk*—H. D. Haesemeyer, Stanwood.  
*Assistant General Clerk*—Robert O. Wynne, Atlantic.  
*Sergeant-at-Arms*—Percy A. Lainson, Council Bluffs.

## FORTY-SEVENTH GENERAL ASSEMBLY—CONTINUED

*Assistant Sergeant-at-Arms*—Jce Chocholka, Cedar Rapids.

*Chief Doorkeeper*—James W. Reese, Des Moines.

*Bill Clerk*—Nelson C. A. Berg, Ellsworth.

*File Clerk*—Burrell S. May, Manchester.

*Assistant File Clerk*—Harold E. Holmes, Truro.

*Lieutenant Governor's Clerk*—Jessie Carter, Des Moines.

*Secretary's Clerk*—Hazel Marshall, Des Moines.

*Postmistress*—Mrs. Laura E. Hicks, Fairfield.

## SENATORS

Name	Address	Dist.	Counties in District
Augustine, A. E.	Oskaloosa	14	Mahaska
Baldwin, Howard C.	Cascade	35	Dubuque
Beardsley, Wm. S.	New Virginia	11	Clarke, Warren
Bell, Andrew	Denison	34	Crawford, Harrison, Monona
Bell, James M.	Burlington	9	Des Moines
Berg, John P.	Cedar Falls	38	Black Hawk, Grundy
Billingsley, John W.	Newton	29	Jasper
Breen, Edward	Fort Dodge	27	Calhoun, Webster
Byers, Frank C.	Cedar Rapids	26	Linn
Chrystal, I. G.	Coon Rapids	48	Carroll, Sac, Greene
Corwin, E. P.	Fruitland	20	Louisa, Muscatine
Dean, Earl	Mason City	43	Cerro Gordo, Franklin, Hancock
Dewey, A. Claire	Washington	10	Henry, Washington
Donohue, E. P.	New Hampton	44	Chickasaw, Floyd
Doran, L. H.	Boone	31	Boone, Story
Edwards, Howard W.	Tingey	5	Decatur, Ringgold, Union
Ellis, Frank E.	Maquoketa	23	Jackson
Elthon, Leo	Fertile	41	Mitchell, Winnebago, Worth
Evans, K. A.	Emerson	8	Mills, Montgomery
Geske, M. X.	McGregor	36	Clayton
Gillespie, Jas. J.	Des Moines	30	Polk
Gillette, Lester S.	Fostoria	47	Clay, Dickinson, Emmet, Kossuth, Palo Alto
Goetsch, Sam D.	Decorah	42	Howard, Winneshiek
Grunewald, Henry J.	Blairstown	45	Benton, Tama
Guernsey, Hugh G.	Centerville	3	Appanoose, Davis
Hart, Stanley L.	Keokuk	1	Lee
Hill, G. R.	Clarion	37	Hamilton, Hardin, Wright
Hoeven, Charles B.	Alton	49	Lyon, O'Brien, Osceola, Sioux
Hopkins, George M.	Guthrie Center	17	Audubon, Dallas, Guthrie
Husted, Ora E.	Truro	16	Adair, Madison
Irwin, Harold L.	Dewitt	22	Clinton
Kimberly, D. W.	Davenport	21	Scott
Kirketeg, O. J.	Bedford	6	Adams, Taylor
Levis, H. V.	Chariton	4	Lucas, Wayne
Lundy, Hugh W.	Albia	15	Marion, Monroe
Mason, E. I.	Brooklyn	12	Keokuk, Poweshiek
Mighell, Winfred	Holstein	46	Cherokee, Ida, Plymouth
Miller, H. D.	Morley	24	Cedar, Jones
Millhone, Paul L.	Clarinda	7	Fremont, Page
Moore, Morris	Walnut	19	Pottawattamie
Murray, Tom E.	Sioux City	32	Woodbury
Parker, George L.	Independence	33	Buchanan, Delaware
Pelzer, Frank	Marne	18	Cass, Shelby
Schadt, Frederick C.	Williamsburg	25	Iowa, Johnson
Shaw, Albert J.	Pocahontas	50	Buena Vista, Humboldt, Pocahontas
Smith, C. Colfax	Clarksville	39	Bremer, Butler
Stevens, Roy E.	Ottumwa	13	Wapello
Stewart, Paul P.	Maynard	40	Allamakee, Fayette
Whitehill, B. C.	Marshalltown	28	Marshall
Zeigler, Sanford, Jr.	Fairfield	2	Jefferson, Van Buren



## OFFICERS OF THE HOUSE

*Speaker*—La Mar Foster, West Branch.  
*Speaker Pro Tempore*—C. L. Rice, Delta.  
*Chief Clerk*—A. C. Gustafson, Des Moines.  
*Assistant Chief Clerk*—Wm. F. Reinecke, Manchester.  
*Journal Clerk*—Don Brown, Dayton.  
*Assistant Journal Clerk*—Jennie Allely, Montezuma.  
*Engrossing Clerk*—Sara Conlin, Cascade.  
*Enrolling Clerk*—Nona Adkins, Grinnell.  
*Clerk of Enrolled Bills*—Helen Kouhns, Boone.  
*Reading Clerk*—Thomas J. Dailey, Burlington.  
*Special Clerk*—Iva L. Brown, Anamosa.  
*Special Clerk*—Vera Buck, Garden Grove.  
*File Clerk*—Wallace Dugan, College Springs.  
*Bill Clerk*—John Schaap, Orange City.  
*Assistant Bill Clerk*—Richard F. Davison, Wapello.  
*Assistant File Clerk*—Clinton Bunt, Marcus.  
*Postmistress*—Mary Donovan, Iowa City.  
*Sergeant-at-Arms*—Oley Nelson, Slater.  
*Assistant Sergeant-at-Arms*—Harry Black, Bloomfield.  
*Speaker's Clerk*—Laura Smith, Des Moines.  
*Chief Clerk's Clerk*—Martha P. Cesar, Des Moines.

## REPRESENTATIVES

Name	Address	County Composing District
Alesch, Gustave	Marcus	Plymouth
Baumhover, A. H.	Carroll	Carroll
Beckler, Charles L.	Waterloo	Black Hawk
Beltman, Albert	Hospers	Sioux
Benz, M. E.	Lawler	Chickasaw
Blue, Robert D.	Eagle Grove	Wright
Bowers, L. C.	Kent	Union
Brodersen, T. H.	Battle Creek	Ida
Brown, Ed. R.	Des Moines	Polk
Brueme, Fred K.	Gladbrook	Tama
Bulow, Harry F.	Clinton	Clinton
Burma, Henry W.	Allison	Butler
Christoffersen, Iver H.	Cedar Falls	Black Hawk
Clements, L. R.	Harvey	Marion
Copeland, Harry F.	Waukee	Dallas
Cramer, W. H.	Emerson	Mills
Craven, J. E.	Kellogg	Jasper
Currie, Ernest L.	Council Bluffs	Pottawattamie
Curtis, Glenn	Cherokee	Cherokee
Dancer, David A.	Lamoni	Decatur
Davis, Henry L.	Winterset	Madison
Dietz, Walter	Walcott	Scott
Dodds, Bert E.	New London	Des Moines
Dreessen, Wm. J.	Breda	Crawford
Dykhouse, J. T.	Rock Rapids	Lyon
Elliott, Mrs. Frank A.	Bronson	Woodbury
Engel, Frank L.	Davenport	Scott
Fishbaugh, Earl C., Jr.	Shenandoah	Page
Flynn, Joe	Decorah	Winneshiok
Foster, La Mar	West Branch	Cedar
Foster, Harlan C.	Mount Pleasant	Henry
Fox, Henry	Elma	Mitchell
Frizzell, J. W.	Brooklyn	Poweshiek
Fuelling, Otto	Farmersburg	Clayton
Gallagher, J. P.	Williamsburg	Iowa
Gardner, John R.	Lisbon	Linn
Good, C. G.	Ogden	Boone
Goode, Dewey E.	Bloomfield	Davis
Groves, George W.	Webster City	Hamilton
Hathaway, George	Independence	Buchanan
Hendrickson, Thos.	Corning	Adams
Hickenlooper, B. B.	Cedar Rapids	Linn

## REPRESENTATIVES—CONTINUED

Name	Address	County Composing District
Hoegh, Leo. A.	Chariton	Lucas
Hultman, O. N.	Stanton	Montgomery
Irwin, John R.	Keokuk	Lee
Johannes, W. J.	Ashton	Osceola
Johns, Chester L.	Ottumwa	Wapello
Johnson, Charles G.	Marathon	Buena Vista
Johnson, Claude	Rippey	Greene
Johnson, Oscar E.	Kanawha	Hancock
Judd, William N.	Clinton	Clinton
Keefe, Fred J.	Fort Dodge	Webster
Keeney, George H.	Mallard	Palo Alto
Kephart, Thomas I.	Peterson	Clay
Kerr, William	Randolph	Fremont
Knipping, John	Elma	Howard
Knudson, John	Marshalltown	Marshall
Kohlhaas, Philip J.	Algona	Kossuth
Kuester, G. T.	Griswold	Cass
Latchaw, F. A.	Wilton Junction	Muscatine
Lookingbill, C. E.	Nevada	Story
Love, H. S.	Bridgewater	Adair
Lovrien, Frank S.	Humboldt	Humboldt
Maniece, E. J.	Estherville	Emmet
McEnaney, Morgan J.	Mason City	Cerro Gordo
McFatrige, C. M.	Moravia	Appanoose
McNie, Morris	Hampton	Franklin
Mercer, Leroy S.	Iowa City	Johnson
Moore, E. A.	Harlan	Shelby
Moore, J. C., Jr.	Promise City	Wayne
Moore, John W.	Sioux City	Woodbury
Moore, Leonard L.	Bedford	Taylor
Moore, R. G.	Dunlap	Harrison
Morrow, Harry E.	Hopkinton	Delaware
Nelson, Charles W.	Packwood	Jefferson
Odden, J. G.	Forest City	Winnebago
O'Neill, J. K.	Keosauqua	Van Buren
Peisen, Dean W.	Eldora	Hardin
Pine, Floyd J.	Columbus Junction	Louisa
Prall, S. E.	Indianola	Warren
Randall, Claus	Manly	Worth
Randell, Seth A.	Oskaloosa	Mahaska
Rasmussen, P. C.	Council Bluffs	Pottawattamie
Reilly, Eugene H.	Dubuque	Dubuque
Rice, C. L.	Delta	Keokuk
Riddle, Matthew B.	Ute	Monona
Roan, Phil F.	Fort Madison	Lee
Roe, Ove T.	Waukon	Allamakee
Ross, C. W.	Wellsburg	Grundy
Rutherford, Thos., Jr.	Audubon	Audubon
Ryder, John	Dubuque	Dubuque
Schlatter, Geo. M.	Bellevue	Jackson
Scott, E. W.	Lake View	Sac
Scott, George L.	West Union	Fayette
Shifflett, Grant A.	Diagonal	Ringgold
Sours, Roy J.	Charles City	Floyd
Stewart, E. L.	Washington	Washington
Stimpson, Thomas	Anamosa	Jones
Strickler, Milton W.	Des Moines	Polk
Thompson, Jens	Rolfe	Pocahontas
Thompson, Stanley M.	Yale	Guthrie
Treimer, Wm.	Hartley	O'Brien
Wehling, Fred H.	Readlyn	Bremer
Weichman, Harry E.	Newhall	Benton
Whitney, Frank A.	Somers	Calhoun
Wood, W. G.	Albia	Monroe
Woods, Lloyd	Osceola	Clarke
Yager, W. A.	Spirit Lake	Dickinson

## **CONDITION OF THE TREASURY**

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HON. TOM J. WHITE,  
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-seventh General Assembly, the following statement of the condition of the treasury showing the receipts and disbursements for the biennial fiscal period beginning July 1, 1934, and ending June 30, 1936, as taken from the records of the State Comptroller.

Respectfully submitted,

C. B. MURTAGH,  
State Comptroller.

## STATEMENT OF THE CONDITION OF THE TREASURY

Receipts, Disbursements and Balances in the Several Funds for Biennial Report  
Ending June 30, 1936

	Balance July 1, 1934	Total Receipts	Total Available	Total Disbursements	June 30, 1936 Balance
General Revenue.	\$1,403,023.28	\$ 36,163,251.00	\$ 37,566,274.28	\$ 36,873,991.45	\$ 692,282.83
Trust funds . . . . .	1,535,624.47	73,543,467.38	75,079,091.85	64,512,461.38	10,566,630.47
State college en- dowment cash..	23,229.42	101,600.00	124,829.42	114,694.52	10,134.90
State college en- dowment bonds.	595,100.00	44,500.00	639,600.00	156,500.00	483,100.00
State college en- dowment inter- est. . . . .		46,802.43	46,802.43	45,276.12	1,526.31
Soldiers' bonus tax	288,255.34	3,570,775.40	3,859,030.74	3,417,181.65	441,849.09
Soldiers' bonus bond tax receipts	3,737.80		3,737.80	350.00	3,387.80
	<b>\$3,848,970.31</b>	<b>\$113,470,396.21</b>	<b>\$117,319,366.52</b>	<b>\$105,120,455.12</b>	<b>\$12,198,911.40</b>
		Balance July 1, 1934. . . . .	\$ 3,848,970.31		
		Receipts . . . . .	113,470,396.21		
			\$117,319,366.52		
		Disbursements . . . . .	105,120,455.12		
			\$ 12,198,911.40		

For itemized report of receipts and disbursements see State Comptroller's Budget Report, 1937.

# L A W S

OF THE

## Forty-seventh General Assembly

OF THE

### STATE OF IOWA

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE  
CAPITAL OF THE STATE, BEGUN ON THE ELEVENTH DAY OF  
JANUARY, AND ENDED ON THE TWENTIETH DAY OF  
APRIL, A. D. 1937, IN THE NINETY-FIRST YEAR  
OF THE STATE

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## APPROPRIATIONS

### CHAPTER 1

#### GENERAL APPROPRIATIONS

H. F. 477

AN ACT to establish the general fund for the state of Iowa, for the biennium beginning July 1, 1937, and ending June 30, 1939, 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 July  
3 1st, 1937, and July 1st, 1938, and ending June 30, 1938, and June  
4 30, 1939, 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 except as herein provided, shall be, and the same is hereby appro-  
9 priated for the biennium beginning July 1, 1937, and ending June 30,  
10 1939, in the following 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, 1937, and  
3 ending June 30, 1939, the sum of three hundred twenty-one thousand

4 eight hundred fifteen dollars (\$321,815.00) or so much thereof as  
5 may be necessary, to be used in the following manner:

AGRICULTURE DEPARTMENT

6	For salary of secretary of agriculture.....	\$ 5,000.00
7	For salary of assistant secretary of agriculture..	3,000.00
8	For salaries, support, maintenance and miscel-	
9	laneous purposes .....	113,215.00
10	Total Agricultural Department.....	\$121,215.00

11 The above appropriation shall be paid from the  
12 following funds: \$106,215.00 from the general fund  
13 of the state of Iowa, and \$15,000.00 from the res-  
14 taurant trust fund.

(1) ANIMAL HEALTH AND VETERINARY

15	For the control and eradication of contagious and	
16	infectious livestock diseases, T. B. inspectors,	
17	and necessary traveling expenses; assistant	
18	state veterinarians (per diem and expenses),	
19	indemnities, salaries and miscellaneous.....	\$137,500.00

(2) IOWA BEEF PRODUCERS' ASSOCIATION

20	State aid .....	\$ 5,000.00
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(3) CORN AND SMALL GRAIN GROWERS ASSOCIATION

21	State aid .....	\$ 2,500.00
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(4) DAIRY ASSOCIATION

22	State aid .....	\$ 5,000.00
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23 (To be expended in accordance with the provi-  
24 sions of chapter 137, code of 1935)

(5) HORTICULTURAL SOCIETY

25	State aid .....	\$ 6,300.00
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(6) POULTRY ASSOCIATIONS, SHORT COURSES, COUNTY  
ACHIEVEMENT SHOWS

26	State aid .....	\$ 19,500.00
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(7) BOARD OF VETERINARY EXAMINERS

27	Per diem and expenses of board members.....	\$ 400.00
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(8) IOWA HORSE BREEDERS' ASSOCIATION

28	State aid .....	\$ 5,000.00
----	-----------------	-------------

(9) WEATHER BUREAU AND DIVISION OF  
AGRICULTURE STATISTICS

29	For salaries, support, maintenance and miscel-	
30	laneous purposes .....	\$ 7,000.00

(10) IOWA SWINE BREEDERS' ASSOCIATION

31	State aid .....	\$ 5,000.00
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## (11) STATE ENTOMOLOGIST

32	For salaries, support, maintenance and miscel-	
33	laneous purposes .....	\$ 7,400.00
34	Grand total of all appropriations for all purposes	
35	for each year of the biennium for the depart-	
36	ment of agriculture.....	\$321,815.00

## BOARD OF ASSESSMENT AND REVIEW

1	SEC. 3. For the board of assessment and review there is hereby	
2	appropriated for each year of the biennium beginning July 1st, 1937,	
3	and ending June 30th, 1939, the sum of fifty-five thousand dollars	
4	(\$55,000.00) or so much thereof as may be necessary, to be used in	
5	the following manner:	
6	For salaries:	
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 .....	43,000.00
12	Grand total of all appropriations for all purposes	
13	for each year of the biennium for the board	
14	of assessment and review.....	\$ 55,000.00

## AUDITOR OF STATE

1	SEC. 4. For the office of auditor of state there is hereby appro-	
2	priated for each year of the biennium beginning July 1, 1937, and	
3	ending June 30, 1939, the sum of eighty-eight thousand dollars	
4	(\$88,000.00) or so much thereof as may be necessary, to be used in	
5	the following manner:	
6	For salary of auditor of state.....	\$ 5,000.00
7	For salaries and miscellaneous purposes.....	83,000.00
8	Grand total of all appropriations for all purposes	
9	for each year of the biennium for the depart-	
10	ment of auditor of state.....	\$ 88,000.00

## COMMISSION FOR THE BLIND

1	SEC. 5. For the commission for the blind there is hereby appro-	
2	priated for each year of the biennium beginning July 1, 1937, and	
3	ending June 30, 1939, the sum of ten thousand dollars (\$10,000.00)	
4	or so much thereof as may be necessary, to be used in the following	
5	manner:	
6	For salary of secretary.....	\$ 2,370.00
7	For salaries, support, maintenance and miscel-	
8	laneous purposes .....	7,630.00
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the commis-	
11	sion for the blind.....	\$ 10,000.00

## STATE COMPTROLLER

1	SEC. 6. For the department of the state comptroller there is hereby	
2	appropriated for each year of the biennium beginning July 1, 1937,	
3	and ending June 30, 1939, the sum of forty-seven thousand dollars	
4	(\$47,000.00) or as much thereof as may be necessary, to be used in	
5	the following manner:	
6	For salary of state comptroller.....	\$ 5,000.00
7	For salaries and miscellaneous purposes.....	32,000.00
8	Increase for additional help.....	10,000.00
		<hr/>
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the depart-	
11	ment of state comptroller.....	\$ 47,000.00

## CONSERVATION COMMISSION

1	SEC. 7. For the conservation commission there is hereby appro-	
2	priated for each year of the biennium beginning July 1, 1937, and	
3	ending June 30, 1939, the sum of one hundred sixty-five thousand	
4	dollars (\$165,000.00) or so much thereof as may be necessary, to be	
5	used in the following manner:	
6	For miscellaneous purposes:	
7	For maintenance of state parks, purchase of	
8	small tracts of land only as may be neces-	
9	sary for the development of existing parks,	
10	such as entrances and roadways, and general	
11	improvements, and for the construction,	
12	maintenance and improvement of roads and	
13	highways in said parks.....	\$155,000.00
14	For the preservation and improvement of	
15	Storm lake, Buena Vista county, Iowa.....	10,000.00
		<hr/>
16	Grand total of all appropriations for all purposes	
17	for each year of the biennium for the conser-	
18	vation commission .....	\$165,000.00

## BOARD OF CONTROL

1	SEC. 8. For the board of control there is hereby appropriated for	
2	each year of the biennium beginning July 1st, 1937, and ending June	
3	30th, 1939, the sum of seventy-three thousand two hundred thirty-	
4	six dollars (\$73,236.00) or so much thereof as may be necessary, to	
5	be used in the following manner:	

## GENERAL OFFICE

6	For salaries of members of the board (3 at	
7	\$3850.00) .....	\$ 11,550.00
8	For salaries, support, maintenance and miscel-	
9	laneous purposes .....	61,686.00
		<hr/>
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the board of	
12	of control .....	\$ 73,236.00



## CUSTODIAN

1 SEC. 9. For the department of the custodian there is hereby appro-  
 2 priated for each year of the biennium beginning July 1, 1937, and  
 3 ending June 30, 1939, the sum of seventy-five thousand eight hundred  
 4 ten dollars (\$75,810.00) or so much thereof as may be necessary, to  
 5 be 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
		<hr/>
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

1 SEC. 10. For the department of the district court judges there  
 2 is hereby appropriated for each year of the biennium beginning  
 3 July 1, 1937, and ending June 30, 1939, the sum of three hundred  
 4 seventy-two thousand five hundred dollars (\$372,500.00) or so much  
 5 thereof as may be necessary, to be used in the following manner:

6	For salaries of judges of the district courts of	
7	Iowa (70 judges) .....	\$350,000.00
8	For miscellaneous purposes:	
9	Traveling expenses of judges and court re-	
10	porters 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

1 SEC. 11. For the department of the board of education there is  
 2 hereby appropriated for each year of the biennium beginning July  
 3 1, 1937, and ending June 30, 1939, the sum of fifty-four thousand  
 4 dollars (\$54,000.00) or so much thereof as may be necessary, to be  
 5 used in the following manner:

6	For salaries:	
7	Chairman, finance committee .....	\$ 2,900.00
8	Members, finance committee .....	2,900.00
9	Secretary, finance committee .....	3,000.00
10	For salaries, support, maintenance and miscel-	
11	laneous purposes .....	45,200.00
		<hr/>
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.	
15	Grand total of all appropriations for all purposes	
16	for each year of the biennium for the board	
17	of education .....	\$ 54,000.00

## EXECUTIVE COUNCIL

1 SEC. 12. For the department of the executive council there is  
 2 hereby appropriated for each year of the biennium beginning July

3 1, 1937, and ending June 30, 1939, the sum of two hundred sixty  
4 thousand two hundred thirty-five dollars (\$260,235.00) or so much  
5 thereof as may be necessary, to be used in the following manner:

GENERAL OFFICE

6 For salaries, support, maintenance and miscel-  
7 laneous purposes .....\$260,235.00

STATE FAIR BOARD

1 SEC. 13. For the department of the state fair board there is  
2 hereby appropriated for each year of the biennium beginning July  
3 1, 1937, and ending June 30, 1939, the sum of sixty thousand dollars  
4 (\$60,000.00) or so much thereof as may be necessary, to be used in  
5 the following manner:

6 For maintenance, insurance and operating ex-  
7 penses of fair .....\$ 50,000.00  
8 For premiums ..... 10,000.00

9 Grand total of all appropriations for all pur-  
10 poses for each year of the biennium for the  
11 state fair board .....\$ 60,000.00

AGRICULTURAL SOCIETIES

1 SEC. 14. For the agricultural societies there is hereby appropri-  
2 ated for each year of the biennium beginning July 1, 1937, and end-  
3 ing June 30, 1939, the sum of one hundred twenty-six thousand  
4 dollars (\$126,000.00) or so much thereof as may be necessary, to  
5 be used in the following manner:

6 For miscellaneous purposes:  
7 State aid to county fairs.....\$126,000.00

8 The foregoing appropriation for state aid to county fairs shall  
9 be deemed conditioned on full compliance with all other statutes  
10 which regulate and prescribe the conditions under which such aid  
11 is payable.

FIRE MARSHAL

1 SEC. 15. For the department of the state fire marshal there is  
2 hereby appropriated for each year of the biennium beginning July  
3 1, 1937, and ending June 30, 1939, the sum of seventeen thousand  
4 dollars (\$17,000.00) or so much thereof as may be necessary, to  
5 be used in 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

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 1937, and ending June 30, 1939, the sum of eleven thousand five

4	hundred dollars (\$11,500.00) or so much thereof as may be neces-	
5	sary, to be used in the following manner:	
6	For salaries, support, maintenance and miscel-	
7	laneous purposes .....	\$ 11,500.00
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 .....	\$ 11,500.00

## GOVERNOR

1	SEC. 17. For the department of the governor there is hereby ap-	
2	propriated for each year of the biennium beginning July 1, 1937,	
3	and ending June 30, 1939, the sum of twenty thousand four hundred	
4	six dollars (\$20,406.00) or so much thereof as may be necessary, to	
5	be used in the following manner:	
6	For salary of governor of the state of Iowa....	\$ 7,500.00
7	For salary of the secretary to the governor.....	3,000.00
8	For salaries, support and miscellaneous pur-	
9	poses .....	9,906.00
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the depart-	
12	ment of the governor .....	\$ 20,406.00

## GRAND ARMY OF THE REPUBLIC

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, 1937, and ending June 30, 1939, the sum of seven hundred	
4	fifty dollars (\$750.00) or so much thereof as may be necessary, to be	
5	used in 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

1	SEC. 19. For the department of health there is hereby appropri-	
2	ated for each year of the biennium beginning July 1, 1937, and end-	
3	ing June 30, 1939, the sum of seventy-five thousand five hundred	
4	eighty dollars (\$75,580.00) or so much thereof as may be necessary,	
5	to be used in the following manner:	
6	For salary of commissioner of the department of	
7	health .....	\$ 5,000.00
8	For salary of the director of the division of pre-	
9	ventable diseases .....	3,000.00
10	For salary of the director of the division of	
11	public health engineering .....	3,000.00
12	For salary of the director of the division of child	
13	health and education .....	3,000.00
14	For salaries, support, maintenance and miscel-	
15	laneous purposes .....	61,580.00
16	Total general office.....	\$ 75,580.00

## (1) BOARD OF BARBERS EXAMINERS

17 For the board of barbers examiners there is hereby appropriated  
 18 for each year of the biennium beginning July 1, 1937, and ending  
 19 June 30, 1939, the sum of sixteen thousand five hundred twenty dol-  
 20 lars (\$16,520.00) or so much thereof as may be necessary to be used  
 21 in the following manner:

22 For salaries, support, maintenance and miscel-  
 23 laneous purposes .....\$ 16,520.00

24 Grand total of all appropriations for all purposes  
 25 for each year of the biennium for the board of  
 26 barbers examiners .....\$ 16,520.00

## (2) BOARD OF CHIROPRACTIC EXAMINERS

27 For the board of chiropractic examiners there is hereby appro-  
 28 priated for each year of the biennium beginning July 1, 1937, and  
 29 ending June 30, 1939, the sum of twenty hundred dollars (\$2,000.00)  
 30 or so much thereof as may be necessary, to be used in the following  
 31 manner:

32 For salaries, support, maintenance and miscel-  
 33 laneous purposes .....\$ 2,000.00

34 Grand total of all appropriations for all purposes  
 35 for each year of the biennium for the board of  
 36 chiropractic examiners .....\$ 2,000.00

## (3) BOARD OF COSMETOLOGY EXAMINERS

37 For the board of cosmetology examiners there is hereby appro-  
 38 priated for each year of the biennium beginning July 1, 1937, and  
 39 ending June 30, 1939, the sum of fourteen thousand three hundred  
 40 forty dollars (\$14,340.00) or so much thereof as may be necessary,  
 41 to be used in the following manner:

42 For salaries, support, maintenance and miscel-  
 43 laneous purposes .....\$ 14,340.00

44 Grand total for all appropriations for all pur-  
 45 poses for each year of the biennium for the  
 46 board of cosmetology examiners.....\$ 14,340.00

## (4) BOARD OF DENTAL EXAMINERS

47 For the board of dental examiners there is hereby appropriated  
 48 for each year of the biennium beginning July 1, 1937, and ending  
 49 June 30, 1939, the sum of two thousand four hundred dollars (\$2,-  
 50 400.00) or so much thereof as may be necessary, to be used in the  
 51 following manner:

52 For salaries, support and maintenance.....\$ 2,400.00

53 Grand total of all appropriations for all purposes  
 54 for each year of the biennium for the board  
 55 of dental examiners.....\$ 2,400.00

## (5) BOARD OF EMBALMERS EXAMINERS

56 For the board of embalmers examiners there is hereby ap-  
 57 propriated for each year of the biennium beginning July 1, 1937, and

58 ending June 30, 1939, the sum of twelve hundred dollars (\$1200.00)  
 59 or so much thereof as may be necessary, to be used in the following  
 60 manner:  
 61 For salaries, support and maintenance.....\$ 1,200.00

62 Grand total of all appropriations for all purposes  
 63 for each year of the biennium for the board  
 64 of embalmers examiners.....\$ 1,200.00

(6) BOARD OF MEDICAL EXAMINERS

65 For the board of medical examiners there is hereby appropriated  
 66 for each year of the biennium beginning July 1, 1937, and ending June  
 67 30, 1939, the sum of one thousand dollars (\$1,000.00) or so much  
 68 thereof as may be necessary, to be used in the following manner:  
 69 For salaries, support and maintenance.....\$ 1,000.00

70 Grand total of all appropriations for all purposes  
 71 for each year of the biennium for the board  
 72 of medical examiners.....\$ 1,000.00

(7) BOARD OF OPTOMETRY EXAMINERS

73 For the board of optometry examiners there is hereby appropriated  
 74 for each year of the biennium beginning July 1, 1937, and ending  
 75 June 30, 1939, the sum of five hundred dollars (\$500.00) or so much  
 76 thereof as may be necessary, to be used in the following manner:  
 77 For salaries, support and maintenance.....\$ 500.00

78 Grand total of all appropriations for all purposes  
 79 for each year of the biennium for the board  
 80 of optometry examiners.....\$ 500.00

(8) BOARD OF OSTEOPATHIC EXAMINERS

81 For the board of osteopathic examiners there is hereby appro-  
 82 priated for each year of the biennium beginning July 1, 1937, and  
 83 ending June 30, 1939, the sum of one thousand six hundred dollars  
 84 (\$1600.00) or so much thereof as may be necessary, to be used in  
 85 the following manner:  
 86 For salaries, support and maintenance.....\$ 1,600.00

87 Grand total of all appropriations for all purposes  
 88 for each year of the biennium for the board  
 89 of osteopathic examiners.....\$ 1,600.00

(9) BOARD OF PODIATRY EXAMINERS

90 For the board of podiatry examiners there is hereby appropriated  
 91 for each year of the biennium beginning July 1, 1937, and ending  
 92 June 30, 1939, the sum of four hundred dollars (\$400.00) or so much  
 93 thereof as may be necessary, to be used in the following manner.  
 94 For salaries, support and maintenance.....\$ 400.00

95 Grand total of all appropriations for all purposes  
 96 for each year of the biennium for the board  
 97 of podiatry examiners.....\$ 400.00

## HISTORICAL DEPARTMENT

1	SEC. 20. For the historical department there is hereby appro-	
2	priated for each year of the biennium beginning July 1, 1937, and	
3	ending June 30, 1939, the sum of thirty thousand dollars (\$30,000.00)	
4	or so much thereof as may be necessary, to be used in the following	
5	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 . . . . .	\$ 27,600.00
		<hr/>
11	Grand total of all appropriations for all purposes	
12	for each year of the biennium for the his-	
13	torical department . . . . .	\$ 30,000.00

## HISTORICAL SOCIETY

1	SEC. 21. For the historical society there is hereby appropriated	
2	for each year of the biennium beginning July 1, 1937, and ending	
3	June 30, 1939, the sum of thirty-three thousand dollars (\$33,000.00)	
4	or so much thereof as may be necessary, to be used in the following	
5	manner:	
6	For salaries, support, maintenance and miscel-	
7	laneous purposes including publication of the	
8	"Guide to Iowa", said book to be published by	
9	the said society from material, maps and	
10	photographs furnished by the Federal	
11	Writers' Project for Iowa, and any and all	
12	profits, plus the original investment, shall be	
13	paid over to the said society for the further-	
14	ance of its work . . . . .	\$ 33,000.00
		<hr/>
15	Grand total of all appropriations for all purposes	
16	for each year of the biennium for the his-	
17	torical society . . . . .	\$ 33,000.00

## INDUSTRIAL COMMISSION

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, 1937, and ending June 30, 1939, the sum of thirty thousand ninety	
4	dollars (\$30,090.00) or so much thereof as may be necessary, to be	
5	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 . . . . .	\$ 27,090.00
		<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 . . . . .	\$ 30,090.00

## DEPARTMENT OF INSURANCE

1	SEC. 23. For the department of insurance there is hereby ap-	
2	propriated for each year of the biennium beginning July 1, 1937, and	

3 ending June 30, 1939, the sum of forty-seven thousand five hundred  
 4 dollars (\$47,500.00) or so much thereof as may be necessary, to be  
 5 used in the following manner:  
 6 For salary of the commissioner of insurance...\$ 5,000.00  
 7 For salaries, support, maintenance and miscel-  
 8 laneous purposes..... 42,500.00

---

9 Grand total of all appropriations for all purposes  
 10 for each year of the biennium for the depart-  
 11 ment of insurance.....\$ 47,500.00

DEPARTMENT OF JUSTICE

1 SEC. 24. For the department of justice there is hereby appro-  
 2 priated for each year of the biennium beginning July 1, 1937, and  
 3 ending June 30, 1939, the sum of one hundred ten thousand dollars  
 4 (\$110,000.00) or so much thereof as may be necessary, to be used  
 5 in the following manner:  
 6 For salary of the attorney general.....\$ 6,000.00  
 7 For salaries, support, maintenance and miscel-  
 8 laneous purposes..... 104,000.00

---

9 Grand total of all appropriations for all purposes  
 10 for each year of the biennium for the depart-  
 11 ment of justice.....\$110,000.00

BUREAU OF LABOR

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, 1937,  
 3 and ending June 30, 1939, the sum of eighteen thousand two hundred  
 4 fifty dollars (\$18,250.00) or so much thereof as may be necessary,  
 5 to be 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 ..... 15,250.00

---

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.....\$ 18,250.00

LIBRARY COMMISSION

1 SEC. 26. For the department of the library commission there is  
 2 hereby appropriated for each year of the biennium beginning July 1,  
 3 1937, and ending June 30, 1939, the sum of nineteen thousand five  
 4 hundred dollars (\$19,000.00) or so much thereof as may be necessary,  
 5 to 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

1 SEC. 27. For the department of the state library there is hereby  
 2 appropriated for each year of the biennium beginning July 1, 1937,  
 3 and ending June 30, 1939, the sum of forty-one thousand nine hundred  
 4 sixteen dollars (\$41,916.00) 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 ex-  
 12 pended 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

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, 1937, and ending June 30, 1939, the sum of fifteen hundred dollars  
 4 (\$1,500.00) or so much thereof as may be necessary, to be used in  
 5 the 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

1 SEC. 29. For the department of mine inspectors there is hereby  
 2 appropriated for each year of the biennium beginning July 1, 1937,  
 3 and ending June 30, 1939, the sum of twenty thousand dollars (\$20,-  
 4 000.00) 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 provided that \$5,000.00 be al-  
 8 located to the Iowa coal institute.....\$ 20,000.00

9 Grand total of all appropriations for all purposes  
 10 for each year of the biennium for the depart-  
 11 ment of mine inspectors .....\$ 20,000.00



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**THE NATIONAL GUARD**

1	SEC. 30. For the department of the national guard there is hereby	
2	appropriated for each year of the biennium beginning July 1, 1937,	
3	and ending June 30, 1939, the sum of two hundred thirty-three thou-	
4	sand six hundred fifty-nine dollars and twenty-five cents (\$233,659.25)	
5	or so much thereof as may be necessary, to be used in the following	
6	manner:	
7	For salary of adjutant general.....	\$ 3,000.00
8	For salaries, support, maintenance and miscel-	
9	laneous purposes .....	\$230,659.25
		<hr/>
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.....	\$233,659.25

**BOARD OF PAROLE**

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, 1937,	
3	and ending June 30, 1939, the sum of thirty-five thousand four hun-	
4	dred eighty dollars (\$35,480.00) or so much thereof as may be neces-	
5	sary, to be used in the following manner:	
6	For salaries of board members, 2 @ \$2,700.00	
7	each .....	\$ 5,400.00
8	For salary of legal member.....	3,000.00
9	For salaries, support, maintenance and miscel-	
10	laneous purposes .....	18,810.00
11	For salaries and traveling expenses of two ad-	
12	ditional agents .....	8,270.00
		<hr/>
13	Grand total of all appropriations for all purposes	
14	for each year of the biennium for the depart-	
15	ment of the board of parole.....	\$ 35,480.00

**PHARMACY EXAMINING BOARD**

1	SEC. 32. For the board of pharmacy examiners there is hereby	
2	appropriated for each year of the biennium beginning July 1, 1937,	
3	and ending June 30, 1939, the sum of fourteen thousand four hundred	
4	dollars (\$14,400.00) or so much thereof as may be necessary, to be	
5	used in the following manner:	
6	For salary of secretary .....	\$ 2,580.00
7	For salaries, support, maintenance and miscel-	
8	laneous purposes .....	11,820.00
		<hr/>
9	Grand total .....	\$ 14,400.00

**PIONEER LAW MAKERS**

1	SEC. 33. For the pioneer law makers there is hereby appropriated	
2	for each year of the biennium beginning July 1, 1937, and ending June	
3	30, 1939, the sum of seventy-five dollars (\$75.00) or so much thereof	
4	as may be necessary, to be used as follows:	
5	For miscellaneous purposes .....	\$ 75.00

## STATE PRINTING BOARD

1 SEC. 34. For the department of the state printing board there is  
 2 hereby appropriated for each year of the biennium beginning July 1,  
 3 1937, and ending June 30, 1939, the sum of fifteen thousand dollars  
 4 (\$15,000.00) or so much thereof as may be necessary, to be used in  
 5 the following manner:

## GENERAL OFFICE

6	For salary of superintendent of printing.....	\$ 3,120.00
7	For salaries, support, maintenance, and miscel-	
8	laneous purposes .....	\$ 11,880.00
<hr/>		
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the depart-	
11	ment of the state printing board office.....	\$ 15,000.00

## STATE PRINTING BOARD

1 SEC. 35. For the department of the state printing board there is  
 2 hereby appropriated for each year of the biennium beginning July 1,  
 3 1937, and ending June 30, 1939, the sum of one hundred thirty-six  
 4 thousand dollars (\$136,000.00) or so much thereof as may be neces-  
 5 sary, 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. . . . \$136,000.00

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  
 13 and 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, Iowa swine pro-  
 17 ducers association, short courses, board of conservation, state en-  
 18 tomologist, state fair board, agricultural societies, Iowa department  
 19 of the grand army of the republic, horse breeders' association, state  
 20 library and all divisions thereof, psychopathic hospital, indigent hos-  
 21 pital, state highway commission, receivership division of the banking  
 22 department, board of engineering examiners, fish and game depart-  
 23 ment, motor vehicle department, motor vehicle fuel tax division, in-  
 24 stitutions under the board of control, institutions under the board of  
 25 education, and the state board of vocational education, board of edu-  
 26 cational examiners, basic science board of examiners, industrial sur-  
 27 vey, motor carrier department, truck operator department, and any  
 28 and every agency, activity and undertaking that has a fund for gen-  
 29 eral support. Providing that funds appropriated by this section, in  
 30 the discretion of the printing board, may be used in supplying paper  
 31 stock, multigraph or mimeograph work for any of the foregoing de-  
 32 partments, bureaus, associations and institutions, any sum so used  
 33 for supplying multigraph or mimeograph work to be refunded to the

34 printing board and returned to the credit of the appropriation made  
 35 for printing board general office expense; any sum so used for sup-  
 36 plying paper stock to be refunded to the printing board and returned  
 37 to the credit of the appropriation made by this section. These pay-  
 38 ments shall be made to the printing board in the same manner as other  
 39 claims against such departments are paid, and the printing board  
 40 shall remit the proceeds to the comptroller of state on the first secular  
 41 day of each calendar month, taking the comptroller's receipt therefor,  
 42 showing the same properly credited to the respective appropriations.

43 The following departments are hereby limited to their demands  
 44 for printing during the biennial period, commencing July 1, 1937, and  
 45 ending June 30, 1939, to an amount not to exceed the following:

46 Commerce counsel, \$1000.00; auditor of state, \$10,000.00; custo-  
 47 dian, \$20.00; board of control, \$1000.00; executive council, \$4000.00;  
 48 board of education, \$3000.00; department of agriculture, \$25,000.00;  
 49 department of public instruction, \$12,000.00; academy of science, \$2,-  
 50 000.00; pioneer lawmakers, \$15.00; entomologist, \$150.00; banking  
 51 department, \$2400.00; securities department, \$1000.00; supreme  
 52 court reporters, \$25,000.00; supreme court, \$200.00; board of assess-  
 53 ment and review, \$8000.00; comptroller, \$10,000.00; bureau of labor,  
 54 \$1400.00; fire marshal, \$1000.00; geological survey, \$4000.00; gov-  
 55 ernor, \$2500.00; horticulture, \$3000.00; industrial commission,  
 56 \$1500.00; insurance department, \$10,000.00; historical department,  
 57 \$4000.00; mine inspectors, \$500.00; pharmacy examiners, \$500.00;  
 58 printing board, \$20,000.00; railroad commission, \$5000.00; adjutant  
 59 general, \$2000.00; department of health, \$10,000.00; board of parole,  
 60 \$500.00; secretary of state, \$5000.00; treasurer of state, \$10,000.00;  
 61 attorney general, \$12,000.00; clerk of supreme court, \$3000.00; it is,  
 62 however, provided that in case of emergency, the executive council  
 63 may authorize increased amounts where necessary.

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

1 SEC. 36. 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, 1937, and ending June 30, 1939, the sum of forty  
 4 thousand dollars (\$40,000.00) or so much thereof as may be necessary,  
 5 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 .....	35,500.00
		<hr/>
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 .....	\$ 40,000.00

#### SUPERINTENDENT OF PUBLIC INSTRUCTION

1 SEC. 37. 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, 1937, and ending June 30, 1939, the sum of four

4 hundred one thousand four hundred fifty dollars (\$401,450.00) or so  
5 much 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 schools .....	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 ap-  
16 propriations for state aid to schools in mining camp districts and cer-  
17 tify to the state comptroller the amounts so allotted to these school  
18 corporations.

19 Whereupon the state comptroller shall draw a warrant on the  
20 treasurer of state payable to each school corporation for the amount  
21 certified by the superintendent of public instruction and forward the  
22 same to the secretary of the school corporation.

23	Grand total of all appropriations for all purposes	
24	for each year of the biennium for the depart-	
25	ment of the superintendent of public instruc-	
26	tion for state aid to public schools.....	\$401,450.00

RELIEF

1 SEC. 38. For relief there is hereby appropriated for each year of  
2 the biennium beginning July 1, 1937, and ending June 30, 1939, the  
3 sum of five hundred sixty dollars (\$560.00) or so much thereof as  
4 may 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

1 SEC. 39. For the department of the board of railroad commission-  
2 ers there is hereby appropriated for each year of the biennium be-  
3 ginning July 1, 1937, and ending June 30, 1939, the sum of fifty-eight  
4 thousand dollars (\$58,000.00) or so much thereof as may be neces-  
5 sary, to be used in the following manner:

6	For salaries of commissioners, 3 @ \$3,800.00	
7	each .....	\$ 11,400.00
8	For salaries, support, maintenance and miscel-	
9	laneous purposes .....	46,600.00
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the depart-	
12	ment of the railroad commission.....	\$ 58,000.00

## SECRETARY OF STATE

1	SEC. 40. For the department of secretary of state there is hereby	
2	appropriated for each year of the biennium beginning July 1, 1937,	
3	and ending June 30, 1939, the sum of forty-six thousand seven hundred	
4	dollars (\$46,700.00) or so much thereof as may be necessary,	
5	to be used in the following manner:	
6	For salary of secretary of state.....	\$ 5,000.00
7	For salaries, support, maintenance and miscellaneous for general office .....	11,940.00
8	For salaries, support and maintenance of the real estate division .....	8,760.00
9	For salaries, support and maintenance of the securities division .....	21,000.00
10		
11		
12		
13	Grand total of all appropriations for all purposes	
14	for each year of the biennium for the department of secretary of state.....	\$ 46,700.00
15		

## CLERK OF THE SUPREME COURT

1	SEC. 41. For the department of the clerk of the supreme court	
2	there is hereby appropriated for each year of the biennium beginning	
3	July 1, 1937, and ending June 30, 1939, the sum of nine thousand two	
4	hundred nineteen dollars (\$9,219.00) or so much thereof as may be	
5	necessary, to be used in the following manner:	
6	For salary of clerk of the supreme court.....	\$ 3,127.00
7	For salaries, support, maintenance and miscellaneous purposes .....	6,092.00
8		
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the department of the clerk of the supreme court.....	\$ 9,219.00
11		

## SUPREME COURT

1	SEC. 42. For the department of supreme court there is hereby	
2	appropriated for each year of the biennium beginning July 1, 1937,	
3	and ending June 30, 1939, the sum of eighty-three thousand eight	
4	hundred dollars (\$83,800.00) or so much thereof as may be necessary,	
5	to be used in the following manner:	
6	For salaries of judges (9 @ \$7,500.00 each) ...	\$ 67,500.00
7	For salaries, support, maintenance and miscellaneous purposes .....	16,300.00
8		
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the department of the supreme court .....	\$ 83,800.00
11		

## REPORTER OF THE SUPREME COURT AND CODE EDITOR

1	SEC. 43. 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, 1937, and ending June 30, 1939, the sum	
4	of eleven thousand five hundred dollars (\$11,500.00) or so much there-	
5	of as may be necessary, to be used in the following manner:	

6	For salary of reporter of the supreme court and	
7	code editor .....	\$ 3,850.00
8	For salaries, support, maintenance and miscel-	
9	laneous purposes .....	7,650.00
		<hr/>
10	Grand total of all appropriations, except as pro-	
11	vided by section 177 of the code, 1935, for all	
12	purposes for each year of the biennium for the	
13	department of the reporter of the supreme	
14	court and code editor .....	\$ 11,500.00

#### TREASURER OF STATE

1 SEC. 44. For the department of treasurer of state there is hereby  
2 appropriated for each year of the biennium beginning July 1, 1937,  
3 and ending June 30, 1939, the sum of eighty-five thousand dollars  
4 (\$85,000.00) or so much thereof as may be necessary, to be used in  
5 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.....	80,000.00
		<hr/>
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the depart-	
11	ment of the treasurer of state.....	\$ 85,000.00

#### COMMISSION ON UNIFORM LAWS

1 SEC. 45. For the commission on uniform laws there is hereby ap-  
2 propriated for each year of the biennium beginning July 1, 1937, and  
3 ending June 30, 1939, the sum of four hundred dollars (\$400.00) or  
4 so much as may be necessary, to be used in the following manner:

5	For traveling expenses of members of the com-	
6	mission on uniform laws.....	\$ 400.00

#### BOARD OF VOCATIONAL EDUCATION

1 SEC. 46 For the department of vocational education there is  
2 hereby appropriated for each year of the biennium beginning July  
3 1, 1937, and ending June 30, 1939, the sum of fifty-five thousand dol-  
4 lars (\$55,000.00) 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 .....	52,000.00
		<hr/>
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....	\$ 55,000.00

#### BOARD OF CONTROL OF STATE INSTITUTIONS

1 SEC. 47. For the board of control of state institutions, for the  
2 support, maintenance and operation, of all state institutions under  
3 control of the said board, namely:

- 4 State hospital and colony for epileptics and feeble-minded, Wood-
- 5 ward, Institution for feeble-minded children, Glenwood
- 6 State Hospital for insane, Cherokee
- 7 State Hospital for insane, Clarinda
- 8 State Hospital for insane, Independence
- 9 State Hospital for insane, Mount Pleasant
- 10 State Juvenile Home, Toledo
- 11 Penitentiary, Fort Madison
- 12 Men's Reformatory, Anamosa
- 13 Women's Reformatory, Rockwell City
- 14 State Sanatorium, Oakdale
- 15 Iowa Soldiers' Home, Marshalltown
- 16 Iowa Soldiers' Orphans' Home, Davenport
- 17 Training School for Boys, Eldora
- 18 Training School for Girls, Mitchellville

19 There is hereby appropriated the sum of three million six hundred  
 20 fifteen thousand eighty-one dollars (\$3,615,081.00) or so much  
 21 thereof as may be necessary for each year of the biennium begin-  
 22 ning July 1, 1937, and ending June 30, 1939, to be used at the respec-  
 23 tive institutions in the following manner and for the following pur-  
 24 poses:

STATE HOSPITAL AND COLONY FOR EPILEPTICS AND  
 FEEBLE-MINDED, WOODWARD

25 (1) For the state hospital and colony for epileptics and feeble-  
 26 minded there is hereby appropriated for each year of the biennium  
 27 beginning July 1, 1937, and ending June 30, 1939, the sum of two  
 28 hundred sixty thousand dollars (\$260,000) or so much thereof as  
 29 may be necessary, to be used in the following manner:

30 For salaries, support, maintenance and improve-  
 31 ments .....\$260,000.00

INSTITUTION FOR FEEBLE-MINDED CHILDREN, GLENWOOD

32 (2) For the institution of feeble-minded children there is hereby  
 33 appropriated for each year of the biennium beginning July 1, 1937,  
 34 and ending June 30, 1939, the sum of three hundred ten thousand dol-  
 35 lars (\$310,000.00) or so much thereof as may be necessary, to be used  
 36 in the following manner:

37 For salaries, support and maintenance and im-  
 38 provements .....\$310,000.00

STATE HOSPITAL FOR INSANE, CHEROKEE

39 (3) For the state hospital for the insane, Cherokee, there is hereby  
 40 appropriated for each year of the biennium beginning July 1, 1937,  
 41 and ending June 30, 1939, the sum of three hundred fifteen thousand  
 42 dollars (\$315,000.00) or so much thereof as may be necessary, to be  
 43 used in the following manner:

44 For salaries, support, maintenance and improve-  
 45 ments .....\$315,000.00

STATE HOSPITAL FOR INSANE, CLARINDA

46 (4) For the state hospital for the insane, Clarinda, there is hereby  
 47 appropriated for each year of the biennium beginning July 1, 1937,  
 48 and ending June 30, 1939, the sum of two hundred ninety thousand

49 dollars (\$290,000.00) or so much thereof as may be necessary, to be  
50 used in the following manner:

51 For salaries, support, maintenance and improve-  
52 ments .....\$290,000.00

STATE HOSPITAL FOR INSANE, INDEPENDENCE

53 (5) For the state hospital for the insane, Independence, there is  
54 hereby appropriated for each year of the biennium beginning July 1,  
55 1937, and ending June 30, 1939, the sum of three hundred fifteen  
56 thousand dollars (\$315,000.00) or so much thereof as may be neces-  
57 sary, to be used in the following manner:

58 For salaries, support, maintenance and improve-  
59 ments .....\$315,000.00

STATE HOSPITAL FOR INSANE, MT. PLEASANT

60 (6) For the state hospital for the insane, Mt. Pleasant, there is  
61 hereby appropriated for each year of the biennium beginning July  
62 1, 1937, and ending June 30, 1939, the sum of three hundred twelve  
63 thousand dollars (\$312,000.00) or so much thereof as may be neces-  
64 sary, to be used in the following manner:

65 For salaries, support, maintenance and improve-  
66 ments .....\$312,000.00

STATE JUVENILE HOME, TOLEDO

67 (7) For the state juvenile home, Toledo, there is hereby ap-  
68 propriated for each year of the biennium beginning July 1, 1937, and  
69 ending June 30, 1939, the sum of one hundred nineteen thousand five  
70 hundred sixty-eight dollars (\$119,568.00) or so much thereof as may  
71 be necessary, to be used in the following manner:

72 For salaries, support, maintenance and improve-  
73 ments .....\$119,568.00

PENITENTIARY, FORT MADISON

74 (8) For the state penitentiary, Fort Madison, there is hereby ap-  
75 propriated for each year of the biennium beginning July 1, 1937, and  
76 ending June 30, 1939, the sum of four hundred twelve thousand five  
77 hundred dollars (\$412,500.00), which is hereby appropriated from  
78 the following funds: \$400,000.00 from the general fund of the state  
79 of Iowa, and \$12,500.00 from the industries fund of said institution,  
80 which sum is hereby transferred to the support, maintenance and im-  
81 provement fund of the said institution, or so much thereof as may be  
82 necessary, to be used in the following manner:

83 For salaries, support, maintenance and improve-  
84 ments .....\$412,500.00

85 Provided, however, that in the appropriation herein made the board  
86 of control shall so allocate said appropriation that every employee of  
87 the penitentiary at Ford Madison shall have one day vacation out of  
88 every consecutive seven days.

MEN'S REFORMATORY, ANAMOSA

89 (9) For the men's reformatory, Anamosa, there is hereby ap-  
90 propriated for each year of the biennium beginning July 1, 1937, and  
91 ending June 30, 1939, the sum of three hundred thirty-five thousand  
92 dollars (\$335,000.00), which is hereby appropriated from the follow-  
93 ing funds: \$210,000.00 from the general fund of the state of Iowa, and



94 \$125,000.00 from the industries fund of the said institution, which is  
 95 hereby transferred to the support, maintenance, and improvement  
 96 fund of the said institution, or so much thereof as may be necessary,  
 97 to be used in the following manner:

98 For salaries, support, maintenance and improve-  
 99 ments .....\$335,000.00

100 Provided, however, that in the appropriation herein made the board  
 101 of control shall so allocate said appropriation that every employee of  
 102 the men's reformatory at Anamosa shall have one day vacation out  
 103 of every consecutive seven days.

#### WOMEN'S REFORMATORY, ROCKWELL CITY

104 (10) For the women's reformatory, Rockwell City, there is hereby  
 105 appropriated for each year of the biennium beginning July 1, 1937,  
 106 and ending June 30, 1939, the sum of forty-eight thousand dollars  
 107 (\$48,000.00), which is hereby appropriated from the following funds:  
 108 \$38,000.00 from the general fund of the state of Iowa and \$10,000.00  
 109 from the accumulations, reserve or industries fund of the said insti-  
 110 tution, which is hereby transferred to the support, maintenance and  
 111 improvement fund of the said institution, or so much thereof as may  
 112 be necessary, to be used in the following manner:

113 For salaries, support, maintenance and improvements \$48,000.00

#### STATE SANATORIUM, OAKDALE

114 (11) For the state sanatorium, Oakdale, there is hereby appro-  
 115 priated for each year of the biennium beginning July 1, 1937, and  
 116 ending June 30, 1939, the sum of two hundred forty-six thousand  
 117 eight hundred eighty-five dollars (\$246,885.00) or so much thereof  
 118 as may be necessary, to be used in the following manner:

119 For salaries, support, maintenance and improve-  
 120 ments .....\$246,885.00

#### IOWA SOLDIERS' HOME, MARSHALLTOWN

121 (12) For the Iowa Soldiers' Home, Marshalltown, there is hereby  
 122 appropriated for each year of the biennium beginning July 1, 1937,  
 123 and ending June 30, 1939, the sum of one hundred ninety-two thousand  
 124 three hundred seventy-one dollars (\$192,371.00) or so much thereof  
 125 as may be necessary, to be used in the following manner:

126 For salaries, support, maintenance and improve-  
 127 ments .....\$192,371.00

#### IOWA SOLDIERS' ORPHANS' HOME, DAVENPORT

128 (13) For the Iowa Soldiers' Orphans' Home, Davenport, there is  
 129 hereby appropriated for each year of the biennium beginning July 1,  
 130 1937, and ending June 30, 1939, the sum of one hundred ninety  
 131 thousand dollars (\$190,000.00) or so much thereof as may be neces-  
 132 sary, to be used in the following manner:

133 For salaries, support, maintenance and improve-  
 134 ments .....\$190,000.00

#### TRAINING SCHOOL FOR BOYS, ELDORA

135 (14) For the training school for boys, Eldora, there is hereby ap-  
 136 propriated for each year of the biennium beginning July 1, 1937, and  
 137 ending June 30, 1939, the sum of one hundred eighty-one thousand

138 seven hundred ninety-seven dollars (\$181,797.00) or so much thereof  
 139 as may be necessary, to be used in the following manner:  
 140 For salaries, including the increasing salaries of  
 141 non-maintained night watchmen to \$75.00 per  
 142 month, \$720.00, support, maintenance and im-  
 143 provements, including the purchase of lockers  
 144 for inmates, \$1800.00.....\$181,797.00

TRAINING SCHOOL FOR GIRLS, MITCHELLVILLE

145 (15) For the training school for girls, Mitchellville, there is  
 146 hereby appropriated for each year of the biennium beginning July 1,  
 147 1937, and ending June 30, 1939, the sum of seventy-six thousand nine  
 148 hundred sixty dollars (\$76,960.00) or so much thereof as may be  
 149 necessary, to be used in the following manner:  
 150 For salaries, support, maintenance and improve-  
 151 ments .....\$ 76,960.00

ROAD FUND

152 (16) For road purposes there is hereby appropriated for each year  
 153 of the biennium beginning July 1, 1937, and ending June 30, 1939, the  
 154 sum of ten thousand dollars (\$10,000.00) or so much thereof as may  
 155 be necessary, to be used in the following manner:  
 156 For construction, maintenance and repairs of  
 157 roads at institutions under the control of said  
 158 board .....\$ 10,000.00  
 159 Grand total of all appropriations for all purposes  
 160 for each year of the biennium for all institu-  
 161 tions under control of such board.....\$3,615,081.00

STATE BOARD OF EDUCATION

1 SEC. 48. For the state board of education, for the administration,  
 2 maintenance and operation of the state university of Iowa, at Iowa  
 3 City; the Iowa State College of Agriculture and Mechanic Arts, at  
 4 Ames; the Iowa State Teachers' College, at Cedar Falls; the Iowa  
 5 School for the Deaf, at Council Bluffs; the Iowa School for the Blind,  
 6 at Vinton; the University Hospital, at Iowa City, the Psychopathic  
 7 Hospital, at Iowa City; and the bacteriological laboratory, at Iowa  
 8 City; and for soldiers' tuition:  
 9 There is hereby appropriated the sum of six million two hundred  
 10 six thousand dollars (\$6,206,000.00) or so much thereof as may be  
 11 necessary, for each year of the biennium beginning July 1, 1937,  
 12 and ending June 30, 1939, to be used in the following manner and for  
 13 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 two million ninety-two thousand five  
 16 hundred dollars (\$2,092,500.00) or so much thereof as may be neces-  
 17 sary, for salaries other than the president, support, maintenance,  
 18 equipment and general improvements.  
 19 (a) There is hereby appropriated for the salary of the president  
 20 of the State University of Iowa for each year of the biennium be-  
 21 ginning July 1, 1937, and ending June 30, 1939, a sum not to exceed  
 22 ten thousand dollars (\$10,000.00).

## IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS

23 (2) For the Iowa State College of Agriculture and Mechanic Arts  
 24 at Ames, Iowa, for each year of said biennium, the sum of two mil-  
 25 lion thirty-one thousand dollars (\$2,031,000.00) or so much thereof  
 26 as may be necessary for salaries, other than the president, support,  
 27 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, 1937, and ending June 30,  
 31 1939, a sum not to exceed nine thousand dollars (\$9,000.00).

## 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 six hundred sixteen thousand five  
 34 hundred dollars (\$616,500.00) or so much thereof as may be neces-  
 35 sary, for the salaries other than the president, support, maintenance,  
 36 equipment and general improvements. After the calendar year 1937  
 37 none of said \$616,500.00 is to be used by the state board of education  
 38 for the establishment of extension summer schools.

39 (a) There is hereby appropriated for the salary of the president  
 40 of the Iowa state teachers' college for each year of the biennium be-  
 41 ginning July 1, 1937, and ending June 30, 1939, a sum not to exceed  
 42 seven thousand dollars (\$7,000.00).

## IOWA SCHOOL FOR THE DEAF

43 (4) For the Iowa school for the deaf, at Council Bluffs, for each  
 44 year of said biennium, the sum of two hundred seventeen thousand  
 45 dollars (\$217,000.00) or so much thereof as may be necessary, to be  
 46 expended as follows:

47 For salaries, support and maintenance . . . . . \$217,000.00

## IOWA SCHOOL FOR THE BLIND

48 (5) For the Iowa school for the blind at Vinton, for each year of  
 49 said biennium the sum of one hundred twelve thousand dollars (\$112,-  
 50 000.00) or so much thereof as may be necessary, to be expended as  
 51 follows:

52 For salaries, support and maintenance . . . . . \$112,000.00

MEDICAL AND SURGICAL TREATMENT OF INDIGENT  
PERSONS, UNIVERSITY HOSPITAL

53 (6) For the purpose of carrying out the provisions of chapter 199,  
 54 code of 1935, for each year of said biennium, the sum of nine hun-  
 55 dred sixty-five thousand dollars (\$965,000.00) or so much thereof as  
 56 may be necessary, to be expended in the manner and under the author-  
 57 ity provided in said chapter.

## PSYCHOPATHIC HOSPITAL

58 (7) For the psychopathic hospital, at Iowa City, for each year of  
 59 said biennium the sum of one hundred four thousand dollars (\$104,-  
 60 000.00) or so much thereof as may be necessary, to be used in the  
 61 manner and under the authority provided in chapter 197, code of  
 62 1935; provided, however, that said amount shall be available in  
 63 monthly installments, not exceeding eight thousand six hundred sixty-

64 six dollars and sixty-six cents (\$8,666.66) and that said installments  
65 shall be expended only upon the submission of bills in the manner  
66 provided in section 3984 of said chapter.

STATE HYGIENIC LABORATORY—STATE DEPARTMENT OF HEALTH

67 (8) For the bacteriological laboratory, state hygienic laboratory  
68 of the state department of health at Iowa City for each year of the  
69 said biennium the sum of forty thousand dollars (\$40,000.00), or so  
70 much thereof as may be necessary to provide for public health  
71 examinations, such as bacteriological, water, and serological tests,  
72 to determine the cause of infectious diseases, the origin and control  
73 of epidemics throughout the state of Iowa.

74 This appropriation to be expended as follows:

75	Director .....	\$ 2,100.00
76	Asst. director .....	3,000.00
77	Asst. director .....	3,000.00
78	Serologist .....	2,280.00
79	Serologist .....	1,560.00
80	Serologist .....	1,500.00
81	Technicians (6) at \$1200 each.....	7,200.00
82	Asst. chemical engineers (3)—1 at \$1500	
83	1 at \$1200	
84	1 at \$1200....	3,900.00
85	Secretary .....	1,200.00
86	Stenographers (2) at \$1000 each.....	2,000.00
87		<u>\$ 27,740.00</u>
88	Operating expense .....	12,260.00
89		<u>\$ 40,000.00</u>

SOLDIERS' TUITION

90 (9) The sum of two thousand dollars (\$2,000.00) or so much there-  
91 of as may be necessary, for each year of the biennium beginning  
92 July 1, 1937, and ending June 30, 1939, for the payment of tuition for  
93 honorably discharged soldiers or sailors of the world war of the United  
94 States who are citizens of the state of Iowa, who enroll in any division  
95 of the state university, at Iowa City, or the college of agriculture and  
96 mechanic arts at Ames, said payment being fixed at twenty dollars  
97 (\$20.00) for each such student for each semester and each summer  
98 school.

99 Grand total of all appropriations for all pur-  
100 poses for each year of the biennium, for all  
101 institutions under the board of education...\$6,206,000.00

GENERAL CONTINGENT FUND

1 SEC. 49. For the purpose of establishing a general contingent fund  
2 for the state, there is hereby appropriated for each year of the bi-  
3 ennium beginning July 1, 1937, and ending June 30, 1939, the sum  
4 of two hundred fifty thousand dollars (\$250,000.00) or so much there-  
5 of as may be necessary, to be administered by committee on retrench-  
6 ment and reform for contingencies arising during the biennium, which

7 are legally payable from the general fund of the state; reports of  
8 all receipts and expenditures shall be printed in the budget director's  
9 report.

#### INSURANCE DEPARTMENT

1 SEC. 50. The insurance commissioner is hereby authorized to em-  
2 ploy not to exceed eighteen (18) insurance examiners, of which ex-  
3 aminers the commissioner may designate two examiners in charge  
4 at per diem not to exceed \$15.00 each, and expenses as herein provided,  
5 all other examiners at per diem not exceeding \$12.50 each, and their  
6 actual and necessary expenses while engaged in the performance of  
7 their duties, said per diem and expenses to be paid from funds in the  
8 state treasury upon presentation of proper vouchers and warrants;  
9 provided, however, that the state treasurer shall be reimbursed in the  
10 manner and under the authority provided in sections 8632 and 8633,  
11 code of 1935.

#### COUNTY AND MUNICIPAL EXAMINERS

1 SEC. 51. 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 dollars (\$7.00) each, and their actual and neces-  
4 sary expenses while engaged in the performance of their duties, to  
5 be paid in the manner provided in sections 125 and 126, code of 1935.

#### BOARD OF ENGINEERING EXAMINERS

1 SEC. 52. The board of engineering examiners is hereby authorized  
2 to pay its secretary a salary of six hundred dollars (\$600.00) per year  
3 and to pay a clerk three hundred dollars (\$300.00) per year, to be paid  
4 out of funds belonging to the board of engineering examiners.

#### GENERAL PROVISIONS

1 SEC. 53. The governing board of any state department, institution,  
2 or agency, or, if there be no governing board, the head of any depart-  
3 ment, institution or agency, in the interest of economy and efficiency,  
4 may, with the written consent and approval of the governor and state  
5 comptroller, first obtained, at any time during the biennium, partially  
6 or wholly use its unexpended appropriations for purposes properly  
7 within the scope of such department, institution or agency.

1 SEC. 54. No state department, institution, or agency receiving ap-  
2 propriations under the provisions of this act shall expend funds or  
3 approve claims in excess of its appropriations, except as otherwise  
4 provided in this act. If the expenditure of any state department, in-  
5 stitution, or agency, shall in any other manner exceed the amounts of  
6 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. 55. No obligation of any kind, whatsoever, shall be incurred  
2 or created subsequent to June 30, 1939, against any appropriation  
3 made by this act, unless otherwise specifically provided by law, and, on  
4 June 30, 1939, 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. 56. All appropriations made by this act, remaining unex-  
2 pended or unobligated, at the close of business on December 31, 1939,  
3 shall revert to and become a part of the general fund in the state  
4 treasury.

1 SEC. 57. All salaries provided for by this act are in lieu of all  
2 existing statutory salaries, for the positions provided herein, and shall  
3 be payable in equal monthly or semi-monthly installments, and shall  
4 be in full compensation for all services during the biennium ending  
5 June 30, 1939.

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 years' 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 of  
11 departments.

12 Any person while traveling on state business, driving his own car,  
13 may charge for same at the rate of not to exceed five cents (5c) per  
14 mile for use of said car, regardless of the number of passengers car-  
15 ried.

1 SEC. 58. Employees of the state shall be under the control of the  
2 head of the department and the compensation paid shall be subject  
3 to the approval of the governor and state comptroller. Any employee  
4 may be assigned to such duties as the department head shall direct  
5 and subject to dismissal by him, subject to the provisions of chapter  
6 60 of the 1935 code of Iowa. The increases granted to the depart-  
7 ments, boards, and institutions are made with the recommendation  
8 that there be no increase in salaries to employees receiving more than  
9 \$1200.00 per year, except as provided for herein.

1 SEC. 59. For the office of the state comptroller there is hereby set  
2 aside from the collection of taxes on motor vehicle fuel, the sum of two  
3 thousand five hundred dollars (\$2,500.00) annually, for use in em-  
4 ploying sufficient help in writing motor vehicle fuel tax refund war-  
5 rants.

1 SEC. 60. For the office of the industrial commissioner there is  
2 hereby set aside from the primary road fund the sum of fifteen  
3 thousand dollars (\$15,000.00) annually, for use in paying all claims  
4 of employees of the state highway commission who are injured or  
5 killed while on duty, as provided for in chapter 70 of the code of 1935.

1 SEC. 61. For the office of the industrial commissioner there is  
2 hereby set aside from the liquor control act fund the sum of ten

3 thousand dollars (\$10,000.00) annually or so much thereof as may be  
4 necessary, for use in paying all claims of employees for the liquor com-  
5 mission who are injured or killed while on duty, as provided for in  
6 section 1418 of the code of 1935.

1 SEC. 62. For the office of the attorney general there is hereby set  
2 aside from the primary road fund the sum of fifteen thousand dollars  
3 (\$15,000.00) annually, for the purpose of covering all costs of litiga-  
4 tion arising from or pertaining to primary roads.

1 SEC. 63. Where any provisions of the laws of this state are in con-  
2 flict with this act the provisions of this act shall govern for the bien-  
3 nium.

1 SEC. 64. **Iowa Soldier Bonus Board.** World War Orphans' edu-  
2 cational aid. There is hereby appropriated to the soldier bonus  
3 board for each year of the biennium beginning July 1, 1937, and end-  
4 ing June 30, 1939, the sum of three thousand seven hundred fifty  
5 dollars (\$3,750.00) or so much thereof as may be necessary to be  
6 used in the following manner:

7 For the purpose of administration and aiding in  
8 the education of children of soldiers, sailors,  
9 marines or nurses.....\$ 3,750.00

1 SEC. 65. All appropriations made by this act are to be recorded  
2 and accounted for as in the procedure for the appropriations for the  
3 present biennium.

House File 477. Approved May 1, 1937.

CHAPTER 2  
APPROPRIATION  
S. F. 507

AN ACT to make appropriations to the guards and turnkeys at the state penitentiary at Fort Madison.

*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 of Iowa to the parties hereinafter named the sums set  
3 opposite their names, respectively:

4	H. E. Lemke.....	\$262.43
5	L. B. Meyer.....	261.79
6	C. A. Wetzels.....	260.00
7	H. J. Schulte.....	266.55
8	F. A. Miller.....	70.00
9	H. D. Coe.....	254.69
10	B. Smith.....	260.66
11	G. H. Armstrong.....	61.30
12	G. W. Thomas.....	260.00
13	C. R. Nichols.....	259.03
14	D. Wedel.....	260.00
15	C. A. Crown.....	261.79
16	H. E. Carpenter.....	67.67

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17	H. E. Wilsey . . . . .	261.62
18	F. Holterhaus . . . . .	260.00
19	G. W. Harry . . . . .	270.74
20	J. W. Fruehling . . . . .	108.78
21	H. W. Schulze . . . . .	249.00
22	Ed Hemingway . . . . .	60.00
23	G. H. Haney . . . . .	260.00
24	O. S. Calvert . . . . .	50.96
25	J. R. Wabel, Jr. . . . .	260.00
26	F. S. Jackson . . . . .	50.97
27	R. A. Neal . . . . .	163.25
28	H. B. Trainer . . . . .	260.00
29	H. F. Mehmert . . . . .	259.01
30	E. Corsepilus . . . . .	50.95
31	B. E. Rinker . . . . .	263.12
32	A. J. Duncan . . . . .	261.16
33	O. S. Haney . . . . .	260.00
34	O. Cloud . . . . .	120.97
35	E. G. Vaughan . . . . .	91.80
36	A. W. Patrick . . . . .	60.00
37	R. O. Mackie . . . . .	124.10
38	P. J. Burke . . . . .	253.83
39	A. D. Soechtig . . . . .	99.05
40	H. W. Young . . . . .	261.46
41	C. Cloud . . . . .	261.80
42	M. A. Peoples . . . . .	60.15
43	D. M. Oliver, Jr. . . . .	60.00
44	J. M. Stark . . . . .	71.63
45	W. E. Passer . . . . .	259.36
46	E. S. Lowe . . . . .	261.95
47	O. Lange . . . . .	259.67
48	J. E. Colvin . . . . .	267.84
49	J. A. Moehn . . . . .	60.97
50	J. R. Quinlan . . . . .	232.10
51	D. Norton . . . . .	257.39
52	S. D. Myers . . . . .	260.00
53	H. E. Coles . . . . .	260.33
54	H. S. Sportsman . . . . .	59.35
55	L. W. Saar . . . . .	257.70
56	W. R. Saunders . . . . .	196.86
57	J. L. Sloan . . . . .	20.00
58	J. J. Bergthold . . . . .	9.70
59	J. E. Sanders . . . . .	260.00
60	J. C. Cloud . . . . .	267.02
61	T. Kennedy . . . . .	72.13
62	E. S. Long . . . . .	230.00
63	H. C. Gilman . . . . .	259.67
64	F. P. Adamson . . . . .	261.13
65	B. F. Strange . . . . .	260.00
66	W. D. Beaty . . . . .	260.00
67	J. F. Borgman . . . . .	260.00
68	J. L. Stevens . . . . .	60.00



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69	O. E. Owens.....	260.16
70	E. P. Oliver.....	260.00
71	L. H. Hosford.....	261.47
72	C. H. De Rosear.....	260.00
73	W. Schlarbaum.....	260.32
74	I. N. Blake.....	259.68
75	A. P. Finnerty.....	260.00
76	M. P. Johann.....	140.12
77	D. C. Ferguson.....	260.00
78	K. Eyler.....	259.35
79	C. A. Fogeland.....	40.00
80	E. J. Malloy.....	108.39
81	E. F. Dannies.....	67.67
82	H. D. Schneider.....	65.12
83	C. F. Albright.....	52.90
84	I. Kutscher.....	260.98
85	T. E. Dolan.....	204.55
86	E. Lancashire.....	80.02
87	J. B. Spahr.....	106.77
88	Ed Daley.....	261.81
89	J. L. Pennartz.....	256.03
90	A. Shawver.....	50.64
91	E. C. Haynes.....	39.68
92	J. F. Howell.....	260.46
93	C. Van Aken.....	68.68
94	T. C. Newell.....	86.13
95	M. Costello.....	259.35
96	H. E. Rees.....	7.75
97	M. P. Van Ausdall.....	259.35
98	H. V. Conlee.....	261.61
99	J. C. Vasser.....	260.00
100	E. Lowe.....	260.65
101	R. L. Ferris.....	259.34
102	H. J. Koellner.....	260.00
103	P. Denning.....	259.35
104	R. Scott.....	255.40
105	H. Pickard.....	260.50
106	H. Crosley.....	18.33
107	F. A. Streedbeck.....	254.84
108	L. Parker.....	52.90
109	J. E. Willson.....	261.30
110	J. E. Bennett.....	261.07
111	D. A. King.....	260.00
112	H. R. Jones.....	261.46
113	C. M. Anderson.....	260.00
114	C. N. Scott.....	102.18
115	W. F. Mueller.....	259.84
116	J. R. Anderson.....	221.62
117	L. J. Auge.....	10.16
118	J. Auge.....	43.02
119	J. C. Baumgarten.....	60.00
120	W. C. Gaylord.....	102.60

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121	B. Flessenkemper .....	259.36
122	F. L. Lawlor .....	23.22
123	C. Murphy .....	260.00
124	J. H. King .....	260.34
125	H. Scott .....	260.00
126	R. F. Voigt .....	259.67
127	R. A. Blackwood .....	261.62
128	A. A. Bonner .....	58.89
129	D. E. Richardson .....	260.34
130	J. J. McCaffrey .....	259.35
131	F. E. Schurk .....	259.84
132	F. Spring .....	110.00
133	D. O. Swanson .....	257.41
134	E. F. Thomason .....	200.00
135	A. C. Mayer .....	100.00
136	F. H. Lohoff .....	260.00
137	T. J. Korschgen .....	259.34
138	J. Wilson .....	260.97
139	L. O. Green .....	132.90
140	M. W. Roeser .....	17.82
141	W. G. Albright .....	140.64
142	E. A. Randall .....	259.67
143	H. J. Krimpler .....	68.67
144	F. Borman .....	260.00
145	W. E. McCabe .....	260.00
146	B. H. Schroeder .....	90.00
147	H. L. King .....	111.80
148	W. T. Ping .....	66.74
149	B. W. Shum .....	260.00
150	W. F. White .....	80.96
151	M. T. McDonald .....	260.96
152	A. Bertschi .....	156.98
153	D. J. Tooke .....	248.00
154	T. G. La Follette .....	25.31
155	S. Buckler .....	51.20
156	O. Gorman .....	239.35
157	E. Gaughanbaugh .....	141.50
158	C. W. Risinger .....	239.34
159	R. Wedel .....	237.42
160	J. W. Smith .....	230.35
161	H. Inden .....	222.58
162	C. W. Landess .....	230.00
163	L. M. Boleyn .....	211.61
164	O. J. Callogy .....	227.02
165	T. J. Henrahan .....	229.35
166	J. S. Day .....	33.94
167	R. A. Breeding .....	214.67
168	J. C. Wildman .....	40.32
169	J. A. Bowman .....	204.47
170	R. H. Glasscock .....	27.59
171	S. W. Greene .....	133.71
172	L. L. Hickey .....	201.29

173	D. Pence .....	209.37
174	P. Proudfoot .....	205.16
175	E. W. Samuelson .....	200.65
176	J. E. Taylor .....	12.09
177	H. West .....	207.10
178	F. H. Ashby .....	208.21
179	C. P. Mertens .....	200.00
180	J. W. Gordon .....	200.00
181	H. B. Helling .....	199.00
182	C. Van Saun .....	199.57
183	C. H. Pitchforth .....	46.35
184	A. W. Fulton .....	197.94
185	P. Jobe .....	46.35
186	G. L. Shumaker .....	1.99
187	L. M. Bever .....	10.00
188	G. L. Wayland .....	70.00
189	C. V. Davis .....	180.81
190	C. R. Homan .....	181.29
191	G. Redfern .....	189.84
192	A. Reifenrath .....	188.03
193	P. J. Fury .....	30.68
194	F. H. Werner .....	174.83
195	C. H. Wardlow .....	172.26
196	W. D. Marshall .....	162.86
197	B. Nelson .....	170.00
198	R. Ballew .....	29.10
199	H. G. Lammers .....	151.61
200	C. D. Stout .....	6.45
201	R. C. Nugen .....	149.37
202	M. E. Springer .....	149.68
203	F. Simpson .....	142.81
204	J. B. Schwegler .....	150.00
205	G. D. Swinford .....	132.20
206	J. F. Neason .....	17.26
207	C. Freeborn .....	79.34
208	W. W. Shaffer .....	123.66
209	F. Thon .....	108.38
210	L. Olson .....	4.51
211	J. B. Allen .....	60.34
212	A. C. Eckard .....	49.47
213	C. H. Fox .....	42.15
214	E. Mahoney .....	4.83
215	H. M. Robertson .....	17.75

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rants to the above named parties, respectively, in the amounts stated,  
3 and the state treasurer is hereby directed to pay the same upon presen-  
4 tation out of said fund.

1 SEC. 3. Acceptance of said sums by the respective parties shall be  
2 in full and complete settlement of any and all obligations due the  
3 claimants by reason of a cut in salary pursuant to the salary reduc-  
4 tion act.

Senate File No. 507. Approved May 1, 1937.

## CHAPTER 3

## APPROPRIATION

## S. F. 508

AN ACT to make appropriations to the guards and turnkeys at the men's reformatory at Anamosa, 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 of Iowa to the parties hereinafter named the sums set	
3	opposite their names, respectively:	
4	T. L. Levy .....	\$191.30
5	I. A. Mirick .....	8.17
6	Ernest Hubbard .....	281.49
7	Onias Hurt .....	285.75
8	Dan E. Beam .....	279.69
9	Albert Johnson .....	262.09
10	L. A. First .....	262.68
11	A. L. Huggins .....	260.98
12	F. E. De Lancey .....	295.62
13	H. M. Beardsley .....	293.95
14	W. G. Davenport .....	275.43
15	George Preston .....	298.49
16	Roy Smith .....	279.31
17	Ray Purcell .....	298.35
18	Romney Joslin .....	295.91
19	Chas. Kidwell .....	266.06
20	M. F. O'Toole .....	296.21
21	Harry Brewer .....	276.34
22	C. V. Fisher .....	258.73
23	W. E. Sealls .....	272.22
24	C. C. Gould .....	255.38
25	Frank Hayes .....	259.23
26	R. Kershner .....	261.29
27	W. E. P. Felker .....	251.05
28	F. E. Holub .....	288.89
29	A. E. Atkinson .....	319.22
30	John Dorgeloh .....	293.61
31	H. H. Stelzer .....	295.97
32	Ray I. Powers .....	286.29
33	John Brady .....	261.29
34	Elmer Kline .....	249.78
35	Fred Meir .....	250.96
36	Herb Anderson .....	261.29
37	Chas. Leggett .....	269.34
38	Paul Hinz .....	264.81
39	H. A. Turner .....	292.05
40	R. D. Blakesley .....	230.03
41	V. E. Purcell .....	263.76
42	W. W. Carey .....	278.09
43	Fred Powers .....	257.28
44	C. A. Johnson .....	284.74

45	Glenn A. Larson .....	291.12
46	H. D. Gilmore .....	259.78
47	John Westphal .....	284.99
48	V. H. McGreevey .....	260.96
49	C. L. Kenyon .....	262.28
50	W. J. Blanch .....	288.57
51	C. H. Hall .....	280.90
52	R. O. Miller .....	275.64
53	Tom E. Hartman .....	261.12
54	T. Taylor .....	305.39
55	E. McKinstry .....	259.66
56	J. P. Decker .....	90.23
57	G. B. Roddan .....	11.66
58	A. B. Gerling .....	10.00
59	Jean Fawley .....	10.00
60	C. H. Shifflett .....	241.11
61	J. A. Howe .....	250.26
62	Tom McGreevey .....	260.85
63	L. G. Freeman .....	266.36
64	A. F. Kohl .....	266.74
65	J. A. Du Mont .....	253.21
66	E. A. Atkinson .....	287.68
67	Quincey Thompson .....	262.26
68	J. A. Shock .....	261.29
69	C. C. Cushion .....	275.47
70	Albert Beardsley .....	271.58
71	A. D. Flockhard .....	269.86
72	O. N. La Follette .....	263.92
73	Carl Grabbe .....	309.44
74	Geo. R. Joslin .....	278.80
75	S. T. McLaughlin .....	245.36
76	C. J. Gibson .....	277.88
77	L. T. Hartman .....	281.27
78	Gerald Sampica .....	267.51
79	F. W. Bangs .....	260.96
80	Chas. Seeley .....	281.42
81	Carl Willms .....	253.23
82	A. G. Cover .....	268.91
83	G. G. Anderson .....	198.44
84	Cecil Wilson .....	282.46
85	Joe Hovlik .....	281.72
86	W. A. Jackson .....	263.35
87	A. W. Hamaker .....	279.80
88	Kenneth Millsap .....	265.99
89	E. C. Nash .....	261.25
90	Carl Carter .....	265.20
91	J. B. Carlin .....	265.58
92	Frank Benadom .....	264.51
93	Roy Duncan .....	263.61
94	Ray R. Simpson .....	263.28
95	Chas. Livingston .....	261.20
96	O. E. Shifflett .....	262.18
97	C. V. Ingraham .....	252.45

98	J. J. Fleckenstein .....	225.69
99	J. C. Porter .....	224.16
100	E. C. Haynes .....	223.56
101	A. E. Newhard .....	104.80
102	John Tarpenning .....	223.54
103	J. P. Daugherty .....	224.28
104	P. E. Wolfe .....	38.74
105	Theo. Lusso .....	211.36
106	T. Geo. Hockridge .....	210.50
107	Stephen Cash .....	193.36
108	W. M. Workman .....	30.66
109	L. B. Larson .....	191.93
110	H. Birkestrand .....	207.87
111	Theo. Krouse .....	200.75
112	R. S. McDaniel .....	188.04
113	Leo W. Jackson .....	184.14
114	H. E. Murfeild .....	172.93
115	Chas. Kay, Jr. ....	191.16
116	Jack Neville .....	193.29
117	John D. McCrea .....	179.31
118	J. A. Corwin .....	102.96
119	Louie Triltsch .....	103.32
120	L. B. Callahan .....	70.00
121	Carl J. Price .....	56.80
122	G. L. Ovel .....	34.87
123	L. F. Fogle .....	26.86
124	C. R. Haynor .....	240.65
125	Chas. Strickel Estate .....	266.84
126	J. A. Settlemyre .....	161.84
127	W. A. Hubbard Estate .....	203.42
128	Henry Morey .....	61.29
129	James M. Lonergan Estate .....	275.26
130	J. G. Anderson .....	138.58
131	C. F. Zimmerman .....	61.41
132	B. E. Shifflett .....	43.29
133	W. E. Hill Estate .....	154.88
134	Roy Starry .....	66.93
135	Albert N. Walton .....	257.22
136	C. L. Bias .....	12.67
137	J. A. Conaway .....	257.93
138	Albert O'Dean .....	186.32
139	D. D. Donnan Estate .....	207.35
140	C. C. Irwin Estate .....	268.13
141	W. W. Smith .....	127.91
142	L. R. Williams .....	249.45
143	Roy Randall .....	100.98
144	A. Ray Fairbanks .....	187.25
145	J. E. Dickson .....	1.08
146	C. E. Whalen .....	188.25
147	W. W. Goff .....	55.35
148	W. C. Shirk .....	20.02
149	Bob Breeding .....	17.66
150	Eugene Mahoney .....	183.67

151	G. E. Climie .....	145.10
152	L. W. Pearson .....	146.71
153	L. D. Smith Estate .....	132.13
154	O. B. Fisk.....	83.02

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
 2 rant to the above named parties, respectively, in the amounts stated,  
 3 and the state treasurer is hereby directed to pay the same upon pres-  
 4 entation out of said fund.

1 SEC. 3. Acceptance of said sums by the respective parties shall be  
 2 in full and complete settlement of any and all obligations due the  
 3 claimants by reason of a cut in salary pursuant to the Salary Reduc-  
 4 tion Act.

Senate File No. 508. Approved May 1, 1937.

CHAPTER 4

ELECTION CONTESTS

H. F. 528

AN ACT to make an appropriation for the expenses incurred in the election contests of Peaco vs. Judd and Bulow; of Campbell vs. Woods; of McLean vs. Latchaw; of Hadley vs. Peisen; of Oehmke vs. Dykhouse; of Aldrich vs. Blue; of Peel vs. O'Neill; of Harnagel vs. Brown; of Peyton vs. Moore.

*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 one thousand  
 3 two hundred seventy-seven dollars and sixty-eight cents, (\$1,277.68),  
 4 or so much as may be necessary to pay the expenses of the election  
 5 contest wherein Milton Peaco was the contestant and William Judd  
 6 and Harry Bulow, the incumbents. Warrants shall be drawn for the  
 7 sums herein appropriated in favor of the following persons in amounts  
 8 as follows:

9	A. E. Brandenburg, for reporting and transcripts..\$	25.30
10	Wilma Snell, reporting and transcripts.....	28.78
11	E. C. Halbach, attorney fees, mileage, lodging and	
12	telephone service .....	385.79
13	Thomas Stimpson, lodging, phone, mileage.....	72.65
14	Morton S. Adler, attorney fees, lodging, mileage...	204.88
15	Volney Diltz, attorney fees, lodging, mileage.....	424.88
16	Harry G. O'Donnell, attorney fees, mileage, lodging	135.40
17	Total .....	\$1277.68

1 SEC. 2. There is hereby appropriated out of any moneys in the state  
 2 treasury not otherwise appropriated, the sum of two hundred sixteen  
 3 dollars and ten cents (\$216.10) or so much as may be necessary to pay  
 4 the expenses of the election contest wherein J. R. Campbell was the  
 5 contestant and Lloyd Woods, incumbent. Warrants shall be drawn  
 6 for the sums herein appropriated in favor of the following persons in  
 7 amounts as follows:

8	Everett K. Jones, attorney fees.....	\$ 100.00
9	M. R. Stansell, attorney fees .....	100.00
10	Floyd Jones, transportation of ballots, meals and	
11	lodging .....	10.10
12	Hotel Fort Des Moines, room rent.....	6.00
13	Total .....	<u>\$ 216.10</u>

1 SEC. 3. There is hereby appropriated out of any moneys in the state  
2 treasury not otherwise appropriated, the sum of two hundred twelve  
3 dollars, eighty-two cents, (\$212.82), or so much as may be necessary  
4 to pay the expenses of the election contest wherein Gale McLean was  
5 the contestant and F. A. Latchaw, incumbent. Warrants shall be  
6 drawn for the sums herein appropriated in favor of the following  
7 persons in amounts as follows:

8	C. R. Stafford, attorney fees.....	\$ 80.00
9	M. W. Stapleton, attorney fees.....	60.00
10	L. P. Nesper .....	.90
11	Glenn Curtis, mileage, meals, lodging.....	16.38
12	A. H. Baumhover, mileage, meals, lodging.....	8.45
13	Wm. J. Dreesen, mileage, meals, lodging, telephone	10.66
14	S. E. Prall, mileage, lodging, meals.....	8.93
15	Geo. L. Scott, mileage, lodging, meals.....	15.10
16	Ruth Griffioen, mileage, lodging, meals.....	9.17
17	Halcyon Warren, lodging, meals.....	3.23
18	Total .....	<u>\$ 212.82</u>

1 SEC. 4. There is hereby appropriated out of any moneys in the state  
2 treasury not otherwise appropriated, the sum of two hundred thirty-  
3 five dollars and thirty-three cents, (\$235.33), or so much as may be  
4 necessary to pay the expenses of the election contest wherein Wilson  
5 H. Hadley was the contestant and Dean W. Peisen, the incumbent.  
6 Warrants shall be drawn for the sums herein appropriated in favor of  
7 the following persons in amounts as follows:

8	C. G. Johnson, lodging, meals, phone.....	\$ 3.90
9	Leonard L. Moore, lodging, meals.....	3.75
10	Morris McNie, lodging, meals .....	4.85
11	T. I. Kephart, mileage, meals, lodging, car storage.	20.20
12	O. T. Roe, meals, lodging .....	3.85
13	Miss Phyllis Schwenk, meals, lodging.....	4.35
14	Hubert Utterback, attorney fees, mileage, lodging.	94.43
15	W. H. Soper, attorney fees.....	100.00
16	Total .....	<u>\$ 235.33</u>

1 SEC. 5. There is hereby appropriated out of any moneys in the state  
2 treasury not otherwise appropriated, the sum of seven hundred fifty-  
3 eight dollars, twenty-eight cents, (\$758.28), or so much as may be  
4 necessary to pay the expenses of the election contest wherein W. F.  
5 Oehmke was the contestant and J. T. Dykhouse, the incumbent. War-  
6 rants shall be drawn for the sums herein appropriated in favor of the  
7 following persons in amounts as follows:



8	T. D. McGuire, mileage, lodging, meals, express on	
9	ballots .....	\$ 105.93
10	O. J. Reimers & F. T. McGill, attorney fees, mile-	
11	age, lodging .....	330.00
12	L. A. Riter, attorney fee, mileage, lodging.....	274.05
13	Hotel Fort Des Moines, room rent and phone.....	45.70
14	A. C. Gustafson, telephone calls.....	2.60
15	Total .....	\$ 758.28

1 SEC. 6. There is hereby appropriated out of any moneys in the state  
2 treasury not otherwise appropriated, the sum of five hundred sixty-  
3 eight dollars and twenty-five cents, (\$568.25), or so much as may be  
4 necessary to pay the expenses of the election contest wherein R. E.  
5 Lee Aldrich was the contestant and Robert D. Blue, the incumbent.  
6 Warrants shall be drawn for the sums herein appropriated in favor of  
7 the following persons in amounts as follows:

8	Hubert Utterback, attorney fee .....	\$ 70.00
9	John R. Reider, attorney fee, lodging, mileage.....	145.25
10	E. R. McGrath, attorney fee, lodging.....	134.35
11	Russell C. Blue, attorney fee, lodging, mileage.....	111.75
12	F. Ross Henry, expense on ballots, mileage, lodging	50.00
13	Tangney-McGinn Hotels Co., room rent, phone and	
14	typewriter .....	45.00
15	E. A. Moore, cash advanced watchman.....	6.00
16	Roy E. Wilson, sheriff, service notice.....	5.90
17	Total .....	\$ 568.25

1 SEC. 7. There is hereby appropriated out of any moneys in the state  
2 treasury not otherwise appropriated, the sum of two hundred sixty  
3 dollars and fifty-three cents, (\$260.53), or so much as may be neces-  
4 sary to pay the expenses of the election contest wherein Loren I. Peel  
5 was the contestant and J. K. O'Neill, the incumbent. Warrants shall  
6 be drawn for the sums herein appropriated in favor of the following  
7 persons in amounts as follows:

8	J. P. Gallagher, phone calls.....	\$ 2.29
9	Tangney-McGinn Hotels Co., room rent, storage of	
10	ballots .....	7.49
11	A. L. Doud, Jr., attorney fee.....	50.00
12	John N. Calhoun, attorney fee, lodging, phone, mile-	
13	age .....	66.75
14	Joe S. Strong, attorney fee, mileage, lodging,	
15	phone .....	107.50
16	F. D. Moreland, mileage, meals, lodging, transpor-	
17	tation of ballots .....	26.50
18	Total .....	\$ 260.53

1 SEC. 8. There is hereby appropriated out of any moneys in the state  
2 treasury not otherwise appropriated, the sum of one hundred eighty-  
3 three dollars and forty cents (\$183.40), or so much as may be necessary  
4 to pay the expenses of the election contest wherein Mrs. George Har-  
5 nagel was the contestant and Ed R. Brown, the incumbent. Warrants

6 shall be drawn for the sums herein appropriated in favor of the fol-  
 7 lowing persons in amounts as follows:

8	Carl J. Stephens, attorney fee, and costs ad-	
9	vanced for opening voting machines.....	\$ 83.20
10	Gibson Holliday, attorney fee.....	40.00
11	George A. Mahoney, attorney fee.....	25.00
12	Verna H. Mershon, transcripts.....	19.00
13	Total .....	\$ 167.20

1 SEC. 9. There is hereby appropriated out of any moneys in the state  
 2 treasury not otherwise appropriated, the sum of one thousand two  
 3 hundred fifty-nine dollars and nine cents (\$1,259.09), or so much as  
 4 may be necessary to pay the expenses of the election contest wherein  
 5 H. L. Peyton was the contestant and R. G. Moore, the incumbent. War-  
 6 rants shall be drawn for the sums herein appropriated in favor of the  
 7 following persons in amounts as follows:

8	Tangney-McGinn Hotels Co., room rent, phone,	
9	carbon paper .....	\$ 127.05
10	A. C. Gustafson, phone call.....	1.00
11	Fred C. Behm, mileage, meals, transportation on	
12	ballots .....	28.00
13	Roy E. Havens, attorney fee, mileage, lodging....	551.52
14	Wm. P. Welch, attorney fee, mileage, lodging,	
15	stenographer .....	551.52
16	Total .....	\$1,259.09

1 SEC. 10. This act being deemed of immediate importance shall be  
 2 in full force and effect from and after publication in the Sioux City  
 3 Journal, a newspaper published at Sioux City, Iowa, and the Daily  
 4 Times, a newspaper published at Davenport, Iowa.

House File 528. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Sioux City Journal, May  
 20, 1937, and the Davenport Daily Times, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 5

APPROPRIATION

H. F. 545

AN ACT making an appropriation for the payment of typewriter rental, miscellaneous  
 expenses of the Forty-seventh General Assembly, and other expenses that are pay-  
 able 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 so  
 3 much thereof as may be necessary, to pay the claims and expenses  
 4 indicated.

1 SEC. 2. To the several typewriter agencies for machines furnished  
 2 the Forty-seventh General Assembly:

3 L. C. Smith Typewriter Company, the sum of four hundred thirty-  
4 one dollars and fifty cents (\$431.50), rental for forty-three typewriters  
5 and repairs on state-owned typewriter, for the house of represen-  
6 tatives, and three hundred six dollars and twenty-five cents (\$306.25),  
7 rental for twenty-nine typewriters and repairs on state-owned type-  
8 writers, for the senate.

9 Underwood Elliott Fisher Company, Inc., the sum of one hundred  
10 seventy dollars (\$170), rental for seventeen typewriters for the house  
11 of representatives, and one hundred sixty dollars (\$160) rental for  
12 sixteen typewriters for the senate.

13 Royal Typewriter Company, Inc., the sum of sixty dollars (\$60),  
14 rental for six typewriters for the house of representatives.

15 Remington-Rand Typewriter Company, the sum of fifty-four dol-  
16 lars (\$54.00), rental for six typewriters for the house of representa-  
17 tives.

1 SEC. 3. To the Des Moines Rubber Stamp Works for badges and  
2 supplies furnished the Forty-seventh General Assembly, the sum of  
3 eighty-five dollars and sixty cents (\$85.60) for the house of represen-  
4 tatives, and fifty-eight dollars fifty cents (\$58.50) for the senate.

1 SEC. 4. A sum sufficient to pay the per diem compensation made  
2 necessary by House Concurrent Resolution 14 for services required  
3 by officers and employees of the Forty-seventh General Assembly  
4 after final adjournment.

1 SEC. 5. To A. C. Gustafson, chief clerk of the house of represen-  
2 tatives, for postage, supplies and other expenses incurred and paid  
3 by him in connection with the duties of his office during the Forty-  
4 seventh General Assembly, the sum of forty-six dollars and eighty-  
5 five cents (\$46.85).

1 SEC. 6. To Walter H. Beam, secretary of the senate, and A. C.  
2 Gustafson, chief clerk of the house, the sum of sixty (60) 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-seventh General Assembly.

1 SEC. 7. To Zaisers, stationers and office outfitters, the sum of  
2 fifty-one dollars and seventy-five cents (\$51.75), for rental of twenty-  
3 three typewriter tables for the house of representatives.

1 SEC. 8. To Gaar Bros. Typewriter Company, the sum of sixty-  
2 seven dollars and fifty cents (\$67.50), for rental on forty-five type-  
3 writer tables for the house of representatives.

1 SEC. 9. To the Western Union, the sum of five dollars and fifty  
2 cents (\$5.50), in payment for telegrams to Washington, D. C.

1 SEC. 10. To Glenn Curtis the sum of one dollar and eighty cents  
2 (\$1.80), in payment for telegrams.

1 SEC. 11. To Remington-Rand Inc., the sum of thirty-eight dollars  
2 and eighty-eight cents (\$38.88), payment for two line-a-times.

1 SEC. 12. To Mary L. Huntley, three dollars and sixty cents (\$3.60)  
2 per day from January 28th up to and including the final day of the

3 session, for services as stenographer in the economics section of the  
4 state library.

1 SEC. 13. To the executive council, the sum of two thousand five  
2 hundred dollars (\$2,500) for telephone, telegraph and express charges,  
3 supplies, and postage.

1 SEC. 14. To Koch Brothers, the sum of five dollars and seventy-  
2 seven cents (\$5.77), in payment for two lamps and one stapler.

1 SEC. 15. To Walter H. Beam, secretary of the senate, the sum of  
2 seven dollars (\$7.00) for postage and extra expense.

1 SEC. 16. To Otilia Waldschmitt, the sum of one hundred dollars  
2 (\$100) as compensation for extra services as clerk of the house ap-  
3 propriations committee, and to Annetta Hjelmeland, the sum of one  
4 hundred dollars (\$100) as compensation for extra services as clerk  
5 of the senate appropriations committee; to Elaine Lawrence, the sum  
6 of fifty dollars (\$50) as compensation for extra services as clerk of  
7 the house committee on judiciary.

1 SEC. 17. To Marcella Killmar, the sum of one hundred dollars  
2 (\$100) as compensation for extra services as clerk of the house claims  
3 committee, and to Grace Brinkmeyer, the sum of one hundred dollars  
4 (\$100) as compensation for extra services as clerk of the senate claims  
5 committee.

1 SEC. 18. To Dorothy Jane Rennert, as compensation for extra  
2 services as clerk of the house enrolled bills committee, the sum of  
3 fifty (50) dollars.

1 SEC. 19. To the executive council, the sum of twenty-five hundred  
2 dollars (\$2500) or so much thereof as may be necessary, for repairs  
3 on the voting machine in the house of representatives.

1 SEC. 20. To A. E. Augustine, the sum of fourteen dollars and  
2 seventy-five cents (\$14.75), in payment of car expense incurred in  
3 attending the funeral of Mrs. Alex Miller at Washington, Iowa, and  
4 to J. J. Gillespie, the sum of thirty-six dollars (\$36) in payment of  
5 car and hotel expense incurred in attending the funeral of Senator  
6 Driscoll at Keokuk, Iowa.

1 SEC. 21. To Tangney-McGinn Hotels Co., the sum of twenty dollars  
2 and twenty cents (\$20.20) in payment for rooms for claims com-  
3 mittee meetings.

1 SEC. 22. To the state historical department the sum of two hun-  
2 dred dollars (\$200), or so much thereof as may be necessary, for photo-  
3 graphs of the members of the Forty-seventh General Assembly.

1 SEC. 23. To A. C. Gustafson, chief clerk of the house of representa-  
2 tives, the sum of fifty dollars (\$50), or so much thereof as may be  
3 necessary, to pay for the laundry of towels.

1 SEC. 24. To Mrs. Henry Lewis, the sum of thirty-nine dollars and  
2 sixty cents (\$39.60) for services as matron in Senate cloak room for  
3 eleven days.

1 SEC. 25. To J. E. Snedden, the sum of twelve dollars (\$12.00) for  
2 care and transportation of flowers for the funeral of Senator T. F.  
3 Driscoll.

1 SEC. 26. To Charles Royer, for reporting and transcript of H. C.  
2 White investigation, the sum of two hundred two dollars fifty cents  
3 (\$202.50).

1 SEC. 27. To the American Laundry, the sum of eighty-seven dollars  
2 and one cent (\$87.01) for laundering towels.

1 SEC. 28. The state comptroller is hereby authorized and directed to  
2 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 provi-  
7 sions of section thirteen (13) of this act.

1 SEC. 29. There is hereby appropriated out of any money in the state  
2 treasury not otherwise appropriated, a sum sufficient to pay the per  
3 diem compensation of the officers and employees of the Forty-seventh  
4 General Assembly held after its final adjournment.

1 SEC. 30. The comptroller is hereby authorized to transfer twenty-  
2 six thousand dollars (\$26,000.00) or so much thereof as may be neces-  
3 sary from the Iowa liquor control act fund to the department of jus-  
4 tice for the purpose of law enforcement and for the salaries, support  
5 and maintenance of said department.

1 SEC. 31. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication in the  
3 Bell-Enterprise, a newspaper published at Remsen, Iowa and the  
4 Northwood Anchor, a newspaper published at Northwood, Iowa.

House File 545. Approved April 30, 1937.

I hereby certify that the foregoing act was published in the Northwood Anchor,  
May 6, 1937, and the Remsen Bell Enterprise, May 6, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 6

### APPROPRIATIONS

#### S. F. 411

AN ACT to make appropriations to C. H. White, George O. Van Allen, F. S. Finley, Middle States Utilities Company, Callender Telephone Company, Gretus Asmus, Geraldine Satre, Palmer Plumbing Company, John F. Shea, Bituminous Paving Mat Corporation, D. M. Vandelinde and Mathieson Insurance Agency.

*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 C. H. White, Mt. Pleasant, Iowa, the sum of eighteen hundred  
3 dollars (\$1800.00) in full settlement of all claims he may have against  
4 the state of Iowa on account of the accidental death of Lee Eldon

5 White due to dynamite operations on highway commission land in  
6 Mt. Pleasant, Iowa, in Henry county, August twenty-eighth, nineteen  
7 hundred and thirty-six, sixteen hundred dollars (\$1600.00) of which  
8 shall be paid to C. H. White in full settlement of all claims he may have  
9 against the state on account of said accident, one hundred dollars  
10 (\$100.00) of which shall be paid to George O. Van Allen, attorney, Mt.  
11 Pleasant, Iowa, and one hundred dollars (\$100.00) to be paid to F. S.  
12 Finley, attorney, Mt. Pleasant, Iowa.

1 SEC. 2. There is hereby appropriated out of the primary road fund  
2 to the Middle States Utilities Company, Plattsburg, Missouri, the sum  
3 of two hundred dollars (\$200.00) in full settlement of all claims he  
4 may have against the state of Iowa on account of a collision with a  
5 highway commission truck and snow plow on primary road No. 69 in  
6 Decatur county, Iowa, on December eighth, nineteen hundred and  
7 thirty-six.

1 SEC. 3. There is hereby appropriated out of the primary road fund  
2 to the Callender Telephone Company, Callender, Iowa, the sum of  
3 twenty-eight dollars and ninety-five cents (\$28.95) in full settlement  
4 of all claims they may have against the state of Iowa on account of  
5 damage to underground cable by highway commission employees while  
6 placing road sign post on primary road No. 50 in Webster county, Iowa,  
7 in June, nineteen hundred and thirty-six.

1 SEC. 4. There is hereby appropriated out of the primary road fund  
2 to Gretus Asmus, Bricelyn, Minnesota, the sum of one hundred three  
3 dollars and twenty-five cents (\$103.25) in full settlement of all claims  
4 he may have against the state of Iowa on account of a collision with a  
5 highway commission truck and snow plow on primary road No. 65 in  
6 Cerro Gordo county, December 13, nineteen hundred and thirty-six.

1 SEC. 5. There is hereby appropriated out of the primary road fund  
2 to Geraldine Satre, Bricelyn, Minnesota, the sum of seventy-four dollars  
3 and no cents (\$74.00) in full settlement of all claims she may have  
4 against the state of Iowa on account of a collision with a highway com-  
5 mission truck and snow plow on primary road No. 65 in Cerro Gordo  
6 county, December thirteenth, nineteen hundred and thirty-six.

1 SEC. 6. There is hereby appropriated out of the primary road fund  
2 to the Palmer Plumbing Company, Ames, Iowa, the sum of sixty-seven  
3 dollars and thirty-seven cents (\$67.37) in full settlement of all claims  
4 they may have against the state of Iowa on account of a collision with  
5 a highway commission automobile on a city street in Ames, Iowa, on  
6 December eighteenth, nineteen hundred and thirty-six.

1 SEC. 7. There is hereby appropriated out of the primary road fund  
2 to John F. Shea, Chariton, Iowa, the sum of eighteen dollars and forty-  
3 three cents (\$18.43) in full settlement of all claims they may have  
4 against the state of Iowa on account of a collision with a highway  
5 commission truck on primary road No. 34 in Adams county, Iowa, on  
6 January twenty-ninth, nineteen hundred and thirty-seven.

1 SEC. 8. There is hereby appropriated out of the primary road fund  
2 to the Bituminous Paving Mat. Corporation, Des Moines, Iowa, the

3 sum of fifteen dollars and forty-one cents (\$15.41) in full settlement  
 4 of all claims he may have against the state of Iowa on account of a  
 5 collision with a highway commission automobile on primary road No.  
 6 51 in Allamakee county, Iowa, July seventeenth, nineteen hundred and  
 7 thirty-six.

1 SEC. 9. There is hereby appropriated out of the primary road fund  
 2 to D. M. Vandelinde, Hamlin, West Virginia, the sum of one hundred  
 3 forty-four dollars and seventy-one cents (\$144.71) in full settlement  
 4 of all claims he may have against the state of Iowa on account of a  
 5 collision with a highway commission truck and snow plow on primary  
 6 road No. 40 in Greene county, Iowa, on February fifteenth, nineteen  
 7 hundred and thirty-seven.

1 SEC. 10. There is hereby appropriated out of the primary road  
 2 fund to the Mathieson Insurance Agency, Estherville, Iowa, the sum  
 3 of sixteen dollars and one cent (\$16.01) in full settlement of all claims  
 4 they may have against the state of Iowa on account of a collision with  
 5 a highway commission truck and snow plow on primary road No. 9  
 6 in Kossuth county, Iowa, on February nineteenth, nineteen hundred  
 7 and thirty-seven.

1 SEC. 11. The state comptroller is hereby directed to issue his war-  
 2 rants in favor of the above named parties respectively, in payment of  
 3 the above appropriations, and the treasurer of the state is hereby  
 4 directed to pay said claims out of the primary road fund.

1 SEC. 12. The acceptance of the said sums by the respective parties  
 2 shall be in full settlement of all claims against the state of Iowa grow-  
 3 ing out of said items specifically referred to in this act.

Senate File 411. Approved May 1, 1937.

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## CHAPTER 7

### APPROPRIATION

H. F. 550

AN ACT to appropriate to the state board of control for repairs, buildings, and equip-  
 ment at the various state institutions the sum of five hundred two thousand two hun-  
 dred dollars (\$502,200.00), and to appropriate to the state board of education for  
 repairs, buildings, and equipment at the various state schools the sum of two hun-  
 dred fifty-eight thousand dollars (\$258,000.00), and to appropriate to the state fair  
 board for the construction of a poultry industries building the sum of thirty-five  
 thousand dollars (\$35,000.00), all for each year of the biennium beginning July 1,  
 1937 and ending June 30, 1939, providing for the manner of expenditure thereof.

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

1 SECTION 1. All funds appropriated hereunder shall be expended  
 2 only in the following manner: The plans and contracts for the repairs,  
 3 buildings, and equipment for which funds are herein appropriated shall  
 4 first, before any work is done or contract let, have the express approval  
 5 of the state executive council and the joint legislative committee on  
 6 retrenchment and reform, and any claims arising under any such plans  
 7 or contracts shall be paid only after said claims are expressly approved

8 by the state executive council and the joint legislative committee on  
 9 retrenchment and reform. Said committee on retrenchment and re-  
 10 form may, if it deems it necessary and advisable, appoint from its  
 11 membership a sub-committee, and may delegate to such sub-com-  
 12 mittee such power and authority as said committee on retrenchment  
 13 and reform deems necessary.

1 SEC. 2. The executive council and the joint legislative committee on  
 2 retrenchment and reform are hereby authorized to consider the  
 3 advisability of consolidating the housing of all state departments lo-  
 4 cated in Des Moines and now housed in buildings rented or leased by  
 5 the state and the said executive council and joint legislative committee  
 6 on retrenchment and reform are further authorized and directed to  
 7 investigate as to repairs and improvements on all state property and  
 8 shall report their findings with reference to the housing of the various  
 9 state departments now housed in leased buildings, and shall further  
 10 make such recommendations as they consider advisable to the next  
 11 session of the general assembly of the state of Iowa as to the manner  
 12 of providing for necessary office space and shall also make recommenda-  
 13 tions as to the improvements and the amount thereof that are neces-  
 14 sary on the various buildings under the control of the state of Iowa  
 15 All leases leasing any buildings or office space for state purposes here-  
 16 after executed or leased shall be subject to the approval of the state  
 17 executive council and the joint legislative committee on retrenchment  
 18 and reform.

Note: Sec. 3 omitted in enrolled bill.

1 SEC. 4. There is hereby appropriated from the general fund of the  
 2 state treasury to the state board of control for each year of the bien-  
 3 nium beginning July 1, 1937 and ending June 30, 1939 the sum of five  
 4 hundred two thousand two hundred dollars (\$502,200.00), or so much  
 5 thereof as may be necessary, to be used in the following manner:

- 6 (a) For the hospital for the insane, Mt.  
 7 Pleasant:  
 8 For building, furniture, fixtures, and fur-  
 9 nishings to take the place of the building, fur-  
 10 niture, fixtures, and furnishings destroyed  
 11 by fire August 10, 1936.....\$215,000.00
- 12 (b) For the hospital for the insane, Indepen-  
 13 dence:  
 14 For repairs and equipment.....\$ 18,000.00
- 15 (c) For the hospital for the insane, Clarinda:  
 16 For repairs and equipment.....\$ 14,700.00
- 17 (d) For the hospital for the insane, Mt. Pleasant:  
 18 For repairs and equipment.....\$ 36,000.00
- 19 (e) For the hospital for the insane, Cherokee:  
 20 For repairs, building, and equipment.....\$ 64,750.00
- 21 (f) For the boys' training school, Eldora:  
 22 For repairs and equipment.....\$ 9,000.00
- 23 (g) For the juvenile home, Toledo:  
 24 For repairs and equipment.....\$ 1,000.00
- 25 (h) For the hospital for the feeble minded,  
 26 Glenwood:  
 27 For repairs and equipment.....\$ 4,000.00



- 28 (i) For the hospital for epileptics, Woodward:
- 29 For repairs, buildings, and equipment.....\$ 28,750.00
- 30 (j) For the state sanitarium, Oakdale:
- 31 For repairs and equipment.....\$ 18,000.00
- 32 (k) For the penitentiary, Fort Madison:
- 33 For repairs, buildings, and equipment.....\$ 68,000.00
- 34 (l) For the reformatory, Anamosa:
- 35 For equipment and repairs.....\$ 25,000.00

1 SEC. 5. There is hereby appropriated out of the general fund of  
 2 the state treasury to the state board of education for each year of the  
 3 biennium beginning July 1, 1937 and ending June 30, 1939 the sum  
 4 of two hundred fifty-eight thousand dollars (\$258,000.00) or so much  
 5 thereof as may be necessary, to be used in the following manner:

- 6 (a) For the state university of Iowa:
- 7 For buildings, equipment, and campus im-
- 8 provements .....\$ 62,500.00
- 9 (b) For the state college at Ames:
- 10 For repairs, buildings, and equipment.....\$110,000.00
- 11 (c) For the state teachers college, Cedar Falls:
- 12 For repairs, buildings, and equipment .....\$ 50,000.00
- 13 (d) For the school for the deaf, Council Bluffs:
- 14 For repairs and equipment.....\$ 8,000.00
- 15 (e) For the school for the blind, Vinton:
- 16 For buildings and equipment.....\$ 27,500.00

1 SEC. 6. There is hereby appropriated out of the capital improve-  
 2 ment and repair fund to the state fair board for each year of the  
 3 biennium beginning July 1, 1937 and ending June 30, 1939, thirty-five  
 4 thousand dollars (\$35,000.00) or so much thereof as may be necessary  
 5 to be used in the following manner:

6 For construction of a poultry industries building on the state fair  
 7 grounds; provided, however, that the said appropriation shall only  
 8 be available when and if a grant of approximately fifty-five thousand  
 9 dollars (\$55,000.00) is made available as a contribution from the fed-  
 10 eral government to aid in the cost of such construction.

1 SEC. 7. The executive council, the joint legislative committee on  
 2 retrenchment and reform, the state fair board, the state board of con-  
 3 trol and the state board of education are hereby authorized to obtain  
 4 federal grants to the state to be used in connection with funds above  
 5 appropriated or diverted for such construction purpose.

1 SEC. 8. 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 Forest City Summit, a newspaper published at Forest City, Iowa,  
 4 and in the LeMars Globe-Post, a newspaper published at LeMars, Iowa.

House File 550. Approved May 2, 1937.

I hereby certify that the foregoing act was published in the Forest City Summit,  
 May 13, 1937, and the Le Mars Globe Post, May 13, 1937.

ROBERT E. O'BRIAN, Secretary of State.

## CHAPTER 8

## APPROPRIATION

S. F. 387

AN ACT to make appropriations to Pointer Brewing Company, A. B. Hamilton, H. F. Voights, A. A. Thompson, Paul Delaplaine, E. C. Sodergren, H. R. Pratt, Russell Jensen, Wayne Fisher, Steven Saxby, F. I. Easton and Continental Baking 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 to the Pointer Brewing Company, Clinton, Iowa, the sum of sixty-  
3 two (62) dollars and eighty-eight (88) cents in full settlement of all  
4 claims they may have against the state of Iowa on account of a col-  
5 lision with a highway commission truck and snow blade on primary  
6 road No. 55 in Clinton county, Iowa, on February 9th, 1935.

1 SEC. 2. There is hereby appropriated out of the primary road fund  
2 to A. B. Hamilton, Grinnell, Iowa, the sum of fifty (50) dollars and no  
3 cents in full settlement of all claims he may have against the state  
4 of Iowa on account of a collision with a highway commission truck  
5 and snow plow on primary road No. 6 in Poweshiek county, Iowa, on  
6 November 26th, 1936.

1 SEC. 3. There is hereby appropriated out of the primary road fund  
2 to H. F. Voights, Greene, Iowa, the sum of sixty-nine (69) dollars  
3 and ninety-five (95) cents in full settlement of all claims he may have  
4 against the state of Iowa on account of a collision with a highway  
5 commission tractor on primary road No. 14 in Butler county, Iowa,  
6 Iowa, on April 16, 1935.

1 SEC. 4. There is hereby appropriated out of the primary road fund  
2 to A. A. Thompson, Casey, Iowa, the sum of thirty-five (35) dollars  
3 and no cents in full settlement of all claims he may have against the  
4 state of Iowa on account of a collision with a highway commission truck  
5 in the town of Casey, Guthrie county, Iowa, on August 12th, 1936.

1 SEC. 5. There is hereby appropriated out of the primary road fund  
2 to Paul Delaplaine, Carroll, Iowa, the sum of five (5) dollars and no  
3 cents in full settlement of all claims he may have against the state  
4 of Iowa on account of a collision with a highway commission truck  
5 on primary road No. 30 in Carroll county, Iowa, July 19th, 1937.

1 SEC. 6. There is hereby appropriated out of the primary road fund  
2 to E. C. Sodergren, Waterloo, Iowa, the sum of twenty-five (25) dol-  
3 lars and no cents in full settlement of all claims he may have against  
4 the state of Iowa on account of a collision with a highway commission  
5 truck on primary road No. 20 in the city of Waterloo, Blackhawk  
6 county, Iowa, on July 13th, 1936.

1 SEC. 7. There is hereby appropriated out of the primary road  
2 fund to H. R. Pratt, Fort Dodge, Iowa, the sum of fifty-one (51)  
3 dollars and ninety-six (96) cents in full settlement of all claims he  
4 may have against the state of Iowa on account of a collision with a  
5 highway commission truck and snow plow on primary road No. 20  
6 in Webster county, Iowa, on January 8th, 1937.

1 SEC. 8. There is hereby appropriated out of the primary road  
2 fund to Russell Jensen, Missouri Valley, Iowa, the sum of twenty (20)  
3 dollars and ninety (90) cents in full settlement of all claims he may  
4 have against the state of Iowa on account of a collision with a high-  
5 way commission snow plow on primary road No. 75 in Harrison  
6 county, Iowa, on December 7th, 1936.

1 SEC. 9. There is hereby appropriated out of the primary road fund  
2 to Wayne Fisher, Wellman, Iowa, the sum of eleven (11) dollars and  
3 thirty-eight (38) cents in full settlement of all claims he may have  
4 against the state of Iowa on account of a collision with a highway  
5 commission power maintainer on primary road No. 1 in Washington  
6 county, Iowa, January 26th, 1937.

1 SEC. 10. There is hereby appropriated out of the primary road  
2 fund to Steven Saxby, Humboldt, Iowa, the sum of forty (40) dollars  
3 and no cents in full settlement of all claims he may have against the  
4 state of Iowa on account of a collision with a highway commission  
5 automobile in the city of Humboldt, Humboldt county, Iowa, on De-  
6 cember 3, 1936.

1 SEC. 11. There is hereby appropriated out of the primary road fund  
2 to F. I. Easton, Creston, Iowa, the sum of thirty (30) dollars and  
3 sixty-five (65) cents in full settlement of all claims he may have  
4 against the state of Iowa on account of a collision with a highway  
5 commission truck on primary road number 148 in Taylor county,  
6 Iowa, on September 24, 1935.

1 SEC. 12. There is hereby appropriated out of the primary road  
2 fund to Continental Baking Company, Waterloo, Iowa, the sum of  
3 one hundred fifty (150) dollars and no cents in full settlement of all  
4 claims they may have against the state of Iowa on account of a col-  
5 lision with a highway commission truck on primary road No. 10 in  
6 Butler county, Iowa, on January 7th, 1937.

1 SEC. 13. 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  
5 the same to the funds specified in this act.

1 SEC. 14. 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 by  
3 them against the state of Iowa, and particularly their claims based  
4 on the matters referred to in this act.

Senate File 387. Approved May 1, 1937.

## CHAPTER 9

## APPROPRIATIONS

S. F. 389

AN ACT to make appropriations to Elizabeth Maasdam, Younkin Automotive Service, Otis Rector, Joe Menges, Rev. F. W. McKinley, P. E. Graham, Ronald O. Cole, H. E. Pilon and Emmet L. Morris.

*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 Elizabeth Maasdam, Fairfield, Iowa, the sum of eighty (80)  
3 dollars and no cents in full settlement of all claims she may have  
4 against the state of Iowa on account of a collision with a highway  
5 commission automobile in the city of Fairfield, Iowa, in Jefferson  
6 county, September fifth, 1935.

1 SEC. 2. There is hereby appropriated out of the primary road fund  
2 to Younkin Automotive Service, Fairfield, Iowa, the sum of twenty-  
3 seven (27) dollars and ninety-five (95) cents in full settlement of all  
4 claims it may have against the state of Iowa on account of a collision  
5 with a highway commission Ford truck in the city of Fairfield, Iowa,  
6 in Jefferson county, on July 23, 1935.

1 SEC. 3. There is hereby appropriated out of the primary road fund  
2 to Otis Rector, Bloomfield, Iowa, the sum of eighty (80) dollars and  
3 twenty (20) cents in full settlement of all claims he may have against  
4 the state of Iowa on account of a collision with a highway commission  
5 truck in the city of Bloomfield, Iowa, in Davis county, on February  
6 11, 1936.

1 SEC. 4. There is hereby appropriated out of the primary road  
2 fund to Joe Menges, Alta Vista, Iowa, the sum of twelve (12) dollars  
3 and fifty (50) cents in full settlement of all claims he may have against  
4 the state of Iowa on account of a collision with a highway commission  
5 truck on primary road No. 18 in Floyd county, Iowa, on February  
6 7th, 1936.

1 SEC. 5. There is hereby appropriated out of the primary road fund  
2 to Rev. F. W. McKinley, Manchester, Iowa, the sum of nineteen (19)  
3 dollars and no cents in full settlement of all claims he may have against  
4 the state of Iowa on account of a collision with a highway commission  
5 truck on primary road number 13 in Delaware county, Iowa, on Feb-  
6 ruary 12, 1936.

1 SEC. 6. There is hereby appropriated out of the primary road fund  
2 to P. E. Graham, Grundy Center, Iowa, the sum of fifty-one (51) dol-  
3 lars and seventy-one (71) cents in full settlement of all claims he  
4 may have against the state of Iowa on account of a collision with  
5 a highway commission truck on primary road number 65 in Franklin  
6 county, Iowa, on December 31, 1935.

1 SEC. 7. There is hereby appropriated out of the primary road fund  
2 to Ronald O. Cole, Afton, Iowa, the sum of forty-six (46) dollars and  
3 fifty-five (55) cents in full settlement of all claims he may have against  
4 the state of Iowa on account of a collision with a highway commission

5 truck on primary road number 34 in Union county, Iowa, on January  
6 2, 1936.

1 SEC. 8. There is hereby appropriated out of the primary road fund  
2 to H. E. Pilon, Denver, Colorado, the sum of four (4) dollars and  
3 seventy-five (75) cents in full settlement of all claims he may have  
4 against the state of Iowa on account of a collision with a highway  
5 commission truck on primary road number 6 in Poweshiek county,  
6 Iowa, on December 14, 1935.

1 SEC. 9. There is hereby appropriated out of the primary road fund  
2 to Emmet L. Morris, Melrose Park, Illinois, the sum of sixty (60)  
3 dollars and fifty (50) cents in full settlement of all claims he may  
4 have against the state of Iowa on account of damage to his automobile  
5 caused by rock rolling off a hillside on primary road number 13 in  
6 Clayton county, Iowa, March 18, 1935.

1 SEC. 10. 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 draw his warrants payable to  
5 the parties named in this act for the amounts appropriated to them  
6 respectively, and the treasurer of state is hereby authorized and  
7 directed to pay said warrants and charge the same to the funds speci-  
8 fied in this act.

1 SEC. 11. 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.

Senate File 389. Approved May 1, 1937.

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## CHAPTER 10

### APPROPRIATION

S. F. 385

AN ACT to make appropriations to John Marth, George W. Smith, Mrs. S. L. Lieby, W. A. Gay, C. H. Otte, Mrs. Tillie Deater, H. R. Staats, and Henry E. Meis.

*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 Marth, Charles City, Iowa, the sum of five (5) dollars  
3 and no cents in full settlement of all claims he may have against the  
4 state of Iowa on account of damage to his fence caused by a highway  
5 commission snow plow on primary road No. 18 (detour) in Floyd  
6 county, Iowa, during the winter of 1935 and 1936.

1 SEC. 2. There is hereby appropriated out of the primary road fund  
2 to George W. Smith, Carson, Iowa, the sum of one hundred (100)  
3 dollars and no cents in full settlement of all claims he may have against  
4 the state of Iowa on account of flood damage to farm crops and fence  
5 adjacent to primary road number 59 in Pottawattamie county, Iowa,  
6 in March and May, 1936.

1 SEC. 3. There is hereby appropriated out of the primary road  
2 fund to Mrs. S. L. Lieby, Hamilton, Iowa, the sum of fifteen (15) dol-  
3 lars and no cents in full settlement of all claims she may have against  
4 the state of Iowa on account of damages due to cutting trees and under-  
5 growth on her property along primary road No. 60 in Marion county,  
6 Iowa, in 1936.

1 SEC. 4. There is hereby appropriated out of the primary road fund  
2 to W. A. Gay, Iowa City, Iowa, the sum of eight (8) dollars and no  
3 cents in full settlement of all claims he may have against the state  
4 of Iowa on account of the death of one sheep caused by a highway  
5 commission snow fence along primary road 161 in Johnson county,  
6 Iowa, in 1936.

1 SEC. 5. There is hereby appropriated out of the primary road fund  
2 to C. H. Otte, Clarinda, Iowa, the sum of seventy (70) dollars and  
3 forty-two (42) cents in full settlement of all claims he may have  
4 against the state of Iowa on account of damage to water pipes on ac-  
5 count of construction of primary road No. 3 in the city of Clarinda  
6 in Page county, Iowa, in 1936.

1 SEC. 6. There is hereby appropriated out of the primary road fund  
2 to Mrs. Tillie Deater, Weston, Iowa, the sum of two hundred twenty-  
3 nine (229) dollars and eighty-two (82) cents in full settlement of all  
4 claims she may have against the state of Iowa on account of damage  
5 to drainage tile during construction of primary road No. 7 in Potta-  
6 wattamie county, necessary repairs made in 1936.

1 SEC. 7. There is hereby appropriated out of the primary road fund  
2 to H. R. Staats, Davenport, Iowa, the sum of eleven (11) dollars and  
3 eighty-seven (87) cents in full settlement of all claims he may have  
4 against the state of Iowa on account of damage to his automobile by  
5 concrete thrown against car by highway commission employee on  
6 primary road No. 61 in Scott county, Iowa, on July 18, 1935.

1 SEC. 8. There is hereby appropriated out of the primary road fund  
2 to Henry E. Meis, New Vienna, Iowa, the sum of fifteen (15) dollars  
3 and no cents in full settlement of all claims he may have against the  
4 state of Iowa on account of damage to farm buildings due to blasting  
5 in quarry adjacent to primary road No. 188 in Dubuque county, Iowa,  
6 during the winter of 1933-1934.

1 SEC. 9. The state comptroller is hereby authorized and directed to  
2 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. 10. 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.

Senate File 385. Approved May 1, 1937.

## CHAPTER 11

## APPROPRIATION

S. F. 136

AN ACT to make an appropriation to reimburse the national guard of Iowa for funds expended in the organization of two new units of the national guard at Sibley, Iowa, and Newton, Iowa, and two new regimental headquarters, organized at the direction of the federal government, during the present fiscal year; and to reimburse the national guard of Iowa for the rental and installation of an emergency pump to provide water during the field training period 1936.

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

1 SECTION 1. There is hereby appropriated, out of any moneys in  
2 the state treasury not otherwise appropriated, to the National Guard  
3 of Iowa the sum of six thousand two hundred sixty-five dollars and  
4 forty-four cents (\$6,265.44) to reimburse the National Guard of Iowa  
5 for funds expended in the organization of two new units of the Iowa  
6 National Guard organized at Sibley, Iowa, and at Newton, Iowa, and  
7 two new regimental headquarters, organized at the direction of the  
8 federal government; and to reimburse the National Guard of Iowa for  
9 funds expended for the rental and installation of the emergency pump  
10 to supply water at Camp Dodge, Iowa, during the field training period  
11 1936.

12	For armory rent at Sibley \$1500.00, at Newton	
13	\$1625.00 (Sec 467-f47 Ch. 28-F1 code of Iowa	
14	1935) .....	\$3125.00
15	Per capita allowance, Sibley \$416.00, Newton	
16	\$424.00 (Sec 467-f50 Ch. 28-F1 code of Iowa 1935)	840.00
17	Headquarters allowance, Sibley \$15.00, Newton	
18	\$15.00 (Sec 467-f47 Ch. 28-F1 code of Iowa 1935)	30.00
19	Regimental headquarters allowance 136th Med	
20	Regt \$45.83, 109th QM Regt \$41.66 (Sec 467-f47	
21	Ch. 28-F1 code of Iowa 1935) .....	87.49
22	Armory rental regimental headquarters 136th Med	
23	Regt \$183.34, 109th QM Regt \$166.66 (Sec 467-	
24	f47 Ch. 28-F1 code of Iowa 1935) .....	350.00
25	Physical examinations of members for new units.	78.75
26	(The federal government requires that each man	
27	enlisted in the National Guard be given a physical	
28	examination at time of enlistment. The adjutant	
29	general's department allows seventy-five cents to	
30	local physicians for each examination).	
31	24 tent floors for two new companies for use at	
32	Camp Dodge during summer camps—20 pyrami-	
33	dal and 4 small wall. Lumber \$492.42, labor	
34	\$140.00 .....	632.42
35	Office equipment for two new companies:	
36	2 Mimeographs at .....	\$140.00 \$280.00
37	2 Steel desks at .....	58.50 117.00
38	2 Typewriter tables at ...	7.00 14.00
39	4 17" letter size files at.....	8.50 34.00
40	3 Typewriters at .....	70.00 210.00
41	Rent and installation of emergency pump for Camp	655.00

42	Dodge water supply for 15 days national guard	
43	camp 1936 .....	466.78
44		\$6265.44

1     SEC. 2. This act being deemed of immediate importance shall be  
 2     in full force and effect from and after its publication in two newspapers  
 3     in Iowa as provided for by law.

Senate File 136. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Jasper County Mirror, Newton, June 3, 1937, and the Gazette-Tribune, Sibley, June 3, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 12

### APPROPRIATION

S. F. 391

AN ACT to make appropriations to Harry R. Denton, Vince Tellin, O. L. Smith, M. R. Terhune, and W. W. Stranahan.

*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 Harry R. Denton, Council Bluffs, Iowa, the sum of thirty (30)  
 3     dollars and no cents in full settlement of all claims he may have against  
 4     the state of Iowa on account of the death of one hog which was killed  
 5     in pile of highway commission snow fence along primary road No. 6  
 6     in Pottawattamie county, Iowa, during the spring of 1935.

1     SEC. 2. There is hereby appropriated out of the primary road fund  
 2     to Vince Tellin, Ainsworth, Iowa, the sum of seven (7) dollars and  
 3     no cents in full settlement of all claims he may have against the state  
 4     of Iowa on account of a collision with a highway commission truck  
 5     on primary road No. 161 in Washington county, Iowa, February 6,  
 6     1936.

1     SEC. 3. There is hereby appropriated out of the primary road fund  
 2     to O. L. Smith, Collins, Iowa, the sum of forty (40) dollars and no  
 3     cents in full settlement of all claims he may have against the state  
 4     of Iowa on account of injury to his horse caused by snow fence post  
 5     in pasture along primary road No. 64 in Story county, Iowa, October,  
 6     1935.

1     SEC. 4. There is hereby appropriated out of the primary road fund  
 2     to M. R. Terhune, Wyoming, Iowa, the sum of six (6) dollars and no  
 3     cents in full settlement of all claims he may have against the state  
 4     of Iowa on account of a collision with a highway commission truck  
 5     on primary road No. 18 in Chickasaw county, Iowa, on February 27th,  
 6     1935.

1     SEC. 5. There is hereby appropriated out of the primary road fund  
 2     to W. W. Stranahan, Des Moines, Iowa, the sum of twenty-one (21)  
 3     dollars and sixty-eight (68) cents in full settlement of all claims he



4 may have against the state of Iowa on account of a collision with a  
5 highway commission power maintainer on primary road No. 55 in  
6 Jackson county, Iowa, on February 8th, 1935.

1 SEC. 6. The state comptroller is hereby authorized and directed to  
2 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 will 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.

Senate File 391. Approved May 1, 1937.

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## CHAPTER 13

### APPROPRIATIONS

S. F. 420

AN ACT to make appropriations to Fred Skilling, William Durant, Mrs. William Meyers, John Kirsch, H. M. Colwell, William C. Hawley, Joe Yetmar, Chris Olsen and C. E. Baxter.

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

1 SECTION 1. There is hereby appropriated to Fred Skilling, Algona,  
2 Iowa, the sum of one hundred and twenty-five dollars (\$125.00) for  
3 damages due to the slaughter of one dark brown mare mule upon the  
4 order of the state veterinarian of the state of Iowa on account of infec-  
5 tion known as glanders.

1 SEC. 2. There is hereby appropriated to William Durant, Algona,  
2 Iowa, the sum of one hundred dollars (\$100.00) for damages due to  
3 the slaughter of one horse upon the order of the state veterinarian  
4 of the state of Iowa on account of infection known as glanders.

1 SEC. 3. There is hereby appropriated to Mrs. William Meyers,  
2 Algona, Iowa, the sum of seventy-five dollars (\$75.00) for damages  
3 due to the slaughter of one horse upon the order of the state veteri-  
4 narian of the state of Iowa on account of infection known as glanders.

1 SEC. 4. There is hereby appropriated to John Kirsch, Lone Rock,  
2 Iowa, the sum of one hundred dollars (\$100.00) for damages due  
3 to the slaughter of two horses upon the order of the state veterinarian  
4 of the state of Iowa on account of infection known as glanders.

1 SEC. 5. There is hereby appropriated to H. M. Colwell, Algona,  
2 Iowa, the sum of seventy-five dollars (\$75.00) for damages due to the  
3 slaughter of one horse upon the order of the state veterinarian of the  
4 state of Iowa on account of infection known as glanders.

1 SEC. 6. There is hereby appropriated to William C. Hawley, Algona,  
2 Iowa, the sum of eighty dollars (\$80.00) for damages due to the

3 slaughter of one horse upon the order of the state veterinarian of the  
4 state of Iowa on account of infection known as glanders.

1 SEC. 7. There is hereby appropriated to Joe Yetmar, Humboldt,  
2 Iowa, the sum of two hundred dollars (\$200.00) for damages due to  
3 the slaughter of one horse upon the order of the state veterinarian  
4 of the state of Iowa on account of infection known as glanders.

1 SEC. 8. There is hereby appropriated to Chris Olsen, Lone Rock,  
2 Iowa, the sum of seventy-five dollars (\$75.00) for damages due to the  
3 slaughter of one horse upon the order of the state veterinarian of  
4 the state of Iowa on account of infection known as glanders.

1 SEC. 9. There is hereby appropriated to C. E. Baxter, Oakland,  
2 Iowa, the sum of eleven dollars and sixty cents (\$11.60) for investi-  
3 gating disease in pigs on the farm of Harry Schade, Shelby, Iowa.

1 SEC. 10. The state comptroller is here directed to issue his warrant  
2 to each of the above named parties in the amounts stated, and the  
3 state treasurer is hereby directed to pay the same upon presentation  
4 out of the general fund of the state of Iowa.

1 SEC. 11. The acceptance of the said sums by the respective parties  
2 shall be in full settlement of all claims against the state of Iowa grow-  
3 ing out of said destructions and investigation.

Senate File 420. Approved May 1, 1937.

## CHAPTER 14

### APPROPRIATION

#### S. F. 340

AN ACT to appropriate funds with which to remove police radio station KNFN from Waterloo to Cedar Falls and to install it in housing facilities to be furnished to the state by the city of Cedar Falls and local bodies.

WHEREAS, the Iowa Police Radio Station KNFN at Waterloo has up to this time been housed in temporary quarters vacated and formerly occupied by a commercial broadcasting station, and for the purpose of police radio service that station's 50 foot windmill towers are inadequate; that the location of the building being in the downtown part of the city has been found to be unsatisfactory owing to so much electrical interference from electrical appliances and machinery and electric elevators throughout the downtown city; and that the location of the station itself, being housed in fourth floor attic quarters, is inaccessible to sheriffs and other peace officers from northeastern Iowa whom such station is intended to serve; and for any of the state's police radio stations to be at its maximum in giving police service it must be properly housed with adequate aerial, radio and antenna and transmission outlets, and in all of which Station KNFN has been found to be at a great disadvantage and insufficient and could be made to give far superior service than it now renders if it could be moved to more open ground and housed in a place where it could have such aforementioned facilities, and

WHEREAS, the city of Cedar Falls aided by its commercial body and one or two civic organizations has proffered without expense to the state to provide housing facilities in one of its parks if the state will move the station from Waterloo to Cedar Falls; meaning that such building quarters would be built and the property leased to the state free from any expense for rental as long as aforementioned radio station is maintained, and that an examination by the chief of Iowa police radio system of such proposed location offered by the city of Cedar Falls seems to indicate that removal of Station KNFN to Cedar Falls will double the efficiency of the service of the station to the peace officers in northeastern Iowa, which increase is necessary in order to cover northeast Iowa, and with but the minimum of expense and that such removal is recommended by the attorney general's office, therefore

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

1 SECTION 1. That there is hereby appropriated from the general  
2 funds of the state not otherwise appropriated the sum of thirty-five  
3 hundred dollars (\$3,500.00) or so much thereof as may be necessary  
4 to enable the attorney general to move station KNFN and install it  
5 in housing facilities to be furnished as aforesaid. Such sum of money  
6 or any part thereof as may be necessary may be used also for the  
7 purchase of an aerial tower of such height as may be deemed best  
8 by the attorney general and for the reinstallation of the station and  
9 for any and all other expense of removal and setting up of the station  
10 in the new location.

Senate File 340. Approved May 1, 1937.

CHAPTER 15  
APPROPRIATIONS

S. F. 477

AN ACT to make appropriations to E. R. Wald, F. D. Cox, D. H. Anderson and B. L. Basinger, M.D.

*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 E. R. Wald, Goldfield, Iowa, the sum of one hundred dollars  
3 (\$100.00) in full settlement of all claims he may have against the  
4 state of Iowa on account of injuries to Mrs. Wald and their son, sus-  
5 tained when a snow plow threw snow through the window of their  
6 car on primary road No. ten, in Wright county, Iowa, on February  
7 twenty-fifth, nineteen hundred and thirty-five.

1 SEC. 2. There is hereby appropriated out of the primary road fund  
2 to F. D. Cox, Grinnell, Iowa, the sum of five dollars and sixty-seven  
3 cents (\$5.67) in full settlement of all claims he may have against the  
4 state of Iowa on account of a collision with a highway commission  
5 truck and snow plow on primary road No. sixty-three in Poweshiek  
6 county, Iowa, on January twentieth, nineteen hundred and thirty-  
7 seven.

1 SEC. 3. There is hereby appropriated out of the primary road fund  
2 to D. H. Anderson, Scranton, Iowa, the sum of fifty-three dollars and  
3 sixty-five cents (\$53.65) in full settlement of all claims he may have  
4 against the state of Iowa on account of a collision with a highway  
5 commission truck and snow plow on primary road number thirty (30)  
6 in Greene county, Iowa, on February fifteenth, nineteen hundred and  
7 thirty-seven.

1 SEC. 4. There is hereby appropriated out of the primary road fund  
2 of the state of Iowa to B. L. Basinger, M. D., Goldfield, Iowa, the sum  
3 of twenty-three dollars and fifty cents (\$23.50) in full settlement of  
4 all claims he may have against the state of Iowa on account of profes-  
5 sional services to Mrs. E. B. Wald and son for injuries sustained when  
6 a snow plow threw snow in the window of the car in which she was  
7 riding on primary road number ten (10), Wright county, Iowa, on  
8 February twenty-fifth, nineteen hundred and thirty-five.

1 SEC. 5. The state comptroller is hereby directed to issue his war-  
2 rants to the above named parties in the amounts stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 6. The acceptance of said sums by the above named parties,  
2 respectively, shall be in full settlement of all claims against the state  
3 of Iowa due to said collisions.

Senate File 477. Approved May 1, 1937.

## CHAPTER 16

### IOWA CITY, CITY OF

#### H. F. 30

AN ACT to make an appropriation to the city of Iowa City, Iowa, to compensate the city for expenses incurred in improving and extending its sewage system and constructing and equipping a sewage disposal plant, in proportion to the use of such system and plant by state-owned property.

*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 one hundred ten thousand, five hundred sixty-  
3 one dollars and twenty-six cents (\$110,561.26), payable to the city of  
4 Iowa City, Iowa, on July 1, 1937, to compensate the said city for a  
5 portion of the expenses incurred by it in improving and extending its  
6 sewage system and in constructing and equipping a sewage disposal  
7 plant. Said amount of one hundred ten thousand, five hundred sixty-  
8 one dollars and twenty-six cents (\$110,561.26) bears the same ratio  
9 to the total cost of said system and plant as the use or sewage load im-  
10 posed upon said system and plant by state-owned property within said  
11 city bears to its total use or sewage load, as decided and agreed upon  
12 by and between the said city of Iowa City, Iowa, and the Iowa state  
13 board of education on the 5th day of December, 1934, and approved  
14 and reported in the minutes of a meeting of the Iowa state board of  
15 education held in Des Moines on the 17th day of January, 1935.

1 SEC. 2. The state comptroller is hereby directed to issue on July 1,  
2 1937, his warrant, payable to the city of Iowa City, Iowa, in the sum  
3 of one hundred ten thousand, five hundred sixty-one dollars and twenty-  
4 six cents (\$110,561.26), and the treasurer of state is hereby authorized  
5 and directed to pay said warrant out of the general fund of the state.

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 Iowa City  
3 Press-Citizen, a newspaper published at Iowa City, Iowa, and the Tipton  
4 Tion Conservative, a newspaper published at Tipton, Iowa.

House File 30. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Iowa City Press Citizen,  
May 20, 1937, and the Tipton Conservative, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 17

### APPROPRIATION

S. F. 384

AN ACT to make appropriations to D. I. Goehring, Mrs. Kendall Burch, Willard Poland and Wallace A. Carr.

*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 D. I. Goehring, Oakland, Iowa, the sum of fourteen (14) dol-  
3 lars and thirty-nine (39) cents in full settlement of all claims he  
4 may have against the state of Iowa on account of a collision with a  
5 highway commission truck on primary road No. 6 in Pottawattamie  
6 county, January 8, 1937.

1 SEC. 2. There is hereby appropriated out of the primary road fund  
2 to Mrs. Kendall Burch, Dubuque, Iowa, the sum of twenty-five (25)  
3 dollars and eighteen (18) cents in full settlement of all claims she may  
4 have against the state of Iowa on account of a collision with a highway  
5 commission truck on Grandview avenue in the city of Dubuque, in  
6 Dubuque county, Iowa, January 26th, 1937.

1 SEC. 3. There is hereby appropriated out of the primary road fund  
2 to Willard Poland, Winterset, Iowa, the sum of twenty-seven (27)  
3 dollars and thirty-two (32) cents in full settlement of all claims he  
4 may have against the state of Iowa on account of a collision with a  
5 highway commission Ford pickup in the city of Winterset in Madison  
6 county, Iowa, on January 7th, 1936.

1 SEC. 4. There is hereby appropriated out of the primary road fund  
2 to Wallace A. Carr, Garner, Iowa, the sum of eighty (80) dollars and  
3 no cents in full settlement of all claims he may have against the state  
4 of Iowa on account of flood damage caused by broken tile in construc-  
5 tion of C. M. & St. P. R. R. Company overhead crossing on primary  
6 road No. 18 in Hancock county, Iowa, in June of 1935.

1 SEC. 5. 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  
5 the same to the funds specified in this act.

1 SEC. 6. 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.

Senate File 384. Approved May 1, 1937.

## CHAPTER 18

### APPROPRIATION

#### S. F. 386

AN ACT to make appropriations to W. B. Lewis, M. D., Ben G. Budge, M. D., and E. F. Rambo, M. D.

*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 E. F. Rambo, M. D., Webster City, Iowa, the sum of five (5)  
3 dollars and no cents in full settlement of all claims he may have against  
4 the state of Iowa on account of professional services rendered to D.  
5 Myron Tripp, attorney for the highway commission, who was fatally  
6 injured on primary road No. 20 in Hamilton county, Iowa, on May  
7 14, 1936.

1 SEC. 2. There is hereby appropriated out of the primary road fund  
2 to W. B. Lewis, M. D., Webster City, Iowa, the sum of twenty (20)  
3 dollars and no cents in full settlement of all claims he may have against  
4 the state of Iowa on account of professional services rendered to D.  
5 Myron Tripp, attorney for the highway commission, who was fatally  
6 injured on primary road No. 20 in Hamilton county, Iowa, on May  
7 14, 1936.

1 SEC. 3. There is hereby appropriated out of the primary road fund  
2 to Ben G. Budge, M. D., Ames, Iowa, the sum of twenty-five (25)  
3 dollars and no cents in full settlement of all claims he may have against  
4 the state of Iowa on account of professional services rendered to D.  
5 Myron Tripp, attorney for the highway commission, who was fatally  
6 injured on primary road No. 20 in Hamilton county, May 14, 1936.

1 SEC. 4. 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. 5. 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.

Senate File 386. Approved May 1, 1937.

CHAPTER 19  
APPROPRIATION

H. F. 483

AN ACT to make an appropriation to the National Guard of Iowa for the rehabilitation of the water supply system at Camp Dodge.

WHEREAS, it has been extremely difficult to obtain a sufficient supply of water from the present Camp Dodge water system during the periods of the annual encampments of the Iowa National Guard and that three (3) days prior to the camp period of 1936 it was impossible to obtain any water from the present water supply system, and that water was only obtained for camp by the installation of a temporary emergency pump; and

WHEREAS, the division of public health engineering of the department of health of the state of Iowa has advised the adjutant general that the present water supply system is inadequate, obsolete and provides an insufficient quantity of water; and

WHEREAS, the division of public health engineering of the department of health of the state of Iowa has submitted estimates as quoted herein for the rehabilitation of the water supply system at Camp Dodge; 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 eight thousand  
3 eight hundred dollars (\$8,800.00), or so much thereof as may be neces-  
4 sary, for the following purposes:

5	3 pump houses	@ \$ 700.00	\$2,100.00
6	2 wells	@ 1,900.00	3,800.00
7	3 pumps	@ 800.00	2,400.00
8	1 concrete or steel cover for main reservoir		500.00

9		Total	\$8,800.00
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1 SEC. 2. Any unused or unobligated balance of this appropriation  
2 remaining on hand is to revert to the general fund of the state.

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

House File 483. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Democrat and Leader, Davenport, May 25, 1937, and the Daily Times, May 25, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 20

## APPROPRIATION

H. F. 519

AN ACT to appropriate the sum of five hundred (\$500.00) dollars to repair, refinish, clean and inspect the damage done by lightning, to the Iowa Monument in the National Cemetery at Andersonville, Georgia, to authorize the governor to appoint a commission to supervise and inspect such repair, refinishing and cleaning, and to appropriate not to exceed five hundred (\$500.00) dollars to pay the expenses of such commission.

*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 five hundred  
3 (\$500.00) dollars or so much thereof as may be necessary for the  
4 proper repair, refinishing and cleaning of the Iowa monument in  
5 Andersonville National Cemetery, at Andersonville, Georgia.

1 SEC. 2. The governor is hereby directed to appoint a commission  
2 of two persons, one member of which shall be a member of the Grand  
3 Army of the Republic, whose duty shall be to determine according  
4 to their best judgment, the proper repair, refinishing and cleaning  
5 of said monument and to employ competent persons to do the work.  
6 There is hereby appropriated out of any funds in the state treasury,  
7 not otherwise appropriated, or so much thereof as may be necessary,  
8 the sum of five hundred (\$500.00) dollars for use of the commission  
9 in paying the cost and expenses incident to such supervision and  
10 inspection.

1 SEC. 3. At the close of its services the commission shall make a  
2 statement of all its doings, which statement shall include a description  
3 of the work done and the manner in which it was accomplished, to  
4 the governor. Payment for the cost of such repair, and for the ex-  
5 penses of the commission shall be made by the comptroller upon pre-  
6 sentation to him of vouchers duly executed under conditions prescribed  
7 by law.

House File 519. Approved May 1, 1937.

## CHAPTER 21

## APPROPRIATION

S. F. 388

AN ACT to make appropriations to George W. Cox and Max E. King.

*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 George W. Cox, Leon, Iowa, the sum of seven (7) dollars and  
3 eighteen (18) cents in full settlement of all claims he may have against  
4 the state of Iowa on account of damage to his home caused by snow  
5 blown from highway commission rotary snow plow on primary road  
6 number 69 in Decatur county, Iowa, February 19, 1936.



1 SEC. 2. There is hereby appropriated out of the primary road  
2 fund to Max E. King, Bedford, Iowa, the sum of eight (8) dollars and  
3 forty-nine (49) cents in full settlement of all claims he may have  
4 against the state of Iowa on account of the highway commission rotary  
5 snow plow throwing ice and snow through windows of his home on  
6 primary road number 148 in Taylor county, Iowa, on February 15,  
7 1936.

1 SEC. 3. The state comptroller is hereby authorized and directed to  
2 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  
5 the same to the funds specified in this act.

1 SEC. 4. 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.

Senate File 388. Approved May 1, 1937.

## CHAPTER 22

### APPROPRIATION

S. F. 530

AN ACT to make an appropriation to enable the state of Iowa to participate in the program of the Civilian Conservation Corps, the Works Progress Administration and with federal and other agencies within the state of Iowa.

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

1 SECTION 1. There is hereby appropriated for each semi-annual  
2 period of the biennium from July 1, 1937, to July 1, 1939, out of any  
3 funds in the state treasury not otherwise appropriated, the sum of  
4 one hundred twenty-five thousand (125,000) dollars, which sum is  
5 to be used to enable the state of Iowa to participate in the program  
6 of the Civilian Conservation Corps, the Works Progress Administra-  
7 tion and with federal and other agencies for conservation purposes  
8 and for acquiring, developing and administering submarginal lands  
9 which have become distressed or tax delinquent, to be used for re-  
10 forestation, game development, grazing or other soil conservation  
11 purposes; to provide for the purchase or rental of supplies, materials,  
12 and equipment and the employment of the necessary personnel not  
13 provided by the federal government, and to purchase such additions  
14 to park and recreational areas now under improvement as may be  
15 expedient.

1 SEC. 2. The appropriation made in the foregoing section is in addi-  
2 tion to the regular biennial appropriations made for the operations  
3 of the state conservation commission and shall be in full force and  
4 effect after June 30, 1937, and be available to June 30, 1939, unless  
5 earlier expended.

1 SEC. 3. The state comptroller upon order of the governor is hereby  
2 authorized to draw warrants against the funds above appropriated,

3 payable to the conservation commission or other co-ordinating agencies  
4 for that purpose.

Senate File 530. Approved May 1, 1937.

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CHAPTER 23

DES MOINES, CITY OF

S. F. 444

AN ACT to make an appropriation to the city of Des Moines, Iowa, to reimburse the city for expenditures made in paving and improving streets adjacent to state owned property.

*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 of Iowa the sum of two thousand six hundred sixty-one  
3 dollars and twenty-five cents (\$2,661.25) in full settlement of a claim  
4 held by said city against the state of Iowa for expenditures made by  
5 it in paving and improving certain streets adjacent to the state capitol  
6 grounds and the state fair grounds.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the city of Des Moines, Iowa, in the amount stated, and the  
3 state treasurer is hereby directed to pay the same upon presentation  
4 out of said fund.

1 SEC. 3. The acceptance of said sum by the city of Des Moines, Iowa,  
2 shall be in full settlement of any and all claims by it against the state  
3 of Iowa on account of special assessments for street improvements  
4 abutting upon state capitol grounds and the Iowa state fair grounds,  
5 which, under section forty-six thirty-four of the nineteen hundred and  
6 thirty-one code of Iowa, would be properly chargeable against the state  
7 of Iowa. This settlement is in full of any and all claims for special  
8 improvements on streets abutting or adjacent to said state property to  
9 February fifteenth, nineteen hundred and thirty-seven.

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 \* Des Moines  
3 Register, a newspaper published at Des Moines, Iowa, and the Des  
4 Moines Tribune, a newspaper published at Des Moines, Iowa.

Senate File 444. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Beaverdale News, May 28, 1937, and the American Citizen, May 28, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

\*Note: Under authority of Sec. 55, code, 1935.

CHAPTER 24  
APPROPRIATION

S. F. 441

AN ACT to make appropriations to Joe H. Smith; Earl, Leonard and Mrs. Bonnie Frisk.

*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 Earl, Leonard and Mrs. Bonnie Frisk, Columbus Junction,  
3 Iowa, the sum of four hundred ninety-eight dollars and seventy-five  
4 cents (\$498.75) in full settlement of all claims they may have against  
5 the state of Iowa on account of damages to automobile and personal  
6 property sustained when their car fell through a bridge on Primary  
7 Road No. 2 in Louisa county on August fifteenth, nineteen hundred  
8 and thirty-six.

1 SEC. 2. There is hereby appropriated out of the primary road\* to  
2 Joe H. Smith, Des Moines, Iowa, the sum of forty-four dollars and  
3 thirty-five cents (\$44.35) in full settlement of all claims he may have  
4 against the state of Iowa on account of loss of personal property  
5 sustained when a White Line truck broke through the Iowa River  
6 bridge on Primary Road No. 2 in Louisa county on August fifteenth,  
7 nineteen hundred and thirty-six.

1 SEC. 3. The state comptroller is hereby directed to issue his war-  
2 rants to the above named parties in the amounts stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out of  
4 said fund.

1 SEC. 4. The acceptance of said sums by the above named parties  
2 respectively shall be in full settlement of all claims against the state  
3 of Iowa growing out of said damages.

Senate File 441. Approved May 1, 1937.

CHAPTER 25  
APPROPRIATION

S. F. 481

AN ACT to make an appropriation to John W. Abel.

*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 of Iowa the sum of twelve hundred and seventy-eight dol-  
3 lars (\$1278.00) to John W. Abel, Keokuk county, Iowa, which amount  
4 he accumulated from the sale of walnut meats while an inmate of the  
5 state hospital for the insane, at Mount Pleasant, Iowa. This sum was  
6 deposited in the bank at Mount Pleasant, Iowa, and appropriated by  
7 his guardian, who turned it over to Keokuk county in payment of part  
8 of his support while confined in the above institution.

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\* Note: In accordance with enrolled bill.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out of  
4 said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa, growing  
3 out of said confinement.

1 SEC. 4. This act being deemed of immediate importance shall be  
2 in force and effect from and after its passage and publication in the  
3 Hedrick Journal, a newspaper published in Hedrick, Iowa, and the  
4 Ollie News, a newspaper published in Ollie, Iowa, and without expense  
5 to the state.

Senate File 481. Approved April 30, 1937.

I hereby certify that the foregoing act was published in the Hedrick Journal, May 5,  
1937, and the Ollie News, May 6, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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CHAPTER 26  
APPROPRIATION

S. F. 412

AN ACT to make an appropriation to the city of Iowa City, 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 of Iowa the sum of one thousand nine hundred eighteen  
3 dollars and twenty-seven cents (\$1918.27) to the city of Iowa City,  
4 Iowa, for assessment on the following described property, to-wit:  
5 Beg. 140' W of SE corner of Lot 5, Blk. 94—O.T.  
6 thence E 140', N 140', W 150', S 130', SE to pt. of beg.  
7 Lot 6, Blk. 94, O.T.  
8 S½ of Lot 7, Blk. 94, O.T.  
9 E 50' of N½ of Lot 7, Blk. 94, O.T.  
10 E50' of Lot 8, Blk. 94, O.T.  
11 Beg. at NW corner of Lot 4, Blk. 95—O. T.  
12 thence to W 10' S 150', E 10', N 150' to pt. of beg.  
13 Lot 5, Blk. 85—O.T.  
14 Lot 6, Blk. 85—O.T.  
15 Lot 7, Blk. 85—O.T.  
16 Lot 4, Blk. 85—O.T.  
17 Lot 3, Blk. 85—O.T.  
18 W 6' of Lot 2, Blk 85, O.T.  
19 W 24' of E 44' and N 102' of E 44', Lot 2, Blk 85—O.T.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the city of Iowa City, Iowa, in the amount stated, and the  
3 state treasurer is hereby directed to pay the same upon presentation  
4 out of said fund.

Senate File 412. Approved May 1, 1937.

CHAPTER 27  
APPROPRIATION

S. F. 431

AN ACT to make appropriations to Vera D. Tripp and Will Wickett.

*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 Vera D. Tripp, Newton, Iowa, the sum of twenty-nine dollars  
3 (\$29.00) in full settlement of all claims she may have against the  
4 state of Iowa on account of expenses incident to the death of D. Myron  
5 Tripp, attorney for the highway commission on primary road No. 20,  
6 in Hamilton county, Iowa, on May fifteenth, nineteen hundred and  
7 thirty-six.

1 SEC. 2. There is hereby appropriated out of the primary road fund  
2 to Will Wickett, New Virginia, Iowa, the sum of eighty-eight dollars  
3 and seventy-seven cents (\$88.77) in full settlement of all claims he  
4 may have against the state of Iowa on account of a collision with a  
5 highway commission truck and snow plow on primary road No. 65  
6 in Warren county, Iowa, February fifth, nineteen hundred and thirty-  
7 seven.

1 SEC. 3. The state comptroller is hereby authorized to issue his war-  
2 rant to the above named parties in the amounts stated, and the state  
3 treasurer is hereby directed to pay the same from the primary road  
4 fund of the state of Iowa.

1 SEC. 4. The acceptance of said sums by the above named parties,  
2 respectively, shall be in full settlement of all claims against the state  
3 of Iowa growing out of said collisions.

Senate File 431. Approved May 1, 1937.

CHAPTER 28

MUSCATINE COUNTY AND LOUISA COUNTY

S. F. 234

AN ACT to make an appropriation to Muscatine county, Iowa, and Louisa county, Iowa.

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

1 SECTION 1. There is hereby appropriated to Muscatine County,  
2 Iowa, the sum of two thousand five hundred eighty-three dollars and  
3 thirteen cents (\$2,583.13), in payment of special assessments for  
4 drainage purposes imposed upon lands owned by the state of Iowa in  
5 Drainage District No. 13 of Muscatine and Louisa counties, Iowa.

1 SEC. 2. There is hereby appropriated to Louisa County, Iowa, the  
2 sum of one thousand five hundred forty-eight dollars and forty-two  
3 cents (\$1,548.42), in payment of special assessments imposed upon  
4 lands owned by the state of Iowa in Drainage District No. 13 of Mus-  
5 catine and Louisa counties, Iowa.

1 SEC. 3. The state comptroller is hereby authorized and directed  
 2 to draw his warrants to the respective counties to which appropria-  
 3 tions have been made under the provisions of this act and in the sums  
 4 so appropriated and heretofore set out, in payment of said special  
 5 assessments, and the treasurer of state is hereby authorized and  
 6 directed to pay the same out of any funds in the state treasury not  
 7 otherwise appropriated.

Senate File 234. Approved April 14, 1937.

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CHAPTER 29  
 APPROPRIATION

S. F. 446

AN ACT to make an appropriation to Ella Talbott.

*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 of Iowa to Ella Talbott the sum of twenty-four hundred  
 3 dollars (\$2400.00) for injuries sustained by her husband, Charles F.  
 4 Talbott, while engaged in work for the Iowa Emergency Relief Ad-  
 5 ministration and the Polk County Emergency Relief Administration,  
 6 which injuries resulted in his death. Said sum is to be paid as follows:  
 7 Fifteen hundred dollars (\$1500.00) cash and nine hundred (\$900.00)  
 8 dollars in monthly payments as follows: Starting April first, nineteen  
 9 hundred and thirty-seven, thirty dollars (\$30.00) per month to be  
 10 paid for thirty (30) months. If Ella Talbott dies before the entire  
 11 payment is made, the sum of three hundred dollars (\$300.00) of the  
 12 remaining amount due shall be available for funeral expenses in full  
 13 and complete settlement.

1 SEC. 2. The state comptroller is hereby directed to issue his warrant  
 2 to the above named party in the amount stated, and the state treasurer  
 3 is hereby directed to pay the same upon presentation out of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
 2 be in full settlement of all claims against the state of Iowa growing  
 3 out of the death of her husband, Charles F. Talbott.

Senate File 446. Approved May 1, 1937.

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CHAPTER 30  
 APPROPRIATION

S. F. 449

AN ACT to make appropriations to John Terpstra, Walter L. Wickett and Lyle E. Davis.

*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 Terpstra, Fort Dodge, Iowa, the sum of twenty-one dol-  
 3 lars (\$21.00) in full settlement of all claims he may have against

4 the state of Iowa on account of a collision with a highway commission  
5 automobile in the city of Rock Rapids, Lyon county, Iowa, on February  
6 fifth, nineteen hundred and thirty-seven.

1 SEC. 2. There is hereby appropriated out of the primary road fund  
2 to Walter L. Wickett, New Virginia, Iowa, the sum of eighteen dol-  
3 lars (\$18.00) in full settlement of all claims he may have against  
4 the state of Iowa on account of a collision with a highway commission  
5 truck and snow plow on primary road No. 65 in Warren county on  
6 February fifth, nineteen hundred and thirty-seven.

1 SEC. 3. There is hereby appropriated out of the primary road fund  
2 to Lyle E. Davis, Melrose, Iowa, the sum of twenty-five dollars (\$25.00)  
3 in full settlement of all claims he may have against the state of Iowa  
4 on account of the death of a colt at a culvert on primary road No. 34  
5 in Monroe county in February of nineteen hundred and thirty-seven.

1 SEC. 4. The state comptroller is hereby directed to issue his war-  
2 rants to the above named parties in the amounts stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 5. The acceptance of said sums by the above named parties  
2 shall be in full settlement of all claims against the state of Iowa grow-  
3 ing out of said damages.

Senate File 449. Approved May 1, 1937.

CHAPTER 31  
APPROPRIATION

S. F. 379

AN ACT to make an appropriation for the state department of social welfare for its expenses and for aid to the needy blind, and for the division of child welfare.

*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, 1937 and ending June 30, 1939, the sum of  
4 one hundred fifty-five thousand (155,000) dollars, or so much thereof  
5 as may be necessary, to be used in the following manner:

6 STATE DEPARTMENT OF SOCIAL WELFARE

7 For salaries, support, maintenance and miscellaneous  
8 purposes .....\$ 40,000.00

9 AID FOR THE NEEDY BLIND

10 For salaries, support, maintenance and miscellaneous  
11 purposes .....\$110,000.00

12 DIVISION OF CHILD WELFARE

13 For salaries, support, maintenance and miscellaneous  
14 purposes, the comptroller and the governor are hereby

15 authorized to transfer \$5,000 from the funds of the board  
 16 of control to the child welfare division, a sub-division  
 17 of the board of social welfare as provided in senate file  
 18 373, acts of the Forty-seventh General Assembly.

1 SEC. 2. Upon orders by the state department of social welfare,  
 2 the comptroller shall draw warrants from the funds herein appro-  
 3 priated, if he so approves, for the purposes herein described.

Senate File 379. Approved May 7, 1937.

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CHAPTER 32  
 APPROPRIATION

S. F. 526

AN ACT to make an appropriation to C. O. Melvin.

*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 to C. O. Melvin, Bedford, Iowa, the sum of one thousand fifty-two  
 3 dollars and sixty-five cents (\$1052.65), said sum to be paid as follows:  
 4 Dr. Thos. D. Boler, Omaha, Nebraska.....\$373.48  
 5 Dr. James F. Kelly, Omaha, Nebraska..... 6.32  
 6 Dr. J. F. Hardin, Bedford, Iowa..... 10.94  
 7 Dr. Langdon & Grier, Omaha, Nebraska..... 227.72  
 8 Dr. John Liken, Villisca, Iowa..... 61.68  
 9 Dr. J. S. Terrill, Bedford, Iowa..... 31.55  
 10 St. Catherine's Hospital, Omaha, Nebraska..... 331.55  
 11 Meyerhoff & Pitman, Villisca, Iowa, (Ambulance) 9.41

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
 2 rants to the above named parties in the amounts stated, and the state  
 3 treasurer is hereby directed to pay the same upon presentation out of  
 4 said fund.

1 SEC. 3. The acceptance of said sum by the said C. O. Melvin shall  
 2 be in full settlement of all claims against the state of Iowa growing  
 3 out of injuries sustained by his son, Stuart Melvin, when a truck which  
 4 was owned by an independent contractor and used for a state highway  
 5 construction project, and in which the said Stuart Melvin was riding,  
 6 overturned into a ditch on Highway 71 on May fifth, nineteen hundred  
 7 and thirty-three.

Senate File 526. Approved May 1, 1937.



CHAPTER 33  
APPROPRIATION

S. F. 92

AN ACT to make an appropriation available for the prevention and control of major epidemic outbreaks of grasshoppers, chinch bugs and other similar crop pests, and for the purchase, distribution and application of materials and for incidental and other miscellaneous expenses connected therewith.

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

1 SECTION 1. There is hereby appropriated for the period ending  
2 June 30, 1939, from any funds in the state treasury not otherwise ap-  
3 propriated, the sum of twenty-five thousand dollars (\$25000.00) or  
4 so much thereof as may be necessary for the purpose of controlling  
5 outbreaks of grasshoppers, chinch bugs and other crop pests and  
6 diseases causing epidemics affecting wide areas in the state and for  
7 the purchase, transportation, distribution and application of materials;  
8 and for such other miscellaneous and incidental expenses deemed  
9 necessary and connected therewith. Said appropriation shall be  
10 wholly available immediately upon the taking effect of this act and  
11 may be expended, if necessary, by and under the direction of the  
12 secretary of agriculture of this state with the approval of the executive  
13 council and the state comptroller.

1 SEC. 2. All monies appropriated by this act, remaining unexpended  
2 or unobligated, at the close of business on June 30, 1939, shall revert  
3 to and become part of the general fund in the state treasury.

Senate File 92. Approved May 1, 1937.

CHAPTER 34  
APPROPRIATION

S. F. 433

AN ACT to make an appropriation to Robert Collatt, fire chief, Burlington, Iowa, Roy Shitley, fire chief, New London, Iowa, and Claude C. Taft, fire chief, Mt. Pleasant, 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 of Iowa to Robert Collatt, fire chief, Burlington, Iowa,  
3 for the use and benefit of the personnel of the department the sum of  
4 fifty dollars (\$50.00) in appreciation for services rendered at the fire  
5 at the state hospital for insane, Mt. Pleasant, Iowa.

1 SEC. 2. There is hereby appropriated out of the general fund of  
2 the state of Iowa to Roy Shitley, fire chief, New London, Iowa, for  
3 the use and benefit of the personnel of the department the sum of  
4 fifty dollars (\$50.00) in appreciation for services rendered at the  
5 fire at the state hospital for insane, Mt. Pleasant, Iowa.

1 SEC. 3. There is hereby appropriated out of the general fund of  
2 the state of Iowa to Claude C. Taft, fire chief, Mt. Pleasant, Iowa, for

3 the use and benefit of the personnel of the department the sum of  
4 fifty dollars (\$50.00) in appreciation for services rendered at the fire  
5 at the state hospital for insane, Mt. Pleasant, Iowa.

1 SEC. 4. The state comptroller is hereby directed to issue his war-  
2 rants to the above named parties in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out of  
4 said fund.

Senate File 433. Approved May 1, 1937.

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CHAPTER 35  
APPROPRIATION

S. F. 475

AN ACT to make an appropriation to Ira Dalton.

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

1 SECTION 1. There is hereby appropriated out of the support fund  
2 of the men's reformatory at Anamosa, Iowa, for the period ending  
3 June thirtieth, nineteen hundred and thirty-seven, the sum of five hun-  
4 dred and fifty dollars (\$550.00) to Ira Dalton, Keokuk, Iowa, for in-  
5 juries sustained while an inmate of the above institution, said sum  
6 to be paid as follows: one hundred dollars (\$100.00) to be paid in  
7 cash, and twenty-five dollars (\$25.00) per month to be paid commenc-  
8 ing on the date of his dismissal from the state hospital at Iowa City,  
9 Iowa, and continuing for eighteen months thereafter. The said Ira  
10 Dalton is immediately to be sent to the state hospital at Iowa City,  
11 Iowa, for expert treatment, as a ward of the state of Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount as stated above, and the  
3 state treasurer is hereby directed to pay the same upon presentation  
4 out of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa due to said  
3 injuries.

Senate File 475. Approved May 1, 1937.

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CHAPTER 36  
APPROPRIATION

H. F. 200

AN ACT to make an appropriation for payment of compensation in state cases under  
the workmen's compensation law.

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

1 SECTION 1. That there is hereby appropriated out of the funds of  
2 the state treasury, not otherwise appropriated, the sum of seven thou-  
3 sand dollars (\$7,000.00) or so much thereof as may be necessary, to

4 pay the obligations of the state arising under the workmen's compen-  
5 sation law on account of injuries to state employees due prior to June  
6 30, 1937.

1 SEC. 2. The state comptroller is hereby authorized to issue war-  
2 rants payable from this appropriation, in the manner provided by law,  
3 not in excess of the sum named herein, and the treasurer of state is  
4 authorized and directed to pay said warrants out of any funds in the  
5 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 Bell-Enter-  
3 prise, a newspaper published in Remsen, Iowa, and the Le Mars Globe-  
4 Post, a newspaper published in Le Mars, Iowa.

House File 200. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Bell-Enterprise, Remsen,  
April 8, 1937, and the Le Mars Globe Post, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 37 APPROPRIATION

S. F. 534

AN ACT to make an appropriation to George Clancy.

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
2 appropriated to the Iowa State Conservation Commission for the period  
3 ending June thirtieth, nineteen hundred and thirty-seven, to George  
4 Clancy, Anamosa, Iowa, the sum of eighty-four dollars (\$84.00) for  
5 injuries sustained in a collision with an Iowa state fish and game com-  
6 mission truck on September ninth, nineteen hundred and thirty-three,  
7 said sum to be paid as follows:

8	Dr. A. R. Fredrickson, Lansing, Iowa.....	\$25.00
9	Dr. W. Thornton, Lansing, Iowa.....	2.00
10	Drs. Simones, Townsend & Gallagher, La Crosse, Wis.	5.00
11	St. Francis Hospital, La Crosse, Wis. ....	52.00

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rants to the above named parties in the amounts stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out of  
4 said fund.

1 SEC. 3. The acceptance of said sum by the said George Clancy shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of said collision.

Senate File 534. Approved May 1, 1937.

CHAPTER 38  
APPROPRIATION

S. F. 237

AN ACT to provide for an emergency appropriation to the state printing board to pay for printing and supplies during the balance of the present biennium.

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

1 SECTION 1. Whereas there is a shortage of funds in the office of the  
2 state printing board, there is hereby appropriated out of any funds in  
3 the state treasury not otherwise appropriated, the sum of thirty  
4 thousand dollars, (\$30,000.00) or so much thereof as may be neces-  
5 sary, to pay for printing and supplies needed by the general assembly  
6 and state departments during the remainder of the present biennium.

1 SEC. 2. Any unused or unobligated balance remaining on hand  
2 June 30, 1937, shall revert to the general fund of the state.

1 SEC. 3. This act, being deemed of immediate importance, shall be  
2 in force and effect from and after its publication in the Des Moines  
3 Register, a newspaper published in Des Moines, Iowa,\* and in the  
4 Cascade Pioneer, a newspaper published in Cascade, Iowa.

Senate File 237. Approved April 17, 1937.

I hereby certify that the foregoing act was published in the Cascade Pioneer, April 22, 1937, and the Beaverdale News, April 30, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 39  
APPROPRIATION

S. F. 467

AN ACT to make an appropriation to R. A. Quinn.

*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 of Iowa to R. A. Quinn, Eldora, Iowa, the sum of twelve  
3 hundred dollars (\$1200.00) for injuries sustained while engaged as  
4 parole agent under the board of control, said injuries resulting from  
5 a collision between his car and a stalled truck just outside of Tama,  
6 Iowa, the said R. A. Quinn being engaged in returning some boys  
7 from Iowa City and Cedar Rapids to the Iowa State training school  
8 for boys.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

\*Note: Beaverdale News designated under authority of sec. 55, code, 1935.

1 SEC. 3. The acceptance of said sum by the above named party  
2 shall be in full settlement of all claims against the state of Iowa grow-  
3 ing out of said injuries.

Senate File 467. Approved May 1, 1937.

CHAPTER 40  
APPROPRIATION

S. F. 468

AN ACT to make appropriations to Anna Dirksen Eygabroad and A. J. Hobson, her attorney.

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
2 appropriated to the women's reformatory at Rockwell City, Iowa, to  
3 Anna Dirksen Eygabroad, Hampton, Iowa, the sum of one hundred  
4 and thirty-five dollars (\$135.00), said sum to be paid as follows:  
5 Thirty-five dollars (\$35.00) to be paid to A. J. Hobson, her attorney,  
6 and the balance of one hundred dollars (\$100.00) to be paid to Anna  
7 Dirksen Eygabroad.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rants to the above named parties in the amounts stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa for being  
3 illegally confined in the women's reformatory at Rockwell City, Iowa.

Senate File 468. Approved May 1, 1937.

CHAPTER 41  
APPROPRIATION

S. F. 478

AN ACT to make an appropriation to William M. Schneider.

*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 of Iowa the sum of one hundred fifty-four dollars and  
3 sixty-two cents (\$154.62) to William M. Schneider, Wilton Junction,  
4 Iowa, for damages to his truck and livestock as a result of a collision  
5 between his truck and one driven by John Olejneckzak, driver of an  
6 Iowa service bureau for transients truck.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out of  
4 said fund.

1 SEC. 3. The acceptance of said sum by the above named party  
2 shall be in full settlement of all claims against the state of Iowa grow-  
3 ing out of said collision.

Senate File 478. Approved May 1, 1937.

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CHAPTER 42

APPROPRIATION

S. F. 406

AN ACT to make an appropriation to the Howell-Schrader Drug Company.

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
2 appropriated to the Iowa state board of assessment and review for  
3 the period ending June thirtieth, nineteen hundred and thirty-seven,  
4 the sum of twelve dollars and eighty-five cents (\$12.85) to the Howell-  
5 Schrader Drug Company for damages to their Ford V Eight coupe  
6 as a result of a collision between said car and a car driven by D. A.  
7 Wareham, an employee of the Iowa state board of assessment and  
8 review on December ninth, nineteen hundred and thirty-six.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named company in said amount, and the state treas-  
3 urer is hereby directed to pay the same upon presentation out of  
4 said fund.

1 SEC. 3. The acceptance of said sum by the above named company  
2 shall be in full settlement of all claims against the state of Iowa grow-  
3 ing out of said collision.

Senate File 406. Approved May 1, 1937.

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CHAPTER 43

APPROPRIATION

S. F. 416

AN ACT to make an appropriation to the Tama Independent School District.

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

1 SECTION 1. There is hereby appropriated out of the general fund of  
2 the state of Iowa the sum of seven hundred forty-seven dollars and  
3 nineteen cents (\$747.19) to the Tama independent school district to  
4 compensate them for tuition of the children of O. C. Culver, an em-  
5 ployee of the federal government at the Sac and Fox reservation in  
6 Tama, Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the Tama independent school district in said amount, and the  
3 state treasurer is hereby directed to pay the same upon presentation  
4 out of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing out  
3 of said tuition.

Senate File 416. Approved May 1, 1937.

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CHAPTER 44  
APPROPRIATION

S. F. 414

AN ACT to make an appropriation to J. W. Houchin.

*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 of Iowa the sum of thirty dollars (\$30.00) to J. W. Houchin,  
3 which amount is a refund of gasoline tax on two thousand gallons of  
4 gasoline lost during the months of September, October and November,  
5 1934, by reason of the breaking of an underground pipe leading from  
6 the gasoline tanks to the pumps operated by the said J. W. Houchin,  
7 and on which there was paid a gasoline tax of three cents per gallon  
8 to the state of Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out of  
4 said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing out  
3 of said refund.

Senate File 414. Approved May 1, 1937.

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CHAPTER 45  
APPROPRIATION

S. F. 501

AN ACT to make an appropriation to Hazel A Todd.

*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 Hazel A. Todd, Ida Grove, Iowa, the sum of one hundred  
3 twelve dollars and twenty cents (\$112.20) in full settlement of all  
4 claims she may have against the state of Iowa on account of a col-  
5 lision with a highway commission truck and snow plow on primary  
6 road number twenty (20) in Woodbury county, Iowa, on February  
7 eleventh, nineteen hundred and thirty-seven.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3 The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa due to said  
3 injuries.

Senate File 501. Approved May 1, 1937.

CHAPTER 46  
APPROPRIATION  
S. F. 474

AN ACT to make an appropriation to Luella Sherling.

*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 of Iowa the sum of twenty-five hundred dollars (\$2500.00)  
3 to Luella Sherling, Missouri Valley, Iowa, for injuries sustained when  
4 she was struck by a stray bullet when two police officers and two high-  
5 waymen were engaged in a shooting affray. Said sum shall be pay-  
6 able at the rate of \$60.00 per month. If the claimant should die be-  
7 fore the full amount appropriated is paid, the balance unpaid shall  
8 revert to the general fund of the state.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rants to the above named party as above provided, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of said shooting affray.

Senate File 474. Approved May 1, 1937.

CHAPTER 47  
APPROPRIATION  
S. F. 78

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 four hundred  
3 twenty-four dollars and forty-one cents (\$424.41), 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 state comptroller.

1 SEC. 2. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its passage and publication in the  
3 Cedar Valley Daily Times, a newspaper published in the city of Vinton,



4 Iowa, and the Belle Plaine Gazette, a newspaper published in the city  
5 of Belle Plaine, Iowa.

Senate File 78. Approved February 12, 1937.

I hereby certify that the foregoing act was published in the Cedar Valley Daily Times, February 16, 1937, and the Belle Plaine Gazette, February 18, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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CHAPTER 48  
APPROPRIATION

S. F. 227

AN ACT to make an emergency appropriation for the purpose of paying the expense of reporting fires, and for the inspection of state owned liquor stores.

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

1 SECTION 1. There is hereby appropriated to the state fire mar-  
2 shal out of any money in the state treasury not otherwise appropriated  
3 the sum of one thousand dollars (\$1000.00) as an emergency appro-  
4 priation or so much thereof as may be necessary for the purpose of  
5 paying city, town and township officials for reporting fires, and for  
6 the further expense incurred by the state fire marshal in the inspec-  
7 tion of state owned liquor stores.

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 Lineville  
3 Tribune at Lineville, Iowa, and the Seymour Herald at Seymour, Iowa,  
4 respectively.

Senate File 227. Approved April 14, 1937.

I hereby certify that the foregoing act was published in the Lineville Tribune, April 22, 1937, and the Seymour Herald, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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CHAPTER 49  
APPROPRIATION

S. F. 478

AN ACT to make an appropriation to Emmett \*F. Ivory.

*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 of Iowa the sum of one hundred one dollars and fifty cents  
3 (\$101.50) to Emmet\* F. Ivory, Des Moines, Iowa, for damages to his  
4 car caused by a horse of the Iowa National Guard, ridden by an Iowa  
5 National Guardsman, becoming unmanageable and jumping on his  
6 car.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state

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\* Note: In accordance with enrolled bill.

3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa due to said  
3 damages.

Senate File 473. Approved May 1, 1937.

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CHAPTER 50  
APPROPRIATION  
S. F. 519

AN ACT to make an appropriation to Bezer Lodge number one hundred and thirty-five (135).

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
2 appropriated to the Iowa state conservation commission for the period  
3 ending June thirtieth, nineteen hundred and thirty-seven, to Bezer  
4 Lodge No. 135, the sum of fifty-six dollars (\$56.00) for damage to  
5 their community rooms and furniture as a result of a log rolling down  
6 a hill near said lodge while enrollees of the Civilian Conservation  
7 Camp were peeling logs near said lodge.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to said lodge in the amount stated, and the state treasurer is  
3 hereby directed to pay the same upon presentation out of said fund.

1 SEC. 3. The acceptance of said sum by said lodge shall be in full  
2 settlement of all claims against the state of Iowa growing out of said  
3 damages.

Senate File 519. Approved May 1, 1937.

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CHAPTER 51  
APPROPRIATION  
S. F. 408

AN ACT to make an appropriation to Ed Beeman.

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
2 appropriated to the state penitentiary at Fort Madison, Iowa, for the  
3 period ending June thirtieth, nineteen hundred and thirty-seven, to  
4 Ed Beeman, an inmate of said penitentiary, the sum of one hundred  
5 and fifty dollars (\$150.00) for injuries sustained while confined to  
6 said institution.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state

3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa due to  
3 said injuries.

Senate File 408. Approved May 1, 1937.

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CHAPTER 52  
APPROPRIATION

S. F. 422

AN ACT to make an appropriation to Iver Hopperstad.

*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 of Iowa to Iver Hopperstad, Northwood, Iowa, the sum of  
3 one thousand dollars (\$1000.00) for injuries which resulted in the  
4 death of his son, Morris C. Hopperstad, who was an inmate of the  
5 state hospital for epileptics and school for feebleminded at Woodward,  
6 Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same, upon presentation, out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above party shall be in  
2 full settlement of all claims against the state of Iowa because of said  
3 injury.

Senate File 422. Approved May 1, 1937.

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CHAPTER 53  
APPROPRIATION

S. F. 531

AN ACT to make an appropriation to O. F. Shadle.

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
2 appropriated to the conservation commission for the period ending  
3 June thirtieth, nineteen hundred and thirty-seven to O. F. Shadle,  
4 Boone, Iowa, the sum of four hundred dollars (\$400.00) for the loss  
5 of two mules and one wagon while he was employed by the conservation  
6 commission.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out of  
4 said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa, growing  
3 out of said loss.

Senate File 531. Approved May 1, 1937.

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CHAPTER 54

APPROPRIATION

S. F. 510

AN ACT to make an appropriation to Mills county, 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 of Iowa to Mills county, Iowa, the sum of one thousand,  
3 one hundred seventy-three dollars and twenty cents (\$1,173.20), the  
4 same being special assessment for drainage district in Mills county,  
5 Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named county in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by Mills county, Iowa, shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of said special assessment.

Senate File 510. Approved May 1, 1937.

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CHAPTER 55

APPROPRIATION

S. F. 533

AN ACT to make an appropriation to the unemployment compensation commission to be credited to the employment service account for the purpose of carrying out the provisions of section 10 (c); section 12 (a); section 13 (b), senate file No. 1, (unemployment compensation law) acts of the Forty-sixth 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, to the unemployment compensation commission,  
3 to be credited to the employment service account, the sum of \$77,500  
4 for each year of the biennium beginning July 1, 1937, for the purpose  
5 of maintaining public employment offices under the supervision of the  
6 unemployment compensation commission, for the purpose of cooper-  
7 ating with the United States employment service, and for carrying  
8 out the provisions of section 10 (c); section 12 (a); section 12 (b);  
9 and section 13 (b), senate file No. 1, (unemployment compensation  
10 law) acts of the 46th General Assembly, Extraordinary Session.

Senate File 533. Approved May 1, 1937.

## CHAPTER 56

## APPROPRIATION

S. F. 470

AN ACT to make an appropriation to Emery Brownfield.

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
 2 appropriated to the men's reformatory at Anamosa, Iowa, for the  
 3 period ending June thirtieth, nineteen hundred and thirty-seven, to  
 4 Emery Brownfield, an inmate of said institution, the sum of five hun-  
 5 dred dollars (\$500.00) for injuries sustained while confined in said  
 6 institution, which injury resulted in the amputation of one of his  
 7 fingers.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
 2 rant to the above named party in the amount stated, and the state  
 3 treasurer is hereby directed to pay the same upon presentation out of  
 4 said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
 2 be in full settlement of all claims against the state of Iowa due to said  
 3 injuries.

Senate File 470. Approved May 1, 1937.

## CHAPTER 57

## APPROPRIATION

S. F. 471

AN ACT to make an appropriation to J. C. Hull and Son.

*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. C. Hull and Son, Columbus Junction, Iowa, the sum of five  
 3 hundred dollars (\$500.00) in full settlement of all claims they may  
 4 have against the state of Iowa on account of damage to property in  
 5 Columbus Junction, Iowa, due to the construction of primary road  
 6 No. 2, in Louisa county, Iowa, during the years nineteen hundred  
 7 and thirty-four and nineteen hundred and thirty-five.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
 2 rant to the above named parties in the amount stated, and the state  
 3 treasurer is hereby directed to pay the same upon presentation out  
 4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named parties  
 2 shall be in full settlement of all claims against the state of Iowa grow-  
 3 ing out of said damages.

Senate File 471. Approved May 1, 1937.

## CHAPTER 58

## APPROPRIATION

S. F. 443

AN ACT to make an appropriation to Harry R. Frankle.

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
2 appropriated to the motor vehicle department for the period ending  
3 June thirtieth, nineteen hundred and thirty-seven, the sum of forty-  
4 eight dollars and seventy cents (\$48.70) to Harry R. Frankle, Des  
5 Moines, Iowa, in full settlement of damages to his car through a colli-  
6 sion with a state highway patrolman, Carl Wiuff.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of said collision.

Senate File 443. Approved May 1, 1937.

## CHAPTER 59

## APPROPRIATION

S. F. 430

AN ACT to make an appropriation to Jones County, 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 of Iowa to Jones county, Iowa, the sum of thirty-one dol-  
3 lars and fifteen cents (\$31.15) for coroner's fee and fees connected  
4 with the coroner's court and inquest into the death of Charles Strickel,  
5 an inmate of the men's reformatory at Anamosa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to Jones county in the amount stated, and the state treasurer is  
3 hereby directed to pay the same upon presentation out of said fund.

1 SEC. 3. The acceptance of said sum by Jones county shall be in full  
2 settlement of all claims against the state of Iowa growing out of the  
3 above coroner's fee and fees connected with the coroner's court and  
4 inquest into the death of Charles Strickel.

Senate File 430. Approved May 1, 1937.

CHAPTER 60  
APPROPRIATION  
S. F. 423

AN ACT to make an appropriation to Maurice Flanagan.

*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 of Iowa to Maurice Flanagan, Sioux City, Iowa, the sum  
3 of fifty-five dollars (\$55.00) for one-half month's work as an elevator  
4 operator in the state house from May fifteenth to June first, nineteen  
5 hundred and thirty-four.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of the performance of said work.

Senate File 423. Approved May 1, 1937.

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CHAPTER 61  
APPROPRIATION  
S. F. 442

AN ACT to make an appropriation to W. L. Murphy.

*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 of Iowa to W. L. Murphy, Oskaloosa, Iowa, the sum of  
3 eight hundred dollars (\$800.00), payable at the rate of fifty dollars  
4 (\$50.00) per month, for injuries sustained while a member of the  
5 national guard.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of said injuries.

Senate File 442. Approved May 1, 1937.

## CHAPTER 62

## APPROPRIATION

S. F. 511

AN ACT to make an appropriation to Cleon A. Ferger.

*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 of Iowa to Cleon A. Ferger, Des Moines, Iowa, the sum of  
3 five hundred dollars (\$500.00) for damages for his alleged contrac-  
4 tion of asthma as a result of pneumonia while a member of the Iowa  
5 National Guard in August, nineteen hundred and thirty-five.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3 The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of the said contraction of tuberculosis.

Senate File 511. Approved May 1, 1937.

## CHAPTER 63

## APPROPRIATION

S. F. 512

AN ACT to make an appropriation to Key City Refrigerator Line.

*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 Key City Refrigerator Line, Dubuque, Iowa, the sum of  
3 one hundred and sixteen dollars (\$116.00) on account of a collision  
4 with a highway commission truck and snow plow on primary road  
5 number six in Jasper county, Iowa, on February eighth, nineteen hun-  
6 dred and thirty-six.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named company in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named company  
2 shall be in full settlement of all claims against the state of Iowa grow-  
3 ing out of said collision.

Senate File 512. Approved May 1, 1937.



CHAPTER 64  
 APPROPRIATION  
 S. F. 516

AN ACT to make an appropriation to James E. Risen.

*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 of Iowa to James E. Risen the sum of seven hundred  
 3 ninety-seven dollars and fifty cents (\$797.50) for services rendered  
 4 for the attorney general of Iowa in the investigation of matters in  
 5 Sioux City, Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
 2 rant to the above named party in the amount stated, and the state  
 3 treasurer is hereby directed to pay the same upon presentation out  
 4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
 2 be in full settlement of all claims against the state of Iowa growing  
 3 out of said investigation.

Senate File 516. Approved May 1, 1937.

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CHAPTER 65  
 APPROPRIATION  
 S. F. 515

AN ACT to make an appropriation to the Citizens Savings Bank.

*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 of Iowa to the Citizens Savings Bank of Avoca, Iowa, the  
 3 sum of five hundred forty-seven dollars and thirty cents (\$547.30), the  
 4 same being for interest wrongfully collected under waiver agreements  
 5 by the state of Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
 2 rant to the above named bank in the amount stated, and the state  
 3 treasurer is hereby directed to pay the same upon presentation out  
 4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named bank  
 2 shall be in full settlement of all claims against the state of Iowa grow-  
 3 ing out of said interest being collected.

Senate File 515. Approved May 1, 1937.

CHAPTER 66  
APPROPRIATION  
S. F. 476

AN ACT to make an appropriation to Mrs. Emily A. Nicoll.

*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 of Iowa the sum of two hundred dollars (\$200.00) to Mrs.  
3 Emily A. Nicoll, Council Bluffs, Iowa, for injuries resulting in the  
4 death of her husband, George Hutton Nicoll, while a member of the  
5 Iowa National Guard.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of the death of her husband, as above set out.

Senate File 476. Approved May 1, 1937.

CHAPTER 67  
APPROPRIATION  
S. F. 419

AN ACT to make an appropriation to H. W. Haskell.

*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 of Iowa the sum of one hundred and thirty-one dollars  
3 (\$131.00) to H. W. Haskell, Mason City, Iowa, for injuries suffered  
4 as a member of the national guard.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out of  
4 said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of said injuries.

Senate File 419. Approved May 1, 1937.

## CHAPTER 68

## APPROPRIATION

S. F. 418

AN ACT to make an appropriation to Mat Gallagher.

*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 of Iowa the sum of two dollars and fifty cents (\$2.50) to  
3 Mat Gallagher, Sioux City, Iowa, which amount he was overcharged  
4 on his car license.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out of  
4 said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of said overcharge.

Senate File 418. Approved May 1, 1937.

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CHAPTER 69

## APPROPRIATION

S. F. 469

AN ACT to make an appropriation to Raymond L. Barr.

*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 of Iowa to Raymond L. Barr, Mason City, Iowa, the sum  
3 of one thousand dollars (\$1000.00) for injuries sustained while a  
4 member of the national guard, which injuries resulted in the loss of  
5 the sight of his right eye.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same out of said fund upon  
4 presentation.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa due to said  
3 injuries.

Senate File 469. Approved May 1, 1937.

## CHAPTER 70

## APPROPRIATION

S. F. 479

AN ACT to make an appropriation to Willie Claussen.

*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 of Iowa the sum of five hundred dollars (\$500.00) to Willie  
3 Claussen, Ricketts, Iowa, for injuries sustained in a collision between  
4 his car and one driven by Clinton F. Smith, executive secretary, Uni-  
5 versity hospitals, University of Iowa, Iowa City, Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named party shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of said collision.

Senate File 479. Approved May 1, 1937.

## CHAPTER 71

## APPROPRIATION

S. F. 409

AN ACT to make an appropriation to Richard Nelson.

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
2 appropriated to the men's reformatory at Anamosa, Iowa, for the  
3 period ending June thirtieth, nineteen hundred and thirty-seven, the  
4 sum of five hundred dollars (\$500.00) to Richard Nelson, an inmate  
5 of said institution. This amount is to be paid as follows: Twenty-five  
6 dollars (\$25.00) per month with no interest on deferred payments.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named party in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by Richard Nelson shall be  
2 in full settlement of all claims against the state of Iowa due to said  
3 injuries.

Senate File 409. Approved May 1, 1937.

CHAPTER 72  
APPROPRIATION

S. F. 390

AN ACT to make an appropriation to Ivan T. Schultz, M.D. and Nelle T. Schultz, M.D.

*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 Ivan T. and Nelle T. Schultz, M. D., of Humboldt, Iowa, the  
3 sum of fifteen (15) dollars and twenty-five (25) cents.

1 SEC. 2. The state comptroller is hereby authorized to issue his  
2 warrant to said Ivan T. and Nelle T. Schultz, M. D., for said sum, and  
3 the treasurer of state is hereby authorized and directed to pay the  
4 same from the primary road 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 they may have against the state of Iowa on account of  
3 professional services rendered to the Saxby family, injured in a col-  
4 lision with a highway commision automobile in the city of Humboldt,  
5 Humboldt county, Iowa, on December 3, 1936.

Senate File 390. Approved May 1, 1937.

CHAPTER 73  
JUDGES OF THE DISTRICT COURT

H. F. 548

AN ACT to make an appropriation to pay the expenses of 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 funds  
2 of the state the sum of five thousand five hundred dollars (\$5,500) or  
3 so much as may be necessary to pay the expenses of the judges of the  
4 district court of Iowa to June 30, 1937.

1 SEC. 2. This act being deemed of immediate importance shall be  
2 in full force and effect from and after publication in the Remsen Bell  
3 Enterprise, a newspaper published in Remsen, Iowa, and the Carroll  
4 Times, a newspaper published in Carroll, Iowa.

House File 548. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Remsen Bell Enterprise, May 27, 1937, and the Carroll Times, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 74

## APPROPRIATION

S. F. 410

AN ACT to make an appropriation to the Midwest Finance Corporation.

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

1 SECTION 1. There is hereby appropriated out of any funds on hand  
2 appropriated to the motor vehicle department for the period ending  
3 June thirtieth, nineteen hundred and thirty-seven, the sum of thirty  
4 dollars (\$30.00) to the Midwest Finance Corporation, which amount  
5 was overpaid by them on a license for one of their trucks.

1 SEC. 2. The comptroller is hereby directed to issue his warrant to  
2 the above named corporation in the amount stated, and the treasurer  
3 is hereby directed to pay the same upon presentation out of said fund.

1 SEC. 3. The acceptance of said sum by the above named corporation  
2 shall be in full settlement of all claims against the state of Iowa  
3 arising from said overcharge.

Senate File 410. Approved May 1, 1937.

## CHAPTER 75

## APPROPRIATION

H. F. 527

AN ACT making an appropriation for the purpose of aiding in defraying the expenses of a national encampment of the Grand Army of the Republic to be held in this 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 sum of twelve thousand  
3 (12,000.00) dollars, or so much thereof as may be necessary to be  
4 used in defraying the expenses of a national encampment of the Grand  
5 Army of the Republic to be held in Iowa, during the years nineteen  
6 thirty-eight (1938), or nineteen hundred thirty-nine (1939), such  
7 funds to be paid out upon order of the executive council upon the filing  
8 with the executive council of itemized claims showing the expense  
9 has been incurred, such claims to be approved by the state commander  
10 and quartermaster of the Grand Army of the Republic.

House File 527. Approved May 1, 1937.

CHAPTER 76  
APPROPRIATION

S. F. 518

AN ACT to make an appropriation to the Avoca State Bank.

*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 of Iowa to the Avoca State Bank at Avoca, Iowa, the sum  
3 of eight hundred three dollars and twenty-one cents (\$803.21) for  
4 interest wrongfully collected under waiver agreements by the state  
5 of Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the above named bank in the amount stated, and the state  
3 treasurer is hereby directed to pay the same upon presentation out  
4 of said fund.

1 SEC. 3. The acceptance of said sum by the above named bank shall  
2 be in full settlement of all claims against the state of Iowa growing  
3 out of the collection of said interest.

Senate File 518. Approved May 1, 1937.

CHAPTER 77  
APPROPRIATION

S. F. 421

AN ACT to make an appropriation to the city of Ames, 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 of Iowa the sum of four thousand four hundred twenty-  
3 seven dollars and twenty-one cents (\$4427.21) to the city of Ames,  
4 Iowa, for assessments in connection with certain improvements run-  
5 ning through or adjacent to property owned by the state for use of  
6 the Agricultural College at Ames, Iowa.

1 SEC. 2. The state comptroller is hereby directed to issue his war-  
2 rant to the city of Ames, Iowa, in the amount stated above, and the  
3 state treasurer is hereby directed to pay the same upon presentation  
4 out of said fund.

Senate File 421. Approved May 1, 1937.

# EMERGENCY ACTS

## CHAPTER 78

### MORATORIUM ACT

S. F. 16

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), and the Forty-sixth General Assembly enacted chapter one hundred ten (110), 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 acts, and

WHEREAS, at the time of the enacting of said chapters the governor of the state of Iowa had declared that an emergency existed, and the General Assembly of the state of Iowa 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 chapters, and

WHEREAS, the Forty-seventh 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 chapter one hundred ten (110), acts of the Forty-sixth General Assembly, and economic conditions have since arisen greatly aggravating the then existing conditions, and

WHEREAS, since the enactment of said chapters, Iowa has been afflicted with a severe drouth, visited by destructive insect pests, and stricken by other devastating circumstances which greatly imperil the present and future welfare of the state as a whole, so that the Forty-seventh General Assembly has now determined that a new and additional emergency has arisen, and the governor has by proclamation so declared, therefore,

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

1 SECTION 1. That the Forty-seventh General Assembly hereby de-  
 2 clares and determines that the emergency which existed when chapter  
 3 one hundred seventy-nine (179) of the acts of the Forty-fifth General  
 4 Assembly, and chapter one hundred ten (110) of the acts of the Forty-  
 5 sixth General Assembly, were enacted does continue to exist, aggra-  
 6 vated by new and distressing conditions, which of themselves consti-  
 7 tute a new emergency, and that such emergency at this time is general  
 8 throughout the state of Iowa, and that the safety and future welfare  
 9 of the state as a whole is endangered thereby. The General Assembly  
 10 acting under the power reserved by the people of Iowa does hereby  
 11 enact the following:



1 "SEC. 2. In all foreclosure actions in which order has been entered  
2 extending the period of redemption to March 1, 1937, as provided by  
3 chapter 110 of the acts of the Forty-sixth General Assembly, and in all  
4 foreclosure actions on mortgages and deeds of trust executed prior to  
5 January 1, 1936, in which decrees have been entered but the period of  
6 redemption has not expired, the court shall, unless upon hearing upon  
7 said application good cause is shown to the contrary, or said applica-  
8 tion is found not to have been made in good faith, order that no sher-  
9 iff's deed shall be issued until March 1, 1939, and in the meantime  
10 said owner or owners may redeem such property, and are entitled to  
11 possession thereof. However a showing of present insolvency of the  
12 mortgagor or mortgagors and/or present inadequacy of the security  
13 shall not in themselves be sufficient to constitute good cause within the  
14 meaning of this act.

15 "Provided, the court having jurisdiction of such foreclosure action  
16 shall order and direct, that there shall be applied from the income of  
17 said real estate so much thereof as is just and equitable, toward the  
18 payment of taxes accruing thereon during the period of redemption  
19 extension as provided by this act, and any balance distributed as the  
20 court may direct, and shall make such provision for the preservation  
21 of said property as will be just and equitable during the redemption  
22 period, and to this end the court may, in his discretion, in order to  
23 carry out the foregoing powers, appoint a receiver of said real estate,  
24 and invest said receiver with such powers as the court may find will  
25 be just and equitable to all parties to the proceeding.

26 "Providing, that in the event the said owner or owners do not com-  
27 ply with the orders of the court, the order for extension of redemption  
28 period as authorized by this act shall, on proper hearing, be set aside  
29 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 ex-  
3 clusive right to redeem, and the rights of redemption of subsequent  
4 mortgagees, junior lienholders, and creditors shall terminate within the  
5 period as by law now provided, the provisions of this act notwith-  
6 standing.

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  
2 the district court shall notify by registered mail in properly addressed  
3 and stamped envelopes at their last known addresses all defendant  
4 mortgagors or grantors of deeds of trust who have been granted ex-  
5 tensions of the period of redemption, and which have not been revoked,  
6 and also their attorney or attorneys of record, that unless an applica-  
7 tion for a further extension under this chapter is made before March 1,  
8 1937, 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

\* Note: Amended by H. F. 341, Acts 47th G. A.

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 redemp-  
 6 tion denied, and unless good cause is shown why said extension should  
 7 not be granted until March 1, 1939, as provided in section 2 of this act,  
 8 the court shall grant the extension.

1 \*"SEC. 7. All applications which have been filed for extension of  
 2 redemption and upon which no hearings have been held shall be in  
 3 full force and effect.

1 "SEC. 8. The words 'owner or owners' as used in this act, shall  
 2 include any person holding rights in real estate as joint tenant, tenant  
 3 in common, life tenant, devisee or heir at law and/or any person hold-  
 4 ing the legal title to real estate. The application for extension by one  
 5 or 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. 9. All acts or parts of acts in conflict with this act are hereby  
 2 suspended.

1 "SEC. 10. If any section, subsection, clause, sentence, or phrase  
 2 of 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. 11. This act being deemed of immediate importance shall be  
 2 in full force and effect after its passage and publication in the Daily  
 3 Freeman-Journal, a newspaper published at Webster City, Iowa, and  
 4 in the Eagle Grove Eagle, a newspaper published at Eagle Grove, Iowa.

Senate File No. 16. Approved February 17, 1937.

I hereby certify that the foregoing act was published in the Eagle Grove Eagle,  
 February 18, 1937, and the Freeman-Journal, Webster City, February 18, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 79

### REDEMPTION

#### H. F. 341

AN ACT to amend senate file sixteen (16), of the acts of the Forty-seventh General Assembly of the state of Iowa, and providing for jurisdiction of the judge of the district court either in term time or in vacation to make an order fixing time and place of hearing, and manner of service of notice on an application for extension of the right of redemption, and providing that the filing of the application for an extension of the right of redemption shall automatically extend the period of redemption until final hearing on the application, and staying the issuance of sheriff's deeds.

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

1 SECTION 1. That Senate File sixteen (16) of the acts of the Forty-  
 2 seventh General Assembly of the state of Iowa be and the same is

\* Note: Amended by H. F. 341, Acts 47th G. A.

3 hereby amended by striking from line one (1) of section six (6) there-  
 4 of the word "immediately" and changing the small letter "u" in the  
 5 word "upon" to a capital letter "U" and by inserting after the word  
 6 "upon" the word "the" and by striking the word "the" preceding the  
 7 word "application" in line one (1) and inserting the word "an" in lieu  
 8 thereof. Further amend by adding after the word "court" in line  
 9 two (2) of section six (6) the following "or any judge of said court  
 10 either in term time or in vacation".

1 SEC. 2. Further amend by adding to section seven (7) the following:  
 2 "The filing of an application for an extension of the right of redemp-  
 3 tion in any mortgage foreclosure action shall automatically extend the  
 4 period of redemption until such time as the application shall have been  
 5 finally disposed of by the court and no deed shall be issued until after  
 6 a hearing has been had before the court on said application."

1 SEC. 3. If any section, paragraph, sentence or phrase of this act  
 2 is declared to be unconstitutional, the Legislature hereby declares that  
 3 it would have passed the remainder of said act irrespective of said  
 4 section, paragraph, sentence or phrase.

1 SEC. 4. This act being deemed of immediate importance shall be in  
 2 full force and effect after its passage and publication in the Eagle  
 3 Grove Eagle, a newspaper published at Eagle Grove, Iowa, and the  
 4 Humboldt Republican, a newspaper published at Humboldt, Iowa.

House File 341. Approved April 15, 1937.

I hereby certify that the foregoing act was published in the Eagle Grove Eagle, April  
 22, 1937, and the Humboldt Republican, April 23, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 80 EMERGENCY ACT

S. F. 15

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, and/or chapter one hundred fifteen (115), acts of the Forty-sixth 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), and the Forty-sixth General Assembly enacted chapter one hundred fifteen (115) 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, at the time of the enacting of said chapters 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 chapters, and

WHEREAS, the Forty-seventh 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, and chapter one hundred fifteen (115), acts of the Forty-sixth General Assembly,

WHEREAS, since the enactment of said chapters, Iowa has been afflicted with a severe drouth, visited by destructive insect pests, and stricken by other devastating circumstances which greatly imperil the present and future welfare of the state as a whole, so that the Forty-seventh General Assembly has now determined that a new and additional emergency has arisen, and the governor has by proclamation so declared, therefore,

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

1 SECTION 1. The Forty-seventh General Assembly hereby declares  
2 and determines that the emergency which existed when chapter one  
3 hundred eighty-two (182), acts of the Forty-fifth General Assembly,  
4 and chapter one hundred fifteen (115), acts of the Forty-sixth General  
5 Assembly of Iowa, were enacted does continue to exist, aggravated  
6 by new and distressing conditions, which of themselves constitute a  
7 new emergency, and that such emergency at this time is general  
8 throughout the state of Iowa, and that the safety and future welfare  
9 of the state as a whole is endangered thereby. The general assembly  
10 acting under the power reserved by the people of Iowa does hereby  
11 enact the following:

1 "SEC. 2. In all actions for the foreclosure of real estate mortgages  
2 or deeds of trust or notes secured thereby now pending in which de-  
3 crees have not been entered and in all actions hereafter commenced  
4 for the foreclosure of real estate mortgages or deeds of trust or on notes  
5 secured thereby, in any court of record in the state of Iowa, while this  
6 act is in effect, the court, upon the application in good faith of the  
7 owner or owners of such real estate, or person liable on said mortgages  
8 or deeds of trust or notes secured thereby, who are defendants in said  
9 cause, shall upon hearing upon an application filed for a continuance,  
10 order said cause continued until March 1, 1939, unless good cause is  
11 shown to the contrary, and upon the entry of such order of continuance,  
12 the court shall make order or orders for possession of said real estate  
13 giving preference to the owner or owners in possession, determine a  
14 fair rental to be paid by the party or parties to be in possession, and  
15 the court shall further order the application and distribution of the  
16 rents, income, and profits from said real estate and make such provi-  
17 sion for the preservation of said property as will be just and equitable  
18 during the continuance of said cause, which order or orders shall pro-  
19 vide that such rents, income or profits shall be paid to and distributed  
20 by the clerk of the district court of the county in which said suit is  
21 pending, or any other person agreed upon by the parties to the action,  
22 and further provide that in such distribution, taxes, insurance, cost

23 of maintenance and upkeep of said real estate shall be paid in the  
24 priority named, and any balance distributed as the court may further  
25 direct; provided, however, that the court shall, upon a substantial vio-  
26 lation of its said order or orders, or for other good and sufficient cause  
27 shown, set aside said order of continuance and the cause shall proceed  
28 to trial as by law now provided, the provisions of this act to the con-  
29 trary notwithstanding.

1 "SEC. 3. A showing of present insolvency of the mortgagor or  
2 mortgagors and/or present inadequacy of the security shall in them-  
3 selves not be sufficient to constitute good cause for refusal to grant a  
4 continuance within the meaning of section 2 of this act.

1 "SEC. 4. 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 chapter one hundred fifteen (115) of the acts  
4 of the Forty-sixth General Assembly, and on which orders have been  
5 entered continuing said cause, and which orders are now in full force  
6 and effect, and all applications which have not been adjudicated shall  
7 be considered refiled even though hearing may have been had and  
8 order entered on the applications, which applications may be amended,  
9 or substitutions made therefor, and such cause shall not proceed to  
10 trial until the application for a continuance, or the amendments thereto,  
11 or the substituted application therefor has been disposed of by court  
12 order, and in all such cases the provisions of section two (2) of this  
13 act relating to the continuances to March 1, 1939, possession, rentals,  
14 distribution of rents and profits, and the setting aside of the orders for  
15 continuance, shall apply.

1 "SEC. 5. The provisions of this act shall not apply to any mort-  
2 gages or deeds of trust executed subsequent to January 1, 1936, nor  
3 shall it apply to a mortgagor or mortgagors under deeds of trust who  
4 acquired the real estate subsequent to January 1, 1936, except only in  
5 cases where continuances have already been granted by the court under  
6 chapter one hundred eighty-two (182) of the acts of the Forty-fifth  
7 General Assembly of Iowa, or chapter one hundred fifteen (115) of  
8 the acts of the Forty-sixth General Assembly of Iowa.

1 "SEC. 6. The provisions of this act shall apply to any mortgages or  
2 deeds of trust executed prior to January 1, 1936, and subsequently  
3 renewed.

1 "SEC. 7. In all cases where the hearing has not already been had  
2 on 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. 8. 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  
4 act is in effect, contain a notice to the defendant or defendants that he  
5 or they may appear at the time and place stipulated in said notice and  
6 file application\* of said cause of action until March 1, 1939.

\* Amended S. F. 183.

1 "SEC. 9. 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 thereof,  
6 irrespective of whether any one or more of the sections, subsections,  
7 clauses, sentences or phrases be declared to be unconstitutional.

1 "SEC. 10. All acts and parts of acts in conflict with this act are  
2 suspended while this act is in effect."

1 SEC. 11. This act being deemed of immediate importance shall be  
2 in full force and effect after its passage and publication in the Wright  
3 County Monitor, a newspaper published at Clarion, Iowa, and the Iowa  
4 Falls Citizen, a newspaper published at Iowa Falls, Iowa.

Senate File 15. Approved February 15, 1937.

I hereby certify that the foregoing act was published in the Wright County Monitor,  
February 18, 1937, and the Iowa Falls Citizen, February 18, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 81

### EMERGENCY ACT

S. F. 183

AN ACT to amend senate file fifteen (15), passed by the Forty-seventh General Assembly, entitled "an emergency act relating to foreclosure of real estate mortgages and deeds of trust; providing for the continuances of such action"; amending said senate file by clarifying section eight (8) of said act as to what original notices shall contain.

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

1 SECTION 1. That senate file fifteen (15) as passed by the Forty-  
2 seventh general assembly of the state of Iowa be amended by inserting  
3 the words "for continuance" following the word "application" and be-  
4 fore the words "of said" in line six (6) in section eight (8) of said act.

1 SEC. 2. This act being deemed of immediate importance shall be  
2 in full force and effect after its passage and publication in the Taylor  
3 County Herald, a newspaper published at Bedford, Iowa, and the Bed-  
4 ford Times Press, a newspaper published at Bedford, Iowa.

Senate File 183. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Taylor County Herald,  
May 20, 1937, and the Bedford Times Press, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 82

## EXEMPTIONS

## H. F. 233

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 one hundred seventy-seven (177), acts of the Forty-fifth General Assembly, and chapter one hundred nine (109), acts of the Forty-sixth 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), and the Forty-sixth General Assembly enacted chapter one hundred nine (109), 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 chapters 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, since the enactment of said chapters, Iowa has been afflicted with a severe drouth, visited by destructive insect pests, and stricken by other devastating circumstances which greatly imperil the present and future welfare of the state as a whole, so that the Forty-seventh General Assembly has now determined that a new and additional emergency has arisen, and the Governor has by proclamation so declared, and

WHEREAS, the Forty-seventh 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 acts of the general assembly, therefore,

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

1 SECTION 1. The Forty-seventh General Assembly hereby declares  
2 and determines that the emergency which existed when chapter one  
3 hundred seventy-seven (177), acts of the Forty-fifth General As-  
4 ssembly, and chapter one hundred nine (109) acts of the Forty-sixth  
5 General Assembly, were enacted does continue to exist, and that the  
6 safety and future welfare of the state as a whole is endangered thereby.  
7 The general assembly acting under the power reserved by the people  
8 of 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 may, in addition to the exemptions provided in section eleven  
3 thousand seven hundred sixty (11760), code, 1935, select and have set  
4 off to him livestock, farm products, farm utensils or machinery, house-  
5 hold goods, or other property owned by him, in the aggregate value  
6 not to exceed the sum of \$500.00, and hold said property exempt from  
7 general execution until March 1, 1939.

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 selec-  
3 tion, of value not exceed \$100.00, whether said property may or may  
4 not have been pledged for debt.

1 SEC. 4. Such debtor may hold as exempt from general execution,  
2 until March 1, 1939, all property that has been set off to him under  
3 the provisions of chapter one hundred seventy-seven (177), acts of  
4 the Forty-fifth General Assembly, and chapter one hundred nine  
5 (109), acts of the Forty-sixth 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,  
4 the debtor shall select another and these two appraisers shall select  
5 a third. These appraisers shall fix the value of the property claimed  
6 by the debtor to be exempted under provisions of this act.

1 SEC. 6. The provisions of this act shall not apply to a debtor who  
2 has exercised his right to and has received the additional exemption  
3 provided in chapter one hundred seventy-seven (177), acts of the  
4 Forty-fifth General Assembly, or chapter one hundred nine (109),  
5 acts of the Forty-sixth General Assembly, unless a satisfactory show-  
6 ing can be made to said appraisers that the request is brought in good  
7 faith and that the property set out as being exempt from execution  
8 originally in conformance with section eleven thousand seven hun-  
9 dred sixty (11760), code, 1935, has not depleted noticeably in value,  
10 nor shall the additional \$500.00 exemption be construed to allow any  
11 more property to be set out than was set out by either chapter one  
12 hundred seventy-seven (177), acts of the Forty-fifth General As-  
13 sembly, or chapter one hundred nine (109) acts of the Forty-sixth  
14 General Assembly.

1 SEC. 7. 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), acts of the Forty-fifth General Assembly of Iowa, nor  
5 shall it affect the remedies for existing obligations as against property  
6 then in existence, except household goods not to exceed one hundred  
7 (100) dollars in value, as provided in section three (3) of this act.

1 SEC. 8. All acts, and parts of acts, in conflict with the provisions  
2 of this act are suspended during the period this act is in effect.

1 SEC. 9. If any portion of this act is held to be unconstitutional or  
2 invalid, such decision shall not affect the validity of the remaining  
3 portions of this act.

1 SEC. 10. This act being deemed of immediate importance shall  
2 become effective from and after its publication in the Cherokee Daily  
3 Times, a newspaper published in Cherokee, Iowa, and in The Sioux  
4 City Tribune, a newspaper published in Sioux City, Iowa.

House File 233. Approved February 25, 1937.

I hereby certify that the foregoing act was published in the Cherokee Daily Times,  
February 27, 1937, and the Sioux City Tribune, February 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*



## CHAPTER 83

## EMERGENCY ACT

## S. F. 10

AN ACT to authorize cities having a population between seventy-five thousand (75,000) and ninety thousand (90,000) to incur indebtedness and exceed the amount set forth in the budget of said cities for the year beginning April 1, 1936, and ending March 31, 1937, and permitting said cities to make a levy for the general fund not exceeding forty thousand dollars (\$40,000.00), said levy being in addition to other levies for said general fund, as provided by law, on all taxable property within said cities, said levy being payable in the year 1938, and authorizing said cities to issue warrants in anticipation of the collection of said levy.

WHEREAS, an unusual snow fall has blocked the streets, alleys and highways in various cities in this state, and as a result an emergency has been created and there will be great human suffering and loss of property unless said streets, alleys and highways are opened immediately; and

WHEREAS, in order to defray the expenses of removing said snow and ice from said streets, alleys and highways, it is necessary that the budgets of cities having a population of seventy-five thousand (75,000) to ninety thousand (90,000) be increased by increasing the general fund; now, therefore,

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

1 SECTION 1. Cities in this state, having a population between sev-  
2 enty-five thousand (75,000) and ninety thousand (90,000), are hereby  
3 authorized to increase their budgets for the year beginning April 1,  
4 1936, and ending March 31, 1937, by increasing their general fund,  
5 and making a levy in the sum of forty thousand dollars (\$40,000.00),  
6 in addition to amounts otherwise permitted by law, said levy being  
7 payable in 1938, and said cities are hereby empowered to issue war-  
8 rants in anticipation of the collection of said levy.

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 City  
3 Tribune, a newspaper published at Sioux City, Iowa, and in the Anthon  
4 Herald, a newspaper published at Anthon, Iowa.

Senate File No. 10. Approved January 14, 1937.

I hereby certify that the foregoing act was published in the Sioux City Tribune, January 16, 1937, and the Anthon Herald, January 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

# GENERAL LAWS

## CHAPTER 84

### DAVENPORT—CITY OF

S. F. 243

AN ACT granting to the city of Davenport title to the bed and banks of the Mississippi river and islands and made lands therein, within stated boundaries.

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

1 SECTION 1. All of the right, title and interest of the state of Iowa  
2 in and to that part of the bed and banks of the Mississippi river which  
3 lies within the boundaries hereinafter stated and in and to all islands  
4 in said river within said boundaries and in and to all filled or made  
5 land, which has at any time been formed in, on or out of the bed or  
6 banks of said river within said boundaries, is hereby granted to and  
7 vested in the city of Davenport. The boundaries hereinbefore re-  
8 ferred to are: (a) in the channel of said river, the boundary line of  
9 the state of Iowa; (b) on and along the Iowa shore of said river, the  
10 line on said shore which is the most distant line from said state boun-  
11 dary line to which the bed or banks of said river have at any time ex-  
12 tended; (c) and (d) at the upper and lower corporate limits of the  
13 city of Davenport, as said limits are now established along said river,  
14 the lines of said limits, extended to the state boundary line.

1 SEC. 2. This act being deemed of immediate importance shall be  
2 of full force and effect from and after its publication, without expense  
3 to the state, in the Davenport Democrat and Leader and the Daily  
4 Times, newspapers published in Davenport, Iowa.

Senate File 243. Approved April 14, 1937.

I hereby certify that the foregoing act was published in the Davenport Daily Times, April 17, 1937, and the Davenport Democrat, April 19, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 85

### RECIPROCAL PAROLE AGREEMENTS

H. F. 242

AN ACT authorizing the governor of the state of Iowa to enter into reciprocal agreements with other states for supervision and return of persons on parole or probation.

WHEREAS, the congress of the United States of America has, by law, given consent to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies,

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

1 SECTION 1. The governor of the state of Iowa is hereby authorized  
2 and empowered to enter into compacts and agreements with other  
3 states, through their duly constituted authorities, in reference to  
4 reciprocal supervision of persons on parole or probation and for the

5 reciprocal return of such persons to the contracting states for viola-  
6 tion of the terms of their parole or probation.

House File 242. Approved April 8, 1937.

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## CHAPTER 86

### JOHN BATIE

H. F. 329

AN ACT directing the governor, on behalf of the state of Iowa, to issue to John Batie a patent or conveyance to certain land in Lucas county, Iowa.

WHEREAS, the United States of America, by act of congress, dated March 3, 1845, granted to the state of Iowa, the North one-half (N $\frac{1}{2}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of Section Twenty-nine (29) and the North half of the Northeast quarter (N $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section Thirty (30) all in Township Seventy-one (71) North of Range Twenty-one (21) West of the 5th P. M., Iowa, and said land was purchased from the state of Iowa on August 30, 1853, by John Batie, and

WHEREAS, no patent has been issued by the state of Iowa, covering said above described land to the said John Batie nor to any other person, firm or corporation, 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 John Batie or to any other person, and that the failure to issue 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 name  
2 of the state of Iowa and under its seal, convey by patent to the said  
3 John Batie, his heirs, executors and assigns, the following described  
4 real estate situated in the county of Lucas, state of Iowa, to wit: the  
5 North one-half (N $\frac{1}{2}$ ) of the Southeast quarter (SE $\frac{1}{4}$ ) of Section  
6 Twenty-nine (29) and the North one-half of the Northeast quarter  
7 (N $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section Thirty (30) all in Township Seventy-one (71)  
8 North of Range Twenty-one (21) West of the 5th P. M., Iowa, and  
9 thereby transfers to the said John Batie, his heirs, executors and as-  
10 signs, any and all right, title and interest which the state of Iowa may  
11 have in or to the said described real estate, said patent to issue with-  
12 out expense to the state of Iowa.

House File 329. Approved April 2, 1937.

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## CHAPTER 87

### COMPTROLLER

S. F. 535

AN ACT to provide for the certification of the amount of money for the annual state levy of general state taxes.

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

1 SECTION 1. On August first the state comptroller, shall, for each  
2 year of the biennium, certify to the state board of assessment and re-  
3 view, the amount of money to be levied for general state taxes.

Senate File 535. Approved May 1, 1937.

## CHAPTER 88

## WORLD WAR ORPHANS' EDUCATIONAL AID FUND

S. F. 253

AN ACT to create a fund to be known as the world war orphans' educational aid fund and to authorize and empower the bonus board to administer said fund.

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

1 SECTION 1. The bonus board, established by chapter three hundred  
2 thirty-two (332) of the Acts of the Thirty-ninth General Assembly, is  
3 hereby authorized and empowered to administer the World war  
4 orphans' educational aid fund as hereinafter provided.

1 SEC. 2. Any money hereafter appropriated for the purpose of  
2 aiding in the education of children of soldiers, sailors, marines, or  
3 nurses, as provided by this act, shall be known as the World war  
4 orphans' educational aid fund.

1 SEC. 3. Said bonus board is authorized to expend not to exceed one  
2 hundred fifty dollars (\$150.00) per year for any one child who shall  
3 have lived in the state of Iowa for two (2) years preceding applica-  
4 tion for aid hereunder, and who is the child of a man or woman who  
5 died during the World war between the dates of April 6, 1917 and  
6 and July 2, 1921, while serving in the army, navy, marine corps or  
7 nursing corps of the United States, or as a result of such service, to  
8 defray the expenses of tuition, matriculation, laboratory and similar  
9 fees, books and supplies for such child or children, not including cloth-  
10 ing, for attendance at any educational or training institution of college  
11 grade, or in any business college or vocational training school of  
12 standards approved by said bonus board, said educational institutions  
13 to be located within the state of Iowa.

1 SEC. 4. Eligibility for aid hereunder shall be determined upon  
2 application to the Iowa bonus board, whose decision shall be final. The  
3 eligibility of eligible applicants shall be certified by the adjutant gen-  
4 eral of Iowa to the comptroller of Iowa, and all amounts that may be  
5 or may become due to any individual or any training institution under  
6 this act shall be paid to the individual or institution by said comptroller  
7 upon receipt by him of certification by the president or governing  
8 board of such educational or training institution as to accuracy of  
9 charges made, and as to the attendance of the individual at such edu-  
10 cational or training institution. No person shall be eligible for the  
11 benefits of this act until he shall have graduated from a high school or  
12 educational institution offering a course of training equivalent to high  
13 school training.

1 SEC. 5. Any expense incurred in carrying out the provisions of  
2 this act shall be chargeable to this fund.

Senate File 253. Approved April 2, 1937.

## CHAPTER 89

## AUDITOR OF STATE

## H. F. 49

AN ACT to repeal sections one hundred thirteen (113) and one hundred twenty-four (124), both of the code, 1935, and to enact substitutes therefor, relating to the auditing of financial records of counties, schools, townships and cities, including cities under special charter, and other municipalities.

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

1 SECTION 1. Section one hundred thirteen (113), code, 1935, is  
2 hereby repealed and the following enacted in lieu thereof: "113. The  
3 auditor of state shall cause the financial condition and transactions of  
4 all county and city offices, including cities acting under special charter,  
5 and all school offices other than those in rural and village independent  
6 districts and school townships to be examined at least once each year  
7 by the state examiners of accounts."

1 SEC. 2. Section one hundred twenty-four (124), code, 1935, is  
2 hereby repealed and the following enacted in lieu thereof: "124. Any  
3 township or municipal corporation not embraced within the foregoing  
4 provisions of this chapter, and any school corporation in which an an-  
5 nual examination is not required, may on application to the auditor  
6 of state, secure an examination of its financial transactions and the  
7 condition of its funds, or a like examination may be had on applica-  
8 tion of twenty-five per cent or more of the taxpayers of said township  
9 or other corporation, or if there are fewer than one hundred taxpayers  
10 in such corporation, said application to be accompanied by such show-  
11 ing of facts as in the opinion of the auditor of state will justify such  
12 examination, or, in school corporations in which an annual examina-  
13 tion is not required, such examination on proper showing may be had  
14 on the written request of the county superintendent of schools."

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 two  
3 newspapers of this state as provided by law.

House File 49. Approved March 24, 1937.

I hereby certify that the foregoing act was published in the Creston Times, April 1, 1937, and the Red Oak Sun, April 2, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

(Newspapers selected in accordance with Sec. 55 of the Iowa code.)

## CHAPTER 90

## FREE DISTRIBUTION OF CODES AND OTHER LEGAL PUBLICATIONS

## H. F. 36

AN ACT to repeal section two hundred thirty-seven (237), code, 1935, and to enact a substitute therefor, relating to the free distribution by the superintendent of printing of codes and other legal publications issued by the state.

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

1 SECTION 1. Section two hundred thirty-seven (237), code, 1935, is  
2 hereby repealed and the following is enacted in lieu thereof, to wit:

3 "237. Laws—free distribution. The superintendent of printing  
4 may distribute gratuitously, to interested persons, the code of 1897  
5 and all supplements and supplemental supplements thereto; also all  
6 codes which have been issued subsequent to the code of 1897 and  
7 which have been supplanted by a newly issued code; also all session  
8 laws which antedate the publication of the last issued code by at least  
9 four years; provided that he shall maintain in reserve such number of  
10 copies of each such books as may be fixed by the executive council.  
11 Such reserve when fixed shall not be distributed except on the order  
12 of the executive council."

House File 36. Approved April 2, 1937.

CHAPTER 91  
LOCAL BUDGET LAW

S. F. 89

AN ACT to amend the law as it appears in chapter twenty-four (24) of the code, 1935, known as the local budget law; to create a state board to review upon appeal certain budgets, proposed expenditures and tax levies; to provide for the organization of such state appeal board, and to prescribe its powers and specify its duties; to provide for the employment of qualified deputies and necessary help; to provide for appeal to such board; to make appropriation therefor, 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 the law, as it appears in section three hundred  
2 sixty-nine (369) of the Code, 1935, be and the same is hereby amended  
3 by adding thereto, at the end thereof, and as sub-division six (6) of  
4 said section, the following paragraph:

5 "6. The words 'State Board' shall mean the State Appeal Board as  
6 created by Section three (3) of this Act."

1 SEC. 2. That the law, as it appears in chapter twenty-four (24)  
2 of the code, 1935, be and the same is hereby amended by substituting  
3 the words "State Board" whenever and wherever the word "Comp-  
4 troller" appears anywhere in the provisions of said chapter twenty-  
5 four (24).

1 SEC. 3. That the law, as it appears in chapter twenty-four (24)  
2 of the code, 1935, be and the same is hereby further amended by add-  
3 ing thereto, at the end thereof, and as sections three hundred ninety-  
4 h one (390-h1), three hundred ninety-h two (390-h2), three hundred  
5 ninety-h three (390-h3), three hundred ninety-h four (390-h4), three  
6 hundred ninety-h five (390-h5), three hundred ninety-h six (390-h6),  
7 and three hundred ninety-h seven (390-h7) of said chapter, the fol-  
8 lowing:

9 390-h1. There is hereby created to administer this act, a State  
10 Board to be known as the State Appeal Board, which State Board shall  
11 consist of the

- 12 (a) Comptroller,  
13 (b) Auditor of State, and  
14 (c) Treasurer of State

15 each of whom shall personally serve as a member of the State Board  
16 during his tenure of office. At its first meeting, which shall be  
17 held within thirty (30) days after this act goes into effect, and at  
18 each annual meeting held thereafter, the State Board shall organize by  
19 the election, from their own number, of a chairman and a vice-chair-  
20 man; and by appointing a secretary. Two members of the State  
21 Board shall constitute a quorum for the transaction of any business.  
22 The State Board may, from time to time, as such services are required,  
23 appoint one or more competent and specially qualified persons as  
24 deputies, to appear and act for it at initial hearings as hereinafter  
25 provided. The annual meeting of the State Board shall be held on  
26 the second Tuesday of January in each year. Each deputy appointed  
27 by the State Board shall be entitled to receive the amount of his travel-  
28 ing and other necessary expenses actually incurred while engaged in  
29 the performance of his official duties as hereinafter set out. Such  
30 expenses to be audited and approved by the State Board and proper  
31 receipts filed therefor.

32 390-h2. Not later than the first Monday in September, a number of  
33 persons in any municipality equal to one-fourth of one per cent of  
34 those voting for the office of governor at the last general election in  
35 said municipality, but in no event less than ten, who are affected by  
36 any proposed budget, expenditure or tax levy, or by any item thereof,  
37 may appeal from any decision of the certifying board or the levying  
38 board, as the case may be, by filing with the County Auditor of the  
39 County in which such municipal corporation is located, a written pro-  
40 test setting forth their objections to such budget, expenditure or tax  
41 levy, or to one or more items thereof, and the grounds for such objec-  
42 tions; provided that at least three of such persons shall have appeared  
43 and made objection, either general or specific, as provided by section  
44 three hundred seventy-seven (377) of the code of Iowa. Upon the  
45 filing of any such protest, the county auditor shall immediately pre-  
46 pare a true and complete copy of said written protest, together with  
47 the budget, proposed tax levy or expenditure to which objections are  
48 made, and shall transmit the same forthwith to the State Board, and  
49 shall also send a copy of such protest to the certifying board or to the  
50 levying board, as the case may be.

51 390-h3. The State Board, within a reasonable time, shall fix a date  
52 for an initial hearing on such protest and shall designate a deputy to  
53 hold such hearing, which shall be held in the county or in one of the  
54 counties in which such municipality is located. Notice of the time and  
55 place of such hearing shall be given by registered mail to the chief  
56 executive officer of the municipality and to the first ten property  
57 owners whose names appear upon such protest, at least five (5) days  
58 before the date fixed for such hearing. At all such hearings, the  
59 burden shall be upon the objectors with reference to any proposed item  
60 in the budget which was included in the budget of the previous year  
61 and which such objectors propose should be reduced or excluded; but  
62 the burden shall be upon the certifying board or the levying board, as  
63 the case may be, to show that any new item in the budget, or any in-  
64 crease in any item thereof, is necessary, reasonable and in the inter-  
65 ests of the public welfare.

66 390-h4. The deputy designated to hear any particular appeal shall  
67 attend in person and conduct such hearing in accordance with the

68 procedure prescribed in section three (3) of this act, and shall  
69 promptly report the proceedings had at such hearing, which report  
70 shall become a part of the permanent record of the State Board. At  
71 the request of either party, or on his own motion, the deputy shall  
72 employ a stenographer to report the proceedings, in which event the  
73 stenographic notes shall be filed with the report. Either party desir-  
74 ing to have a transcript of such notes presented to the State Board  
75 with the deputy's report, may have the same made at his initial ex-  
76 pense, such expense to eventually follow the result.

77 390-h5. It shall be the duty of the State Board to review and finally  
78 pass upon all proposed budget expenditures, tax levies and tax assess-  
79 ments from which appeal is taken and it shall have power and au-  
80 thority to approve, disapprove or reduce all such proposed budgets, ex-  
81 penditures and tax levies so submitted to it upon appeal, as herein  
82 provided; but in no event may it increase such budget, expenditure,  
83 tax levies or assessments or any item contained therein. Said State  
84 Board shall have authority to adopt rules and regulations not incon-  
85 sistent with the provisions of this chapter, to employ necessary as-  
86 sistants, authorize such expenditures, require such reports, make such  
87 investigations and take such other action as it deems necessary to  
88 promptly hear and determine all such appeals; provided, however, that  
89 all persons so employed shall be selected from persons then regularly  
90 employed in some one of the offices of the members of said State Board.

91 390-h6. The manner in which objections shall be presented, and  
92 the conduct of hearings and appeals, shall be simple and informal and  
93 in accordance with the rules prescribed by the State Board for  
94 promptly determining the merits of all objections so filed, whether or  
95 not such rules conform to technical rules of procedure. Such record  
96 shall be kept of all proceedings, as the rules of the State Board shall  
97 require.

98 390-h7. After a hearing upon such appeal, the State Board shall  
99 certify its decision with respect thereto to the county auditor, and  
100 such decision shall be final. The county auditor shall make up his  
101 records in accordance with such decision and the levying board shall  
102 make its levy in accordance therewith. Upon receipt of such deci-  
103 sion, the county auditor shall immediately notify both parties thereof,  
104 whereupon the certifying board shall correct its records accordingly,  
105 if necessary. Final disposition of all such appeals shall be made by  
106 the State Board on or before October 15th of each year.

1 SEC. 4. For the purpose of carrying out the provisions of this Act,  
2 there is hereby appropriated out of any moneys in the State Treasury,  
3 not otherwise appropriated, the sum of five thousand dollars (\$5,-  
4 000.00), or so much thereof as is necessary, for each annual period.  
5 The first annual period shall end June 30, 1938.

1 SEC. 5. All acts, or parts of acts, inconsistent herewith are hereby  
2 repealed.

Senate File 89. Approved April 10, 1937.



## CHAPTER 92

## LOCAL BUDGET LAW

## H. F. 182

AN ACT amending section three hundred seventy (370), and fifty-six hundred sixty-three (5663), relating to the making of estimates for the local tax budget and annual appropriations, in cities over 75,000 population and providing a penalty for violation thereof.

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

1 SECTION 1. Section three hundred seventy (370), of the code, 1935,  
2 is amended by adding the following, after subsection one (1): "The  
3 estimate of such total income other than taxation, for cities over 75,-  
4 000 population, shall be computed as follows in each fund; the estimate  
5 of that portion of this income which is derived from licenses, fees,  
6 fines and other miscellaneous items of income other than taxes, shall  
7 be no larger than the actual collection of these different items of in-  
8 come, but not including transfers from other funds, during the pre-  
9 ceding twelve (12) months ending June 30th. Also, to such total  
10 estimate, may be added any new source of income other than taxes  
11 but only after it shall actually have been authorized by the city council  
12 and such estimate of this new source of income must be reasonable."

13 Further amend by adding to subsection two (2) the following: "In  
14 cities over 75,000 population, the amount proposed to be raised by  
15 taxation may be five and twenty-seven hundredths (5.27) per cent  
16 larger than the amount proposed to be expended as provided in sub-  
17 section three (3) after deducting balances from the preceding year  
18 if any, and income from sources other than taxation. Nothing herein  
19 shall be construed as permitting a tax levy in excess of the millage  
20 rates elsewhere provided."

1 SEC. 2. That section five thousand six hundred sixty-three (5663),  
2 be amended by adding the following: "17. In cities over 75,000  
3 population, the city council, at the beginning of the fiscal year, shall  
4 compute the amounts to be appropriated from tax funds as follows.  
5 No larger amount shall be appropriated by the council for expenditure  
6 during the ensuing year out of any tax fund, than ninety-five (95)  
7 per cent of the amount of taxes levied in each fund including each  
8 fund's pro rata share of the money's and credit's tax plus other sources  
9 of income as provided in the estimate made in section three hundred  
10 seventy (370), and plus actual unencumbered balances from the pre-  
11 ceding fiscal year. But such total appropriation shall not exceed the  
12 amount proposed to be expended in subsection three (3) of section  
13 three hundred seventy (370). Nothing herein shall be construed as  
14 limiting the payment of lawful charges for interest and principal on  
15 bonds.

1 SEC. 3. Violation of this act shall be grounds for removal from  
2 office of any councilman who votes for any city expenditure contrary  
3 to the provisions of this section and such act shall be punishable as  
4 a misdemeanor."

House File 182. Approved May 7, 1937.

## CHAPTER 93

## PREFERENCE FOR DOMESTIC PRODUCTS AND LABOR

## S. F. 151

AN ACT to amend chapter sixty-two-b one (62-b1), code, 1935, relating to preference for domestic products and labor.

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

Chapter sixty-two-B one (62-B1), code, 1935, is amended by adding thereto the following:

1 SECTION 1. It shall be unlawful for any commission, board, county,  
2 officer or other governing body of the State, or of any county, town-  
3 ship, school district, city or town, to purchase or use any coal, except  
4 that mined or produced within the state of Iowa by producers who are,  
5 at the time such coal is purchased and produced, complying with all the  
6 workmen's compensation and mining laws of the state. The provi-  
7 sions of this section shall not be applicable if coal produced within the  
8 state of Iowa cannot be procured of a quantity or quality reasonably  
9 suited to the needs of such purchaser, nor if the equipment now in-  
10 stalled is not reasonably adapted to the use of coal produced within the  
11 state of Iowa, nor if the use of coal produced within the state of Iowa  
12 would materially lessen the efficiency or increase the cost of operating  
13 such purchaser's heating or power plant, nor to mines employing  
14 miners not now under the provisions of the Workmen's Compensation  
15 Act or who permit the miners to work in individual units in their own  
16 rooms.

1 SEC. 2. Before any users of coal designated in the preceding sec-  
2 tion, purchase or propose to purchase coal, whose annual needs for  
3 coal exceed three hundred (\$300.00) dollars, said governing bodies  
4 and officers shall make requests for bids for coal by advertisement in  
5 an official newspaper published in the county in which the purchaser  
6 has its principal office, and such advertisement shall, among other  
7 things, state the date, time and place such bids shall be received,  
8 which date and time shall not be less than fifteen (15) days after such  
9 publication and the advertisement shall contain the approximate  
10 quantity and description of coal to be purchased as otherwise provided  
11 by law, and the contract shall be let to the lowest responsible bidder,  
12 but any and all bids may be rejected, provided that if all bids are so  
13 rejected, then an advertisement for bids shall again be made as herein-  
14 before provided. After any bid is accepted, a written contract shall  
15 be entered into and the successful bidder shall furnish a good and  
16 sufficient bond with qualified sureties for the faithful performance of  
17 the contract. Any contract for purchase of coal provided for in this  
18 Act may contain the provision that the purchaser may, in the event of  
19 an emergency, purchase coal elsewhere without advertising for bids  
20 in any year, for not more than ten per cent (10%) of said purchaser's  
21 annual requirements for coal.

1 SEC. 3. No bid for coal produced in Iowa, which comes under the  
2 provisions of the preceding section, shall be considered unless it states  
3 the name of the producer and gives the location of the mine from  
4 which the coal is to be produced, and unless there is attached thereto

5 a certificate of the Secretary of the State Mine Inspectors that the  
6 producer designated in such bid is now complying with all the work-  
7 men's compensation and mining laws of the State.

1 SEC. 4. Any contract entered into or carried out in whole or in  
2 part, in violation of the provisions of this act, shall be void and such  
3 contract or any claim growing out of the sale, delivery or use of the  
4 coal specified therein, shall be unenforceable in any court. In addi-  
5 tion to any other proper party or parties, any unsuccessful bidder at a  
6 letting provided for in this act shall have the right to maintain an ac-  
7 tion in equity to prevent the violation of the terms of this act.

1 SEC. 5. The provisions of this act shall not apply to municipally  
2 owned and operated public utilities nor to school townships and rural  
3 independent districts.

Senate File 151. Approved March 24, 1937.

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## CHAPTER 94

### ELECTIONS

#### H. F. 7

AN ACT to amend section seven hundred forty-eight (748), code, 1935, relating to the printing of ballots, and to provide for the printing of separate ballots where all names can not be placed on the voting machines.

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

1 SECTION 1. That section seven hundred forty-eight (748), code,  
2 1935, is hereby amended by striking the period (.) at the end thereof  
3 and inserting in lieu thereof the following:

4 " , except that at any election where voting machines are used, and  
5 it is impossible to place the names of all candidates on the machine bal-  
6 lot, the county auditor, city clerk, or town clerk, may provide a separ-  
7 ate printed ballot for the township ticket; one of each of said printed  
8 ballots to be furnished each qualified voter."

House File 7. Approved February 25, 1937.

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## CHAPTER 95

### VOTING MACHINES—MANNER OF COUNTING BALLOTS

#### S. F. 12

AN ACT to amend section nine hundred fifty (950) of the code of Iowa, 1935, and to provide the manner in which absent voters' ballots shall be counted and the results tabulated in precincts using voting machines.

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

1 SECTION 1. That section nine hundred fifty (950) of the code of  
2 Iowa, 1935, be and the same is hereby amended by striking from said  
3 section all that part reading as follows: " , under the personal super-  
4 vision of all the judges, be registered on the voting machine the same  
5 as if the absent voter had been present and voted in person.", and

6 substituting in lieu thereof the following: "counted. The judges of  
7 election all being present shall count and shall post the results of the  
8 total votes cast for each candidate and/or all votes cast for and against  
9 any proposition which shall have been submitted to a vote of the people  
10 in a record book provided for that purpose so that a complete, separate,  
11 and distinct record may be had of the votes cast as shown by the absent  
12 voters' ballots, together with the record of the total votes so cast as  
13 shown by both voting machine and absent voters' ballots and such rec-  
14 ord shall be signed by all of the judges."

Senate File 12. Approved April 3, 1937.

## CHAPTER 96

### MINES AND MINING

#### H. F. 173

AN ACT to amend chapter sixty-eight (68), code, 1935, relating to the opening of coal mines and providing for the issuance of a license by the state mine inspectors authorizing the same.

WHEREAS, the production of coal, its distribution and use is of public interest to the state as a whole, and,

WHEREAS, accidents, both fatal and non-fatal often occur in mines that are not known to exist by the state mine inspectors, and,

WHEREAS, it is very necessary that an accurate record of the location of each new coal mine opened shall be kept by the state mine inspectors in order that said mines can be inspected as provided by law, now, therefore,  
*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Chapter sixty-eight (68), code, 1935, is hereby amended  
2 by inserting after section twelve hundred forty-one g4 (1241-g4) the  
3 following sections:

1 SEC. 2. Any person or persons, firm or corporation, contemplating  
2 opening a coal mine, either by shaft, slope, drift, or strip methods, to  
3 mine or produce for sale, barter or trade, shall first obtain a license from  
4 the state mine inspector of the district in which the intended mine is to  
5 be located, which permit shall be issued as hereinafter provided, per-  
6 mitting and authorizing said opening in said location and at a specified  
7 time.

1 SEC. 3. The state mine inspectors are hereby authorized to provide  
2 a suitable form upon which application shall be made, which shall  
3 include name of operator, post office address, location of mine, kind  
4 of power to be used for hoisting and haulage, kind of opening, name  
5 of supervising official, and number of years of actual mining experi-  
6 ence. The applicant shall be required to furnish all necessary infor-  
7 mation before a license shall be issued. It shall be the duty of the  
8 state mine inspectors to issue said permit, without cost, when the  
9 above provisions have been complied with.

1 SEC. 4. The provisions of this act shall not apply to any person  
2 who shall mine coal on his own property for his own personal use.

1 SEC. 5. If at any time the owner, operator, lessee, agent or man-  
 2 aging officer fails to comply with the above provisions, it shall be the  
 3 duty of the mine inspector, in whose district said mine is located, to  
 4 file a complaint with the county attorney of the county in which said  
 5 mine is located, who shall bring action in the name of the state to en-  
 6 join further operation until the above provisions are complied with.

House File 173. Approved March 6, 1937.

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## CHAPTER 97

### COAL MINES AND MINING

H. F. 380

AN ACT to amend chapter sixty-eight (68), code of 1935, relating to the blasting of coal in coal mines, and prohibiting any blasting while persons other than the shot firer or firers are in said mine.

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

1 SECTION 1. Chapter sixty-eight (68), code of 1935, is hereby  
 2 amended by adding thereto a new section to be known as 1297-a1, as  
 3 follows:

1 "SEC. 2. No shot firer or any other person shall do any blasting  
 2 or exploding of shots in any coal mine of this state, nor shall any  
 3 superintendent or mine foreman permit the firing of shots or blasting  
 4 in any coal mine in this state, until each and every person except the  
 5 shot firer or firers is out of said mine."

House File 380. Approved May 1, 1937.

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## CHAPTER 98

### SURGICAL AND MEDICAL SERVICES

S. F. 24

AN ACT to repeal section one thousand three hundred eighty-seven (1387) of the code of Iowa, 1935, and to enact a substitute therefor relating to medical, surgical aid, hospitalization and other relief for employees by employers, where the employee comes within the provisions of the workmen's compensation act, and to provide the manner for the determination of the reasonableness of charges made therefor by submission to the industrial commissioner.

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

1 SECTION 1. Section one thousand three hundred eighty-seven  
 2 (1387) of the code of Iowa, 1935, be and the same is hereby repealed  
 3 and the following enacted in lieu thereof:

4 "In addition to other compensation hereinafter provided, the em-  
 5 ployer, with notice or knowledge of injury, shall furnish reasonable  
 6 surgical, medical, osteopathic, chiropractic, nursing and hospital serv-  
 7 ices and supplies therefor. Provided, however, that in exceptional  
 8 cases the industrial commissioner shall fix the amount, which in no  
 9 event shall exceed six hundred dollars (\$600.00), to be expended for  
 10 medical, surgical and hospital services and supplies.

- 11 Charges believed to be excessive may be referred to the Industrial  
 12 Commissioner for adjustment under authority of section one thousand  
 13 four hundred sixty-two (1462) of the code."

Senate File 24. Approved April 14, 1937.

## CHAPTER 99

### CONSERVATION COMMISSION

S. F. 450

AN ACT relating to the powers, duties and jurisdiction of the state conservation commission, to amend chapter eighty-five (85), code 1935, relating to licensing of boats and pilots and inspection, by repealing section seventeen hundred three-e eight (1703-e8) thereof relating to rules and regulations of the state conservation commission, to amend section seventeen hundred three-e ten (1703-e10) thereof relating to penalties, to further amend said chapter by enacting laws to be included in said chapter pertaining to the operation and equipment of boats used for hire and other boats used upon state-owned waters, and to provide a penalty for the violation of such laws; to amend chapter eighty-five-d one (85-d1), code 1935, relating to the state conservation commission, by repealing section seventeen hundred three-g twenty-one (1703-g21) thereof and by repealing paragraphs five (5) and six (6) of section seventeen hundred three-d twelve (1703-d12) thereof relating to the specific powers of the state conservation commission and to enact a substitute therefor, to repeal section seventeen hundred three-e twelve (1703-e12) thereof relating to publication and to enact a substitute therefor, to amend section seventeen hundred three-d fifteen (1703-d15) thereof relating to interpretation and limitations; to amend chapter eighty-six-e1 (86-e1), code 1935, relating to fish and game licenses, by amending section seventeen hundred ninety-four-e ten (1794-e10) thereof relating to form of license, and to amend section seventeen hundred ninety-four-e twelve (1794-e12) thereof relating to revocation or suspension of license; to amend chapter eighty-six (86), code 1935, relating to propagation and protection of fish, game, wild birds and animals, by amending section seventeen hundred eighty-nine (1789) thereof relating to violations, and to enact laws to be added to said chapter pertaining to the protection of fish, game, wild birds and animals, and to the commercial taking or disposition thereof, and to provide a penalty for the violation of such laws; to amend chapter eighty-seven (87), code 1935, relating to conservation and public parks, by repealing section seventeen hundred ninety-nine-b one (1799-b1) thereof pertaining to rules and regulations, and to enact laws to be added to said chapter prohibiting, restricting, or controlling the use by the public of state parks, preserves, or state-owned property or waters under the jurisdiction of the state conservation commission, and to amend section seventeen hundred three-g fifteen (1703-g15), code, 1935, relating to powers of conservation officers.

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

1 SECTION 1. Section seventeen hundred three-e eight (1703-e8),  
 2 code 1935, is hereby repealed.

1 SEC. 2. Section seventeen hundred three-e ten (1703-e10), code  
 2 1935, is amended by substituting a period (.) for the comma (,) in  
 3 line five (5) thereof and striking the remainder of the section.

1 SEC. 3. Chapter eighty-five (85), code 1935, is amended by adding  
 2 thereto the provisions of sections herein designated section four (4)  
 3 to section twenty-two (22) inclusive.

### BOATS, PILOTS AND INSPECTION

1 SEC. 4. A motor boat is defined as any boat or water craft propelled  
 2 by machinery. Any boat or craft propelled by attachment to another  
 3 craft which is propelled by machinery shall be deemed a motorboat.

- 1 SEC. 5. For the purpose of this chapter boats are classified as  
2 follows:
- 3 Class I. All steamboats.
  - 4 Class II. All boats with inboard motors used for commercial pur-  
5 poses.
  - 6 Class III. All motorboats with inboard motors used for private  
7 purposes.
  - 8 Class IV. All motorboats of plane or gliding type, including com-  
9 bination plane and displacement types, propelled by an outboard motor.
  - 10 Class V. All rowboats of displacement type, with outboard motor.
  - 11 Class VI. All rowboats or canoes propelled by hand.
  - 12 Class VII. All sailboats.

### EQUIPMENT

- 1 SEC. 6. No person shall operate any boat as hereinafter designated  
2 on the waters of the state which is not equipped as follows:
- 3 (a) A fire extinguisher of type and size approved by the commis-  
4 sion, shall be carried by all motorboats when operated for hire. Such  
5 fire extinguisher shall be capable of extinguishing burning gasoline  
6 and be of the carbon-dioxide, carbon tetrachloride or foam type.
  - 7 (b) Any boat, except steamboats, carrying passengers for hire  
8 shall be equipped with air tanks of sufficient capacity to sustain afloat  
9 the boat when full of water with all her full complement of passengers  
10 and crew on boat.
  - 11 (c) Every motorboat carrying passengers for hire shall carry one  
12 life preserver, lift belt, buoyant cushion, or ring buoy of type approved  
13 by the commission for each person on board.
  - 14 (d) No motorboat, propelled in whole or in part by gas, gasoline  
15 or naphtha, shall be operated unless the same is provided with an  
16 exhaust or muffler device so constructed and used as to muffle the noise  
17 of the exhaust, and no such boat shall be operated with a cut-out or  
18 any such device which shall make the muffler ineffective.
  - 19 (e) No motorboat in class I, II, III, or IV shall be operated unless  
20 it be equipped with a whistle, horn or sound device capable of making  
21 a signal that can be heard from a distance of one thousand feet in  
22 calm weather. Sirens are specifically prohibited.
  - 23 (f) Owners of steamboats operated for hire are hereby required to  
24 carry boiler insurance covering each steamboat so operated and copies  
25 of the insurance policies shall be filed with the commission.

### LIGHTS

- 1 SEC. 7. No person shall operate any boat during the period between  
2 thirty (30) minutes after sundown and sunrise which is not equipped  
3 with lights as herein prescribed:
- 4 (a) Every motorboat in class I, II, III or and all boats in class IV,  
5 which in the latter case are capable of a speed of eight (8) miles or  
6 more per hour, shall have the following lights:
    - 7 1. A bright white light in forepart of the boat as near the bow as  
8 practical, so constructed as to show an unbroken light over an arc of  
9 the horizon of twenty (20) points of the compass, so fixed as to throw  
10 the light ten (10) points on each side of the vessel; namely, from  
11 right ahead to two (2) points abaft the beam on either side. The

12 glass of the lens shall be not less than five (5) inches in diameter. In  
 13 general, this light shall, when in use, be kept pointed in direction boat  
 14 is traveling.

15 2. A white light aft (stern) to show all around the horizon. A  
 16 combined lantern in the forepart of the vessel and lower than the white  
 17 light aft, showing green to starboard and red to port, so fixed as to  
 18 throw the light from right ahead to two points abaft the beam on their  
 19 respective sides.

20 3. All boats in class IV, not capable of exceeding eight (8) miles  
 21 per hour, shall have a constant white light in the forepart of the  
 22 vessel and to be so constructed as to be visible all around the horizon.

23 (b) All boats in class V and VI shall have, when operated on any  
 24 lake, and when over three hundred (300) feet from shore, a white  
 25 light that is constant and so placed as to be visible from any direction.

26 (c) All boats in class VI shall have when operated on any river or  
 27 stream, a white light which is constant and so placed as to be visible  
 28 from any direction.

29 (d) All boats in class VII shall have a lantern at the masthead  
 30 showing a white light and visible from any direction.

#### OPERATION LAWS

1 SEC. 8. No person shall operate any boat on any of the waters of  
 2 the state under the jurisdiction of the commission in such a manner  
 3 as to endanger life and property nor in any manner other than herein  
 4 prescribed:

5 (a) No boat in class II, III, IV or V shall be operated on a state-  
 6 owned lake at a speed greater than five (5) miles per hour when within  
 7 two hundred fifty (250) feet from another craft.

8 (b) No boat in class I, II, III, IV or V shall be operated at a speed  
 9 exceeding five (5) miles per hour unless vision is unobstructed three  
 10 hundred (300) feet ahead.

11 (c) It shall be unlawful to operate any motorboat within three  
 12 hundred (300) feet of the shore of any lake at a speed greater than  
 13 ten (10) miles per hour.

1 SEC. 9. Boat traffic shall be governed by the following rules:

2 1. Passing from rear—keep to the left.

3 2. Passing head-on—keep to the right.

4 3. Passing at right angles—boat at the right has right-of-way,  
 5 other conditions being equal.

6 4. Sailboats have right-of-way over all other boats. Motorboats,  
 7 when passing sailboats, shall always pass on windward side.

8 5. Any boat backing from a landing has the right-of-way over in-  
 9 coming boats.

1 SEC. 10. Air craft shall not make use of waters under the juris-  
 2 diction of the commission for the purpose of landing and carrying  
 3 passengers or other purposes, except at a time of danger or distress  
 4 when such use may be necessary or unavoidable.

#### ARTIFICIAL LAKES, BOAT RACES

1 SEC. 11. No motorboat in class I, II, or III and no boats in classes  
 2 IV and V, shall be permitted on any artificial lake under the jurisdic-  
 3 tion of the commission.



4 (a) No person shall operate any sailboat on any artificial lake under  
5 the jurisdiction of the commission except those lakes specifically desig-  
6 nated by the commission. All sailboats so operated must be of a type  
7 and size approved by the commission.

8 (b) All privately owned boats on artificial lakes under the juris-  
9 diction of the commission shall be kept only at locations designated  
10 by the commission.

1 SEC. 12. No boat race or regatta shall be conducted upon state  
2 waters unless permission is granted by the commission.

3 (a) Boats not participating in such race or regatta shall remain  
4 at least fifty (50) feet from the racing course during such contest.

5 (b) Laws pertaining to speeds or passing distances shall not apply  
6 to boats or boat operators engaged in such race or regatta.

#### BUOYS AND STRUCTURES

1 SEC. 13. No private buoy or any obstruction of any kind shall be  
2 maintained less than one hundred (100) feet from shore nor more  
3 than three hundred (300) feet, except by permission from the com-  
4 mission.

5 (a) All private buoys must float in a vertical position with at least  
6 eighteen (18) inches projecting above the water and shall be painted  
7 white or have a white flag of at least one (1) square foot in area  
8 attached thereto.

9 (b) It shall be unlawful to tamper with, move or attempt to move  
10 any state-owned buoy.

11 (c) No boat shall be anchored away from the shore and left un-  
12 guarded unless it be attached to a buoy.

1 SEC. 14. No person shall maintain or erect any structure beyond  
2 the line of private ownership along or upon the shores of state-owned  
3 waters in such a manner as to obstruct the passage of pedestrians  
4 along the shore between the ordinary high water mark and the water's  
5 edge, except by permission of the commission.

1 SEC. 15. No craft or vehicle operating on the surface of ice on  
2 the inland meandered lakes and streams of the state and propelled by  
3 machinery in whole or in part shall be operated without a permit being  
4 issued for such operation by the commission. Ice cutting machinery,  
5 automobiles, motorcycles and trucks, when such are used without  
6 endangering public safety are excepted from the provisions of this  
7 section. Any such permit issued may be revoked by the commission  
8 if such craft or vehicle is operated in a careless manner or endangers  
9 others.

#### GENERAL PROVISIONS

1 SEC. 16. Nothing in this chapter shall exonerate any owner, oper-  
2 ator or crew of any craft from the consequences of any neglect to  
3 carry lights, signals or equipment or from any neglect to keep a proper  
4 lookout, or of the neglect of any precaution which may be required  
5 by the ordinary practice of seamen or by the special circumstances  
6 of the case.

1 SEC. 17. The provisions of this chapter shall not apply to craft  
2 licensed by authority of the United States when such craft are oper-  
3 ated in accordance with the federal laws and regulations therefor.

1 SEC. 18. All navigation accidents shall be reported as promptly  
2 as possible to the nearest police officer and to the commission or its  
3 authorized representative.

1 SEC. 19. No person offering a boat for hire nor any person using  
2 a rented boat shall permit said boat to be occupied by more passengers  
3 and crew than the licensed capacity of the boat permits.

1 SEC. 20. No person shall place, or allow to remain in the public  
2 waters any boat for hire which has failed to pass inspection.

1 SEC. 21. Members of the commission, its deputies, agents and em-  
2 ployees shall not be deemed violating the provisions of this chapter  
3 applying to the work of the commission while on duty and acting  
4 within the scope of their employment.

1 SEC. 22. Any person violating any of the provisions of the fore-  
2 going sections numbered section six (6) to section twenty (20) in-  
3 clusive, shall, upon conviction, be fined not to exceed one hundred  
4 (\$100.00) dollars or be imprisoned in the county jail not to exceed  
5 thirty (30) days.

#### STATE CONSERVATION COMMISSION

1 SEC. 23. Section seventeen hundred three-g twenty-one (1703-  
2 g21), code 1935, is hereby repealed.

1 SEC. 24. Paragraphs five (5) and six (6) of section seventeen  
2 hundred three-d twelve (1703-d12), code 1935, are hereby repealed  
3 and the following is enacted in lieu thereof:

4 "5. The commission is hereby authorized to adopt and enforce such  
5 departmental rules governing procedure as may be necessary to carry  
6 out the provisions of this chapter; also to carry out any other laws  
7 the enforcement of which is vested in the commission.

8 6. The commission is hereby further authorized to adopt, publish  
9 and enforce such administrative orders as are authorized in section  
10 twenty-nine (29) of this act."

1 SEC. 25. Section seventeen hundred three-e twelve (1703-e12), code  
2 1935, is hereby repealed and the following substituted in lieu thereof:

3 "Administrative orders shall be made only after an investigation of  
4 the matter concerned and shall take effect, unless otherwise designated  
5 in the order, after publication in at least one newspaper of general  
6 state circulation or in a newspaper having circulation in the territory  
7 affected. A copy of all such orders shall before publication be filed  
8 with the secretary of state."

1 SEC. 26. Section seventeen hundred and eighty-nine (1789) code  
2 1935, is hereby amended as follows: strike therefrom all words fol-  
3 lowing the word "chapter" in line six (6) to the word "or" in line  
4 seven (7) and substitute the following: "or of administrative orders  
5 of the state conservation commission"; further amend said section by  
6 striking all the words after the comma (,) following the word "chap-  
7 ter" in line eleven (11) to the word "or" in line twelve (12).

1 SEC. 27. Chapter eighty-six (86), code 1935, is amended by adding  
2 thereto the provisions of sections herein designated section twenty-  
3 eight (28) to section one hundred ten (110), inclusive.

1 SEC. 28. Section seventeen hundred three d-fifteen (1703-d15)  
 2 code of Iowa, 1935 is hereby amended by inserting between the words  
 3 "extend" and "any" in line six (6)\* thereof, the following: "except  
 4 as provided in this chapter".

#### PROPAGATION AND PROTECTION OF FISH, GAME, WILD BIRDS AND ANIMALS

1 SEC. 29. It shall be unlawful for any person to take, pursue, kill,  
 2 trap or ensnare, buy, sell, possess, transport, or attempt to so take,  
 3 pursue, kill, trap or ensnare, buy, sell, possess, or transport any game,  
 4 protected non-game birds, fur-bearing animals or fur or skin of such  
 5 animals, mussels, frogs, spawn or fish, or any part thereof, except  
 6 upon the terms, conditions, limitations and restrictions set forth herein,  
 7 and administrative orders necessary to carry out the purposes set  
 8 out in section 30, or as provided by the code of Iowa, 1935.

1 SEC. 30. The open seasons, closed seasons, bag limits, catch limits,  
 2 possession limits and territorial limitations set forth herein pertaining  
 3 to fish, game and various species of wild life are based upon a proper  
 4 biological balance as hereinafter defined being maintained for each  
 5 species or kind. The seasons, catch limits, bag limits, possession lim-  
 6 its and territorial limitations set forth herein shall prevail and be  
 7 in force and effect for each and every species of wildlife to which they  
 8 pertain as long as the biological balance for each species or kind re-  
 9 main substantially as it is at the time this act takes effect. The com-  
 10 mission is hereby designated the sole agency to determine whether a  
 11 population of wildlife exists contrary to the aforesaid condition in any  
 12 area. If the commission, after investigation finds that the number  
 13 and/or sex of each or any species or kind of wild life is at variance to  
 14 aforesaid condition, the commission shall by administrative order  
 15 extend, shorten, open or close seasons and/or change catch limits, bag  
 16 limits and/or possession limits or areas in accordance with said find-  
 17 ings. For the purpose of this section, biological balance is defined  
 18 as that condition when all losses to population are compensated by  
 19 natural reproductive activity or artificial replenishment, replacement  
 20 or stocking.

#### DEFINITIONS

1 SEC. 31. The following are hereby declared to be fur-bearing ani-  
 2 mals for the purpose of regulation and protection under this chapter:  
 3 beaver, badger, mink, otter, muskrat, raccoon, skunk, opossum, spotted  
 4 skunk or civet cat, weasel, coyote, wolf, ground hog, red fox and grey  
 5 fox.

1 SEC. 32. For the purposes of this act the term "game" shall be  
 2 construed to mean all of the wild animals and wild birds specified in  
 3 this section except those designated as not protected, and shall in-  
 4 clude the heads, skins, and any part of same, and the nests and eggs  
 5 of birds and their plumage.

6 1. The Anatidae: such as swans, geese, brant and ducks.

7 2. The Rallidae: such as rails, coots, mudhens, and gallinules.

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\* Note: The words "extend" and "any" appear in line 7 of the section referred to.

- 8 3. The limicolae: such as shore birds, plovers, surf birds, snipe,  
9 woodcock, sandpipers, tatlors, gotwits and curlews.
- 10 4. The Gallinae: such as wild turkeys, grouse, pheasants, Hunga-  
11 rian partridges and quail.
- 12 5. The Columbidae: mourning doves and wild rock doves only.
- 13 6. The sciuridae: such as gray squirrels, fox squirrels and flying  
14 squirrels.
- 15 7. The Leporidae: cottontail rabbits and jack rabbits only.
- 16 8. The Cervidae: such as deer and elk.

1 SEC. 33. Protected non-game birds shall include any wild bird  
2 other than game, either resident or migratory, including the plumage,  
3 skins, body, or any part thereof, and their nests and eggs, except  
4 that the following are not protected by this act: European starling,  
5 English or house sparrow, blackbird, crow, sharpshinned hawk, Coop-  
6 er's hawk and great horned owl.

1 SEC. 34. As used in this chapter, the word "*mussels*" shall mean  
2 and embrace the pearly, fresh water mussels or clams or naiad, and  
3 the shells thereof.

1 SEC. 35. The term "*fish*" as used in this chapter shall mean any  
2 fish of the class Pisces.

1 SEC. 36. The term "*frog*" as used in this chapter shall mean any  
2 frog of the family Ranidae.

1 SEC. 37. The term "*Spawn*" as used in this chapter shall mean any  
2 of the eggs of any fish, frog, or mussel.

1 SEC. 38. It shall be unlawful except as otherwise provided for  
2 any person, firm or corporation, to bring into the state of Iowa for  
3 the purpose of propagating or introducing, or to place or introduce  
4 into any of the inland or boundary waters of the state, any fish or  
5 spawn thereof that are not native to such waters, or introduce or stock  
6 any bird or animal that are not native to Iowa, unless application is  
7 first made in writing to the commission for a permit therefor and such  
8 permit granted. Such permit shall be granted only after the com-  
9 mission has made such investigation or inspection of the fish, birds or  
10 animals as it may deem necessary to determine whether or not such  
11 fish, birds or animals are free from disease and whether or not such  
12 introduction will be beneficial or detrimental to the native wildlife  
13 and the people of the state, and may or may not approve such planting,  
14 releasing or introduction according to its findings.

#### TERRITORIES, OPEN SEASONS, BAG AND POSSESSION LIMITS FOR GAME

1 SEC. 39. It shall be unlawful for any person except as otherwise  
2 provided, to willfully disturb, pursue, shoot, kill, take or attempt to  
3 take or have in possession any game bird or animal at any time except  
4 during the open season period embraced within the dates, both in-  
5 clusive, specified for each variety and each locality, respectively, or  
6 in the open season take in any one day in excess of the number desig-  
7 nated for each variety and/or each locality, respectively, or have in  
8 possession any variety of game bird or animal in excess of the number  
9 allowed in possession as indicated in the following table:

	Kind of Animal and Locality	Open Season	Bag Limit	Possession Limit
10	SQUIRRELS—Gray, Fox	September 15—November 15	6	12
11	Entire state.			
12	RABBITS—Cottontail and Jack.	August 1—March 1	10	20
13				
14	Entire state.			
15	QUAIL—Bobwhite.	November 1—December 1	8	8
16	Open season* in following counties: Lucas, Appanoose, Monroe, Wapello, Davis, Van Buren, Jefferson, Henry, Lee, Des Moines, Louisa, Muscatine. All counties not named above are closed.	November 15—December 15		
17		Shooting allowed each open day from eight (8) A.M. to five (5) P.M.		
18				
19				
20				
21				
22				
23				
24	PHEASANTS—Chinese, Mongolian, ringneck.	November 12—November 14	3 male birds	6 male birds
25				
26				
27	Open season in following counties: Lyon, Osceola, Hardin, Dickinson, Emmet, Winnebago, O'Brien, Sioux, Clay, Palo Alto, Kossuth, Hancock, Worth, Mitchell, Floyd, Winneshiek, Cerro Gordo, Butler, Grundy, Black Hawk, Buchanan, Franklin, Wright, Humboldt, Pocahontas, Buena Vista, Cherokee, Plymouth, Woodbury, Sac, Ida, Calhoun, Howard, Chickasaw, Bremer, Fayette, and all those portions of Monona, Harrison and Pottawattamie counties lying west of highway 475, and all those portions of Pottawattamie, Mills and Fremont counties lying west of highway 4275. All areas not named above are closed.	Shooting allowed each open day from twelve (12) noon to five (5) P.M.		
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				
47	DUCKS—Entire state.	September 15—November 30	10	10
48				
49	GEESE, BRANT—Entire state.	September 15—November 30	4	4
50				
51	HUNGARIAN PARTRIDGES	November 12—November 14	2	2
52	Open season in following counties: O'Brien, Sioux, Lyon, Osceola, Dickinson, Emmet, Kossuth, Winnebago, Worth, Palo Alto, Clay. All counties not named above are closed.	Shooting allowed each open day from twelve (12) o'clock noon to five (5) P.M.		
53				
54				
55				
56				
57				
58	COOT, MUDHEN, GREBE—	September 15—November 30	15	15
59	Entire state.			
60	WILSON OR JACK SNIPE—	September 15—November 30	15	15
61	Entire state.			

\* Note: In accordance with enrolled bill.

1 SEC. 40. The owner or operator of any fish hatchery may kill or  
2 take any pied-billed grebe, gull or tern, American bittern, black-  
3 crowned night heron, merganser, great blue heron, also known as blue  
4 crane, poorjoe or cranky, or kingfisher, within the bounds of such  
5 hatchery after having been issued a permit by the commission. Each  
6 such permittee shall file with the commission an itemized report show-  
7 ing the species and number of birds killed during the period covered  
8 by the permit. Report shall be filed on or before January first each  
9 year. Failure to file such report shall be grounds for refusal to issue  
10 subsequent permits.

1 SEC. 41. No part of the plumage, skin or body of any bird protected  
2 by this chapter shall be sold or had in possession for sale, irrespective  
3 of whether said bird was captured or killed within or without the state,  
4 except as otherwise provided.

1 SEC. 42. A hunting license shall not permit the holder to trap any  
2 fur-bearing animal as defined in this chapter.

1 SEC. 43. Any person who shall have in his possession any game bird  
2 or game animal, fish or fur or part thereof shall upon request of the  
3 director or any conservation officer or any peace officer exhibit the  
4 same to him, and a refusal to do so shall constitute a violation of this  
5 act.

1 SEC. 44. It shall be unlawful to have in possession while hunting  
2 or to use while hunting any ferret or mechanical device or any substance  
3 to be used for chasing animals from their dens.

1 SEC. 45. No person shall at any time shoot any rifle on or over  
2 any of the public waters or public highways of the state.

1 SEC. 46. Except as otherwise provided, it shall be unlawful for any  
2 person to buy or sell, dead or alive, any bird or animal or any part  
3 thereof which is protected by this chapter but nothing in this section  
4 shall apply to fur-bearing animals or rabbits.

#### DOGS

1 SEC. 47. It shall be unlawful to train any bird dog on game in the  
2 wild from March fifteenth (15th) to July fifteenth (15th) each year.  
3 No firearms or other device for taking game shall be carried while  
4 training such dog during closed season for quail or pheasants.

Note: Sec. 48 omitted in enrolled bill.

#### POSSESSION AND STORAGE

1 SEC. 49. Any person having lawful possession of game may hold  
2 same for not to exceed ten (10) days after the close of the open season  
3 for such game. A permit to hold such game for a longer period may  
4 be granted by the commission.

1 SEC. 50. No person except those acting under the authority of the  
2 state conservation director shall capture or take or attempt to capture  
3 or take, with any trap, snare or net, any game bird, nor shall any  
4 person use any poison or any medicated or poisoned food or any other  
5 substance for the killing, capturing or taking of any game bird or  
6 animal.

### GAME BREEDERS

1 SEC. 51. It shall be unlawful for any person to raise or sell game  
2 of the kinds protected by this chapter without first procuring a game  
3 breeder's license as provided by law.

1 SEC. 52. A licensed game breeder may hold in possession at any  
2 time any game bird, game animal or fur-bearing animal raised by him  
3 or obtained from without the state or from a licensed game breeder  
4 within the state. Such licensee may buy, sell, or otherwise dispose  
5 of such game birds, game animals, fur-bearing animals, or any part  
6 thereof. Possession and use of such game birds, game animals or  
7 fur-bearing animals obtained from a licensed game breeder shall be  
8 deemed lawful, provided that no game birds so obtained may be sold  
9 for food.

1 SEC. 53. Any holder of a game breeder's license shall keep a record  
2 of all purchased and all sales of stock showing the kinds and numbers  
3 of each, dates of transactions, and from whom purchased, and to  
4 whom sold. Such record shall be open for inspection by the commis-  
5 sion at any time. Each licensee shall on or before May first (1st) of  
6 each year file a report with the commission setting out the informa-  
7 tion mentioned above on forms supplied by the commission.

### SCIENTIFIC COLLECTING

1 SEC. 54. The commission may, after investigation, issue to any  
2 person a scientific collector's license under which license such person  
3 may be permitted to collect for scientific purposes only, any birds,  
4 nests, eggs, or wild animals or fish. No person to whom such license is  
5 issued shall dispose of any such collection or part thereof except upon  
6 written permission of the commission. The application for such  
7 license shall be made upon blanks to be furnished by the commission.  
8 Each holder of such license shall within thirty (30) days after the  
9 expiration of such file with the commission a report showing all speci-  
10 mens by him collected. Such license may be revoked at any time for  
11 cause.

1 SEC. 55. It shall be unlawful for any person to capture birds or  
2 animals for banding purposes except that the commission may, after  
3 investigation, issue a permit to any person permitting him to capture  
4 birds or animals for the purpose of banding or marking same for  
5 scientific study, but no such birds or animals may be killed or injured  
6 or retained in possession, but must be liberated safely and promptly.  
7 Such permit may be revoked at any time for cause. Each holder of  
8 such permit shall report to the commission once each month the num-  
9 ber, kind of birds or animals banded, and the band numbers.

### ANGLING LAWS

1 SEC. 56. Except as expressly provided in this chapter a closed  
2 season is established for each variety of fish listed in the following  
3 tables. The table designated "A" shall be applicable to all waters of  
4 the state except the Mississippi River and Missouri River. The table  
5 designated "B" shall be applicable to the Mississippi River and Mis-  
6 sissippi River only. Such closed season shall extend during all the time  
7 in each year except the period embraced within the dates, both inclu-  
8 sive, set opposite the names of each variety in the column headed  
9 "open season"; and except as expressly provided in this chapter no

10 person shall take, capture, or kill fish of any such variety at any time  
 11 other than the open season therefor, nor in the open season in excess  
 12 of the daily catch limit in any one day, nor have in possession in excess  
 13 of the possession limit at any time, nor under the minimum length  
 14 or weight for each fish designated opposite each variety in the columns  
 15 headed respectively "daily catch limit", "possession limit" and "mini-  
 16 mum length or weight". Measurement of length shall be taken in a  
 17 straight line from the tip of the snout to the utmost end of the tail fin.

TABLE A

	Kind of Fish	Open Season	Daily Catch Limit	Possession Limit	Minimum Length or Weight
18	Trout—brown, rainbow, brook	5 A. M. April 1 to 9 P. M. Sep- tember 1. Trout shall be fished for only from one hour be- fore sunrise to 9 P. M. each day	8	16	7 inches
19					
20					
21					
22					
23					
24					
25	Northern pike	May 15 to No- vember 30	8	16	15 inches
26					
27	Large-mouth bass	June 15 to No- vember 30	5	10	12 inches
28					
29	Small-mouth bass	June 15 to No- vember 30	5	10	10 inches
30					
31	Sand Pike, Sauger Pike, wall-eyed pike	May 15 to No- vember 30	8	16	13 inches
32					
33	Bullheads	Continuous	25	50	None
34					
35	Sheepshead	May 15 to No- vember 30	25	50	None
36					
37			Except in Spirit Lake, East and West Okoboji Lakes and Storm Lake no catch or possession limits		
38					
39					
40					
41					
42					
43					
44					
45					
46					
47	Rock sturgeon, sand sturgeon, paddlefish	August 1 to November 30	15	30	Rock sturgeon and paddlefish —not less than five (5) pounds. Sand sturgeon not less than one (1) pound. 7 inches
48					
49					
50	Yellow perch, yellow bass, striped bass, silver bass,	May 15 to No- vember 30	15	30	7 inches
51					
52					
53					
54					
55					
56					
57					
58					
59					



TABLE A—Continued

Kind of Fish	Open Season	Daily Catch Limit	Possession Limit	Minimum Length or Weight
60 Crappies	June 15 to November 30	15	30	7 inches
61				
62 Warmouth	June 15 to November 30	15	30	5 inches
63 bass, rock				
64 bass, sunfish,				
65 bluegills				
66 Catfish				
67	May 1 to May 30 in inland streams only and July 1 to November 30 in all inland waters	15	30	12 inches
68				
69				
70				
71				
72				
73 Suckers, Red-horse	Continuous	15	30	None
74	Continuous	None	None	None
75 Carp, buffalo, quill-back,				
76 gar, dogfish				
77				
78 Minnows	May 15 to November 30	None	None	None
79				

TABLE B

80 Rock sturgeon,	August 1 to November 30	None	None	Rock sturgeon not less than five (5) pounds.
81 sand sturgeon,				
82 geon, paddle-				
83 fish				
84				
85				
86				
87				
88				
89				
90	Continuous	15	30	Sand sturgeon not less than one (1) pounds.
91 Northern pike				
92 Catfish				
93 Sheepshead				
94 Bullheads, carp				
95 buffalo, gar,				
96 quillback,				
97 dogfish, suck-				
98 ers, redhorse				
99 Large-mouth	June 15 to November 30	5	10	10 inches
100 bass, small-				
101 mouth bass				
102 Crappie, perch,	May 15 to November 30	15	30	7 inches
103 yellow bass,				
104 silver bass				

TABLE B—Continued

	Kind of Fish	Open Season	Daily Catch Limit	Possession Limit	Minimum Length or Weight
105	Sunfish, blue-	May 15 to November 30	15	30	5 inches
106	gill, rock				
107	bass, war-				
108	mouth bass				
109	Wall-eyed pike	May 15 to November 30	8	16	13 inches
110					
111	Minnows	May 15 to November 30	None	None	None
112					

1 SEC. 57. In Lake Wapello in Davis county and Upper Keomah lake  
2 in Mahaska county fish may be taken only between five (5:00) o'clock  
3 A. M. June fifteenth (15th) and ten-thirty (10:30) P. M. November  
4 thirtieth (30th), each year. Fish may be taken from such artificial  
5 lakes during such open season only between five (5:00) o'clock A. M.  
6 and ten-thirty (10:30) P. M. each day. The following artificial lakes  
7 are closed to all fishing and minnow removal during 1937: Upper Pine  
8 lake in Hardin county, Lake Macbride in Johnson county, Lake  
9 Ahquabi in Warren county, Springbrook lake in Guthrie county,  
10 Beed's lake in Franklin county, Lake Keomah in Mahaska county ex-  
11 cept Upper Keomah lake, Echo Valley lake in Fayette county, Lake of  
12 Three Fires in Taylor county, Farmington lake in Van Buren county,  
13 Afton reservoir in Union county, Greenfield city reservoir in Adair  
14 county, Lake Keosauqua in Van Buren county, Swan lake in Carroll  
15 county, and Red Haw lake in Lucas county. Provided, however, that  
16 Lake Keomah proper, Lake Macbride and Upper Pine lake shall be  
17 open to fishing beginning June fifteenth (15th), 1938, under such re-  
18 strictions as herein apply to Lake Wapello.

1 SEC. 58. It shall be unlawful for any person to take from Lake  
2 Wapello in Davis county and Upper Keomah lake in Mahaska county  
3 in any one day more than twelve (12) fish in the aggregate of which  
4 twelve (12) not more than five (5) may be black bass and not more  
5 than seven (7) may be crappies.

1 SEC. 59. It shall be unlawful for any person to use for bait in any  
2 state-owned artificial lake minnows or small fish which have not been  
3 inspected and approved by a representative of the commission.

1 SEC. 60. Any fish caught that is less than lawful minimum length  
2 or weight shall be handled with wet hands and released under water  
3 immediately with as little injury as possible.

1 SEC. 61. No person shall at any time take from the waters of the  
2 state any fish, except as otherwise provided in this chapter, except  
3 with hook, line and bait, nor shall any person use more than two (2)  
4 lines with one (1) hook on each line in still fishing or trolling, and in  
5 fly fishing not more than one (1) fly may be used on one (1) line,  
6 and in trolling and bait casting not more than one (1) trolling spoon  
7 or artificial bait may be used on one line. No person shall leave such  
8 fish line or lines and hooks in the water unattended or take or attempt  
9 to take any fish by snagging or to purposely hook them in any other  
10 part than in the mouth. One (1) hook shall mean a single, double or  
11 treble pointed hook, and all hooks attached as a part of an artificial  
12 bait or lure shall be counted as one (1) hook.

1 SEC. 62. It shall be unlawful for any person to use in the inland  
2 waters of the state open to the use of trot or throw lines, more than  
3 one (1) throw line or trot line and such line shall have not more than  
4 fifteen (15) hooks, but no person shall leave such line set, and he shall  
5 be in constant attention of such line, and no person shall use such  
6 throw line or trot line in any stocked lake or within three hundred  
7 (300) feet of any dam or spillway or in any stream or portion of  
8 stream, closed or posted against the use of such tackle. One end of  
9 such throw line or trot line shall be set from the shore and be visible  
10 above the shore water line, but no such throw line or trot line shall be  
11 set entirely across a stream or body of water.

1 SEC. 63. It shall be unlawful to use trot or throw lines in the rivers  
2 and streams of the state, except in the Mississippi river, Missouri river,  
3 Big Sioux river, Skunk river, and all rivers and streams south of  
4 United States highway 30 as it is now located.

1 SEC. 64. It shall be unlawful for any one person to use, in the Mis-  
2 sissippi river, Missouri river or Big Sioux river, more than one (1)  
3 throw or trot line having more than twenty-five (25) hooks.

1 SEC. 65. It shall be unlawful, except as otherwise provided, to use  
2 on or in the waters of the state any grab-hook, snag-hook, artificial  
3 light, any kind of a net, seine, trap, firearm, dynamite, or other ex-  
4 plosives, or poisonous or stupefying substances, lime, ashes or elec-  
5 tricity in the taking or attempting to take any fish, except that gaff-  
6 hooks or landing nets may be used to assist in landing fish. No person  
7 shall take or kill, or attempt to take or kill any fish by hand fishing,  
8 providing however, that it shall be lawful to spear carp, buffalo, quill-  
9 back, gar and dogfish in the overflow waters of the Mississippi river,  
10 and in Cedar river, Muscatine county, Iowa.

1 SEC. 66. It shall be unlawful to fish by trolling from any machine  
2 propelled or sail boat on any of the inland waters of the state, or on  
3 any boundary water except the Mississippi river or Missouri river.

1 SEC. 67. No private water may be stocked by the commission un-  
2 less the owner agrees that such waters shall be open to the public for  
3 fishing.

1 SEC. 68. It shall be unlawful for any person to buy, sell, barter  
2 or to offer for sale any black bass or part thereof whether taken within  
3 or without the state.

1 SEC. 69. For the purpose of taking minnows only, it shall be law-  
2 ful for any person to use a minnow dip net not to exceed four (4)  
3 feet in diameter or a minnow seine not to exceed fifteen (15) feet in  
4 length and having a mesh not smaller than one-fourth ( $\frac{1}{4}$ ) inch bar  
5 measure or larger than one-half ( $\frac{1}{2}$ ) inch bar measure and on issu-  
6 ance of permit by the commission, boat liveries may use minnow seines  
7 not exceeding fifty (50) feet in length.

1 SEC. 70. Except as otherwise provided no person shall carry, trans-  
2 port or ship or cause to be carried, transported or shipped any minnows  
3 for the purpose of sale beyond the boundaries of the state.

1 SEC. 71. It shall be unlawful to transport or to use or to sell or  
 2 offer for bait or to place into any inland waters of the state or into  
 3 any waters from which waters of the state may become stocked any  
 4 young fish of carp, quillback, gar, or dogfish, and any minnows or  
 5 young fish of any of these species taken shall not be returned to any  
 6 such waters, but shall be destroyed.

1 SEC. 72. It shall be unlawful for any person to take, capture or have  
 2 in possession frogs from November thirtieth (30th) to June first (1st)  
 3 in any year.

1 SEC. 73. It shall be unlawful for any person at any time to ship,  
 2 transport, sell, or offer for sale frogs to any point outside the state.

1 SEC. 74. It shall be unlawful for any person at any time, except  
 2 as otherwise provided, to take any fish, minnows, frogs, or other  
 3 aquatic, biological life from any state fish hatchery, nursery or other  
 4 area under the jurisdiction of the commission operated for fish pro-  
 5 duction purposes.

1 SEC. 75. The United States commissioner of fisheries, and his duly  
 2 authorized agents, are hereby authorized to conduct fish culture op-  
 3 erations, rescue work on the boundary waters of the state, and other  
 4 operations necessary for rescue and hatchery work.

#### TRAPPING OF FUR-BEARING ANIMALS

1 SEC. 76. Except as otherwise provided, no person shall take, cap-  
 2 ture, kill, or have in possession any fur-bearing animal or any part  
 3 thereof of any of the following varieties at any time except the period  
 4 embraced within the dates, both inclusive, set opposite the names of  
 5 each variety below, except where such killing, trapping, or ensnaring  
 6 may be for the protection of public or private property. Provided, it  
 7 shall be lawful for any person to have in his possession, sell, transport,  
 8 or otherwise dispose of during such open season as herein provided,  
 9 and for ten (10) days thereafter, the carcass of, hide or skin of any  
 10 animal named in this section.

11	1. Badger	November 10th to January 10th,
12	2. Mink	November 10th to January 10th,
13	3. Raccoon	November 10th to January 10th,
14	4. Skunk (in all counties	November 10th to January 10th,
15	except Lucas,	
16	Wayne, Guthrie)	
17	5. Opposum	November 10th to January 10th,
18	6. Civet Cat	November 10th to January 10th,
19	7. Muskrat	November 10th to January 10th,
20	8. Red fox or gray fox	Continuous open season,
21	9. Beaver and otter	Continuous closed season,
22	10. Weasel	Continuous open season,
23	11. Ground hog	Continuous open season,
24	12. Wolf, coyote	Continuous open season.

1 SEC. 77. It shall be unlawful for any person except a licensed fur  
 2 dealer to ship or sell any skin or hide of any fur-bearing animal de-  
 3 fined in this chapter to dealers or buyers outside of this state unless

4 he first obtains from the commission a special permit tag authorizing  
5 such shipment.

1 SEC. 78. Upon application, which shall be filed with the commis-  
2 sion within ten (10) days after the close of the open season, any per-  
3 son may be permitted to hold hides or skins of fur-bearing animals  
4 lawfully taken for a longer time than specified above. Such applica-  
5 tion shall be verified and shall show the number and varieties of the  
6 skins or hides to be held by the applicant. The commission shall  
7 thereupon issue a permit to such applicant to hold such skins or hides,  
8 which permit shall authorize the holder to sell or otherwise dispose  
9 of such skins or hides.

1 SEC. 79. It shall be unlawful for any person to molest or disturb,  
2 in any manner, any muskrat house, beaver dam, skunk or raccoon den  
3 except in the presence of a conservation officer.

1 SEC. 80. No person shall kill with shotgun, or spear any beaver,  
2 mink, otter, or muskrat, or have in possession any of said animals or  
3 the carcasses, skins or parts thereof that have been killed with shot-  
4 gun or spear.

1 SEC. 81. Except as otherwise provided in this act, no person shall  
2 at any time, use or attempt to use any colony or box trap including  
3 figure four box traps, in taking, capturing, trapping or killing any  
4 game bird or animal.

#### FUR DEALERS

1 SEC. 82. The term "*fur dealer*" as used in this chapter shall mean  
2 any person, firm, partnership, or corporation engaged in the business  
3 of buying, bartering, trading or otherwise obtaining raw hides or  
4 skins of fur-bearing animals.

1 SEC. 83. A license shall be required of each such fur dealer. The  
2 commission shall, upon application and the payment of the required  
3 license fee, furnish proper certificates to dealers.

1 SEC. 84. The commission shall, upon application and the payment  
2 of the required fee, issue a certificate to each person who, as an agent  
3 or representative of a licensed fur dealer, buys or sells fur or hides  
4 for such dealer. The dealer to whose agent or representative such  
5 a certificate is issued shall be responsible for all his acts as such rep-  
6 resentative or agent. No fur dealer shall be entitled to operate under  
7 such agent's certificate.

1 SEC. 85. A licensed fur dealer may have in his possession at any  
2 time skins or hides of animals which have been lawfully taken.

1 SEC. 86. Fur dealers shall, within fifteen (15) days after the close  
2 of the open season in which fur-bearing animals may be lawfully taken,  
3 prepare and file with the commission a verified inventory. Such in-  
4 ventory shall show the number and kind of hides and skins which  
5 have been purchased.

1 SEC. 87. It shall be the duty of each fur dealer to report to the com-  
2 mission, the name of any person if known to such dealer, who attempts  
3 to sell any skins or hides which appear to have been unlawfully pos-  
4 sessed by said person.

## MUSSELS

1 SEC. 88. It shall be unlawful for any person to take, catch or kill  
2 mussels for commercial purposes without first having procured a  
3 mussel license as provided by law.

1 SEC. 89. It shall be unlawful, except as provided in this chapter, for  
2 any person to take, catch, kill, or have in possession mussels except  
3 from the waters and at the times prescribed in this section:

4 (a) The Mississippi river and the Missouri river are open at all times.  
5 All other state waters are closed except as follows: That section of  
6 the Red Cedar (Cedar) river having for its upper boundary the dam  
7 in Waterloo, Black Hawk county, and having for its lower boundary the  
8 point of junction with the Iowa river in Louisa county; that section  
9 of the Iowa river having for its upper boundary the North river bridge  
10 at Marengo, Iowa county, and having for its lower boundary the point  
11 of junction with the Mississippi river in Louisa county and that sec-  
12 tion of the Des Moines river having for its upper boundary the Min-  
13 neapolis and St. Louis railway bridge located one and one-half miles  
14 north of Coalville, Pleasant Valley township, Webster county, and hav-  
15 ing for its lower boundary the point of junction with the Mississippi  
16 river in Lee county, open to taking of mussels between June fifteenth  
17 (15th) and November thirtieth (30th), each year.

1 SEC. 90. Manufacturers of pearl buttons or of fish bait may at any  
2 time possess mussels which have been lawfully taken. Nothing in this  
3 or preceding sections shall be construed to prohibit a licensed fisher-  
4 man from taking mussels to be used by him for food or bait.

1 SEC. 91. For the purposes of this chapter the term "*crowfoot bar*"  
2 shall mean a bar of any material bearing a series of hooks designed to  
3 catch or adapted for catching mussels by the insertion of such hooks  
4 between the shells of the mussels; "*commercial purposes*" shall mean  
5 and be presumed to be the taking, catching, killing or having in posses-  
6 sion mussels for the purpose of the sale of the shell or viscera, unless  
7 the contrary is proven; "*rig*" shall mean one boat equipped with not  
8 more than four crowfoot bars, one boat equipped with power, and one  
9 barge.

1 SEC. 92. It shall be unlawful for any person to operate more than  
2 one boat for each license, or one rig in taking, catching or killing mus-  
3 sels for commercial purposes. One additional boat for the purpose of  
4 towing, may be used, but only when no apparatus for taking, catching,  
5 or killing mussels is used or kept thereon.

6 (a) It shall be unlawful for any person to have in possession in the  
7 water while engaged in taking, catching or killing mussels for com-  
8 mercial purposes, more than four (4) crowfoot bars, or for more than  
9 two (2) such bars to be in the water at the same time, or for any crow-  
10 foot bar to be of greater length than twenty (20) feet.

11 (b) It shall be lawful for any person to use a fork and/or hands in  
12 the taking, catching or killing of mussels, provided it is not done at  
13 the same time crowfoot bars are being used.

1 SEC. 93. It shall be unlawful for any person to take, or kill, offer  
2 for sale or have in possession for commercial purposes, any mussel

3 of a size less than one and three-fourths ( $1\frac{3}{4}$ ) inches in greater dimen-  
4 sions. Undersized mussels shall be immediately culled and returned  
5 to the water from where taken, without avoidable injury, except that  
6 the so-called "pig-toes" may be retained.

1 SEC. 94. On or before April first (1st), each year, the holder of a  
2 mussel license shall make a written report to the commission on blanks  
3 furnished by the commission stating the total weight of mussels taken,  
4 caught or killed under such license, the names and location of waters  
5 from which the mussels were taken and the amount received for the  
6 shells or viscera sold or processed and sold. Failure to make such re-  
7 port shall authorize the commission to refuse the issuance of another  
8 license until the report is filed.

### COMMERCIAL FISHING

1 SEC. 95. It shall be unlawful except as otherwise provided for any  
2 person to use any net or any seine in taking fish other than in the law-  
3 ful taking of minnows.

1 SEC. 96. It shall be lawful to use seines, pound nets, dip nets, hoop  
2 nets, fyke nets, fiddler nets, or trammel nets in the Missouri river or  
3 Mississippi river, except as hereinafter provided in this section but only  
4 when such nets or seines have been properly licensed, and properly  
5 tagged, in accordance with the provisions of chapter eighty-six-e one  
6 (86-e1) 1935 code of Iowa, and of this section, and only when such  
7 nets or seines comply with the provisions of law and at such times and  
8 in such manner and for the taking of such species of fish as are per-  
9 mitted by law.

10 (a) It shall be unlawful for any person to place any net or seine of  
11 any kind within one hundred yards of the mouth of any tributary  
12 stream emptying into the Mississippi river or Missouri river.

13 (b) All licensed nets or seines shall have attached for each five hun-  
14 dred feet or portion thereof a metal tag identifying the net and license  
15 for its use. Identification tags shall be furnished by the commission  
16 and a charge of ten cents shall be made for each tag and such tags  
17 shall be renewed annually.

18 (c) The following waters are closed to the use of all fishing tackle  
19 except that pole, line and hook may be used for the purpose of taking  
20 fish:

21 That part of the Mississippi river in Lee county, Iowa, between the  
22 Mississippi River Power company dam and the Toledo, Peoria and  
23 Western railway and vehicle bridge at Keokuk, Iowa; and also an area  
24 in Dubuque county described as follows: beginning at a point on the  
25 west bank of the Mississippi river at the north and south center line of  
26 section twenty-four (24) township eighty-eight (88) north, range  
27 four (4) east of the 5th P. M., Dubuque county, Iowa, thence north-  
28 westerly along the west bank of the Mississippi river to the north line  
29 of the south-west one quarter ( $\frac{1}{4}$ ) of the southeast one quarter ( $\frac{1}{4}$ )  
30 of section ten (10), township eighty-eight (88) north, range four (4)  
31 east of the 5th P. M., thence easterly to the head of Green's island  
32 otherwise charted as "Nine Mile Island", thence southeasterly along  
33 the east bank of Green's island to the downstream end thereof, thence  
34 to the point of beginning.

1 SEC. 97. It shall be unlawful for any person to fish with or to use  
2 any seine, pound net, hoop net, dip net, fiddler net or fyke net, having  
3 a mesh of less than one and one-half ( $1\frac{1}{2}$ ) inches square or bar  
4 measure or to fish with or to use any trammel net having a mesh of  
5 less than two (2) inches square or bar measure. Such measurements  
6 shall apply to meshes when in use and no allowance shall be made for  
7 shrinkage due to any cause. Any commercial fishing equipment in  
8 use shall be subject to inspection by the commission or its authorized  
9 agents at any time.

1 SEC. 98. It shall be lawful to fish with and to use pound nets, dip  
2 nets, hoop nets, fyke nets, fiddler nets and trammel nets in the Missis-  
3 sippi river and Missouri river at any time.

1 SEC. 99. It shall be lawful to fish with or to use seines in the Mis-  
2 sissippi river and Missouri river between June fifteenth (15th) and  
3 May fifteenth (15th) of the following year, both dates inclusive but  
4 at no other time.

1 SEC. 100. It shall be lawful to take from the waters of the Missis-  
2 sippi river and Missouri river with licensed and tagged nets or seines  
3 the following species of fish: carp, buffalo, gar, suckers, quillback,  
4 sheepshead, northern pike, pickerel, bullheads, dogfish, rock sturgeon,  
5 sand sturgeon, catfish or paddlefish, subject to minimum weight or  
6 length requirements provided by law.

1 SEC. 101. It shall be lawful to take from the waters of the Missis-  
2 sippi river and the Missouri river with licensed and tagged nets or  
3 seines, and have in possession the following list of fish taken from said  
4 waters: carp, buffalo, suckers, redhorse, bullheads, quillback, catfish,  
5 gar, northern pike, pickerel, sheepshead or dogfish, at any time.

6 (a) It shall be unlawful to take or have in possession paddlefish,  
7 rock sturgeon or sand sturgeon from December first (1st) to July  
8 thirty-first (31st) of the following year, both dates inclusive.

1 SEC. 102. It shall be lawful for any person to take or catch, with  
2 licensed nets or seines, any catfish not less than thirteen (13) inches  
3 long, any buffalo not less than fifteen (15) inches long, any northern  
4 pike or pickerel not less than eighteen (18) inches long, any bullhead  
5 not less than eight and one-half ( $8\frac{1}{2}$ ) inches long, any sheepshead  
6 not less than ten (10) inches long, any sucker or redhorse not less than  
7 twelve (12) inches long, any sand sturgeon weighing not less than  
8 one (1) pound, any rock sturgeon weighing not less than five (5)  
9 pounds, any paddlefish weighing not less than five (5) pounds.

1 SEC. 103. It shall be unlawful for any person to place any gar  
2 pike in any waters of the state and such fish when taken shall be  
3 destroyed.

1 SEC. 104. It shall be lawful for the holder of a net or seine license  
2 to possess and sell such species and sizes of fish as are lawfully taken  
3 and such fish may be delivered to original buyers and/or may be sold  
4 by such licensee at a place on the bank to which they are brought from  
5 the nets or seines, but any such sales shall be made by the licensee  
6 or his agent. Any other sale of fish taken under this section shall re-  
7 quire a wholesale fish market or fish peddler's license.



1 SEC. 105. Each holder of a net or seine license shall make a report  
2 to the commission annually showing the amounts, kinds and value of  
3 fish caught during the period of the license, where fish were caught  
4 and kind of tackle used. Failure or refusal to make said report shall  
5 be cause for the commission to refuse issuance of license or renewal  
6 until such report is made.

1 SEC. 106. It shall be unlawful for any person, firm or corporation  
2 to peddle fish or to operate a wholesale fish market, jobbing house, or  
3 other place for the wholesale marketing of fish, or distribution of  
4 fish, without first procuring a license. The commission shall upon  
5 application and the payment of the required fee furnish a license to  
6 wholesale fish markets or fish peddlers. The commission may upon  
7 application and the payment of the required fee issue a certificate to  
8 each person who as a representative of a wholesale fish market is en-  
9 gaged in peddling fish.

1 SEC. 107. Each holder of a wholesale fish market or fish peddler's  
2 license shall keep an accurate record of the species and quantities  
3 of all fish taken from Iowa waters acquired or handled by such licensee  
4 during the license year. Such records shall be open at all reasonable  
5 times to inspection by the commission. Such licensee shall within  
6 thirty (30) days after the expiration of the license make a report  
7 upon blanks furnished by the commission of all fish acquired or handled  
8 by such licensee. Failure to make such report shall be cause to re-  
9 fuse to issue a new license.

1 SEC. 108. Whoever shall violate any of the provisions of the fore-  
2 going sections numbered 28 to 107, inclusive, shall be punished as is  
3 provided in section seventeen hundred eighty-nine (1789), code 1935,  
4 as amended by this act.

#### FISH AND GAME LICENSES

1 SEC. 109. Section seventeen hundred ninety-four-e ten (1794-e10),  
2 code 1935, is amended by striking all of said section following the  
3 word "granted" in line eleven (11) thereof, save the period (.)

1 SEC. 110. Section seventeen hundred ninety-four-e twelve (1794-  
2 e12), code 1935, is amended by striking all after the comma (,) in  
3 line four (4) thereof and so much of line five (5) as precedes the word  
4 "magistrate" and substituting the following: "or of any adminis-  
5 trative order adopted and published by the state conservation com-  
6 mission".

#### PUBLIC PARKS

1 SEC. 111. Section seventeen hundred ninety-nine-b one (1799-b1),  
2 code 1935, is hereby repealed.

1 SEC. 112. Chapter eighty-seven (87), code 1935, is amended by  
2 adding thereto the provisions of sections herein designated section one  
3 hundred thirteen (113) to section one hundred thirty-six (136) in-  
4 clusive.

1 SEC. 113. It shall be unlawful for any person to use, enjoy the  
2 privileges of, destroy, injure or deface plant life, trees, buildings, or  
3 other natural or material property, or to construct or operate for

4 private or commercial purposes any structure, or to remove any plant  
5 life, trees, buildings, sand, gravel, ice, earth stone, wood or other  
6 natural material, or to operate vehicles, within the boundaries of any  
7 state park, preserve, or stream or any other lands and/or waters  
8 under the jurisdiction of the conservation commission as defined in  
9 this chapter or as may hereafter be amended for any purpose what-  
10 soever, except upon the terms, conditions, limitations and restrictions  
11 as set forth herein.

1 SEC. 114. The maximum speed limit of all vehicles on state park  
2 and preserve drives, roads and highways shall be fifteen (15) miles  
3 per hour. All driving shall be confined to designated roadways.

1 SEC. 115. Excessively loaded vehicles shall not operate over state  
2 park or preserve drives, roads or highways. The determination as to  
3 whether the load is excessive will depend upon the load and the road  
4 conditions.

1 SEC. 116. All vehicles shall be parked in designated parking areas,  
2 and no vehicle shall be left unattended on any state park or preserve  
3 drive, road or highway, except in the case of an emergency.

1 SEC. 117. No horse or other animal shall be hitched or tied to any  
2 tree or shrub, or in such a manner as to result in injury to state prop-  
3 erty.

1 SEC. 118. No fire shall be built, except in a place provided therefor,  
2 and such fire shall be extinguished when site is vacated unless it is  
3 immediately used by some other party.

1 SEC. 119. No person shall, in any manner, remove, destroy, injure  
2 or deface any tree, shrub, plant, or flower, or the fruit thereof, or  
3 disturb or injure any structure or natural attraction, except that upon  
4 written permission of the commission certain specimens may be re-  
5 moved for scientific purposes.

1 SEC. 120. The use by the public of firearms, fireworks, explosives  
2 and weapons of all kinds is prohibited in all state parks and preserves.

1 SEC. 121. No person shall place any waste, refuse, litter or foreign  
2 substance in any area or receptacle except those provided for that  
3 purpose.

1 SEC. 122. No person shall enter upon portions of any state park  
2 or preserve in disregard of official signs forbidding same, except by  
3 permission of the state conservation director or his representative.

1 SEC. 123. No privately-owned animal shall be allowed to run at  
2 large in any state park or preserve or upon lands or in waters owned  
3 by or under the jurisdiction of the commission except by permission  
4 of the commission. Every such animal shall be deemed as running at  
5 large unless the owner carries such animal or leads it by a leash or  
6 chain not exceeding six (6) feet in length, or keeps it confined in or  
7 attached to a vehicle.

1 SEC. 124. Except by arrangement or permission granted by the  
2 director or his authorized representative, all persons shall vacate

3 state parks and preserves before ten-thirty o'clock P.M. (10:30 P.M.).  
 4 Areas may be closed at an earlier or later hour, of which notice shall  
 5 be given by proper signs or instructions. The provisions of this sec-  
 6 tion shall not apply to authorized camping in areas provided for that  
 7 purpose.

1 SEC. 125. The commission is hereby authorized to fix fees for  
 2 camping and other special privileges which shall be in such amounts  
 3 as may be determined by the commission upon a basis of the cost of  
 4 providing and reasonable value of such privileges.

1 SEC. 126. No person shall camp in any portion of a state park or  
 2 preserve except in portions prescribed or designated by the commis-  
 3 sion.

1 SEC. 127. No person shall be permitted to camp for a period longer  
 2 than that designated by the commission for the specific state park or  
 3 preserve, and in no event longer than for a period of two weeks.

1 SEC. 128. Any person who camps in any state park or preserve  
 2 shall register his or her name and address with the park custodian  
 3 and advise the custodian when the camp is vacated.

1 SEC. 129. Custodians are given authority to refuse camping privi-  
 2 leges and to rescind any and all camping permits for cause.

#### ICE, SAND AND GRAVEL REMOVAL

1 SEC. 130. No person shall remove any ice, sand, gravel, stone,  
 2 wood or other natural material from any lands or waters under the  
 3 jurisdiction of the commission without first entering into an agree-  
 4 ment with the commission.

1 SEC. 131. The commission may enter into agreements for the re-  
 2 moval of ice, sand, gravel, stone, wood, or other natural material from  
 3 lands or waters under the jurisdiction of the commission if, after in-  
 4 vestigation, it is determined that such removal will not be detrimental  
 5 to the state's interest. The commission may specify the terms and  
 6 consideration under which such removal is permitted and issue writ-  
 7 ten permits for such removal.

1 SEC. 132. Any person removing ice under a permit shall erect bar-  
 2 riers on any part of an ice field where ice is cut, where said field crosses  
 3 or traverses any part of a stream or lake that is used as a way of  
 4 passage.

1 SEC. 133. In removing sand, gravel, or other material from state-  
 2 owned waters by dredging, the operator shall so arrange his equip-  
 3 ment that other users of the lake or stream shall not be endangered by  
 4 cables, anchors, or any concealed equipment. No waste material shall  
 5 be left in the water in such manner as to endanger other craft or to  
 6 change the course of any stream.

1 SEC. 134. Where operations are entirely on private property adja-  
 2 cent to a public lake or stream the natural bank between the state and  
 3 privately-owned areas shall not be removed except by permission of  
 4 the commission.

1 SEC. 135. Any person violating any of the provisions of the fore-  
 2 going sections numbered one hundred thirteen (113) to one hundred  
 3 thirty-four (134) inclusive, shall, upon conviction, be fined not to  
 4 exceed one hundred (100) dollars or be imprisoned in the county jail  
 5 not to exceed thirty (30) days.

1 SEC. 135a. Section seventeen hundred three-g fifteen (1703-g15)  
 2 is amended by adding to the said section the following:

3 "That the conservation officers are likewise given the power of peace  
 4 officers with respect to all violations of the motor vehicle laws and all  
 5 public offences committed in their presence."

#### GENERAL PROVISIONS

1 SEC. 136. If any clause, sentence, paragraph, or part of this act  
 2 shall for any reason be adjudged by any court of competent jurisdic-  
 3 tion to be invalid, such judgment or decree shall not affect, impair or  
 4 invalidate the remainder thereof, but shall be confined in its operation  
 5 to the clause, sentence, paragraph or part thereof directly involved in  
 6 the controversy in which such judgment shall have been rendered.

1 SEC. 137. This act, being deemed of immediate importance, shall  
 2 be in full force and effect from and after its passage and publication  
 3 in Evening Journal, a newspaper published in Washington, Iowa, and  
 4 in the Denison Bulletin, a newspaper published in Denison, Iowa.

Senate File 450. Approved April 27, 1937.

I hereby certify that the foregoing act was published in the Denison Bulletin, April 29,  
 1937, and the Evening Journal, Washington, April 29, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 100

### CONSERVATION COMMISSION

#### S. F. 278

AN ACT to provide for an appropriation to the state conservation commission for the construction of sewers and sewage diversion works in Dickinson county, Iowa, which will provide for the protection of the state waters, commonly known as the Iowa great lakes system in said county, and providing for the construction, maintenance, and operation of said works in cooperation with federal or other agencies.

WHEREAS, there is situated in Dickinson county, Iowa, a chain of lakes consisting of Spirit, East Okoboji, West Okoboji, Upper and Lower Gar and Minnewashta lakes; and the incorporated town of Arnolds Park and Spirit Lake now have sewage disposal plants which outlet into said lake system and for which said towns have expended funds or indebted themselves for substantial sums in conforming with the requirements of the state department of health; and the emptying of such sewage into these lakes, which are great natural resources and assets of this state, tends to damage the recreational and biological value of these lakes and jeopardize the public health of the state wide users thereof; and other towns and districts adjacent to this lake system do not have sewage disposal systems at the present time, and hesitate to provide sewage system of their own in view of the experience of Arnolds Park and Spirit Lake and the effect of those installations on the lake system; and,

WHEREAS, it is physically possible to install a comprehensive system of sewage diversion which will provide an outlet serving the incorporated towns, resident districts and residences in the area surrounding these lakes whereby the sewage will have a common outlet remote from the lakes aforesaid, and will not further contaminate them; and the towns, resident districts and individuals in the area aforesaid are financially unable to provide such a system which will be adequate for the high summer population without aid from the state and other agencies; and it is urgent that positive relief be afforded at as early a date as possible to check the rapid increase in contamination of the said state waters, and there is an opportunity at this time to construct the sewage disposal system in cooperation with federal and other agencies; and,

WHEREAS, the state conservation commission is an agency of the state charged with the duties and responsibilities of maintaining and the conservation of the natural resources of the state, therefore,

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

1     **SECTION 1. Purpose.** The purpose of this act is to provide for the  
2 improvement of state owned water of Dickinson county, Iowa, known  
3 as Spirit Lake, East Okoboji, West Okoboji, Upper Gar Lake, Lake  
4 Minnewashta and Lower Gar Lake, by providing for the construction  
5 of a sewage diversion system whereby sewage from the area surround-  
6 ing said lakes may be cared for by a common system that will not  
7 empty into said lakes, and to further provide a method financing, con-  
8 struction, maintenance and operation of said system or works.

1     **SEC. 2. Jurisdiction.** The state conservation commission is hereby  
2 given authority to acquire jurisdiction by lease, gift, grant, purchase  
3 or condemnation of any land or water or utility necessary to provide  
4 structures and necessary for fulfilling the purposes of this act.

1     **SEC. 3. Powers and duties.** For the specific purposes of this act  
2 the state conservation commission is hereby authorized and em-  
3 powered: .

4     1. To enter into such agreements with the federal government or  
5 agency thereof, city or town councils, board of supervisors of Dickin-  
6 son county, corporations, associations, individuals and any and all pub-  
7 lic agencies necessary to carry out the purpose of this act.

8     2. To accept all money, material, labor, services or other items of  
9 cost that will facilitate or aid in the construction of this project or its  
10 operation and maintenance and to expend or utilize the same.

11     3. To enter into agreements with any responsible association, cor-  
12 poration or firm or the board of supervisors of Dickinson county, the  
13 council of any city or town, whereby such city or cities, town or towns,  
14 association, corporation or firm, or the board of supervisors of Dickin-  
15 son county shall undertake the care, operation and maintenance of  
16 the improvements herein provided for, or any part thereof or the use  
17 thereof or contribution toward the cost thereof. Cities and towns and  
18 the board of supervisors of Dickinson county in addition to the powers  
19 already granted them are hereby authorized and empowered to aid  
20 in the construction of, or the maintenance and operation of such sew-  
21 age system or any part thereof, and to enter into any necessary con-  
22 tracts therefor, and to pay the expense thereof from the general fund,

23 the sewer fund, the sewer district fund, or the sewer outlet purifying  
24 plant and dumping ground fund, or any other fund that may be legally  
25 available, of such county, city or town, as the case may be.

1     **SEC. 4. Appropriation.** There is hereby appropriated out of the  
2 state funds now available for the division of emergency relief of the  
3 state board of social welfare the sum of \$125,000.00, or as much thereof  
4 as may be needed, which sum shall be available to the state conserva-  
5 tion commission for the purposes of this act when the project for which  
6 this appropriation has been made is approved by the federal govern-  
7 ment and when the federal government has made available its funds  
8 for the development of this project.

1     **SEC. 5. Constitutionality.** If any section, subsection, clause, sent-  
2 ence or phrase of this act is for any reason held to be unconstitutional  
3 and/or invalid such decision shall not affect the validity of the re-  
4 maining portions of this act.

1     **SEC. 6.** Nothing in this act shall be construed as creating any  
2 obligation on the state for maintenance or cost of operation of said  
3 sewage diversion system.

1     **SEC. 7. Publication.** This act, being deemed of immediate impor-  
2 tance, shall be in full force and effect from and after its passage and  
3 publication in the Everly News, a newspaper published in Everly,  
4 Iowa, and in the Spirit Lake Beacon, a newspaper published in Spirit  
5 Lake, Iowa.

Senate File 278. Approved May 13, 1937.

I hereby certify that the foregoing act was published in the Everly News, May 27,  
1937, and the Spirit Lake Beacon, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 101

### CIVIL ENGINEERS

#### S. F. 77

AN ACT to amend, revise and codify chapter eighty-nine (89) of the code of Iowa, 1935, relating to the practice of professional engineering and land surveying; creating a board of engineering examiners and defining the duties and qualifications of the members of such board; defining the terms "professional engineering" and "land surveying;" and providing for the examination and registration of persons engaged in the practice of professional engineering and land surveying; and providing penalty for violations of this act.

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

1     **SECTION 1.** That chapter eighty-nine (89) of the code of Iowa,  
2 1935, be amended, revised and codified to read as follows:

3     **1854. Registered engineers and surveyors.** No person shall prac-  
4 tice professional engineering or land surveying in the state unless he  
5 be a registered professional engineer or a registered land surveyor  
6 as provided in this chapter, except as permitted by the last section  
7 thereof.

8 1855. **Terms defined.** The "board" means the Iowa state board  
9 of engineering examiners provided by this chapter.

10 The term "*professional engineer*" as used in this chapter shall  
11 mean a person, who, by reason of his knowledge of mathematics, the  
12 physical sciences, and the principles of engineering, acquired by  
13 professional education and/or practical experience, is qualified to  
14 engage in engineering practice as hereinafter defined.

15 The practice of "*professional engineering*" within the meaning  
16 and intent of this chapter includes any professional service, such as  
17 consultation, investigation, evaluation, planning, designing, or re-  
18 sponsible supervision of construction in connection with structures,  
19 buildings, equipment, processes, works, or projects, wherein the pub-  
20 lic welfare, or the safeguarding of life, health or property is or may  
21 be concerned or involved, when such professional service requires  
22 the application of engineering principles and data.

23 The mere execution, as a contractor, of work designed by a pro-  
24 fessional engineer, or the supervision of the construction of such  
25 work as a foreman or superintendent shall not be deemed to be active  
26 practice in engineering work.

27 The term "*land surveyor*" as used in this chapter shall mean a person  
28 who engages in the practice of land surveying as hereinafter defined.

29 The practice of "*land surveying*" within the meaning and intent  
30 of this chapter includes surveying of areas for their correct determi-  
31 nation and description and for conveyancing, or for the establish-  
32 ment or reestablishment of land boundaries and the platting of lands  
33 and subdivisions thereof.

34 1856. **Board of engineering examiners—qualifications.** There is  
35 hereby created a state board of engineering examiners consisting of  
36 five (5) members who shall be appointed by the governor. Each  
37 member of the board shall be a professional engineer at least thirty-  
38 five (35) years of age, and shall have been a resident of this state  
39 for at least three (3) years immediately preceding his appointment  
40 and shall have had at least ten (10) years' active practice preceding  
41 his appointment and during such time shall have had charge of engi-  
42 neering work as principal or assistant for at least two (2) years,  
43 and shall be a member in good standing of a recognized state or na-  
44 tional engineering society. No two members of said board shall be  
45 from the same branch of the profession of engineering.

46 1857. **Appointment and tenure.** Appointments to said board shall  
47 be made as follows:

48 1. Two members on July 1, 1925, and each four years thereafter.

49 2. Three members on July 1, 1927, and each four years thereafter.

50 1858. **Vacancies—how filled.** Vacancies in the membership of the  
51 board caused by death, resignation, or removal from office, shall be  
52 filled by an appointment from the governor for the unexpired portion  
53 of the term.

54 1859. **Official seal—by laws.** The board shall adopt and have an  
55 official seal which shall be affixed to all certificates or registration  
56 granted and may make all by-laws and rules, not inconsistent with  
57 law, necessary for the proper performance of its duty.

58 1860. **Attorney general to assist—general powers.** Such board,  
59 or any committee thereof, shall be entitled to the counsel and to the  
60 services of the attorney general, and shall have power to compel the

61 attendance of witnesses, and may take testimony and proofs and  
62 may administer oaths concerning any matter within its jurisdiction.

63. **1861. Compensation and expenses.** Each member of the board  
64 shall receive as compensation the sum of ten (10) dollars per day  
65 for the time actually spent in traveling to and from, and in attend-  
66 ing sessions of the board and its committees, and shall receive all  
67 necessary traveling and incidental expenses incurred in the discharge  
68 of his duties, but in no event shall the state be chargeable with any  
69 expense incurred under the provisions of this chapter.

70. **1862. Organization of the board—meetings—quorum.** The board  
71 shall elect annually from its members a chairman and a vice chair-  
72 man. The secretary of the executive council, or one of his assist-  
73 ants, to be designated by him, shall act as secretary of said board.  
74 The board shall hold at least one stated meeting on the first Tues-  
75 day of December of each year, and special meetings shall be called  
76 at other times by the secretary at the request of the chairman or  
77 three members of the board. At any meeting of the board, three  
78 members shall constitute a quorum. The board shall have power to  
79 employ such additional clerical assistants and incur such office ex-  
80 pense as may be necessary to properly carry out the provisions of  
81 this chapter.

82 **1863. Annual report.** At the time provided by law, the board  
83 shall submit to the governor a written report of its transactions for  
84 the preceding year, and shall file with the secretary of state a copy  
85 thereof, together with a complete statement of the receipts and ex-  
86 penditures of the board, attested by the affidavits of the chairman  
87 and the secretary, and a complete list of those registered under this  
88 chapter with their addresses and the dates of their certificates of  
89 registration. Said report shall be printed by the state and a copy  
90 mailed to, and placed on file in the office of the clerk of each incorpo-  
91 rated city or town in the state and in the office of the auditor of each  
92 county therein.

93 **1864. Secretary—duties of.** The secretary shall keep on file a  
94 record of all certificates of registration granted and shall make annu-  
95 ally such revisions of said record as may be necessary. In revising  
96 said record the secretary shall communicate annually by mail with  
97 every professional engineer and surveyor registered hereunder, as  
98 provided in section eighteen hundred sixty-nine b1 (1869-b1).

99 **1865. Engineering examiners' fund.** The secretary shall collect  
100 and account for all fees provided for by this chapter and pay the  
101 same to the state treasurer who shall keep such moneys in a separate  
102 fund to be known as the fund of the board of engineering examiners,  
103 which shall be continued from year to year and shall be drawn on  
104 only for the expenses and compensation of said board of examiners  
105 as provided in this chapter.

106 **1866. Applications and examination fees.** Applications for reg-  
107 istration shall be on forms prescribed and furnished by the board,  
108 shall contain statements made under oath, showing the applicant's  
109 education and detail summary of his technical work, and shall con-  
110 tain not less than five references, of whom three or more shall be  
111 engineers having personal knowledge of his engineering experience.  
112 The examination fee shall be fifteen (15) dollars which shall accom-  
113 pany the application. Should the board deny the issuance of a cer-



114 tificate of registration to any applicant who has appeared for ex-  
115 amination, the initial fee deposited shall be retained as an applica-  
116 tion fee.

117 1866a. **General requirements for registration.** The following shall  
118 be considered as minimum evidence satisfactory to the board that the  
119 applicant is qualified for registration as a professional engineer, or  
120 land surveyor, respectively, to-wit:

121 (1) As a professional engineer:

122 a. Graduation from an approved course in engineering of four years  
123 or more in an approved school or college; and a specific record of an  
124 additional two years or more of practical experience in engineering  
125 work of a character satisfactory to the board.

126 b. Successfully passing a written, or written and oral, examination  
127 designed to show knowledge and skill approximating that attained  
128 through graduation from an approved four year engineering course;  
129 and a specific record of six years or more of practical experience in  
130 engineering work.

131 (2) As a land surveyor:

132 a. Graduation from an approved course in surveying in an approved  
133 school or college; and an additional two years or more of practical  
134 experience in land surveying work.

135 b. Successfully passing a written, or written and oral, examination  
136 in surveying prescribed by the board; and a specific record of six years  
137 or more of practical experience in land surveying work. The practical  
138 experience required in this section may be obtained under the exemp-  
139 tion provisions of section 1876 hereof.

140 In considering the qualifications of applicants, responsible charge  
141 of engineering teaching may be construed as responsible charge of  
142 engineering work. The satisfactory completion of each year of an  
143 approved course in engineering in an approved school or college, with-  
144 out graduation, shall be considered as equivalent to a year of practical  
145 experience. Graduation in a course other than engineering from a  
146 college or university of recognized standing shall be considered as  
147 equivalent to two years of practical experience; provided, however,  
148 that no applicant shall receive credit for more than four years of prac-  
149 tical experience because of educational qualifications.

150 Any person having the necessary qualifications prescribed in this  
151 chapter to entitle him to registration shall be eligible for such regis-  
152 tration though he may not be practicing his profession at the time of  
153 making his application.

154 Provided, that no person shall be eligible for registration as a pro-  
155 fessional engineer, or land surveyor, who is not of good character  
156 and reputation.

157 1867. **Examinations—report required.** Examinations for regis-  
158 tration shall be given at stated or called meetings of the board. The  
159 scope of the examinations and the methods of procedure shall be pre-  
160 scribed by the board. As soon as practicable, after the close of each  
161 examination, a report shall be filed in the office of the secretary of the  
162 board by the members conducting such examinations. Said report  
163 shall show the action of the board upon each application, whereupon  
164 the secretary of the board shall notify each applicant of the result of  
165 his examination.

166 1868. **Seal—certificate evidence of registration.** Each registrant  
167 shall provide himself with a suitable seal with a uniform inscription  
168 thereon formulated by the board, with which he shall stamp all plans,  
169 specifications, surveys, and reports made or issued by him. A certifi-  
170 cate of registration provided for in this chapter shall be presumptive  
171 evidence that the person named therein is legally registered.

172 1869. **Certificate.** To any applicant who shall have passed the  
173 examination as a professional engineer and who shall have paid an  
174 additional fee of ten (10) dollars, the board shall issue a certificate of  
175 registration as a professional engineer signed by the chairman and  
176 secretary of the board under the seal of such board, which certificate  
177 shall authorize the applicant to practice professional engineering as  
178 defined in this chapter. Such certificate shall not carry with it the  
179 right to practice land surveying, unless specifically so stated in said  
180 certificate, which permission shall be granted by the board without  
181 additional fee in cases where the applicant duly qualifies as a land  
182 surveyor as prescribed by the rules of said board.

183 1869-b1. **Expirations and renewals.** Certificates of registration  
184 shall expire on the last day of the month of December following their  
185 issuance or renewal and shall become invalid on that date unless re-  
186 newed. It shall be the duty of the secretary of the board to notify  
187 every person registered under this chapter, of the date of expiration of  
188 his certificate and the amount of the fee that shall be required for its  
189 renewal for one year; such notice shall be mailed at least one month in  
190 advance of the date of the expiration of said certificate. Renewal may  
191 be effected at any time during the month of December by the payment  
192 of a fee of two (2) dollars. The failure on the part of any registrant  
193 to renew his certificate annually in the month of December as required  
194 above shall not deprive such a person of the right of renewal, but the  
195 fee to be paid for the renewal of a certificate after the month of De-  
196 cember shall be increased two (2) dollars per year for each year or  
197 fraction of a year that payment of renewal is delayed; provided, how-  
198 ever, that the maximum fee for delayed renewal shall not exceed ten  
199 (10) dollars.

200 1870. **Land surveyors' certificate.** To any applicant who shall have  
201 passed the examination as a land surveyor and who shall have paid an  
202 additional fee of ten (10) dollars, the board shall issue a certificate  
203 of registration signed by its chairman and secretary under the seal of  
204 the board, which certificate shall authorize the applicant to practice  
205 land surveying as defined in this chapter and to administer oaths to  
206 his assistants and to witnesses produced for examination, with refer-  
207 ence to facts connected with land surveys being made by such land  
208 surveyor.

209 1871. **Foreign registrants.** The board shall from time to time ex-  
210 amine the requirements for registration of professional engineers and  
211 land surveyors in other states, territories, and countries, and shall  
212 record those in which in the judgment of the board standards not lower  
213 than those provided by this chapter are maintained. The secretary of  
214 the board upon presentation to him of satisfactory evidence, by any  
215 person, that he holds a certificate of registration issued to him by  
216 proper authority in any state, territory or country so recorded, and  
217 upon the receipt of a fee of ten (10) dollars, shall issue to such person  
218 a certificate of registration to practice professional engineering or

219 land surveying as provided by this chapter, signed by the chairman  
220 and the secretary under the seal of the board, whereupon the person to  
221 whom such certificate is issued shall be entitled to all the rights and  
222 privileges conferred by the certificate issued after examination by the  
223 board.

224 1872. **Revocation of certificate.** The board shall have the power by  
225 a four-fifths vote of the entire board to revoke the certificate of any  
226 professional engineer or land surveyor registered hereunder, found  
227 guilty of any fraud or deceit in his practice, or guilty of any fraud  
228 or deceit in obtaining his certificate, or in case he is found by the same  
229 vote to be incompetent.

230 1873. **Procedure.** Proceedings for the revocation of a certificate  
231 of registration shall be begun by filing with the secretary of the board  
232 written charges against the accused. The board shall designate a time  
233 and place for a hearing, and shall notify the accused of this action  
234 and furnish him a copy of all charges at least thirty days prior to the  
235 date of the hearing. The accused shall have the right to appear per-  
236 sonally or by counsel, to cross-examine witnesses or to produce wit-  
237 nesses in his defense.

238 1874. **Expenditures.** Warrants for the payment of expenses and  
239 compensations provided by this chapter shall be issued by the state  
240 comptroller upon presentation of vouchers drawn by the chairman and  
241 secretary of the board and approved by said comptroller, but at no  
242 time shall the total amount of warrants exceed the total amount of  
243 the examination and registration fees collected as herein provided.

244 1875. **Injunction.** Any person who is not legally authorized to  
245 practice in this state according to the provisions of this chapter,  
246 and shall practice, or shall in connection with his name use any desig-  
247 nation tending to imply or designate him as a professional engineer  
248 or land surveyor, may be restrained by permanent injunction.

249 1875-b1. **Violations.** Any person who violates such permanent in-  
250 junction or presents or attempts to file as his own the certificate of  
251 registration of another, or who shall give false or forged evidence of  
252 any kind to the board, or to any member thereof, in obtaining a certifi-  
253 cate of registration, or who shall falsely impersonate another practi-  
254 tioner of like or different name, or who shall use or attempt to use a  
255 revoked certificate of registration, shall be deemed guilty of a misde-  
256 meanor and shall be punished by a fine of not less than one hundred  
257 (100) dollars nor more than five hundred (500) dollars, or by impris-  
258 onment\* for three (3) months, or by both such fine and imprisonment.

259 1876. **Applicability of chapter.** This chapter shall not apply to  
260 any full-time employee of any corporation while doing work for that  
261 corporation, except in the case of corporations offering their services  
262 to the public as professional engineers or land surveyors.

263 Corporations engaged in designing and bulding works for public or  
264 private interests not their own shall be deemed to practice professional  
265 engineering within the meaning of this chapter. With respect to such  
266 corporations all principal designing or constructing engineers shall  
267 hold certificates of registration hereunder. This chapter shall not  
268 apply to corporations engaged solely in building said work. This  
269 chapter shall not apply to any professional engineer or land surveyor

\*Note: Place of imprisonment not fixed in enrolled bill.

270 working for the United States government, nor to any professional  
 271 engineer or land surveyor employed as an assistant to a professional  
 272 engineer or land surveyor registered under this chapter, nor to the  
 273 operation and/or maintenance of power and mechanical plants or sys-  
 274 tems, nor to any professional engineer or land surveyor from without  
 275 this state until a reasonable length of time as prescribed by the rules  
 276 of the board shall have elapsed to permit the registration of such a  
 277 person under this chapter, provided that, before practicing within this  
 278 state, he shall have applied for the issuance to him of a certificate of  
 279 registration and shall have paid the fee prescribed in this chapter.

Senate File 77. Approved May 1, 1937.

## CHAPTER 102

### UNEMPLOYMENT COMPENSATION LAW

S. F. 447

AN ACT to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for appeal and judicial review of disputed claims; to create an unemployment compensation commission and to provide for its appointment and compensation and to prescribe its powers and duties; to provide for the appointment and compensation of personnel and the maintenance and other expenses of such commission; to authorize reciprocal benefit arrangements with other states or the federal government; to prohibit the waiver of rights and benefits arising hereunder; to regulate alienation of benefits; to regulate attorneys' fees in cases arising under this act; to provide for the transfer of state employment service, and to prescribe its powers, duties and functions; to establish an unemployment administration fund; to fix the penalty for failure to comply with or for violation of this act; to retain the right to amend or repeal this act; to amend and re-enact all of the provisions of senate file 1 enacted by the 46th General Assembly of Iowa in Extraordinary Session, as amended by senate file 191 of the acts of the 47th General Assembly of Iowa, to conform to the provisions of this act; and to repeal acts in conflict herewith, and for other purposes.

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

#### SHORT TITLE

1 SECTION 1. This act shall be known and may be cited as the "Un-  
 2 employment Compensation Law".

#### DECLARATION OF STATE PUBLIC POLICY

1 SEC. 2. As a guide to the interpretation and application of this act,  
 2 the public policy of this state is declared to be as follows: Economic  
 3 insecurity due to unemployment is a serious menace to the health,  
 4 morals, and welfare of the people of this state. Involuntary unem-  
 5 ployment is therefore a subject of general interest and concern which  
 6 requires appropriate action by the legislature to prevent its spread  
 7 and to lighten its burden which now so often falls with crushing force  
 8 upon the unemployed worker and his family. The achievement of  
 9 social security requires protection against this greatest hazard of our  
 10 economic life. This can be provided by encouraging employers to  
 11 provide more stable employment and by the systematic accumulation  
 12 of funds during periods of employment to provide benefits for periods

13 of unemployment, thus maintaining purchasing power and limiting  
14 the serious social consequences of poor relief assistance. The legis-  
15 lature, therefore, declares that in its considered judgment the public  
16 good, and the general welfare of the citizens of this state require the  
17 enactment of this measure, under the police powers of the state, for  
18 the compulsory setting aside of unemployment reserves to be used for  
19 the benefit of persons unemployed through no fault of their own.

### BENEFITS

1 SEC. 3 (a). "Payment of benefits"—Twenty-four months after the  
2 date when contributions first accrue under this act, benefits shall  
3 become payable from the fund. All benefits shall be paid through  
4 employment offices, in accordance with such regulations as the com-  
5 mission may prescribe.

1 SEC. 3 (b). "Weekly benefit amount for total unemployment"—  
2 Each eligible individual who is totally unemployed (as defined in sec-  
3 tion 19 (j) (1)) in any week shall be paid with respect to such week  
4 benefits at the rate of fifty per centum of his full-time weekly wages  
5 but not more than \$15.00 per week, nor less than either five dollars  
6 (\$5.00), or his full-time weekly wage, whichever is the lesser.

1 SEC. 3 (c). "Weekly benefit amount for partial unemployment"—  
2 Each eligible individual who is partially unemployed (as defined in sec.  
3 19 (j) (2)), in any week shall be paid with respect to such week a  
4 partial benefit. Such partial benefit shall be an amount which, if  
5 added to his wages (as defined in sec. 19 (m)) for such week, would  
6 exceed his weekly benefit amount (as defined in sec. 19 (o)) by (\$2.00)  
7 two dollars.

1 SEC. 3 (d). "Determination of full-time weekly wage"—(1) The  
2 full-time weekly wage of any individual means the weekly wages that  
3 such individual would receive if he were employed at the most recent  
4 wage rate earned by him in employment by an employer in his base  
5 period and for the customary scheduled full-time week prevailing for  
6 his occupation in the enterprise in which he last earned wages in em-  
7 ployment by an employer during his base period.

8 (2) If the commission finds that the full-time weekly wage, as above  
9 defined, would be unreasonable or arbitrary or not readily determin-  
10 able with respect to any individual, the full-time weekly wage of such  
11 individual shall be deemed to be one-thirteenth of his total wages in  
12 employment by employers in that quarter in which such total wages  
13 were highest during his base period.

1 SEC. 3 (e). "Duration of benefits"—The maximum total amount of  
2 benefits payable to any eligible individual during any benefit year  
3 shall not exceed the balance credited to his account with respect to  
4 wages earned in employment by employers during his base period, or  
5 fifteen times his weekly benefit amount, whichever is the lesser. The  
6 commission shall maintain a separate account for each individual who  
7 earns wages in employment by an employer subsequent to December  
8 31, 1936. After the expiration of each calendar quarter, the commis-  
9 sion shall credit each such account with one-sixth of such wages earned  
10 by such individual during such quarter, or sixty-five dollars (\$65.00),

11 whichever is the lesser. Benefits paid to an eligible individual shall  
 12 be charged against amounts which have been credited to his account  
 13 on the basis of wages earned in employment by employers during his  
 14 base period and which have not previously been charged hereunder,  
 15 in the same chronological order as such wages were earned.

1 SEC. 3 (e-1). If the commission finds in determining the duration  
 2 of benefits with respect to any individual as provided in section 3 (e)  
 3 that the duration of such individuals' benefits, beginning with the  
 4 first day of his benefit year, is not sufficient to pay him benefits up  
 5 to and including the first day of the calendar quarter next following  
 6 the first day of his benefit year, the earnings, if any, of such individual  
 7 in employment by an employer in the period between the last day of  
 8 his base period, as first determined, and the first day of his benefit  
 9 year, shall be credited and used in determining his duration of benefits.

1 SEC. 3 (f) (1). "Part-time workers"—As used in this subsection  
 2 the term "part-time worker" means an individual whose normal work  
 3 is in an occupation in which his services are not required for the  
 4 customary scheduled full-time hours prevailing in the establishment  
 5 in which he is employed, or who, owing to personal circumstances, does  
 6 not customarily work the customary scheduled full-time hours prevail-  
 7 ing in the establishment in which he is employed.

8 (2) The commission shall prescribe fair and reasonable general  
 9 rules applicable to part-time workers, for determining their full-time  
 10 weekly wage, and the total wages in employment by employers required  
 11 to qualify such workers for benefits.

#### BENEFIT ELIGIBILITY CONDITIONS

1 SEC. 4. An unemployed individual shall be eligible to receive bene-  
 2 fits with respect to any week only if the commission finds that:

3 (a) He has registered for work at and thereafter has continued to  
 4 report at an employment office in accordance with such regulations as  
 5 the commission may prescribe.

6 (b) He has made a claim for benefits in accordance with the pro-  
 7 visions of section 6 (a) of this act.

8 (c) He is able to work, and is available for work.

9 (d) Prior to any week for which he claims benefits he has been  
 10 totally unemployed for a waiting period of two weeks (and for the  
 11 purposes of this subsection, two weeks of partial unemployment shall  
 12 be deemed to be equivalent to one week of total unemployment). Such  
 13 weeks of total or partial unemployment or both need not be consecu-  
 14 tive. No week shall be counted as a week of total unemployment for  
 15 the purposes of this subsection:

16 (1) if benefits have been paid with respect thereto;

17 (2) unless the individual was eligible for benefits with respect  
 18 thereto in all respects except for the requirements of subsections (b)  
 19 and (e) of this section;

20 (3) unless it occurs within the thirteen consecutive weeks pre-  
 21 ceding the week for which he claims benefits, provided that this con-  
 22 dition shall not interrupt the payment of benefits for consecutive weeks  
 23 of unemployment nor require any individual to accumulate more than  
 24 five waiting period weeks during any five consecutive calendar  
 25 quarters;

26 (4) unless it occurs after benefits first could become payable to any  
27 individual under this act.

1 SEC. 4 (e). He has within the first four out of the last five com-  
2 pleted calendar quarters immediately preceding the first day of his  
3 benefit year, earned wages in employment by employers equal to not  
4 less than fifteen times his weekly benefit amount, provided, however,  
5 if the commission finds that he is not eligible under the above pro-  
6 vision they may find him eligible if he has within the four calendar  
7 quarters, including the incompleated current calendar quarter immedi-  
8 ately preceding the first day of his benefit year, earned wages in em-  
9 ployment by employers equal to not less than fifteen times his weekly  
10 benefit amount.

#### DISQUALIFICATION FOR BENEFITS

1 SEC. 5. An individual shall be disqualified for benefits: (a) For  
2 the week in which he has left work voluntarily without good cause,  
3 if so found by the commission, and for not less than one nor more than  
4 the five weeks which immediately follow such week (in addition to  
5 the waiting period), as determined by the commission according to  
6 the circumstances in each case.

1 SEC. 5 (b). For the week in which he has been discharged for mis-  
2 conduct connected with his work, if so found by the commission, and  
3 for not less than the one nor more than the nine weeks which immedi-  
4 ately follow such week (in addition to the waiting period), as de-  
5 termined by the commission in each case according to the seriousness  
6 of the misconduct.

1 SEC. 5 (c). If the commission finds that he has failed, without  
2 good cause, either to apply for available, suitable work when so di-  
3 rected by the employment office or the commission or to accept suitable  
4 work when offered him, or to return to his customary self-employ-  
5 ment (if any) when so directed by the commission. Such disqualifi-  
6 cation shall continue for the week in which such failure occurred and  
7 for not less than the one nor more than the five weeks which imme-  
8 diately follow such week (in addition to the waiting period), as de-  
9 termined by the commission according to the circumstances in each  
10 case.

11 (1) In determining whether or not any work is suitable for an  
12 individual, the commission shall consider the degree of risk involved  
13 to his health, safety, and morals, his physical fitness and prior train-  
14 ing, his experience and prior earnings, his length of unemployment  
15 and prospects for securing local work in his customary occupation, and  
16 the distance of the available work from his residence, and any other  
17 factor which it finds bears a reasonable relation to the purposes of  
18 this subsection.

19 (2) Notwithstanding any other provision of this act, no work shall  
20 be deemed suitable and benefits shall not be denied under this act to  
21 any otherwise eligible individual for refusing to accept new work  
22 under any of the following conditions:

23 (a) if the position offered is vacant due directly to a strike, lock-  
24 out, or other labor dispute;

25 (b) if the wages, hours, or other conditions of the work offered are  
26 substantially less favorable to the individual than those prevailing  
27 for similar work in the locality;

28 (c) if as a condition of being employed, the individual would be  
 29 required to join a company union or to resign from or refrain from  
 30 joining any bona-fide labor organization.

1 SEC. 5 (d). For any week with respect to which the commission  
 2 finds that his total or partial unemployment is due to a stoppage of  
 3 work which exists because of a labor dispute at the factory, establish-  
 4 ment, or other premises at which he is or was last employed, provided  
 5 that this subsection shall not apply if it is shown to the satisfaction  
 6 of the commission that:

7 (1) he is not participating in or financing or directly interested  
 8 in the labor dispute which caused the stoppage of work; and

9 (2) he does not belong to a grade or class of workers of which,  
 10 immediately before the commencement of the stoppage, there were  
 11 members employed at the premises at which the stoppage occurs, any  
 12 of whom are participating in or financing or directly interested in the  
 13 dispute:

14 Provided, that if in any case separate branches of work which are  
 15 commonly conducted as separate businesses in separate premises are  
 16 conducted in separate departments of the same premises, each such  
 17 department shall, for the purposes of this subsection, be deemed to  
 18 be a separate factory, establishment, or other premises.

1 SEC. 5 (e). For any week with respect to which he is receiving  
 2 or has received remuneration in the form of:

3 (1) Wages in lieu of notice;

4 (2) Compensation for temporary partial disability under the work-  
 5 men's compensation law of any state or under a similar law of the  
 6 United States; or

7 (3) Old-age benefits under title II of the social security act, as  
 8 amended, or similar payments under any act of congress:

9 Provided, that if such remuneration is less than the benefits which  
 10 would otherwise be due under this act, he shall be entitled to receive  
 11 for such week, if otherwise eligible, benefits reduced by the amount  
 12 of such remuneration.

#### CLAIMS FOR BENEFITS

1 SEC. 6 (a). **Filing**—Claims for benefits shall be made in accordance  
 2 with such regulations as the commission may prescribe.

1 SEC. 6 (b). **Initial determination**—A representative designated by  
 2 the commission, and hereinafter referred to as a deputy, shall prompt-  
 3 ly examine the claim and, on the basis of the facts found by him, shall  
 4 either determine whether or not such claim is valid, and if valid, the  
 5 week with respect to which benefits shall commence, the weekly benefit  
 6 amount payable and the maximum duration thereof, or shall refer  
 7 such claim or any question involved therein to an appeal tribunal or  
 8 to the commission, which shall make its determinations with respect  
 9 thereto in accordance with the procedure described in subsection (c)  
 10 of this section, except that in any case in which the payment or denial  
 11 of benefits will be determined by the provisions of section 5 (d) of  
 12 this act, the deputy shall promptly transmit his full finding of fact  
 13 with respect to that subsection to the commission, which, on the basis



14 of the evidence submitted and such additional evidence as it may re-  
15 quire, shall affirm, modify, or set aside such findings of fact and trans-  
16 mit to the deputy a decision upon the issues involved under that sub-  
17 section. The deputy shall promptly notify the claimant and any other  
18 interested party of the decision and the reasons therefor. Unless  
19 the claimant or other interested party, within five calendar days after  
20 the delivery of such notification, or within seven calendar days after  
21 such notification was mailed to his last-known address, files and appeal  
22 from such decision, such decision shall be final and benefits shall be  
23 paid or denied in accordance therewith. If an appeal is duly filed,  
24 benefits with respect to the period prior to the final determination of  
25 the commission, shall be paid only after such determination; provided:  
26 That if an appeal tribunal affirms a decision of a deputy, or the com-  
27 mission affirms a decision of an appeal tribunal, allowing benefits, such  
28 benefits shall be paid regardless of any appeal which may thereafter be  
29 taken, but if such decision is finally reversed, no employer's account  
30 shall be charged with benefits so paid.

1     **SEC. 6 (c). Appeals**—Unless such appeal is withdrawn, an appeal  
2 tribunal, after affording the parties reasonable opportunity for fair  
3 hearing, shall affirm or modify the findings of fact and decision of  
4 the deputy. The parties shall be duly notified of such tribunal's de-  
5 cision, together with its reasons therefor, which shall be deemed to  
6 be the final decision of the commission, unless within ten days after  
7 the date of notification or mailing of such decision, further appeal is  
8 initiated pursuant to subsection (e) of this section.

1     **SEC. 6 (d). Appeal tribunals**—To hear and decide disputed claims,  
2 the commission shall establish one or more impartial appeal tribunals  
3 consisting in each case of either a salaried examiner or a body con-  
4 sisting of three members, one of whom shall be a salaried examiner,  
5 who shall serve as chairman, one of whom shall be a representative of  
6 employers and the other of whom shall be a representative of em-  
7 ployees; each of the latter two members shall serve at the pleasure of  
8 the commission and be paid a fee, as fixed by the commission per day  
9 of active service on such tribunal, plus necessary expenses. No person  
10 shall participate on behalf of the commission in any case in which he  
11 is an interested party. The commission may designate alternates to  
12 serve in the absence or disqualification of any member of an appeal  
13 tribunal. The chairman shall act alone in the absence or disqualifica-  
14 tion of any other member and his alternates. In no case shall the hear-  
15 ings proceed unless the chairman of the appeal tribunal is present.

1     **SEC. 6 (e). Commission review**—The commission may on its own  
2 motion affirm, modify, or set aside any decision of an appeal tribunal  
3 on the basis of the evidence previously submitted in such case, or di-  
4 rect the taking of additional evidence, or may permit any of the parties  
5 to such decision to initiate further appeals before it. The commission  
6 shall permit such further appeal by any of the parties interested in a  
7 decision of an appeal tribunal which is not unanimous and by the  
8 deputy whose decision has been overruled or modified by an appeal  
9 tribunal. The commission may remove to itself or transfer to another  
10 appeal tribunal the proceedings on any claim pending before an ap-  
11 peal tribunal. Any proceeding so removed to the commission shall be

12 heard in accordance with the requirements of sec. 6 (c), by the full  
13 membership of the commission, or, in the absence or disqualification of  
14 the labor representative or the employer representative on the commis-  
15 sion, by the public representative acting alone. The commission shall  
16 promptly notify the interested parties of its findings and decision.

1     **SEC. 6 (f). Procedure**—The manner in which disputed claims shall  
2 be presented, the reports thereon required from the claimant and from  
3 employers, and the conduct of hearings and appeals shall be in accord-  
4 ance with rules prescribed by the commission for determining the  
5 rights of the parties, whether or not such rules conform to common  
6 law or statutory rules of evidence and other technical rules of pro-  
7 cedure. A full and complete record shall be kept of all proceedings  
8 in connection with a disputed claim. All testimony at any hearing  
9 upon a disputed claim shall be recorded, but need not be transcribed  
10 unless the disputed claim is further appealed.

1     **SEC. 6 (g). Witness fees**—Witnesses subpoenaed pursuant to this  
2 section shall be allowed fees and necessary traveling expenses at a  
3 rate fixed by the commission, which fees shall be charged to the un-  
4 employment compensation administration fund of the commission.

1     **SEC. 6 (h). Appeal to courts**—Any decision of the commission in  
2 the absence of an appeal therefrom as herein provided shall become  
3 final ten days after the date of notification or mailing thereof, and  
4 judicial review thereof shall be permitted only after any party claim-  
5 ing to be aggrieved thereby has exhausted his remedies before the  
6 commission as provided by this act. The commission shall be deemed  
7 to be a party to any judicial action involving any such decision, and  
8 may be represented in any such judicial action by any qualified at-  
9 torney who is a regular salaried employee of the commission or who  
10 has been designated by the commission for that purpose, or at the  
11 commission's request, by the attorney general.

1     **SEC. 6 (i). Court review**—Within ten days after the decision of the  
2 commission has become final, any party aggrieved thereby may secure  
3 judicial review thereof by commencing an action in the district court  
4 of the county in which the aggrieved party was last employed or re-  
5 sides, against the commission for the review of its decision, in which  
6 action any other party to the proceeding before the commission shall  
7 be made a defendant. In such action, a petition which need not be  
8 verified, but which shall state the grounds upon which a review is  
9 sought, shall be served on a member of the commission or upon such  
10 person as the commission may designate and such service shall be  
11 deemed completed service on all parties, but there shall be left with  
12 the party so served as many copies of the petition as there are de-  
13 fendants and the commission shall forthwith mail one such copy to  
14 each such defendant. With its answer, the commission shall certify  
15 and file with said court all documents and papers and a transcript  
16 of all testimony taken in the matter, together with its findings of fact  
17 and decision therein. The transcript as certified and filed by the com-  
18 mission shall be the record on which the appeal shall be heard, and no  
19 additional evidence shall be heard. In the absence of fraud the find-  
20 ings of fact made by the commission within its powers shall be con-  
21 clusive. The commission may also, in its discretion, certify to such

22 courts, questions of law involved in any decision by it. Such actions,  
 23 and the questions so certified, shall be heard in a summary manner  
 24 and shall be given precedence over all other civil cases except cases  
 25 arising under the workmen's compensation law of this state.

1 **SEC. 6 (j). Decision on appeal**—Any order or decision of the com-  
 2 mission may be modified, reversed, or set aside on one or more of the  
 3 following grounds and on no other:

4 1. If the commission acted without or in excess of its powers.

5 2. If the order or decree was procured by fraud.

6 3. If the facts found by the commission do not support the order  
 7 or decree.

8 4. If there is not sufficient competent evidence in the record to war-  
 9 rant the making of the order or decision.

1 **SEC. 6 (k). Judgment or order remanding**—When the district court,  
 2 on appeal, reverses or sets aside an order or decision of the commis-  
 3 sion, it may remand the case to the commission for further proceedings  
 4 in harmony with the holdings of the court, or it may enter the proper  
 5 judgment, as the case may be. Such judgment or decree shall have the  
 6 same force and effect as if action had been originally brought and  
 7 tried in said court.

1 **SEC. 6 (l). Appeal**—An appeal may be taken from any final order,  
 2 judgment, or decree of the district court to the supreme court of Iowa,  
 3 in the same manner, but not inconsistent with the provisions of this  
 4 act, as is provided in civil cases. It shall not be necessary in any  
 5 judicial proceeding under this section, to enter exceptions to the rul-  
 6 ings of the commission and no bond shall be required for entering  
 7 such appeal. Upon the final determination of such judicial proceed-  
 8 ing, the commission shall enter an order in accordance with such de-  
 9 termination. A petition for judicial review shall not act as a super-  
 10 sedeas or stay unless the commission shall so order.

### CONTRIBUTIONS

1 **SEC. 7 (a). Payment**

2 (1) On and after July 1, 1936, contributions shall accrue and be-  
 3 come payable by each employer with respect to wages payable for  
 4 employment as defined in section 19 (g) occurring during such calen-  
 5 dar year except that for the six months period beginning July 1, 1936,  
 6 such contributions shall accrue and become payable solely from em-  
 7 ployers with respect to wages payable for employment occurring on  
 8 and after July 1, 1936. Such contributions shall become due and be  
 9 paid to the commission for the fund at such time and in such manner  
 10 as the commission may prescribe. Contributions required from an  
 11 employer shall not be deducted, in whole or in part, from the wages  
 12 of individuals in his employ.

13 (2) In the payment of any contribution, a fractional part of a cent  
 14 shall be disregarded unless it amounts to one-half cent or more, in  
 15 which case it shall be increased to one cent.

1 **SEC. 7 (b). Rate of contribution by employers.** Each employer  
 2 shall pay contributions equal to the following percentages of wages  
 3 payable by him with respect to employment:

4 (1) One and eight-tenths percentum with respect to employment  
 5 for the six months' period beginning July 1, 1936, provided that if the

6 total of such contributions at such one and eight-tenths percentum  
7 rate equals less than nine-tenths of one percentum of the annual pay-  
8 roll of any employer for the calendar year 1936, such employer shall  
9 pay, at such time as the commission shall prescribe, an additional lump  
10 sum contribution with respect to employment for such six months'  
11 period beginning July 1, 1936, equal to the difference between nine-  
12 tenths of one percentum of his annual payroll for the calendar year  
13 1936 and the total of his contributions at such one and eight-tenths  
14 percentum rate for such six months' period beginning July 1, 1936,  
15 and provided further that in no event shall employers' contributions  
16 at such one and eight-tenths percentum rate exceed nine-tenths of  
17 one percentum of his annual payroll for the calendar year 1936.

18 (2) One and eight-tenths percentum with respect to employment  
19 in the calendar year 1937;

20 (3) Two and seven-tenths percentum with respect to employment  
21 during the calendar years 1938, 1939, 1940, 1941; and

22 (4) With respect to employment after December 31, 1941, the per-  
23 centage determined pursuant to subsection (c) of this section.

1 **SEC. 7 (c). Future rates based on benefit experience.**

2 (1) The commission shall maintain a separate account for each  
3 employer, and shall credit his account with all the contributions which  
4 he has paid on his own behalf. But nothing in this act shall be con-  
5 strued to grant any employer or individuals in his service prior claims  
6 or rights to the amounts paid by him into the fund either on his own  
7 behalf or on behalf of such individuals. Benefits paid to an eligible  
8 individual shall be charged against the account of his most recent  
9 employers, against whose accounts the maximum charges hereunder  
10 have not previously been made, in the inverse chronological order in  
11 which the employment of such individual occurred, but the maximum  
12 amount so charged against the account of any employer shall not ex-  
13 ceed one-sixth of the wages payable to such individual by each such  
14 employer for employment which occurs on and after the first day of  
15 such individual's base period, or (\$65.00) sixty-five dollars per com-  
16 pleted calendar quarter or portion thereof, whichever is the lesser.  
17 The commission shall by general rules prescribe the manner in which  
18 benefits shall be charged against the accounts of several employers for  
19 whom an individual performed employment during the same week.

20 (2) The commission may prescribe regulations for the establish-  
21 ment, maintenance, and dissolution of joint accounts by two or more  
22 employers, and shall, in accordance with such regulations and upon  
23 application by two or more employers to establish such an account, or  
24 to merge their several individual accounts in a joint account, main-  
25 tain such joint account as if it constituted a single employer's account.

26 (3) Each employer's rate shall be two and seven-tenths percentum,  
27 except as otherwise provided in the preceding or following provisions  
28 of this section. No employer's rate shall be less than two and seven-  
29 tenths percentum after Dec. 31, 1937, unless and until there shall have  
30 been three calendar years after he becomes liable for contributions  
31 under this act throughout which any individual in his employ could  
32 have received benefits if eligible.

33 (4) Each employer's rate for the twelve months commencing Jan-  
34 uary 1 of any calendar year, after December 31, 1941, shall be de-  
35 termined on the basis of his record up to the beginning of such cal-

36 endar year. If, at the beginning of such calendar year, the total of  
 37 all his contributions, paid on his own behalf, for all past years exceeds  
 38 the total benefits charged to his accounts for all such years, his con-  
 39 tribution rate shall be:

40 (a) One and eight-tenths percentum, if such excess equals or ex-  
 41 ceeds ( $7\frac{1}{2}$ ) seven and one-half but is less than (10) ten percentum of  
 42 his average annual pay roll (as defined in section 19 (a) (2));

43 (b) Nine-tenths of (1) one percentum, if such excess equals or  
 44 exceeds (10) ten percentum of his average annual pay roll. If the  
 45 total of his contributions, paid on his own behalf for all past periods  
 46 or for the past sixty consecutive calendar months, whichever period  
 47 is more advantageous to such employer for the purposes of this para-  
 48 graph, is less than the total benefits charged against his account during  
 49 the same period, his rate shall be ( $3\frac{6}{10}$ ) three and six-tenths per-  
 50 centum.

51 (5) No employer's rate for the period of twelve months commenc-  
 52 ing January 1 of any calendar year after December 31, 1937, shall be  
 53 less than ( $2\frac{7}{10}$ ) two and seventh-tenths percentum, unless the total  
 54 assets of the fund, excluding contributions not yet paid at the begin-  
 55 ning of such calendar year, exceed the total benefits paid from the fund  
 56 within the last preceding calendar year; and no employer's rate shall  
 57 be less than ( $1\frac{8}{10}$ ) one and eight-tenths per centum unless such  
 58 assets at such time were at least twice the total benefits paid from the  
 59 fund within such last preceding year.

#### PERIOD, ELECTION, AND TERMINATION OF EMPLOYER'S COVERAGE

1 SEC. 8 (a). Any employing unit which is or becomes an employer  
 2 subject to this act within any calendar year shall be subject to this  
 3 act during the whole of such calendar year.

1 SEC. 8 (b). Except as otherwise provided in subsection (c) of this  
 2 section, an employing unit shall cease to be an employer subject to  
 3 this act, as of the 1st day of January of any calendar year, if it files  
 4 with the commission, prior to the 5th day of January of such year, a  
 5 written application for termination of coverage, and the commission  
 6 finds that there was no fifteen different weeks within the preceding  
 7 calendar year, within which such employing unit employed eight or  
 8 more individuals in employment subject to this act. For the purpose  
 9 of this subsection, the two or more employing units mentioned in  
 10 paragraph (2) or (3) or (4) of section 19 (f) shall be treated as a  
 11 single employing unit.

1 SEC. 8 (c) (1). An employing unit, not otherwise subject to this  
 2 act, which files with the commission its written election to become an  
 3 employer subject hereto for not less than two calendar years, shall  
 4 with the written approval of such election by the commission, become  
 5 an employer subject hereto to the same extent as all other employers,  
 6 as of the date stated in such approval, and shall cease to be subject  
 7 hereto as of January 1 of any calendar year subsequent to such two  
 8 calendar years, only if at least thirty days prior to such 1st day of  
 9 January, it has filed with the commission a written notice to that  
 10 effect.

11 (2) Any employing unit for which services that do not constitute  
 12 employment as defined in this act are performed, may file with the  
 13 commission a written election that all such services performed by  
 14 individuals in its employ in one or more distinct establishments or  
 15 places of business shall be deemed to constitute employment for all  
 16 the purposes of this act for not less than two calendar years. Upon  
 17 the written approval of such election by the commission, such services  
 18 shall be deemed to constitute employment subject to this act from  
 19 and after the date stated in such approval. Such services shall cease  
 20 to be deemed employment subject hereto as of January 1, of any cal-  
 21 endar year subsequent to such two calendar years, only if at least  
 22 thirty days prior to such 1st day of January such employing unit has  
 23 filed with the commission a written notice to that effect.

#### UNEMPLOYMENT COMPENSATION FUND

1 SEC. 9 (a). **Establishment and control**—There is hereby established  
 2 as a special fund, separate and apart from all public moneys or funds  
 3 of this state, an unemployment compensation fund, which shall be  
 4 administered by the commission exclusively for the purposes of this  
 5 act. This fund shall consist of: (1) all contributions collected under  
 6 this act, together with any interest thereon collected pursuant to  
 7 section 14 of this act; (2) all fines and penalties collected pursuant  
 8 to the provisions of this act; (3) interest earned upon any moneys in  
 9 the fund; (4) any property or securities acquired through the use  
 10 of moneys belonging to the fund; and (5) all earnings of such prop-  
 11 erty or securities. All moneys in the fund shall be mingled and un-  
 12 divided.

1 SEC. 9 (b). **Accounts and deposits**—The state treasurer shall be  
 2 ex-officio treasurer and custodian of the fund and shall administer  
 3 such fund in accordance with the directions of the commission. The  
 4 state comptroller shall issue warrants upon the fund pursuant to the  
 5 order of the commission and such warrants shall be paid from the  
 6 fund by the treasurer. The treasurer shall maintain within the fund  
 7 three separate accounts: (1) A clearing account, (2) an unemploy-  
 8 ment trust fund account, and (3) a benefit account. All moneys pay-  
 9 able to the fund shall, upon receipt thereof by the commission, be  
 10 forwarded to the treasurer who shall immediately deposit them in the  
 11 clearing account. Refunds payable pursuant to section 14 of this act  
 12 shall be paid by the treasurer from the clearing account upon war-  
 13 rants issued by the comptroller under the direction of the commission.  
 14 After clearance thereof, all other moneys in the clearing account shall  
 15 be immediately deposited with the secretary of the treasury of the  
 16 United States of America to the credit of the account of this state in  
 17 the unemployment trust fund, established and maintained pursuant  
 18 to section 904 of the social security act as amended, any provisions of  
 19 law in this state relating to the deposit, administration, release or  
 20 disbursement of moneys in the possession or custody of this state to  
 21 the contrary notwithstanding. The benefit account shall consist of  
 22 all moneys requisitioned from this state's account in the unemploy-  
 23 ment trust fund. Except as herein otherwise provided moneys in the  
 24 clearing and benefit account may be deposited by the treasurer, under  
 25 the direction of the commission, in any bank or public depository in  
 26 which general funds of the state may be deposited, but no public

27 deposit insurance charge or premium shall be paid out of the fund.  
28 The treasurer shall give a separate bond conditioned upon the faithful  
29 performance of his duties as custodian of the fund in an amount fixed  
30 by the governor and in form and manner prescribed by law. Premiums  
31 for said bond shall be paid from the administration fund.

1 **SEC. 9 (c). Withdrawals**—Moneys shall be requisitioned from this  
2 state's account in the unemployment trust fund solely for the payment  
3 of benefits and in accordance with regulations prescribed by the com-  
4 mission. The commission shall from time to time requisition from  
5 the unemployment trust fund such amounts, not exceeding the amounts  
6 standing to the account of this state therein, as the commission deems  
7 necessary for the payment of benefits for a reasonable future period.  
8 Upon receipt thereof the treasurer shall deposit such moneys in the  
9 benefit account, and shall disburse such moneys upon warrants drawn  
10 by the comptroller pursuant to the order of the commission for the  
11 payment of benefits solely from such benefit account. Expenditures  
12 of such moneys from the benefit account and refunds from the clear-  
13 ing account shall not be subject to any provisions of law requiring  
14 specific appropriations or other formal release by state officers of  
15 money in their custody. All warrants issued by the comptroller for  
16 the payment of benefits and refunds shall bear the signature of the  
17 comptroller. Any balance of moneys requisitioned from the unemploy-  
18 ment trust fund which remains unclaimed or unpaid in the benefit ac-  
19 count after the expiration of the period for which such sums were  
20 requisitioned shall either be deducted from estimates for, and may be  
21 utilized for the payment of, benefits during succeeding periods, or,  
22 in the discretion of the commission, shall be redeposited with the sec-  
23 retary of the treasury of the United States of America, to the credit  
24 of this state's account in the unemployment trust fund, as provided in  
25 the subsection (b) of this section.

1 **SEC. 9 (d). Management of funds in the event of discontinuance of**  
2 **unemployment trust fund**—The provisions of subsections (a), (b), and  
3 (c) to the extent that they relate to the unemployment trust fund  
4 shall be operative only so long as such unemployment trust fund  
5 continues to exist and so long as the secretary of the treasury of the  
6 United States of America continues to maintain for this state a separate  
7 book account of all funds deposited therein by this state for benefit  
8 purposes, together with this state's proportionate share of the earn-  
9 ings of such unemployment trust fund, from which no other state is  
10 permitted to make withdrawals. If and when such unemployment  
11 trust fund ceases to exist, or such separate book account is no longer  
12 maintained, all moneys, properties, or securities therein belonging  
13 to the unemployment compensation fund of this state shall be trans-  
14 ferred to the treasurer of the unemployment compensation fund, who  
15 shall hold, invest, transfer, sell, deposit, and release such moneys, prop-  
16 erties, or securities in a manner approved by the commission, in  
17 accordance with the provisions of this act: Provided, That such  
18 moneys shall be invested in the following readily marketable classes  
19 of securities; such securities as are authorized by the laws of the state  
20 of Iowa for the investment of trust funds. The treasurer shall dis-  
21 pose of securities and other properties belonging to the unemploy-  
22 ment compensation fund only under the direction of the commission.

## UNEMPLOYMENT COMPENSATION COMMISSION

1     **SEC. 10(a). Unemployment compensation commission**—There is  
2 hereby created a commission to be known as the Iowa unemployment  
3 compensation commission. The commission shall consist of three (3)  
4 members who shall devote their entire time to the duties of their  
5 office; one of whom shall be a representative of labor, one of whom  
6 shall be a representative of employers, and one of whom shall be im-  
7 partial and shall represent the public generally. During his term of  
8 membership on the commission no member shall serve as an officer  
9 or committee member of any political party organization, and not  
10 more than two members of the commission shall be members of the  
11 same political party. Each of the three (3) members of the com-  
12 mission shall be appointed by the governor immediately after the  
13 effective date of this act, subject to approval by a two-thirds vote of  
14 the members of the senate in executive session, and shall serve for  
15 a term of six (6) years, or until his successor is appointed and qual-  
16 fied, except that

17     (1) Any member appointed to fill a vacancy occurring prior to the  
18 expiration of the term for which his predecessor was appointed shall  
19 be appointed for the remainder of such term, and

20     (2) The terms of the members first appointed after the date of  
21 enactment of this act shall expire, as designated by the governor at  
22 the time of appointment, one member on June 30, 1939, and one mem-  
23 ber on June 30, 1941, and one member on June 30, 1943, or in each  
24 of the foregoing instances until his successor is appointed and qualified.

25     The governor may at any time, after notice and hearing, remove  
26 any commissioner for gross inefficiency, neglect of duty, malfeasance,  
27 misfeasance, or nonfeasance in the performance of his duties as a  
28 member of the commission. Before entering upon the discharge of  
29 his official duties, each member of the commission shall take and sub-  
30 scribe to an oath of office, which shall be filed in the office of the sec-  
31 retary of state. Any vacancy occurring for any cause in the mem-  
32 bership of this commission shall be filled for the unexpired term by  
33 appointment by the governor subject to approval by a two-thirds vote  
34 of the members of the senate in executive session at the next regular  
35 session of the legislature. Each member of the commission shall be  
36 entitled to receive as compensation for his services the sum of \$4500.00  
37 per year, payable monthly. In addition to the compensation herein-  
38 before prescribed, each member of the commission shall be entitled  
39 to receive the amount of his traveling and other necessary expenses  
40 actually incurred while engaged in the performance of his official  
41 duties. For the purposes of this act the first meeting in January shall  
42 be designated the annual meeting. Two members of the commission  
43 shall constitute a quorum for the transaction of business. At its  
44 first meeting, and at each annual meeting held thereafter, the com-  
45 mission shall organize by the election of a chairman and vice chair-  
46 man from its own number, each of whom, except those first elected,  
47 shall serve for a term of one year and until his successor is elected.  
48 The commission shall adopt and use an official seal for the authentica-  
49 tion of its orders and records. The commission shall establish and  
50 maintain its principal place of business in the city of Des Moines.

1     **SEC. 10 (b). Secretary.**—The commission shall select and appoint a  
2 secretary of the commission. He shall serve at the pleasure of the



3 commission and shall perform such duties and receive a salary not  
 4 to excede\* \$2400.00 per year. Before entering upon the discharge of  
 5 his official duties the secretary shall execute a bond, payable to the  
 6 state of Iowa in such amount and with such sureties as shall be ap-  
 7 proved by the commission, conditioned upon the faithful discharge  
 8 of his official duties, and he shall likewise take and subscribe an oath,  
 9 which shall be endorsed upon his official bond, and the bond and oath  
 10 when so executed shall be filed in the office of the secretary of state.

1 SEC. 10 (c). **Divisions**—The commission shall establish two co-  
 2 ordinate divisions: the Iowa state employment service division created  
 3 pursuant to section 12 of this act, and the unemployment compensa-  
 4 tion division. Each division shall be responsible for the discharge  
 5 of its distinctive functions. Each division shall be a separate ad-  
 6 ministrative unit with respect to personnel, budget and duties, but  
 7 shall coordinate one with the other in such manner as the commission  
 8 may prescribe.

#### ADMINISTRATION

1 SEC. 11 (a). **Duties and powers of commission**—It shall be the duty  
 2 of the commission to administer this act; and it shall have power and  
 3 authority to adopt, amend, or rescind such rules and regulations, to  
 4 employ such persons, make such expenditures, require such reports,  
 5 make such investigations, and take such other action as it deems  
 6 necessary or suitable to that end. Such rules and regulations shall  
 7 be effective upon publication in the manner, not inconsistent with the  
 8 provisions of this act, which the commission shall prescribe. Not  
 9 later than the 15th day of February of each year, the commission shall  
 10 submit to the governor a report covering the administration and  
 11 operation of this act during the preceding calendar year and shall make  
 12 such recommendations for amendments to this act as the commission  
 13 deems proper. Such report shall include a balance sheet of the moneys  
 14 in the fund. Whenever the commission believes that a change in  
 15 contribution or benefit rates will become necessary to protect the  
 16 solvency of the fund, it shall promptly so inform the governor and  
 17 the legislature, and make recommendations with respect thereto.

1 SEC. 11 (b). **Regulations and general and special rules**—General  
 2 and special rules may be adopted, amended, or rescinded by the com-  
 3 mission only after public hearing or opportunity to be heard thereon,  
 4 of which proper notice has been given. General rules shall become  
 5 effective ten days after filing with the secretary of state and publica-  
 6 tion in one or more newspapers of general circulation in this state.  
 7 Special rules shall become effective ten days after notification to or  
 8 mailing to the last known address of the individuals on concerns af-  
 9 fected thereby. Regulations may be adopted, amended, or rescinded  
 10 by the commission and shall become effective in the manner and at  
 11 the time prescribed by the commission. Each employer shall post and  
 12 maintain printed statements of all regulations in places readily ac-  
 13 cessible to individuals in his service, and shall make available to each  
 14 such individual at the time he becomes unemployed a printed state-  
 15 ment of such regulations relating to the filing of claims for benefits.

\*Note: According to enrolled bill.

16 Such printed statements shall be supplied by the commission to each  
17 employer without cost to him.

1     **SEC. 11 (c). Publication**—The commission shall cause to be printed  
2 for distribution to the public the text of this act, the commission's  
3 regulations and general rules, its annual reports to the governor, and  
4 any other material the commission deems relevant and suitable and  
5 shall furnish the same to any person upon application therefor.

1     **SEC. 11 (d). Personnel**—Subject to other provisions of this act, the  
2 commission is authorized to appoint, fix the compensation, but not to  
3 exceed for any employee twenty-four hundred dollars (\$2400.00) per  
4 year except the compensation for certified public accountants, actuaries  
5 which shall not exceed thirty-six hundred dollars (\$3600.00) per  
6 year, and legal counsel which shall not exceed four thousand dollars  
7 (\$4000.00) per year, provided, however, that the above scale of com-  
8 pensation shall not apply to the Iowa state employment service divi-  
9 sion provided for in sec. 12 (a) of this act, and prescribe the duties  
10 and powers of such officers, accountants, attorneys, experts, and other  
11 persons as may be necessary in the performance of its duties. The  
12 commission shall classify its positions and shall establish salary  
13 schedules and minimum personnel standards for the positions so  
14 classified. All positions shall be filled by persons selected and ap-  
15 pointed on the basis of competency and fitness for the position to be  
16 filled. The commission shall not appoint or employ any person who  
17 is an officer or committee member of any political party organization  
18 or who holds or is a candidate for any elective public office. The  
19 commission shall establish and enforce fair and reasonable regula-  
20 tions for appointments, promotions and demotions based upon rat-  
21 ings of efficiency and fitness and for terminations for cause. The  
22 commission may delegate to any such person so appointed such power  
23 and authority as it deems reasonable and proper for the effective  
24 administration of this act, and may in its discretion bond any person  
25 handling moneys or signing checks hereunder. Not more than sixty  
26 per cent of the employees of the said commission shall be members  
27 of any one political party.

1     **SEC. 11 (e). Advisory councils**—The commission may appoint a  
2 state advisory council and local advisory councils, composed in each  
3 case of an equal number of employer representatives and employee  
4 representatives who may fairly be regarded as representatives because  
5 of their vocation, employment, or affiliations, and of such members  
6 representing the general public as the commission may designate.  
7 Such councils shall aid the commission in formulating policies and  
8 discussing problems related to the administration of this act and in  
9 assuring impartiality and freedom from political influence in the  
10 solution of such problems. Such advisory councils shall serve without  
11 compensation, but shall be reimbursed for any necessary expenses.

1     **SEC. 11 (f). Employment stabilization**—The commission with  
2 the advice and aid of such advisory councils as it may appoint, and  
3 through the appropriate divisions, shall take all appropriate steps to  
4 reduce and prevent unemployment; to encourage and assist in the  
5 adoption of practical methods of vocational training, retraining and

6 vocational guidance; to investigate, recommend, advise, and assist  
7 in the establishment and operation, by municipalities, counties, school  
8 districts, and the state, of reserves for public works to be used in times  
9 of business depression and unemployment; to promote the reemploy-  
10 ment of unemployed workers throughout the state in every other way  
11 that may be feasible; and to these ends to carry on and publish the  
12 results of investigations and research studies.

1     **SEC. 11 (g). Records and reports**—Each employing unit shall keep  
2 true and accurate work records, containing such information as the  
3 commission may prescribe. Such records shall be open to inspection  
4 and be subject to being copied by the commission or its authorized  
5 representatives at any reasonable time and as often as may be neces-  
6 sary. The commission may require from any employing unit any  
7 sworn or unsworn reports, with respect to persons employed by it,  
8 which the commission deems necessary for the effective administration  
9 of this act. Information thus obtained shall not be published or be  
10 open to public inspection (other than to public employees in the per-  
11 formance of their public duties) in any manner revealing the employ-  
12 ing unit's identity, but any claimant at a hearing before an appeal  
13 tribunal or the commission shall be supplied with information from  
14 such records to the extent necessary for the proper presentation of  
15 his claim. Any employee or member of the commission who violates  
16 any provision of this section shall be fined not less than (\$20.00)  
17 twenty dollars nor more than (\$200.00) two hundred dollars, or im-  
18 prisoned for not longer than ninety days, or both.

1     **SEC. 11 (h). Oaths and witnesses**—In the discharge of the duties  
2 imposed by this act, the chairman of an appeal tribunal and any duly  
3 authorized representative or member of the commission shall have  
4 power to administer oaths and affirmations, take depositions, certify  
5 to official acts, and issue subpoenas to compel the attendance of wit-  
6 nesses and the production of books, papers, correspondence, memo-  
7 randa, and other records deemed necessary as evidence in connection  
8 with a disputed claim or the administration of this act.

1     **SEC. 11 (i). Subpoenas**—In case of contumacy by, or refusal to  
2 obey a subpoena issued to any person, any court of this state within  
3 the jurisdiction of which the inquiry is carried on or within the juris-  
4 diction of which said person guilty of contumacy or refusal to obey  
5 is found or resides or transacts business, upon application by the  
6 commission, or appeal tribunal, or any member or duly authorized  
7 representative thereof, shall have jurisdiction to issue to such person  
8 an order requiring such person to appear before the commission, or  
9 an appeal tribunal, there to produce evidence if so ordered or there  
10 to give testimony touching the matter under investigation or in ques-  
11 tion; any failure to obey such order of the court may be punished by  
12 said court as a contempt thereof. Any person who shall without  
13 just cause fail or refuse to attend and testify or to answer any lawful  
14 inquiry or to produce books, papers, correspondence, memoranda, and  
15 other records, if it is in his power to do so, in obedience to a subpoena,  
16 shall be punished by a fine of not more than (\$200.00) two hundred  
17 dollars or by imprisonment, for not longer than sixty days, or by  
18 both such fine and imprisonment, and each day such violation continues  
19 shall be deemed to be a separate offense.

1     **SEC. 11 (j). Protection against self-incrimination**—No person shall  
2 be excused from attending and testifying or from producing books,  
3 papers, correspondence, memoranda, and other records before the  
4 commission, or an appeal tribunal, or in obedience to a subpoena in  
5 any cause or proceeding provided for in this act, on the ground that  
6 the testimony or evidence, documentary or otherwise, required of him  
7 may tend to incriminate him or subject him to a penalty or forfeiture;  
8 but no individual shall be prosecuted or subjected to any penalty of  
9 forfeiture for or on account of any transaction, matter, or thing concern-  
10 ing which he is compelled, after having claimed his privilege  
11 against self-incrimination, to testify or produce evidence, documentary  
12 or otherwise, except that such individual so testifying shall not be  
13 exempt from prosecution and punishment for perjury committed in  
14 so testifying.

1     **SEC. 11 (k). State-federal cooperation**—In the administration of  
2 this act, the commission shall cooperate to the fullest extent consistent  
3 with the provisions of this act, with the federal social security board,  
4 created by the social security act, passed by congress and approved  
5 August 14, 1935, as amended; shall make such reports, in such form  
6 and containing such information as the federal social security board  
7 may from time to time require, and shall comply with such provisions  
8 as the federal social security board may from time to time find neces-  
9 sary to assure the correctness and verification of such reports; and  
10 shall comply with the regulations prescribed by the federal social  
11 security board governing the expenditures of such sums as may be  
12 allotted and paid to this state under title III of the social security act  
13 for the purpose of assisting in administration of this act. Upon  
14 request therefor the commission shall furnish to any agency of the  
15 United States charged with the administration of public works or  
16 assistance through public employment, the name, address, ordinary  
17 occupation, and employment status of each recipient of benefits and  
18 such recipient's rights to further benefits under this act.

#### EMPLOYMENT SERVICE

1     **SEC. 12 (a). State employment service**—The Iowa state employ-  
2 ment service, as provided in chapters 75 and 77 of the code of Iowa,  
3 is hereby transferred to the commission as a division thereof, which  
4 shall establish and maintain free public employment offices in such  
5 number and in such places as may be necessary for the proper adminis-  
6 tration of this act and for the purpose of performing such duties as  
7 are within the purview of the act of Congress entitled "An act to  
8 provide for the establishment of a national employment system and  
9 for cooperation with the states in the promotion of such system, and  
10 for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C.,  
11 title 29, sec. 49, as amended). The said division shall be administered  
12 by a full-time salaried director, who shall be charged with the duty  
13 to cooperate with any official or agency of the United States having  
14 powers or duties under the provisions of the said act of Congress, as  
15 amended, and to do and perform all things necessary to secure to this  
16 state the benefits of the said act of Congress, as amended, in the pro-  
17 motion and maintenance of a system of public employment offices.  
18 The Iowa state employment service division is hereby designated and  
19 constituted the agency of this state for the purposes of said act. The

20 commission is directed to appoint the director, other officers and em-  
 21 ployees of the Iowa state employment service. Such appointment shall  
 22 be made in accordance with regulations prescribed by the director  
 23 of the United States employment service. If this act shall become  
 24 inoperative for the reason prescribed in section 24 of this act, the  
 25 Iowa state employment division shall not be affected thereby, but such  
 26 division shall, upon the happening of such contingency, be deemed to  
 27 be a division of the bureau of labor of the state of Iowa, with the same  
 28 force and effect as if this act had not been passed, and that all funds  
 29 and property made available to the Iowa state employment service  
 30 division under this act shall under such contingency become, and shall  
 31 be declared to be, the funds and property of the Iowa state employment  
 32 service of the bureau of labor of Iowa.

1     **SEC. 12 (b). Financing**—All moneys received by this state under  
 2 the said act of Congress, as amended, shall be paid into the special  
 3 “employment service account” in the unemployment compensation ad-  
 4 ministration fund, and said moneys are hereby made available to the  
 5 Iowa state employment service to be expended as provided by this  
 6 section and by said act of Congress. For the purpose of establishing  
 7 and maintaining free public employment offices, said division is  
 8 authorized to enter into agreements with any political subdivision of  
 9 this state or with any private, nonprofit organization, and as a part  
 10 of any such agreement the commission may accept moneys, services,  
 11 or quarters as a contribution to the employment service account.

#### UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND

1     **SEC. 13 (a). Special fund**—There is hereby created in the state  
 2 treasury a special fund to be known as the unemployment compensa-  
 3 tion administration fund. All moneys which are deposited or paid  
 4 into this fund are hereby appropriated and made available to the  
 5 commission. All moneys in this fund shall be expended solely for  
 6 the purpose of defraying the cost of the administration of this act,  
 7 and for no other purpose whatsoever. The fund shall consist of all  
 8 moneys appropriated by this state, and all moneys received from the  
 9 United States of America, or any agency thereof, including the social  
 10 security board and the United States employment service, or from  
 11 any other source, for such purpose. All moneys in this fund shall  
 12 be deposited, administered, and disbursed, in the same manner and  
 13 under the same conditions and requirements as is provided by law for  
 14 special funds in the state treasury. Any balances in this fund shall  
 15 not lapse at any time, but shall be continuously available to the com-  
 16 mission for expenditure consistent with this act. The state treasurer  
 17 shall give a separate and additional bond conditioned upon the faithful  
 18 performance of his duties in connection with the unemployment com-  
 19 pensation administration fund in an amount and with such sureties  
 20 as shall be fixed and approved by the governor. The premiums for  
 21 such bond and the premiums for the bond given by the treasurer of  
 22 the unemployment compensation fund under section 9 of this act,  
 23 shall be paid from\* the moneys in the unemployment administration  
 24 fund.

\* Note: In accordance with enrolled bill.

1     **SEC. 13 (b). Employment service account**—A special “Employment  
2 service account” shall be maintained as a part of the unemployment  
3 compensation administration fund for the purpose of maintaining the  
4 public employment offices established pursuant to section 12 of this  
5 act and for the purpose of cooperating with the United States employ-  
6 ment service. There is hereby transferred to the employment service  
7 account of the unemployment compensation administration fund, the  
8 unexpended balance of any money heretofore appropriated or received  
9 for the Iowa state employment service. In addition, there shall be  
10 paid into such account the moneys designated in section 12(b) of  
11 this act, and such moneys as are apportioned for the purpose of this  
12 account from any moneys received by this state under title III of  
13 the social security act, as amended.

#### COLLECTION OF CONTRIBUTIONS

1     **SEC. 14 (a). Interest on past-due contributions**—Contributions un-  
2 paid on the date on which they are due and payable, as prescribed by  
3 the commission, shall bear interest at the rate of 1 per centum per  
4 month from and after such date until payment plus accrued interest  
5 is received by the commission, provided that the commission may  
6 prescribe fair and reasonable regulations pursuant to which such  
7 interest shall not accrue with respect to contributions required for the  
8 calendar year 1936. Interest collected pursuant to this subsection  
9 shall be paid into the unemployment compensation fund.

1     **SEC. 14 (b). Collection**—If, after due notice, any employer defaults  
2 in any payment of contributions or interest thereon, the amount due  
3 shall be collected by civil action in the name of the commission, and  
4 the employer adjudged in default shall pay the costs of such action.  
5 Civil actions brought under this section to collect contributions or  
6 interest thereon from an employer shall be heard by the court at the  
7 earliest possible date and shall be entitled to preference upon the  
8 calendar of the court over all other civil actions except petitions for  
9 judicial review under this act and cases arising under the workmen’s  
10 compensation law of this state.

1     **SEC. 14 (c). Priorities under legal dissolutions or distributions**—  
2 In the event of any distribution of an employer’s assets pursuant to  
3 an order of any court under the laws of this state, including any  
4 receivership, assignment for benefit of creditors, adjudicated insol-  
5 vency, composition, or similar proceeding, contributions then or there-  
6 after due shall be paid in full prior to all other claims except taxes  
7 and claims for wages preferred as provided by statute. In the event  
8 of an employer’s adjudication in bankruptcy, judicially confirmed ex-  
9 tension proposal, or composition, under the federal bankruptcy act  
10 of 1898, as amended, contributions then or thereafter due shall be  
11 entitled to such priority as is provided in section 64(b) of that act  
12 (U. S. C., title II, sec. 104(b), as amended).

1     **SEC. 14 (d). Refunds**—If not later than one year after the date on  
2 which any contributions or interest thereon became due, an employer  
3 who has paid such contributions or interest thereon shall make appli-  
4 cation for an adjustment thereof in connection with subsequent con-  
5 tribution payments, or for a refund thereof because such adjustment

6 cannot be made, and the commission shall determine that such contri-  
 7 butions or interest or any portion thereof was erroneously collected,  
 8 the commission shall allow such employer to make an adjustment  
 9 thereof, without interest, in connection with subsequent contribution  
 10 payments by him, or if such adjustment cannot be made the commis-  
 11 sion shall refund said amount, without interest, from the fund. For  
 12 like cause and within the same period, adjustment or refund may be  
 13 so made on the commission's own initiative.

#### PROTECTION OF RIGHTS AND BENEFITS

1 SEC. 15 (a). **Waiver of rights void**—Any agreement by an indi-  
 2 vidual to waive, release, or commute his rights to benefits or any other  
 3 rights under this act shall be void. Any agreement by any individual  
 4 in the employ of any person or concern to pay all or any portion of an  
 5 employer's contributions, required under this act from such employer,  
 6 shall be void. No employer shall directly or indirectly make or require  
 7 or accept any deduction from wages to finance the employer's con-  
 8 tributions required from him, or require or accept any waiver of any  
 9 right hereunder by any individual in his employ. Any employer or  
 10 officer or agent of an employer who violates any provision of this sub-  
 11 section shall, for each offense, be fined not less than (\$100) one hun-  
 12 dred dollars nor more than (\$1,000) one thousand dollars or be im-  
 13 prisoned for not more than six months, or both.

1 SEC. 15 (b). **Limitation of fees**—No individual claiming benefits  
 2 shall be charged fees of any kind in any proceeding under this act by  
 3 the commission or its representatives or by any court or any officer  
 4 thereof. Any individual claiming benefits in any proceeding before  
 5 the commission, or an appeal tribunal or a court may be represented by  
 6 counsel or other duly authorized agent; but no such counsel or agent  
 7 shall either charge or receive for such services more than an amount  
 8 approved by the commission. Any person who violates any provisions  
 9 of this subsection shall, for each such offense, be fined not less than  
 10 (\$50) fifty dollars nor more than (\$500) five hundred dollars, or im-  
 11 prisoned for not more than six months, or both.

1 SEC. 15 (c). **No assignment of benefits; exemptions**—Any assign-  
 2 ment, pledge, or encumbrance of any right to benefits which are or  
 3 may become due or payable under this act shall be void, and such rights  
 4 to benefits shall be exempt from levy, execution, attachment, or any  
 5 other remedy whatsoever provided for the collection of debt; and  
 6 benefits received by any individual, so long as they are not mingled  
 7 with other funds of the recipient, shall be exempt from any remedy  
 8 whatsoever for the collection of all debts. Any waiver of any exemp-  
 9 tion provided for in this subsection shall be void.

1 SEC. 16 (a). **Penalties**—Whoever makes a false statement or rep-  
 2 resentation knowing it to be false or knowingly fails to disclose a  
 3 material fact, to obtain or increase any benefit or other payment  
 4 under this act, either for himself or for any other person, shall be  
 5 punished by a fine of not less than (\$20.00) twenty dollars nor more  
 6 than (\$50.00) fifty dollars or by imprisonment for not longer than  
 7 thirty days, or by both such fine and imprisonment; and each such false  
 8 statement or representation or failure to disclose a material fact shall  
 9 constitute a separate offense.

1 SEC. 16 (b). Any employing unit or any officer or agent of an em-  
2 ploying unit or any other person who makes a false statement or  
3 representation knowing it to be false, or who knowingly fails to dis-  
4 close a material fact, to prevent or reduce the payment of benefits to  
5 any individual entitled thereto, or to avoid becoming or remaining  
6 subject hereto, or to avoid or reduce any contribution or other pay-  
7 ment required from an employing unit under this act, or who wilfully  
8 fails or refuses to make any such contributions or other payment or  
9 to furnish any reports required hereunder or to produce or permit  
10 the inspection or copying of records as required hereunder, shall be  
11 punished by a fine of not less than (\$20.00) twenty dollars nor more  
12 than (\$200.00) two hundred dollars, or by imprisonment for not  
13 longer than sixty days, or by both such fine and imprisonment; and  
14 each such false statement or representation or failure to disclose a  
15 material fact, and each day of such failure or refusal, shall constitute  
16 a separate offense.

1 SEC. 16 (c). Any person who shall wilfully violate any provisions  
2 of this act or any rule or regulation thereunder, the violation of which  
3 is made unlawful or the observance of which is required under the  
4 terms of this act, and for which a penalty is neither prescribed herein  
5 nor provided by any other applicable statute, shall be punished by a  
6 fine of not less than (\$20.00) twenty dollars nor more than (\$200.00)  
7 two hundred dollars or by imprisonment for not longer than sixty  
8 days, or by both such fine and imprisonment, and each day such viola-  
9 tion continues shall be deemed to be a separate offense.

1 SEC. 16 (d). Any person who, by reason of the nondisclosure or  
2 misrepresentation by him or by another, of a material fact (irrespec-  
3 tive of whether such nondisclosure or misrepresentation was known  
4 or fraudulent) has received any sum as benefits under this act while  
5 any conditions for the receipt of benefits imposed by this act were not  
6 fulfilled in his case, or while he was disqualified from receiving bene-  
7 fits, shall, in the discretion of the commission, either be liable to have  
8 such sum deducted from any future benefits payable to him under this  
9 act or shall be liable to repay to the commission for the unemployment  
10 compensation fund, a sum equal to the amount so received by him,  
11 and such sum shall be collectible in the manner provided in section  
12 14 (b) of this act for the collection of past-due contributions.

#### REPRESENTATION IN COURT

1 SEC. 17 (a). In any civil action to enforce the provisions of this  
2 act, the commission and the state may be represented by any qualified  
3 attorney who is a regular salaried employee of the commission and is  
4 designated by it for this purpose or, at the commission's request, by  
5 the attorney general. In case the governor designates special counsel  
6 to defend on behalf of the state, the validity of this act, the expenses  
7 and compensation of such special counsel employed by the commission  
8 in connection with such proceeding may be charged to the unemploy-  
9 ment compensation administration fund.

1 SEC. 17 (b). All criminal actions for violations of any provision  
2 of this act, or of any rules or regulations issued by the commission  
3 pursuant thereto, shall be prosecuted by the prosecuting attorney of  
4 any county in which the employer has a place of business or the viola-



5 tor resides, or, at the request of the commission, shall be prosecuted  
6 by the attorney general.

1 SEC. 18. **Non-liability of state**—Benefits shall be deemed to be due  
2 and payable under this act only to the extent provided in this act and  
3 to the extent that moneys are available therefor to the credit of the  
4 unemployment compensation fund, and neither the state nor the com-  
5 mission shall be liable for any amount in excess of such sums.

#### DEFINITIONS

1 SEC. 19. As used in this act, unless the context clearly requires  
2 otherwise:

1 SEC. 19 (a) (1). "*Annual pay roll*" means the total amount of  
2 wages payable by an employer (regardless of the time of payment)  
3 for employment during a calendar year.

4 (2) "*Average annual pay roll*" means the average of the annual pay  
5 rolls of any employer for the last three or five years, whichever aver-  
6 age is higher.

1 SEC. 19 (b). "*Benefits*" means the money payments payable to an  
2 individual, as provided in this act, with respect to his unemployment.

1 SEC. 19 (c). "*Commission*" means the unemployment compensation  
2 commission established by this act.

1 SEC. 19 (d). "*Contributions*" means the money payments to the  
2 state unemployment compensation fund required by this act.

1 SEC. 19 (e). "*Employing unit*" means any individual or type of  
2 organization, including any partnership, association, trust, estate,  
3 jointstock company, insurance company or corporation, whether  
4 domestic or foreign, or the receiver, trustee in bankruptcy, trustee or  
5 successor thereof, or the legal representative of a deceased person,  
6 which has or subsequent to January 1, 1936, had in its employ one or  
7 more individuals performing services for it within this state. All  
8 individuals performing services within this state for any employing  
9 unit which maintains two or more separate establishments within this  
10 state shall be deemed to be employed by a single employing unit for  
11 all the purposes of this act. Whenever any employing unit contracts  
12 with or has under it any contractor or subcontractor for any work  
13 which is part of its usual trade, occupation, profession, or business,  
14 unless the employing unit as well as each such contractor or subcon-  
15 tractor is an employer by reason of section 19 (f) or section 8 (c)  
16 of this act, the employing unit shall for all the purposes of this act be  
17 deemed to employ each individual in the employ of each such con-  
18 tractor or subcontractor for each day during which such individual  
19 is engaged in performing such work; except that each such contractor  
20 or subcontractor who is an employer by reason of section 19 (f) or  
21 section 8 (c) of this act shall alone be liable for the contributions  
22 measured by wages payable to individuals in his employ, and except  
23 that any employing unit who shall become liable for and pay contribu-  
24 tions with respect to individuals in the employ of any such contractor  
25 or subcontractor who is not an employer by reason of section 19 (f)  
26 or section 8 (c) of this act, may recover the same from such contractor  
27 or subcontractor, except as any contractor or subcontractor who would

28 in the absence of the foregoing provisions be liable to pay said con-  
 29 tributions, accepts exclusive liability for said contributions under an  
 30 agreement with such employer made pursuant to general rules of the  
 31 commission. Each individual employed to perform or to assist in per-  
 32 forming the work of any agent or employee of an employing unit shall  
 33 be deemed to be employed by such employing unit for all the purposes  
 34 of this act, whether such individual was hired or paid directly by such  
 35 employing unit or by such agent or employee, provided the employing  
 36 unit had actual or constructive knowledge of such work.

1 SEC. 19 (f). "*Employer*" means:

- 2 (1) Any employing unit which for some portion of a day in each  
 3 of fifteen different weeks within either the current or the preceding  
 4 calendar year, excepting the calendar year 1935 (whether or not such  
 5 weeks are or were consecutive) has or had in employment eight or  
 6 more individuals (not necessarily simultaneously and irrespective of  
 7 whether the same individuals are or were employed in each such day);  
 8 (2) Any employing unit which acquired the organization, trade  
 9 or business, or substantially all the assets thereof, of another which  
 10 at the time of such acquisition was an employer subject to this act;  
 11 (3) Any employing unit which acquired the organization, trade  
 12 or business, or substantially all the assets thereof, of another employ-  
 13 ing unit and which, if treated as a single unit with such other employ-  
 14 ing unit, would be an employer under paragraph (1) of this sub-  
 15 section;  
 16 (4) Any employing unit which together with one or more other  
 17 employing units, is owned or controlled (by legally enforceable means  
 18 or otherwise) directly or indirectly by the same interests, or which  
 19 owns or controls one or more other employing units (by legally en-  
 20 forcible means or otherwise), and which, if treated as a single unit  
 21 with such other employing unit, would be an employer under para-  
 22 graph (1) of this subsection;  
 23 (5) Any employing unit which, having become an employer under  
 24 paragraph (1), (2), (3) or (4), has not, under section 8, ceased to be  
 25 an employer subject to this act; or  
 26 (6) For the effective period of its election pursuant to section 8  
 27 (c) any other employing unit which has elected to become fully sub-  
 28 ject to this act.

1 SEC. 19 (g). Except as otherwise provided in this subsection (g),  
 2 "*employment*" means service, including service in interstate com-  
 3 merce, performed for wages or under any contract of hire, written  
 4 or oral, express or implied.

- 5 (2) The term "*employment*" shall include an individual's entire  
 6 service, performed within or both within and without this state if:  
 7 (a) the service is localized in this state, or  
 8 (b) the service is not localized in any state but some of the service  
 9 is performed in this state and (i) the base of operations, or, if there  
 10 is no base of operations, then the place from which such service is  
 11 directed or controlled, is in this state; or (ii) the base of operations  
 12 or place from which such service is directed or controlled is not in  
 13 any state in which some part of the service is performed, but the  
 14 individual's residence is in this state.

15 (3) Services performed within this state but not covered under  
16 paragraph (2) of this subsection shall be deemed to be employment  
17 subject to this act if contributions are not required and paid with  
18 respect to such services under an unemployment compensation law  
19 of any other state or of the federal government.

20 (4) Services not covered under paragraph (2) of this subsection,  
21 and performed entirely without this state, with respect to no part of  
22 which contributions are required and paid under an employment com-  
23 pensation law of any other state or of the federal government, shall  
24 be deemed to be employment subject to this act if the individual per-  
25 forming such services is a resident of this state and the commission  
26 approves the election of the employing unit for whom such services  
27 are performed that the entire service of such individual shall be  
28 deemed to be employment subject to this act.

29 (5) Service shall be deemed to be localized within a state if

30 (a) the service is performed entirely within such state, or

31 (b) the service is performed both within and without such state,  
32 but the service performed without such state is incidental to the indi-  
33 vidual's service within the state, for example, is temporary or transi-  
34 tory in nature or consists of isolated transactions.

35 (6) Services performed by an individual for wages shall be deemed  
36 to be employment subject to this act unless and until it is shown to  
37 the satisfaction of the commission that

38 (a) such individual has been and will continue to be free from con-  
39 trol or direction over the performance of such services, both under his  
40 contract of service and in fact.

41 (7) The term "*employment*" shall not include:

42 (a) Service performed in the employ of this state, or of any political  
43 subdivision thereof, or of any instrumentality of this state or its  
44 political subdivisions;

45 (b) Service performed in the employ of any other state or its politi-  
46 cal subdivisions, or of the United States government, or of an instru-  
47 mentality of any other state or states or their political subdivisions  
48 or of the United States.

49 (c) Service with respect to which unemployment compensation is  
50 payable under an unemployment compensation system established by  
51 an act of Congress; provided, that the commission is hereby authorized  
52 and directed to enter into agreements with the proper agencies under  
53 such act of Congress, which agreements shall become effective ten  
54 days after publication thereof in the manner provided in section 11

55 (b) of this act for general rules, to provide reciprocal treatment to  
56 individuals who have, after acquiring potential rights to benefits under  
57 this act, acquired rights to unemployment compensation under such  
58 act of Congress, or who have, after acquiring potential rights to un-  
59 employment compensation under such act of Congress, acquired rights  
60 to benefits under this act.

61 (d) Agricultural labor;

62 (e) Domestic service in a private home;

63 (f) Service performed as an officer or member of the crew of a  
64 vessel on the navigable waters of the United States;

65 (g) Service performed by an individual in the employ of his son,  
66 daughter, or spouse, and service performed by a child under the age  
67 of twenty-one in the employ of his father or mother;

68 (h) Service performed in the employ of a corporation, community  
69 chest, fund, or foundation, organized and operated exclusively for  
70 religious, charitable, scientific, literary, or educational purposes, or  
71 for the prevention of cruelty to children or animals, no part of the net  
72 earnings of which inures to the benefit of any private shareholder or  
73 individual.

1 SEC. 19 (h). "*Employment office*" means a free public employment  
2 office, or branch thereof, operated by this state or maintained as a  
3 part of a state-controlled system of public employment offices.

1 SEC. 19 (i). "*Fund*" means the unemployment compensation fund  
2 established by this act, to which all contributions required and from  
3 which all benefits provided under this act shall be paid.

1 SEC. 19 (j). "**Total and partial unemployment**".

2 (1) An individual shall be deemed "*totally unemployed*" in any  
3 week with respect to which no wages are payable to him and during  
4 which he performs no services (other than odd jobs or subsidiary work  
5 for which no wages as used in this subsection are payable to him).

6 (2) An employee shall be deemed "*partially unemployed*" in any  
7 week of less than full-time work if his wages payable for such week  
8 fail to equal two dollars more than the weekly benefit amount he would  
9 be entitled to receive if totally unemployed and eligible.

10 (3) As used in this subsection, the term "*wages*" shall include only  
11 that part of wages for odd jobs or subsidiary work, or both, which  
12 is in excess of three dollars (\$3.00) in any one week.

13 (4) An individual's week of unemployment shall be deemed to com-  
14 mence only after his registration at an employment office, except as  
15 the commission may by regulation otherwise prescribe.

1 SEC. 19 (k). "*State*" includes, in addition to the states of the  
2 United States of America, Alaska, Hawaii, and the District of Co-  
3 lumbia.

1 SEC. 19 (l). "*Unemployment compensation administration fund*"  
2 means the unemployment compensation administration fund estab-  
3 lished by this act, from which administration expenses under this act  
4 shall be paid.

1 SEC. 19 (m). "*Wages*" means all remuneration payable for per-  
2 sonal services, including commissions and bonuses and the cash value  
3 of all remuneration payable in any medium other than cash. The  
4 reasonable cash value of remuneration payable in any medium other  
5 than cash, shall be estimated and determined in accordance with rules  
6 prescribed by the commission.

1 SEC. 19 (n). "*Week*" means such period or periods of seven con-  
2 secutive calendar days ending at midnight, or as the commission may  
3 by regulations prescribe.

1 SEC. 19 (o). "**Weekly benefit amount**". An individual's "*weekly*  
2 "*benefit amount*" means the amount of benefits he would be entitled to  
3 receive for one week of total unemployment. An individual's weekly  
4 benefit amount, as determined for the first week of his benefit year,  
5 shall constitute his weekly benefit amount throughout such benefit  
6 year.

1 SEC. 19 (p). "*Benefit year*" with respect to any individual means  
2 the fifty-two consecutive week period beginning with the first day of  
3 the week with respect to which benefits are first payable to him, and  
4 thereafter, the fifty-two consecutive week period beginning with the  
5 first day of the first week with respect to which benefits are next pay-  
6 able to him after the termination of his preceding benefit year.

1 SEC. 19 (q). "*Base period*" means the period beginning with the  
2 first day of the nine completed calendar quarters immediately pre-  
3 ceding the first day of an individual's benefit year and ending with  
4 the last day of the next to the last completed calendar quarter imme-  
5 diately preceding any week with respect to which benefits are payable.

1 SEC. 19 (r). "*Calendar quarter*" means the period of three consecu-  
2 tive calendar months ending on March 31, June 30, September 30 or  
3 December 31, excluding, however, any calendar quarter or portion  
4 thereof which occurs prior to January 1, 1937, or the equivalent thereof  
5 as the commission may by regulation prescribe.

1 SEC. 20. "*Reciprocal benefit arrangements*"—The commission is  
2 hereby authorized to enter into arrangements with the appropriate  
3 agencies of other states or the federal government whereby potential  
4 rights to benefits accumulated under the unemployment compensation  
5 laws of several states or under such a law of the federal government,  
6 or both, may constitute the basis for the payment of benefits through  
7 a single appropriate agency under terms which the commission finds  
8 will be fair and reasonable as to all affected interests and will not  
9 result in any substantial loss to the fund.

1 SEC. 21. "*Saving clause*"—The general assembly reserves the right  
2 to amend or repeal all or any part of this act at any time; and there  
3 shall be no vested private right of any kind against such amendment  
4 or repeal. All rights, privileges, or immunities conferred by this act  
5 or by acts done pursuant thereto shall exist subject to the power of  
6 the General Assembly to amend or repeal this act at any time.

1 SEC. 22. "*Separability of provisions*"—If any provision of this act,  
2 or the application thereof to any person or circumstance, is held in-  
3 valid, the remainder of this act and the application of such provision  
4 to other persons or circumstances shall not be affected thereby.

1 SEC. 23. "*Constitutionality*"—If any section, subsection, clause,  
2 sentence 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 General Assembly hereby declares  
5 that in the passage of this act, it is the expressed intent of the General  
6 Assembly to provide for contributions from any and all employers  
7 as herein defined, as far as the same is constitutional and valid, and  
8 the General Assembly hereby further declares that it would have  
9 passed this act and each section, subsection, clause, sentence and phrase  
10 hereof irrespective of whether any one or more of the sections, sub-  
11 sections, clauses, sentences or phrases hereof be declared unconstitu-  
12 tional or invalid.

1 SEC. 24. "*Termination*"—If at any time title IX of the social se-  
2 curity act, as amended, shall be amended or repealed by Congress or

3 held unconstitutional by the Supreme Court of the United States, with  
 4 the result that no portion of the contributions required under this act  
 5 may be credited against the tax imposed by said title IX, in any such  
 6 event the operation of the provisions of this act requiring the payment  
 7 of contributions and benefits shall immediately cease, the commission  
 8 shall thereupon requisition from the unemployment trust fund all  
 9 moneys therein standing to its credit, and such moneys, together with  
 10 any other moneys in the unemployment compensation fund shall be  
 11 refunded, without interest and under regulations prescribed by the  
 12 commission, to each employer by whom contributions have been paid,  
 13 proportionately to his pro rata share of the total contributions paid  
 14 under this act. Any interest or earnings of the fund shall be available  
 15 to the commission to pay for the costs of making such refunds. When  
 16 the commission shall have executed the duties prescribed in this section  
 17 and performed such other acts as are incidental to the termination  
 18 of its duties under this act, the provisions of this act, in their entirety,  
 19 shall cease to be operative.

1 SEC. 25. The provisions of senate file 1 of the 46th General Assem-  
 2 bly of Iowa in Extraordinary Session, as amended by senate file 191  
 3 of the 47th General Assembly of Iowa, are hereby amended and re-  
 4 enacted to conform to the provisions of this act as hereinbefore set out.  
 5 All acts or parts of acts in conflict herewith are hereby repealed in-  
 6 sofar as they are inconsistent with the provisions of this act, and of  
 7 the provisions of senate file 1 of the 46th General Assembly of Iowa  
 8 in Extraordinary Session, as amended by senate file 191 of the 47th  
 9 General Assembly of Iowa, as herein amended and re-enacted.

1 SEC. 26. "Effective date"—This act being deemed of immediate im-  
 2 portance, shall be in force and effect from and after its passage and  
 3 publication in the Bulletin Journal, a newspaper published at Inde-  
 4 pendence, Iowa, and in The Press, a newspaper published at Man-  
 5 chester, Iowa.

Senate File 447. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Bulletin, Independence,  
 May 20, 1937, and The Press, Manchester, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 103

### UNEMPLOYMENT COMPENSATION LAW

#### S. F. 191

AN ACT to amend sections 10 (a) and 10 (b) of Senate File No. 1, acts of the Forty-  
 sixth General Assembly, extraordinary session (approved December 24, 1936) and  
 relating to administration of the unemployment insurance law.

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

1 SECTION 1. That sections 10 (a) and 10 (b), senate file No. 1, acts  
 2 of the Forty-sixth General Assembly in extraordinary session are  
 3 hereby repealed and that there be enacted as a substitute therefor  
 4 the following:

5       **"SEC. 10 (a) Unemployment compensation commission.** There is  
6 hereby created a commission to be known as the Iowa unemployment  
7 compensation commission. The commission shall consist of three (3)  
8 members who shall devote their entire time to the duties of their of-  
9 fice; one of whom shall be a representative of labor, one of whom  
10 shall be a representative of employers, and one of whom shall be im-  
11 partial and shall represent the public generally. During his term of  
12 membership on the commission no member shall serve as an officer  
13 or committee member of any political party organization, and not more  
14 than two members of the commission shall be members of the same  
15 political party. Each of the three (3) members of the commission  
16 shall be appointed by the governor immediately after the effective  
17 date of this act, subject to approval by a two-thirds vote of the mem-  
18 bers of the senate in executive session, and shall serve for a term of  
19 six (6) years, or until his successor is appointed and qualifies, except  
20 that

21       (1) Any member appointed to fill a vacancy occurring prior to the  
22 expiration of the term for which his predecessor was appointed shall  
23 be appointed for the remainder of such term; and

24       (2) The terms of the members first appointed after the date of  
25 enactment of this act shall expire, as designated by the governor at  
26 the time of appointment, one member on June 30, 1939, and one mem-  
27 ber on June 30, 1941, and one member on June 30, 1943, or in each of  
28 the foregoing instances until his successor is appointed and qualified.

29       The governor may at any time, after notice and hearing, remove  
30 any commissioner for gross inefficiency, neglect of duty, malfeasance,  
31 misfeasance, or nonfeasance in the performance of his duties as a  
32 member of the commission. Before entering upon the discharge of his  
33 official duties, each member of the commission shall take and sub-  
34 scribe to an oath of office, which shall be filed in the office of the secre-  
35 tary of state. Any vacancy occurring for any cause in the member-  
36 ship of this commission shall be filled for the unexpired term by ap-  
37 pointment by the governor subject to approval by a two-thirds vote  
38 of the members of the senate in executive session at the next regular  
39 session of the legislature. Each member of the commission shall be  
40 entitled to receive as compensation for his services the sum of \$4500.00  
41 per year, payable monthly. In addition to the compensation herein-  
42 before prescribed, each member of the commission shall be entitled to  
43 receive the amount of his traveling and other necessary expenses actu-  
44 ally incurred while engaged in the performance of his official duties.  
45 For the purpose of this act the first meeting in January shall be  
46 designated the annual meeting. Two members of the commission shall  
47 constitute a quorum for the transaction of business. At its first meet-  
48 ing, and at each annual meeting held thereafter, the commission shall  
49 organize by the election of a chairman and vice-chairman from its own  
50 number, each of whom, except those first elected, shall serve for a  
51 term of one year and until his successor is elected. The commission  
52 shall adopt and use an official seal for the authentication of its or-  
53 ders and records. The commission shall establish and maintain its  
54 principal place of business in the city of Des Moines.

55       **SEC. 10 (b) Secretary.** The commission shall select and appoint  
56 a secretary of the commission. He shall serve at the pleasure of the

57 commission and shall perform such duties and receive a salary not to  
 58 exceed \$2400.00 per year. Before entering upon the discharge of his  
 59 official duties the secretary shall execute a bond, payable to the state  
 60 of Iowa in such amount and with such sureties as shall be approved by  
 61 the commission, conditioned upon the faithful discharge of his official  
 62 duties, and he shall likewise take and subscribe an oath, which shall  
 63 be endorsed upon his official bond, and the bond and oath when so  
 64 executed shall be filed in the office of the secretary of state."

1 SEC. 2. **Effective date.** This act being deemed of immediate im-  
 2 portance, shall be in force and effect from and after its passage and  
 3 publication in the Ottumwa Courier, a newspaper published at Ot-  
 4 tumwa, Iowa, and in the Charles City Press, a newspaper published at  
 5 Charles City, Iowa.

Senate File 191. Approved February 25, 1937.

I hereby certify that the foregoing act was published in the Ottumwa Courier, Febru-  
 ary 26, 1937, and the Charles City Press, February 26, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 104

### PODIATRY, PRACTICE OF

H. F. 388

AN ACT to repeal chapter one hundred seventeen (117), code, 1935, relating to the  
 practice of podiatry and to enact a substitute therefor.

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

1 SECTION 1. Chapter one hundred seventeen (117), code, 1935, is  
 2 hereby repealed and the following enacted in lieu thereof:

1 SEC. 2. For the purpose of this title the following classes of persons  
 2 shall be deemed to be engaged in the practice of podiatry:

3 (a) Persons who publicly profess to be podiatrists or who publicly  
 4 profess to assume the duties incident to the practice of podiatry.

5 (b) A podiatrist is one who examines or diagnoses or treats ail-  
 6 ments of the human foot, medically or surgically.

1 SEC. 3. This act shall not apply to the following:

2 (a) Physicians and surgeons, or osteopaths, or osteopathic sur-  
 3 geons authorized to practice in this state.

4 (b) Podiatrists licensed to practice in the state of Iowa prior to  
 5 the taking effect of this act.

6 (c) Nothing herein shall affect or alter the existing right now held  
 7 by retailers, manufacturers or others to sell corrective shoes, arch  
 8 supports, drugs or medicines for use on feet.

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

2 (a) Be a graduate of an accredited high school.

3 (b) Present a diploma issued by a school of podiatry approved by  
 4 the board of podiatry examiners.

5 (c) Pass an examination in the subjects of anatomy, chemistry,  
 6 dermatology, diagnosis, pharmacy and materia medica, pathology,  
 7 physiology, histology, bacteriology, neurology, practical and clinical  
 8 podiatry, foot orthopedics, and others, as prescribed by the board.



9 of podiatry examiners, and must obtain a general average of at least  
10 seventy-five (75) per cent and not less than seventy (70) per cent  
11 in any one subject.

12 (d) In addition to the above requirements all applicants after  
13 January 1, 1938, shall present to the board of podiatry examiners  
14 satisfactory evidence of a completed internship of not less than eight  
15 (8) months in a recognized school, hospital, clinic or office, approved  
16 by the board of podiatry examiners.

1 SEC. 5. No school of podiatry shall be approved by the board of  
2 podiatry examiners as a school of recognized standing unless said  
3 school:

4 (a) Requires for graduation or the receipt of any podiatric degree  
5 the completion of a course of study covering a period of at least eight  
6 months in each of three (3) calendar years.

7 (b) After January 1, 1940, no school of podiatry and/or chiropody  
8 shall be approved by the board of podiatry examiners which does not  
9 have as an additional entrance requirement one (1) year's study in  
10 a recognized college, junior college, university or academy.

1 SEC. 6. A license to practice podiatry shall not authorize the  
2 licensee to amputate the human foot or perform any surgery on the  
3 human body at or above the ankle, or use any anesthetics other than  
4 local.

1 SEC. 7. Every licensee shall be designated as a registered podiatrist  
2 and shall not use any title or abbreviation without the designation  
3 "practice limited to the foot," nor mislead the public in any way as  
4 to the limited field or practice.

House File 388. Approved May 1, 1937.

## CHAPTER 105

### PROFESSION OF BARBERING

H. F. 25

AN ACT to amend sections twenty-two hundred seventeen (2217) and twenty-five hundred twenty-two (2522), code of 1935, providing penalties for the violation of the laws of Iowa and the rules of the department of health relating to the profession of barbering.

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

1 SECTION 1. That section twenty-two seventeen (2217), code, 1935,  
2 be amended by adding after the word "cosmetology" in line seven (7)  
3 the words "or barbering".

1 SEC. 2. That section twenty-five hundred twenty-two (2522), code  
2 of 1935, be amended by striking the words and figures "and chapter  
3 124-B1" in line five (5) and inserting the following: ", of cosmetology,  
4 and of barbering,".

1 SEC. 3. That section twenty-five hundred twenty-two (2522), code,  
2 1935, be further amended by adding after the words and figures "Chap-  
3 ter 124-B1", appearing in lines ten (10) and eleven (11), the words  
4 and figures "or Chapter 124-B2".

1 SEC. 4. 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 in this state, as provided by law.

House File 25. Approved March 6, 1937.

I hereby certify that the foregoing act was published in the Bellevue Herald, March 9, 1937, and the Sabula Herald, March 11, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 106

### PRACTICE OF EMBALMING

H. F. 186

AN ACT to amend section twenty-five hundred eighty-five-c one (2585-c1), code, 1935, relating to the practice of embalming, and fees for renewal of licenses of those engaged therein.

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

1 SECTION 1. Amend chapter one hundred twenty-four-C one (124-  
2 C1), section twenty-five hundred eighty-five-c one (2585-c1), code, 1935,  
3 by adding the following:

4 "It is further provided that nothing in the provisions of this act  
5 shall apply to any person, firm, or legally established funeral home other  
6 than cooperative burial associations, except that each such legally  
7 established funeral home shall comply with the provisions of this  
8 chapter as to state control, licenses, and license fees, engaged in the  
9 undertaking business on July 4, 1935."

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-four (2534), chapter 115, code, 1935, to-wit:

4 "The state department of health shall annually add four dollars  
5 (\$4.00) to the renewal fee provided for in subdivision seven (7) of  
6 section twenty-five hundred sixteen (2516), code, 1935, for one licensed  
7 to practice embalming, and such additional moneys shall be accepted as  
8 part of the regular renewal fee. The payment of the same shall be  
9 pre-requisite to the renewal of such licenses. The funds derived by the  
10 state department of health from the additional renewal fees collected  
11 under this section in behalf of the profession of embalming shall be  
12 paid to the board of embalming examiners at such time as said board  
13 of embalming examiners or the Iowa funeral directors association con-  
14 ducts a state-wide educational meeting for its members, in such  
15 amounts as are necessary for such said meeting only and such funds  
16 so collected by the state department of health shall be used for the ad-  
17 vancement of the arts and sciences of the embalming profession."

House File 186. Approved May 10, 1937.

CHAPTER 107  
PRACTICE OF EMBALMING

S. F. 228

AN ACT to amend chapter one hundred twenty-four-C one (124-C1) of the 1935 code of Iowa, by providing for a widow, heir, or any legal representative of a deceased embalmer to operate a funeral home for a stipulated period of time for the purpose of disposing of same.

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

1 SECTION 1. That chapter one hundred twenty-four-c one (124-c1)  
2 of the 1935 code of Iowa, be amended by adding thereto the following:  
3 "2585-g2. Any heir or legal representative of a licensed embalmer  
4 may maintain a funeral home for a period of two years after the effective  
5 date of this act or for two years after the death of such licensed  
6 embalmer. A licensed embalmer shall be employed to operate such  
7 funeral home during said period and the state department of health  
8 shall be notified of such employment by the licensee."

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect after its passage and publication in two news-  
3 papers of this state as provided by law.

Senate File 228. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Batavia News, May 27, 1937, and the Northwood Anchor, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 108

DEPARTMENT OF AGRICULTURE—WEATHER DIVISION—  
AGRICULTURAL STATISTICS

S. F. 117

AN ACT to recodify paragraphs four (4), five (5), six (6), and seven (7) of section twenty-five hundred ninety (2590), code, 1935, relating to the powers and duties of the secretary of agriculture; to provide for the maintenance of a weather division in cooperation with the United States weather bureau and to define its duties and the manner of the director's appointment; to establish volunteer weather stations and to provide for the supervision of such weather stations and the tabulation of reports of such stations; to provide for the issuance of weekly weather bulletins and their publications; to provide for the maintenance of a division of agricultural statistics in cooperation with the United States Bureau of Agricultural Economics and to define its duties and the manner of appointment of the director in the division of agricultural statistics.

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

1 SECTION 1. Section twenty-five hundred ninety (2590), code, 1935,  
2 is amended by striking subsections four (4), five (5), six (6), and  
3 seven (7), and inserting in lieu thereof the following:

4 "4. Maintain a weather division which shall, in cooperation with  
5 the United States weather bureau, collect and disseminate weather  
6 and phenological statistics and meteorological data, and promote  
7 knowledge of meteorology, phenology and climatology of the state.  
8 Said division shall be in charge of a director who shall be appointed

9 by the secretary of agriculture, and shall be an officer of the United  
10 States weather bureau, if one be detailed for that purpose by the fed-  
11 eral government.

12 5. Establish volunteer weather stations in one or more places in  
13 each county, appoint observers thereat, supervise such stations, re-  
14 ceive reports of meteorological events and tabulate the same for per-  
15 manent record.

16 6. Issue weekly weather and crop bulletins from April first to Oc-  
17 tober first of each year, and edit and cause to be published monthly  
18 weather reports, containing meteorological matter in its relationship  
19 to agriculture, transportation, commerce and the general public.

20 7. Maintain a division of agricultural statistics, which shall, in co-  
21 operation with the United States bureau of agricultural economics,  
22 gather, compile, and publish statistical information concerning the con-  
23 dition and progress of crops, the production of crops, livestock, live-  
24 stock products, poultry, and other such related agricultural statistics,  
25 as will generally promote knowledge of the agricultural industry in  
26 the state of Iowa. Such statistics, when published, shall constitute  
27 official agricultural statistics for the state of Iowa. Said division shall  
28 be in charge of a director who shall be appointed by the secretary of  
29 agriculture and who shall be an officer of the United States bureau of  
30 agricultural economics, if one be detailed for that purpose by the  
31 federal government."

Senate File 117. Approved March 25, 1937.

## CHAPTER 109

### DEAD ANIMALS

S. F. 381

AN ACT to amend sections two thousand seven hundred forty-six (2746), two thousand seven hundred forty-seven (2747), two thousand seven hundred forty-nine (2749), and two thousand seven hundred fifty-three (2753), code, 1935, relating to the use and disposal of dead animals.

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

1 SECTION 1. Amend section two thousand seven hundred forty-six  
2 (2746), code, 1935, by striking the period (.) at the end of said  
3 section, and inserting in lieu thereof the following: ", and must be the  
4 operator or employee of a licensed disposal plant."

1 SEC. 2. Amend section two thousand seven hundred forty-seven  
2 (2747), code, 1935, by striking from lines nine (9) and ten (10) the  
3 words "twenty-five dollars.", and inserting in lieu thereof the words  
4 "one hundred dollars."

1 SEC. 3. Amend section two thousand seven hundred forty-nine  
2 (2749), code, 1935, by striking from line three (3) the words "twenty-  
3 five dollars.", and inserting in lieu thereof the words "one hundred  
4 dollars."

1 SEC. 4. Further amend section two thousand seven hundred forty-  
2 nine (2749), code, 1935, by striking the period (.) at the end of said

3 section, and inserting in lieu thereof the following: “, but the depart-  
4 ment shall not issue license for disposal plant not located within the  
5 boundaries of the state of Iowa.”.

1 SEC. 5. Amend section two thousand seven hundred fifty-three  
2 (2753), code, 1935, by striking from line three (3) the words “twenty-  
3 five dollars,” and inserting in lieu thereof the words “one hundred  
4 dollars,”.

Senate File 381. Approved May 1, 1937.

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## CHAPTER 110

### HOTELS, RESTAURANTS AND FOOD ESTABLISHMENTS

#### H. F. 143

AN ACT to amend section twenty-eight hundred twelve (2812) of the code, 1935, relating to license fees for hotels and restaurants, providing for a license fee for movable lunch stands.

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

1 SECTION 1. That section twenty-eight hundred twelve (2812) of  
2 the code of Iowa 1935, be amended by adding thereto the following:

3 “7. For transient or movable lunch stands to be operated only at  
4 fairs, street fairs, and carnivals, three (3) dollars for each location,  
5 or ten (10) dollars per year, at the option of the applicant; provided,  
6 however, that no fee shall be required for any church or other char-  
7 itable or non-profit organizations.”

House File 143. Approved May 1, 1937.

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## CHAPTER 111

### IOWA SWINE PRODUCERS' ASSOCIATION

#### S. F. 185

AN ACT to recognize the Iowa Swine Producers' Association and to aid in providing information in regard to the production and marketing of swine.

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

1 SECTION 1. The organization known as the Iowa Swine Producers'  
2 Association shall be entitled to the benefits of this chapter by filing  
3 each year with the department of agriculture verified proof of its  
4 organization, the names of its president, vice president, secretary and  
5 treasurer and that five hundred (500) persons are bona fide members,  
6 together with such other information as the department of agriculture  
7 may require.

1 SEC. 2. The duties and objects of the Iowa Swine Producers' As-  
2 sociation shall be:

- 3 1. To promote the welfare of the swine industry in Iowa.
- 4 2. To aid in the orderly marketing of swine.
- 5 3. To carry on educational work to increase consumption and im-  
6 prove the processing of pork and its products.

7 4. To make an annual report of the proceedings and expenditures to  
8 the secretary of agriculture.

1 SEC. 3. The association shall act by and through an executive com-  
2 mittee which shall consist of:

3 1. The president, the secretary and the treasurer of the association.

4 2. The dean of the division of agriculture of the Iowa State College  
5 of Agriculture and Mechanical Arts, or a member of the faculty of said  
6 college engaged in the teaching of swine husbandry to be designated  
7 by said dean.

8 3. The secretary of agriculture of the state of Iowa.

1 SEC. 4. The executive committee may employ one or more compe-  
2 tent persons who shall devote their entire time, under the direction of  
3 the committee, in carrying out the provisions of this chapter. Such  
4 persons shall hold office at the pleasure of the committee.

1 SEC. 5. The officers of the association shall serve without compen-  
2 sation, but shall receive their necessary expenses while engaged in the  
3 business of the association.

1 SEC. 6. This act is deemed of immediate importance and shall take  
2 effect from and after its publication as provided by law.

Senate File 185. Approved April 13, 1937.

I hereby certify that the foregoing act was published in the Davenport Democrat and  
Leader, April 15, 1937, and the Fort Madison Democrat, April 15, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 112

### FOODS, ADULTERATION OF

#### H. F. 480

AN ACT to amend chapter one hundred forty-eight (148), code of 1935, relating to the  
definition of ice milk, imitation ice cream, fruit ice and milk sherbet and providing  
certain regulations as to the sale thereof.

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

1 SECTION 1. Chapter one hundred forty-eight (148), code, 1935, is  
2 hereby amended by including therein the following as an additional  
3 section:

4 "The term "ice milk," "imitation ice cream," or "frozen malted milk,"  
5 shall include all frozen products other than milk sherbet and fruit  
6 ice made in semblance of ice cream and containing less than ten per  
7 cent of butterfat. It shall be pasteurized at a temperature of one-  
8 hundred-forty-five degrees Fahrenheit for thirty minutes and shall  
9 not contain more than two-hundred-fifty-thousand bacteria per cubic  
10 centimeter in the manufacturer's package. It shall not contain added  
11 color nor fats other than butterfat.

12 " "Ice milk," or "imitation ice cream," shall be sold only in the manu-  
13 facturer's package or wrapper and shall be labeled in plain legible  
14 eight point type with the words "ice milk," or "imitation ice cream".

15 A sign shall be posted in every establishment where "ice milk," or "imi-

16 tation ice cream" is sold, on a white card twelve by twenty-two inches  
 17 in dimensions with letters not less than three inches in height and two  
 18 inches in width containing the words, "Ice Milk Sold Here," or the  
 19 words, "Imitation Ice Cream Sold Here"."

1 SEC. 2. Chapter one hundred forty-eight (148), code, 1935, is  
 2 further amended by including the following as an additional section:  
 3 "Milk sherbet shall contain not less than two per cent of butterfat  
 4 and four per cent of milk solids. Fruit ice shall contain not less than  
 5 four tenths of one per cent of fruit acid."

House File 480. Approved May 1, 1937.

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## CHAPTER 113

### SEED CORN

H. F. 352

AN ACT to amend section three thousand one hundred thirty-seven-e one (3137-e1), code, 1935, providing for the proper identification of seed corn, both in the advertising and on the sale tags used in marketing same.

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

1 SECTION 1. Section three thousand one hundred thirty-seven-e one  
 2 (3137-e1), code, 1935, is hereby amended by inserting after the period  
 3 (.) at the end of line eight thereof the following: "Any corn sold as  
 4 'hybrid' shall have plainly printed or marked on the container in which  
 5 such corn is sold the identifying symbols or numbers, with explanation  
 6 thereof if necessary, clearly indicating the specific combination."

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 Marshalltown Times-Republican, a newspaper published at Mar-  
 4 shalltown, Iowa, and the State Center Enterprise, a newspaper pub-  
 5 lished at State Center, Iowa.

House File 352. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Times Republican, Marshalltown, May 25, 1937, and the Enterprise, State Center, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 114

## NARCOTIC DRUG ACT

S. F. 154

AN ACT to repeal sections thirty-one hundred fifty-one (3151) to thirty-one hundred sixty-nine (3169), inclusive, of the Iowa code, 1935, relating to narcotic drugs and the possession, sale and distribution thereof, and to enact a substitute therefor to prohibit manufacture, possession, sale, and dispensing of narcotic drugs, with certain exceptions, and to provide for licensing and revocation of licenses in connection therewith; prescribing conditions under which purchases and sales may be made; and to provide for the return of unused portions of the same; also providing for the keeping of records in connection therewith and providing exemptions under this act to persons and corporations; declaring what is a nuisance under this act and providing for forfeiture and destruction in certain cases; providing records to be confidential and prescribing upon whom the burden of proof rests and providing for penalties for violation of the act.

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

- 1 SECTION 1. Definitions. The following words and phrases, as used  
 2 in this act, shall have the following meanings, unless the context other-  
 3 wise requires:
- 4 (1) "Person" includes any corporation, association, co-partnership,  
 5 or one or more individuals.
- 6 (2) "Physician" means a person authorized by law to practice  
 7 medicine in this state and any other person authorized by law to treat  
 8 sick and injured human beings in this state and to use narcotic drugs  
 9 in connection with such treatment.
- 10 (3) "Dentist" means a person authorized by law to practice den-  
 11 tistry in this state.
- 12 (4) "Veterinarian" means a person authorized by law to practice  
 13 veterinary medicine in this state.
- 14 (5) "Manufacturer" means a person who by compounding, mixing,  
 15 cultivating, growing, or other process, produces or prepares narcotic  
 16 drugs, but does not include a pharmacist who compounds narcotic  
 17 drugs to be sold or dispensed on prescriptions.
- 18 (6) "Wholesaler" means a person who supplies narcotic drugs that  
 19 he himself has not produced nor prepared, on official written orders,  
 20 but not on prescriptions.
- 21 (7) "Pharmacist" means a registered pharmacist of this state.
- 22 (8) "Pharmacy Owner" means the owner of a store or other place  
 23 of business where narcotic drugs are compounded or dispensed by a  
 24 registered pharmacist; but nothing in this act contained shall be con-  
 25 strued as conferring on a person who is not registered or licensed as  
 26 a pharmacist any authority, right or privilege that is not granted to  
 27 him by the pharmacy laws of this state.
- 28 (9) "Hospital" means an institution for the care and treatment of  
 29 sick and injured, approved by the Iowa pharmacy examiners as proper  
 30 to be entrusted with the custody of narcotic drugs and the professional  
 31 use of narcotic drugs under the direction of a physician, dentist, or  
 32 veterinarian.
- 33 (10) "Laboratory" means a laboratory approved by the Iowa  
 34 pharmacy examiners, as proper to be entrusted with the custody of  
 35 narcotic drugs and the use of narcotic drugs for scientific and medical  
 36 purposes and for purposes of instruction.



37 (11) "*Sale*" includes barter, exchange, gift, or offer therefor, and  
 38 each such transaction made by any person, whether as principal, pro-  
 39 prietor, agent, servant, or employee.

40 (12) "*Coca leaves*" includes cocaine and any compound, manufac-  
 41 ture, salt, derivative, mixture, or preparation of coca leaves, except  
 42 derivatives of coca leaves which do not contain cocaine, ecgonine, or  
 43 substances from which cocaine or ecgonine may be synthesized or  
 44 made.

45 (13) "*Opium*" includes morphine, codeine and heroin, and any com-  
 46 pound, manufacture, salt, derivative, mixture, or preparation of opium.

47 (14) "*Cannabis*" includes the following substances, (Indian Hemp,  
 48 American Hemp, Marihuana) under whatever names they may be  
 49 designated: (a) The dried flowering or fruiting tops of the plant  
 50 Cannabis Sativa L., from which the resin has not been extracted, (b)  
 51 the resin extracted from such tops, and (c) every compound, manu-  
 52 facture, salt, derivative, mixture, or preparation of such resin, or of  
 53 such tops from which the resin has not been extracted.

54 (15) "*Narcotic Drugs*" means coca leaves, opium, and cannabis.

55 (16) "*Federal narcotic laws*" means the laws of the United States  
 56 relating to opium, coca leaves, and other narcotic drugs.

57 (17) "*Official written order*" means an order written on a form  
 58 provided for that purpose by the United States commissioner of nar-  
 59 cotics, under any laws of the United States making provision therefor,  
 60 if such order forms are authorized and required by federal law.

61 (18) "*Dispense*" includes "distribute", "leave with", "give away",  
 62 "dispose of", or "deliver".

63 (19) "*Registry number*" means the number assigned to each per-  
 64 son registered under the federal narcotic laws.

1 SEC. 2. **Acts prohibited.** It shall be unlawful for any person to  
 2 manufacture, possess, have under his control, sell, prescribe, admin-  
 3 ister, dispense, or compound any narcotic drug, except as authorized  
 4 in this act.

1 SEC. 3. **Manufacturers and wholesalers.** No person shall manufac-  
 2 ture, compound, mix, cultivate, grow, or by any other process produce  
 3 or prepare narcotic drugs, and no person as a wholesaler shall supply  
 4 the same, without having first obtained a license to do so from the Iowa  
 5 pharmacy examiners. The fee for such license shall be five (5) dollars.  
 6 Every license shall expire on the thirtieth day of June following the  
 7 date of issuance of such license and shall be renewed annually. The  
 8 renewal fee shall be two (2) dollars. Provided, however, that this  
 9 section shall not apply to pharmacists, physicians, dentists, and vet-  
 10 erinarians in the regular course of their legitimate professional ac-  
 11 tivities.

1 SEC. 4. **Qualification for licenses.** No license shall be issued under  
 2 the foregoing section unless and until the applicant therefor has fur-  
 3 nished proof satisfactory to the Iowa pharmacy examiners:

4 (a) that the applicant is of good moral character or, if the appli-  
 5 cant be an association or corporation, that the managing officers are  
 6 of good moral character;

7 (b) that the applicant is equipped as to land, buildings, and par-  
 8 aphernalia properly to carry on the business described in his applica-  
 9 tion.

10 No license shall be granted to any person who has within five (5)  
11 years been convicted of a willful violation of any law of the United  
12 States, or of any state, relating to opium, coca leaves, or other nar-  
13 cotic drugs, or to any person who is a narcotic drug addict.

14 The Iowa pharmacy examiners may suspend or revoke any license  
15 for cause.

1 SEC. 5. Sale on written orders. (1) A duly licensed manufacturer  
2 or wholesaler may sell and dispense narcotic drugs to any of the fol-  
3 lowing persons, but only on official written order:

4 (a) to a manufacturer, wholesaler, pharmacist, or pharmacy owner:

5 (b) to a physician, dentist, or veterinarian;

6 (c) to a person in charge of a hospital, but only for use by or in  
7 that hospital;

8 (d) to a person in charge of a laboratory, but only for use in that  
9 laboratory for scientific and medical purposes.

10 (2) A duly licensed manufacturer or wholesaler may sell narcotic  
11 drugs to any of the following persons:

12 (a) on a special written order accompanied by a certificate of ex-  
13 emption, as required by the federal narcotic laws, to a person in the  
14 employ of the United States government or of any state, territorial,  
15 district, county, municipal, or insular government, purchasing, re-  
16 ceiving, possessing, or dispensing narcotic drugs by reason of his  
17 official duties;

18 (b) to a master of a ship or a person in charge of any aircraft upon  
19 which no physician is regularly employed, for the actual medical needs  
20 of persons on board such ship or aircraft, when not in port, or to a  
21 physician or surgeon duly licensed in some state, territory, or the  
22 District of Columbia to practice his profession, or to a retired com-  
23 missioned medical officer of the United States army, navy, or public  
24 health service employed upon such ship or aircraft; provided, such  
25 narcotic drugs shall be sold to the master of such ship or person in  
26 charge of such aircraft or to the physician, surgeon, or retired com-  
27 missioned medical officer of the United States army, navy, or public  
28 health service employed upon such ship or aircraft only in pursuance  
29 of a special order form approved by a commissioned medical officer  
30 or acting assistant surgeon of the United States public health service;

31 (c) to a person in a foreign country if the provisions of the federal  
32 narcotic laws are complied with.

33 (3) An official written order for any narcotic drug shall be signed in  
34 duplicate by the person giving said order or by his duly authorized  
35 agent. The original shall be presented to the person who sells or dis-  
36 penses the narcotic drug or drugs named therein. In event of the  
37 acceptance of such order by said person, each party to the transaction  
38 shall preserve his copy of such order for a period of two (2) years in  
39 such a way as to be readily accessible for inspection by any public  
40 officer or employee engaged in the enforcement of this act. It shall  
41 be deemed a compliance with this subsection if the parties to the trans-  
42 action have complied with the federal narcotic laws respecting the  
43 requirements governing the use of order forms.

44 (4) Possession of or control of narcotic drugs obtained as authorized  
45 by this section shall be lawful if obtained in the regular course of busi-  
46 ness, occupation, profession, employment, or duty of the possessor.

47 (5) A person in charge of a hospital or of a laboratory, or in the em-

48 ploy of this state or of any other state, or of any political subdivision  
49 thereof, or a master of a ship or a person in charge of any aircraft  
50 upon which no physician is regularly employed, or a physician or  
51 surgeon duly licensed in some state, territory, or the District of  
52 Columbia to practice his profession, or a retired commissioned medical  
53 officer of the United States army, navy, or public health service em-  
54 ployed upon such ship or aircraft who obtains narcotic drugs under  
55 the provisions of this section or otherwise, shall not administer nor  
56 dispense nor otherwise use such drugs, within this state, except within  
57 the scope of his employment or official duty and then only for scientific  
58 or medicinal purposes and subject to the provisions of this act.

1     **SEC. 6. Sales by pharmacists.** A pharmacist, in good faith, may sell  
2 and dispense narcotic drugs to any person upon a written prescription  
3 of a physician, dentist, or veterinarian, provided it is properly exe-  
4 cuted, dated and signed in indelible pencil or ink by the person pre-  
5 scribing, on the day when issued or the following day, and bearing the  
6 full name and address of the patient for whom, or of the owner of the  
7 animal for which, the drug is dispensed, and the full name, address,  
8 and registry number under the federal narcotic laws of the person  
9 prescribing, if he is required by those laws to be so registered. If the  
10 prescription be for an animal, it shall state the species of animal for  
11 which the drug is prescribed. The person filling the prescription shall  
12 write the date of filling and his own signature on the face of the pre-  
13 scription. The prescription shall be retained on file by the proprietor  
14 of the pharmacy in which it is filled for a period of two years, so as  
15 to be readily accessible for inspection by any public officer or employee  
16 engaged in the enforcement of this act. The prescription shall not be  
17 refilled.

18     (2) The legal owner of any stock of narcotic drugs in a pharmacy,  
19 upon discontinuance of dealing in said drugs, may sell said stock to  
20 a manufacturer, wholesaler, pharmacist, or pharmacy owner, but only  
21 on an official written order.

22     (3) A pharmacist, only upon an official written order, may sell to  
23 a physician, dentist, or veterinarian, in quantities not exceeding one  
24 (1) ounce at any one time, aqueous or oleaginous solutions of which  
25 the content of narcotic drugs does not exceed a proportion greater than  
26 twenty (20) per cent. of the complete solution, to be used for medical  
27 purposes.

1     **SEC. 7. Professional use of narcotic drugs.** (1) A physician or a  
2 dentist, in good faith and in the course of his professional practice  
3 only, may prescribe on a written prescription, administer or dispense  
4 narcotic drugs or may cause the same to be administered by a nurse or  
5 interne under his direction and supervision. Such a prescription shall  
6 be dated and signed by the person prescribing on the day when issued  
7 and shall bear the full name and address of the patient for whom the  
8 narcotic drug is prescribed, and the full name, address and registry  
9 number under the federal narcotic laws of the person prescribing,  
10 provided he is required by those laws to be so registered.

11     (2) A veterinarian, in good faith and in the course of his profes-  
12 sional practice only, and not for use by a human being, may prescribe  
13 on a written prescription, administer or dispense narcotic drugs, and  
14 he may cause them to be administered by an assistant or orderly under

15 his direction and supervision. Such a prescription shall be dated and  
16 signed by the person prescribing on the day when issued and shall  
17 bear the full name and address of the owner of the animal, the species  
18 of the animal for which the narcotic drug is prescribed and the full  
19 name, address and registry number under the federal narcotic laws of  
20 the person prescribing, provided he is required by those laws to be so  
21 registered.

22 (3) Any person who has obtained from a physician, dentist, or  
23 veterinarian any narcotic drug for administration to a patient during  
24 the absence of such physician, dentist or veterinarian, shall return to  
25 such physician, dentist or veterinarian any unused portion of such  
26 drug, when it is no longer required by the patient.

1 SEC. 8. Preparations exempted. Except as otherwise in this act  
2 specifically provided, this act shall not apply to the following cases:

3 (1) Prescribing, administering, compounding, dispensing, or sell-  
4 ing at retail of any medicinal preparation that contains in one (1)  
5 fluid ounce, or, if a solid or semi-solid preparation, in one (1) avoird-  
6upois ounce, (a) not more than two (2) grains of opium, (b) not  
7 more than one-quarter ( $\frac{1}{4}$ ) of a grain of morphine or of any of its  
8 salts, (c) not more than one (1) grain of codeine or of any of its salts,  
9 (d) not more than one-eighth ( $\frac{1}{8}$ ) of a grain of heroin or of any of  
10 its salts, (e) not more than one (1) grain of extract of cannabis nor  
11 more than one (1) grain of any more potent derivative or preparation  
12 of cannabis.

13 (2) Prescribing, administering, compounding, dispensing, or sell-  
14 ing at retail of liniments, ointments and other preparations that are  
15 susceptible of external use only and that contain narcotic drugs in  
16 such combinations as prevent their being readily extracted from such  
17 liniments, ointments, or preparations, except that this act shall apply  
18 to all liniments, ointments and other preparations that contain coca  
19 leaves in any quantity or combination.

20 The exemptions authorized by this section shall be subject to the  
21 following conditions:

22 (a) The medicinal preparation, or the liniment, ointment or other  
23 preparation susceptible of external use only, prescribed, administered,  
24 dispensed, or sold, shall contain, in addition to the narcotic drug in  
25 it, some drug or drugs conferring upon it medicinal qualities other  
26 than those possessed by the narcotic drug alone. Such preparation  
27 shall be prescribed, administered, compounded, dispensed, and sold  
28 in good faith as a medicine, and not for the purpose of evading the  
29 provisions of this act.

30 (b) Nothing in this section shall be construed to limit the kind and  
31 quantity of any narcotic drug that may be prescribed, administered,  
32 compounded, dispensed, or sold, to any person or for the use of any  
33 person or animal, when it is prescribed, administered, compounded,  
34 dispensed, or sold in compliance with the general provisions of this  
35 act.

36 (c) Nothing in this section shall be construed to permit any person  
37 to prescribe, administer, compound, dispense, or sell any of the prepa-  
38 rations included herein, except those persons duly qualified under this  
39 act to engage in the distribution of narcotics.

1     **SEC. 9. Record to be kept.** (1) Every physician, dentist, veterina-  
2 rian, or other person who is authorized to administer or professionally  
3 use narcotic drugs, shall keep a record of such drugs received by him  
4 and a record of all such drugs administered, dispensed, or profession-  
5 ally used by him otherwise than by prescription. It shall, however, be  
6 deemed a sufficient compliance with this subsection if any such person  
7 using small quantities of solutions or other preparations of such drugs  
8 for local application shall keep a record of the quantity, character and  
9 potency of such solutions or other preparations purchased or made  
10 up by him, and of the dates when purchased or made up, without keep-  
11 ing a record of the amount of such solution or other preparation ap-  
12 plied by him to individual patients.

13     (2) Manufacturers and wholesalers shall keep records of all narco-  
14 tic drugs compounded, mixed, cultivated, grown, or by any other  
15 process produced or prepared, and of all narcotic drugs received and  
16 disposed of by them in accordance with the provisions of subsection  
17 (5) of this section.

18     (3) Pharmacists and pharmacy owners shall keep records of all  
19 narcotic drugs received and disposed of by them, in accordance with  
20 the provisions of subsection (5) of this section.

21     (4) Every person who purchases for resale, or who sells narcotic  
22 drug preparations exempted by section eight (8) of this act, shall  
23 keep a record showing the quantities and kinds thereof received and  
24 sold, or disposed of otherwise, in accordance with the provisions of  
25 subsection (5) of this section.

26     (5) The record of narcotic drugs received shall in every case show  
27 the name and address of the person from whom received, and the kind  
28 and quantity of drugs received; the kind and quantity of narcotic drugs  
29 produced or removed from process of manufacture, and the date of  
30 such production or removal from process of manufacture; and the  
31 record shall in every case show the proportion of morphine, cocaine, or  
32 ecgonine contained in or producible from crude opium or coca leaves  
33 received or produced, and the proportion of resin contained in or pro-  
34 ducible from the dried flowering or fruiting tops of the plant *Canna-*  
35 *bis Sativa L.*, from which the resin has not been extracted, received  
36 or produced. The record of all narcotic drugs sold, administered, dis-  
37 pensed, or otherwise disposed of, shall show the date of selling, ad-  
38 ministering, or dispensing, the name and address of the person to  
39 whom, or for whose use, or the owner and species of animal for which  
40 the drugs were sold, administered, or dispensed, and the kind and  
41 quantity of drugs. Every record shall be kept for a period of two  
42 years from the date of the transaction recorded. The keeping of a  
43 record required by or under the federal narcotic laws, containing sub-  
44 stantially the same information as is specified above, shall constitute  
45 compliance with this section, except that every such record shall con-  
46 tain a detailed list of narcotic drugs lost, destroyed or stolen, if any;  
47 the kind and quantity of such drugs and the date of the discovery of  
48 such loss, destruction or theft.

49     (6) Written orders shall not be required for the sale at wholesale  
50 of cannabis or any of the medicinal preparations exempted by section  
51 eight (8) of this act, but manufacturers and wholesalers of cannabis  
52 or said medicinal preparations shall be required to render, with every  
53 sale thereof, an invoice, whether such sale be for cash or on credit;

54 and such invoice shall contain the date of such sale, the name and  
55 address of the purchaser, and the amount of cannabis or said medicinal  
56 preparation so sold. Every purchaser of cannabis or said medicinal  
57 preparation from a manufacturer or wholesaler shall be required to  
58 keep the invoice rendered with such purchase for a period of two  
59 years.

1     **SEC. 10. Labels.** (1) Whenever a manufacturer sells or dispenses  
2 a narcotic drug, and whenever a wholesaler sells or dispenses a nar-  
3 cotic drug in a package prepared by him, he shall securely affix to  
4 each package in which that drug is contained a label showing in legi-  
5 ble English the name and address of the vendor and the quantity, kind  
6 and form of narcotic drug contained therein. No person, except a  
7 pharmacist for the purpose of filling a prescription under this act,  
8 shall alter, deface, or remove any label so affixed.

9     (2) Whenever a pharmacist or pharmacy owner sells or dispenses  
10 any narcotic drug on a prescription issued by a physician, dentist or  
11 veterinarian, he shall affix to the container in which such drug is sold  
12 or dispensed, a label showing his own name, address and registry num-  
13 ber, or the name, address and registry number of the pharmacist for  
14 whom he is lawfully acting; the name and address of the patient or,  
15 if the patient is an animal, the name and address of the owner of the  
16 animal and the species of the animal; the name, address, and registry  
17 number of the physician, dentist, or veterinarian, by whom the pre-  
18 scription was written; and such directions as may be stated on the  
19 prescription. No person shall alter, deface or remove any label so  
20 affixed as long as any of the original contents remain.

1     **SEC. 11. Authorized possession of narcotic drugs by individuals.** A  
2 person to whom or for whose use any narcotic drug has been pre-  
3 scribed, sold or dispensed, by a physician, dentist or pharmacist or  
4 other person authorized under the provisions of section five (5) of  
5 this act, and the owner of any animal for which any such drug has  
6 been prescribed, sold, or dispensed by a veterinarian, may lawfully  
7 possess it only in the container in which it was delivered to him by  
8 the person selling or dispensing the same.

1     **SEC. 12. Persons and corporations exempted.** The provisions of this  
2 act restricting the possession and control of narcotic drugs shall not  
3 apply to common carriers or to warehousemen, while engaged in law-  
4 fully transporting or storing such drugs, or to any employee of the  
5 same acting within the scope of his employment; or to public officers  
6 or employees in the performance of their official duties requiring  
7 possession or control of narcotic drugs; or to temporary incidental  
8 possession by employees or agents of persons lawfully entitled to  
9 possession, or by persons whose possession is for the purpose of aiding  
10 public officers in performing their official duties.

1     **SEC. 13. Common nuisances.** Any store, shop, warehouse, dwelling  
2 house, building, vehicle, boat, aircraft, or any place whatever, which  
3 is resorted to by narcotic drug addicts for the purpose of using nar-  
4 cotic drugs or which is used for the illegal keeping or selling of the  
5 same, shall be deemed a common nuisance. No person shall keep or  
6 maintain such common nuisance.

1     **SEC. 14. Narcotic drugs to be delivered to state officials, etc.** All  
2 narcotic drugs, the lawful possession of which is not established or  
3 the title to which cannot be ascertained, which have come into the  
4 custody of a peace officer, shall be forfeited and disposed of as follows:

5     (1) Except as in this section otherwise provided, the court or  
6 magistrate having jurisdiction shall order such narcotic drugs for-  
7 feited and destroyed. A record of the place where said drugs were  
8 seized, of the kinds and quantities of drugs so destroyed, and of the  
9 time, place, and manner of destruction, shall be kept and a return  
10 under oath, reporting said destruction, shall be made to the court or  
11 magistrate and to the United States commissioner of narcotics, by  
12 the officer who destroyed them.

13     (2) Upon written application by the state commissioner of health,  
14 the court or magistrate by whom the forfeiture of narcotic drugs has  
15 been decreed may order the delivery of any of them, except heroin  
16 and its salts and derivatives, to said state commissioner of health, for  
17 distribution or destruction, as hereinafter provided.

18     (3) Upon application by any hospital within this state, not oper-  
19 ated for private gain, the state commissioner of health may in his  
20 discretion deliver any narcotic drugs that have come into his custody  
21 by authority of this section to the applicant for medicinal use. The  
22 state commissioner of health may from time to time deliver excess  
23 stocks of such narcotic drugs to the United States commissioner of  
24 narcotics, or may destroy the same.

25     (4) The state commissioner of health shall keep a full and com-  
26 plete record of all drugs received and of all drugs disposed of, showing  
27 the exact kinds, quantities, and forms of such drugs; the persons from  
28 whom received and to whom delivered; by whose authority received,  
29 delivered, and destroyed; and the dates of the receipt, disposal or  
30 destruction; which record shall be open to inspection by all federal or  
31 state officers charged with the enforcement of federal and state nar-  
32 cotic laws.

1     **SEC. 15. Notice of conviction to be sent to licensing board.** On the  
2 conviction of any person of the violation of any provision of this act, a  
3 copy of the judgment and sentence, and of the opinion of the court  
4 or magistrate, if any opinion be filed, shall be sent by the clerk of the  
5 court, or by the magistrate, to the board or officer, if any, by whom  
6 the convicted defendant has been licensed or registered to practice  
7 his profession or to carry on his business. On the conviction of any  
8 such person, the court may, in its discretion, suspend or revoke the  
9 license or registration of the convicted defendant to practice his pro-  
10 fession or to carry on his business. On the application of any person  
11 whose license or registration has been suspended or revoked, and upon  
12 proper showing and for good cause, said board or officer may rein-  
13 state such license or registration.

1     **SEC. 16. Records, confidential.** Prescriptions, orders, and records,  
2 required by this act, and stocks of narcotic drugs, shall be open for  
3 inspection only to federal, state, county and municipal officers whose  
4 duty it is to enforce the laws of this state or of the United States re-  
5 lating to narcotic drugs. No officer having knowledge by virtue of  
6 his office of any such prescription, order or record shall divulge such  
7 knowledge, except in connection with a prosecution or proceeding in

8 court or before a licensing board or officer, to which prosecution or  
9 proceeding the person to whom such prescriptions, orders or records  
10 relate is a party.

1 **SEC. 17. Fraud or deceit.** (1) No person shall obtain or attempt to  
2 obtain a narcotic drug, or procure or attempt to procure the admin-  
3 istration of a narcotic drug, (a) by fraud, deceit, misrepresentation  
4 or subterfuge; or (b) by the forgery or alteration of a prescription  
5 or of any written order; or (c) by the concealment of a material fact;  
6 or (d) by the use of a false name or the giving of a false address.

7 (2) Information communicated to a physician in an effort unlaw-  
8 fully to procure a narcotic drug, or unlawfully to procure the admin-  
9 istration of any such drug, shall not be deemed a privileged communica-  
10 tion.

11 (3) No such person shall wilfully make a false statement in any  
12 prescription, order, report, or record, required by this act.

13 (4) No person shall, for the purpose of obtaining a narcotic drug,  
14 falsely assume the title of, or represent himself to be, a manufacturer,  
15 wholesaler, pharmacist, pharmacy owner, physician, dentist, veterina-  
16 rian, or other authorized person.

17 (5) No person shall make or utter any false or forged prescription  
18 or written order.

19 (6) No person shall affix any false or forged label to a package or  
20 receptacle containing narcotic drugs.

21 (7) The provisions of this section shall apply to all transactions  
22 relating to narcotic drugs under the provisions of section eight (8)  
23 of this act, in the same way as they apply to transactions under all  
24 other sections.

1 **SEC. 18. Burden of proof.** In any complaint, information, or indict-  
2 ment, and in any action or proceeding brought for the enforcement  
3 of any provisions of this act, it shall not be necessary to negative any  
4 exception, excuse, proviso, or exemption contained in this act, and the  
5 burden of proof of any such exception, excuse, proviso, or exemption  
6 shall be upon the defendant.

1 **SEC. 19. Enforcement and cooperation.** It is hereby made the duty  
2 of the Iowa pharmacy examiners, its officers, agents, inspectors and  
3 representatives, and of all peace officers within the state, and of all  
4 county attorneys, to enforce all provisions of this act, except those  
5 specifically delegated, and to cooperate with all agencies charged with  
6 the enforcement of the laws of the United States, of this state, and of  
7 all other states, relating to narcotic drugs.

1 **SEC. 20. Search warrant.** Any narcotic drugs kept, manufactured  
2 or dispensed in violation of the laws of the United States or of this  
3 chapter, or any instrument, container, or other equipment used or  
4 intended to be used in manufacturing, keeping or dispensing such drug,  
5 may be seized, confiscated and disposed of under a search warrant  
6 proceeding and the procedure shall be the same as provided under  
7 chapter six hundred seventeen (617), code 1935.

1 **SEC. 21. Penalties.** Any person violating any provision of this act  
2 shall upon conviction be punished, for the first offense, by a fine not  
3 exceeding one thousand dollars (\$1,000.00), or by imprisonment in



4 jail for not exceeding two (2) years, or by both such fine and imprison-  
 5 ment; and for any subsequent offense, by a fine not exceeding two  
 6 thousand dollars (\$2,000.00), or by imprisonment for not exceeding  
 7 ten (10) years, or by both such fine and imprisonment.

1 **SEC. 22. Effect of acquittal or conviction under federal narcotic laws.**  
 2 No person shall be prosecuted for a violation of any provision of this  
 3 act if such person has been acquitted or convicted under the federal  
 4 narcotic laws of the same act or omission which, it is alleged, consti-  
 5 tutes a violation of this act.

1 **SEC. 23. Constitutionality.** If any provision of this act or the ap-  
 2 plication thereof to any person or circumstances is held invalid, such  
 3 invalidity shall not affect other provisions or applications of the act  
 4 which can be given effect without the invalid provision or application,  
 5 and to this end the provisions of this act are declared to be severable.

1 **SEC. 24. Interpretation.** This act shall be so interpreted and con-  
 2 strued as to effectuate its general purpose, to make uniform the laws  
 3 of those states which enact it.

1 **SEC. 25. Name of act.** This act may be cited as the uniform nar-  
 2 cotic drug act.

1 **SEC. 26.** Sections thirty-one hundred fifty-one (3151) to thirty-one  
 2 hundred sixty-nine (3169) inclusive, of the Iowa code, 1935, are hereby  
 3 repealed.

Senate File 154. Approved May 1, 1937.

## CHAPTER 115

### SALE AND DISTRIBUTION OF POISONS

S. F. 164

AN ACT to repeal sections thirty-one seventy-four (3174) to thirty-one seventy-seven-b one (3177-b1), inclusive, of the Iowa code, 1935, relating to the sale of poisons and the distribution thereof, and enacting a substitute for sections thirty-one seventy-four (3174) to thirty-one seventy-seven-b one (3177-b1), inclusive, relating to the sale of certain poisons; the conditions under which they may be sold; to provide for the labeling of same; and to provide certain exemptions.

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

1 **SECTION 1.** Sections thirty-one seventy-four (3174), thirty-one  
 2 seventy-five (3175), thirty-one seventy-six (3176), thirty-one seventy-  
 3 seven (3177), and thirty-one seventy-seven-b one (3177-b1), code,  
 4 1935, are hereby repealed.

1 **SEC. 2.** Section thirty-one seventy-four (3174). Regulations as to  
 2 sale of certain poisons. It shall be unlawful for any person except a  
 3 licensed pharmacist to sell at retail any of the poisons enumerated in  
 4 this section: ammoniated mercury, mercury bichloride, red mercuric  
 5 iodide, and other poisonous salts and compounds of mercury; salts and  
 6 compounds of arsenic; salts of antimony; salts of barium except the  
 7 sulphate; salts of thallium; hydrocyanic acid and its salts; chromic,  
 8 glacial acetic, and picric acids; chloral hydrate, croton oil, cresol,

9 chloroform, dinitrophenol, ether, oil of bitter almonds, phenol, phos-  
10 phorus and sodium fluoride; aconitine, arecoline, atrophine, brucine,  
11 homatropine, hyoscyamine, nicotine, strychnine, and the salts of these  
12 alkaloids; aconite, belladonna, cantharides, digitalis, nux vomica, vera-  
13 trum, and the preparations of these poisonous drugs.

1 SEC. 3. Section thirty-one seventy-five (3175). Poison register.  
2 It shall be unlawful for any pharmacist to sell at retail any of the  
3 poisons enumerated in section thirty-one seventy-four (3174) unless  
4 he ascertains that the purchaser is aware of the character of the drug  
5 and the purchaser represents that it is to be used for a proper purpose  
6 and every sale of any poison enumerated in section thirty-one seventy-  
7 four (3174) shall be entered in a book kept for that purpose, to be  
8 known as a "Poison Register" and the same shall show the date of the  
9 sale, the name and address of the purchaser, the name of the poison,  
10 the purpose for which it was represented to be purchased, and the  
11 name of the natural person making the sale, which book or books shall  
12 be open for inspection by the pharmacy examiners, or any magistrate  
13 or peace officer of this state, and preserved for at least five years after  
14 the date of the last sale therein recorded.

1 SEC. 4. Section thirty-one seventy-six (3176). Labeling Poisons.  
2 Except as otherwise provided, it shall be unlawful to vend, sell, dis-  
3 pense, or give away any poison enumerated in section thirty-one  
4 seventy-four (3174), or/and sodium chlorate or/and crude carbohic  
5 acid, or any other potent poisons, without affixing to the bottle, box,  
6 vessel, or package containing the same, a label containing the name  
7 of the poison either printed or plainly written, and the word "Poison"  
8 printed in red ink, and the name and place of business of the dis-  
9 tributor, manufacturer, wholesaler or dealer; and every package or  
10 container which contains ammonia water, concentrated lye, denatured  
11 alcohol, formaldehyde, commercial hydrochloric, nitric, sulphuric or  
12 oxalic acids, shall be labeled with the name of the poison, which label  
13 shall bear the name and place of business of the distributor, manu-  
14 facturer, wholesaler, or dealer, the most available antidote and the  
15 word "Poison" printed in red ink in a conspicuous place thereon.

1 SEC. 5. Section thirty-one seventy-seven (3177). Certain Sales  
2 Excepted. Nothing in sections thirty-one seventy-four (3174) to  
3 thirty-one seventy-six (3176), inclusive, shall apply:

4 1. To proprietary medicines, provided they are not in themselves  
5 poisonous and are sold in original unbroken packages;

6 2. To the filling of prescriptions from or the sale to licensed physi-  
7 cians, dentists, or veterinarians or sales to another pharmacist or to  
8 hospitals; or to drugs dispensed by licensed physicians, dentists, or  
9 veterinarians, as an incident to the practice of their professions;

10 3. To insecticides and fungicides as defined in Chapter one fifty-  
11 seven (157) and commercial feeds as defined in Chapter one fifty-two  
12 (152), provided same be labeled in accordance with said Chapter and  
13 sold in original unbroken packages, provided, however, that stock  
14 dips and fly sprays may be sold in bulk or otherwise and the vessel  
15 or container need not have printed on the label the most available  
16 antidote;

17 4. To any proprietary preparation intended for use in destroying  
18 mice, rats, gophers or other lower animals, provided same is sold in

19 original unbroken packages and bears the word "Poison", the most  
20 available antidote, and the name of the manufacturer.

1 SEC. 6. Section thirty-one seventy-seven-b one (3177-b1). It shall  
2 be unlawful for any person in this state to sell or deliver any poison to  
3 any person known to be of unsound mind or under the influence of in-  
4 toxicants, and it shall likewise be unlawful for any person in this state  
5 to sell or deliver any poison enumerated in Section thirty-one seventy-  
6 four (3174) to any minor under sixteen (16) years of age except upon  
7 a written order signed by some responsible person known to the per-  
8 son selling or delivering the same, which said written order shall con-  
9 tain all of the information required to be entered in the Poison Register  
10 under the provisions of Section thirty-one seventy-five (3175).

Senate File 164. Approved April 15, 1937.

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## CHAPTER 116

### BOARD OF CONTROL

H. F. 88

AN ACT to amend section thirty-two hundred ninety-three (3293) of the code of Iowa, 1935, so as to prefer citizens of Iowa in the selection of subordinate officers and employees under the jurisdiction of the board of control.

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

1 SECTION 1. That section thirty-two hundred ninety-three (3293)  
2 of the code of Iowa, 1935, be amended by adding thereto the following  
3 sentence:

4 "That all of these employees, except physicians and surgeons, shall  
5 be bona fide residents and citizens of the state of Iowa at the time  
6 of employment. An exception to this provision of residence may be  
7 granted by the board for the sole purpose of securing professional  
8 and/or scientific services which are unavailable from among the cit-  
9 izens of the state of Iowa."

House File 88. Approved April 8, 1937.

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## CHAPTER 117

### SUPPORT OF INSANE

H. F. 39

AN ACT to amend section thirty-five hundred ninety-six (3596), code, 1935, relative to support of insane.

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

1 SECTION 1. Amend section thirty-five hundred ninety-six (3596),  
2 code, 1935, by striking from lines three (3) and four (4) the words,  
3 "and the notice from the state comptroller", and inserting in lieu  
4 thereof the words, "to the county auditor".

House File 39. Approved April 2, 1937.

## CHAPTER 118

## CHILD WELFARE (See Social Welfare)

## S. F. 374

AN ACT to repeal sections 3661-a1 to 3661-a7, both inclusive, code of Iowa, 1935, and any other provisions of law in conflict with this act, to establish a division of child welfare in the state department of social welfare, to provide for a unified supervision of child welfare activities in the state, to promote and establish child welfare services, to prescribe the powers and duties of the state board of social welfare and the division of child welfare with regard to children, and to amend sections 3661-a11, 3661-a12, 3661-a15, 3661-a18, 3661-a22, 3661-a26, 3661-a27, 3661-a28, 3661-a31, 3661-a32, 3661-a33, 3661-a34, 3661-a36, 3661-a37, 3661-a41, 3661-a44, 3661-a47, 3661-a48, 3661-a49, 3661-a52, 3661-a54, 3661-a55, 3661-a57, 3661-a60, 3661-a62, 3661-a65, 3661-a67, 3661-a68, 3661-a69, 3661-a71, 3661-a73, 3661-a74, 3661-a75, 3661-a76, 3661-a77, 3661-a80, 3661-a81, 3661-a83, 3661-a87, 3661-a88, 3661-a90, 3661-a91, 3661-a93, 3661-a94, 3661-a96, 3661-a97, 3661-a100, 3671, 3683, 3655, 3656, 10501-b7 and 10501-b8, code of Iowa, 1935.

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

1 SECTION 1. **Repeal of existing laws.** Section 3661-a1 to 3661-a7  
2 both inclusive, of the code of Iowa, 1935, are hereby repealed and the  
3 following is enacted as a substitute. All other acts or parts of acts  
4 which are in conflict herewith are hereby repealed.

1 SEC. 2. **Definitions.** The terms "*state department*", "*state board*",  
2 "*county department*" and "*county board*" are used in this act as said  
3 terms are defined in section 1 of Senate File 373 of the acts of the  
4 47th General Assembly.

5 As used in this act: "*Sub-division of child welfare*" means the sec-  
6 tion devoted to child welfare work in the division of the state depart-  
7 ment of social welfare charged with administering aid to the blind,  
8 aid to dependent children and child welfare and created by section 9  
9 of the Senate File 373 of the acts of the 47th General Assembly.

10 "*Superintendent*" means the superintendent of that division of the  
11 state department incorporating aid to the blind, aid to dependent chil-  
12 dren and child welfare as provided by section 9 of Senate File 373  
13 of the acts of the 47th General Assembly.

14 "*Child welfare services*" means social welfare services for the pro-  
15 tection and care of children who are homeless, dependent or neglected,  
16 or in danger of becoming delinquent.

1 SEC. 3. **Powers and duties of superintendent.** The superintendent  
2 shall be responsible to the state board for the proper and lawful admin-  
3 istration of the sub-division of child welfare. The superintendent,  
4 under rules and regulations adopted by the state board, shall exercise  
5 the powers and discharge all the administrative and executive duties  
6 imposed upon the sub-division of child welfare. He shall be furnished  
7 an office and all necessary equipment, supplies and personnel for the  
8 sub-division of child welfare by the state department. The superin-  
9 tendent and personnel of the sub-division of child welfare shall be paid  
10 such salaries as shall be fixed by the state board.

11 The superintendent shall also:

12 (1) Appoint, with the approval of the state board and subject to its  
13 rules and regulations such personnel as may be necessary for the  
14 efficient discharge of the powers granted to and duties imposed upon  
15 the sub-division of child welfare.

16 (2) Make such reports and provide such information as the state  
17 board may from time to time require, whether to the state board or  
18 to some other office or agency, state or federal.

19 (3) Prepare and submit to the state board annually, at such time  
20 as the state board shall designate, an annual budget indicating the  
21 funds necessary to carry out the purposes of this act, and giving an  
22 estimate of any funds which are available and which the state may be  
23 entitled to receive from the United States or any agency thereof.

24 (4) Cooperate with all county departments within the state, all  
25 county boards of supervisors and other public and private local agen-  
26 cies charged with the protection and care of children, in establishing,  
27 extending and strengthening public and private child welfare services.

28 (5) Perform the executive duties and manage the activities of the  
29 sub-division of child welfare under the supervision and control of the  
30 state department and subject to its rules and regulations.

1 **SEC. 4. Powers and duties of state department.** The state depart-  
2 ment, in addition to all other powers and duties given it by law, shall:

3 (1) Review the acts and decisions of the sub-division of child  
4 welfare, and of the superintendent, when upon complaint made to the  
5 state board, a review appears necessary.

6 (2) Join and cooperate with the government of the United States  
7 through its appropriate agency or instrumentality or with any other  
8 officer or agency of the federal government in planning, establishing,  
9 extending and strengthening public and private child welfare services  
10 within the state.

11 (3) Make such investigations and to obtain such information as will  
12 permit the state board to determine the need for public child welfare  
13 services within the state and within the several county departments  
14 thereof.

15 (4) Apply for and receive any funds which are or may be allotted  
16 to the state by the United States or any agency thereof for the purpose  
17 of developing child welfare services.

18 (5) Make such reports and budget estimates to the governor and to  
19 the general assembly as are required by law or such as are necessary  
20 and proper to obtain the appropriation of state funds for child welfare  
21 services within the state and for all the purposes of this act.

22 (6) Cooperate with the several county departments within the state,  
23 and all county boards of supervisors and other public or private agen-  
24 cies charged with the protection and care of children, in the develop-  
25 ment of child welfare services.

26 (7) Aid in the enforcement of all laws of the state for the protec-  
27 tion and care of children.

28 (8) Cooperate with the juvenile courts of the state, and with the  
29 board of control of state institutions in its management and control  
30 of state institutions and the inmates thereof.

1 **SEC. 5. Powers and duties of sub-division of child welfare.** The  
2 sub-division of child welfare, under the supervision and control of the  
3 state board, shall:

4 (1) Plan and supervise all public child welfare services and activi-  
5 ties within the state as provided by this act.

6 (2) Make such reports and obtain and furnish such information  
7 from time to time as may be necessary to permit cooperation by the

8 state department with the United States children's bureau, the social  
9 security board, or any other federal agency which is now or may here-  
10 after be charged with any duty regarding child care or child welfare  
11 services.

12 (3) Make such rules and regulations as may be necessary or  
13 advisable for the supervision of the private child-caring agencies  
14 or officers thereof which the division is empowered to license, inspect  
15 and supervise, which rules and regulations shall provide that in  
16 dealing with any child, any officer, employee or agency so dealing  
17 shall take into consideration the religious faith or affiliations of  
18 the child or its parents, and that in placing such child it shall be,  
19 as far as practicable, placed in the home or the care and custody  
20 of some person holding the same religious faith as the parents of  
21 such child, or with or through some agency or institution con-  
22 trolled by persons of like religious faith with the parents of said  
23 child.

24 (4) Supervise and inspect private institutions for the care of de-  
25 pendent, neglected and delinquent children, and to make reports re-  
26 garding the same.

27 (5) Designate and approve the private and county institutions  
28 within the state to which neglected, dependent and delinquent children  
29 may be legally committed and to have supervision of the care of chil-  
30 dren committed thereto, and the right of visitation and inspection of  
31 said institutions at all times.

32 (6) Receive and keep on file annual reports from the juvenile courts  
33 of the state, and from all institutions to which neglected, dependent  
34 and delinquent children are committed; compile statistics regarding  
35 juvenile delinquency, make reports regarding the same and study pre-  
36 vention and cure of juvenile delinquency.

37 (7) Require and receive from the clerks of the courts of record  
38 within the state duplicates of the findings of the courts upon petitions  
39 for adoption, and keep records and compile statistics regarding adop-  
40 tions.

41 (8) License and inspect maternity hospitals, private boarding  
42 homes for children, and private child-placing agencies; make reports  
43 regarding the same and revoke such licenses.

44 (9) Perform such other functions as may from time to time be  
45 delegated to the sub-division by the state board.

1 **SEC. 6. Duties of county departments.** County departments are  
2 hereby charged with the duty of cooperating with the sub-division of  
3 child welfare and with the state department in carrying out the provi-  
4 sions of this act. They shall, upon request, make to the state depart-  
5 ment or sub-division of child welfare such reports regarding child  
6 welfare services, or the need thereof, within the respective counties.  
7 They shall also, when requested by the state department or the sub-  
8 division of child welfare make reports upon maternity hospitals, pri-  
9 vate boarding homes for children, private child-placing agencies and  
10 private institutions for the care of neglected, dependent or delinquent  
11 children which are located within the respective counties. For this  
12 purpose they shall act, if so designated, as agents of the state depart-  
13 ment and the sub-division of child welfare.

- 1     **SEC. 7. Coordinating amendments. Maternity hospitals.** The fol-  
2     lowing sections of the code of Iowa, 1935, are hereby amended:
- 3     Section 3661-a11 is amended by striking from line five thereof the  
4     words "board of control", and inserting in place thereof the words  
5     "sub-division of child welfare";
- 6     Section 3661-a12 is amended by striking from lines one and two  
7     thereof the words "the state board of control", and inserting in place  
8     thereof the words, "the sub-division of child welfare";
- 9     Section 3661-a15 is amended by striking from lines three and four  
10    thereof the words, "the state board of control", and inserting in place  
11    thereof the words, "the sub-division of child welfare";
- 12    Section 3661-a18 is amended by striking from lines one and two  
13    thereof the words, "the board of control" and inserting in place thereof  
14    the words, "the sub-division of child welfare";
- 15    Section 3661-a22 is amended by striking from line two thereof  
16    the words "board of control" and inserting in place thereof the words  
17    "sub-division of child welfare";
- 18    Section 3661-a26 is amended by striking from lines two and three  
19    thereof the words, "state board of control" and inserting in place  
20    thereof the words, "sub-division of child welfare";
- 21    Section 3661-a27 is hereby amended by striking from lines one  
22    and two thereof the words, "the state board of control", and insert-  
23    ing in place thereof the words, "the sub-division of child welfare";
- 24    Section 3661-a28 is amended by striking from lines one and two  
25    thereof the words, "the state board of control" and inserting in place  
26    thereof the words, "the sub-division of child welfare";
- 27    Section 3661-a31 is amended by striking from lines six and  
28    seven thereof the words, "state board of control", and inserting in  
29    place thereof the words, "subdivision of child welfare"; also by  
30    striking from line ten thereof the word, "board" and inserting  
31    in place thereof the words, "subdivision of child welfare";
- 32    Section 3661-a32 is amended by striking from line six thereof  
33    the words, "state board of control" and inserting in place thereof  
34    the words, "subdivision of child welfare"; also by striking from line  
35    seven thereof the word, "board" and inserting in place thereof the  
36    words, "subdivision of child welfare";
- 37    Section 3661-a33 is amended by striking from lines four and five  
38    thereof the words, "members of the board of control", and inserting  
39    in place thereof the words, "subdivision of child welfare";
- 40    Section 3661-a34 is amended by striking from lines one and two  
41    thereof the words, "the board of control", and inserting in place  
42    thereof the words, "the subdivision of child welfare";
- 43    Section 3661-a36 is amended by striking from line two thereof the  
44    words, "state board of control" and inserting in place thereof the  
45    words "subdivision of child welfare";
- 46    Section 3661-a37 is amended by striking from line two thereof the  
47    words, "state board of control", and inserting in place thereof the  
48    words, "subdivision of child welfare";
- 49    Section 3661-a41 is amended by striking from line four thereof the  
50    words, "state board of control" and inserting in place thereof the  
51    words, "subdivision of child welfare".

1     **SEC. 8. Coordinating amendments—children’s boarding homes.**  
 2     The following sections of the code of Iowa, 1935, are hereby amended  
 3     as follows:  
 4     Section 3661-a44 is amended by striking from lines one and two  
 5     thereof the words “the state board of control”, and inserting in place  
 6     thereof the words, “subdivision of child welfare”;  
 7     Section 3661-a47 is amended by striking from lines two and three  
 8     thereof the words, “board of control” and inserting in place thereof  
 9     the words, “subdivision of child welfare”;  
 10    Section 3661-a48 is amended by striking from lines one and two  
 11    thereof the words, “board of control”, and inserting in place thereof  
 12    the words, “subdivision of child welfare”;  
 13    Section 3661-a49 is amended by striking from lines four and five  
 14    thereof the words, “board of control”, and inserting in place thereof  
 15    the words, “subdivision of child welfare”;  
 16    Section 3661-a52 is amended by striking from line two thereof the  
 17    word, “board”, and inserting in place thereof the words, “subdivision  
 18    of child welfare”;  
 19    Section 3661-a54 is amended by striking from lines one and two  
 20    thereof the words, “state board of control”, and inserting in place  
 21    thereof the words, “subdivision of child welfare”;  
 22    Section 3661-a55 is amended by striking from line two thereof the  
 23    words, “board of control”, and inserting in place thereof the words,  
 24    “subdivision of child welfare”;  
 25    Section 3661-a57 is amended by striking from line four thereof the  
 26    words, “state board of control”, and inserting in place thereof the  
 27    the words, “subdivision of child welfare”.

1     **SEC. 9. Coordinating amendments—Child-placing agencies.** The  
 2     following sections of the code of Iowa, 1935, are hereby amended as  
 3     follows:  
 4     Section 3661-a60 is amended by striking from lines one and two  
 5     thereof the words, “the board of control of state institutions”, and  
 6     inserting in place thereof the words, “subdivision of child welfare”;  
 7     Section 3661-a62 is amended by striking from line four thereof the  
 8     words, “board of control”, and inserting in place thereof the words,  
 9     “subdivision of child welfare”;  
 10    Section 3661-a65 is amended by striking from lines two and three  
 11    thereof the words, “board of control”, and inserting in place thereof  
 12    the words, “subdivision of child welfare”;  
 13    Section 3661-a67 is amended by striking from lines one and two  
 14    thereof the words, “board of control”, and inserting in place thereof  
 15    the words, “subdivision of child welfare”; by striking from line six  
 16    thereof the words “this board”, and inserting in place thereof the  
 17    words “subdivision of child welfare”; and by striking from line twenty  
 18    thereof, the words, “board of control” and inserting in place thereof  
 19    the words, “subdivision of child welfare”;  
 20    Section 3661-a68 is amended by striking from line five thereof the  
 21    word, “board”, and inserting in place thereof the words, “subdivision  
 22    of child welfare”;  
 23    Section 3661-a69 is amended by striking from line two thereof the  
 24    words, “board” and inserting in place thereof the word,\* “subdivision

\* According to enrolled bill.



25 of child welfare", and by striking from line four thereof the words  
26 "board of control", and inserting in place thereof the words, "sub-  
27 division of child welfare";

28 Section 3661-a71 is amended by striking from line five thereof the  
29 word, "board", and inserting in place thereof the words, "subdivision  
30 of child welfare";

31 Section 3661-a73 is amended by striking from line two thereof the  
32 word, "board", and inserting in place thereof the words, "subdivision  
33 of child welfare";

34 Section 3661-a74 is amended by striking from line one thereof the  
35 words, "board of control" and inserting in place thereof the words,  
36 "subdivision of child welfare", and by striking from line five thereof  
37 the word, "board", and inserting in place thereof the words, "sub-  
38 division of child welfare";

39 Section 3661-a75 is amended by striking from line three the word,  
40 "board" and inserting in place thereof the words, "subdivision of  
41 child welfare";

42 Section 3661-a76 is amended by striking from line two thereof the  
43 words "board of control" and inserting in place thereof the words,  
44 "subdivision of child welfare";

45 Section 3661-a77 is amended by striking from lines two and three  
46 thereof the words "board of control", and inserting in place thereof  
47 the words, "subdivision of child welfare";

48 Section 3661-a80 is amended by striking from line two thereof the  
49 words, "board of control", and inserting in place thereof the words,  
50 subdivision of child welfare"; and by striking from line twenty-one  
51 thereof the word, "board" and inserting in place thereof the words,  
52 "subdivision of child welfare";

53 Section 3661-a81 is amended by striking from line twelve thereof  
54 and also from lines fifteen and sixteen, the words, "board of control"  
55 and inserting in place thereof at each place the words, "subdivision  
56 of child welfare";

57 Section 3661-a83 is amended by striking from lines ten and eleven  
58 thereof the words, "board of control" and inserting in place thereof  
59 the words, "subdivision of child welfare";

60 Section 3661-a87 is amended by striking from line three thereof the  
61 words, "board of control" and inserting in place thereof the words,  
62 "subdivision of child welfare", and from lines three and nine the word  
63 "board" and inserting in each of said places the words "subdivision of  
64 child welfare";

65 Section 3661-a88 is amended by striking from line two thereof the  
66 words, "board of control" and inserting in place thereof the words,  
67 "subdivision of child welfare", and by striking from line four thereof  
68 the word "board" and inserting in place thereof the words, "subdivi-  
69 sion of child welfare";

70 Section 3661-a90 is amended by striking from line five thereof the  
71 words, "board of control", and inserting in place thereof the words,  
72 "subdivision of child welfare"; also by striking from line six thereof  
73 the word "board" and inserting in place thereof the words, "subdivi-  
74 sion of child welfare";

75 Section 3661-a91 is amended by striking from lines nine and eleven  
76 the words "board of control", and from lines two, three, fourteen and

77 seventeen the word, "board" and inserting in place thereof the words,  
78 "subdivision of child welfare";

79 Section 3661-a93 is amended by striking from lines five and six the  
80 words, "board of control" and from line eleven the word "board" and  
81 inserting in place thereof the words, "subdivision of child welfare";

82 Section 3661-a94 is amended by striking from line four thereof the  
83 word "board" and inserting in place thereof the words "subdivision of  
84 child welfare";

85 Section 3661-96\* is amended by striking from line six the words,  
86 "board of control" and from lines nine and eleven each the word,  
87 "board" and inserting in each place the words, "subdivision of child  
88 welfare";

89 Section 3661-a97 is amended by striking from lines ten and eleven  
90 the words, "board of control" and inserting in place thereof the words,  
91 "subdivision of child welfare";

92 Section 3661-a100 is amended by striking from line four thereof the  
93 words, "board of control", and inserting in place thereof the words,  
94 "subdivision of child welfare";

95 Section 3666 is amended by striking from line four thereof the word,  
96 "over" and inserting in place thereof the word, "under".

1 SEC. 10. **Coordinating amendments—Neglected, dependent and de-**  
2 **linquent children.** The following sections of the code of Iowa, 1935,  
3 are hereby amended as follows:

4 Section 3671 is amended by striking from lines three and four  
5 thereof the words, "state board of control" and inserting in place  
6 thereof the words, "subdivision of child welfare";

7 Section 3683 is amended by striking from lines three and four  
8 thereof the words, "board of control", and inserting in place thereof  
9 the words, "subdivision of child welfare";

10 Section 3655 is amended by striking from lines one and two thereof  
11 the words, "board of control" and inserting in place thereof the words,  
12 "subdivision of child welfare";

13 Section 3656 is amended by striking from line five thereof the words,  
14 "board of control" and inserting in place thereof the words, "sub-  
15 division of child welfare".

1 SEC. 11. **Coordinating amendments—Adoption.** The following sec-  
2 tions of the code of Iowa, 1935, are amended as follows:

3 Section 10501-b7 is amended by striking from lines eleven and  
4 twelve thereof the words, "state board of control", and inserting in  
5 place thereof the words, "subdivision of child welfare";

6 Section 10501-b8 is amended by striking from lines six and seven  
7 thereof the words, "board of control of state institutions", and insert-  
8 ing in place thereof the words, "subdivision of child welfare".

1 SEC. 12. **Licenses.** Licenses issued to maternity hospitals, private  
2 boarding homes for children, and private child-placing agencies by  
3 the state board of control of state institutions, shall remain in effect  
4 for the period for which issued, unless sooner revoked according to  
5 law. Thereafter it shall be the duty of each of such agencies to apply  
6 to the subdivision of child welfare for a new license, and to submit

\* According to enrolled bill.

7 to such rules regarding the same as the subdivision or state board  
8 may prescribe.

1 SEC. 13. **Constitutionality.** If any portion of this act shall be  
2 declared unconstitutional, such declaration shall not affect the validity  
3 of the remaining portions of the act, which shall remain in force as  
4 though such declaration had not been made.

1 SEC. 14. **Short title.** This act shall be known and may be cited as  
2 "The Child Welfare Act of 1937."

1 SEC. 15. **Publication clause.** This act being deemed of immediate  
2 importance, shall be in force and effect from and after its passage  
3 and publication in the *Booster*, a newspaper published at Valley Junction,  
4 Iowa, and in the *Express*, a newspaper published at Knoxville,  
5 Iowa.

Senate File 374. Approved May 7, 1937.

I hereby certify that the foregoing act was published in the *Booster*, Valley Junction,  
May 28, 1937, and the *Express*, Knoxville, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 119

### BOARD OF EDUCATIONAL EXAMINERS

#### S. F. 297

AN ACT to amend sections thirty-eight hundred eighty-one (3881), thirty-eight hundred  
eighty-three (3883), and thirty-nine hundred eight (3908), code, 1935, relating to the  
fees for teachers' certificates.

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

1 SECTION 1. Section thirty-eight hundred eighty-one (3881), code,  
2 1935, is hereby amended by striking from line six (6) the words "one  
3 dollar" and inserting in lieu thereof the words "two dollars".

1 SEC. 2. Section thirty-eight hundred eighty-three (3883), code,  
2 1935, is hereby amended by striking from line two (2) the words "one  
3 dollar" and inserting in lieu thereof the words "two dollars".

1 SEC. 3. Section thirty-nine hundred eight (3908), code, 1935, is  
2 hereby amended by striking from line three (3) the words "one dol-  
3 lar" and inserting in lieu thereof the words "two dollars".

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 *Guthrie County Vedette*, a newspaper published at Panora, Iowa,  
4 and in the *Casey Vindicator*, a newspaper published at Casey, Iowa.

Senate File 297. Approved April 8, 1937.

I hereby certify that the foregoing act was published in the *Guthrie County Vedette*,  
April 15, 1937, and the *Casey Vindicator*, April 15, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 120

## SCHOOLS

## H. F. 106

AN ACT to amend section forty-one hundred seventy-nine (4179) code of Iowa 1935, relating to the use of busses owned by school districts to transport pupils.

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

- 1 SECTION 1. Section forty-one hundred seventy-nine (4179) code  
2 of Iowa, 1935, is amended by adding thereto the following:  
3 "Boards in their discretion may permit busses owned by the school  
4 district for the purpose of transporting pupils to and from school to  
5 be used to transport pupils participating in extra curricular activities  
6 sponsored by the school to and from such extra curricular activities,  
7 when accompanied by a member of the faculty of said school, and when  
8 such activities are made a part of the regular school program by the  
9 board."

House File 106. Approved February 25, 1937.

## CHAPTER 121

## SCHOOLS

## H. F. 128

AN ACT to amend sections forty-two hundred thirty-five (4235), forty-three hundred twelve (4312), and forty-three hundred thirteen (4313), code 1935, relating to school census.

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

- 1 SECTION 1. Section forty-two hundred thirty-five (4235), code  
2 1935, is hereby amended by striking out all of said section following  
3 the comma (,) in line three (3) and inserting in lieu thereof the fol-  
4 lowing:  
5 "make a list, on blanks prepared for that purpose by the superin-  
6 tendent of public instruction, showing, as of June 1, the following:  
7 1. The name and post office address of parents and guardians in  
8 his subdistrict with the name, sex, and age of all children or wards  
9 residing in the subdistrict who are between five and twenty-one years  
10 of age;  
11 2. The name, age, and post office address of every person resident  
12 of the subdistrict without regard to age so blind as to be unable to  
13 acquire an education in the common schools;  
14 3. The name, age, and post office address of every person between  
15 the ages of five and thirty-five whose faculties with respect to speech  
16 and hearing are so deficient as to prevent him from obtaining an edu-  
17 cation in the common schools; and  
18 4. The name, sex, age, and disability of every physically handi-  
19 capped or feeble-minded person of school age, with the name and post  
20 office address of the parent or guardian.  
21 By the twentieth day of said month, the subdirector shall send this  
22 list to the secretary of the school township who shall make full record  
23 thereof as required by law."

1 SEC. 2. Section forty-three hundred twelve (4312), code 1935, is  
 2 hereby amended by striking out all of said section following the word  
 3 "book" in line three (3) and inserting in lieu thereof the following:  
 4 "prepared by the superintendent of public instruction for that pur-  
 5 pose the following, taken as of June 1:  
 6 1. The name and post office address of parents and guardians in  
 7 his district with the name, sex, and age of all children or wards re-  
 8 siding in the district who are between five and twenty-one years of  
 9 age;  
 10 2. The name, age, and post office address of every person resident  
 11 of the district without regard to age so blind as to be unable to acquire  
 12 an education in the common schools;  
 13 3. The name, age, and post office address of every person between  
 14 the ages of five and thirty-five whose faculties with respect to speech  
 15 and hearing are so deficient as to prevent him from obtaining an edu-  
 16 cation in the common schools; and  
 17 4. The name, sex, age, and disability of every physically handi-  
 18 capped or feeble-minded person of school age, with the name and post  
 19 office address of the parent or guardian."

1 SEC. 3. Section forty-three hundred thirteen (4313), code 1935,  
 2 is hereby amended as follows:  
 3 1. Strike from lines five (5) and six (6) the words "which shall  
 4 give" and insert in lieu thereof the following:  
 5 " , on blanks prepared for that purpose by the superintendent of  
 6 public instruction, showing".  
 7 2. Strike out all of said section following the word "and" in line  
 8 thirty-four (34) and insert in lieu thereof the following:  
 9 "the name, sex, age, and disability of every physically handicapped  
 10 or feeble-minded person of school age, with the name and post office  
 11 address of the parent or guardian."

House File 128. Approved March 6, 1937.

## CHAPTER 122

### SCHOOLS

#### H. F. 319

AN ACT to amend section forty-two hundred thirty-nine a-three (4239-a3), code 1935, relative to compensation of public school officers.

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

1 SECTION 1. Amend section forty-two hundred thirty-nine a three  
 2 (4239-a3), code 1935, as follows:  
 3 1. Change the period (.) in line four (4) to a comma (,) and add  
 4 the following: "except that in school townships, rural or village inde-  
 5 pendent districts, and in consolidated districts that contain a city or  
 6 town having a population less than one thousand, the board may pay  
 7 a legally qualified school treasurer a reasonable compensation.

House File 319. Approved May 1, 1937.

## CHAPTER 123

## SCHOOLS

## H. F. 307

AN ACT to amend chapter two hundred fifteen (215), code, 1935, so as to provide public school facilities for children who have become a public charge and are being cared for in a licensed children's boarding home, as defined in chapter one hundred eighty-one-a three (181-a3), code, 1935, and to provide that the tuition of such children shall be paid by the state.

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

1 SECTION 1. Chapter two hundred fifteen (215), code, 1935, is  
 2 hereby amended by adding thereto the following:  
 3 4283-h1. When any child of school age has become a public charge  
 4 and is being cared for in a children's boarding home licensed by the  
 5 state, and the domicile of such child at the time it became a public  
 6 charge was in another school district than the one wherein such board-  
 7 ing home is located, then, such child shall be entitled to attend public  
 8 school in the school district in which such boarding home is located,  
 9 or if such district does not maintain a school offering instruction in  
 10 the grade in which such child is properly classified, then such child  
 11 may attend upon such instruction in any approved public school in the  
 12 state that will receive it. The tuition of such a child, at the rates  
 13 established by law, shall be paid by the treasurer of state from any  
 14 funds in the state treasury not otherwise appropriated, and upon  
 15 warrants drawn by the state comptroller upon the requisition of the  
 16 superintendent of public instruction. If such child was in the district  
 17 at the time the regular biennial school census was taken, the semi-  
 18 annual apportionments shall be deducted from the tuition due the  
 19 district under the provisions of this act. The superintendent of pub-  
 20 lic instruction is hereby empowered to require such reports as are  
 21 necessary properly to carry out the provisions of this act.

1 SEC. 2. This act being deemed of immediate importance shall be  
 2 in full force and effect from and after publication in The Muscatine  
 3 Journal, a newspaper published at Muscatine, Iowa, and the Wilton  
 4 Advocate, a newspaper published at Wilton, Iowa.

House File 307. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Muscatine Journal, May 24, 1937, and the Wilton Advocate, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 124

## SCHOOLS

## H. F. 21

AN ACT to amend sections forty-four hundred forty-six (4446), forty-four hundred forty-seven (4447), forty-two hundred thirty-eight (4238), and forty-four hundred fifty-nine (4459), code 1935, and to repeal section forty-four hundred sixty (4460), code 1935, and enact a substitute therefor, relating to textbooks in the public schools.

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

1 SECTION 1. Section forty-four hundred forty-six (4446), code 1935,  
2 is hereby amended by inserting immediately after the comma (,) fol-  
3 lowing the word "cost" in line eleven (11) the following:  
4 "loan such textbooks to such pupils free, or rent them to such pupils  
5 at such reasonable fee as the board shall fix,".

1 SEC. 2. Section forty-four hundred forty-seven (4447), code 1935,  
2 is hereby amended as follows:

3 1. Strike from lines five (5) and six (6), the words "for sale, and  
4 to insure the safety of the books and moneys, the" and insert in lieu  
5 thereof the following:

6 "as the depository agent of the board under such rules and regula-  
7 tions as the board shall adopt. The".

8 2. Strike out the period (.) following the word "desirable" in line  
9 eight (8) and insert in lieu thereof the following:

10 ", the reasonable cost of which, if a bond of an association or corpo-  
11 ration as surety is furnished, shall be paid by the district. The board  
12 shall adopt rules and regulations to provide that no textbook in any  
13 branch determined by the board to be taught in the schools under its  
14 charge, shall be sold or rented by such depository agent to the pupils in  
15 such schools as a textbook other than those textbooks authorized by  
16 said board for use by the pupils in such schools; to provide that no  
17 such textbook shall be sold or rented by such depository agent at a  
18 price or fee higher than that fixed by the said board; and to provide  
19 such other measures not in conflict with law as are necessary properly  
20 to govern said depository agents and safeguard the said books and  
21 moneys."

22 "4447-h1. Annual settlement by board of directors. At the close  
23 of each school year the board of directors in each school corporation  
24 shall cause a complete settlement to be made with each depository  
25 agent. A complete inventory of the textbooks on hand, with a state-  
26 ment itemized to show the expenses authorized and paid by the board,  
27 and the amount of money collected from each such depository agent  
28 during the year from the sale or rental of textbooks, shall be made in  
29 duplicate, signed by the secretary of the board and the depository  
30 agent and one copy filed with the secretary and one with the deposi-  
31 tory agent."

1 SEC. 3. Section forty-four hundred fifty-nine (4459), code 1935, is  
2 hereby amended by adding thereto the following:

3 "The county board of education shall require of each such depository  
4 agent so appointed, a bond in such sum as may appear to said board to  
5 be sufficient, the reasonable cost of which, if the bond of an association  
6 or corporation as surety is furnished, shall be paid by the county su-

7 perintendent and deducted from the amount to be returned to the  
8 county funds as hereinafter provided. The county board of education  
9 shall also adopt rules and regulations to provide that no textbook in  
10 any branch determined by the board of any school district to be taught  
11 in the schools under its charge, shall be sold by such depository agent  
12 to the pupils in such school districts as a textbook other than those text-  
13 books authorized by the said county board of education for use by the  
14 pupils in such county; to provide that no such textbooks shall be sold  
15 by such depository agent at a price or fee higher than that fixed by the  
16 said county board of education; and to provide such other measures not  
17 in conflict with law as are necessary properly to govern said depository  
18 agents and safeguard the said books and moneys."

1 SEC. 4. Section forty-four hundred sixty (4460), code 1935, is  
2 hereby repealed and the following enacted in lieu thereof:

3 "4460. **Purchase and sale.** The county board of supervisors upon  
4 requisition by the county board of education and the presentation of  
5 properly attested invoices shall pay for said textbooks out of the county  
6 funds, and the county board of education shall sell them to the pupils  
7 of the district through depositories established as provided in section  
8 forty-four hundred fifty-nine (4459). The money received from such  
9 sales shall be collected from such depositories by the county superin-  
10 tendent at such times as the county board of education shall direct, but  
11 not less frequently than three times during the school year. The  
12 money collected shall be returned to the county funds after deducting  
13 the actual expenses authorized by the county board of education, with  
14 a complete inventory of the books on hand and a statement itemized  
15 to show the amount received from the sale of books, the actual ex-  
16 penses, and a receipt signed by the depository agent for his compen-  
17 sation."

18 "4460-h1. **Annual settlement by county board of education.** At  
19 the close of each school year it shall be the duty of the county board of  
20 education in each county where county uniformity of textbooks has  
21 been authorized as provided in this chapter, to cause a complete settle-  
22 ment to be made with each depository agent appointed by said board.  
23 A complete inventory of the textbooks on hand, and a statement show-  
24 ing the amount of money collected from each such depository agent  
25 during the year shall be made in duplicate and signed by the county  
26 superintendent and the depository agent, one copy to be filed with the  
27 county superintendent and one with the depository agent."

28 "4460-h2. **Rental or free textbooks under county uniformity.** The  
29 board of directors of each and every school corporation that is under  
30 county uniformity of textbooks as provided in this chapter shall have  
31 authority to purchase through the county board of education at the  
32 regular contract price textbooks adopted by the county board of edu-  
33 cation and pay for the same from the general fund of the school district  
34 and loan them free or rent such textbooks to the pupils of their respec-  
35 tive schools in the manner provided in sections one (1) and two (2)  
36 of this act. The money so received shall be returned to the general  
37 fund of such district at the end of each calendar month."

38 "4460-h3. **Responsibility of pupils and parents—rules and regula-**  
39 **tions.** The board of directors in any school district that has adopted  
40 the plan provided herein for renting textbooks to the pupils of the



41 district or loaning them free shall hold the pupils and their parents  
 42 responsible for the loss of or failure to return any textbooks so loaned  
 43 or furnished and for any damage other than regular depreciation of  
 44 such textbooks and shall make such rules and regulations as are neces-  
 45 sary properly to safeguard such textbooks."

1 SEC. 5. Section forty-two hundred thirty eight (4238), code 1935,  
 2 is hereby amended by striking out all of said section after the word  
 3 "aided" in line thirteen (13) and inserting in lieu thereof a period (.).

1 SEC. 6. Existing contracts. Nothing herein shall be construed as  
 2 affecting or impairing the validity of any textbook contract in force  
 3 at the taking effect of this act.

House File 21. Approved February 25, 1937.

## CHAPTER 125

### SCHOOL FUNDS

#### S. F. 40

AN ACT to amend sections forty-four hundred eighty-eight (4488), forty-five hundred six (4506), and forty-five hundred seven (4507), code 1935, relating to interest on the permanent school fund.

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

1 SECTION 1. Section forty-four hundred eighty-eight (4488), code  
 2 1935, is hereby amended by striking from line four (4) thereof the  
 3 word "five", and by inserting the word "four" in lieu of said stricken  
 4 word.

1 SEC. 2. Section forty-five hundred six (4506), code 1935, is here-  
 2 by amended by striking from line eleven (11), the word "four" and  
 3 by inserting the word "three" in lieu of said stricken word.

1 SEC. 3. Section forty-five hundred seven (4507), code 1935, is  
 2 hereby amended by striking from line five (5) thereof the word "four"  
 3 and by inserting the word "three" in lieu of said stricken word.

1 SEC. 4. Section forty-five hundred seven (4507), code 1935, is  
 2 further amended by striking from line ten (10) thereof the word  
 3 "four" and by inserting the word "three" in lieu of said stricken word.

1 SEC. 5. This act being deemed of immediate importance shall be  
 2 in force and effect from and after its publication in The Fontanelle  
 3 Observer, a newspaper published at Fontanelle, Iowa, and the Earlham  
 4 Echo, a newspaper published at Earlham, Iowa.

Senate File 40. Approved March 20, 1937.

I hereby certify that the foregoing act was published in the Fontanelle Observer, March 25, 1937, and the Earlham Echo, March 25, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 126

## EDUCATION

## S. F. 101

AN ACT to provide for the distribution, to the several public school corporations of the state on a teacher unit basis, of certain federal funds now or hereafter made available by acts of congress to assist the states and territories in providing more effective programs of public education; to prescribe the powers and duties of the superintendent of public instruction, the treasurer of state, the state comptroller, and other officials with reference thereto; to require certain refunds to be made by school corporations receiving tuition; and to provide for the administration of this act.

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

1 SECTION 1. The following terms shall, for the purpose of this act,  
2 have the following meanings:

3 1. "*Aggregate attendance*" means the sum determined by adding to-  
4 gether the total number of school days during which each pupil in the  
5 grades in question attended a regular day school conducted by the par-  
6 ticular public school corporation during the regular school year, ex-  
7 cluding summer school.

8 2. "*Average daily attendance*" means the quotient arising from di-  
9 viding aggregate attendance by the total number of days school was  
10 in session during the regular school year, excluding summer school.  
11 Said quotient shall be carried to such number of decimal places, fixed  
12 by the superintendent, as is reasonably necessary to secure equitable  
13 distribution.

14 3. "*Superintendent*" means the superintendent of public instruction  
15 of the state of Iowa.

1 SEC. 2. It shall be the duty of the superintendent to keep such rec-  
2 ords and accounts, to cause such audits to be made, and to make such  
3 applications and reports to the United States commissioner of educa-  
4 tion, or other authorized federal officer, as shall be necessary to qualify  
5 this state to receive, and to continue to receive, such federal funds as  
6 may be allotted to this state under and by virtue of an act of the  
7 Seventy-fifth congress of the United States, first session, now or here-  
8 after enacted, entitled "A bill to promote the general welfare through  
9 the appropriation of funds to assist the states and territories in pro-  
10 viding more effective programs of public education", and such other  
11 acts of congress, now or hereafter enacted, as may make federal funds  
12 available to this state for the purpose of providing more effective pro-  
13 grams of general public education. For such purposes, the superin-  
14 tendent is hereby designated as the "chief educational authority" to  
15 represent this state.

1 SEC. 3. There is hereby created in the treasury of the state of Iowa  
2 a special fund, to which shall be credited such federal funds as are  
3 received pursuant to the acts of congress designated in section two  
4 hereof. The treasurer of state shall keep such accounts and records  
5 of the expenditure of such funds as may be prescribed by the United  
6 States commissioner of education, or other federal officer, pursuant  
7 to the law authorizing such distribution of federal funds.

1 SEC. 4. The funds credited to such special fund shall be distributed  
 2 each school year, in October and April, to the several public school  
 3 corporations of the state in the proportion which the total number of  
 4 teacher units for each such school corporation for the preceding school  
 5 year bears to the total number of teacher units for the state for such  
 6 school year. Such teacher units shall be determined for each public  
 7 school corporation in the following manner:

8 1. Teacher units in grades one to eight inclusive, and kindergarten,  
 9 shall be fixed as follows: (a) For each school in which only one teacher  
 10 is employed, one teacher unit; and (b) if the total average daily at-  
 11 tendance does not exceed forty in all schools in which more than one  
 12 teacher is employed, two additional teacher units; or (c) if the total  
 13 average daily attendance exceeds forty in all such schools, one addi-  
 14 tional teacher unit for the first fifteen and one additional teacher unit  
 15 for each additional twenty-seven, or major fraction thereof, in average  
 16 daily attendance; provided that the teacher units so determined for  
 17 each school corporation shall not exceed the actual number of teachers  
 18 employed in grades one to eight inclusive, and kindergarten.

19 2. Teacher units in grades nine to twelve inclusive shall be deter-  
 20 mined by allowing one and one-half teacher units for each high school  
 21 unit, determined as follows: (a) If the total average daily attendance  
 22 in grades nine to twelve in all schools is less than sixteen, one high  
 23 school unit; or (b) if such total average daily attendance is more than  
 24 fifteen and less than twenty-six, two high school units; or (c) if such  
 25 total average daily attendance is more than twenty-five and less than  
 26 forty-one, three high school units; or (d) if such total average daily at-  
 27 tendance is more than forty, three high school units for the first forty  
 28 and one additional high school unit for each additional twenty-two, or  
 29 major fraction thereof, in average daily attendance; provided that the  
 30 high school units so determined for each school corporation shall not  
 31 exceed the actual number of teachers employed in teaching grades nine  
 32 to twelve inclusive.

33 3. Both residents and nonresident pupils shall be included in deter-  
 34 mining the number of teacher units allowed to each school corporation.

1 SEC. 5. The treasurer shall, upon request, certify to the superin-  
 2 tendent at any time the amount in the special fund created in section  
 3 three hereof. On the first day of October and the first day of April of  
 4 each year, or as soon thereafter as possible, the superintendent shall  
 5 determine the amount due each of the several school corporations in  
 6 the state under the provisions of this act, and shall file with the state  
 7 comptroller a requisition on which shall appear the amounts due each  
 8 of such school corporations.

1 SEC. 6. **Warrants drawn.** The state comptroller, upon receipt of  
 2 such requisition from the superintendent of public instruction, shall  
 3 draw a warrant or warrants on the treasurer of state, payable to the  
 4 school corporations entitled thereto in accordance with said requis-  
 5 ition, and shall deliver said warrant or warrants to the superintendent  
 6 of public instruction, who shall make a record thereof and transmit  
 7 the same to the secretary of each of said school corporations.

1 SEC. 7. **Deposit of funds.** Upon receipt of any such warrant, the  
 2 secretary of the school corporation shall cause it to be deposited to  
 3 the credit of the general fund of the said school corporation.

1 SEC. 8. Each public school corporation in the state which, pursuant  
2 to statutory requirements, receives tuition from another public school  
3 corporation for nonresident pupils shall, within thirty days after re-  
4 ceiving such warrant on the treasurer of state, refund to the public  
5 school corporation paying such tuition an amount for each such non-  
6 resident pupil determined as follows:

7 a. The amount so received from the treasurer of state for teacher  
8 units in grades one to eight inclusive, and kindergarten, shall be di-  
9 vided by the total average daily attendance in such grades for the  
10 school year for which such teacher units were fixed. The result so  
11 obtained shall constitute the amount of refund for each pupil in such  
12 grades for whom tuition was received for such school year.

13 b. The amount so received from the treasurer of state for teacher  
14 units in grades nine to twelve inclusive shall be divided by the total  
15 average daily attendance in such grades for the school year for which  
16 such teacher units were fixed. The result so obtained shall constitute  
17 the amount of refund for each pupil in such grades for whom tuition  
18 was received for such school year.

19 c. Provided that if tuition was paid for any such pupil for less than  
20 the full school year the amount of refund shall bear the same propor-  
21 tion to the amount so determined as the period for which tuition was  
22 paid bears to the full school year.

1 SEC. 9. The superintendent of public instruction is hereby author-  
2 ized to adopt such rules and regulations, consistent with the provisions  
3 of this act, as are necessary and proper for the administration thereof.

1 SEC. 10. **Constitutionality.** If any section, subsection, clause, sen-  
2 tence, or phrase of this act is for any reason held to be unconstitutional  
3 or 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, clause, sentence, or  
6 phrase hereof, irrespective of whether any one or more of the sections,  
7 subsections, clauses, sentences or phrases be declared unconstitutional  
8 or invalid.

1 SEC. 11. 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 Herald-Patriot, a newspaper published at Chariton, Iowa, and in  
4 the Humeston New Era, a newspaper published at Humeston, Iowa.

Senate File 101. Approved May 7, 1937.

I hereby certify that the foregoing act was published in the Herald Patriot, May 20,  
1937, and the Humeston New Era, May 26, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 127

## STATE BOARD OF EDUCATION

## H. F. 456

AN ACT to authorize the Iowa state board of education to purchase certain real estate for an experimental farm in accordance with the provisions of the act of congress approved July 2, 1862 (12 Stat. L 503).

WHEREAS, the secretary of agriculture of the United States has designated the Iowa state college as the headquarters of a regional swine breeding laboratory to be conducted cooperatively by the Iowa agricultural experiment station and the bureau of animal industry of the United States department of agriculture, and

WHEREAS, the secretary of agriculture has designated funds for use in development of said laboratory to supplement the funds of said station, and

WHEREAS, the establishment of this laboratory will prove of great value to the agriculture of Iowa, and

WHEREAS, to meet the conditions of the designation, it is necessary that the said college acquire additional land to accommodate the work which is to be undertaken by the United States department of agriculture in conjunction with the college, and

WHEREAS, there has been enacted by the senate and house of representatives of the United States of America assembled, an act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts, approved July 2, 1862, (12 Stat. L. 503), and there has been developed in accordance with the provisions of this said act a fund designated by the legislature of Iowa as an endowment fund for the Iowa state college of agriculture and mechanic arts, and

WHEREAS, the said act provides (Sec. 5, First) that,

If any portion of the fund invested as provided by the foregoing section, or any portion of the interest thereon, shall, by any action or contingency, be diminished or lost, it shall be replaced by the state to which it belongs, so that the capital of the fund shall remain forever undiminished; and the annual interest shall be regularly applied without diminution to the purposes mentioned in the fourth section of this act, except that a sum, not exceeding ten per centum upon the amount received by any state under the provisions of this act, may be expended for the purchase of lands for sites or experimental farms whenever authorized by the respective legislatures and states," and

WHEREAS, the Iowa state board of education has signified its desire to purchase an experimental farm of approximately three hundred fifty (350) acres at a total cost of not to exceed forty-four thousand dollars (\$44,000) for the purpose recited above, and

WHEREAS, the said sum of forty-four thousand dollars (\$44,000) is substantially less than the ten per centum of the fund authorized for the purchase of experimental farms by the said congressional act.

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

- 1 SECTION 1. The Iowa state board of education is authorized to
- 2 expend not exceeding the sum of forty-four thousand dollars (\$44,-

3 000) from the permanent endowment fund of the Iowa state college,  
4 for the purpose of purchasing from the Henry F. Woodruff estate or  
5 the owners of the following described property, to-wit:

6 The South half ( $\frac{1}{2}$ ) of the Southwest fractional fourth ( $\frac{1}{4}$ ) and  
7 the North half ( $\frac{1}{2}$ ) of the Southwest fractional fourth ( $\frac{1}{4}$ ), and the  
8 South half ( $\frac{1}{2}$ ) of the Northwest fractional fourth ( $\frac{1}{4}$ ), and the  
9 North half ( $\frac{1}{2}$ ) of the Northwest fractional fourth ( $\frac{1}{4}$ ) of Section  
10 Nineteen (19), Township Eighty-three (83) Range Twenty-four (24)  
11 West of the Fifth P. M. containing three hundred forty-two (342)  
12 acres, more or less.

13 Said sum to be paid upon the grantor or grantors signing, execut-  
14 ing and delivering a good and sufficient warranty deed conveying said  
15 property free and clear of all liens and encumbrances to the state of  
16 Iowa, which property shall be for the use and benefit of the Iowa  
17 state college at Ames, Iowa.

1 SEC. 2. This act being deemed of immediate importance shall take  
2 effect from and after its publication in the Britt News Tribune, a  
3 newspaper published at Britt, Iowa, and in the Ames Tribune, a  
4 newspaper published at Ames, Iowa.

House File 456. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Ames Tribune, May 21,  
1937, and the Britt News Tribune, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 128

### CITIES AND TOWNS

#### S. F. 54

AN ACT to authorize the designation of primary road extensions in any city or town  
of the state of Iowa which may be separated from the remainder of the state by  
a river more than five hundred feet in width.

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

1 SECTION 1. The state highway commission shall designate the  
2 street or streets which shall constitute the primary road extensions in  
3 any city or town of the state of Iowa, which city or town is separated  
4 from the remainder of the state of Iowa by a river more than five  
5 hundred feet in width from bank to bank. The laws of this state re-  
6 lating to the construction, reconstruction or maintenance of the ex-  
7 tensions of primary roads in cities and towns, and to the purchase or  
8 condemnation of right of way therefor, and to the expenditure of  
9 primary road funds thereon, shall apply to the roads or streets desig-  
10 nated hereunder, the same as though said community were not so  
11 separated from the rest of the state.

1 SEC. 2. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication as provided by  
3 law.

Senate File 54. Approved February 10, 1937.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil,  
February 12, 1937, and the Avoca Journal Herald, February 18, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 129

## REPEAL OF ROAD POLL TAX LAW

S. F. 21

AN ACT to repeal sections forty-six hundred forty-four-c fifty-eight (4644-c58) to forty-six hundred forty-four-e seven (4644-e7), inclusive, code, 1935, relating to the levy of a road poll tax.

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

- 1 SECTION 1. Section forty-six hundred forty-four-c fifty-eight
- 2 (4644-c58), to forty-six hundred forty-four-c sixty-four (4644-c64),
- 3 inclusive, and sections forty-six hundred forty-four-e one (4644-e1)
- 4 to forty-six hundred forty-four-e seven (4644-e7), inclusive, all of the
- 5 code of Iowa, 1935, are hereby repealed.

Senate File 21. Approved March 24, 1937.

## CHAPTER 130

## ROADS

H. F. 533

AN ACT to amend section four thousand seven hundred forty-six (4746) providing that petitions for road assessment districts may be signed by non-resident land owners.

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

- 1 SECTION 1. Section four thousand seven hundred forty-six (4746)
- 2 code, 1935, is hereby amended by striking the period after the word
- 3 "county" in line 15, paragraph one (1) and add thereto, "or where
- 4 none of the land owners within the proposed district are residents of
- 5 the county, by thirty-five per cent of such non-resident owners".

House File 533. Approved May 1, 1937.

## CHAPTER 131

## WEEDS

S. F. 148

AN ACT to repeal sections four thousand eight hundred seventeen (4817) to four thousand eight hundred twenty-nine (4829), inclusive, code, 1935, relating to the eradication and control of weeds and to enact a substitute therefor defining the classes of noxious weeds, providing for the appointment of a state botanist and county, township, city, and town weed commissioners, and prescribing their compensation, powers, and duties; defining the duties of the secretary of agriculture, board of supervisors, weed commissioners, land owners and tenants, with respect to the control and destruction of noxious weeds or weeds declared temporarily noxious by the secretary of agriculture; providing for orders by the board of supervisors to describe the time and manner in which land owners must destroy weeds on their land and on adjoining roads, prescribing the notice to be given of such orders and providing for the destruction of such weeds at the expense of the land owners who do not comply with such order; providing for the procedure for assessing such expense as a tax against the land and the collection thereof; imposing certain duties upon the highway commission for the destruction of weeds, and upon officers responsible

for the care of the public highways to make complaints regarding such weeds and upon the county attorney to enforce the provisions of this act; and providing penalties for the violation of its provisions.

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

1 SECTION 1. Sections four thousand eight hundred seventeen  
2 (4817) to four thousand eight hundred twenty-nine (4829), inclu-  
3 sive, code, 1935, are hereby repealed and the following sections en-  
4 acted in lieu thereof:

5 "4817. The following weeds are hereby declared to be noxious and  
6 shall be divided into two classes, namely:

7 1. Primary noxious weeds, which shall include quack grass (*Agro-*  
8 *pyron repens*), perennial sow thistle (*Sonchus arvensis*), Canada  
9 thistle (*Cirsium arvense*), European morning glory or field bindweed  
10 (*Convolvus arvensis*), horse nettle (*Solanum carolinense*), leafy  
11 spurge (*Euphorbia esula*), perennial pepper grass (*Lepidium draba*),  
12 Russian knapweed (*Centaurea repens*).

13 2. Secondary noxious weeds, which shall include butterprint (*Abu-*  
14 *tilon theophrasti*) annual, cockelbur (*Xanthium commune*), annual,  
15 wild mustard (*Brassica arvensis*) annual, wild carrot (*Daucus*  
16 *carota*) biennial, buckhorn (*Plantago lanceolata*) perennial, sheep  
17 sorrel (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*)  
18 perennial, smooth dock (*Rumex altissimus*) perennial, Puncturevine  
19 (*Tribulus terrestris*) annual.

20 "4818. The secretary of agriculture shall appoint as state botanist  
21 the head of the botany and plant pathology section of the Iowa agri-  
22 cultural experiment station whose duty shall be to cooperate in devel-  
23 oping a constructive weed eradication program.

24 "4819. The board of supervisors of each county shall appoint  
25 either a county weed commissioner or one township weed commis-  
26 sioner for each township, whose term of or terms of office shall  
27 not exceed one year. In incorporated towns and cities each council  
28 may appoint a municipal weed commissioner, whose term of office  
29 shall not exceed one year. The name of the person or persons so  
30 appointed and the date of appointment shall be certified to the county  
31 auditor. The board of supervisors shall fix the compensation for  
32 said county commissioner or township commissioners. Subject to  
33 the approval of the board of supervisors of the county, the town or  
34 city council shall fix the compensation for the town or city commis-  
35 sioners. Said compensation shall be paid from the county general  
36 fund, but a reasonable portion thereof may be assessed as part of the  
37 cost of destruction pursuant to section four thousand eight hundred  
38 twenty-nine-a six (4829-a6).

39 "4820. Whenever, in this chapter, powers and duties are imposed  
40 upon a "commissioner", or "commissioners", such powers and duties  
41 shall apply, insofar as applicable, to the county, township, town, and  
42 city weed commissioners within their respective jurisdictions. Each  
43 commissioner shall, subject to direction and control by the county  
44 board of supervisors, have supervision over the control and de-  
45 struction of all noxious weeds in his jurisdiction, and of any other  
46 weeds growing along streets and highways unless otherwise pro-  
47 vided, and shall hire the labor and equipment necessary for the per-  
48 formance of his duties subject to the approval of the board of super-



49 visors, which shall be paid for in the same manner as the weed com-  
50 missioner's compensation.

51 "4821. In the event it becomes necessary for a weed commis-  
52 sioner to enter upon any land within his jurisdiction to destroy or  
53 keep from seeding any noxious weeds growing thereon, he shall ap-  
54 ply the best known methods and use the utmost diligence in eradicat-  
55 ing such weeds, but he shall not expend in labor and materials more  
56 than twenty-five dollars (\$25.00) on any one infested tract, without  
57 the advice and consent in writing of the board of supervisors.

58 "4822. Said weed commissioner, or commissioners, and all em-  
59 ployees acting under his or their directions, due notice having been  
60 given to the land owners ten days previous, shall have full power and  
61 authority to enter upon any land within his jurisdiction upon which  
62 is growing any of the noxious weeds for the purpose of destroying  
63 said weeds.

64 "4823. Each weed commissioner shall for the territory under his  
65 jurisdiction on or before the first day of November of each year make  
66 a written report to the board of supervisors. Said report shall state:

67 1. The name and location of all primary noxious weeds, and any  
68 new weed which appears to be a serious pest.

69 2. A detailed statement of the treatment used, and future plans,  
70 for eradication of weeds on each infested tract on which he has at-  
71 tempted to exterminate weeds, together with the costs and results  
72 obtained.

73 3. A summary of the weed situation within his jurisdiction, to-  
74 gether with suggestions and recommendations which may be proper  
75 and useful, a copy of which shall be forwarded to the state secretary  
76 of agriculture.

77 "4824. The secretary of agriculture shall be vested with the fol-  
78 lowing duties, powers and responsibilities:

79 1. He shall serve as state weed commissioner, and shall cooperate  
80 with all boards of supervisors and weed commissioners, and shall fur-  
81 nish blank forms for reports made by the supervisors and commis-  
82 sioners.

83 2. He may, upon recommendation of the state botanist, temporarily  
84 declare noxious any new weed which possesses the characteristics of  
85 a serious pest, and following such declaration, the board of super-  
86 visors shall cause such weeds to be destroyed, the cost to be borne  
87 by the county.

88 3. He shall aid the supervisors in the interpretation of the weed  
89 law, and make suggestions to promote extermination of noxious weeds.

90 "4825. The responsibility for the enforcement of the provisions  
91 of this chapter shall be vested in the board of supervisors as to all  
92 farm lands, railroad lands, state lands and state parks, primary and  
93 secondary roads; roads, streets and other lands within cities and  
94 towns unless otherwise provided.

95 "4826. Each owner and each person in the possession or control of  
96 any lands shall cut, burn or otherwise destroy, in whatever manner  
97 may be prescribed by the board of supervisors, all noxious weeds  
98 thereon as defined in this chapter at such times in each year and in  
99 such manner as shall prevent said weeds from blooming or coming to  
100 maturity, and shall keep said lands free from such growth of any

101 other weeds, as shall render the streets or highways adjoining said  
102 land unsafe for public travel.

103 "4827. The board of supervisors shall destroy primary noxious  
104 weeds growing in county, trunk, and local county roads, and the high-  
105 way commission shall destroy primary noxious weeds growing on  
106 primary roads. Nothing herein shall prevent the landowner from  
107 harvesting, in proper season, the grass grown on the road along his  
108 land.

109 "4828. All noxious weeds on railroad lands, public lands and within  
110 incorporated cities and towns shall be treated in such manner, ap-  
111 proved by the board of supervisors, as shall prevent seed production  
112 and either destroy or prevent the spread of primary noxious weeds to  
113 adjoining lands. Gravel pits infested with primary noxious weeds  
114 shall not be used as sources of gravel for public highways without  
115 previous treatment approved by board of supervisors.

116 "4829. The board of supervisors of each county shall each year,  
117 upon recommendation of the county weed commissioner, or township  
118 commissioners, by resolution prescribed and order a program of  
119 weed destruction to be followed by land owners or tenants or both,  
120 which in five years may be expected to destroy and immediately keep  
121 under control any areas infested with any primary noxious weeds on  
122 farm land, and shall designate the cutting dates to prevent seed pro-  
123 duction of all other varieties of noxious weeds. Quack grass in pas-  
124 ture land, rough timbered land or on the highways, railway rights-  
125 of-way and public lands, when acting as soil binder, may be exempt  
126 from such order if approved by the supervisors.

127 "4829-a1. Notice of any order made pursuant to the foregoing  
128 section shall be given by one publication in the official newspapers  
129 of the county and shall be directed to all property owners. In cases  
130 where the cost appears likely to exceed twenty-five dollars, notice to  
131 property owners shall be by registered letters. Provided, however,  
132 that where any railroad company has filed a written instrument in  
133 the county auditor's office, designating the name and address of its  
134 agent, the county auditor shall send, by registered mail, a copy of  
135 said notice to such agent.

136 Said notice shall state:

- 137 1. The time for destruction.
- 138 2. The manner of destruction, if other than cutting above the sur-  
139 face of the ground.
- 140 3. That unless said order is complied with the weed commissioner  
141 shall cause said weeds to be destroyed and the cost thereof to be  
142 taxed to the owner of the property.

143 "4829-a2. The loss or damage to crops or property incurred by rea-  
144 son of such destruction shall be borne by the title holder of said real  
145 estate, unless said real estate shall be sold under contract whereby  
146 possession has been delivered to the purchaser, in which event such  
147 purchaser shall bear such loss or damage, excepting where a contract  
148 has been entered into providing a different adjustment for such loss  
149 or damage.

150 "4829-a3. In case of a substantial failure to comply with such  
151 order, the weed commissioner, or commissioners, shall forthwith cause  
152 such weeds to be destroyed, and the expense of such destruction and

153 the costs of any special meetings, if any, shall be paid from the county  
154 general fund, and recovered later by an assessment against the prop- .  
155 erty owner, as provided in section four thousand eight hundred  
156 twenty-nine-a six (4829-a6) hereof.

157 "4829-a4. The board of supervisors shall order the weed commis-  
158 sioner, or commissioners, to destroy or cause to be destroyed any  
159 new weeds declared to be noxious by the secretary of agriculture, the  
160 cost of which shall be borne by the county.

161 "4829-a5. The board of supervisors shall order all weeds other  
162 than primary noxious weeds, on all county trunk and local county  
163 roads and between the fence lines thereof to be mowed to prevent seed  
164 production thereof, either upon its own motion or upon receipt of  
165 written notice requesting such action from any residents of the town-  
166 ship in which such roads are located, or any person regularly using  
167 said roads. Said order shall define the roads along which said weeds  
168 are required to be cut and shall require said weeds to be cut within  
169 thirty days after the publication of said order in the official news-  
170 papers of said county. If the adjoining owner fails to cut said weeds  
171 as required in said order the county or township commissioner shall  
172 have same cut and the cost thereof shall be paid from the general  
173 county fund, and recovered later by an assessment against the ad-  
174 joining property owners as provided in section four thousand eight  
175 hundred twenty-nine-a six (4829-a6) hereof.

176 "4829-a6. When the commissioner, or commissioners, destroy any  
177 weeds under the authority of sections four thousand eight hundred  
178 twenty-nine-a three (4829-a3), or four thousand eight hundred  
179 twenty-nine-a four (4829-a4), after failure of the landowner respon-  
180 sible therefore to destroy such weeds pursuant to the order of the  
181 board of supervisors, the cost of such destruction shall be assessed  
182 against and collected from the landowner responsible in the follow-  
183 ing manner:

184 1. On or before December 31st of the year, the board of supervisors  
185 shall assess all of said costs for the calendar year, including a rea-  
186 sonable part of the compensation of the commissioner in charge,  
187 against the said land and the owner thereof by a special tax, which  
188 shall be certified to the county auditor and county treasurer by the  
189 clerk of the board of supervisors, and shall be placed upon the tax  
190 books, and collected, together with interest and penalty after due, in  
191 the same manner as other unpaid taxes. Such tax shall be due on  
192 March 1st after such assessment, and shall be delinquent after March  
193 31st. When collected, said funds shall be put into the fund from  
194 which said costs were originally paid.

195 2. Before making any such assessment, the board of supervisors  
196 shall prepare a plat or schedule showing the several lots, tracts of land  
197 or parcels of ground to be assessed and the amount proposed to be as-  
198 sessed against each of the same for destroying or controlling weeds  
199 during the calendar year.

200 3. Such board shall thereupon fix a time for the hearing on such  
201 proposed assessments, and at least twenty days prior to the time thus  
202 fixed for such hearing shall give notice thereof to all concerned that  
203 such plat or schedule is on file, and that the amounts as shown therein  
204 will be assessed against the several lots, tracts of land or parcels of  
205 ground described in said plat or schedule at the time fixed for such

206 hearing, unless objection is made thereto. Notice of such hearing  
 207 shall be given by one publication in official county newspapers in the  
 208 county in which the property to be assessed is situated ; or by posting  
 209 a copy of such notice on the premises affected and by mailing a copy by  
 210 registered mail to the last known address of the person owning or  
 211 controlling said premises. At such time and place the owner of said  
 212 premises or any one liable to pay such assessment, may appear with  
 213 the same rights given by law before boards of review, in reference to  
 214 assessments for general taxation.

215 "4829-a7. It shall be the duty of all officers directly responsible for  
 216 the care of public highways to make complaint to the weed commis-  
 217 sioners or board of supervisors, whenever it shall appear that the  
 218 provisions of this chapter may not be complied with in time to prevent  
 219 the blooming and maturity of noxious weeds or the unlawful growth  
 220 of weeds, whether in the streets or highways for which they are  
 221 responsible or upon lands adjacent to the same.

222 "4829-a8. It shall be the duty of the county attorney upon com-  
 223 plaint of any citizen that any officer charged with the enforcement of  
 224 the provisions of this chapter has neglected or failed to perform his  
 225 duty, to enforce the performance of such duty.

226 "4829-a9. Any officer referred to in this chapter who neglects or  
 227 fails to perform the duties incumbent upon him under the provisions  
 228 of this chapter shall be punished by a fine not exceeding one hundred  
 229 (100) dollars.

230 "4829-a10. If any provision of this act shall be declared invalid,  
 231 such invalidity shall not affect the validity of any portion of this act  
 232 which can be given effect without such invalid part."

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 Adair News, a newspaper published at Adair, Iowa, and the Orient  
 4 Avalanche, a newspaper published at Orient, Iowa.

Senate File 148. Approved May 6, 1937.

I hereby certify that the foregoing act was published in the Adair News, May 28,  
 1937, and the Orient Avalanche, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 132

### WEEDS

#### H. F. 79

AN ACT to amend section forty-eight hundred nineteen (4819) of the code, 1935, re-  
 lating to the destruction of noxious weeds.

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

1 SECTION 1. That section forty-eight hundred nineteen (4819)\* as  
 2 it appears in the code, 1935, be amended by striking all of paragraph  
 3 two (2) of said section and substituting in lieu thereof the following:  
 4 "2. Canada thistle, horse nettle, sow thistle, creeping jenny, Euro-  
 5 pean bind weed (*convolvulus arvensis*), and quack grass growing in

\* Note: Section 4819 repealed S. F. 148.

6 the secondary roads shall be destroyed by the board of supervisors  
 7 and Canada thistle, horse nettle, sow thistle, creeping jenny, European  
 8 bind weed (*convolvulus arvensis*) and quack grass growing in the  
 9 primary roads shall be destroyed by the highway commission. Nothing  
 10 herein shall prevent the landowner from harvesting, in proper  
 11 season, the grass grown on the road along his land."

House File 79. Approved May 1, 1937.

### CHAPTER 133

#### MOTOR VEHICLE OPERATORS' LICENSES

H. F. 531

AN ACT to extend the date of expiration of motor vehicle operators' licenses, and to this end to amend section forty-nine hundred sixty-d thirty (4960-d30), code, 1935.

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

1 SECTION 1. Section forty-nine hundred sixty-d thirty (4960-d30),  
 2 code, 1935, is hereby amended by striking from lines one (1) and two  
 3 (2) the words, "June thirtieth" and by inserting in lieu thereof the  
 4 words, "July fifth".

1 SEC. 2. Every operator's license issued under section forty-nine  
 2 hundred sixty-d thirty (4960-d30), code, 1935, and not heretofore re-  
 3 voked, and expiring on June thirtieth, 1937, is hereby extended to  
 4 July fifth, 1937.

1 SEC. 3. 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.

House File 531. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Bellevue Herald, May 25, 1937, and the Sabula Gazette, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

### CHAPTER 134

#### MOTOR VEHICLE LAW

S. F. 181

An ACT to repeal chapter two hundred fifty-one (251), and all amendments thereto, of the code, 1935, and sections forty-six hundred twenty-seven (4627), forty-six hundred eighty-six-C one (4686-C1), forty-six hundred eighty-six-C two (4686-C2), fifty-one hundred five-A thirty-two (5105-A32) to fifty-one hundred five-A thirty-five (5105-A35), inclusive, fifty-one hundred five-C eighteen (5105-C18) to fifty-one hundred five-C twenty-one (5105-C21), inclusive, sixty-seven hundred fifty-four-C one (6754-C1), sixty-seven hundred fifty-four-C two (6754-C2), twelve thousand two hundred twenty-two (12222) to twelve thousand two hundred twenty-eight (12228), inclusive, thirteen thousand eleven (13011) to thirteen thousand thirteen (13013), inclusive, thirteen thousand ninety-two (13092), thirteen thousand one hundred eighteen (13118), thirteen thousand one hundred nineteen (13119), thirteen thousand four hundred seventeen-A one (13417-A1), and thirteen thousand four hundred seventeen-A two (13417-A2) of said code and to enact a substitute therefor, and to amend sections two thousand ten (2010), two thousand eleven (2011), forty-

seven hundred fifty-five-B seven (4755-B7), fifty-one hundred five-A forty-one (5105-A41), fifty-one hundred five-C seventeen (5105-C17), and thirteen thousand ninety-two-D one (13092-D1) of said code, all relating to vehicles and traffic; to provide penalties and liabilities in relation thereto; and to provide for the administration and enforcement thereof.

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

### WORDS AND PHRASES DEFINED

- 1     **SECTION 1. Definitions of words and phrases.** The following words  
2 and phrases when used in this chapter shall, for the purpose of this  
3 chapter, have the meanings respectively ascribed to them.
- 4     1. *Vehicle* means every device in, upon, or by which any person  
5 or property is or may be transported or drawn upon a highway, ex-  
6 cepting devices moved by human power or used exclusively upon  
7 stationary rails or tracks.
- 8     2. *Motor vehicle* means every vehicle which is self-propelled and  
9 every vehicle which is propelled by electric power obtained from  
10 overhead trolley wires, but not operated upon rails. The terms car  
11 or automobile shall be synonymous with the term motor vehicle.
- 12     3. *Motorcycle* means every motor vehicle having a saddle for the  
13 use of the rider and designed to travel on not more than three wheels  
14 in contact with the ground but excluding a tractor.
- 15     4. *Motor truck* means every motor vehicle designed primarily for  
16 carrying livestock, merchandise, freight of any kind, or over seven  
17 persons as passengers.
- 18     5. *Truck tractor* means every motor vehicle designed and used pri-  
19 marily for drawing other vehicles and not so constructed as to carry  
20 a load other than a part of the weight of the vehicle and load so drawn.
- 21     6. *Farm tractor* means every motor vehicle designed and used  
22 primarily as a farm implement for drawing plows, mowing machines,  
23 and other implements of husbandry.
- 24     7. *Road tractor* means every motor vehicle designed and used for  
25 drawing other vehicles and not so constructed as to carry any load  
26 thereon either independently or any part of the weight of a vehicle  
27 or load so drawn.
- 28     8. *Trailer* means every vehicle without motive power designed for  
29 carrying persons or property and for being drawn by a motor vehicle  
30 and so constructed that no part of its weight rests upon the towing  
31 vehicle.
- 32     9. *Semitrailer* means every vehicle without motive power designed  
33 for carrying persons or property and for being drawn by a motor  
34 vehicle and so constructed that some part of its weight and that of its  
35 load rests upon or is carried by another vehicle.
- 36     Wherever the word "trailer" is used in this chapter, same shall  
37 be construed to also include "semitrailer."
- 38     A "semitrailer" shall be considered in this chapter separately from  
39 its power unit.
- 40     10. *Specially constructed vehicle* means every vehicle of a type  
41 required to be registered hereunder not originally constructed under  
42 a distinctive name, make, model, or type by a generally recognized  
43 manufacturer of vehicles and not materially altered from its original  
44 construction.

45 11. *Reconstructed vehicle* means every vehicle of a type required  
46 to be registered hereunder materially altered from its original con-  
47 struction by the removal, addition, or substitution of essential parts,  
48 new or used.

49 12. *Essential parts* mean all integral and body parts of a vehicle of  
50 a type required to be registered hereunder, the removal, alteration,  
51 or substitution of which would tend to conceal the identity of the  
52 vehicle or substantially alter its appearance, model, type, or mode  
53 of operation.

54 13. *Foreign vehicle* means every vehicle of a type required to be  
55 registered hereunder brought into this state from another state, ter-  
56 ritory, or country other than in the ordinary course of business by or  
57 through a manufacturer or dealer and not registered in this state.

58 14. *Implement of husbandry* means every vehicle which is designed  
59 for agricultural purposes and exclusively used by the owner thereof  
60 in the conduct of his agricultural operations.

61 15. *Special mobile equipment* means every vehicle not designed or  
62 used primarily for the transportation of persons or property and  
63 incidentally operated or moved over the highways, including road  
64 construction or maintenance machinery, ditch-digging apparatus and  
65 well-boring apparatus. The foregoing enumeration shall be deemed  
66 partial and shall not operate to exclude other such vehicles which are  
67 within the general terms of this paragraph.

68 16. *Pneumatic tire* means every tire in which compressed air is  
69 designed to support the load.

70 17. *Solid tire* means every tire of rubber or other resilient mate-  
71 rial which does not depend upon compressed air for the support of  
72 the load.

73 18. *Metal tire* means every tire the surface of which in contact  
74 with the highway is wholly or partly of metal or other hard, non-  
75 resilient material.

76 19. *Where a vehicle is kept* shall refer to the county of residence  
77 of the owner or to the county where the vehicle is mainly kept if it  
78 be different from that of the residence of the owner.

79 20. *Garage* means every place of business where motor vehicles  
80 are received for housing, storage, or repair, for compensation.

81 21. *Combination or combination of vehicles* shall be construed to  
82 mean a group consisting of two or more motor vehicles, or a group  
83 consisting of a motor vehicle and one or more trailers, semitrailers  
84 or vehicles, which are coupled or fastened together for the purpose  
85 of being moved on the highways as a unit.

86 22. *Gross weight* means the weight of the motor vehicle without  
87 load plus the weight of the load thereon.

88 23. *Authorized emergency vehicle* means vehicles of the fire de-  
89 partment, police vehicles, and such ambulances and emergency  
90 vehicles of municipal departments as are designated or authorized  
91 by the commissioner.

92 24. *School Bus* means every vehicle operated for the transportation  
93 of children to or from school, except privately owned vehicles, not  
94 operated for compensation, or used exclusively in the transportation  
95 of the children in the immediate family of the driver.

96 25. *Railroad* means a carrier of persons or property upon cars,  
97 other than street cars, operated upon stationary rails.

98 26. *Railroad train* means a steam engine, electric or other motor,  
99 with or without cars coupled thereto, operated upon rails, except  
100 street cars.

101 27. *Street car* means a car other than a railroad train for trans-  
102 porting persons or property and operated upon rails principally  
103 within a municipality.

104 28. *Explosives* mean any chemical compound or mechanical mix-  
105 ture that is commonly used or intended for the purpose of producing  
106 an explosion and which contains any oxidizing and combustive units  
107 or other ingredients in such proportions, quantities, or packing that  
108 on ignition by fire, by friction, by concussion, by percussion, or by  
109 detonator of any part of the compound or mixture may cause such a  
110 sudden generation of highly heated gases that the resultant gaseous  
111 pressures are capable of producing destructible effects on contiguous  
112 objects or of destroying life or limb.

113 29. *Flammable liquid* means any liquid which has a flash point of  
114 seventy degrees (70°) F. or less, as determined by a tagliabue or equi-  
115 valent closed cup test device.

116 30. *Commissioner* means the commissioner of motor vehicles under  
117 the secretary of state.

118 31. *Department* means the department of motor vehicles under the  
119 secretary of state acting directly or through its duly authorized of-  
120 ficers and agents.

121 32. *Person* means every natural person, firm, copartnership, asso-  
122 ciation, or corporation. Where the term "Person" is used in connec-  
123 tion with the registration of a motor vehicle, it shall include any cor-  
124 poration, association, copartnership, company, firm or other aggrega-  
125 tion of individuals which owns or controls such motor vehicle as  
126 actual owner, or for the purpose of sale or for renting, whether as  
127 agent, salesman, or otherwise.

128 33. *Owner* means a person who holds the legal title of a vehicle or  
129 in the event a vehicle is the subject of an agreement for the condi-  
130 tional sale or lease thereof with the right of purchase upon perform-  
131 ance of the conditions stated in the agreement and with an immediate  
132 right of possession vested in the conditional vendee or lessee or in the  
133 event a mortgagor of a vehicle is entitled to possession, then such con-  
134 ditional vendee or lessee or mortgagor shall be deemed the owner for  
135 the purpose of this chapter.

136 34. *Nonresident* means every person who is not a resident of this  
137 state.

138 35. *Dealer* means every person engaged in the business of buying,  
139 selling or exchanging vehicles of a type required to be registered  
140 hereunder and who has an established place of business for such pur-  
141 pose in this state.

142 36. *Transporter* means every person engaged in the business of  
143 delivering vehicles of a type required to be registered hereunder from  
144 a manufacturing, assembling, or distributing plant to dealers or sales  
145 agents of a manufacturer.

146 37. *Manufacturer* means every person engaged in the business of  
147 constructing or assembling vehicles of a type required to be regis-  
148 tered hereunder at an established place of business in this state.

149 38. *Established place of business* means the place actually occupied  
150 either continuously or at regular periods by a dealer or manufacturer



151 where his books and records are kept and a large share of his busi-  
152 ness is transacted.

153 39. *Operator* means every person, other than a chauffeur, who is in  
154 actual physical control of a motor vehicle upon a highway.

155 40. *Chauffeur* means any person who operates a motor vehicle in  
156 the transportation of persons or freight, except school children, and  
157 who receives any compensation for such service in wages, commission  
158 or otherwise, paid directly or indirectly, or who as owner or employee  
159 operates a motor vehicle carrying passengers for hire or freight for  
160 hire, commission or resale, including drivers of ambulances, passen-  
161 ger cars, trucks, light delivery, and similar conveyances except when  
162 such operation by the owner is occasional and merely incidental to  
163 his principal business.

164 41. *Driver* means every person who drives or is in actual physical  
165 control of a vehicle.

166 42. *Peace officer* means every officer authorized to direct or regu-  
167 late traffic or to make arrests for violations of traffic regulations in  
168 addition to its meaning in section thirteen thousand four hundred  
169 five (13405) Code 1935.

170 43. *Local authorities* mean every county, municipal, and other local  
171 board or body having authority to adopt local police regulations un-  
172 der the constitution and laws of this state.

173 44. *Pedestrian* means any person afoot.

174 45. *Street or highway* means the entire width between property  
175 lines of every way or place of whatever nature when any part thereof  
176 is open to the use of the public, as a matter of right, for purposes of  
177 vehicular traffic.

178 46. *Private road or driveway* means every way or place in private  
179 ownership and used for vehicular travel by the owner and those hav-  
180 ing express or implied permission from the owner but not by other  
181 persons.

182 47. *Roadway* means that portion of a highway improved, designed,  
183 or ordinarily used for vehicular travel.

184 48. *Sidewalk* means that portion of a street between the curb lines,  
185 or the lateral lines of a roadway, and the adjacent property lines  
186 intended for the use of pedestrians.

187 49. *Laned highway* means a highway the roadway of which is di-  
188 vided into three or more clearly marked lanes for vehicular traffic.

189 50. *Through (or thru) highway* means every highway or portion  
190 thereof at the entrances to which vehicular traffic from intersecting  
191 highways is required by law to stop before entering or crossing the  
192 same and when stop signs are erected as provided in this chapter or  
193 such entrances are controlled by a police officer or traffic-control  
194 signal. The term "arterial" shall be synonymous with "through"  
195 or "thru" when applied to highways of this state.

196 51. *Intersection* means the area embraced within the prolongation  
197 or connection of the lateral curb lines, or, if none, then the lateral  
198 boundary lines of the roadways of two highways which join one  
199 another at, or approximately at, right angles, or the area within  
200 which vehicles traveling upon different highways joining at any  
201 other angle may come in conflict.

202 52. *Crosswalk* means that portion of a roadway ordinarily in-  
203 cluded within the prolongation or connection of the lateral lines of  
204 sidewalks at intersections, or;

205 Any portion of a roadway distinctly indicated for pedestrian cross-  
206 ing by lines or other markings on the surface.

207 53. *Safety zone* means the area or space officially set apart within  
208 a roadway for the exclusive use of pedestrians and which is protected  
209 or so marked or indicated by adequate signs as to be plainly visible  
210 at all times while set apart as a safety zone.

211 54. *Business district* means the territory contiguous to and includ-  
212 ing a highway when fifty per cent or more of the frontage thereon for  
213 a distance of three hundred feet or more is occupied by buildings in  
214 use for business.

215 55. *Residence district* means the territory within a city or town  
216 contiguous to and including a highway, not comprising a business  
217 district or a school district.

218 56. *School district* means the territory contiguous to and including  
219 a highway for a distance of two hundred feet in either direction from  
220 a schoolhouse in a city or town.

221 57. *Official traffic control devices* mean all signs, signals, mark-  
222 ings, and devices not inconsistent with this chapter placed or erected  
223 by authority of a public body or official having jurisdiction, for the  
224 purpose of regulating, warning, or guiding traffic.

225 58. *Official traffic control signal* means any device, whether manu-  
226 ally, electrically or mechanically operated, by which traffic is alter-  
227 nately directed to stop and to proceed.

228 59. *Railroad sign or signal* means any sign, signal, or device erected  
229 by authority of a public body or official or by a railroad and intended  
230 to give notice of the presence of railroad tracks or the approach of  
231 a railroad train.

232 60. *Traffic* means pedestrians, ridden or herded animals, vehicles,  
233 street cars, and other conveyances either singly or together while  
234 using any highway for purposes of travel.

235 61. *Right-of-way* means the privilege of the immediate use of the  
236 highway.

#### THE DEPARTMENT OF MOTOR VEHICLES

1 SEC. 2. **Motor Vehicle Department.** A division of the office of sec-  
2 retary of state is hereby created to be known as the "motor vehicle  
3 department".

1 SEC. 3. **Commissioner of motor vehicles.** The department shall be  
2 under the control of a civil executive officer to be known as the "com-  
3 missioner of motor vehicles." Said officer shall be appointed by  
4 and serve at the will and pleasure of the secretary of state.

Note: Secs. 4, 5, 6 and 7 omitted in enrolled bill.

1 SEC. 8. **Expenses generally.** The commissioner and officers and  
2 employees of the department shall be reimbursed for all actual and  
3 necessary expenses incurred by them in the discharge of their official  
4 duties when absent from their usual place of abode.

1 SEC. 9. **Bond of commissioner.** The commissioner shall post a bond,  
2 to be approved by the executive council, in such amount as said

3 council shall determine, to insure to the State the faithful discharge  
4 of the duties of his office.

1 **SEC. 10. Bonds of employees.** The commissioner may require  
2 bonds of appointees and employees other than those herein specifically  
3 named. All bonds insuring the fidelity of the commissioner, and of  
4 the appointees and employees of the department shall be signed by  
5 a surety authorized by law to execute such bonds.

1 **SEC. 11. Premium.** The premium on all the aforesaid bonds shall  
2 be paid from the funds of the department.

1 **SEC. 12. Office.** The offices of the department shall be at the seat  
2 of government. The executive council shall provide suitable offices.

1 **SEC. 13. Political activity.** Neither the commissioner nor any offi-  
2 cer or employee of the department shall, directly or indirectly, exert  
3 his influence to induce any person, other officers, or employees of  
4 the state to adopt his political views, or to favor any particular can-  
5 didate for office, nor to be a candidate for any public office, nor shall  
6 the commissioner or any officer or employee of the department con-  
7 tribute in any manner, directly or indirectly, any money or other  
8 thing of value, to any person, organization or committee for political  
9 campaign or election purposes. Any person violating this section  
10 shall be removed from his office or position.

1 **SEC. 14. Organization of department.** The commissioner shall or-  
2 ganize the department in such manner as he may deem necessary  
3 properly to segregate and conduct the work of the department, but  
4 the work of the department is hereby divided into at least two di-  
5 visions to be known respectively as the division of registration and  
6 the division of highway safety and patrol.

1 **SEC. 15. Commissioner to appoint subordinates.** The commissioner  
2 shall appoint such deputies, subordinate officers, clerks, investi-  
3 gators, and other employees as may be necessary for administration  
4 and enforcement of the provisions of this chapter and shall appoint  
5 a chief of the division of highway safety and patrol and subordinate  
6 officers and employees thereof. All of said appointees shall be sub-  
7 ject to the approval of the secretary of state.

1 **SEC. 16. Powers and duties of commissioner.** Subject to the ap-  
2 proval of the secretary of state, the commissioner is hereby vested  
3 with the power and is charged with the duty of observing, admin-  
4 istering, and enforcing the provisions of this chapter and of all  
5 laws regulating the operation of vehicles or the use of the highways  
6 the enforcement or administration of which is now or hereafter  
7 vested in the department. For the purposes of this chapter he shall  
8 be deemed a peace officer.

1 **SEC. 17. Rules and regulations.** Subject to the approval of the  
2 secretary of state the commissioner is hereby authorized to adopt  
3 and enforce such departmental rules and regulations governing  
4 procedure as may be necessary to carry out the provisions of this  
5 chapter; also to carry out any other laws the enforcement of which  
6 is vested in the department.

1     **SEC. 18. Duty to obey.** All local officials charged with the admin-  
2     istration and enforcement of this chapter shall be governed in their  
3     official acts by the rules promulgated by the department.

1     **SEC. 19. Seal of department.** The secretary of state may adopt  
2     an official seal for the use of the department.

1     **SEC. 20. Commissioner to prescribe forms.** The commissioner  
2     shall prescribe and provide suitable forms of applications, registra-  
3     tion cards, operators' and chauffeurs' licenses, and all other forms  
4     requisite or deemed necessary to carry out the provisions of this chap-  
5     ter and any other laws, the enforcement and administration of which  
6     are vested in the department.

1     **SEC. 21. Authority to administer oaths.** Officers and employees  
2     of the department designated by the commissioner are, for the pur-  
3     pose of administering the motor vehicle laws, authorized to admin-  
4     ister oaths and acknowledge signatures, and shall do so without fee.

1     **SEC. 22. Certified copies of records.** The commissioner and such  
2     officers of the department as he may designate are hereby authorized  
3     to prepare under the seal of the department and deliver upon request  
4     a certified copy of any record of the department, charging a fee of  
5     fifty cents for each document so authenticated, and every such certi-  
6     fied copy shall be admissible in any proceeding in any court in like  
7     manner as the original thereof.

1     **SEC. 23. Records of department.** All records of the department,  
2     other than those declared by law to be confidential for the use of the  
3     department, shall be open to public inspection during office hours.

1     **SEC. 24. Obsolete records destroyed.** The commissioner may de-  
2     stroy any records of the department which have been maintained on  
3     file for three years which he may deem obsolete and of no further  
4     service in carrying out the powers and duties of the department.

1     **SEC. 25. Authority to grant or refuse applications.** The depart-  
2     ment shall examine and determine the genuineness, regularity, and  
3     legality of every application for an operator's or chauffeur's license,  
4     and of any other application lawfully made to the department, and  
5     may in all cases make investigation as may be deemed necessary or  
6     require additional information, and shall reject any such applica-  
7     tion if not satisfied of the genuineness, regularity, or legality thereof  
8     or the truth of any statement contained therein, or for any other  
9     reason, when authorized by law.

1     **SEC. 26. Seizure of documents and plates.** The department is  
2     hereby authorized to take possession of any registration card, permit,  
3     license, or registration plate upon expiration, revocation, cancelation,  
4     or suspension thereof, or which is fictitious, or which has been un-  
5     lawfully or erroneously issued.

1     **SEC. 27. Publication of law.** The department shall issue such parts  
2     of this chapter in pamphlet form, together with such rules, instruc-  
3     tions, and explanatory matter as may seem advisable. Copies of

4 such pamphlet shall be given as wide distribution as the department  
5 shall determine and a supply shall be furnished each county treasurer.

Note: Sec. 28 omitted in enrolled bill.

1 **SEC. 29. Giving of notices.** Whenever the department is author-  
2 ized or required to give any notice under this chapter or other law  
3 regulating the operation of vehicles, unless a different method of  
4 giving such notices is otherwise expressly prescribed, such notice  
5 shall be given either by personal delivery thereof to the person to  
6 be so notified or by registered mail addressed to such person at his  
7 address as shown by the records of the department. Return ac-  
8 knowledgment is required to prove such latter service.  
9 Proof of the giving of notice by personal service may be made by  
10 the certificate of any officer or employee of the department or affi-  
11 davit of any person over eighteen years of age, naming the person  
12 to whom such notice was given and specifying the time, place, and  
13 manner of the giving thereof.

#### SAFETY PATROL

1 **SEC. 30. Patrol created.** The motor vehicle department shall suc-  
2 ceed to the administration and control of the Iowa highway safety  
3 patrol of fifty-three men heretofore established.

1 **SEC. 31. Number authorized.** The motor vehicle department is  
2 hereby authorized to employ, upon the effective date of this chapter,  
3 not to exceed seventy-five additional men to supplement said patrol,  
4 and not more than sixty per cent of all employees shall at any time  
5 be members of the same political party.

1 **SEC. 32. Supervisors.** The commissioner is authorized to desig-  
2 nate a chief, a first and a second assistant, and not to exceed four-  
3 teen men, from said patrol, as supervisory officers of said patrol.

1 **SEC. 33. Qualifications.** Such appointees shall be selected after  
2 an examination as to physical and mental fitness, to be prescribed  
3 by the commissioner and at time of appointment shall be citizens and  
4 residents of the state of Iowa and of good moral character and shall  
5 not be less than twenty-five years of age.

1 **SEC. 34. Dismissals.** During the period of six months after ap-  
2 pointment any member of the Iowa highway safety patrol shall be  
3 subject to dismissal at the will of the commissioner. After six  
4 months' service no member of the patrol shall be subject to dismissal  
5 unless charges have been filed with the secretary of the executive  
6 council showing cause for dismissal of appointee as a member of  
7 the Iowa highway safety patrol.

1 **SEC. 35. Hearing.** A date shall be set for hearing, on said dis-  
2 missal, before the executive council and the appointee notified in  
3 writing of date of such hearing and of charges filed. Said hearing  
4 shall be held not less than ten days after notification to appointee.  
5 After hearing, at which the appointee shall be entitled to legal coun-  
6 sel, a majority vote of the members of the executive council shall be  
7 necessary for dismissal and their decision shall be final.

1     **SEC. 36. Duties—power to arrest.** The duties of the Iowa high-  
2 way safety patrol shall be the enforcement of the provisions of this  
3 chapter relating to the regulation of motor vehicles and laws of the  
4 road. They shall also have the power and it shall be their duty to  
5 arrest without warrant any person or persons committing or at-  
6 tempting to commit within their presence or view a breach of peace  
7 or other violation of the law.

1     **SEC. 37. Enforcement.** It shall also be the duty of the mayors of  
2 cities and towns, and all peace officers, to enforce the provisions of  
3 this chapter.

1     **SEC. 38. Training school.** The commissioner is hereby authorized  
2 to set up a training school for patrolmen and shall prescribe the rules  
3 and regulations of such school and period of training to be required  
4 of appointees to the Iowa highway safety patrol, and may send to  
5 recognized officers training schools such officers as the commissioner  
6 may deem advisable for periods not to exceed one month in any cal-  
7 endar year. The expenses of such training and school shall be paid  
8 in the same manner as other expenses of the patrol.

1     **SEC. 39. Equipment.** The motor vehicle department is hereby  
2 authorized to purchase uniforms and necessary equipment for the use  
3 of the patrol, and to pay expenses of same.

1     **SEC. 40. Bond.** Prior to entering upon the discharge of his duties,  
2 each of such appointees shall furnish to the department a surety bond  
3 to the state, conditioned upon a faithful discharge of his duties, in  
4 the sum of five thousand dollars. The premium on said bond shall be  
5 paid from department funds.

1     **SEC. 41. Salaries.** The salaries of the patrol shall be set by the  
2 commissioner with the approval of the governor and state comptroller,  
3 but shall not exceed the following:

4 Chief of patrol.....	\$250.00 per month
5 Assistant chiefs .....	\$165.00 per month
6 Supervisors .....	\$135.00 per month
7 Patrolmen after one year of service as a patrol-	
8 man or a driver's license examiner.....	\$125.00 per month
9 Patrolmen with less than one year's service.....	\$100.00 per month

1     **SEC. 42. Expenditures.** All salaries and expenses for the patrol  
2 shall be paid from the maintenance fund of the motor vehicle depart-  
3 ment.

1     **SEC. 43. Prohibited uniforms.** It shall be unlawful for any mem-  
2 ber of the highway patrol, while on duty as such, to wear any uniform  
3 of the United States army, navy, marine corps, or the national guard,  
4 or any part of such uniform, or a uniform or a part of a uniform  
5 similar thereto within the state. Anyone violating the provisions of  
6 this section is guilty of a misdemeanor and upon conviction shall be  
7 punished as provided in section five hundred (500).

1     **SEC. 44. Badges of office.** The commissioner shall issue to each  
2 member of the division of highway safety and patrol a badge of author-  
3 ity. Every such badge shall be serially numbered or each member  
4 shall otherwise display a distinctive serial number.

1     **SEC. 45. Badges to unauthorized persons.** Neither the commis-  
2 sioner nor any other person shall issue any badge to any person who  
3 is not a duly appointed and acting member of said division.

1     **SEC. 46. Unauthorized person wearing badge.** Any person who  
2 without authority wears the badge of a member of said division, or a  
3 badge of similar design which would tend to deceive anyone, is guilty  
4 of a misdemeanor punishable as provided in section five hundred (500).

1     **SEC. 47. Impersonating officer.** Any person who impersonates a  
2 member of said division or other officer or employee of the department  
3 with intent to deceive anyone, or wears a uniform likely to be con-  
4 fused with the official uniform of any such officer, is guilty of a mis-  
5 demeanor punishable as provided in section five hundred (500).

#### ORIGINAL AND RENEWAL OF REGISTRATION

1     **SEC. 48. Misdemeanor to violate registration provisions.** It is a  
2 misdemeanor punishable as provided in section five hundred (500), for  
3 any person to drive or move or for an owner knowingly to permit to be  
4 driven or moved upon any highway any vehicle of a type required to be  
5 registered hereunder which is not registered, or for which the appro-  
6 priate fee has not been paid when and as required hereunder.

1     **SEC. 49. Vehicles subject to registration—exception.** Every motor  
2 vehicle, trailer, and semitrailer when driven or moved upon a high-  
3 way shall be subject to the registration provisions of this chapter  
4 except:

5     1. Any such vehicle driven or moved upon a highway in conform-  
6 ance with the provisions of this chapter relating to manufacturers,  
7 transporters, dealers, or nonresidents as contemplated by section  
8 eighty-four (84), or under a temporary registration permit issued by  
9 the department as hereinafter authorized;

10    2. Any such vehicle which is driven or moved upon a highway only  
11 for the purpose of crossing such highway from one property to  
12 another;

13    3. Any implement of husbandry;

14    4. Any special mobile equipment as herein defined.

1     **SEC. 50. General exemptions.** All motor vehicles owned by the  
2 government and used in the transaction of official business by the rep-  
3 resentatives of foreign powers or by officers, boards, or departments  
4 of the government of the United States, and by the state of Iowa,  
5 counties, municipalities and other subdivisions of government, and  
6 such self-propelling vehicles as are used neither for the conveyance  
7 of persons for hire, pleasure or business nor for the transportation of  
8 freight, and all fire trucks, providing they are not owned and operated  
9 for a pecuniary profit, are hereby exempted from the payment of the  
10 fees in this chapter prescribed, but shall not be exempt from the  
11 penalties herein provided. The department shall furnish, on applica-  
12 tion, free of charge, distinguishing plates for motor vehicles thus  
13 exempted and keep a separate record thereof.

1     **SEC. 51. Application for registration.** Every owner of a vehicle  
2 subject to registration hereunder shall make application to the county  
3 treasurer, of the county of his residence, for the registration thereof

4 upon the appropriate form or forms furnished by the department and  
 5 every such application shall bear the signature of the owner written  
 6 with pen and ink and said signature shall be acknowledged by the  
 7 owner before a person authorized to administer oaths and said appli-  
 8 cation shall contain:

9 1. The name, bona fide residence and mail address of the owner or  
 10 business address of the owner if a firm, association or corporation;

11 2. A description of the vehicle including, insofar as the hereinafter  
 12 specified data may exist with respect to a given vehicle, the make,  
 13 model, type of body, the number of cylinders, the serial number of the  
 14 vehicle, the engine or other number of the vehicle and whether new or  
 15 used and if a new vehicle the date of sale by the manufacturer or  
 16 dealer to the person intending to operate such vehicle;

17 3. Such further information as may reasonably be required by the  
 18 department.

1 **SEC. 52. Registration by treasurer.** Upon receipt of the applica-  
 2 tion and registration fee for a motor vehicle or trailer, as provided in  
 3 this chapter, the county treasurer shall file such application in his  
 4 office and register such motor vehicle or trailer with the name, post-  
 5 office address and business address of the owner, together with the  
 6 facts stated in such application, in a book or index to be kept for the  
 7 purpose, under the distinctive number assigned to such motor vehicle  
 8 or trailer.

1 **SEC. 53. Public inspection.** Said book or index shall be open to  
 2 public inspection during reasonable business hours.

1 **SEC. 54. Specially constructed, reconstructed, or foreign vehicles.**  
 2 (1) In the event the vehicle to be registered is a specially constructed,  
 3 reconstructed, or foreign vehicle, such fact shall be stated in the appli-  
 4 cation and with reference to every foreign vehicle which has been  
 5 registered heretofore outside of this state the owner shall surrender  
 6 to the treasurer all registration plates, registration cards, and certifi-  
 7 cates of title or other evidence of such foreign registration as may be  
 8 in his possession or under his control except as provided in subdivision  
 9 (2) hereof.

10 (2) Where in the course of interstate operation of a vehicle regis-  
 11 tered in another state it is desirable to retain registration of said  
 12 vehicle in such other state, such applicant need not surrender but shall  
 13 submit for inspection said evidence of such foreign registration and  
 14 the treasurer upon a proper showing shall register said vehicle in this  
 15 state.

1 **SEC. 55. Quadruple receipts.** Upon receipt of a registration fee  
 2 for a motor vehicle or trailer, the county treasurer shall issue quad-  
 3 ruple receipts therefor, one of which shall be delivered to the regis-  
 4 trant, two of which shall be forwarded to the department not later  
 5 than the 10th day of the month following their issuance, and one of  
 6 which the treasurer shall retain in the records of his office.

1 **SEC. 56. "Registration-applied-for" cards.** Upon the sale of a  
 2 motor vehicle by a manufacturer or dealer, the vendee shall at once  
 3 make application by mail or otherwise, for registration thereof, after  
 4 which he may operate the same upon the public highway without its



5 individual number plate thereon for a period of not more than five  
6 days, provided that during such period the motor vehicle shall have  
7 attached thereto, in accordance with the provisions hereof, both on  
8 the front and rear of such vehicle, pasteboard cards bearing the words,  
9 "registration applied for" and the registration number of the dealer  
10 from whom the vehicle was purchased together with the date of pur-  
11 chase plainly stamped or stenciled thereon.

1 **SEC. 57. Card issued conditionally.** No manufacturer or dealer  
2 shall permit the use of such card until an application for a registra-  
3 tion has been made, as herein provided, by the person to whom it is  
4 issued.

1 **SEC. 58. Cards furnished.** The department shall, upon the appli-  
2 cation of any manufacturer or dealer furnish "registration applied  
3 for" cards free of charge. No cards shall be used except those fur-  
4 nished by the department.

1 **SEC. 59. Failure to register.** The treasurer shall withhold the  
2 registration of any motor vehicle the owner of which shall have failed  
3 to register the same under the provisions of this chapter, for any  
4 previous period or periods for which it appears that registration should  
5 have been made, until the fee for such previous period or periods shall  
6 be paid.

1 **SEC. 60. Renewal not permitted.** Any motor vehicle once regis-  
2 tered in the state and by removal no longer subject to registration in  
3 this state, shall upon being returned to this state and subject to regis-  
4 tration be again registered in accordance with section fifty-one (51).

1 **SEC. 61. Grounds for refusing registration.** The treasurer shall  
2 refuse registration or any transfer of registration upon any of the  
3 following grounds:

4 1. That the application contains any false or fraudulent statement  
5 or that the applicant has failed to furnish required information or  
6 reasonable additional information requested by the department or  
7 that the applicant is not entitled to registration of the vehicle under  
8 this chapter;

9 2. That the vehicle is mechanically unfit or unsafe to be operated  
10 or moved upon the highways, providing such condition is revealed by  
11 a member of this department, or any peace officer;

12 3. That the treasurer has reasonable ground to believe that the  
13 vehicle is a stolen or embezzled vehicle or that the granting of regis-  
14 tration would constitute a fraud against the rightful owner;

15 4. That the registration of the vehicle stands suspended or revoked  
16 for any reason as provided in the motor vehicle laws of this state;

17 5. That the required fee has not been paid;

18 6. That the required sales tax has not been paid.

1 **SEC. 62. Files required.** The department shall install and main-  
2 tain a numerical, an alphabetical, and a motor number file, using for  
3 such files the duplicate registration receipts, which shall contain the  
4 following information, viz: name and address of owner, previous  
5 registration number, make, factory number, model, style, engine  
6 number, date of purchase, registration certificate number, rated load

7 carrying capacity, weight, list price or value of the vehicle as fixed  
8 by the department, fees paid and date of payment.

1 **SEC. 63. Registration card signed, carried, and exhibited.** Every  
2 owner upon receipt of a registration card shall write his signature  
3 thereon with pen and ink in the space provided. Every such regis-  
4 tration card shall at all times be carried in the vehicle to which it  
5 refers and shall be displayed in the container furnished by the de-  
6 partment. Such certificate container shall be attached to the vehicle  
7 in the driver's compartment so that same may be plainly seen with-  
8 out entering the car.

1 **SEC. 64. Exception.** The provisions requiring that a registration  
2 card be carried in the vehicle to which it refers shall not apply when  
3 such card is used for the purpose of making application for renewal of  
4 registration or upon a transfer of registration of said vehicle.

1 **SEC. 65. Plates furnished.** The county treasurer upon receiving  
2 application, accompanied by proper fee, for registration of a vehicle  
3 shall issue to the owner one registration plate for a motorcycle, trailer,  
4 or semitrailer and two registration plates for every other motor  
5 vehicle.

1 **SEC. 66. Numbers on plates.** Every registration plate shall have  
2 displayed upon it the registration number assigned to the vehicle for  
3 which it is issued, also the name of this state, which may be abbrevi-  
4 ated, and the year number for which it is issued or the date of  
5 expiration thereof.

1 **SEC. 67. Size of numbers.** Such registration plate and the re-  
2 quired letters and numerals thereon, except the year number for  
3 which issued, shall be of sufficient size to be plainly readable from a  
4 distance of one hundred feet during day light.

1 **SEC. 68. Display of plates.** Registration plates issued for a motor  
2 vehicle other than a motorcycle shall be attached thereto, one in the  
3 front and the other in the rear. The registration plate issued for a  
4 motorcycle or other vehicle required to be registered hereunder shall  
5 be attached to the rear thereof.

1 **SEC. 69. Plates, method of attaching.** Every registration plate  
2 shall at all times be securely fastened in a horizontal position to the  
3 vehicle for which it is issued so as to prevent the plate from swinging  
4 and at a height of not less than twelve inches from the ground, mea-  
5 suring from the bottom of such plate, in a place and position to be  
6 clearly visible and shall be maintained free from foreign materials  
7 and in a condition to be clearly legible.

1 **SEC. 70. Expiration of registration.** Every vehicle registration  
2 under this chapter and every registration card and registration plate  
3 issued hereunder shall expire at midnight on the thirty-first day of  
4 December of each year.

1 **SEC. 71. Application for renewal.** Application for renewal of a  
2 vehicle registration shall be made on or after December first of the  
3 year for which it is registered by the owner upon proper application

4 and by payment of the registration fee for such vehicle, as provided  
5 by law.

1 **SEC. 72. Change of address or name.** Whenever any person after  
2 making application for or obtaining the registration of a vehicle shall  
3 move from the address named in the application or shown upon a  
4 registration card such person shall within ten days thereafter notify  
5 the department in writing of his old and new addresses.

6 Whenever the name of any person who has made application for or  
7 obtained the registration of a vehicle is thereafter changed by mar-  
8 riage or otherwise such person shall within ten days notify the depart-  
9 ment of such former and new name.

1 **SEC. 73. Lost or damaged certificates, cards, and plates.** In the  
2 event any registration card or registration plate is lost, mutilated, or  
3 becomes illegible the owner shall immediately make application for  
4 and may obtain a duplicate upon the applicant furnishing informa-  
5 tion satisfactory to the department together with the payment of a  
6 fee of fifty cents for each such plate or registration card.

1 **SEC. 74. New identifying numbers.** The department is authorized  
2 to assign a distinguishing number to a motor vehicle whenever the  
3 serial number thereon is destroyed or obliterated and to issue to the  
4 owner a special plate bearing such distinguishing number which  
5 shall be affixed to the vehicle in a position to be determined by the  
6 commissioner. Such motor vehicle shall be registered under such  
7 distinguishing number in lieu of the former serial number.

1 **SEC. 75. Regulations governing change of motors.** The commis-  
2 sioner is authorized to adopt and enforce such registration rules and  
3 regulations as may be deemed necessary and compatible with the  
4 public interest with respect to the change or substitution of one en-  
5 gine in place of another in any motor vehicle.

#### TRANSFERS OF TITLE OR INTEREST

1 **SEC. 76. Notice.** Upon the transfer of ownership of any regis-  
2 tered motor vehicle, the owner shall immediately give notice to the  
3 county treasurer, upon the form on the reverse side of the certificate  
4 of registration, stating the date of such transfer, the name and post-  
5 office address, with street number if in a city, of the person to whom  
6 transferred, the registration number, and such other information as  
7 the department may require.

1 **SEC. 77. Duty of purchaser.** The purchaser of the motor vehicle  
2 shall join in the notice of transfer to the county treasurer and shall  
3 at the same time make application for the transfer of the motor  
4 vehicle and for a new certificate of registration. No transfer shall  
5 be made on presentation of a delinquent registration certificate.

1 **SEC. 78. Registration and fee.** Upon filing the application for  
2 transfer, the applicant shall pay a fee of fifty cents for the transfer,  
3 thereupon the county treasurer, if satisfied of the genuineness and  
4 regularity of such transfer, shall register said motor vehicle in the  
5 name of the transferee and issue a new certificate of registration as  
6 provided in this chapter.

1    **SEC. 79. Department notified—record.** The county treasurer shall  
2 forthwith notify the department of the transfer and upon receipt  
3 of the notification, the department shall file such statement and note  
4 upon the registration book or index, said change of ownership.

1    **SEC. 80. Dealer transfers.** The provisions provided for herein for  
2 the transfer of motor vehicles shall apply to the sale and transfer of  
3 all motor vehicles by or to manufacturers or dealers.

1    **SEC. 81. Penalty.** If a transfer of ownership of a motor vehicle is  
2 not completed as herein provided within five days of the actual  
3 change of possession, a penalty of five dollars shall accrue against  
4 said vehicle, and no certificate of registration therefor shall there-  
5 after issue until said penalty is paid.

1    **SEC. 82. Owner after transfer not liable for negligent operation.**  
2 The owner of a motor vehicle who has made a bona fide sale or trans-  
3 fer of his title or interest and who has delivered possession of such  
4 vehicle to the purchaser or transferee shall not be liable for any  
5 damages thereafter resulting from negligent operation of such  
6 vehicle by another.

1    **SEC. 83. Surrender of plates.** When a motor vehicle is perma-  
2 nently dismantled and can no longer be used on the public highway  
3 or when same is sold outside the state, the owner thereof shall de-  
4 tach the registration plates and certificate of registration and sur-  
5 render them to the county treasurer who shall cancel the registra-  
6 tion of record and report such cancellation forthwith to the depart-  
7 ment upon blanks provided for that purpose. Such registration  
8 plates shall be destroyed by the county treasurer who shall so advise  
9 the department.

#### PERMITS TO NONRESIDENT OWNERS

1    **SEC. 84. Nonresident owners exempt.** A nonresident owner, ex-  
2 cept as otherwise provided in sections eighty-five (85) and eighty-  
3 six (86), owning any foreign vehicle of a type otherwise subject to  
4 registration may operate or permit the operation of such vehicle  
5 within this state without registering such vehicle in, or paying any  
6 fees to, this state subject to the condition that such vehicle at all  
7 times when operated in this state is duly registered in, and displays  
8 upon it a valid registration card and registration plate or plates  
9 issued for such vehicle in the place of residence of such owner.

1    **SEC. 85. Nonresident carriers.** Nonresident owners of foreign  
2 vehicles operated within this state for the intrastate transportation  
3 of persons or property for compensation or for the intrastate trans-  
4 portation of merchandise, shall register each such vehicle and pay  
5 the same fees therefor as is required with reference to like vehicles  
6 owned by residents of this state.

1    **SEC. 86. Nonresidents employed in state.** Every nonresident, in-  
2 cluding any foreign corporation, engaged in remunerative employ-  
3 ment or carrying on business within this state and owning and op-  
4 erating any motor vehicle, trailer, or semitrailer within this state,  
5 shall be required to register each such vehicle and pay the same fees

6 therefor as is required with reference to like vehicles owned by resi-  
7 dents of this state.

1 **SEC. 87. Scope of exemption.** The provisions of section eighty-  
2 four (84) shall be operative as to a motor vehicle owned by a non-  
3 resident of this state to the extent that under the laws of the foreign  
4 country, state, territory, or federal district of his residence like ex-  
5 emptions and privileges are granted to motor vehicles duly regis-  
6 tered under the laws, and owned by the residents of this state.

7 Nonresident cars shall be listed within ten days after entering the  
8 state, with the county treasurer or department who will issue a per-  
9 mit for the period of exemption.

#### SPECIAL PLATES TO MANUFACTURERS, TRANSPORTERS, AND DEALERS

1 **SEC. 88. Operation under special plates.** A manufacturer or  
2 dealer owning any vehicle of a type otherwise required to be regis-  
3 tered hereunder may operate or move the same upon the highways  
4 solely for purposes of transporting, testing, demonstrating, or use  
5 in the ordinary course and conduct of his business as a dealer or  
6 manufacturer, or selling the same without registering each such  
7 vehicle upon condition that any such vehicle display thereon in the  
8 manner prescribed in sections sixty-eight (68) and sixty-nine (69)  
9 a special plate or plates issued to such owner as provided in sections  
10 eighty-nine (89) to ninety-three (93), inclusive.

11 Also a transporter may operate or move any vehicle of like type  
12 upon the highways solely for the purpose of delivery upon likewise  
13 displaying thereon like plates issued to him as provided in these  
14 sections.

15 The provisions of this section and sections eighty-nine (89) to  
16 ninety-three (93), inclusive, shall not apply to work or service  
17 vehicles owned by a manufacturer, transporter, or dealer.

1 **SEC. 89. Application.** Any manufacturer, transporter, or dealer  
2 may, upon payment of a fee of twenty-five dollars, make application  
3 to the department upon the appropriate form for a certificate con-  
4 taining a general distinguishing number and for one or more pairs  
5 of special plates or single special plates as appropriate to various  
6 types of vehicles subject to registration hereunder. The applicant  
7 shall also submit proof of his status as a bona fide manufacturer,  
8 transporter, or dealer as may reasonably be required by the depart-  
9 ment. Dealers in new vehicles shall furnish satisfactory evidence  
10 of a valid franchise with the manufacturer of such vehicles author-  
11 izing such dealership.

1 **SEC. 90. Issuance of certificate.** The department, upon granting  
2 any such application, shall issue to the applicant a certificate con-  
3 taining the applicant's name and address and the general distinguish-  
4 ing number assigned to the applicant.

1 **SEC. 91. Issuance of plates.** The department shall also issue spe-  
2 cial plates as applied for, which shall have displayed thereon the  
3 general distinguishing number assigned to the applicant. Each plate  
4 or pair of plates so issued shall also contain a number or symbol

5 identifying the same from every other plate or pair of plates bearing  
6 the same general distinguishing number. The fee for each pair of  
7 special plates shall be three dollars.

1 **SEC. 92. Expiration of special plates.** Every special plate issued  
2 hereunder shall expire at midnight on the thirty-first day of De-  
3 cember of each year, and a new plate or plates for the ensuing year  
4 may be obtained by the person to whom any such expired plate or  
5 plates was issued upon application to the department and payment  
6 of the fee provided by law.

1 **SEC. 93. Records required.** Every manufacturer, transporter, or  
2 dealer shall keep a written record of the vehicles upon which such  
3 special plates are used, which record shall be open to inspection by  
4 any police officer or any officer or employee of the department.

1 **SEC. 94. Different places of business.** If a manufacturer, trans-  
2 porter, or dealer has an established place of business in more than  
3 one city or town, he shall secure a separate and distinct certificate  
4 of registration and number plates for each such place of business.

1 **SEC. 95. Scope of registration.** The foregoing provision relative  
2 to the right of a manufacturer, transporter, or dealer to have a gen-  
3 eral registration of all motor vehicles owned or controlled by him  
4 shall not apply to a motor vehicle operated by him for private use  
5 or hire, but said vehicle shall be individually registered as provided  
6 in this chapter.

1 **SEC. 96. Garage record.** Every person or corporation operating a  
2 public garage shall keep for public inspection a record of the regis-  
3 tration number and engine or factory serial number of every motor  
4 vehicle offered for sale or taken in for repairs in said garage.

1 **SEC. 97. Duty to hold vehicles.** The proprietor of a garage and his  
2 employees upon discovering that the engine number of a motor  
3 vehicle has been altered or obliterated shall immediately notify some  
4 peace officer of the county in which the garage is located, and hold  
5 said vehicle for a period of twenty-four hours or until investigation  
6 shall have been made by such peace officer.

#### USED MOTOR VEHICLES

1 **SEC. 98. Purchase or sale—relative duties.** It shall be unlawful  
2 for any person or agent except as provided in section ninety-nine  
3 (99) to buy any second-hand or used motor vehicle, without requir-  
4 ing and receiving from the vendor thereof, a certificate of registra-  
5 tion, certificate of title if required in state of its registration, and  
6 transfer from the officer whose duty it is to register motor vehicles  
7 in the state in which said motor vehicle is registered, showing the  
8 factory number, registration number, description, and ownership  
9 of said motor vehicle or to sell or offer for sale any second-hand or  
10 used motor vehicle without furnishing to the vendee of said motor  
11 vehicle, a certificate of registration, and transfer from the officer  
12 whose duty it is to register motor vehicles in the state in which said  
13 motor vehicle is registered, showing the factory number, description,  
14 registration number, and ownership of said motor vehicle.

1     **SEC. 99. Sale in bulk.** It shall be unlawful for any dealer in this  
2 state to sell and transfer his stock of used motor vehicles in bulk  
3 unless he complies with the following requirements:

4     1. The vendor shall:

5       a. File with the county treasurer and the department, duplicate  
6 inventories of all used motor vehicles proposed to be transferred,  
7 giving the factory number, last registration number, if any, and  
8 description of each such used motor vehicle and the name and ad-  
9 dress of proposed vendee.

10       b. File with the county treasurer and department duplicate bills  
11 of sale setting forth the fact that such sale has been completed.

12     2. The vendee shall, if he has not already secured a dealer's regis-  
13 tration, immediately secure such registration from the department.

14     3. The vendor and vendee shall join in the transfer of each used  
15 motor vehicle in said stock and shall file with the county treasurer  
16 a transfer of registration and shall pay a transfer fee of fifty cents  
17 for each such used motor vehicle.

18     Upon the completion of such requirements the department shall  
19 certify to the county treasurer that such used motor vehicles are,  
20 from and after a date to be set by the department, the property of  
21 the vendee.

1     **SEC. 100. Right to operate.** Registered car dealers having on hand  
2 February first of any year for sale or trade, used motor vehicles upon  
3 which registration in Iowa for the previous year has been paid, as  
4 hereinafter provided, may operate such motor vehicles as provided  
5 by section eighty-eight (88) hereof.

1     **SEC. 101. Dealer to list vehicles.** Dealers registered under the  
2 provisions of this chapter must, on or before February fifth of each  
3 year, furnish the county treasurer and department with a list of all  
4 used motor vehicles held by them for sale or trade, and upon which  
5 the registration fee for the current year is not paid, giving regis-  
6 tration number, initials of state issuing registration plates, the year,  
7 together with the factory number, description, and previous owner-  
8 ship at the time such motor vehicle was transferred to the dealer.

1     **SEC. 102. Listing of foreign cars.** All motor vehicles owned or  
2 controlled by a registered manufacturer or dealer, and acquired from  
3 other states must be listed with the county treasurer and depart-  
4 ment as provided in section one hundred one (101), such listing to  
5 be made within forty-eight hours after said motor vehicle comes  
6 within the border of the state.

#### SPECIAL ANTITHEFT LAW

1     **SEC. 103. Report of stolen and recovered motor vehicles.** Every  
2 sheriff, chief of police, or peace officer upon receiving reliable in-  
3 formation that any vehicle registered hereunder has been stolen shall  
4 immediately report such theft to the department unless prior thereto  
5 information has been received of the recovery of such vehicle. Any  
6 said officer upon receiving information that any vehicle, which he  
7 has previously reported as stolen, has been recovered, shall immedi-  
8 ately report the fact of such recovery to the local sheriff's office or  
9 police department and to the department.

1     **SEC. 104. Reports by owners.** The owner, or person having a lien  
2 or incumbrance upon a registered vehicle which has been stolen or  
3 embezzled, may notify the department of such theft or embezzlement,  
4 but in the event of an embezzlement may make such report only after  
5 having procured the issuance of a warrant for the arrest of the per-  
6 son charged with such embezzlement.

7     Every owner or other person who has given any such notice must  
8 notify the department of a recovery of such vehicle.

1     **SEC. 105. Action by department.** The department upon receiving  
2 a report of a stolen or embezzled vehicle as hereinbefore provided  
3 shall file and appropriately index the same and shall immediately  
4 suspend the registration of the vehicle so reported and shall not  
5 transfer the registration of the same until such time as it is notified  
6 in writing that such vehicle has been recovered.

1     **SEC. 106. Bulletin of stolen vehicles.** The department shall at  
2 least once each week compile and publish a list of motor vehicles re-  
3 ported stolen and all motor vehicles recovered, and shall send a copy  
4 thereof to each chief of police and sheriff in the state, and to the  
5 motor vehicle departments of each of the several states and also main-  
6 tain at its headquarters office a list of all vehicles which have been  
7 stolen or embezzled or recovered as reported to it during the pre-  
8 ceding week and such lists shall be open to inspection by any peace  
9 officer or other person interested in any such vehicle.

1     **SEC. 107. Report of stolen motor vehicles.** It shall be the duty of  
2 the department of motor vehicles to forthwith report, upon blanks  
3 to be furnished by the bureau of criminal investigation, all thefts of  
4 motor vehicles coming to its attention and to report the recovery of  
5 motor vehicles previously stolen to the bureau of criminal investi-  
6 gation.

1     **SEC. 108. Operating without consent.** If any chauffeur or other  
2 person shall without the consent of the owner take, or cause to be  
3 taken, any automobile or motor vehicle, and operate or drive, or cause  
4 the same to be operated or driven, he shall be imprisoned in the  
5 penitentiary not to exceed one year, or be imprisoned in the county  
6 jail not to exceed six months, or be fined not to exceed five hundred  
7 dollars.

1     **SEC. 109. Receiving or transferring stolen vehicle.** Any person  
2 who, with intent to procure or pass title to a vehicle which he knows  
3 or has reason to believe has been stolen or unlawfully taken, receives,  
4 or transfers possession of the same from or to another, or who has  
5 in his possession any vehicle which he knows or has reason to believe  
6 has been stolen or unlawfully taken, and who is not an officer of the  
7 law engaged at the time in the performance of his duty as such of-  
8 ficer, is guilty of a felony and shall be punished as provided in sec-  
9 tion five hundred one (501).

1     **SEC. 110. Injuring or tampering with vehicle.** Any person who  
2 either individually or in association with one or more other persons  
3 wilfully injures or tampers with any vehicle or breaks or removes  
4 any part or parts of or from a vehicle without the consent of the



5 owner is guilty of a misdemeanor punishable as provided in section  
6 five hundred (500).

1     **SEC. 111. Intent to injure.** Any person who with intent to com-  
2 mit any malicious mischief, injury, or other crime climbs into or  
3 upon a vehicle whether it is in motion or at rest or with like intent  
4 attempts to manipulate any of the levers, starting mechanism, brakes,  
5 or other mechanism or device of a vehicle while the same is at rest  
6 and unattended or with like intent sets in motion any vehicle while  
7 the same is at rest and unattended is guilty of a misdemeanor pun-  
8 ishable as provided in section five hundred (500).

1     **SEC. 112. Vehicles without manufacturers' numbers.** Any person  
2 who knowingly buys, receives, disposes of, sells, offers for sale, or  
3 has in his possession any motor vehicle, or engine removed from a  
4 motor vehicle, from which the manufacturer's serial or engine num-  
5 ber or other distinguishing number or identification mark or num-  
6 ber placed thereon under assignment from the department has been  
7 removed, defaced, covered, altered, or destroyed for the purpose of  
8 concealing or misrepresenting the identity of said motor vehicle or  
9 engine is guilty of a misdemeanor punishable as provided in section  
10 five hundred (500).

1     **SEC. 113. Presumptive evidence.** Whoever shall conceal, barter,  
2 sell, or dispose of any motor vehicle which has been stolen, or shall  
3 disguise, alter, or change such motor vehicle or the factory or serial  
4 number thereof, or remove or change the registration plate thereon,  
5 or do any act designed to prevent identification of such motor vehicle,  
6 shall be presumed to have knowledge that such motor vehicle had  
7 been stolen.

1     **SEC. 114. Larceny of motor vehicle.** If any person steal, take and  
2 carry away, irrespective of value, any motor vehicle, he shall be  
3 punished by imprisonment in the penitentiary not more than ten  
4 years, or by fine of not more than one thousand dollars, or by both  
5 such fine and imprisonment.

1     **SEC. 115. Jurisdiction.** Jurisdiction of such offense may be in the  
2 county where such motor vehicle was stolen, or through or into which  
3 it was taken, carried, or transported by the person or persons who  
4 committed the theft, or by any person or persons confederated with  
5 him or them in such theft.

1     **SEC. 116. Seizure of vehicles.** It shall be the duty of any peace  
2 officer who finds a motor vehicle, the serial or engine number of which  
3 has been altered, defaced, or tampered with, and who has reasonable  
4 cause to believe that the possessor of such motor vehicle wrongfully  
5 holds the same, to forthwith seize the same, either with or without  
6 warrant, and deliver the same to the sheriff of the county in which it  
7 is seized.

1     **SEC. 117. Stolen or abandoned vehicles.** Whenever any motor  
2 vehicle is seized under section one hundred sixteen (116) or when-  
3 ever any motor vehicle is stolen, or embezzled, and is not claimed by  
4 the owner before the date on which the person charged with the  
5 stealing or embezzling of same is convicted, or if the motor vehicle

6 be abandoned and is not claimed by the owner within three days,  
7 then the officer having same in his custody must, on such date by  
8 registered mail, notify the department that he has such a motor  
9 vehicle in his possession, giving a full and complete description of  
10 same, including all marks of identification, factory and serial num-  
11 bers.

1 SEC. 118. **Notice by commissioner.** The commissioner shall, if  
2 the owner appears of record in his office, notify such owner of the  
3 fact that such motor vehicle is in the custody of such officer, and if  
4 not of record in his office, said commissioner shall mail such descrip-  
5 tion to the county treasurer of each county, and to the state bureau  
6 of investigation.

1 SEC. 119. **Delivery to owner.** If, within forty days thereafter,  
2 the owner of such motor vehicle appears and properly identifies  
3 same, the officer having said motor vehicle in his custody shall de-  
4 liver same to such owner upon payment by him of the costs incurred  
5 incident to the apprehension of said motor vehicle and the location  
6 of such owner.

1 SEC. 120. **Advertisement.** If the owner does not appear within  
2 that time, the officer having possession of same shall advertise said  
3 motor vehicle for sale in a newspaper published within the county  
4 at least once each week for two consecutive weeks.

1 SEC. 121. **Sale.** Said motor vehicle shall be sold at public auction  
2 to the highest cash bidder therefor and said sale must be held within  
3 one week following the date of the last publication of the notice as  
4 provided in section one hundred twenty (120).

1 SEC. 122. **Proceeds—costs.** After deducting the costs incident  
2 thereto, such officer shall pay all remaining money to the treasurer  
3 of state, of the county, or of the municipality, under which authority  
4 the vehicle was seized and sold for the use and benefit of the gen-  
5 eral fund.

1 SEC. 123. **Reimbursement after sale.** If, within six months from  
2 the date of sale, the owner of any motor vehicle sold under the pro-  
3 visions hereof makes a showing satisfactory to the executive coun-  
4 cil, board of supervisors, or municipal governing authority having  
5 control of said fund that he is the owner of such motor vehicle, then  
6 said council, board, or authority may direct the drawing of a war-  
7 rant payable to such owner for the amount such vehicle was sold  
8 for, less costs, and direct the treasurer to pay same out of the gen-  
9 eral fund.

1 SEC. 124. **Altering or changing numbers.** No person shall with  
2 fraudulent intent deface, destroy, or alter the manufacturer's serial  
3 or engine number or other distinguishing number or identification  
4 mark of a motor vehicle nor shall any person place or stamp any  
5 serial, engine, or other number or mark upon a motor vehicle, ex-  
6 cept one assigned thereto by the department. Any violation of this  
7 provision is a felony punishable as provided in section five hundred  
8 one (501).

9 This section shall not prohibit the restoration by an owner of an  
10 original serial, engine, or other number or mark when such restora-  
11 tion is made under permit issued by the department, nor prevent  
12 any manufacturer from placing in the ordinary course of business  
13 numbers or marks upon motor vehicles or parts thereof.

1 **SEC. 125. Defense.** Under a charge of possessing a motor vehicle,  
2 the serial or engine number of which is defaced, altered, or tampered  
3 with, it shall be a complete defense that the accused at the time of  
4 such possession had in his possession a certificate of registration  
5 and transfer from the officer whose duty it is to register motor  
6 vehicles in the state in which said motor vehicle is registered, show-  
7 ing good and sufficient reason why numbers are defaced, changed,  
8 or tampered with, the original serial or engine number, and the  
9 ownership of said motor vehicle.

1 **SEC. 126. Test to determine true number.** Where it appears  
2 that a factory, serial or motor number has been altered, defaced or  
3 tampered with, any sheriff, state agent or peace officer of the de-  
4 partment of justice, or inspector employed by the motor vehicle de-  
5 partment, or any other person acting under their direction, may apply  
6 any recognized process or test to the part containing such number  
7 for the purpose of determining the true number.

1 **SEC. 127. Right of inspection.** Peace officers and examiners em-  
2 ployed in the motor vehicle department are hereby given authority  
3 to inspect any motor vehicle found upon the public highway or in  
4 any public garage or inclosure in which motor vehicles are kept for  
5 sale, storage, hire or repair and for that purpose may enter any  
6 such public garage or inclosure.

1 **SEC. 128. Prohibited plates—certificates—badges.** No person  
2 shall display or cause or permit to be displayed, or have in his pos-  
3 session, any canceled, revoked, altered, or fictitious registration num-  
4 ber plates, registration certificate, chauffeur's license certificate, or  
5 chauffeur's badge, as the same are respectively provided for in this  
6 chapter.

#### OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION OR REVOCATION OF REGISTRATION

1 **SEC. 129. Fraudulent applications.** Any person who fraudulently  
2 uses a false or fictitious name in any application for the registration  
3 of a vehicle or knowingly makes a false statement or knowingly con-  
4 ceals a material fact or otherwise commits a fraud in any such ap-  
5 plication, shall upon conviction be punished by a fine of not more  
6 than one thousand dollars, or by imprisonment\* for not more than  
7 one year or both.

1 **SEC. 130. Operation without registration.** No person shall oper-  
2 ate, nor shall any owner knowingly permit to be operated upon any  
3 highway any vehicle required to be registered hereunder unless  
4 there shall be attached thereto and displayed thereon when and as  
5 required by this chapter a valid registration card and registration

\* Note: Place of imprisonment not fixed in enrolled bill.

6 plate or plates issued therefor for the current registration year ex-  
7 cept as otherwise expressly permitted in this chapter. Any viola-  
8 tion of this section is a misdemeanor punishable as provided in  
9 section five hundred (500).

1     **SEC. 131. Improper use of registration.** No person shall lend to  
2 another any registration card, registration plate, special plate, or  
3 permit issued to him if the person desiring to borrow the same would  
4 not be entitled to the use thereof, nor shall any person knowingly  
5 permit the use of any of the same by one not entitled thereto, nor  
6 shall any person display upon a vehicle any registration card, regis-  
7 tration plate or permit not issued for such vehicle or not otherwise  
8 lawfully used thereon under this chapter. Any violation of this  
9 section is a misdemeanor punishable as provided in section five hun-  
10 dred (500).

1     **SEC. 132. False evidences of registration.** It is a felony, punish-  
2 able as provided in section five hundred one (501), for any person  
3 to commit any of the following acts:

4     1. To alter with a fraudulent intent any registration card, regis-  
5 tration plate, or permit issued by the department.

6     2. To forge or counterfeit any such document or plate purporting  
7 to have been issued by the department.

8     3. To hold or use any such document or plate knowing the same to  
9 have been so altered, forged or falsified.

1     **SEC. 133. Suspension or revocation of registration.** The depart-  
2 ment is hereby authorized to suspend or revoke the registration of  
3 a vehicle, registration card, registration plate, or any nonresident  
4 or other permit in any of the following events:

5     1. When the department is satisfied that such registration card,  
6 plate, or permit was fraudulently or erroneously issued;

7     2. When the department determines that a registered vehicle is  
8 mechanically unfit or unsafe to be operated or moved upon the high-  
9 ways;

10     3. When a registered vehicle has been dismantled or wrecked;

11     4. When the department determines that the required fee has not  
12 been paid and the same is not paid upon reasonable notice and de-  
13 mand;

14     5. When a registration card, registration plate, or permit is know-  
15 ingly displayed upon a vehicle other than the one for which issued;

16     6. When the department determines that the owner has committed  
17 any offense under this chapter involving the registration card, plate,  
18 or permit to be suspended or revoked, or;

19     7. When the department is so authorized under any other provi-  
20 sion of law.

1     **SEC. 134. Suspending or revoking special registration.** The de-  
2 partment is also authorized to suspend or revoke a certificate or the  
3 special plates issued to a manufacturer, transporter, or dealer upon  
4 determining that any said person is not lawfully entitled thereto or  
5 has made or knowingly permitted any illegal use of such plates or has  
6 committed fraud in the registration of vehicles or failed to give  
7 notices of transfer when and as required by this chapter.

1     **SEC. 135. Owner to return evidences of registration.** Whenever  
 2 the department as authorized hereunder cancels, suspends, or re-  
 3 vokes the registration of a vehicle or registration card, or regis-  
 4 tration plate or plates, or any nonresident or other permit or the  
 5 registration of any dealer, the owner or person in possession of the  
 6 same shall immediately return the evidences of registration, or  
 7 plates so canceled, suspended, or revoked to the department.

1     **SEC. 136. Operation while certificate revoked.** Any person who  
 2 operates any motor vehicle while a certificate of registration of a  
 3 motor vehicle issued to him is suspended or revoked, shall be guilty  
 4 of a misdemeanor and punished as provided in section five hun-  
 5 dred (500).

#### REGISTRATION FEES

1     **SEC. 137. Annual fee required.** An annual registration fee shall  
 2 be paid for each motor vehicle or trailer operated upon the public  
 3 highways of this state unless said vehicle is specifically exempted  
 4 under the provisions of this chapter.

5     Said registration fee shall be paid to the county treasurer at the  
 6 same time the application is made for the registration or reregistra-  
 7 tion of said motor vehicle or trailer.

1     **SEC. 138. Fractional part of year.** Where there is no delinquency  
 2 and the registration is made in February or in succeeding months to  
 3 and including November, the fees shall be computed on the basis of  
 4 one-twelfth of the annual registration fee as provided herein multi-  
 5 plied by the number of the unexpired months of the year. Whenever  
 6 any such fee so computed contains a fractional part of a dollar, it  
 7 shall be computed as of the nearest fractional quarter dollar thereto,  
 8 and said amount shall be the fee which shall be collected.

9     No fee shall be required for the month of December for a new car  
 10 in good faith delivered during that month.

1     **SEC. 139. Sworn statement.** Such reduction in the registration  
 2 fee shall not be allowed until the applicant first file with the county  
 3 treasurer an affidavit stating the date on which the motor vehicle  
 4 first came into his possession or control in connection with his pur-  
 5 chase or prospective purchase thereof, and the name and address of  
 6 the party from whom purchased.

1     **SEC. 140. Perjury.** Any person who shall wilfully make a false  
 2 statement in such affidavit shall be deemed guilty of perjury and  
 3 punished accordingly.

1     **SEC. 141. Motor vehicle fee.** The annual fee for all motor vehicles  
 2 except motor trucks, hearses, motorcycles, and motor bicycles, shall  
 3 be equal to one per cent of the value as fixed by the department plus  
 4 forty cents for each one hundred pounds or fraction thereof of weight  
 5 of vehicle, as fixed by the department.

1     **SEC. 142. Rejecting fractional dollars.** When the registration  
 2 fee, computed according to section one hundred forty-one (141), totals  
 3 a fraction over a certain number of dollars the fraction of a dollar  
 4 shall not be computed in arriving at the fee.

1     **SEC. 143. Conversion of car—effect.** Any motor vehicle originally  
2 registered as a passenger car and thereafter converted into a truck  
3 with a loading capacity of less than one thousand pounds, shall be  
4 registered as a passenger car.

1     **SEC. 144. Minimum motor vehicle fee.** No motor vehicle, regard-  
2 less of age, except as provided in section one hundred forty-seven  
3 (147) shall be registered for a full year for less than seven dollars.

1     **SEC. 145. Automatic reduction.** After said motor vehicle has been  
2 registered three times, that part of the registration fee which is based  
3 on the value of said vehicle shall be:

4         Seventy-five per cent of the rate as fixed when new ;  
5         After four times, fifty per cent ;  
6         After five times, twenty-five per cent ;  
7         After six times, that part of the registration fee based on the value  
8 of said vehicle shall be eliminated.

1     **SEC. 146. Proof of registration.** The sworn statement of the regis-  
2 trant as to the number of times such motor vehicle has been registered  
3 shall be conclusive evidence of that fact.

1     **SEC. 147. Antiquated vehicles.** Any motor vehicle fifteen years  
2 old, or older, whose owner desires to use said motor vehicle exclu-  
3 sively for exhibition or educational purposes at state or county fairs,  
4 or other places where said motor vehicle may be exhibited for enter-  
5 tainment or educational purposes, shall be given a registration per-  
6 mitting the driving of said motor vehicle upon the public roads to and  
7 from said fair or other place of entertainment or education for a  
8 registration fee of one dollar per annum.

1     **SEC. 148. Electric automobiles.** For all electric motor vehicles the  
2 annual fee shall be twenty-five dollars. When any electric motor  
3 vehicle has been registered five times the annual registration fee shall  
4 be fifteen dollars.

1     **SEC. 149. Motorcycle and hearse fees.** For all motorcycles the  
2 annual fee shall be five dollars. When said motorcycle has been regis-  
3 tered five times, the annual registration fee shall be one-half the  
4 rate when new. The annual registration fee for hearses shall be  
5 fifteen dollars. Passenger car plates shall be issued for hearses.

1     **SEC. 150. Trucks with pneumatic tires.** For motor trucks equipped  
2 with all pneumatic tires, the annual registration fee shall be:

3	For 1 ton or less capacity .....	\$ 15.00 per annum
4	For 1½ ton capacity .....	25.00 per annum
5	For 2 ton capacity .....	40.00 per annum
6	For 2½ ton capacity .....	65.00 per annum
7	For 3 ton capacity .....	100.00 per annum
8	For 3½ ton capacity .....	130.00 per annum
9	For 4 ton capacity .....	160.00 per annum
10	For 4½ ton capacity .....	200.00 per annum
11	For 5 ton capacity .....	250.00 per annum
12	For 6 ton capacity.....	300.00 per annum

1     **SEC. 151. Trucks with solid rubber tires.** For motor trucks  
2 equipped with two or more solid rubber tires, the annual registration  
3 fee shall be:

4	For 1 ton or less capacity .....	\$ 25.00 per annum
5	For 1½ ton capacity .....	40.00 per annum
6	For 2 ton capacity .....	65.00 per annum
7	For 2½ ton capacity .....	90.00 per annum
8	For 3 ton capacity .....	125.00 per annum
9	For 3½ ton capacity .....	160.00 per annum
10	For 4 ton capacity .....	200.00 per annum
11	For 4½ ton capacity .....	250.00 per annum
12	For 5 ton capacity .....	300.00 per annum
13	For 6 ton capacity.....	350.00 per annum

1     **SEC. 152. Trucks exceeding six tons capacity.** The registration  
2 fee for trucks for each ton of load capacity above six tons shall be  
3 fifty dollars in addition to the six ton rate.

1     **SEC. 153. Truck tractors and road tractors.** For a truck tractor,  
2 or for a road tractor, the annual registration fee shall be:

3     For each said tractor drawing a trailer or a semitrailer of load  
4 capacity of three tons or less, seventy-five dollars per annum.

5     For each such tractor drawing a trailer or a semitrailer of load  
6 capacity of four tons, one hundred twenty dollars per annum.

7     For each such tractor drawing a trailer or a semitrailer of load  
8 capacity of five tons, two hundred dollars per annum.

9     For each such tractor drawing a trailer, or a semitrailer of load  
10 capacity of six tons, two hundred forty dollars per annum.

11     The registration fee for a truck tractor or for a road tractor, draw-  
12 ing a trailer or a semitrailer for each ton of load capacity above six  
13 tons shall be fifty dollars in addition to the six ton rate. Nothing in  
14 this section shall be held to apply to a private sedan, coach, coupe, or  
15 roadster, to which a two-wheeled or four-wheeled farm trailer is  
16 temporarily attached for occasional use.

1     **SEC. 154. Trailers.** Trailers weighing less than one thousand  
2 (1000) pounds, or with a loading capacity of less than one thousand  
3 (1000) pounds, shall not be subject to a registration fee.

4     All other trailers shall be subject to a registration fee to be fixed  
5 in accordance with the following schedule:

6	When equipped with pneumatic tires;	
7	Wagon box trailers used by a farmer in connection with	
8	the operation of his farm .....	\$ 1.00
9	Trailers with a capacity of one-half ton, but with a maxi-	
10	mum capacity of less than one ton .....	10.00
11	Trailers with a capacity of one ton, but with a maximum	
12	capacity of less than two tons .....	15.00
13	Trailers with a capacity of two tons, but with a maximum	
14	capacity of less than three tons .....	20.00
15	Trailers with a capacity of three tons, but with a maxi-	
16	mum capacity of less than four tons .....	25.00
17	Trailers with a capacity of four tons, but with a maxi-	
18	mum capacity of less than five tons .....	40.00
19	Trailers with a capacity of five tons, but with a maximum	
20	capacity of less than six tons .....	50.00

21	Trailers with a capacity of six tons, but with a maximum	
22	capacity of less than seven tons .....	60.00
23	When equipped with two or more solid rubber tires;	
24	Trailers with a capacity of one-half ton, but with a maxi-	
25	mum capacity of less than one ton .....	15.00
26	Trailers with a capacity of one ton, but with a maximum	
27	capacity of less than two tons .....	20.00
28	Trailers with a capacity of two tons, but with a maximum	
29	capacity of less than three tons .....	25.00
30	Trailers with a capacity of three tons, but with a maxi-	
31	mum capacity of less than four tons .....	35.00
32	Trailers with a capacity of four tons, but with a maximum	
33	capacity of less than five tons .....	50.00
34	Trailers with a capacity of five tons, but with a maximum	
35	capacity of less than six tons .....	60.00
36	Trailers with a capacity of six tons, but with a maximum	
37	capacity of less than seven tons .....	70.00

1     **SEC. 155. Well-drilling equipment.** A trailer equipped with solid  
2 rubber or pneumatic tires, upon which is mounted well-drilling equip-  
3 ment, and not exceeding in combined weight ten thousand pounds  
4 shall be registered at an annual rate of ten dollars, such combina-  
5 tion when in excess of above weight or of the motor vehicle laws re-  
6 lating to length and width shall be permitted to operate upon the  
7 highways of the state only upon issuance of a special permit by the  
8 motor vehicle department.

1     **SEC. 156. Effect of exemption.** The exemption of a motor vehicle  
2 from a registration fee shall not exempt the operator of such vehicle  
3 from the performance of any other duty imposed on him by this  
4 chapter.

1     **SEC. 157. If during the year for which a motor vehicle was regis-**  
2 **tered and the required registration fee paid therefor:**

3     1. Such vehicle is destroyed by fire or accident, or junked and its  
4 identity as a motor vehicle entirely eliminated or removed and con-  
5 tinuously used beyond the boundaries of the state, then the owner in  
6 whose name it was registered at the time of such destruction, dis-  
7 mantling or removal from the state, shall return the plates to the  
8 county treasurer within ten days and make affidavit of such destruc-  
9 tion, dismantling or removal and make claim for refund;

10    2. Such vehicle is sold to a person, either individual, firm or cor-  
11 poration, whose residence or place of business is without the state,  
12 the owner who made the sale and gave notice in accordance with the  
13 provisions of section seventy-six (76) shall return the plates to the  
14 county treasurer within ten days and make affidavit of such sale and  
15 make claim for refund;

16    3. Such vehicle is stolen the owner shall give notice of such theft  
17 to the county treasurer within five (5) days, who in turn shall notify  
18 the department, and if it be not recovered by the owner before Decem-  
19 ber first of the year for which the registration fee was paid he shall  
20 make affidavit of such theft and make claim for refund.

1     **SEC. 157-a. Amount of Refund.** For December and each succeed-  
2 ing month the refund shall be computed on the basis of one-fourth



3 of the annual registration fee multiplied by the number of remain-  
4 ing quarters of the year, computed to the nearest quarter dollar. The  
5 department shall make refund on or before the fifteenth day of the  
6 quarter following the quarter in which the refund is asked.

1 **SEC. 158. Payment authorized.** The department is hereby author-  
2 ized to make such payments according to the above provisions, when  
3 sufficient proof of such destruction by accident, or the junking and  
4 entire elimination of identity as a motor vehicle, theft, or removal for  
5 continuous use beyond the boundaries of the state, is properly cer-  
6 tified, approved by the county treasurer, and filed with the motor  
7 vehicle department.

8 The decision of the department shall be final.

1 **SEC. 159. Reimbursement fund.** The county treasurer shall remit  
2 to the department one per cent of all fees and penalties collected each  
3 year, to be used as a fund to cover refunds of motor vehicle fees as  
4 provided in sections one hundred fifty-seven (157) and one hundred  
5 fifty-eight (158).

1 **SEC. 160. Fees in lieu of taxes.** The registration fees imposed by  
2 this chapter upon private passenger motor vehicles, other than those  
3 of manufacturers and dealers, shall be in lieu of all taxes, general  
4 or local, to which motor vehicles may be subject. Provided, how-  
5 ever, no motor vehicle registered under this act shall be subject to a  
6 personal property tax.

1 **SEC. 161. Lien of fee.** All registration or other fees provided for  
2 in this chapter shall be and continue a lien against the motor vehicle  
3 for which said fees are payable until such time as they are paid as  
4 provided by law, with any accrued penalties.

1 **SEC. 162. When lien attaches.** The lien of the original registra-  
2 tion fee shall attach, at the time the same is first payable, as pro-  
3 vided by law, and the lien of all renewals of registration shall attach  
4 on January first of each year thereafter.

#### PENALTIES, COSTS, AND COLLECTIONS

1 **SEC. 163. Methods of collection.** The collection of all fees and  
2 penalties may be enforced against any motor vehicle or they may be  
3 collected by suit against the owner who shall remain personally liable  
4 therefor until such time as the transfer thereof shall be reported to  
5 the county treasurer and the department or until such time as said  
6 vehicle ceases to be in use and all fees and penalties to such date shall  
7 be paid.

1 **SEC. 164. Monthly penalty.** On February first of each year, a  
2 penalty of five per cent of the annual registration fee shall be added  
3 to all fees not paid by that date, and five per cent of the annual regis-  
4 tration fee shall be added to such fees on the first of each month  
5 thereafter that the same remains unpaid, until paid, provided that  
6 said penalty in no case shall be less than one dollar, and provided that  
7 the owner of a motor vehicle who, on or before February first of any  
8 year, surrenders all registration plates for said vehicle to the county  
9 treasurer of the county in which said plates are of record, shall have

10 the right to register said vehicle at any later period of said year by  
11 paying the full yearly registration fee without said penalty.

1     **SEC. 165. When fees delinquent.** Such delinquencies shall begin  
2 and penalty accrue the first of the month following the purchase of  
3 a new vehicle, and the first of the month following the date cars are  
4 brought into the state, except as herein otherwise provided.

1     **SEC. 166. List of delinquents.** In the first week in March of each  
2 year the county treasurer shall cause to be made a list of all motor  
3 vehicles owned within his county upon which the registration fee  
4 was not paid before March first of that year, except motor vehicles  
5 held by registered dealers and listed by them with the county treas-  
6 urer and department, as provided in section one hundred one (101)  
7 and except those motor vehicles the plates of which have been sur-  
8 rendered to said treasurer on or prior to February first of said year.  
9 Such list shall show the factory number, engine number, make and  
10 model of such vehicle, together with the name and post-office address  
11 of the owner thereof, as shown by the records of his office, and the  
12 amount of registration fee and penalties due against said vehicle as  
13 of March first.

1     **SEC. 167. Sheriff furnished list.** The county treasurer shall on  
2 or before March fifteenth thereafter deliver to the sheriff of his  
3 county a certified copy of said list of such delinquents as shown.

1     **SEC. 168. Collection by sheriff.** The sheriff shall forthwith pro-  
2 ceed to the collection of the unpaid fees and penalties, as certified to  
3 him by the county treasurer, by taking possession of the motor ve-  
4 hicle described in said certified list and proceed to advertise and sell  
5 same for the purpose of collecting fees, penalties, and costs. Said  
6 certified list shall for all purposes be a sufficient warrant therefor.

1     **SEC. 169. Notice.** The sheriff shall give ten days' notice of the  
2 time, place, and hour of said sale:

3     1. By publishing said notice in one issue of one of the official news-  
4 papers of the county, and

5     2. By posting written notice thereof, in three places in the county,  
6 one of said places shall be at a main entrance door of the courthouse,  
7 one at some other public place in the county, and one at or as near as  
8 practicable to the place where said vehicle was seized.

1     **SEC. 170. Warrant to foreign county.** Should a motor vehicle on  
2 which the fee is delinquent be removed from the county in which it  
3 was originally registered, either by transfer or removal by owner  
4 to another county, without having notified the county treasurer or  
5 department of such removal, the sheriff may forward the warrant to  
6 the sheriff of the county where such motor vehicle is at that time and  
7 said latter sheriff shall proceed to collect the same as though the  
8 vehicle had been originally registered in his county, and make return  
9 to the county treasurer of the county from which he received the  
10 warrant.

1     **SEC. 171. Fees and mileage.** The sheriff shall be entitled to re-  
2 ceive as costs the sum of two dollars for serving the writ or warrant  
3 of seizure and five cents for each mile actually traveled by him in

4 collecting the fee and penalties, which shall be collected from the  
 5 owner of such delinquent motor vehicle, and shall be retained by him  
 6 in full for his services. He shall also collect from said owner the sum  
 7 of fifty cents per day for care of the motor vehicle while in his pos-  
 8 session which sum shall be accounted for by the sheriff as fees are  
 9 accounted for, as provided in chapter two hundred sixty-three (263)  
 10 of the code.

1 **SEC. 172. Remittance—issuance of plates.** When the fee and  
 2 penalties have been collected the same shall forthwith be returned to  
 3 the county treasurer, together with a report showing the name and  
 4 address of the owner and description of car upon which such fee  
 5 was collected. Thereupon the county treasurer may issue to the  
 6 owner number plates and a receipt showing payment of fees and  
 7 penalties.

1 **SEC. 173. Balance of proceeds.** The sheriff, after deducting from  
 2 the total receipts of the sale all fees, penalties, and costs, shall pay  
 3 any balance to the owner of the vehicle.

1 **SEC. 174. Junking in lieu of sale.** In the event the vehicle is in  
 2 such condition that, in the opinion of the sheriff, it cannot be sold  
 3 for enough to pay the fees and penalties and defray the cost of the  
 4 procedure herein above provided, and the owner waives the right to  
 5 said sale, then it may be scrapped, dismantled, or otherwise de-  
 6 stroyed by said owner, so that it can no longer be used upon the high-  
 7 ways, and no registration shall thereafter be issued for such vehicle.

## FUNDS

1 **SEC. 175. Disposition.** The money, except fines and forfeitures,  
 2 and except operator's and chauffeur's license fees, collected pursuant  
 3 to the provisions of this chapter shall be credited by the treasurer of  
 4 state to the following funds:

5 1. Two and one-half per cent of the gross fees and penalties there-  
 6 on, to a maintenance fund for the state highway commission.

7 2. Three per cent of the gross fees and penalties thereon, to a main-  
 8 tenance fund for the motor vehicle department.

9 3. The balance of said money, less the collection fee of fifty cents  
 10 retained by the county treasurer on each registration, and less the  
 11 one per cent received by the department as a reimbursement fund  
 12 from which to pay refunds, to the primary road fund.

1 **SEC. 176. Expenditure of department fund.** The maintenance  
 2 fund for the motor vehicle department shall constitute a fund for the  
 3 payment of salaries as provided by law for the department, the ex-  
 4 pense of plates, certificate containers, blanks, printing, supplies, and  
 5 any other expense the commissioner shall deem necessary to enable  
 6 the department to carry out the provisions of this chapter.

1 **SEC. 176-a1.** No expenditures shall be made under the provisions  
 2 of this chapter other than from the funds derived and collected as  
 3 provided in this chapter.

1 **SEC. 177. Unexpended balances.** At the close of each calendar  
 2 year, any unexpended balance remaining in the maintenance fund

3 for the state highway commission, in the maintenance fund for the  
4 motor vehicle department, and in the reimbursement fund for the  
5 payment of refunds, which have accrued from motor registration  
6 fees paid in for that period, shall be credited to the primary road  
7 fund.

1     **SEC. 178. Cash balance.** The treasurer of state shall maintain in  
2 the state treasury, of the money collected as in this chapter provided,  
3 a cash balance sufficient to pay the anticipated expenditures by the  
4 highway commission for the ensuing month, exclusive of the amount  
5 in the funds provided for in subsections one (1) and two (2) of sec-  
6 tion one hundred seventy-five (175). When necessary to restore  
7 the cash balance in the state treasury, he shall draw upon the treas-  
8 urer of each county of the state in proportion to the amounts in their  
9 possession, respectively, a sum sufficient in the aggregate to restore  
10 said cash balance. Such drafts shall be honored by the treasurer of  
11 each county upon presentation.

1     **SEC. 179. Monthly estimate.** The auditor of the state highway  
2 commission shall, on the first day of each month, furnish an estimate  
3 in writing to the treasurer of state of the amount of expenditures to  
4 be made by the highway commission during that month.

1     **SEC. 180. Blanks.** The department shall not later than November  
2 fifteenth of each year prepare and furnish the treasurer of each  
3 county all blank books, blank forms, and all supplies required for the  
4 administration of this chapter, including applications for registra-  
5 tion and transfer of vehicles, quadruple receipts, and original remit-  
6 tance sheets to be used in remitting fees to the department, in such  
7 form as the department may prescribe. Contracts for such blank  
8 books, blank forms, and supplies shall be awarded, by the state print-  
9 ing board to persons, firms, partnerships or corporations engaged in  
10 the business of printing in Iowa unless, and through them, such per-  
11 sons, firms, partnerships or corporations cannot provide the required  
12 printing set forth in this section. In lieu of purchasing under com-  
13 petitive bids the state printing board shall have authority to arrange  
14 with the board of control to furnish such supplies as can be made in  
15 in the state institutions.

1     **SEC. 181. Time limit.** Blanks or forms for listing used motor  
2 vehicles shall be placed in the hands of county treasurers not later  
3 than December fifteenth of any year.

1     **SEC. 182. Duty and liability of treasurer.** The county treasurer  
2 shall collect the registration fee and penalties on each motor vehicle  
3 registered by him and shall be responsible on his bond for such  
4 amount. He shall remit such amount to the treasurer of state as  
5 herein provided.

1     **SEC. 183. Fee for county.** Each county treasurer shall be allowed  
2 to retain, for the use and benefit of the county general fund, fifty  
3 cents for each motor vehicle registration issued by him out of money  
4 collected in each year for the registration of such motor vehicles, the  
5 same to be deducted, and reported to the department, when the county  
6 treasurer transfers the money collected under the provisions of this

7 chapter ; provided, however, that no such deduction shall be lawful  
8 unless the county treasurer has complied with the provisions of sec-  
9 tion 55 and section 184 of this act.

1     **SEC. 184. Reports to department—remittance.** The county treas-  
2 urer shall on the tenth day of each month report under oath to the  
3 department, on forms furnished by it, giving a full and complete  
4 statement of all fees and penalties so received by him during the pre-  
5 ceding calendar month, and shall forward to the treasurer of state a  
6 duplicate of such report accompanied by a remittance of five and  
7 one-half per cent of all fees and penalties received by him during  
8 such preceding calendar month for the use and benefit of the main-  
9 tenance funds of the state highway commission and the motor vehicle  
10 department.

1     **SEC. 185. Reports by department.** The department, immediately  
2 upon receiving said report, shall also report to the treasurer of state  
3 the amount so collected by such county treasurer.

1     **SEC. 186. Duty of treasurer of state.** The treasurer of state shall  
2 keep proper books of account for the purposes specified herein and  
3 shall report to the department each remittance from the county  
4 treasurer, when said remittance is received.

1     **SEC. 187. Audit by department.** The department shall check and  
2 audit all fees and penalties collected, and shall effect a settlement with  
3 the county treasurer annually.

#### VALUE AND WEIGHT OF VEHICLES

1     **SEC. 188. Schedule of prices and weights.** Every manufacturer  
2 of a motor vehicle sold or offered for sale within this state, either by  
3 the manufacturer, distributor, dealer, or any other person, shall, on  
4 or before the first day of August, annually, file in the office of the  
5 department a sworn statement showing the various models manu-  
6 factured by him, and the retail list price and weight of each model  
7 as of August first of that year. He shall also make the same report  
8 on subsequent new models manufactured prior to August first of the  
9 following year.

1     **SEC. 189. Registration dependent on schedule.** No motor vehicle  
2 shall be registered in this state unless the manufacturer thereof has  
3 furnished to the department the sworn statement herein provided,  
4 giving the list price and weight of the model of the motor vehicle that  
5 is offered for registration, except as provided in section one hundred  
6 ninety (190).

1     **SEC. 190. Exceptional cases.** The department shall have the power  
2 to fix the registration fee on all makes and models of cars which are  
3 not now being furnished or upon which the statement from the fac-  
4 tory cannot be obtained.

1     **SEC. 191. Department to prepare statement.** The departmnet  
2 shall prepare, annually, a statement showing all the different makes  
3 and models of motor vehicles previously registered in the depart-  
4 ment, and all the different makes and models of motor vehicles, state-  
5 ments of which have been filed in the office by the manufacturers as

6 heretofore provided, together with the retail list price and weight of  
7 the same.

8 The statement prepared by the department shall also include the  
9 load capacities of the various makes and models of motor trucks  
10 and trailers and the proper fee to be paid for the registration.

11 Copies of such statement shall be furnished each county treasurer  
12 and additional copies may be sold by the department to other persons,  
13 at a price to be set by the department, covering the approximate cost  
14 of same and service involved. All funds received shall be forwarded  
15 by the department to the treasurer of state and placed in the main-  
16 tenance fund of the motor vehicle department.

1 **SEC. 192. Department to fix values and weight.** The department  
2 shall, on or before the first day of August, annually, and at such other  
3 times as new makes or models of motor vehicles are offered for sale  
4 or sold in this state, fix the value and weight of each of the different  
5 makes and models of motor vehicles which are sold or offered for sale  
6 within the state.

1 **SEC. 193. Method of fixing value and weight.** The value shall be  
2 fixed at the next even one hundred dollars above the retail list price  
3 f. o. b. the factory, and the weight shall be fixed at the next even  
4 one hundred pounds above the manufacturers' shipping weight or the  
5 actual weight of the vehicle fully equipped.

#### PLATES, CONTAINERS AND SUPPLIES

1 **SEC. 194. Contracts for plates.** The commissioner shall, subject  
2 to the approval of the executive council, purchase all number plates,  
3 containers, and other supplies required by this chapter, except print-  
4 ing and except expenditures of less than one hundred (100) dollars,  
5 after receiving competitive bids under open specifications. The  
6 bidders shall be required to furnish samples of such supplies and in  
7 awarding the contract the commissioner may consider the quality  
8 and suitability of the samples submitted as well as the price quoted.  
9 A record of all bids submitted shall be kept and the samples submitted  
10 shall be preserved until the next subsequent letting.

1 **SEC. 195. Bond.** The successful bidder shall be required to execute  
2 to the state a good and sufficient bond in such amount as the commis-  
3 sioner shall require, conditioned upon the plates furnished being in  
4 accordance with the samples and specifications, and providing for  
5 liquidated damages for failure to deliver plates at the time specified  
6 in the contract.

1 **SEC. 196. Manufacture by state.** In lieu of purchasing under com-  
2 petitive bids the commissioner shall have authority to arrange with  
3 the board of control to furnish such supplies as may be made at the  
4 state institutions.

1 **SEC. 197. Specifications.** Such number plates shall be of metal,  
2 and of a size not to exceed six inches in width by fifteen inches in  
3 length, on which there shall be the word "Iowa", and numerals in-  
4 dicating the year for which it is issued. They shall be of a distinc-  
5 tively different color each year. There shall be at all times a marked

6 contrast between the colors of the number plates and of the numerals  
7 or letters thereon, said colors to be designated by the department.

8 The distinctive number assigned to the vehicle shall be set forth  
9 in numerals which shall not exceed a length of four inches nor a  
10 stroke exceeding five-eighths of an inch in width.

11 In case of a motor vehicle registered by a manufacturer or dealer,  
12 there shall be on such plate, in addition to the foregoing, the letter  
13 "D", each stroke of such letter to be not to exceed four inches long  
14 and not to exceed five-eighths of an inch in width.

15 The number plates for use on a motor bicycle or a motorcycle shall  
16 be substantially one-half the dimensions above stated.

1 **SEC. 198. Delivery of plates.** On or before the first day of Decem-  
2 ber of each year, the department shall deliver or cause to be delivered  
3 to the county treasurer of each county, approximately as many dupli-  
4 cate number plates and certificate containers as there are motor ve-  
5 hicles registered in such county during the preceding year, the plates  
6 so delivered to each county treasurer to be in numerical sequence.

1 **SEC. 199. Additional deliveries.** Thereafter, during the year, the  
2 department, upon requisition of the county treasurer, shall deliver ad-  
3 ditional number plates and certificate containers.

1 **SEC. 200. Account of plates.** The department shall keep an accu-  
2 rate record of all number plates issued to each county, and shall also  
3 keep a record showing the assignment thereof by the county treas-  
4 urer to motor vehicles.

1 **SEC. 201. Plates for exempt vehicles.** The department shall fur-  
2 nish, on application, free of charge, distinguishing plates for motor  
3 vehicles exempted from a registration fee and shall keep a separate  
4 record thereof.

1 **SEC. 202. Title of plates.** All number plates issued shall be and  
2 remain the property of the state.

1 **SEC. 203. Certificate containers.** The commissioner shall approve  
2 devices for holding and displaying the certificate of registration, and  
3 may require such devices so to receive and hold such certificate that  
4 when the certificate is removed from the holder the certificate will be  
5 destroyed or mutilated so it cannot be used on other vehicles.

1 **SEC. 204. When fees returnable.** Whenever any application to the  
2 department is accompanied by any fee as required by law and such  
3 application is refused or rejected said fee shall be returned to said  
4 applicant.

5 Whenever the department through error collects any fee not re-  
6 quired to be paid hereunder the same shall be refunded, from the re-  
7 fund account, to the person paying the same upon application there-  
8 for made within six months after the date of such payment.

#### OPERATORS' AND CHAUFFEURS' LICENSES, ISSUANCE OF LICENSES, EXPIRATION, AND RENEWAL

1 **SEC. 205. Operators and chauffeurs licensed.** No person, except  
2 those hereinafter expressly exempted shall drive any motor vehicle  
3 upon a highway in this state unless such person has a valid license  
4 as an operator or chauffeur under the provisions of this chapter. No

5 person shall operate a motor vehicle as a chauffeur unless he holds a  
6 valid chauffeur's license.

1 **SEC. 206. Chauffeurs exempted as operators.** Any person holding  
2 a valid chauffeur's license hereunder need not procure an operator's  
3 license.

1 **SEC. 207. Persons exempt.** The following persons are exempt  
2 from license hereunder:

3 1. Any person while operating a motor vehicle in the service of the  
4 army, navy, or marine corps of the United States;

5 2. Any person while driving or operating any road machine, farm  
6 tractor, or implement of husbandry temporarily operated or moved  
7 on a highway;

8 3. A nonresident who is at least sixteen years of age and who has  
9 in his immediate possession a valid operator's license issued to him  
10 in his home state or country may operate a motor vehicle in this state  
11 only as an operator;

12 4. A nonresident who is at least eighteen years of age and who has  
13 in his immediate possession a valid chauffeur's license issued to him  
14 in his home state or country may operate a motor vehicle in this state  
15 either as an operator or chauffeur except any such person must be  
16 licensed as a chauffeur hereunder before accepting employment as a  
17 chauffeur from a resident of this state;

18 5. Any nonresident who is at least eighteen years of age, whose  
19 home state or country does not require the licensing of operators, may  
20 operate a motor vehicle as an operator only, for a period of not more  
21 than ninety days in any calendar year, if the motor vehicle so oper-  
22 ated is duly registered in the home state or country of such non-  
23 resident.

1 **SEC. 208. Persons not to be licensed.** The department shall not  
2 issue any license hereunder:

3 1. To any person, as an operator, who is under the age of sixteen  
4 years, except that the department may issue a restricted license as  
5 provided in section two hundred twenty-five (225) to any person who  
6 is at least fourteen years of age;

7 2. To any person, as a chauffeur, who is under the age of eighteen  
8 years;

9 3. To any person, as an operator or chauffeur whose license has  
10 been suspended, during such suspension nor to any person whose li-  
11 cense has been revoked, until the expiration of one year after such  
12 license was revoked;

13 4. To any person, as an operator or chauffeur, who is an habitual  
14 drunkard, or is addicted to the use of narcotic drugs;

15 5. To any person, as an operator or chauffeur, who has previously  
16 been adjudged to be afflicted with or suffering from any mental dis-  
17 ability or disease and who has not at the time of application been  
18 restored to competency by the methods provided by law;

19 6. To any person, as an operator or chauffeur, who is required by  
20 this chapter to take an examination, unless such person shall have  
21 successfully passed such examination;

22 7. To any person when the commissioner has good cause to believe  
23 that such person by reason of physical or mental disability would not  
24 be able to operate a motor vehicle with safety upon the highways.



1     **SEC. 209. Special restrictions on chauffeurs.** No person who is  
2 under the age of twenty-one years shall drive any motor vehicle while  
3 in use as a carrier of flammables or combustibles, or as a public or  
4 common carrier of persons, except a school bus, until he has been  
5 licensed as a chauffeur and received a chauffeur's license.

1     **SEC. 210. Instruction permits.** Any person who, except for his  
2 lack of instructions in operating a motor vehicle, would otherwise be  
3 qualified to obtain an operator's license under this chapter, may apply  
4 for a temporary instruction permit, and the department shall issue  
5 such permit, entitling the applicant, while having such permit in his  
6 immediate possession, to drive a motor vehicle upon the highways for  
7 a period of sixty days, but, except when operating a motorcycle, such  
8 person must be accompanied by a licensed operator or chauffeur who  
9 is actually occupying a seat beside the driver.

1     **SEC. 211. Temporary permit.** The department may, in its dis-  
2 cretion, issue a temporary driver's permit to an applicant for an  
3 operator's license permitting him to operate a motor vehicle while  
4 the department is completing its investigation and determination of  
5 all facts relative to such applicant's right to receive an operator's  
6 license. Such permit must be in his immediate possession while  
7 operating a motor vehicle, and it shall be invalid when the applicant's  
8 license has been issued or for good cause has been refused.

1     **SEC. 212. Application for license or permit.** Every application for  
2 an instruction permit or for an operator's or chauffeur's license shall  
3 be made upon a form furnished by the department and shall be veri-  
4 fied by the applicant before a person authorized to administer oaths,  
5 and officers and employees of the department are hereby authorized  
6 to administer such oaths without charge.

1     **SEC. 213. Contents of application.** Every said application shall  
2 state the full name, age, sex, and residence address of the applicant,  
3 and briefly describe the applicant, and shall state whether the appli-  
4 cant has theretofore been licensed as an operator or chauffeur, and,  
5 if so, when and by what state or country, and whether any such li-  
6 cense has ever been suspended or revoked, or whether an application  
7 has ever been refused, and, if so, the date of and reason for such sus-  
8 pension, revocation, or refusal.

1     **SEC. 214. Applications of minors.** The application of any person  
2 under the age of eighteen years for an instruction permit or oper-  
3 ator's license shall be signed and verified before a person authorized  
4 to administer oaths by both the father and mother of the applicant,  
5 if both are living and have custody of him, or in the event neither  
6 parent is living then by the person or guardian having such custody  
7 or by an employer of such minor.

Note: Secs. 215-216 omitted in enrolled bill.

1     **SEC. 217. Death of person signing application—effect.** The de-  
2 partment upon receipt of satisfactory evidence of the death of the  
3 persons who signed the application of a minor for a license shall can-  
4 cel such license and shall not issue a new license until such time as a

5 new application, duly signed and verified, is made as required by this  
6 chapter. This provision shall not apply in the event the minor has  
7 attained the age of eighteen years.

1     **SEC. 218. Examination of new applicants.** The department may  
2 examine every new applicant for an operator's or chauffeur's license.  
3 Such examination shall be held in the county where the applicant re-  
4 sides within not more than fifteen days from the date application is  
5 made. It shall include a test of the applicant's eyesight, his ability  
6 to read and understand highway signs regulating, warning, and di-  
7 recting traffic, his knowledge of the traffic laws of this state, and shall  
8 include an actual demonstration of ability to exercise ordinary and  
9 reasonable control in the operation of a motor vehicle and such fur-  
10 ther physical and mental examination as the department finds neces-  
11 sary to determine the applicant's fitness to operate a motor vehicle  
12 safely upon the highways.

1     **SEC. 219. Appointment of examiners.** The department is hereby  
2 authorized to appoint persons from the highway patrol for the pur-  
3 pose of examining applicants for operators' and chauffeurs' licenses.  
4 It shall be the duty of any such person so appointed to conduct ex-  
5 aminations of applicants for operators' and chauffeurs' licenses un-  
6 der the provisions of this chapter to make a written report of findings  
7 and recommendations upon such examination to the department.  
8 Examiners appointed by the department shall have the authority of  
9 peace officers for the purpose of enforcing the laws relating to motor  
10 vehicles and the operation thereof, and when on duty shall wear a  
11 uniform and proper identifying badge or badges as prescribed by the  
12 commissioner which shall be purchased by the department and paid  
13 for from the department maintenance fund.

1     **SEC. 220. Licenses issued.** The department shall upon payment  
2 of the required fee, issue to every applicant qualifying therefor an  
3 operator's or chauffeur's license as applied for, which license shall  
4 bear thereon a distinguishing number assigned to the licensee the  
5 full name, age, residence address and a brief description of the li-  
6 censee, and spaces upon which the licensee shall write his usual signa-  
7 ture with pen and ink immediately upon receipt of the license. No  
8 license shall be valid until it has been so signed by the licensee.

9     The department shall issue with every chauffeur's license a chauf-  
10 feur's badge of metal with a plainly readable distinguishing number  
11 assigned to the licensee stamped thereon and every chauffeur shall  
12 display such chauffeur's badge in plain sight upon the band of his  
13 cap or upon the lapel of his outer coat while operating a motor vehicle  
14 as a public or common carrier of persons or property.

1     **SEC. 221. Carried and exhibited.** Every licensee shall have his  
2 operator's or chauffeur's license in his immediate possession at all  
3 times when operating a motor vehicle and shall display the same,  
4 upon demand of a justice of peace, a peace officer, or a field deputy  
5 or examiner of the department. However, no person charged with  
6 violating this section shall be convicted if he produces in court, within  
7 a reasonable time, an operator's or chauffeur's license theretofore is-  
8 sued to him and valid at the time of his arrest.

1     **SEC. 222. Fee.** The fee for an operator's license shall be fifty  
2 cents. The fee for a chauffeur's license shall be two dollars.

1     **SEC. 223. Disposal of fees.** Such license fees shall be forwarded  
2 by the department to the treasurer of state who shall place same in  
3 the maintenance fund of the motor vehicle department and segregate  
4 the same to be used for the administration and enforcement of the  
5 uniform operator's and chauffeur's license law, during the period  
6 covered by such licenses.

1     **SEC. 224. Restricted licenses.** The department upon issuing an  
2 operator's or chauffeur's license shall have authority whenever good  
3 cause appears to impose restrictions suitable to the licensee's driv-  
4 ing ability with respect to the type of or special mechanical control  
5 devices required on a motor vehicle which the licensee may operate or  
6 such other restrictions applicable to the licensee, including licenses  
7 issued under section two hundred twenty-five (225), as the depart-  
8 ment may determine to be appropriate to assure the safe operation  
9 of a motor vehicle by the licensee.

10     The department may either issue a special restricted license or  
11 may set forth such restrictions upon the usual license form.

12     The department may upon receiving satisfactory evidence of any  
13 violation of the restrictions of such license suspend or revoke the  
14 same but the licensee shall be entitled to a hearing as upon a suspen-  
15 sion or revocation under this chapter.

16     It is a misdemeanor, punishable as provided in section five hundred  
17 (500), for any person to operate a motor vehicle in any manner in  
18 violation of the restrictions imposed in a restricted license issued  
19 to him.

1     **SEC. 225. Minors.** Upon a written request of a parent or guard-  
2 ian, a restricted license may be issued to any person between the  
3 ages of fourteen and sixteen years, to be valid only in going to and  
4 from school.

1     **SEC. 226. Duplicate certificates and badges.** In the event that an  
2 instruction permit or operator's or chauffeur's license or chauffeur's  
3 badge issued under the provisions of this chapter is lost or destroyed,  
4 the person to whom the same was issued may upon payment of a fee  
5 of fifty cents for a chauffeur's license or badge or twenty-five cents  
6 for an operator's license, obtain a duplicate, or substitute thereof,  
7 upon furnishing proof satisfactory to the department that such per-  
8 mit, license, or badge has been lost or destroyed.

1     **SEC. 227. Expiration of operator's license.** Every operator's  
2 license shall expire on July fifth of each odd-numbered calendar year  
3 and shall be renewed upon its expiration upon application, and ex-  
4 amination, and payment of the license fee specified herein, provided  
5 that persons holding licenses previously issued and upon which no  
6 notation appears of a traffic violation, against whom no accident has  
7 been reported, or from which no stub has been detached for any rea-  
8 son shall be issued an operator's license without examination.

1     **SEC. 228. Expiration of chauffeur's license.** Every chauffeur's  
2 license issued hereunder shall expire December thirty-first each year  
3 and shall be renewed annually upon application and examination,

4 and payment of the fees required by law, provided that the depart-  
5 ment in its discretion may waive the examination of any such appli-  
6 cant previously licensed as a chauffeur under this chapter.

Note: Sec. 229 omitted in enrolled bill.

1 **SEC. 230. Records.** The department shall file every application for  
2 a license received by it and shall maintain suitable indexes containing,  
3 in alphabetical order:

- 4 1. All applications denied and on each thereof note the reasons  
5 for such denial;
- 6 2. All applications granted; and
- 7 3. The name of every licensee whose license has been suspended or  
8 revoked by the department and after each such name note the reasons  
9 for such action.

1 **SEC. 231. Conviction and accident file.** The department shall also  
2 file all accident reports and abstracts of court records of convictions  
3 received by it under the laws of this state and in connection there-  
4 with maintain convenient records or make suitable notations in order  
5 that an individual record of each licensee showing the convictions of  
6 such licensee and the traffic accidents in which he has been involved  
7 shall be readily ascertainable and available for the consideration of  
8 the department upon any application for renewal of license and at  
9 other suitable times.

#### CANCELATION, SUSPENSION OR REVOCATION OF LICENSES

1 **SEC. 232. Authority to cancel license.** The department is hereby  
2 authorized to cancel any operator's or chauffeur's license upon deter-  
3 mining that the licensee was not entitled to the issuance thereof here-  
4 under or that said licensee failed to give the required or correct in-  
5 formation in his application or committed any fraud in making such  
6 application.

1 **SEC. 233. Surrender of license and badge.** Upon such cancellation,  
2 the licensee must surrender the license so canceled and any chauf-  
3 feur's badge to the department.

1 **SEC. 234. Suspending privileges of nonresidents.** The privilege of  
2 driving a motor vehicle on the highways of this state given to a non-  
3 resident hereunder shall be subject to suspension or revocation by  
4 the department in like manner and for like cause as an operator's or  
5 chauffeur's license issued hereunder may be suspended or revoked.

1 **SEC. 235. Certification of conviction.** The department is further  
2 authorized, upon receiving a record of the conviction in this state of  
3 a nonresident driver of a motor vehicle of any offense under the  
4 motor vehicle laws of this state, to forward a certified copy of such  
5 record to the motor vehicle administrator in the state wherein the  
6 person so convicted is a resident.

1 **SEC. 236. Conviction in another state.** The department is author-  
2 ized to suspend or revoke the license of any resident of this state upon  
3 receiving notice of the conviction of such person in another state of  
4 an offense therein which, if committed in this state, would be grounds

5 for the suspension or revocation of the license of an operator or chauffeur.  
6

1 **SEC. 237. Surrender of license—duty of court.** Whenever any  
2 person is convicted of any offense for which this chapter makes mandatory the revocation of the operator's or chauffeur's license of such  
3 person by the department, the court in which such conviction is had  
4 shall require the surrender to it of all operator's and chauffeur's  
5 licenses then held by the person so convicted and the court shall thereupon forward the same together with a record of such conviction to  
6  
7  
8 the department.

1 **SEC. 238. Record forwarded.** Every court having jurisdiction over  
2 offenses committed under this chapter, or any other law of this state regulating the operation of motor vehicles on highways, shall forward  
3 to the department a record of the conviction of any person in said  
4 court for a violation of any said laws, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted,  
5 and the department shall thereupon consider and act upon  
6 such recommendation in such manner as may seem to it best. Upon  
7 conviction in all cases where recommendation of suspension or revocation is not made or is not mandatory, every court shall detach one  
8 stub of the license of such operator or chauffeur and forward same  
9  
10  
11 to the department.  
12

1 **SEC. 239. Conviction defined.** For the purpose of this chapter the  
2 term "conviction" shall mean a final conviction. Also for the purposes of this chapter a forfeiture of bail or collateral deposited to secure  
3 a defendant's appearance in court, which forfeiture has not been  
4 vacated, shall be equivalent to a conviction.  
5

1 **SEC. 240. Mandatory revocation.** The department shall forthwith  
2 revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following  
3 offenses, when such conviction has become final:  
4  
5 1. Manslaughter resulting from the operation of a motor vehicle;  
6 2. Driving a motor vehicle while under the influence of intoxicating  
7 liquor or a narcotic drug;  
8 3. Any felony in the commission of which a motor vehicle is used;  
9 4. Failure to stop and render aid as required under the laws of  
10 this state in the event of a motor vehicle accident resulting in the  
11 death or personal injury of another;  
12 5. Perjury or the making of a false affidavit or statement under  
13 oath to the department under this chapter or under any other law  
14 relating to the ownership or operation of motor vehicles;  
15 6. Conviction, or forfeiture of bail not vacated, upon three charges  
16 of reckless driving committed within a period of twelve months.

1 **SEC. 241. Authority to suspend.** The department is hereby authorized to suspend the license of an operator or chauffeur without  
2 preliminary hearing upon a showing by its records or other sufficient  
3 evidence that the licensee:  
4

5 1. Has committed an offense for which mandatory revocation of  
6 license is required upon conviction;

- 7 2. Is an habitually reckless or negligent driver of a motor vehicle;  
8 3. Is an habitual violator of the traffic laws;  
9 4. Is incompetent to drive a motor vehicle;  
10 5. Has permitted an unlawful or fraudulent use of such license;  
11 or  
12 6. Has committed an offense in another state which if committed  
13 in this state would be grounds for suspension or revocation.

1 **SEC. 242. Notice and hearing.** Upon suspending the license of  
2 any person as hereinbefore authorized the department shall immedi-  
3 tely notify the licensee in writing and upon his request shall afford  
4 him an opportunity for a hearing before the commissioner or his duly  
5 authorized agent as early as practical within not to exceed twenty  
6 days after receipt of such request in the county wherein the licensee  
7 resides unless the department and the licensee agree that such hear-  
8 ing may be held in some other county. Upon such hearing the com-  
9 missioner or his duly authorized agent may administer oaths and may  
10 issue subpoenas for the attendance of witnesses and the production  
11 of relevant books and papers and may require a re-examination of  
12 the licensee. Upon such hearing the department shall either rescind  
13 its order of suspension or, good cause appearing therefor, may ex-  
14 tend the suspension of such license or revoke such license.

1 **SEC. 243. Period of suspension or revocation.** The department  
2 shall not suspend a license for a period of more than one year and  
3 upon revoking a license shall not in any event grant application for  
4 a new license until the expiration of one year after such revocation.

1 **SEC. 244. Surrender of license and badge.** The department upon  
2 suspending or revoking a license shall require that such license and  
3 the badge of any chauffeur whose license is suspended or revoked  
4 shall be surrendered to and be retained by the department except  
5 that at the end of the period of suspension such license and any  
6 chauffeur's badge so surrendered shall be returned to the licensee.

1 **SEC. 245. No operation under foreign license.** Any resident or  
2 nonresident whose operator's or chauffeur's license or right or privi-  
3 lege to operate a motor vehicle in this state has been suspended or  
4 revoked as provided in this chapter shall not operate a motor vehicle  
5 in this state under a license, permit, or registration certificate issued  
6 by any other state or country or otherwise during such suspension  
7 or after such revocation until a new license is obtained when and as  
8 permitted under this chapter.

1 **SEC. 246. Appeal.** Any person denied a license or whose license  
2 has been canceled, suspended, or revoked by the department except  
3 where such cancelation or revocation is mandatory under the provi-  
4 sions of this chapter shall have the right to file a petition within thirty  
5 days thereafter for a hearing in the matter in a court of record in  
6 the county wherein such person shall reside and such court is hereby  
7 vested with jurisdiction and it shall be its duty to set the matter for  
8 hearing upon thirty days' written notice to the commissioner, and  
9 thereupon the court shall hear and determine the matter as an orig-  
10 inal proceeding upon a transcript of all the proceedings before the

11 commissioner, and upon additional evidence and other pleadings as  
12 the court may require. The decision of the court shall be final.

#### VIOLATION OF LICENSE PROVISIONS

1 **SEC. 247. Unlawful use of license.** It is a misdemeanor, punish-  
2 able as provided in section five hundred (500) unless another punish-  
3 ment is otherwise provided, for any person:

4 1. To display or cause or permit to be displayed or have in his  
5 possession any canceled, revoked, suspended, fictitious or fraudu-  
6 lently altered operator's or chauffeur's license;

7 2. To lend his operator's or chauffeur's license to any other person  
8 or knowingly permit the use thereof by another;

9 3. To display or represent as one's own any operator's or chauf-  
10 feur's license not issued to him;

11 4. To fail or refuse to surrender to the department upon its law-  
12 ful demand any operator's or chauffeur's license which has been sus-  
13 pended, revoked, or canceled;

14 5. To use a false or fictitious name in any application for an oper-  
15 ator's or chauffeur's license or to knowingly make a false statement  
16 or to knowingly conceal a material fact or otherwise commit a fraud  
17 in any such application;

18 6. To permit any unlawful use of an operator's or chauffeur's li-  
19 cense issued to him.

1 **SEC. 248. Perjury.** Any person who makes any false affidavit, or  
2 knowingly swears or affirms falsely to any matter or thing required  
3 by the terms of this chapter to be sworn to or affirmed, is guilty of  
4 perjury and upon conviction shall be punishable by fine or imprison-  
5 ment as other persons committing perjury are punishable.

1 **SEC. 249. Driving while license denied, suspended, or revoked.**  
2 Any person whose operator's or chauffeur's license, or driving privi-  
3 lege, has been denied, canceled, suspended or revoked as provided in  
4 this chapter, and who drives any motor vehicle upon the highways of  
5 this state while such license or privilege is denied, canceled, sus-  
6 pended, or revoked, is guilty of a misdemeanor and upon conviction  
7 shall be punished by imprisonment\* for not less than two days or  
8 more than thirty days. The sentence imposed under this section shall  
9 not be suspended by the court, notwithstanding the provisions of sec-  
10 tion thirty-eight hundred (3800) of the code or any other provision  
11 of statute.

1 **SEC. 250. Permitting unauthorized minor to drive.** No person  
2 shall cause or knowingly permit his child or ward under the age of  
3 eighteen years to drive a motor vehicle upon any highway when such  
4 minor is not authorized hereunder or in violation of any of the pro-  
5 visions of this chapter.

1 **SEC. 251. Permitting unauthorized person to drive.** No person  
2 shall authorize or knowingly permit a motor vehicle owned by him  
3 or under his control to be driven upon any highway by any person  
4 who is not authorized hereunder or in violation of any of the pro-  
5 visions of this chapter.

\*Note: Place of imprisonment not fixed in enrolled bill.

1     **SEC. 252. Employing unlicensed chauffeur.** No person shall em-  
2     ploy as a chauffeur of a motor vehicle any person not then licensed  
3     as provided in this chapter.

1     **SEC. 253. Renting motor vehicle to another.** No person shall rent  
2     a motor vehicle to any other person unless the latter person is then  
3     duly licensed hereunder or, in the case of a nonresident, then duly  
4     licensed under the laws of the state or country of his residence except  
5     a nonresident whose home state or country does not require that an  
6     operator be licensed.

1     **SEC. 254. License inspected.** No person shall rent a motor vehicle  
2     to another until he has inspected the operator's or chauffeur's license  
3     of the person to whom the vehicle is to be rented and compared and  
4     verified the signature thereon with the signature of such person writ-  
5     ten in his presence.

1     **SEC. 255. Record kept.** Every person renting a motor vehicle to  
2     another shall keep a record of the registration number of the motor  
3     vehicle so rented, the name and address of the person to whom the  
4     vehicle is rented, the number of the license of said latter person and  
5     the date and place when and where said license was issued. Such  
6     record shall be open to inspection by any police officer or officer or  
7     employee of the department.

#### HOURS OF OPERATION

1     **SEC. 256. Maximum mechanical operation.** No person shall oper-  
2     ate a commercial vehicle for hire for more than a period of twelve  
3     hours out of any period of twenty-four hours upon the highways of  
4     this state without being relieved from duty for ten consecutive hours  
5     and where a driver puts in twelve hours of driving out of any period  
6     of twenty-four hours, though not consecutive he must be given at  
7     least eight hours off duty.

1     **SEC. 257. Maximum operation by employee.** No person, firm,  
2     partnership, association or corporation shall require or permit any  
3     employee or person to drive or operate any commercial motor vehicle  
4     upon the public highways of this state in violation of the provisions  
5     of section two hundred fifty-six (256).

1     **SEC. 258. Violations.** Any person, firm, partnership, association  
2     or corporation violating any of the provisions of sections two hun-  
3     dred fifty-six (256) and two hundred fifty-seven (257) shall be guilty  
4     of a misdemeanor and, upon conviction, may be fined not less than  
5     twenty-five dollars, nor more than one hundred dollars.

#### LAW OF THE ROAD OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

1     **SEC. 259. Provisions refer to highways—exceptions.** The provi-  
2     sions of this chapter relating to the operation of vehicles refer exclu-  
3     sively to the operation of vehicles upon highways except:

4     1. Where a different place is specifically referred to in a given  
5     section.

6     2. The provisions of sections two hundred ninety-two (292) to  
7     three hundred five (305), inclusive, and sections three hundred eleven



8 (311) to three hundred fifteen (315), inclusive, shall apply upon  
9 highways and elsewhere throughout the state.

1 **SEC. 260. Obedience to police officers.** No person shall willfully  
2 fail or refuse to comply with any lawful order or direction of any  
3 peace officer invested by law with authority to direct, control, or  
4 regulate traffic.

1 **SEC. 261. Public officers not exempt.** The provisions of this chap-  
2 ter applicable to the drivers of vehicles upon the highways shall ap-  
3 ply to the drivers of all vehicles owned or operated by the United  
4 States, this state or any county, city, town, district, or any other  
5 political subdivision of the state, subject to such specific exceptions  
6 as are set forth in this chapter with reference to authorized emer-  
7 gency vehicles.

1 **SEC. 262. Emergency vehicles.** The driver of any authorized  
2 emergency vehicle when responding to an emergency call upon ap-  
3 proaching a red or stop signal or any stop sign shall slow down as  
4 necessary for safety but may proceed cautiously past such red or  
5 stop sign or signal. At other times drivers of authorized emergency  
6 vehicles shall stop in obedience to a stop sign or signal.

1 **SEC. 263. Special privilege restricted.** No driver of any authorized  
2 emergency vehicle shall assume any special privilege under this chap-  
3 ter except when such vehicle is operated in response to an emergency  
4 call or in the immediate pursuit of an actual or suspected violator of  
5 the law.

1 **SEC. 264. Road workers exempted.** The provisions of this chapter  
2 shall not apply to persons, teams, motor vehicles and other equip-  
3 ment while actually engaged in work upon the surface of a highway  
4 but shall apply to such persons and vehicles when traveling to or from  
5 such work.

1 **SEC. 265. Bicycles or animal-drawn vehicles.** Every person rid-  
2 ing a bicycle or an animal or driving any animal drawing a vehicle  
3 upon a roadway shall be subject to the provisions of this chapter  
4 applicable to the driver of a vehicle, except those provisions of this  
5 chapter which by their nature can have no application.

1 **SEC. 266. Provisions uniform.** The provisions of this chapter  
2 shall be applicable and uniform throughout this state and in all polit-  
3 ical subdivisions and municipalities therein and no local authority  
4 shall enact or enforce any rule or regulation in conflict with the pro-  
5 visions of this chapter unless expressly authorized herein. Local  
6 authorities may, however, adopt additional traffic regulations which  
7 are not in conflict with the provisions of this chapter.

#### POWERS OF LOCAL AUTHORITIES

1 **SEC. 267. Powers of local authorities.** Local authorities shall have  
2 no power to enact, enforce, or maintain any ordinance, rule or regula-  
3 tion in any way in conflict with, contrary to or inconsistent with the  
4 provisions of this chapter, and no such ordinance, rule or regulation  
5 of said local authorities heretofore or hereafter enacted shall have  
6 any force or effect, however the provisions of this chapter shall not

7 be deemed to prevent local authorities with respect to streets and  
8 highways under their jurisdiction and within the reasonable exer-  
9 cise of the police power from:  
10 1. Regulating the standing or parking of vehicles;  
11 2. Regulating traffic by means of police officers or traffic control  
12 signals;  
13 3. Regulating or prohibiting processions or assemblages on the  
14 highways;  
15 4. Designating particular highways as one way highways and re-  
16 quiring that all vehicles thereon be moved in one specific direction;  
17 5. Regulating the speed of vehicles in public parks;  
18 6. Designating any highway as a through highway and requiring  
19 that all vehicles stop before entering or crossing the same or desig-  
20 nating any intersection as a stop intersection and requiring all  
21 vehicles to stop at one or more entrances to such intersections;  
22 7. License and regulate the operation of vehicles offered to the  
23 public for hire and used principally in intracity operation;  
24 8. Restricting the use of highways as authorized in sections four  
25 hundred ninety-five (495) to four hundred ninety-seven (497), in-  
26 clusive.

1 **SEC. 268. Posting signs.** No ordinance or regulation enacted un-  
2 der subdivisions four (4), five (5), six (6), or eight (8) of section  
3 two hundred sixty-seven (267) shall be effective until signs giving  
4 notice of such local traffic regulations are posted upon or at the en-  
5 trances to the highway or part thereof affected as may be most ap-  
6 propriate and shall be erected at the expense of such municipality.

1 **SEC. 269. Testing stations.** All cities and towns shall have the  
2 power to acquire, establish, erect, equip, operate and maintain motor  
3 vehicle testing stations therein and to pay for the same out of the  
4 proceeds of the collection of fees charged for testing motor vehicles,  
5 including trucks.

1 **SEC. 270. Fees.** They shall have the power to fix the amount of  
2 fees, not exceeding fifty cents per test and not more than one dollar  
3 per year, for the inspection of any motor vehicle or truck for any  
4 defect prohibited by law upon any motor vehicle operated upon the  
5 streets, alleys or thoroughfares of cities and towns. They shall have  
6 additional power to set aside all fees so collected in a separate fund  
7 out of which all costs and expenses in connection with or growing  
8 out of the construction, establishment, equipment, operation and  
9 maintenance of said station shall be paid. Any surplus remaining  
10 in said fund shall be paid into a fund for traffic regulation and en-  
11 forcement.

1 **SEC. 271. Compliance.** The right to use the streets, alleys and  
2 thoroughfares of any city or town so passing any such ordinance  
3 shall be dependent upon compliance with the terms of any such or-  
4 dinance and with the laws of the state relating to motor vehicles and  
5 the parking or use thereof on the streets, roads, or public highways  
6 of such city or town.

1 **SEC. 272. Stickers.** The state motor vehicle department shall  
2 prescribe the shape, size, color and inscription of a sticker to be

3 placed, by any such city or town so operating a motor vehicle testing  
4 station hereunder, upon the windshield of any motor vehicle so pass-  
5 ing the tests herein provided. Said city or town shall insert the  
6 name thereof and the date said sticker was issued.

7 Said sticker when so prepared, issued and placed shall exempt the  
8 owner and driver of the automobile so passing said test from any  
9 other tests hereunder at any place in the state for the period for  
10 which said sticker was issued.

1 **SEC. 273. Traffic council.** Any city which has set up a traffic  
2 safety council, or other body, by ordinance, for the construction, op-  
3 eration and maintenance of any such testing station, shall continue  
4 to so operate, maintain, supervise, and control said station through  
5 said traffic safety council.

1 **SEC. 274. Penalty.** Cities and towns shall have the power to en-  
2 force any such ordinance by fine, not exceeding twenty-five dollars,  
3 or imprisonment, not exceeding seven days, in default of payment,  
4 which said fine or imprisonment may be imposed upon either the  
5 owner or operator of any such vehicle.

1 **SEC. 275. Scope.** Cities and towns may provide for the inspec-  
2 tion of motor vehicles and trucks operated upon the streets, alleys or  
3 thoroughfares thereof when owned or operated by residents, or by  
4 persons gainfully employed, in any such city or town where so op-  
5 erated.

1 **SEC. 276. Control by department.** The state motor vehicle de-  
2 partment shall have supervision and control over the type of tests  
3 and the facilities therefor in any such motor vehicle testing station,  
4 and any such city or town desiring to establish any such station shall  
5 first procure the approval thereof by the motor vehicle department.

1 **SEC. 277. Payment from earnings.** Cities and towns shall have  
2 additional powers to pay for any such testing station or stations and  
3 the equipment, maintenance and operation thereof out of past or  
4 future earnings of said station or stations or out of the general fund,  
5 and cities and towns may issue revenue bonds for the acquisition,  
6 erection, establishment, equipment, operation and maintenance of  
7 any such station or stations, which said bonds shall be payable solely  
8 from the earnings, of said station or stations.

1 **SEC. 278. Ordinances.** All ordinances, rules and regulations  
2 which may have been or which may be hereafter enacted in pursu-  
3 ance of the above enumerated powers, shall remain in full force and  
4 effect.

1 **SEC. 279. Parks and cemeteries.** Local authorities may by gen-  
2 eral rule, ordinance, or regulation exclude vehicles from any cemetery  
3 or ground used for the burial of the dead, or exclude vehicles used  
4 solely or principally for commercial purposes, from any park or part  
5 of a park system where such general rule, ordinance, or regulation  
6 is applicable equally and generally to all other vehicles used for the  
7 same purpose, if, at the entrance, or at each entrance if there be more  
8 than one, to such cemetery or park from which vehicles are so ex-  
9 cluded, there shall have been posted a sign plainly legible from the

10 middle of the public highway on which such cemetery or park opens,  
11 plainly indicating such exclusion and prohibition.

1 **SEC. 280. School zones.** Cities and towns shall have the power to  
2 establish school zones and provide for the stopping of all motor  
3 vehicles approaching said zones, when movable stop signs have been  
4 placed in the streets at the limits of the zones, this notwithstanding  
5 the provisions of any statute to the contrary.

1 **SEC. 281. Discriminations.** When the local authorities of other  
2 states shall, by the adoption of rules and regulations or otherwise,  
3 prohibit motor vehicles registered under the laws of this state from  
4 operating upon highways in any subdivision of such other state, the  
5 local authorities of this state may, by ordinance or otherwise, require  
6 the motor vehicles of the subdivisions of such other state while op-  
7 erating by their own power in this state to be registered under the  
8 laws of this state.

1 **SEC. 282. Rights of owners of real property.** Nothing in this  
2 chapter shall be construed to prevent the owner of real property used  
3 by the public for purposes of vehicular travel by permission of the  
4 owner and not as matter of right from prohibiting such use, or from  
5 requiring other or different or additional conditions than those speci-  
6 fied in this chapter, or otherwise regulating such use as may seem  
7 best to such owner.

#### TRAFFIC SIGNS, SIGNALS, AND MARKINGS

1 **SEC. 283. Highway commission to adopt sign manual.** The state  
2 highway commission shall adopt a manual and specifications for a  
3 uniform system of traffic-control devices consistent with the provi-  
4 sions of this chapter for use upon highways within this state. Such  
5 uniform system shall correlate with and so far as possible conform  
6 to the system then current as approved by the American association  
7 of state highway officials.

1 **SEC. 284. Highway commission to erect signs.** The state high-  
2 way commission shall place and maintain such traffic-control devices,  
3 conforming to its manual and specifications, upon all primary high-  
4 ways as it shall deem necessary to indicate and to carry out the pro-  
5 visions of this chapter or to regulate, warn, or guide traffic. When-  
6 ever practical, said devices or signs shall be purchased from the  
7 board of control.

1 **SEC. 285. Local authorities restricted.** No local authority shall  
2 place or maintain any traffic-control device upon any highway under  
3 the jurisdiction of the state highway commission except by the latter's  
4 permission.

1 **SEC. 286. Local traffic-control devices.** Local authorities in their  
2 respective jurisdiction shall place and maintain such traffic-control  
3 devices upon highways under their jurisdiction as they may deem  
4 necessary to indicate and to carry out the provisions of this chapter  
5 or local traffic ordinances or to regulate, warn, or guide traffic. All  
6 such traffic-control devices hereafter erected shall conform to the  
7 state manual and specifications.

1     **SEC. 287. Obedience to official traffic-control devices.** No driver  
2 of a vehicle or motorman of a street car shall disobey the instructions  
3 of any official traffic-control device placed in accordance with the pro-  
4 visions of this chapter, unless at the time otherwise directed by a  
5 police officer.

1     **SEC. 288. Traffic-control signal legend.** Whenever traffic is con-  
2 trolled by traffic-control signals exhibiting the words "Go", "Caution"  
3 or "Stop" or exhibiting different colored lights successively one at  
4 a time the following colors only shall be used and said terms and lights  
5 shall indicate as follows:

6     *Green alone or "Go"*

7     Vehicular traffic facing the signal may proceed straight through or  
8 turn right or left unless a sign at such place prohibits either such  
9 turn. But vehicular traffic shall yield the right-of-way to other  
10 vehicles and to pedestrians lawfully within the intersection at the  
11 time such signal is exhibited.

12     Pedestrians facing the signal may proceed across the roadway  
13 within any marked or unmarked crosswalk.

14     *Yellow alone or "Caution"* when shown following the green or "Go"  
15 signal.

16     Vehicular traffic facing the signal shall stop before entering the  
17 nearest crosswalk at the intersection, but if such stop cannot be made  
18 in safety a vehicle may be driven cautiously through the intersection.

19     Pedestrians facing such signal are thereby advised that there is in-  
20 sufficient time to cross the roadway, and any pedestrian then start-  
21 ing to cross shall yield the right-of-way to all vehicles.

22     *Red alone or "Stop".*

23     Vehicular traffic facing the signal shall stop before entering the  
24 nearest crosswalk at an intersection or at such other point as may be  
25 indicated by a clearly visible line and shall remain standing until  
26 green or "Go" is shown alone.

27     No pedestrian facing such signal shall enter the roadway unless he  
28 can do so safely and without interfering with any vehicular traffic.

29     *Red with green arrow.*

30     Vehicular traffic facing such signal may cautiously enter the inter-  
31 section only to make the movement indicated by such arrow but shall  
32 not interfere with other traffic or endanger pedestrians lawfully  
33 within a crosswalk.

34     No pedestrian facing such signal shall enter the roadway unless he  
35 can do so safely and without interfering with any vehicular traffic.

36     The motorman of any street car shall obey all the above signals as  
37 applicable to vehicles.

1     **SEC. 289. Flashing signals.** Whenever flashing red or yellow sig-  
2 nals are used they shall require obedience by vehicular traffic as fol-  
3 lows:

4     1. *Flashing red* (Stop signal). When a red lens is illuminated by  
5 rapid intermittent flashes, drivers of vehicles shall stop before en-  
6 tering the nearest crosswalk at an intersection or at a limit line when  
7 marked and the right to proceed shall be subject to the rules appli-  
8 cable after making a stop at a stop sign.

9     2. *Flashing yellow* (Caution signal). When a yellow lens is il-  
10 luminated with rapid intermittent flashes, drivers of vehicles may

11 proceed through the intersection or past such signal only with cau-  
12 tion.

1     **SEC. 290. Unauthorized signs, signals, or markings.** No person  
2 shall place, maintain, or display upon or in view of any highway any  
3 unauthorized sign, signal, marking, or device which purports to be or  
4 is an imitation of or resembles an official parking sign, curb or other  
5 marking, traffic-control device or railroad sign or signal, or which  
6 attempts to direct the movement of traffic, or which hides from view  
7 or interferes with the effectiveness of any official traffic-control device  
8 or any railroad sign or signal, and no person shall place or maintain  
9 nor shall any public authority permit upon any highway any traffic  
10 sign or signal bearing thereon any commercial advertising. This  
11 shall not be deemed to prohibit the erection upon private property  
12 adjacent to highways of signs giving useful directional information  
13 of a type that cannot be mistaken for official signs.

14     Every such prohibited sign, signal, or marking is hereby declared  
15 to be a public nuisance and the authority having jurisdiction over the  
16 highway is hereby empowered to remove the same or cause it to be  
17 removed without notice.

1     **SEC. 291. Interference with devices, signs, or signals.** No person  
2 shall without lawful authority attempt to or in fact alter, deface,  
3 injure, knock down, or remove any official traffic-control device or  
4 any railroad sign or signal or any inscription, shield, or insignia  
5 thereon, or any other part thereof.

#### ACCIDENTS

1     **SEC. 292. Death or personal injuries.** The driver of any vehicle  
2 involved in an accident resulting in injury to or death of any person  
3 shall immediately stop such vehicle at the scene of such accident or  
4 as close thereto as possible but shall then forthwith return to and in  
5 every event shall remain at the scene of the accident until he has  
6 fulfilled the requirements of section two hundred ninety-four (294).  
7 Every such stop shall be made without obstructing traffic more than  
8 is necessary.

9     Any person failing to stop or to comply with said requirements un-  
10 der such circumstances shall upon conviction be punished by im-  
11 prisonment\* for not less than thirty days nor more than one year or  
12 by fine of not less than one hundred dollars nor more than five thou-  
13 sand dollars, or by both such fine and imprisonment.

14     The commissioner shall revoke the operator's or chauffeur's license  
15 of the person so convicted.

1     **SEC. 293. Damage to vehicle.** The driver of any vehicle involved  
2 in an accident resulting only in damage to a vehicle which is driven or  
3 attended by any person shall immediately stop such vehicle at the  
4 scene of such accident or as close thereto as possible but shall forth-  
5 with return to and in every event shall remain at the scene of such  
6 accident until he has fulfilled the requirements of section two hundred  
7 ninety-four (294). Every such stop shall be made without obstruct-  
8 ing traffic more than is necessary. Any person failing to stop or  
9 comply with said requirements under such circumstances shall be

\*Note: Place of imprisonment not specified in enrolled bill.

10 guilty of a misdemeanor and punished as provided in section five  
11 hundred (500).

1     **SEC. 294. Information and aid.** The driver of any vehicle involved  
2 in an accident resulting in injury to or death of any person or damage  
3 to any vehicle which is driven or attended by any person shall give  
4 his name, address, and the registration number of the vehicle he is  
5 driving and shall upon request and if available exhibit his operator's  
6 or chauffeur's license to the person struck or the driver or occupant  
7 of or person attending any vehicle collided with and shall render to  
8 any person injured in such accident reasonable assistance, including  
9 the carrying, or the making of arrangements for the carrying, of  
10 such person to a physician, surgeon, or hospital for medical or  
11 surgical treatment if it is apparent that such treatment is necessary  
12 or if such carrying is requested by the injured person.

1     **SEC. 295. Striking unattended vehicle.** The driver of any vehicle  
2 which collides with any vehicle which is unattended shall immediately  
3 stop and shall then and there either locate and notify the operator or  
4 owner of such vehicle of the name and address of the driver and  
5 owner of the vehicle striking the unattended vehicle or shall leave in  
6 a conspicuous place in the vehicle struck a written notice giving the  
7 name and address of the driver and of the owner of the vehicle  
8 doing the striking and a statement of the circumstances thereof.

1     **SEC. 296. Striking fixtures upon a highway.** The driver of any  
2 vehicle involved in an accident resulting only in damage to property  
3 legally upon or adjacent to a highway shall take reasonable steps to  
4 locate and notify the owner or person in charge of such property of  
5 such fact and of his name and address and of the registration number  
6 of the vehicle he is driving and shall upon request and if available  
7 exhibit his operator's or chauffeur's license and shall make report of  
8 such accident when and as required in section two hundred ninety-  
9 seven (297).

1     **SEC. 297. Reporting accidents.** The driver of a vehicle involved  
2 in an accident resulting in injury to or death of any person or total  
3 property damage to an apparent extent of twenty-five dollars or  
4 more shall, immediately after such accident, report the accident, to-  
5 gether with the said information, at the office of some peace officer  
6 as near as practicable to the place of injury or to the county attorney  
7 or sheriff of the county in which said injury took place. A report  
8 shall be made by the peace officer to whom a report of an accident is  
9 made on duplicate forms furnished by the department, one of which  
10 shall be immediately forwarded by said peace officer to the depart-  
11 ment, in containers furnished and postage paid by the department.  
12 The parent or personal guardian of a minor driver may, if present at  
13 the accident, make the report required by this section.

1     **SEC. 298. Supplemental reports.** The department may require  
2 any driver of a vehicle involved in an accident of which report must  
3 be made as provided in section two hundred ninety-seven (297) to  
4 file supplemental reports whenever the original report is insufficient  
5 in the opinion of the department and may require witnesses of acci-  
6 dents to render reports to the department.

1     **SEC. 299. Driver unable to report.** Whenever the driver of a  
2 vehicle is physically incapable of making a required accident report  
3 and there was another occupant in the vehicle at the time of the acci-  
4 dent capable of making a report, such occupant shall make or cause  
5 to be made said report.

1     **SEC. 300. Accident report forms.** The department shall prepare  
2 and upon request supply to police departments, coroners, sheriffs,  
3 and other suitable agencies or individuals, forms for accident reports  
4 required hereunder, which reports shall call for sufficiently detailed  
5 information to disclose with reference to a traffic accident the cause,  
6 condition then existing, and the persons and vehicles involved.  
7     Every required accident report shall be made on a form approved  
8 by the department if said form is available.

1     **SEC. 301. Coroners to report.** Every coroner or other official per-  
2 forming like functions shall on or before the tenth day of each month  
3 report in writing to the department the death of any person within  
4 his jurisdiction during the preceding calendar month as the result  
5 of an accident involving a motor vehicle and the circumstances of  
6 such accident.

1     **SEC. 302. Reports confidential.** All required accident reports and  
2 supplemental reports shall be without prejudice to the individual so  
3 reporting and shall be for the confidential use of the department ex-  
4 cept that the department shall disclose the identity of a person in-  
5 volved in an accident when such identity is not otherwise known or  
6 when such person denies his presence at such accident. No such re-  
7 port shall be used as evidence in any trial, civil or criminal, arising  
8 out of an accident, except that the department shall furnish upon  
9 demand of any person who has, or claims to have, made such a re-  
10 port or, upon demand of any court, a certificate showing that a speci-  
11 fied accident report has or has not been made to the department solely  
12 to prove a compliance or a failure to comply with the requirement  
13 that such a report be made to the department.

1     **SEC. 303. Tabulation of reports.** The department shall tabulate  
2 and may analyze all accident reports and shall publish annually or at  
3 more frequent intervals statistical information based thereon as to  
4 the number and circumstances of traffic accidents.

1     **SEC. 304. City may require reports.** Any incorporated city, town,  
2 or other municipality may by ordinance require that the driver of a  
3 vehicle involved in an accident shall also file with a designated city  
4 department a report of such accident or a copy of any report herein  
5 required to be filed with the department. All such reports shall be  
6 for the confidential use of the city department and subject to the pro-  
7 visions of section three hundred two (302).

1     **SEC. 305. Accidents in first class cities.** When the accident occurs  
2 within the corporate limits of any city of the first class, the accident  
3 and all information in connection therewith, as required in this chap-  
4 ter, shall be reported at the office of the chief of police and when re-  
5 ported elsewhere shall not constitute a compliance with the provi-  
6 sions of this section.



## ACCIDENT LIABILITY

1     **SEC. 306. Suspension of licenses.** Whenever a final judgment is  
2 recovered in any court of record of this state in an action for damages  
3 for injury to or death of a person or for injury to property caused  
4 by the operation or ownership of any motor vehicle on the highways  
5 of the state, and such judgment shall remain unsatisfied and unstayed  
6 for a period of sixty days after the entry thereof, a transcript of such  
7 judgment duly authenticated may be filed with the commissioner and  
8 thereupon the commissioner shall forthwith suspend the license, if  
9 any, of the judgment debtor or debtors, as the case may be, to operate  
10 a motor vehicle on the highways of the state and shall forthwith sus-  
11 pend the registration of any and every motor vehicle registered in  
12 the name of such judgment debtor or debtors, and the commissioner  
13 shall forthwith notify such owner or owners by registered mail of  
14 such cancellation and the owner or owners so notified shall immedi-  
15 ately upon receipt of such notice surrender to the county treasurer  
16 all registration plates so suspended, and such suspension shall not be  
17 removed nor such registration plates returned by the county treas-  
18 urer nor shall a license to operate a motor vehicle thereafter be is-  
19 sued to such judgment debtor or debtors, nor shall a motor vehicle  
20 be registered in the name of such judgment debtor or debtors until  
21 proof that such judgment has been stayed, satisfied or otherwise dis-  
22 charged of record shall be filed with the county treasurer.

1     **SEC. 307. Satisfaction of judgment.** When five thousand dollars  
2 has been credited upon any judgment or judgments, rendered in ex-  
3 cess of that amount for personal injury to or the death of one per-  
4 son as the result of any one accident, or, when subject to the limit  
5 of five thousand dollars for each person, the sum of ten thousand  
6 dollars has been credited upon any judgments rendered in excess of  
7 that amount for personal injury to or the death of more than one  
8 person as a result of any one accident, or, when one thousand dollars  
9 has been credited upon any judgment or judgments, rendered in ex-  
10 cess of that amount for damage to property as the result of any one  
11 accident, resulting from the ownership or operation of a motor vehicle  
12 by such judgment debtor, or with his permission express or implied,  
13 then and in such event such payments or payment shall be deemed a  
14 satisfaction of such judgment or judgments for the purposes of this  
15 section only.

1     **SEC. 308. Final judgment defined.** No judgment shall be deemed  
2 final after an appeal from such judgment is perfected and a super-  
3 sedeas bond is executed, filed and approved as provided in section  
4 twelve thousand eight hundred fifty-eight (12858) of the code.

1     **SEC. 309. Registration reinstated.** If after registration has been  
2 suspended a judgment is satisfied or otherwise stayed or rendered  
3 non-final by the perfecting of an appeal and by the execution, filing,  
4 and approval of a supersedeas bond, the county treasurer shall rein-  
5 state and reregister such registrations so suspended, and shall forth-  
6 with return such registration plates so surrendered, and the depart-  
7 ment shall return the operator's or chauffeur's license so suspended.

1     **SEC. 310. Operation during suspension.** The operation of a motor  
2 vehicle on the highways of this state during the period of such sus-

3 pension by any person whose right to operate a motor vehicle in this  
 4 state shall have been suspended under the provisions of sections three  
 5 hundred six (306) and three hundred seven (307) shall constitute a  
 6 misdemeanor, and upon conviction thereof, shall be punished by a  
 7 fine of not less than twenty-five dollars, nor more than one hun-  
 8 dred dollars.

#### DRIVING WHILE INTOXICATED AND RECKLESS DRIVING

1 **SEC. 311. Assaults and homicide.** A conviction of the violation of  
 2 any of the provisions of this chapter shall not be a bar to a prosecu-  
 3 tion for an assault or for a homicide committed by any person in  
 4 operating motor vehicles.

1 **SEC. 312. Operating while intoxicated.** Whoever, while in an in-  
 2 toxicated condition or under influence of narcotic drugs, operates a  
 3 motor vehicle upon the public highways of this state, shall, upon  
 4 conviction or a plea of guilty, be punished, for the first offense by  
 5 a fine of not less than three hundred dollars nor more than one  
 6 thousand dollars, or by imprisonment in the county jail for a period  
 7 of not to exceed one year, or by both such fine and imprisonment;  
 8 for the second offense by a fine of not less than five hundred dollars,  
 9 nor more than one thousand dollars, or by imprisonment in the peni-  
 10 tentiary for a period of not to exceed one year, or by both such fine  
 11 and imprisonment; and for a third offense by imprisonment in the  
 12 penitentiary for a period not to exceed three years.

1 **SEC. 313. Violations.** If any person who has been convicted or  
 2 pleaded guilty to driving or operating a motor vehicle upon the pub-  
 3 lic highways of this state while in an intoxicated condition is found  
 4 driving or operating any motor vehicle in violation of the provisions  
 5 of sections two hundred five (205) and two hundred forty (240) he  
 6 shall, without regard to any other punishment provided by law, be  
 7 imprisoned in the county jail for a period of not to exceed thirty days.

1 **SEC. 314. Reckless driving.** Any person who drives any vehicle in  
 2 such manner as to indicate either a wilful or a wanton disregard  
 3 for the safety of persons or property is guilty of reckless driving.

1 **SEC. 315. Punishment.** Every person convicted of reckless driv-  
 2 ing shall be punished upon a conviction by imprisonment\* for a  
 3 period of not more than thirty days, or by fine of not less than twenty-  
 4 five dollars, nor more than one hundred dollars.

#### SPEED RESTRICTIONS

1 **SEC. 316. Speed restrictions.** Any person driving a motor vehicle  
 2 on a highway shall drive the same at a careful and prudent speed not  
 3 greater than nor less than is reasonable and proper, having due re-  
 4 gard to the traffic, surface and width of the highway and of any other  
 5 conditions then existing, and no person shall drive any vehicle upon  
 6 a highway at a speed greater than will permit him to bring it to a stop  
 7 within the assured clear distance ahead, such driver having the right

\*Note: Place of imprisonment not fixed in enrolled bill.

8 to assume, however, that all persons using said highway will observe  
9 the law.

10 The following shall be the lawful speed except as hereinbefore or  
11 hereinafter modified, and any speed in excess thereof shall be un-  
12 lawful:

- 13 1. Twenty miles (20) per hour in any business or school district.
- 14 2. Twenty-five (25) miles per hour in any residence district.
- 15 3. Thirty-five (35) miles per hour for any motor vehicle drawing  
16 another vehicle.

1 **SEC. 317. Truck speed limits.** It shall be unlawful for the driver  
2 of a freight carrying vehicle, with a gross weight of over 5,000  
3 pounds, to drive the same at a speed exceeding the following:

- 4 1. Forty miles per hour for any freight carrying vehicle which is  
5 equipped with pneumatic tires.
- 6 2. Twenty miles per hour for any freight carrying vehicle equipped  
7 with solid rubber tires, if the weight of the vehicle and load is less  
8 than six tons, and twelve miles per hour for any freight carrying  
9 vehicle equipped with solid rubber tires, if the weight of the vehicle  
10 and load is more than six tons.

1 **SEC. 318. Bus speed limits.** No passenger carrying motor vehicle  
2 used as a common carrier, except school busses, shall be driven upon  
3 the highways at a greater rate of speed than forty-five miles per  
4 hour. No school bus shall be operated in violation of section four  
5 hundred three (403).

1 **SEC. 319. Control of vehicle.** The person operating a motor vehicle  
2 or motorcycle shall have the same under control and shall reduce the  
3 speed to a reasonable and proper rate:

- 4 1. When approaching and passing a person walking in the traveled  
5 portion of the public highway.
- 6 2. When approaching and passing an animal which is being led,  
7 ridden, or driven upon a public highway.
- 8 3. When approaching and traversing a crossing or intersection of  
9 public highways, or a bridge, or a sharp turn, or a curve, or a steep  
10 descent, in a public highway.

1 **SEC. 320. Speed signs—duty to install.** The state highway com-  
2 mission shall furnish and place on primary roads or on extensions  
3 of primary roads within any city or town suitable standard signs  
4 showing the points at which the rate of speed changes and the maxi-  
5 mum rate of speed in the district which the vehicle is entering. On  
6 all other main highways the city or town shall furnish and erect  
7 suitable signs giving similar information to traffic on such highways.

1 **SEC. 321. Special restrictions.** Whenever the state highway com-  
2 mission shall determine upon the basis of an engineering and traffic  
3 investigation that any speed limit hereinbefore set forth is greater  
4 than is reasonable or safe under the conditions found to exist at any  
5 intersection or other place or upon any part of a highway, said com-  
6 mission shall determine and declare a reasonable and safe speed  
7 limit thereat which shall be effective when appropriate signs giving  
8 notice thereof are erected at such intersection or other place or part  
9 of the highway.

1     **SEC. 322. Information or notice.** In every charge of violation of  
2 sections three hundred sixteen (316) to three hundred eighteen  
3 (318), inclusive, the information, also the notice to appear, shall  
4 specify the speed at which the defendant is alleged to have driven,  
5 also the speed limit applicable within the district or at the location.

1     **SEC. 323. Civil action unaffected.** The foregoing provisions of  
2 sections three hundred sixteen (316) to three hundred eighteen (318)  
3 inclusive, shall not be construed to relieve the plaintiff in any civil  
4 action from the burden of proving negligence upon the part of the  
5 defendant as the proximate cause of an accident.

1     **SEC. 324. Local authorities may alter limits.** Local authorities in  
2 their respective jurisdiction may in their discretion authorize by  
3 ordinance higher speeds than those stated in section three hundred  
4 sixteen (316) upon through highways or upon highways or portions  
5 thereof where stop signs have been erected at the entrances thereto  
6 provided signs are erected giving notice of the authorized speed, but  
7 local authorities shall not have authority to authorize by ordinance a  
8 speed in excess of fifty-five miles per hour.

1     **SEC. 325. Minimum speed regulation.** No person shall drive a  
2 motor vehicle at such a slow speed as to impede or block the normal  
3 and reasonable movement of traffic except when reduced speed is  
4 necessary for safe operation or in compliance with law. Peace of-  
5 ficers are hereby authorized to enforce this provision by directions to  
6 drivers, and in the event of apparent wilful disobedience to this pro-  
7 vision and refusal to comply with direction of an officer in accordance  
8 herewith the continued slow operation by a driver shall be a mis-  
9 demeanor, and be punished as provided in section five hundred (500).

1     **SEC. 326. Limitation on elevated structures.** No person shall  
2 drive a vehicle over any bridge or other elevated structure consti-  
3 tuting a part of a highway at a speed which is greater than the maxi-  
4 mum speed which can be maintained with safety to such bridge or  
5 structure, when such structure is sign-posted as provided in this  
6 section.

7     The state highway commission upon request from any local au-  
8 thority shall, or upon its own initiative may, conduct an investiga-  
9 tion of any bridge or other elevated structure constituting a part  
10 of a highway, and if it shall thereupon find that such structure can-  
11 not with safety to itself withstand vehicles traveling at the speed  
12 otherwise permissible under this chapter, the commission shall de-  
13 termine and declare the maximum speed of vehicles which such struc-  
14 ture can withstand, and shall cause or permit suitable signs stating  
15 such maximum speed to be erected and maintained at a distance of  
16 two hundred feet before each end of such structure.

17     Upon the trial of any person charged with a violation of this sec-  
18 tion, proof of said determination of the maximum speed by said  
19 commission and the existence of said signs shall constitute conclusive  
20 evidence of the maximum speed which can be maintained with safety  
21 to such bridge or structure.

1     **SEC. 327. Emergency vehicles—speed.** The speed limitations set  
2 forth in this chapter shall not apply to authorized emergency vehicles

3 when responding to emergency calls and the drivers thereof sound  
 4 audible signal by bell, siren, or exhaust whistle. This provision shall  
 5 not relieve the driver of an authorized emergency vehicle from the  
 6 duty to drive with due regard for the safety of all persons using the  
 7 streets, nor shall it protect the driver of any such vehicle from the  
 8 consequence of his negligence.

DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING  
 AND PASSING, ETC.

1 SEC. 328. **Traveling on right-hand side.** The operator of a motor  
 2 vehicle, in cities and towns, shall at all times travel on the right-  
 3 hand side of the center of the street.

1 SEC. 329. **Meeting and turning to right.** Persons on horseback, or  
 2 in vehicles, including motor vehicles, meeting each other on the public  
 3 highway, shall give one-half of the traveled way thereof by turning  
 4 to the right.

1 SEC. 330. **Overtaking a vehicle.** The following rules shall govern  
 2 the overtaking and passing of vehicles proceeding in the same di-  
 3 rection, subject to those limitations, exceptions, and special rules  
 4 hereinafter stated:

5 The driver of a vehicle overtaking another vehicle proceeding in  
 6 the same direction shall pass to the left thereof at a safe distance  
 7 and shall not again drive to the right side of the roadway until safely  
 8 clear of the overtaken vehicle.

9 Except when overtaking and passing on the right is permitted, the  
 10 driver of an overtaken vehicle shall give way to the right in favor of  
 11 the overtaking vehicle on audible signal and shall not increase the  
 12 speed of his vehicle until completely passed by the overtaking vehicle.

1 SEC. 331. **Failure to recognize signal.** Any driver of a vehicle  
 2 that is overtaken by a faster moving vehicle who fails to heed the  
 3 signal of the overtaking vehicle when it is given under such circum-  
 4 stances that he could, by the exercise of ordinary care and observa-  
 5 tion and precaution, hear such signal and who fails to yield that part  
 6 of the traveled way as herein provided, shall be guilty of a misde-  
 7 meanor punishable as provided in section five hundred (500).

1 SEC. 332. **Burden of proof.** Upon proof that a signal was given as  
 2 contemplated by section three hundred thirty-one (331), the bur-  
 3 den shall rest upon the accused to prove that he did not hear said  
 4 signal.

1 SEC. 333. **Overtaking on the right.** The driver of a vehicle may  
 2 overtake and pass upon the right of another vehicle which is making  
 3 or about to make a left turn.

4 The driver of a vehicle may overtake and, allowing sufficient clear-  
 5 ance, pass another vehicle proceeding in the same direction either  
 6 upon the left or upon the right on a roadway with unobstructed pave-  
 7 ment of sufficient width for four or more lines of moving traffic when  
 8 such movement can be made in safety. No person shall drive off the  
 9 pavement or upon the shoulder of the roadway in overtaking or pass-  
 10 ing on the right.

1     **SEC. 334. Limitations on overtaking on the left.** No vehicle shall  
2 be driven to the left side of the center of the roadway in overtaking  
3 and passing another vehicle proceeding in the same direction unless  
4 such left side is clearly visible and is free of oncoming traffic for a  
5 sufficient distance ahead to permit such overtaking and passing to  
6 be completely made without interfering with the safe operation of  
7 any vehicle approaching from the opposite direction or any vehicle  
8 overtaken. In every event the overtaking vehicle must return to  
9 the right-hand side of the roadway before coming within one hundred  
10 feet of any vehicle approaching from the opposite direction.

1     **SEC. 335. Prohibited passing.** No vehicle shall, in overtaking and  
2 passing another vehicle or at any other time, be driven to the left  
3 side of the roadway under the following conditions:  
4     1. When approaching the crest of a grade or upon a curve in the  
5 highway where the driver's view along the highway is obstructed  
6 for a distance of approximately seven hundred feet;  
7     2. When approaching within one hundred feet of any narrow  
8 bridge, viaduct, or tunnel, when so sign-posted, or when approach-  
9 ing within one hundred feet of or traversing any intersection or  
10 railroad grade crossing;  
11     3. Where official signs are in place directing that traffic keep to  
12 the right or a distinctive center line is marked, which distinctive  
13 line also so directs traffic as declared in the sign manual adopted by  
14 the state highway commission.

1     **SEC. 336. One-way roadways and rotary traffic islands.** Upon a  
2 roadway designated and sign-posted for one-way traffic a vehicle  
3 shall be driven only in the direction designated.  
4     A vehicle passing around a rotary traffic island shall be driven  
5 only to the right of such island.

1     **SEC. 337. Roadways laned for traffic.** Whenever any roadway has  
2 been divided into three or more clearly marked lanes for traffic the  
3 following rules in addition to all others consistent herewith shall  
4 apply:  
5     A vehicle shall be driven as nearly as practical entirely within a  
6 single lane and shall not be moved from such lane until the driver  
7 has first ascertained that such movement can be made with safety.  
8     Upon a roadway which is divided into three lanes a vehicle shall  
9 not be driven in the center lane except when overtaking and passing  
10 another vehicle where the roadway is clearly visible and such center  
11 lane is clear of traffic within a safe distance, or in preparation for  
12 a left turn or where such center lane is at the time allocated ex-  
13 clusively to traffic moving in the direction the vehicle is proceeding  
14 and is sign-posted to give notice of such allocation.  
15     Official signs may be erected directing slow-moving traffic to use  
16 a designated lane or allocating specified lanes to traffic moving in  
17 the same direction and drivers of vehicles shall obey the directions  
18 of every such sign.

1     **SEC. 338. Following too closely.** The driver of a motor vehicle  
2 shall not follow another vehicle more closely than is reasonable and  
3 prudent, having due regard for the speed of such vehicles and the  
4 traffic upon and the condition of the highway.

1     **SEC. 339. Spacing in convoys.** The driver of any motor truck, or  
 2 of a motor vehicle drawing another vehicle, when traveling upon a  
 3 roadway, outside of a business or residence district shall not follow  
 4 within three hundred feet of another motor truck, or of a motor  
 5 vehicle drawing another vehicle. The provisions of this section  
 6 shall not be construed to prevent overtaking and passing nor shall  
 7 the same apply upon any lane specially designated for use by motor  
 8 trucks.

1     **SEC. 339-a1.** No person shall pull or tow by motor vehicle another  
 2 motor vehicle over any highway outside the limits of any incorpo-  
 3 rated city or town, except in case of temporary movement for repair  
 4 or other emergency, unless such person has complied with the pro-  
 5 visions of sections eighty-eight (88) and eighty-nine (89) of this  
 6 act. Provided, however, if such person is a non-resident of the  
 7 State of Iowa, and has complied with the laws of the state of his  
 8 residence governing licensing and registration as a transporter of  
 9 motor vehicles he shall not be required to pay the fee provided in  
 10 Section eighty-nine (89) but only to submit proof of his status as  
 11 a bona fide manufacturer or transporter as may reasonably be re-  
 12 quired by the department.

13     Every person pulling or towing by motor vehicle another motor  
 14 vehicle in convoy or caravan shall maintain a distance of at least  
 15 500 feet between the units of said convoy or caravan.

16     The drawbar or towing arm between a motor vehicle pulling or  
 17 towing another motor vehicle shall be of a type approved by the  
 18 commissioner.

19     No truck shall, after January 1, 1939, pull or tow any four-wheeled  
 20 trailer, and no semi-trailer shall pull or tow any additional trailer  
 21 over any of the highways in this state, except in case of temporary  
 22 movement for repair or emergency, and then only to the nearest  
 23 town or city where the necessary repairs may be made.

#### TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

1     **SEC. 340. Turning at intersections.** The driver of a vehicle in-  
 2 tending to turn at an intersection shall do so as follows:

3     Both the approach for a right turn and right turn\* shall be made  
 4 as close as practical to the right-hand curb or edge of the roadway.

5     Approach for a left turn shall be made in that portion of the right  
 6 half of the roadway nearest the center line thereof and after enter-  
 7 ing the intersection the left turn shall be made so as to depart from  
 8 the intersection to the right of the center line of the roadway being  
 9 entered.

10     Approach for a left turn from a two-way street into a one-way  
 11 street shall be made in that portion of the right half of the roadway  
 12 nearest the center line thereof and by passing to the right of such  
 13 center line where it enters the intersection. A left turn from a one-  
 14 way street into a two-way street shall be made by passing to the  
 15 right of the center line of the street being entered upon leaving the  
 16 intersection.

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\*Note: In accordance with enrolled bill.

17 Local authorities in their respective jurisdictions may cause mark-  
 18 ers, buttons, or signs to be placed within or adjacent to intersections  
 19 and thereby require and direct that a different course from that  
 20 specified in this section be traveled by vehicles turning at an inter-  
 21 section, and when markers, buttons, or signs are so placed no driver  
 22 of a vehicle shall turn a vehicle at an intersection other than as di-  
 23 rected and required by such markers, buttons, or signs.

1 **SEC. 341. Turning on curve or crest of grade.** No vehicle shall be  
 2 turned so as to proceed in the opposite direction upon any curve,  
 3 or upon the approach to, or near the crest of a grade or hill, where  
 4 such vehicle cannot be seen by the driver of any other vehicle ap-  
 5 proaching from either direction within five hundred feet.

1 **SEC. 342. Starting parked vehicle.** No person shall start a vehicle  
 2 which is stopped, standing, or parked unless and until such move-  
 3 ment can be made with reasonable safety.

1 **SEC. 343. When signal required.** No person shall turn a vehicle  
 2 from a direct course upon a highway unless and until such move-  
 3 ment can be made with reasonable safety and then only after giving  
 4 a clearly audible signal by sounding the horn if any pedestrian may  
 5 be affected by such movement or after giving an appropriate signal  
 6 in the manner hereinafter provided in the event any other vehicle  
 7 may be affected by such movement.

1 **SEC. 344. Signal continuous.** A signal of intention to turn right  
 2 or left shall be given continuously during not less than the last one  
 3 hundred feet traveled by the vehicle before turning.

1 **SEC. 345. Stopping.** No person shall stop or suddenly decrease  
 2 the speed of a vehicle without first giving an appropriate signal in  
 3 the manner provided herein to the driver of any vehicle immediately  
 4 to the rear when there is opportunity to give such signal.

1 **SEC. 346. Signals by hand and arm or signal device.** The signals  
 2 herein required may be given either by means of the hand and arm  
 3 or other proper signal or by a signal lamp or signal device of a type  
 4 approved by the department, but when a vehicle is so constructed or  
 5 loaded that a hand and arm signal or other signal would not be  
 6 visible both to the front and rear of such vehicle then said signals  
 7 must be given by a signal lamp or device of a type approved by the  
 8 department.

1 **SEC. 347. Method of giving hand and arm signals.** All signals  
 2 herein required which may be given by hand and arm shall when so  
 3 given be given from the left side of the vehicle and the following  
 4 manner and interpretation thereof is suggested:

- 5 1. Left turn.—Hand and arm extended horizontally.
- 6 2. Right turn.—Hand and arm extended upward.
- 7 3. Stop or decrease of speed.—Hand and arm extended downward.

#### RIGHT-OF-WAY

1 **SEC. 348. Approaching or entering intersections.** The driver of a  
 2 vehicle approaching an intersection shall yield the right-of-way to  
 3 a vehicle which has entered the intersection from a different high-  
 4 way.



5 When two vehicles enter an intersection from different highways  
6 at the same time the driver of the vehicle on the left shall yield the  
7 right-of-way to the vehicle on the right.

8 The foregoing rules are modified at through highways and other-  
9 wise as hereinafter stated in this chapter.

1 **SEC. 349. Turning left at intersection.** The driver of a vehicle  
2 within an intersection intending to turn to the left shall yield the  
3 right-of-way to any vehicle approaching from the opposite direction  
4 which is within the intersection or so close thereto as to constitute  
5 an immediate hazard, but said driver, having so yielded and having  
6 given a signal when and as required by this chapter, may make such  
7 left turn and the drivers of all other vehicles approaching the inter-  
8 section from said opposite direction shall yield the right-of-way to  
9 the vehicle making the left turn.

1 **SEC. 350. Entering through highways.** The driver of a vehicle  
2 shall stop as required by this chapter at the entrance to a through  
3 highway and shall yield the right-of-way to other vehicles which have  
4 entered the intersection from said through highway or which are ap-  
5 proaching so closely on said through highway as to constitute a haz-  
6 ard, but said driver having so yielded may proceed cautiously and  
7 with due care enter said through highway.

1 **SEC. 351. Entering stop intersection.** The driver of a vehicle  
2 shall likewise stop in obedience to a stop sign as required herein at  
3 an intersection where a stop sign is erected at one or more entrances  
4 thereto although not a part of a through highway and shall proceed  
5 cautiously, yielding to vehicles not so obliged to stop which are  
6 within the intersection or approaching so closely as to constitute a  
7 hazard, but may then proceed.

1 **SEC. 352. Entering from private driveway.** The driver of a ve-  
2 hicle about to enter or cross a highway from a private road or drive-  
3 way shall yield the right-of-way to all vehicles approaching on said  
4 highway.

1 **SEC. 353. Operation on approach of emergency vehicles.** Upon  
2 the immediate approach of an authorized emergency vehicle, when  
3 the driver is giving audible signal by siren, exhaust whistle, or bell,  
4 the driver of every other vehicle shall yield the right-of-way and  
5 shall immediately drive to a position parallel to, and as close as  
6 possible to, the right-hand edge or curb of the highway clear of any  
7 intersection and shall stop and remain in such position until the au-  
8 thorized emergency vehicle has passed, except when otherwise di-  
9 rected by a police officer.

10 Upon the approach of an authorized emergency vehicle, as above  
11 stated, the motorman of every street car shall immediately stop such  
12 car clear of any intersection and keep it in such position until the  
13 authorized emergency vehicle has passed, except when otherwise  
14 directed by a police officer.

15 This section shall not operate to relieve the driver of an authorized  
16 emergency vehicle from the duty to drive with due regard for the  
17 safety of all persons using the highway.

## PEDESTRIANS' RIGHTS AND DUTIES

1 SEC. 354. **Pedestrians subject to signals.** Pedestrians shall be  
2 subject to traffic-control signals at intersections as heretofore de-  
3 clared in this chapter, but at all other places pedestrians shall be  
4 accorded the privileges and shall be subject to the restrictions stated  
5 in sections three hundred fifty-five (355) to three hundred fifty-nine  
6 (359), inclusive.

1 SEC. 354-a. Pedestrians shall at all times when walking on or  
2 along a highway, walk on the left side of such highway.

1 SEC. 355. **Pedestrians' right-of-way.** Where traffic-control sig-  
2 nals are not in place or in operation the driver of a vehicle shall yield  
3 the right-of-way, slowing down or stopping if need be to so yield, to  
4 a pedestrian crossing the roadway within any marked crosswalk or  
5 within any unmarked crosswalk at an intersection, except as other-  
6 wise provided in this chapter.

1 SEC. 356. **Crossing at other than crosswalk.** Every pedestrian  
2 crossing a roadway at any point other than within a marked cross-  
3 walk or within an unmarked crosswalk at an intersection shall yield  
4 the right-of-way to all vehicles upon the roadway.

5 Any pedestrian crossing a roadway at a point where a pedestrian  
6 tunnel or overhead pedestrian crossing has been provided shall yield  
7 the right-of-way to all vehicles upon the roadway.

8 Where traffic-control signals are in operation at any place not an  
9 intersection pedestrians shall not cross at any place except in a  
10 marked crosswalk.

1 SEC. 357. **Duty of driver.** Notwithstanding the provisions of sec-  
2 tion three hundred fifty-six (356) every driver of a vehicle shall exer-  
3 cise due care to avoid colliding with any pedestrian upon any road-  
4 way and shall give warning by sounding the horn when necessary  
5 and shall exercise due care upon observing any child or any confused  
6 or incapacitated person upon a roadway.

1 SEC. 358. **Use of crosswalks.** Pedestrians shall move, whenever  
2 practicable, upon the right half of crosswalks.

1 SEC. 359. **Pedestrians soliciting rides.** No person shall stand in  
2 a roadway for the purpose of soliciting a ride from the driver of any  
3 private vehicle.

4 Nothing in this section or this act shall be construed so as to pre-  
5 vent any pedestrian from standing on that portion of the highway or  
6 roadway, not ordinarily used for vehicular traffic, for the purpose  
7 of soliciting a ride from the driver of any vehicle.

## STREET CARS AND SAFETY ZONES

1 SEC. 360. **Passing street car on left.** The driver of a vehicle shall  
2 not overtake and pass upon the left nor drive upon the left side of  
3 any street car proceeding in the same direction, whether such street  
4 car is actually in motion or temporarily at rest, except:

- 5 1. When so directed by a police officer;
- 6 2. When upon a one-way street; or

7 3. When upon a street where the tracks are so located as to pre-  
8 vent compliance with this section.

1 SEC. 361. **Caution when passing.** The driver of any vehicle when  
2 permitted to overtake and pass upon the left of a street car which  
3 has stopped for the purpose of receiving or discharging any passen-  
4 ger shall reduce speed and may proceed only upon exercising due  
5 caution for pedestrians and shall accord pedestrians the right-of-way  
6 when required by other sections of this chapter.

1 SEC. 362. **Passing street car on right.** The driver of a vehicle  
2 overtaking upon the right any street car stopped or about to stop  
3 for the purpose of receiving or discharging any passenger shall stop  
4 such vehicle at least five feet to the rear of the nearest running board  
5 or door of such street car and thereupon remain standing until all  
6 passengers have boarded such car or upon alighting have reached a  
7 place of safety, except that where a safety zone has been established  
8 a vehicle need not be brought to a stop before passing any such street  
9 car but may proceed past such car at a speed not greater than is  
10 reasonable and proper and with due caution for the safety of pedes-  
11 trians.

1 SEC. 363. **Driving on street car tracks.** The driver of any ve-  
2 hicle proceeding upon any street-car track in front of a street car  
3 upon a street shall remove such vehicle from the track as soon as  
4 practical after signal from the operator of said street car.

1 SEC. 364. **Driving in front of street car.** When a street car has  
2 started to cross an intersection, no driver of a vehicle shall drive  
3 upon or cross the car tracks within the intersection in front of the  
4 street car.

1 SEC. 365. **Driving through safety zone.** No vehicle shall at any  
2 time be driven through or within a safety zone.

#### SPECIAL STOPS REQUIRED

1 SEC. 366. **Obedience to signal of train.** Whenever any person  
2 driving a vehicle approaches a railroad grade crossing and warning  
3 is given by automatic signal or crossing gates or a flagman or other-  
4 wise of the immediate approach of a train, the driver of such vehicle  
5 shall stop within fifty feet but not less than ten feet from the nearest  
6 track of such railroad and shall not proceed until he can do so safely.  
7 The driver of a vehicle shall stop and remain standing and not  
8 traverse such a grade crossing when a crossing gate is lowered or  
9 when a human flagman gives or continues to give a signal of the  
10 approach or passage of a train.

1 SEC. 367. **Stop at certain railroad crossings.** The state highway  
2 commission is hereby authorized to designate particularly danger-  
3 ous highway grade crossings of railroads and to erect stop signs  
4 thereat. When such stop signs are erected the driver of any vehicle  
5 shall stop within fifty feet but not less than ten feet from the nearest  
6 track of such grade crossing and shall proceed only upon exercising  
7 due care.

1     **SEC. 368. Certain vehicles must stop.** The driver of any motor  
2 vehicle carrying passengers for hire, or of any school bus carrying  
3 any school child, or of any vehicle carrying explosive substances or  
4 flammable liquids as a cargo or part of a cargo, before crossing at  
5 grade any track or tracks of a railroad, shall stop such vehicle  
6 within fifty feet but not less than ten feet from the nearest rail of  
7 such railroad and while so stopped shall listen and look in both di-  
8 rections along such track for any approaching train, and for signals  
9 indicating the approach of a train, except as hereinafter provided,  
10 and shall not proceed until he can do so safely.

11     No stop need be made at any such crossing where a police officer  
12 or a traffic-control signal directs traffic to proceed.

13     This section shall not apply at street railway grade crossings  
14 within a business or residence district.

1     **SEC. 369. Heavy equipment at crossing.** No person shall operate  
2 or move any caterpillar tractor, steam shovel, derrick, roller, or any  
3 equipment or structure having a normal operating speed of six or  
4 less miles per hour or a vertical body or load clearance of less than  
5 nine inches above the level surface of a roadway upon or across any  
6 tracks at a railroad grade crossing without first complying with  
7 this section.

8     Notice of any such intended crossing shall be given to a superin-  
9 tendent of such railroad and a reasonable time be given to such rail-  
10 road to provide proper protection at such crossing.

11     Before making any such crossing the person operating or moving  
12 any such vehicle or equipment shall first stop the same not less than  
13 ten feet nor more than fifty feet from the nearest rail of such rail-  
14 way and while so stopped shall listen and look in both directions  
15 along such track for any approaching train and for signals indicating  
16 the approach of a train, and shall not proceed until the crossing  
17 can be made safely.

18     No such crossing shall be made when warning is given by auto-  
19 matic signal or crossing gates or a flagman or otherwise of the im-  
20 mediate approach of a railroad train or car.

1     **SEC. 370. Stop at through highways.** The state highway com-  
2 mission with reference to primary highways, and local authorities  
3 with reference to other highways under their jurisdiction may desig-  
4 nate through highways and erect stop signs at specified entrances  
5 thereto or may designate any intersection as a stop intersection and  
6 erect like signs at one or more entrances to such intersection.

7     Every said sign shall bear the word "Stop" in letters not less than  
8 six inches in height. Every stop sign shall be located as near as  
9 practical at the property line of the highway at the entrance to which  
10 the stop must be made, or at the nearest line of the crosswalk thereat,  
11 or, if none, at the nearest line of the roadway.

12     Every driver of a vehicle and every motorman of a street car shall  
13 stop at such sign or at a clearly marked stop line before entering an  
14 intersection except when directed to proceed by a police officer or  
15 traffic-control signal.

1     **SEC. 371. Cost of signs.** The cost of such signs on primary high-  
2 ways shall be paid out of the primary road fund. The cost of such

3 signs on county trunk highways shall be paid out of the county trunk  
4 road maintenance or construction fund.

1 **SEC. 372. Exceptions.** Provided that at intersections of such  
2 through highways with boulevards or heavy traffic streets in cities  
3 and towns, the council, subject to the approval of the state highway  
4 commission, may determine that the through highway traffic shall  
5 come to a stop, or may erect traffic-control signals, or may adopt such  
6 other means of handling the traffic as may be deemed practical and  
7 proper.

1 **SEC. 373. Limitations on cities and towns.** It shall be unlawful  
2 for any city or town to close or obstruct any street or highway which  
3 is used as the extension of a primary road within such city or town,  
4 except at times of fires or for the purpose of doing construction or  
5 repair work on such street or highway, or for other reasons with the  
6 consent of the highway commission, and it shall also be unlawful for  
7 any city or town to erect or cause to be erected or maintained any  
8 traffic sign or signal inconsistent with the provisions of this chapter.

1 **SEC. 374. Exceptions.** The provisions of sections three hundred  
2 seventy-two (372) and three hundred seventy-three (373) as concerns  
3 the erection and maintenance of stop and go signals shall not apply to  
4 cities with a population of four thousand or over where said signals  
5 are situated within business districts of said city.

1 **SEC. 375. Primary roads as through highways.** Primary roads,  
2 and extensions of primary roads within cities and towns are hereby  
3 designated as through highways.

1 **SEC. 376. County trunk roads as through highways.** County trunk  
2 roads outside of cities and towns are hereby designated as through  
3 highways.

1 **SEC. 377. Additional signs—cost.** The county board of super-  
2 visors shall, at places deemed by them unusually dangerous on the  
3 local county roads, furnish and erect suitable warning signs. The  
4 cost of such signs shall be paid out of the county road maintenance or  
5 construction fund.

1 **SEC. 378. Emerging from alley or private driveway.** The driver  
2 of a vehicle within a business or residence district emerging from an  
3 alley, driveway, or building shall stop such vehicle immediately prior  
4 to driving onto a sidewalk or into the sidewalk area extending across  
5 any alleyway or private driveway.

#### STOPPING, STANDING, AND PARKING

1 **SEC. 379. Stopping, standing, or parking.** Upon any highway out-  
2 side of a business or residence district no person shall stop, park, or  
3 leave standing any vehicle, whether attended or unattended, upon  
4 the paved or improved or main traveled part of the highway when  
5 it is practical to stop, park, or so leave such vehicle off such part of  
6 said highway, but in every event a clear and unobstructed width of  
7 at least twenty feet of such part of the highway opposite such stand-  
8 ing vehicle shall be left for the free passage of other vehicles and a

9 clear view of such stopped vehicle be available from a distance of  
10 two hundred feet in each direction upon such highway.

1 **SEC. 380. Disabled vehicle.** Section three hundred seventy-nine  
2 (379) shall not apply to the driver of any vehicle which is disabled  
3 while on the paved or improved or main traveled portion of a high-  
4 way in such manner and to such extent that it is impossible to avoid  
5 stopping and temporarily leaving such disabled vehicle in such posi-  
6 tion.

1 **SEC. 381. Officers authorized to remove.** Whenever any peace  
2 officer finds a vehicle standing upon a highway in violation of any  
3 of the foregoing provisions of sections three hundred seventy-nine  
4 (379) and three hundred eighty (380) such officer is hereby au-  
5 thorized to move such vehicle, or require the driver or other person  
6 in charge of the vehicle to move the same, to a position off the paved  
7 or improved or main traveled part of such highway.

1 **SEC. 382. Removed from bridge.** Whenever any peace officer finds  
2 a vehicle unattended upon any bridge or causeway or in any tunnel  
3 where such vehicle constitutes an obstruction to traffic, such officer  
4 is hereby authorized to provide for the removal of such vehicle to the  
5 nearest garage or other place of safety.

1 **SEC. 383. Stopping, standing, or parking.** No person shall stop,  
2 stand, or park a vehicle, except when necessary to avoid conflict with  
3 other traffic or in compliance with the directions of a police officer  
4 or traffic-control device, in any of the following places:  
5 1. On a sidewalk;  
6 2. In front of a public or private driveway;  
7 3. Within an intersection;  
8 4. Within five feet of a fire hydrant;  
9 5. On a crosswalk;  
10 6. Within ten feet upon the approach to any flashing beacon,  
11 stop sign, or traffic-control signal located at the side of a roadway;  
12 7. Between a safety zone and the adjacent curb or within ten feet  
13 of points on the curb immediately opposite the ends of a safety zone,  
14 unless any city or town indicates a different length by signs or mark-  
15 ings;  
16 8. Within fifty feet of the nearest rail of a railroad crossing, except  
17 when parked parallel with such rail and not exhibiting a red light;  
18 9. Within twenty feet of the driveway entrance to any fire station  
19 and on the side of a street opposite the entrance to any fire station  
20 within seventy-five feet of said entrance when properly sign-posted;  
21 10. Alongside or opposite any street excavation or obstruction  
22 when such stopping, standing, or parking would obstruct traffic;  
23 11. On the roadway side of any vehicle stopped or parked at the  
24 edge or curb of a street;  
25 12. Upon any bridge or other elevated structure upon a highway  
26 outside of cities or towns or within a highway tunnel;  
27 13. At any place where official signs prohibit stopping, or parking.

1 **SEC. 384. Moving other vehicle.** No person shall move a vehicle  
2 not owned by such person into any such prohibited area or away from  
3 a curb such distance as is unlawful.

1     **SEC. 385. Theatres, hotels and auditoriums.** A space of twenty-  
 2 five feet is hereby reserved at the side of the street in front of any  
 3 theater, auditorium, hotel having more than twenty-five sleeping  
 4 rooms, or other buildings where large assemblages of people are being  
 5 held, within which space, when clearly marked as such, no motor ve-  
 6 hicle shall be left standing, parked, or stopped except in taking on  
 7 or discharging passengers or freight, and then only for such length of  
 8 time as is necessary for such purpose.

1     **SEC. 386. Parking at right-hand curb.** Except where angle or  
 2 center parking is permitted by local ordinance every vehicle stopped  
 3 or parked upon a roadway where there is an adjacent curb shall be  
 4 so stopped or parked with the right-hand wheels of such vehicle  
 5 parallel with and within eighteen inches of the right-hand curb.

#### MISCELLANEOUS RULES

1     **SEC. 387. Unattended motor vehicle.** No person driving or in  
 2 charge of a motor vehicle shall permit it to stand unattended without  
 3 first stopping the engine, or when standing upon any perceptible  
 4 grade without effectively setting the brake thereon and turning the  
 5 front wheels to the curb or side of the highway.

1     **SEC. 388. Obstruction to driver's view.** No person shall drive a  
 2 vehicle when it is so loaded, or when there are in the front seat such  
 3 number of persons, exceeding three, as to obstruct the view of the  
 4 driver to the front or sides of the vehicle or as to interfere with  
 5 the driver's control over the driving mechanism of the vehicle.

6     No passenger in a vehicle shall ride in such position as to interfere  
 7 with the driver's view ahead or to the sides, or to interfere with his  
 8 control over the driving mechanism of the vehicle.

1     **SEC. 389. Control of vehicle—signals.** The driver of a motor ve-  
 2 hicle traveling through defiles or on approaching the crest of a hill  
 3 or grade shall have such motor vehicle under control and on the right-  
 4 hand side of the roadway and, upon approaching any curve where the  
 5 view is obstructed within a distance of two hundred feet along the  
 6 highway, shall give audible warning with the horn of such motor  
 7 vehicle.

1     **SEC. 390. Coasting prohibited.** The driver of any motor vehicle  
 2 when traveling upon a down grade shall not coast with the gears of  
 3 such vehicle in neutral.

1     **SEC. 391. Disengaging clutch.** The driver of a commercial motor  
 2 vehicle when traveling upon a down grade shall not coast with the  
 3 clutch disengaged.

1     **SEC. 392. Following fire apparatus.** The driver of any vehicle  
 2 other than one on official business shall not follow any fire apparatus  
 3 traveling in response to a fire alarm closer than five hundred feet or  
 4 drive into or park such vehicle within the block where fire apparatus  
 5 has stopped in answer to a fire alarm.

1     **SEC. 393. Crossing fire hose.** No vehicle shall be driven over any  
 2 unprotected hose of a fire department when laid down on any street,  
 3 private driveway, or street car track, to be used at any fire or alarm  
 4 of fire, without the consent of the fire department official in command.

1     **SEC. 394. Putting glass, etc., on highway.** No person shall throw  
2 or deposit upon any highway any glass bottle, glass, nails, tacks, wire,  
3 cans, or any other substance likely to injure any person, animal, or  
4 vehicle upon such highway.

1     **SEC. 395. Removing injurious material.** Any person who drops,  
2 or permits to be dropped or thrown, upon any highway any destruc-  
3 tive or injurious material shall immediately remove the same or cause  
4 it to be removed.

1     **SEC. 396. Clearing up wrecks.** Any person removing a wrecked  
2 or damaged vehicle from a highway shall remove any glass or other  
3 injurious substance dropped upon the highway from such vehicle.

#### SCHOOL BUSES

1     **SEC. 397. Overtaking and passing school bus.** The driver of a  
2 vehicle upon a highway outside of a business or residence district  
3 upon meeting or overtaking any school bus which has stopped on the  
4 highway shall come to a complete stop and then may proceed with due  
5 caution for the safety of any children and in no event in excess of  
6 ten miles per hour in passing such school bus.

1     **SEC. 398. Signs.** Every school bus shall bear thereon, both front  
2 and rear, a sign with the words "School Bus" in black letters at least  
3 six inches high on a lemon yellow background and placed at a level  
4 of approximately five feet from the ground. Such signs shall be re-  
5 moved or covered when the vehicle is not in use as a school bus. The  
6 provisions of section three hundred ninety-seven (397) shall apply  
7 only in the event such signs are displayed.

1     **SEC. 399. Required construction.** Every school bus, except private  
2 passenger vehicles used as school busses, shall after September 1,  
3 1939, be constructed and equipped as follows:  
4     1. It shall be painted a lemon yellow color for the body, with the  
5 fenders in black.  
6     2. There shall be but one compartment.  
7     3. A door or doors at least thirty inches wide and forty-eight inches  
8 high, the lower panels of which shall be composed of safety glass,  
9 shall be placed at the front, right-hand side opposite the driver.  
10    4. The front door or doors shall be under the control of and op-  
11 erated by the driver.  
12    5. There shall be an emergency door in the rear, at least twenty  
13 inches wide and forty-eight inches high, provided with an easily  
14 operated safety-catch not controlled from the driver's seat but pro-  
15 tected from accidental release.  
16    6. There shall be ample windows on both sides and ends.  
17    7. There shall be ample roof ventilators.  
18    8. It shall be heated either with hot water radiator heaters or hot  
19 air heaters. The hot air heaters to be iron pipes with all screw con-  
20 nections and guarded by one-half inch meshing wire, three-fourths  
21 inches from the heating element which is located in bus body.  
22    9. There shall be a comfortable seat for each pupil.  
23    10. The fuel tank shall be located, filled, drained, and vented out-  
24 side of the bus body.



25 11. Bumpers both front and rear shall be fastened directly to  
26 the chassis.

1 SEC. 400. **Front entrance used.** All pupils shall be received and  
2 discharged from the front, right-hand entrance of every school bus,  
3 and if necessary for said pupils to cross the highway, they shall be  
4 required by the driver to pass in front of the bus and stop and look  
5 in both directions before so crossing and the driver shall not start  
6 the vehicle until he has seen that such pupils have safely crossed the  
7 highway.

1 SEC. 401. **Drivers.** No person under sixteen years of age or who  
2 is physically or mentally incompetent shall be employed to drive a  
3 school bus, nor shall any person be so employed whose personal habits  
4 or moral conduct would be detrimental to the best interests, safety,  
5 and welfare of the children transported. Use of alcoholic beverages  
6 or immoral conduct on the part of a driver shall automatically cancel  
7 his contract and his re-employment for the remainder of the school  
8 year is hereby prohibited. Any school board may contract with the  
9 driver of any school bus for a period of three years.

1 SEC. 402. **License and written permission.** The driver of every  
2 motor vehicle in use as a school bus shall have a regular chauffeur's  
3 license issued by the department of motor vehicles and, in addition  
4 thereto, each such driver shall secure permission in writing signed  
5 by the president and secretary of the board of the school district for  
6 which he serves, and made a part of the minutes of said board; ex-  
7 cept that in the case of a driver under the age of eighteen only a  
8 limited chauffeur's license may be issued, which limited license shall  
9 be valid for the purpose only of operating a motor vehicle to trans-  
10 port pupils to and from school. Such limited license shall be valid  
11 for the school year beginning July 1 and ending June 30, and shall  
12 be issued under the same requirements, except as to age, as apply  
13 to the issuance of regular chauffeur's licenses to those eighteen years  
14 of age or over.

1 SEC. 403. **Speed.** No motor vehicle in use as a school bus shall be  
2 operated at a speed in excess of thirty-five miles per hour. Any  
3 violation of this section, by a driver, shall be deemed sufficient cause  
4 for cancelling his contract.

1 SEC. 404. **Applicability.** The provisions of sections three hundred  
2 ninety-eight (398) to four hundred six (406), inclusive, shall apply  
3 to any and all types of school districts where children are transported  
4 to and from public schools.

1 SEC. 405. **Violations.** No school board, individual, or organization  
2 shall purchase, construct, or contract for use, to transport pupils  
3 to or from school, any school bus which does not comply with the  
4 minimum requirements of sections three hundred ninety-eight (398)  
5 and three hundred ninety-nine (399) and any individual, or any  
6 member or officers of such board or organization who authorizes,\* the  
7 purchase, construction, or contract for any such bus not complying  
8 with these minimum requirements shall be guilty of a misdemeanor  
9 punishable as provided in section five hundred (500).

\*Note: Punctuation according to enrolled bill.

1     **SEC. 406. Enforcement.** It shall be the duty of all peace officers and  
2 of the highway safety patrol to enforce the provisions of sections  
3 three hundred ninety-eight (398) to four hundred five (405), in-  
4 clusive.

#### EQUIPMENT

1     **SEC. 407. Scope and effect of regulations.** It is a misdemeanor,  
2 punishable as provided in section five hundred (500), for any person  
3 to drive or move or for the owner to cause or knowingly permit to be  
4 driven or moved on any highway any vehicle or combination of ve-  
5 hicles which is in such unsafe condition as to endanger any person,  
6 or which does not contain those parts or is not at all times equipped  
7 with such lamps and other equipment in proper condition and ad-  
8 justment as required in this chapter, or which is equipped in any  
9 manner in violation of this chapter.

10     No motor vehicle or combination of vehicles, which cannot proceed  
11 up a three per cent grade, on dry concrete pavement, at a minimum  
12 speed of twenty miles per hour, shall be operated, after January 1,  
13 1938, upon the highways of this state.

1     **SEC. 408. Exceptions.** The provisions of this chapter with respect  
2 to equipment on vehicles shall not apply to implements of husbandry,  
3 road machinery, road rollers, or farm tractors except as herein made  
4 applicable.

1     **SEC. 409. When lighted lamps required.**

2     1. Every vehicle upon a highway within this state at any time  
3 from a half hour after sunset to a half hour before sunrise and at any  
4 other time when there is not sufficient light to render clearly dis-  
5 cernible persons and vehicles on the highway at a distance of five  
6 hundred feet ahead shall display lighted lamps and illuminating de-  
7 vices as hereinafter respectively required for different classes of  
8 vehicles, subject to exceptions with respect to parked vehicles as  
9 hereinafter stated.

10     2. Whenever requirement is hereinafter declared as to the distance  
11 from which certain lamps and devices shall render objects visible or  
12 within which such lamps or devices shall be visible, said provisions  
13 shall apply during the times stated in subdivision one of this section  
14 upon a straight level unlighted highway under normal atmospheric  
15 conditions unless a different time or condition is expressly stated.

1     **SEC. 410. Head lamps on motor vehicles.** Every motor vehicle  
2 other than a motorcycle shall be equipped with at least two head lamps  
3 with at least one on each side of the front of the motor vehicle, which  
4 head lamps shall comply with the requirements and limitations set  
5 forth in this chapter.

1     **SEC. 411. Head lamps on motorcycles.** Every motorcycle shall be  
2 equipped with at least one and not more than two head lamps which  
3 shall comply with the requirements and limitations of this chapter.

1     **SEC. 412. Rear lamps and reflectors.** Every motor vehicle and  
2 every vehicle which is being drawn at the end of a train of vehicles  
3 shall be equipped with a lighted rear lamp, exhibiting a red light  
4 plainly visible from a distance of five hundred feet to the rear.

1     **SEC. 413. Illuminating plates.** Either such rear lamp or a separate  
 2 lamp shall be so constructed and placed as to illuminate with a white  
 3 light the rear registration plate and render it clearly legible from a  
 4 distance of fifty feet to the rear. When the rear license plate is  
 5 illuminated by an electric lamp other than the required rear lamp,  
 6 said two lamps shall be turned on or off only by the same control  
 7 switch at all times whenever head lamps are lighted.

1     **SEC. 414. Reflectors additional.** Every new motor vehicle, trailer,  
 2 or semitrailer hereafter sold and every commercial vehicle here-  
 3 after operated on a highway shall also carry at the rear, either as  
 4 a part of the rear lamp or separately, a red reflector meeting the re-  
 5 quirements of this chapter.

1     **SEC. 415. Reflector requirements.** Whenever a red reflector is  
 2 required or permitted to be used in substitution of lamps upon a  
 3 vehicle under any one of the provisions of this chapter, such re-  
 4 flector shall be mounted upon the vehicle at a height not to exceed  
 5 forty-two inches nor less than twenty-four inches above the ground  
 6 upon which the vehicle stands, and every such reflector shall be so  
 7 designed and maintained as to be visible at night from all distances  
 8 within five hundred feet to fifty feet from such vehicle when di-  
 9 rectly in front of a motor vehicle displaying lawfully lighted head  
 10 lamps as provided in section four hundred thirty-five (435).

1     **SEC. 416. Approval of reflectors.** No reflector as required by this  
 2 chapter shall be used except of a type approved by the department  
 3 and the department is hereby authorized to approve or disapprove  
 4 types of reflectors submitted and to publish a list of such approved  
 5 types by trade name or otherwise.

#### CLEARANCE AND IDENTIFICATION LIGHTS

1     **SEC. 417.** Every motor truck, and every trailer or semitrailer of  
 2 over 3000 pounds gross weight, shall be equipped with the following  
 3 lighting devices and reflectors in addition to other requirements of  
 4 this chapter, and such devices shall be lighted at the times mentioned  
 5 in section four hundred nine (409).

- 6     1. Every motor truck, whatever its size shall have the following:
  - 7       *On each side*, one reflector, at or near the rear; and
  - 8       *On the rear*, two reflectors, one at each side.
- 9     2. Every motor truck, eighty inches or more in width shall have  
 10 the following in addition to the requirements of paragraph one;
  - 11       If thirty feet or less in overall length—
  - 12       *On the front*, two clearance lamps, one at each side; and
  - 13       *On the rear*, two clearance lamps, one at each side;
  - 14       If more than thirty feet in overall length—
  - 15       *On the front*, two clearance lamps, one at each side;
  - 16       *On each side*, two side-marker lamps, one at or near the front, and  
 17 one at or near the rear, and an additional reflector at or near the  
 18 front; and
  - 19       *On the rear*, two clearance lamps, one at each side.
- 20     3. Every truck tractor or road tractor shall have the following:
  - 21       *On the front*, two clearance lamps one at each side if the tractor

22 cab is as wide as, or wider than, the widest part of the vehicle or  
23 vehicles towed;

24 *On each side*, one side-marker lamp at or near the front; and

25 *On the rear*, one tail lamp.

26 4. Every trailer or semitrailer having a gross weight in excess of  
27 3000 pounds shall have the following;

28 *On the front*, two clearance lamps, one at each side, if the trailer  
29 is wider in its widest part than the cab of the vehicle towing it;

30 *On each side*, one side-marker lamp at or near the rear; two re-  
31 flectors, one at or near the front and one at or near the rear; and

32 *On the rear*, two clearance lamps, one at each side; one stop light;  
33 one tail lamp; and two reflectors, one at each side.

34 5. Every motor truck or combination of motor truck and trailer  
35 having a length in excess of thirty feet or a width in excess of eighty  
36 inches shall be equipped with three identification lights on both front  
37 and rear. Each such group shall be evenly spaced not less than six  
38 nor more than twelve inches apart along a horizontal line near the  
39 top of the vehicle.

1 SEC. 418. **Color and mounting.** No lighting device or reflector,  
2 when mounted on or near the front of any motor truck or trailer,  
3 shall display any other color than white, yellow, or amber; provided  
4 that installations heretofore in place and otherwise complying with  
5 the law may display a green light until replacements are made.

6 No lighting device or reflector, when mounted on or near the rear  
7 of any motor truck or trailer, shall display any other color than red,  
8 except that the stop light may be red, yellow, or amber.

9 Clearance lamps shall be mounted on the permanent structure of  
10 the vehicle in such manner as to indicate the extreme width of the  
11 vehicle or its load.

1 SEC. 419. **Lamp or flag on projecting load.** Whenever the load  
2 upon any vehicle extends to the rear four feet or more beyond the  
3 bed or body of such vehicle there shall be displayed at the extreme  
4 rear end of the load, at the times specified in section four hundred  
5 nine (409), a red light or lantern plainly visible from a distance of  
6 at least five hundred feet to the sides and rear. The red light or  
7 lantern required under this section shall be in addition to the red  
8 rear light required upon every vehicle. At any other time there  
9 shall be displayed at the extreme rear end of such load a red flag or  
10 cloth not less than sixteen inches square.

1 SEC. 420. **Lamps on parked vehicles.** Whenever a vehicle is parked  
2 or stopped upon a roadway or shoulder adjacent thereto, outside of a  
3 business district whether attended or unattended during the times  
4 mentioned in section four hundred nine (409), such vehicle shall be  
5 equipped with one or more lamps which shall exhibit a white light  
6 on the roadway side visible from a distance of five hundred feet to  
7 the front of such vehicle and a red light visible from a distance of  
8 five hundred feet to the rear, except that local authorities may pro-  
9 vide by ordinance or resolution that no lights need be displayed upon  
10 any such vehicle when stopped or parked in accordance with local  
11 parking regulations upon a highway where there is sufficient light  
12 to reveal any person or object within a distance of five hundred feet

13 upon such highway. Any lighted headlamps upon a parked vehicle  
14 shall be depressed or dimmed.

1 SEC. 421. **Exception.** Section four hundred twenty (420) shall  
2 not apply when an accident extinguishes said light and renders a  
3 vehicle incapable of use, and when the person in control of the ve-  
4 hicle erects, at the earliest opportunity after the accident, such proper  
5 light at or near the vehicle as will give warning of the presence of  
6 said vehicle.

1 SEC. 422. **Lamps on bicycles.** Every bicycle shall be equipped with  
2 a lamp on the front exhibiting a white light, at the times specified  
3 in section four hundred nine (409) visible from a distance of at  
4 least three hundred feet to the front and with a lamp on the rear  
5 exhibiting a red light visible from a distance of three hundred feet  
6 to the rear; except that a red reflector meeting the requirements of  
7 this chapter may be used in lieu of a rear light.

1 SEC. 423. **Lamps on other vehicles and equipment.** All vehicles,  
2 including animal-drawn vehicles and including those referred to in  
3 section four hundred eight (408) not hereinbefore specifically re-  
4 quired to be equipped with lamps, shall at the times specified in sec-  
5 tion four hundred nine (409) be equipped with at least one lighted  
6 lamp or lantern exhibiting a white light visible from a distance of five  
7 hundred feet to the front of such vehicle and with a lamp or lantern  
8 exhibiting a red light visible from a distance of five hundred feet to  
9 the rear.

1 SEC. 424. **Road machinery—lights required.** No tractor, road  
2 grader, road drag, or other piece of road machinery operated by  
3 motor fuel, kerosene, or coal shall be used upon any public highway  
4 in this state which is open to traffic by the public, unless there is  
5 carried at least two red danger signal lanterns or lights, each capable  
6 of remaining continuously lighted for at least sixteen hours.

1 SEC. 425. **Number of lights—duty to maintain.** It shall be the  
2 duty of each person charged with the operation of any tractor, road  
3 grader, road drag, or other piece of road machinery which is re-  
4 quired by section four hundred twenty-four (424) to carry red dan-  
5 ger signal lights, to place and maintain in a lighted condition at  
6 least one signal light upon the front and one upon the rear of any  
7 such tractor, grader, drag, or other piece of road machinery from  
8 the time the sun sets until the time the sun rises the following day,  
9 whenever the same is being operated or stationed upon any public  
10 highway open to traffic by the public.

1 SEC. 426. **Duty to enforce.** It shall be the duty of the highway  
2 commission, the board of supervisors of each county, and each road  
3 patrolman to enforce the provisions of sections four hundred twenty-  
4 four (424) and four hundred twenty-five (425) as to any such trac-  
5 tor, grader, drag or other piece of road machinery under their di-  
6 rection and control, respectively.

1 SEC. 427. **Spot lamps.** Any motor vehicle, except a private pas-  
2 senger vehicle, may be equipped with not to exceed one spot lamp  
3 and every lighted spot lamp shall be so aimed and used upon ap-

4 proaching another vehicle that no part of the high-intensity portion  
5 of the beam will be directed to the left of the prolongation of the ex-  
6 treme left side of the vehicle nor more than one hundred feet ahead  
7 of the vehicle.

1 **SEC. 428. Auxiliary driving lamps.** Any motor vehicle may be  
2 equipped with not to exceed three auxiliary driving lamps mounted  
3 on the front at a height not less than twelve inches nor more than  
4 forty-two inches above the level surface upon which the vehicle  
5 stands, and every such auxiliary driving lamp or lamps shall meet the  
6 requirements and limitations set forth in this chapter.

1 **SEC. 429. Signal lamps and signal devices.** Any motor vehicle  
2 may be equipped, and when a signal lamp or device is required under  
3 this chapter shall be equipped, with a signal lamp or signal device  
4 which is so constructed and located on the vehicle as to give a signal  
5 of intention to stop which shall be red or yellow in color and signals  
6 of intention to turn to the right or left, all of which signals shall be  
7 plainly visible and understandable in normal sunlight and at night  
8 from a distance of one hundred feet to the front and rear but shall  
9 not project a glaring or dazzling light; except that a stop signal need  
10 be visible only from the rear.

1 **SEC. 430. Self-illumination.** All mechanical signal devices shall  
2 be self-illuminated when in use at the times mentioned in section  
3 four hundred nine (409).

1 **SEC. 431. Cowl lamps.** Any motor vehicle may be equipped with  
2 not more than two side cowl or fender lamps which shall emit an  
3 amber or white light without glare.

1 **SEC. 432. Courtesy lamps.** Any motor vehicle may be equipped  
2 with not more than one running board courtesy lamp on each side  
3 thereof which shall emit a white or amber light without glare.

1 **SEC. 433. Back-up lamps.** Any motor vehicle may be equipped  
2 with a back-up lamp either separately or in combination with an-  
3 other lamp; except that no such back-up lamp shall be continuously  
4 lighted when the motor vehicle is in forward motion.

1 **SEC. 434. Multiple-beam road lighting equipment.** Except as  
2 hereinafter provided, the headlamps, or the auxiliary driving lamps,  
3 or combinations thereof, on motor vehicles shall be so arranged that  
4 the driver may select at will between distributions of light projected  
5 to different elevations, subject to the requirements and limitations  
6 of sections four hundred thirty-five (435) to four hundred thirty-  
7 nine (439), inclusive.

1 **SEC. 435. High lights.** There shall be an uppermost distribution  
2 of light, or composite beam, so aimed and of such intensity as to  
3 reveal persons and vehicles at a distance of at least three hundred  
4 fifty (350) feet ahead for all conditions of loading. The maximum  
5 intensity of this uppermost distribution of light or composite beam  
6 one degree of arc or more above the horizontal level of the lamps  
7 when the vehicle is not loaded shall not exceed eight thousand ap-  
8 parent candlepower, and at no other point of the distribution of light

9 or composite beam shall there be an intensity of more than seventy-  
10 five thousand apparent candlepower.

1 SEC. 436. **Low lights.** There shall be a lowermost distribution of  
2 light, or composite beam, so aimed that:

3 1. When the vehicle is not loaded, none of the high-intensity por-  
4 tion of the light which is directed to the left of the prolongation of  
5 the extreme left side of the vehicle shall, at a distance of twenty-five  
6 feet ahead, project higher than a level of ten inches below the level  
7 of the center of the lamp from which it comes. This requirement  
8 shall be deemed to avoid glare at all times regardless of road condi-  
9 tions and loading.

10 2. When the vehicle is not loaded, none of the high-intensity por-  
11 tion of the light which is directed to the right of the prolongation  
12 of the extreme left side of the vehicle shall, at a distance of twenty-  
13 five feet ahead, project higher than a level of five inches below the  
14 level of the center of the lamp from which it comes.

15 3. In no event shall any of the high-intensity of such lowermost  
16 distribution of light or composite beam project higher than a level  
17 of forty-two inches above the level on which the vehicle stands at a  
18 distance of seventy-five or more feet ahead.

1 SEC. 437. **Intermediate lights.** Where one intermediate beam is  
2 provided, the beam on the left side of the road shall be in conformity  
3 with paragraph one of section four hundred thirty-six (436) except  
4 when arranged in accordance with the practice specified in section  
5 four hundred thirty-nine (439).

1 SEC. 438. **Mandatory requirement.** All road lighting beams shall  
2 be so aimed and of sufficient intensity to reveal a person or vehicle  
3 at a distance of at least one hundred feet ahead.

1 SEC. 439. **Indicator lights.** All road lighting equipment manufac-  
2 tured and installed on and after January first, 1938, shall be so ar-  
3 ranged that whenever any beam is used which is not in conformity  
4 with paragraph one of section four hundred thirty-six (436), two  
5 white or yellow lights, one on each side of the vehicle, visible to an  
6 oncoming driver and to the driver of said vehicle shall be lighted,  
7 except that other suitable alternate means may be provided for in-  
8 dicating to the driver behind the light when such beams are on. In-  
9 dicator lights shall not be connected otherwise than as required in  
10 this section. Beam indicator lights and front parking lights shall  
11 be so connected that neither of said lights shall be lighted when a  
12 beam is in use which conforms with paragraph one of section four  
13 hundred thirty-six (436).

1 SEC. 440. **Use of multiple-beam road lighting equipment.** When-  
2 ever a motor vehicle is being operated on a roadway or shoulder  
3 adjacent thereto, during the times specified in section four hundred  
4 nine (409), the driver shall use a distribution of light, or composite  
5 beam, directed high enough and of sufficient intensity to reveal per-  
6 sons or vehicles at a safe distance in advance of the vehicle, subject  
7 to requirements and limitations of section four hundred forty-one  
8 (441).

1     **SEC. 441. Duty to lower lights.** Whenever the driver of a vehicle  
2 approaches an oncoming vehicle within five hundred feet, such driver  
3 shall use a distribution of light or composite beam so aimed that the  
4 glaring rays are not projected into the eyes of the oncoming driver,  
5 and in no case shall the high intensity portion which is projected  
6 to the left of the prolongation of the extreme left side of the vehicle  
7 be aimed higher than the center of the lamp from which it comes  
8 at a distance of twenty-five feet, ahead, and in no case higher than a  
9 level of forty-two inches above the level upon which the vehicle stands  
10 at a distance of seventy-five feet ahead.

1     **SEC. 442. Single-beam road lighting equipment.** Headlamps ar-  
2 ranged to provide a single distribution of light not supplemented by  
3 auxiliary driving lamps shall be permitted on motor vehicles manu-  
4 factured and sold prior to July 1, 1938 in lieu of multiple-beam road  
5 lighting equipment herein specified if the single distribution of light  
6 complies with the following requirements and limitations.

7     The headlamps shall be so aimed that when the vehicle is not  
8 loaded none of the high intensity portion of the light shall at a dis-  
9 tance of twenty-five feet ahead project higher than a level of five  
10 inches below the level of the center of the lamp from which it comes,  
11 and in no case higher than forty-two inches above the level on which  
12 the vehicle stands at a distance of seventy-five feet ahead.

13     The intensity shall be sufficient to reveal persons and vehicles at  
14 a distance of at least two hundred feet.

1     **SEC. 443. Alternate road lighting equipment.** Any motor vehicle  
2 may be operated under the conditions specified in section four hun-  
3 dred nine (409) when equipped with two lighted lamps upon the front  
4 thereof capable of revealing persons and objects seventy-five feet  
5 ahead in lieu of lamps required in sections four hundred thirty-four  
6 (434) to four hundred thirty-nine (439) inclusive, or section four  
7 hundred forty-two (442) provided, however, that at no time shall  
8 it be operated at a speed in excess of twenty miles per hour.

1     **SEC. 444. Number of driving lamps required or permitted.** At  
2 all times specified in section four hundred nine (409) at least two  
3 lighted lamps shall be displayed, one on each side at the front of  
4 every motor vehicle except when such vehicle is parked subject to the  
5 regulations governing lights on parked vehicles.

1     **SEC. 445. Number of lamps lighted.** Whenever a motor vehicle  
2 equipped with head lamps as herein required is also equipped with  
3 any auxiliary lamps or a spot lamp or any other lamp on the front  
4 thereof projecting a beam of an intensity greater than three hundred  
5 candlepower, not more than a total of four of any such lamps on the  
6 front of a vehicle shall be lighted at any one time when upon a high-  
7 way.

1     **SEC. 446. Special restrictions on lamps.** Any lighted lamp or illum-  
2 inating device upon a motor vehicle other than head lamps, spot  
3 lamps, or auxiliary driving lamps which projects a beam of light of  
4 an intensity greater than three hundred candlepower shall be so di-  
5 rected that no part of the beam will strike the level of the roadway  
6 on which the vehicle stands at a distance of more than seventy-five  
7 feet from the vehicle.



1     **SEC. 447. Red light in front.** No person shall drive or move any  
 2 vehicle or equipment upon any highway with any lamp or device  
 3 thereon displaying a red light visible from directly in front thereof.  
 4 This section shall not apply to authorized emergency vehicles. No  
 5 person shall display any color of light other than red on the rear  
 6 of any vehicle, except that stop lights may be red, yellow, or amber.

1     **SEC. 448. Flashing lights.** Flashing lights are prohibited on motor  
 2 vehicles, except as a means for indicating a right or left turn, or  
 3 intention of stopping.

1     **SEC. 449. Selling or using lamps or devices.** No person shall have  
 2 for sale, sell or offer for sale for use upon or as a part of the equip-  
 3 ment of a motor vehicle, trailer or semitrailer or use upon such ve-  
 4 hicle any head lamp, auxiliary driving lamp, rear lamp, signal lamp  
 5 or reflector which reflector is required hereunder, or parts of any of  
 6 the foregoing, which tend to change the original design or perform-  
 7 ance, unless of a type which has been submitted to the commissioner  
 8 and approved by him.

1     **SEC. 450. Trade-mark intact.** No person shall have for sale, sell  
 2 or offer for sale for use upon or as a part of the equipment of a  
 3 motor vehicle, trailer or semitrailer any lamp or device mentioned in  
 4 section four hundred forty-nine (449) which has been approved by  
 5 the commissioner unless such lamp or device bears thereon the trade-  
 6 mark or name under which it is approved so as to be legible when  
 7 installed.

1     **SEC. 451. Bulbs focused.** No person shall use upon any motor  
 2 vehicle, trailer or semitrailer any lamps mentioned in section four  
 3 hundred forty-nine (449) unless said lamps are equipped with bulbs  
 4 of a rated candlepower and are mounted and adjusted as to focus  
 5 and aim in accordance with instructions of the commissioner.

1     **SEC. 452. Authority of commissioner.**

2     1. The commissioner is hereby authorized to approve or disap-  
 3 proved lighting devices.

4     2. The commissioner is hereby required to approve or disapprove  
 5 any lighting device, of a type on which approval is specifically re-  
 6 quired in this chapter, within a reasonable time after such device  
 7 has been submitted.

8     3. The commissioner is further authorized to set up the procedure  
 9 which shall be followed when any device is submitted for approval.

10    4. The commissioner upon approving any such lamp or device shall  
 11 issue to the applicant a certificate of approval together with any  
 12 instructions determined by him.

13    5. The commissioner shall publish lists of all such lamps and de-  
 14 vices by name and type which comply with the requirements of this  
 15 chapter, together with instructions as to the permissible candlepower  
 16 rating of the bulbs which he has determined for use therein and such  
 17 other instructions as to adjustment as the commissioner may deem  
 18 necessary.

1     **SEC. 453. Revocation of certificate.** When the commissioner has  
 2 reason to believe that an approved device as being sold commercially  
 3 does not comply with the requirements of this chapter, he may, after

4 giving thirty days' previous notice to the person holding the certifi-  
5 cate of approval for such device in this state, conduct a hearing upon  
6 the question of compliance of said approved device. After said  
7 hearing the commissioner shall determine whether said approved  
8 device meets the requirements of this chapter. If said device does  
9 not meet the requirements of this chapter he shall give notice to the  
10 person holding the certificate of approval for such device in this state.  
11 If at the expiration of ninety days after such notice the person  
12 holding the certificate of approval for such device has failed to satisfy  
13 the commissioner that said approved device as thereafter to be  
14 sold meets the requirements of this chapter, the commissioner shall  
15 suspend or revoke the approval issued therefor until or unless such  
16 device is resubmitted to and retested by an authorized testing agency  
17 and is found to meet the requirements of this chapter, and may re-  
18 quire that all said devices sold since the notification following the  
19 hearing be replaced with devices that do comply with the require-  
20 ments of this chapter. The commissioner may at the time of the  
21 retest purchase in the open market and submit to the testing agency  
22 one or more sets of such approved devices, and if such device upon  
23 such retest fails to meet the requirements of this chapter, the com-  
24 missioner may refuse to renew the certificate of approval of such  
25 device.

1 **SEC. 454. Brake equipment.**

2 1. Every motor vehicle, other than a motorcycle, when operated  
3 upon a highway shall be equipped with brakes adequate to control  
4 the movement of and to stop and hold such vehicle, including two  
5 separate means of applying the brakes, each of which means shall be  
6 effective to apply the brakes to at least two wheels. If these two  
7 separate means of applying the brakes are connected in any way,  
8 they shall be so constructed that failure of any one part of the op-  
9 erating mechanism shall not leave the motor vehicle without brakes  
10 on at least two wheels.

11 2. Every motorcycle, and bicycle with motor attached, when op-  
12 erated upon a highway shall be equipped with at least one brake,  
13 which may be operated by hand or foot.

14 3. Every trailer or semitrailer of a gross weight of three thousand  
15 pounds or more, and every trailer coach intended for use for human  
16 habitation, shall be equipped with brakes adequate to control the  
17 movement of and to stop and hold such vehicle, and so designed as to  
18 be applied by the driver of the towing motor vehicle from its cab,  
19 and said brakes shall, after January 1, 1939, be so designed and con-  
20 nected that in case of an accidental breakway of the towed vehicle  
21 the brakes shall be automatically applied. Every semitrailer of a  
22 gross weight of three thousand pounds or more shall be equipped  
23 with a separate, auxiliary means of applying the brakes on the semi-  
24 trailer from the cab of the towing vehicle.

25 4. Every new motor vehicle, trailer, or semitrailer hereafter sold  
26 in this state and operated upon the highways shall be equipped with  
27 service brakes upon all wheels of every such vehicle, except any  
28 motorcycle, and except that any trailer or semitrailer of less than  
29 three thousand pounds gross weight need not be equipped with  
30 brakes.

1     **SEC. 455. Performance ability.**

2     1. The service brakes upon any motor vehicle or combination of  
3 motor vehicles, when upon dry asphalt or concrete pavement surface  
4 free from loose material where the grade does not exceed 1%, when  
5 traveling 20 miles an hour shall be adequate:

6     a. To stop such vehicle or vehicles having a gross weight of less  
7 than 5,000 pounds within a distance of 30 feet.

8     b. To stop such vehicle or vehicles having a gross weight in excess  
9 of 5,000 pounds within a distance of 45 feet.  
10    2. Under the above conditions the hand brake shall be adequate  
11 to hold such vehicles or vehicles stationary on any grade upon which  
12 operated.

13    3. Under the above conditions the service brakes upon a motor  
14 vehicle equipped with two-wheel brakes only, and when permitted  
15 hereunder, shall be adequate to stop the vehicle within a distance of  
16 forty-five feet and the hand brake adequate to stop the vehicle within  
17 a distance of fifty-five feet.

18    4. All braking distances specified in this section shall apply to  
19 all vehicles mentioned, whether such vehicles are not loaded or are  
20 loaded to the maximum capacity permitted under this chapter.

21    5. All brakes shall be maintained in good working order and shall  
22 be so adjusted as to operate as equally as practicable with respect to  
23 the wheels on opposite sides of the vehicle.

1     **SEC. 456. Horns and warning devices.** Every motor vehicle when  
2 operated upon a highway shall be equipped with a horn in good work-  
3 ing order and capable of emitting sound audible under normal condi-  
4 tions from a distance of not less than two hundred feet, but no horn  
5 or other warning device shall emit an unreasonably loud or harsh  
6 sound or a whistle. The driver of a motor vehicle shall when rea-  
7 sonably necessary to insure safe operation give audible warning with  
8 his horn but shall not otherwise use such horn when upon a highway.

1     **SEC. 457. Sirens and bells prohibited.** No vehicle shall be equip-  
2 ped with nor shall any person use upon a vehicle any siren, whistle,  
3 or bell, except as otherwise permitted in this section. It is permis-  
4 sible but not required that any commercial vehicle be equipped with  
5 a theft alarm signal device which is so arranged that it cannot be  
6 used by the driver as an ordinary warning signal. Any authorized  
7 emergency vehicle may be equipped with a siren, whistle, or bell,  
8 capable of emitting sound audible under normal conditions from a  
9 distance of not less than five hundred feet and of a type approved  
10 by the department, but such siren shall not be used except when  
11 such vehicle is operated in response to an emergency call or in the  
12 immediate pursuit of an actual or suspected violator of the law, in  
13 which said latter events the driver of such vehicle shall sound said  
14 siren when necessary to warn pedestrians and other drivers of the  
15 approach thereof.

1     **SEC. 458. Bicycle sirens or whistles.** No bicycle shall be equipped  
2 with nor shall any person use upon a bicycle any siren or whistle.

1     **SEC. 459. Loud signaling at night.** Loud signaling devices shall  
2 not be used during the period of from one hour after sunset to one  
3 hour before sunrise, unless absolutely necessary to avoid accidents.

1     **SEC. 460. Mufflers, prevention of noise.** Every motor vehicle shall  
2 at all times be equipped with a muffler in good working order and in  
3 constant operation to prevent excessive or unusual noise and an-  
4 noying smoke, and no person shall use a muffler cutout, bypass or  
5 similar device upon a motor vehicle on a highway.

1     **SEC. 461. Mirrors.** Every motor vehicle shall be equipped with a  
2 mirror so located as to reflect to the driver a view of the highway  
3 for a distance of at least two hundred feet to the rear of such vehicle.  
4 Any motor vehicle so loaded, or towing another vehicle in such man-  
5 ner, as to obstruct the view in a rear view mirror located in the  
6 driver's compartment shall be equipped with a side mirror so lo-  
7 cated that the view to the rear will not be obstructed.

1     **SEC. 462. Windshields unobstructed.** No person shall drive any  
2 motor vehicle with any sign, poster or other nontransparent ma-  
3 terial upon the front windshield of such vehicle other than a cer-  
4 tificate or other paper required to be so displayed by law, which shall  
5 be displayed in the upper right-hand corner.

1     **SEC. 463. Windshield wipers.** The windshield on every motor ve-  
2 hicle shall be equipped with a device for cleaning rain, snow or other  
3 moisture from the windshield, which device shall be so constructed  
4 as to be controlled or operated by the driver of the vehicle.

1     **SEC. 464. Restrictions as to tire equipment.** Every solid rubber  
2 tire on a vehicle shall have rubber on its entire traction surface at  
3 least one inch thick above the edge of the flange of the entire peri-  
4 phery. No pneumatic tire shall be used on a motor vehicle when  
5 such tire is worn to the extent that more than two layers of fabric  
6 or cords are exposed on the entire traction surface.

1     **SEC. 465. Metal tires prohibited.** No person shall operate or move  
2 on any highway any motor vehicle, trailer, or semitrailer having any  
3 metal tire in contact with the roadway.

1     **SEC. 466. Projections on wheels.** No tire on a vehicle moved on a  
2 highway shall have on its periphery any block, stud, flange, cleat, or  
3 spike or any other protuberances of any material other than rubber  
4 which projects beyond the tread of the traction surface of the tire,  
5 except that it shall be permissible to use farm machinery with tires  
6 having protuberances which will not injure the highway, and except  
7 also that it shall be permissible to use tire chains of reasonable pro-  
8 portions upon any vehicle when required for safety because of snow,  
9 ice, or other conditions tending to cause a vehicle to skid.

1     **SEC. 467. Exceptions.** The state highway commission and local  
2 authorities in their respective jurisdictions may, in their discretion,  
3 issue special permits authorizing the operation upon a highway of  
4 traction engines or tractors having movable tracks with transverse  
5 corrugations upon the periphery of such movable tracks or farm  
6 tractors or other farm machinery, the operation of which upon a  
7 highway would otherwise be prohibited under this chapter.

1     **SEC. 468. Safety glass.** No person shall sell any new motor vehicle  
2 nor shall any motor vehicle, manufactured since July first, 1935, be  
3 registered, or operated unless such vehicle is equipped with safety

4 glass wherever glass is used in doors, windows, and windshields.  
5 Replacements of glass in doors, windows, or windshields shall be of  
6 safety glass.

1 **SEC. 469. Definition.** The term "safety glass" shall mean any  
2 product composed of glass, so manufactured, fabricated, or treated  
3 as substantially to prevent shattering and flying of the glass when  
4 struck or broken or such other or similar product as may be ap-  
5 proved by the commissioner.

1 **SEC. 470. List approved.** The commissioner shall compile and  
2 publish a list of types of glass by name approved by him as meeting  
3 the requirements of section four hundred sixty-nine (469), and the  
4 commissioner shall not register any motor vehicle which is subject  
5 to the provisions of section four hundred sixty-eight (468) unless  
6 it is equipped with an approved type of safety glass, and he shall  
7 suspend the registration of any motor vehicle so subject to said sec-  
8 tion which he finds is not so equipped until it is made to conform to  
9 the requirements of said section.

1 **SEC. 471. Trucks to carry flares.** No person shall operate any  
2 motor truck upon a highway outside of a business or residence dis-  
3 trict at any time from a half hour after sunset to a half hour before  
4 sunrise unless there shall be carried in such vehicle a sufficient num-  
5 ber of flares, not less than three, or electric lanterns or other signals  
6 capable of continuously producing three warning lights each visible  
7 from a distance of at least five hundred feet for a period of at least  
8 eight hours, except that a motor vehicle transporting flammables  
9 may carry red reflectors in place of the other signals above men-  
10 tioned.

11 Every such flare, lantern, signal, or reflector shall be of a type  
12 approved by the commissioner and he shall publish lists of those  
13 devices which he has approved as adequate for the purposes of this  
14 section.

1 **SEC. 472. Display of flares.** Whenever a motor truck is stopped  
2 upon or immediately adjacent to the main traveled portion of a high-  
3 way outside of a business or residence district, during the times  
4 when lighted lamps must be displayed, then the driver or other per-  
5 son in charge of such vehicle shall, in addition to the requirements of  
6 section four hundred twenty (420), cause a lighted fusee to be im-  
7 mediately placed on the roadway at the traffic side of such vehicle;  
8 as soon thereafter as possible, and in any case within the burning  
9 period of the fusee, three lighted flares shall be placed on the road-  
10 way, one at a distance of not less than one hundred feet in advance  
11 of such vehicle, one at a distance of not less than one hundred feet to  
12 the rear of such vehicle and the third upon the traffic side of such ve-  
13 hicle; provided that if such vehicle is stopped within three hundred  
14 feet of a curve, crest of a hill, or other obstruction to view, the flare in  
15 that direction shall be so placed as to afford ample warning to other  
16 users of the highway, but in no case less than one hundred feet from  
17 such vehicle. When such flares are taken up, during the times when  
18 lighted lamps must be displayed, a lighted fusee shall be placed at  
19 the traffic side of such vehicle.

20 In the event such vehicle is used in the transportation of flammable  
21 liquids or gases, whether loaded or empty, no open burning flares  
22 or fuses shall be used and red electric lanterns shall be used in lieu  
23 thereof.

24 During the times lighted lamps are not required, red flags shall  
25 be used in place of flares or electric lanterns, provided that if such  
26 parking continues into the period when lighted lamps are required,  
27 flares or electric lanterns shall be placed as above provided.

1 **SEC. 473. Explosives.** No person shall at any time operate a motor  
2 truck transporting explosives as a cargo or part of a cargo upon a  
3 highway unless it carries flares or electric lanterns as herein re-  
4 quired, but such flares or electric lanterns must be capable of pro-  
5 ducing a red light and shall be displayed upon the roadway when and  
6 as required in section four hundred seventy-two (472).

1 **SEC. 474. Vehicles transporting explosives.** Any person operating  
2 any vehicle transportaing any explosive as a cargo or part of a cargo  
3 upon a highway shall at all times comply with the provisions of this  
4 section.

5 Said vehicle shall be marked or placarded on each side and the  
6 rear with the word "Explosives" in letters not less than eight inches  
7 high, or there shall be displayed on the rear of such vehicle a red  
8 flag not less than twenty-four inches square marked with the word  
9 "Danger" in white letters six inches high.

10 Every said vehicle shall be equipped with or not less than two fire  
11 extinguishers, filled and ready for immediate use, and placed at a  
12 convenient point on the vehicle so used.

#### SIZE, WEIGHT, AND LOAD

1 **SEC. 475. Scope and effect.** It is a misdemeanor, punishable as  
2 provided in section five hundred (500), for any person to drive or  
3 move or for the owner to cause or knowingly permit to be driven or  
4 moved on any highway any vehicle or vehicles of a size or weight ex-  
5 ceeding the limitations stated in this chapter, and the maximum size  
6 and weight of vehicles herein specified shall be lawful throughout  
7 this state, and local authorities shall have no power or authority to  
8 alter said limitations except as express authority may be granted  
9 in this chapter.

1 **SEC. 476. Exceptions.** The provisions of this chapter governing  
2 size, weight, and load shall not apply to fire apparatus, road ma-  
3 chinery, or to implements of husbandry temporarily moved upon a  
4 highway, or to a vehicle operated under the terms of a special permit  
5 issued as provided in sections four hundred ninety-one (491) to four  
6 hundred ninety-four (494), inclusive.

1 **SEC. 477. Width of vehicles.** The total outside width of any vehicle  
2 or the load thereon, except loose hay or straw, shall not exceed eight  
3 feet.

1 **SEC. 478. Projecting loads on passenger vehicles.** No passenger-  
2 type vehicle shall be operated on any highway with any load carried  
3 thereon extending beyond the line of the fenders on the left side of

4 such vehicle nor extending more than six inches beyond the line of  
5 the fenders on the right side thereof.

1 **SEC. 479. Height of vehicles.** No vehicle unladen or with load  
2 shall exceed a height of twelve feet.

1 **SEC. 480. Maximum length.** No motor vehicle, trailer, semitrailer  
2 or vehicle, except fire fighting apparatus, which exceeds thirty-three  
3 feet in length over all, nor any combination of such vehicles coupled  
4 together, which exceeds forty-five feet in length over all, shall be  
5 operated on the highways of this state.

Note: Sec. 481 omitted in enrolled bill.

1 **SEC. 482. Loading beyond front.** The load upon any vehicle oper-  
2 ated alone, or the load upon the front vehicle of a combination of ve-  
3 hicles, shall not extend more than three feet beyond the front wheels  
4 of such vehicle or the front bumper of such vehicle if it is equipped  
5 with such a bumper.

1 **SEC. 483. Dual axle requirement.** No motor vehicle, trailer, or  
2 semitrailer having axles less than forty inches apart center to center,  
3 shall be operated on the highways of this state.

1 **SEC. 484. Spilling loads on highways.** No vehicle shall be driven  
2 or moved on any highway unless such vehicle is so constructed or  
3 loaded as to prevent any of its load from dropping, sifting, leak-  
4 ing or otherwise escaping therefrom, except that sand may be drop-  
5 ped for the purpose of securing traction, or water or other substance  
6 may be sprinkled on a roadway in cleaning or maintaining such  
7 roadway.

1 **SEC. 485. Trailers and towed vehicles.** When one vehicle is towing  
2 another the drawbar or other connection shall not exceed fifteen feet  
3 from one vehicle to the other except the connection between any two  
4 vehicles transporting poles, pipe, machinery or other objects of struc-  
5 tural nature which cannot readily be dismembered.

1 **SEC. 486. Drawbars and safety chains.** When one vehicle is tow-  
2 ing or pulling another vehicle the drawbar or other connection shall  
3 be of sufficient strength to pull all weight towed thereby and shall  
4 be fastened to the frame of the towing vehicle in such manner as to  
5 prevent sidesway, and in addition to such principal connection there  
6 shall be a safety chain which shall be so fastened as to be capable  
7 of holding the towed vehicle should the principal connection for any  
8 reason fail.

9 The connection between a truck tractor and a semitrailer with a  
10 gross weight of three thousand pounds or more shall be of a type  
11 approved by the commissioner, and the commissioner is hereby given  
12 authority to approve or disapprove such types of connection sub-  
13 mitted to him.

1 **SEC. 487. Maximum load.** The total maximum load on any one  
2 wheel of any vehicle, including the weight of the vehicle and the load  
3 it carries, shall be four tons for vehicles equipped with pneumatic  
4 tires or three and one-half tons for vehicles equipped with solid rub-

5 ber tires, provided the total maximum weight of any vehicle or com-  
6 bination of vehicles and load shall not in any event exceed twelve  
7 tons plus four hundred fifty pounds for each foot, or fraction thereof,  
8 of distance between the front and rear axles of the vehicle or first  
9 and last axles of a combination of vehicles. Two or more wheels  
10 on the same end of a given axle shall be considered as one wheel.

1 **SEC. 488. Investigation as to safety.** The commissioner upon reg-  
2 istering any vehicle under the laws of this state which vehicle is  
3 designed and used primarily for the transportation of property or  
4 for the transportation of ten or more persons, may require such in-  
5 formation and may make such investigation or test as necessary to  
6 enable him to determine whether such vehicle may safely be operated  
7 upon the highways in compliance with all the provisions of this  
8 chapter. He shall register every such vehicle for a permissible  
9 gross weight not exceeding the limitations set forth in this chapter.  
10 Every such vehicle shall meet the following requirements:

11 1. It shall be equipped with brakes as required in sections four  
12 hundred fifty-four (454) and four hundred fifty-five (455).

13 2. Every motor vehicle to be operated outside of business and  
14 residence districts shall have motive power adequate to propel at a  
15 reasonable speed such vehicle and any load thereon or to be drawn  
16 thereby.

1 **SEC. 489. Weighing vehicles and removal of excess.** Any peace  
2 officer having reason to believe that the weight of a vehicle and load  
3 is unlawful is authorized to require the driver to stop and submit to  
4 a weighing of the same either by means of portable or stationary  
5 scales and may require that such vehicle be driven to the nearest  
6 public scales.

7 Whenever an officer upon weighing a vehicle and load, as above  
8 provided, determines that the weight is unlawful, such officer may  
9 require the driver to stop the vehicle in a suitable place and remain  
10 standing until such portion of the load is removed as may be neces-  
11 sary to reduce the gross weight of such vehicle to such limit as per-  
12 mitted under this chapter. All material so unloaded shall be cared  
13 for by the owner or operator of such vehicle at the risk of such owner  
14 or operator.

15 Any driver of a vehicle who fails or refuses to stop and submit the  
16 vehicle and load to a weighing, or who fails or refuses when directed  
17 by an officer upon a weighing of the vehicle to stop the vehicle and  
18 otherwise comply with the provisions of this section, shall be guilty  
19 of a misdemeanor and punished as provided in section five hundred  
20 (500).

1 **SEC. 490. Loading capacity.** Every motor truck or trailer shall be  
2 registered at the maximum loading capacity which the owner in-  
3 tends to carry thereon. Said capacity shall not be less than the  
4 manufacturers rating of said vehicle. The owner having once regis-  
5 tered his vehicle for any year may apply for an increased capacity  
6 registration by paying the difference between the annual fee for the  
7 higher capacity and the amount of the fee already paid. It shall  
8 be unlawful for any person to operate a motor truck or trailer on  
9 the public highways carrying a load of more than twenty-five per  
10 cent in excess of the loading capacity for which it was registered.



1     **SEC. 491. Permits for excess size and weight.** The state highway  
2 commission with respect to highways under its jurisdiction and local  
3 authorities with respect to highways under their jurisdiction may, in  
4 their discretion, upon application in writing and good cause being  
5 shown therefor, issue a special permit in writing authorizing the  
6 applicant to operate or move a vehicle or combination of vehicles of  
7 a size or weight of vehicle or load exceeding the maximum specified  
8 in this chapter or otherwise not in conformity with the provisions of  
9 this chapter upon any highway under the jurisdiction of the party  
10 granting such permit and for the maintenance of which said party  
11 is responsible.

1     **SEC. 492. Application.** The application for any such permit shall  
2 specifically describe the vehicle or vehicles and load to be operated  
3 or moved and the particular highways for which permit to operate  
4 is requested, and whether such permit is requested for a single trip  
5 or for continuous operation.

1     **SEC. 493. Issuance.** The state highway commission or local au-  
2 thority is authorized to issue or withhold such permit at its discre-  
3 tion; or, if such permit is issued, to limit the number of trips, or to  
4 establish seasonal or other time limitations within which the ve-  
5 hicles described may be operated on the highways indicated, or other-  
6 wise to limit or prescribe conditions of operation of such vehicle or  
7 vehicles, when necessary to assure against undue damage to the road  
8 foundations, surfaces or structures, and may require such under-  
9 taking or other security as may be deemed necessary to compensate  
10 for any injury to any roadway or road structure.

1     **SEC. 494. Carried in vehicle.** Every such permit shall be carried  
2 in the vehicle or combination of vehicles to which it refers and shall  
3 be open to inspection by any peace officer or authorized agent of any  
4 authority granting such permit, and no person shall violate any of  
5 the terms or conditions of such special permit.

1     **SEC. 495. Local authorities may restrict.** Local authorities with  
2 respect to highways under their jurisdiction may by ordinance or  
3 resolution prohibit the operation of vehicles upon any such high-  
4 way or impose restrictions as to the weight of vehicles to be op-  
5 erated upon any such highway, for a total period of not to exceed  
6 ninety days in any one calendar year, whenever any said highway  
7 by reason of deterioration, rain, snow, or other climatic conditions  
8 will be seriously damaged or destroyed unless the use of vehicles  
9 thereon is prohibited or the permissible weights thereof reduced.

1     **SEC. 496. Signs posted.** The local authority enacting any such  
2 ordinance or resolution shall erect or cause to be erected and main-  
3 tained signs designating the provisions of the ordinance or resolu-  
4 tion at each end of that portion of any highway affected thereby, and  
5 the ordinance or resolution shall not be effective unless and until  
6 such signs are erected and maintained.

1     **SEC. 497. Limiting trucks.** Local authorities with respect to high-  
2 ways under their jurisdiction may also, by ordinance or resolution,

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\*Note: In accordance with enrolled bill.

3 prohibit the operation of trucks or other commercial vehicles, or  
 4 may impose limitations as to the weight thereof, on designated high-  
 5 ways, which prohibitions and limitations shall be designated by ap-  
 6 appropriate signs placed on such highways.

1 **SEC. 498. Highway commission may restrict.** The state highway  
 2 commission shall likewise have authority as hereinabove granted to  
 3 local authorities to determine by resolution and to impose restrictions  
 4 as to the weight of vehicles operated upon any highway under the  
 5 jurisdiction of said commission and such restrictions shall be ef-  
 6 fective when signs giving notice thereof are erected upon the high-  
 7 way or portion of any highway affected by such resolution.

1 **SEC. 499. Liability for damage.** Any person driving any vehicle,  
 2 object, or contrivance upon any highway or highway structure shall  
 3 be liable for all damage which said highway or structure may sus-  
 4 tain as a result of any illegal operation, driving, or moving of such  
 5 vehicle, object, or contrivance, or as a result of operation, driving,  
 6 or moving any vehicle, object, or contrivance weighing in excess of  
 7 the maximum weight in this chapter but authorized by a special  
 8 permit issued as provided in this chapter.

9 Whenever such driver is not the owner of such vehicle, object, or  
 10 contrivance, but is so operating, driving, or moving the same with  
 11 the express or implied permission of said owner, then said owner  
 12 and driver shall be jointly and severally liable for any such damage.

13 Such damage may be recovered in a civil action brought by the  
 14 authorities in control of such highway or highway structure.

### PENALTIES

1 **SEC. 500. Penalties for misdemeanor.** It is a misdemeanor for any  
 2 person to do any act forbidden or to fail to perform any act required  
 3 by any of the provisions of this chapter unless any such violation is  
 4 by this chapter or other law of this state declared to be a felony.  
 5 Chapter one hundred eighty (180) of the code shall have no applica-  
 6 tion in the prosecution of offenses committed in violation of this  
 7 chapter.

8 Every person convicted of a misdemeanor for a violation of any  
 9 of the provisions of this chapter for which another penalty is not  
 10 provided shall be punished by a fine of not more than one hundred  
 11 dollars or by imprisonment\* for not more than thirty days.

1 **SEC. 501. Penalty for felony.** Any person who is convicted of a  
 2 violation of any of the provisions of this chapter herein declared to  
 3 constitute a felony, and for which another punishment is not other-  
 4 wise provided, shall be punished by imprisonment\* for a term of  
 5 not more than five years, or by a fine of not less than five hundred  
 6 dollars nor more than five thousand dollars, or by both such fine and  
 7 imprisonment.

Note: Sec. 502 omitted in enrolled bill.

\* Note: Place of imprisonment not fixed in enrolled bill.

PARTIES, PROCEDURE UPON ARREST, AND REPORTS IN  
CRIMINAL CASES

1     **SEC. 503. Offenses by owners.** It is unlawful for the owner, or  
2 any other person, employing or otherwise directing the driver of any  
3 vehicle to require or knowingly to permit the operation of such ve-  
4 hicle upon a highway in any manner contrary to law.

1     **SEC. 504. Notice to appear.** Whenever a person is arrested for  
2 any violation of this chapter punishable as a misdemeanor, such per-  
3 son may be immediately taken before a magistrate, or the arresting  
4 officer may prepare in duplicate written notice to appear in court con-  
5 taining the name and address of such person, the registration num-  
6 ber of his vehicle, if any, the offense charged, and the time when  
7 and place where such person shall appear in court. The place speci-  
8 fied in said notice to appear must be before a magistrate within the  
9 township or county in which the offense charged is alleged to have  
10 been committed and who has jurisdiction of such offense.

1     **SEC. 505. Promise to appear.** Before the arrested person may be  
2 released, as provided in section five hundred four (504), he must give  
3 his written promise so to appear in court by signing in duplicate  
4 the written notice prepared by the arresting officer. The original of  
5 said notice shall be retained by said officer and the copy thereof de-  
6 livered to the person arrested. Thereupon, said officer may release  
7 the person arrested from custody.

1     **SEC. 506. Violation of promise to appear.** Any person wilfully  
2 violating his written promise to appear in court, given as provided  
3 in this chapter, is guilty of a misdemeanor, punishable as provided  
4 in section five hundred (500) regardless of the disposition of the  
5 charge upon which he was originally arrested.

6     A written promise to appear in court may be complied with by an  
7 appearance by counsel.

1     **SEC. 507. Procedure not exclusive.** The foregoing provisions of  
2 this chapter shall govern all peace officers in making arrests without  
3 a warrant for violations of this chapter for offenses committed in  
4 their presence, but the procedure prescribed herein shall not be ex-  
5 clusive of any other method prescribed by law for the arrest and  
6 prosecution of a person.

1     **SEC. 508. Record inadmissible in a civil action.** No record of the  
2 conviction of any person for any violation of this chapter shall be  
3 admissible as evidence in any court in any civil action.

1     **SEC. 509. Conviction not to affect credibility.** The conviction of  
2 a person upon a charge of violating any provision of this chapter or  
3 other traffic regulation less than a felony shall not affect or impair  
4 the credibility of such person as a witness in any civil or criminal  
5 proceeding.

1     **SEC. 510. Convictions to be reported.** Every magistrate or judge  
2 of a court not of record and every clerk of a court of record shall keep  
3 a full record of every case in which a person is charged with any  
4 violation of this chapter or of any other law regulating the opera-  
5 tion of vehicles on highways.

6 Within ten days after the conviction or forfeiture of bail of a  
 7 person upon a charge of violating any provision of this chapter or  
 8 other law regulating the operation of vehicles on highways every  
 9 said magistrate of the court or clerk of the court of record in which  
 10 such conviction was had or bail was forfeited shall prepare and im-  
 11 mediately forward to the department an abstract of the record of  
 12 said court covering the case in which said person was so convicted or  
 13 forfeited bail, which abstract must be certified by the person so re-  
 14 quired to prepare the same to be true and correct.

15 Said abstract must be made upon a form furnished by the depart-  
 16 ment and shall include the name and address of the party charged,  
 17 the registration number of the vehicle involved, the nature of the  
 18 offense, the date of hearing, the plea, the judgment, or whether bail  
 19 forfeited and the amount of the fine or forfeiture as the case may be.

20 Every clerk of a court of record shall also forward a like report to  
 21 the department upon the conviction of any person of manslaughter  
 22 or other felony in the commission of which a vehicle was used.

23 The failure, refusal, or neglect of any such officer to comply with  
 24 any of the requirements of this section shall constitute misconduct  
 25 in office and shall be ground for removal therefrom.

26 The department shall keep all abstracts received hereunder at its  
 27 main office and the same shall be open to public inspection during  
 28 reasonable business hours.

1 **SEC. 511. Liability for damages.** In all cases where damage is  
 2 done by any car by reason of negligence of the driver, and driven  
 3 with the consent of the owner, the owner of the car shall be liable for  
 4 such damage.

1 **SEC. 512. Liability to guests.** The owner or operator of a motor  
 2 vehicle shall not be liable for any damages to any passenger or per-  
 3 son riding in said motor vehicle as a guest or by invitation and not  
 4 for hire unless damage is caused as a result of the driver of said  
 5 motor vehicle being under the influence of intoxicating liquor or be-  
 6 cause of the reckless operation by him of such motor vehicle.

#### ACTIONS AGAINST NONRESIDENTS

1 **SEC. 513. Legal effect of use and operation.** The use and opera-  
 2 tion of a motor vehicle in this state on the public highways thereof by  
 3 a person who is a nonresident of this state shall be deemed:

4 1. An agreement by him that he shall be subject to the jurisdiction  
 5 of the district court of this state over all civil actions and proceedings  
 6 against him for damages to person or property growing or arising  
 7 out of such use and operation, and

8 2. An appointment by such nonresident of the commissioner of the  
 9 motor vehicle department of this state as his lawful attorney upon  
 10 whom may be served all original notices of suit pertaining to such ac-  
 11 tions and proceedings, and

12 3. An agreement by such nonresident that any original notice of  
 13 suit so served shall be of the same legal force and validity as if per-  
 14 sonally served on him in this state.

1 **SEC. 514. "Person" defined.** The term "person", as used in section  
 2 five hundred thirteen (513) shall mean:

3 1. The owner of the vehicle whether it is being used and operated  
4 personally by said owner, or by his agent.

5 2. An agent using and operating the vehicle for his principal.

6 3. Any person who is in charge of the vehicle and of the use and  
7 operation thereof with the express or implied consent of the owner.

1 SEC. 515. **Original notice—form.** The original notice of suit filed  
2 with the commissioner shall be in form and substance the same as  
3 now provided in suits against residents of this state, except that that  
4 part of said notice pertaining to the return day shall be in substan-  
5 tially the following form, to wit:

6 "and unless you appear thereto and defend in the district court of  
7 Iowa in and for ..... county at the courthouse in .....  
8 Iowa before noon of the sixtieth day following the filing of this notice  
9 with the commissioner of the motor vehicle department of this state,  
10 default will be entered and judgment rendered against you by the  
11 court if then in session in said county, and if the court is not then in  
12 session said default will be entered and judgment rendered by the  
13 court on the first day of the first succeeding term or as soon thereafter  
14 as the same may be reached."

1 SEC. 516. **Manner of service.** Plaintiff in any such action shall  
2 cause the original notice of suit to be served as follows:

3 1. By filing a copy of said original notice of suit with said commis-  
4 sioner, together with a fee of two dollars, and

5 2. By mailing to the defendant, and to each of the defendants if  
6 more than one, within ten days after said filing with the commis-  
7 sioner, by restricted registered mail addressed to the defendant at his  
8 last known residence or place of abode, a notification of the said filing  
9 with the commissioner.

1 SEC. 517. **Notification to nonresident—form.** The notification,  
2 provided for in section five hundred sixteen (516), shall be in sub-  
3 stantially the following form, to wit:

4 "To..... (Here insert the name of each defendant and  
5 his residence or last known place of abode as definitely as known.)

6 You will take notice that an original notice of suit against you, a  
7 copy of which is hereto attached, was duly served upon you at Des  
8 Moines, Iowa, by filing a copy of said notice on the .....day of.....  
9 19...., with the commissioner of the motor vehicle department of the  
10 state of Iowa.

11 Dated at....., Iowa, this..... day of  
12 ....., 19....

13 .....  
14 Plaintiff.

15 By .....  
16 Attorney for plaintiff."

1 SEC. 518. **"Restricted registered mail" defined.** The term "re-  
2 stricted registered mail" means mail which carries on the face thereof,  
3 in a conspicuous place where it will not be obliterated, the indorse-  
4 ment, "Deliver to addressee only", and which also requires a return  
5 receipt.

1 SEC. 519. **Optional notification.** In lieu of mailing said notifica-  
2 tion to the defendant in a foreign state, plaintiff may cause said noti-

3 fication to be personally served in the foreign state on the defendant  
4 by any adult person not a party to the suit, by delivering said notifica-  
5 tion to the defendant or by offering to make such delivery in case de-  
6 fendant refuses to accept delivery.

1 **SEC. 520. Proof of service.** Proof of the filing of a copy of said  
2 original notice of suit with the commissioner, and proof of the mail-  
3 ing or personal delivery of said notification to said nonresident shall  
4 be made by affidavit of the party doing said acts. All affidavits of  
5 service shall be indorsed upon or attached to the originals of the  
6 papers to which they relate. All proofs of service, including the re-  
7 turn registry receipt, shall be forthwith filed with the clerk of the  
8 district court.

1 **SEC. 521. Actual service within this state.** The foregoing pro-  
2 visions relative to service of original notice of suit on nonresidents  
3 shall not be deemed to prevent actual personal service in this state  
4 upon the nonresident in the time, manner, form and under the con-  
5 ditions provided for service on residents.

1 **SEC. 522. Venue of actions.** Actions against nonresidents as con-  
2 templated by this law may be brought in the county of which plaintiff  
3 is a resident, or in the county in which the injury was received, or  
4 damage done.

1 **SEC. 523. Continuances.** The court in which such action is pend-  
2 ing shall grant such continuances to a nonresident defendant as may  
3 be necessary to afford him reasonable opportunity to defend said ac-  
4 tion.

1 **SEC. 524. Duty of commissioner.** The commissioner shall keep a  
2 record of all notices of suit filed with him, shall not permit said filed  
3 notices to be taken from his office except on an order of court, and  
4 shall, on request, and without fee, furnish any defendant with a cer-  
5 tified copy of the notice in which he is defendant.

1 **SEC. 525. Expenses and attorney fees.** If judgment is rendered  
2 against the plaintiff, upon the trial of said action, said judgment shall  
3 include the reasonable expenses incurred by the defendant and his  
4 attorney in appearing to and defending against said action, provided  
5 that in the judgment of the trial court said action was commenced  
6 maliciously or without probable cause.

1 **SEC. 526. Dismissal—effect.** The dismissal of an action after  
2 the nonresident has appeared under the substituted service herein au-  
3 thorized, shall bar the recommencement of the same action against  
4 the same defendant unless said recommenced action is accompanied  
5 by actual personal service of the original notice of suit on said defend-  
6 ant in this state.

1 **SEC. 527.** Chapter two hundred fifty-one (251), and all amend-  
2 ments thereto, code 1935, are hereby repealed.

1 **SEC. 528.** Section two thousand ten (2010), code 1935, is amended  
2 by striking from line eight of subdivision one the words, "secretary  
3 of state" and inserting in lieu thereof the words "commissioner of  
4 motor vehicles".

1 SEC. 529. Section two thousand eleven (2011), code 1935, is  
2 amended by striking from lines one (1) and two (2) the words, "sec-  
3 retary of state" and inserting in lieu thereof the words "commissioner  
4 of motor vehicles"; also by striking from line five (5) of said section  
5 the word "secretary" and inserting in lieu thereof the word "commis-  
6 sioner".

1 SEC. 530. Section four thousand seven hundred fifty-five-b seven  
2 (4755-b7), code 1935, is amended as follows, to wit:

3 Strike from lines eight (8), nine (9), and twelve (12) the word  
4 "license" where it appears in said lines and insert in lieu thereof the  
5 word "registration" in each case.

1 SEC. 531. Section five thousand one hundred five-a forty-one  
2 (5105-a41), code 1935, is amended by striking from line two (2) the  
3 word "license" and inserting in lieu thereof the word "registration".

1 SEC. 532. Section five thousand one hundred five-c seventeen  
2 (5105-c17), code 1935, is amended as follows, to wit:

3 1. Strike from line three (3) the word "nineteen" and insert in  
4 lieu thereof the word "eighteen".

5 2. Strike from lines six (6) and seven (7) the words, "if not the  
6 owner of such motor truck".

1 SEC. 533. Section thirteen thousand ninety-two-d one (13092-d1),  
2 code 1935, is amended by inserting in line five (5) after the word  
3 "article" the following to wit:

4 ", except a motor vehicle,".

1 SEC. 534. Section four thousand six hundred twenty-seven  
2 (4627), code 1935, is hereby repealed.

1 SEC. 535. Section four thousand six hundred eighty-six-c one  
2 (4686-c1), code 1935, is hereby repealed.

1 SEC. 536. Section four thousand six hundred eighty-six-c two  
2 (4686-c2), code 1935, is hereby repealed.

1 SEC. 537. Section five thousand one hundred five-a thirty-two  
2 (5105-a32), code 1935, is hereby repealed.

1 SEC. 538. Section five thousand one hundred five-a thirty-three  
2 (5105-a33), code 1935, is hereby repealed.

1 SEC. 539. Section five thousand one hundred five-a thirty-four  
2 (5105-a34), code 1935, is hereby repealed.

1 SEC. 540. Section five thousand one hundred five-a thirty-five,  
2 (5105-a35), code 1935, is hereby repealed.

1 SEC. 541. Section five thousand one hundred five-c eighteen  
2 (5105-c18), code 1935, is hereby repealed.

1 SEC. 542. Section five thousand one hundred five-c nineteen  
2 (5105-c19), code 1935, is hereby repealed.

1 SEC. 543. Section five thousand one hundred five-c twenty (5105-  
2 c20), code 1935, is hereby repealed.

1 SEC. 544. Section five thousand one hundred five-c twenty-one  
2 (5105-c21), code 1935, is hereby repealed.

1 SEC. 545. Section six thousand seven hundred fifty-four-c one  
2 (6754-c1), code 1935, is hereby repealed.

1 SEC. 546. Section six thousand seven hundred fifty-four-c two  
2 (6754-c2), code 1935, is hereby repealed.

1 SEC. 547. Sections twelve thousand two hundred twenty-two  
2 (12222) to twelve thousand two hundred twenty-eight (12228), in-  
3 clusive, code 1935, are hereby repealed.

1 SEC. 548. Sections thirteen thousand eleven (13011) to thirteen  
2 thousand thirteen (13013), inclusive, code 1935, are hereby repealed.

1 SEC. 549. Section thirteen thousand ninety-two, (13092), code  
2 1935, is hereby repealed.

1 SEC. 550. Sections thirteen thousand one hundred eighteen  
2 (13118) and thirteen thousand one hundred nineteen (13119), code  
3 1935, are hereby repealed.

1 SEC. 551. Sections thirteen thousand four hundred seventeen-a  
2 one (13417-a1) and thirteen thousand four hundred seventeen-a two  
3 (13417-a2), both of the code 1935, are hereby repealed.

1 SEC. 552. **Special charter cities.** The provisions of this chapter  
2 shall apply to special charter cities.

1 SEC. 553. **Constitutionality.** If any part or parts of this chapter  
2 shall be held to be unconstitutional, such unconstitutionality shall  
3 not affect the validity of the remaining parts of this chapter. The  
4 legislature hereby declares that it would have passed the remaining  
5 parts of this chapter if it had known that such part or parts thereof  
6 would be declared unconstitutional.

1 SEC. 554. The explanatory material, tables, index, notes and  
2 historical references incorporated in this act shall not be considered  
3 as any part of the enactment hereof and shall not be included in the  
4 enrolled act.

Senate File 181. Approved April 19, 1937.



## CHAPTER 135

## MOTOR VEHICLE DEALERS

H. F. 218.

AN ACT to license and regulate persons engaged in the business of, at retail, selling, bartering or otherwise dealing in new and used motor vehicles within the state of Iowa; to fix the scope of the regulation in this act provided and prescribe the terms and conditions under which the license provided for in this act may be granted, revoked and denied; to prohibit and declare void as against public policy certain contracts, agreements or understandings between motor vehicle dealers and motor vehicle manufacturers or distributors in connection with the sale and transfer of retail instalment contracts arising from the retail instalment sale of motor vehicles; to prohibit coercion of motor vehicle dealers by manufacturers, distributors or the agents of either of the same; to provide for the creation of a motor vehicle dealer license fee fund; to provide for the enforcement of this act by injunction and by prescribing penalties for the violation of or non-compliance with this act.

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

1 SECTION 1. Administration. The administration of this act shall  
2 be vested in the secretary of state of Iowa.

3 The secretary of state shall appoint the superintendent of the motor  
4 vehicle department to perform such duties as the secretary of state  
5 shall generally or specifically direct in connection with the administra-  
6 tion of this act.

7 The secretary of state may also employ from time to time, such  
8 officers, attorneys, clerks and employees as are necessary for the ad-  
9 ministration of this act. They shall perform such duties as the secre-  
10 tary of state may direct. The amount hereafter expended in any one  
11 year to carry out the provisions of this act shall not exceed the revenues  
12 derived from the provisions of this act during such year.

13 The secretary of state, superintendent of motor vehicles, or any  
14 other person appointed or employed by the secretary of state under  
15 the provisions of this act shall be paid, in addition to their salary or  
16 compensation when required to travel on official duties, transportation,  
17 board, lodging and other traveling expenses necessary and actually  
18 incurred by each of them in the performance of the duties required  
19 by this act or performed by the direction of the secretary of state.

1 SEC. 2. Definitions. As used in this act and unless a different mean-  
2 ing appears from the context:

3 1. "Person" includes any individual, firm, corporation, copartner-  
4 ship, joint adventure or association, and the plural as well as the singu-  
5 lar number.

6 2. "Department" means the secretary of state.

7 3. "Selling" includes bartering, exchanging or otherwise dealing in

8 4. "At retail" means to dispose of a motor vehicle to a person who  
9 may devote it to a consumer use.

1 SEC. 3. Prohibited acts. 1. No person shall engaged\* in this state  
2 in the business of selling at retail new motor vehicles of any make or  
3 represent or advertise that he is engaged or intends to engage in such  
4 business in this state unless he is authorized by a contract in writing  
5 between himself and the manufacturer or distributor of such make of  
6 new motor vehicles to so dispose thereof in this state and unless the

\* Note: In accordance with enrolled bill.

7 department has licensed the person as a motor vehicle dealer in this  
8 state in motor vehicles of such make and has issued to the person a  
9 license in writing as in this act provided.

10 2. No person, other than a licensed dealer in new motor vehicles,  
11 shall engage in this state in the business of selling at retail used motor  
12 vehicles or represent or advertise that he is engaged or intends to  
13 engage in such business in this state unless and until the department  
14 has licensed such person as a used motor vehicle dealer in the state  
15 and has issued to the person a license in writing as in this act provided.

16 3. Nothing contained in sub-sections 1 and 2 hereof shall be con-  
17 strued as requiring the separate licensing of persons employed as sales-  
18 men of motor vehicles by a licensee hereunder, but the department is  
19 hereby authorized and empowered to make, publish and promulgate  
20 such reasonable rules and regulations as it may deem necessary for the  
21 proper identification of persons so employed as salesmen by any such  
22 licensee.

23 4. No person, who is engaged in the business of selling at retail  
24 motor vehicles, shall enter into any contract, agreement or understand-  
25 ing, express or implied, with any manufacturer or distributor of any  
26 such motor vehicles that he will sell, assign or transfer any retail in-  
27 stallment contracts arising from the retail installment sale of such  
28 motor vehicles or any one or more thereof only to a designated person  
29 or class of persons. Any such condition, agreement, or understanding  
30 between any manufacturer or distributor and a motor vehicle dealer  
31 in this state is hereby declared to be against the public policy of this  
32 state and to be unlawful and void.

33 5. No manufacturer or distributor of motor vehicles or any agent  
34 of such manufacturer or distributor, shall terminate or threaten to  
35 terminate any contract, agreement or understanding for the sale of  
36 new motor vehicles to any motor vehicle dealer in this state, before the  
37 expiration date of such contract, agreement or understanding, without  
38 just, reasonable and lawful cause therefor or because such motor ve-  
39 hicle dealer failed to sell, assign or transfer any retail instalment con-  
40 tract arising from the retail sale of such motor vehicles or any one  
41 or more of them to a person or a class of persons designated by such  
42 manufacturer or distributor.

1 SEC. 4. **Application for license as a motor vehicle dealer.** Each  
2 person before engaging in this state in the business of selling at retail  
3 motor vehicles or representing or advertising that he is engaged or  
4 intends to engage in such business in this state shall file in the office  
5 of the department an application for license as a motor vehicle dealer  
6 in the state in such form as the department may prescribe, duly veri-  
7 fied by oath, which application shall include the following:

8 1. The name of the applicant and his principal place of business  
9 wherever situated.

10 2. a. If the applicant is an individual—the name or style under  
11 which he intends to engage in such business.

12 b. If the applicant is a co-partnership—the name or style under  
13 which such co-partnership intends to engage in such business and the  
14 name and post office address of each partner.

15 c. If the applicant is a corporation—the state of incorporation and  
16 the name and post office address of each officer and director thereof.

17 3. The make or makes of new motor vehicles, if any which the ap-  
18 plicant will offer for sale to retail in this state.

19 4. The location of each place of business within this state to be  
20 used by the applicant for the conduct of his business.

21 5. If the applicant is a party to any contract or agreement or under-  
22 standing with any manufacturer or distributor of motor vehicles or is  
23 about to become a party to such a contract, agreement or understand-  
24 ing, the applicant shall state the name of each such manufacturer and  
25 distributor and the make or makes of new motor vehicles, if any, which  
26 are the subject matter of each such contract.

27 6. A statement of the previous history, record and association of the  
28 applicant and if the applicant is a co-partnership, of each partner  
29 thereof and if the applicant is a corporation, of each officer and di-  
30 rector thereof, which statement shall be sufficient to establish to the  
31 department the reputation in business of the applicant.

32 7. A description of the general plan and method of doing business  
33 in this state, which the applicant will follow if the license applied for  
34 in such application is granted.

35 8. A financial statement of the applicant showing his true financial  
36 condition as of a date not more than six months prior to the date of  
37 such application.

38 9. Such other information touching the business of the applicant  
39 as the department may require.

1 SEC. 5. **License fee of motor vehicle dealer.** The license fee for a  
2 motor vehicle dealer for each calendar year or part thereof shall be  
3 the sum of five dollars (\$5.00), to be paid to the department at the  
4 time a license is applied for. In case the application is denied, the  
5 department shall refund the amount of such fee to the applicant.

1 SEC. 6. **Denial of license.** The department shall deny the applica-  
2 tion of any person for a license as a motor vehicle dealer and refuse  
3 to issue a license to him as such, if, after reasonable notice and a hear-  
4 ing, the department determines that such applicant:

5 1. has made a material false statement in his application for the  
6 license; or

7 2. has not complied with the provisions of this act; or

8 3. is of bad business repute; or

9 4. has been guilty of a fraudulent act in connection with selling,  
10 bartering or otherwise dealing in motor vehicles; or

11 5. is about to engage in any practice in connection with the sale,  
12 barter or otherwise dealing in motor vehicles, which is fraudulent or  
13 in violation of the law; or

14 6. has entered into contract or agreement or is about to enter into  
15 a contract or agreement with any manufacturer or distributor of  
16 motor vehicles which is contrary to any provision of this act; or

17 7. has a contract or agreement with any manufacturer or distribu-  
18 tor of motor vehicles or is about to enter into a contract or agreement  
19 with any manufacturer or distributor of motor vehicles, who without  
20 just, reasonable and lawful cause therefor, has terminated within  
21 ninety days from the date of application a contract or agreement with  
22 a motor vehicle dealer in any county of the state in which the ap-  
23 plicant proposes to engage in business.

24 It shall be sufficient cause for refusal or revocation of a license  
25 as a motor vehicle dealer in the case of a partnership or corporation  
26 if any member of the partnership or any officer or director of the  
27 corporation has committed any act or omission which would be cause  
28 for refusing or revoking a license to such person as an individual.

29 In considering whether or not a contract or agreement between a  
30 motor vehicle dealer and a manufacturer or distributor of motor ve-  
31 hicles has been terminated by such manufacturer or distributor with-  
32 out just and reasonable cause therefor, the department shall take  
33 into consideration the circumstances existing at the time of such  
34 termination, including the amount of business transacted by the motor  
35 vehicle dealer pursuant to the contract or agreement and prior to  
36 such termination; the investment necessarily made and the obliga-  
37 tion necessarily incurred by the motor vehicle dealer in the perform-  
38 ance of his part of such contract; the permanency of such investment;  
39 the reasons for such termination by such manufacturer or distributor  
40 and the fact that it is injurious to the public welfare for the business  
41 of a motor vehicle dealer to be disrupted by termination of such con-  
42 tract without just and reasonable cause.

43 Whenever the department determines to deny the application of  
44 any person for a license as a motor vehicle dealer and refuses to issue  
45 a license to him as such, the department shall enter a final order there-  
46 of with its findings relating thereto within thirty days from the date  
47 of the hearing thereon.

1 **SEC. 7. License of motor vehicle dealer.** 1. If the department  
2 grants the application of any person for a license as a motor vehicle  
3 dealer, it shall evidence the granting thereof by a final order and  
4 shall issue to the person a license in such form as may be prescribed  
5 by the department, which license shall include the following:

6 A. The name of the person licensed.

7 B. If the applicant is an individual or a co-partnership—the name  
8 or style under which the licensee will engage in such business and if  
9 a co-partnership, the name and address of each partner.

10 C. The principal place of business of the licensee and location there-  
11 in of each place wherein the licensee is licensed to carry on such busi-  
12 ness.

13 D. The make or makes of new motor vehicles which the licensee  
14 is licensed to sell.

15 2. The instrument evidencing the license or a certified copy thereof  
16 provided by the department shall be kept posted conspicuously in the  
17 principal office of the licensee and in each place of business main-  
18 tained and operated by the applicant pursuant to the license in this  
19 state.

20 3. The license of a motor vehicle dealer shall expire and terminate,  
21 unless sooner revoked or suspended, at the end of the calendar year  
22 in which it is granted.

23 4. The license provided for in this act shall be renewed annually in  
24 the same manner and on payment of the same fee as in the case of the  
25 original license. Such renewal shall take effect on the first day of  
26 January of each year.

1 **SEC. 8. Supplemental statements.** Each licensee shall promptly  
2 file with the department from time to time during the period of the

3 license, statements supplemental to the statements contained in his  
4 application for license whenever any change shall occur in his per-  
5 sonnel or in his plan or method of doing business or in the location of  
6 his place or places of business, so that the statements made in the ap-  
7 plication do, after such change, properly disclose the licensee's status  
8 and method and plan of doing business. The supplemental statement  
9 shall be in the form prescribed by the department and shall disclose  
10 such information as would have been required by this act if such  
11 changes had occurred prior to the licensee making application for a  
12 license.

13 If the department finds that the changes set forth in the supple-  
14 mental statement do not violate the provisions of this act and it grants  
15 to the licensee the privilege of doing business in the manner set forth  
16 therein, it shall upon surrender to it of the license of the motor vehicle  
17 dealer, issue to him a new license appropriate to the dealer's original  
18 application as modified by such supplemental statement.

1 **SEC. 9. Revocation of license.** The department is hereby author-  
2 ized to revoke or suspend the license of any licensee if, after notice  
3 and hearing, it finds that such licensee has been guilty of any act  
4 which would have been a ground for the denial of a license under  
5 Section 7 of this act.

1 **SEC. 10. Appeals.** 1. An appeal may be taken by any person inter-  
2 ested from any final order of the department to the district court of  
3 the county in which he resides or in which his principal place of busi-  
4 ness is located, within thirty days after he shall have received notice  
5 from the department of such order.

6 2. The appeal shall be taken by a written notice to the department  
7 and served as an original notice. When said notice is so served it  
8 shall, with the return thereon, be filed in the office of the clerk of  
9 said district court, and docketed as other cases, with the appellant  
10 as plaintiff and the department as defendant. The plaintiff shall  
11 file with such clerk a bond for the use of the defendant, with sureties  
12 approved by such clerk and in an amount fixed by him, provided in  
13 no case shall the bond be less than fifty dollars, conditioned that the  
14 plaintiff shall perform the orders of the court.

15 3. The court shall hear the appeal in equity, determine anew all  
16 questions submitted to it on appeal from the order of the department,  
17 and render its decree thereon. An appeal to the supreme court of  
18 this state may be taken as in other equitable actions.

1 **SEC. 11. Injunctions.** Whenever the department shall believe from  
2 evidence satisfactory to it that any person has or is now violating any  
3 provision of this act, the department may, in addition to any other  
4 remedy, bring an action in the name and on behalf of the state of Iowa  
5 against such person and any other person concerned in or in any way  
6 participating in or about to participate in practices or acts in viola-  
7 tion of this act, to enjoin such person and said other person from  
8 continuing the same. In any such action, the department may apply  
9 for and on due showing be entitled to have issued the court's subpoena,  
10 requiring forthwith the appearance of any defendant, his agent and  
11 employees and the production of documents, books and records as  
12 may appear necessary for the hearing of such petition to testify and

13 give evidence concerning the acts or conduct or practices or things  
14 complained of in such application for injunction. In said action an  
15 order or judgment may be entered, awarding such preliminary or  
16 final injunctions as may be proper.

1     **SEC. 12. Motor vehicle dealers license fee fund.** All fees and  
2 funds of whatever character accruing from the administration of this  
3 act shall be accounted for and paid by the department into the state  
4 treasury monthly and shall constitute a separate and distinct fund  
5 which shall be known as the "Motor Vehicle Dealers License Fee  
6 Fund". All expenses incurred and all compensation paid by the de-  
7 partment in the administration of this act shall be paid out of said  
8 fund in the same manner as other state expenses and compensation  
9 are paid. Any amount in such fund in excess of ten thousand dollars  
10 (\$10,000.00) at the end of any fiscal year shall be credited to the state  
11 general fund.

12     In connection with the enforcement of this act, it is hereby made  
13 the duty of the attorney general of the state of Iowa to render all  
14 necessary assistance to the department upon its request in the enforce-  
15 ment thereof and to that end, the attorney general shall employ such  
16 additional legal counsel as shall be necessary to adequately and fully  
17 perform such service under the direction of the department as the  
18 demands of such department shall require and any expenses so in-  
19 curred by the attorney general for additional legal counsel as afore-  
20 said shall be chargeable against and paid out of the fund herein pro-  
21 vided.

1     **SEC. 13. Rules and regulations.** 1. The department shall have full  
2 authority to prescribe reasonable rules and regulations for the ad-  
3 ministration and enforcement of this act, in addition hereto and not  
4 inconsistent herewith. All rules and regulations shall be filed and  
5 entered by the department in its office in an indexed, permanent book  
6 or record, with the effective date thereof suitably indicated, and such  
7 book or record shall be a public document. Whenever a new rule or  
8 regulation is adopted by the department, a copy of the same shall be  
9 mailed by it to each licensee hereunder, and published in an Iowa  
10 newspaper having a general circulation in this state.

11     2. The department shall have power to prescribe the forms to be  
12 used in connection with the licensing of motor vehicle dealers as here-  
13 in provided.

1     **SEC. 14. Penalties.** Any person violating any of the provisions of  
2 this act where a penalty is not specifically provided for shall be deemed  
3 guilty of a misdemeanor and upon conviction thereof shall be punished  
4 by a fine not exceeding one hundred dollars (\$100.00) or thirty (30)  
5 days in jail.

6     1. Any person violating any provisions of subsections 1, 2 and 4  
7 of section 3, by a fine in any sum not exceeding five hundred dollars  
8 (\$500.00) or by imprisonment in the county jail for any determinate  
9 period not exceeding six months, or by both such fine and imprison-  
10 ment.

11     2. For the violation of any provision of subsection 5 of section 3, by  
12 a fine in any sum not exceeding five thousand dollars (\$5,000.00) or  
13 by imprisonment in the county jail for any determinate period not  
14 exceeding one year, or by both such fine and imprisonment.

1     **SEC. 15. Liberal construction.** All provisions of this act shall be  
 2     liberally construed to the end that the practice or commission of fraud  
 3     in the sale, barter or disposition of motor vehicles at retail in this state  
 4     may be prohibited and prevented, and irresponsible, unreliable or dis-  
 5     honest persons may be prevented from engaging in the business of  
 6     selling, bartering or otherwise dealing in motor vehicles at retail in  
 7     this state and reliable persons may be encouraged to engage in the  
 8     business of selling, bartering and otherwise dealing in motor vehicles  
 9     at retail in this state.

1     **SEC. 16. Captions.** No caption of any section of this act shall in  
 2     any way affect the interpretation of this act or any part thereof.

1     **SEC. 17. Severability clause.** If any provision of this act or the  
 2     application thereof to any person or circumstances is held invalid, such  
 3     invalidity shall not affect other provisions or applications of the act  
 4     which can be given effect without the invalid provision or application  
 5     and to this end the provisions of this act are declared to be severable.

1     **SEC. 18. Short title.** This act may be cited as the motor vehicle  
 2     dealers licensing act.

House File 218. Approved May 1, 1937.

## CHAPTER 136

### MOTOR VEHICLE FUEL TAX

#### S. F. 321

AN ACT to amend chapter two hundred fifty-one-f one (251-f1), code of Iowa, 1935, by amending section five thousand ninety-three-f four (5093-f4) and section five thousand ninety-three-f thirty-one (5093-f31) of such chapter; to provide for the posting of prices of motor vehicle fuel and fuel oil by every distributor and person selling motor vehicle fuel or fuel oil; making it unlawful for any distributor or person selling motor vehicle fuel or fuel oil to deviate from such posted prices by means of rebates, discounts, premiums or otherwise; to provide that price placards may not be changed for a period of twenty-four hours after posting thereof; and to provide that the deviation from the posted price shall constitute a misdemeanor; and to provide a penalty therefor.

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

That chapter two hundred fifty-one-f one (251-f1), code of Iowa, 1935, be amended as follows:

1     **SECTION 1.** By striking from section five thousand ninety-three-f  
 2     four (5093-f4) the last paragraph thereof and inserting in lieu there-  
 3     of the following:  
 4     "Every distributor and other person selling motor vehicle fuel or  
 5     fuel oil in this state, at wholesale or at retail, shall keep posted in  
 6     a conspicuous place most accessible to the public at their place or  
 7     places of business, including bulk plants, service stations, garages  
 8     and motor vehicle transports, a placard showing in words and/or  
 9     figures of the same height and size but not less than one inch in height  
 10    or size, the price per gallon of each grade of motor vehicle fuel and  
 11    fuel oil offered for sale, the amount of state license fee per gallon  
 12    thereon, the federal excise tax per gallon thereon, and the total

13 thereof. If any rebate, discount, commission or other concession is  
14 granted by distributors or persons engaged in the sale of motor vehicle  
15 fuel or fuel oil of such nature as will reduce the cost or price to any  
16 purchaser or consumer of such products, the conditions, quantity and  
17 amount of such rebate, discount, commission or other concession shall  
18 be posted as a part of the posted price. Provided, however, at all  
19 places making wholesale sales only and upon motor vehicle transports,  
20 the words or figures shall be of such size as to be plainly legible to  
21 the public and as approved by the treasurer. All price placards shall  
22 be subject to the approval of the treasurer. Any distributor or person  
23 failing to post or keep posted the placard required by this section, or  
24 who posts placards not approved by the treasurer, as provided in this  
25 section, or who sells any motor vehicle fuel or fuel oil at a price which  
26 directly or indirectly, by any means or device, deviates from the posted  
27 price set forth on the price placard approved by the treasurer, shall  
28 be guilty of a misdemeanor and shall be punished by a fine of one  
29 hundred dollars or imprisonment in the county jail for thirty days.  
30 Nothing contained herein shall prohibit or restrict the distribution  
31 of earnings to the members of any distributor or person, nor to the  
32 distribution to consumers of road maps, publicity and other adver-  
33 tising media carrying the name of the distributor, person or produce.  
34 Each day the required placard remains unposted or an unauthorized  
35 placard remains posted, or each deviation from the posted price, shall  
36 be considered a separate offense. In the event of a third conviction  
37 for the violation of any of the provisions of this section, the state  
38 treasurer may revoke the license of such distributor or person so  
39 convicted."

1 SEC. 2. By striking subsection one (1) of section five thousand  
2 ninety-three-f thirty-one (5093-f31) the period following the word  
3 "fuel" in the fourth line and by inserting in lieu thereof a comma and  
4 by adding thereto the words: "or fuel oil."

1 SEC. 3. By adding to section five thousand ninety-three-f thirty-  
2 one (5093-f31), as paragraph 10 thereof, the following:  
3 "For any distributor or person to change or alter the price placard  
4 until the same shall have been posted for a period of twenty-four  
5 hours except to meet a posted competitive price in that community."

Senate File 321. Approved May 1, 1937.



## CHAPTER 137

## OLD AGE ASSISTANCE

## S. F. 376

AN ACT to amend and revise chapter two hundred sixty-six-f one (266-f1) of the 1935 code of Iowa relating to the protection, welfare and assistance of aged persons in need and having residence or domicile in the state of Iowa, and to amend sections five thousand three hundred and two (5302) and six thousand nine hundred and fifty-g one (6950-g1) of the 1935 code of Iowa; creating a division of old age assistance under the administrative jurisdiction of the state department of social welfare; coordinating the provisions of chapter two hundred sixty-six-f one (266-f1) of the 1935 code of Iowa with the welfare organization act of 1937; relating to the manner and method, terms and conditions providing the protection, welfare and assistance to the said aged persons; providing for the appointment of a legal guardian for any recipient of old age assistance who shall be found incompetent; providing for the recovery by the state board and division from any person, municipality, association, society, or corporation responsible for and reasonably able to pay for the support of any recipient of double the amount of assistance furnished to said recipient; providing a penalty for violation of the old age assistance statutes; providing for payments to the United States as required by title I of the federal social security act; and providing legal procedure to enforce compliance with the act by certain public officers.

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

1 SECTION 1. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by striking all of section fifty-two hundred ninety-six-f one  
 3 (5296-f1), and inserting in lieu thereof the following:  
 4 "5296-f1. Definitions. When used herein:  
 5 "1. The term 'state department' shall mean the state department  
 6 of social welfare created by senate file three hundred seventy-three  
 7 (373), acts of the Forty-seventh General Assembly.  
 8 "2. The term 'state board' shall mean the state board of social wel-  
 9 fare created by senate file three hundred seventy-three (373), acts of  
 10 the Forty-seventh General Assembly.  
 11 "3. The term 'board' and 'county board' shall mean the county board  
 12 of social welfare created by senate file three hundred seventy-three  
 13 (373) acts of the Forty-seventh General Assembly.  
 14 "4. The term 'division' shall mean the division of old age assistance.  
 15 "5. The term 'superintendent' shall mean the old age assistance  
 16 superintendent.  
 17 "6. The term 'investigator' shall mean the employee of the county  
 18 board of social welfare assigned to perform the duties specified under  
 19 the provisions of this chapter.  
 20 "7. The term 'domicile' shall mean the fixed permanent residence of  
 21 the applicant or recipient of old age assistance, to which, when absent,  
 22 he has the intention of returning.  
 23 "8. The term 'residence' shall mean the place of dwelling of the ap-  
 24 plicant or recipient of old age assistance, whether permanent or tem-  
 25 porary, and such dwelling place may or may not be the domicile of such  
 26 person.  
 27 "9. The term 'income' shall mean that gain or recurrent benefit, or  
 28 both, accruing to the applicant for or the recipient of old age assistance  
 29 because of his own labor, business or property or because of the rea-  
 30 sonable legal or contractual liability of another person or legal entity,  
 31 whether in the form of money, goods or services of whatever nature

32 and from whatever source, upon which a monetary value can be placed.  
 33 "10. The term 'property' shall mean those things in which a person  
 34 has legal title or owns, whether in lands, goods, investments, stocks,  
 35 bonds, securities, notes, money or money on deposit, insurance on his  
 36 life, or intangible rights such as patents, copyrights, or anything of  
 37 value which may be alienated.

38 "11. The singular shall include the plural and the masculine shall  
 39 include the feminine."

1 SEC. 2. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by striking all of section fifty-two hundred ninety-six-f two  
 3 (5296-f2), and inserting in lieu thereof the following:

4 "5296-f2. **Division created.** There is hereby created a division un-  
 5 der the administrative jurisdiction of the state board of social welfare  
 6 to be known as the division of old age assistance."

1 SEC. 3. Amend chapter two hundred sixty-six-f one (266-f1), code,  
 2 1935, by striking all of section fifty-two hundred ninety-six-f three  
 3 (5296-f3), and inserting in lieu thereof the following:

4 "5296-f3. **Superintendent.** The state board shall appoint a super-  
 5 intendent of the division of old age assistance who shall be qualified  
 6 by character, training and experience. The superintendent, with the  
 7 approval of the state board, shall appoint the necessary personnel to  
 8 carry out the provisions of this chapter. The salaries of the personnel  
 9 of the division shall be fixed by the state board."

1 SEC. 4. Amend chapter two hundred sixty-six-f one (266-f1), code,  
 2 1935, by striking all of section fifty-two hundred ninety-six-f four  
 3 (5296-f4).

1 SEC. 5. Amend chapter two hundred sixty-six-f one (266-f1), code,  
 2 1935, by striking all of sections fifty-two hundred ninety-six-f five  
 3 (5296-f5), fifty-two hundred ninety-six-f six (5296-f6), fifty-two hun-  
 4 dred ninety-six-f seven (5296-f7), and fifty-two hundred ninety-six-f  
 5 eight (5296-f8), and inserting in lieu thereof the following:

6 "5296-f7. **Old age assistance investigators.** The county board  
 7 shall employ one or more old age assistance investigators whose duty  
 8 shall be to make such investigations or reinvestigations as are neces-  
 9 sary to furnish the information required by the county board and the  
 10 division, and in such manner and form as may be prescribed in the rules  
 11 and regulations of the state board relating to this division."

1 SEC. 6. Amend chapter two hundred sixty-six-f one (266-f1), code,  
 2 1935, by adding thereto as section fifty-two hundred ninety-six-i one  
 3 (5296-i1), and following section fifty-two hundred ninety-six-f two  
 4 (5296-f2), the following:

5 "5296-i1. **Powers and duties of the state board.** The state board  
 6 shall be the responsible authority for the efficient and impartial ad-  
 7 ministration of this chapter. To this end the state board shall formu-  
 8 late and make such rules and regulations, outline such policies, dictate  
 9 such procedures and delegate such powers as may be necessary to carry  
 10 out the provisions and purposes of this chapter.

11 "The state board shall:

12 "1. Require the superintendent, within ninety days after the close  
 13 of each fiscal year, to report to the state board for the preceding year,  
 14 stating:

- 15 a. The total number of recipients.  
 16 b. The amount paid in cash.  
 17 c. Cash receipts and disbursements.  
 18 d. The total number of applications.  
 19 e. The number granted.  
 20 f. The number denied.  
 21 g. The number canceled during that year.  
 22 h. Such other information as the state board may deem advisable.
- 23 "2. Cooperate with the federal social security board, created by title  
 24 VII of the social security act, Public No. 271, enacted by the 74th  
 25 congress of the United States and approved August 14, 1935, in such  
 26 reasonable manner as may be necessary to qualify for federal aid for  
 27 old age assistance, including the making of such reports in such form  
 28 and containing such information as the federal social security board,  
 29 from time to time, may require, and to comply with such regulations  
 30 as said federal social security board, from time to time, may find neces-  
 31 sary to assure the correctness and verification of such reports.
- 32 "3. Furnish information to acquaint aged persons and the public  
 33 generally with the old age assistance system of this state.
- 34 "4. Fix the salaries for the personnel of the department."

1 SEC. 7. Amend section fifty-two hundred ninety-six-f ten (5296-  
 2 f10), code, 1935, by inserting in line six (6), following the word  
 3 "sources", the words and punctuation: ", exclusive of the exemptions  
 4 hereinafter provided,".

1 SEC. 8. Amend section fifty-two hundred ninety-six-f eleven (5296-  
 2 f11), code, 1935, by striking the word "does" in line four (4) and all of  
 3 line five (5) and inserting in lieu thereof: "shows to the division's".  
 4 Further amend said section by striking from line twelve (12), fol-  
 5 lowing the words "the amount of", and inserting in lieu thereof the  
 6 words "an amount not to exceed".

1 SEC. 9. Amend section fifty-two hundred ninety-six-f twelve (5296-  
 2 f12), code, 1935, by striking all of lines two (2), three (3) and four  
 3 (4), and inserting in lieu thereof the following:  
 4 "ance may be granted and paid only to a person who at the time of  
 5 application and during the continuance of a certificate of assistance:".  
 6 Further amend said section by striking all of lines five (5) and six  
 7 (6), and inserting in lieu thereof the following:  
 8 "1. Has residence or domicile in the state of Iowa."  
 9 Further amend said section by striking all of line eight (8), and in-  
 10 serting in lieu thereof the following:  
 11 "3. Is a citizen of the United States or has been a continuous resi-  
 12 dent of the United States for at least twenty-five (25) years, and in  
 13 good faith has thought himself to be a citizen of the United States  
 14 and has conducted himself as such.  
 15 Further amend said section by striking all of lines twelve (12) thir-  
 16 teen (13), fourteen (14), fifteen (15), and sixteen (16), and inserting  
 17 in lieu thereof: "but such domicile shall not be deemed continuous if  
 18 interrupted by periods of absence totaling more than four years, except  
 19 as otherwise provided elsewhere in this chapter; or".  
 20 Further amend said section by striking from line seventeen (17) the  
 21 figure and punctuation "5."

22 Further amend said section by striking all of lines twenty-one (21)  
 23 to twenty-nine (29), inclusive, and by inserting in lieu thereof: "ately  
 24 preceding such date. Futhermore, absence from the state in the serv-  
 25 ice of the state or the United States shall not be deemed to have in-  
 26 terrupted such continuous residence, if domicile has not been acquired  
 27 outside the state."

28 Further amend said section by striking all of lines thirty (30), thirty-  
 29 one (31) and thirty-two (32).

30 Further amend said section by striking all of subsection eight (8),  
 31 and inserting in lieu thereof the following:

32 "6. Has not deserted his wife, if a husband, or, without just cause  
 33 failed to support her and his children under the age of fifteen years,  
 34 for a period of six months or more during the ten years preceding the  
 35 date of application; has not deserted her husband, if a wife, or with-  
 36 out just cause failed to support such of her children as were under the  
 37 age of fifteen years, during the period set out above."

38 Further amend said section by inserting in line fifty (50) before the  
 39 word "responsible" the words "legally or contractually".

40 Further amend said section by striking from line fifty-one (51) the  
 41 words "by the board or".

42 Further amend said section by renumbering subsection seven (7)  
 43 as subsection five (5), subsection ten (10) as subsection seven (7)  
 44 and subsection eleven (11) as subsection eight (8).

45 Further amend said section by adding thereto as subsection ten (10),  
 46 the following:

47 "10. Is not, because of physical or mental condition, in need of con-  
 48 tinued institutional care, and such care is reasonably available to him  
 49 in one of the institutions provided by the United States, the state of  
 50 Iowa, or one of its political subdivisions."

1 SEC. 10. Amend section fifty-two hundred ninety-six-f thirteen  
 2 (5296-f13), code, 1935, by inserting in line ten (10) following the word  
 3 "dollars" the words and punctuation: ", or if married and not sep-  
 4 arated from the spouse, if he and his spouse have more than four hun-  
 5 dred fifty dollars".

6 Further amend said section by inserting in line sixteen (16) fol-  
 7 lowing the word "dollars" the words and punctuation: ", or if married  
 8 and not separated from the spouse, if he and his spouse have more  
 9 than four hundred fifty dollars".

10 Further amend said section by striking from line twenty-four (24)  
 11 the word "pension" and inserting in lieu thereof the word "assistance".

1 SEC. 11. Amend section fifty-two hundred ninety-six-f fourteen  
 2 (5296-f14), code, 1935, by striking all of lines one (1) to six (6), in-  
 3 clusive, and inserting in lieu thereof the following:

4 "5296-f14. **Income from property.** If the applicant or spouse owns  
 5 any real estate which said applicant occupies as a home, or any other  
 6 real estate which does not produce a reasonable income, the value to  
 7 him of such occupancy or net income, for the purpose of arriving at  
 8 the amount of assistance to which said applicant is entitled, shall be  
 9 computed at five per cent of the assessed value of said real estate less  
 10 a proper allowance for taxes, insurance, upkeep, interest on encum-  
 11 brances, and a reasonable amount for amortization of said encum-  
 12 brances."

13 Further amend said section as it appears in the code of Iowa, 1935,  
14 by inserting in line ten (10), before the word "value", the word "ac-  
15 tual".

16 Further amend said section as it appears in the code of Iowa, 1935,  
17 by striking all of lines sixteen (16), seventeen (17) and eighteen (18).

1 SEC. 12. Amend section fifty-two hundred ninety-six-f fifteen  
2 (5296-f15), code, 1935, by striking from line four (4) the word "both"  
3 and inserting in lieu thereof the words "either or both".

4 Further amend said section by adding as a new sentence following  
5 the word and punctuation "notwithstanding." in line eleven (11), the  
6 following: "However, the filing of such claim shall not constitute the  
7 waiver of the rights of the state board, in behalf of the state, under  
8 any lien filed by it."

9 Further amend said section by striking from line fourteen (14) the  
10 word "both" and inserting in lieu thereof the words "either or both".

1 SEC. 13. Amend section fifty-two hundred ninety-six-f sixteen  
2 (5296-f16), code, 1935, by striking from lines six (6) and seven (7),  
3 the following: "in whom or in whose spouse the title to any real estate  
4 is vested".

5 Further amend said section by inserting in line ten (10) following  
6 the words "recorder of the county" the following: "in which the re-  
7 cipient lives and".

8 Further amend said section by inserting in line eleven (11) after the  
9 words "real estate" the words "belonging to the recipient or the spouse  
10 of such recipient".

11 Further amend said section by inserting as a new paragraph between  
12 lines nineteen (19) and twenty (20), the following:

13 "Any action to enforce an old age assistance lien shall be by equitable  
14 proceedings."

15 Further amend said section by striking lines twenty (20) to twenty-  
16 four (24), inclusive, and inserting in lieu thereof the following:

17 "The statute of limitations shall not begin to run against any lien  
18 or cause of action, belonging to the state under the provisions of this  
19 section or chapter, until the death of the recipient, former recipient, or  
20 the surviving spouse, if any."

21 Further amend said section by striking the period after the word  
22 "state" in line thirty-six (36) and adding thereto the following:

23 "; upon the taking of such deed the division shall pay any delinquent  
24 taxes against said property and said deed shall reserve to the grantor  
25 and his spouse a life estate in said property and an option to the grantor  
26 and his heirs to purchase said property by repayment of the total  
27 amount paid for the benefit of the recipient. Said option in so far as  
28 the heirs are concerned shall be for two years from the date of the death  
29 of the grantor or the grantor's surviving spouse, if any, and shall in-  
30 clude an interest charge of three and one half per cent during the  
31 period of the option to the heirs."

32 Further amend said section by striking from line thirty-seven (37)  
33 the word "board" and inserting in lieu thereof the word "division".

34 Further amend said section by striking all of line thirty-eight (38)  
35 and the words "persons entitled thereto" in line thirty-nine (39) and  
36 inserting in lieu thereof the words "which shall credit the net income  
37 to the account of the person or persons entitled thereto".

38 Further amend said section by striking all of lines fifty (50), fifty-  
 39 one (51) and fifty-two (52) and inserting in lieu thereof the follow-  
 40 ing: "chapter, and the expiration of the option to the heirs, the prop-  
 41 erty shall be disposed of and so much of the proceeds as is necessary  
 42 for the repayment of the amount of assistance and other benefits paid  
 43 to the grantor and/or his spouse and repayment of amount expended  
 44 for the preservation of the property shall be transferred to the old age  
 45 assistance revolving fund. The balance, if any, shall be paid through  
 46 the old age assistance revolving fund to the heirs."

47 "The sale for any general or special taxes of any property, against  
 48 which a lien has been filed under the provisions of this and the preced-  
 49 ing section, shall not affect said lien or its enforcement; and the state  
 50 board and division shall be entitled to an assignment of the certificate  
 51 of tax sale of said property upon tender to the holder or to the county  
 52 auditor of the amount to which the holder of the tax sale certificate  
 53 would be entitled in case of redemption."

1 SEC. 14. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by striking all of section fifty-two hundred ninety-six-g one  
 3 (5296-g1) and inserting in lieu thereof the following:

4 "5296-g1. **Executor responsible.** Any transfer of any property  
 5 or interest therein made by an applicant or recipient of old age assist-  
 6 ance to any person without adequate consideration therefor or with  
 7 intent to deprive the state of its interest therein shall be void.

8 "All administrators, executors, referees and trustees of estates sub-  
 9 ject to liens provided for by this chapter shall when such lien as pro-  
 10 vided in sections fifty-two hundred ninety-six-f fifteen (5296-f15) and  
 11 fifty-two hundred ninety-six-f sixteen (5296-f16), code, 1935, is filed  
 12 or a claim is filed in the estate or against said estate or established by  
 13 other legal proceedings as provided by law, pay said lien or claim when  
 14 so ordered by the court."

1 SEC. 14a. Amend section fifty-two hundred ninety-six-g two (5296-  
 2 g2), code, 1935, by adding thereto the following sentence:

3 "Any recipient of old age assistance may assign any such insurance  
 4 policy or benefit for the purpose stated in this section, and when such  
 5 assignment has been received by the company, association, society,  
 6 or other organization, issuing same, the commission shall have a vested  
 7 interest therein for the purpose and to the extent as is contemplated in  
 8 this section, and the contract so made between such insured person and  
 9 the commission, shall be valid, and binding upon such insured person,  
 10 company, association, society or other organization, any other statute  
 11 to the contrary notwithstanding."

1 SEC. 15. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
 3 eighteen (5296-f18) and substituting in lieu thereof the following:

4 "5296-f18. **Procedure with application.** When an application is  
 5 made for old age assistance, the county board shall promptly send it to  
 6 the division. Within sixty days, the county board shall make an in-  
 7 vestigation of the applicant's claim through an investigator, and make,  
 8 in addition, such direct investigation as it deems advisable. After  
 9 hearing the applicant, if he so requests, if it approves the claim, the  
 10 county board shall make a recommendation of the amount of assistance

11 to be allowed; or, if it disapprove, make a recommendation that no  
12 assistance be allowed. Within ninety days from the date of the appli-  
13 cation, the county board shall send its recommendation and the reason  
14 for such recommendation to the division with such supporting papers  
15 as the state board may require, unless for reasons beyond the county  
16 board's control which reasons shall be reported."

17 "Upon receipt of the application and supporting papers, the division  
18 may make such additional investigation as it deems necessary. Should  
19 the division disagree with the county board in the latter's recommen-  
20 dation regarding eligibility it shall neither approve nor disapprove said  
21 application without a further review to clarify the points of disagree-  
22 ment between the county board and division. In any event, the division  
23 shall make its decision within sixty days of the receipt of the support-  
24 ing papers, properly prepared and executed, and either approve and  
25 fix an amount of assistance or reject the claim of the applicant; and  
26 shall give written notice to the applicant as to the action taken.

27 "Any applicant or recipient aggrieved by any order or determination  
28 of the division, or by the failure of the division or county board to so  
29 act, may make application for a review by the state board upon a pre-  
30 scribed form furnished by the county board. Such application shall be  
31 sent by registered mail to the superintendent within thirty days of the  
32 notice of such rejection or order or within thirty days after the time  
33 hereinbefore prescribed for the county board or division to act. Upon  
34 receipt of such application for review, the state board shall give at  
35 least ten days' notice to said applicant by registered mail of the time  
36 and place of a hearing to be held within the county of residence of the  
37 applicant. A fair hearing and full review of said claim shall then be  
38 had before said state board or such person or persons designated by  
39 the chairman, from the membership of the state board or the division.  
40 Following such hearing the state board shall take its final action and  
41 notify the applicant in writing within ninety days.

42 "An applicant whose application for assistance has been rejected, or  
43 a recipient whose certificate for assistance has been canceled, after a  
44 review hearing hereinabove provided, within thirty days after notice  
45 of such action is given, may appeal from the decision of the state board  
46 to the district court of the county in which the applicant or recipient  
47 resides, by serving a ten days' notice of such appeal upon the superin-  
48 tendent or upon any member of the state board, in the manner re-  
49 quired for the service of an original notice in any civil action. Upon  
50 the service of such notice, the state board shall furnish the applicant  
51 with a copy of the application and all supporting papers, a transcript of  
52 the testimony taken in a hearing, if any, and a copy of its decision.

53 "The court shall hear said application on its merits and determine  
54 whether or not the decision of the state board was in conformity with  
55 the law. If so, the court shall affirm the decision of the state board  
56 and, if not, shall certify the order to the state board and order the  
57 division to make payment to the applicant.

58 "In any event, an applicant whose application for assistance has  
59 been rejected may not reapply for assistance until the expiration of  
60 twelve months from the date of the previous application."

1 SEC. 16. Amend section fifty-two hundred ninety-six-f twenty  
2 (5296-f20), code, 1935, by striking the period after the word "discon-

3 tinued" in lines thirteen (13) and fourteen (14) and adding thereto  
4 the following:

5 "and in such case a written order stating the reason therefor shall  
6 be filed as a part of the record of said application and an explanation  
7 of such order increasing, decreasing or discontinuing said assistance  
8 shall be mailed to the recipient of said assistance."

1 SEC. 17. Amend section fifty-two hundred ninety-six-f twenty-two  
2 (5296-f22), code, 1935, by striking from lines three (3) and four (4)  
3 the words "the first day of", and inserting in lieu thereof the words  
4 "the day fixed by the state board for payments to recipients in the  
5 county from which the applicant applied and within".

1 SEC. 18. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-g  
3 three (5296-g3).

1 SEC. 18a. No person who is a precinct, county or state committee-  
2 man of any political party shall be eligible to be appointed to any office  
3 or to hold any position provided for under any of the provisions of  
4 this act during the time he shall hold such office, and any person ap-  
5 pointed or employed under the provisions of this act who becomes a  
6 precinct, county or state committeeman of any political party shall be  
7 disqualified from the further holding of any position created under  
8 the provisions of this act and shall be forthwith removed from such  
9 position.

1 SEC. 19. Amend section fifty-two hundred ninety-six-f twenty-  
2 three (5296-f23), code, 1935, by striking from lines ten (10), eleven  
3 (11), twelve (12) and thirteen (13), the words and punctuation "  
4 and the board may on inquiry, and with the approval of the division,  
5 either cancel the assistance or pay the amount thereof during the  
6 period of the certificate", and inserting in lieu thereof the words and  
7 punctuation ". The board shall inform the division of such change  
8 and make its recommendation for further action by the division. The  
9 division thereupon shall cancel the certificate or lower the amount  
10 of assistance for the remaining period of the certificate and notify the  
11 recipient of the reason for such change".

1 SEC. 20. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
3 twenty-four (5296-f24), and inserting in lieu thereof the following:  
4 "5296-f24. Recovery of excess assistance. When it is found that  
5 any person who is receiving or has received old age assistance has  
6 failed to notify the board, as provided in section fifty-two hundred  
7 ninety-six-f twenty-three (5296-f23), that he is or was possessed of  
8 property or income in excess of the amount allowed by this chapter,  
9 then his certificate shall be canceled and double the amount of assist-  
10 ance paid, in excess of that to which the recipient was entitled, may be  
11 recovered from him, while living, as a debt due the state; upon his  
12 death as a preferred claim against his estate. The amount so received  
13 shall be transferred to the old age assistance revolving fund of the  
14 state."

1 SEC. 21. Amend section fifty-two hundred ninety-six-f twenty-five  
2 (5296-f25), code, 1935, by striking from line two (2) the words "re-



3 ceiving old age assistance", and inserting in lieu thereof the words  
4 "whose claim has been approved and whose certificate has not been  
5 canceled".

6 Further amend said section by adding, following the word "same"  
7 in line twelve (12) the words, "or whenever there is a contractual  
8 liability for another person or legal entity to pay the same".

9 Further amend said section by adding at the end thereof the fol-  
10 lowing sentence: "Any funeral expenses thus paid by the division  
11 shall become a part of the claim for assistance granted and enforced  
12 under the provisions of sections fifty-two hundred ninety-six-f fifteen  
13 (5296-f15) and fifty-two hundred ninety-six-f sixteen (5296-f16) of  
14 this chapter."

1 SEC. 22. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
3 twenty-six (5296-f26), and inserting in lieu thereof the following:

4 "5296-f26. **Resident in institution.** Any recipient who is a resi-  
5 dent in any charitable, benevolent, or fraternal institution, not tax  
6 supported, may expend a part of the assistance paid him under the  
7 provisions of this chapter toward defraying the actual expenses of  
8 his residence in such institution, provided, that the state board has  
9 approved and that it and its agents are permitted freely to visit and  
10 inspect such institution and, provided, the charge shall not be so much  
11 as to deprive said recipient and inmate of such cash as he needs for  
12 necessities and incidentals not furnished by said institution."

1 SEC. 23. Amend section fifty-two hundred ninety-six-f twenty-  
2 seven (5296-f27), code, 1935, by inserting in line four (4) following  
3 the word "for" the words and punctuation "fuel, dental, nursing, osteo-  
4 pathic, chiropractic,".

1 SEC. 24. Amend chapter two hundred sixty-six-f one (266-f1), code,  
2 1935, by striking all of section fifty-two hundred ninety-six-f twenty-  
3 eight (5296-f28), and inserting in lieu thereof the following:

4 "5296-f28. **Incapacity of applicant or recipient.** If the person ap-  
5 plying for or receiving assistance, on the testimony of reputable wit-  
6 nesses, is thought to be incapable of taking care of himself or his  
7 money, the board shall complete the investigation, as provided else-  
8 where in this chapter, and send such application, investigation, and  
9 supporting papers to the division. When notified by the division of  
10 the conditional approval of said application or the renewal or con-  
11 tinuance of a certificate, contingent upon the appointment of a legal  
12 guardian, the board shall direct the county attorney to petition the  
13 court for such appointment and shall forward the court record to the  
14 division as notice of the person to whom assistance payments shall be  
15 made.

16 "The application of a person who has been adjudged an incompetent  
17 shall be honored only when made by a legally appointed guardian as  
18 provided for under the provisions of section twelve thousand six hun-  
19 dred fourteen (12614), code, 1935. Upon subsequent investigations  
20 all affidavits shall be affirmed by said legal guardian and the person  
21 or persons supplying the required information in behalf of said in-  
22 competent person.

23 "All guardianship proceedings in the case of an applicant or reci-  
24 pient shall be carried out without fee or other expense when, in the

25 opinion of the court, the aged person is unable to assume said expense.  
 26 At the discretion of the court, such a guardian may serve without  
 27 bond."

1 SEC. 25. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by adding thereto, as section fifty-two hundred ninety-six-i  
 3 two (5296-i2) following section fifty-two hundred ninety-six-f twenty-  
 4 nine (5296-f29) a new section:

5 "5296-i2. **Confidential records.** All applications and records shall  
 6 be confidential and shall be open to inspection only by persons author-  
 7 ized by the state or the United States in connection with their official  
 8 duties, or when produced in response to a subpoena issued by a court  
 9 of competent jurisdiction, or except as required for use in conduct-  
 10 ing hearings as provided for in this act.

11 "Any list or lists of names of applicants and/or recipients of old  
 12 age assistance or other lists compiled by the old age assistance com-  
 13 mission are hereby declared to be the personal property of the state  
 14 of Iowa; and no employee of the state of Iowa, or any other person,  
 15 shall give, sell or furnish such list or lists to any person or persons  
 16 for any purpose except for use in the administration of this act, and  
 17 as otherwise herein provided. No person shall buy, give, furnish, sell  
 18 or use such list or lists or any addressograph or addressograph plates  
 19 belonging to or used for the old age assistance division of the state of  
 20 Iowa for any commercial or political purpose, and the violation of  
 21 any of the provisions hereof is hereby made a misdemeanor, punishable  
 22 by a fine of not to exceed one thousand (1000) dollars, or by imprison-  
 23 ment in the county jail not to exceed one year, or by both such fine and  
 24 imprisonment."

1 SEC. 26. Amend section fifty-two hundred ninety-six-g four (5296-  
 2 g4), code, 1935, by striking from line five (5) the word "pension"  
 3 and inserting in lieu thereof the word "assistance".

4 Further amend said section by striking from line seven (7) the word  
 5 "pension" and inserting in lieu thereof the word "assistance".

1 SEC. 27. Amend section fifty-two hundred ninety-six-f thirty  
 2 (5296-f30), code, 1935, by striking the period after the word "suspension"  
 3 in line seven (7) and adding thereto the following: "and it shall  
 4 also promptly notify the recipient in writing of such suspension stat-  
 5 ing in such notice the reason for such suspension and such recipient  
 6 shall be entitled to a hearing, as provided by section fifty-two hundred  
 7 ninety-six-f eighteen (5296-f18), to show cause why such suspension  
 8 should not be made permanent."

1 SEC. 28. Amend chapter two hundred sixty-six-f one (266-f1),  
 2 code, 1935, by adding as section fifty-two hundred ninety-six-i three  
 3 (5296-i3) and following section fifty-two hundred ninety-six-f thirty  
 4 (5296-f30), the following:

5 "5296-i3. **Recovery from responsible relatives.** If at any time un-  
 6 der this act the state board and division or county board finds that any  
 7 person, municipality, association, society or corporation, as specified  
 8 under subsection nine (9) of section fifty-two hundred ninety-six-f  
 9 twelve (5296-f12) of this chapter, is or was at the time any assistance  
 10 was paid reasonably able to contribute to the necessary care and sup-

11 port of any recipient without undue hardship, during the continuance  
 12 of any certificate of assistance, and such person, municipality, asso-  
 13 ciation, society or corporation fails or has failed or refused to do so,  
 14 then, after notice to such person, municipality, association, society,  
 15 or corporation, there shall exist a cause of action against such person,  
 16 municipality, association, society or corporation for the recovery by  
 17 the state board and division, for the state, of double such amount of  
 18 assistance furnished as was or is in excess of the amount allowed by  
 19 this chapter."

1 SEC. 29. Amend section fifty-two hundred ninety-six-f thirty-one  
 2 (5296-f31), code, 1935, by striking all of lines ten (10) to eighteen  
 3 (18), inclusive, and inserting in lieu thereof the following:

4 "3. Payment of any forfeited installment grant; or

5 "4. Who aids or abets in the selling or buying, or in any way dis-  
 6 posing of the property of any recipient, or his spouse, or both, with  
 7 intent to defraud the state of Iowa; or

8 "5. Who aids or abets in the selling or buying, or in any way dis-  
 9 posing of or concealing the property of any person or his spouse, or  
 10 both, for the purpose of qualifying or attempting to qualify such per-  
 11 son or persons for old age assistance, with intent to defraud the state  
 12 of Iowa, shall be guilty of a misdemeanor and the person guilty thereof,  
 13 in addition to the punishment for his misdemeanor, shall be liable for  
 14 double that part of the assistance paid which is in excess of the amount  
 15 allowed by this chapter."

1 SEC. 30. Amend section fifty-two hundred ninety-six-f thirty-four  
 2 (5296-f34), code, 1935, by striking from line three (3) the word  
 3 "pension" and inserting in lieu thereof the word "assistance".

4 Further amend said section by striking from lines twenty-five (25)  
 5 and twenty-six (26) the word "pension" and inserting in lieu thereof  
 6 the word "assistance".

7 Further amend said section by striking from lines seventy-two (72),  
 8 seventy-three (73), seventy-four (74) and seventy-five (75) the fol-  
 9 lowing: "Any one who becomes in arrears more than three (3) years  
 10 on this tax for any year shall forfeit all claim to old age assistance  
 11 provided for herein."

12 Further amend said section by striking from line ninety-one (91)  
 13 the word "pension" and inserting in lieu thereof the word "assistance".

14 Further amend said section by striking from line ninety-four (94)  
 15 the word "pension" and inserting in lieu thereof the word "assistance".

16 Further amend said section by striking from line ninety-nine (99)  
 17 the word "pension" and inserting in lieu thereof the word "assistance".

1 SEC. 31. Amend section fifty-two hundred ninety-six-g five (5296-  
 2 -g5), code, 1935, by striking from line eleven (11) the word "pension"  
 3 and inserting in lieu thereof the word "assistance".

1 SEC. 32. Amend section fifty-two hundred ninety-six-g six (5296-  
 2 g6), code, 1935, by striking from line five (5) the word "pension"  
 3 and inserting in lieu thereof the words "assistance revolving".

1 SEC. 33. Amend section fifty-two hundred ninety-six-g seven (5296-  
 2 g7), code, 1935, by striking from line six (6) the word "pension" and  
 3 inserting in lieu thereof the word "assistance".

4 Further amend said section by striking all of lines seven (7), eight  
5 (8) and nine (9), and inserting in lieu thereof the following: "arise  
6 under the provisions of this chapter."

7 Further amend said section by striking all of lines twenty (20),  
8 twenty-one (21), twenty-two (22), twenty-three (23) and twenty-  
9 four (24), and inserting in lieu thereof the following:

10 "All moneys received or recovered by the state board and division,  
11 from whatever source, except those specifically appropriated to the  
12 old age assistance fund, including warrants one written and subse-  
13 quently returned to the comptroller uncashed, shall be credited to the  
14 old age assistance revolving fund, which together with the appropria-  
15 tion made hereunder, shall constitute said fund. Whenever said fund  
16 shall".

17 Further amend said section by striking from line twenty-eight (28)  
18 the word "pension" and inserting in lieu thereof the word "assistance".

1 SEC. 34. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by adding thereto, as section fifty-two hundred ninety-  
3 six-i four (5296-i4), following section fifty-two hundred ninety-six-g  
4 seven (5296-g7) a new section:

5 "5296-i4. **Payments to the United States.** Whenever any amount  
6 shall be recovered from any source for assistance furnished under the  
7 provisions of this act and paid into the old age assistance revolving  
8 fund, upon order of the state board and division the state comptroller  
9 shall pay from said fund to the United States the amount which shall  
10 be required under the terms of title I of the federal social security act."

1 SEC. 35. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by adding as section fifty-two hundred ninety-six-i five  
3 (5296-i5) and following section fifty-two hundred ninety-six-f thirty-  
4 five (5296-f35), the following:

5 "5296-i5. **Mandamus proceedings.** In the event that any county  
6 auditor or treasurer, or both, of any county fails to do his or their duty  
7 in the matter of listing taxable persons, or the collection of the taxes  
8 levied, or the proper recording of said collections, or the making of a  
9 proper and timely return of the money so collected to the treasurer of  
10 state, or to otherwise comply with the provisions of this chapter,  
11 mandamus shall lie and proceedings shall be instituted by the auditor  
12 of state and the state board against such county auditor or treasurer  
13 or both, to comply therewith."

1 SEC. 36. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
3 thirty-six (5296-f36).

1 SEC. 37. Amend chapter two hundred sixty-six-f one (266-f1),  
2 code, 1935, by striking all of section fifty-two hundred ninety-six-f  
3 thirty-eight (5296-f38) and inserting as a new section in chapter two  
4 hundred sixty-six-f one (266-f1), code, 1935, the following:

5 "5296-i7. **Cancellation of warrants.** The state comptroller, as of  
6 January, April, July and October first of each year, shall stop payment  
7 on and cancel all old age assistance warrants or checks which have  
8 been outstanding and unredeemed by the state treasurer for six months  
9 or longer."

1 SEC. 38. Coordinating amendments. The following sections of  
2 chapter two hundred sixty-six-f one (266-f1), code, 1935, are hereby  
3 amended as follows:

4 Fifty-two hundred ninety-six-f eleven (5296-f11) by striking from  
5 line twelve (12) the word "commission" and inserting the word "divi-  
6 sion".

7 Fifty-two hundred ninety-six-f twelve (5296-f12) by striking from  
8 line fifty-one (51) the word "commission" and inserting the word  
9 "division" and by striking from line fifty-three (53) the word "com-  
10 mission" and inserting the word "division".

11 Fifty-two hundred ninety-six-f thirteen (5296-f13) by striking from  
12 line thirteen (13) the word "commission" and inserting the word "divi-  
13 sion"; by striking from line seventeen (17) the word "commission"  
14 and inserting the word "division"; by striking from line twenty-two  
15 (22) the word "commission" and inserting the words "state board";  
16 by striking from line forty-two (42) the word "commission" and  
17 inserting the word "division"; by striking from line forty-four (44)  
18 the word "commission" and inserting the words "state board" and  
19 by striking from lines forty-six (46) and forty-seven (47) the word  
20 "commission" and inserting the word "division".

21 Fifty-two hundred ninety-six-f fourteen (5296-f14) by striking  
22 from line twelve (12) the word "commission" and inserting the word  
23 "division".

24 Fifty-two hundred ninety-six-f sixteen (5296-f16) by striking from  
25 line twenty-five (25) the word "commission" and inserting the words  
26 "state board"; by striking from line thirty-two (32) the word "com-  
27 mission" and inserting the words "state board"; by striking from line  
28 thirty-nine (39) the word "commission" and inserting the words  
29 "state board"; by striking from line fifty-four (54) the word "com-  
30 mission" and inserting the words "state board"; by striking from line  
31 fifty-five (55) the word "commission" and inserting the words "state  
32 board" and by striking from line fifty-seven (57) the word "chapter"  
33 and inserting the word "section".

34 Fifty-two hundred ninety-six-g two (5296-g2) by striking from line  
35 five (5) the word "commission" and inserting the words "state board";  
36 by striking from line twelve (12) the word "commission" and insert-  
37 ing the words "state board"; by striking from lines fifteen (15) and  
38 sixteen (16) the word "commission" and inserting the word "division"  
39 and by striking from lines nineteen (19) and twenty (20) the word  
40 "commission" and inserting the word "division".

41 Fifty-two hundred ninety-six-f seventeen (5296-f17) by striking  
42 from lines four (4) and five (5) the word "commission" and insert-  
43 ing the words "state board".

44 Fifty-two hundred ninety-six-f nineteen (5296-f19) by striking  
45 from line two (2) the word "commission" and inserting the words  
46 "state board"; by striking from line three (3) the word "board" and  
47 inserting the words "county board"; by striking from line seven (7)  
48 the word "commission" and inserting the words "state board" and  
49 by striking from line seven (7) the word "board" and inserting the  
50 words "county board".

51 Fifty-two hundred ninety-six-f twenty (5296-f20) by striking from  
52 lines one (1) and two (2) the word "commission" and inserting the  
53 word "division"; by striking from line five (5) the word "commis-

54 sion" and inserting the word "division"; by striking from lines six  
55 (6) and seven (7) the word "commission" and inserting the word  
56 "division" and by striking from line twelve (12) the word "commis-  
57 sion" and inserting the word "division".

58 Fifty-two hundred ninety-six-f twenty-one (5296-f21) by striking  
59 from line three (3) the word "commission" and inserting the word  
60 "division"; by striking from line five (5) the word "commission" and  
61 inserting the words "state board" and by striking from line fifteen (15)  
62 the word "commission" and inserting the word "division".

63 Fifty-two hundred ninety-six-f twenty-two (5296-f22) by striking  
64 from line six (6) the word "commission" and inserting the word "divi-  
65 sion".

66 Fifty-two hundred ninety-six-f twenty-three (5296-f23) by striking  
67 from line eleven (11) the word "commission" and inserting the word  
68 "division".

69 Fifty-two hundred ninety-six-f twenty-five (5296-f25) by striking  
70 from line nineteen (19) the word "commission" and inserting the  
71 words "state board".

72 Fifty-two hundred ninety-six-f thirty (5296-f30) by striking from  
73 line one (1) the word "commission" and inserting the word "division"  
74 and by striking from line nine (9) the word "commission" and insert-  
75 ing the word "division".

76 Fifty-two hundred ninety-six-f thirty-two (5296-f32) by striking  
77 from line nine (9) the word "commission" and inserting the word  
78 "division".

79 Fifty-two hundred ninety-six-f thirty-four (5296-f34) by striking  
80 from line four (4) the word "commission" and inserting the words  
81 "state board and division"; by striking from line seventy (70) the  
82 word "commission" and inserting the word "division"; and by strik-  
83 ing from line ninety-seven (97) the word "commission" and insert-  
84 ing the word "division".

85 Fifty-two hundred ninety-six-g six (5296-g6) by striking from line  
86 two (2) the words "commission is" and inserting the words "state  
87 board and division are"; by striking from line nine (9) the word  
88 "commission" and inserting the word "division" and by striking from  
89 line eleven (11) the words "executive council" and inserting the words  
90 "state board".

91 Fifty-two hundred ninety-six-g seven (5296-g7) by striking from  
92 line sixteen (16) the word "commission" and inserting the words  
93 "state board and division"; by striking from line seventeen (17) the  
94 word "commission" and inserting the words "state board or division"  
95 and by striking from line twenty-nine (29) the word "commission"  
96 and inserting the words "state board and division".

1 SEC. 39. **Coordinating amendment.** Amend section fifty-three hun-  
2 dred two (5302), code, 1935, by striking from line four (4) the words  
3 "old age assistance" and inserting the words "social welfare".

4 Further amend said section by striking from line five (5) the words  
5 "old age assistance commission" and inserting the words "division  
6 of old age assistance".

1 SEC. 40. **Coordinating amendment.** Amend section sixty-nine hun-  
2 dred fifty-g-one (6950-g1), code, 1935, by striking from line four (4)  
3 the word "pension" and inserting the word "assistance".

4 Further amend said section by striking from lines six (6) and  
5 seven (7) the words "old age assistance commission" and inserting  
6 the words "division of old age assistance".

7 Further amend said section by striking from line twenty-two (22)  
8 the word "pension" and inserting the word "assistance".\*

1 SEC. 41. **Constitutionality.** If any portion of this act shall be de-  
2 clared unconstitutional, such declaration shall not affect the validity  
3 of the remaining portions of the act but they shall remain in force as  
4 though such declaration had not been made.

1 SEC. 42. **Short title.** This act may be cited as "The Old Age As-  
2 sistance Act of 1937".

1 SEC. 43. This act, being deemed of importance, shall be in full force  
2 and effect on July 1, 1937, after its passage and publication in two  
3 newspapers of general circulation in this state, as provided by law.

Senate File 376. Approved May 7, 1937.

I hereby certify that the foregoing act was published in the Harlan Tribune, May 27,  
1937, and the Pioneer, Cascade, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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## CHAPTER 138

### SOCIAL SECURITY

#### H. F. 167

AN ACT to amend chapter two hundred fifty-seven (257) code, 1935, providing for the recording of federal social security account numbers in the office of the county recorder.

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

1 SECTION 1. Chapter two hundred fifty-seven (257), code, 1935, is  
2 amended by adding the following new sections after section fifty-one  
3 hundred seventy-six (5176):

4 "5176-h1. Any person who is registered under the federal social  
5 security act may have such record permanently recorded in the office  
6 of the county recorder, upon payment of a fee of twenty-five cents."

7 "5176-h2. There shall be kept in connection with such record an  
8 alphabetical index, referring to the name of the person so registered  
9 under the federal social security act."

House File 167. Approved May 1, 1937.

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\* Note: Section 6950-g1 repealed and substitute enacted H. F. 196.

## CHAPTER 139

## OLD AGE ASSISTANCE

## S. F. 2

AN ACT to amend sections fifty-two hundred ninety-six-f thirty-four (5296-f34) and fifty-two hundred ninety-six-f thirty-five (5296-f35) of chapter two hundred sixty-six-f one (266-f1), code, 1935, regarding the taking of a census of taxpayers and the levying of an annual per capita tax to accrue to the old age pension fund, so as to terminate the further levy of said per capita tax after the date of December 31, 1936, and further amending said chapter by providing for a limited period in which county treasurers may make refund of the per capita tax paid for the year 1937.

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

1 SECTION 1. Amend section fifty-two hundred ninety-six-f thirty-  
2 four (5296-f34) of chapter two hundred sixty-six-F one (266-F1),  
3 code, 1935, by inserting following the word "dollars" in line eleven  
4 (11) thereof the words and punctuation ", to and including December  
5 31, 1936".

6 Further amend said section by striking from line nineteen (19) the  
7 words "each year thereafter" and inserting in lieu thereof the figure  
8 "1936".

1 SEC. 2. Amend section fifty-two hundred ninety-six-f thirty-five  
2 (5296-f35) of chapter two hundred sixty-six-F one (266-F1), code,  
3 1935, by striking from lines four (4) and five (5) thereof the words  
4 and punctuation "and each year thereafter,".

5 Further amend said section by striking from line nine (9) the words  
6 and punctuation ", and each year thereafter".

1 SEC. 3. Amend chapter two hundred sixty-six-F one (266-F1),  
2 code, 1935, by adding as a new section and following section fifty-two  
3 hundred ninety-six-g five (5296-g5), the following:

4 "Refund of 1937 tax. The county treasurer shall make refund to  
5 any taxpayer requesting the same where the records of the 1937 per  
6 capita tax collections show said taxpayer to have paid the per capita  
7 tax heretofore levied for the year 1937 between the date of January  
8 1, 1937, and the publication and effectiveness of this section. No re-  
9 fund shall thus be allowed after January 1, 1938. No refund shall  
10 thus be allowed where the individual is delinquent until as much  
11 thereof as is due has been credited on said delinquencies. The state  
12 comptroller shall return to the respective county treasurers, the  
13 amount of the 1937 per capita tax which has been delivered to said  
14 state comptroller, for the purpose of this refund. After January 1,  
15 1938, the respective county treasurers shall remit any balance in said  
16 fund through the state comptroller to the old age pension fund."

Note: Sec. 4 omitted in enrolled bill.

1 SEC. 5. This act, being deemed of immediate importance, shall be  
2 in force and effect from and after its publication in the Storm Lake  
3 Pilot-Tribune, a newspaper published at Storm Lake, Iowa, and in  
4 The Evening Journal, a newspaper published at Washington, Iowa.

Senate File 2. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Washington Evening Journal, April 6, 1937, and the Storm Lake Pilot Tribune, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*



## CHAPTER 140

## HOSPITALS, COUNTY

H. F. 181

AN ACT to repeal section fifty-three hundred fifty-two (5352), code of Iowa, 1935, and to enact a substitute therefor relating to the vote required to carry special elections for the establishment of county public hospitals.

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

1 SECTION 1. That section fifty-three hundred fifty-two (5352), code  
2 of Iowa, 1935, is hereby repealed and the following substituted in lieu  
3 thereof:

4 "Said proposition when presented at a special election shall not be  
5 deemed carried unless said proposition receives not less than sixty per  
6 cent (60%) of the total vote cast at said election."

House File 181. Approved May 1, 1937.

## CHAPTER 141

## COUNTY PUBLIC HOSPITALS

S. F. 79

AN ACT to amend section fifty-three hundred fifty-three (5353) of chapter two hundred sixty-nine (269) on county public hospital with reference to the levy allowed for improvement and maintenance thereof.

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

1 SECTION 1. Section fifty-three hundred fifty-three (5353), chapter  
2 two hundred sixty-nine (269) of the code of Iowa, 1935, be amended  
3 by striking from the sixth\* line of said section the words "one-half  
4 mill for the improvement and maintenance", and substituting there-  
5 for the following: "one mill for the improvement, maintenance and  
6 replacements".

Senate File 79. Approved March 25, 1937.

\*Note: The words "one half mill for the improvement and maintenance" stricken in the above enrolled bill appear in both lines six and seven of section 5353, code, 1935.

## CHAPTER 142

## COUNTY PUBLIC HOSPITALS

H. F. 82

AN ACT to amend section five thousand three hundred fifty-nine (5,359), subsections eleven (11) and twelve (12), chapter two hundred sixty-nine (269), code, 1935, relating to the powers and duties of the board of hospital trustees, so as to authorize said board to sell at public sale property accepted by the board pursuant to section five thousand three hundred fifty-nine (5,359), subsection eleven (11).

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

1 SECTION 1. Subsection eleven (11) of section five thousand three  
2 hundred fifty-nine (5359), chapter two hundred sixty-nine (269),  
3 code, 1935, is amended to read as follows:

4 "11. Accept property by gift, devise, bequest, or otherwise; and, if  
5 said board deems it advisable, may, at public sale, sell or exchange any  
6 property so accepted upon a concurring vote of a majority of all mem-  
7 bers of the board of hospital trustees, and apply the proceeds thereof,  
8 or property received in exchange therefor, to the purposes enumerated  
9 in subsection twelve (12) hereof or for equipment."

1 SEC. 2. Subsection twelve (12) of section five thousand three hun-  
2 dred fifty-nine (5359), chapter two hundred sixty-nine (269), code,  
3 1935, is hereby amended by inserting immediately following the  
4 comma after the word "buildings" in line three thereof the following  
5 words: "excepting those described in section eleven (11) hereof,".

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 Washington  
3 Evening Journal, a newspaper published at Washington, Iowa, and  
4 the Mt. Pleasant Daily News, a newspaper published at Mt. Pleasant,  
5 Iowa.

House File 82. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Mount Pleasant Daily News, April 7, 1937, and the Washington Evening Journal, April 7, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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## CHAPTER 143

### HOSPITALS

#### H. F. 365

AN ACT to amend section fifty-three hundred sixty-eight-a five (5368-a5), code, 1935, relating to authority of board of supervisors to contract for medical and dental service for the poor.

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

1 SECTION 1. That section fifty-three hundred sixty-eight-a five  
2 (5368-a5), code, 1935, be and the same is hereby amended by striking  
3 from lines fourteen, fifteen, sixteen and seventeen of said section the  
4 following: "and the authority of the board of supervisors in such coun-  
5 ties to make contracts for furnishing medical or dental attendance,".

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 Plain  
3 Talk, a newspaper published at Des Moines, Iowa, and Altoona Herald,  
4 a newspaper published at Altoona, Iowa.

House File 365. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Plain Talk, May 27, 1937, and the Altoona Herald, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 144

## BLIND PERSONS

## S. F. 375

AN ACT to repeal section fifty-three hundred seventy-nine (5379) to section fifty-three hundred eighty-four-a one (5384-a1), inclusive, code, 1935, and any other provisions of the law in conflict with this act; to provide for a unified supervision of aid to the blind in the state by the state board of social welfare and by the county boards of social welfare; to promote and establish such aid; to prescribe the powers and duties of the state board of social welfare and the county boards of social welfare with regard to aid to blind persons; to provide the manner and method, terms and conditions for providing aid to the blind; to provide a penalty for the violation of the terms of this act; to provide for county appropriations; for the creation in the state treasury of a fund for aid to the blind; to provide for reimbursement to the state by the counties of the counties' share of assistance, benefits, and cost of administration, as provided in this act.

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

1 SECTION 1. Sections fifty-three hundred seventy-nine (5379) to  
2 fifty-three hundred eighty-four-a one (5384-a1), inclusive, code of  
3 Iowa, 1935, are hereby repealed and the following are enacted in lieu  
4 thereof:

1 SEC. 2. **Definitions.** The terms "*state board*", and "*county board*",  
2 are used in this act as said terms are defined in section 1 of senate  
3 file 373, of the acts of the 47th General Assembly; and as used in  
4 this act,

5 "*Applicant*" means a person who has applied for assistance under  
6 this act;

7 "*Recipient*" means a person who has received assistance under this  
8 act;

9 "*Assistance*" means money payments to blind persons in need;

10 A "*blind person*" within the meaning of this act shall be one who  
11 has no vision, or whose vision with corrective glasses is so defective  
12 as to prevent the performance of ordinary activities for which eye-  
13 sight is essential.

1 SEC. 3. **Eligibility for assistance to the needy blind.** Assistance  
2 shall be granted under the provisions of this act to any blind person  
3 who:

4 (1) Is eighteen years of age or over;

5 (2) Is a citizen of the United States, or has made application for  
6 citizenship;

7 (3) Has resided in the state of Iowa for at least five years during  
8 the nine years immediately preceding the date of the application for  
9 assistance under the provisions of this act, and has resided therein  
10 one year immediately preceding the application for assistance. If,  
11 however, such person has become blind while a resident of the state  
12 or is blind and a resident of the state at the time of the passage of  
13 this act, he is eligible even though he has not resided for five years  
14 within the state;

15 (4) Is not an inmate of a public institution. An inmate of such an  
16 institution may, however, make application for such assistance, but  
17 the assistance, if granted, shall not begin until after he ceases to be  
18 an inmate;

- 19 (5) Is not soliciting alms in any part of the state;  
20 (6) Is not receiving old age assistance;  
21 (7) Has not made an assignment or transfer of property for the  
22 purpose of rendering himself eligible for assistance under this act.  
23 (8) Has not sufficient income or other resources to provide a reason-  
24 able subsistence consistent with decency and health.

1 **SEC. 4. Amount of assistance.** The amount of assistance which  
2 any person shall receive shall be determined with due regard to the  
3 resources and necessary expenditures of the individual and the condi-  
4 tions existing in such case, and in accordance with the rules and  
5 regulations made by the state board, and shall be sufficient, when  
6 added to all other income and support of the recipient, to provide  
7 such person with a reasonable subsistence consistent with decency  
8 and health, but in no event shall the amount of said assistance exceed  
9 thirty (30) dollars per month.

1 **SEC. 5. Powers and duties of state board.**

2 The state board shall:

- 3 (1) Be the responsible authority for the efficient and impartial ad-  
4 ministration of this act. To this end the state board shall formulate  
5 and establish such rules and regulations, outline such policies, pre-  
6 scribe such procedure, and delegate such powers as may be necessary  
7 to carry out the provisions and purposes of this act.  
8 (2) Prescribe, for the guidance of county boards, the qualifications  
9 and capabilities required of county board employees, consistent with  
10 the provisions of section 13 of senate file 373 of the acts of the 47th  
11 General Assembly.  
12 (3) Designate the procedure to be followed in securing a competent  
13 examination for the purpose of determining blindness and the cause  
14 of blindness in the individual applicant for assistance; designate a  
15 suitable number of ophthalmologists to examine applicants and re-  
16 cipients of assistance to the blind; fix the fees to be paid to ophthal-  
17 mologists for examination of applicants, such fees to be paid from ad-  
18 ministration funds;  
19 (4) Cooperate with the federal social security board, created under  
20 title VII of the social security act, approved August 14, 1935, or any  
21 other agency of the federal government, in any reasonable manner  
22 as may be necessary to qualify for federal aid and assistance to the  
23 needy blind and in conformity with the provisions of this act; includ-  
24 ing the making of such reports in such form and containing such  
25 information as the federal social security board, or any other agency  
26 of the federal government, may from time to time find necessary to  
27 assure the correctness and verification of such reports;  
28 (5) Cooperate with other agencies in developing measures for  
29 the prevention of blindness, the restoration of eyesight and the voca-  
30 tional adjustment of blind persons.

1 **SEC. 6. Duties of the county boards.**

2 The county boards shall:

- 3 (1) Perform such services and duties as are prescribed by this act  
4 and by the rules and regulations of the state board;  
5 (2) Report to the state board at such time and in such manner and  
6 form as the state board may from time to time direct;

7 (3) Submit to the county board of supervisors, after approval by  
8 the state board, a budget containing an estimate and supporting data,  
9 setting forth the amount of money needed to carry out the provisions  
10 of this act in the county.

1 **SEC. 7. Application for assistance.** Application for assistance  
2 under this act shall be filed with the county board of the county in  
3 which the applicant resides. The application shall be in writing upon  
4 the form prescribed by the state board. Such application shall con-  
5 tain a statement of the amount of property, both personal and real,  
6 in which the applicant has an interest and of all sources and amounts  
7 of income which he may have, either in existence or expectancy, at the  
8 time of the filing of the application, and such other information as may  
9 be required by the state board.

1 **SEC. 8. Investigation of applications.** Whenever the county board  
2 receives an application for assistance under this act, an investigation  
3 and record shall promptly be made of the circumstances of the ap-  
4 plicant in order to ascertain the facts supporting the application and  
5 in order to obtain such other information as may be required by the  
6 rules of the state board.

1 **SEC. 9. Examination by ophthalmologist.** No application shall be  
2 approved until the applicant has been examined by an ophthalmologist  
3 designated or approved by the state board to make such examinations.  
4 The examining ophthalmologist shall certify to the county board in  
5 writing upon forms provided by the state board the findings of the  
6 examination, which findings shall be transmitted to the state board.

1 **SEC. 10. Granting of assistance.** Upon the completion of such in-  
2 vestigation the county board shall make findings of fact as to the  
3 eligibility of the applicant for assistance under the provisions of this  
4 act and shall recommend in accordance with the rules and regula-  
5 tions of the state board the amount of assistance which should be  
6 granted. This report, together with a copy of the report of the  
7 ophthalmologist, shall be forwarded to the state board. The state  
8 board may make such further investigation as it may deem desirable  
9 and, upon the basis of such reports and investigation, shall determine  
10 whether the applicant is eligible for assistance under the terms of  
11 this act, and, if eligible, the amount of such assistance and the date  
12 on which such assistance shall begin. The state board shall notify  
13 the county board of its decision, and the county board shall promptly  
14 notify the applicant thereof. Such assistance shall be paid monthly  
15 to the applicant upon the order of the state board, from the fund for  
16 the aid of the blind established by this act.

1 **SEC. 11. Assistance not assignable.** Assistance granted under this  
2 act shall not be transferable or assignable at law or in equity, and  
3 none of the money paid or payable under this act shall be subject to  
4 execution, levy, attachment, garnishment, or other legal process, or  
5 to the operation of any bankruptcy or insolvency law.

1 **SEC. 12. Appeal to the state board.** If an application is not acted  
2 upon by the county board or the state division within a reasonable  
3 time after the filing of the application, or is denied in whole or in part,

4 or if any award of assistance is modified or cancelled under any pro-  
5 vision of this act, the applicant or recipient may appeal to the state  
6 board in the manner of form prescribed by the state board. The state  
7 board shall, upon receipt of such an appeal, give the applicant or  
8 recipient reasonable notice and opportunity for a fair hearing before  
9 the state board or its duly authorized representative or representatives.

1 **SEC. 13. Periodic reconsideration and changes in amount of assist-**  
2 **ance.** All assistance grants made under the act shall be reconsidered  
3 by the county board as frequently as may be required by the rules of  
4 the state board. After such further investigation as the county board  
5 may deem necessary or the state board may require, the county board  
6 shall make further report to the state board and the amount of as-  
7 sistance may be changed or assistance may be entirely withdrawn if  
8 the state board finds that the recipient's circumstances have altered  
9 sufficiently to warrant such action.

1 **SEC. 14. Reexamination as to eyesight.** A recipient shall submit  
2 to a reexamination as to his eyesight when required to do so by the  
3 county board or state board. He shall also furnish any information  
4 required by the county board or the state board.

1 **SEC. 15. Expenses for treatment.** On the basis of the finding of  
2 the ophthalmologist's examination as provided in section nine of this  
3 act, supplementary services may be provided by the state board to any  
4 applicant or recipient who is in need of treatment either to prevent  
5 blindness or to restore his eyesight, whether or not he is a blind per-  
6 son as defined in this act, if he is otherwise qualified for assistance  
7 under this act. The supplementary services may include necessary  
8 traveling and other expenses to receive treatment from a hospital or  
9 clinic designated by the state board.

1 **SEC. 16. Guardianship.** When in the opinion of the county board  
2 the recipient of assistance under the provisions of this act is for any  
3 cause unable to use the assistance judiciously, the county board shall  
4 request the district court to appoint a guardian to administer such  
5 assistance for the benefit of the recipient.

1 **SEC. 17. Recovery from recipient.** If at any time during the con-  
2 tinuance of assistance the recipient thereof becomes possessed of any  
3 property or income in excess of the amount stated in the application  
4 provided for in this act, it shall be the duty of the recipient immediately  
5 to notify the county board of the receipt or possession of such property  
6 or income and the county board shall, if in its judgment the circum-  
7 stances so require, recommend to the state board the immediate sus-  
8 pension of assistance payments and, after investigation, shall recom-  
9 mend to the state board that such assistance be continued, modified,  
10 or cancelled, as the circumstances may require. Any assistance paid  
11 after the recipient has come into possession of such property or income  
12 in excess of his need shall be recoverable by the state as a debt due,  
13 and upon recovery the state shall repay to the county that portion of  
14 the amount so recovered which is equal to the amount paid by the  
15 county for such assistance.

1 **SEC. 18. Funeral expenses.** On the death of any person receiving  
2 aid under the provisions of this act, the reasonable funeral expenses

3 for his burial may be paid by the state board; provided, such expenses  
 4 do not exceed one hundred dollars and the estate of the deceased or  
 5 any life insurance or death or funeral benefit association or society  
 6 payment, made by reason of the death of such person, payable to his  
 7 estate or the spouse or any relative responsible under sections 5298,  
 8 5301, and 10501-b6, code of Iowa, 1935, is insufficient to defray the  
 9 same. The person to whom such funeral expense is paid as above  
 10 provided is hereby prohibited from soliciting, accepting or contracting  
 11 to receive any further compensation for services rendered in connec-  
 12 tion with such burial except on written approval of the county board  
 13 and subject to such rules and regulations as the state board shall  
 14 prescribe.

1 **SEC. 19. Reimbursement from estate.** Whenever it appears, after  
 2 the death of any person who has received aid under the provisions of  
 3 this act, that his estate, after deducting the exemptions now allowed  
 4 by law, has property over and above a sufficient amount to pay the  
 5 expenses of his burial and last sickness, such property shall be charged  
 6 with the amount paid under this act to such person during his lifetime,  
 7 or for his burial. The amount so paid shall be allowed as a claim  
 8 against his estate in favor of the state, and upon recovery the state  
 9 shall repay to the county its proportionate share of the amount paid  
 10 for such assistance and funeral expenses. An action may be brought  
 11 in the name of the state to recover the same at any time within five  
 12 years after the death of the person receiving aid as above provided.

1 **SEC. 20. Misdemeanor.** Any person who shall obtain aid under this  
 2 act by misrepresentation or failure with fraudulent intent, to bring  
 3 forth all the facts required of an applicant for aid under the provisions  
 4 of this act, or any person who shall knowingly make false statements  
 5 concerning the applicant's eligibility for aid under the provisions of  
 6 this act, shall be guilty of a misdemeanor, punishable as such.

1 **SEC. 21. County appropriation.** The county board of supervisors  
 2 in each county in this state shall appropriate annually, and pay in the  
 3 manner hereinafter specified from the county poor fund, such sum as  
 4 will result in the payment by such county of one-fourth of all adminis-  
 5 trative expenses within the county incident to aid to the blind, as  
 6 determined and certified by the state board, other than compensation  
 7 of members of the county board and their expenses, and one-fourth  
 8 of all assistance and benefits payable to blind persons resident within  
 9 the county under this act, and shall include in the tax levy for such  
 10 county the sum or sums so appropriated for that purpose. The sums  
 11 necessary as above provided shall be determined upon the basis of an  
 12 annual budget prepared by the county board and approved by the state  
 13 board. Should the sum so appropriated, however, be expended or  
 14 exhausted during the year for which it was appropriated, such addi-  
 15 tional sums shall be appropriated by the board of supervisors from  
 16 the county poor fund as shall be sufficient to meet the obligation of  
 17 the county to pay one-fourth of all assistance and benefits to the blind  
 18 within the county and one-fourth of the administrative expenses as  
 19 above provided. The tax levy provided for in this section shall not  
 20 exceed statutory tax limitations now or hereafter provided.

1 **SEC. 22. Fund for aid to the blind—reimbursement to state.** There  
 2 is hereby established in the state treasury a fund to be known as the

3 "fund for aid to the blind" to which shall be credited all funds appro-  
 4 priated by the state for the payment of administrative expenses, assist-  
 5 ance, and benefits under this act, all monies received from the federal  
 6 government for such purpose and all funds paid by the counties to  
 7 the state board as provided by this section. All assistance and benefits  
 8 under this act, and the administrative expenses incident thereto, so  
 9 far as the same are payable by the state board, shall be paid from said  
 10 fund. The state board shall report to the county board each month  
 11 the total amount of assistance and benefits paid during the preceding  
 12 month to recipients residing within the county, and the amount of  
 13 the administrative expenses paid by the state which are incident  
 14 thereto. The county board shall promptly report the same to the  
 15 county board of supervisors which shall then order paid to the state  
 16 board from the county poor fund an amount equal to twenty-five per  
 17 cent of the total, which payment shall be credited to the fund for aid  
 18 to the blind.

1 **SEC. 23. Removal to another county.** When any recipient moves  
 2 to another county he shall be entitled to continue to receive assistance  
 3 which shall be chargeable to the county from which he has removed,  
 4 for a period of six months and shall thereafter be charged to the county  
 5 in which he then resides.

1 **SEC. 24. Other dependents.** This act shall not be so construed as  
 2 to exclude the spouse, minor children or other dependents of a recip-  
 3 ient under the provisions of this act from receiving other forms of  
 4 relief, aid or assistance, paid through any agency of the state or any  
 5 of its political sub-divisions.

1 **SEC. 25. Constitutionality.** If any portion of this act shall be de-  
 2 clared unconstitutional, such declaration shall not affect the validity  
 3 of the remaining portions of the act, which shall remain in force as  
 4 though such declaration had not been made.

1 **SEC. 26. Short title.** This act may be cited as "Aid to the Needy  
 2 Blind Act of 1937".

Senate File 375. Approved May 7, 1937.

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## CHAPTER 145

### NEWSPAPERS

#### H. F. 454

AN ACT to amend chapter 274, code of Iowa, 1935; to add a new section providing a definition of a bona fide subscriber relating to official newspapers and relating to counties divided into two divisions for court purposes.

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

1 **SECTION 1.** That chapter two hundred seventy-four (274) of the  
 2 code of Iowa, 1935, be amended by inserting as a new section, following  
 3 section fifty-four hundred two (5402) the following:

4 "5402-a. The board of supervisors shall determine the bona fide  
 5 yearly subscribers of a newspaper within the county, as follows:



6 1. Those subscribers listed by the publisher in accordance with the  
7 postal laws and regulations, and who have been on the list at least three  
8 consecutive months prior to date of application.

1 SEC. 2. Amend section fifty-three hundred ninety-eight (5398),  
2 code, 1935, by striking from lines four (4) and five (5) the words "hav-  
3 ing a population of more than fifty thousand".

1 SEC. 3. Amend section fifty-three hundred ninety-nine (5399), code,  
2 1935, by inserting after subsection one (1) the following:

3 "2. In counties having a population of more than fifty thousand  
4 (50,000), divided into two (2) divisions for court purposes, three such  
5 newspapers in each such division, not more than two of which shall be  
6 published in the same city or town.

7 3. In counties having a population of less than fifty thousand (50,-  
8 000), divided into two (2) divisions for court purposes, two (2) such  
9 newspapers in each such division."

10 Further amend said section by changing the figure "2" in line 6 to  
11 the figure "4".

House File 454. Approved May 1, 1937.

## CHAPTER 146

### BOUNTIES ON CROWS AND EUROPEAN STARLINGS

H. F. 111

AN ACT to amend sections fifty-four hundred thirteen (5413) and fifty-four hundred fourteen (5414), code of Iowa, 1935, relating to bounties on crows and European starlings.

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

1 SECTION 1. Amend section fifty-four hundred thirteen, (5413),  
2 code 1935, by adding thereto the following:

3 "For each crow, ten cents.

4 For each European starling, ten cents."\*

1 SEC. 2. Amend section fifty-four hundred fourteen (5414), code  
2 1935, by striking from line four (4) thereof the following:

3 "For each crow, ten cents.

4 For each European starling, ten cents."\*\*

House File 111. Approved April 2, 1937.

\*Note: Section 5413, code, 1935, refers to "wild animals" without any direct reference to birds.

\*\*Note: Section 5414, code, 1935, does not contain the words "For each European starling, ten cents.", which the enrolled bill apparently is designed to strike.

## CHAPTER 147

## ANIMALS

S. F. 236

AN ACT to amend section fifty-four hundred fifty-seven (5457), code, 1935, relating to use of domestic animal fund.

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

1 SECTION 1. Section fifty-four hundred fifty-seven (5457), code,  
2 1935, is amended by striking the period after the word "county" in  
3 line five (5) and substituting a comma in lieu thereof and adding the  
4 words "or the board of supervisors may authorize the use of said  
5 excess or any part thereof in payment of the claim or claims of duly  
6 organized societies for the prevention of cruelty to animals within  
7 the county for the care, keep and maintenance of abandoned or injured  
8 domestic animals or fowls."

Senate File 236. Approved May 7, 1937.

## CHAPTER 148

## BENEFITED WATER DISTRICTS

H. F. 165

AN ACT to repeal chapter two hundred eighty-two (282) of the code of Iowa, 1935; to provide for the establishment of benefited water districts and the construction of a water system to serve such district; to provide for submission of the question of the establishment of such district and the construction of said system to the voters in such district and to create a board of trustees to supervise and manage such system; to provide for the issuance of bonds for the purpose of constructing said system and for a levy of a tax to retire said bonds and to pay the cost of upkeep and maintenance of such system.

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

1 SECTION 1. Chapter two hundred eighty-two (282) of the code of  
2 Iowa, 1935, is hereby repealed and the following enacted in lieu thereof.  
3 The board of supervisors of any county shall, on the petition of  
4 twenty-five (25) per cent of the resident property owners in any pro-  
5 posed benefited water district, grant a hearing relative to the estab-  
6 lishment of such proposed water district; such petition shall set out  
7 the following and any other pertinent facts:  
8 (a) The need of a public water supply;  
9 (b) The approximate district to be served;  
10 (c) The approximate number of families in the district;  
11 (d) The proposed source of supply;  
12 (e) The type of service desired, whether domestic only or for fire  
13 protection and other uses.  
14 The board of supervisors may, at its option, require a bond of the  
15 petitioners as provided in section seventy-four hundred thirty (7430),  
16 code, 1935.

1 SEC. 2. The benefited water district may include part or all of any  
2 incorporated city or town, or cities and towns, together with or with-

3 out surrounding territory including cemeteries and all publicly owned  
4 land.

1 SEC. 3. The special assessment hereinafter provided for may be  
2 used to cover the costs of installing all the necessary elements of a  
3 water system, for both production and distribution.

1 SEC. 4. When the board of supervisors receives a petition for the  
2 establishment of a benefited water district, a public hearing shall be  
3 held within twenty (20) days of the presentation of the petition. No-  
4 tice of such hearing shall be given by posting bills in three (3) public  
5 places within the district, or by publication in two (2) successive is-  
6 sues of any paper of general circulation within the district. The last  
7 publication or posting shall be not less than one (1) week before the  
8 proposed hearing.

1 SEC. 5. On the day fixed for such hearing, the board of supervisors  
2 shall by resolution establish the benefited water district or disallow  
3 the petition. For adequate reasons the board of supervisors may  
4 defer action on such petition for not to exceed ten (10) days after the  
5 day first set for a hearing.

1 SEC. 6. When the board of supervisors shall have established the  
2 benefited water district, they shall appoint a competent disinterested  
3 civil engineer and instruct him to examine the proposed improvement,  
4 make preliminary designs in sufficient detail to make an accurate esti-  
5 mate of the cost of the proposed water system. He shall also report  
6 as to the suitability of the proposed source of water supply.

1 SEC. 7. When in any proposed benefited water district, it is an-  
2 ticipated that the source of supply will be without the district, and  
3 not under its control, the board of supervisors shall instruct the en-  
4 gineer who is appointed to make the preliminary design and dummy  
5 assessment, to also obtain from the corporation or municipality which  
6 controls the proposed source of supply, a statement in writing, outlin-  
7 ing the terms upon which water will be furnished to the district, or  
8 to the individuals within the district and on what terms in either case.

9 This preliminary proposal from the governing body of the source of  
10 supply shall be binding, and shall be in the nature of an option to pur-  
11 chase water by the district, or the individual within the same, if and  
12 when the proposed benefited water district shall have completed its  
13 construction, and is ready to use water. This proposal shall accom-  
14 pany and be a part of the engineer's preliminary report to the board of  
15 supervisors.

1 SEC. 8. The said engineer shall prepare a preliminary plat showing  
2 the proper design in general outline, the size and location of the water  
3 mains, the general location of hydrants, if such are included in said  
4 petition, valves and other appurtenances, and shall show the lots and  
5 parcels of land within the proposed district as they appear on the  
6 county auditor's plat books, together with the names of the owners and  
7 the amount which it is estimated that such lot or parcel will be assessed.

1 SEC. 9. The compensation of such engineer on the preliminary in-  
2 vestigation shall be determined by the board of supervisors and may  
3 be by percentage or per diem.

1 SEC. 10. The engineer's report, together with the dummy plat show-  
2 ing the tentative design and assessment, shall be filed with the county  
3 auditor within thirty (30) days of such engineer's appointment, unless  
4 for adequate reasons it is impossible for him to do so, in which case the  
5 board of supervisors may extend the time therefor.

1 SEC. 11. On receipt of the engineer's report, the board of super-  
2 visors shall give notice in the same manner as before, of a hearing on  
3 the engineer's tentative design and dummy plat. On the day set, or  
4 within ten (10) days thereafter, the board of supervisors shall ap-  
5 prove or disapprove the engineer's plan and proposed assessment. If  
6 it shall appear advisable, the board of supervisors may make changes  
7 in the design and assessment, as they appear on the dummy plat.

1 SEC. 12. When the preliminary design and assessment have been  
2 approved by the board of supervisors, a date not more than thirty (30)  
3 days after such approval shall be set for an election within the district  
4 to determine whether or not the proposed improvement shall be con-  
5 structed and to choose candidates for the offices of trustee within the  
6 district. Notice of the election, including the time and place of hold-  
7 ing the same, shall be given in the same manner as for the public hear-  
8 ing heretofore provided for. The vote shall be by ballot which shall  
9 state clearly the proposition to be voted upon, and any legal voter resid-  
10 ing within the district at the time of the election shall be entitled to  
11 vote. Judges will be appointed to serve without pay, by the board of  
12 supervisors from among the qualified voters of the district who will  
13 have charge of the election. The proposition shall be deemed to have  
14 carried if a majority of those voting thereon vote in favor of the same.

1 SEC. 13. At the election provided for in the preceding section, the  
2 name of the trustees shall be written by the voter on blank ballots with-  
3 out formal nomination and the board of supervisors shall appoint three  
4 (3) from among the five (5) receiving the highest number of votes as  
5 trustees for the district, one (1) to serve for one (1) year, one (1)  
6 for two (2) years, and one (1) for three (3) years, which trustees  
7 and their successors shall give bond in the amount the board of super-  
8 visors may require, the premium of which shall be paid by the district  
9 said trustees represent. Vacancies may thereafter be filled by elec-  
10 tion, or by appointment by the board of supervisors, at the option of  
11 the remaining trustees. The term of succeeding trustees shall be for  
12 three (3) years.

1 SEC. 14. If the result of said election be in favor of said improve-  
2 ment, the board of supervisors shall instruct the engineer to complete  
3 the plans and specifications, ready for receiving bids for construction  
4 of the project, which he shall do within thirty (30) days of receiving  
5 notice to do so, unless for adequate reason the board shall extend the  
6 time.

7 When the completed plans and specifications are on file with the  
8 county auditor, the board of supervisors shall advertise for bids and  
9 shall cause notice to be given by publication once each week for two  
10 (2) consecutive weeks in some newspaper published in the county  
11 wherein the improvement is to be constructed, setting forth the loca-  
12 tion and nature of the improvement and the date and place where bids  
13 will be received by the board. The last published notice to bidders

14 shall be at least seven (7) days before the time set for receiving bids.  
15 Bidders will be required to submit certified checks for five (5) per cent  
16 of the amount of the bid.

1 SEC. 15. When bids have been received, if it is apparent that the  
2 final assessment will need to be increased more than ten (10) per cent  
3 over the preliminary assessment, the board of supervisors shall, at its  
4 option, reject bids and readvertise for bids as provided herein, or  
5 reject bids and revise the dummy assessment. If the dummy assess-  
6 ment is revised, another election shall be held within the district in the  
7 same manner and with the same notices as the first, except that the  
8 candidates for trustees shall not be voted for.

1 SEC. 16. If the majority of the votes cast at said second election be  
2 in favor of said improvement, the board of supervisors shall again  
3 advertise for bids in the same manner as before. If the bids at the  
4 second letting will not necessitate raising the second preliminary as-  
5 sessment more than ten (10) per cent, the board may let the contract  
6 to the lowest responsible bidder.

1 SEC. 17. The successful bidder, when awarded a contract, shall be  
2 required to give an approved surety bond for one hundred (100) per  
3 cent of the contract price, guaranteeing completion of the work in ac-  
4 cordance with the plans and specifications, and for maintenance, in-  
5 cluding backfilling, for one year after the final acceptance of the work.  
6 If the contractor shall fail to complete the work as provided in his  
7 contract, or shall abandon the same, or fail to proceed in a reasonable  
8 manner toward its final completion, the board may proceed against the  
9 contractor and bondsman as provided in sections seven thousand five  
10 hundred thirty-five (7535) and seven thousand five hundred thirty-six  
11 (7536) of the code, 1935.

1 SEC. 18. When in the opinion of the engineer in charge, the con-  
2 struction in any benefited water district has been completed in ac-  
3 cordance with the plans, specifications, and contract, he shall certify  
4 this fact to the board of supervisors, and recommend the acceptance  
5 of the work by the said board. The board of supervisors shall proceed  
6 in accordance with sections seven thousand five hundred thirty-two  
7 (7532) and seven thousand five hundred thirty-three (7533), code,  
8 1935.

1 SEC. 19. After the final acceptance of the work by the board of su-  
2 pervisors, the engineer shall complete the final assessment, which shall  
3 be made on all the property within the district, whether abutting or  
4 not, for an amount approximately ten per cent (10%) greater than  
5 the total cost of the project. The assessment shall be made according  
6 to benefits and shall take into consideration the location and value of  
7 the property assessed. The final assessment on any lot or parcel of  
8 land shall not exceed the final preliminary assessment by more than  
9 ten per cent (10%), and shall in no case exceed twenty-five per cent  
10 (25%) of the actual value of the property. The board of supervisors  
11 may alter an assessment to increase or decrease it within the limits  
12 outlined above, and must approve by resolution the final assessment as  
13 made.

1     **SEC. 20.** Assessments of less than ten dollars (\$10.00) will come  
2 due at the first tax paying date after the approval of the final assess-  
3 ment, and assessments of ten dollars (\$10.00) or more may be paid in  
4 twenty (20) annual installments with interest at six (6) per cent on  
5 the unpaid balance. The board of supervisors shall issue bonds against  
6 the completed assessment in an amount equal to the total cost of the  
7 project, so that the amount of the assessment will be approximately  
8 ten (10) per cent greater than the amount of the bonds.

1     **SEC. 21.** Each of such bonds shall be numbered, and have printed  
2 upon its face that it is a benefited water district bond, stating the  
3 county and the number of the district for which it is issued, and the  
4 date of maturity; that it is in pursuance of a resolution of the board  
5 of supervisors, and that it is to be paid for only from special assess-  
6 ment theretofore levied and taxes levied as hereinafter provided for  
7 that purpose within the said district for which the bond is issued. The  
8 provisions of sections seventy-five hundred five (7505) and seventy-  
9 five hundred eight (7508) of the code, 1935, shall govern the issuance  
10 of these bonds except that the contractor will not be paid anything on  
11 the work until its completion and final acceptance.

1     **SEC. 22.** When the assessment has been completed and the bonds  
2 sold and the schedule of assessment shall be turned over to the county  
3 auditor, the installments due thereon shall be collected in the same  
4 manner as ordinary taxes and shall constitute a lien on the property  
5 against which they are made. If the treasurer does not receive suf-  
6 ficient funds to enable him to pay the interest and retire the bonds as  
7 they become due, he shall levy a one-half ( $\frac{1}{2}$ ) mill annual tax on all  
8 property within the district to pay such deficiency, and the county  
9 treasurer shall apply the proceeds of such levy to the payment of the  
10 bonds and the interest on the same so long as the bonds are in arrears  
11 on either interest or principal.

1     **SEC. 23.** The board of supervisors shall be required to levy such  
2 one-half ( $\frac{1}{2}$ ) mill annual tax so long as the bonds are in arrears.  
3 When the bonds are all retired any surplus remaining with the county  
4 treasurer shall be turned back and pro rated among those property  
5 owners who have not caused such deficiency by their failure to pay the  
6 taxes assessed against their property.

1     **SEC. 24.** The fee for engineering services shall be fixed by the board  
2 of supervisors and he may be paid either a percentage or a per diem,  
3 from proceeds of the bond sale or by cash from the contractor, if the  
4 contractor takes bonds in settlement for his work under his contract.

1     **SEC. 25.** When the construction, assessment, and bond sale in any  
2 district have been completed, and final settlement made with the con-  
3 tractor, the management of the utility shall automatically go to the  
4 three trustees previously appointed by the board of supervisors. The  
5 trustees shall have power to levy an annual tax not to exceed one-half  
6 ( $\frac{1}{2}$ ) mill, on the district, for the maintenance of the system. This  
7 levy shall be optional with the trustees. The trustees may purchase  
8 material and employ labor to properly maintain and operate the utility.  
9 The trustees shall be allowed necessary expenses in the discharge of  
10 their duties, but shall not receive any salary.

1 SEC. 26. It is anticipated that this law will usually be utilized to  
2 finance a distribution system where the source of supply is without  
3 the district, and not under its control, and that individuals within the  
4 district will pay water rent to a municipality or corporation without  
5 the district. It is intended that the trustees may so operate the utility  
6 as will best serve the users, and they are expressly authorized to buy  
7 and sell water, to fix the rates to consumers and make all contracts  
8 reasonable or necessary to accomplish the purpose of this act, and to  
9 carry on all the operations incident to maintaining and operating said  
10 utility and to the procuring and furnishing of water to the consumers  
11 therein. If the development of a source of supply is within the means  
12 of the district, the trustees may install wells, tanks, meters and any  
13 other equipment properly pertaining to operate it.

1 SEC. 27. Whenever property of the state of Iowa, or any political  
2 subdivision thereof, shall be included either wholly or in part within  
3 such water district and shall own facilities which may be used as a  
4 part of such water system, the executive council, board of supervisors,  
5 city or town council, as the case may be, may permit such use of said  
6 facilities for such consideration and on such terms as may be agreed  
7 upon with the board of trustees.

1 SEC. 28. Any person or persons within any water district, who  
2 may, after the initial installation of the improvement in any such dist-  
3 rict, desire to construct additional mains, and who have been assessed  
4 on the original assessment, may with the consent of the trustees, con-  
5 nect such lateral mains as they desire with the original system to serve  
6 property within the district which has been assessed, provided that the  
7 entire cost thereof shall be borne by the parties so interested.

1 SEC. 29. If the cost of the desired extensions will be as much as five  
2 thousand (\$5,000.00) dollars, the interested parties may petition the  
3 board of supervisors to organize a subdistrict, and in such case the  
4 board shall proceed in the same manner as for a new district, and may  
5 take in territory not originally assessed.

6 The board of supervisors shall have power at any time to alter the  
7 boundaries of any district prior to the time of posting or publishing  
8 notice of the election within the district.

1 SEC. 30. When the district is under the control of trustees, they  
2 are empowered to deal with parties without the district who desire to  
3 be taken into the district or to obtain water from the district. The  
4 trustees shall have power in such cases to make agreements for the  
5 district, and may, with the consent of the board of supervisors, alter  
6 the district boundaries to take in additional territory. No lot or par-  
7 cel of land shall be put out of a district without the consent of the  
8 owner, after it has paid any assessment to the district.

1 SEC. 31. The board of supervisors shall have power to condemn, in  
2 the same manner as provided for the condemnation of land, right of  
3 way through private property, sufficient for the construction and main-  
4 tenance of water mains. The cost of such right of way shall constitute  
5 a part of the expense of the improvement and shall be covered by the  
6 special assessment.

1 SEC. 32. The board of supervisors shall provide a record book which  
2 shall be in the custody of the auditor, in which shall be kept a full

3 and complete record of the proceedings relative to water districts, so  
4 arranged and indexed, as to enable any proceedings relative to any  
5 district to be readily examined.

1 SEC. 33. Any person aggrieved, may appeal from any final action  
2 of the board of supervisors in relation to any matter involving his  
3 rights, to the district court of the county in which the district is lo-  
4 cated. The procedure in such appeals shall be governed by the pro-  
5 visions of sections seventy-five hundred fifteen (7515) to seventy-five  
6 hundred thirty (7530) inclusive, code of Iowa, 1935, provided that  
7 whenever in the above sections the words "drainage district" occur,  
8 the words "benefited water district" shall be substituted.

1 SEC. 34. The act, being deemed of immediate importance, shall take  
2 effect from and after its publication in The Plain Talk, a newspaper  
3 of general circulation, published in Des Moines, Iowa, and in The Mer-  
4 chants Messenger and Park Avenue News, a newspaper of general  
5 publication, published in Polk County, Iowa.

House File 165. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Plain Talk, May 20, 1937,  
and the Merchants Messenger and Park Avenue News, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 149

### EMERGENCY FEED LOAN FUND

#### H. F. 1

AN ACT creating an emergency feed loan fund for drought areas and providing for the  
levying of taxes therefor.

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

1 SECTION 1. Counties of the state of Iowa, through their boards of  
2 supervisors, in addition to the powers already possessed by them, are  
3 hereby authorized by resolution of their boards of supervisors, to im-  
4 mediately establish what shall be known as the "Emergency Feed  
5 Loan Fund".

1 SEC. 2. That the fund for said Emergency Feed Loan Fund may be  
2 created as hereinafter set out.

1 SEC. 3. Said Emergency Feed Loan Fund shall be under the super-  
2 vision of the county treasurer, and no funds shall be drawn therefrom  
3 except upon an order drawn against the same as hereinafter provided.

1 SEC. 4. For the purpose of creating said fund to make the loans  
2 herein provided, the board of supervisors is hereby authorized to  
3 provide a fund not in excess of \$75,000 for such purpose, and shall  
4 provide by resolution for the issuance of anticipatory warrants by  
5 the county auditor and the sale thereof by the county treasurer, said  
6 warrants to be drawn against the fund in denominations of \$100, \$500,  
7 and \$1,000, as hereinafter set out, and for such purpose said board  
8 shall make a millage levy accordingly to provide for said fund. Said  
9 levy shall be pledged exclusively to the payment of the warrants here-



10 in provided. When the purposes of this act have been accomplished,  
11 and the warrants paid, said fund so created and all accumulations  
12 thereto shall revert to the general fund of the county.

1 SEC. 5. Said anticipatory warrants of the denominations herein  
2 above referred to shall be sold to the highest bidder as the need of said  
3 fund demands in the office of the county treasurer at public sale, after  
4 giving notice of the time and place of said sale by publishing a notice  
5 thereof once in an official newspaper of said county at least three days  
6 before the date of sale.

1 SEC. 6. Said anticipatory warrants shall be signed by the chair-  
2 man of the board of supervisors and attested by the county auditor  
3 with his official seal thereto attached, and be dated as of the date of  
4 sale, and shall draw interest at the rate of not to exceed three (3)  
5 per cent per annum, and shall not be sold at less than their par value.

1 SEC. 7. All persons desiring to procure a feed loan from said fund  
2 shall make a written application therefor, under oath, setting forth  
3 that the applicant is a bona fide resident of the county, the amount and  
4 kind of property owned by said applicant, the amount and kind of  
5 feed owned by him at the time of making said application. The board  
6 of supervisors is authorized to make a loan or loans to any farm op-  
7 erator who is without feed and without funds with which to purchase  
8 feed for his livestock. The board of supervisors, in its discretion,  
9 may inquire of the prospective applicant as to whether or not he has  
10 made application for a loan from either private or governmental  
11 agencies.

1 SEC. 8. The board of supervisors shall inspect said application and  
2 make such investigation as it deems advisable, and after such inspec-  
3 tion and investigation, approve or reject said application, as in its  
4 judgment seems expedient, and if said application is approved the  
5 board of supervisors shall indorse thereon its approval, stating the  
6 amount and duration of said loan. The action of the board of super-  
7 visors in passing upon any and all applications shall be final, except  
8 the rights of said applicant to at a later date reapply for a loan.

1 SEC. 9. The board of supervisors may approve the application or  
2 applications and, in its discretion prescribe such terms and conditions  
3 as may be deemed advisable to secure repayment of the said loan, and  
4 the borrower shall execute an obligation for the amount of the loan  
5 approved, which shall bear interest at not less than three (3) per  
6 cent per annum, in which the spouse, if any, of the said borrower shall  
7 join, payable to the county auditor of said county for the use and bene-  
8 fit of the said fund.

1 SEC. 10. All anticipatory warrants, issued under the provisions  
2 of this act shall be numbered consecutively and be registered in the  
3 office of the county treasurer, and shall be subject to call in numerical  
4 order at any time when sufficient money is in the hands of the county  
5 treasurer to retire any of said warrants, together with the accrued  
6 interest thereon.

1 SEC. 11. Counties authorized to accept from the federal govern-  
2 ment any sums of money made available for feed purposes, shall place

3 said sums of money in the fund herein created, and the same shall be-  
4 come a part of said fund the same as the proceeds provided for herein,  
5 and shall be used for the purpose of retiring existing warrants or for  
6 making loans under the provisions hereof.

1 SEC. 12. All acts or parts of acts in conflict with this act are  
2 suspended so far as they affect this act, while this act is in effect.

1 SEC. 13. All loans made under the provisions of this act shall be  
2 made for a period of not to exceed twelve months, payable on or before  
3 due date.

1 SEC. 14. From and after the first day of July, 1938, this act shall  
2 cease to be in force, except for the purpose of collecting the tax and  
3 loans, and retiring the warrants.

1 SEC. 15. This act being brought forth to meet an emergency  
2 through the police power of the state, and being deemed of immediate  
3 importance, shall be in full force and effect after its publication as  
4 provided by law.

House File 1. Approved January 22, 1937.

I hereby certify that the foregoing act was published in the Ames Tribune, Ames,  
January 23, 1937, and the News-Republican, Boone, January 23, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 150

### COUNTY LIMESTONE QUARRIES

#### H. F. 147

AN ACT authorizing county supervisors to purchase agricultural lime and resell same to farmers and to locate, purchase or acquire by condemnation for county use limestone quarries for the production of agricultural lime, and for the sale of such agricultural lime to the farmers, and the transportation of same; and levying of a special assessment tax against the farmer so benefited, the issuance of anticipatory warrants secured by such special assessment, payable in installments over a five year period.

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

1 SECTION 1. The board of supervisors of any county where there is  
2 no privately owned quarry, or when a privately owned quarry is un-  
3 able to supply limestone in the same amount and at the same price and  
4 terms, shall have the jurisdiction, power and authority, at any regular,  
5 special or adjourned session to establish, locate, acquire by purchase,  
6 condemnation or lease for the county use, any limestone quarry not at  
7 that time being operated by private individuals, corporations or as-  
8 sociations, suitable for agricultural purposes. Such quarry shall not  
9 be so established, located, acquired, or leased unless and until the  
10 board has determined by actual investigation that the county can pro-  
11 duce by such method lime at less cost than lime of the same quality  
12 may be purchased by the county and delivered in the county from  
13 other sources.

1 SEC. 2. The board of supervisors shall have the authority and  
2 power to acquire such equipment as it shall deem necessary for the

3 operation of any limestone quarry acquired for the production of  
4 agricultural lime.

1 SEC. 3. When a petition signed by fifty or more owners of farms  
2 within the county requesting the board of supervisors to sell lime to  
3 them under this act is filed with the board of supervisors, or when a  
4 petition signed by any number of owners of farms within the county  
5 requesting the board of supervisors to sell to them under this act an  
6 amount of lime aggregating not less than five thousand (5000) ton,  
7 is filed with the board of supervisors, said board may provide for and  
8 sell, under the provisions of this act, such lime as is requested to the  
9 said farm owners signing the petition and to any others requesting  
10 such sale of lime.

1 SEC. 4. The board shall have full power and authority to quarry,  
2 pulverize and sell or to purchase and resell to said farm owners in  
3 their respective counties, limestone for their use on their farms and  
4 may either sell same for cash, or on application of any farm owner  
5 in the county, written notice having been first given to the mortgage  
6 or lien holder and consent of said lien holders having been obtained  
7 in writing, which consent shall be filed in the office of the county  
8 auditor, provide agricultural lime, and deliver same to farm of ap-  
9 plicant, payment for same to be provided for by a special assessment  
10 tax levy against the real estate so benefited in the amount of the  
11 sales value and transportation of said agricultural lime, which assess-  
12 ment shall be payable at the option of the owner of the farm or his  
13 legal heirs or assignees in its entirety on or before December 1st fol-  
14 lowing the receipt of said lime or may be paid in five equal annual in-  
15 stallments payable on March 1st of each succeeding year with the or-  
16 dinary taxes until said special assessment is fully paid. The special  
17 assessment shall, by consent, be a lien prior to any lien or liens upon  
18 said real estate.

1 SEC. 5. All unpaid installments of the special assessment tax levied  
2 against the property described in the preceding section shall bear in-  
3 terest at the rate of six per cent and all delinquent installments shall  
4 be subject to the same penalties as are now applied to delinquent gen-  
5 eral taxes.

1 SEC. 6. The board shall have the authority for the purpose of  
2 financing and carrying out the provisions of this act to issue anticipa-  
3 tory warrants drawn on the county, in denominations of one hundred  
4 dollars (\$100.00), five hundred dollars (\$500.00) and one thousand  
5 dollars (\$1,000.00), which anticipatory warrants shall draw interest  
6 at not more than three and one-half per cent per annum; and shall  
7 not be a general obligation on the county and be secured only by the  
8 special assessment tax levy as herein provided.

1 SEC. 7. All such anticipatory warrants shall be signed by the chair-  
2 man of the board of supervisors and attested by the county auditor  
3 with his official seal attached thereto, and dated as of the date of sale,  
4 and shall not be sold for less than par value. Said bonds may be  
5 drawn and sold from time to time as the need for funds to carry out  
6 the purpose of this act arises.

1 SEC. 8. All anticipatory warrants drawn under the provisions of  
2 this act, shall be numbered consecutively, and be registered in the office  
3 of the county treasurer and be subject to call in numerical order at  
4 any time when sufficient money derived from the sale of such lime-  
5 stone or the payment of a special assessment levied therefor, is in the  
6 hands of the county treasurer to retire any of said warrants together  
7 with accrued interest thereon.

1 SEC. 9. The cost price of this agricultural lime shall be fixed by  
2 the board of supervisors, at not less than the actual cost of production  
3 at the quarry with ten per cent added to provide for the cost of and  
4 depreciation on the equipment used in the production of said agri-  
5 cultural lime, together with any cost in transportation of the lime  
6 from the quarry to the farm of applicant.

1 SEC. 10. In calculating the cost price of the agricultural lime to the  
2 county as referred to in section 9 herein, all elements of the cost of the  
3 operations, including the amortization of the purchase price of any  
4 quarries, lands, or equipment over the period during which any bonds,  
5 warrants or other obligations incurred by the county therefor shall  
6 mature, cost of all labor, proportionate and actual administrative  
7 overhead of county officials and other county executive employees in  
8 administering said act and conducting said business, repairs to plant  
9 machinery and equipment, wages of all employees and all other costs  
10 of production shall be kept in a separate system of accounts, and all  
11 books and records with respect to the cost of said agricultural lime-  
12 stone and the methods of bookkeeping and all records in connection  
13 with the production, disposal and sale of said agricultural limestone  
14 shall be open to the inspection of the public at all times.

1 SEC. 11. The board is specifically authorized to use relief labor in  
2 the production of agricultural lime as provided for in this act, but  
3 shall pay the prevailing labor scale for that type of work, customary  
4 in that vicinity.

1 SEC. 12. 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 Cedar Valley Daily Times, a newspaper published at Vinton,  
4 Iowa, and The Toledo Chronicle, a newspaper published at Toledo,  
5 Iowa.

House File 147. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Cedar Valley Daily Times,  
April 8, 1937, and the Toledo Chronicle, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 151  
SOCIAL WELFARE ACT

S. F. 373

AN ACT to create a state department of social welfare; to create a state board of social welfare and fix the amount and method of compensation for the five members thereof; to create county boards of social welfare and fix their powers, functions and duties; to fix the manner and amount of compensation for said county board members; to regulate and fix the manner of employing the officers and employees of the state board and the various county boards; and to prescribe the source of compensation of the state board members and their employees and the county board members and their employees; to create divisions within the state department to administer old age assistance, emergency relief, aid to the blind, aid to dependent children, and child welfare; and to make appropriation of federal funds made available for carrying out the purposes of this act.

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

1     **SECTION 1. Definitions.** As used in this act: "*State department*"  
2 means the state department of social welfare; "*state board*" means  
3 the state board of social welfare; "*county board*" means the county  
4 board of social welfare.

1     **SEC. 2. State department of social welfare.** There is hereby created  
2 a state department of social welfare which shall consist of a state  
3 board of social welfare, and such other officers and employees as may  
4 be hereafter provided.

1     **SEC. 3. State board of social welfare.** The state board of social  
2 welfare shall consist of five members appointed by the governor, sub-  
3 ject to the approval of a two-thirds vote of the members of the senate  
4 in executive session. At least one member of the state board shall  
5 be a woman, not more than three members shall be of the same  
6 political party, and not more than one member shall be from any one  
7 congressional district. Each member shall serve for a term of four  
8 years, or until his successor is appointed and qualified, except that the  
9 terms of the members first appointed shall expire, as designated by  
10 the governor at the time of appointment, three terms on June 30,  
11 1939, and two terms on June 30, 1941. Within sixty days after the  
12 convening of the general assembly, the governor shall appoint suc-  
13 cessors to the members of said board whose terms expire on the follow-  
14 ing June thirtieth.

1     **SEC. 4. Vacancies.** Vacancies occurring while the general assembly  
2 is in session shall be filled for the unexpired portion of the term in  
3 the same manner as full term appointments are made. Vacancies  
4 occurring while the general assembly is not in session shall be filled  
5 by the governor and shall be approved by the executive council, but  
6 such appointments shall terminate at the end of thirty days after the  
7 convening of the next general assembly.

1     **SEC. 5. Compensation.** Each member of the state board shall be  
2 entitled to receive as compensation for his services the sum of fifteen  
3 dollars per day for each and every day which he devotes to the actual  
4 performance of his duties, as prescribed in this act, but the total  
5 amount of such compensation shall not exceed the sum of twelve hun-  
6 dred dollars per year. In addition to the compensation hereinbefore

7 prescribed, each member of the state board shall be entitled to receive  
8 the amount of his traveling and other necessary expenses actually in-  
9 curred while engaged in the performance of his official duties.

1     **SEC. 6. Powers and duties of the state board.** The state board shall  
2 be vested with the authority to administer old age assistance, aid to  
3 the blind, aid to dependent children, child welfare and emergency re-  
4 lief. To this end it shall perform such duties, formulate and make  
5 such rules and regulations as may be necessary; shall outline such  
6 policies, dictate such procedure and delegate such powers as may be  
7 necessary to carry out the provisions and purposes of chapter two  
8 hundred sixty-six-f one (266-f1), code, 1935, as hereafter amended,  
9 senate file three hundred seventy-four (374), senate file three hun-  
10 dred seventy-five (375), and senate file three hundred seventy-seven  
11 (377), and senate file four hundred fifty-one (451), acts of the forty-  
12 seventh general assembly.

13     The state board shall:

14     1. Within ninety days after the close of each fiscal year, prepare  
15 and print for said year a report to the governor which shall include a  
16 full account of the operation of the acts under its control, adequate  
17 and complete statistical reports by counties and for the state as a  
18 whole concerning all payments made under its administration, and  
19 such other information as it may deem advisable, or which may be  
20 requested by the governor or by the general assembly.

21     2. Cooperate with the federal social security board created by title  
22 VII of the social security act, public No. 271, enacted by the 74th  
23 congress of the United States and approved August 14, 1935, or other  
24 agency of the federal government for public welfare assistance, in  
25 such reasonable manner as may be necessary to qualify for federal aid,  
26 including the making of such reports in such form and containing  
27 such information as the federal social security board, from time to  
28 time, may require, and to comply with such regulations as such federal  
29 social security board, from time to time, may find necessary to assure  
30 the correctness and verification of such reports.

31     3. Exercise general supervision over the county boards of social  
32 welfare and their employees.

33     4. Furnish information to acquaint the public generally with the  
34 operation of the acts under the jurisdiction of the state board.

1     **SEC. 7. Secretary.** The state board shall appoint a secretary who  
2 shall serve at its pleasure and shall perform such duties as it may  
3 require. He shall receive a salary not in excess of three thousand  
4 dollars per year.

1     **SEC. 8. State board employees.** All employees of the state board  
2 shall have been residents of the state of Iowa for at least two (2)  
3 years immediately preceding their employment and shall be selected  
4 from among those who have successfully qualified in an examination  
5 given by the state board or under its direction, covering character,  
6 general training, and experience. Such examinations shall be open  
7 to all persons, and persons taking such examinations, upon success-  
8 fully qualifying, shall be classified according to the fields of work  
9 for which said persons are fitted, all in accordance with rules and  
10 regulations of the state board adopted and published by the state board.

1     **SEC. 9. Divisions.** The state board shall create (1) a division of  
2 old age assistance, (2) a division of emergency relief, and (3) a  
3 division incorporating aid to the blind, aid to dependent children, and  
4 child welfare. It shall appoint a superintendent for each division,  
5 who shall serve at the pleasure of the state board, and shall have such  
6 powers and perform such duties as are prescribed by law or as are  
7 delegated by the state board. Each superintendent shall receive such  
8 salary as is fixed by the state board but not in excess of thirty-six  
9 hundred dollars per year.

1     **SEC. 10. County board of social welfare.** The board of supervisors  
2 of each county shall appoint a county board of social welfare, which  
3 shall consist of three members in counties of less than thirty-three  
4 thousand population, not more than two of whom shall belong to the  
5 same political party, and at least one of whom shall be a woman; and  
6 which shall consist of five members in counties of more than thirty-  
7 three thousand population, not more than three of whom shall belong  
8 to the same political party, and at least one of whom shall be a woman.  
9 At the discretion of the board of supervisors one or more of said  
10 members may be chosen from the membership of said board of super-  
11 visors. Within thirty days after the effective date of this act the  
12 board of supervisors shall appoint the members of the county board,  
13 which members shall serve until their successors are appointed as  
14 hereinafter provided. Commencing with the year 1938, and annually  
15 thereafter, the board of supervisors shall appoint the members of the  
16 county board who shall serve for one year and until their successors  
17 are appointed. If a vacancy shall occur in the membership of the  
18 county board, other than by the expiration of a term, a member shall  
19 be appointed to fill such vacancy for the unexpired term. All appoint-  
20 ments, made as herein provided, shall be made a part of the regular  
21 proceedings of the board of supervisors and shall be filed with the  
22 county auditor and with the secretary of the state board.

1     **SEC. 11. Compensation of county board members.** All members of  
2 the county board shall be reimbursed for the actual and necessary  
3 expenses incurred by them in the discharge of their duties. They  
4 shall also receive compensation for services at the rate of three dollars  
5 per diem, but such compensation shall not exceed a total of ninety  
6 dollars in any one year in counties of less than thirty-three thousand  
7 population, or one hundred twenty dollars in counties of more than  
8 thirty-three thousand population. The expenses and compensation  
9 of county board members shall be paid from the general fund of the  
10 county; provided, however, that members of the board of supervisors  
11 serving on said county board of social welfare shall not be paid com-  
12 pensation as members of said county board of social welfare for any  
13 day on which they are paid for their official work as members of the  
14 board of supervisors.

1     **SEC. 12. Duties of the county board.** The county board shall be  
2 vested with the authority to direct in the county old age assistance,  
3 aid to the blind, aid to dependent children and emergency relief with  
4 only such powers and duties as are prescribed in the laws relating  
5 thereto.

1     **SEC. 13. County board employees.** The county board shall employ  
2 a county director and such other personnel as is necessary for the per-  
3 formance of its duties. The number of employees shall be subject to  
4 the approval of the state board. The county director and all employees  
5 shall be selected solely on the basis of the fitness for the work to be  
6 performed, with due regard to experience and training, but gradua-  
7 tion from college shall not be made a prerequisite of any such appoint-  
8 ment. It shall be a prerequisite to obtaining an appointment that the  
9 applicant shall have been a legal resident of Iowa for at least two (2)  
10 years prior to the time of making said application.

11     Any appointment made by the county board, other than clerical  
12 or stenographic help, shall be subject to review by the state board in  
13 this respect, that if any appointee is not properly carrying out the  
14 duties for which he is appointed, or if any appointee is not qualified  
15 or capable of handling the duties for which he is appointed, and the  
16 state board so finds, it shall certify a copy of such findings to the  
17 county board and the county board shall then discharge the said em-  
18 ployee and shall fill the vacancy.

1     **SEC. 14. Compensation of county board employees.** The compensa-  
2 tion of county board employees shall be fixed by the county board of  
3 social welfare and shall be paid by the state board from funds made  
4 available for that purpose. However, the compensation of all em-  
5 ployees shall be subject to the approval of the state board and the  
6 county board of supervisors.

1     **SEC. 15. Federal grants.** The state treasurer is hereby authorized  
2 to receive such federal funds as may be made available for carrying  
3 out any of the activities and functions of the state department, and all  
4 such funds are hereby appropriated for expenditure upon authoriza-  
5 tion of the state board.

1     **SEC. 16. Publication clause.** This act, being deemed of immediate  
2 importance, shall be in full force and effect from and after its pass-  
3 age and publication in two newspapers of general circulation in this  
4 state, as provided by law.

Senate File 373. Approved May 7, 1937.

I hereby certify that the foregoing act was published in the Holstein Advance, May 27, 1937, and the Herald Ledger, Eldora, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*



## CHAPTER 152

## COUNTY

H. F. 534

AN ACT to authorize counties to expend any balance remaining from the proceeds of the sale of primary road bonds for road purposes.

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

1 SECTION 1. Any county which according to the federal census of  
2 1930 had a population less than 10,250 and which has heretofore, pur-  
3 suant to an election, issued primary road bonds for the purpose of  
4 improving primary roads in such county, and thereafter has an unex-  
5 pended balance of bond proceeds, after accomplishing the purpose for  
6 which said bonds were authorized at such election, is hereby authorized  
7 to expend such balance, with the consent of the State Highway Com-  
8 mission, for improving any other roads in such county designated as  
9 a primary road at the time of such expenditure.

1 SEC. 2. This act being deemed of immediate importance shall take  
2 effect and be in full force upon publication in the Ocheyedan Arrow, a  
3 newspaper published in the city of Ocheyedan, Iowa, and in the Ga-  
4 zette Tribune, a newspaper published in the city of Sibley, Iowa.

House File 534. Approved April 17, 1937.

I hereby certify that the foregoing act was published in the Ocheyedan Arrow, April 29, 1937, and the Sibley Gazette Tribune, April 29, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 153

## DISABLED VETERANS' NEWS STANDS

H. F. 288

AN ACT to permit honorably discharged disabled veterans of the nation's wars to operate news stands in the court houses of the various counties of Iowa, and prescribing the duties of supervisors on applications for such privilege.

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

1 SECTION 1. The board of supervisors of any county shall, on the  
2 application of any honorably discharged soldier, sailor, marine, or  
3 nurse of the Army or Navy of the United States in the late Civil War,  
4 Spanish-American War, Philippine Insurrection, China Relief Expedi-  
5 tion, or War with Germany, who was disabled in said war, cause to  
6 be reserved in the court house of the county a reasonable amount of  
7 space in the lobby of said court house to be used by such applicant rent-  
8 free as a stand for the sale of news, tobaccos, and candies. Should  
9 there be more than one applicant for such reserved space, the board  
10 of supervisors shall award the same to the person in their opinion most  
11 deserving of the same. The supervisors shall prescribe the regula-  
12 tions by which the stands shall be operated.

House File 288. Approved April 10, 1937.

## CHAPTER 154

## PRIMARY ROADS

S. F. 174

AN ACT to amend section forty-seven hundred fifty-five-B-twenty-six (4755-B26), code of Iowa, 1935, relating to the construction or reconstruction, improvement and maintenance of primary roads.

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

1 SECTION 1. Section forty-seven hundred fifty-five-b twenty-six  
2 (4755-b26), code of Iowa, 1935, is hereby repealed and the following  
3 enacted as a substitute therefor:

4 The state highway commission is hereby given authority, subject to  
5 the approval of the council, to construct, reconstruct, improve and  
6 maintain extensions of the primary road system within any city or  
7 town, including cities under special charter, provided that such im-  
8 provement shall not exceed in width that of the primary road system  
9 and the amount of funds expended in any one year shall not exceed  
10 twenty-five per cent of the primary road construction fund.

11 The phrase "subject to approval of the council", as it appears in  
12 this section, shall be construed as authorizing the council to consider  
13 said proposed improvements in its relationship to municipal improve-  
14 ments (such as sewers, water lines, sidewalks and other public im-  
15 provements, and the establishment or re-establishment of street  
16 grades). The location of said primary road extensions shall be deter-  
17 mined by the state highway commission.

Senate File 174. Approved May 1, 1937.

## CHAPTER 155

## CITIES AND TOWNS

H. F. 184

AN ACT to amend section five thousand six hundred eighty-three (5683) of the code, relating to powers of cities and towns.

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

1 SECTION 1. Section five thousand six hundred eighty-three (5683)  
2 of the code is hereby repealed and the following enacted in lieu thereof:

3 "Cities and towns, including cities under special charter, may pay,  
4 out of the general fund, annual dues to the league of Iowa municipal-  
5 ities, not to exceed the following amounts: Municipalities of less than  
6 two hundred population, ten dollars; from two hundred to five hundred  
7 population, fifteen dollars; from five hundred to one thousand popu-  
8 lation, twenty dollars; from one thousand to two thousand population,  
9 twenty-five dollars; from two thousand to five thousand population,  
10 thirty dollars; from five thousand to ten thousand population, forty  
11 dollars; from ten thousand to twenty thousand population, fifty dol-  
12 lars; from twenty thousand to thirty thousand population, sixty dol-  
13 lars; from thirty thousand to forty thousand population, seventy dol-  
14 lars; from forty thousand to fifty thousand population, eighty dollars;

15 from fifty thousand to eighty thousand population, ninety dollars; from  
 16 eighty thousand to one hundred thousand population, one hundred  
 17 dollars; and for all over one hundred thousand population, one hundred  
 18 fifty dollars. In addition they may pay, out of the general fund, the  
 19 actual expenses of delegates to the annual convention of the league as  
 20 follows, less than two thousand population, two delegates; from two  
 21 thousand to five thousand population, three delegates; from five thou-  
 22 sand to twenty thousand population, four delegates; over twenty thou-  
 23 sand population, five delegates.

1 SEC. 2. In no event shall the expense of such delegates exceed five  
 2 cents a mile, under the limitations now provided by law, and five dol-  
 3 lars a day for actual days in attendance and going to and returning  
 4 from such meeting.

House File 184. Approved May 1, 1937.

## CHAPTER 156

### CIVIL SERVICE

#### H. F. 51

AN ACT to amend chapter two-hundred eighty-nine (289), code, 1935, by adding new sections and to amend sections five thousand six hundred eighty-nine (5689), five thousand six hundred ninety-three (5693), five thousand seven hundred one (5701), five thousand seven hundred three (5703), five thousand seven hundred five (5705), five thousand seven hundred seven (5707), five thousand seven hundred thirteen (5713), code, 1935; to repeal sections five thousand six hundred ninety-one (5691), five thousand six hundred ninety-two (5692), five thousand six hundred ninety-four (5694), five thousand six hundred ninety-five (5695), five thousand six hundred ninety-six (5696), five thousand six hundred ninety-six-d one (5696-d1), five thousand six hundred ninety-eight (5698), five thousand six hundred ninety-nine (5699), five thousand seven hundred two (5702), five thousand seven hundred four (5704), five thousand seven hundred eleven (5711), and five thousand seven hundred twelve (5712), code, 1935, and to enact substitutes therefor and to repeal section five thousand seven hundred twelve-d-one (5712-d1), code, 1935; all relating to civil service employees of cities, including those operating under special charter.

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

1 SECTION 1. That section five thousand six hundred eighty-nine  
 2 (5689), code, 1935, is hereby amended by inserting after the word  
 3 "department" in line three (3) thereof the words "or a paid police  
 4 department".

1 SEC. 2. That section five thousand six hundred ninety-one (5691),  
 2 code, 1935, is hereby repealed and the following enacted in lieu thereof:  
 3 "5691. **Optional appointment of commission.** In cities having a  
 4 population of less than 8,000, the city council may, by ordinance, adopt  
 5 the provisions of this chapter in which case it shall either appoint  
 6 such commission or provide, by ordinance, for the exercise of the  
 7 powers and performance of the duties of the commission by the coun-  
 8 cil. Where the city council exercises the powers of the commission  
 9 the term "*commission*" as used in this chapter shall mean the city  
 10 council."

1 SEC. 3. That section five thousand six hundred ninety-two (5692),  
 2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5692. **Chairman—clerk—records.** The chairman of the commis-  
4 sion for each biennial period shall be the member whose term first  
5 expires. In cities having a population of more than 75,000 the com-  
6 mission shall appoint an employee in the city clerk's office who is  
7 employed under the provisions of this chapter to be clerk of the com-  
8 mission and his duties as such clerk shall have precedence over any  
9 additional duties of his regular employment. In all other cities the  
10 city clerk shall be clerk of the commission.

11 "The civil service commission shall keep a record of all its meetings  
12 and also a complete individual service record of each civil service  
13 employee which record shall be permanent and kept up to date.

14 "When duly certified by the clerk of the commission copies of all  
15 records and entries or papers pertaining to said record shall be admis-  
16 sible in evidence with the same force and effect as the originals."

1 SEC. 4. That section five thousand six hundred ninety-three (5693),  
2 code, 1935, is hereby amended by adding after the word "equipment"  
3 in line four (4) the words "and a qualified shorthand reporter".

1 SEC. 5. That section five thousand six hundred ninety-four (5694),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5694. **Applicability—exceptions.** The provisions of this chapter  
4 shall apply to all appointive officers and employees, including deputy  
5 clerks and deputy bailiffs of the municipal court, in cities under any  
6 form of government having a population of more than fifteen thousand  
7 except:

8 "1. City clerk, city solicitor, assistant solicitor, assessor, treasurer,  
9 auditor, civil engineer, health physician, chief of police, market master.

10 "2. Laborers whose occupation requires no special skill or fitness.

11 "3. Election officials.

12 "4. Secretary to the mayor or to any commissioner.

13 "5. Commissioners of any kind.

14 "6. Casual employees.

15 "In all other cities under any form of government, the provisions  
16 of this chapter shall apply only to members of the police and fire de-  
17 partments, except the following persons connected with such depart-  
18 ments:

19 "1. Chiefs of police.

20 "2. Janitors, clerks, stenographers, secretaries.

21 "3. Casual employees."

1 SEC. 6. That section five thousand six hundred ninety-five (5695),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5695. **Preference by service.** Any person regularly serving in  
4 or holding any position in the police or fire department, or a non-super-  
5 visory position in any other department, which is within the scope  
6 of this chapter on the date this act becomes effective in any city, who  
7 has then five years of service in a position or positions within the scope  
8 of this chapter, shall retain his position and have full civil service  
9 rights therein.

10 "Persons in non-supervisory positions, appointed without competi-  
11 tive examination, who have served less than five years in such position  
12 or positions on said date, shall submit to examination by the commis-  
13 sion and if successful in passing such examination they shall retain  
14 their positions in preference to all other applicants and shall have

15 full civil service rights therein, but if they fail to pass such examina-  
16 tion they shall be replaced by successful applicants.

17 "Provided, that persons who have heretofore been certified by the  
18 commission as eligible for appointment to any position in which they  
19 are regularly serving on said date, and persons regularly serving on  
20 said date in any position with civil service rights by reason of long  
21 and efficient service rendered prior to October, 1924, shall retain such  
22 position and shall have full civil service rights therein without further  
23 examination. Other persons regularly serving in supervisory posi-  
24 tions in departments other than police or fire on the date this act be-  
25 comes effective shall be eligible for appointment to said positions after  
26 qualifying in competitive examination.

27 "Provided, further, however, that nothing in this section shall apply  
28 to any persons temporarily acting in a position regularly held by an-  
29 other, or in a vacancy, except to establish his rights in his own regular  
30 position."

1 SEC. 7. That section five thousand six hundred ninety-six (5696),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5696. **Original entrance examination—appointments.** The com-  
4 mission shall, during the month of April of each year, and at such other  
5 times as shall be found necessary under such rules, including minimum  
6 and maximum age limits, as shall be prescribed and published in ad-  
7 vance by the commission and posted in the city hall, hold examinations  
8 for the purpose of determining the qualifications of applicants for  
9 positions under civil service, other than promotions, which examina-  
10 tions shall be practical in character and shall relate to such matters  
11 as will fairly test the mental and physical ability of the applicant  
12 to discharge the duties of the position to which he seeks appointment.  
13 Provided, however, that such physical examination of applicants for  
14 appointment to the positions of policeman, police-woman, police-matron  
15 or fireman shall be held under the direction of and as specified by the  
16 boards of trustees of the fire or police retirement systems established  
17 by chapter 75, section five (5), laws of the Forty-fifth General Assem-  
18 bly, Extraordinary Session.

19 "All appointments to such positions shall be conditional upon a  
20 probation period of not to exceed six (6) months, during which time  
21 the appointee may be removed or discharged from such position by  
22 the appointing person or body without the right of appeal to the com-  
23 mission. Continuance in the position after the expiration of such  
24 probationary period shall constitute a permanent appointment."

1 SEC. 8. That section five thousand six hundred ninety-six-d1 (5696-  
2 d1), code, 1935, is hereby repealed and the following enacted in lieu  
3 thereof:

4 "5696-d1. **Promotional examinations—promotions.** The commis-  
5 sion shall, during the month of April of each second year, and at such  
6 other times as shall be found necessary, under such rules as shall be  
7 prescribed and published in advance by the commission, and posted  
8 in the city hall, hold competitive promotional examinations for the  
9 purpose of determining the qualifications of applicants for promotion  
10 to a higher grade under civil service, which examinations shall be  
11 practical in character, and shall relate to such matters as will fairly

12 test the ability of the applicant to discharge the duties of the position  
13 to which he seeks promotion.

14 "Hereafter, all vacancies in the civil service grades above the lowest  
15 in each department shall be filled by promotion of subordinates when  
16 such subordinates qualify as eligible, and when so promoted, they shall  
17 hold such position with full civil service rights therein."

1 SEC. 9. That section five thousand six hundred ninety-eight (5698),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:  
3 "5698. **Names certified—temporary appointment.** The commis-  
4 sion shall, within ninety (90) days after the beginning of each com-  
5 petitive examination for original appointment or for promotion, cer-  
6 tify to the city council a list of the names of the ten persons who  
7 qualify with the highest standing as a result of each examination  
8 for the position they seek to fill, or such number as may have qualified  
9 if less than ten, in the order of their standing, and all newly created  
10 offices or other vacancies in positions under civil service which shall  
11 occur before the beginning of the next examination for such positions  
12 shall be filled from said lists, or from the preferred list existing as  
13 provided for in case of diminution of employees, within thirty (30)  
14 days. Preference for temporary service in civil service positions shall  
15 be given those on such lists.

16 "Except where such preferred list exists, persons on the certified  
17 eligible list for promotion shall hold preference for promotion until  
18 the beginning of a new examination, but in no case shall such prefer-  
19 ence continue longer than two years following the date of certification,  
20 after which said lists shall be cancelled and no promotion to such  
21 grade shall be made until a new list has been certified eligible for  
22 promotion.

23 "When there is no such preferred list or certified eligible list, or  
24 when the eligible list shall be exhausted, the person or body having  
25 the appointing power may temporarily fill a newly created office or  
26 other vacancy only until an examination can be held and the names  
27 of qualified persons be certified by the commission, and such temporary  
28 appointments are hereby limited to ninety (90) days for any one per-  
29 son in the same vacancy, but such limitation shall not apply to persons  
30 temporarily acting in positions regularly held by another. Any person  
31 temporarily filling a vacancy in a position of higher grade for twenty  
32 (20) days or more, shall receive the salary paid in such higher grade."

1 SEC. 10. That chapter two hundred eighty-nine (289), code, 1935,  
2 be and the same is hereby amended by adding thereto the following  
3 section:

4 "5698-h1. **Seniority.** For the purpose of determining the seniority  
5 rights of civil service employees, seniority shall be computed, begin-  
6 ning with the date of appointment to or employment in any positions  
7 for which they were certified or otherwise qualified and established as  
8 provided in this chapter, but shall not include any period of time ex-  
9 ceeding sixty (60) days in any one year during which they were absent  
10 from the service except for disability.

11 "In the event that a civil service employee has more than one classi-  
12 fication or grade, the length of his seniority rights shall date in the  
13 respective classifications or grades from and after the time he was  
14 appointed to or began his employment in each classification or grade.

15 In the event that an employee has been promoted from one classifica-  
 16 tion or grade to another, his civil service seniority rights shall be  
 17 continuous in any department grade or classification that he formerly  
 18 held.

19 "A list of all civil service employees shall be prepared and posted in  
 20 the city hall by the civil service commission on or before July 1st of  
 21 each year, indicating the civil service standing of each employee as to  
 22 his seniority.

1 SEC. 11. That section five thousand six hundred ninety-nine (5699),  
 2 code, 1935, be and the same is hereby repealed and the following enacted  
 3 in lieu thereof:

4 "5699. **Chief of police and chief of fire department.** The chief of  
 5 the fire department shall be appointed from the chief's civil service  
 6 eligible list and shall hold full civil service rights as chief, and the chief  
 7 of the police department shall be appointed from the active members  
 8 of the department who hold civil service seniority rights as patrolmen  
 9 and have had five years service in the department, but this shall not  
 10 apply to any person holding the office of chief of police in any city on  
 11 the date this act becomes effective in such city during his term of  
 12 office as chief which may include successive reappointments thereto.  
 13 Any such chief of police, having ten or more years service, shall be  
 14 entitled to civil service rights as patrolman for the period of such  
 15 service as chief with continuing seniority determined as provided in  
 16 section 5698-h1 of this chapter.

17 "In cities under the commission plan of government the superintend-  
 18 ent of public safety, with the approval of the city council, shall appoint  
 19 the chief of the fire department and the chief of the police department.  
 20 In cities under the city manager plan the city manager shall make  
 21 such appointments, and in all other cities such appointments shall be  
 22 made by the mayor."

1 SEC. 12. That chapter two hundred eighty-nine (289), code, 1935,  
 2 is hereby amended by adding thereto the following section:

3 "5699-h1. **Appointing powers.** All appointments or promotions to  
 4 positions within the scope of this chapter other than those of chief  
 5 of police and chief of fire department shall be made:

6 "In cities under the commission form of government, by the super-  
 7 intendants of the respective departments, with the approval of the  
 8 city council; in cities under the city manager plan, by the city manager;  
 9 in all other cities with the approval of the city council, and in the  
 10 police and fire departments by the chiefs of the respective depart-  
 11 ments; and in the case of deputy clerks or deputy bailiffs of the municip-  
 12 al court, such appointments shall be made by the clerk or bailiff  
 13 thereof, respectively.

14 "All such appointments or promotions shall promptly be reported  
 15 to the clerk of the commission by the appointing officer."

1 SEC. 13. That section five thousand seven hundred one (5701),  
 2 code, 1935, is hereby amended by striking from line twenty-five (25),  
 3 the words "chief of police or".

1 SEC. 14. That section five thousand seven hundred two (5702)  
 2 code, 1935, is hereby repealed and the following enacted in lieu thereof:

3 "5702. **Removal, demotion or suspension.** No person holding civil  
 4 service rights as provided in this chapter shall be removed, demoted, or

5 suspended arbitrarily, except as otherwise provided in this chapter,  
6 but may be removed, demoted, or suspended after a hearing by a ma-  
7 jority vote of the civil service commission, for neglect of duty, dis-  
8 obedience, misconduct, or failure to properly perform his duties."

1 SEC. 15. That section five thousand seven hundred three (5703)  
2 code, 1935, is hereby amended by adding after the word "suspend"  
3 in line 4, the following: ", demote,"; by adding after the word "sus-  
4 pensions" in lines eight (8) and nine (9), the following: ", demot-  
5 tions,"; and by adding after the word "suspension" in lines 13, 14, 19,  
6 and 21, respectively, the following: ", demotion,". Also by striking  
7 from line six (6) of said section the following, "or,"; and adding after  
8 the word "misconduct" the following: "or failure to properly perform  
9 his duties". Also by adding after the word "discharge" in line 19  
10 the following: ", and a copy thereof shall promptly be given to the  
11 clerk of the commission".

1 SEC. 16. That section five thousand seven hundred four (5704),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:  
3 "5704. **Appeal.** If there is an affirmance of the suspension, demot-  
4 tion or discharge of any person holding civil service rights, he may,  
5 within twenty days thereafter, appeal therefrom to the civil service  
6 commission. If the suspension, demotion, or discharge is not affirmed  
7 within five days the person who suspended, demoted, or discharged  
8 such officer or employee may in like manner appeal."

1 SEC. 17. That section five thousand seven hundred five (5705),  
2 code, 1935, is hereby amended by adding after the word "suspended"  
3 in lines 2 and 7, respectively, the following: ", demoted,". Also by  
4 adding after the word "suspension" in line six (6) thereof, the fol-  
5 lowing: ", demotion,". Also by striking the words "city clerk" in  
6 line five (5) of said section and substituting therefor the words "clerk  
7 of commission".

1 SEC. 18. That section five thousand seven hundred seven (5707),  
2 code, 1935, is hereby amended by striking the word "five" in line two  
3 (2) and substituting therefor the word "ten". Also by striking from  
4 line three (3) of said section the following: "or council, as the case  
5 may be,".

1 SEC. 19. That section five thousand seven hundred eleven (5711),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:  
3 "5711. **Jurisdiction—attorney—decision.** The civil service commis-  
4 sion shall have jurisdiction to hear and determine all matters involving  
5 the rights of civil service employees, and may affirm, modify, or reverse  
6 any case on its merits.

7 "The city attorney or solicitor shall be the attorney for the commis-  
8 sion or when requested by the commission shall present any matters  
9 concerning civil service employees to the commission.

10 "If the appeal is taken by a suspended, demoted, or discharged em-  
11 ployee and reversed, he shall be reinstated as of the date of his sus-  
12 pension, demotion, or discharge, and shall be entitled to such compensa-  
13 tion as the body having jurisdiction may determine."

1 SEC. 20. That section five thousand seven hundred twelve (5712),  
2 code, 1935, is hereby repealed and the following enacted in lieu thereof:



3 "5712. **Employees diminished.** Whenever the public interests may  
4 require a diminution of employees in any classification or grade under  
5 civil service, the city council, by resolution and acting in good faith,  
6 and after notifying the commission of such action, may either:

7 "1. Abolish the office and remove the employee from his classifica-  
8 tion or grade thereunder, or

9 "2. Reduce the number of employees in any classification or grade  
10 by suspending the necessary number.

11 "In case it thus becomes necessary to so remove or suspend any  
12 such employees, the persons so removed or suspended shall be those  
13 having seniority of the shortest duration in the classifications or  
14 grades affected, and such seniority shall be computed as provided in  
15 section five thousand six hundred ninety-eight-h one (5698-h1) of this  
16 chapter for all persons holding seniority in the classification or grade  
17 affected, regardless of their seniority in any other classification or  
18 grade, but any such employee so removed from any classification or  
19 grade shall revert to his seniority in the next lower grade or classifica-  
20 tion; if such seniority is equal, then the one less efficient and competent  
21 as determined by the person or body having the appointing power shall  
22 be the one affected.

23 "In case of such removal or suspension, the civil service commission  
24 shall issue to each person so affected a certificate showing his com-  
25 parative seniority or length of service in each classification or grade  
26 from which he is so removed and the fact that he has been honorably  
27 so removed, and his name shall be carried for a period of not less than  
28 three years after such suspension or removal, on a preferred list and  
29 all appointments or promotions made during said period to his former  
30 duties in such classification or grade shall be made in the order of  
31 greater seniority from such preferred lists."

1 SEC. 21. Section five thousand seven hundred twelve-d one (5712-  
2 d1), code, 1935, is hereby repealed.

1 SEC. 22. That section five thousand seven hundred thirteen (5713),  
2 code, 1935, is hereby amended by adding after the word "committee"  
3 in line six (6), the following: " , or take any active part in any political  
4 campaign except to cast his vote and to express his personal opinion  
5 privately, nor shall any such candidate or committee solicit such con-  
6 tribution or active political support from any such officer or employee".

1 SEC. 23. That chapter two hundred eighty-nine (289), code, 1935,  
2 is hereby amended by inserting after section five thousand seven hun-  
3 dred thirteen (5713) the following section:

4 "5713-h1. **Penalty.** The provisions of this chapter shall be strictly  
5 carried out by each person or body having powers or duties thereunder,  
6 and any act or failure to act tending to avoid or defeat the purposes  
7 of such provisions is hereby prohibited, and shall be punishable as a  
8 misdemeanor."

1 SEC. 24. The invalidity of any portion of this act shall not affect  
2 the validity of any other portion thereof which can be given effect  
3 without such invalid part.

1 SEC. 25. This act being deemed of immediate importance shall be  
2 in full force and effect after its passage and publication in the Bloom-

3 field Democrat, a newspaper published at Bloomfield, Iowa, and in the  
4 Council Bluffs Nonpareil, a newspaper published at Council Bluffs,  
5 Iowa.

H. F. 51. Approved April 13, 1937.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil, April 14, 1937, and the Bloomfield Democrat, April 15, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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## CHAPTER 157

### CITIES UNDER MANAGER PLAN

H. F. 258

AN ACT to amend section fifty-six hundred ninety-four (5694) of the code, 1935, relating to the chief of the fire department in cities under the manager plan.

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

1 SECTION 1. Section fifty-six hundred ninety-four (5694)\* code, 1935,  
2 is amended by striking the period following the word "chief" in line  
3 33, and substituting a semi-colon therefor, and adding the following:  
4 "provided, however, that in cities of the first class under the man-  
5 ager plan, a chief of fire department who has served continuously in  
6 that position for five years or more, shall be deemed entitled to the  
7 benefits of this chapter."

House File 258. Approved May 1, 1937.

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## CHAPTER 158

### CIVIL SERVICE

S. F. 172

AN ACT to amend section five thousand six hundred ninety-four (5694), code, 1935, relating to the applicability of civil service and exceptions thereto by adding a provision as to the applicability of civil service to certain officials in cities acting under special charter with a population of over fifty thousand (50,000).

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

1 SECTION 1. Section five thousand six hundred ninety-four (5694),\*  
2 code, 1935, is amended by adding thereto the following paragraph:  
3 "Provided, however, that in cities acting under special charter with  
4 a population of fifty thousand (50,000) or more, the provisions of this  
5 chapter shall apply to the city electrician, electrical inspector and  
6 superintendent of the police and fire alarm systems. Any person who  
7 is now and has for five (5) or more years last past held the position  
8 of city electrician, electrical inspector or superintendent of the police  
9 and fire alarm systems in such cities shall retain his position without  
10 further examination."

Senate File 172. Approved May 1, 1937.

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\* Note: Section 5694 repealed. H. F. 51.

## CHAPTER 159

## CITIES AND TOWNS

## S. F. 99

AN ACT to amend chapter two hundred ninety-three (293), code, 1935, by adding a section authorizing the leasing of park property under certain conditions.

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

1 SECTION 1. Chapter two hundred ninety-three (293), code, 1935, is  
2 amended by adding thereto after section five thousand seven hundred  
3 ninety-eight (5798) the following section:

4 "Park boards shall also have authority to lease under reasonable  
5 rules and requirements a particular park or portion thereof, under  
6 their jurisdiction, for a period not in excess of ten days, to charitable,  
7 fraternal and patriotic organizations, for the purpose of permitting  
8 such organizations to conduct celebrations, anniversaries and enter-  
9 tainments."

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 Red Oak  
3 Express, a newspaper published at Red Oak, Iowa, and The Malvern  
4 Leader, a newspaper published at Malvern, Iowa.

Senate File 99. Approved March 15, 1937.

I hereby certify that the foregoing act was published in the Red Oak Express, March 18, 1937, and the Malvern Leader, March 18, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 160

## CITIES AND TOWNS

## S. F. 88

AN ACT to amend the law as it appears in chapter two hundred ninety-four (294) of the code of Iowa, 1935, relating to the creation of river front improvement commissions in certain cities, and the organization and powers thereof, by amending sections five thousand eight hundred fifteen (5815), five thousand eight hundred and twenty (5820), five thousand eight hundred and twenty-one (5821), five thousand eight hundred and twenty-two (5822), and five thousand eight hundred and twenty-three (5823), and by adding to said chapter two hundred ninety-four (294) section five thousand eight hundred and nineteen-a (5819-a) authorizing the river front improvement commissions, to acquire through purchase, gift or condemnation, that portion of the river bed, or channel, of any stream that is not meandered, lying within the corporate limits.

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

1 SECTION 1. Section five thousand eight hundred and fifteen (5815)  
2 of the code of Iowa, 1935, is hereby amended by inserting a comma  
3 "," after the word "stream" in line three thereof, and by adding and  
4 inserting after said comma the following words: "or by a stream that  
5 is not meandered,".

1 SEC. 2. The law as it appears in chapter two hundred ninety-four  
2 (294) of the code of Iowa, 1935, is hereby amended by adding thereto  
3 as section five thousand eight hundred and nineteen-a (5819-a) the  
4 following:

5 "5819-a. Acquisition of Title to Bed of Stream that is not Mean-  
6 dered—Survey thereof. When any stream that is not meandered di-

7 vides or traverses the corporate limits of a city in which such river  
 8 front improvement commission has been appointed and qualified, said  
 9 commission may acquire the title in fee simple to such portion of the  
 10 channel or bed thereof lying within the corporate limits of the city as  
 11 it may deem advisable, by donation or purchase, or by condemnation  
 12 for the public uses authorized in this chapter, in the manner provided  
 13 by law for the taking of private property for public use, and shall take  
 14 the title to such property in the name of the commission and its suc-  
 15 cessors, in trust for the public, and shall hold the same exempt from  
 16 taxation. For the purposes of this act, the limits of the channel of any  
 17 such stream shall be determined and fixed by a survey made by the  
 18 city engineer of such city at the request of such commission. Where-  
 19 ever in sections five thousand eight hundred and twenty (5820) to five  
 20 thousand eight hundred and twenty-nine (5829) hereof, the terms  
 21 "stream", "such stream", or "such river" or like terms are used, such  
 22 terms are intended to, and do, refer to a stream whose bed or channel  
 23 is acquired pursuant to this section, as well as to meandered streams.

1 SEC. 3. Section five thousand eight hundred and twenty (5820) of  
 2 the code of Iowa, 1935, is hereby amended by striking from the second  
 3 and third lines thereof the words "such stream" appearing after the  
 4 word "of" in the second line thereof, and by adding and inserting in  
 5 lieu thereof the following words: "any such meandered stream; re-  
 6 deem lands acquired by it in the channel of any stream that is not  
 7 meandered;"

1 SEC. 4. Section five thousand eight hundred and twenty-one (5821)  
 2 of the code of Iowa, 1935, is hereby amended by striking from lines  
 3 four and five thereof the words "said stream within said city", and  
 4 by adding and inserting in lieu thereof the following words: "any such  
 5 meandered stream within such city, or within the channel of any  
 6 stream that is acquired by the commission pursuant to section five  
 7 thousand eight hundred and nineteen-a (5819-a) hereof,"

1 SEC. 5. Section five thousand eight hundred and twenty-two (5822)  
 2 of the code of Iowa, 1935, is hereby amended by adding and inserting  
 3 after the comma "," following the words "real estate" in the thirty-  
 4 fourth line thereof, the following words: "including the channel or  
 5 bed of any stream acquired by the commission pursuant to section five  
 6 thousand eight hundred and nineteen-a (5819-a) hereof,"

1 SEC. 6. Section five thousand eight hundred and twenty-three  
 2 (5823) of the code of Iowa, 1935, is hereby amended by adding and  
 3 inserting after the words "real estate" in the second line thereof, the  
 4 following words: ", including the channel or bed of any stream ac-  
 5 quired by the commission pursuant to section five thousand eight  
 6 hundred and nineteen-a (5819-a) hereof,"

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 Waterloo  
 3 Daily Courier, a newspaper published at Waterloo, Iowa, and the Cedar  
 4 Falls Daily Record, a newspaper published at Cedar Falls, Iowa.

Senate File 88. Approved March 25, 1937.

I hereby certify that the foregoing act was published in the Waterloo Daily Courier,  
 March 30, 1937, and the Cedar Falls Daily Record, March 30, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 161

## BANDS, MUNICIPAL

S. F. 241

AN ACT to amend section five thousand eight hundred thirty-five (5835), code, 1935, to authorize the levy of an additional tax not to exceed one-half mill by certain cities for the purpose of maintaining an incorporated band for educational purposes.

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

1 SECTION 1. Section five thousand eight hundred thirty-five (5835),  
 2 code, 1935, is hereby amended by striking the period at the end of  
 3 line six thereof and inserting in lieu thereof a semicolon and by adding  
 4 after such semicolon the following: "provided, however, that when  
 5 there is so maintained or employed in such city or town a band incor-  
 6 porated not for profit under chapter three hundred ninety-four (394),  
 7 code, 1935, for educational purposes throughout the entire year, which,  
 8 as a part of such educational program, trains and maintains through-  
 9 out the entire year subsidiary units of such band whereby the youth  
 10 of the city or town receive instruction and training in band music,  
 11 an additional tax of not to exceed one-half mill may be levied for such  
 12 educational purposes without further authorization by an election."

Senate File 241. Approved May 1, 1937.

## CHAPTER 162

## LIBRARIES, PUBLIC

S. F. 219

AN ACT to amend section five thousand eight hundred fifty-eight (5858) of the code of Iowa, 1935, by providing for the control of fines and rentals collected by public libraries.

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

1 SECTION 1. Section five thousand eight hundred fifty-eight (5858)  
 2 of the code of Iowa, 1935, is hereby amended by inserting a comma (,) in  
 3 lieu of the period (.) at the end of line six (6), subsection eight (8)  
 4 thereof, and adding to said subsection the following: "including fines  
 5 and rentals collected under the rules of the board of trustees."

Senate File 219. Approved April 8, 1937.

## CHAPTER 163

## MUNICIPAL HOSPITALS

S. F. 114

AN ACT to repeal section five thousand eight hundred sixty-nine (5869), code, 1935, and to enact a substitute therefor, requiring the city treasurer to act as treasurer for the board of hospital trustees in cities, and prescribing his duties in such capacity, and the bonds to be given therefor.

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

1 SECTION 1. That section five thousand eight hundred sixty-nine  
 2 (5869), code, 1935, is repealed and the following is enacted in lieu  
 3 thereof:

4 "5869. Treasurer. The city treasurer shall be the treasurer of  
5 said board of trustees, and shall receive and disburse all funds under  
6 the control of said board as ordered by it, but shall receive no addi-  
7 tional compensation for his services. Such treasurer shall give bond  
8 in such form and amount as may be determined by the board in its  
9 discretion in addition to the bond required of him by section five  
10 thousand six hundred fifty-four-g one (5654-g1), code, 1935.

1 SEC. 2. This act, being deemed of immediate importance, shall take  
2 full force and effect from and after its passage and publication in the  
3 Alden Times, a newspaper published at Alden, Iowa, and the Hubbard  
4 Review, a newspaper published at Hubbard, Iowa.

Senate File 114. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Alden Times, May 20, 1937,  
and the Hubbard Review, May 29, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 164

### INTERSTATE BRIDGES

#### H. F. 6

AN ACT to amend chapter three hundred two-C one (302-C1) of the code, 1935, in  
relation to interstate bridges, by adding thereto a new section, providing for the  
issuance of refunding revenue bonds, and to make the provisions of this act ap-  
plicable to cities acting under special charter.

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

1 SECTION 1. Chapter three hundred two-C one (302-C1) of the code,  
2 1935, is hereby amended by adding the following new section:

3 Revenue refunding bonds. Any city which has heretofore or shall  
4 hereafter issue revenue bonds under the provisions of this act, is here-  
5 by authorized to provide for the issuance of revenue refunding bonds  
6 of the city for the purpose of refunding any such revenue bonds then  
7 outstanding. It shall not be necessary to submit the proposition of  
8 issuing such revenue refunding bonds to the electors of the city. In  
9 all other respects, the issuance of such revenue refunding bonds, the  
10 maturities and other details thereof, the rights of the holders thereof,  
11 and the duties of the city and of the bridge commission, if any, in  
12 respect to the same, shall be governed by the provisions of this act in  
13 so far as the same may be applicable, and by the following provisions:

14 (a) No revenue refunding bonds shall be issued, unless issued to  
15 refund revenue bonds which have matured or will mature within three  
16 months, or unless the interest rate of the revenue refunding bonds  
17 shall be at least one-fourth of one per centum less than the interest rate  
18 borne by the revenue bonds to be refunded, in which event the entire  
19 bond issue may be refunded.

20 (b) No revenue refunding bonds shall be delivered, unless delivered  
21 in exchange for revenue bonds to be refunded thereby, except in the  
22 amount necessary to provide for the payment of matured or redeem-  
23 able revenue bonds or revenue bonds maturing or redeemable within  
24 three months, including any redemption premium thereon, or all reve-

25 nue bonds refunded for a lower interest rate as provided in subsection  
26 tion (a).

27 (c) The rates of tolls to be charged for the use of the bridge acquired  
28 or constructed from the proceeds of the revenue bonds to be refunded,  
29 shall be so fixed and adjusted as to provide a fund sufficient to pay  
30 the interest on and the principal of such revenue refunding bonds as  
31 the same shall become due, and to provide an additional fund to pay  
32 the cost of maintaining, repairing and operating the bridge. And  
33 such tolls shall be continued until such revenue refunding bonds and  
34 the interest thereon shall be paid or provision made for their payment.

35 (d) Notice of refunding of said bonds shall be given to the public  
36 for at least three consecutive weeks prior thereto in at least one local  
37 newspaper of general circulation in one of the communities or cities  
38 adjacent to and served by said bridge.

1 SEC. 2. The provisions of this act shall be applicable to cities acting  
2 under special charter.

1 SEC. 3. This act being deemed of immediate importance shall be in  
2 force and effect from and after its publication in the Davenport Demo-  
3 crat, a newspaper published in Davenport, Iowa, and the Tri-City Star,  
4 a newspaper published in Davenport, Iowa.

House File 6. Approved February 12, 1937.

I hereby certify that the foregoing act was published in the Davenport Democrat,  
February 15, 1937, and the Tri-City Star, Davenport, February 16, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 165

### ELECTRIC UTILITIES AND MOTOR BUS LINES

#### H. F. 61

AN ACT to amend section fifty-nine hundred four-c one (5904-c1), code, 1935, to permit cities and towns to grant franchises to operate and maintain on and over their streets bus and motor transportation lines to carry passengers for hire on a plan similar to street railways, and to provide the manner of granting or renewing or extending any such franchise by a majority of the legal electors voting thereon in favor of the same at a general, city or town, or special election.

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

1 SECTION 1. Section fifty-nine hundred four-c one (5904-c1) code  
2 of 1935, is amended by striking lines 30 to 36 inclusive of said section  
3 of the code, being the second paragraph of said section, and inserting  
4 in lieu thereof the following:

5 "No such franchise shall be granted, extended or renewed unless a  
6 majority of the legal electors voting thereon vote in favor of the same  
7 at a general, city or town, or special election called for that purpose.

8 "The provisions of this act shall be applicable to cities acting under  
9 special charter."

1 SEC. 2. This act, being deemed of immediate importance, shall be  
2 in full force and effect after its passage and publication in *The Anchor*,

3 a newspaper published at Northwood, Iowa, and in the Cedar Rapids  
4 Tribune, a newspaper published at Cedar Rapids, Iowa.

House File 61. Approved March 20, 1937.

I hereby certify that the foregoing act was published in the Northwood Anchor, March 25, 1937, and the Coggon Monitor, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

Note: Publication declined by Cedar Rapids Tribune. Coggon Monitor selected in accordance with Sec. 55 code of Iowa.

## CHAPTER 166

### CITIES AND TOWNS

#### S. F. 80

AN ACT to amend section sixty-one hundred thirty-four-f one (6134-f1), code of Iowa, 1935, and providing for the issuance by cities and towns of refunding bonds, payable only out of the net earnings of municipally owned heating plants, waterworks, gas works, or electric light or power plants, providing that such refunding bonds shall conform to the provisions of chapter three hundred twelve (312) of the code of Iowa, 1935, and providing for the exchange of such refunding bonds for outstanding bonds or the sale of such refunding bonds, and providing for the disposition of the proceeds of such refunding bonds.

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

1 SECTION 1. Section sixty-one hundred thirty-four-f one (6134-f1)  
2 of chapter three hundred twelve (312) of the code of Iowa of 1935 is  
3 amended by adding thereto the following:

4 "Cities and towns including cities under special charter shall have  
5 power to refund bonds or obligations issued for the cost of any heating  
6 plants, waterworks, gas works, or electric light or power plants, of  
7 for any improvement or extension of any such plants, when such bonds  
8 or obligations are payable from and secured by the net earnings of any  
9 such plant and which bonds or obligations do not constitute a general  
10 obligation of such city or town, and shall have the power so to refund  
11 any such bonds or obligations when the same become due and payable,  
12 or prior thereto in any case where such bonds or obligations reserve  
13 the right to prepay the same prior to the date fixed therein.

14 "All such refunding bonds or obligations issued as authorized in  
15 this act, shall conform to the provisions of chapter three hundred  
16 twelve (312) of the code of Iowa, 1935, shall be payable only from  
17 the net earnings of the plant, and shall not constitute a general obli-  
18 gation of any such city or town or be enforceable in any manner by  
19 taxation.

20 "Such refunding bonds or obligations may be exchanged for out-  
21 standing bonds or obligations issued to pay for any such plant, or for  
22 any improvement or extension of any such plant; or such refunding  
23 bonds or obligations may be sold and the proceeds used only in payment  
24 of outstanding bonds or obligations issued to pay for any such plant,  
25 or for any improvement or extension of such plant."

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 Ottumwa



3 Courier, a newspaper published in Ottumwa, Iowa, and in the In-  
4 dianola Record, a newspaper published in Indianola, Iowa.

Senate File 80. Approved March 24, 1937.

I hereby certify that the foregoing act was published in the Ottumwa Courier, March 30, 1937, and the Indianola Record, April 2, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

#### CHAPTER 167

##### CITIES AND TOWNS—PURCHASE OF LANDS AND BUILDINGS FOR HOSPITAL PURPOSES

###### H. F. 56

AN ACT to amend sections sixty-one hundred ninety-five (6195), sixty-two hundred eleven (6211), and sixty-two hundred thirty-nine (6239), code, 1935, relating to the power of cities and towns to purchase land and buildings for hospital purposes; to levy annual taxes for purchasing, constructing or reconstructing buildings to be used for hospitals or purchasing sites therefor and for the retirement of bonds issued in payment thereof; and to incur indebtedness for said purposes.

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

1 SECTION 1. Section sixty-one hundred ninety-five (6195), code,  
2 1935, is hereby amended by changing the period to a comma at the  
3 end of sub-section number one (1) and adding "including buildings  
4 thereon to be used for hospitals."

1 SEC. 2. Section sixty-two hundred eleven (6211), code, 1935, is  
2 hereby amended by striking from paragraph twenty-six (26) follow-  
3 ing the word "of" in line seven (7) "constructing hospitals or purchas-  
4 ing sites therefor and for the retirement of bonds issued in payment  
5 thereof" and inserting in lieu thereof "purchasing sites for hospitals  
6 or sites with building or buildings thereon which may be acquired for  
7 hospital purposes and constructing or reconstructing buildings to be  
8 used for hospitals, and for the retirement of bonds issued in payment  
9 thereof".

1 SEC. 3. Section sixty-two hundred thirty-nine (6239), code, 1935,  
2 is hereby amended by striking paragraph seven (7) and inserting in  
3 lieu thereof the following:

4 "7. Purchasing sites for hospitals or sites with a building or build-  
5 ings and constructing or reconstructing buildings to be used for hospi-  
6 tals."

House File 56. Approved April 17, 1937.

#### CHAPTER 168

##### CITIES AND TOWNS

###### S. F. 218

AN ACT to amend section six thousand two hundred eleven (6211) of the code of Iowa, 1935, by providing for the use of unexpended library funds.

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

1 SECTION 1. Section six thousand two hundred eleven (6211) of the  
2 code of Iowa, 1935, is hereby amended by adding to subsection nineteen

3 (19) thereof the following: "Any monies appropriated to the library  
4 fund and not expended during the fiscal year shall remain part of the  
5 library fund for the ensuing year, without re-appropriation, and will  
6 be available for expenditure by the board of library trustees."

Senate File 218. Approved April 8, 1937.

## CHAPTER 169

### CITIES AND TOWNS

#### H. F. 314

AN ACT to authorize certain towns to levy for the years 1937 and 1938 an additional tax to pay the amount due or to become due under any contract for electric light.

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

1 SECTION 1. Any incorporated town having a population of at least  
2 six hundred, and not exceeding seven hundred fifty, with the written  
3 consent of the state comptroller on such written showing of actual  
4 necessity as said comptroller may require, may levy, for the years 1937  
5 and 1938 or for either of said years as the said comptroller may specify,  
6 and for the purpose of paying the amount due or to become due under  
7 any contract for electric light, a tax of not to exceed one mill in addi-  
8 tion to the levy of one and three-fourths mills now authorized for said  
9 purpose by section sixty-two hundred eleven (6211), paragraph ten  
10 (10), code, 1935.

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 Lyon County Reporter, a newspaper published at Rock Rapids,  
4 Iowa, and the Inwood Herald, a newspaper published at Inwood, Iowa.

House File 314. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Lyon County Reporter, April 8, 1937, and the Inwood Herald, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 170

### CITIES AND TOWNS

#### H. F. 52

AN ACT to amend section sixty-two hundred eleven (6211), code, 1935, relating to the power of cities and towns to levy annually special taxes.

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

1 SECTION 1. Section sixty-two hundred eleven (6211), code, 1935,  
2 be amended by adding thereto the following:

3 "Snow removal fund. In cities having a population of less than  
4 125,000, not exceeding one-half mill annually, which shall be used  
5 only for the purpose of causing the removal of snow and ice from the  
6 streets of such cities and towns."

1 SEC. 2. The provisions of this act shall be made applicable to cities  
2 acting under special charter.

House File 52. Approved May 1, 1937.

CHAPTER 171  
CITIES AND TOWNS

H. F. 253

AN ACT to amend section sixty-two hundred eleven (6211), code, 1935, relating to the power of cities and towns to levy taxes for the building and maintenance of free public libraries.

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

1 SECTION 1. Section sixty-two hundred eleven (6211), code 1935,  
2 is amended by inserting immediately after the period (.) following  
3 the word "maintenance" in line four (4) of subsection nineteen (19),  
4 the following, to wit:

5 "Provided that said maintenance levy may be not to exceed two  
6 and one-half (2½) mills in any city of more than ten thousand popu-  
7 lation and less than 75,000 population and having situated therein  
8 a state-owned educational institution with a regular attendance of  
9 more than three thousand students, and also a state commission regu-  
10 larly employing more than one hundred heads of families."

1 SEC. 2. Section sixty-two hundred eleven (6211), code 1935, is  
2 amended by inserting immediately after the period (.) following the  
3 word "indebtedness" in lines eight (8) and nine (9) of subsection  
4 twenty (20), the following to wit:

5 "Provided the levy for said purposes may be not to exceed one and  
6 one-half (1½) mills in any city of more than ten thousand (10,000)  
7 population and less than seventy-five thousand (75,000) population,  
8 and having situated therein a state owned educational institution with  
9 a regular attendance of more than three thousand students, and also  
10 a state commission regularly employing more than one hundred heads  
11 of families."

1 SEC. 3. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication as provided by  
3 law in the Ames Daily Tribune, a newspaper published at Ames, Iowa,  
4 and in the Boone News-Republican, a newspaper published at Boone,  
5 Iowa.

House File 253. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Boone News-Republican,  
May 24, 1937, and the Ames Daily Tribune, May 24, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 172

## FIREMEN

## H. F. 131

AN ACT to amend sub-division A-one\* (a1) of section sixty-three hundred twenty-six (6326), code, 1935, relating to limitation of hours on duty for firemen.

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

1 SECTION 1. That subdivision A-one\* (a1) of section sixty-three  
2 hundred twenty-six (6326), code, 1935, be amended by striking after  
3 the comma, following the word "charter" in line three (3) thereof,  
4 the following: "having a population of twenty-five thousand or over,".

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

House File 131. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Clinton Herald, May 24, 1937, and the Tipton Conservative, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 173

## POLICEMEN—FIREMEN

## H. F. 146

AN ACT to amend subdivision eight (8) of section sixty-three hundred twenty-six-f six (6326-f6) and subdivision one (1) of section sixty-three hundred twenty-six-f nine (6326-f9), code, 1935, relating to retirement systems for policemen and firemen, and providing a tax therefor.

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

1 SECTION 1. That subdivision eight (8) of section sixty-three-hun-  
2 dred twenty-six-f six (6326-f6), code, 1935, be amended by inserting  
3 after the comma following the word "respectively" in line eight (8) of  
4 paragraph b (b) thereof, the following: "even though nominated as  
5 such,".

1 SEC. 2. That subdivision one (1) of section sixty-three hundred  
2 twenty-six-f nine (6326-f9), code, 1935, be amended by adding thereto  
3 the following: "Said cities shall annually levy a tax sufficient in amount  
4 to cover such appropriations."

House File 146. Approved May 1, 1937.

\*Note: In accordance with enrolled bill.

## CHAPTER 174

## CITIES UNDER COMMISSION PLAN

S. F. 34

AN ACT to amend section sixty-five hundred sixty-four (6564) of the Code, 1935, relating to general powers and duties of the council in cities having the commission form of government, and to add section sixty-five hundred seventy-eight-b two (6578-b2).

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

1 SECTION 1. That section sixty-five hundred sixty-four (6564) of  
2 the code, 1935, be and the same is hereby amended by inserting at  
3 the end of said section after the word "created"\* the following words:  
4 "except as such powers and duties may be changed or modified by  
5 subsequent sections of this chapter."

1 SEC. 2. That section sixty-five hundred seventy-eight (6578) of  
2 the code, 1935, be and the same is hereby amended by adding the  
3 following to be numbered sixty-five hundred seventy-eight-b two  
4 (6578-h2) † Parks and Park Commissioners: The provisions of chapter  
5 293, relating to parks and park commissioners, shall be applicable  
6 to and be in force in cities and towns organized under the provisions  
7 of this chapter to the same extent and effect that such provisions are  
8 applicable to and in force in cities and towns of the same class or-  
9 ganized under the general laws of the state. The board of park com-  
10 missioners shall have and may exercise all powers conferred upon  
11 them by the provisions of said chapter.

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 Fort Dodge Messenger and Chronicle, a newspaper published at Fort  
4 Dodge, Iowa, and the Dayton Review, a newspaper published at Day-  
5 ton, Iowa, without expense to the state.

Senate File 34. Approved February 8, 1937.

I hereby certify that the foregoing act was published in the Dayton Review, February 11, 1937, and the Fort Dodge Messenger and Chronicle, February 12, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

\*Note: A period appears after the word "created" in section 6564, code, 1935, which is not stricken in the enrolled bill.

†Note: Operates as an amendment to section 6578, code, 1935, and not as a new section. Also differentiation in words and numbers (6578-h2).

## CHAPTER 175

## CITIES UNDER COMMISSION PLAN

## H. F. 137

AN ACT to amend chapter three hundred twenty-six (326), code, 1935, relating to commission governed cities, and providing that such cities having a population of one hundred twenty-five thousand (125,000) or more, may by action of the city council, with the concurrence of the park board of said city, if any such exists, have the right to consent to and provide a site in any park or public grounds of said city for the location of buildings to be used for a public library, public art gallery or art museum, or for a library, art gallery or art museum to be erected, owned and kept by individuals, associations or corporations for public use and not for private profit.

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

1 SECTION 1. That chapter three hundred twenty-six (326), code,  
2 1935, be and the same is hereby amended by adding a section to be  
3 known as section six thousand five hundred sixty-four-a one (6564-a1)  
4 and consisting of the following:

5 "The city council, in cities having a population of one hundred  
6 twenty-five thousand (125,000) or more, may, with the concurrence of  
7 the park board of said city, if any such exists, have the right to con-  
8 sent to and provide a site in any park or public grounds of said city,  
9 for the location of buildings to be used for a public library, public art  
10 gallery or art museum, or for a library, art gallery or art museum to  
11 be erected, owned and kept by individuals, associations or corpora-  
12 tions for public use and not for private profit."

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 two  
3 newspapers of this state, as provided by law.

House File 137. Approved March 17, 1937.

I hereby certify that the foregoing act was published in the Des Moines American Citizen, March 19, 1937, and the Des Moines Iowa Unionist, March 26, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 176

## CITIES UNDER COMMISSION PLAN

## H. F. 114

AN ACT to repeal section sixty-five hundred seventy-eight-b one (6578-b1), code, 1935, relative to anticipating the collection of taxes for improvements in parks and cemeteries, and to enact a substitute therefor.

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

1 SECTION 1. That section sixty-five hundred seventy-eight-b one  
2 (6578-b1), code, 1935, be and the same is hereby repealed and the fol-  
3 lowing enacted in lieu thereof:

4 "The collection of such tax or part thereof may be anticipated for a  
5 period not to exceed ten years, and the provisions of sections 6261 to  
6 6264, inclusive, shall apply so far as applicable."

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 as required by law.

House File 114. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Ft. Madison Democrat,  
May 25, 1937, and the Keokuk Gate City, May 25, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 177

### CITIES—SPECIAL CHARTER—COMMISSION PLAN

S. F. 179

AN ACT to amend section sixty-five hundred eighty (6580), code, 1935, to authorize cities under commission form of government, including cities under special charter, by a two-thirds vote of its council, to lease any city property not needed for the immediate use of such city for a period of not to exceed twenty-five years in such cities.

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

1 SECTION 1. Section sixty-five hundred eighty (6580), code, 1935,  
2 be and the same is hereby amended by striking out after the word  
3 "government" in the tenth line thereof the following: "and under  
4 thirty thousand inhabitants"; and the word "twenty" in the fifteenth  
5 line of said section and substituting the word "twenty-five" in lieu  
6 thereof.

1 SEC. 2. Section six thousand five hundred eighty (6580), code 1935,  
2 is hereby made applicable to cities operating under special charter.

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 Anchor,  
3 a newspaper published at Northwood, Iowa, and in the Cedar Rapids  
4 Gazette, a newspaper published at Cedar Rapids, Iowa.

Senate File 179. Approved April 17, 1937.

I hereby certify that the foregoing act was published in the Cedar Rapids Gazette  
April 21, 1937, and the Northwood Anchor, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 178

### CITIES UNDER MANAGER PLAN

S. F. 74

AN ACT to amend section sixty-six hundred sixty-nine (6669), code, 1935, relating to the management of municipally owned water plants.

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

1 SECTION 1. Section sixty-six hundred sixty-nine (6669), code, 1935,  
2 is amended by inserting after the comma following the figures "313"  
3 in line twelve (12) of paragraph twelve (12) the following:  
4 "and in cities where the voters have decided by ballot to place the

5 management of the municipal water works in the hands of a board of  
6 trustees as provided in chapter three hundred twelve (312), code, 1935.

1 SEC. 2. This act being of immediate importance shall become effec-  
2 tive upon publication as provided by law.

Senate File 74. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Bloomfield Democrat,  
May 27, 1937, and the Belle Plaine Gazette, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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## CHAPTER 179

### SPECIAL CHARTER CITIES

S. F. 129

AN ACT to amend chapter three hundred twenty-nine (329), code, 1935, making chapter  
three hundred eight-a one (308-a1) and three hundred eight-d one (308-d1) ap-  
plicable to certain special charter cities.

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

1 SECTION 1. Chapter three hundred twenty-nine (329), code, 1935,  
2 is amended by inserting after section six thousand seven hundred  
3 seventy (6770) the following:

4 "Chapters three hundred eight-a one (308-a1) and three hundred  
5 eight-d one (308-d1) are made applicable to special charter cities  
6 having a population of fifty thousand (50,000) or over."

Senate File 129. Approved May 1, 1937.

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## CHAPTER 180

### FRANCHISE GRANTED IN SPECIAL CHARTER CITIES AT GENERAL OR SPECIAL ELECTION

H. F. 32

AN ACT to amend section six thousand seven hundred ninety-one (6791) code, 1935,  
relating to the granting of franchises in cities acting under special charter, and to  
require the approval of the electors therefor.

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

1 SECTION 1. That section six thousand seven hundred ninety-one  
2 (6791) code, 1935, is amended by striking out all of said section fol-  
3 lowing the word "authorized" in line eleven (11), and substituting in  
4 lieu thereof the following: "unless a majority of the electors voting  
5 thereon shall vote in favor of same at a general or special election."

House File 32. Approved April 2, 1937.



## CHAPTER 181

## FIREWORKS

S. F. 25

AN ACT to prohibit the sale, offering or exposing for sale of fireworks; defining fireworks and to regulate the manner of using fireworks, and to provide penalties for the violation of the provisions of this act.

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

1 SECTION 1. The term fireworks shall mean and include any ex-  
2 plosive composition, or combination of explosive substances, or article  
3 prepared for the purpose of producing a visible audible effect by  
4 combustion, explosion, deflagration or detonation, and shall include  
5 blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in  
6 which explosives are used, balloons which require fire underneath to  
7 propel the same, firecrackers, torpedoes, sky-rockets, Roman candles,  
8 Daygo bombs, or other fireworks of like construction and any fire-  
9 works containing any explosive or inflammable compound, or other  
10 device containing any explosive substance.

1 SEC. 2. Except as hereinafter provided it shall be unlawful for  
2 any person, firm, co-partnership, or corporation to offer for sale, ex-  
3 pose for sale, sell at retail, or use or explode any fireworks; provided  
4 the council of any city or town or the trustees of any township may,  
5 upon application in writing, grant a permit for the display of fire-  
6 works by municipalities, fair associations, amusement parks, and other  
7 organizations or groups of individuals approved by such city, town,  
8 or township authorities when such fireworks display will be handled  
9 by a competent operator but no such permit shall be required for  
10 such display of fire works at the Iowa state fair grounds by the Iowa  
11 state fair board nor of incorporated county fairs nor of district fairs  
12 receiving state aid. After such privilege shall have been granted  
13 sales of fireworks for such display may be made for that purpose only;  
14 provided further, that nothing in this act shall be construed to pro-  
15 hibit any resident, dealer, manufacturer, or jobber from selling such  
16 fireworks as are not herein prohibited; or the sale of any kind of fire-  
17 works provided the same are to be shipped out of the state; or the  
18 sale or use of blank cartridges for a show or theatre, or for signal  
19 purposes in athletic sports or by railroads, trucks, for signal purposes,  
20 or by a recognized military organization; and provided further that  
21 nothing in this act shall apply to any substance or composition pre-  
22 pared and sold for medicinal or fumigation purposes.

1 SEC. 3. Any person, firm, co-partnership, or corporation violating  
2 the provisions of this act shall be guilty of a misdemeanor and upon  
3 conviction thereof shall be punished by a fine not exceeding one hun-  
4 dred dollars or by imprisonment in the county jail not exceeding ninety  
5 days, or by both such fine and imprisonment.

1 SEC. 4. This act shall be in full force and effect from and after  
2 January 1, 1938.

Senate File 25. Approved March 24, 1937.

## CHAPTER 182

## FIREMEN

## H. F. 107

AN ACT to authorize cities and towns, including those acting under special charter, to pay the expenses of firemen attending the Iowa fire school and regional fire schools conducted or sponsored by the Iowa State college and certain other gatherings of firemen.

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

1 SECTION 1. Any city or town, including those acting under special  
2 charter, maintaining a paid or volunteer fire department may pay the  
3 expenses of such number of firemen as it may desire to send to any  
4 gatherings of firemen for the purpose of instruction or study of fire  
5 prevention, fire extinguishment, or other allied subjects, including  
6 attendance of such firemen at the annual and regional fire schools  
7 conducted or sponsored by the Iowa state college.

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 Plain Talk,  
3 a newspaper published in Des Moines, Iowa, and the Iowa Unionist,  
4 a newspaper published in Des Moines, Iowa.

House File 107. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Des Moines Plain Talk, May 20, 1937, and the Des Moines Iowa Unionist, May 21, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 183

## CITIES UNDER MANAGER PLAN

## S. F. 192

AN ACT to authorize cities operating under the manager plan and having a population of over thirty thousand (30,000) to incur indebtedness, make expenditures and issue warrants, and to exceed the amounts set forth in their budget appropriations for the fiscal year beginning April 1, 1936, and ending March 31, 1937, and permitting such cities to make a levy for the general fund not exceeding thirty thousand dollars (\$30,000.00), said levy being in addition to other levies for said general fund, as provided by law, on all taxable property within said cities, said levy being payable in year, 1938, and authorizing said cities to issue warrants in anticipation of the collection of said levy.

WHEREAS, the federal government and the state of Iowa have recognized that there existed an emergency in cities of this state operating under the manager plan having a population of more than thirty thousand (30,000) due to unemployment during the fiscal year beginning April 1, 1936, and ending March 31, 1937, and, to relieve the same, demand has been made upon such cities by the inhabitants thereof that WPA projects be initiated and carried on, the same to be financed partly by federal funds and partly by current revenues of such cities; and

WHEREAS, such cities have complied with the demand of their people and, in cooperation with the federal government, have set up and carried on WPA projects which are of great and lasting benefit to such cities, and have incurred indebtedness and made expenditures for such purposes and

issued warrants therefor in excess of their budget appropriations and anticipated revenues during the fiscal year 1936-1937, and, as a result thereof, an overdraft will occur in the general funds of such cities to the extent of thirty thousand dollars (\$30,000.00); and

WHEREAS, in order to place such cities on a cash basis and permit them to operate within their budgets and anticipated revenues, it is necessary that they be authorized to incur such indebtedness, make the expenditures and issue warrants therefor in the fiscal year 1936-1937 and be further permitted to make a levy for the general fund not exceeding thirty thousand dollars (\$30,000.00), said levy to be in addition to other levies for said general fund, as provided by law, on all taxable property within such cities, said levy being payable in the year 1938; now, therefore,

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

1 SECTION 1. Cities in this state operating under the manager plan  
2 and having a population of more than thirty thousand (30,000) are  
3 hereby authorized to increase their budgets for the year beginning  
4 April 1, 1936, and ending March 31, 1937, by increasing their general  
5 fund, and making a levy in the sum of thirty thousand dollars (\$30,-  
6 000.00) in addition to the amounts otherwise provided by law, said  
7 levy being payable in 1938, and said cities are hereby empowered to is-  
8 sue warrants in anticipation of the collection of said levy.

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 Telegraph-  
3 Herald, a newspaper published at Dubuque, Iowa, and in the Dyers-  
4 ville Commercial, a newspaper published at Dyersville, Iowa.

Senate File 192. Approved March 25, 1937.

I hereby certify that the foregoing act was published in the Dubuque Telegraph Herald, March 29, 1937, and the Dyersville Commercial, April 1, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 184

### INCOME TAX—NONRESIDENTS

#### H. F. 389

AN ACT to amend chapter three hundred twenty-nine-F one (329-F1), code, 1935, and sections sixty-nine hundred forty-three-f four (6943-f4), sixty-nine hundred forty-three-f five (6943-f5), sixty-nine hundred forty-three-f eight (6943-f8), sixty-nine hundred forty-three-f nine (6943-f9), sixty-nine hundred forty-three-f fifteen (6943-f15) and sixty-nine hundred forty-three-f twenty-five (6943-f25), sixty-nine hundred forty-three-f sixty-three (6943-f63) and sixty-nine hundred forty-three-f sixty-five (6943-f65), code, 1935, all relating to the taxation of the income of individuals, fiduciaries, trusts and estates, and to the administration and collection of such tax; and to impose a tax upon certain income of any non-resident derived from sources within this state, and providing for the collection and administration of such tax, and for withholding agents, as defined herein, to withhold and pay to the board certain amounts due by them to certain nonresidents as an aid to the collection of said tax, and to appropriate certain funds.

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

1 SECTION 1. Section sixty-nine hundred forty-three-f four (6943-  
2 f4), code, 1935, is hereby amended by inserting at the end thereof  
3 two new subsections which shall read as follows:

4 13. The word "*nonresident*" applies only to individuals, and includes  
5 all individuals who are not "residents" within the meaning of sub-  
6 section eight hereof.

7 14. The term "*withholding agent*" means any individual, fiduciary,  
8 corporation, association or partnership in whatever capacity acting,  
9 including all officers and employees of the state or of any municipal  
10 corporation or political subdivision of the state, that is obligated to  
11 pay or has control of paying to any nonresident any "gross income",  
12 within the meaning of section sixty-nine hundred forty-three-f eight  
13 (6943-f8), in excess of fifteen hundred (1500) dollars in any calendar  
14 year.

1 SEC. 2. Section sixty-nine hundred forty-three-f five, (6943-f5),  
2 code, 1935, is hereby amended by inserting after the comma follow-  
3 ing the word "state" in line three thereof the following: "and be-  
4 ginning on the first day of January, 1937, upon that part of the in-  
5 come of any nonresident which is derived from any property, trust,  
6 or other source within this state, including any business, trade, pro-  
7 fession or occupation carried on within this state,".

1 SEC. 3. Section sixty-nine hundred forty-three-f eight (6943-f8),  
2 code, 1935, is hereby amended by adding at the end thereof a new  
3 subsection four, which shall read as follows:

4 4. In the case of a nonresident, the term "*gross income*" shall only  
5 refer to such gross income, as herein defined, as is derived from any  
6 property, trust or other source within this state, including any busi-  
7 ness, trade, profession or occupation carried on within this state, but  
8 shall not include income received by a nonresident in the form of an-  
9 nuities, interest on bank deposits, interest on bonds, notes or other  
10 interest bearing obligations, or dividends from corporations, whether  
11 received by the nonresident directly or as beneficiary of a trust, except  
12 to the extent to which the same shall be a part of income from any  
13 business, trade, profession or occupation carried on in this state sub-  
14 ject to taxation under this division.

15 If any income is received from a business, trade, profession or oc-  
16 cupation carried on partly within and partly without the state, only  
17 such portion of such income as is fairly and equitably attributable to  
18 that part of the business, trade, profession or occupation carried on  
19 within the state of Iowa shall be included within such gross income,  
20 and such allocation shall be made under rules and regulations pre-  
21 scribed by the board, which shall, in any event, require the entire  
22 amount of such income and the allocation made, to be shown in the re-  
23 turn which said nonresident shall, and must, file pursuant to sections  
24 sixty-nine hundred forty-three-f thirteen, (6943-f13) to sixty-nine  
25 hundred forty-three-f nineteen (6943-f19) inclusive, code, 1935.

1 SEC. 4. Section sixty-nine hundred forty-three-f nine (6943-f9),  
2 code, 1935, is hereby amended by adding at the end thereof a new  
3 subsection eight which shall read as follows:

4 8. A nonresident shall be allowed the deductions provided herein,  
5 excepting that the deductions provided in subsections one to five in-  
6 clusive shall be allowed to a nonresident only if, and to the extent  
7 that, they are connected with income arising from sources within the  
8 state and taxable under this division; and the proper apportionment

9 and allocation of the deductions with respect to income received from  
10 a business, trade, profession or occupation carried on partly within  
11 and partly without the state shall be determined under rules and  
12 regulations to be prescribed by the board.

1 SEC. 5. Chapter three hundred twenty-nine-F one, (329-F1), code,  
2 1935, is hereby amended by inserting after section sixty-nine hundred  
3 forty-three-f fifteen (6943-f15) the following new sections:

4 6943-f15a. Withholding Agents and Nonresidents.

5 1. Excepting as provided herein and in section 6943-f15b hereof,  
6 every withholding agent shall deduct and withhold in each calendar  
7 year five percent of all gross income, in excess of fifteen hundred  
8 (1500) dollars, which such withholding agent pays, including the  
9 five percent so withheld, to any nonresident during such calendar  
10 year. In case the nonresident files with the state board a verified  
11 statement, in such form and containing such information as the board  
12 shall prescribe, showing that any income described therein is derived  
13 from a source upon which the net income will be less than twenty  
14 percent of the gross income, the board, if satisfied that such state-  
15 ment is correct, shall give to such nonresident a certificate directing  
16 the withholding agent to withhold only one percent of the described  
17 income. Upon receipt of such certificate, the withholding agent shall  
18 withhold only one percent of the income described in such certificate  
19 in excess of seventy-five hundred (7500) dollars; and no part of the  
20 first seventy-five hundred (7500) dollars shall be withheld.

21 2. Withholding agents shall make returns upon the basis of each  
22 calendar year on such forms and at such times throughout the year  
23 as the board shall from time to time prescribe, and shall include  
24 therein such information as the board shall require. The board shall  
25 fix such times for the making of returns and the payment of the  
26 amounts withheld as in its judgment are necessary to insure payment  
27 of such amounts. Such returns may, in the discretion of the board,  
28 be consolidated with the returns required by section sixty-nine hun-  
29 dred forty-three-f fifteen (6943-f15); and in the discretion of the  
30 board, a withholding agent may be required to make a separate with-  
31 holding agent's return for every nonresident a portion of whose in-  
32 come is required to be withheld under section one hereof.

33 3. At the time of making such returns, the withholding agent shall  
34 pay to the board the entire amount required to be withheld under  
35 subsection one hereof. Such amounts shall be paid to the board in the  
36 form of remittances payable to the treasurer of state and which shall  
37 be transmitted to the state treasurer to be deposited in the state  
38 treasury to the credit of a special nonresident income tax fund, which  
39 is hereby created for such a purpose. That portion of such fund ap-  
40 plicable to the payment of taxes pursuant to subsection five hereof  
41 shall from time to time be transferred by the state treasurer, upon  
42 order of the board, to the credit of the special tax fund created by  
43 section sixty-nine hundred forty-three-f fifty-six (6943-f56). Any  
44 amounts in such nonresident income tax fund required by subsection  
45 five hereof to be paid to a nonresident shall be so paid by the state  
46 treasurer by means of a warrant drawn by the comptroller at the di-  
47 rection of an authorized employee of the state board upon such fund

48 to the order of such nonresident, without requiring the nonresident  
49 to file a claim for refund.

50 4. Each nonresident shall make his returns and pay his taxes upon  
51 the basis of the calendar year, unless permission is obtained from  
52 the board to report on a different taxable year in cases when he car-  
53 ries on a business of such a nature as to make it impractical to report  
54 on the basis of the calendar year. That amount withheld from and  
55 paid for each nonresident by the withholding agent for any calendar  
56 year shall be credited pursuant to subsection five hereof upon the tax  
57 due from such nonresident for the same calendar year. In case a  
58 taxable year other than the calendar year is authorized the amount  
59 so withheld and paid for the calendar year shall be so credited upon  
60 the income tax due for the nonresident's first taxable year ending  
61 after the end of such calendar year.

62 5. In addition to all other income subject to the tax herein imposed,  
63 each nonresident shall report in his return all income a portion of  
64 which is required to be withheld pursuant to this section, including  
65 the portion so withheld. Any amount of the income withheld and  
66 paid to the board by any and all withholding agents shall be credited  
67 against the total amount of income tax required to be paid by such  
68 nonresident for such year as is provided in subsection four hereof.  
69 If the amount so withheld and paid to the board is in excess of the  
70 amount of income tax due by such nonresident for such year, the  
71 excess shall be paid to the nonresident taxpayer. If the nonresident  
72 taxpayer fails to file a return within the time required by law, the  
73 board may consider as the net income of such nonresident the entire  
74 gross income of such nonresident, as shown by the returns of all  
75 withholding agents, and may assess the tax accordingly pursuant to  
76 subsection two of section sixty-nine hundred forty-three-f twenty-  
77 one (6943-f21).

78 6. All of the provisions of section sixty-nine hundred forty-three-f  
79 seventeen (6943-f17), section sixty-nine hundred forty-three-f  
80 eighteen (6943-f18), section sixty-nine hundred forty-three-f nine-  
81 teen (6943-f19) and sections sixty-nine hundred forty-three-f twenty-  
82 one (6943-f21) to sixty-nine hundred forty-three-f twenty-seven  
83 (6943-f27) inclusive, code, 1935, shall apply to returns and payments  
84 by withholding agents and to determination and collection of amounts  
85 required to be withheld by withholding agents, and to penalties there-  
86 for, as well as to the "taxes" to which such sections expressly relate.

87 6943-f15b. Bonds and Securities.

88 1. Any nonresident whose income is subject to the provisions of  
89 the preceding section may file with the board a bond issued by a  
90 surety company authorized to transact business in this state and  
91 approved by the insurance commissioner as to solvency and responsi-  
92 bility, in the amount hereinafter provided, conditioned upon the pay-  
93 ment of any tax, interest, and/or penalties which may become due  
94 for a named taxable year from such nonresident under the provisions  
95 of this division. Such bond shall be made payable to the state of  
96 Iowa, and shall be for a term expiring four years after the termina-  
97 tion of the taxable year for which it is given. In any action on said  
98 bond a certificate signed by the chairman of the board certifying that  
99 a certain amount of taxes, interest, and/or penalties are due and owing  
100 by the principal for the taxable year fixed in the bond shall be prima

101 facie evidence that such amount is due, and the burden of proof shall  
102 be upon the principal and/or surety to prove that such amount is  
103 not due. The attorney general shall, upon direction of the board,  
104 bring and prosecute actions on said bond in the name of the state of  
105 Iowa. The venue for all such actions shall be in Polk county, Iowa.

106 2. In lieu of such bond, the nonresident may deposit with the board  
107 securities approved by the board, in the amount hereinafter provided,  
108 under a deposit agreement in such form as the board may prescribe,  
109 which agreement shall make such securities collateral security for  
110 the payment of any tax, interest and/or penalties which may become  
111 due from such nonresident under the provisions of this division and  
112 shall authorize the sale of such securities by the board at public or  
113 private sale without notice to the depositor thereof, if it becomes  
114 necessary to do so in order to recover any tax and/or penalties due.

115 3. The amount of such bond or the value of such securities shall  
116 not be less than the total amount which would be required by subsection  
117 one of section 6943-f15a to be withheld from the income for which  
118 certificates are sought pursuant to subsection four hereof.

119 4. Any nonresident who has so filed with the board such bond or  
120 securities may, upon making application in such form and containing  
121 such information as the board shall prescribe, obtain a certificate from  
122 the board directed to a named withholding agent authorizing such  
123 withholding agent during a specified period to pay to such nonresident  
124 without withholding any percentage thereof, any sums which may  
125 be due such nonresident not in excess of the amount fixed in such  
126 certificate. The board shall not issue any such certificate unless the  
127 amount of the bond and/or the value of the securities deposited with  
128 the board is not less than the total amount which would be required  
129 by subsection one of section 6943-f15a to be withheld from the aggregate  
130 income fixed in such certificate and all certificates theretofore  
131 issued.

132 6943-f15c. Credit for tax payable in state of residence. When-  
133 ever a nonresident taxable under the provisions of this division has  
134 become liable to pay an income tax to the state where he resides upon  
135 his net income for the taxable year derived from sources within this  
136 state and subject to taxation under this division, the board shall credit  
137 the amount of income tax payable by him under this division with  
138 such proportion of the tax so payable by him to the state wherein he  
139 resides (before deducting any credit therefrom for the income tax  
140 payable to this state) as his income subject to taxation under this  
141 division bears to his entire income upon which the tax so payable to  
142 such other state was imposed; provided that such credit shall be  
143 allowed only if the laws of said state (1) grant a substantially similar  
144 credit to residents of this state subject to income tax under such laws  
145 or (2) impose a tax upon the personal income of its residents derived  
146 from sources in this state and exempt from taxation the personal incomes  
147 of residents of this state. No credit shall be allowed against  
148 the amount of the tax on any income taxable under this division which  
149 is exempt from taxation under the laws of such other state.

1 SEC. 6. Section sixty-nine hundred forty-three-f fifteen (6943-  
2 f15), code, 1935, is hereby amended by striking from lines fourteen  
3 and fifteen thereof the words "resident of this state" and by inserting

4 in lieu thereof the following: "individual, whether a resident of this  
5 state or not,".

1 SEC. 7. Section sixty-nine hundred forty-three-f twenty-five  
2 (6943-f25), code, 1935, is hereby amended by inserting after the  
3 comma following the word "located" in line four of subdivision one  
4 thereof the following "or in the case of a nonresident not maintaining  
5 a place of business in this state either in any county in which the in-  
6 come involved was earned or derived or in Polk county,".

1 SEC. 8. The tax herein imposed upon certain income of nonresi-  
2 dents shall apply to all such income actually received by such nonresi-  
3 dent on or after January 1, 1937, regardless of when such income was  
4 earned. If the nonresident is reporting on the accrual basis it shall  
5 apply to all such income which first became available to the nonresi-  
6 dent so that he might demand payment thereof on or after January  
7 1, 1937, regardless of when such income was earned. The duty to  
8 withhold herein imposed upon withholding agents shall apply only  
9 to amounts paid after June 30, 1937, but all amounts paid between  
10 January 1, 1937, and the expiration of thirty days from the effective  
11 date of this act shall be included in calculating the fifteen hundred  
12 (1500) dollars or seventy-five hundred (7500) dollars, as the case may  
13 be, which must be paid before the duty to withhold arises.

1 SEC. 9. If any section, subsection, clause, sentence, or phrase of  
2 this act or the application thereof to any person or set of circum-  
3 stances is for any reason held to be unconstitutional or invalid, such  
4 decision shall not affect the validity of the remaining portions of this  
5 act, or its application to any other person or set of circumstances.  
6 The legislature hereby declares that the provisions of this act are  
7 severable, and that it would have passed this act and each section,  
8 subsection, clause, sentence, or phrase hereof, irrespective of whether  
9 any one or more of the sections, subsections, clauses, sentences, or  
10 phrases be declared unconstitutional, and irrespective of whether  
11 it be declared unconstitutional or invalid as applied to any person  
12 or set of circumstances.

1 SEC. 10. Section sixty-nine hundred forty-three-f sixty-three,  
2 (6943-f63), code, 1935, as amended, is hereby amended by striking  
3 the period at the end of sub-section one and inserting in lieu thereof a  
4 semicolon and by adding after said semicolon the following: "and in  
5 addition thereto, after June 30, 1937, thirty thousand (30,000) dol-  
6 lars shall be transferred to the general fund for each fiscal year, pro-  
7 vided that after June 30, 1938, said thirty thousand (30,000) dollars  
8 shall be so transferred only from funds derived from the income tax  
9 imposed upon non-resident individuals."

1 SEC. 11. Section sixty-nine hundred forty-three-f sixty-five,  
2 (6943-f65), code, 1935, as amended, is hereby amended by inserting  
3 before the semicolon in line nine thereof the following: ", and in ad-  
4 dition thereto thirty thousand (30,000) dollars for the year com-  
5 mencing July 1, 1937, and thirty thousand (30,000) dollars annually  
6 thereafter, provided that for the years commencing after June 30,  
7 1938, only such part of said thirty thousand (30,000) dollars is ap-  
8 propriated as is transferred to the general fund in addition to three



9 per cent (3%) as provided by section sixty-nine hundred forty-three-  
10 f sixty-three (6943-f63), as amended”.

1 SEC. 12. 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 Allerton News, a newspaper published at Allerton, Iowa, and  
4 in the Marcus News, a newspaper published at Marcus, Iowa.

House File 389. Approved May 7, 1937.

I hereby certify that the foregoing act was published in the Allerton News, May 27,  
1937, and the Marcus News, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 185

### INCOME TAX

#### S. F. 28

AN ACT to amend chapter three hundred twenty-nine-f one (329-f1), code 1935, relat-  
ing to taxation.

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

1 SECTION 1. That section sixty-nine hundred forty-three-f twelve  
2 (6943-f12) of chapter three hundred twenty-nine-f one (329-f1),  
3 code 1935, is hereby repealed and the following is enacted in lieu  
4 thereof:

5 There shall be deducted from the tax after the same shall have been  
6 computed as set forth in this division, a personal exemption as follows:

- 7 a. For a single individual, ten dollars.
- 8 b. For husband and wife or head of a family, twenty dollars.
- 9 c. For each child under the age of twenty-one years who is actually  
10 supported by and dependent upon the taxpayer for his support, an  
11 additional five dollars.
- 12 d. For each actual dependent other than as specified in division (c)  
13 of this section, an additional five dollars.

14 “3. Change of status. If the status of a taxpayer, in so far as it  
15 affects the personal exemption or credit for dependents, changes dur-  
16 ing the taxable year, the personal exemption and credit shall be ap-  
17 portioned under rules and regulations prescribed by the board.”

1 SEC. 2. That section sixty-nine hundred forty-three-f thirteen  
2 (6943-f13) of chapter three hundred twenty-nine-f one (329-f1),  
3 code 1935, is hereby amended by striking from line 3 thereof the  
4 words, “six hundred”, and inserting in lieu thereof the words, “one  
5 thousand”; and by striking from lines five (5) and six (6) thereof  
6 the words, “eleven hundred”, and inserting in lieu thereof the words,  
7 “fifteen hundred”; and by further striking from line 12 of said section  
8 sixty-nine hundred forty-three-f thirteen (6943-f13) the words,  
9 “eleven hundred”, and inserting in lieu thereof the words, “fifteen  
10 hundred.”

1 SEC. 3. That section sixty-nine hundred forty-three-f fourteen  
2 (6943-f14) of chapter three hundred twenty-nine-f one (329-f1),  
3 code 1935, is hereby amended by striking from lines five (5) and six

4 (6) of said section the words, "one thousand";\* and by further strik-  
5 ing from line seven (7) of said section the words, "two thousand",  
6 and inserting in lieu thereof the words, "three thousand."

1 SEC. 4. If any part of this act is for any reason declared invalid  
2 or unconstitutional, it shall not affect the remaining portions of said  
3 act.

1 SEC. 5. The provisions of this act shall apply only as to income  
2 accruing subsequent to January 1, 1937.

Senate File No. 28. Approved May 1, 1937.

## CHAPTER 186

### SUSPENSION OF TAXES

#### H. F. 496

AN ACT to repeal section sixty-nine hundred fifty-g one (6950-g1), code, 1935, and enact a substitute therefor, relating to the suspension of taxes on property of recipients of old age assistance.

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

1 SECTION 1. Section sixty-nine hundred fifty-g one (6950-g1), code,  
2 1935, is repealed, and the following enacted in lieu thereof:  
3 "Suspension of taxes. Whenever a person has been issued a cer-  
4 tificate of old age assistance and is receiving monthly or quarterly  
5 payments of assistance from the old age assistance fund, such person  
6 shall be deemed to be unable to contribute to the public revenue. The  
7 old age assistance commission shall thereupon notify the board of  
8 supervisors, of the county in which such assisted person owns prop-  
9 erty, of the aforesaid fact, giving a statement of property, real and  
10 personal, owned, possessed, or upon which said person is paying taxes  
11 as a purchaser under contract. It shall then be the duty of the board  
12 of supervisors so notified, without the filing of a petition and state-  
13 ment as specified in sections sixty-nine hundred fifty (6950), code,  
14 1935, to order the county treasurer to suspend the collection of all  
15 the taxes assessed against said property and remaining unpaid by  
16 such person or contractually payable by him, for such time as such  
17 person shall remain the owner or contractually prospective owner  
18 of such property, and during the period such person receives monthly  
19 or quarterly payments of assistance from the old age assistance fund."

1 SEC. 2. This act being deemed of immediate importance shall take  
2 effect from and after its passage and publication in the Britt News-  
3 Tribune, a newspaper published at Britt, Iowa, and the Mason City  
4 Globe Gazette, a newspaper published at Mason City, Iowa.

House File 496. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Britt News Tribune, May 27, 1937, and the Mason City Globe Gazette, May 25, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

\* Note: The words "one thousand" do not appear in lines 5 and 6 in the section referred to.

## CHAPTER 187

## INSOLVENT BANKS—REMISSION OF TAXES

S. F. 67

AN ACT to amend section seven thousand four g-1 (7004-g1) of the 1935 code of Iowa, relating to the remission of unpaid taxes on stock of insolvent banks.

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

- 1 SECTION 1. That section seven thousand four-g one (7004-g1) of
- 2 the 1935 code of Iowa, be amended by adding a comma following the
- 3 word "stock" in line five (5) of said section and inserting the words
- 4 "surplus and undivided profits".

Senate File 67. Approved March 24, 1937.

## CHAPTER 188

## BOARDS OF REVIEW

S. F. 160

AN ACT to amend section seventy-one hundred twenty-nine-e one (7129-e1), code, 1935, relating to the revaluation and reassessment of real estate in other than real estate taxing years and providing for the regular meetings of the board of review and petitions for relief by any aggrieved taxpayer; and to amend subparagraph one (1), section sixty-nine hundred forty-three-c twenty-seven (6943-c27); and to amend subparagraph six (6), section sixty-nine hundred forty-three-c twenty-seven (6943-c27); and to amend subparagraph nine (9), section sixty-nine hundred forty-three-c twenty-seven (6943-c27); and to repeal subparagraph nine-a (9a), section sixty-nine hundred forty-three-c twenty-seven (6943-c27), code, 1935.

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

- 1 SECTION 1. That section seventy-one hundred twenty-nine-e one
- 2 (7129-e1), code, 1935, be and the same is hereby amended by striking
- 3 out the comma (,) following the word "review", in line four (4) of
- 4 said section, and inserting the following: "to meet at the times pro-
- 5 vided in section seventy-one hundred twenty-nine (7129), and", after
- 6 said word "review".

- 1 SEC. 2. That section seventy-one hundred twenty-nine-e one (7129-
- 2 e1), code, 1935, be and the same is hereby amended by striking out
- 3 the period (.) following the word "thereof", in line eight (8) of said
- 4 section, and inserting in lieu of said period a comma (,) and adding
- 5 thereafter the following: "and any aggrieved tax payer may petition
- 6 for a revaluation of his property, but no reduction or increase shall
- 7 be made for prior years."

- 1 SEC. 3. That section seventy-one hundred twenty-nine-e one (7129-
- 2 e1), code, 1935, be and the same is hereby amended by striking all of
- 3 that portion of the last sentence thereof following the word "appeal",
- 4 in line twenty-two (22) of said section, and inserting in lieu of the
- 5 portion so stricken the following: "to the district court within the
- 6 same time and in the same manner as provided in section seventy-one
- 7 hundred thirty-three (7133)."

- 1 SEC. 4. That subparagraph one (1), section sixty-nine hundred
- 2 forty-three-c twenty-seven (6943-c27), code, 1935, be amended by

3 striking all of said subparagraph and inserting in lieu thereof the  
4 following:

5 "To have and exercise general supervision over the administration  
6 of the assessment and tax laws of the state, over boards of supervisors  
7 and all other officers or boards of assessment and levy in the perform-  
8 ance of their official duties, in all matters relating to assessments and  
9 taxation, to the end that all assessments of property and taxes levied  
10 thereon be made relatively just and uniform in substantial compliance  
11 with the law."

1 SEC. 5. That subparagraph six (6) of section sixty-nine hundred  
2 forty-three-c twenty-seven (6943-c27), code, 1935, be amended by  
3 striking all of said subparagraph and inserting in lieu thereof the  
4 following:

5 "To hold public hearing either at the seat of government or else-  
6 where in the state, and tax the costs thereof; to summon and compel  
7 witnesses to appear and give testimony, to administer oaths to said  
8 witnesses and to compel said witnesses to produce for examination  
9 records, books, papers, and documents relating to any matter which the  
10 board shall have the authority to investigate or determine. Provided,  
11 however, that no bank or loan and trust company or its officers or em-  
12 ployees shall be required to divulge knowledge concerning the property  
13 of any person when such knowledge was obtained through information  
14 imparted as a part of a business transaction with or for such person  
15 and in the usual and ordinary course of business of said bank or loan  
16 and trust company, and was necessary and proper to the discharge of  
17 the duty of said bank or loan and trust company in relation to such  
18 business transaction. This proviso shall be additional to other provi-  
19 sions of the law relating to confidential and privileged communica-  
20 tions."

1 SEC. 6. That subparagraph nine (9), section sixty-nine hundred  
2 forty-three-c-twenty-seven (6943-c27), code, 1935, be amended as fol-  
3 lows:

4 By striking the following words in said subparagraph beginning  
5 after the comma (,) in line seventeen (17), "to raise or lower the val-  
6 uation of any piece of property in any taxing district when, in their  
7 judgment, it is necessary."

8 By striking the first comma (,) in line twenty-two (22) in said sub-  
9 paragraph and inserting in lieu thereof a period (.) and by striking all  
10 of the remainder of said subparagraph.

11 By striking the words "board of" in line five (5) of said subpara-  
12 graph, and the word, "review", in line six (6) and inserting in lieu  
13 thereof, "county board of equalization."

1 SEC. 7. That subparagraph nine-a (a) of section sixty-nine hun-  
2 dred forty-three-c twenty-seven (6943-c27), code, 1935, be and the  
3 same is hereby repealed.

1 SEC. 8. Nothing in this act shall affect pending applications and  
2 appeals before the Iowa State Board of Assessment and Review.

1 SEC. 9. This act being deemed of immediate importance shall be in  
2 force and effect from and after its passage and publication in The

3 Fort Dodge Messenger, a newspaper published in Fort Dodge, Iowa,  
4 and the Rockwell City Advocate, a newspaper published in Rockwell  
5 City, Iowa.

Senate File 160. Approved April 17, 1937.

I hereby certify that the foregoing act was published in the Fort Dodge Messenger,  
April 21, 1937, and the Rockwell City Advocate, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 189

### TAXATION

#### S. F. 123

AN ACT to amend section seven thousand one hundred seventy-one (7171), code, 1935,  
relative to annual levies.

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

1 SECTION 1. That section seven thousand one hundred seventy-one  
2 (7171), code, 1935, be amended by adding to sub-section two (2) the  
3 following:

4 "In all counties where a levy of one and one-half (1½) mills on a  
5 dollar of assessed valuation will not produce revenue sufficient to  
6 equal the budget requirements against the general county fund of such  
7 county, such county for the years 1937 and 1938 only is hereby author-  
8 ized to levy for ordinary county revenue a tax not in excess of three  
9 (3) mills on a dollar of assessed valuation, or as much thereof as may  
10 be required to meet said budget requirements. Before any such levy  
11 is made in excess of one and one-half (1½) mills, a completely itemized  
12 statement of expenditures contemplated by such county shall be sub-  
13 mitted to the state comptroller for his approval, and no levy in excess  
14 of one and one-half (1½) mills shall be made unless so approved by  
15 him, and unless the total tax levy for all county purposes will not  
16 exceed the average tax levy for all county purposes for the preceding  
17 two years."

Senate File 123. Approved May 1, 1937.

## CHAPTER 190

### PUBLIC EXHIBITIONS

#### H. F. 172

AN ACT to repeal section seventy-one hundred seventy-nine (7179), code 1935, relative  
to licensing public shows, and enacting a substitute therefor giving boards of  
supervisors power to regulate or prohibit shows, rodeos, and circuses, and prohibit-  
ing exhibitions without a license and fixing the maximum fee therefor.

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

1 SECTION 1. Section seventy-one hundred seventy-nine (7179), code,  
2 1935, is hereby repealed, and the following enacted in lieu thereof.

1 SEC. 2. The board of supervisors shall have power to regulate or  
2 prohibit in any county, outside the limits of a city or town, the public

3 exhibition, for any price, gain, or reward, of any traveling show, circus,  
 4 rodeo, or other public display of any kind.  
 5 No person shall exhibit any traveling show, circus, rodeo, or other  
 6 public display of any kind, as aforesaid, until he shall have obtained  
 7 a license therefor from the county auditor, upon the payment to the  
 8 county treasurer of such sum as may be fixed by the board of super-  
 9 visors, not to exceed one hundred dollars (\$100.00) for each place in  
 10 the county at which such show or circus may exhibit.

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 Mar-  
 3 shalltown Times-Republican, a newspaper published at Marshalltown,  
 4 Iowa, and in the State Center Enterprise, a newspaper published at  
 5 State Center, Iowa.

House File 172. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Marshalltown Times Re-  
 publican, June 2, 1937, and the State Center Enterprise, June 3, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 191

### TAX REDEMPTION

S. F. 167

AN ACT to amend chapter three hundred forty-eight (348), code, 1935, by adding cer-  
 tain sections and to provide for the payment of certain taxes in installments upon  
 the filing of an agreement with the county auditor where property has been sold  
 to the county under the provisions of section seventy-two hundred fifty-five-b1  
 (7255-b1) and not assigned by said county; and to provide for the suspension of  
 the running of the limitation imposed by section seventy-two hundred seventy-one  
 (7271), code, 1935, on any tax sale certificate affected by any such agreement and  
 to legalize the assignment of any tax sale certificate heretofore made by any county  
 for the full amount of the purchase price of such tax sale certificate at the time of  
 said sale.

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

1 Amend chapter three hundred forty-eight (348), code, 1935, by  
 2 adding the following sections:

1 SECTION 1. Delinquent taxes upon any parcel of real estate which,  
 2 prior to the adoption of this act, have been bid in for and held by  
 3 the county and not assigned by it, including subsequent taxes added  
 4 to the tax sale record in the office of the county auditor, may be com-  
 5 posed into one item or amount for the entire amount of all such taxes  
 6 and costs, excluding penalties and interest, as hereinafter provided.  
 7 The owner of any such property sold to the county under section  
 8 seventy-two hundred fifty-five-b1 (7255-b1) and not assigned by it,  
 9 or any person to whom the right to pay taxes has been given by stat-  
 10 ute, mortgage or other agreement, may make and file with the county  
 11 auditor of the county wherein said property is located within six  
 12 months from the effective date of this act, a written offer to pay the  
 13 current taxes each year before they become delinquent, and to pay the  
 14 amount of all such delinquent general taxes and costs included in said  
 15 sale, including all subsequent taxes added affecting the particular prop-

16 erty sold appearing on the tax sale record in the office of the county  
 17 auditor, but excluding penalties and interest, as certified by the county  
 18 auditor, and shall thereby waive all irregularities in connection with  
 19 the tax proceedings affecting such property and any defense or objec-  
 20 tion which he may have thereto, and shall thereby waive the require-  
 21 ment of any notice of default in the payment of any installment or  
 22 interest to become due, and shall tender therewith one-tenth of the  
 23 amount of all such delinquent taxes and costs, and agree therein to pay  
 24 the balance in nine equal annual installments, with interest at the rate  
 25 of six per cent (6%) per annum payable annually, on the installments  
 26 unpaid from time to time, on or before the anniversary date of such  
 27 agreement, which offer shall be substantially as follows:

28 "To the county auditor of ..... county: I, .....,  
 29 owner of the following described real estate situated in .....  
 30 county, Iowa, to wit:

31 .....  
 32 upon which there are delinquent taxes for the year ..... and prior  
 33 years, which said taxes have been bid in by the county and not as-  
 34 signed by it, including subsequent taxes added to the tax sale record  
 35 by the county auditor, as follows: (here insert year or years of delin-  
 36 quency and the total amount of delinquent taxes and costs, exclusive  
 37 of penalties and interest); do hereby offer to pay the sum of \$.....  
 38 including taxes for the year ....., which on the .....  
 39 ..... day ..... month  
 40 in ....., was sold to the county for taxes for prior years, and includ-  
 41 ..... year  
 42 ing subsequent taxes for the year ..... added to the tax sale records,  
 43 and hereby waive all irregularities in the tax proceedings affecting  
 44 such taxes and any defense or objections which I may have thereto  
 45 and do hereby tender the sum of \$....., being one-tenth of  
 46 the amount of said taxes and costs.

47 I agree to pay the balance of said principal amount in nine equal  
 48 annual installments, with interest at the rate of six per cent (6%)  
 49 per annum from date of filing of said agreement, payable annually,  
 50 on the installments remaining unpaid from time to time, said install-  
 51 ments and interest to be paid on or before the respective anniversary  
 52 dates of said agreement and current taxes each year before they be-  
 53 come delinquent, all installment payments to be made to the county  
 54 auditor.

55 Dated this ..... in .....  
 56 ..... day ..... month ..... year

57 (Signature) ....."

58 At the time of filing such offer he shall pay any subsequent delin-  
 59 quent taxes not already entered on the tax sale record in the office of  
 60 the county auditor, with accrued interest, penalties and costs, and  
 61 current taxes due, but not delinquent.

1 SEC. 2. Upon the filing of said agreement, all the accrued penalties  
 2 and interest on the taxes embraced within said agreement shall be  
 3 waived and further proceedings shall be suspended as long as no de-  
 4 fault exists. Upon the payment in full of the amounts required to be  
 5 paid under the said agreement, the county auditor shall issue the  
 6 certificate of redemption provided for in section seventy-two hun-  
 7 dred seventy-six (7276), code, 1935.

1 SEC. 3. The county auditor's receipt issued for payment of a defer-  
2 red installment, as herein provided for, shall not read for any specific  
3 year's taxes, but shall read for partial or full release of said agree-  
4 ment as the case may be and shall show the year that such agreement  
5 was entered into.

1 SEC. 4. In the event of default occurring in the payments to be  
2 made, under any agreement entered pursuant hereto, the penalties  
3 and interest waived under the terms of section two (2) and/or section  
4 six (6) of this act shall be reinstated and the lands described in such  
5 agreement shall thereupon be subject to such action as might have  
6 been had thereon before the filing of said agreement, and if payment  
7 of the installment due is not made within sixty (60) days after default,  
8 the county auditor shall forthwith serve notice of the termination of  
9 the right of redemption.

1 SEC. 5. The filing of an agreement as described in section one (1)  
2 of this act shall suspend the running of the limitation imposed by sec-  
3 tion seventy-two hundred seventy-one (7271), code, 1935, as to the  
4 particular tax sales certificate involved in said agreement and such  
5 suspension shall continue so long as no default exists in the payments  
6 set forth in said agreement. Where payments are made during the  
7 sixty (60) day grace period provided for in section four (4) of this  
8 act, such a delinquency shall not be deemed a default within the terms  
9 of this section.

1 SEC. 6. In any case where the period of redemption has already ex-  
2 pired upon any tax sale certificate now held by the county, the period  
3 of time of redemption from such tax sale is hereby extended for a  
4 period of six (6) months following the effective date of this act, and  
5 in any case where the period of redemption has expired and the county  
6 has taken a tax deed to a piece of property, the county shall not sell  
7 said property until six (6) months after the effective date of this act,  
8 and any owner or owners of such property may during said six (6)  
9 months' period enter into a contract with the county for the payment  
10 of such taxes or the repurchase of said property from the county for  
11 the full amount of said taxes paid for any property to which the county  
12 has taken a tax deed less the accumulated penalties and interest or on  
13 which a tax sale certificate has been purchased by the county, under  
14 the terms and conditions of this act as though said period of redemp-  
15 tion had not expired or said tax deed had not been issued, provided,  
16 however, that where any piece of property is redeemed after the is-  
17 suance of a tax deed, all of the liens of every kind which existed prior  
18 to the issuance of said tax deed shall be reinstated and take the order  
19 of preference they had prior to the issuance of said tax deed as though  
20 no tax deed had been issued.

1 SEC. 7. In event that the owner or owners fail to enter into a con-  
2 tract with the county as herein provided within six (6) months fol-  
3 lowing the effective date of this act, or if said owner or owners shall  
4 fail to pay any installment or installments provided for in any contract  
5 entered into with the county under the provisions hereof, the county  
6 at any time after the expiration of ninety (90) days after the service  
7 of notice of the termination of the right of redemption as provided  
8 herein may sell for cash and assign such certificate of sale for not less



9 than the full amount of the purchase price of such certificate. Any  
 10 assignment of a tax sale certificate heretofore made by any county  
 11 for the full amount of the purchase price of such tax certificate at  
 12 the time of the sale is hereby legalized and is hereby declared to be  
 13 valid and a legal transfer.

1 SEC. 8. This act being deemed of immediate importance shall be in  
 2 full force and effect after its passage and publication in the Fort Dodge  
 3 Messenger, a newspaper published at Fort Dodge, Iowa, and in the  
 4 Dyersville Commercial, a newspaper published at Dyersville, Iowa.

Senate File 167. Approved April 14, 1937.

I hereby certify that the foregoing act was published in the Fort Dodge Messenger,  
 April 19, 1937, and the Dyersville Commercial, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 192

### TAX DEEDS

#### S. F. 127

AN ACT to amend section seven thousand two hundred eighty-six (7286), code, 1935, to protect restrictions affecting real estate arising out of a deed or deeds in a chain of title to real estate and running with the land, limiting the use of property, the type, character and location of buildings, or restrictions against nuisances, and other similar restrictions, and providing that such restrictions shall be unaffected by the issuance of tax deeds, and that persons holding under such tax deeds shall take the property subject to said restrictions in force at date of such tax deed.

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

1 SECTION 1. Amend section seven thousand two hundred eighty-six  
 2 (7286), code, 1935, by inserting after the comma (,) following the  
 3 word "conveyed" in line ten thereof the words "subject to all restric-  
 4 tive covenants, resulting from prior conveyances in the chain of title to  
 5 the former owner,".

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 two newspapers of this state, as provided by law.

Senate File 127. Approved March 8, 1937.

I hereby certify that the foregoing act was published in the Carlisle Citizen, March  
 12, 1937, and the Beaverdale News, March 12, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 193

## INHERITANCE TAX

## S. F. 225

AN ACT to amend chapter three hundred fifty-one (351), code, 1935, by adding a new section to be known as section seventy-three hundred thirty-d one (7330-d1) relating to the compensation of inheritance tax appraisers, and relating to the mileage and expenses of such appraisers.

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

1 SECTION 1. Chapter three hundred fifty-one (351), code, 1935, be  
2 amended by adding thereto as section seventy-three hundred thirty-  
3 d one (7330-d1) the following:  
4 "Each of said appraisers shall be entitled to receive for time ac-  
5 tually spent in making an appraisal required by law, a sum not  
6 to exceed five (5) dollars per working day of eight (8) hours, and for  
7 such appraisal involving less than eight (8) hours, they shall be  
8 paid at not to exceed the rate of one and 25/100 (1.25) dollars an hour,  
9 except that the minimum charge shall not be less than two and 50/100  
10 (2.50) dollars."

1 SEC. 2. The appraisers shall also be entitled to five (5) cents a  
2 mile for the actual and necessary distance traveled in going to and  
3 returning from the place of appraisal, but separate mileage shall not  
4 be allowed when one conveyance was or could have been used in mak-  
5 ing said appraisal nor shall any appraiser be entitled to mileage if  
6 gratuitously transported by another. The cost of said appraisal  
7 shall be a charge against the estate of the decedent, to be paid out of  
8 the property appraised or by the owner or owners thereof. That the  
9 appraisers shall be required to file a sworn statement with the clerk  
10 of the district court, setting out in detail the cost of said appraisal.

1 SEC. 3. That all acts or parts of acts in conflict with the provisions  
2 of this act are hereby repealed.

1 SEC. 4. That this act being deemed of immediate importance shall  
2 take effect and put in full force from and after its publication in the  
3 Altoona Herald, a newspaper published at Altoona, Iowa, and the  
4 Plain Talk, a newspaper published at Des Moines, Iowa.

Senate File 225. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Altoona Herald, April 8, 1937, and the Des Moines Plain Talk, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 194  
PUBLIC DEPOSITS  
H. F. 544

AN ACT to repeal sections seven thousand four hundred twenty-d seven (7420-d7), seven thousand four hundred twenty-a ten (7420-a10), seven thousand four hundred twenty-a eleven, (7420-a11), and seven thousand four hundred twenty-a twelve (7420-a12), code, 1935, and enact substitutes therefor; to repeal sections seven thousand four hundred twenty-a six (7420-a6), seven thousand four hundred twenty-a seven (7420-a7) and seven thousand four hundred twenty-a fifteen, (7420-a15), code, 1935; and to amend sections seven thousand four hundred twenty-d six (7420-d6), seven thousand four hundred twenty-a three (7420-a3), seven thousand four hundred twenty-a eight (7420-a8), seven thousand four hundred twenty-a thirteen (7420-a13), seven thousand four hundred twenty-a fourteen (7420-a14) and seven thousand four hundred twenty-b one (7420-b1), code, 1935, all relating to the interest paid on public deposits, and the diversion thereof to the state sinking fund, and to provide an assessment system authorizing the state treasurer, with the approval of the executive council, to make certain assessments against depositories of public funds for the benefit of the state sinking fund, 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. Section seven thousand four hundred twenty-d six  
2 (7420-d6), code, 1935, is hereby amended by striking all of lines one  
3 to nineteen inclusive and all of lines twenty-four to twenty-six in-  
4 clusive.

1 SEC. 2. Section seven thousand four hundred twenty-d seven (7420-  
2 d7), code, 1935, is hereby repealed and the following section enacted  
3 in lieu thereof.

4 "7420-d7. No bank or trust company shall, directly or indirectly,  
5 by any device whatsoever, pay any interest to any public officer on any  
6 deposit of public funds, and no public officer shall take or receive any  
7 interest whatsoever on public funds."

1 SEC. 3. Section seven thousand four hundred twenty-a three (7420-  
2 a3), code, 1935, is hereby amended by striking from line four thereof  
3 the words "or diversions of interest as well as" and inserting in lieu  
4 thereof the following: "as hereinafter provided, or from".

1 SEC. 4. Sections seven thousand four hundred twenty-a six (7420-  
2 a6), seven thousand four hundred twenty-a seven (7420-a7), and seven  
3 thousand four hundred twenty-a fifteen (7420-a15), code, 1935, are  
4 hereby repealed.

1 SEC. 5. Section seven thousand four hundred twenty-a eight (7420-  
2 a8), code, 1935, is hereby amended by striking the comma after the  
3 word "depositories" in line five thereof and inserting in lieu thereof  
4 a period, and by striking that portion of said section appearing after  
5 said period.

1 SEC. 6. Sections seven thousand four hundred twenty-a ten (7420-  
2 a10), seven thousand four hundred twenty-a eleven (7420-a11) and  
3 seven thousand four hundred twenty-a twelve (7420-a12), code, 1935,  
4 are hereby repealed, and the following enacted in lieu thereof:

5 "7420-a10. Every depository shall pay for the benefit of said state  
6 sinking fund, created by section seven thousand four hundred twenty-a  
7 one (7420-a1) hereof, the assessments hereinafter set out. The treas-

8 urer of state, with the approval of the executive council, may and is  
9 hereby authorized to fix the assessment rate applicable to and for the  
10 purpose of providing insurance for public funds on deposit in deposi-  
11 tories. On or before the first day of July and the first day of January  
12 in each year the state treasurer, with the approval of the executive  
13 council, shall determine and fix a fair and reasonable assessment rate  
14 to be used in determining the assessments payable by depositories dur-  
15 ing the succeeding six months' period. The assessment rate for the  
16 period from August 24, 1937, to January 1, 1938, shall be fixed and  
17 determined in the manner and form as above provided.

18 "7420-a11. In fixing such rate the state treasurer shall give due  
19 regard to the amount of public funds currently on deposit and the  
20 liabilities of the state sinking fund contingent and accrued. For any  
21 six months' period the assessment rate shall not be more than two  
22 percent and not less than one-half of one percent per annum on ninety  
23 percent of the collected daily balances, provided that said assessment  
24 rate shall not exceed one percent per annum on ninety percent of the  
25 daily collected balances for the months of April and October of each  
26 year. If, at the beginning of any six months' period, no assessment  
27 rate on public funds has been fixed, and the amount in the state sink-  
28 ing fund over and above accrued and contingent liabilities does not  
29 exceed \$250,000, the assessment rate shall be one-half of one percent  
30 per annum during such period. No assessment rate shall be fixed, and  
31 no assessments paid, for any six months' period after the amount in  
32 the state sinking fund over and above accrued and contingent liabili-  
33 ties has reached \$500,000 until the amount in said sinking fund has  
34 been reduced to less than \$250,000, in which event assessment rates  
35 shall again be fixed and assessments paid commencing at the next six  
36 months' period; provided that, if in the opinion of the treasurer the  
37 amount in said sinking fund will not be adequate to meet the demands  
38 upon the sinking fund the treasurer may, with the approval of the  
39 executive council, fix an assessment rate and require the payment of  
40 assessments for the balance of any six months' period after the amount  
41 in the sinking fund becomes less than \$250,000.

42 "7420-a12. On or before the tenth day of each month each deposi-  
43 tory shall compute, upon the basis of the assessment rate so fixed, and  
44 shall pay to the county treasurer of the county in which the depository  
45 is located, the amount of assessment so fixed and determined for the  
46 benefit of the state sinking fund for the preceding calendar month.  
47 Such amount shall be transmitted by the county treasurer to the  
48 state treasurer on or before the twentieth day of each month, and  
49 credited by the state treasurer to the state sinking fund for public  
50 deposits."

1 SEC. 7. Section seven thousand four hundred twenty-a thirteen  
2 (7420-a13), code, 1935, is hereby amended by striking from line four  
3 and from line seven thereof the word "interest" and inserting in lieu  
4 thereof in each line the word "assessments".

1 SEC. 8. Section seven thousand four hundred twenty-a fourteen  
2 (7420-a14), code, 1935, is hereby amended by striking from line five  
3 thereof the word "interest" and inserting in lieu thereof the word  
4 "assessments" and by striking the last two lines thereof and inserting

5 in lieu thereof the following: "demand has been made therefor by  
6 the county treasurer or state treasurer."

1 SEC. 9. Section seven thousand four hundred twenty-b one (7420-  
2 b1), code, 1935, is hereby amended by striking from line thirty-eight  
3 thereof the word "interest" and inserting in lieu thereof the word  
4 "assessments".

1 SEC. 10. Any bank or trust company which does not desire to serve  
2 as a depository under this act for public funds of any public body  
3 may decline to do so by giving written notice to such public body prior  
4 to June 15, 1937. Failure to give such written notice shall constitute  
5 an acceptance of the obligations imposed by this act with regard to  
6 all public funds on deposit July 1, 1937. The acceptance by any bank  
7 or trust company of any public funds for deposit on or after July 1,  
8 1937, shall constitute an acceptance of the obligations imposed by this  
9 act with regard to all such funds so accepted.

1 SEC. 11. This act shall not affect pending litigation or any rights  
2 which have accrued or vested under any act repealed hereby.

1 SEC. 12. All acts or parts of acts in conflict with the provisions  
2 hereof are hereby repealed.

1 SEC. 13. If any section, subsection, clause, sentence, or phrase of  
2 this act or the application thereof to any person or set of circumstances  
3 is for any reason held to be unconstitutional or invalid, such decision  
4 shall not affect the validity of the remaining portions of this act, or  
5 its application to any other person or circumstances. The legislature  
6 hereby declares that the provisions of this act are severable, and that  
7 it would have passed this act and each section, subsection, clause,  
8 sentence, or phrase hereof, irrespective of whether any one or more  
9 of the sections, subsections, clauses, sentences, or phrases be declared  
10 unconstitutional, and irrespective of whether it be declared unconsti-  
11 tutional or invalid as applied to any person or set of circumstances.

1 SEC. 14. This act shall be effective on August 24, 1937, provided  
2 that if prior to the taking effect of this act congress shall have enacted  
3 any measure to either repeal or to extend the effective date of those  
4 parts of the federal "Banking Act of 1935" that prohibit on and after  
5 August 23, 1937 the payment of interest on demand public funds,  
6 then this act thereupon and forthwith shall become null and void and  
7 inoperative.

House File 544. Approved May 1, 1937.

## CHAPTER 195

## HOMESTEAD TAX EXEMPTION ACT

S. F. 184

AN ACT to encourage the acquiring and ownership of homesteads; to amend chapter 329-f1, code 1935, relating to taxation, income, and retail sales and the allocation and distribution of revenue therefrom to the Iowa emergency relief administration fund and to the old age pension fund; to amend section 6943-f63, code 1935, by repealing paragraph two (2) thereof and substituting a new paragraph, and by further amending said section by adding two (2) new paragraphs, all relating to the allocation of funds accruing under the provisions of said chapter 329-f1; to repeal section 6943-f64 and enact a substitute therefor, also relating to the allocation of funds accruing under the provisions of said chapter 329-f1; to create the homestead credit fund; to provide for the allocation of funds therein to apply as a credit on taxes on homesteads; prescribing the procedure whereby said funds are allocated by the state board of assessment and review to the county treasurers of the several counties; and providing a method of allotting tax credits on homesteads in special charter cities; prescribing the procedure for the making of such credit; to define homesteads and providing for the making of claims for credit as provided in this act; to establish and limit the assessed valuation of homesteads against which said credit shall apply to the first \$2,500.00; to provide for the disposition of the excess, if any, remitted to the county treasurers of the several counties and apportioned by them over and above the total tax levied on said \$2,500.00 of assessed valuation; to provide a method of appeal from action of the boards of supervisors of the several counties relating to said homestead tax credit; providing a penalty for the making of a false claim or affidavit under the provisions of this act for the purpose of securing, or obtaining for another, a tax credit; and amending section 6943-f39 by striking therefrom the date of the original termination of the sales tax; and providing for the taking effect of said act by and upon publication.

WHEREAS, in the past few years there has developed in the state of Iowa a decided change from owner occupied homes to tenancies; and

WHEREAS, such change is taking place at a rapid and alarming rate; and

WHEREAS, the farms especially, as a result of tenant occupancy, have in the past, and will continue in the future, to deteriorate in that sufficient fertilizers and the like have not been put back into the soil to properly preserve it and insure its productivity in the future; and

WHEREAS, this condition is alleviated when the owner occupies said property; and

WHEREAS, a healthier and more prosperous condition exists in the state when the owner occupies his own farm or dwelling, and it is for the best interests of the people as a whole when such a condition exists; and

WHEREAS, it is the intention of the legislature, and the purpose of this act to encourage and foster home ownership and occupancy; and

WHEREAS, this legislature feels that a proper method of encouraging home ownership and occupancy is by granting benefits to those within that class; and

WHEREAS, it is necessary to appropriate funds for the purpose of emergency relief within the state of Iowa and also for the purpose of old age pensions, both of which are for the general welfare of the people of the state of Iowa,

NOW THEREFORE, this Forty-seventh General Assembly of the state of Iowa does hereby declare that appropriating money for emergency relief and for old age pensions is the expenditure of public funds for a public purpose, therefore,

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

1 SECTION 1. Strike all of the paragraph after the number "2" at  
 2 the beginning of the eighth line of section 6943-f63, code of 1935, and  
 3 insert the following as paragraph 2 of said section following paragraph  
 4 1 thereof:

5 "The board shall set aside and cause to be paid into the old age  
 6 pension fund, from time to time as available, the next five million,  
 7 five hundred thousand dollars (\$5,500,000.00) collected each year  
 8 under the provisions of this chapter."

1 SEC. 2. Amend said section 6943-f63, code of 1935, by adding the  
 2 following as paragraph 3:

3 "3. On July 1, 1937, and quarterly thereafter, up to and including  
 4 April 1, 1939, the board shall, from the revenue collected under this  
 5 chapter, set aside and cause to be paid into a fund to be known as the  
 6 Iowa emergency relief administration fund, which fund is hereby  
 7 created, the sum of five hundred thousand (\$500,000) dollars quarterly,  
 8 which sums are hereby appropriated for direct relief and for work  
 9 relief and for expenses incidental thereto, for the purpose of caring  
 10 for unemployed and needy persons within this state. The funds hereby  
 11 appropriated shall be administered through the Iowa emergency re-  
 12 lief administration and shall be withdrawn only as needed from time  
 13 to time, by requisition of the governor, and upon warrants drawn by  
 14 the state comptroller payable to the Iowa emergency relief adminis-  
 15 tration. With the exception of necessary administrative expenses,  
 16 said fund shall be allocated by the Iowa emergency relief administra-  
 17 tion throughout the various counties of the state in accordance with  
 18 the need therefor."

1 SEC. 3. Amend said section 6943-f63, code of 1935, by adding the  
 2 following as paragraph 4:

3 "4. The balance of said fund shall be held by the treasurer of state  
 4 and shall be designated as the homestead credit fund and shall be dis-  
 5 tributed by the treasurer of state on warrants drawn by the comptroller  
 6 upon the direction of the board under the provisions of this act and  
 7 made payable to the county treasurers of the several counties of the  
 8 state."

1 SEC. 4. Section 6943-f64, code of 1935, is hereby repealed and the  
 2 following is enacted in lieu thereof:

3 "1. The homestead credit fund shall be apportioned each year as  
 4 hereinafter provided so as to give a credit against the tax on each  
 5 eligible homestead in the state, as defined herein; the amount of  
 6 such credit to be in the same proportion that the assessed valuation  
 7 of each eligible homestead in the state in an amount not to exceed \$2,-  
 8 500.00 bears to the total assessed valuation of all eligible homesteads  
 9 in the state in an amount not to exceed \$2,500.00 for each homestead.

10 "2. The revenue distributable from the homestead credit fund, as  
 11 provided for in paragraph four of section 6943-f63 as provided herein,  
 12 shall be allocated every six months to the several counties of the state  
 13 in the same proportion that the assessed valuation of all eligible home-  
 14 steads in each county in an amount not to exceed \$2,500.00 for each  
 15 homestead, bears to the total assessed valuation of all eligible home-  
 16 steads in the state in an amount not to exceed \$2,500.00 for each home-

17 stead. On March 25, 1938, and every six months thereafter the board  
18 shall certify and remit to the county treasurer of each county in the  
19 state the total amount of money which has been apportioned or is  
20 then apportionable to that county.

21 "3. On October 1, 1937, and annually thereafter, the board shall  
22 estimate the millage credit not to exceed twenty-five mills to be given  
23 to each dollar of eligible homestead valuation based upon the estimated  
24 revenue that may be distributable from the homestead credit fund  
25 for the ensuing year, and shall certify to the county auditor of each  
26 county such millage credit and the amount in dollars thereof. Each  
27 county auditor shall then enter such credit against the tax levied on  
28 each eligible homestead in each county and payable during the en-  
29 suing year, designating on the tax lists such credit as being from the  
30 homestead credit fund, and credit shall then be given to the several  
31 taxing districts in which such eligible homesteads are located in an  
32 amount equal to the credits allowed on the taxes of such homesteads.  
33 The amount of said credits shall be apportioned by each county treas-  
34 urer to the several taxing districts as provided by law, in the same  
35 manner as though the amount of the credit had been paid by the own-  
36 ers of said homesteads; provided, however, that the several taxing  
37 districts shall not be permitted to draw the funds so credited until  
38 after the semi-annual allocations have been received by the county  
39 treasurer, as provided in this act. Each county treasurer shall show  
40 on each tax receipt the amount of credit received from the homestead  
41 credit fund.

42 "4. In any county in which is located a special charter city, which  
43 levies and collects its own taxes separately from the county, all millage  
44 credits and the amount in dollars thereof on eligible homesteads situ-  
45 ated in said city in excess of the consolidated state and county levy  
46 by the state and said county for the taxing district in which said city  
47 is located, but not in excess of the aggregate levy by said city, shall  
48 be certified by the county auditor to the treasurer of said city who  
49 shall in turn credit on said city tax lists against the taxes levied by  
50 said city on each eligible homestead in said city, said excess millage  
51 credits so certified to him in the same manner as herein required  
52 to be done by the county auditor on the county tax lists. The county  
53 treasurer shall pay to the city treasurer out of the funds apportioned  
54 to said county from the homestead credit fund, the amount of said  
55 funds so apportioned in excess of the state and county consolidated  
56 levy, which shall be applied upon the taxes on eligible homesteads in  
57 said city as herein provided. All funds so apportioned in excess of  
58 the combined city and consolidated state and county levies for said  
59 taxing district exclusive of special assessments shall be remitted to  
60 the state board of assessment and review to be re-deposited in the  
61 homestead credit fund for re-allocation as provided in this act. The  
62 intention and purpose of this provision shall be to allot to each eligible  
63 homestead located in such city the same proportionate tax credits re-  
64 ceived by eligible homesteads in other cities and towns, but this pro-  
65 vision shall not be construed in any way to allot to eligible homesteads  
66 in such city any greater benefits or credits than eligible homesteads  
67 in other cities and towns."

1 SEC. 5. Any person who desires to avail himself of the benefits  
2 provided hereunder shall each year commencing January 1, 1938, de-



3 liver to the assessor, on blank forms to be furnished by the assessor, a  
4 verified statement and designation of homestead as claimed by him,  
5 and the assessor shall return said statement and designation with  
6 the assessment roll to the county auditor with his recommendation  
7 for allowance or disallowance endorsed thereon; provided, that if the  
8 said verified statement and designation of homestead is not delivered  
9 to the assessor, the person may, on or before June 1 of any year, file  
10 with the county auditor such verified statement and designation, to-  
11 gether with the supporting affidavits of at least two disinterested  
12 freeholders of the taxing district in which the claimed homestead is  
13 located.

1 SEC. 6. The county board of supervisors in each county shall forth-  
2 with examine all such claims, whether delivered to the assessors or  
3 filed with the county auditor as herein provided, and shall either allow  
4 or disallow said claims, and in the event of disallowance shall notify  
5 the claimant of such action by mailing a written notice thereof ad-  
6 dressed to claimant at his last known address.

1 SEC. 7. All claims which have been allowed by the board of super-  
2 visors shall be certified on or before July 1, in each year, by the county  
3 auditor to the county treasurer, which certificates shall list the name  
4 of each owner, legal description of the claimed homestead, and the  
5 assessed valuation of said homestead in an amount not to exceed  
6 twenty-five hundred (\$2,500) dollars for each homestead. The county  
7 treasurer shall forthwith certify to the state board of assessment and  
8 review the total assessed valuation of all homesteads so certified in an  
9 amount not to exceed twenty-five hundred (\$2,500) dollars for each  
10 homestead.

1 SEC. 8. If the assessor who last listed and valued a claimed eligible  
2 homestead did not, in the description and valuation thereof, comply  
3 with the provisions of section 6962, code of 1935, he shall, if still in  
4 office, on the written request of such claimant and without expense  
5 to the claimant or to the county, correct his listing and valuations of  
6 such claimed homestead and contiguous real property originally listed  
7 and valued by him, and file such corrected listing and valuations with  
8 the county auditor, who forthwith shall certify the same to the county  
9 treasurer, and said county treasurer shall so correct his tax books;  
10 provided, that if the assessor who last listed and valued such property  
11 is not still in office, the assessor in office shall, on such written request  
12 and at the expense of the county, so correct such listing and valuations  
13 of said homestead and said contiguous real property.

1 SEC. 9. If any person fails to make claim for the credits provided  
2 for under this act as herein required, he shall be deemed to have  
3 waived the homestead credit for the year in which he failed to make  
4 claim.

1 SEC. 10. Any person whose claim is denied under the provisions  
2 of this act may appeal from the action of the board of supervisors to  
3 the district court of the county in which said claimed homestead is  
4 situated by giving written notice of such appeal to the county auditor  
5 of said county within twenty days from the date of mailing of notice  
6 of such action by the board of supervisors.

7 In the event any claim under this act is allowed, any owner of an  
8 eligible homestead, or the state board of assessment and review, may  
9 appeal from the action of the board of supervisors to the district court  
10 of the county in which said claimed homestead is situated, by giving  
11 written notice of such appeal to the county auditor of said county and  
12 such notice to the owner of said claimed homestead as a judge of the  
13 district court shall direct.

14 Said appeals shall be tried by equitable proceedings.

1 SEC. 11. Any person who is the owner of a homestead, as defined  
2 in this act, and who desires to avail himself of the benefits provided  
3 hereunder for the 1936 taxes payable in 1937 and for the 1937 taxes  
4 payable in 1938 may do so by filing a verified statement with the  
5 county auditor of the county in which the claimed homestead is located  
6 on or before June 1, 1937, and the claim of the owner must be sup-  
7 ported by the affidavits of at least two disinterested free holders of the  
8 taxing district in which the claimed homestead is located.

9 The board of supervisors in each county shall forthwith examine  
10 all such claims and shall either allow or disallow same and establish  
11 the assessed value of the homestead where the same has been assessed  
12 with other real estate, and in the event of disallowance shall notify  
13 the claimant of such action by mailing a written notice thereof ad-  
14 dressed to claimant at his last known address.

1 SEC. 12. All such claims which have been allowed by the board of  
2 supervisors shall be certified on or before July 1, 1937, by the county  
3 auditor to the county treasurer, as provided in section 7 of this act,  
4 and the county treasurer shall forthwith certify the same to the state  
5 board of assessment and review, as provided in section 7 of this act.

1 SEC. 13. On or before September 1, 1937, the revenue then dis-  
2 tributable in the homestead credit fund, as provided for in section 3  
3 of this act, shall be allocated to the several counties of the state in the  
4 manner as provided in section 4 of this act.

1 SEC. 14. The county treasurer of each county shall enter a credit  
2 against the tax levied on each eligible homestead, being the tax for the  
3 year 1936, payable in 1937, said credit to be made as provided in  
4 section 4 of this act. The county treasurer shall show on each tax  
5 receipt that said credit is received from the homestead credit fund.  
6 In the event that a taxpayer has paid one or both of the installments  
7 of the 1936 tax payable in 1937 on such eligible homestead, prior to  
8 the time of entering of such credit, the county treasurer shall, at the  
9 time he enters such credit, remit to such taxpayer the amount of such  
10 credit less unpaid portion of tax, if any.

1 SEC. 15. The determination of the assessed valuation of eligible  
2 homesteads as provided herein, from which the credit on the 1936  
3 taxes payable in 1937 is determined, shall also be the valuation from  
4 which is determined the credit to be given on the 1937 taxes payable  
5 in 1938.

1 SEC. 16. The board shall prescribe the form for the making of  
2 verified statement and designation of homestead, and the form for the  
3 supporting affidavits required herein, and such other forms as may

4 be necessary for the proper administration of this act. As soon as  
 5 practicable after the effective date of this act, and from time to time  
 6 thereafter as necessary, the board shall forward to the county auditors  
 7 of the several counties in the state such prescribed sample forms, and  
 8 the county auditors shall furnish blank forms prepared in accordance  
 9 therewith with the assessment rolls, books, and supplies delivered to  
 10 the assessors.

11 The board shall have the power and authority to prescribe rules  
 12 and regulations, not inconsistent with the provisions of this act, neces-  
 13 sary to carry out and effectuate its purposes.

1 SEC. 17. If the amount of credit apportioned to any homestead  
 2 under the provisions of this act in any year shall exceed the total tax,  
 3 exclusive of any special assessments levied against said homestead,  
 4 then such excess shall be remitted by the county treasurer to the state  
 5 board of assessment and review to be redeposited in the homestead  
 6 credit fund and be reallocated the following year by the board as  
 7 provided hereunder.

8 In the event any claim for credit made hereunder has been denied  
 9 by the board of supervisors, and such action is subsequently reversed  
 10 on appeal, the same millage credit shall be allowed on the assessed  
 11 valuation, not to exceed \$2,500 in amount, of the homestead involved  
 12 in said appeal, as was allowed on other homestead valuations for the  
 13 year or years in question, and the state board of assessment and re-  
 14 view, the county auditor, and the county treasurer are hereby author-  
 15 ized and directed to make such millage credit and to change their  
 16 books and records accordingly.

17 In the event the appealing taxpayer has paid one or both of the  
 18 installments of the tax payable in the year or years in question on  
 19 such homestead valuation, remittance shall be made to such taxpayer  
 20 of the amount of such credit.

21 The amount of such credit shall be allocated and paid from the sur-  
 22 plus redeposited in the homestead credit fund provided for in the first  
 23 paragraph of this section.

1 SEC. 18. In the event any claim is allowed, and subsequently re-  
 2 versed on appeal, any credit made thereunder shall be void, and the  
 3 amount of such credit shall be charged against the property in ques-  
 4 tion, and the state board of assessment and review, the county auditor,  
 5 and the county treasurer are authorized and directed to correct their  
 6 books and records accordingly. The amount of such erroneous credit,  
 7 when collected, shall be returned by the county treasurer to the home-  
 8 stead credit fund to be reallocated the following year as provided  
 9 herein.

1 SEC. 19. For the purpose of this act and wherever used in this act:

2 1. The word, "homestead", shall have the following meaning:

3 a. The homestead must embrace the dwelling house in which the  
 4 owner claiming a millage credit or refund under this act actually  
 5 lives six (6) months or more in the year except that in the first year  
 6 of ownership it shall be sufficient if the owner is living in the dwelling  
 7 house at the time the claim for homestead credit is made, and makes  
 8 an affidavit of his intention to occupy said dwelling house, in good  
 9 faith, as a home.

10 b. It may contain one or more contiguous lots or tracts of land  
11 with the buildings or other appurtenances thereon habitually, and in  
12 good faith, used as a part of the homestead.

13 c. If within a city or town plat, it must not exceed one-half ( $\frac{1}{2}$ )  
14 acre in extent; if, however, its assessed valuation is less than twenty-  
15 five hundred dollars (\$2500.00), the land area may be enlarged until  
16 its assessed valuation reaches that amount.

17 d. If outside of a city or town, it must not contain more than forty  
18 (40) acres.

19 e. It must not embrace more than one dwelling house, but where a  
20 homestead outside of a city or town has more than one dwelling house  
21 situated thereon, the millage credit provided for in this act, shall apply  
22 to forty (40) acres, the home and buildings used by the owner, but  
23 shall not apply to any other dwelling house and buildings appurtenant  
24 thereto situated upon said forty (40) acres.

25 f. The words, "*dwelling house*" shall embrace any building occupied  
26 wholly or in part by the claimant as a home.

27 2. The word, "*owner*", shall mean the person who holds the fee  
28 simple title to the homestead, and in addition shall mean the person  
29 occupying as a surviving spouse or the person occupying under a con-  
30 tract of purchase where it is shown that not less than one-tenth ( $\frac{1}{10}$ )  
31 of the purchase price named in the contract actually has been paid  
32 and which contract has been recorded in the office of the county re-  
33 corder of the county in which the property is located, or the person  
34 occupying the homestead under devise or by operation of the inherit-  
35 ance laws where the whole interest passes or where the divided inter-  
36 est is shared only by blood relatives, or by legally adopted children,  
37 or where the person is occupying the homestead under a deed which  
38 conveys a divided interest where the other interests are owned by  
39 blood relatives or by legally adopted children.

40 Where not in conflict with the terms of the definitions above set  
41 out, the provisions of chapter 441 of the code of 1935 shall control.

1 SEC. 20. If any two or more persons conspire and confederate to-  
2 gether with fraudulent intent to obtain the millage credit provided for  
3 under the terms of this act by making a false deed, or a false contract  
4 of purchase, they are guilty of a conspiracy and every person who is  
5 convicted of such a conspiracy shall be imprisoned in the county jail  
6 for a period not to exceed one year, or shall be fined in a sum not to  
7 exceed one thousand dollars (\$1000.00), or shall be imprisoned in  
8 the penitentiary not more than three (3) years.

1 SEC. 21. Any person making a false claim or affidavit for the pur-  
2 pose of securing a homestead tax credit, or for the purpose of aiding  
3 another to secure such homestead tax credit, shall be guilty of a mis-  
4 demeanor and, upon conviction, shall be punished by a fine of not  
5 more than one hundred (100) dollars, or by imprisonment in the  
6 county jail not more than thirty (30) days, or by both such fine and  
7 imprisonment.

1 \*SEC. 22. Amend section 6943-f39 by striking from said section at  
2 the beginning of line three (3) thereof "and ending April 1, 1937."

\* Note: Repealed, Sec. 20 S. F. 316.

1 SEC. 23. If any portion of this act should be declared unconstitu-  
2 tional, such invalidity shall not be construed to affect any other portion  
3 of this act which can be given force and effect without said invalid  
4 portion.

1 SEC. 24. This act, being deemed of immediate importance, shall  
2 be in full force and effect after its passage and publication in the  
3 Pocahontas Record-Democrat, a newspaper published at Pocahontas,  
4 Iowa, and in the Sigourney Review, a newspaper published at Sig-  
5 ourney, Iowa.

Senate File 184. Approved March 20, 1937.

I hereby certify that the foregoing act was published in the Sigourney Review, March 24, 1937, and the Pocahontas Record Democrat, March 25, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 196

### SALES TAX ACT

#### S. F. 316

AN ACT to impose a tax on the gross receipts from retail sales as defined herein; to provide for the collection of such taxes and the administration of said act; to fix fines and penalties for the violation of the provisions of this act; to provide for the apportionment of the revenues derived from said tax; to appropriate funds for the administration of this act; and to repeal all laws or parts of laws in conflict herewith.

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

1 SECTION 1. Definitions. The following words, terms, and phrases,  
2 when in this act, have the meanings ascribed to them in this section,  
3 except where the context clearly indicates a different meaning:

4 a. "Person" includes any individual, firm, copartnership, joint ad-  
5 venture, association, corporation, municipal corporation, estate, trust,  
6 business trust, receiver, or any other group or combination acting as  
7 a unit and the plural as well as the singular number.

8 b. "Sales" means any transfer, exchange, or barter, conditional or  
9 otherwise, in any manner or by any means whatsoever, for a consider-  
10 ation.

11 c. "Retail sale" or "sale at retail" means the sale to a consumer  
12 or to any person for any purpose, other than for processing or for  
13 resale of tangible personal property and the sale of gas, electricity,  
14 water, and communication service to retail consumers or users, but  
15 does not include commercial fertilizer or agricultural limestone.  
16 Tangible personal property is sold for processing within the meaning  
17 of this subsection only when it is intended that such property shall  
18 by means of fabrication, compounding, manufacturing, or germination  
19 become an integral part of other tangible personal property intended  
20 to be sold ultimately at retail, or shall be consumed as fuel in creating  
21 power or steam for processing or for generating electric current.

22 d. "Business" includes any activity engaged in by any person or  
23 caused to be engaged in by him with the object of gain, benefit, or  
24 advantage, either direct or indirect.

25 e. "*Retailer*" includes every person engaged in the business of sell-  
 26 ing tangible goods, wares, or merchandise at retail, or the furnishing  
 27 of gas, electricity, water and communication service, and tickets or  
 28 admissions to places of amusement and athletic events as provided  
 29 in this act; provided, however, that when in the opinion of the board  
 30 it is necessary for the efficient administration of this act to regard  
 31 any salesmen, representatives, truckers, peddlers or canvassers, as  
 32 agents of the dealers, distributors, supervisors, employers, or persons  
 33 under whom they operate or from whom they obtain tangible personal  
 34 property sold by them irrespective of whether or not they are making  
 35 sales on their own behalf or on behalf of such dealers, distributors,  
 36 supervisors, employers, or persons, the board may so regard them,  
 37 and may regard such dealers, distributors, supervisors, employers, or  
 38 persons as retailers for the purposes of this act.

39 f. "*Gross receipts*" means the total amount of the sales of retailers,  
 40 valued in money, whether received in money or otherwise, provided,  
 41 however, that discounts for any purpose allowed and taken on sales  
 42 shall not be included, nor shall the sale price of property returned  
 43 by customers when the full sale price thereof is refunded either in  
 44 cash or by credit. Provided further, that on all sales of retailers,  
 45 valued in money, when such sales are made under conditional sales  
 46 contract, or under other forms of sale wherein the payment of the  
 47 principal sum thereunder be extended over a period longer than sixty  
 48 days from the date of sale thereof that only such portion of the sale  
 49 amount thereof shall be accounted, for the purpose of imposition of  
 50 tax imposed by this act, as has actually been received in cash by the  
 51 retailer during each quarterly period as defined herein.

52 g. "*Relief agency*" means the state, any county, city and county,  
 53 city or district thereof, or any agency engaged in actual relief work.

54 h. The word "*board*" means the state board of assessment and  
 55 review.

56 i. The word "*taxpayer*" includes any person within the meaning of  
 57 subsection "a" hereof, who is subject to a tax imposed by this act,  
 58 whether acting for himself or as a fiduciary.

1 SEC. 2. Tax imposed. There is hereby imposed, beginning the first  
 2 day of April, 1937, a tax of two percent upon the gross receipts from  
 3 all sales of tangible personal property, consisting of goods, wares, or  
 4 merchandise, except as otherwise provided in this act, sold at retail  
 5 in the state to consumers or users; a like rate of tax upon the gross  
 6 receipts from the sales, furnishing or service of gas, electricity, water  
 7 and communication service, including the gross receipts from such  
 8 sales by any municipal corporation furnishing gas, electricity, water  
 9 and communication service to the public in its proprietary capacity,  
 10 except as otherwise provided in this act, when sold at retail in the  
 11 state to consumers or users; and a like rate of tax upon the gross  
 12 receipts from all sales of tickets or admissions to places of amusement  
 13 and athletic events, except as otherwise provided in this act.

14 The tax herein levied shall be computed and collected as hereinafter  
 15 provided.\* The owner of every new motor vehicle or new trailer pur-  
 16 chased within sixty days previous to an application for original regis-  
 17 tration in this state shall furnish to the county treasurer a sworn

\* Note: Amended by S. F. 528, acts 47th G. A.

18 statement from the firm, person, or corporation from which such  
 19 vehicle was purchased, stating that the Iowa state sales tax has been  
 20 paid thereon. In the absence of said sworn statement the county treas-  
 21 urer shall refuse registration until the applicant pays to the treasurer  
 22 a sum equal to the Iowa state sales tax on a like vehicle when purchased  
 23 in this state. The county treasurer shall remit all sums collected under  
 24 this section to the board.

1 **SEC. 3. Exemptions.** There are hereby specifically exempted from  
 2 the provisions of this act and from the computation of the amount of  
 3 tax imposed by it, the following:

4 a. The gross receipts from sales of tangible personal property which  
 5 this state is prohibited from taxing under the constitution or laws  
 6 of the United States or under the constitution of this state.

7 b. The gross receipts from the sales, furnishing or service of trans-  
 8 portation service.

9 c. The gross receipts from sales of tangible personal property used  
 10 for the performance of a contract on public works executed prior to  
 11 the ninth day of March, 1934.

12 d. The gross receipts from sales of tickets or admissions to state,  
 13 county, district and local fairs, and the gross receipts from educa-  
 14 tional, religious, or charitable activities, where the entire net proceeds  
 15 therefrom are expended for educational, religious or charitable pur-  
 16 poses.

1 **SEC. 4. Credit on tax.** A credit shall be allowed against the amount  
 2 of tax computed to be due and payable on the gross receipts from  
 3 sales at retail of any tangible personal property upon which the state  
 4 now imposes a special tax, whether in the form of a license tax, stamp  
 5 tax, or otherwise, to the extent of the amount of such tax imposed  
 6 and paid. Taxes paid on gross receipts represented by accounts found  
 7 to be worthless and actually charged off for income tax purposes may  
 8 be credited upon a subsequent payment of the tax herein provided;  
 9 provided, that if such accounts are thereafter collected by the retailer,  
 10 a tax shall be paid upon the amount so collected.

1 **SEC. 5. Credit to relief agency.**

2 1. A relief agency may apply to the board for the refund of the  
 3 amount of tax imposed hereunder and paid upon sales to it of any  
 4 goods, wares, or merchandise used for free distribution to the poor  
 5 and needy.

6 2. Such refunds may be obtained only in the following amounts  
 7 and manner and only under the following conditions:

8 a. On forms furnished by the board, and filed within such time as  
 9 the board shall provide by regulation, the relief agency shall report  
 10 to the board the total amount or amounts, valued in money, expended  
 11 directly or indirectly for goods, wares, or merchandise used for free  
 12 distribution to the poor and needy.

13 b. On these forms the relief agency shall separately list the persons  
 14 making the sales to it or to its order, together with the dates of the  
 15 sales, and the total amount so expended by the relief agency.

16 c. The relief agency must prove to the satisfaction of the board  
 17 that the person making the sales has included the amount thereof in  
 18 the computation of the gross receipts of such person and that such

19 person has paid the tax levied by this act, based upon such computation  
20 of gross receipts.

21 3. If the board is satisfied that the foregoing conditions and require-  
22 ments have been complied with, it shall refund the amount claimed  
23 by the relief agency.

1 SEC. 6. **Adding of tax.** Retailers shall, as far as practicable, add  
2 the tax imposed under this act, or the average equivalent thereof, to  
3 the sales price or charge and when added such tax shall constitute a  
4 part of such price or charge, shall be a debt from consumer or user  
5 to retailer until paid, and shall be recoverable at law in the same  
6 manner as other debts.

7 Agreements between competing retailers, or the adoption of appro-  
8 priate rules and regulations by organizations or associations of re-  
9 tailers to provide uniform methods for adding such tax or the average  
10 equivalent thereof, and which do not involve price-fixing agreements  
11 otherwise unlawful, are expressly authorized and shall be held not in  
12 violation of chapter 434, or other antitrust laws of this state. It  
13 shall be the duty of the board to cooperate with such retailers, organi-  
14 zations, or associations in formulating such agreements, rules and  
15 regulations. The board shall have the power to adopt and promulgate  
16 rules and regulations for adding such tax, or the average equivalent  
17 thereof, by providing different methods applying uniformly to retailers  
18 within the same general classification for the purpose of enabling such  
19 retailers to add and collect, as far as practicable, the amount of such  
20 tax.

1 SEC. 7. **Unlawful acts.** It shall be unlawful for any retailer to  
2 advertise or hold out or state to the public or to any consumer, directly  
3 or indirectly, that the tax or any part thereof imposed by this act  
4 will be assumed or absorbed by the retailer or that it will not be  
5 considered as an element in the price to the consumer, or if added,  
6 that it or any part thereof will be refunded.

1 SEC. 8. **Records required.** It shall be the duty of every retailer  
2 required to make a report and pay any tax under this act, to preserve  
3 such records of the gross proceeds of sales as the board may require  
4 and it shall be the duty of every retailer to preserve for a period of  
5 five years all invoices and other records of goods, wares, or merchan-  
6 dise purchased for resale; and all such books, invoices, and other  
7 records shall be open to examination at any time by the board or any  
8 one of its duly authorized agents, and shall be made available within  
9 this state for such examination upon reasonable notice when the board  
10 shall deem it advisable and shall so order.

1 SEC. 9. **Return of gross receipts.**  
2 1. The retailer shall, on or before the twentieth day of the month  
3 following the close of the first quarterly period as defined in section  
4 10, and on or before the twentieth day of the month following each  
5 subsequent quarterly period of three months, make out a return for  
6 the preceding quarterly period in such form and manner as may be  
7 prescribed by the board, showing the gross receipts of the retailer,  
8 the amount of the tax for the period covered by such return, and such  
9 further information as the board may require to enable it correctly  
10 to compute and collect the tax herein levied; provided, however, that



11 the board may, upon request by any retailer and a proper showing of  
 12 the necessity therefor, grant unto such retailer an extension of time  
 13 not to exceed thirty days for making such return. If such extension  
 14 is granted to any such retailer, the time in which he is required to  
 15 make payment as provided in section ten shall be extended for the  
 16 same period.

17 2. The board, if it deems it necessary or advisable in order to insure  
 18 the payment of the tax imposed by this act, may require returns and  
 19 payment of the tax to be made for other than quarterly periods, the  
 20 provisions of section ten or elsewhere to the contrary notwithstanding.

21 3. Returns shall be signed by the retailer or his duly authorized  
 22 agent, and must be duly certified by him to be correct.

1 **SEC. 10. Payment of tax-bond.**

2 1. The tax levied hereunder shall be due and payable in quarterly  
 3 installments on or before the twentieth day of the month next succeed-  
 4 ing each quarterly period, the first of such quarterly periods being  
 5 the period commencing with April 1, 1937, and ending on the thirtieth  
 6 day of June, 1937.

7 2. Every retailer, at the time of making the return required here-  
 8 under, shall compute and pay to the board the tax due for the preceding  
 9 period.

10 3. The board may, when in its judgment it is necessary and advis-  
 11 able to do so in order to secure the collection of the tax levied under  
 12 this act, require any person subject to such tax to file with it a bond,  
 13 issued by a surety company authorized to transact business in this  
 14 state and approved by the insurance commissioner as to solvency and  
 15 responsibility, in such amount as the board may fix, to secure the pay-  
 16 ment of any tax and/or penalties due or which may become due from  
 17 such person. In lieu of such bond, securities approved by the board,  
 18 in such amount as it may prescribe, may be deposited with it, which  
 19 securities shall be kept in the custody of the board and may be sold  
 20 by it at public or private sale, without notice to the depositor thereof,  
 21 if it becomes necessary so to do in order to recover any tax and/or  
 22 penalties due. Upon any such sale, the surplus, if any, above the  
 23 amounts due under this act shall be returned to the person who de-  
 24 posited the securities.

25 4. The tax by this act imposed upon those sales of motor vehicle  
 26 fuel which are subject to tax and refund under chapter 251-f1 shall  
 27 be collected by the state treasurer by way of deduction from refunds  
 28 otherwise allowable under said chapter. The amount of such deduc-  
 29 tions he shall transfer from the motor vehicle fuel fund to the special  
 30 tax fund.

1 **SEC. 11. Permits—Applications for.**

2 1. Sixty days after the effective date of this act, it shall be unlawful  
 3 for any person to engage in or transact business as a retailer within  
 4 this state, unless a permit or permits shall have been issued to him  
 5 as hereinafter prescribed. Every person desiring to engage in or  
 6 conduct business as a retailer within this state shall file with the  
 7 board an application for a permit or permits. Every application for  
 8 such a permit shall be made upon a form prescribed by the board and  
 9 shall set forth the name under which the applicant transacts or  
 10 intends to transact business, the location of his place or places of

11 business, and such other information as the board may require. The  
12 application shall be signed by the owner if a natural person; in the  
13 case of an association or partnership, by a member or partner thereof;  
14 in the case of a corporation, by an executive officer thereof or some  
15 person specifically authorized by the corporation to sign the appli-  
16 cation, to which shall be attached the written evidence of his authority.

17 2. At the time of making such application, the applicant shall pay  
18 to the board a permit fee of fifty cents for each permit, and the appli-  
19 cant must have a permit for each place of business.

20 3. Upon the payment of the permit fee or fees herein required, the  
21 board shall grant and issue to each applicant a permit for each place  
22 of business within the state. A permit is not assignable and shall be  
23 valid only for the person in whose name it is issued and for the trans-  
24 action of business at the place designated therein. It shall at all times  
25 be conspicuously displayed at the place for which issued.

26 4. Permits issued under the provisions of this act shall be valid  
27 and effective without further payment of fees until revoked by the  
28 board.

29 5. Whenever the holder of a permit fails to comply with any of the  
30 provisions of this act or any orders, rules or regulations of the board  
31 prescribed and adopted under this act, the board upon hearing after  
32 giving ten days' notice of the time and place of the hearing to show  
33 cause why his permit should not be revoked, may revoke the permit.  
34 The board shall also have the power to restore licenses after such rev-  
35 ocation.

36 6. The board shall charge a fee of one dollar for the issuance of  
37 a permit to a retailer whose permit has been previously revoked.

38 7. Any permits issued under the provisions of Sec. 6943-f48,  
39 1935 code of Iowa and not revoked shall remain in full force and  
40 effect and shall be considered sufficient under the provisions of this  
41 act, subject, however, to all the limitations herein imposed; provided,  
42 however, the board may by regulation require the holders of such  
43 permits to obtain new permits issued pursuant to the provisions of this  
44 section without the payment of any additional fee therefor.

1 SEC. 12. **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  
3 or insufficient and the maker fails to file a corrected or sufficient return  
4 within twenty days after the same is required by notice from the board,  
5 such board shall determine the amount of tax due from such informa-  
6 tion as it may be able to obtain and, if necessary, may estimate the  
7 tax on the basis of external indices, such as number of employees of  
8 the person concerned, rentals paid by him, his stock on hand, and/or  
9 other factors. The board shall give notice of such determination to  
10 the person liable for the tax. Such determination shall finally and  
11 irrevocably fix the tax unless the person against whom it is assessed  
12 shall, within thirty days after the giving of notice of such determina-  
13 tion, apply to the board for a hearing or unless the board of its own  
14 motion shall reduce the same. At such hearing evidence may be  
15 offered to support such determination or to prove that it is incorrect.  
16 After such hearing the board shall give notice of its decision to the  
17 person liable for the tax.

**1 SEC. 13. Appeals.**

2 1. An appeal may be taken by the taxpayer to the district court of  
3 the county in which he resides, or in which his principal place of  
4 business is located, within sixty days after he shall have received  
5 notice from the board of its determination as provided for in section  
6 12.

7 2. The appeal shall be taken by a written notice to the chairman  
8 of the board and served as an original notice. When said notice is  
9 so served it shall, with the return thereon, be filed in the office of the  
10 clerk of said district court, and docketed as other cases, with the tax-  
11 payer as plaintiff and the board as defendant. The plaintiff shall file  
12 with such clerk a bond for the use of the defendant, with sureties  
13 approved by such clerk, in penalty at least double the amount of tax  
14 appealed from, and in no case shall the bond be less than fifty dollars,  
15 conditioned that the plaintiff shall perform the orders of the court.

16 3. The court shall hear the appeal in equity and determine anew  
17 all questions submitted to it on appeal from the determination of the  
18 board. In such appeal, the burden of proof shall be upon the taxpayer.  
19 The court shall render its decree thereon and a certified copy of said  
20 decree shall be filed by the clerk of said court with the board who  
21 shall then correct the assessment in accordance with said decree. An  
22 appeal may be taken by the taxpayer or the board to the supreme  
23 court of this state in the same manner that appeals are taken in suits  
24 in equity, irrespective of the amount involved.

1 **SEC. 14. Statute applicable to sales tax.** All the provisions of  
2 section 6943-f22 of the 1935 code of Iowa shall apply in respect to  
3 the taxes and/or penalties imposed by this act, excepting that, as  
4 applied to any tax imposed by this act, the lien therein provided shall  
5 be prior and paramount over all subsequent liens upon any personal  
6 property within this state, or right to such personal property, belong-  
7 ing to the taxpayer without the necessity of recording as therein pro-  
8 vided. The requirements for recording shall, as applied to the tax  
9 imposed by this act, apply only to the liens upon real property. When  
10 requested to do so by any person from whom a taxpayer is seeking  
11 credit, or with whom the taxpayer is negotiating the sale of any per-  
12 sonal property, or by any other person having a legitimate interest  
13 in such information, the board shall, upon being satisfied that such a  
14 situation exists, inform such person as to the amount of unpaid taxes  
15 due by such taxpayer under the provisions of this act. The giving of  
16 such information under such circumstances shall not be deemed a vio-  
17 lation of section six thousand four hundred forty-three-f fifty-nine  
18 (6443-f59) as applied to this act.

**1 SEC. 15. Service of notices.**

2 1. Any notice, except notice of appeal, authorized or required under  
3 the provisions of this act may be given by mailing the same to the  
4 person for whom it is intended by registered mail, addressed to such  
5 person at the address given in the last return filed by him pursuant  
6 to the provisions of this act, or if no return has been filed, then to  
7 such address as may be obtainable. The mailing of such notice shall  
8 be presumptive evidence of the receipt of the same by the person to  
9 whom addressed. Any period of time which is determined according

10 to the provisions of this act by the giving of notice shall commence  
11 to run from the date of registration and posting of such notice.

12 2. The provisions of the code relative to the limitation of time for  
13 the enforcement of a civil remedy shall not apply to any preceeding\*  
14 or action taken to levy, appraise, assess, determine or enforce the  
15 collection of any tax or penalty provided by this act.

1 **SEC. 16. Penalties—Offenses.**

2 1. Any person failing to file a return or corrected return or to pay  
3 any tax within the time required by this act, shall be subject to a pen-  
4 alty of five per cent of the amount of tax due, plus one per cent of  
5 such tax for each month of delay or fraction thereof, excepting the  
6 first month after such return was required to be filed or such tax  
7 became due; but the board, if satisfied that the delay was excusable,  
8 may remit all or any part of such penalty. Such penalty shall be  
9 paid to the board and disposed of in the same manner as other receipts  
10 under this act. Unpaid penalties may be enforced in the same manner  
11 as the tax imposed by this act.

12 2. Any person who shall sell tangible personal property, tickets or  
13 admissions to places of amusement and athletic events, or gas, water,  
14 electricity and communication service at retail in this state after his  
15 license shall have been revoked, or without procuring a license within  
16 sixty days after the effective date of this act, as provided in section 11  
17 of this act, or who shall violate the provisions of section 7 of this act,  
18 and the officers of any corporation who shall so act, shall be guilty of  
19 a misdemeanor, punishment for which shall be a fine of not more than  
20 one thousand dollars or imprisonment for not more than one year,  
21 or both such fine and imprisonment, in the discretion of the court.

22 3. Any person required to make, render, sign, or certify any return  
23 or supplementary return, who makes any false or fraudulent return  
24 with intent to defeat or evade the assessment required by law to be  
25 made, shall be guilty of a felony and shall, for each such offense, be  
26 fined not less than five hundred dollars and not more than five thousand  
27 dollars, or be imprisoned not exceeding one year, or be subject to both  
28 such fine and imprisonment, in the discretion of the court.

29 4. The certificate of the board to the effect that a tax has not been  
30 paid, that a return has not been filed, or that information has not been  
31 supplied pursuant to the provisions of this act, shall be prima facie  
32 evidence thereof.

1 **SEC. 17.** The board and its employees shall administer the taxes  
2 imposed by this act in the same manner and subject to all of the pro-  
3 visions of, and all of the powers, duties, authority, and restrictions  
4 contained in sections six thousand nine hundred forty-three-f fifty-  
5 four (6943-f54) to six thousand nine hundred forty-three-f sixty-two  
6 (6943-f62) inclusive, code, 1935, or any amendments which may here-  
7 after be made thereto, all of which sections are by this reference in-  
8 corporated herein.

1 **SEC. 18.** Section six thousand nine hundred forty-three-f sixty-five  
2 (6943-f65) code, 1935, is hereby amended by inserting after the  
3 word "chapter" in line three (3) thereof the following: "and senate  
4 file 316, acts of the Forty-seventh General Assembly"; and by insert-

\*Note: In accordance with enrolled bill.

5 ing after the word "chapter" in line nine (9) thereof, the following:  
6 "and under senate file 316, acts of the Forty-seventh General As-  
7 sembly".

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 re-  
4 maining portions of this act. The legislature hereby declares that  
5 it would have passed this act and each section, subsection, clause,  
6 sentence, or phrase hereof, irrespective of whether any one or more  
7 of the sections, subsections, clauses, sentences, or phrases be declared  
8 unconstitutional.

1 **SEC. 20. Repealing clause.** All laws and parts of laws in conflict  
2 with this act, and section twenty-two (22) of senate file one hundred  
3 eighty-four (184) acts of the Forty-seventh General Assembly, are  
4 hereby repealed.

1 **SEC. 21. Apportionment of revenue.** All revenues arising under  
2 the operation of this act and carried by the treasurer of state in the  
3 special tax fund shall be apportioned as provided for by section six  
4 thousand nine hundred forty-three-f sixty-three (6943-f63), code,  
5 1935, as amended by senate file 184, acts of the 47th General Assembly,  
6 and as is further provided for by senate file 184, acts of the 47th Gen-  
7 eral Assembly of the state of Iowa, provided further, however, that  
8 if for any reason the revenues derived under the operation of this act  
9 can not be apportioned for homestead relief as provided for by senate  
10 file 184, acts of the 47th General Assembly, then that portion of such  
11 revenues as is apportioned to homestead relief by said senate file 184  
12 shall be retained in such special tax fund and shall not be disbursed  
13 for any purpose without the further direction of the legislature of the  
14 state of Iowa.

1 **SEC. 22.** This act, being deemed of immediate importance, shall  
2 be in full force and effect after its publication in the Grundy Register,  
3 a newspaper published at Grundy Center, Iowa, and the Daily News, a  
4 newspaper published at Cedar Falls, Iowa.

Senate File 316. Approved March 26, 1937.

I hereby certify that the foregoing act was published in the Cedar Falls Daily News,  
March 30, 1937, and the Grundy Register, March 31, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 197

### SALES TAX ACT

S. F. 528

AN ACT to amend section two of senate file 316, acts of the Forty-seventh General As-  
sembly, to strike that portion of said section relating to payment of the sales tax on  
motor vehicles.

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

1 **SECTION 1.** Section two of Senate File 316, acts of the Forty-seventh  
2 General Assembly, is hereby amended by striking all of that portion

3 of said section which follows the period after the word "provided"  
4 in line fifteen thereof.

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  
3 in the Taylor County Herald, a newspaper published at Bedford, Iowa,  
4 and in the Waterloo Daily Courier, a newspaper published at Water-  
5 loo, Iowa.

Senate File 528. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Taylor County Herald,  
May 20, 1937, and the Waterloo Daily Courier, May 19, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 198

### USE TAX ACT

#### S. F. 317

AN ACT to impose a tax on the use in this state of tangible personal property, as such terms are defined herein, including gas, electricity, and water; to provide certain exemptions therefrom; to provide for the collection of such tax and the administration of this act; to fix interest, fines and penalties for the violation of the provisions of this act; to provide for the disposition of the revenues derived from said tax; to appropriate funds for the administration of this act; to exempt from the tax imposed by Senate File 316, acts of the Forty-seventh General Assembly, gross receipts from the sale of new motor vehicles and trailers; and to amend section five thousand ninety-three-f twenty-nine (5093-f29), code, 1935, relating to the refund of the motor vehicle fuel tax, to forbid such refund for fuel used in certain machinery for which the tax imposed by this act or by Senate File 316, acts of the Forty-seventh General Assembly, has not been paid.

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

1 SECTION 1. The following words, terms and phrases when used in  
2 this act shall have the meanings ascribed to them in this section:  
3 1. "Use" means and includes the exercise by any person of any  
4 right or power over tangible personal property incident to the owner-  
5 ship of that property, except that it shall not include processing, or  
6 the sale of that property in the regular course of business. Prop-  
7 erty used in "processing" within the meaning of this subsection shall  
8 mean and include (1) any tangible personal property including con-  
9 tainers which it is intended shall, by means of fabrication, compound-  
10 ing, manufacturing, or germination, become an integral part of other  
11 tangible personal property intended to be sold ultimately at retail, (2)  
12 fuel which is consumed in creating power, heat or steam for process-  
13 ing or for generating electric current, (3) industrial materials and  
14 equipment, which are not readily obtainable in Iowa, and which are  
15 directly used in the actual fabricating, compounding, manufacturing  
16 or servicing of tangible personal property intended to be sold  
17 ultimately at retail.  
18 2. "Purchase" means any transfer, exchange or barter, conditional  
19 or otherwise, in any manner or by any means whatsoever, for a con-  
20 sideration.  
21 3. "Purchase price" means the total amount for which tangible per-  
22 sonal property is sold, valued in money, whether paid in money or

23 otherwise; provided that cash discounts allowed and taken on sales  
24 shall not be included.

25 4. "*Tangible personal property*" means tangible goods, wares, and  
26 merchandise, and gas, electricity, and water when furnished or de-  
27 livered to consumers or users within this state.

28 5. "*Retailer*" means and includes every person engaged in the busi-  
29 ness of selling tangible personal property for use within the mean-  
30 ing of this act; provided, however, that when in the opinion of the  
31 board it is necessary for the efficient administration of this act to re-  
32 gard any salesmen, representatives, truckers, peddlers or canvassers  
33 as the agents of the dealers, distributors, supervisors, employers or  
34 persons under whom they operate or from whom they obtain the  
35 tangible personal property sold by them, irrespective of whether they  
36 are making sales on their own behalf or on behalf of such dealers,  
37 distributors, supervisors, employers, or persons, the board may so  
38 regard them and may regard the dealers, distributors, supervisors,  
39 employers, or persons as retailers for purposes of this act.

40 6. "*Retailer maintaining a place of business in this state*" or any  
41 like term, shall mean and include any retailer having or maintaining  
42 within this state, directly or by a subsidiary, an office, distribution  
43 house, sales house, warehouse or other place of business, or any agent  
44 operating within this state under the authority of the retailer or its  
45 subsidiary, irrespective of whether such place of business or agent is  
46 located here permanently or temporarily, or whether such retailer or  
47 subsidiary is admitted to do business within this state pursuant to  
48 chapter three hundred eighty-six (386), code, 1935.

49 7. "*Motor vehicle*" shall mean every motor vehicle, as is now or  
50 may hereafter be so defined by the motor vehicle law of this state,  
51 which is required to be registered under such motor vehicle law.

52 8. "*Person*", "*board*", and "*taxpayer*" shall have the same meaning  
53 as defined in section one of senate file 316, acts of the Forty-seventh  
54 General Assembly.

55 9. "*Trailer*" shall mean every trailer, as is now or may be hereafter  
56 so defined by the motor vehicle law of this state, which is required to  
57 be registered under such motor vehicle law.

1 SEC. 2. An excise tax is hereby imposed on the use in this state  
2 of tangible personal property purchased on or after the effective date  
3 of this act for use in this state, at the rate of two percent of the pur-  
4 chase price of such property. Said tax is hereby imposed upon every  
5 person using such property within this state until such tax has been  
6 paid directly to the county treasurer, to a retailer, or to the board as  
7 hereinafter provided.

1 SEC. 3. The use in this state of the following tangible personal  
2 property is hereby specifically exempted from the tax imposed by this  
3 act:

4 1. Tangible personal property, the gross receipts from the sale of  
5 which are required to be included in the measure of the tax imposed  
6 by senate file 316, acts of the Forty-seventh General Assembly, and  
7 any amendments made or which may hereafter be made thereto. This  
8 exemption does not include new motor vehicles as defined herein.

9 2. Tangible personal property used (a) in interstate transportation  
10 or interstate commerce, or (b) for the performance of a building or  
11 construction contract executed prior to the effective date of this act.

12 3. Tangible personal property upon which the state now imposes  
13 and collects a special tax, whether in the form of a license tax, stamp  
14 tax, or otherwise.

15 4. All articles of tangible personal property brought into the state  
16 of Iowa by a non-resident individual thereof for his or her use or  
17 enjoyment while within the state.

18 5. Tangible personal property not readily obtainable in Iowa and  
19 used in the operation of street railways.

1 SEC. 4. For the purpose of the proper administration of this act  
2 and to prevent evasion of the tax, evidence that tangible personal  
3 property was sold by any person for delivery in this state shall be  
4 prima facie evidence that such tangible personal property was sold  
5 for use in this state.

1 SEC. 5. The tax herein imposed shall be collected in the following  
2 manner:

3 1. The tax upon the use of all new motor vehicles and new trailers  
4 shall be collected by the county treasurer pursuant to the provisions  
5 of section six hereof.

6 2. The tax upon the use of all tangible personal property other  
7 than that enumerated in subsection one hereof, which is sold by a  
8 retailer maintaining a place of business in this state, or by such other  
9 retailer as the board shall authorize pursuant to section nine, shall be  
10 collected by such retailer and remitted to the state board, pursuant  
11 to the provisions of sections eight to twelve inclusive.

12 3. The tax upon the use of all tangible personal property not paid  
13 pursuant to subsections one and two hereof shall be paid to the board  
14 directly by any person using such property within this state, pursuant  
15 to the provisions of section thirteen hereof.

1 SEC. 6. The tax hereby imposed upon the use of new motor vehicles  
2 and new trailers shall be paid by the owner thereof to the county  
3 treasurer from whom the original certificate of registration for such  
4 motor vehicle or trailer is obtained. No original certificate of regis-  
5 tration for any new motor vehicle or new trailer shall be issued until  
6 said tax has been so paid. The county treasurer shall require every  
7 applicant for an original certificate of registration for any new motor  
8 vehicle or new trailer to supply such information as he or the board  
9 may deem necessary as to the time of purchase, the purchase price,  
10 and other information relative to the purchase of said motor vehicle  
11 or trailer. On or before the tenth day of each month the county treas-  
12 urer shall remit to the board the amount of the taxes so collected dur-  
13 ing the preceding month, together with an itemized statement on  
14 forms furnished by the board showing the name of each taxpayer,  
15 the make and purchase price of each motor vehicle or trailer, the  
16 amount of tax paid in each case, and such other information as the  
17 board shall require.

1 SEC. 7. Motor vehicle or trailer dealers, in making their reports  
2 and returns to the board for the purpose of paying the retail sales tax  
3 imposed by senate file 316, acts of the Forty-seventh General Assembly,  
4 shall be permitted to deduct all gross receipts from retail sales of new



5 motor vehicles and new trailers. Gross receipts from such new motor  
6 vehicle and new trailers sales are hereby expressly exempted from  
7 the tax imposed by senate file 316, acts of the Forty-seventh General  
8 Assembly, but, if required by the board, such gross receipts shall be  
9 included in the returns made by motor vehicle or trailer dealers under  
10 said act, and proper deductions taken pursuant to this section.

1 SEC. 8. Every retailer maintaining a place of business in this state  
2 and making sales of tangible personal property for use in this state,  
3 not exempted under the provisions of section three hereof nor col-  
4 lectible under the provisions of section six hereof, shall at the time of  
5 making such sales, whether within or without the state, collect the  
6 tax imposed by this act from the purchaser, and give to the purchaser  
7 a receipt therefor in the manner and form prescribed by the board, if  
8 the board shall, by regulation, require such receipt. Each such re-  
9 tailer shall list with the board the name and address of all his agents  
10 operating in this state, and the location of any and all his distribu-  
11 tion or sales houses or offices or other places of business in this state.

1 SEC. 9. The board may, in its discretion, upon application author-  
2 ize the collection of the tax herein imposed by any retailer not main-  
3 taining a place of business within this state, who, to the satisfaction  
4 of the board furnishes adequate security to insure collection and pay-  
5 ment of the tax. Such retailer shall be issued, without charge, a per-  
6 mit to collect such tax in such manner, and subject to such regula-  
7 tions and agreements as the board shall prescribe. When so author-  
8 ized, it shall be the duty of such retailer to collect the tax upon all  
9 tangible personal property sold to his knowledge for use within this  
10 state, in the same manner and subject to the same requirements as  
11 a retailer maintaining a place of business within this state. Such  
12 authority and permit may be cancelled when, at any time, the board  
13 considers the security inadequate, or that such tax can more effectively  
14 be collected from the person using such property in this state.

1 SEC. 10. It shall be unlawful for any retailer to advertise or hold  
2 out or state to the public or to any purchaser, consumer or user, di-  
3 rectly or indirectly, that the tax or any part thereof imposed by this  
4 act will be assumed or absorbed by the retailer or that it will not be  
5 added to the selling price of the property sold, or if added that it or  
6 any part thereof will be refunded. The board shall have the power  
7 to adopt and promulgate rules and regulations for adding such tax,  
8 or the average equivalent thereof, by providing different methods  
9 applying uniformly to retailers within the same general classification  
10 for the purpose of enabling such retailers to add and collect, as far  
11 as practicable, the amount of such tax. Any person violating any of  
12 the provisions of this section within this state shall be guilty of a mis-  
13 demeanor and subject to the penalties provided in section nineteen  
14 hereof.

1 SEC. 11. The tax herein required to be collected by any retailer  
2 pursuant to sections eight or nine hereof, and any tax collected by any  
3 retailer pursuant to said sections, shall constitute a debt owed by the  
4 retailer to this state.

1 SEC. 12. Each retailer required or authorized, pursuant to sections  
2 eight or nine hereof, to collect the tax herein imposed, shall be required

3 to pay to the board the amount of such tax, on or before the twentieth  
4 day of the month next succeeding each quarterly period, the first such  
5 quarterly period being the period commencing on the first day of April,  
6 1937, and ending on the thirtieth day of June, 1937. At such time,  
7 each such retailer shall file with the board a return for the preceding  
8 quarterly period in such form as may be prescribed by the board show-  
9 ing the sales price of any or all tangible personal property sold by the  
10 retailer during such preceding quarterly period, the use of which is  
11 subject to the tax imposed by this act, and such other information as  
12 the board may deem necessary for the proper administration of this  
13 act. The return shall be accompanied by a remittance of the amount  
14 of such tax, for the period covered by the return, provided that where  
15 such tangible personal property is sold under a conditional sales con-  
16 tract, or under any other form of sale wherein the payment of the  
17 principal sum, or a part thereof, is extended over a period longer than  
18 sixty days from the date of the sale thereof, the retailer may collect  
19 and remit each quarterly period that portion of the tax equal to two  
20 percent of that portion of the purchase price actually received dur-  
21 ing such quarterly period. The board, if it deems it necessary in  
22 order to insure payment to the state of the amount of such tax, may  
23 in any or all cases require returns and payments of such amount to  
24 be made for other than quarterly periods. The board may, upon re-  
25 quest and a proper showing of the necessity therefor, grant an exten-  
26 sion of time not to exceed thirty days for making any return and pay-  
27 ment. Returns shall be signed by the retailer or his duly authorized  
28 agent, and must be certified by him to be correct.

1 SEC. 13. Any person who uses any property upon which the tax  
2 herein imposed has not been paid, either to the county treasurer or to  
3 a retailer or direct to the board as herein provided, shall be liable  
4 therefor, and shall on or before the twentieth day of the month next  
5 succeeding each quarterly period pay the tax herein imposed upon all  
6 such property used by him during the preceding quarterly period in  
7 such manner and accompanied by such returns as the board shall  
8 prescribe. All of the provisions of section twelve with reference to  
9 such returns and payments shall be applicable to the returns and pay-  
10 ments herein required.

1 SEC. 14. The board may, when in its judgment it is necessary and  
2 advisable to do so in order to secure the collection of the tax levied  
3 under this act, authorize any person subject to such tax, and any re-  
4 tailer required or authorized to collect such tax pursuant to the pro-  
5 visions of sections eight and nine hereof, to file with it a bond, issued  
6 by a surety company authorized to transact business in this state and  
7 approved by the insurance commissioner as to solvency and responsi-  
8 bility, in such amount as the board may fix, to secure the payment of  
9 any tax, amount, and/or penalties due or which may become due  
10 from such person. In lieu of such bond, securities approved by the  
11 board, in such amount as it may prescribe, may be deposited with it,  
12 which securities shall be kept in the custody of the board and may be  
13 sold by it at public or private sale, without notice to the depositor  
14 thereof, if it becomes necessary to do so in order to recover any tax  
15 and/or penalties due. Upon any such sale, the surplus, if any, above

16 the amounts due under this act shall be returned to the person who  
17 deposited the securities.

1 SEC. 15. If any return required by this act is not filed, or if any  
2 return when filed is incorrect or insufficient, and the maker or person  
3 from whom it is due fails to file a corrected or sufficient return within  
4 twenty days after the same is required by notice from the board, the  
5 board shall have the same power to determine the amount due, as is  
6 vested in the board by sections twelve (12), thirteen (13), and fifteen  
7 (15) of senate file 316, acts of the Forty-seventh General Assembly,  
8 subject to all of the provisions, and restrictions, and rights of appeal  
9 provided in said sections.

1 SEC. 16. All of the provisions of sections fourteen (14) and fifteen  
2 (15) of senate file 316, acts of the Forty-seventh General Assembly  
3 shall apply in respect to the procedure, taxes, amounts required to be  
4 paid, and/or penalties imposed, as provided by this act.

1 SEC. 17. Any person failing to file a return or corrected return or  
2 to pay any tax and/or amount required to be paid by this act within  
3 the time required by this act, shall be subject to a penalty of five per-  
4 cent of the amount due, plus one percent of such amount for each  
5 month of delay or fraction thereof, excepting the first month after  
6 such return was required to be filed or such tax or amount became  
7 due; but the board, if satisfied that the delay was excusable, may  
8 remit all or any part of such penalty. Such penalty shall be paid to  
9 the board and disposed of in the same manner as other receipts under  
10 this act. Unpaid penalties may be enforced in the same manner as the  
11 tax imposed by this act. The certificate of the board to the effect that  
12 a tax and/or amount required to be paid by this act has not been paid,  
13 that a return has not been filed, or that information has not been sup-  
14 plied pursuant to the provisions of this act, shall be prima facie evi-  
15 dence thereof.

1 SEC. 18. Any person required to make, render, sign, or certify any  
2 return or supplementary return, who makes any false or fraudulent  
3 return with intent to defeat or evade the tax, and/or amount required  
4 to be paid by this act, shall be guilty of a felony and shall, for each  
5 such offense, be fined not less than five hundred (500) dollars and not  
6 more than five thousand (5000) dollars, or be imprisoned not exceeding  
7 one year, or be subject to both such fine and imprisonment, in the dis-  
8 cretion of the court.

1 SEC. 19. Any retailer or other person failing or refusing to fur-  
2 nish any return herein required to be made, or failing or refusing to  
3 furnish a supplemental return or other data required by the board,  
4 shall be guilty of a misdemeanor and subject to a fine or not to exceed  
5 one hundred (100) dollars for each such offense, or to imprisonment  
6 for not to exceed thirty days, or to both such fine and imprisonment,  
7 in the discretion of the court.

1 SEC. 20. Every retailer required or authorized to collect taxes im-  
2 posed by this act and every person using in this state tangible per-  
3 sonal property purchased on or after April 1, 1937, shall keep such  
4 records, receipts, invoices, and other pertinent papers as the board  
5 shall require, in such form as the board shall require. The board or

6 any of its duly authorized agents is hereby authorized to examine the  
7 books, papers, records and equipment of any person either selling  
8 tangible personal property or liable for the tax imposed by this act,  
9 and to investigate the character of the business of any such person  
10 in order to verify the accuracy of any return made, or if no return was  
11 made by such person, to ascertain and determine the amount due  
12 under the provisions of this act. Any such books, papers, and records  
13 shall be made available within this state for such examination upon  
14 reasonable notice when the board shall deem it advisable and shall  
15 so order.

1 SEC. 21. Whenever any retailer maintaining a place of business in  
2 this state, or authorized to collect the tax herein imposed pursuant to  
3 section nine hereof, fails to comply with any of the provisions of this  
4 act or any orders, rules, or regulations of the board prescribed and  
5 adopted under this act, the board may, upon notice and hearing as  
6 hereinafter provided, by order revoke the permit, if any, issued to such  
7 retailer under section eleven (11) of senate file 316, acts of the Forty-  
8 seventh General Assembly, or if such retailer is a corporation author-  
9 ized to do business in this state under chapter three hundred eighty-  
10 six (386), code, 1935, may certify to the secretary of state a copy of  
11 an order finding that such retailer has failed to comply with certain  
12 specified provisions, orders, rules or regulations. The secretary of  
13 state shall, upon receipt of such certified copy, revoke the permit  
14 authorizing said corporation to do business in this state, and shall  
15 issue a new permit only when such corporation shall have obtained  
16 from the board an order finding that such corporation has complied  
17 with its obligations under this act. No order authorized in this sec-  
18 tion shall be made until the retailer is given an opportunity to be heard  
19 and to show cause why such order should not be made, and he shall  
20 be given ten days notice of the time, place, and purpose of such hear-  
21 ing. The board shall have the power in its discretion to issue a new  
22 permit pursuant to section eleven of senate file 316, acts of the Forty-  
23 seventh General Assembly, after such revocation.

1 SEC. 22. The board is hereby charged with the enforcement of the  
2 provisions of this act, and the board and its employees shall administer  
3 this act and the taxes imposed by this act in the same manner and sub-  
4 ject to all of the provisions of, and all of the powers, duties, authority,  
5 and restrictions contained in sections six thousand nine hundred forty-  
6 three-fifty-four (6943-f54) to six thousand nine hundred forty-three-  
7 f sixty-two (6943-f62), inclusive, code, 1935, or any amendments which  
8 may hereafter be made thereto, all of which sections are by this refer-  
9 ence incorporated herein.

1 SEC. 23. All revenues arising under the operation of this act, less  
2 cost of collection and administration, shall be paid into the general  
3 fund of the state of Iowa.

1 SEC. 24. Section six thousand nine hundred forty-three-f sixty-five  
2 (6943-f65), code, 1935, as amended by senate file 316, acts of the Forty-  
3 seventh General Assembly, is hereby amended by inserting after the  
4 words and figures "senate file 316" wherever they appear in said sec-  
5 tion, the words and figures "and senate file 317".

1 SEC. 25. Section five thousand ninety-three-f twenty-nine (5093-  
2 f29), code, 1935, is hereby amended by inserting after line forty there-  
3 of a new paragraph, which shall read as follows:

4 If the gross receipts from or the use of any stationary engine, trac-  
5 tor, boat, aircraft, or other type of power driven machinery consti-  
6 tuting with the engine one unit, are subject to the tax imposed by  
7 senate file 316 or senate file 317, acts of the Forty-seventh General  
8 Assembly, no refund for motor vehicle fuel used in operating or pro-  
9 pelling such machinery shall be made until the person claiming such  
10 refund has established to the satisfaction of the treasurer that such  
11 tax for such machinery has been paid.

1 SEC. 26. If any article of tangible personal property has already  
2 been subjected to a tax by any other state in respect to its sale or use  
3 in an amount less than the tax imposed by this title, the provisions  
4 of this title shall apply, but at a rate measured by the difference only  
5 between the rate herein fixed and the rate by which the previous tax  
6 upon the sale or use was computed. If such tax imposed in such other  
7 state is two per cent (2%) or more, then no tax shall be due on such  
8 articles.

1 SEC. 27. If any section, subsection, clause, sentence, or phrase of  
2 this act or the application thereof to any person or set of circumstances  
3 is for any reason held to be unconstitutional or invalid, such decision  
4 shall not affect the validity of the remaining portions of this act, or  
5 its application to any other person or set of circumstances. The legis-  
6 lature hereby declares that the provisions of this act are severable, and  
7 that it would have passed this act and each section, subsection, clause,  
8 sentence, or phrase hereof, irrespective of whether any one or more  
9 of the sections, subsections, clauses, sentences, or phrases be declared  
10 unconstitutional, and irrespective of whether it be declared unconsti-  
11 tutional or invalid as applied to any person or set of circumstances.

1 SEC. 28. 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 in the Spencer News-Herald, a newspaper published at Spencer, Iowa.

Senate File 317. Approved April 12, 1937.

I hereby certify that the foregoing act was published in Times Republican, Corydon,  
April 15, 1937, and the News Herald, Spencer, April 15, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 199

## TAXATION

## H. F. 119

AN ACT extending the time in which to pay, without penalty, the first installment of all taxes payable in 1937, 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 stat-  
2 utes as the first installment, of all taxes payable in the year 1937 shall  
3 not be deemed delinquent until July 1, 1937, and may be paid at any  
4 time prior to said day without interest as a penalty. Any penalty  
5 paid prior to the taking effect of this act shall be credited as a pay-  
6 ment on the second installment. If said installment be not paid prior  
7 to said July 1, 1937, it shall draw, from April 1, 1937, interest as a  
8 penalty, three-fourths of one (1) per cent per month until paid.

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 Milo  
3 Motor, a newspaper published at Milo, Iowa, and in the Greenfield  
4 Free Press, a newspaper published at Greenfield, Iowa.

House File 119. Approved April 14, 1937.

I hereby certify that the foregoing act was published in the Milo Motor, April 22, 1937, and the Greenfield Free Press, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 200

## LEVEES AND DRAINAGE DISTRICTS

## S. F. 464

AN ACT so to amend section seventy-five hundred thirty-nine (7539), code of Iowa, 1935, as to authorize and direct boards of supervisors to move, build or rebuild secondary road bridges on public highways intersecting levees, drainage ditches, drains or changes of natural watercourses only in such instances, as in their discretion, the same shall promote the general public welfare.

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

1 SECTION 1. Section seventy-five hundred thirty-nine (7539) of the  
2 code of Iowa, 1935, is hereby amended by inserting in line five (5)  
3 thereof, immediately following the word "supervisors" and immedi-  
4 ately prior to the word "shall" found in said line five (5) thereof, the  
5 following phrase:

6 "when in the exercise of its sound discretion it appears that it will  
7 promote the general public welfare"

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 Monroe County News, a newspaper published at Albia, Iowa, and  
4 the Daily Iowegian & Citizen, a newspaper published at Centerville,  
5 Iowa.

Senate File 464. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Monroe County News, May 24, 1937, and the Iowegian and Citizen, May 19, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 201

## DRAINAGE DISTRICTS

S. F. 134

AN ACT to amend section seventy-six hundred thirty-six (7636), code, 1935, relating to the relinquishment by boards of supervisors of their authority and control of drainage districts within the corporate limits of cities and towns to cities and towns, and providing for the transfer of funds therein to such cities and towns.

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

1 SECTION 1. Section seventy-six hundred thirty-six (7636), code,  
2 1935, is hereby amended by striking the period at the end thereof and  
3 inserting the following:  
4 "and that whenever said jurisdiction and control has or may here-  
5 after be relinquished that the board of supervisors shall transfer to  
6 said city or town all funds held by the county treasurer in his hands,  
7 derived from assessments in the drainage district within the corporate  
8 limits."

Senate File 134. Approved May 1, 1937.

## CHAPTER 202

## DRAINAGE DISTRICTS

H. F. 23

AN ACT to amend section seven thousand seven hundred fourteen-g one (7714-g1), code, 1935, relating to the composing and refunding of indebtedness of drainage districts.

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

1 SECTION 1. Section seven thousand seven hundred fourteen-g one  
2 (7714-g1), code, 1935, is hereby amended by striking from line four  
3 (4), the following: "with levee or pumping plant," and inserting in  
4 lieu thereof the words: "or levee districts,".

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 Audubon County Journal, a newspaper published at Exira, Iowa, and  
4 the Advocate-Republican, a newspaper published at Audubon, Iowa.

House File 23. Approved March 17, 1937.

I hereby certify that the foregoing act was published in the Audubon County Journal, March 25, 1937, and the Audubon Advocate-Republican, March 25, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 203

## APPEALS FROM ASSESSMENT OF DAMAGES

S. F. 144

AN ACT to amend section seventy-eight hundred thirty-nine (7839) of the 1935 code of Iowa, relating to appeals from the assessment of damages made by condemnation commissioners.

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

1 SECTION 1. That section seventy-eight hundred thirty-nine (7839)  
2 of the 1935 code of Iowa is hereby amended by adding thereto the  
3 following:  
4 "Such notice of appeal shall be served in the same manner as an  
5 original notice. In case of condemnation proceedings instituted by  
6 the state highway commission, when the owner appeals from the  
7 assessment made, such notice of appeal shall be served upon the attor-  
8 ney general, or the special assistant attorney general acting as counsel  
9 to said commission, or the chief engineer for said commission. When  
10 service of notice of appeal cannot be made as provided in this section,  
11 the district court of the county in which the real estate is situated, or  
12 a judge thereof, on application, shall direct what notice shall be suffi-  
13 cient".

Senate File 144. Approved April 15, 1937.

## CHAPTER 204

## LEVEES AND DRAINAGE DISTRICTS

S. F. 166

AN ACT to authorize levee and/or drainage districts to maintain actions to collect damages resulting from the construction of locks, dams and pools; to make settlements and adjustments of said damages, and to employ legal engineering counsel; and to become members of drainage associations.

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

1 SECTION 1. Levee and/or drainage districts through their govern-  
2 ing bodies are authorized to maintain actions in law or equity for the  
3 purposes of preventing or recovering damages that may accrue to such  
4 districts on account of the impairment of their functions, or the in-  
5 crease in the cost of maintenance or operation of such districts, or on  
6 account of damages to property owned by such districts, resulting  
7 from the construction and/or operation of locks, dams and pools in  
8 the Mississippi or Missouri rivers; they may make settlements and ad-  
9 justments of such damages and written contracts with relation thereto,  
10 and receive any appropriations that may be made by the congress of  
11 the United States for the increased cost to drainage or levy districts  
12 and may agree to the construction and maintenance of present equip-  
13 ment and of new or remedial works, improvements and equipment as  
14 a part of such damages, or as a means of lessening the damages which  
15 will be suffered by the said districts. Said districts are further au-  
16 thorized to employ legal and engineering counsel for such purposes and  
17 to pay for the same out of the award of damages or out of the mainte-  
18 nance funds of the district.



1 SEC. 2. Said districts are authorized to become members of drain-  
2 age associations for their mutual protection and benefit, and may pay  
3 dues and membership fees therein out of the maintenance funds.

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 Hawkeye-  
3 Gazette, a newspaper published at Burlington, Iowa, and the Muscatine  
4 Journal, a newspaper published at Muscatine, Iowa.

Senate File 166. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Hawkeye Gazette, Burlington, May 19, 1937, and the Muscatine Journal, May 19, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 205

### IOWA STATE COMMERCE COMMISSION

H. F. 133

AN ACT to change the name of the board of railroad commissioners to that of Iowa state commerce commission.

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

1 SECTION 1. The term "board of railroad commissioners", "rail-  
2 road commissioner", "railroad commissioners", "Iowa railroad com-  
3 mission", "state board of railroad commissioners", and "railroad  
4 commission" is hereby stricken from chapters sixteen (16), eighteen  
5 (18), thirty-five (35), fifty-four (54), two hundred thirty-eight (238),  
6 two hundred fifty-one (251), two hundred fifty-two-a one (252-a1),  
7 two hundred fifty-two-a two (252-a2), two hundred fifty-two-c one  
8 (252-c1), three hundred three (303), three hundred three-c one (303-  
9 c1), three hundred five (305), three hundred seven (307), three hun-  
10 dred sixty-eight (368), three hundred sixty-nine (369), three hundred  
11 seventy-one (371), three hundred seventy-two (372), three hundred  
12 seventy-three (373), three hundred seventy-six (376), three hundred  
13 seventy-eight (378), three hundred seventy-nine (379), three hundred  
14 eighty (380), three hundred eighty-three-f two (383-f2), and four  
15 hundred twenty-six (426), code of Iowa, 1935 and also from the acts  
16 of the 47th general assembly not inconsistent with this act, and from  
17 all other chapters where the same may appear in the code of Iowa,  
18 1935, and from the acts of the 47th general assembly, subsequent  
19 thereto, and the term "Iowa state commerce commission", or "Iowa  
20 state commerce commissioner", or "Iowa state commerce commis-  
21 sioners", as the case may be, is inserted in lieu thereof, and all pro-  
22 nouns in said chapters or acts which now refer to said words "board  
23 of railroad commissioners", "state board of railroad commissioners",  
24 etc., or to the word "board" are hereby coordinated with the change  
25 herein made and the code editor is hereby authorized to make said  
26 changes.

House File 133. Approved May 1, 1937.

## CHAPTER 206

## RAILROADS

## H. F. 70

AN ACT to prohibit the direct or indirect abandonment of railway stations without an authorizing order of the board of railroad commissioners and to fix and determine the procedure before said board in said matter.

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

1 SECTION 1. That chapter three hundred sixty-eight (368) of the  
2 code of Iowa, 1935, be amended by adding thereto following section  
3 seventy-eight hundred seventy-seven (7877) the following:

4 "7877-a1. It shall be unlawful for any railroad company owning or  
5 operating, or which may hereafter own or operate, any railroad in  
6 whole or in part in this state, to abandon any station in any city, town  
7 or village on its line of railroad, within this state, or to remove the  
8 depot therefrom, or to withdraw agency service therefrom, unless it  
9 shall first have filed notice of its intention with the Board of Railroad  
10 Commissioners and otherwise complied with the provisions of this  
11 act. Upon the filing of such notice the board shall designate the place  
12 or places within such town or village where notice shall be posted  
13 and the railroad company shall thereupon, at its own expense, cause  
14 to be posted at the place or places so designated, fifteen (15) days'  
15 notice of intention to abandon or discontinue such station or agency,  
16 or remove such depot, and shall file proof of such posting with the  
17 board. The notice shall be in such form as prescribed by the board."

18 "7877-a2. Any person or persons directly affected by the proposed  
19 abandonment or discontinuance of any station or agency, or removal  
20 of any depot, may file written objections thereto with the Board of  
21 Railroad Commissioners, stating the grounds for such objections,  
22 within fifteen (15) days from the time of the posting of the notice as  
23 provided in the preceding section. Upon the filing of such objections  
24 the board shall fix the time and place for hearing thereon, which hear-  
25 ing shall be held within sixty (60) days from the filing of such ob-  
26 jections. Written notice of the time and place of such hearing shall  
27 be mailed by the board to the railroad company and the person or per-  
28 sons filing objections at least ten days prior to the date fixed for such  
29 hearing.

30 "7877-a3. Upon said hearing the Board of Railroad Commissioners  
31 may prohibit the abandonment or discontinuance of such station or  
32 agency, or the removal of the depot, or may make such other order as  
33 is warranted by the evidence produced at such hearing. But if no ob-  
34 jections are filed as hereinbefore provided, the board shall make an  
35 order permitting the railroad company to proceed with such abandon-  
36 ment or discontinuance, or removal of the depot."

1 SEC. 2. This act, being deemed of importance, shall take effect and  
2 be in force from and after its passage and publication in the Liver-  
3 more Gazette, a newspaper published at Livermore, Iowa, and in the  
4 Belmond Independent, a newspaper published at Belmond, Iowa.

House File 70. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Belmond Independent, April 8, 1937, and the Livermore Gazette, April 15, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 207

## CORPORATIONS

S. F. 158

AN ACT to exempt certain corporations from certain provisions of chapter ninety-three (93), acts of the Forty-sixth General Assembly, and to permit such exempted corporations to renew when renewal is unanimously voted by the stockholders.

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

1 SECTION 1: Corporations for pecuniary profit, organized under  
2 chapter three hundred eighty-four (384), code, 1935, may by  
3 unanimous\* vote of the stockholders renew under the provisions of sec-  
4 tion eight thousand three hundred sixty-five (8365), and shall be ex-  
5 empted from the prohibition against such renewals contained in chap-  
6 ter ninety-three (93), acts of the Forty-sixth 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 in  
3 the Sioux City Journal, a newspaper published at Sioux City, Iowa,  
4 and the Sloan Star, a newspaper published at Sloan, Iowa.

Senate File 158. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Sioux City Journal, May 18, 1937, and the Sloan Star, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 208

## IOWA SECURITIES ACT

H. F. 524

AN ACT to amend sections eighty-five hundred eighty-one-c five (8581-c5) and eighty-five hundred eighty-one-f one (8581-f1), chapter three hundred ninety-three-c one (393-c1) of the code of Iowa, 1935, to provide that sale by a registered dealer of any security which is a part of an issue which has theretofore been sold and distributed to the public under certain circumstances, or a security exchanged therefor in a voluntary or court re-organization shall, under certain conditions, constitute an exempt transaction and to further define the power of the secretary of state to prescribe a limitation on commissions to be paid by or on behalf of an issuer of securities.

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

1 SECTION 1. That section eighty-five hundred eighty-one c-5 (8581-  
2 c5) of the code of Iowa, 1935, be amended by adding thereto paragraph  
3 (k) as follows:

4 (k) The sale by a registered dealer of any security acquired in the  
5 ordinary and usual course of business, when such security is part of  
6 an issue which has theretofore been sold and distributed to the public,  
7 in whole or in part, in this state in compliance with the provisions of  
8 any applicable law regulating the sale of securities at the time of  
9 original issuance and sale, or any security issued in exchange for such  
10 security under a bona fide plan of reorganization of a corporation by  
11 order of a court having jurisdiction or under a plan of reorganization

\* Note: In accordance with enrolled bill.

12 previously having become operative through action of security holders  
 13 of a corporation, but excepting securities theretofore sold only in ex-  
 14 empt transactions under section 8581-c5, and when such sale is made in  
 15 good faith and not directly or indirectly for the benefit of the issuer  
 16 of such security or for the direct or indirect promotion of any scheme  
 17 or enterprise with the intent of violating or evading any provision of  
 18 this act, provided, however, that this exemption shall not apply where  
 19 the authority to sell such security has been revoked or enjoined in  
 20 accordance with the provisions of this act.

1 SEC. 2. That section eighty-five hundred eighty-one f-1 (8581-f1),  
 2 code of Iowa, 1935, be amended by striking the comma after the word  
 3 "sold" in the third line thereof and inserting a period in lieu thereof  
 4 and by striking the word "and" in the third line thereof and inserting  
 5 in lieu thereof the following: "In case of a sale by or on behalf of an  
 6 issuer, the secretary of state may".

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 Delta Press,  
 3 a newspaper published at Delta Iowa and in the Tipton Conservative,  
 4 a newspaper published at Tipton, Iowa.

House File 524. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Tipton Conservative, May 27, 1937, and the Delta Press, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 209

### IOWA SECURITIES ACT

H. F. 193

AN ACT to amend sections eighty-five hundred eighty-one-c eight (8581-c8), eighty-five hundred eighty-one-c ten (8581-c10) and eighty-five hundred eighty-one-c eleven (8581-c11), code, 1935, relating to the registration of securities by qualification, the revocation of same, and the registration of dealers and salesmen, all under the Iowa securities act.

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

1 SECTION 1. Section eighty-five hundred eighty-one-c eight (8581-  
 2 c8), code, 1935, is hereby amended as follows:

3 1. Subsection i, strike all of paragraph four (4) and substitute in  
 4 lieu thereof the following:

5 "The applicant shall pay to the secretary of state at the time of fil-  
 6 ing the information as hereinbefore prescribed in this section, a fee  
 7 of one-tenth of one (1) per cent of the aggregate par value of the se-  
 8 curities to be sold in this state for which the applicant is seeking regis-  
 9 tration. Such fee shall not be less than twenty-five dollars (\$25.00)  
 10 nor more than three hundred dollars (\$300.00) where the amount of  
 11 securities to be sold is not in excess of one million dollars (\$1,000,-  
 12 000.00). In case the amount to be sold exceeds one million dollars  
 13 (\$1,000,000.00) the fee shall be five hundred dollars (\$500.00): Par  
 14 value as used in this section for the purpose of computing fees shall be  
 15 construed:

16 In case of stock of no par value to be the price at which the stock  
17 is to be offered to the public;

18 The price at which the security is to be sold or offered for sale to  
19 the public in cases where the security is to be sold or offered for sale  
20 at a price greater than the stipulated par value."

21 2. Subsection i, paragraph five (5), strike from lines seven (7)  
22 and eight (8) the words "then upon the payment of the fee provided  
23 in this section,".

1 SEC. 2. Section eighty-five hundred eighty-one-c ten (8581-c10),  
2 code, 1935, is hereby amended as follows:

3 1. Line one (1), after the word "may" insert the words "refuse or".

4 2. Line four (4), after the word "if" insert the words "after a  
5 reasonable notice and a hearing or".

6 3. Line forty-seven (47), after the word "for" insert the words  
7 "refusal or".

8 4. Line fifty-one (51), immediately following the word "investiga-  
9 tion" insert the words "or hearing".

1 SEC. 3. Section eighty-five hundred eighty-one-c eleven (8581-c11),  
2 code, 1935, is hereby amended as follows:

3 1. Paragraph six (6), line nine (9), strike the period following the  
4 word "salesmen" and insert the following: ", which fees shall be paid  
5 at the time the information and application is filed with the secretary  
6 of state."

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 Clear Lake  
3 Reporter, a newspaper published at Clear Lake, Iowa, and the Clear  
4 Lake Mirror, a newspaper published at Clear Lake, Iowa.

House File 193. Approved April 14, 1937.

I hereby certify that the foregoing act was published in the Clear Lake Reporter,  
April 22, 1937, and the Clear Lake Mirror, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 210

### INSURANCE COMPANIES LIFE

#### H. F. 475

AN ACT to repeal section eighty-six hundred fifty (8650) of the code, 1935, and enact  
a substitute therefor, relating to loans on stock of life insurance companies or to  
certain other companies, by life insurance companies.

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

1 SECTION 1. That section eighty-six hundred fifty (8650) of the  
2 code, 1935, is hereby repealed, and the following enacted in lieu thereof:

3 "No such company shall invest in or make any loan upon its own  
4 stock or the stock of any other life insurance company as collateral,  
5 or directly or indirectly make any loan to or invest any of its funds in  
6 the property of any corporation, firm, association or trustees, if any  
7 officer of the insurance company is an officer or director of such cor-  
8 poration or association, a member of such firm, or a trustee of such  
9 trustees."

House File 475. Approved April 8, 1937.

## CHAPTER 211

## FOREIGN COMPANIES—CAPITAL OR SURPLUS—INVESTMENTS

S. F. 393

AN ACT to amend section eighty-six hundred fifty-two (8652), code, 1935, relating to the amount of capital or surplus required of foreign\* companies to transact business in this state, and the type of securities authorized for the investment of capital or surplus.

\*Note: Chapter 398, code, 1935, in which section 8652 appears, applies only to *Life Insurance Companies*, while the enrolled bill refers only to *Foreign Companies*.

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

1 SECTION 1. That section eighty-six hundred fifty-two (8652), code,  
2 1935, is hereby amended by striking from line fourteen (14) of said  
3 section the word "double" and inserting in lieu thereof the words "one  
4 and two-thirds times".

Senate File 393. Approved April 2, 1937.

## CHAPTER 212

## INSURANCE COMPANIES LIFE

H. F. 476

AN ACT to amend section eighty-six hundred fifty-five (8655) of the code, 1935, relating to the deposit of securities with the commissioner of insurance to cover the valuation of policies of life insurance companies and associations and duties of the insurance commissioner with reference thereto.

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

1 SECTION 1. That section eighty-six hundred fifty-five (8655) of the  
2 code, 1935, be hereby amended by striking the second paragraph  
3 thereof and substituting therefor the following:  
4 "Any Iowa company may file a verified statement of the total amount  
5 of loans secured by its policies, and evidence of such indebtedness  
6 shall be checked by the commissioner at least semi-annually. Such  
7 verified statement shall be taken and considered as a security to be  
8 deposited under the provisions of section eighty-seven hundred forty-  
9 one (8741).

10 There may be included in the deposit an amount of cash on hand not  
11 in excess of five per cent of the deposit required, such deposit to be  
12 evidenced by a certified check, certificate of deposit, or other evidence  
13 satisfactory to the commissioner of insurance.

14 Deposits of securities may be made in excess of the amounts re-  
15 quired hereby."

House File 476. Approved April 8, 1937.

## CHAPTER 213

## INVESTMENT OF FUNDS BY LIFE INSURANCE COMPANIES AND ASSOCIATIONS

S. F. 392

AN ACT to repeal section eighty-seven hundred thirty-seven (8737), code, 1935, and enact a substitute therefor relating to investments of funds by life insurance companies and associations.

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

1 SECTION 1. That section eighty-seven hundred thirty-seven  
2 (8737), code, 1935, is hereby repealed and the following enacted in  
3 lieu thereof:

4 Investment of funds. The funds required by law to be deposited  
5 with the commissioner of insurance by any company or association  
6 contemplated in chapters 398 and 400, and the funds or accumulations  
7 of any such company or association organized under the laws of this  
8 state, held in trust for the purpose of fulfilling any contract in its  
9 policies or certificates, shall be invested in the following described  
10 securities and no other:

11 1. Federal and Territorial Obligations. Bonds or other evidences  
12 of indebtedness issued or guaranteed by the United States or any in-  
13 sular or territorial possession of the United States, Federal farm  
14 loan bonds, Federal home loan bank bonds, Home Owners' Loan  
15 Corporation bonds, bonds, notes or obligations representing loans  
16 and advances of credit which are eligible for insurance by the Fed-  
17 eral Housing Administrator, and bonds, notes or obligations secured  
18 by real property or leasehold which the Federal Housing Adminis-  
19 trator has insured or has committed himself to insure or debentures  
20 issued by such administrator.

21 2. State and municipal obligations. Bonds or other evidences of in-  
22 debtedness issued or guaranteed by the state of Iowa or any other  
23 state, or any county, city, town, school, road, drainage, or other  
24 district, or any civil subdivision or governmental authority of such  
25 state or states, or any instrumentality of any of such authorized by  
26 statute to borrow money and issue securities, provided that the ob-  
27 ligations are:

28 a. General or full faith and credit obligations of the issuing or  
29 guaranteeing unit, or

30 b. Payable from assessments levied for improvement purposes  
31 and secured by a lien upon real estate, or

32 c. Payable from especially designated revenues which are specific-  
33 ally pledged to the payment of principal and interest on such obliga-  
34 tions.

35 3. Canadian governmental and municipal obligations. Bonds or  
36 other evidences of indebtedness issued or guaranteed by the Dominion  
37 of Canada, or any province thereof, or any municipality or district  
38 therein with a population in excess of 10,000 according to the last  
39 dominion or provincial census taken prior to the date of such invest-  
40 ment, which are general or full faith and credit obligations of the  
41 issuing or guaranteeing unit.

42 4. Public utility obligations. Bonds or other evidences of indebt-  
43 edness bearing a fixed rate of interest, issued or guaranteed by any

44 corporation incorporated under the laws of the United States or this  
45 or any other state or the dominion of Canada, or any province there-  
46 of, provided the corporation has been in operation for at least five  
47 years, or its predecessor or principal subsidiary has been in operation  
48 for at least five years, and is engaged directly or primarily in the sale  
49 of electricity, gas, water, or furnishing telephone service, provided  
50 that the gross revenues of such corporation shall have been at least  
51 \$250,000 for each of the three fiscal years next preceding the date of  
52 purchase, and average net annual earnings for the five years next  
53 preceding purchase shall have been equal to at least twice the annual  
54 interest requirements on the issue from which purchase is made, and  
55 on all other funded debt outstanding at the time of purchase, less  
56 the requirements on any funded debt for the retirement of which  
57 funds have been provided. (Net earnings in this subsection shall  
58 be considered to be the sum of (1) net operating income after the  
59 deduction of all operating expenses, maintenance charges, and taxes  
60 (except federal income taxes) but before the deduction of the allow-  
61 ance for depreciation, and (2) such other corporate income as is  
62 available to pay fixed charges.)

63 5. Railroad obligations. a. Bonds or other evidences of indebted-  
64 ness bearing a fixed rate of interest issued or guaranteed by any rail-  
65 road or railway corporation, having substantially all of its trackage  
66 in the United States or Canada, and directly or primarily engaged  
67 in furnishing transportation service, or obligations for the payment  
68 of which such railroad or railway corporation is obligated under the  
69 terms of a lease made or assumed, not including street railways, pro-  
70 vided

71 (1) The corporation shall have had income available for fixed  
72 charges during four of the five fiscal years next preceding the date  
73 of investment equal to at least  $1\frac{1}{2}$  times the total annual fixed charges  
74 to which the company is subject at the time of investment, less the  
75 fixed charges on any indebtedness for which payment has been pro-  
76 vided, or

77 (2) Such bonds or other evidences of indebtedness are secured  
78 by a lien on mileage which, from reports satisfactory to the com-  
79 missioner of insurance, is shown to have supplied income available  
80 for fixed charges during four out of the five fiscal years next pre-  
81 ceding the date of investment, equal to at least two times the total of  
82 (1) all fixed charges on such bonds outstanding at the date of pur-  
83 chase, and (2) all charges against such mileage having an equal or  
84 prior lien, less the charges on any indebtedness for which payment  
85 has been provided.

86 The amount of income available for fixed charges for the purposes  
87 of this subsection shall be the amount obtained by deducting from  
88 gross income all items deductible in ascertaining net income other  
89 than contingent income interest and items constituting fixed charges.  
90 Fixed charges shall be: Rent for leased roads, fixed interest on  
91 funded debt, interest on unfunded debt and amortization of dis-  
92 count on funded debt. Accounting terms used in this paragraph shall  
93 be deemed to refer to those used in the accounting reports prescribed  
94 by the accounting regulations for common carriers subject to the  
95 provisions of the interstate commerce act. If the interstate com-  
96 merce commission shall prescribe accounting regulations wherein



97 shall be defined the term "income available for fixed charges" and the  
98 term "fixed charges", the definitions thereof, as so prescribed, shall  
99 be taken and used in lieu of the definitions set forth in this paragraph.

100 b. Equipment trust obligations, issued in connection with the pur-  
101 chase of new standard gauge equipment of a type in general use on  
102 most railroads in an amount not to exceed 80 per cent of the cost of  
103 such equipment, which mature in substantially equal amounts not  
104 later than 15 years from date of issue and which provide:

105 (1) For vesting of title free from incumbrance in a corporate  
106 trustee, or

107 (2) For creation of a first lien on such equipment.

108 (3) And further provided that the owner, purchaser, or lessee of  
109 such equipment be not in default upon any indebtedness which is a  
110 fixed charge, and shall be obligated either to pay the principal and  
111 interest on such certificates as they mature, or make payments to  
112 the trustee which will be sufficient to pay such principal and interest  
113 at maturity.

114 6. Other fixed obligations. Bonds or other evidences of indebted-  
115 ness bearing a fixed rate of interest issued or guaranteed by any cor-  
116 poration incorporated under the laws of the United States or any  
117 state thereof, or the dominion of Canada or any province thereof,  
118 in addition to those included in subsections 4 and 5, provided such  
119 corporation has had net earnings during each of the five fiscal years,  
120 next preceding the date of investment, equal to at least twice the  
121 fixed charges to which the company is subject at the date of invest-  
122 ment, less the charges on any indebtedness for which payment has  
123 been provided. (Net earnings in this subsection shall be gross earn-  
124 ings less all operating expenses, maintenance charges, taxes (except  
125 federal income taxes), and allowance for depreciation, obsolescence  
126 and depletion.)

127 7. Securities included under subsections 4, 5 and 6 shall not be  
128 eligible for deposit if the issuing, guaranteeing or assuming corpora-  
129 tion shall have been in default on fixed obligations for a period of  
130 more than ninety days during the five years next preceding invest-  
131 ment, nor shall the investments of any company or association in such  
132 securities be eligible for deposit in excess of the following percentage  
133 of the reserve of such company or association:

134 a. 2% of the reserve in the securities of any one corporation.

135 b. 20% of the reserve in the securities described in subsection 4.

136 c. 20% of the reserve in the securities described in subsection 5.

137 d. 10% of the reserve in securities described in subsection 6.

138 No securities except fixed interest mortgage bonds shall be eligible  
139 if the issuing, guaranteeing or assuming corporation has total assets  
140 of less than \$10,000,000 at the date of investment.

141 Securities of corporations with substantially all their assets in-  
142 vested in the securities of other corporations shall not be eligible.

143 In determining whether the requirements of subsections 4, 5 and  
144 6 have been complied with, the earnings of all merged, consolidated  
145 or purchased companies shall be considered.

146 8. Real estate bonds and mortgages. Entire issues of bonds or  
147 notes secured by first mortgages or deeds of trust which are a first  
148 lien upon real estate within this state or any other state in the United  
149 States, provided that the total indebtedness secured by such lien shall

150 not exceed 60% of the value of the property upon which it is a lien,  
151 provided, however, that such 60% limitation shall not apply to bonds  
152 and notes described in subsection 1 hereof.

153 Improvements shall not be considered in estimating the value of  
154 the property unless the owner shall contract to keep the same ade-  
155 quately insured in some reliable fire insurance company or companies,  
156 association or associations, authorized to do business in the state,  
157 during the life of the loan, the insurance to be made payable in case  
158 of loss to the mortgagee, trustee, or assigns as its interests may ap-  
159 pear at the time of the loss.

160 Provided further that for the purposes of this subsection a first  
161 mortgage or deed of trust shall not be deemed to be other than a first  
162 lien upon property within the meaning of this subsection by reason of  
163 the existence of taxes or assessments that are not delinquent, instru-  
164 ments creating or reserving mineral, oil or timber rights, rights of  
165 way, joint driveways, sewer rights, rights in walls, nor by reason of  
166 building restrictions or other like restrictive covenants, nor when  
167 such real estate is subject to lease in whole or in part whereby rents  
168 or profits are reserved to the owner.

169 9. Real estate. Any such real estate in this state as is necessary  
170 for its accommodation as a home office; and in the erection of any  
171 buildings for such purposes, it may add thereto rooms for rent. Be-  
172 fore the company or association shall invest any of its funds in ac-  
173 cordance with the provisions of this paragraph it shall first obtain the  
174 consent of the executive council.

175 10. Policy loans. Loans upon the security of its own policies and  
176 constituting a lien thereon in an amount not exceeding the reserve  
177 thereon.

178 11. Collateral loans. Loans secured by collateral security consist-  
179 ing of any securities enumerated in this section, provided there is  
180 a margin of ten per cent between the amount of the loan and the value  
181 of the securities.

182 Provided further that subsection 7 shall apply to the collateral se-  
183 curities pledged to the payment of loans authorized in this subsection.

184 12. Substitution of certificates of sale and satisfactory evidences  
185 of ownership of real estate. Companies or associations may substi-  
186 tute for securities deposited, certificates of sale owned by them and  
187 obtained by foreclosure of liens on real estate, but such certificates  
188 shall be accepted for deposit for an amount not in excess of the  
189 amount of the original securities and shall be withdrawn at the end  
190 of the period of redemption or within thirty days if redemption is  
191 made.

192 Companies or associations may also substitute for securities de-  
193 deposited evidences of ownership satisfactory to the commissioner  
194 of insurance of any real estate acquired in settlement of such se-  
195 curities; but such evidences of ownership shall be accepted for de-  
196 posit for an amount not in excess of the amount of the original se-  
197 curities and shall be withdrawn within thirty days of termination of  
198 ownership, (and in any event must be withdrawn within ten years  
199 from date of deposit.)

200 The total amount for which certificates of sale and evidences of  
201 ownership may be deposited shall not exceed at any one time thirty

202 per cent of the amount required by law to be deposited with the insur-  
 203 ance department.  
 204 13. Substitution of contracts of sale and purchase money mort-  
 205 gages or purchase money deeds of trust. Companies or associations  
 206 may substitute for securities deposited contracts of sale, purchase  
 207 money mortgages or purchase money deeds of trust obtained through  
 208 foreclosure, settlement or satisfaction of other securities but only  
 209 for an amount approved by the commissioner of insurance.

Senate File 392. Approved April 2, 1937.

CHAPTER 214  
 MUTUAL INSURANCE

H. F. 501

AN ACT to amend section eight thousand nine hundred six (8906) of the code, 1935, to provide additional financial requirements to be complied with by mutual insurance companies prior to the issuance of a certificate of authority.

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

1 SECTION 1. Section eight thousand nine hundred six (8906) code,  
 2 1935, is amended by adding as an additional paragraph to be numbered  
 3 paragraph five (5), the following:

4 "5. It shall have in cash or in securities in which insurance com-  
 5 panies are authorized to invest, surplus in an amount of not less than  
 6 five thousand dollars (\$5,000.00); provided that the commissioner of  
 7 insurance, if in his judgment it appears necessary, may require sur-  
 8 plus in excess of said amount, but not more than twenty-five thousand  
 9 dollars (\$25,000.00). The surplus so required may be advanced in  
 10 accordance with the provisions of section eight thousand nine hun-  
 11 dred twelve (8912), code, 1935.

12 Provided, however, that such surplus requirements shall not apply  
 13 to a company which establishes and maintains a guaranty fund as  
 14 provided by section eight thousand nine hundred twelve-f one (8912-  
 15 f1), Code, 1935."

1 SEC. 2. None of the provisions of this act shall apply to any com-  
 2 pany heretofore organized and approved by the commissioner of  
 3 insurance, but which had not completed its organization at the time  
 4 of the taking effect of this act, nor shall this act apply to any com-  
 5 pany already licensed to issue policies.

1 SEC. 3. That all acts or parts of acts in conflict with the provisions  
 2 of this act are hereby repealed.

1 SEC. 4. This act being deemed of immediate importance shall  
 2 be in full force and effect after its passage and publication in "The  
 3 Evening Sentinel," a newspaper published at Shenandoah, Iowa, and  
 4 in "The Afton Star Enterprise," a newspaper published at Afton, Iowa.

House File 501. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Afton Star Enterprise, May 27, 1937, and the Evening Sentinel, Shenandoah, May 26, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 215

## INSURANCE COMPANIES OTHER THAN LIFE

S. F. 426

AN ACT to amend sections thirteen thousand six hundred nineteen (13619) and thirteen thousand six hundred twenty (13620) of the code of Iowa, relating to qualifications of sureties on bail bonds; and to amend section eighty-nine hundred forty (8940) of the code of Iowa, 1935, relating to business that may be transacted by insurance companies other than life, and to permit insurance companies other than life, qualified to do business in this state, to act as surety for bail in criminal cases.

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

1 SECTION 1. That section thirteen thousand six hundred nineteen  
2 (13619) of the code of Iowa, 1935, be and the same is hereby amended  
3 by adding thereto the following:

4 "Insurance companies doing business in this state under the pro-  
5 visions of paragraph two (2) of section 8940 of the code, may act as  
6 surety in such cases, and need not be a resident, householder or free-  
7 holder within the state. Such company need not justify as above pro-  
8 vided."

1 SEC. 2. By adding to and making a part of section thirteen thou-  
2 sand six hundred twenty (13620) of the code of Iowa, 1935, the follow-  
3 ing:

4 "Insurance companies and surety companies referred to in section  
5 13619 need not make such justification."

1 SEC. 3. By striking from paragraph two (2) of section eighty-nine  
2 hundred forty (8940) of the code of Iowa, 1935, the word "except",  
3 and substituting in lieu thereof the words "including all"; and by  
4 striking from said paragraph of said section the word "required"  
5 where the same appears the second time in said paragraph of said sec-  
6 tion 8940.

1 SEC. 4. This act being deemed of immediate importance shall be  
2 in force and effect from and after its publication in the Nashua Re-  
3 porter, a newspaper published at Nashua, Iowa, and in the Manson  
4 Journal, a newspaper published at Manson, Iowa.

Senate File 426. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Nashua Reporter, May 19, 1937, and the Manson Journal, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 216

## INSURANCE COMPANIES OTHER THAN LIFE

H. F. 510

AN ACT to require insurance associations organized and operating under chapter four hundred six (406) of the code of Iowa, 1935, to maintain a reserve for unearned premiums, but excepting county mutuals and associations operating on a post loss basis and not charging advance assessments.

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

1 SECTION 1. Every association organized and operating under the  
 2 provisions of chapter four hundred six (406) of title XX of the code  
 3 of Iowa, 1935, except county mutual assessment associations, re-in-  
 4 surance associations for county mutual associations, and associations  
 5 operating on a post loss basis and not charging any advance assess-  
 6 ments or premiums, shall hold as reserve for unearned premiums or  
 7 assessments an amount equal to at least forty per cent (40%) of the  
 8 aggregate gross premiums or assessments in force, on all policies or  
 9 contracts running one year or less, less deductions for re-insurance  
 10 in force in authorized companies or associations. On all policies or  
 11 contracts running more than one year, there shall be maintained such  
 12 a reserve in an amount equal to at least forty per cent (40%) of the  
 13 amount of the aggregate gross premiums in force for any current year  
 14 and one hundred per cent (100%) of the amount of the aggregate  
 15 gross premiums in force for each succeeding year of said terms, less  
 16 deductions for reinsurance in authorized companies or associations.

1 SEC. 2. Every association heretofore organized and operating, and  
 2 to which the provisions of section one hereof apply, shall not be re-  
 3 quired to maintain the unearned premium reserve required in said  
 4 section until December 31, 1940. However, such associations must  
 5 have established by December 31, 1937, a reserve equal to at least one-  
 6 fourth of the reserve required by section one hereof; by December  
 7 31, 1938, at least one-half of such reserve and by December 31, 1939,  
 8 at least three-fourths of such reserve.

1 SEC. 3. That all acts or parts of acts in conflict with the provisions  
 2 of this act are hereby repealed.

House File 510. Approved May 1, 1937.

## CHAPTER 217

## LIFE, HEALTH AND ACCIDENT INSURANCE COMPANIES

S. F. 137

AN ACT to prohibit certain life, health, and accident insurance companies or associations which issue contracts, the performance of which is contingent upon the payment of assessments of calls made upon their members, from doing business within this state.

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

1 SECTION 1. **Assessment associations prohibited.** No life, health,  
 2 or accident insurance company or association, other than fraternal  
 3 beneficiary associations, which issues contracts, the performance of

4 which is contingent upon the payment of assessments of call made upon  
 5 its members, shall do business within this state except such companies  
 6 or associations as are now authorized to do business within this state  
 7 and which, if a life insurance company or association, shall value their  
 8 assessment policies or certificates of membership as yearly renewable  
 9 term policies according to the standard of valuation of life insurance  
 10 policies prescribed by the laws of this state.

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 Altoona  
 3 Herald a newspaper published at Altoona, Iowa, and the O'Brien  
 4 County Bell, a newspaper published at Primghar, Iowa.

Senate File 137. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Altoona Herald, May 20, 1937, and the O'Brien County Bell, May 19, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 218

### BANKS AND TRUST COMPANIES

#### H. F. 484

AN ACT to amend chapter four hundred fifteen (415), code, 1935, and providing for the method and manner of handling and terminating trusts created as a part of the plan of reorganization of state banks, savings banks and trust companies, and providing the manner and method of liquidation and distribution of the assets, the appointment of the superintendent of banking as receiver, the designation of the attorney general or assistants as attorney for the superintendent of banking in the liquidation and distribution; providing the method and manner of filing claims against the state sinking fund for public deposits; providing rules of construction, and providing that insofar as the provisions of this act shall conflict with any other act or parts thereof the provisions of this act shall govern.

WHEREAS, many state banks, savings banks and trust companies have reorganized in this state pursuant to law and many of such reorganizations provide for the creation of a trust fund made up of segregated assets, to be administered by trustees, whose work as trustees should also be carried on subject to the approval of the local court thereof, and

WHEREAS, in the future, some of these trustees may refuse or neglect to administer the trust to the best interests of the certificate holders and it may be impossible to secure successor trustees to properly administer the trusts, and

WHEREAS, in such event, the certificate holders would be seriously prejudiced in that there would not be the dividends payable to them from the trust in the manner intended, and

WHEREAS, the superintendent of banking is charged under the law with the general control, supervision and direction of all banks and trust companies incorporated under the laws of Iowa, and

WHEREAS, in such event, the superintendent of banking should proceed to protect the interests of certificate holders and to liquidate the assets and make distribution, therefore,

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

1 SECTION 1. That chapter four hundred fifteen (415), code, 1935,  
 2 be and the same is hereby amended by adding thereto the following:

3 "That wherever a state bank, savings bank or trust company has  
4 reorganized pursuant to law and the plan of reorganization provides  
5 for the creation of a trust fund made up of segregated assets of such  
6 bank or trust company against which trust certificates have issued  
7 and trustees have been appointed or designated to administer the  
8 fund and trust, and the liquidation of the trust assets has reached a  
9 point in the judgment of the trustees where the trust should be wound  
10 up and the trustees released and discharged and they shall become  
11 satisfied that the interests of certificate holders or creditors require  
12 the termination of the trust and its liquidation, the superintendent of  
13 banking may appoint an examiner in charge or a trustee or trustees  
14 of said trust with or without pay but if with pay then not in excess  
15 of that fixed by statute for examiners in charge, to assist him in the  
16 liquidation and distribution of the assets of the fund, whereupon the  
17 right of levy or execution or attachment, if any, against such trust  
18 fund or its assets shall be suspended.

19 "In such event, the duties of the trustees as trustees shall be ter-  
20 minated and they shall be released and discharged of any further  
21 duties pertaining thereto upon making proper accounting to the super-  
22 intendent of banking upon such notice as he or the court shall direct,  
23 as the case may be.

24 "The superintendent of banking may apply to the district court  
25 for that district in which the said trust is located or a judge thereof  
26 for the appointment of said superintendent of banking as receiver  
27 of such trust fund and its affairs shall thereafter be subject to the  
28 approval of the court and the fund liquidated in the same manner as  
29 provided by law for liquidation of state banks and trust companies,  
30 and the assets thereof after the payment of expense of liquidation  
31 and distribution shall be ratably distributed among creditors and the  
32 holders of trust certificates, giving preference in payment to holders  
33 of trust certificates.

34 "The attorney general of the state or such assistants as may be  
35 designated by him and approved by the judge or court having juris-  
36 diction thereof shall represent the superintendent of banking in all  
37 proceedings provided for hereunder.

38 "That in event of such liquidation and distribution of such trust  
39 funds, public bodies as holders of trust certificates may file against  
40 and participate in the state sinking fund for public deposits upon the  
41 taking over of the fund for liquidation by the superintendent of bank-  
42 ing in the same manner as provided by law where a bank is closed  
43 and placed in the hands of a receiver, except that all interest due  
44 the state sinking fund for public deposits to the date of the reorgani-  
45 zation of the bank or trust company, must be paid prior to filing  
46 against the state sinking fund.

47 "With respect to all trusts created pursuant to the provisions of  
48 chapter one hundred fifty-six (156), acts of the Forty-fifth General  
49 Assembly and supplementary statutes thereto, it shall be the duty of  
50 the superintendent of banking to require periodic reports as often  
51 as he may wish from the trustee or trustees in charge of said trusts  
52 which reports shall by the superintendent of banking or by whom he  
53 may designate to represent him be submitted to the district court for  
54 that district in which the said trust is located or a judge thereof for

55 approval in the same manner as now provided by law for liquidation  
56 of bank receiverships."

1 SEC. 2. Insofar as the provisions of this act may conflict with other  
2 acts or parts thereof, the provisions of this act shall control.

1 SEC. 3. Should any section of this act, or part thereof, be held un-  
2 constitutional or invalid, such decision shall only affect the specific  
3 provisions which may be held invalid or unconstitutional and shall  
4 not affect the validity and remaining portions of this act.

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 Ocheyedan  
3 Arrow, Ocheyedan, Iowa and the Sibley Gazette Tribune, Sibley,  
4 Iowa, as provided by law.

House File 484. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Sibley Gazette Tribune,  
May 27, 1937, and the Ocheyedan Arrow, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 219

### BANKS AND TRUST COMPANIES

H. F. 487

AN ACT to repeal sections ninety-two hundred forty-six (9246) to ninety-two hundred  
fifty-four (9254), inclusive, of the code, 1935, relating to assessment liabilities of  
stockholders in banks and specifying when such repeal shall become effective.

WHEREAS, non-assessable stock in a reorganized state incorporated bank-  
ing institution may be issued under the authority of the superintendent of  
banking with the approval of the executive council (section ninety-two  
hundred eighty-three-e three (9283-e3)), and

WHEREAS, stock of new state incorporated banking institutions there-  
after organized and stock of other banks thereafter transferred and pre-  
ferred stock thereafter issued by any banks were all made non-assessable  
by section ninety-two hundred eighty-three-f eleven (9283-f11) to and  
inclusive of section ninety-two hundred eighty-three-f sixteen (9283-f16),  
code, 1935, and acts of the 45th General Assembly, Extraordinary Session  
and approved November 23, 1933, and

WHEREAS, congress by the "Banking Act of 1933" effective June 16,  
1933, provided that "additional liability imposed upon shareholders in  
national banking associations shall not apply with respect to shares issued  
after the date of the enactment" and further provided by the "Banking  
Act of 1935" effective August 23, 1935, that "such additional liability shall  
cease on July 1, 1937 with respect to shares issued prior to June 17, 1933  
by any association which shall be transacting the business of banking on  
July 1, 1937" and

WHEREAS, it is said of the congressional bill that making it "effective  
far enough in the future to permit depositors and others to know of it and  
change their relationship if they wished is sound and not violative of any  
contracts", and



WHEREAS, our own state supreme court in a decision dated January 9, 1934 (Andrew, Superintendent of Banking vs. American Savings Bank et al.) stated:

"Three major economic upheavals have overtaken the state. . . . Each succeeding experience has apparently led the legislature to have less faith in the stockholder's liability as a remedy for a situation in which many borrow who do not repay because economic attrition has pursued every form of wealth, no matter how artfully it may have been guarded or concealed, until a substantial proportion of every item of it has been destroyed:" and

WHEREAS, article VIII, section 9 of the state constitution provides that every stockholder in a banking corporation shall be individually liable to the creditors for an amount equal to the stock owned by him but that that provision of the constitution has no application to present banking corporations as the courts have held that that provision of the constitution applied only to banks of issue and no banks of issue are now in existence. *Allen vs. Clayton*, 63 Ia., 11; *Williams vs. Lewis Investment Co.*, 110 Ia., 635; *Pugh vs. Polk County*, 263 N. W. 315, (Ia. Nov. 1935); *Timmons vs. Security Savings Bank*, 264 N. W. 708, (Ia. Jan. 1936); and

WHEREAS, it is now apparent that a grossly unfair discrimination now exists as against old common stock issued by our state incorporated banking institutions prior to December 1, 1933 when the aforementioned acts of the Iowa General Assembly became effective as compared with (1) common stock which has since been issued by new banking institutions or (2) stock which has been transferred or (3) preferred stock that has been issued by state banking institutions after December 1, 1933 and all now non-assessable and (4) even the stock (both common and preferred) of national banks foregoingly referred to and whereas the following bill will remove that inequitable and unfair discrimination now existing against the common stock issued prior to December 1st, 1933, and place all bank stock of our state banking institutions upon a parity:

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

1 SECTION 1. That effective July 4, 1937 sections ninety-two hun-  
2 dred forty-six (9246) to section ninety-two hundred fifty-four (9254)  
3 inclusive of the code, 1935 are hereby repealed and any assessment  
4 liability referred to in said sections shall on and after that date cease  
5 with respect to any shares issued prior to December 1, 1933, and/or  
6 as to any shares issued at any time subsequent to said date in lieu of  
7 shares issued prior to said date, by any state incorporated banking  
8 institution and which shall be transacting the business of banking  
9 on July 4, 1937, providing nothing herein contained shall affect any  
10 claim now existing against said banking institution; providing further  
11 that all claims arising under or by reason of said sections shall become  
12 fully barred from and after January 1, 1938.

House File 487. Approved May 1, 1937.

## CHAPTER 220

## BUILDING AND LOAN ASSOCIATIONS

## H. F. 155

AN ACT to amend sections nine thousand three hundred nineteen (9319), nine thousand three hundred twenty-nine (9329), nine thousand three hundred forty-eight (9348), nine thousand three hundred eighty-two (9382), and twelve thousand seven hundred seventy-two (12772), code, 1935, all relating to building and loan associations and investments therein; to authorize such associations to insure members' investments in federal savings and loan insurance corporation; to provide for conversion of federal savings and loan associations into state associations; to prescribe plans, terms and conditions under which loans may be made and funds invested by such associations; to provide for associations' liens on shares of members and for enforcement thereof; to provide for publishing annual statements; to prescribe contents of annual statement to auditor of state; to provide for bonding employees and officers thereof; to specify classes of shares which may be issued; to limit their expenses; to make shares in federal savings and loan associations authorized investments for fiduciaries; to give the executive council authority to approve or disapprove of articles of incorporation and by-laws and grant or refuse permission to organize such associations and to provide for appeal from executive council's action; to authorize establishing proper reserves for losses before declaring dividends; and to repeal all laws in conflict therewith, and to repeal sections nine thousand three hundred fourteen (9314), nine thousand three hundred fifteen (9315), nine thousand three hundred thirty-three (9333), nine thousand three hundred thirty-six (9336), nine thousand three hundred thirty-nine (9339), nine thousand three hundred forty (9340), nine thousand three hundred forty-one (9341), nine thousand three hundred forty-seven (9347), nine thousand three hundred fifty (9350), and nine thousand three hundred sixty-five (9365), code, 1935, and to enact substitutes therefor.

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

1 SECTION 1. Section nine thousand three hundred twenty-nine  
2 (9329), code, 1935, is hereby amended by striking out subparagraph  
3 1 thereof and substituting in lieu thereof the following:

4 "1. To issue shares of stock to members to be paid for in single,  
5 monthly, optional or irregular payments."

6 and by adding as subsection nine (9) thereof the following:

7 "9. Any such association may provide in its original or amended  
8 articles of incorporation that stock shall be treated as issued in pro-  
9 portion to the amounts paid in by and credited to members without re-  
10 gard to any par value. Members holding such stock shall participate  
11 in dividends in proportion to their respective investments therein, and  
12 shall have one vote in person or by proxy for each one hundred dollars  
13 or fraction thereof paid in and credited, but no person shall vote more  
14 than ten per cent of the total paid in capital."

15 and by adding as subsection ten (10) thereof the following:

16 "10. Any such association shall have power to obtain, continue and  
17 pay for insurance of its shares with Federal Savings and Loan In-  
18 surance Corporation."

1 SEC. 2. Building and loan or savings and loan associations may be  
2 effected by conversion of federal savings and loan associations as au-  
3 thorized by the laws of the United States of America and regulations  
4 made thereunder, subject to approval of the auditor of state. An ap-  
5 plication for approval together with satisfactory proof that the re-  
6 quired procedure authorizing conversion to a state association has  
7 been taken shall be filed with the auditor of state who shall thereupon,  
8 by examination of the applicant or otherwise, ascertain whether or

9 not the converting association is in good financial condition and is  
10 honestly and efficiently managed and if his findings are favorable he  
11 shall thereupon grant his approval of such conversion. The convert-  
12 ing association shall then adopt and file articles of incorporation and  
13 by-laws and otherwise comply with the provisions and requirements of  
14 the laws of Iowa. Upon completion of conversion and organization  
15 as a state association, all assets and properties theretofore belonging  
16 to it as a federal association shall by operation of law pass to and  
17 vest in it as a state association and all liabilities shall thereupon become  
18 its liabilities as a state association. For the purpose of showing  
19 devolution of titles, there shall be filed with the auditor of state and  
20 with the recorder of the county in which the association's principal  
21 place of business is located a report duly verified by the president and  
22 the secretary showing that the required procedure for conversion has  
23 been complied with.

1 SEC. 3. Sections nine thousand three hundred fourteen (9314),  
2 nine thousand three hundred thirty-six (9336), nine thousand three  
3 hundred thirty-nine (9339), nine thousand three hundred forty-one  
4 (9341), nine thousand three hundred sixty-five (9365) and nine thou-  
5 sand three hundred forty (9340), code, 1935, are hereby repealed and  
6 there is enacted in lieu thereof the following:

7 "(a) The funds of a building and loan association not used or  
8 needed for other authorized purposes shall be invested for the benefit  
9 of its shareholders in loans to its members, according to the plan or  
10 plans specified in its articles of incorporation, on the security of first  
11 liens on real estate or on the security of liens on its own shares of stock,  
12 or on both such securities.

13 "(b) Each loan secured only by real estate shall require the bor-  
14 rower to make weekly, semi-monthly or monthly payments which shall  
15 be applied first to pay the interest on the unpaid principal and the re-  
16 mainder to reduce the unpaid principal of the debt.

17 "(c) Each loan secured by both lien on real estate and by shares of  
18 an association's stock shall require the borrower to subscribe for and  
19 pledge shares of stock in the association of par value at least equal  
20 to the amount borrowed and to make weekly, semi-monthly or monthly  
21 payments on such shares until the payments so made, together with  
22 dividends credited thereto, have reached a value equal to his unpaid  
23 indebtedness and thereupon such pledged shares shall be canceled and  
24 the value thereof shall be applied in payment of the loan; provided,  
25 however, that any such association may permit the borrower to with-  
26 draw all or portions of the credits to such pledged shares periodically,  
27 or whenever specified amounts have been accumulated thereon, and  
28 apply the proceeds thereof as partial payments on such loan, or to  
29 withdraw for such other purposes as may be approved by its board  
30 of directors. Shares of stock subscribed for and pledged as above  
31 provided and payments made thereon and dividends credited thereto  
32 shall in no event be liable for losses sustained by the association and  
33 in case of liquidation of the association such payments and dividends  
34 shall be offset against and credited to reduce the borrower's indebt-  
35 edness.

36 "(d) Each loan secured by lien on real estate or by both real estate  
37 lien and association's stock shall provide for amortization of all the

38 principal within a period of not to exceed fifteen years and shall be  
39 secured by a first mortgage on real estate consisting of residence prop-  
40 erty or combination of residence and business property, and no such  
41 loan shall be made in excess of twenty thousand dollars; provided,  
42 however, that not to exceed ten per cent of an association's assets  
43 may be loaned to members on the security of other improved real es-  
44 tate and without regard to said twenty thousand dollars limitation.  
45 Real estate securing loans shall be situated in the county in which the  
46 principal place of business of the association is located, or in counties  
47 immediately adjoining or abutting on such county. No real estate  
48 loans shall be made except upon written signed appraisal reports made  
49 by two or more competent persons selected by the association's board  
50 of directors, either from or outside its membership, and such loans  
51 shall not, when made, exceed seventy-five per cent of such appraised  
52 value, and all loans must be approved by the board of directors, or a  
53 committee thereof, and record made of such approvals; provided,  
54 however, that loans insured by the Federal Housing Administration  
55 may be made not in excess of eighty per cent of such appraised value  
56 and for periods not to exceed twenty years. Loans made before this  
57 act takes effect shall not be affected by its requirements.

58 "(e) If an association holds a first mortgage loan on real estate it  
59 may make an additional loan or loans on the security of an additional  
60 first lien mortgage or mortgages on the same property, provided the  
61 aggregate unpaid principal of such mortgages does not exceed the per-  
62 centage of the appraised value of the real estate authorized by law.

63 "(f) Loans may also be made upon the security of the pledges of  
64 shares of the stock of the lending association held by the borrower, but  
65 shall not be made in excess of ninety per cent of the fair value of such  
66 pledged shares. No stock loans shall be made when applications for  
67 withdrawals have been on file and unpaid for more than sixty days  
68 because of lack of available funds, unless specifically authorized by the  
69 board of directors.

70 "(g) Every such association shall at all times have a lien upon the  
71 stock of a member as security for repayment of money loaned him  
72 and as security for his other indebtedness to the association and such  
73 lien shall attach and continue without assignment or pledge to or  
74 possession by the association of any stock certificate evidencing such  
75 stock ownership. Such lien may be enforced to satisfy any past due  
76 indebtedness by charging such indebtedness to the debtor's share  
77 credits.

78 "(h) A borrowing member shall not without permission of the  
79 board of directors be permitted to offset against his indebtedness to  
80 such association any stock of the association acquired directly or in-  
81 directly from other members.

82 "(i) The rate or rates of interest, premium, commission and other  
83 fees to be charged on loans made by such associations and the bases  
84 on which different interest rates and charges shall be determined shall  
85 from time to time be fixed by the by-laws of the association, but in-  
86 terest charged shall not exceed the maximum interest rate authorized  
87 by law.

88 "(j) The notes evidencing all loans shall be in non-negotiable form.

89 "(k) Any borrower not holding or subscribing for stock shall never-  
90 theless be a member of such association and shall be entitled to one  
91 vote at any shareholders' meeting."

1 SEC. 4. Any such association may invest an amount not to exceed  
2 five per cent of its paid in capital stock in unincumbered real estate  
3 for use wholly or partly as its business office.

1 SEC. 5. Section nine thousand three hundred thirty-three (9333),  
2 code, 1935, is hereby amended to read as follows:

3 "It shall be the duty of the secretary of every such association doing  
4 business in this state, before the 15th day of February of each year, to  
5 prepare and mail to each shareholder a written or printed copy of its  
6 statement of assets and liabilities as of the date of its annual closing  
7 of its books for the preceding year, or in lieu of mailing such state-  
8 ment it may be published in a newspaper of general circulation pub-  
9 lished at the place of its home office, or if a newspaper is not published  
10 at such place, then such statement may be published in any news-  
11 paper of general circulation published in the county in which the home  
12 office is situated."

1 SEC. 6. Section nine thousand three hundred nineteen (9319),  
2 code, 1935, is hereby amended to read as follows:

3 "The officers and employees of any domestic building and loan or  
4 savings and loan association who sign or indorse checks or handle  
5 any funds or securities of such association shall give such bonds or  
6 fidelity insurance as the board of directors may require; and no such  
7 officer shall be deemed qualified to enter upon the duties of his office  
8 until his bond is approved by the board of directors and by the auditor  
9 of state. Such bonds shall be deposited and filed with the auditor of  
10 state. Such associations may in connection with obtaining such bonds  
11 or insurance acquire and hold membership in mutual insurance or  
12 bonding companies."

1 SEC. 7. Section nine thousand three hundred forty-eight (9348),  
2 code, 1935, is hereby amended by striking out subdivisions numbered  
3 5 and 6, thereof, and substituting in lieu thereof the following:

4 "5. Associations with assets in excess of eight hundred thousand  
5 dollars, one and one half per cent."

1 SEC. 8. Section nine thousand three hundred eighty-two (9382),  
2 code, 1935, is hereby amended by striking out subdivision 5 thereof  
3 and renumbering 6 and 7 to 5 and 6 respectively.

1 SEC. 9. Section twelve thousand seven hundred seventy-two  
2 (12772), code, 1935, is hereby amended by striking out the period at  
3 the end of paragraph numbered 10 thereof and adding the following:

4 "and in shares of federal savings and loan associations organized  
5 under the laws of the United States of America."

1 SEC. 10. Section nine thousand three hundred fifteen (9315), code,  
2 1935, is hereby repealed and there is enacted in lieu thereof the fol-  
3 lowing:

4 "(a) The proposed articles of incorporation for any proposed new  
5 association, together with proposed by-laws, shall be presented to the  
6 auditor of state and by him submitted to the executive council and if  
7 it finds that they are in conformity with the law and based upon a  
8 plan equitable in all respects to its members, and further finds from  
9 the best sources at its command and from such investigation as it may  
10 deem necessary, that the proposed incorporators are persons of good

11 character, ability and responsibility ; that a reasonable necessity exists  
12 for such new institution in the community to be served ; that it can  
13 be established and operated without undue injury to existing local  
14 thrift and home financing institutions and that the proposed name of  
15 such institution is not similar to that of any other association operat-  
16 ing in the same community and is not misleading or deceitful, the ex-  
17 ecutive council shall attach thereto its certificate of approval and enter  
18 its approval of record, and thereupon such articles of incorporation  
19 shall be recorded in the office of the secretary of state and in the office  
20 of the recorder of the county in which the association's principal place  
21 of business is to be situated and then be filed in the office of the auditor  
22 of state who shall issue a certificate authorizing the association to  
23 transact business as a building and loan association.

24 " (b) If the executive council does not affirmatively find as to each  
25 and all of the said requirements it shall enter its disapproval of record  
26 together with a statement of its findings and conclusions and a certifi-  
27 cate of incorporation shall not be issued. Upon such disapproval the  
28 executive council shall, by registered mail, notify one, or all, of the  
29 proposed incorporators of its disapproval together with the reasons  
30 for such disapproval, and thereupon, the proposed incorporators, if  
31 not satisfied with such action, may within sixty days after the mail-  
32 ing of such notice appeal to the district court of Iowa in and for the  
33 county in which the principal place of business of the proposed as-  
34 sociation is to be located from such findings and disapproval by serv-  
35 ing a notice of such appeal upon the auditor of state, setting forth in  
36 general terms the decision appealed from and the grounds of the ap-  
37 appeal and by filing with the clerk of the said court, within such sixty  
38 days, a duly verified petition stating the facts and the grounds of com-  
39 plaint and having attached thereto a copy of the proposed articles of  
40 incorporation and by-laws and a copy of the findings and conclusions  
41 of the executive council. Such appeal shall be triable as a mandamus  
42 proceeding in equity and the findings and decisions of the executive  
43 council shall be binding upon the court unless overcome by clear and  
44 convincing proof. Any party aggrieved by the order, judgment or  
45 decree of the court may appeal therefrom to the supreme court of  
46 Iowa."

1 SEC. 11. Sections nine thousand three hundred forty-seven (9347)  
2 and nine thousand three hundred fifty (9350), code, 1935, are hereby  
3 repealed and the following enacted in lieu thereof:

4 "After making such provision as it deems advisable for absorbing  
5 immediate and possible future losses, the board of directors of such  
6 association shall annually, semi-annually or quarterly declare and ap-  
7 portion as a dividend to members, according to its articles of incor-  
8 poration, such portion of the association's net profits as it may deem  
9 available."

1 SEC. 12. All laws and parts of laws in conflict with this act are  
2 hereby repealed.

1 SEC. 13. If any section, subsection, clause, sentence or phrase of  
2 this act is for any reason held to be unconstitutional and invalid, such  
3 decision shall not affect the validity of the remaining portions of this  
4 act.

1 SEC. 14. This act being deemed of immediate importance shall be  
 2 in full force and effect after its passage and publication in Algona  
 3 Upper Des Moines, a newspaper published at Algona, Iowa, and the  
 4 Cedar Rapids Gazette, a newspaper published at Cedar Rapids, Iowa.

House File 155. Approved April 3, 1937.

I hereby certify that the foregoing act was published in the Cedar Rapids Gazette,  
 April 6, 1937, and the Algona Upper Des Moines, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 221

### BUILDING AND LOAN ASSOCIATIONS

S. F. 60

AN ACT to amend section nine thousand three hundred thirty (9330) of the code of  
 1935, all relating to the issue of stock or shares by the state building and loan  
 associations.

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

1 SECTION 1. Section nine thousand three hundred thirty (9330) of  
 2 the code of 1935 is amended by adding the following language after  
 3 the period following the word "assets":

4 "This limitation on the issue of stock shall not apply to shares issued  
 5 to the Home Owners' Loan Corporation or to any other governmental  
 6 agency or instrumentality".

1 SEC. 2. This act being deemed of immediate importance shall be  
 2 in full force and effect after its publication in the Ottumwa Courier,  
 3 a newspaper published at Ottumwa, Iowa, and the Fredericksburg  
 4 News, a newspaper published at Fredericksburg, Iowa.

Senate File 60. Approved February 25, 1937.

I hereby certify that the foregoing act was published in the Ottumwa Courier, Febru-  
 ary 27, 1937, and the Fredericksburg News, March 4, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 222

### UNFAIR DISCRIMINATION

H. F. 57

AN ACT to amend section ninety-eight hundred eighty-five (9885) of the code of 1935,  
 relating to unfair discrimination, so as to include in the application thereof "com-  
 mercial services".

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

1 SECTION 1. That section ninety-eight hundred eighty-five (9885)  
 2 of the code of 1935, be amended by adding after the word "commerce"  
 3 in the sixth (6th) line thereof, the following words: "or commer-  
 4 cial services excepting those, the rate of which is now subject to con-  
 5 trol of cities or towns or other governmental agency".

1 SEC. 2. Further amend section ninety-eight hundred eighty-five  
 2 (9885) by adding after the word "commodity" in line ten (10), the

3 words "or commercial services excepting those, the rate of which is  
4 now subject to control of cities or towns or other governmental  
5 agency".

1 SEC. 3. Futher amend section ninety-eight hundred eighty-five  
2 (9885) by adding after the word "commodity" in line twelve (12)  
3 "or commercial services excepting those, the rate of which is now sub-  
4 ject to control of cities or towns or other governmental agency".

1 SEC. 4. Further amend section ninety-eight hundred eighty-five  
2 (9885) by adding after the word "allowance" in line sixteen (16)  
3 the following:  
4 "in case of telephone service for the difference in the cost of fur-  
5 nishing service in different localities, and in the case of commodities  
6 and commercial services other than telephone service,".

1 SEC. 5. This act being deemed of immediate importance shall be  
2 in force and effect from and after its passage and publication as pro-  
3 vided by law in the Allerton News, a newspaper published at Allerton,  
4 Iowa, and the Russell Union Tribune, a newspaper published at Rus-  
5 sell, Iowa.

House File 57. Approved April 10, 1937.

I hereby certify that the foregoing act was published in the Allerton News, April 15,  
1937, and the Russell Union Tribune, April 15, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 223

### SALES, CONDITIONAL

#### S. F. 140

AN ACT to amend section ten thousand sixteen (10016), code 1935, relating to sales  
contracts and leases wherein the transfer of title or ownership of personal property  
is made to depend upon a condition, and to the recording or filing of such contracts.

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

1 SECTION 1. Section ten thousand sixteen (10016), code 1935, is  
2 amended by striking from the last four (4) lines thereof the following  
3 words, to wit:  
4 "recorded or filed and such instrument or a true copy thereof be  
5 deposited the same as chattel mortgages",  
6 and by inserting in lieu of said stricken words the following, to wit:  
7 "such instrument or a true copy thereof is duly recorded by, or filed  
8 and deposited with, the recorder of deeds of the county where the  
9 vendee or lessee resides if he be a resident of this state at the time  
10 of the execution of the instrument; but if he be not such a resident,  
11 then of the county where the property is situated at that time."

Senate File 140. Approved May 1, 1937.



## CHAPTER 224

## DISOBEDIENCE OF DIVORCE DECREE

S. F. 6

AN ACT to amend section ten thousand four hundred eighty-two (10482) of chapter 471 of the 1935 code of Iowa, relating to divorce and providing for a penalty for willful disobedience of decree of court.

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

1 SECTION 1. Amend section ten thousand four hundred eighty-two  
2 (10482) of the 1935 code of Iowa by striking the period (.) at the  
3 end of line four (4) of said section, and inserting in lieu thereof the  
4 following: "and be committed to the county jail for a period of time  
5 not to exceed thirty (30) days for each offense."

Senate File 6. Approved March 15, 1937.

## CHAPTER 225

## MUNICIPAL COURT

S. F. 51

AN ACT to amend section 10653 of the code of Iowa, 1935, providing for the rotation of the names of candidates for the various officers on the municipal court judiciary ballot.

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

1 SECTION 1. Section 10653 of the code of Iowa, 1935, is hereby  
2 amended by striking from lines 10 and 11 of said section the words  
3 "in alphabetical order"; by placing a period following the word  
4 "designation" in line 12 of said section; by striking the word "and"  
5 from line 12 of said section; and by capitalizing the letter "t" in the  
6 word "the" in line 12 of said section.

1 SEC. 2. Section 10653 of the code of Iowa, 1935, is further amended  
2 by adding to said section the following paragraph: "The names of all  
3 candidates for an office shall be arranged and printed on primary and  
4 general election ballots as follows: All precincts shall be arranged  
5 in numerical order. The surnames of all candidates for an office shall,  
6 for the first precinct in the list, be alphabetically arranged; thereafter  
7 for each succeeding precinct the name appearing first in the last pre-  
8 ceding precinct shall be placed last so that the name that was second  
9 before the change shall be first after the change."

Senate File 51. Approved May 1, 1937.

## CHAPTER 226

## STATE PRINTING BOARD

H. F. 398

AN ACT to amend section eleven thousand one hundred six (11106), code, 1935, relating to the duties of the state printing board.

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

1 SECTION 1. Amend section eleven thousand one hundred six (11106),  
 2 code, 1935, by striking all of said section after the word "type" in line  
 3 seven (7), and inserting in lieu thereof the following:  
 4 "In case of controversy or doubt regarding measurements, said con-  
 5 troversy shall be referred to the state printing board, and its decision  
 6 shall be final."

House File 398. Approved May 1, 1937.

## CHAPTER 227

## CONTEMPTS

S. F. 139

AN ACT to repeal section twelve thousand five hundred forty-three (12543), code 1935, and to enact a substitute therefor, relating to the punishment for contempts.

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

1 SECTION 1. Section twelve thousand five hundred forty-three  
 2 (12543), code 1935, is hereby repealed and the following is enacted  
 3 in lieu thereof, to wit:  
 4 "12543. Punishment. The punishment for contempt, where not  
 5 otherwise specifically provided, shall be:  
 6 1. In the supreme court, by a fine not exceeding one thousand dollars  
 7 (\$1,000) or by imprisonment in a county jail not exceeding six (6)  
 8 months, or by both such fine and imprisonment.  
 9 2. In all other courts of record, by a fine not exceeding five hundred  
 10 dollars (\$500) or by imprisonment in a county jail not exceeding six  
 11 (6) months, or by both such fine and imprisonment.  
 12 3. In all other courts, by a fine not exceeding ten dollars (\$10).

Senate File 139. Approved May 1, 1937.

## CHAPTER 228

## VETERANS

S. F. 71

AN ACT to repeal section twelve thousand six hundred forty-four c-fourteen (12644 c-14) code, 1935, and to enact a substitute therefor relating to investment of funds by guardians of veterans.

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

1 SECTION 1. That section twelve thousand six hundred forty-four  
2 c-fourteen (12644 c-14), code, 1935, be and the same is hereby repealed  
3 and the following enacted in lieu thereof:  
4 "Every guardian shall invest the funds of the estate under orders  
5 of the court, in such securities, in which the guardian has no interest,  
6 as authorized by section twelve thousand seven hundred seventy-two  
7 (12772), code, 1935; provided that said investments shall be made up-  
8 on order of the court after notice to the proper office of the veterans'  
9 administration in the manner provided in section twelve thousand six  
10 hundred forty-four c-eleven (12644 c-11), code, 1935."

Senate File 71. Approved Feb. 16, 1937.

## CHAPTER 229

## LARCENY IN THE NIGHTTIME

H. F. 89

AN ACT to amend section thirteen thousand and eight (13008), code, 1935, relating to larceny in nighttime.

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

1 SECTION 1. That section thirteen thousand and eight (13008),  
2 code, 1935, be amended by inserting after the comma, ",", following  
3 the word "building" in line four hereof, the following: "or other con-  
4 struction of any type or character,".

House File 89. Approved April 2, 1937.

## CHAPTER 230

## UNLAWFULLY WEARING MILITARY BADGES

S. F. 86

AN ACT to repeal section thirteen thousand seventy-three (13073), of the code of Iowa, 1935, and to enact a substitute therefor relating to the unlawful wearing, displaying, or use of military badges, buttons, emblems, or insignia and providing a penalty for violation thereof.

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

1 SECTION 1. Section thirteen thousand seventy-three (13073) of the  
2 code, 1935, is hereby repealed and the following is enacted in lieu  
3 thereof, to-wit:

4 "Any person who shall wilfully wear, display or use the insignia or  
 5 rosette of the military order of the Loyal Legion of the United States,  
 6 or wear, display, or use the button, emblem, or insignia of the Grand  
 7 Army of the Republic, the United Spanish American War Veterans, the  
 8 American Legion, the Veterans of Foreign Wars, the Disabled Amer-  
 9 ican Veterans of the World War, or any other organization, or aux-  
 10 iliary thereof, composed of members or former members of the mili-  
 11 tary or naval forces of the United States, or use the same to obtain aid  
 12 or assistance, unless such person is authorized and/or entitled to wear,  
 13 display or use the same under the rules and regulations or constitu-  
 14 tions and by-laws of such organizations, shall be guilty of a misde-  
 15 meanor, and shall be punished by imprisonment\* not exceeding thirty  
 16 days, or fined not to exceed one hundred dollars."

Senate File 86. Approved March 17, 1937.

## CHAPTER 231

### POSSESSION OF GAMBLING DEVICES

#### H. F. 4

AN ACT to amend sections thirteen thousand one hundred ninety-eight (13198), and thirteen thousand two hundred ten (13210), code 1935, relating to the possession of gambling devices.

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

1 SECTION 1. Amend section thirteen thousand one hundred ninety-  
 2 eight (13198) of the Code of Iowa, 1935, by inserting a comma (,)   
 3 after the word "board" in line six (6) thereof and inserting there-  
 4 after the words "slot machine".

1 SEC. 2. Amend section thirteen thousand two hundred ten (13210)  
 2 of the Code of Iowa, 1935, by striking the period (.) at the end of line  
 3 six (6) and inserting the following: "or any other machines used for  
 4 gambling, or any slot machine or device with an element of chance  
 5 attending such operation."

House File 4. Approved April 16, 1937.

\*Note: Place of imprisonment not fixed in the enrolled bill.

CHAPTER 232  
POLITICAL ACTIVITY

S. F. 8

AN ACT to repeal section thirteen thousand three hundred and fifteen (13,315) of the code of 1935 and to enact in lieu thereof an act relating to contributions for political purposes and prohibiting the use of motor vehicles owned by the state of Iowa or by any political subdivision thereof for the transportation of campaign literature or persons engaging either directly or indirectly in a political campaign and prohibiting officers and employees of the state of Iowa from leaving their places of employment and duties for the purpose of soliciting votes or engaging in campaign work and providing penalty for violation thereof.

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

1 SECTION 1. Section thirteen thousand three hundred and fifteen  
2 (13,315) of the Code of Iowa of 1935 is hereby repealed and the fol-  
3 lowing is enacted in lieu thereof:

4 "It shall be unlawful for any person or political organization either  
5 directly or indirectly to solicit or demand from any member of the  
6 board of control or any employee of any commission, board or agency  
7 created under the statutes of Iowa, any contribution of money or any  
8 other thing of value for election purposes or for the purpose of paying  
9 expenses of any political organization or any person seeking election  
10 to public office."

1 SEC. 2. It shall be unlawful for any person or political organization  
2 to use any funds donated by a non-resident person, firm, or corpora-  
3 tion for the purpose of conducting a campaign for political office.

1 SEC. 3. It shall be unlawful for any person to use or permit to be  
2 used any motor vehicle owned by the state of Iowa or any political  
3 subdivision thereof for the purpose of transporting any political litera-  
4 ture or any person or persons engaging in a political campaign for any  
5 political party or any person seeking an elective office.

1 SEC. 4. It shall be unlawful for any state officer, any state appoint-  
2 ive officer, or state employee to leave the place of his or her employment  
3 or the duties of his or her office for the purpose of soliciting votes or  
4 engaging in campaign work during the hours of employment of any  
5 such officer or employee.

1 SEC. 5. The provision of this act shall not be construed as prohibit-  
2 ing any such officer or employee who is a candidate for political office  
3 to engage in campaign at any time or at any place for himself.

1 SEC. 6. Any person who violates any provision of this act shall be  
2 guilty of misdemeanor and shall be punished accordingly.

Senate File 8. Approved May 18, 1937.

## CHAPTER 233

## PRISON BREAK—BREAKING JAIL—ESCAPE

S. F. 76

AN ACT to amend section thirteen thousand three hundred fifty-two (13352) of the code of Iowa, 1935, relative to escapes.

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

1 SECTION 1. Section thirteen thousand three hundred fifty-two  
2 (13352) of the Code of Iowa, 1935, is hereby amended by inserting be-  
3 tween the comma and the word "it" in line three (3) of said section  
4 the following: "or section 13358,".

Senate File 76. Approved April 2, 1937.

## CHAPTER 234

## PROCESS, LEGAL

H. F. 211

AN ACT to permit the service of process upon a non-resident who is attending a trial to defend in a criminal action pending against him in the state of Iowa, and providing that the rule shall apply to cases now pending.

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

1 SECTION 1. That any defendant in any criminal action pending or  
2 to be brought in any court in the state of Iowa may be served with  
3 process, either civil or criminal, in any other action pending or to be  
4 brought against him in the courts of this state while he is present  
5 in this state, either voluntarily or involuntarily.

1 SEC. 2. The provisions of this act shall apply to cases pending in  
2 the courts of this state which are yet undisposed of in which service  
3 of process has been made upon any party thereto who is a non-resident  
4 of the state while present within the state as a defendant in any crimi-  
5 nal action in any court within the state of Iowa, whether such presence  
6 was voluntary or involuntary, and the service of all such processes shall  
7 have the same validity as if this statute had been enacted prior to the  
8 service thereof.

1 SEC. 3. 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 Clear Lake Mirror, a newspaper published at Clear Lake, Iowa,  
4 and The Mason City Globe Gazette, a newspaper published at Mason  
5 City, Iowa.

House File 211. Approved May 7, 1937.

I hereby certify that the foregoing act was published in the Clear Lake Mirror June 3, 1937, and the Mason City Globe-Gazette, June 2, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## MISCELLANEOUS ACTS

### CHAPTER 235

#### STATE PLANNING BOARD

##### S. F. 212

AN ACT to create a state planning board, to prescribe its powers and duties and to amend section three hundred two (302), code, 1935.

WHEREAS, both the several states and the nation are recognizing the importance of state planning as a technical instrument of democratic government, as witnessed by the creation of statutory planning boards in a majority of the several states and by the growing dependence of federal agencies on state planning boards for unbiased aid in public works and other programs for the common good, and

WHEREAS, an unofficial state planning board has demonstrated the value of a permanent, non-partisan agency applying the best available technical talent and directing public interest toward a better understanding of the problems of preservation and utilization of the physical, social and economic resources of Iowa, now therefore

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

1 SECTION 1. Creation of board—membership. There is hereby  
2 created a state planning board. Said board shall be composed of ten  
3 (10) regular members as follows: the state geologist, the state com-  
4 missioner of public health, the state superintendent of public instruc-  
5 tion, one (1) member appointed by the president of the state college  
6 from the faculty of the division of agriculture, one (1) member ap-  
7 pointed by the president of the state university from the faculty of  
8 the college of commerce, one (1) member appointed by the state high-  
9 way commission, one (1) member appointed by the state conservation  
10 commission, and three (3) members appointed by the governor, one  
11 of whom shall be the chairman of the Greater Iowa Commission. The  
12 state planning board may, from time to time, after its organization,  
13 appoint to membership on said board, for one-year terms, persons  
14 deemed by the board to have special qualifications for furthering its  
15 work, provided, however, that the membership of said board shall not  
16 at any time exceed fifteen (15) members.

1 SEC. 2. Term of regular appointees. The term of office of the  
2 regular members appointed by the governor shall be for three (3)  
3 years, except that in the first instance the governor shall forthwith  
4 appoint one (1) member to serve until July 1, 1938, one (1) member  
5 to serve until July 1, 1939, and one (1) member to serve until July 1,  
6 1940. The term of office of the other regular appointees shall be at  
7 the pleasure of the appointing agencies.

1 SEC. 3. Organization—office. The board shall adopt its own rules  
2 for the transaction of its business, and shall keep a record of its reso-  
3 lutions, transactions, findings and determinations, which record shall  
4 be a public record.

1 SEC. 4. Compensation of board. The members of the board shall  
2 receive no compensation for the performance of their official duties,

3 but shall be repaid the actual, reasonable and necessary expenses con-  
 4 tracted by them in the discharge of their official duties. In the case of  
 5 officers or employees of other state agencies, no deduction shall be  
 6 made from their salaries as such, by reason of their service as mem-  
 7 bers of this board.

1 SEC. 5. Staff. The board shall appoint all assistants necessary to  
 2 carry on the work of the board, define their duties, fix their compensa-  
 3 tion and provide for necessary bonds and the amounts thereof. The  
 4 term of employment of such assistants may be terminated by the board  
 5 at any time and for cause.

1 SEC. 6. Expenditures. The board is authorized and empowered to  
 2 accept and use any and all funds provided by any agency of the United  
 3 States government or by any other public or private source for such  
 4 purposes. However, neither the said board nor its employees shall  
 5 have the authority to obligate the state of Iowa for the payment of  
 6 any sum of money.

1 SEC. 7. Duties and powers. The duties and powers of the board  
 2 shall be as follows:

3 1. To make inquiries and surveys concerning the physical, social  
 4 and economic resources of all sections of the state, and formulate plans  
 5 and make recommendations as to the best methods of utilization and  
 6 preservation of said resources.

7 2. To make available to the governor and general assembly such  
 8 information and research service as they may request to assist in pre-  
 9 paring legislation for advancing the welfare of the state.

10 3. To advise with the various state departments and agencies with  
 11 a view toward the coordination of all physical development plans re-  
 12 lated to state activities.

13 4. To assemble, prepare and maintain an up-to-date file of base  
 14 maps of the state and of the various subdivisions thereof.

15 5. To file basic data and records obtained by the board and pertain-  
 16 ing to land records in the state land office, which office shall be the  
 17 custodian of said data and records. The land office shall be furnished  
 18 a copy of each base map prepared.

19 6. To advise with county and municipal agencies for the purpose  
 20 of assisting county and municipal planning and zoning.

21 7. To report the activities and findings of the board to the governor  
 22 and the legislature not later than December 1st of each year, and also  
 23 to report the expenditure of all money allotted to the said board and  
 24 the said report shall include a list of all employees employed by the  
 25 said board and the salaries and expenses of said employees.

1 SEC. 8. Section three hundred two (302), of the code, 1935, is  
 2 hereby amended by inserting immediately after paragraph thirty-nine  
 3 (39) the following, to wit:

4 "40. State Planning Board."

1 SEC. 9. Partial invalidity. Should any section or provision of this  
 2 act be held invalid, such holding shall not affect the validity of the  
 3 remaining portions of the act.

1 SEC. 10. Publication clause. This act being deemed of immediate  
 2 importance shall be in full force and effect from and after its passage



3 and publication in The Northwood Anchor, a newspaper published in  
4 Northwood, Iowa, and in the Tipton Conservative, a newspaper pub-  
5 lished in Tipton, Iowa.

Senate File 212. Approved April 14, 1937.

I hereby certify that the foregoing act was published in the Northwood Anchor, April 22, 1937, and the Tipton Conservative, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 236  
MONROE COUNTY

S. F. 104

AN ACT to make permanent certain temporary transfers of certain funds of Monroe county, Iowa, made by authority of the state comptroller of Iowa.

WHEREAS, on application of the board of supervisors of Monroe county, Iowa, the state comptroller of the state of Iowa on November 27, 1934, authorized and approved a temporary transfer of ten thousand (\$10,000.00) dollars, from the county bond fund of said county to the county fund of said county, which transfer was duly made, and

WHEREAS, on application of the board of supervisors of Monroe county, Iowa, the state comptroller of the state of Iowa did on the 29th day of November, 1935, authorize and approve a temporary transfer of six thousand (\$6,000.00) dollars, from the state insane fund to the county fund of said county, which transfer was duly made, and

WHEREAS, on application of the board of supervisors of Monroe county, Iowa, the state comptroller of the state of Iowa, did on the 27th day of January, 1936, authorize and approve a temporary transfer of two thousand (\$2,000.00) dollars from the state insane fund of said county to the county fund of said county, which transfer was duly made, and

WHEREAS, the maximum tax levy for the county fund of said county has been insufficient to raise sufficient funds to return the above sums transferred from each of the funds, and

WHEREAS, each the state insane fund of said county and the county bond fund have not required the sum so transferred, and it now appears that said sums will not be required by either of said funds; therefore,

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

1 SECTION 1. The temporary transfer of ten thousand (\$10,000.00)  
2 dollars, from the county bond fund of Monroe county, Iowa, to the  
3 county fund of said county, approved by the state comptroller of the  
4 state of Iowa of date November 27, 1934, and duly made, is hereby  
5 made a permanent transfer.

1 SEC. 2. The temporary transfer of six thousand (\$6,000.00) dol-  
2 lars, from the state insane fund of Monroe county, Iowa, to the county  
3 fund of said county, approved by the state comptroller of the state  
4 of Iowa of date November 29, 1935, and duly made, is hereby made a  
5 permanent transfer.

1 SEC. 3. The temporary transfer of two thousand (\$2,000.00) dol-  
2 lars, from the state insane fund of Monroe county, Iowa, to the county

3 fund of said county, approved by the state comptroller of the state of  
4 Iowa of date January 27, 1936, and duly made, is hereby made a per-  
5 manent transfer.

1 SEC. 4. This act being deemed of immediate importance shall take  
2 effect and be in full force from and after its publication in the Albia  
3 Union Republican, a newspaper published at Albia, Iowa, and in the  
4 Lovilia Press, a newspaper published at Lovilia, Iowa. Both of said  
5 publications to be without expense to the state.

Senate File 104. Approved March 24, 1937.

I hereby certify that the foregoing act was published in the Albia Union Republican  
April 1, 1937, and the Lovilia Press, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 237

### MONROE COUNTY

H. F. 150

AN ACT authorizing Monroe county, Iowa, to pay claim of Cyrus Hall against second-  
ary road maintenance fund.

WHEREAS, on February 3, 1936, Cyrus Hall gave his written consent to  
Monroe county, Iowa, and its board of supervisors to enter upon a farm  
owned by the said Cyrus Hall, and remove therefrom such stone as said  
Monroe county, Iowa, might deem fit and necessary for the surfacing of  
the secondary roads of Monroe county, Iowa, and

WHEREAS, said consent further stated that the said Cyrus Hall did take  
and accept for said stone the actual value per cubic yard of said material;  
said actual value to be determined by representatives of the Iowa State  
Highway Commission, and

WHEREAS, said Monroe county, Iowa, did enter upon said premises and  
take therefrom, fifteen thousand two hundred ninety-two and one-seventh  
cubic yards (15,292 1/7) of stone between the 3rd day of February, 1936,  
and the 1st day of January, 1937, and

WHEREAS, the Iowa State Highway Commission fixed the actual value  
per cubic yard of said stone at seven cents, (7c), and

WHEREAS, during the time from February 3, 1936, to January 1, 1937,  
inclusive, the said Cyrus Hall was a member of the Board of Supervisors  
of Monroe county, Iowa, and

WHEREAS, the said Cyrus Hall has filed a claim with the county auditor  
of Monroe county, Iowa, for the sum of one thousand seventy dollars and  
forty-five cents (\$1,070.45), and

WHEREAS, it now appears that the said claim is just and equitable, and  
that the board of supervisors is without authority to allow the same, there-  
fore,

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

1 SECTION 1. That the board of supervisors of Monroe county, Iowa,  
2 is hereby authorized and directed to allow the claim of Cyrus Hall,  
3 filed with the county auditor of Monroe county, Iowa, in the sum of

4 one thousand seventy dollars and forty-five cents, (\$1,070.45), which  
5 is the actual value of stone taken from a farm owned by the said Cyrus  
6 Hall, by Monroe county, Iowa.

1 SEC. 2. That the county auditor of Monroe county, Iowa, is hereby  
2 authorized to issue a warrant in payment of said claim.

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 Albia  
3 Union Republican, a newspaper published at Albia, Iowa, and in the  
4 Lovilia Press, a newspaper published at Lovilia, Iowa, both of said  
5 publications to be without expense to the state.

House File 150. Approved March 17, 1937.

I hereby certify that the foregoing act was published in the Albia Union Republican,  
March 25, 1937, and the Lovilia Press, March 25, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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## CHAPTER 238

### RADIO BROADCASTING STATIONS

#### H. F. 302

AN ACT in relation to the civil liability of owners, lessees, licensees and operators of  
radio broadcasting stations and the agents and employees of any such owner, lessee,  
licensee or operator, for radio defamation.

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

1 SECTION 1. The owner, lessee, licensee or operator of a radio  
2 broadcasting station, and the agents or employees of any such owner,  
3 lessee, licensee or operator, shall not be liable for any damages for  
4 any defamatory statement published or uttered in or as a part of a  
5 radio broadcast, by one other than such owner, lessee, licensee or op-  
6 erator, or agent or employee thereof, if such owner, lessee, licensee,  
7 operator, agent or employee shall prove the exercise of due care to  
8 prevent the publication or utterance of such statement in such broad-  
9 cast.

1 SEC. 2. This act shall not be applicable to or affect any cause of  
2 action existing at the time this act becomes effective.

House File 302. Approved May 7, 1937.

**LEGALIZING ACTS****CHAPTER 239****HUMBOLDT, CITY OF****H. F. 414**

AN ACT to legalize the actions of the city council and the city clerk of the city of Humboldt, Iowa, in making expenditures and issuing warrants and/or certificates of indebtedness during the month of December, 1934, and the month of April, 1936, upon the general fund in the sum of eighteen hundred forty-two dollars and twenty-two cents (\$1842.22), upon the water fund in the sum of fourteen hundred seventy dollars and eighteen cents (\$1470.18), upon the grading fund in the sum of one hundred sixty-eight dollars and seventy-nine cents (\$168.79), upon the fire fund in the month of December, 1934, in the sum of thirteen hundred sixty-one dollars and seventy-one cents (\$1361.71), upon the city hall fund in the sum of twenty-nine dollars and sixty-one cents (\$29.61), upon the sewer fund in the sum of twenty-four dollars and ten cents (\$24.10), upon the grading fund in the sum of twenty-seven dollars and eighty-three cents (\$27.83), upon the park fund in the sum of ten dollars and fifteen cents (\$10.15), upon the comfort station fund in the sum of twenty dollars (\$20.00), upon the construction fund in the sum of one dollar and eighty-six cents (\$1.86), making a total of forty-nine hundred thirty-six dollars and forty-five cents (\$4936.45), said warrants and/or certificates being drawn on the said particular funds of such city for indebtedness incurred during the fiscal year beginning on April 1, 1935, and ending on March 31, 1936, except the said warrants and/or certificates of indebtedness drawn on the fire fund in the month of December, 1934, in the sum of thirteen hundred sixty-one dollars and seventy-one cents (\$1361.71), such funds and/or certificates of indebtedness, as thus drawn, creating an excess of the appropriations and anticipated revenues for such fiscal year in each fund, except the said warrants and/or certificates of indebtedness drawn on the fire fund in the month of December, 1934, in the sum of thirteen hundred sixty-one dollars and seventy-one cents (\$1361.71), but such excess not being in the full amount of the total of said warrants and/or certificates of indebtedness as issued against each fund, and to make such warrants and/or certificates of indebtedness a legal, binding and valid obligation of the city of Humboldt, Iowa.

WHEREAS, the Federal Government and the State of Iowa have recognized that there existed an emergency in cities of the State of Iowa due to unemployment during the fiscal year beginning April 1, 1935, and ending March 31, 1936; and

WHEREAS, in the winter of 1936 an emergency did exist in respect to the removal of snow from the streets in the business section in the city of Humboldt, Iowa, in order that the public might generally participate in exchange of trade; and

WHEREAS, the total of said warrants did in fact exceed the anticipated revenues as provided in section sixty-two hundred twenty-three (6223) of the code of Iowa, 1935; and

WHEREAS, on account of the emergency existing, because and on account of unemployment, and because and on account of the unusual and excessive storms and snow, the said city council of Humboldt, Iowa, did cause the removal of the said snow from the said streets of the city of Humboldt, Iowa, the cost of which did cause the expenditure of moneys in excess of the said anticipated revenues; and

WHEREAS, the warrants and/or certificates of indebtedness issued against the fire fund were used in the purchase of fire equipment which is now being used and enjoyed by the citizens of the city of Humboldt, Iowa; and

WHEREAS, the citizens of the city of Humboldt, Iowa, had, and received, and enjoyed the full benefits of such expenditures; and

WHEREAS, each and every warrant issued against the funds as set forth in the title of this act was for the benefit of the general welfare and good of the citizens of Humboldt, Iowa; now, 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 Hum-  
2 boldt, Iowa, in incurring indebtedness during the fiscal year begin-  
3 ning April 1, 1935, and ending March 31, 1936, in excess of budget  
4 appropriations and anticipated revenues for said year and making  
5 expenditures therefor in April, 1936, and issuing warrants in the  
6 month of December, 1934, in the sum of thirteen hundred sixty-one  
7 dollars and seventy-one cents (\$1361.71) against the fire fund, and  
8 the action of the city clerk in issuing warrants and/or certificates to  
9 the amount of forty-nine hundred thirty-six dollars and forty-five  
10 cents (\$4,936.45) upon the several funds on account of the purposes  
11 set forth in the title hereof, be and the same are hereby legalized, and  
12 said warrants are hereby declared to constitute legal, and binding and  
13 valid obligations and evidences of indebtedness of said city.

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 Independ-  
3 ent, a newspaper published at Humboldt, Iowa, and in the Bode Bugle,  
4 a newspaper published in Bode, Iowa, without expense to the state.

House File 414. Approved April 17, 1937.

I hereby certify that the foregoing act was published in the Humboldt Independent, April 27, 1937, and the Bode Bugle, April 30, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 240

### STORM LAKE

#### H. F. 45

AN ACT legalizing ordinance number one hundred and eighty-seven (187) of the city of Storm Lake, Iowa, passed and adopted by the city of Storm Lake, Iowa, January 22, 1937, and published January 26, 1937, which ordinance fixes the maximum rates to be charged by the city of Storm Lake, Iowa, to consumers of water until payment of certain revenue bonds.

WHEREAS, the city of Storm Lake, Iowa, owns and operates its water works plant whereby water is furnished to the inhabitants of the city of Storm Lake, Iowa, from said water works plant, and,

WHEREAS, the city council of the city of Storm Lake, Iowa, did in the year 1936 make extensive improvements to the water works system of the said city and to pay for the same, certain bonds were issued under the provisions of sections sixty-one hundred thirty-four-d one (6134-d1), sixty-one hundred thirty-four-f one (6134-f1), sixty-one hundred thirty-four-f two (6134-f2), sixty-one hundred thirty-four-f three (6134-f3), sixty-one hundred thirty-four-d two (6134-d2), sixty-one hundred thirty-four-d three (6134-d3), sixty-one hundred thirty-four-d four (6134-d4), sixty-one hundred thirty-four-d five (6134-d5), sixty-one hundred thirty-four-d six

(6134-d6) and sixty-one hundred thirty-four-d seven (6134-d7), of the 1935 code of Iowa, and,

WHEREAS, the city of Storm Lake, Iowa, did on the 3rd day of February, A. D. 1936, by resolution number two hundred forty-nine (249) fix a schedule of water rates in section seven of said resolution whereby section seven fixed the maximum rate that might be charged to consumers of water from the city waterworks system while the bonds therein provided for are outstanding, and,

WHEREAS, said maximum rates are inadequate to pay operating expenses, interest on the revenue bonds and to pay said bonds as they mature.

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

1 SECTION 1. That ordinance number one hundred eighty-seven  
2 (187), entitled: An ordinance repealing section twelve of revised or-  
3 dinance number twenty-seven (27), and repealing section one of re-  
4 vised ordinance number one hundred forty-nine (149), and repealing  
5 section seven of resolution number two hundred forty-nine, all of the  
6 above and foregoing ordinances and resolution having been duly  
7 adopted and passed by the city council of the city of Storm Lake, Iowa,  
8 and all of said sections so repealed fixing a schedule of rates to be  
9 charged consumers of water from the waterworks system owned and  
10 operated by the city of Storm Lake, Iowa, and enacting in lieu of the  
11 rates heretofore established and hereby repealed new rates to be  
12 charged to consumers of water from the waterworks system of the  
13 city of Storm Lake, Iowa,

14 Which ordinance was passed by the city council of the city of Storm  
15 Lake, Iowa, on January 22, 1937, be and the same is hereby legalized  
16 and validated and the rates fixed therein as follows, to-wit:

#### SCHEDULE OF RATES

17  
18 The first 10,000 gals. per quarter, 45c per 1000 gals.  
19 The next 40,000 gals. per quarter, 35c per 1000 gals.  
20 The next 100,000 gals. per quarter, 30c per 1000 gals.  
21 The next 350,000 gals. per quarter, 25c per 1000 gals.  
22 The next 1,000,000 gals. per quarter, 20c per 1000 gals.  
23 All over 1,500,000 gals. per quarter, 15c per 1000 gals.  
24 Subject to a minimum rate of \$3.00 per quarter.

25 The foregoing rates are hereby validated, legalized and established  
26 as the maximum rates to be charged by the city of Storm Lake, Iowa,  
27 to consumers until the revenue bonds have been fully paid. Provided,  
28 however, that nothing herein shall be construed as preventing the city  
29 council from fixing a lower rate if they deem advisable.

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 Storm Lake  
3 Pilot-Tribune, a newspaper published in the city of Storm Lake, Iowa,  
4 and in the Storm Lake Register, a newspaper published at Storm Lake,  
5 Iowa, both of said publications and the enactment of this law to be  
6 without expense to the state of Iowa.

House File 45. Approved February 8, 1937.

I hereby certify that the foregoing act was published in the Storm Lake Pilot-Tribune, February 11, 1937, and the Storm Lake Register, February 16, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 241

## CEDAR FALLS, CITY OF

## H. F. 291

AN ACT to legalize and validate the acts and proceedings taken by the city council of the city of Cedar Falls, in Black Hawk county, Iowa, authorizing and providing for the issuance and delivery of refunding bonds of said city and making provision for the levy of taxes to pay the principal of said bonds, together with interest thereon.

WHEREAS, by proceedings heretofore taken, the former town of Cedar Heights and all the territory formerly embraced within the boundaries thereof, being in Black Hawk county, Iowa, has been annexed to and has become a part of the city of Cedar Falls, in Black Hawk county, Iowa, the territory so annexed now constituting the Fifth Ward of said city of Cedar Falls, and

WHEREAS, at the time of such annexation the former town of Cedar Heights was indebted in the sum of at least twenty-nine thousand (29,000) dollars, such indebtedness being represented by its judgment funding bonds bearing interest at the rate of four and one-half (4½) per cent per annum, payable semi-annually, and

WHEREAS, such bonds are still outstanding and unpaid and continue to constitute a valid and legal indebtedness of said former town of Cedar Heights, now payable out of a general unlimited ad valorem tax upon all the taxable property within the boundaries of said former town of Cedar Heights, being now coincident with and identical to the boundaries of the Fifth Ward of said city of Cedar Falls, and

WHEREAS, on the 25th day of January, 1937, for the purpose of refunding at a lower rate of interest twenty-five thousand (25,000) dollars principal amount of the indebtedness represented by such judgment funding bonds of the former town of Cedar Heights, the city council of said city of Cedar Falls did, by resolution, authorize and provide for the issuance and delivery of twenty-five thousand (25,000) dollars refunding bonds, to be dated December 1, 1936, to bear interest at the rate of three and one-half (3½) per cent per annum, payable semi-annually, said refunding bonds to be exchanged for a like principal amount of said judgment funding bonds of said former town of Cedar Heights; and for the purpose of providing funds for the payment of the principal and interest of such refunding bonds as the same shall become due, the city council, for each of the years 1937 to and including 1947, did provide for the levy of a general tax upon all of the taxable property within the boundaries of the Fifth Ward of said city of Cedar Falls, Iowa, from the proceeds of which said refunding bonds shall be solely payable, and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said proceedings and concerning the provisions made for the levy of taxes as aforesaid, and it is deemed advisable to put said doubts and all other doubts which may 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 city coun-
- 2 cil of the city of Cedar Falls, in Black Hawk county, Iowa, authoriz-
- 3 ing and providing for the issuance and delivery of refunding bonds
- 4 of said city, in the principal amount of twenty-five thousand (25,000)

5 dollars, dated December 1, 1936, and making provision for the levy  
6 of taxes upon all of the taxable property within the boundaries of the  
7 Fifth Ward of said city of Cedar Falls, Iowa, for the purpose of pay-  
8 ing the principal and interest of said bonds as the same mature, are  
9 hereby legalized, validated and confirmed, and said refunding bonds  
10 when issued and delivered as contemplated by said proceedings are  
11 hereby declared to be legal and to constitute valid and binding obliga-  
12 tions payable out of taxes levied and/or to be levied upon all of the  
13 taxable property within the boundaries of the Fifth Ward of said city  
14 of Cedar Falls, Iowa.

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 Courier, a newspaper published in the city of Waterloo,  
4 Iowa, and in the Daily News and Waterloo Herald, a newspaper pub-  
5 lished in the city of Cedar Falls, Iowa, all without expense to the state.

House File 291. Approved March 17, 1937.

I hereby certify that the foregoing act was published in the Cedar Falls Daily News  
and Waterloo Herald, March 20, 1937, and the Waterloo Courier, March 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 242

### LEGALIZING ACT

#### S. F. 52

AN ACT to legalize the action of the county board of supervisors of Wapello county, Iowa, in making expenditures and approving claims against the secondary road maintenance fund and construction fund of said county; to make the expenditures and the approving of the claims by the board of supervisors legal, valid and binding obligations of said county; to authorize the county auditor of said county to issue anticipatory warrants in 1937 against the maintenance fund and the construction fund, and to authorize the county treasurer of said county to pay said warrants out of any funds coming into his hands in 1937 and belonging to the secondary road maintenance fund and the construction fund.

WHEREAS, the board of supervisors of Wapello county, Iowa, in the year 1936 incurred indebtedness for items payable from the maintenance fund and the construction fund of said county, and in 1937 allowed and authorized the payment of these claims against the maintenance and construction funds and authorized the county auditor of said county to issue anticipatory warrants against the maintenance and construction funds of said county in payment of said claims.

AND WHEREAS, said expenditures were for the purpose of maintaining roads, bridges, culverts, repairs of machinery and to carry on with the sponsor's share that the county had to pay in order to keep W. P. A. work in progress in Wapello county, Iowa,

AND WHEREAS, the board of supervisors in 1937 authorized the county auditor to pay the expenditures incurred in 1936,

AND WHEREAS, said claims so allowed were bona fide claims against said county and should be paid,

AND WHEREAS, at the time of the incurring of the indebtedness there was no money in the secondary road maintenance fund and the construction fund of said county adequate to pay said indebtedness,



AND WHEREAS, a question has been raised as to the right and authority of the county auditor of said county to write said warrants,

AND WHEREAS, a question has been raised as to the right and authority of the county treasurer of said county to pay said claims out of funds received and paid into the secondary road maintenance fund of said county and the construction fund of said county in the year 1937,

AND WHEREAS, there is no authority for the board of supervisors to incur said indebtedness or to approve said claims, nor is there any authority for the county auditor to issue the warrants in payment of said claims or for the county treasurer to cash said warrants.

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

1 SECTION 1. That the action of the county board of supervisors of  
2 Wapello county, Iowa, in making expenditures and allowing claims  
3 against the secondary road maintenance fund in a sum in excess of  
4 twenty-six thousand dollars (\$26,000) and not to exceed twenty-seven  
5 thousand dollars (\$27,000) and against the construction fund in a  
6 sum in excess of eight thousand (8,000) and not to exceed nine thou-  
7 sand (9,000) dollars is hereby legalized and validated, and said claims  
8 are hereby declared to constitute legal, valid and binding obligations  
9 and indebtedness of said county.

1 SEC. 2. That the proceedings heretofore taken by said county board  
2 of supervisors for the incurring of the expenditures in 1936 in the ap-  
3 proving of the claims in the year 1937 are hereby validated and con-  
4 firmed.

1 SEC. 3. The county auditor of Wapello county, Iowa, is hereby au-  
2 thorized to issue anticipatory warrants out of the secondary road main-  
3 tenance fund and secondary road construction fund of said county.

1 SEC. 4. The county treasurer of Wapello county, Iowa is hereby  
2 authorized to pay said anticipatory warrants out of any funds coming  
3 into his hands in 1937 and belonging to the secondary road mainte-  
4 nance fund of said county and the construction fund of said county.

1 SEC. 5. Nothing in this act shall affect pending litigation.

1 SEC. 6. 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 Democrat And Leader, a newspaper published in Davenport,  
4 Iowa, and the Ottumwa Daily Courier, a newspaper published in Ot-  
5 tumwa, Iowa, without expense to the state of Iowa.

Senate File 52. Approved January 28, 1937.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier, January 30, 1937, and the Davenport Democrat and Leader, February 1, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 243

## APPANOOSE COUNTY

## S. F. 226

AN ACT to legalize the action of the county board of supervisors of Appanoose county, Iowa in making expenditures and approving claims against the general fund of said county; to authorize the county auditor of said county to issue anticipatory warrants in 1937 against the general fund, and to authorize the county treasurer of said county to pay said warrants out of any funds coming into his hands in 1937 and belonging to the general fund of said county.

WHEREAS, the board of supervisors of Appanoose county, Iowa, in the year 1936 incurred indebtedness for items payable from the general fund of said county to the amount of \$19,732.96 in excess of the anticipated revenue from said fund, and in 1937 these claims were refiled and said board allowed and authorized the payment of these claims against the general fund and authorized the county auditor of said county to issue anticipatory warrants against the general fund of said county in payment of said claims; and

WHEREAS, said expenditures were for the purpose of paying county officers salaries and expenses, election expenses, fees of justices of the peace and constables, printing, sheriff's expenses, supplies and repairs, light, heat, water, ice and other ordinary expenses of the county government; and

WHEREAS, said claims so allowed were bona fide claims against said county and should be paid; and

WHEREAS, at the time of the incurring of the indebtedness there was no money in the general fund or emergency fund of said county adequate to pay said indebtedness; and

WHEREAS, a question has been raised as to the right and authority of the county auditor of said county to write said warrants; and

WHEREAS, a question has been raised as to the right and authority of the county treasurer of said county to pay said claims or said warrants out of funds received and paid into the general fund of said county in the year 1937; and

WHEREAS, it appears that there is no authority for the board of supervisors to incur said indebtedness or to approve said claims, and that there is no authority for the county auditor to issue the warrants in payment of said claims, or for the county treasurer to cash said warrants, therefore,

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

1 SECTION 1. That the action of the county board of supervisors of  
2 Appanoose county, Iowa, in making expenditures and allowing claims  
3 against the general fund in 1937 for indebtedness incurred in 1936  
4 in the amount of \$19,732.96 is hereby legalized and validated.

1 SEC. 2. That the proceedings heretofore taken by said county board  
2 of supervisors for the incurring of the expenditures above set out in  
3 the year 1936 and in approving the claims therefor in the year 1937  
4 are hereby validated and confirmed.

1 SEC. 3. The county auditor of Appanoose county, Iowa, is hereby  
2 authorized to issue anticipatory warrants out of the general fund of  
3 said county to an amount necessary to pay said claims and the action

4 heretofore taken by said county auditor as to all such warrants here-  
5 tofore issued is hereby validated and confirmed.

1 SEC. 4. The county treasurer of Appanoose county, Iowa, is hereby  
2 authorized to pay said anticipatory warrants out of any funds coming  
3 into his hands in 1937 and belonging to the general fund of said county.

1 SEC. 5. Nothing in this act shall affect pending litigation.

1 SEC. 6. 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 Centerville Daily Iowegian and Citizen, a newspaper published  
4 at Centerville, Iowa, and the Mystic Sentinel, a newspaper published  
5 at Mystic, Iowa, without expense to the state of Iowa.

Senate File 226. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Centerville Daily Iowegian  
and Citizen, April 6, 1937, and the Mystic Sentinel, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 244

### DUBUQUE—CITY OF

S. F. 193

AN ACT to legalize the actions of the city council and the city auditor of the city of Dubuque, Iowa, in making expenditures and issuing warrants in the month of April, 1936, in the sum of \$20,119.37, said warrants being drawn on the consolidated fund of such city for indebtedness incurred during the fiscal year beginning on April 1, 1935, and ending on March 31, 1936, in excess of appropriations and anticipated revenues for such fiscal year, and to make such warrants a legal, binding and valid obligation of the city of Dubuque, Iowa.

WHEREAS, the federal government and the state of Iowa have recognized that there existed an emergency in the cities of this state due to unemployment during the fiscal year beginning April 1, 1935, and ending March 31, 1936, and, to relieve the same, demand was made upon the city council of the city of Dubuque by the inhabitants thereof that WPA projects be initiated and carried on, the same to be financed partly by federal funds and partly by funds of said city; and

WHEREAS, the city council of the city of Dubuque complied with such demand and, in cooperation with the federal government, set up and carried on WPA projects which are of lasting benefit to said city and the inhabitants thereof, and incurred indebtedness therefor during the fiscal year 1935-1936 in excess of budget appropriations and anticipated revenues of said year; and

WHEREAS, in April, 1936, expenditures were made and warrants were issued by the city auditor of said city against the consolidated fund of said city to pay such indebtedness in the sum of \$13,101.67; and

WHEREAS, the extreme cold weather and heavy snow storms which occurred in Dubuque during the winter of 1935-1936 resulting in the blockading of streets, highways, alleys and sidewalks, and the bursting and freezing of sewers and water mains, creating an emergency which it was necessary to meet in order to protect life and property and save the city from damage suits and to that end indebtedness was incurred during such

winter months in excess of budget appropriations and anticipated revenue for said fiscal year; and

WHEREAS, in April, 1936, expenditures were made and warrants were issued by the city auditor of said city against the consolidated fund thereof to pay such indebtedness in the sum of \$7,017.70; and

WHEREAS, a question has now arisen as to the legality of the action of the city council in incurring such indebtedness and making the expenditures, and the legality of the action of the city auditor in issuing such warrants in April, 1936, for an indebtedness created in the fiscal year beginning April 1, 1935, and ending March 31, 1936; now,

*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 Du-  
2 buque, Iowa, in incurring indebtedness during the fiscal year begin-  
3 ning April 1, 1935, and ending March 31, 1936, in excess of budget  
4 appropriations and anticipated revenues for said year and making  
5 expenditures therefor in April, 1936, and the action of the city auditor  
6 in issuing warrants to the amount of \$20,119.37 upon the consolidated  
7 fund on account of the purposes set forth in the preamble hereof be,  
8 and the same are hereby legalized, and said warrants are hereby de-  
9 clared to constitute legal, binding and valid obligations and evidences  
10 of indebtedness of said city.

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 Telegraph-  
3 Herald, a newspaper published in Dubuque, Iowa, and in the Dubuque  
4 Leader, a newspaper published in Dubuque, Iowa.

Senate File 193. Approved March 20, 1937.

I hereby certify that the foregoing act was published in the Dubuque Telegraph-Herald, March 24, 1937, and the Dubuque Leader, March 26, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 245

### LEGALIZING ACT

H. F. 262

AN ACT to legalize bonds issued by the Independent School District of Hartley, in O'Brien county, Iowa, for the construction of a school building, and to legalize the expenditure of certain funds for the payment of the school building in excess of the amount stated in the ballot used at the election, and the transfer of certain funds from the general fund to the school fund for the purpose of making such expenditure, and to authorize and legalize the issuance of warrants for current expenses in excess of the anticipated income for the fiscal year ending June 30, 1937.

WHEREAS, at an election held on July 8, 1935, the electors of the independent school district of Hartley, in O'Brien county, Iowa, authorized the issuance of bonds of such school district in the sum of sixty-six thousand (66,000) dollars, to be used, together with other funds, for the building and equipping of a school building within said school district, the aggregate cost of which, as stated on the ballot, was not to exceed one hundred thirty thousand (130,000) dollars, to be paid for from the funds derived from the sale of the bonds, from a federal grant, and from funds on hand; and

WHEREAS, said building has since been constructed and paid for at a total cost of one hundred forty-five thousand twenty-six (145,026) dollars and fourteen (14) cents, of which approximately sixty-six thousand (66,000) dollars was derived from the sale of said bonds, sixty-two thousand one hundred (62,100) dollars was derived from a public works administration grant, seven thousand five hundred (7,500) dollars was derived from funds transferred from the general fund to the school building fund with the approval of the state comptroller, and the balance of which was paid from funds previously in the school building fund; and

WHEREAS, the transfer of seven thousand five hundred (7,500) dollars from the general fund to be used for the completion of the school building causes the anticipated necessary expenditures for the current and ordinary expenses of said school district for the fiscal year ending June 30, 1937, to exceed the anticipated income from tax receipts and tuition charges for said fiscal year by approximately seven thousand (7,000) dollars to seven thousand five hundred (7,500) dollars; and

WHEREAS, it is necessary and for the best interests of the school district not to curtail the operation of its schools, but to issue warrants in payment of such current expenses in excess of the anticipated income for the fiscal year ending June 30, 1937; and

WHEREAS, doubt has arisen as to the validity of said bonds, and as to the validity of the transfer and expenditures heretofore set forth, and as to the validity of the acts of the school board in constructing and paying for said school building at a cost greater than the amount stated in said ballot, and as to the validity of issuing such warrants in excess of the amount of anticipated revenue for the fiscal year; therefore

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

1 SECTION 1. The actions of the board of directors of the independent  
2 school district of Hartley, in O'Brien county, Iowa, in issuing such  
3 bonds, hereinbefore described, in the sum of sixty-six thousand  
4 (66,000) dollars, and in making the expenditures, hereinbefore de-  
5 scribed, in the amount of one hundred forty-five thousand twenty-six  
6 (145,026) dollars and fourteen (14) cents for the construction and  
7 equipping of such school building, and in transferring seven thousand  
8 five hundred (7,500) dollars from the general fund to the school build-  
9 ing fund for the purpose of making such payments, are hereby legalized  
10 and validated, and said bonds are hereby declared to constitute legal,  
11 valid, and binding obligations and indebtedness of said school district.

1 SEC. 2. The board of directors of the independent school district of  
2 Hartley, in O'Brien county, Iowa, is hereby authorized to issue war-  
3 rants of said school district for the payment of current expenses of  
4 said school district for the fiscal year ending June 30, 1937, in amounts  
5 not to exceed in the aggregate seven thousand five hundred (7,500)  
6 dollars in excess of the revenue anticipated for such fiscal year from  
7 tax receipts, tuition payment, and other sources, and such warrants  
8 in such amounts, and the issuance thereof, are hereby legalized and  
9 validated, and they are hereby declared to constitute legal, valid, and  
10 binding obligations of said school district.

1 SEC. 3. Nothing in this act shall affect pending litigation.

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,  
 3 without expense to the state, in the Hartley Sentinel, a newspaper pub-  
 4 lished at Hartley, Iowa, and in the O'Brien County Bell, a newspaper  
 5 published at Primghar, Iowa.

House File 262. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Hartley Sentinel, June 17, 1937, and the O'Brien County Bell, Primghar, June 16, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 246  
 TAYLOR COUNTY

S. F. 301

AN ACT to legalize the action of the county auditor and county board of supervisors of Taylor county, Iowa, in making expenditures and issuing warrants in 1929 and 1930 against the county general fund; to make said warrants the legal, valid, and binding obligations of said county and to authorize the county auditor and county treasurer of said county to refund to the members of the board of supervisors and their bondsmen the amounts paid by them to reimburse said county out of the general fund of Taylor county, Iowa.

WHEREAS, the board of supervisors of Taylor county, Iowa, in the years 1929 and 1930 allowed and authorized the payment of certain claims against the said county for extraordinary services in the sum of eight hundred dollars (\$800) as evidenced by warrants number 12,667 and number 12,668, each dated January 3, 1929, and warrant number 452 dated June 10, 1930, and authorizing the county auditor of said county to issue said warrants against the general county fund of said county in payment of said claims; and,

WHEREAS, the county auditor of said county, pursuant to said authority issued warrants against the general county fund of said county in payment of said claims; and,

WHEREAS, said warrants were issued in payment of the claims of the county treasurer and deputy county treasurer for extra and overtime work caused them by reason of an act of the legislature providing for additional work in regard to motor vehicles and the licenses due thereon and providing for the collection by said county of fifty cents (50c) additional to be retained by the county for the purpose of paying extra help; and,

WHEREAS, the then members of the board of supervisors of Taylor county, Iowa, and their bondsmen refunded the amount of said warrants to said county; and,

WHEREAS, the additional work performed by the county treasurer and deputy was necessary and overtime work and if said sum had not been paid to them it would have been paid to other outsiders for the extra and necessary work; and,

WHEREAS, the question was raised as to the right and authority of the county treasurer of said county to pay said warrants out of the general county fund of said county; now therefore,

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

1 SECTION 1. Warrants number 12,667 and number 12,668, issued  
 2 on January 3, 1929, by the county auditor and county treasurer of

3 Taylor county, Iowa, and warrant number 452 issued June 10, 1930,  
4 by the county auditor and the county treasurer of Taylor county, Iowa,  
5 and the action of the board of supervisors of Taylor county, Iowa in  
6 allowing said claims, are hereby legalized and validated and said war-  
7 rants are hereby declared to constitute legal, valid, and binding obli-  
8 gations and indebtedness of said county.

1 SEC. 2. The members of the board of supervisors of Taylor county,  
2 Iowa, in 1929 and 1930, and their heirs and bondsmen shall be reim-  
3 bursed in the sum of eight hundred dollars (\$800) which is the amount  
4 of the refund made by them of the warrants hereinabove legalized and  
5 said proceedings are hereby declared legal and to constitute valid and  
6 binding obligations of said county.

1 SEC. 3. The county auditor of Taylor county, Iowa, is hereby  
2 authorized to issue warrants and the county treasurer of Taylor  
3 county, Iowa, is hereby authorized to pay warrants to the then mem-  
4 bers of the board of supervisors of Taylor county, Iowa, their heirs  
5 and bondsmen, in proportion to the amounts refunded by them in the  
6 sum of eight hundred dollars (\$800) out of the general county fund  
7 of Taylor county, Iowa.

Senate File 301. Approved April 8, 1937.

CHAPTER 247  
LEGALIZING ACT  
S. F. 523

AN ACT to authorize and legalize issuance of warrants by the independent school district of Elkader, in Clayton county, Iowa, in excess of the anticipated income for the fiscal year ending June 30, 1937, made necessary by reason of the loss of equipment and facilities by fire.

WHEREAS, the independent school district of Elkader, Clayton county, Iowa, has been faced with an extreme emergency during the fiscal year commencing July 1, 1936, on account of a fire which destroyed its high school building including text books and equipment; and

WHEREAS, the board of directors of said school district was required by reason of said fire to make the following emergency expenditures during said fiscal year: three thousand (3000) dollars for a temporary building in which to operate the high school; fifteen hundred (1500) dollars for temporary heating equipment for the school buildings; twelve hundred (1200) dollars for the salary of an extra teacher because of inadequate housing facilities; fifteen thousand (15,000) dollars to buy text books and school equipment destroyed by said fire; and

WHEREAS, said board has issued warrants in the amount of twenty thousand seven hundred (20,700) dollars to pay for these emergency expenditures; and

WHEREAS, said warrants will cause the warrants issued by said school districts for said fiscal year to exceed the anticipated revenue for said year by twenty thousand seven hundred (20,700) dollars; and

WHEREAS, it will be necessary for said board to purchase additional equipment in the amount of four thousand (4000) dollars to complete the equip-

ment of the new school building now in process of construction and to issue warrants in payment thereof; and

WHEREAS, question has arisen as to the right and authority of the board to make said expenditures and to issue said warrants; and

WHEREAS, said independent school district will be able to pay said warrants out of revenue which will be collected during the next seven years from tax levies and tuition charges now authorized by law; therefore,

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

1 SECTION 1. The board of directors of the independent school dis-  
2 trict of Elkader, in Clayton county, Iowa, is hereby authorized to issue  
3 warrants of said school district for the payment of current and emer-  
4 gency expenses of said school district for the fiscal year ending June  
5 30, 1937, in amounts not to exceed in the aggregate twenty-four thou-  
6 sand seven hundred (24,700) dollars in excess of the revenue antici-  
7 pated for such fiscal year from tax receipts, tuition payment, and other  
8 sources, and such warrants in such amounts, and the issuance thereof  
9 are hereby legalized and validated, and they are hereby declared to  
10 constitute legal, valid, and binding obligations of said school district.

1 SEC. 2. Said board is hereby authorized to issue new warrants to  
2 procure funds to pay said warrants at the lowest interest rate at which  
3 such warrants can be sold, but not in excess of five percent per anum.

1 SEC. 3. Nothing in this act shall affect pending litigation.

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,  
3 without expense to the state, in the Clayton County Register, a news-  
4 paper published at Elkader, Iowa, and in the North Iowa Times, a  
5 newspaper published at McGregor, Iowa.

Senate File 523. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Clayton County Register, June 16, 1937, and the North Iowa Times, June 17, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 248

### LEGALIZING ACT

H. F. 543

AN ACT legalizing ordinance number thirty-three (33) of the town council of Albert City, Iowa, passed and adopted, April 10, 1937, and published April 15, 1937, which ordinance empowers the town council of Albert City to borrow funds not to exceed ten thousand dollars (\$10,000.00).

WHEREAS, the incorporated town of Albert City, Iowa, owns and operates a water works system furnishing water to the inhabitants of the town of Albert City, Iowa, for consumption and has owned and operated such water works system for many years last past, and,

WHEREAS, said water works system is in need of improvements and repairs, the cost of which shall not exceed ten thousand dollars (\$10,000.00) and that said water works system is now in such condition that the use of



the water for human consumption is unsafe and has been so declared by the state board of health of the state of Iowa, and,

WHEREAS, it is imperative that such improvements and repairs be made immediately to prevent the possible outbreak of epidemic disease and sickness among the inhabitants of the town of Albert City, Iowa, and also to adequately protect the inhabitants and the property of the town of Albert City, Iowa, from fire, and,

WHEREAS, because of the above and foregoing, an emergency exists in the town of Albert City, Iowa, and it is necessary that the town council of the town of Albert City, Iowa, borrow funds immediately to make such improvements and repairs to the water works system.

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

1 SECTION 1. That the town council of the town of Albert City,  
 2 Iowa, be and they are hereby authorized to borrow money not to  
 3 exceed the sum of ten thousand dollars (\$10,000.00) at a rate of inter-  
 4 est not exceeding five per cent (5%) per annum for the purpose of  
 5 making the improvements and repairs to the water works system  
 6 owned and operated by the town of Albert City, Iowa, and that either  
 7 bonds or warrants be issued by the town council to evidence such  
 8 indebtedness owing by the town of Albert City, Iowa. That said bonds  
 9 and/or warrants bear interest at such rate as shall be fixed by the  
 10 town council, not, however, exceeding the sum of five per cent (5%)  
 11 per annum and that they mature at such times as the town council  
 12 may advise, provided, however, that all bonds and all warrants shall  
 13 mature before April 10, 1947. That said bonds or warrants, which-  
 14 ever are issued, shall be signed by the mayor and the town clerk and  
 15 the seal of the incorporated town of Albert City shall be placed thereon.  
 16 That such warrants when issued shall be paid in the manner therein  
 17 fixed and that a levy shall be made each year by the town council of  
 18 the incorporated town of Albert City, Iowa, for a sum sufficient to  
 19 pay all interest upon said bonds or warrants as the interest accrues  
 20 and a levy sufficient to pay the principal of said bonds or interest as  
 21 they mature.

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 Albert  
 3 City Appeal, a newspaper published at Albert City, Iowa, and in the  
 4 Storm Lake Pilot Tribune, a newspaper published at Storm Lake, Iowa,  
 5 both of said publications and the enactment of this law to be without  
 6 expense to the state of Iowa.

House File 543. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Albert City Appeal, June 24, 1937, and the Storm Lake Pilot Tribune, June 24, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 249

## LAND PATENTS

## H. F. 523

AN ACT to legalize and validate the proceedings of the board of supervisors of Hancock county, Iowa, with reference to the conveyance of real estate held for the benefit of the permanent school fund to Orick Rhodes and Viola Rhodes; and to authorize and direct the issuance of a patent to said real estate by the governor and secretary of state.

WHEREAS, prior to May 4, 1932, the board of supervisors of Hancock county held title for the use and benefit of the permanent school fund to the following described real estate, situated in Hancock county, Iowa, to-wit:

South One-half (S.1/2) of the Southwest Quarter (S.W.1/4) of the Southwest Quarter (S.W.1/4) Section thirty-two (32), Township Ninety-four (94), North Range Twenty-three (23), West of the Fifth P.M.

and

WHEREAS, on or about May 4, 1932, the board of supervisors of Hancock county, Iowa, executed and delivered to Orick Rhodes and Viola Rhodes, purchasers, what purported to be a warranty deed to the above described real estate, and

WHEREAS, the grantees in said deed have made valuable improvements on the said property since the purchase of the same and

WHEREAS, doubts have arisen as to the legal sufficiency of the proceedings and as to the authority of the said board of supervisors to execute the said conveyance and it is deemed advisable to put said doubts and all others that may arise, forever at rest; now therefore,

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

1 SECTION 1. That all proceedings taken by the board of supervisors  
2 of Hancock county, Iowa, authorizing the conveyance of real estate  
3 situated in Hancock county, Iowa, described as follows, to-wit:

4 South One-half (S.1/2) of the Southwest Quarter (S.W.1/4)  
5 of the Southwest Quarter (S.W.1/4), Section Thirty-two  
6 (32), Township Ninety-four (94), North Range Twenty-  
7 three (23), West of the Fifth P.M.,

8 and the conveyance thereof to Orick Rhodes and Viola Rhodes, are  
9 hereby legalized, validated and confirmed as transferring to the said  
10 Orick Rhodes and Viola Rhodes, all right, title and interest of Han-  
11 cock county and/or the permanent school fund of the state of Iowa  
12 in and to said real estate.

1 SEC. 2. Upon the receipt by the secretary of state of a proper  
2 certificate of sale executed by the auditor of Hancock county, Iowa,  
3 showing that the full amount of the purchase price has been paid by  
4 said purchasers, the governor and secretary of state are authorized  
5 and directed to issue a patent to the above described real estate to  
6 Orick Rhodes and Viola Rhodes.

1 SEC. 3. Nothing in this act shall be deemed or construed to affect  
2 pending litigation.

1 SEC. 4. This act being deemed of immediate importance, shall take  
 2 effect and be in force from and after its publication in the Britt News  
 3 Tribune, a newspaper published in the city of Britt, Iowa and Leader  
 4 & Signal, a newspaper published in the city of Garner, Iowa.

House File 523. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Britt News Tribune, June 3, 1937, and the Iowa Leader & Signal, Garner, June 2, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 250  
 LEGALIZING ACT

S. F. 50

AN ACT to legalize the election and proceedings relating to the sale and issuance of bonds by the consolidated independent school district of Smithland, Woodbury county, state of Iowa, and the proceedings providing for the levying of an annual tax for the payment of said bonds, and declaring said bonds enforceable obligations of said school district.

WHEREAS, on the 20th day of August, 1935, pursuant to a petition duly presented and notice given, the voters of the Consolidated Independent School District of Smithland, Woodbury county, state of Iowa, held an election at which there was submitted the following proposition: "Shall the Consolidated Independent School District of Smithland, Woodbury county, state of Iowa, construct and equip an addition to the present school house within said district for a gymnasium, and alter and remodel said present schoolhouse in connection with said addition thereto; and contract indebtedness and issue bonds not exceeding the sum of seventeen thousand dollars (\$17,000.00) for the purpose of constructing and equipping an addition to the present schoolhouse within said district, and alter and remodel said present schoolhouse in connection with said purpose; and levy a tax annually upon the taxable property in the said Consolidated Independent School District of Smithland, Woodbury county, state of Iowa, not exceeding three (3) mills per annum for the payment of such bonds and interest thereon"; and

WHEREAS, pursuant to the authority granted by said election the board of directors of said Consolidated Independent School District have completed the construction of the proposed improvement and have issued and sold school building bonds of said district in the amount of nine thousand dollars (\$9,000.00); and

WHEREAS, doubts have arisen as to the legal sufficiency of said ballot and proceedings and as to the authority to issue and sell bonds and to levy and collect taxes sufficient to pay the principal and interest of said bonds as the same will become due, and it is deemed advisable to put said doubts, and all others that may arise, forever at rest; now therefore,

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

1 SECTION 1. That the election and all proceedings taken by the board  
 2 of directors of the Consolidated Independent School District of Smith-  
 3 land, Woodbury county, state of Iowa, for the sale and issuance of  
 4 nine thousand dollars (\$9,000.00) school building bonds of said school  
 5 district, and all proceedings providing for the levy of taxes to pay the

6 principal and interest of said bonds as the same will become due, be,  
 7 and the same are hereby declared to be legal and valid notwithstand-  
 8 ing any irregularity, omission or defect in connection therewith, and  
 9 that said bonds in the amount aforesaid shall be and are hereby de-  
 10 clared to be valid and binding obligations of said school district, and  
 11 said board of directors be and is hereby authorized to levy and collect  
 12 the tax, as provided, sufficient for the payment of the principal and  
 13 interest of said bonds as the same will become due.

1 SEC. 2. This act being deemed of immediate importance shall be-  
 2 come effective upon publication in the Sioux City Tribune, a news-  
 3 paper published at Sioux City, Iowa, and the Smithland News, a news-  
 4 paper published at Smithland, Iowa, both of said publications to be  
 5 without expense to the state.

Senate File 50. Approved February 16, 1937.

I hereby certify that the foregoing act was published in the Smithland News, Febru-  
 ary 18, 1937, and the Sioux City Tribune, February 19, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 251

### LEGALIZING ACT

#### S. F. 7

AN ACT to legalize execution sales made by execution officers who have failed to make required entries and endorsements on the execution and have failed to give notice to select homesteads and have failed to plat or have defectively platted homesteads and who have not properly offered property for such sale as provided by law.

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

1 SECTION 1. That all execution sales heretofore had wherein the exe-  
 2 cution officer has failed to endorse on the execution the day and hour  
 3 when received, the levy, sale or other act done by virtue thereof, with  
 4 the date thereof, the dates and amounts of any receipts or payment in  
 5 satisfaction thereof at the time of the receipt or act done, or has failed  
 6 to endorse thereon, an exact description of the property levied upon at  
 7 length with the date of levy, be and the same are hereby legalized and  
 8 declared to be legal and valid as if all of the provisions of laws as re-  
 9 quired by sections 11664 to 11668-c1, both inclusive, of the code of  
 10 1935 had been in all respects strictly and fully complied with.

1 SEC. 2. That all execution sales of real estate heretofore had in  
 2 which the execution officer has failed to serve notice upon the title-  
 3 holders in possession to select their homestead or has defectively  
 4 served such notice or, having served such notice, has, upon the failure  
 5 of defendants to select a homestead, neglected to plat the same or has  
 6 defectively platted the same, or where said execution officer in such  
 7 sales has offered the property en masse without first offering the same  
 8 in the least legal subdivisions, or where said officer has failed to offer  
 9 property, including the homestead, first separately in least legal sub-  
 10 divisions exclusive of homestead, then offering all property en masse,  
 11 exclusive of the homestead, then offering the homestead separately,  
 12 then offering all of the property for sale, en masse, be and the same are

13 hereby legalized and declared to be legal and valid in all particulars as  
 14 if all of the provisions of the law had been in all respects strictly and  
 15 fully complied with at the time of said acts or said sales.

1 SEC. 3. That nothing in this act shall affect pending litigation, and  
 2 all persons interested in property heretofore sold at execution sales,  
 3 either as lienors or titleholders, shall have a period commencing with  
 4 the effective date of this act and ending sixty days thereafter, within  
 5 which they may bring actions questioning the validity of execution  
 6 sales and irregularities which are covered by the language of this act.  
 7 No such action may be commenced after the expiration of said sixty-  
 8 day period.

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 Creston  
 3 Times, a newspaper published at Creston, Iowa, and the Jasper County  
 4 Mirror, a newspaper published at Newton, Iowa.

Senate File 7. Approved February 12, 1937.

I hereby certify that the foregoing act was published in the Creston Times, February 18, 1937, and the Jasper County Mirror, February 18, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 252

### LAND PATENTS

#### H. F. 540

AN ACT to authorize and direct the governor of the state of Iowa to execute and deliver to Carl A. Pickens and Linnie V. Pickens, husband and wife, a patent to the following described real estate, to-wit:

The east sixty-two (62) feet of lots one (1) and two (2), and the east sixty-two (62) feet of the north one-half ( $N\frac{1}{2}$ ) of lot three (3) in block O, in the town of Sidney, situated in Fremont county, Iowa.

WHEREAS, R. R. Armstrong, county auditor of Fremont county, Iowa, did on the sixteenth day of July, nineteen hundred and twenty-nine, make, execute and deliver a warranty deed to the east sixty-two (62) feet of lots one (1) and two (2), and the east sixty-two (62) feet of the north one-half ( $N\frac{1}{2}$ ) of lot three (3) in block O, in the town of Sidney, Fremont county, Iowa, said property having been acquired by Fremont county, Iowa, by virtue of a sheriff's deed dated November twenty-third, nineteen hundred and twenty-six, from Millard Abshire, sheriff of Fremont county, Iowa, which said deed had for the grantee therein Fremont county, Iowa, and which resulted from the foreclosure of a mortgage held by the state of Iowa for the use and benefit of the school fund of Fremont county, Iowa; and,

WHEREAS, Fremont county, Iowa, by L. O. Clark, chairman of the board of supervisors, did on November twenty-ninth, nineteen hundred and twenty-six, enter into a contract for the sale of said real estate to Carl A. Pickens, and Linnie V. Pickens; and

WHEREAS, the said grantees have made objection to the title to said real estate, and it is the desire of the board of supervisors of Fremont county, Iowa, that the title to said real estate be corrected; and

WHEREAS, in order to correct the title it is necessary that a patent be issued because the actual title to said real estate was not in Fremont county, Iowa, but in the state of Iowa for the use and benefit of the school fund of Fremont county, Iowa.

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

1 SECTION 1. That the governor of the state of Iowa be and he is  
2 hereby authorized, empowered and directed to execute to Carl A.  
3 Pickens and Linnie V. Pickens a patent conveying to them the follow-  
4 ing described real estate, to-wit:

5 The east sixty-two (62) feet of lots one (1) and two (2),  
6 and the east sixty-two (62) feet of the north one-half (N $\frac{1}{2}$ )  
7 of lot three (3) in block O in the town of Sidney, situated in  
8 Fremont county, Iowa.

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 \*Sidney Argus Herald, a newspaper published in Sidney, Iowa, and  
4 in the Thornton Enterprise, a newspaper published in Thornton, Iowa.

Senate File 540. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Thornton Enterprise, Thornton, June 4, 1937, and The Tabor Beacon, Tabor, June 2, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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CHAPTER 253  
LEGALIZING ACT  
S. F. 302

AN ACT to legalize and validate proceedings taken by the city council of the city of Cedar Rapids, Iowa, authorizing and providing for the issuance of bonds for jail and police station purposes and making provisions for the levy of taxes to pay said bonds.

WHEREAS, the city council of the city of Cedar Rapids, Iowa, did heretofore enter upon a program of purchasing a site for, building and equipping a jail and police station thereon and repairing the present police station in and for said city, the costs whereof to said city will aggregate \$80,000.00; and,

WHEREAS, said city council by resolution adopted on March 4th, 1937, authorized and provided for the issuance of jail bonds of said city in the amount of \$80,000.00 for the aforesaid purposes, 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 and concerning the provisions made for the levy of taxes as aforesaid and it is deemed advisable to put said doubts and all others that might arise forever at rest; now, therefore,

\*Note: The Tabor Beacon, Tabor, substituted in lieu of Sidney Argus Herald, in accordance with sec. 55, code of Iowa.

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

1 SECTION 1. All proceedings heretofore taken by the city council  
2 of the city of Cedar Rapids, Iowa, authorizing and providing for the  
3 issuance of jail bonds of said city in the amount of \$80,000.00 and  
4 making provision for the levy of taxes to pay the principal and inter-  
5 est of said bonds are hereby legalized, validated and confirmed, and  
6 said jail bonds issued pursuant to and in accordance with said pro-  
7 ceedings are hereby declared to be legal and to constitute valid and  
8 binding obligations and indebtedness of said city.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in The Cedar  
3 Rapids Gazette and in The Cedar Rapids Tribune, newspapers pub-  
4 lished in the city of Cedar Rapids, Iowa, all without expense to the  
5 state.

Senate File 302. Approved March 17, 1937.

I hereby certify that the foregoing act was published in the Cedar Rapids Gazette, March 20, 1937, and the Cedar Rapids Tribune, March 26, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 254

### LEGALIZING ACT

#### H. F. 518

AN ACT to legalize a special election held in the city of Iowa City, Iowa, on the 11th day of December, 1936.

WHEREAS, a special election was held in the city of Iowa City, Iowa, on the 11th day of December, 1936, under the provisions of chapter three hundred nineteen (319) of the code, 1935; and,

WHEREAS, said election was for the purpose of authorizing the erecting, purchasing, or remodeling the partially destroyed building located at 204 South Gilbert street in said city as a city hall to be used for general community and municipal purposes, including assembly hall, auditorium, and public hall, and contracting indebtedness for such purpose not exceeding \$35,000.00 and issuing bonds for such purpose not exceeding \$35,000.00 and levying a tax annually upon the taxable property in Iowa City, Iowa, not exceeding one-third mill per annum for the payment of such bonds and the interest thereon; and,

WHEREAS, at said election the proposition voted on carried by approximately 63% of the vote cast thereon; and,

WHEREAS, a question has arisen as to the legality of such election and the authority to erect, purchase, or remodel said partially destroyed building as a city hall, to contract indebtedness, to issue bonds and to levy a tax, which question should be put forever at rest.

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

1 SECTION 1. That the actions and proceedings of the city council  
2 of Iowa City, Iowa, and of the officials of the city of Iowa City, Iowa,

3 in calling and holding the special election held in the city of Iowa City,  
 4 Iowa, on the 11th day of December, 1936, and the election itself on the  
 5 proposition of authorizing the erecting, purchasing, or remodeling the  
 6 partially destroyed building located at 204 South Gilbert street in  
 7 said city as a city hall to be used for general community and municipal  
 8 purposes, including assembly hall, auditorium, and public hall, and  
 9 contracting indebtedness for such purpose not exceeding \$35,000.00  
 10 and issuing bonds for such purpose not exceeding \$35,000.00 and levy-  
 11 ing a tax annually upon the taxable property in Iowa City, Iowa, not  
 12 exceeding one-third mill per annum for the payment of such bonds  
 13 and the interest thereon is hereby validated and legalized notwith-  
 14 standing any irregularity or omission in connection therewith and  
 15 shall constitute full authority for the contracting of indebtedness and  
 16 issuing bonds and levying a tax in the amounts and for the purposes  
 17 provided in said proposition.

1 SEC. 2. This act being deemed of immediate importance shall be  
 2 in force and effect from and after its publication without expense to  
 3 the state in the Iowa City Press-Citizen and in the Daily Iowan, two  
 4 newspaper published in Iowa City, Iowa.

House File 518. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Iowa City Press Citizen,  
 May 31, 1937, and the Daily Iowan, Iowa City, June 1, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 255

### SIOUX CITY

#### S. F. 11

AN ACT to legalize the actions of the city council and the city auditor of the city of  
 Sioux City, Iowa, in making expenditures, incurring indebtedness and issuing war-  
 rants between the dates of February 18, 1936, to April 10, 1936, inclusive, in the  
 sum of sixty-two thousand six hundred eighty-four dollars thirty cents (\$62,684.30),  
 said warrants being drawn on the "general fund—emergency", and to make said  
 warrants a legal, binding and valid obligation of the city of Sioux City, Iowa.

WHEREAS, in the months of January, February and March of 1936, there  
 was created, by reason of an act of God in the form of an unprecedented  
 snow fall, an emergency in the city of Sioux City, Iowa, whereby the  
 streets, sidewalks, alleys and highways were blocked with snow, many of  
 the homes of its citizens were completely isolated, and it was impossible to  
 get food, fuel, clothing and medical aid to them; and the fire department of  
 said city was unable to operate except on a few streets; and

WHEREAS, it became imperative that said streets, alleys and highways  
 in said city be cleared of snow and ice immediately to prevent great suffer-  
 ing, loss of property and loss of human life; and

WHEREAS, in said emergency the city council of said city authorized the  
 city auditor to issue warrants up to one hundred thousand dollars (\$100,-  
 000.00) on the general fund for the purpose of defraying the cost of clear-  
 ing said streets, alleys and highways of snow and ice; and

WHEREAS, said city auditor, pursuant to instructions and authorizations  
 from the city council, did, between the dates of February 18, 1936, and April



10, 1936, issue warrants on the "general fund—emergency" in the sum of sixty-two thousand six hundred eighty-four dollars thirty cents (\$62,684.30); and

WHEREAS, a question has now arisen as to the legality of the action of the city council in authorizing said warrants, and the legality of the city auditor in issuing said warrants; now therefore

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

1 SECTION 1. The action of the city council of Sioux City, Iowa, in  
2 incurring an indebtedness and making an expenditure, and authoriz-  
3 ing the city auditor of said city to issue warrants in the sum of sixty-  
4 two thousand six hundred eighty-four dollars thirty cents (\$62,-  
5 684.30), between the dates of February 18, 1936, to April 10, 1936, in-  
6 clusive, each of said warrants being drawn on the "general fund—  
7 emergency", and the action of the city auditor in issuing said war-  
8 rants is hereby legalized and validated, and said warrants are hereby  
9 declared to constitute legal, binding and valid obligations and evi-  
10 dences of indebtedness of said city.

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 City  
3 Journal, a newspaper published at Sioux City, Iowa, and in the Dan-  
4 bury Review, a newspaper published at Danbury, Iowa.

Senate File 11. Approved March 15, 1937.

I hereby certify that the foregoing act was published in the Sioux City Journal, March 17, 1937, and the Danbury Review, March 18, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 256

### JONES COUNTY

#### S. F. 207

AN ACT to legalize warrants issued by the board of supervisors of Jones county, Iowa, issued against the county general fund, and to legalize the proceedings taken for the levy of taxes to pay said warrants.

WHEREAS, pursuant to a resolution dated February 11, 1937, the board of supervisors of the county of Jones, state of Iowa, did authorize the issuance of warrants against the general fund of said county, which are now outstanding, in the sum of twenty-five thousand dollars (\$25,000.00), twenty-five (25) of said warrants in the sum of five hundred dollars (\$500.00) each bearing numbers E5426 to E5450 inclusive, being due and payable on or before November 1, 1938, and twenty-five (25) of said warrants in the sum of five hundred dollars (\$500.00) each, bearing numbers E5451 to E5475 inclusive, being due and payable on or before November 1, 1939, all of said warrants being issued February 11, 1937, bearing interest at the rate of 4% per annum, from date of issue, payable annually beginning November 1, 1938; and in and by said resolution provided for the levy of taxes to pay said warrants and interest thereon; and

WHEREAS, said warrants were issued for the purpose of providing furniture, furnishings, and equipment for the Jones county court house now being constructed in Anamosa, Iowa; and

WHEREAS, doubts have arisen as to the validity of the warrants heretofore described and as to the proceedings had for the issuance of the same and the provisions made for the levy of taxes to pay said warrants and interest thereon, 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. The action of the board of supervisors of Jones county,  
2 state of Iowa, authorizing and providing for the issuance of warrants  
3 against the county general fund of said county in the amount of  
4 twenty-five thousand dollars (\$25,000.00), and in making the expendi-  
5 tures, issuing said warrants, and levying taxes in sums sufficient to  
6 pay said warrants and all interest thereon, all as hereinbefore referred  
7 to, is hereby declared to be legal and valid, notwithstanding any ir-  
8 regularities, omissions, or defects in connection therewith, and all of  
9 said proceedings are hereby legalized; and the said warrants in the  
10 sum of twenty-five thousand dollars (\$25,000.00), together with all  
11 interest thereon, are hereby declared to be legal and to constitute  
12 valid and binding indebtedness of said county; and the action of said  
13 board of supervisors in making said tax levy for the payment of said  
14 warrants and all interest thereon is hereby 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 and be in force from and after its publication in the Anamosa  
3 Journal, a newspaper published in the city of Anamosa, Iowa, and in  
4 the Monticello Express, a newspaper published in the city of Monti-  
5 cello, Iowa, all without expense to the state.

Senate File 207. Approved March 24, 1937.

I hereby certify that the foregoing act was published in the Anamosa Journal, April 1, 1937, and the Monticello Express, April 1, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 257

### BOONE COUNTY

#### S. F. 118

AN ACT to legalize action of the board of supervisors of Boone county, Iowa, in transferring funds in the amount of thirteen thousand and two (13,002) dollars from the county insane fund of Boone county to the poor fund of said county in 1934; and the transferring of funds in the amount of three thousand two hundred forty-eight and ninety-six one-hundredths (3,248.96) dollars from the county insane fund of Boone county to the poor fund in said county in 1935.

WHEREAS, the board of supervisors of Boone county, Iowa, has, in the year 1934, transferred from the county insane fund of Boone county to the poor fund of said county the sum of thirteen thousand and two (13,002) dollars; and

WHEREAS, the board of supervisors of Boone county has in the year of 1935 transferred the sum of three thousand two hundred forty-eight and ninety-six one hundredths (3,248.96) dollars from the county insane fund of Boone county to the poor fund of said county; and

WHEREAS, doubts have arisen as to the 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 Boone county,  
2 Iowa, in making transfer of the sum of thirteen thousand and two  
3 (13,002) dollars from the insane fund of Boone county to the poor  
4 fund of said county in the year 1934; and the action of the board of  
5 supervisors of Boone county in transferring the sum of three thousand  
6 two hundred forty-eight and ninety-six one-hundredths (3,248.96)  
7 dollars from the county insane fund of Boone county to the county  
8 poor fund of said county in 1935, are hereby declared to be legal, valid  
9 and binding.

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 passage and publication  
3 in the Boone News-Republican, a newspaper published at Boone, Iowa,  
4 and in the Madrid Register-News, a newspaper published at Madrid,  
5 Iowa. Both of said publications to be without expense to the state.

Senate File 118. Approved April 8th, 1937.

I hereby certify that the foregoing act was published in the Boone News Republican, June 5, 1937, and the Madrid Register News, June 10, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 258

### OSCEOLA, CITY OF

S. F. 463

AN ACT to legalize and validate proceedings taken by the city council of the city of Osceola, Iowa, authorizing and providing for the issuance and sale of bonds for improvements to protect the water supply of said city, and making provisions for the levy of taxes to pay said bonds.

WHEREAS, the destruction by flood of the dam impounding water in the municipal reservoir of the city of Osceola, Iowa, created an emergency jeopardizing the health, sanitation and fire protection of said city, requiring immediate improvements to protect the water supply of said city; and

WHEREAS, the city council of said city by resolution adopted on March 30, 1937, authorized and provided for the issuance and sale of public improvement bonds of said city in the amount of fifteen thousand five hundred dollars (\$15,500.00) for the purpose of defraying the cost to said city of said public improvements, and in and by said resolution also provided for the levy of taxes to pay the principal of and interest on said bonds; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said proceedings and concerning the provisions made for the levy of taxes as aforesaid, 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 city council of the city of Osceola, Iowa, authorizing and providing for the issuance and sale of public improvement bonds of said city in the amount of fifteen thousand five hundred dollars (\$15,500.00) and making provision for the levy of taxes to pay the principal and interest of said bonds are hereby legalized, validated and confirmed, and said public improvement bonds issued and delivered pursuant to and in accordance with said proceedings are hereby declared to be legal and to constitute valid and binding obligations and indebtedness of said city.

1 SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Sentinel, a newspaper published in the city of Osceola, Iowa, and the Murray Journal, a newspaper published in Murray, Iowa, all without expense to the state.

Senate File 463. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Sentinel, Osceola, May 20, 1937, and the Murray Journal, May 27, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 259

### LEGALIZING ACT

#### H. F. 306

AN ACT to legalize the action of the board of supervisors of Webster county, Iowa, in making expenditures from the Webster county insane fund for the purposes of paying the expenses and maintenance of the Webster county home.

WHEREAS, the board of supervisors of Webster county, Iowa, has for several years past paid the total cost of maintaining the Webster county home from the insane fund of Webster county, Iowa; and

WHEREAS, doubts have arisen to the legality of such proceedings and expenditures and it is deemed advisable to put said doubts 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 Webster county, Iowa, in making expenditures for the expenses and maintenance of the Webster county home in the year 1934, in the sum of eighteen thousand nine hundred sixty-three dollars ninety-seven cents (\$18,963.97) from the county insane fund, is hereby declared to be legal, valid and binding.

1 SEC. 2. That the action of the board of supervisors of Webster county, Iowa, in making expenditures for the year 1935, for the maintenance and expenses of the Webster county home from the Webster county insane fund in the sum of two thousand four hundred sixty-seven dollars five cents (\$2467.05), is hereby declared to be legal, valid and binding.

1 SEC. 3. That the action of the board of supervisors of Webster  
2 county, Iowa, in making expenditures for the year 1936, for the main-  
3 tenance and expenses of the Webster county home from the Webster  
4 county insane fund in the sum of six hundred five dollars thirty-eight  
5 cents (\$605.38), is hereby declared to be legal, valid and binding.

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 full force and effect after its passage and publication in the Dayton  
3 Review, a newspaper published in Dayton, Iowa, and in the Fort Dodge  
4 Messenger, a newspaper published at Fort Dodge, Iowa, without ex-  
5 pense to the state.

House File 306. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Ft. Dodge Messenger,  
April 7, 1937, and the Dayton Review, April 15, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 260

### MT. PLEASANT—CITY OF

#### S. F. 125

AN ACT to confirm, ratify, legalize and declare valid for all purposes the action of the city of Mount Pleasant in Henry county, Iowa, through its city council, in erecting, in and for said city, and in paying for, a building for the purpose of housing various governmental agencies of said city.

WHEREAS, the city of Mount Pleasant in Henry county, Iowa, through its city council, in 1935 and 1936, in conjunction with the federal works progress administration and as an emergency work to ameliorate the evils of labor unemployment, did erect in and for said city, at an approximate cost of some \$48,000.00, a building which was designed and intended to be used by said city as a city hall, jail and fire station and as a housing place for various other authorized agencies of said city, and

WHEREAS, the entire cost of said erection has been paid from funds advanced by said federal agency, and from funds belonging to said city, and

WHEREAS said building is now wholly in the possession of, and is being used by, said city solely for the purposes for which it was erected, and

WHEREAS said building was erected as aforesaid without formal authorization by the voters of said city as required by statute in case of the erection of city halls, and

WHEREAS claim has been made that said city, through its city council, acted illegally in erecting said building and in expending its funds as aforesaid, and

WHEREAS it appears that the erection of said building was undertaken, completed, and paid for as aforesaid in good faith, and to the present and continuing advantage of said city, now, therefore,

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

1 SECTION 1. That the erection by the city of Mount Pleasant in  
2 Henry county, Iowa, through its city council, of the building afore-

3 said, and the expenditure of funds belonging to said city in defraying  
4 the cost of said building, are hereby confirmed, ratified, legalized and  
5 declared valid for all purposes.

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 Mt.  
3 Pleasant Free Press and in the Mt. Pleasant Daily News, newspapers  
4 published at Mount Pleasant, Iowa, without expense to the state.

Senate File 125. Approved March 19, 1937.

I hereby certify that the foregoing act was published in the Mount Pleasant Free Press, March 25, 1937, and the Mount Pleasant Daily News, March 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 261

### LEGALIZING ACT

H. F. 413

AN ACT to legalize and validate proceedings taken by the board of directors of Concordia School District, Concordia Township, Des Moines County, in connection with the certification of taxes for collection during the calendar year ending December 31, 1937, and the levy of taxes therefor.

WHEREAS, the board of directors of Concordia school district, Concordia township, Des Moines county, did heretofore, on July 1, 1936, certify for levy by the board of supervisors of Des Moines county, the sum of three thousand dollars, (\$3,000.00) for school purposes; and

WHEREAS, the board of supervisors of Des Moines county did thereafter, for the aforesaid purpose, levy taxes necessary to raise the sum of two thousand nine hundred sixty-six dollars, (\$2,966.00); and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said proceedings concerning the provisions for the levy of taxes as aforesaid 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 board of  
2 directors of Concordia school district, Concordia township, Des Moines  
3 county, in connection with the certification of taxes for collection dur-  
4 ing the calendar year ending December 31, 1937, together with the  
5 levy of taxes necessary to raise the sum of two thousand nine hundred  
6 sixty-six dollars (\$2,966.00) by collection during the year 1937, by the  
7 board of supervisors of Des Moines county, are hereby legalized, vali-  
8 dated and confirmed as if all of the provisions of the laws of the state  
9 of Iowa with regard to such proceedings had been fully and strictly  
10 complied with.

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 Burlington

3 Hawkeye Gazette, and the Burlington Post, newspapers published in  
4 the city of Burlington, Iowa, all without expense to the state.

House File 413. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Burlington Hawkeye Gazette, April 8, 1937, and the Burlington Post, April 11, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 262

### STORY COUNTY

#### H. F. 62

AN ACT to legalize action of the board of supervisors of Story county, Iowa, in making expenditures from the Story county insane fund for the purpose of paying the expenses and maintenance of the Story county home.

WHEREAS, the board of supervisors of Story county, Iowa, has for the past two years paid the total cost of maintaining the Story County Home from the insane fund of Story county, Iowa; and

WHEREAS, doubts have arisen as to the 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 Story county,  
2 Iowa, in making expenditures for the expenses and maintenance of  
3 Story County Home in the year 1934, in the sum of fifteen thousand  
4 two hundred sixty-five dollars, nineteen cents, (\$15,265.19) from the  
5 county insane fund, is hereby declared to be legal, valid and binding.

1 SEC. 2. The action of the board of supervisors of Story county,  
2 Iowa, in making expenditures for the year 1935 for the maintenance  
3 and expenses of the Story County Home from the Story county insane  
4 fund in the sum of seventeen thousand one hundred sixty-two dollars,  
5 twenty-two cents (\$17,162.22), is hereby declared to be legal, valid and  
6 binding.

1 SEC. 3. Nothing in this act shall affect pending litigation.

1 SEC. 4. 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 Nevada Journal, a newspaper published in Nevada, Iowa, and  
4 in the Milepost, a newspaper published in Ames, Iowa, without expense  
5 to the state.

House File 62. Approved February 11, 1937.

I hereby certify that the foregoing act was published in the Nevada Journal, February 13, 1937, and the Ames Milepost, February 18, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 263

## LEGALIZING ACT

S. F. 215

AN ACT to legalize the corporate acts and the renewal of the Greeley Mutual Fire Insurance Association.

WHEREAS, the Greeley Mutual Fire Insurance Association, Exira, Iowa, a corporation organized under the laws of Iowa in adopting renewal articles, did not file said articles with the Secretary of State in full compliance with the statutes relating to renewals, specifically, within the time limitation prescribed for such filing; and

WHEREAS, the said corporation has filed such renewal articles and tendered the statutory fees therefor and otherwise complied with the law, except as to the time of filing; now, therefore

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

1 SECTION 1. The proceedings of the Greeley Mutual Fire Insurance  
2 Association with respect to renewal of said corporation are hereby  
3 legalized and declared of the same force and effect as though they were  
4 had in full compliance with the laws of Iowa relating to renewals.

1 SEC. 2. The secretary of state is hereby authorized and directed to  
2 issue to the said Greeley Mutual Fire Insurance Association a certifi-  
3 cate of renewal which shall have the same effect as though issued upon  
4 proper application by said corporation.

1 SEC. 3. Nothing in this act shall be deemed or construed to affect  
2 pending litigation, if any, involving said corporation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication as provided by law,  
3 and without expense to the state.

Senate File 215. Approved April 14, 1937.

I hereby certify that the foregoing act was published in the Audubon Advocate Republican, April 22, 1937, and the Audubon County Journal, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 264

## PALO ALTO COUNTY

S. F. 425

AN ACT to legalize and validate proceedings of the board of supervisors of Palo Alto county, Iowa, and an election in said county, all relating to the issuance from time to time of primary road bonds of the county to the aggregate amount of not exceeding \$500,000.

WHEREAS, it is shown by the records of the board of supervisors of Palo Alto county, Iowa, that an election in said county on November 3, 1936, there was submitted the proposition of issuing bonds of said county from year to year in the aggregate amount of not exceeding \$500,000 for the purpose of providing the funds for draining, grading and hard-surfacing the



primary roads of the county, and that at said election more than sixty per cent of the votes cast on said proposition were in favor thereof; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said proceedings and said election to authorize the issuance of said bonds to the amount and for the purpose aforesaid, 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 board of  
2 supervisors of Palo Alto county and the election held in said county  
3 on November 3, 1936, with respect to the issuance of bonds by said  
4 county from year to year, in the aggregate amount not exceeding \$500,-  
5 000, for the purpose of providing the funds for draining, grading and  
6 hard-surfacing the primary roads of said county, are hereby legalized,  
7 validated and confirmed and declared to constitute legal and sufficient  
8 authority for the issuance of said bonds from year to year as may be  
9 provided and prescribed by resolutions of the board of supervisors of  
10 said county.

1 SEC. 2. That nothing in this act shall affect pending litigation.

1 SEC. 3. That this act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication in the Em-  
3 metsburg Democrat, a newspaper published in Emmetsburg, Iowa, and  
4 in the Graettinger Times, a newspaper published in Graettinger, Iowa,  
5 without expense to the state.

Senate File 425. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Emmetsburg Democrat, May 20, 1937, and the Graettinger Times, May 20, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 265 LEGALIZING ACT

### H. F. 461

AN ACT to legalize an election held on the 16th day of November, 1936, in the town of Manning, Iowa, for the purpose of acquiring land and building thereon a swimming pool, and incurring an indebtedness in the sum not to exceed twelve thousand dollars (\$12,000.00) for which bonds were issued.

WHEREAS, the town of Manning, Iowa, on or about the 16th day of November, 1936, held an election for the purpose of contracting an indebtedness not to exceed \$12,000.00 and issuing bonds for said purpose, and levying a tax annually for the retirement thereof; and

WHEREAS, at said election the proposition voted on carried; and

WHEREAS, through inadvertence, the mayor's proclamation did not contain the clause, "and issue bonds for such purpose not exceeding \$12,000.00"; and

WHEREAS, a question has arisen as to the legality of such election and the authority to acquire said land, building a swimming pool, incurring indebtedness, and levying a tax.

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

1 SECTION 1. That the election held in the town of Manning, Iowa,  
2 on the 16th day of November, 1936, on the proposition of acquiring  
3 land, building a swimming pool, incurring an indebtedness of not to  
4 exceed \$12,000.00, issuing bonds and levying a tax, and all proceedings  
5 in connection therewith are hereby legalized and validated, notwith-  
6 standing any irregularity or omission in connection therewith.

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 force and effect from and after its publication in the Manning Monitor,  
3 a newspaper published in Manning, Iowa, and the Carroll Times, a  
4 newspaper published in Carroll, Iowa, without expense to the state.

House File 461. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Manning Monitor, June 10, 1937, and the Carroll Times, June 10, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 266

### WAUKON, CITY OF

#### H. F. 457

AN ACT to legalize a five hundred dollar (\$500.00) payment made by the city of Waukon to the Pioneer Fire Company of Waukon, Iowa.

WHEREAS, the Pioneer Fire Company of Waukon, Iowa, petitioned the city council of Waukon, Iowa, for the use of the second story of the city hall for a meeting place and club room; and

WHEREAS, it became necessary to furnish the same which cost the sum of five hundred dollars (\$500.00); and

WHEREAS, on or about February 4, 1935, the city council passed a resolution authorizing the payment of five hundred dollars (\$500.00) to the Pioneer Fire Company for the purpose above set forth, and a city warrant was issued for said payment; and

WHEREAS, a question has arisen as to the legality of said payment;

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

1 SECTION 1. That the actions of the city council of the city of Wau-  
2 kon, Iowa, on or about February 4, 1935, authorizing the payment of  
3 five hundred dollars (\$500.00) to the Pioneer fire company, and the  
4 issuance and payment of said warrant immediately thereafter are  
5 hereby legalized and validated.

1 SEC. 2. Nothing in this act shall affect any pending litigation.

1 SEC. 3. This act, being deemed of immediate importance, shall  
2 be in full force and effect from and after its publication in the Alla-  
3 makee Journal, a newspaper published in Lansing, Iowa, and the Wau-  
4 kon Democrat, a newspaper published in Waukon, Iowa.

House File 457. Approved April 17, 1937.

I hereby certify that the foregoing act was published in the Allamakee Journal, April 21, 1937, and the Waukon Democrat, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 267

## FARMERS' MUTUAL FIRE AND LIGHTNING INSURANCE ASSOCIATION

S. F. 355

AN ACT to legalize the corporate acts and the renewal of the Farmers' Mutual Fire and Lightning Insurance Association of Winneshiek county, Iowa.

WHEREAS, at the expiration of the corporate existence of the Farmers' Mutual Fire and Lightning Insurance Association of Winneshiek county, Iowa, a corporation organized under the laws of Iowa, renewal articles were not filed with the secretary of state in full compliance with the statutes relating to renewals, specifically, within the time limitation prescribed for filing of such renewal articles; and,

WHEREAS, the said corporation has now filed such renewal articles and tendered the statutory fees therefor and otherwise complied with the law, except as to the time of filing; now, therefore

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

1 SECTION 1. The proceedings of the Farmers' Mutual Fire and  
2 Lightning Insurance Association of Winneshiek county, Iowa, with  
3 respect to renewal of said corporation, are hereby legalized and de-  
4 clared of the same force and effect as though they were had in full  
5 compliance with the laws of Iowa relating to renewals.

1 SEC. 2. The secretary of state is hereby authorized and directed  
2 to issue to the said Farmers' Mutual Fire and Lightning Insurance  
3 Association of Winneshiek county, Iowa, a certificate of renewal which  
4 shall have the same effect as though issued upon proper application by  
5 said corporation.

1 SEC. 3. Nothing in this act shall be deemed or construed to affect  
2 pending litigation, if any, involving said corporation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication as provided by  
3 law, and without expense to the state.

Senate File 355. April 15, 1937.

I hereby certify that the foregoing act was published in the Decorah Public Opinion, April 20, 1937, and the Decorah Journal, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 268

## LEGALIZING ACT

H. F. 433.

AN ACT to legalize the payments authorized to be made by boards of supervisors for publication of proceedings of boards of supervisors and delinquent tax lists in official newspapers.

WHEREAS, during the calendar years 1932 to 1936, both years included, the proceedings of the boards of supervisors and delinquent tax lists of the several counties of the state of Iowa were published, and payment for such publication of proceedings authorized by the board of supervisors; and

WHEREAS, a question has arisen as to the correctness of the amount charged for publications because of a misunderstanding on the part of the publishers of said newspapers and the boards of supervisors as to how the charges for publications should be computed under the statutes specifying the charge or charges authorized to be made therefor, and authorized to be allowed and paid for same; and

WHEREAS, because of the situation set forth above a doubt has arisen as to the validity of the payments made for such publications of proceedings of boards of supervisors during the aforesaid years; and

WHEREAS, it is deemed advisable to put said doubt and questions, and all other doubts and questions which may hereafter arise concerning said matters forever at rest,

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

1 SECTION 1. That the payments made by the several counties of the  
2 state of Iowa for publication in official newspapers of the proceedings  
3 of boards of supervisors and delinquent tax lists during the calendar  
4 years 1932 to 1936, both years included, are hereby declared to be  
5 legal and valid, notwithstanding that the publication charges made  
6 therefor, and paid, were computed on a basis not authorized by statute.

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 full force from and after its publication in the Daven-  
3 port Democrat, a newspaper published in Davenport, Iowa, and in the  
4 Booster Express, a newspaper published in Valley Junction, Iowa,  
5 without expense to the state.

House File 433. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Davenport Democrat, June 2, 1937, and the Booster Express, June 3, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 269

### WEBER & SONS BUTTON COMPANY

S. F. 354

AN ACT to legalize the corporate acts and the renewal of the Weber & Sons Button Company.

WHEREAS, at the expiration of the corporate existence of Weber & Sons Button Company, (Muscatine, Iowa), a corporation organized under the laws of Iowa, renewal articles were not filed with the secretary of state in full compliance with the statutes relating to renewals, specifically, within the time limitation prescribed for such filing; and

WHEREAS, the said corporation has now filed such renewal articles and tendered the statutory fees therefor and otherwise complied with the law, except as to the time of filing; now, therefore

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

1 SECTION 1. The proceedings of Weber & Sons Button Company  
2 with respect to renewal of said corporation are hereby legalized and

3 declared of the same force and effect as though they were had in full  
4 compliance with the laws of Iowa relating to renewals.

1 SEC. 2. The secretary of state is hereby authorized and directed  
2 to issue to the said Weber & Sons Button Company a certificate of  
3 renewal which shall have the same effect as though issued upon proper  
4 application by said corporation.

1 SEC. 3. Nothing in this act shall be deemed or construed to affect  
2 pending litigation, if any, involving said corporation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication as provided by  
3 law, and without expense to the state.

Senate File 354. Approved March 24, 1937.

I hereby certify that the foregoing act was published in the Muscatine Journal, March 30, 1937, and the Wilton Junction Advocate, April 1, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 270

### LEGALIZING ACT

#### S. F. 217

AN ACT to legalize the corporate acts and the renewal of the Farmers' Mutual Fire and Lightning Insurance Association.

WHEREAS, at the expiration of the corporate existence of the Farmers' Mutual Fire and Lightning Insurance Association, Dallas Center, Iowa, a corporation organized under the laws of Iowa, renewal articles were not filed with the secretary of state in full compliance with the statutes relating to renewals, specifically, within the time limitation prescribed for adopting and filing such renewal; and

WHEREAS, the said corporation has now filed such renewal articles and tendered the statutory fees therefor and otherwise complied with the law, except as to the time of adopting and filing; now, therefore,

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

1 SECTION 1. The proceedings of the Farmers' Mutual Fire and Light-  
2 ning Insurance Association with respect to renewal of said corpora-  
3 tion are hereby legalized and declared of the same force and effect as  
4 though they were had in full compliance with the laws of Iowa relating  
5 to renewals.

1 SEC. 2. The secretary of state is hereby authorized and directed  
2 to issue to the said Farmers' Mutual Fire and Lightning Insurance  
3 Association a certificate of renewal which shall have the same effect  
4 as though issued upon proper application by said corporation.

1 SEC. 3. Nothing in this act shall be deemed or construed to affect  
2 pending litigation, if any, involving said corporation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication as provided by  
3 law, and without expense to the state.

Senate File No. 217. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Redfield Review, June 3, 1937, and the Times, Dallas Center, June 3, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 271

### BEEBEETOWN CONSOLIDATED SCHOOL DISTRICT

#### H. F. 428

AN ACT to legalize a school election held by the Beebeetown consolidated school district in Harrison and Pottawattamie counties on March 8, 1937.

WHEREAS, a school election in the Beebeetown Consolidated School District in Harrison and Pottawatamie counties was held on March 8, 1937, under the provisions of chapter two hundred twenty-five (225) of the code, 1935, and,

WHEREAS, said election was for the purpose of issuing ten thousand dollars (\$10,000.00) of bonds for the purpose of erecting and equipping an addition to the present school building, consisting of a gymnasium and three (3) class rooms and for making repairs, and

WHEREAS, the same was voted on at said election and carried, and

WHEREAS, a question has arisen as to the legality of the procedure followed in holding said election, which should be put forever at rest, therefore,

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

1 SECTION 1. The actions and proceedings of the board of directors  
2 and its officers of the Beebeetown Consolidated School District in Har-  
3 rison and Pottawattamie counties in calling and holding an election in  
4 said district on the 8th day of March, 1937, and the election itself is  
5 hereby validated and legalized.

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 two newspapers of this state, as provided by law.

House File 428. Approved April 2, 1937.

I hereby certify that the foregoing act was published in the Missouri Valley Times, April 6, 1937, and the Harrison County Herald, April 8, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 272  
MUSCATINE COUNTY

S. F. 265

AN ACT to legalize the act of the board of supervisors of Muscatine county, Iowa, in making payment of the sum of two hundred fifty-two (\$252.00) dollars to Charles Leu for services rendered as the clerk of the grand jury of Muscatine county, Iowa.

WHEREAS, Charles Leu has been duly appointed as the clerk of the grand jury as provided in section thirteen thousand six hundred ninety-six (13696) of the code of 1935; and

WHEREAS, the board of supervisors of Muscatine county, Iowa, entered into a contract with said Charles Leu for the performance of those duties at a rate per day higher than is provided by law; and

WHEREAS, the said Charles Leu has now been paid the sum of two hundred fifty-two (\$252.00) dollars for services already rendered in addition to the compensation as provided in the above mentioned section.

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

1 SECTION 1. That the actions of the board of supervisors, the county  
2 auditor and the county treasurer of Muscatine county, Iowa, authoriz-  
3 ing and making payment in the sum of two hundred fifty-two  
4 (\$252.00) dollars over and above the compensation provided by statute  
5 for the period beginning in 1935 to date to one Charles Leu for serv-  
6 ices rendered as the clerk of the grand jury in and for said county,  
7 are hereby made valid and legal.

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 Muscatine Journal, a newspaper published at Muscatine, Iowa,  
4 and in the West Liberty Index, a newspaper published at West Liberty,  
5 Iowa.

Senate File 265. Approved April 14, 1937.

I hereby certify that the foregoing act was published in the Muscatine Journal, April 17, 1937, and the West Liberty Index, April 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

CHAPTER 273  
LEGALIZING ACT  
S. F. 214

AN ACT to legalize the corporate acts and the renewal of the Farmers Lumber Company.

WHEREAS, at the expiration of the corporate existence of the Farmers Lumber Company, Rhodes, Iowa, a corporation organized under the laws of Iowa, renewal articles were not adopted and filed with the secretary of state in full compliance with the statutes relating to renewals, specifically, within the time limitation prescribed for adoption and filing of such renewal; and

WHEREAS, the said corporation has now filed such renewal articles and tendered the statutory fees therefor and otherwise complied with the law, except as to the time of adopting and filing; now, therefore

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

1 SECTION 1. The proceedings of the Farmers Lumber Company with  
2 respect to renewal of said corporation are hereby legalized and de-  
3 clared of the same force and effect as though they were had in full  
4 compliance with the laws of Iowa relating to renewals.

1 SEC. 2. The secretary of state is hereby authorized and directed to  
2 issue to the said Farmers Lumber Company a certificate of renewal  
3 which shall have the same effect as though issued upon proper applica-  
4 tion by said corporation.

1 SEC. 3. Nothing in this act shall be deemed or construed to affect  
2 pending litigation, if any, involving said corporation.

1 SEC. 4. This act, being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication as provided by law,  
3 and without expense to the state.

Senate File 214. Approved May 1, 1937.

I hereby certify that the foregoing act was published in the Marshall County Enter-  
prise, June 10, 1937, and the Central Iowa Independent, Marshalltown, June 10, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 274

### LEGALIZING ACT

H. F. 538

AN ACT to legalize the notarial acts of R. A. Hawk.

WHEREAS, on July 10, 1933, R. A. Hawk made application through the Clindinin Insurance Agency of Grinnell, Iowa for appointment as a notary public for the state of Iowa for the period from July 4, 1933 to July 3, 1936, and paid said agency the fee of \$5.00 to be transmitted to the governor of the state of Iowa; and

WHEREAS, on July 10, 1933, R. A. Hawk paid the Clindinin Insurance Agency of Grinnell, Iowa the sum of \$3.00 for the issuance of a notarial bond; and

WHEREAS, on July 3, 1936, R. A. Hawk discovered that no notarial commission had been issued for said period, and that no notarial bond had been written; and

WHEREAS, R. A. Hawk, during the period from July 4, 1933 to July 3, 1936 performed many notarial acts and that if said acts were to be held invalid great damage would result to many innocent persons; now therefore

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

1 SECTION 1. The notarial acts of R. A. Hawk during the period  
2 from July 4, 1933 to July 3, 1936 are hereby legalized and declared  
3 of the same force and effect as though they were had in full compliance  
4 with the laws of Iowa relating to notaries public.

1 SEC. 2. The governor of the state of Iowa is hereby authorized and  
2 directed to issue to the said R. A. Hawk a notary commission covering



3 the period from July 4, 1933 to July 3, 1936 upon the said R. A. Hawk  
 4 presenting the regular application for appointment together with a  
 5 notary bond and governor's fee.

1 SEC. 3. Nothing in this act shall be deemed or construed to affect  
 2 pending litigation, or any illegal acts which might or could have been  
 3 performed involving the notarial acts of R. A. Hawk.

House File 538. Approved May 1, 1937.

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## CHAPTER 275

### DUBUQUE

#### H. F. 290

AN ACT to legalize the establishment of a swimming pool in the city of Dubuque without the formality of a special election.

WHEREAS, the city of Dubuque, in response to public demand, caused to be established a swimming pool in said city and in accordance with a WPA project approved by the Federal Government; and

WHEREAS, no bonds have been issued by such city for the construction of such pool and the only indebtedness incurred therefor is the contribution thereto which such city is required to make in conjunction with such WPA project; and

WHEREAS, the Federal Government has contributed a large sum of money toward the construction of such pool and the same is nearing completion and will be ready for use during the year, 1937; and

WHEREAS, such pool is a self-liquidating project and was established without the formality of a special election; and

WHEREAS, doubt has arisen as to the legality of the establishment of such swimming pool without an election for such purpose; now, 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 Du-  
 2 buque in providing for and establishing a swimming pool in said city  
 3 without special election for such purpose be, and the same is hereby  
 4 legalized.

1 SEC. 2. This act being deemed of immediate importance shall be in  
 2 force and effect from and after its publication in the Telegraph-Her-  
 3 ald, a newspaper published in Dubuque, Iowa, and in the Catholic  
 4 Daily Tribune, a newspaper published in Dubuque, Iowa.

House File 290. Approved March 24, 1937.

I hereby certify that the foregoing act was published in the Dubuque Telegraph Herald, March 30, 1937, and the Dubuque Catholic Daily Tribune, March 31, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 276

## LUCAS COUNTY

H. F. 203

AN ACT to legalize action of the board of supervisors of Lucas county, Iowa, in transferring funds in the amount of ten thousand (10,000) dollars from the state insane fund of Lucas county, to the county general fund in 1935.

WHEREAS, the board of supervisors of Lucas county, Iowa, has in the year 1935, transferred from the state insane fund of Lucas county to the county general fund the sum of ten thousand (10,000) dollars; and

WHEREAS, doubts have arisen as to the 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 Lucas county,  
2 Iowa, in making transfer of the sum of ten thousand (10,000) dollars  
3 from the state insane fund of Lucas county to the general fund of said  
4 county in the year 1935; and the action of the board of supervisors of  
5 Lucas county in transferring the sum of ten thousand (10,000) dol-  
6 lars from the state insane fund of Lucas county to the general fund  
7 of said county in 1935, are hereby declared to be legal, valid and bind-  
8 ing.

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 full force from and after its passage and publication  
3 in the Chariton Herald Patriot, a newspaper published at Chariton,  
4 Iowa, and in the Russell Union, a newspaper published at Russell,  
5 Iowa. Both of said publications to be without expense to the state.

House File 203. Approved March 17, 1937.

I hereby certify that the foregoing act was published in the Russell Union, March 25, 1937, and the Chariton Herald Patriot, March 25, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 277

## DUKES-LAW COMPANY

S. F. 216

AN ACT to legalize the corporate acts and the renewal of The Dukes-Law Company.

WHEREAS, at the expiration of the corporate existence of the Dukes-Law Company, Centerville, Iowa, a corporation organized under the laws of Iowa, renewal articles were not filed with the secretary of state in full compliance with the statutes relating to renewals, specifically, within the time limitation prescribed for such renewal; and

WHEREAS, the said corporation has now filed such renewal articles and tendered the statutory fees therefor and otherwise complied with the law, except as to the time of filing; now, therefore

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

1 SECTION 1. The proceedings of The Dukes-Law Company with re-  
2 spect to renewal of said corporation are hereby legalized and declared  
3 of the same force and effect as though they were had in full compliance  
4 with the laws of Iowa relating to renewals.

1 SEC. 2. The secretary of state is hereby authorized and directed  
2 to issue to the said The Dukes-Law Company a certificate of renewal  
3 which shall have the same effect as though issued upon proper appli-  
4 cation by said corporation.

1 SEC. 3. Nothing in this act shall be deemed or construed to affect  
2 pending litigation, if any, involving said corporation.

1 SEC. 4. This act, being deemed of immediate importance, shall  
2 take effect and be in force from and after its publication as provided  
3 by law, and without expense to the state.

Senate File 216. Approved March 24, 1937.

I hereby certify that the foregoing act was published in the Centerville Daily Iowegian and Citizen, March 30, 1937, and the Mystic Sentinel, April 1, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 278

### MUSCATINE COUNTY

#### H. F. 308

AN ACT to legalize action of the board of supervisors of Muscatine county, Iowa, in making expenditures from the Muscatine county insane fund to the poor relief fund.

WHEREAS, the board of supervisors of Muscatine county, Iowa, transferred during the year 1936, the sum of sixteen thousand sixty-two and fifty-four one-hundredths dollars (\$16,062.54), from the insane fund of said county to the poor relief fund; and

WHEREAS, this transfer should be approved and legalized; now, therefore,

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

1 SECTION 1. That the transfer during the year 1936 in the county of  
2 Muscatine, state of Iowa, of the sum of sixteen thousand sixty-two and  
3 fifty-four one-hundredths dollars (\$16,062.54), from the insane fund  
4 to the poor relief fund is hereby made a permanent transfer.

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 Wilton Advocate, a newspaper published at Wilton Junction, Iowa,  
4 and the Muscatine Journal, a newspaper published at Muscatine, Iowa.

House File 308. Approved March 25, 1937.

I hereby certify that the foregoing act was published in the Muscatine Journal, March 30, 1937, and the Wilton Advocate, April 1, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

# JOINT RESOLUTIONS

## CHAPTER 279

### GENERAL ASSEMBLY

#### S. J. R. 1

A JOINT RESOLUTION fixing the compensation of officers and employees of the Forty-seventh 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, 1935, it is provided that the daily compensation of all officers  
3 and employees of the Forty-seventh General Assembly be as follows,  
4 to be paid in accordance with the rules of the Senate and House:

#### OFFICERS AND EMPLOYES 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.....	6.30
15	Clerk to lieutenant governor.....	4.50
16	Clerk to secretary .....	4.50
17	Bill clerk .....	4.50
18	File clerk .....	4.50
19	Assistant file clerk .....	4.50
20	Sergeant-at-arms .....	4.50
21	Assistant sergeant-at-arms .....	4.50
22	Chief doorkeeper .....	4.50
23	Doorkeepers .....	3.60
24	Enrolled bills clerk .....	4.50
25	Postmistress .....	3.60
26	Committee clerks .....	3.80
27	Matron .....	3.60
28	Janitors .....	3.60
29	Messenger to the mail carrier.....	3.00
30	Telephone messenger .....	3.60
31	Lieutenant governor's page .....	2.50
32	Secretary's page .....	2.50
33	Pages .....	2.50

#### HOUSE OFFICERS AND EMPLOYEES

34	Chief clerk .....	\$9.00
35	Assistant chief clerk .....	6.30
36	Journal clerk .....	6.30
37	Assistant journal clerk .....	6.30

38	Engrossing clerk .....	6.30
39	Enrolling clerk .....	6.30
40	Reading clerk .....	6.30
41	Special clerk .....	6.30
42	Filing clerk .....	4.50
43	Supply clerk .....	3.60
44	Clerk of enrolled bills.....	6.30
45	Bill clerk .....	4.50
46	Assistant bill and file clerk.....	4.50
47	Speaker's clerk .....	4.50
48	Chief clerk's clerk .....	4.50
49	Committee clerks .....	3.80
50	Postmaster .....	3.60
51	Sergeant-at-arms .....	4.50
52	Assistant sergeant-at-arms .....	4.50
53	Porters .....	3.60
54	Telephone messenger .....	3.60
55	Chief doorkeeper .....	4.50
56	Doorkeepers .....	3.60
57	Chief clerk's page .....	2.50
58	Speaker's page .....	2.50
59	Pages .....	2.50
60	Assistant electrician .....	3.60

## EXTRA HELP

61	Assistant in law research.....	\$5.85
62	Assistant in general research.....	5.85
63	Stenographers and typists for law library.....	3.60
64	Page to librarian and his office.....	3.60
65	Legislative assistant for economics department.....	3.60
66	Stenographer for economics division.....	3.60
67	Assistant messenger to mail carrier.....	3.60
68	Assistant matron .....	3.60
69	Elevator tenders .....	3.60
70	Janitors .....	3.60
71	Post office assistant .....	3.60

1     SEC. 2. It is further provided that the president and secretary of  
2 the senate and the speaker and chief clerk of the house shall be author-  
3 ized to pay compensation to persons acting as temporary officers or  
4 employees, prior to the permanent organization of their respective  
5 houses, in the positions set forth in section one (1) and at the same  
6 scale of compensation as set forth therein.

1     SEC. 3. This act being deemed of immediate importance shall be  
2 in force and effect from and after its publication in The Booster, a  
3 newspaper published at Valley Junction, Iowa, and in The Express,  
4 a newspaper published at Knoxville, Iowa.

Senate Joint Resolution 1. Approved January 29, 1937.

I hereby certify that the foregoing act was published in The Booster, Valley Junction,  
February 4, 1937, and The Express, Knoxville, February 4, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 280

## GREATER IOWA COMMISSION

## S. J. R. 4

A JOINT RESOLUTION relating to the Greater Iowa Commission, requesting the cooperation of appropriate governmental agencies, and directing and authorizing said commission to continue its efforts in behalf of a greater Iowa.

WHEREAS, the Forty-sixth General Assembly created the Greater Iowa Commission, the membership of which was duly designated by the Governor, and

WHEREAS, said commission has engaged itself since its creation in activities which are designed to bring a greater degree of prosperity to the state of Iowa, encourage new industries within the state, promote the welfare of industries already established, procure and disseminate information relative to increased diversification of agricultural products, and the development of processing plants for new agricultural products, and

WHEREAS, said commission has shown by its report to the Governor that it has filled a real need in the state of Iowa, that it has presented a program for a Greater Iowa which has won the commendation of many of its leading citizens, and

WHEREAS, said commission has been able to secure the cooperation of all of the leading civic organizations of the state which have joined together in a common desire to be of service to the state, and

WHEREAS, all of this has been accomplished without expense to the state, and

WHEREAS, the work and program of the Greater Iowa Commission is deserving of official approval, now therefore,

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

1 SECTION 1. That the Greater Iowa Commission is hereby directed  
2 and authorized to continue its efforts in behalf of a Greater Iowa.

1 SEC. 2. That the Executive Council is hereby directed to request  
2 the cooperation of the appropriate governmental agencies in the  
3 further development of the program of the Commission.

1 SEC. 3. That no member of the Commission, its Directory and Ad-  
2 visory Boards, nor any officer of any co-ordinating and co-operating  
3 organization or association shall receive any compensation for serv-  
4 ices rendered in connection herewith.

Senate Joint Resolution 4. Approved April 15, 1937.

## CHAPTER 281

## JOINT RESOLUTION

H. J. R. 1

A JOINT RESOLUTION fixing the compensation of the chaplains of the Forty-seventh General Assembly and making an appropriation therefor.

WHEREAS, it has been customary for the senate and house of the Iowa general assembly to open each daily session with prayer offered by chaplains, and

WHEREAS, it is desirable that these chaplains be secured from among the clergymen throughout the state of Iowa, and

WHEREAS, some reasonable compensation should be provided to compensate and assist in defraying the expenses of such chaplains, therefore,

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

1 SECTION 1. That the compensation to be allowed chaplains officiat-  
2 ing at the opening of each house with prayer each day during the  
3 Forty-seventh General Assembly shall be five dollars (\$5.00) for each  
4 house, and that sufficient funds are hereby appropriated out of the  
5 general funds of the state, not otherwise appropriated, to provide such  
6 compensation. No member or employee of the general assembly shall  
7 be entitled to said compensation.

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 Earl-  
3 ville Review, a newspaper published in Earlville, Iowa, and the Hop-  
4 kinton Leader, a newspaper published in Hopkinton, Iowa.

House Joint Resolution 1. Approved March 24, 1937.

I hereby certify that the foregoing act was published in the Earlville Review April 1, 1937, and the Hopkinton Leader April 1, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 282

## JOINT RESOLUTION

S. J. R. 2

A JOINT RESOLUTION to amend Senate Joint Resolution 1 of the Forty-seventh General Assembly relating to the compensation of officers and employees of the Forty-seventh General Assembly.

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

1 SECTION 1. Senate Joint Resolution 1 passed by the Forty-seventh  
2 General Assembly is amended by inserting after line 67 the following  
3 "67-a Law library clerk, 3.60". Also by striking from line 68 the  
4 word "Page" and inserting in lieu thereof the word "Pages". Also by  
5 striking from line 69 the figures "3.60" and inserting in lieu thereof  
6 the figures "4.50". Also by striking from line 31 the figures "3.00"  
7 and inserting in lieu thereof the figures "3.60".

1 SEC. 2. This act being deemed of immediate importance shall be  
2 in force after its publication as provided by law.

Senate Joint Resolution 2. Approved February 9, 1937.

I hereby certify that the foregoing act was published in the Valley Junction Booster,  
February 11, 1937, and the Beaverdale News, February 12, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

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## CHAPTER 283

### LEGISLATIVE ASSENT TO BANKHEAD-JONES ACT

H. J. R. 11

A JOINT RESOLUTION expressing the assent of the General Assembly of the State  
of Iowa to the provisions and purpose of the Bankhead-Jones act of June 29, 1935  
(public No. 182-74th congress).

WHEREAS, there has been enacted by the Senate and House of Representatives of the United States of America in Congress assembled, an act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges, approved June 29, 1935 (Public No. 182-74th Congress), and

WHEREAS, the provisions of the act and the purpose of the grants of money authorized by the act are made subject to the legislative assent of several states and territories, now therefore

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

1 SECTION 1. The assent of the General Assembly of the State of Iowa  
2 required by the Bankhead-Jones Act of June 29, 1935, (Public No. 182-  
3 74th Congress) is hereby given.

House Joint Resolution 11. Approved April 2, 1937.



# **ACTS AND JOINT RESOLUTIONS**

PASSED AT THE

**EXTRAORDINARY SESSION**

OF THE

**Forty-sixth General Assembly**

OF THE

**STATE OF IOWA**

---

PREPARED FOR PUBLICATION BY AND UNDER THE DIRECTION OF  
TOM J. WHITE  
SUPERINTENDENT OF PRINTING

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Published by  
THE STATE OF IOWA  
Des Moines  
1937

# LAWS

OF THE

## Forty-sixth General Assembly

OF THE

### STATE OF IOWA

PASSED AT THE EXTRAORDINARY SESSION THEREOF, AT DES MOINES,  
THE CAPITAL OF THE STATE, BEGUN ON THE TWENTY-FIRST DAY  
OF DECEMBER, AND ENDED ON THE TWENTY-FOURTH  
DAY OF DECEMBER, A. D. 1936, IN THE  
NINETIETH YEAR OF THE STATE.

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## FORTY-SIXTH EXTRA SESSION

### CHAPTER 1

#### APPROPRIATION

##### S. F. 2

AN ACT to make an appropriation to the unemployment compensation administration fund in the form of a loan, and to provide for the return of such money to the general fund of the state of Iowa.

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

1     **SECTION 1. Appropriation.** There is hereby appropriated out of  
2 any funds in the state treasury not otherwise appropriated, the sum  
3 of twenty-five hundred dollars (\$2,500.00), or so much thereof as may  
4 be necessary as a loan to the unemployment compensation adminis-  
5 tration fund as set up under senate file 1, extraordinary session, Forty-  
6 sixth General Assembly of Iowa, until such time as moneys are re-  
7 ceived by this state under title III of the social security act. Upon  
8 receipt of such moneys the total sum expended under this appropria-  
9 tion shall be repaid from the unemployment compensation adminis-  
10 tration fund to the general fund of this state.

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 Garner Herald, a newspaper published at Garner, Iowa, and in the  
4 Adams County Free Press, a newspaper published at Corning, Iowa.

Senate File 2. Approved December 24, 1936.

I hereby certify that the foregoing act was published in the Garner Herald, December 30, 1936, and the Adams County Free Press, December 31, 1936.

MRS. ALEX MILLER, *Secretary of State.*

## CHAPTER 2 APPROPRIATION

### H. F. 2

AN ACT to make appropriations to Walter Dietz, Bert E. Dodds, Harlan C. Foster, Chester L. Johns, Frank S. Lovrein, F. A. Whitney.

*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 the following named per-  
3 sons the amounts set opposite their names, to-wit:

4	Walter Dietz of Walcott, Iowa	
5	Per diem, 2 days at \$10.00 per day.....	\$20.00
6	Mileage, 360 miles at 5c per mile.....	18.00
7	Bert E. Dodds of New London, Iowa	
8	Per diem, 2 days at \$10.00 per day.....	20.00
9	Mileage, 330 miles at 5c per mile.....	16.50
10	Harlan C. Foster of Mt. Pleasant, Iowa	
11	Per diem, 2 days at \$10.00 per day.....	20.00
12	Mileage, 270 miles at 5c per mile.....	13.50
13	Chester L. Johns of Ottumwa, Iowa	
14	Per diem, 2 days at \$10.00 per day.....	20.00
15	Mileage, 190 miles at 5c per mile.....	9.50
16	Frank S. Lovrien of Humboldt, Iowa	
17	Per diem, 2 days at \$10.00 per day.....	20.00
18	Mileage, 240 miles at 5c per mile.....	12.00
19	F. A. Whitney of Somers, Iowa	
20	Mileage, 160 miles at 5c per mile.....	8.00
21	Per diem, 2 days at \$10.00 per day.....	20.00

22 This appropriation is made for the purpose of paying per diem and  
23 mileage to the above named parties, who were appointed by the gov-  
24 ernor to membership in the house of representatives, 46th General  
25 Assembly, Extra Session, and who appeared at said extra session pur-  
26 suant to said appointment, but were not seated by the house of rep-  
27 resentatives.

1 SEC. 2. The state comptroller is hereby authorized and directed  
2 to draw his warrant payable to the order of each of the above named  
3 persons in the amounts hereby appropriated to them respectively, and  
4 the treasurer of state is hereby authorized and directed to pay the  
5 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 passage and publication in

3 the Seymour Herald, a newspaper published at Seymour, Iowa, and in  
4 the Sigourney Review, a newspaper published at Sigourney, Iowa.

House File 2. Approved December 24, 1936.

I hereby certify that the foregoing act was published in the Sigourney Review, January 6, 1937, and the Seymour Herald, January 7, 1937.

MRS. ALEX MILLER, *Secretary of State.*

### CHAPTER 3

#### APPROPRIATION

##### H. F. 3

AN ACT making an appropriation for the payment of the typewriter rental, miscellaneous expenses of the forty-sixth general assembly, extraordinary session, 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 so  
3 much thereof as may be necessary, to pay the claims and expenses  
4 indicated.

1 SEC. 2. To Gaar Brothers Typewriter Company, the sum of twelve  
2 (12) dollars, rental for twelve (12) typewriters for use by the house  
3 of representatives.

1 SEC. 3. To Gaar Brothers Typewriter Company, the sum of twelve  
2 (12) dollars, rental for twelve (12) typewriters and one (1) dollar  
3 and fifty (50) cents for rental of six (6) typewriter tables for use by  
4 the senate.

1 SEC. 4. To Hedo M. Zacherle, secretary of the senate, for postage,  
2 supplies and other expenses incurred and paid for by him in connec-  
3 tion with the duties of his office during extraordinary session of the  
4 Forty-sixth General Assembly, a sum not exceeding ten (10) dollars.

1 SEC. 5. To Virgil Lakin, chief clerk of the house of representatives,  
2 for postage, supplies and other expenses incurred and paid by him  
3 in connection with the duties of his office during the Forty-sixth Gen-  
4 eral Assembly, Extraordinary Session, a sum not exceeding twelve  
5 (12) dollars.

1 SEC. 6. The state comptroller is hereby authorized and directed to  
2 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 seven (7) of this act.

1 SEC. 7. The sum of one hundred (100) dollars as a legislative  
2 emergency fund to be expended under the direction of the executive  
3 council for supplies, telephone and telegraph services, and other mis-  
4 cellaneous expenses.

1     **SEC. 8. Publication clause.** This act being deemed of immediate im-  
 2     portance, shall be in force and effect from and after its passage and  
 3     publication in the American Citizen, a newspaper published at Des  
 4     Moines, Iowa, and in the Beaverdale News, a newspaper published at  
 5     Des Moines, Iowa.

House File 3. Approved December 24, 1936.

I hereby certify that the foregoing act was published in the American Citizen, January 8, 1937, and the Beaverdale News, January 8, 1937.

MRS. ALEX MILLER, *Secretary of State.*

Editor's note: S. F. 1, 46th extra session, amended and re-enacted in Sec. 25, S. F. 447, Acts 47th G. A.

## CHAPTER 4

### UNEMPLOYMENT COMPENSATION LAW

#### S. F. 1

AN ACT to create a system of unemployment compensation; to provide for an unemployment compensation fund; to provide for contributions to such fund; to provide for benefit payments from such fund; to provide eligibility conditions for such benefits; to provide for the settlement of benefit claims; to provide for appeal and judicial review of disputed claims; to create an unemployment compensation commission and to provide for its appointment and compensation and to prescribe its powers and duties; to provide for the appointment and compensation of personnel and the maintenance and other expenses of such commission; to authorize reciprocal benefit arrangements with other states or the federal government; to prohibit the waiver of rights and benefits arising hereunder; to regulate alienation of benefits; to regulate attorneys' fees in cases arising under this act; to provide for the transfer of state employment service, and to prescribe its powers, duties and functions; to establish an unemployment administration fund; to fix the penalty for failure to comply with or for violation of this act; to retain the right to amend or repeal this act; and to repeal acts in conflict herewith, and for other purposes.

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

#### SHORT TITLE

1     **SECTION 1.** This act shall be known and may be cited as the "Unem-  
 2     ployment Compensation Law".

#### DECLARATION OF STATE PUBLIC POLICY

1     **SEC. 2.** As a guide to the interpretation and application of this act,  
 2     the public policy of this state is declared to be as follows: Economic  
 3     insecurity due to unemployment is a serious menace to the health, mor-  
 4     als, and welfare of the people of this state. Involuntary unemployment  
 5     is therefore a subject of general interest and concern which requires ap-  
 6     propriate action by the legislature to prevent its spread and to lighten  
 7     its burden which now so often falls with crushing force upon the unem-  
 8     ployed worker and his family. The achievement of social security re-  
 9     quires protection against this greatest hazard of our economic life. This  
 10    can be provided by encouraging employers to provide more stable em-  
 11    ployment and by the systematic accumulation of funds during periods  
 12    of employment to provide benefits for periods of unemployment, thus  
 13    maintaining purchasing power and limiting the serious social conse-  
 14    quences of poor relief assistance. The legislature, therefore, declares  
 15    that in its considered judgment the public good, and the general welfare  
 16    of the citizens of this state require the enactment of this measure, under

17 the police powers of the state, for the compulsory setting aside of un-  
18 employment reserves to be used for the benefit of persons unemployed  
19 through no fault of their own.

#### BENEFITS

1 SEC. 3 (a). "Payment of benefits"—Twenty-four months after the  
2 date when contributions first accrue under this act, benefits shall be-  
3 come payable from the fund. All benefits shall be paid through employ-  
4 ment offices, in accordance with such regulations as the commission may  
5 prescribe.

1 SEC. 3 (b). "Weekly benefit amount for total unemployment"—Each  
2 eligible individual who is totally unemployed (as defined in section 19  
3 (j) (1)) in any week shall be paid with respect to such week benefits at  
4 the rate of fifty per centum of his full-time weekly wages but not more  
5 than \$15.00 per week, nor less than either five dollars (\$5.00), or his  
6 full-time weekly wage, whichever is the lesser.

1 SEC. 3 (c). "Weekly benefit amount for partial unemployment"—  
2 Each eligible individual who is partially unemployed (as defined in sec.  
3 19 (j) (2)), in any week shall be paid with respect to such week a par-  
4 tial benefit. Such partial benefit shall be an amount which, if added to  
5 his wages (as defined in sec. 19 (m)) for such week, would exceed his  
6 weekly benefit amount (as defined in sec. 19 (o)) by (\$2.00) two dollars.

1 SEC. 3 (d). "Determination of full-time weekly wage":

2 (1) The full-time weekly wage of any individual means the weekly  
3 wages that such individual would receive if he were employed at the  
4 most recent wage rate earned by him in employment by an employer in  
5 his base period and for the customary scheduled full-time week prevail-  
6 ing for his occupation in the enterprise in which he last earned wages  
7 in employment by an employer during his base period.

8 (2) If the commission finds that the full-time weekly wage, as above  
9 defined, would be unreasonable or arbitrary or not readily determinable  
10 with respect to any individual, the full-time weekly wage of such indi-  
11 vidual shall be deemed to be one-thirteenth of his total wages in employ-  
12 ment by employers in that quarter in which such total wages were high-  
13 est during his base period.

1 SEC. 3 (e). "Duration of benefits"—The maximum total amount of  
2 benefits payable to any eligible individual during any benefit year shall  
3 not exceed the balance credited to his account with respect to wages  
4 earned in employment by employers during his base period, or fifteen  
5 times his weekly benefit amount, whichever is the lesser. The commis-  
6 sion shall maintain a separate account for each individual who earns  
7 wages in employment by an employer subsequent to December 31, 1936.  
8 After the expiration of each calendar quarter, the commission shall  
9 credit each such account with one-sixth of such wages earned by such  
10 individual during such quarter, or sixty-five dollars (\$65.00), whichever  
11 is the lesser. Benefits paid to an eligible individual shall be charged  
12 against amounts which have been credited to his account on the basis  
13 of wages earned in employment by employers during his base period and  
14 which have not previously been charged hereunder, in the same chrono-  
15 logical order as such wages were earned.

1     **SEC. 3 (f) (1).** “Part-time workers”—As used in this subsection the  
 2 term “part-time worker” means an individual whose normal work is in  
 3 an occupation in which his services are not required for the customary  
 4 scheduled full-time hours prevailing in the establishment in which he is  
 5 employed, or who, owing to personal circumstances, does not customa-  
 6 rily work the customary scheduled full-time hours prevailing in the  
 7 establishment in which he is employed.

8     (2) The commission shall prescribe fair and reasonable general rules  
 9 applicable to part-time workers, for determining their full-time weekly  
 10 wage, and the total wages in employment by employers required to qual-  
 11 ify such workers for benefits. Such rules shall, with respect to such  
 12 part-time workers supersede any inconsistent provisions of this act,  
 13 but, so far as practicable, shall secure results reasonably similar to those  
 14 provided in the analogous provisions of this act.

#### BENEFIT ELIGIBILITY CONDITIONS

1     **SEC. 4.** An unemployed individual shall be eligible to receive benefits  
 2 with respect to any week only if the commission finds that:

3     (a) He has registered for work at and thereafter has continued to  
 4 report at an employment office in accordance with such regulations as  
 5 the commission may prescribe.

6     (b) He has made a claim for benefits in accordance with the provi-  
 7 sions of section 6 (a) of this act.

8     (c) He is able to work, and is available for work.

9     (d) Prior to any week for which he claims benefits he has been totally  
 10 unemployed for a waiting period of two weeks (and for the purposes of  
 11 this subsection, two weeks of partial unemployment shall be deemed to  
 12 be equivalent to one week of total unemployment). Such weeks of total  
 13 or partial unemployment or both need not be consecutive. No week shall  
 14 be counted as a week of total unemployment for the purposes of this  
 15 subsection:

16     (1) if benefits have been paid with respect thereto;

17     (2) unless the individual was eligible for benefits with respect there-  
 18 to in all respects except for the requirements of subsections (b) and (e)  
 19 of this section;

20     (3) Unless it occurs within the thirteen consecutive weeks preceding  
 21 the week for which he claims benefits, provided that this condition shall  
 22 not interrupt the payment of benefits for consecutive weeks of unem-  
 23 ployment nor require any individual to accumulate more than five wait-  
 24 ing period weeks during any five consecutive calendar quarters;

25     (4) unless it occurs after benefits first could become payable to any  
 26 individual under this act.

1     **SEC. 4 (e).** He has within the first four out of the last five completed  
 2 calendar quarters immediately preceding the first day of his benefit  
 3 year, earned wages in employment by employers equal to not less than  
 4 fifteen times his weekly benefit amount.

#### DISQUALIFICATION FOR BENEFITS

1     **SEC. 5.** An individual shall be disqualified for benefits:

2     (a) For the week in which he has left work voluntarily without good  
 3 cause, if so found by the commission, and for not less than one nor more  
 4 than the five weeks which immediately follow such week (in addition to

5 the waiting period), as determined by the commission according to the  
6 circumstances in each case.

1 SEC. 5 (b). For the week in which he has been discharged for miscon-  
2 duct connected with his work, if so found by the commission, and for not  
3 less than the one nor more than the nine weeks which immediately fol-  
4 low such week (in addition to the waiting period), as determined by the  
5 commission in each case according to the seriousness of the misconduct.

1 SEC. 5 (c). If the commission finds that he has failed, without good  
2 cause, either to apply for available, suitable work when so directed by  
3 the employment office or the commission or to accept suitable work when  
4 offered him, or to return to his customary self-employment (if any)  
5 when so directed by the commission. Such disqualification shall con-  
6 tinue for the week in which such failure occurred and for not less than  
7 the one nor more than the five weeks which immediately follow such  
8 week (in addition to the waiting period), as determined by the commis-  
9 sion according to the circumstances in each case.

10 (1) In determining whether or not any work is suitable for an indi-  
11 vidual, the commission shall consider the degree of risk involved to his  
12 health, safety, and morals, his physical fitness and prior training, his  
13 experience and prior earnings, his length of unemployment and pros-  
14 pects for securing local work in his customary occupation, and the dis-  
15 tance of the available work from his residence, and any other factors  
16 which it finds bears a reasonable relation to the purposes of this sub-  
17 section.

18 (2) Notwithstanding any other provision of this act, no work shall  
19 be deemed suitable and benefits shall not be denied under this act to  
20 any otherwise eligible individual for refusing to accept new work un-  
21 der any of the following conditions:

22 (a) If the position offered is vacant due directly to a strike, lockout,  
23 or other labor dispute;

24 (b) if the wages, hours, or other conditions of the work offered are  
25 substantially less favorable to the individual than those prevailing for  
26 similar work in the locality;

27 (c) if as a condition of being employed, the individual would be re-  
28 quired to join a company union or to resign from or refrain from join-  
29 ing any bona-fide labor organization.

1 SEC. 5 (d). For any week with respect to which the commission  
2 finds that his total or partial unemployment is due to a stoppage of  
3 work which exists because of a labor dispute at the factory, establish-  
4 ment, or other premises at which he is or was last employed, provided  
5 that this subsection shall not apply if it is shown to the satisfaction  
6 of the commission that:

7 (1) he is not participating in or financing or directly interested in  
8 the labor dispute which caused the stoppage of work; and

9 (2) he does not belong to a grade or class of workers of which im-  
10 mediately before the commencement of the stoppage, there were mem-  
11 bers employed at the premises at which the stoppage occurs, any of  
12 whom are participating in or financing or directly interested in the dis-  
13 pute:

14 Provided, that if in any case separate branches of work which are  
15 commonly conducted as separate businesses in separate premises are



16 conducted in separate departments of the same premises, each such  
 17 department shall, for the purposes of this subsection, be deemed to be  
 18 a separate factory, establishment, or other premises.

1 SEC. 5 (e). For any week with respect to which he is receiving or  
 2 has received remuneration in the form of:

3 (1) Wages in lieu of notice;

4 (2) Compensation for temporary partial disability under the work-  
 5 men's compensation law of any state or under a similar law of the  
 6 United States; or

7 (3) Old-age benefits under title II of the social security act, as  
 8 amended, or similar payments under any act of congress:

9 Provided, that if such remuneration is less than the benefits which  
 10 would otherwise be due under this act, he shall be entitled to receive  
 11 for such week, if otherwise eligible, benefits reduced by the amount of  
 12 such remuneration.

#### CLAIMS FOR BENEFITS

1 SEC. 6 (a). **Filing**—Claims for benefits shall be made in accordance  
 2 with such regulations as the commission may prescribe. Each em-  
 3 ployer shall post and maintain printed statements of such regulations  
 4 in places readily accessible to individuals in his service and shall make  
 5 available to each such individual at the time he becomes unemployed  
 6 a printed statement of such regulations. Such printed statements shall  
 7 be supplied by the commission to each employer without cost to him.

1 SEC. 6(b). **Initial Determination**—A representative designated by  
 2 the commission, and hereinafter referred to as a deputy, shall promptly  
 3 examine the claim and, on the basis of the facts found by him, shall  
 4 either determine whether or not such claim is valid, and if valid, the  
 5 week with respect to which benefits shall commence, the weekly benefit  
 6 amount payable and the maximum duration thereof, or shall refer such  
 7 claim or any question involved therein to an appeal tribunal or to the  
 8 board of review, which shall make its determinations with respect  
 9 thereto in accordance with the procedure described in subsection (c)  
 10 of this section, except that in any case in which the payment or denial  
 11 of benefits will be determined by the provisions of section 5(d) of this  
 12 act, the deputy shall promptly transmit his full finding of fact with  
 13 respect to that subsection to the board of review, which, on the basis  
 14 of the evidence submitted and such additional evidence as it may  
 15 require, shall affirm, modify, or set aside such findings of fact and  
 16 transmit to the deputy a decision upon the issues involved under that  
 17 subsection. The deputy shall promptly notify the claimant and any  
 18 other interested party of the decision and the reasons therefor. Un-  
 19 less the claimant or other interested party, within five calendar days  
 20 after the delivery of such notification, or within seven calendar days  
 21 after such notification was mailed to his last-known address, files an  
 22 appeal from such decision, such decision shall be final and benefits  
 23 shall be paid or denied in accordance therewith. If an appeal is duly  
 24 filed, benefits with respect to the period prior to the final determination  
 25 of the board of review, shall be paid only after such determination:  
 26 Provided: That if an appeal tribunal affirms a decision of a deputy,  
 27 or the board of review affirms a decision of an appeal tribunal, allow-  
 28 ing benefits, such benefits shall be paid regardless of any appeal which

29 may thereafter be taken, but if such decision is finally reversed, no  
30 employer's account shall be charged with benefits so paid.

1 SEC. 6 (c). **Appeals**—Unless such appeal is withdrawn, an appeal  
2 tribunal, after affording the parties reasonable opportunity for fair  
3 hearing, shall affirm or modify the findings of fact and decision of the  
4 deputy. The parties shall be duly notified of such tribunal's decision,  
5 together with its reasons therefor, which shall be deemed to be the  
6 final decision of the board of review, unless within ten days after the  
7 date of notification or mailing of such decision, further appeal is ini-  
8 tiated pursuant to subsection (e) of this section.

1 SEC. 6 (d). **Appeal tribunals**—To hear and decide disputed claims,  
2 the commission shall establish one or more impartial appeal tribunals  
3 consisting in each case of either a salaried examiner or a body con-  
4 sisting of three members, one of whom shall be a salaried examiner,  
5 who shall serve as chairman, one of whom shall be a representative of  
6 employers and the other of whom shall be a representative of em-  
7 ployees; each of the latter two members shall serve at the pleasure  
8 of the commission and be paid a fee, as fixed by the commission per  
9 day of active service on such tribunal, plus necessary expenses. No  
10 person shall participate on behalf of the commission or of the board  
11 of review in any case in which he is an interested party. The com-  
12 mission may designate alternates to serve in the absence or disqualifi-  
13 cation of any member of an appeal tribunal. The chairman shall act  
14 alone in the absence or disqualification of any other member and his  
15 alternates. In no case shall the hearings proceed unless the chairman  
16 of the appeal tribunal is present.

1 SEC. 6 (e). **Board of review**.—The board of review may on its own  
2 motion affirm, modify, or set aside any decision of an appeal tribunal  
3 on the basis of the evidence previously submitted in such case, or direct  
4 the taking of additional evidence, or may permit any of the parties  
5 to such decision to initiate further appeals before it. The board of  
6 review shall permit such further appeal by any of the parties inter-  
7 ested in a decision of an appeal tribunal which is not unanimous and  
8 by the deputy whose decision has been overruled or modified by an  
9 appeal tribunal. The board of review may remove to itself or transfer  
10 to another appeal tribunal the proceedings on any claim pending before  
11 an appeal tribunal. Any proceeding so removed to the board of review  
12 shall be heard by a quorum thereof in accordance with the require-  
13 ments in subsection (c) of this section. The board of review shall  
14 promptly notify the interested parties of its findings and decision.

1 SEC. 6 (f). **Procedure**—The manner in which disputed claims shall be  
2 presented, the reports thereon required from the claimant and from  
3 employers, and the conduct of hearings and appeals shall be in accord-  
4 ance with rules prescribed by the commission for determining the  
5 rights of the parties, whether or not such rules conform to common  
6 law or statutory rules of evidence and other technical rules of pro-  
7 cedure. A full and complete record shall be kept of all proceedings  
8 in connection with a disputed claim. All testimony at any hearing  
9 upon a disputed claim shall be recorded, but need not be transcribed  
10 unless the disputed claim is further appealed.

1     **SEC. 6 (g). Witness fees**—Witnesses subpoenaed pursuant to this  
2 section shall be allowed fees and necessary traveling expenses at a rate  
3 fixed by the commission.

1     **SEC. 6 (h). Appeal to courts**—Any decision of the board of review  
2 in the absence of an appeal therefrom as herein provided shall become  
3 final ten days after the date of notification or mailing thereof, and  
4 judicial review thereof shall be permitted only after any party claim-  
5 ing to be aggrieved thereby has exhausted his remedies before the  
6 board of review as provided by this act. The board of review shall  
7 be deemed to be a party to any judicial action involving any such deci-  
8 sion, and may be represented in any such judicial action by any quali-  
9 fied attorney who is a regular salaried employee of the commission or  
10 who has been designated by the commission for that purpose, or at the  
11 commission's request, by the attorney general.

1     **SEC. 6 (i). Court review**—Within ten days after the decision of the  
2 board of review has become final, any party aggrieved thereby may  
3 secure judicial review thereof by commencing an action in the district  
4 court of the county in which the aggrieved party was last employed  
5 or resides, against the board of review for the review of its decision,  
6 in which action any other party to the proceeding before the board  
7 of review shall be made a defendant. In such action, a petition which  
8 need not be verified, but which shall state the grounds upon which a  
9 review is sought, shall be served on a member of the board of review  
10 or upon such person as the board of review may designate and such  
11 service shall be deemed completed service on all parties, but there  
12 shall be left with the party so served as many copies of the petition  
13 as there are defendants and the board of review shall forthwith mail  
14 one such copy to each such defendant. With its answer, the board  
15 of review shall certify and file with said court all documents and  
16 papers and a transcript of all testimony taken in the matter, together  
17 with its findings of fact and decision therein. The transcript as certi-  
18 fied and filed by the board of review shall be the record on which the  
19 appeal shall be heard, and no additional evidence shall be heard. In  
20 the absence of fraud the findings of fact made by the board of review  
21 within its powers shall be conclusive. The board of review may also,  
22 in its discretion, certify to such courts, questions of law involved in  
23 any decision by it. Such actions, and the questions so certified, shall  
24 be heard in a summary manner and shall be given precedence over all  
25 other civil cases except cases arising under the workmen's compensa-  
26 tion law of this state.

1     **SEC. 6 (j). Decision on appeal**—Any order or decision of the board  
2 of review may be modified, reversed, or set aside on one or more of the  
3 following grounds and on no other:

- 4     1. If the board of review acted without or in excess of its powers.
- 5     2. If the order or decree was procured by fraud.
- 6     3. If the facts found by the board of review do not support the order  
7 or decree.
- 8     4. If there is not sufficient competent evidence in the record to war-  
9 rant the making of the order or decision.

1     **SEC. 6 (k). Judgment or order remanding**—When the district court,  
2 on appeal, reverses or sets aside an order or decision of the board of

3 review, it may remand the case to the board of review for further pro-  
4 ceedings in harmony with the holdings of the court, or it may enter  
5 the proper judgment, as the case may be. Such judgment or decree  
6 shall have the same force and effect as if action had been originally  
7 brought and tried in said court.

1     **SEC. 6 (l). Appeal**—An appeal may be taken from any final order,  
2 judgment, or decree of the district court to the supreme court of Iowa,  
3 in the same manner, but not inconsistent with the provisions of this  
4 act, as is provided in civil cases. It shall not be necessary in any  
5 judicial proceeding under this section, to enter exceptions to the rul-  
6 ings of the board of review and no bond shall be required for entering  
7 such appeal. Upon the final determination of such judicial proceed-  
8 ing, the board of review shall enter an order in accordance with such  
9 determination. A petition for judicial review shall not act as a super-  
10 sedeas or stay unless the commission shall so order.

#### CONTRIBUTIONS

1     **SEC. 7 (a). Payment.**

2     (1) On and after July 1, 1936, contributions shall accrue and be-  
3 come payable by each employer with respect to wages payable for  
4 employment as defined in section 19 (g) occurring during such calen-  
5 dar year except that for the six months period beginning July 1, 1936,  
6 such contributions shall accrue and become payable solely from em-  
7 ployers with respect to wages payable for employment occurring on  
8 and after July 1, 1936. Such contributions shall become due and be  
9 paid to the commission for the fund at such time and in such manner  
10 as the commission may prescribe. Contributions required from an  
11 employer shall not be deducted, in whole or in part, from the wages  
12 of individuals in his employ.

13     (2) In the payment of any contribution, a fractional part of a cent  
14 shall be disregarded unless it amounts to one-half cent or more, in  
15 which case it shall be increased to one cent.

1     **SEC. 7 (b). Rate of contribution by employers.** Each employer shall  
2 pay contributions equal to the following percentages of wages payable  
3 by him with respect to employment:

4     (1) One and eight-tenths percentum with respect to employment  
5 for the six months' period beginning July 1, 1936, provided that if  
6 the total of such contributions at such one and eight-tenths percentum  
7 rate equals less than nine-tenths of one percentum of the annual pay-  
8 roll of any employer for the calendar year 1936, such employer shall  
9 pay, at such time as the commission shall prescribe, an additional lump  
10 sum contribution with respect to employment for such six months'  
11 period beginning July 1, 1936, equal to the difference between nine-  
12 tenths of one percentum of his annual payroll for the calendar year  
13 1936 and the total of his contributions at such one and eight-tenths  
14 percentum rate for such six months' period beginning July 1, 1936,  
15 and provided further that in no event shall employers' contributions  
16 at such one and eight-tenths percentum rate exceed nine-tenths of one  
17 percentum of his annual payroll for the calendar year 1936.

18     (2) One and eight-tenths percentum with respect to employment  
19 in the calendar year 1937;

20 (3) Two and seven-tenths percentum with respect to employment  
21 during the calendar years 1938, 1939, 1940, 1941; and

22 (4) With respect to employment after December 31, 1941, the per-  
23 centage determined pursuant to subsection (c) of this section.

1 **SEC. 7 (c). Future rates based on benefit experience.**

2 (1) The commission shall maintain a separate account for each em-  
3 ployer, and shall credit his account with all the contributions which  
4 he has paid on his own behalf. But nothing in this act shall be con-  
5 strued to grant any employer or individuals in his service prior claims  
6 or rights to the amounts paid by him into the fund either on his own  
7 behalf or on behalf of such individuals. Benefits paid to an eligible  
8 individual shall be charged against the account of his most recent  
9 employers, against whose accounts the maximum charges hereunder  
10 have not previously been made, in the inverse chronological order in  
11 which the employment of such individual occurred, but the maximum  
12 amount so charged against the account of any employer shall not exceed  
13 one-sixth of the wages payable to such individual by each such em-  
14 ployer for employment which occurs on and after the first day of  
15 such individual's base period, or (\$65.00) sixty-five dollars per com-  
16 pleted calendar quarter or portion thereof, whichever is the lesser.  
17 The commission shall by general rules prescribe the manner in which  
18 benefits shall be charged against the accounts of several employers  
19 for whom an individual performed employment during the same week.

20 (2) The commission may prescribe regulations for the establish-  
21 ment, maintenance, and dissolution of joint accounts by two or more  
22 employers, and shall, in accordance with such regulations and upon  
23 application by two or more employers to establish such an account,  
24 or to merge their several individual accounts in a joint account, main-  
25 tain such joint account as if it constituted a single employer's account.

26 (3) Each employer's rate shall be two and seven-tenths percentum,  
27 except as otherwise provided in the preceding or following provisions  
28 of this section. No employer's rate shall be less than two and seven-  
29 tenths percentum after December 31, 1937, unless and until there shall  
30 have been three calendar years after he becomes liable for contributions  
31 under this act throughout which any individual in his employ could  
32 have received benefits if eligible.

33 (4) Each employer's rate for the twelve months commencing Janu-  
34 ary 1 of any calendar year, after December 31, 1941, shall be deter-  
35 mined on the basis of his record up to the beginning of such calendar  
36 year. If, at the beginning of such calendar year, the total of all his  
37 contributions, paid on his own behalf, for all past years exceeds the  
38 total benefits charged to his accounts for all such years, his contribu-  
39 tion rate shall be:

40 (a) One and eight-tenths per centum, if such excess equals or ex-  
41 ceeds ( $7\frac{1}{2}$ ) seven and one-half but is less than (10) ten per centum  
42 of his average annual pay roll (as defined in section 19 (a) (2));

43 (b) Nine-tenths of (1) one per centum, if such excess equals or ex-  
44 ceeds (10) ten per centum of his average annual pay roll. If the total  
45 of his contributions, paid on his own behalf for all past periods or for the  
46 past sixty consecutive calendar months, whichever period is more ad-  
47 vantageous to such employer for the purposes of this paragraph, is  
48 less than the total benefits charged against his account during the same  
49 period, his rate shall be ( $3\frac{6}{10}$ ) three and six-tenths per centum.

50 (5) No employer's rate for the period of twelve months commencing  
 51 January 1 of any calendar year after December 31, 1937, shall be less  
 52 than  $(2\frac{7}{10})$  two and seven-tenths per centum, unless the total assets  
 53 of the fund, excluding contributions not yet paid at the beginning of  
 54 such calendar year, exceed the total benefits paid from the fund within  
 55 the last preceding calendar year; and no employer's rate shall be less  
 56 than  $(1\frac{8}{10})$  one and eight-tenths per centum unless such assets at  
 57 such time were at least twice the total benefits paid from the fund  
 58 within such last preceding year.

#### PERIOD, ELECTION, AND TERMINATION OF EMPLOYER'S COVERAGE

1 SEC. 8 (a). Any employing unit which is or becomes an employer  
 2 subject to this act within any calendar year shall be subject to this  
 3 act during the whole of such calendar year.

1 SEC. 8 (b). Except as otherwise provided in subsection (c) of this  
 2 section, an employing unit shall cease to be an employer subject to  
 3 this act, as of the 1st day of January of any calendar year, if it files  
 4 with the commission, prior to the 5th day of January of such year, a  
 5 written application for termination of coverage, and the commission  
 6 finds that there was no fifteen different weeks within the preceding  
 7 calendar year, within which such employing unit employed eight or  
 8 more individuals in employment subject to this act. For the purposes  
 9 of this subsection, the two or more employing units mentioned in para-  
 10 graph (2) or (3) or (4) of section 19 (f) shall be treated as a single  
 11 employing unit.

1 SEC. 8 (c) (1). An employing unit, not otherwise subject to this  
 2 act, which files with the commission its written election to become an  
 3 employer subject hereto for not less than two calendar years, shall  
 4 with the written approval of such election by the commission, become  
 5 an employer subject hereto to the same extent as all other employers,  
 6 as of the date stated in such approval, and shall cease to be subject  
 7 hereto as of January 1 of any calendar year subsequent to such two  
 8 calendar years, only if at least thirty days prior to such 1st day of  
 9 January, it has filed with the commission a written notice to that effect.

10 (2) Any employing unit for which services that do not constitute  
 11 employment as defined in this act are performed, may file with the  
 12 commission a written election that all such services performed by  
 13 individuals in its employ in one or more distinct establishments or  
 14 places of business shall be deemed to constitute employment for all the  
 15 purposes of this act for not less than two calendar years. Upon the  
 16 written approval of such election by the commission, such services  
 17 shall be deemed to constitute employment subject to this act from  
 18 and after the date stated in such approval. Such services shall cease  
 19 to be deemed employment subject hereto as of January 1, of any  
 20 calendar year subsequent to such two calendar years, only if at least  
 21 thirty days prior to such 1st day of January such employing unit has  
 22 filed with the commission a written notice to that effect.

#### UNEMPLOYMENT COMPENSATION FUND

1 SEC. 9 (a). Establishment and control—There is hereby established  
 2 as a special fund, separate and apart from all public moneys or funds

3 of this state, an unemployment compensation fund, which shall be  
4 administered by the commission exclusively for the purposes of this  
5 act. This fund shall consist of: (1) all contributions collected under  
6 this act, together with any interest thereon collected pursuant to sec-  
7 tion 14 of this act; (2) all fines and penalties collected pursuant to  
8 the provisions of this act; (3) interest earned upon any moneys in  
9 the fund; (4) any property or securities acquired through the use of  
10 moneys belonging to the fund; and (5) all earnings of such property  
11 or securities. All moneys in the fund shall be mingled and undivided.

1 **SEC. 9 (b). Accounts and deposits**—The state treasurer shall be ex-  
2 officio treasurer and custodian of the fund and shall administer such  
3 fund in accordance with the directions of the commission. The state  
4 comptroller shall issue warrants upon the fund pursuant to the order  
5 of the commission and such warrants shall be paid from the fund by  
6 the treasurer. The treasurer shall maintain within the fund three  
7 separate accounts: (1) A clearing account, (2) an unemployment  
8 trust fund account, and (3) a benefit account. All moneys payable to  
9 the fund shall, upon receipt thereof by the commission, be forwarded  
10 to the treasurer who shall immediately deposit them in the clearing  
11 account. Refunds payable pursuant to section 14 of this act shall be  
12 paid by the treasurer from the clearing account upon warrants issued  
13 by the comptroller under the direction of the commission. After  
14 clearance thereof, all other moneys in the clearing account shall be  
15 immediately deposited with the secretary of the treasury of the United  
16 States of America to the credit of the account of this state in the un-  
17 employment trust fund, established and maintained pursuant to sec-  
18 tion 904 of the social security act as amended, any provision of law  
19 in this state relating to the deposit, administration, release or dis-  
20 bursement of moneys in the possession or custody of this state to the  
21 contrary notwithstanding. The benefit account shall consist of all  
22 moneys requisitioned from this state's account in the unemployment  
23 trust fund. Except as herein otherwise provided moneys in the clear-  
24 ing and benefit account may be deposited by the treasurer, under the  
25 direction of the commission, in any bank or public depository in which  
26 general funds of the state may be deposited, but no public deposit  
27 insurance charge or premium shall be paid out of the fund. The treas-  
28 urer shall give a separate bond conditioned upon the faithful perform-  
29 ance of his duties as custodian of the fund in an amount fixed by the  
30 governor and in form and manner prescribed by law. Premiums for  
31 said bonds shall be paid from the administration fund.

1 **SEC. 9 (c). Withdrawals**—Moneys shall be requisitioned from this  
2 state's account in the unemployment trust fund solely for the payment  
3 of benefits and in accordance with regulations prescribed by the com-  
4 mission. The commission shall from time to time requisition from the  
5 unemployment trust fund such amounts, not exceeding the amounts  
6 standing to the account of this state therein, as the commission deems  
7 necessary for the payment of benefits for a reasonable future period.  
8 Upon receipt thereof the treasurer shall deposit such moneys in the  
9 benefit account, and shall disburse such moneys upon warrants drawn  
10 by the comptroller pursuant to the order of the commission for the  
11 payment of benefits solely from such benefit account. Expenditures  
12 of such moneys from the benefit account and refunds from the clear-

13 ing account shall not be subject to any provisions of law requiring  
 14 specific appropriations or other formal release by state officers of  
 15 money in their custody. All warrants issued by the comptroller for  
 16 the payment of benefits and refunds shall bear the signature of the  
 17 comptroller and the counter-signature of a member of the commission  
 18 or its duly authorized agent for that purpose. Any balance of moneys  
 19 requisitioned from the unemployment trust fund which remains un-  
 20 claimed or unpaid in the benefit account after the expiration of the  
 21 period for which such sums were requisitioned shall either be deducted  
 22 from estimates for, and may be utilized for the payment of, benefits  
 23 during succeeding periods, or, in the discretion of the commission,  
 24 shall be redeposited with the secretary of the treasury of the United  
 25 States of America, to the credit of this state's account in the unemploy-  
 26 ment trust fund, as provided in the subsection (b) of this section.

1     **SEC. 9 (d). Management of funds in the event of discontinuance of**  
 2 **unemployment trust fund**—The provisions of subsections (a), (b) and  
 3 (c) to the extent that they relate to the unemployment trust fund  
 4 shall be operative only so long as such unemployment trust fund con-  
 5 tinues to exist and so long as the secretary of the treasury of the United  
 6 States of America continues to maintain for this state a separate book  
 7 account of all funds deposited therein by this state for benefit purposes,  
 8 together with this state's proportionate share of the earnings of such  
 9 unemployment trust fund, from which no other state is permitted to  
 10 make withdrawals. If and when such unemployment trust fund ceases  
 11 to exist, or such separate book account is no longer maintained, all  
 12 moneys, properties, or securities therein, belonging to the unemploy-  
 13 ment compensation fund of this state shall be transferred to the treas-  
 14 urer of the unemployment compensation fund, who shall hold, invest,  
 15 transfer, sell, deposit, and release such moneys, properties, or securi-  
 16 ties in a manner approved by the commission, in accordance with the  
 17 provisions of this act: provided, that such moneys shall be invested  
 18 in the following readily marketable classes of securities; such securi-  
 19 ties as are authorized by the laws of the state of Iowa for the invest-  
 20 ment of trust funds. The treasurer shall dispose of securities and  
 21 other properties belonging to the unemployment compensation fund  
 22 only under the direction of the commission.

#### UNEMPLOYMENT COMPENSATION COMMISSION

1     \***SEC. 10 (a). Organization**—There is hereby created a commission to  
 2 be known as the unemployment compensation commission of Iowa.  
 3 Until such time as members of said commission shall be appointed by  
 4 the governor as hereinafter provided, which time shall be not later  
 5 than March 1, 1937, the commission shall consist of the executive  
 6 council of the state of Iowa.

7     From and after March 1, 1937, or such earlier date as appointments  
 8 shall be made as hereinafter provided, the commission shall consist of  
 9 five members, one of whom shall be the commissioner of labor and  
 10 four of whom shall be appointed by the governor, subject to the ap-  
 11 proval of a two-thirds vote of the members of the senate in executive  
 12 session. Two members of the commission shall be representatives of

\* Note: Amended by S. F. 191 acts 47th G. A.



13 labor, two shall be representatives of employers, and one shall be a  
14 representative of the public. Not more than three members shall be  
15 of the same political party. The commissioner of labor shall serve  
16 as a member of the commission during his tenure of office as commis-  
17 sioner of labor; each member appointed by the governor shall serve  
18 for a term of six years, or until his successor is appointed and qualifies,  
19 except that

20 (1) Any member appointed to fill a vacancy occurring prior to the  
21 expiration of the term for which his predecessor was appointed shall  
22 be appointed for the remainder of such term, and

23 (2) The terms of the members first appointed after the date of  
24 enactment of this act shall expire, as designated by the governor at  
25 the time of appointment, two members on June 30, 1941, and two  
26 members on June 30, 1943, or in each of the foregoing instances until  
27 his successor is appointed and qualified.

28 The governor may at any time, after notice and hearing, remove  
29 any commissioner for gross inefficiency, neglect of duty, malfeasance,  
30 misfeasance, or nonfeasance in the performance of his duties as a  
31 member of the commission. Before entering upon the discharge of  
32 his official duties, each member of the commission shall take and sub-  
33 scribe to an oath of office, which shall be filed in the office of the secre-  
34 tary of state. Any vacancy occurring for any cause in the member-  
35 ship of this commission shall be filled for the unexpired term by ap-  
36 pointment by the governor subject to the approval of a constitutional  
37 majority of the senate at the next regular session of the legislature.  
38 Each member of the commission shall be entitled to receive as compen-  
39 sation for his services the sum of (\$15.00) fifteen dollars per day for  
40 each and every day which he devotes to the actual performance of his  
41 duties, as prescribed in this act, but the total amount of such compen-  
42 sation shall not exceed the sum of (\$1,200.00) twelve hundred dollars  
43 per year. In addition to the compensation hereinbefore prescribed,  
44 each member of the commission shall be entitled to receive the amount  
45 of his traveling and other necessary expenses actually incurred while  
46 engaged in the performance of his official duties. The commission  
47 shall hold one regular meeting each month, and such called meetings  
48 as they believe necessary. The January meeting shall be known as  
49 the annual meeting. Three members of the commission shall consti-  
50 tute a quorum for the transaction of business. At its first meeting,  
51 and at each annual meeting held thereafter, the commission shall or-  
52 ganize by the election of a chairman and vice-chairman from its own  
53 number, each of whom, except those first elected, shall serve for a term  
54 of one year and until his successor is elected. The commission shall  
55 adopt and use an official seal for the authentication of its orders and  
56 records. The commission shall establish and maintain its principal  
57 place of business in the city of Des Moines.

1 \*SEC. 10 (b). **Executor director**—The commission shall select and ap-  
2 ppoint an executive director, who shall serve as the executive and  
3 administrative officer of the commission and who shall be the secretary  
4 of the commission. He shall serve at the pleasure of the commission  
5 and his salary shall be fixed by the commission, but shall not exceed  
6 \$4500.00 per year. Before entering upon the discharge of his official

\* Note: Amended by S. F. 191 acts 47th G. A.

7 duties the executive director shall execute a bond, payable to the state  
8 of Iowa in such amount and with such sureties as shall be approved by  
9 the commission, conditioned upon the faithful discharge of his official  
10 duties, and he shall likewise take and subscribe an oath, which shall  
11 be endorsed upon his official bond, and the bond and oath when so  
12 executed shall be filed in the office of the secretary of state.

1 **SEC. 10 (c). Divisions**—The commission shall establish two coordi-  
2 nate divisions: the Iowa state employment service division created  
3 pursuant to section 12 of this act, and the unemployment compensa-  
4 tion division. Each division shall be responsible for the discharge of  
5 its distinctive functions. Each division shall be a separate adminis-  
6 trative unit with respect to personnel, budget and duties, but shall  
7 coordinate one with the other in such manner as the commission may  
8 prescribe.

1 **SEC. 10 (d). Board of review**—There is hereby created a board of  
2 review consisting of three members to be appointed by the commission  
3 for terms of six years, except that the terms of the members first taking  
4 office shall be two, four, and six years respectively, as designated by  
5 the commission at the time of appointment, and except that vacancies  
6 shall be filled by appointment by the commission for the unexpired  
7 terms. Each member shall be paid from the unemployment adminis-  
8 tration fund a fixed salary to be determined by the commission, but  
9 not to exceed \$2500.00 each, per year. The commission may at any  
10 time, after notice and hearing, remove any member for cause.

#### ADMINISTRATION

1 **SEC. 11 (a). Duties and powers of commission**—It shall be the duty  
2 of the commission to administer this act; and it shall have power and  
3 authority to adopt, amend, or rescind such rules and regulations, to  
4 employ such persons, make such expenditures, require such reports,  
5 make such investigations, and take such other action as it deems nec-  
6 essary or suitable to that end. Such rules and regulations shall be  
7 effective upon publication in the manner, not inconsistent with the  
8 provisions of this act, which the commission shall prescribe. Not later  
9 than the 15th day of February of each year, the commission shall  
10 submit to the governor a report covering the administration and opera-  
11 tion of this act during the preceding calendar year and shall make such  
12 recommendations for amendments to this act as the commission deems  
13 proper. Such report shall include a balance sheet of the moneys in the  
14 fund. Whenever the commission believes that a change in contribution  
15 or benefit rates will become necessary to protect the solvency of the  
16 fund, it shall promptly so inform the governor and the legislature, and  
17 make recommendations with respect thereto.

1 **SEC. 11 (b). Regulations and general and special rules**—General and  
2 special rules may be adopted, amended, or rescinded by the commis-  
3 sion only after public hearing or opportunity to be heard thereon, of  
4 which proper notice has been given. General rules shall become effec-  
5 tive ten days after filing with the secretary of state and publication  
6 in one or more newspapers of general circulation in this state. Special  
7 rules shall become effective ten days after notification to or mailing  
8 to the last known address of the individuals or concerns affected

9 thereby. Regulations may be adopted, amended, or rescinded by the  
10 commission and shall become effective in the manner and at the time  
11 prescribed by the commission.

1 SEC. 11 (c). **Publication**—The commission shall cause to be printed  
2 for distribution to the public the text of this act, the commission's  
3 regulations and general rules, its annual reports to the governor, and  
4 any other material the commission deems relevant and suitable and  
5 shall furnish the same to any person upon application therefor.

1 SEC. 11 (d). **Personnel**—Subject to other provisions of this act, the  
2 commission is authorized to appoint, fix the compensation, and pre-  
3 scribe the duties and powers of such officers, accountants, attorneys,  
4 experts, and other persons as may be necessary in the performance  
5 of its duties. The commission shall classify its positions and shall  
6 establish salary schedules and minimum personnel standards for the  
7 positions so classified. All positions shall be filled by persons selected  
8 and appointed on the basis of competency and fitness for the position  
9 to be filled. The commission shall not appoint or employ any person  
10 who is an officer or committee member of any political party organi-  
11 zation or who holds or is a candidate for any elective public office. The  
12 commission shall establish and enforce fair and reasonable regulations  
13 for appointments, promotions and demotions based upon ratings of  
14 efficiency and fitness and for terminations for cause. The commission  
15 may delegate to any such person so appointed such power and authority  
16 as it deems reasonable and proper for the effective administration of  
17 this act, and may in its discretion bond any person handling moneys  
18 or signing checks hereunder.

1 SEC. 11 (e). **Advisory councils**—The commission may appoint a state  
2 advisory council and local advisory councils, composed in each case of  
3 an equal number of employer representatives and employee representa-  
4 tives who may fairly be regarded as representatives because of their  
5 vocation, employment, or affiliations, and of such members represent-  
6 ing the general public as the commission may designate. Such coun-  
7 cils shall aid the commission in formulating policies and discussing  
8 problems related to the administration of this act and in assuring  
9 impartiality and freedom from political influence in the solution of  
10 such problems. Such advisory councils shall serve without compensa-  
11 tion, but shall be reimbursed for any necessary expenses.

1 SEC. 11 (f). **Employment stabilization**—The commission with the  
2 advice and aid of such advisory councils as it may appoint, and through  
3 its appropriate divisions, shall take all appropriate steps to reduce and  
4 prevent unemployment; to encourage and assist in the adoption of  
5 practical methods of vocational training, retraining and vocational  
6 guidance; to investigate, recommend, advise, and assist in the estab-  
7 lishment and operation, by municipalities, counties, school districts,  
8 and the state, of reserves for public works to be used in times of busi-  
9 ness depression and unemployment; to promote the reemployment of  
10 unemployed workers throughout the state in every other way that may  
11 be feasible; and to these ends to carry on and publish the results of  
12 investigations and research studies.

1     **SEC. 11 (g). Records and reports**—Each employing unit shall keep  
2 true and accurate work records, containing such information as the  
3 commission may prescribe. Such records shall be open to inspection  
4 and be subject to being copied by the commission or its authorized  
5 representatives at any reasonable time and as often as may be neces-  
6 sary. The commission may require from any employing unit any  
7 sworn or unsworn reports, with respect to persons employed by it,  
8 which the commission deems necessary for the effective administration  
9 of this act. Information thus obtained shall not be published or be  
10 open to public inspection (other than to public employees in the per-  
11 formance of their public duties) in any manner revealing the employ-  
12 ing unit's identity, but any claimant at a hearing before an appeal  
13 tribunal or the board of review shall be supplied with information from  
14 such records to the extent necessary for the proper presentation of  
15 his claim. Any employee or member of the commission who violates  
16 any provision of this section shall be fined not less than (\$20.00)  
17 twenty dollars nor more than (\$200.00) two hundred dollars, or be-  
18 imprisoned for not longer than ninety days, or both.

1     **SEC. 11 (h). Oaths and witnesses**—In the discharge of the duties  
2 imposed by this act, the chairman of an appeal tribunal and any duly  
3 authorized representative or member of the commission or board of  
4 review, shall have power to administer oaths and affirmations, take  
5 depositions, certify to official acts, and issue subpoenas to compel the  
6 attendance of witnesses and the production of books, papers, corre-  
7 spondence, memoranda, and other records deemed necessary as evi-  
8 dence in connection with a disputed claim or the administration of  
9 this act.

1     **SEC. 11 (i). Subpoenas**—In case of contumacy by, or refusal to obey  
2 a subpoena issued to any person, any court of this state within the  
3 jurisdiction of which the inquiry is carried on or within the juris-  
4 diction of which said person guilty of contumacy or refusal to obey is  
5 found or resides or transacts business, upon application by the com-  
6 mission, board of review, or appeal tribunal, or any member or duly  
7 authorized representative thereof, shall have jurisdiction to issue to  
8 such person an order requiring such person to appear before the com-  
9 mission, or the board of review, or an appeal tribunal, there to pro-  
10 duce evidence if so ordered or there to give testimony touching the  
11 matter under investigation or in question; any failure to obey such  
12 order of the court may be punished by said court as a contempt thereof.  
13 Any person who shall without just cause fail or refuse to attend and  
14 testify or to answer any lawful inquiry or to produce books, papers,  
15 correspondence, memoranda, and other records, if it is in his power  
16 to do so, in obedience to a subpoena, shall be punished by a fine of not  
17 more than (\$200.00) two hundred dollars or by imprisonment, for  
18 not longer than sixty days, or by both such fine and imprisonment,  
19 and each day such violation continues shall be deemed to be a separate  
20 offense.

1     **SEC. 11 (j). Protection against self-incrimination**—No person shall  
2 be excused from attending and testifying or from producing books,  
3 papers, correspondence, memoranda, and other records before the com-  
4 mission or the board of review or an appeal tribunal, or in obedience

5 to a subpoena in any cause or proceeding provided for in this act, on  
6 the ground that the testimony or evidence, documentary or otherwise,  
7 required of him may tend to incriminate him or subject him to a pen-  
8 alty or forfeiture; but no individual shall be prosecuted or subjected  
9 to any penalty of forfeiture for or on account of any transaction,  
10 matter, or thing concerning which he is compelled, after having claimed  
11 his privilege against self-incrimination, to testify or produce evidence,  
12 documentary or otherwise, except that such individual so testifying  
13 shall not be exempt from prosecution and punishment for perjury  
14 committed in so testifying.

1 **SEC. 11 (k). State-federal cooperation**—In the administration of this  
2 act, the commission shall cooperate to the fullest extent consistent with  
3 the provisions of this act, with the federal social security board, created  
4 by the social security act, passed by congress and approved August  
5 14, 1935, as amended; shall make such reports, in such form and con-  
6 taining such information as the federal social security board may  
7 from time to time require, and shall comply with such provisions as  
8 the federal social security board may from time to time find necessary  
9 to assure the correctness and verification of such reports; and shall  
10 comply with the regulations prescribed by the federal social security  
11 board governing the expenditures of such sums as may be allotted and  
12 paid to this state under title III of the social security act for the pur-  
13 pose of assisting in the administration of this act. Upon request there-  
14 for the commission shall furnish to any agency of the United States  
15 charged with the administration of public works or assistance through  
16 public employment, the name, address, ordinary occupation, and em-  
17 ployment status of each recipient of benefits and such recipient's rights  
18 to further benefits under this act.

#### EMPLOYMENT SERVICE

1 **SEC. 12 (a). State employment service**—The Iowa state employ-  
2 ment service, as provided in chapters 75 and 77 of the code of Iowa,  
3 is hereby transferred to the commission as a division thereof, which  
4 shall establish and maintain free public employment offices in such  
5 number and in such places as may be necessary for the proper admin-  
6 istration of this act and for the purpose of performing such duties as  
7 are within the purview of the act of congress entitled "An act to pro-  
8 vide for the establishment of a national employment system and for  
9 cooperation with the states in the promotion of such system and for  
10 other purposes", approved June 6, 1933 (48 stat. 113; U. S. C., title  
11 29, sec. 49, as amended). The said division shall be administered  
12 by a full-time salaried director, who shall be charged with the duty  
13 to cooperate with any official or agency of the United States having  
14 powers or duties under the provisions of the said act of congress, as  
15 amended, and to do and perform all things necessary to secure to this  
16 state the benefits of the said act of Congress, as amended, in the pro-  
17 motion and maintenance of a system of public employment offices.  
18 The Iowa state employment service division is hereby designated and  
19 constituted the agency of this state for the purposes of said act. The  
20 commission is directed to appoint the director, other officers and em-  
21 ployees of the Iowa state employment service. Such appointments  
22 shall be made in accordance with regulations prescribed by the director

23 of the United States employment service. If this act shall become  
 24 inoperative for the reason prescribed in section 24 of this act, the  
 25 Iowa state employment division shall not be affected thereby, but such  
 26 division shall, upon the happening of such contingency, be deemed to  
 27 be transferred to the bureau of labor of the state of Iowa with the  
 28 same force and effect as if the original transfer had not been made.

1 **SEC. 12.(b). Financing**—All moneys received by this state under the  
 2 said act of Congress, as amended, shall be paid into the special “em-  
 3 ployment service account” in the unemployment compensation admin-  
 4 istration fund, and said moneys are hereby made available to the Iowa  
 5 state employment service to be expended as provided by this section  
 6 and by said act of Congress. For the purpose of establishing and main-  
 7 taining free public employment offices, said division is authorized to  
 8 enter into agreements with any political subdivision of this state or  
 9 with any private, non-profit organization, and as a part of any such  
 10 agreement the commission may accept moneys, services, or quarters as  
 11 a contribution to the employment service account.

#### UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND

1 **SEC. 13 (a). Special fund**—There is hereby created in the state treas-  
 2 ury a special fund to be known as the unemployment compensation  
 3 administration fund. All moneys which are deposited or paid into this  
 4 fund are hereby appropriated and made available to the commission.  
 5 All moneys in this fund shall be expended solely for the purpose of  
 6 defraying the cost of the administration of this act, and for no other  
 7 purpose whatsoever. The fund shall consist of all moneys appro-  
 8 priated by this state, and all moneys received from the United States  
 9 of America, or any agency thereof, including the social security board  
 10 and the United States employment service, or from any other source,  
 11 for such purpose. All moneys in this fund shall be deposited, ad-  
 12 ministered, and disbursed, in the same manner and under the same  
 13 conditions and requirements as is provided by law for special funds  
 14 in the state treasury. Any balances in this fund shall not lapse at  
 15 any time, but shall be continuously available to the commission for  
 16 expenditure consistent with this act. The state treasurer shall give a  
 17 separate and additional bond conditioned upon the faithful perform-  
 18 ance of his duties in connection with the unemployment compensation  
 19 administration fund in an amount and with such sureties as shall be  
 20 fixed and approved by the governor. The premiums for such bond  
 21 and the premiums for the bond given by the treasurer of the unem-  
 22 ployment compensation fund under section 9 of this act, shall be paid  
 23 from the moneys in the unemployment administration fund.

1 **SEC. 13 (b). Employment service account**—A special “employment  
 2 service account” shall be maintained as a part of the unemploy-  
 3 ment compensation administration fund for the purpose of maintain-  
 4 ing the public employment offices established pursuant to section 12  
 5 of this act and for the purpose of cooperating with the United States  
 6 employment service. There is hereby transferred to the employment  
 7 service account of the unemployment compensation administration  
 8 fund, the unexpended balance of any money heretofore appropriated

9 or received for the Iowa state employment service. In addition, there  
 10 shall be paid into such account the moneys designated in section 12 (b)  
 11 of this act, and such moneys as are apportioned for the purpose of this  
 12 account from any moneys received by this state under title III of the  
 13 social security act, as amended.

#### COLLECTION OF CONTRIBUTIONS

1 SEC. 14 (a). **Interest on past-due contributions**—Contributions un-  
 2 paid on the date on which they are due and payable, as prescribed by  
 3 the commission, shall bear interest at the rate of 1 per centum per  
 4 month from and after such date until payment plus accrued interest  
 5 is received by the commission, provided that the commission may pre-  
 6 scribe fair and reasonable general rules pursuant to which such inter-  
 7 est shall not accrue with respect to contributions required for the cal-  
 8 endar year 1936. Interest collected pursuant to this subsection shall  
 9 be paid into the unemployment compensation fund.

1 SEC. 14 (b). **Collection**—If, after due notice, any employer defaults  
 2 in any payment of contributions or interest thereon, the amount due  
 3 shall be collected by civil action in the name of the commission, and  
 4 the employer adjudged in default shall pay the costs of such action.  
 5 Civil actions brought under this section to collect contributions or in-  
 6 terest thereon from an employer shall be heard by the court at the  
 7 earliest possible date and shall be entitled to preference upon the cal-  
 8 endar of the court over all other civil actions except petitions for  
 9 judicial review under this act and cases arising under the workmen's  
 10 compensation law of this state.

1 SEC. 14 (c). **Priorities under legal dissolutions or distributions**—In  
 2 the event of any distribution of an employer's assets pursuant to an  
 3 order of any court under the laws of this state, including any receiver-  
 4 ship, assignment for benefit of creditors, adjudicated insolvency, com-  
 5 position, or similar proceeding, contributions then or thereafter due  
 6 shall be paid in full prior to all other claims except taxes and claims  
 7 for wages preferred as provided by statute. In the event of an em-  
 8 ployer's adjudication in bankruptcy, judicially confirmed extension pro-  
 9 posal, or composition, under the federal bankruptcy act of 1898, as  
 10 amended, contributions then or thereafter due shall be entitled to such  
 11 priority as is provided in section 64 (b) of that act (U.S.C., title II,  
 12 sec. 104 (b), as amended).

1 SEC. 14 (d). **Refunds**—If not later than one year after the date on  
 2 which any contributions or interest thereon became due, an employer  
 3 who has paid such contributions or interest thereon shall make appli-  
 4 cation for an adjustment thereof in connection with subsequent con-  
 5 tribution payments, or for a refund thereof because such adjustment  
 6 cannot be made, and the commission shall determine that such con-  
 7 tributions or interest or any portion thereof was erroneously collected,  
 8 the commission shall allow such employer to make an adjustment there-  
 9 of, without interest, in connection with subsequent contribution pay-  
 10 ments by him, or if such adjustment cannot be made the commission  
 11 shall refund said amount, without interest, from the fund. For like  
 12 cause and within the same period, adjustment or refund may be so  
 13 made on the commission's own initiative.

## PROTECTION OF RIGHTS AND BENEFITS

1     **SEC. 15 (a). Waiver of rights void**—Any agreement by an individual  
2 to waive, release, or commute his rights to benefits or any other rights  
3 under this act shall be void. Any agreement by any individual in the  
4 employ of any person or concern to pay all or any portion of an em-  
5 ployer's contribution, required under this act from such employer,  
6 shall be void. No employer shall directly or indirectly make or require  
7 or accept any deduction from wages to finance the employer's contri-  
8 butions required from him, or require or accept any waiver of any  
9 right hereunder by any individual in his employ. Any employer or  
10 officer or agent of an employer who violates any provision of this sub-  
11 section shall, for each offense, be fined not less than (\$100) one hundred  
12 dollars nor more than (\$1,000) one thousand dollars or be imprisoned  
13 for not more than six months, or both.

1     **SEC. 15 (b). Limitation of fees**—No individual claiming benefits shall  
2 be charged fees of any kind in any proceeding under this act by the  
3 commission or its representatives or by any court or any officer thereof.  
4 Any individual claiming benefits in any proceeding before the com-  
5 mission or the board of review or an appeal tribunal or a court may be  
6 represented by counsel or other duly authorized agent; but no such  
7 counsel or agent shall either charge or receive for such services more  
8 than an amount approved by the commission. Any person who vio-  
9 lates any provisions of this subsection shall, for each such offense, be  
10 fined not less than (\$50) fifty dollars nor more than (\$500) five hun-  
11 dred dollars, or imprisoned for not more than six months, or both.

1     **SEC. 15 (c). No assignments of benefits; exemptions**—Any assign-  
2 ment, pledge, or encumbrance of any right to benefits which are or  
3 may become due or payable under this act shall be void, and such  
4 rights to benefits shall be exempt from levy, execution, attachment,  
5 or any other remedy whatsoever provided for the collection of debt;  
6 and benefits received by any individual, so long as they are not mingled  
7 with other funds of the recipient, shall be exempt from any remedy  
8 whatsoever for the collection of all debts. Any waiver of any exemp-  
9 tion provided for in this subsection shall be void.

1     **SEC. 16 (a). Penalties**—Whoever makes a false statement or repre-  
2 sentation knowing it to be false or knowingly fails to disclose a ma-  
3 terial fact, to obtain or increase any benefit or other payment under  
4 this act, either for himself or for any other person, shall be punished  
5 by a fine of not less than (\$20.00) twenty dollars nor more than  
6 (\$50.00) fifty dollars or by imprisonment for not longer than thirty  
7 days, or by both such fine and imprisonment; and each such false  
8 statement or representation or failure to disclose a material fact shall  
9 constitute a separate offense.

1     **SEC. 16 (b).** Any employing unit or any officer or agent of an em-  
2 ploying unit or any other person who makes a false statement or rep-  
3 resentation knowing it to be false, or who knowingly fails to disclose a  
4 material fact, to prevent or reduce the payment of benefits to any in-  
5 dividual entitled thereto, or to avoid becoming or remaining subject  
6 hereto, or to avoid or reduce any contribution or other payment re-  
7 quired from an employing unit under this act, or who wilfully fails or



8 refuses to make any such contributions or other payment or to furnish  
 9 any reports required hereunder or to produce or permit the inspection  
 10 or copying of records as required hereunder, shall be punished by a  
 11 fine of not less than (\$20.00) twenty dollars nor more than (\$200.00)  
 12 two hundred dollars, or by imprisonment for not longer than sixty  
 13 days, or by both such fine and imprisonment; and each such false  
 14 statement or representation or failure to disclose a material fact, and  
 15 each day of such failure or refusal, shall constitute a separate offense.

1 SEC. 16 (c). Any person who shall wilfully violate any provisions  
 2 of this act or any rule or regulation thereunder, the violation of which  
 3 is made unlawful or the observance of which is required under the  
 4 terms of this act, and for which a penalty is neither prescribed herein  
 5 nor provided by any other applicable statute, shall be punished by a  
 6 fine of not less than (\$20.00) twenty dollars nor more than (\$200.00)  
 7 two hundred dollars or by imprisonment for not longer than sixty days,  
 8 or by both such fine and imprisonment, and each day such violation  
 9 continues shall be deemed to be a separate offense.

1 SEC. 16 (d). Any person who, by reason of the nondisclosure or  
 2 misrepresentation by him or by another, of a material fact (irrespec-  
 3 tive of whether such nondisclosure or misrepresentation was known or  
 4 fraudulent) has received any sum as benefits under this act while any  
 5 conditions for the receipt of benefits imposed by this act were not ful-  
 6 filled in his case, or while he was disqualified from receiving benefits,  
 7 shall, in the discretion of the commission, either be liable to have such  
 8 sum deducted from any future benefits payable to him under this act  
 9 or shall be liable to repay to the commission for the unemployment  
 10 compensation fund, a sum equal to the amount so received by him, and  
 11 such sum shall be collectible in the manner provided in section 14 (b)  
 12 of this act for the collection of past-due contributions.

#### REPRESENTATION IN COURT

1 SEC. 17 (a). In any civil action to enforce the provisions of this  
 2 act, the commission and the state may be represented by any qualified  
 3 attorney who is a regular salaried employee of the commission and is  
 4 designated by it for this purpose or, at the commission's request, by  
 5 the attorney general. In case the governor designates special counsel  
 6 to defend on behalf of the state, the validity of this act, the expenses  
 7 and compensation of such special counsel employed by the commission  
 8 in connection with such proceeding may be charged to the unemploy-  
 9 ment compensation administration fund.

1 SEC. 17 (b). All criminal actions for violation of any provision of  
 2 this act, or of any rules or regulations issued by the commission pur-  
 3 suant thereto, shall be prosecuted by the prosecuting attorney of any  
 4 county in which the employer has a place of business or the violator  
 5 resides, or, at the request of the commission, shall be prosecuted by  
 6 the attorney general.

1 SEC. 18. **Nonliability of state**—Benefits shall be deemed to be due  
 2 and payable under this act only to the extent provided in this act and  
 3 to the extent that moneys are available therefor to the credit of the un-  
 4 employment compensation fund, and neither the state nor the commis-  
 5 sion shall be liable for any amount in excess of such sums.

## DEFINITIONS

1 SEC. 19. As used in this act, unless the context clearly requires  
2 otherwise:

1 SEC. 19 (a) (1). "Annual Pay Roll" means the total amount of  
2 wages payable by an employer (regardless of the time of payment) for  
3 employment during a calendar year.

4 (2) "Average Annual Pay Roll" means the average of the annual  
5 pay rolls of any employer for the last three or five years, whichever  
6 average is higher.

1 SEC. 19 (b). "Benefits" means the money payments payable to an  
2 individual, as provided in this act, with respect to his unemployment.

1 SEC. 19 (c). "Commission" means the unemployment compensation  
2 commission established by this act.

1 SEC. 19 (d). "Contributions" means the money payments to the  
2 state unemployment compensation fund required by this act.

1 SEC. 19 (e). "Employing Unit" means any individual or type of  
2 organization, including any partnership, association, trust, estate,  
3 joint-stock company, insurance company or corporation, whether  
4 domestic or foreign, or the receiver, trustee in bankruptcy, trustee or  
5 successor thereof, or the legal representative of a deceased person,  
6 which has or subsequent to January 1, 1936, had in its employ one or  
7 more individuals performing services for it within this state. All  
8 individuals performing services within this state for any employing  
9 unit which maintains two or more separate establishments within this  
10 state shall be deemed to be employed by a single employing unit for  
11 all the purposes of this act. Whenever any employing unit contracts  
12 with or has under it any contractor or subcontractor for any work  
13 which is part of its usual trade, occupation, profession, or business,  
14 unless the employing unit as well as each such contractor or sub-con-  
15 tractor is an employer by reason of section 19 (f) or section 8 (c) of  
16 this act, the employing unit shall for all the purposes of this act be  
17 deemed to employ each individual in the employ of each such contrac-  
18 tor or subcontractor for each day during which such individual is  
19 engaged in performing such work; except that each such contractor  
20 or subcontractor who is an employer by reason of section 19 (f) or  
21 section 8 (c) of this act shall alone be liable for the contributions  
22 measured by wages payable to individuals in his employ, and except  
23 that any employing unit who shall become liable for and pay contri-  
24 butions with respect to individuals in the employ of any such contractor  
25 or subcontractor who is not an employer by reason of section 19 (f) or  
26 section 8 (c) of this act, may recover the same from such contractor  
27 or subcontractor, except as any contractor or subcontractor who would  
28 in the absence of the foregoing provisions be liable to pay said con-  
29 tributions, accepts exclusive liability for said contributions under an  
30 agreement with such employer made pursuant to general rules of the  
31 commission. Each individual employed to perform or to assist in per-  
32 forming the work of any agent or employee of an employing unit shall  
33 be deemed to be employed by such employing unit for all the purposes  
34 of this act, whether such individual was hired or paid directly by such

35 employing unit or by such agent or employee, provided the employing  
36 unit had actual or constructive knowledge of such work.

1 SEC. 19 (f). "Employer" means:

2 (1) Any employing unit which for some portion of a day in each of  
3 fifteen different weeks within either the current or the preceding cal-  
4 endar year, excepting the calendar year 1935 (whether or not such  
5 weeks are or were consecutive) has or had in employment eight or  
6 more individuals (not necessarily simultaneously and irrespective of  
7 whether the same individuals are or were employed in each such day);

8 (2) Any employing unit which acquired the organization, trade or  
9 business, or substantially all the assets thereof, of another which at  
10 the time of such acquisition was an employer subject to this act;

11 (3) Any employing unit which acquired the organization, trade or  
12 business, or substantially all the assets thereof, of another employing  
13 unit and which, if treated as a single unit with such other employing  
14 unit, would be an employer under paragraph (1) of this subsection;

15 (4) Any employing unit which together with one or more other em-  
16 ploying units, is owned or controlled (by legally enforceable means or  
17 otherwise) directly or indirectly by the same interests, or which owns  
18 or controls one or more other employing units (by legally enforceable  
19 means or otherwise,) and which, if treated as a single unit with such  
20 other employing unit, would be an employer under paragraph (1) of  
21 this subsection;

22 (5) Any employing unit which, having become an employer under  
23 paragraph (1), (2), (3) or (4), has not, under section 8, ceased to be  
24 an employer subject to this act; or

25 (6) For the effective period of its election pursuant to section (8)

26 (c) any other employing unit which has elected to become fully sub-  
27 ject to this act.

1 SEC. 19 (g). Except as otherwise provided in this subsection (g),  
2 "Employment" means service, including service in interstate com-  
3 merce, performed for wages or under any contract of hire, written or  
4 oral, express or implied.

5 (2) The term "employment" shall include an individual's entire  
6 service, performed within or both within and without this state if:

7 (a) the service is localized in this state, or

8 (b) the service is not localized in any state but some of the service  
9 is performed in this state and (i) the base of operations, or, if there  
10 is no base of operations, then the place from which such service is  
11 directed or controlled, is in this state; or (ii) the base of operations  
12 or place from which such service is directed or controlled is not in  
13 any state in which some part of the service is performed, but the in-  
14 dividual's residence is in this state.

15 (3) Services performed within this state but not covered under  
16 paragraph (2) of this subsection shall be deemed to be employment  
17 subject to this act if contributions are not required and paid with re-  
18 spect to such services under an unemployment compensation law of  
19 any other state or of the federal government.

20 (4) Services not covered under paragraph (2) of this subsection,  
21 and performed entirely without this state, with respect to no part of  
22 which contributions are required and paid under an unemployment

23 compensation law of any other state or of the federal government,  
24 shall be deemed to be employment subject to this act if the individual  
25 performing such services is a resident of this state and the commission  
26 approves the election of the employing unit for whom such services  
27 are performed that the entire service of such individual shall be deemed  
28 to be employment subject to this act.

29 (5) Service shall be deemed to be localized within a state if

30 (a) the service is performed entirely within such state, or

31 (b) the service is performed both within and without such state,  
32 but the service performed without such state is incidental to the in-  
33 dividual's service within the state, for example, is temporary or transi-  
34 tory in nature or consists of isolated transactions.

35 (6) Services performed by an individual for wages shall be deemed  
36 to be employment subject to this act unless and until it is shown to the  
37 satisfaction of the commission that

38 (a) such individual has been and will continue to be free from con-  
39 trol or direction over the performance of such services, both under his  
40 contract of service and in fact.

41 (7) The term "employment" shall not include:

42 (a) Service performed in the employ of this state, or of any political  
43 subdivision thereof, or of any instrumentality of this state or its po-  
44 litical subdivisions;

45 (b) Service performed in the employ of any other state or its  
46 political subdivisions, or of the United States government, or of an  
47 instrumentality of any other state or states or their political subdivi-  
48 sions or of the United States.

49 (c) Service with respect to which unemployment compensation is  
50 payable under an unemployment compensation system established by  
51 an act of congress; provided, that the commission is hereby author-  
52 ized and directed to enter into agreements with the proper agencies  
53 under such act of congress, which agreements shall become effective  
54 ten days after publication thereof in the manner provided in section  
55 11(b) of this act for general rules, to provide reciprocal treatment  
56 to individuals who have, after acquiring potential rights to benefits  
57 under this act, acquired rights to unemployment compensation under  
58 such act of congress, or who have, after acquiring potential rights to  
59 unemployment compensation under such act of congress, acquired  
60 rights to benefits under this act.

61 (d) Agricultural labor;

62 (e) Domestic service in a private home;

63 (f) Service performed as an officer or member of the crew of a  
64 vessel on the navigable waters of the United States;

65 (g) Service performed by an individual in the employ of his son,  
66 daughter, or spouse, and service performed by a child under the age  
67 of twenty-one in the employ of his father or mother;

68 (h) Service performed in the employ of a corporation, community  
69 chest, fund, or foundation, organized and operated exclusively for re-  
70 ligious, charitable, scientific, literary, or educational purposes, or for  
71 the prevention of cruelty to children or animals, no part of the net earn-  
72 ings of which inures to the benefit of any private shareholder or in-  
73 dividual.

1 SEC. 19 (h). "Employment office" means a free public employment  
2 office, or branch thereof, operated by this state or maintained as a part  
3 of a state-controlled system of public employment offices.

1 SEC. 19 (i). "Fund" means the unemployment compensation fund  
2 established by this act, to which all contributions required and from  
3 which all benefits provided under this act shall be paid.

1 SEC. 19 (j). "Total and partial unemployment".

2 (1) An individual shall be deemed "totally unemployed" in any  
3 week with respect to which no wages are payable to him and during  
4 which he performs no services (other than odd jobs or subsidiary work  
5 for which no wages as used in this subsection are payable to him).

6 (2) An employee shall be deemed "partially unemployed" in any  
7 week of less than full-time work if his wages payable for such week  
8 fail to equal two dollars more than the weekly benefit amount he would  
9 be entitled to receive if totally unemployed and eligible.

10 (3) As used in this subsection, the term "wages" shall include only  
11 that part of wages for odd jobs or subsidiary work, or both, which is  
12 in excess of three dollars (\$3.00) in any one week.

13 (4) An individual's week of unemployment shall be deemed to com-  
14 mence only after his registration at an employment office, except as  
15 the commission may by regulation otherwise prescribe.

1 SEC. 19 (k). "State" includes, in addition to the states of the  
2 United States of America, Alaska, Hawaii, and the District of  
3 Columbia.

1 SEC. 19 (l). "Unemployment compensation administration fund"  
2 means the unemployment compensation administration fund estab-  
3 lished by this act, from which administration expenses under this act  
4 shall be paid.

1 SEC. 19 (m). "Wages" means all remuneration payable for per-  
2 sonal services, including commissions and bonuses and the cash value  
3 of all remuneration payable in any medium other than cash. Grat-  
4 uities customarily received by an individual in the course of his em-  
5 ployment from persons other than his employing unit shall be treated  
6 as wages payable by his employing unit. The reasonable cash value  
7 of remuneration payable in any medium other than cash, and the  
8 reasonable amount of gratuities, shall be estimated and determined in  
9 accordance with rules prescribed by the commission.

1 SEC. 19 (n). "Week" means such period or periods of seven con-  
2 secutive calendar days ending at midnight, as the commission may by  
3 regulations prescribe.

1 SEC. 19 (o). "Weekly benefit amount". An individual's "weekly  
2 benefit amount" means the amount of benefits he would be entitled to  
3 receive for one week of total unemployment. An individual's weekly  
4 benefit amount, as determined for the first week of his benefit year,  
5 shall constitute his weekly benefit amount throughout such benefit  
6 year.

1 SEC. 19 (p). "Benefit year" with respect to any individual means  
2 the fifty-two consecutive week period beginning with the first day of

3 the week with respect to which benefits are first payable to him, and  
4 thereafter, the fifty-two consecutive week period beginning with the  
5 first day of the first week with respect to which benefits are next pay-  
6 able to him after the termination of his preceding benefit year.

1 SEC. 19 (q). "Base period" means the first eight of the last nine  
2 completed calendar quarters immediately preceding the first day of  
3 an individual's benefit year.

1 SEC. 19 (r). "Calendar quarter" means the period of three con-  
2 secutive calendar months ending on March 31, June 30, September 30  
3 or December 31, excluding, however, any calendar quarter or portion  
4 thereof which occurs prior to January 1, 1937, or the equivalent there-  
5 of as the commission may by regulation prescribe.

1 SEC. 20. "Reciprocal benefit arrangements"—The commission is  
2 hereby authorized to enter into arrangements with the appropriate  
3 agencies of other states or the federal government whereby potential  
4 rights to benefits accumulated under the unemployment compensation  
5 laws of several states or under such a law of the federal government,  
6 or both, may constitute the basis for the payment of benefits through  
7 a single appropriate agency under terms which the commission finds  
8 will be fair and reasonable as to all affected interests and will not result  
9 in any substantial loss to the fund.

1 SEC. 21. "Saving clause"—The general assembly reserves the right  
2 to amend or repeal all or any part of this act at any time; and there  
3 shall be no vested private right of any kind against such amendment  
4 or repeal. All rights, privileges, or immunities conferred by this  
5 act or by acts done pursuant thereto shall exist subject to the power of  
6 the general assembly to amend or repeal this act at any time.

1 SEC. 22. "Separability of provisions"—If any provision of this act, or  
2 the application thereof to any person or circumstance, is held invalid,  
3 the remainder of this act and the application of such provision to other  
4 persons or circumstances shall not be affected thereby.

1 SEC. 23. "Constitutionality."—If any section, subsection, clause, sen-  
2 tence or phrase of this act is for any reason held to be unconstitutional  
3 and invalid, such decision shall not affect the validity of the remaining  
4 portions of this act. The general assembly hereby declares that in  
5 the passage of this act, it is the expressed intent of the general as-  
6 sembly to provide for contributions from any and all employers as  
7 herein defined, as far as the same is constitutional and valid, and the  
8 general assembly hereby further declares that it would have passed  
9 this act and each section, subsection, clause, sentence and phrase hereof  
10 irrespective of whether any one or more of the sections, subsections,  
11 clauses, sentences or phrases hereof be declared unconstitutional or  
12 invalid.

1 SEC. 24. "Termination"—If at any time Title IX of the Social Secur-  
2 ity act, as amended, shall be amended or repealed by congress or held  
3 unconstitutional by the supreme court of the United States, with the  
4 result that no portion of the contributions required under this act may  
5 be credited against the tax imposed by said title IX, in any such event

6 the operation of the provisions of this act requiring the payment of  
 7 contributions and benefits shall immediately cease, the commission  
 8 shall thereupon requisition from the unemployment trust fund all  
 9 moneys therein standing to its credit, and such moneys, together with  
 10 any other moneys in the unemployment compensation fund shall be  
 11 refunded, without interest and under regulations prescribed by the  
 12 commission, to each employer by whom contributions have been paid,  
 13 proportionately to his pro rata share of the total contributions paid  
 14 under this act. Any interest or earnings of the fund shall be available  
 15 to the commission to pay for the costs of making such refunds. When  
 16 the commission shall have executed the duties prescribed in this section  
 17 and performed such other acts as are incidental to the termination of  
 18 its duties under this act, the provisions of this act, in their entirety,  
 19 shall cease to be operative.

1 SEC. 25. "Repeal"—All acts or parts of acts in conflict herewith are  
 2 hereby repealed insofar as they are inconsistent with any of the pro-  
 3 visions of this act.

1 SEC. 26. "Effective date"—This act being deemed of immediate im-  
 2 portance, shall be in force and effect from and after its passage and  
 3 publication in the Des Moines Register, a newspaper published at Des  
 4 Moines, Iowa, and in the Atlantic News-Telegraph, a newspaper pub-  
 5 lished at Atlantic, Iowa.

Senate File 1. Approved December 24, 1936.

I hereby certify that the foregoing act was published in the Des Moines Register,  
 December 25, 1936, and the Atlantic News-Telegraph, December 26, 1936.

MRS. ALEX MILLER, *Secretary of State.*

## CHAPTER 5

### JOINT RESOLUTION

#### H. J. R. 1

A JOINT RESOLUTION fixing compensation of officers and employees of the Forty-  
 sixth General Assembly, extraordinary session.

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

1 SECTION 1. Pursuant to provisions of section nineteen (19) of the  
 2 code, 1935, it is provided that the daily compensation of all officers and  
 3 employees of the Forty-sixth General Assembly, Extraordinary Ses-  
 4 sion, be as follows, to be paid in accordance with the rules of the senate  
 5 and the house:

#### OFFICERS AND EMPLOYEES OF THE SENATE

6	Secretary of the senate.....	\$9.00
7	Assistant secretary of the senate.....	6.30
8	Journal clerk .....	6.30
9	Sergeant-at-arms .....	4.50
10	Committee clerks .....	3.60
11	Pages .....	2.50
12	Telephone operator .....	3.00

13	Doorkeepers .....	3.60
14	Janitors .....	3.60

## HOUSE OFFICERS AND EMPLOYEES

15	Chief clerk .....	\$9.00
16	Assistant chief clerk .....	6.30
17	Special clerk .....	6.30
18	General clerk .....	6.30
19	Secretaries .....	3.60
20	Speaker's clerk .....	4.50
21	Speaker's page .....	2.50
22	Pages .....	2.50
23	Sergeant-at-arms .....	4.50
24	Assistant sergeant-at-arms .....	4.50
25	Assistant electrician .....	3.60
26	Mail carrier .....	3.60

1     SEC. 2. It is further provided that the president and secretary of  
2 the senate and the speaker and chief clerk of the house shall be author-  
3 ized to pay compensation to persons acting as temporary officers or  
4 employees, prior to the permanent organization of their respective  
5 houses, in the positions set forth in section one (1) and at the same  
6 scale of compensation as set forth therein.

1     SEC. 3. It is further provided that the president and secretary of  
2 the senate and the speaker and chief clerk of the house shall be author-  
3 ized to pay compensation to persons for necessary services rendered  
4 prior to the opening and subsequent to the closing of the Forty-sixth  
5 General Assembly, Extraordinary Session, at the same scale of com-  
6 pensation as set forth in section one (1).

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 Carlisle  
3 Citizen, a newspaper published at Carlisle, Iowa, and in the Cascade  
4 Pioneer, a newspaper published at Cascade, Iowa.

House Joint Resolution 1. Approved December 24, 1936.

I hereby certify that the foregoing act was published in the Cascade Pioneer, January 7, 1937, and the Carlisle Citizen, January 8, 1937.

MRS. ALEX MILLER, *Secretary of State.*



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