

# ACTS AND JOINT RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

## Fifty-first General Assembly

OF THE

### STATE OF IOWA

STANFORD LIBRARY



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FREDERICK F. FAVILLE  
CODE EDITOR

WAYNE A. FAUPEL  
DEPUTY CODE EDITOR

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Published by  
THE STATE OF IOWA  
Des Moines  
1945

L25975

JUL 10 1945

VIENNA CONFERENCE

# CERTIFICATE

STATE OF IOWA  
Office of Code Editor

I, Frederick F. Faville, Editor of the Code of Iowa, do hereby certify that the acts, laws and joint resolutions and the certificates by the Secretary of State of the publication or filing thereof contained in this volume have been prepared from the original enrolled acts on file in the office of the Secretary of State and are correct copies of said acts and are published under the authority of the statutes of this state and constitute the acts, laws and joint resolutions of the Fifty-first General Assembly of the State of Iowa.



Code Editor.

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## EDITOR'S NOTE

The Acts and Resolutions of the Fifty-first General Assembly have been printed in this book exactly as they appear on file in the office of the Secretary of State. No attempt has been made to correct misspelled words or errors in punctuation, if any.

The user may be assured that the laws as reproduced herein are exact copies of the enrolled bills.

Proper editorial changes in spelling and arrangement of subjects, without altering the meaning, will appear in the final embodiment of these Acts in the Code of Iowa.

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## STATE OFFICERS

## STATE ROSTER

List of state officers, judges of the supreme, district, superior and municipal courts, members of the general assembly, and other state officers, commissions, boards, and appointive officers of the state of Iowa, prepared and furnished by the Honorable Wayne M. Ropes, Secretary of State, for insertion in the published volume of Session Laws for the Fifty-first General Assembly in accordance with the requirements of Chapter 13, 1939 Code of Iowa, as amended.

## OFFICERS, COMMISSIONS, AND BOARDS

(Complete to time of publication)

## ELECTIVE OFFICERS

Name and Office	County from which originally chosen
<b>GOVERNOR</b>	
Robert D. Blue.....	Wright
R. E. Hill, Secretary.....	Jones
<b>LIEUTENANT GOVERNOR</b>	
Kenneth A. Evans.....	Mills
<b>SECRETARY OF STATE</b>	
Wayne M. Ropes.....	Monona
Ray E. Johnson, Deputy.....	Muscatine
<b>AUDITOR OF STATE</b>	
Chet B. Akers.....	Wapello
Frank M. Hanson, Deputy.....	Linn
<b>TREASURER OF STATE</b>	
J. M. Grimes.....	Clarke
Charles H. Barber, Deputy.....	Cerro Gordo
<b>SECRETARY OF AGRICULTURE</b>	
Harry D. Linn.....	Polk
Clyde Spry, Deputy.....	Woodbury
<b>ATTORNEY GENERAL</b>	
John M. Rankin.....	Lee
R. G. Yoder, First Assistant.....	Keokuk
Robert L. Larson, Assistant.....	Johnson
Oscar Strauss, Assistant.....	Polk
Charles H. Scholz, Assistant.....	Chickasaw
G. H. Clark, Jr., Special Assistant.....	Ida
Curtis W. Gregory, Special Assistant.....	Dallas
Henry W. Wormley, Special Assistant.....	Plymouth
Albert J. Stafne, Jr., Special Assistant.....	Clinton
<b>SUPERINTENDENT OF PUBLIC INSTRUCTION</b>	
Jessie M. Parker.....	Winnebago
J. P. Street, Deputy.....	Cass
<b>COMMERCE COMMISSION</b>	
David B. Long, Chairman.....	Polk
Carl W. Reed.....	Howard
B. M. Richardson.....	Linn
George L. McCaughan, Secretary.....	Polk
James A. Lucas, Commerce Counsel.....	Taylor

## STATE OFFICERS—Continued

## APPOINTIVE OFFICERS

Name and Office	County from which originally chosen
<b>ACCOUNTANCY BOARD</b>	
R. C. Patrick, Chairman.....	Cerro Gordo
L. J. Muehle, Secretary.....	Polk
Sidney G. Winters.....	Johnson
<b>ADJUTANT GENERAL</b>	
Brig. Gen. Charles H. Grahl.....	Polk
Col. Ralph A. Lancaster, Assistant.....	Scott
<b>AERONAUTICS COMMISSION</b> (Commission not appointed at time of publication)	
<b>ARCHITECTURAL EXAMINERS</b>	
J. Chris Jensen, President.....	Pottawattamie
William L. Perkins, Secretary.....	Lucas
Charles Altfillisch.....	Winneshiek
Arthur H. Ebeling.....	Scott
H. W. Hartupee.....	Polk
<b>BANKING SUPERINTENDENT</b>	
M. W. Ellis.....	Floyd
H. R. Jackson, Deputy.....	Polk
<b>BANKING BOARD</b>	
M. W. Ellis.....	Floyd
Ralph Eastburn.....	Jefferson
Bert A. Gronstal.....	Pottawattamie
B. Frank Kauffman.....	Polk
Ben T. St. John.....	Hamilton
<b>BLIND, COMMISSION FOR</b>	
Mrs. George Kraetsch, President.....	Polk
C. E. Laustrup.....	Pottawattamie
Leslie M. Hayes.....	Benton
Mrs. Ethel Towne Holmes, Secretary.....	Polk
<b>CLERK OF SUPREME COURT</b>	
Chas. W. Barlow.....	Cerro Gordo
Helen Galvin, Deputy.....	Marion
<b>CODE EDITOR</b>	
Frederick F. Faville.....	Woodbury
Wayne A. Faupel, Deputy.....	Cerro Gordo
<b>COMPTROLLER</b>	
C. Fred Porter.....	Polk
H. E. Croft, Assistant.....	Story
John M. Kennedy, Assistant.....	Pottawattamie
<b>CONSERVATION COMMISSION</b>	
R. E. Stewart.....	Wapello
Mrs. Addison Parker.....	Polk
E. B. Gaunitz.....	Allamakee
Fred Poyneer.....	Linn
Frank Mattes.....	Sac
Ewald G. Trost.....	Webster
James C. Jensen.....	Pottawattamie
Fred Schwob, Director.....	Polk

## STATE OFFICERS—Continued

Name and Office	County from which originally chosen
<b>CONTROL BOARD</b>	
P. F. Hopkins, Chairman.....	Cerro Gordo
D. R. McCreery.....	Linn
R. T. Pullen.....	Clay
Warren L. Huebner, Secretary.....	Polk
<b>COURT REPORTERS EXAMINERS</b>	
Allan A. Herrick, Chairman.....	Polk
R. C. Turner, Secretary.....	Woodbury
Gordon L. Elliott.....	Polk
<b>CUSTODIAN</b>	
Walter J. Ruther.....	Cedar
Fred Willis, Assistant.....	Polk
<b>EDUCATIONAL EXAMINERS</b>	
Jessie M. Parker, President.....	Winnebago
Malcolm Price.....	Black Hawk
Earl Roakman.....	Woodbury
Arthur Deamer.....	Linn
F. N. Olry.....	Crawford
W. W. Osborn, Executive Secretary.....	Marion
<b>EDUCATION, STATE BOARD</b>	
Henry Shull, President.....	Woodbury
Lester Gillette.....	Clay
W. Earl Hall.....	Cerro Gordo
Richard H. Plock.....	Lee
Mrs. H. C. Houghton, Jr.....	Montgomery
Roy Loudon.....	Jefferson
W. S. Rupe.....	Story
Mrs. George L. Kyseth.....	Wright
John C. Reid.....	Linn
<b>Finance Committee</b>	
W. R. Boyd.....	Linn
W. G. Noth.....	Polk
David A. Dancer, Secretary of State Board of Education and Finance Committee.....	Decatur
<b>EMPLOYMENT SECURITY COMMISSION</b>	
Claude M. Stanley, Chairman.....	Adams
J. R. Pefferle.....	Polk
Carl B. Stiger.....	Tama
R. O. Wynne, Secretary.....	Polk
<b>ENGINEERING EXAMINERS</b>	
Prof. J. S. Dodds, Chairman.....	Story
Cecil E. Ewen.....	Scott
Maurice C. Miller.....	Polk
Howard R. Green.....	Linn
L. M. Martin.....	Pottawattamie
Henry Wichman, Secretary.....	Poweshiek
<b>EXECUTIVE COUNCIL</b>	
Robert D. Blue.....	Wright
Wayne M. Ropes.....	Monona
Chet B. Akers.....	Wapello
J. M. Grimes.....	Clarke
Harry D. Linn.....	Polk
Henry Wichman, Secretary.....	Poweshiek

## STATE OFFICERS—Continued

Name and Office	County from which originally chosen
<b>FAIR BOARD</b>	
<b>Ex-officio Members:</b>	
Robert D. Blue, Governor.....	Wright
Harry D. Linn, Secretary of Agriculture.....	Polk
C. E. Friley, President Iowa State College.....	Story
<b>Elective Members:</b>	
J. P. Mullen, President.....	Pocahontas
F. E. Sheldon, Vice President.....	Ringgold
L. B. Cunningham, Secretary.....	Howard
N. W. McBeath, Treasurer.....	Polk
<b>GEOLOGIST</b>	
Arthur C. Trowbridge.....	Johnson
<b>HEALTH DEPARTMENT</b>	
Walter L. Bierring, M.D., Commissioner.....	Polk
<b>Ex-officio Members</b>	
Robert D. Blue.....	Wright
Wayne M. Ropes.....	Monona
Chet B. Akers.....	Wapello
J. M. Grimes.....	Clarke
Harry D. Linn.....	Polk
<b>Appointive Members</b>	
E. M. Myers, M.D.....	Boone
H. E. Stroy, M.D.....	Clarke
A. C. Page, M.D.....	Polk
Prince E. Sawyer, M.D.....	Woodbury
I. N. Crow, M.D.....	Jefferson
<b>Barbers Examiners</b>	
L. D. Hamilton, Chairman.....	Woodbury
T. F. Thompson, Secretary.....	Linn
Lee W. Skinner.....	Pottawattamie
W. B. Wilson, Director.....	Polk
<b>Basic Science Examiners</b>	
H. Earl Rath, Chairman.....	Black Hawk
Ben H. Peterson, Secretary.....	Linn
G. W. Heitkamp.....	Dubuque
Frederick F. Smith.....	Buena Vista
Joseph H. Bodine.....	Johnson
F. G. Brooks.....	Linn
<b>Chiropractic Examiners</b>	
C. B. Kerr, Chairman.....	Story
R. L. Sheeler, Secretary.....	Pottawattamie
R. G. Schmendeman.....	Webster
Maree Gempel, Assistant Secretary.....	Hamilton
<b>Cosmetology Examiners</b>	
Pearl Ambrose, Chairman.....	Black Hawk
Inga Jepson, Secretary.....	Clinton
Mae Davenport.....	Carroll
Gladys Swanson, Executive Secretary.....	Polk
<b>Dental Examiners</b>	
Harry G. Bolks, D.D.S.....	Woodbury
John D. Hemingway, D.D.S.....	Bremer
C. Herman Stewart, D.D.S.....	Fremont
Robert C. Norman, D.D.S.....	Guthrie
Henry M. Willetts, D.D.S.....	Dubuque



## STATE OFFICERS—Continued

Name and Office	County from which originally chosen
<i>Embalmers Examiners</i>	
Paul D. McCauley, Chairman.....	Cerro Gordo
A. L. Didesch, Secretary.....	Dubuque
Carl A. Johnson.....	Wapello
<i>Medical Examiners</i>	
A. A. Johnson, M.D., Chairman.....	Pottawattamie
Arthur D. Woods, M.D., Secretary.....	Marshall
Fred B. Morgan, M.D.....	Clinton
<i>Optometry Examiners</i>	
Alfred J. Meyer, Chairman.....	Scott
John J. Brady, Secretary.....	O'Brien
Henry W. Knutson.....	Cerro Gordo
<i>Osteopathy Examiners</i>	
H. B. Willard, Chairman.....	Delaware
Marvin Green, Secretary.....	Buena Vista
W. D. Andrews.....	Kossuth
<i>Podiatry Examiners</i>	
C. H. Findley, Chairman.....	Scott
Josephine C. Schlunke, Secretary.....	Polk
Cecil L. Moon.....	Black Hawk
<b>HIGHWAY COMMISSION</b>	
Fred Gilbert, Chairman.....	Marshall
Sanford Zeigler, Jr.....	Jefferson
S. Ray Emerson.....	Union
H. J. Ahlers.....	Plymouth
John J. Swaner.....	Johnson
Fred R. White, Chief Engineer.....	Story
<b>HISTORICAL DEPARTMENT</b>	
Ora Williams, Curator.....	Polk
Emory English, Assistant.....	Polk
<b>INDUSTRIAL COMMISSIONER</b>	
Elmer P. Corwin.....	Muscatine
Ralph Young, First Deputy.....	Polk
Charles Greenley, Second Deputy.....	Polk
<b>INSURANCE COMMISSIONER</b>	
Charles R. Fischer.....	Monona
Ralph Knudsen, Deputy.....	Black Hawk
<b>IOWA DEVELOPMENT COMMISSION</b>	
<i>Legislative Members</i>	
G. R. Hill.....	Wright
A. D. Clem.....	Woodbury
Herman Walter.....	Pottawattamie
Lloyd A. Meyer.....	Jackson
<i>Other Members</i>	
Seth Barker.....	Wapello
Harlan Girton.....	Cerro Gordo
Wm. H. Jeffries.....	Polk
Malcom Lomas.....	Montgomery
Arthur Poe.....	Linn
G. L. Weesenberger.....	Lee
William Yungclas.....	Hamilton
<b>LABOR COMMISSIONER</b>	
Charles W. Harness.....	Wapello

STATE OFFICERS—Continued

Name and Office	County from which originally chosen
<b>LAW EXAMINERS</b>	
John M. Rankin, Chairman.....	Lee
John W. Anderson.....	Woodbury
H. G. Cartwright.....	Marshall
Wilson W. Cornwall.....	Clay
R. E. Hatter.....	Iowa
Robert S. Jackson.....	Muscatine
<b>LIBRARY COMMISSION</b>	
Robert D. Blue.....	Wright
T. G. Garfield.....	Story
Jessie M. Parker.....	Winnebago
<b>LIBRARIANS</b>	
<i>Law Librarian</i>	
B. B. Druker.....	Marshall
(In Armed Services)	
Geraldine Dunham, Acting.....	Polk
<i>Medical Library, Librarian</i>	
Dr. Jeannette Dean Throckmorton.....	Polk
<i>Traveling Library, Librarian</i>	
Blanche A. Smith.....	Warren
<b>LIQUOR CONTROL COMMISSION</b>	
Dick R. Lane, Chairman.....	Scott
R. F. Swift.....	Shelby
George L. Scott.....	Fayette
W. B. Blake, Secretary.....	Fayette
<b>MINE INSPECTORS</b>	
E. A. Farnsworth.....	Appanoose
A. Everette Erskine.....	Wapello
J. E. Jeffreys.....	Polk
Geo. Duckworth, Secretary.....	Appanoose
<b>MINE INSPECTORS, BOARD OF EXAMINERS</b>	
Wm. Anderson, President.....	Monroe
James M. Smith, Secretary.....	Monroe
Wm. Jervis.....	Polk
Joe Johnson.....	Polk
John Howard.....	Wapello
<b>NURSE EXAMINERS</b>	
Mother M. Maura, Chairman.....	Linn
Dorothy Freriks, Vice Chairman.....	Cherokee
Mary L. Elder.....	Des Moines
Ruth Eggers.....	Scott
Sister M. Stella.....	Pottawattamie
Vera M. Sage, Secretary.....	Polk
<b>PAROLE BOARD</b>	
W. E. Jackson, Chairman.....	Des Moines
C. E. Godfrey.....	Monroe
Virginia Bedell.....	Dickinson
Sam D. Woods, Secretary.....	Polk
<b>PHARMACY EXAMINERS</b>	
L. R. Henderson, Chairman.....	Louisa
P. J. Jepson.....	Jasper
Geo. W. Gillman.....	Webster
J. F. Rabe, Secretary.....	Cass

## STATE OFFICERS—Continued

Name and Office	County from which originally chosen
<b>PRINTING BOARD</b>	
C. B. Akers, Chairman.....	Wapello
Wayne M. Ropes.....	Monona
John M. Rankin.....	Lee
Tom W. Purcell.....	Franklin
Walter Sharp.....	Des Moines
<b>PRINTING SUPERINTENDENT</b>	
S. W. Needham.....	Story
C. L. Bredt, Assistant.....	Franklin
<b>PUBLIC SAFETY DEPARTMENT</b>	
Karl W. Fischer, Commissioner.....	Benton
(On leave of absence in Armed Forces)	
R. B. Laird, Acting Commissioner.....	Fremont
R. W. Nebergall, Chief, Bureau of Criminal Investigation.....	Story
C. H. Knee, Chief, State Highway Patrol.....	Dallas
John R. Strohm, State Fire Marshal.....	Clinton
Lieut. S. N. Jespersen, Superintendent, Motor Vehicle Reg- istration.....	Story
Clarence Shirer, Superintendent of Operators' and Chauffeurs' License Division.....	Butler
Paul F. Hill, Director of Safety Education and Accident Sta- tistical Division.....	Black Hawk
(On leave of absence in Armed Forces)	
Bert L. Woodcock, Acting Director.....	Hardin
H. H. Joy, Superintendent, Radio Communication Division.....	Greene
(On leave of absence in Armed Forces)	
Gerald R. Sutton, Acting Superintendent.....	Cass
<b>REAL ESTATE COMMISSION</b>	
Wayne M. Ropes, Chairman.....	Monona
(Commission not appointed at time of publication)	
<b>REPORTER OF SUPREME COURT</b>	
Frederick F. Faville, Reporter.....	Woodbury
Viola Bartlett, Deputy.....	Webster
<b>SOCIAL WELFARE BOARD</b>	
Mrs. Mary E. Huncke.....	Polk
H. C. Beard.....	Ringgold
H. Sam Love.....	Adair
E. C. Gessell, Secretary.....	Woodbury
<b>TAX COMMISSION</b>	
D. L. Murrow.....	Wayne
H. A. Grantham.....	Clinton
George E. Gill.....	Osceola
Elsie L. Dachroth, Secretary.....	Polk
<b>VOCATIONAL EDUCATION AND REHABILITATION</b>	
Jessie M. Parker, Chairman.....	Winnebago
Charles W. Harness.....	Wapello
Henry C. Shull.....	Woodbury
L. H. Wood, Vocational Education Director.....	Woodbury
Willis Grant, Supervisor.....	Polk
<b>WATCHMAKING EXAMINERS</b>	
(Commission not appointed at time of publication)	

## JUDICIAL DEPARTMENT

## JUDICIAL DEPARTMENT

## JUDGES OF THE SUPREME COURT

Wm. L. Bliss.....	Mason City
T. G. Garfield.....	Ames
Oscar Hale.....	Wapello
H. J. Mantz.....	Audubon
Frederic M. Miller.....	Des Moines
John E. Mulroney.....	Fort Dodge
Ralph A. Oliver.....	Sioux City
W. A. Smith.....	Dubuque
C. F. Wennerstrum.....	Chariton
Chas. W. Barlow, Clerk.....	Mason City
Frederick F. Faville, Reporter.....	Sioux City

## JUDGES OF THE DISTRICT COURT

## First Judicial District

J. R. Leary.....	Fort Madison	James S. Burrows.....	Keokuk
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## Second Judicial District

Elmer K. Daugherty.....	Ottumwa	Edward L. Simmons.....	Centerville
Heinrich C. Taylor.....	Bloomfield	Harold V. Levis.....	Chariton

## Third Judicial District

Tedford W. Miles.....	Corydon	Charles J. Lewis.....	Mt. Ayr
Geo. A. Johnston.....	Creston		

## Fourth Judicial District

Miles W. Newby.....	Onawa	Ralph C. Prichard.....	Sioux City
D. C. Browning.....	Sioux City	L. B. Forsling.....	Sioux City

## Fifth Judicial District

Norman R. Hays.....	Knoxville	Earl W. Vincent.....	Guthrie Center
Marion G. Kellam.....	Greenfield		

## Sixth Judicial District

Frank Bechly.....	Montezuma	J. G. Patterson.....	Oskaloosa
P. J. Siegers.....	Newton		

## Seventh Judicial District

Glenn D. Kelly.....	Davenport	George Claussen.....	Clinton
Wm. W. Scott.....	Davenport	W. L. Keck.....	Maquoketa
C. R. Stafford.....	Muscatine		

## Eighth Judicial District

James P. Gaffney.....	Marengo	Harold D. Evans.....	Iowa City
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## Ninth Judicial District

Joseph E. Meyer.....	Des Moines	O. S. Franklin.....	Des Moines
John J. Halloran.....	Des Moines	Loy Ladd.....	Des Moines
Tom K. Murrow.....	Des Moines	C. Edwin Moore.....	Des Moines

## Tenth Judicial District

Shannon B. Charlton.....	Manchester	William T. Evans.....	Waterloo
R. W. Hasner.....	Waterloo		

## Eleventh Judicial District

Sherwood A. Clock.....	Hampton	H. E. Fry.....	Boone
Dean W. Peisen.....	Eldora	John M. Schaupp.....	Fort Dodge

## Twelfth Judicial District

M. H. Kepler.....	Northwood	T. A. Beardmore.....	Charles City
Tom Boynton.....	Forest City	William P. Butler.....	Mason City

JUDICIAL DEPARTMENT—Continued

Thirteenth Judicial District			
T. H. Goheen.....	Calmar	George B. Richter.....	Waukon
M. M. Cooney.....	West Union		
Fourteenth Judicial District			
Fred M. Hudson.....	Pocahontas	Harry E. Narey.....	Spirit Lake
G. W. Stillman.....	Algona		
Fifteenth Judicial District			
John A. Murray.....	Logan	R. Kent Martin.....	Atlantic
Chas. Roe.....	Council Bluffs	Vernon Johnson.....	Sidney
Harold E. Davidson.....	Clarinda		
Sixteenth Judicial District			
R. L. McCord.....	Sac City	F. H. Cooney.....	Carroll
Bruce M. Snell.....	Ida Grove		
Seventeenth Judicial District			
B. O. Tankersley.....	Marshalltown	B. F. Thomas.....	Traer
Eighteenth Judicial District			
J. E. Heiserman.....	Anamosa	M. C. Hamiel.....	Tipton
G. K. Thompson.....	Cedar Rapids	Floyd Philbrick.....	Cedar Rapids
Nineteenth Judicial District			
Milton J. Glenn.....	Dubuque	John G. Chalmers.....	Dubuque
Twentieth Judicial District			
E. O. Newell.....	Burlington	Paul H. McCoid.....	Mt. Pleasant
Twenty-first Judicial District			
O. S. Thomas.....	Rock Rapids	M. D. Van Oosterhout.....	Orange City
R. G. Rodman.....	Cherokee		

JUDGES OF THE MUNICIPAL AND SUPERIOR COURTS  
Municipal Courts

JUDGES	ADDRESS	CLERKS	REPORTERS
John Y. Luke.....	Ames.....	Loyall E. Thomas.....	Irene Sogard
W. A. McCullough.....	Clinton.....	Albert J. Meyer.....	
Allan Ardell.....	Council Bluffs.....	Lucille M. Madden.....	
John P. Tinley.....	Council Bluffs.....	Lucille M. Madden.....	
Don G. Allen.....	Des Moines.....	Walter R. Priebe.....	Ethel F. Katz
Charles S. Cooter.....	Des Moines.....	Walter R. Priebe.....	Mrs. Kathryn Miller
Harry B. Grund.....	Des Moines.....	Walter R. Priebe.....	
Ralph D. Moore.....	Des Moines.....	Walter R. Priebe.....	
Ray P. Scott.....	Marshalltown.....	Etta Northup.....	Minnie E. Grimm (Mrs.)
Berry J. Sisk.....	Sioux City.....	Harry E. Harbeck.....	Richard F. Tedrow
George M. Paradise.....	Sioux City.....	Harry E. Harbeck.....	
R. N. Jepson.....	Sioux City.....	Harry E. Harbeck.....	
Geo. J. Sager.....	Waterloo.....	E. W. Koepke.....	Eve M. Leonard
Ben. G. Howrey.....	Waterloo.....	E. W. Koepke.....	

Superior Courts

JUDGES	ADDRESS	CLERKS	REPORTERS
Harry S. Johnson.....	Cedar Rapids.....	Maude M. Krebs.....	Imogen B. Emery (Mrs.)
R. K. Brandt.....	Oelwein.....	H. J. Finders.....	Florence Lawther (Mrs.)
J. A. Concannon.....	Keokuk.....	J. A. Concannon.....	Kenneth A. Brown

**GENERAL ASSEMBLY**  
**SENATORS IN GENERAL ASSEMBLY**

NAME	Residence	Age	Occupation	Dist	Counties Composing District	Former Legislative Service
Augustine, A. E.	Oskaloosa	54	Realtor and Farmer	14	Mahaska	46X 47 48 49 50 50X
Barkley, J. R.	Moulton	75	Attorney	3	Appanoose, Davis	
*Bekman, E. K.	Ottumwa	44	Attorney	13	Wapello	48 49 50 50X
*Benson, Ralph E.	Jefferson	37	Farming and Farm Implement Retailing	48	Carroll, Greene, Sac	48 49 50 50X
*Berg, John P.	Cedar Falls	56	Retail Merchant	38	Black Hawk, Grundy	46 46X 47 48 49 50 50X
Byers, Frank C.	Cedar Rapids	61	Attorney	26	Linn	43 44 45 45X 46 46X 47 48 49 50 50X
Clem, A. D.	Sioux City	47	Attorney	32	Woodbury	50 50X
*Cromwell, Fred	Burlington	39	Attorney	9	Des Moines	48 49 50 50X
Dewel, Duane E.	Algona	43	Newspaperman	49	Emmet, Kossuth, Palo Alto	
Doud, Alden L.	Douds	47	Attorney	2	Jefferson, Van Buren	50 50X
Dykhouse, J. T.	Rock Rapids	54	Real Estate and Insurance	24	Lyon, Osceola, Sioux	47 48 49 50 50X
Elthon, Leo	Fertile	46	Farmer	41	Mitchell, Winnebago, Worth	45 45X 46 46X 47 48 49 50 50X
*Faul, George	Des Moines	46	Attorney	30	Polk	48 49 50 50X
Findlay, C. V.	Fort Dodge	78	Former Co. Supt. of Schools	27	Calhoun, Webster	37 38 38X 49 50 50X
*Foster, Harlan C.	Mt. Pleasant	58	Farmer	10	Henry, Washington	47 48 49 50 50X
*Hart, Stanley L.	Keokuk	48	Cooperage Mfg.	1	Lee	47 48 49 50 50X
*Harvey, Robt. W.	Missouri Valley	69	Druggist	34	Crawford, Harrison, Monona	48 49 50 50X
Hawkins, R. B.	Leon	59	Attorney	5	Decatur, Ringgold, Union	50 50X
*Henningsen, O. H.	Clinton	61	Realtor and Insurance	22	Clinton	48 49 50 50X
*Hill, G. R.	Clarion	56	Attorney	37	Hamilton, Hardin, Wright	46X 47 48 49 50 50X
Hultman, O. N.	Stanton	57	Retail Lumber Dealer	8	Mills, Montgomery	45 45X 46 46X 47 48
Jacobson, Arthur H.	Waukon	34	Attorney	40	Allamakee, Fayette	
Jones, Floyd	Osceola	45	Cafe Operator and Farmer	11	Clarke, Warren	49 50 50X
Keir, Robert	Spencer	39	Farmer	47	Clay, Dickinson, O'Brien	49 50 50X
*Kirkeleg, O. J.	Bedford	53	Attorney	6	Adams, Taylor	47 48
Klein, Tunis H.	Pella	56	Attorney	15	Marion, Monroe	
Knudson, Herman M.	Mason City	57	Printer, Executive	43	Cerro Gordo, Franklin, Hancock	46 46X 48 49 50 50X
*Leo, Richard V.	Dysart	56	Farmer and Grain Dealer	45	Benton, Tama	45X 48 49 50 50X
Long, Irving D.	Manchester	49	Attorney	33	Buchanan, Delaware	49 50 50X
Love, H. Sam	Bridgewater	55	Produce Dealer	16	Adair, Madison	46 46X 47 48 49 50 50X
Lucas, J. G.	Madrid	65	Publisher	31	Boone, Story	
Lynes, J. Kendall	Plainfield	41	Farmer	39	Bremer, Butler	49 50 50X
*Martin, Frank D.	Davenport	60	Former Sheriff	21	Scott	48 49 50 50X

GENERAL ASSEMBLY  
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SENATORS IN GENERAL ASSEMBLY—Continued

Mercer, Leroy S.	Iowa City	54	Printing and Publishing	25	Iowa, Johnson	45 45X 46 46X 47 49 50 50X
Miller Ai	Gray	59	Farmer	17	Audubon, Dallas, Guthrie	49 50 50X
*Mowry, Ross R.	Newton	62	Attorney	29	Jasper	48 49 50 50X
Newsome, J. A.	Derby	66	Farmer	4	Lucas, Wayne	50 50X
*Pine, F. J.	Columbus Jct.	51	Automobile Dealer and Farming	20	Louisa, Muscatine	47 48 49 50 50X
*Reilly, Robert C.	Dubuque	40	Merchant	35	Dubuque	48 49 50 50X
Ritchie, Fred J.	Marcus	65	Farming	46	Cherokee, Ida, Plymouth	48 49 50 50X
†Rockhill Robert A.	Marshalltown		Attorney	28	Marshall	
Schluter, Edwin C.	Clarence	57	Attorney	23	Cedar, Jackson, Jones	50 50X
Sharp, F. E.	Elkader	50	Attorney	36	Clayton	48 49 50 50X
*Shaw, Albert J.	Pocahontas	68	Attorney	50	Buena Vista, Humboldt, Pocahontas	46 46X 47 48 49 50 50X
*Sjulin, Carl O.	Hamburg	54	Nurseryman and Farmer	7	Fremont, Page	48 49 50 50X
*Vittetoe, Luke	Sigourney	58	Druggist	12	Keokuk, Poweshiek	50 50X
*Vrba, Ed.	Cresco	36	Farmer	42	Howard, Winneshiek	48 49 50 50X
Watson, De Vere	Council Bluffs	51	Attorney	19	Pottawattamie	49 50 50X
†White, Ed. S.	Harlan	73	Attorney	18	Cass, Shelby	
**Whitehill, B. C.	Marshalltown	69	Retired	28	Marshall	46X 47 48 49 50 50X
*Zastrow, Ralph W.	Charles City	54	Attorney	44	Chickasaw, Floyd	50 50X

\*Holdover Senators.

\*\*B. C. Whitehill died January 8, 1945.

\*\*O. J. Kirketeg died March 22, 1945.

†To fill vacancy. Term expires December 31, 1946.

‡Robert A. Rockhill elected at Special Election, January 26, 1945, to replace B. C. Whitehill, deceased.

REPRESENTATIVES IN GENERAL ASSEMBLY

NAME	Residence	Age	Occupation	County	Former Legislative Service
Anderson, Carl A.	Swedesburg	54	Farmer	Henry	50 50X
Aubrey, Dean	Ottumwa	40	Secretary	Wapello	
Avery, A. H.	Spencer	74	Insurance	Clay	44 45X 46 46X 48 49 50 50X
Baker, Oliver N.	Pomeroy	50	Farming	Calhoun	
Bass, Elmer A.	Emerson	56	Farming	Montgomery	
Bents, W. A.	Cresco	47	Nurseryman	Howard	
Blatti, Arthur C.	New Hampton	58	Dairyman and Farmer	Chickasaw	49 50 50X
Blewett, H. B.	Meservey	54	Farmer	Franklin	50 50X

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

NAME	Residence	Age	Occupation	County	Former Legislative Service
Bockwoldt, M. F.	Ida Grove	69	Farmer and Feeder	Ida	49 50 50X
Bonn, Walter H.	Victor	67	Attorney	Iowa	50 50X
Bryson, C. A.	Iowa Falls	70	Attorney	Hardin	49 50 50X
Burkman, Carl A.	Des Moines	52	Attorney	Polk	
Capesius, Edward	Algona	59	Real Estate Broker	Koosuth	
Carlson, Robert	Sioux City	49	Oil Business	Woodbury	49 50 50X
Colburn, Jay C.	Harlan	51	Farmer	Shelby	49 50 50X
Cooper, Elmer E.	Corning	61	Farmer	Adams	48 49 50 50X
Cowan, James A.	What Cheer	66	Salesman	Keokuk	50 50X
Cox, Harry	Fort Dodge	59	Dairyman and Farmer	Webster	50 50X
Datisman, B. L.	Inwood	66	Farmer	Lyon	50 50X
Davis, Floyd P.	Waterloo	65	Retired Banker	Black Hawk	
Davis, J. C.	Oelwein	65	Dentist and Farm Manager	Fayette	
Dodds, Bert E.	Danville	59	Farmer	Des Moines	47 48 49 50 50X
Donohue, D. A.	Tipton	33	Real Estate and Insurance	Cedar	50 50X
Guthrie, R. E.	Guthrie Center	68	Attorney	Guthrie	49 50 50X
Edwards, E. L.	Shannon City	59	Merchant	Union	49 50 50X
Farmer, George E.	Cedar Rapids	58	Attorney	Linn	50 50X
Felton, Harold	Indianola	54	Grain and Feed Manufacturer	Warren	49 50 50X
Fimmen, W. R.	Bloomfield	45	Attorney	Davis	49 50 50X
Fletcher, Clint L.	Ocheyedan	57	Farmer	Osceola	45X
Frederickson, Leo D.	Emmetsburg	47	Farmer	Palo Alto	
Frei, H. R., Jr.	Reinbeck	49	Farmer	Grundy	
Fulk, Ed. W.	Clarinda	54	Farmer	Page	
Gardner, Joe F.	Waverly	50	Salesman	Bremer	49 50 50X
Gardner, John R.	Lisbon	69	Physician and Surgeon	Linn	47 48 49 50 50X
Good, C. G.	Ogden	71	Farmer and Horse Breeder	Boone	47 49 50 50X
Hall, J. R.	Malvern	64	Bank Cashier	Mills	48 49 50 50X
Hedin, Philip T.	Davenport	62	Real Estate Broker	Scott	50 50X
Heffner, John S.	Webster City	61	Farmer and Stockman	Hamilton	48 49 50 50X
Hicklin, M. F.	Wapello	36	Attorney	Louisa	50 50X
Hoeness, S. G.	Winterset	64	Farmer	Madison	50 50X
Huston, T. H.	Crawfordsville	63	Farmer	Washington	50 50X
Jessen, Peter A.	Exira	47	Oil Jobber	Audubon	49 50 50X
Kilpatrick, W. J.	Randolph	55	Farmer	Fremont	
Klemesrud, Theo.	Thompson	42	Newspaper Publisher	Winnebago	50 50X
Krueger, Henry C.	Clear Lake	49	Veterinarian	Cerro Gordo	
Kruse, William	Charles City	54	Farmer	Floyd	48 49 50 50X
Kuester, G. T.	Griswold	56	Farming	Cass	46 46X 47 48 49 50 50X

GENERAL ASSEMBLY—Continued



REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

Kuhlmann, Paul	Charter Oak	56	Farmer	Crawford	
Lane, Carroll A.	Carroll	39	Theatre Owner	Carroll	50 50X
Langland, C. M.	Spring Grove, Minn.	74	Farmer	Winneshiek	44
Latchaw, F. A.	Wilton Junction	60	Electrical Contractor	Muscatine	47 48 49 50 50X
Less, Frank W.	Cascade	39	Attorney	Dubuque	50 50X
Long, Harvey J.	Clinton	50	Wholesale Asphalt Roofing and Fuel	Clinton	49 50 50X
Lynch, Mae A.	Pocahontas	60	Attorney	Pocahontas	50 50X
Martin, S. A.	Centerville	73	Manufacturer	Appanoose	48 49 50 50X
McEleney, Leo P.	Clinton	51	Automobile Dealer	Clinton	
McFarlane, Arch W.	Waterloo	59	Fuel Dealer	Black Hawk	36 37 38 38X 39 42 42X 43 44 45 45X 46 46X 48 49 50 50X
McNeill, A. Earl	Onawa	58	Farmer	Monona	
McReynolds, Wade H.	Ottumwa	54	City Bus Driver	Wapello	
Meyer, Lloyd A.	Sabula	39	Processing Soybeans	Jackson	50X
Miller, J. F.	Humboldt	58	Grain Dealer and Farm Operator	Humboldt	48 49 50 50X
Mills, Ivan R.	Adair	66	Minister	Adair	49 50 50X
Moore, H. A.	New Hartford	62	Farm Implements Store and Farming	Butler	
Morrissey, Edw. J.	Valeria	56	Farming and Livestock	Jasper	48 49 50 50X
Nelson, R. A.	Independence	56	Dairy Farmer	Buchanan	
Nielsen, Andrew J.	Council Bluffs	55	Attorney	Pottawattamie	49 50 50X
Norland, Norman	Kensett	56	Farmer	Worth	50 50X
Olson, Allert G.	Osage	48	Farmer	Mitchell	
Palmer, C. A.	Waukon	54	Abstractor and Insurance	Allamakee	
Parrish, Paul	Gravity	42	Farming	Taylor	50X
Peterson, Oscar	Alta	70	Farmer and Feeder	Buena Vista	50 50X
Poston, E. E.	Corydon	61	Attorney and Farmer	Wayne	49 50 50X
Prentis, X. T.	Mount Ayr	48	Hatchery, Feeds and Farming	Ringgold	48 49 50 50X
Pritchard, W. S.	Garner	73	Garage	Hancock	49 50 50X
Putney, Lawrence	Gladbrook	45	Hatchery and Feeds	Tama	
Redman, A. G.	Sac City	61	Farming	Sac	
Reed, Wilson	Fairfield	71	Tax Accountant	Jefferson	49 50 50X
Robb, George H.	Estherville	63	Livestock	Emmet	50 50X
Robinson, Glenn E.	Colesburg	40	Attorney	Delaware	50 50X
Robinson, Ira	Albia	79	Retired Farmer	Monroe	
Saylor, E. B.	Van Wert	60	Farmer	Decatur	
Schwengel, Fred	Davenport	37	Life Insurance	Scott	
Shepard, Ray E.	Chariton	49	Former County Sheriff	Lucas	
Siefkas, Henry	Osceola	47	Farming	Clarke	48 49 50 50X
Simonsen, Warren E.	Quimby	57	Veterinarian, Farmer and Manufacturer	Cherokee	
Sloane, Ted	Des Moines	41	Attorney	Polk	50 50X
Smith, Ernest T.	Volga City	57	Farmer	Clayton	
Smith, Wm. Merwin	Milford	43	Farmer	Dickinson	
Steinberg, Albert	Ames	54	Attorney	Story	48 49 50 50X

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

NAME	Residence	Age	Occupation	County	Former Legislative Service
Stevens, Henry H.	Scranton	51	Farmer	Greene	
Strawman, Clifford M.	Anamosa	55	Attorney and Farmer	Jones	
Swaner, John J.	Iowa City	46	Dairy Products	Johnson	49 50 50X
Tatum, William M.	Logan	53	Attorney	Harrison	49 50 50X
Te Paske, Anthony	Sioux Center	76	Attorney	Sioux	44 50 50X
Tyrrell, W. C., Jr.	Belmond	38	Farmer	Wright	50 50X
Utzig, Arnold	Dubuque	51	Shoe Merchant	Dubuque	50 50X
Vanderwilt, Dick H.	Oskaloosa	44	Farmer	Mahaska	50X
Van Eaton, Charles S.	Sioux City	55	Merchant	Woodbury	
Visser, Peter W.	Bussey	49	Farmer	Marion	
Walter, H. W.	Council Bluffs	33	Attorney	Pottawattamie	48 49 50 50X
Walter, W. Eldon	Beaman	46	Farmer	Marshall	49 50 50X
Watson, Harry E.	Sanborn	38	Farmer	O'Brien	
Weichman, Harry E.	Newhall	52	Farmer	Benton	47 48 49 50 50X
Wellington, Thomas W.	Ft. Madison	69	Retired Railway Postal Clerk	Lee	49 50 50X
Whitaker, Bert N.	Grinnell	57	Operator Grinnell Livestock Exchange and Farming	Poweshiek	
Whitehead, G. E.	Perry	52	Editor-Publisher	Dallas	50 50X
Williams, O. C.	Keosauqua	52	Merchant	Van Buren	
Wormley, Henry W.	Kingsley	46	Attorney	Plymouth	50 50X

GENERAL ASSEMBLY—Continued

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## OFFICERS OF THE FIFTY-FIRST GENERAL ASSEMBLY

### OFFICERS OF THE HOUSE

<i>Speaker</i> —Harold Felton .....	Indianola
<i>Speaker Pro Tempore</i> —Edw. J. Morrissey .....	Valeria
<i>Chief Clerk</i> —A. C. Gustafson .....	Des Moines
<i>Assistant Chief Clerk</i> —Harrison L. Peyton .....	Logan
<i>Reading Clerk</i> —Tom Moore King .....	Coin
<i>Special Clerk</i> —Vera Bradshaw .....	Des Moines
<i>Special Clerk</i> —Margaret Garver .....	Des Moines
<i>Journal Clerk</i> —Jean Olson .....	Story City
<i>Journal Clerk</i> —Bess Okey .....	Des Moines
<i>Engrossing Clerk</i> —Gretchen Stockham .....	Boone
<i>Enrolling Clerk</i> —Lillian Kanealy .....	Ames
<i>Enrolling Clerk</i> —Madeleine Burrows .....	Des Moines
<i>Clerk of Enrolled Bills</i> —Martha P. Cesar .....	Des Moines
<i>Speaker's Clerk</i> —Hazel Marshall .....	Des Moines
<i>Chief Clerk's Clerk</i> —Julie D. Anwyl .....	Anamosa
<i>File Clerk</i> —Claude Smith .....	Des Moines
<i>File Clerk</i> —Joe Banning, Jr. ....	Des Moines
<i>File Clerk</i> —LeRoy Walden .....	Des Moines
<i>Bill Clerk</i> —Alvin J. Crail .....	Des Moines
<i>Bill Clerk</i> —Earl McComb .....	Blairsburg
<i>Postmistress</i> —Marie O. Jones .....	Bussey
<i>Postmistress</i> —Grace Schwantz .....	Afton
<i>Sergeant-at-Arms</i> —Wm. L. Cree .....	Bloomfield
<i>Assistant Sergeant-at-Arms</i> —Charles Gardner .....	Murray
<i>Assistant Sergeant-at-Arms</i> —B. Aldinger .....	Des Moines

### OFFICERS OF THE SENATE

<i>President</i> —Kenneth A. Evans .....	Emerson
<i>President Pro Tempore</i> —Stanley L. Hart .....	Keokuk
<i>Secretary</i> —W. J. Scarborough .....	West Des Moines
<i>Assistant Secretary</i> —Walter H. Beam .....	Martensdale
<i>Reading Clerk</i> —Gail L. Hansen .....	Atlantic
<i>Journal Clerk</i> —Edna Gillespie .....	Des Moines
<i>Assistant Journal Clerk</i> —Leona Story .....	Des Moines
<i>Engrossing Clerk</i> —Maretta Blanchard .....	Des Moines
<i>Enrolling Clerk</i> —Celia Gardner .....	Oxford Junction
<i>Enrolled Bills Clerk</i> —Marie Spencer .....	West Des Moines
<i>Special Clerk</i> —Edith Meek .....	Bonaparte
<i>Supply Clerk</i> —Margaret Daniels .....	Des Moines
<i>Secretary's Clerk</i> —Doris Hollingsworth .....	Winterset
<i>Lieutenant Governor's Clerk</i> —Eleanor Lundberg .....	Des Moines
<i>Special Clerk</i> —Earl E. Walter .....	Tipton
<i>Sergeant-at-Arms</i> —Frank Buck .....	Ames
<i>Assistant Sergeant-at-Arms</i> —Walter Homeyer .....	Davenport
<i>Chief Doorkeeper</i> —O. H. Raleigh .....	Estherville
<i>Postmistress</i> —Elsie C. Kent .....	Des Moines
<i>Postmistress</i> —Linnie M. Fiero .....	Des Moines
<i>File Clerk</i> —James Hamilton .....	What Cheer
<i>Assistant File Clerk</i> —Madeline Murphy .....	Pocahontas
<i>Bill Clerk</i> —C. M. Roberts .....	Des Moines

## CONDITION OF STATE TREASURY

Statement of the receipts and expenditures of the public money for the biennial fiscal period beginning July 1, 1942, and ending June 30, 1944, as prepared and furnished by C. Fred Porter, State Comptroller, for publication with the laws of the Fifty-first General Assembly in accordance with the requirements of Section 18, Article III, of the Constitution of the State of Iowa and Section 221.4 of the Code.

### STATEMENT OF THE CONDITION OF THE TREASURY

Receipts, Disbursements, and Balances in the Several Funds  
for Biennial Period Ending June 30, 1944

	Balances July 1, 1942	Total Receipts	Total Available	Total Warrants Redeemed and Transfers	Balance June 30, 1943
General Revenue.....	\$ 3,462,509.95	\$23,021,428.19	\$ 26,483,938.14	\$21,236,194.44	\$ 2,018,606.57
Transfers.....				3,229,137.13	
Trust Revenue.....	7,991,683.28	71,404,506.41	79,396,189.69	69,671,509.51	
Transfers.....				555,099.29	9,169,580.89
Soldiers' Bonus					
Tax.....	85,957.78	1,200,000.00	1,285,957.78	1,107,335.00	178,622.78
Soldiers' Bonus					
Bonds.....	2,942.30		2,942.30	306.00	2,636.30
Primary Road					
Contingent.....	248,765.25	3,348,156.95	3,596,922.20	3,435,296.37	161,625.83
	<u>\$11,791,858.56</u>	<u>\$98,974,091.55</u>	<u>\$110,765,950.11</u>	<u>\$99,234,877.74</u>	<u>\$11,531,072.37</u>
Balance July 1, 1942.....				\$ 11,791,858.56	
Receipts .....				98,974,091.55	
				<u>\$110,765,950.11</u>	
Disbursements .....				99,234,877.74	
				<u>\$ 11,531,072.37</u>	
	Balances July 1, 1943	Total Receipts	Total Available	Total Warrants Redeemed and Transfers	Balance June 30, 1944
General Revenue.....	\$ 2,018,606.57	\$24,948,736.51	\$ 26,967,343.08	\$19,479,691.45	\$ 5,374,567.03
Transfers.....				2,113,084.60	
Trust Revenue.....	9,169,580.89	70,328,616.78	79,498,197.67	69,064,361.76	9,821,208.69
Transfers.....				612,627.22	
Soldiers' Bonus					
Tax.....	178,622.78		178,622.78	12,225.00	166,397.78
Soldiers' Bonus					
Bonds.....	2,636.30	749,232.06	751,868.36	627,701.00	124,167.36
Primary Road					
Contingent.....	161,625.83	3,380,463.28	3,542,089.11	3,404,111.23	137,977.88
	<u>\$11,531,072.37</u>	<u>\$99,407,048.63</u>	<u>\$110,938,121.00</u>	<u>\$95,313,802.26</u>	<u>\$15,624,318.74</u>
Balance July 1, 1943.....				\$ 11,531,072.37	
Receipts .....				99,407,048.63	
				<u>\$110,938,121.00</u>	
Disbursements .....				95,313,802.26	
				<u>\$ 15,624,318.74</u>	

# LAWS

OF THE

## Fifty-first General Assembly

OF THE

### STATE OF IOWA

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE  
CAPITAL OF THE STATE, BEGUN ON THE EIGHTH DAY OF  
JANUARY, AND ENDED ON THE TWELFTH DAY OF APRIL,  
A. D. 1945, IN THE NINETY-NINTH YEAR OF THE STATE

## APPROPRIATIONS

### CHAPTER 1

#### DEPARTMENTAL APPROPRIATIONS

S. F. 405

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1945, and ending June 30, 1947, funds for various departments and various divisions thereof, of the state of Iowa, for purposes provided by law.

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

#### ATTORNEY GENERAL

1	SECTION 1. For the office of attorney general there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	
4	of thirty-six thousand dollars (\$36,000.00) or so much thereof as may	
5	be necessary to be used in the following manner:	
6	For salary of attorney general.....	\$ 6,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	30,000.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the office of attorney	
11	general .....	\$ 36,000.00

## AUDITOR OF STATE

1	SEC. 2. For the office of auditor of state there is hereby appro-	
2	priated from the general fund of the state for each year of the bien-	
3	num beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	ninety-nine thousand two hundred sixty dollars (\$99,260.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salary of state auditor.....	\$ 5,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	87,960.00
		<u>                    </u>
9		\$ 92,960.00
	BUILDING AND LOAN DIVISION	
10	For salary of supervisor of savings and loan associations	
11	as fixed by section 9354.1, Code, 1939.....	\$ 2,500.00
12	For salaries, support, maintenance and miscellaneous	
13	purposes .....	\$ 3,800.00
		<u>                    </u>
14		\$ 6,300.00
15	Grand total of all appropriations for all purposes for	
16	each year of the biennium for the office of auditor of	
17	state .....	\$ 99,260.00

## BOARD OF CONTROL

1	SEC. 3. For the office of board of control there is hereby appro-	
2	priated from the general fund of the state for each year of the bien-	
3	num beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	eighty-one thousand three hundred thirty dollars (\$81,330.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salaries of board members (3 at \$4,000.00 each).....	\$ 12,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	69,330.00
		<u>                    </u>
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the board of control.....	\$ 81,330.00

## BOARD OF CONTROL—INSTITUTION STATE ROADS

1	SEC. 4. For the board of control—institution state roads there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1945, and ending June 30, 1947, the	
4	sum of ten thousand dollars (\$10,000.00) or so much thereof as may	
5	be necessary to be used in the following manner:	
6	For institution state roads.....	\$ 10,000.00
		<u>                    </u>
7	Grand total of all appropriations for all purposes for	
8	each year of the biennium for institution state roads.....	\$ 10,000.00

## BOARD OF EDUCATION

1	SEC. 5. For the office of the board of education there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	

4	of forty-six thousand dollars (\$46,000.00) or so much thereof as may	
5	be necessary to be used in the following manner:	
6	For salary of chairman of finance committee.....	\$ 2,900.00
7	For salary of member of finance committee.....	2,900.00
8	For salary of secretary of board of education and of the	
9	finance committee .....	4,000.00
10	For salaries, support, maintenance and miscellaneous	
11	purposes .....	36,200.00
12	Grand total of all appropriations for all purposes for	
13	each year of the biennium for the office of board of	
14	education .....	\$ 46,000.00

## BOARD OF PAROLE

1	SEC. 6. For the office of board of parole there is hereby appro-	
2	riated from the general fund of the state for each year of the bien-	
3	niennium beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	thirty-eight thousand three hundred sixty dollars (\$38,360.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salaries of board members One at \$3,300, who is the	
7	legal advisor, and two at \$3,000 each.....	\$ 9,300.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	29,060.00
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the board of parole.....	\$ 38,360.00

## BUREAU OF LABOR

1	SEC. 7. For the bureau of labor there is hereby appropriated from	
2	the general fund of the state for each year of the biennium beginning	
3	July 1, 1945, and ending June 30, 1947, the sum of twenty-eight thou-	
4	sand two hundred ninety dollars (\$28,290.00) or so much thereof as	
5	may be necessary to be used in the following manner:	
6	For salary of labor commissioner.....	\$ 3,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	25,290.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the bureau of labor.....	\$ 28,290.00

## CLERK OF SUPREME COURT

1	SEC. 8. For the office of clerk of supreme court there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium the sum of ten thousand six hundred dollars (\$10,600.00)	
4	or so much thereof as may be necessary to be used in the following	
5	manner:	
6	For salary of the clerk of the supreme court.....	\$ 3,600.00
7	For salaries, support, maintenance and miscellaneous	

8	purposes .....	7,000.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the office of the clerk of	
11	the supreme court.....	\$ 10,600.00

### COMMERCE COMMISSION

1 SEC. 9. For the department of the commerce commission there is  
 2 hereby appropriated from the general fund of the state for each year  
 3 of the biennium beginning July 1, 1945, and ending June 30, 1947,  
 4 the sum of one hundred fifty-six thousand seven hundred forty-one  
 5 dollars and fifty cents (\$156,741.50) or so much thereof as may be  
 6 necessary to be used in the following manner:

#### GENERAL ADMINISTRATION

7	For salaries of commissioners (3 at \$4,000.00 each) .....	\$ 12,000.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	66,889.50
10	Total for general administration of commerce commis-	
11	sion .....	\$ 78,889.50

#### CLASS RATE CASES

12	For salaries, support, maintenance and miscellaneous	
13	purposes .....	\$ 10,000.00

#### MOTOR TRANSPORTATION DIVISION

14	For salaries, support, maintenance and miscellaneous	
15	purposes .....	\$ 52,500.00

#### WAREHOUSE DIVISION

16	For salaries, support, maintenance and miscellaneous	
17	purposes .....	\$ 15,352.00

18	Grand total of all appropriations for all purposes for	
19	each year of the biennium for the department of the	
20	commerce commission .....	\$156,741.50

### COMMISSION FOR BLIND

1 SEC. 10. For the office of the commission for the blind there is  
 2 hereby appropriated from the general fund of the state for each year  
 3 of the biennium beginning July 1, 1945, and ending June 30, 1947,  
 4 the sum of twenty-one thousand one hundred fifty dollars (\$21,150.00)  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

7	For salary of secretary.....	\$ 2,700.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	18,450.00
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the office of the commis-	
12	sion for the blind.....	\$ 21,150.00



## COMMISSION ON UNIFORM LAWS

1	SEC. 11. For the commission on uniform laws there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	
4	of three hundred dollars (\$300.00) or so much thereof as may be	
5	necessary to be used in the following manner:	
6	For traveling expenses of members of the commission on	
7	uniform laws .....	\$ 300.00
8	Grand total of all appropriations for all purposes for	
9	each year of the biennium for the commission on uni-	
10	form laws .....	\$ 300.00

## STATE COMPTROLLER

1	SEC. 12. For the office of state comptroller there is hereby appro-	
2	priated from the general fund of the state for each year of the bien-	
3	niennium beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	sixty thousand two hundred fifty-four dollars and seventy-one cents	
5	(\$60,254.71) or so much thereof as may be necessary to be used in	
6	the following manner:	
7	For salary of state comptroller.....	\$ 6,000.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	\$ 54,254.71
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the office of state comp-	
12	troller .....	\$ 60,254.71

## CONSERVATION COMMISSION

1	SEC. 13. For the office of the conservation commission there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1945, and ending June 30, 1947,	
4	the sum of two hundred ninety thousand dollars (\$290,000.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscellaneous	
7	purposes of the office and maintenance of state parks,	
8	purchase of land and general improvements and lake	
9	and stream improvements and for the construction	
10	and improvements of roads and highways in said	
11	parks .....	\$290,000.00
12	Grand total of all appropriations for all purposes for	
13	each year of the biennium for the conservation com-	
14	mission .....	\$290,000.00

## COUNCIL OF STATE GOVERNMENT

1	SEC. 14. For the council of state government there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	
4	of four thousand dollars (\$4,000.00) or so much thereof as may be	
5	necessary to be used in the following manner:	

6	For the support of the council of state government.....	\$ 4,000.00
7	Grand total of all appropriations for all purposes for	
8	each year of the biennium for the council of state	
9	government .....	\$ 4,000.00

## CUSTODIAN

1	SEC. 15. For the office of the custodian there is hereby appropriated	
2	from the general fund of the state for each year of the biennium be-	
3	ginning July 1, 1945, and ending June 30, 1947, the sum of ninety-	
4	three thousand eight hundred fifty dollars (\$93,850.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of custodian.....	\$ 2,750.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	91,100.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the office of custodian....	\$ 93,850.00

## DEPARTMENT OF AGRICULTURE

1	SEC. 16. For the department of agriculture there is hereby appro-	
2	priated from the general fund of the state for each year of the bien-	
3	niun beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	four hundred eleven thousand two hundred fifty dollars (\$411,250.00)	
5	or so much thereof as may be necessary to be used in the following	
6	manner:	

## MAIN OFFICE

7	For salary of secretary of agriculture.....	\$ 5,000.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	\$135,000.00
10	Total for main office.....	\$140,000.00

## (1) AGRICULTURAL STATISTICS

11	For state aid.....	\$ 5,000.00
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## (2) ANIMAL HEALTH AND VETERINARY

12	For control and eradication of contagious and infectious	
13	livestock diseases including Bang's Disease, salaries	
14	and traveling expenses; assistant state veterinarians	
15	(per diem and expenses), indemnities and miscel-	
16	laneous purposes .....	\$137,500.00

## (3) BARBERRY ERADICATION

17	For state aid.....	\$ 4,500.00
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## (4) BEE INSPECTION

18	For state aid.....	\$ 4,500.00
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## (5) BEEF PRODUCERS ASSOCIATION

19	For state aid.....	\$ 5,000.00
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## CH. 1] LAWS OF THE FIFTY-FIRST GENERAL ASSEMBLY

	(6) CORN AND SMALL GRAIN GROWERS' ASSOCIATION	
20	For state aid.....	\$ 2,750.00
	(7) CROP PEST	
21	For state aid.....	\$ 25,000.00
	(8) DAIRY ASSOCIATION	
22	For state aid.....	\$ 5,000.00
	(9) DAIRY CALF CLUB	
23	For state aid.....	\$ 2,000.00
	(10) ENTOMOLOGY	
24	For salaries, support, maintenance and miscellaneous	
25	purposes.....	\$ 12,500.00
	(11) HATCHERY INSPECTION	
26	For state hatchery inspection.....	\$ 9,000.00
	(12) HORSE BREEDERS' ASSOCIATION	
27	For state aid.....	\$ 5,000.00
	(13) HORTICULTURAL SOCIETIES	
28	For state aid.....	\$ 8,000.00
	(14) POULTRY ASSOCIATIONS, SHORT COURSES AND ACHIEVEMENT SHOWS	
29	For state aid.....	\$ 18,000.00
	(15) SHEEP BREEDERS' ASSOCIATION	
30	For state aid.....	\$ 5,000.00
	(16) SOIL CONSERVATION	
31	For salaries, support and miscellaneous purposes.....	\$ 12,000.00
	(17) SWINE BREEDERS' ASSOCIATION	
32	For state aid.....	\$ 5,000.00
	(18) VETERINARY EXAMINERS	
33	For per diem and expense.....	\$ 500.00
	(19) WEATHER BUREAU	
34	For state aid.....	\$ 5,000.00
35	Grand total of all appropriations for all purposes for	
36	each year of the biennium for the department of agri-	
37	culture and divisions thereof.....	\$411,250.00

## DEPARTMENT OF HEALTH

1 SEC. 17. For the department of health there is hereby appropriated  
2 from the general fund of the state for each year of the biennium be-

3 ginning July 1, 1945, and ending June 30, 1947, the sum of two hun-  
 4 dred thirty-five thousand one hundred sixty-five dollars (\$235,165.00)  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

## GENERAL OFFICE

7	For salary of commissioner.....	\$ 6,000.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	19,050.00
10	Total for general office.....	\$ 25,050.00

## (1) MATERNAL AND CHILD HEALTH

11	For salaries, support, maintenance and miscellaneous	
12	purposes .....	\$ 6,780.00

## (2) PREVENTABLE DISEASES

13	For salaries, support, maintenance and miscellaneous	
14	purposes .....	\$ 6,390.00

## (3) ENGINEERING AND INDUSTRIAL HYGIENE

15	For salaries, support, maintenance and miscellaneous	
16	purposes .....	\$ 31,520.00

## (4) PUBLIC HEALTH NURSING

17	For salaries, support, maintenance and miscellaneous	
18	purposes .....	\$ 7,180.00

## (5) SERUMS

19	For salaries, support, maintenance and miscellaneous	
20	purposes .....	\$ 53,940.00

## (6) VITAL STATISTICS

21	For salaries, support, maintenance and miscellaneous	
22	purposes .....	\$ 54,420.00

## (7) BARBER EXAMINERS

23	For compensation, support, maintenance and miscel-	
24	laneous purposes .....	\$ 16,590.00

## (8) CHIROPRACTIC EXAMINERS

25	For compensation, support, maintenance and miscel-	
26	laneous purposes .....	\$ 1,965.00

## (9) COSMETOLOGY EXAMINERS

27	For compensation, support, maintenance and miscel-	
28	laneous purposes .....	\$ 16,100.00

## (10) DENTAL EXAMINERS

29	For compensation, support, maintenance and miscel-	
30	laneous purposes .....	\$ 2,100.00

	(11) EMBALMERS EXAMINERS	
31	For compensation, support, maintenance and miscel-	
32	laneous purposes .....	\$ 1,350.00
	(12) MEDICAL EXAMINERS	
33	For compensation, support, maintenance and miscel-	
34	laneous purposes .....	\$ 1,200.00
	(13) OPTOMETRY EXAMINERS	
35	For compensation, support, maintenance and miscel-	
36	laneous purposes .....	\$ 775.00
	(14) OSTEOPATHY EXAMINERS	
37	For compensation, support, maintenance and miscel-	
38	laneous purposes .....	\$ 1,555.00
	(15) PODIATRY EXAMINERS	
39	For compensation, support, maintenance and miscel-	
40	laneous purposes .....	\$ 300.00
	(16) LICENSURE AND REGISTRATION	
41	For salaries, support, maintenance and miscellaneous	
42	purposes .....	\$ 7,950.00
43	Grand total of all appropriations for all purposes for	
44	each year of the biennium for the department of health	
45	and the various divisions thereof.....	\$235,165.00

#### DEPARTMENT OF PUBLIC INSTRUCTION

1	SEC. 18. For the department of public instruction there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	
4	of four hundred eighty thousand nine hundred fifty dollars (\$480,-	
5	950.00) or so much thereof as may be necessary to be used in the	
6	following manner:	
7	For salary of superintendent of public instruction.....	\$ 4,500.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	55,000.00
10		\$ 59,500.00
	STATE AID TO PUBLIC SCHOOLS	
11	Normal training schools.....	\$100,000.00
12	Consolidated schools .....	125,000.00
13	Standard rural schools .....	90,000.00
14	Normal institutes .....	4,450.00
15	Mining camp schools.....	45,000.00
16	Mining camp schools (emergency).....	27,000.00
17	Handicapped children .....	30,000.00
18		\$421,450.00
19	Grand total of all appropriations for all purposes for	
20	each year of the biennium for the department of pub-	
21	lic instruction .....	\$480,950.00

## DISTRICT COURT

1	SEC. 19. For the judges of the district court there is hereby appro-	
2	riated from the general fund of the state for each year of the bien-	
3	niun beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	three hundred ninety-five thousand five hundred dollars (\$395,500.00)	
5	or so much thereof as may be necessary to be used in the following	
6	manner:	
7	For salaries of the judges of the district courts of Iowa	
8	(70) judges .....	\$365,500.00
9	For traveling expenses of judges and court reporters	
10	in and out of districts.....	30,000.00
11	Grand total of all appropriations for all purposes for	
12	each year of the biennium for district court judges	
13	and reporters .....	\$395,500.00

## EXECUTIVE COUNCIL

1	SEC. 20. For the office of the executive council there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	
4	of two hundred seventy thousand dollars (\$270,000.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of the secretary of the executive council.....	\$ 3,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	\$267,000.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the office of the execu-	
11	tive council .....	\$270,000.00

## GEOLOGICAL SURVEY

1	SEC. 21. For the office of geological survey there is hereby appro-	
2	riated from the general fund of the state for each year of the bien-	
3	niun beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	thirty-seven thousand eight hundred ten dollars (\$37,810.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscellaneous	
7	purposes .....	\$ 26,660.00
8	Stream gaging and siltation.....	11,150.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for geological survey.....	\$ 37,810.00

## GOVERNOR

1	SEC. 22. For the office of the governor there is hereby appropriated	
2	from the general fund of the state for each year of the biennium be-	
3	ginning July 1, 1945, and ending June 30, 1947, the sum of twenty-	
4	five thousand dollars (\$25,000.00) or so much thereof as may be neces-	
5	sary to be used in the following manner:	

6	For salary of governor.....	\$ 7,500.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	17,500.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the office of governor....	\$ 25,000.00

## GRAND ARMY OF THE REPUBLIC

1	SEC. 23. For the department of the grand army of the republic	
2	there is hereby appropriated from the general fund of the state for	
3	each year of the biennium beginning July 1, 1945, and ending June	
4	30, 1947, the sum of three thousand seven hundred dollars (\$3,700.00)	
5	or so much thereof as may be necessary to be used in the following	
6	manner:	
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	\$ 3,700.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the department of the	
11	grand army of the republic.....	\$ 3,700.00

## DEPARTMENT OF HISTORY AND ARCHIVES

1	SEC. 24. For the department of history and archives there is hereby	
2	appropriated from the general fund of the state for each year of the biennium be-	
3	ginning July 1, 1945, and ending June 30, 1947, the sum	
4	of forty-five thousand three hundred eighty dollars (\$45,380.00) or	
5	so much thereof as may be necessary to be used in the following	
6	manner:	
7	For salary of curator.....	\$ 3,000.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	42,380.00
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the department of his-	
12	tory and archives.....	\$ 45,380.00

## HISTORICAL SOCIETY

1	SEC. 25. For the historical society there is hereby appropriated	
2	from the general fund of the state for each year of the biennium be-	
3	ginning July 1, 1945, and ending June 30, 1947, the sum of forty	
4	thousand dollars (\$40,000.00) or so much thereof as may be neces-	
5	sary to be used in the following manner:	
6	For salaries, support, maintenance and miscellaneous	
7	purposes .....	\$ 40,000.00
8	Grand total of all appropriations for all purposes for	
9	each year of the biennium for the historical society.....	\$ 40,000.00

## HERBERT HOOVER BIRTHPLACE SOCIETY

1	SEC. 26. For the Herbert Hoover Birthplace Society there is here-	
2	by appropriated from the general fund of the state for each year of	
3	the biennium beginning July 1, 1945, and ending June 30, 1947, the	
4	sum of one thousand two hundred dollars (\$1,200.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscellaneous	
7	purposes .....	\$ 1,200.00
8	Grand total of all appropriations* for all purposes for	
9	each year of the biennium for the Herbert Hoover	
10	Birthplace Society .....	\$ 1,200.00

## INDUSTRIAL COMMISSIONER

1	SEC. 27. For the industrial commissioner there is hereby appro-	
2	priated from the general fund of the state for each year of the bien-	
3	niium beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	forty-three thousand one hundred seventy dollars (\$43,170.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salary of industrial commissioner.....	\$ 4,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	39,170.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the industrial com-	
11	missioner .....	\$ 43,170.00

## INSURANCE COMMISSIONER

1	SEC. 28. For the office of the insurance commissioner there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1945, and ending June 30, 1947,	
4	the sum of forty-six thousand five hundred dollars (\$46,500.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salary of insurance commissioner.....	\$ 5,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	41,500.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the office of the insur-	
11	ance commissioner .....	\$ 46,500.00

## LIBRARY COMMISSION

1	SEC. 29. For the library commission there is hereby appropriated	
2	from the general fund of the state for each year of the biennium be-	
3	ginning July 1, 1945, and ending June 30, 1947, the sum of seventy-	
4	five thousand seven hundred seventy dollars (\$75,770.00) or so much	
5	thereof as may be necessary to be used in the following manner:	

\*According to enrolled act.



## LAW DIVISION

6	For salary of law librarian.....	\$ 3,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	16,385.00
9	Total for law division.....	\$ 19,385.00

## MEDICAL DIVISION

10	For salary of medical librarian.....	\$ 3,000.00
11	For salaries, support, maintenance and miscellaneous	
12	purposes .....	11,460.00
13	Total for medical division.....	\$ 14,460.00

## TRAVELING DIVISION

14	For salary of traveling librarian.....	2,750.00
15	For salaries, support, maintenance and miscellaneous	
16	purposes .....	39,175.00
17	Total for traveling division.....	\$ 41,925.00
18	Grand total of all appropriations for all purposes for	
19	each year of the biennium for the library commission..	\$ 75,770.00

## MINE EXAMINING BOARD

1	SEC. 30. For the mine examining board there is hereby appro-	
2	priated from the general fund of the state for each year of the biennium beginning July 1, 1945, and ending June 30, 1947, the sum of	
3	one thousand five hundred dollars (\$1,500.00) or so much thereof as	
4	may be necessary to be used in the following manner:	
5	For per diem and expense.....	\$ 1,500.00
6	Grand total of all appropriations for all purposes for	
7	each year of the biennium for the mine examining board....	\$ 1,500.00

## MINE INSPECTORS

1	SEC. 31. For the department of mine examiners there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	
4	of sixteen thousand four hundred eighty dollars (\$16,480.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscellaneous	
7	purposes .....	\$ 16,480.00
8	Grand total of all appropriations for all purposes for	
9	each year of the biennium for the department of mine	
10	inspectors .....	\$ 16,480.00

### NATIONAL GUARD AND STATE GUARD

1	SEC. 32. For the national guard and the state guard there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	
4	of three hundred fifty thousand dollars (\$350,000.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of adjutant general.....	\$ 4,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	346,000.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the national guard and	
11	state guard .....	\$350,000.00

### PHARMACY EXAMINING BOARD

1	SEC. 33. For the pharmacy examining board there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	
4	of twenty-five thousand six hundred fifteen dollars (\$25,615.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salary of secretary.....	\$ 3,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	13,115.00
9		\$ 16,115.00

### UNIFORM NARCOTICS LAW DIVISION

10	For salaries, support, maintenance and miscellaneous	
11	purposes (legal sales).....	\$ 3,000.00
12	For salaries, support, maintenance and miscellaneous	
13	purposes in making investigations of illegal sales.....	6,500.00
14		\$ 9,500.00
15	Grand total of all appropriations for all purposes for	
16	each year of the biennium for the pharmacy examin-	
17	ing board .....	\$ 25,615.00

### PIONEER LAWMAKERS

1	SEC. 34. For the pioneer lawmakers there is hereby appropriated	
2	from the general fund of the state for each year of the biennium be-	
3	ginning July 1, 1945, and ending June 30, 1947, the sum of fifty dol-	
4	lars (\$50.00) or so much thereof as may be necessary to be used in	
5	the following manner:	
6	For miscellaneous purposes.....	\$ 50.00
7	Grand total of all appropriations for all purposes for	
8	each year of the biennium for the pioneer lawmakers. \$	50.00

### STATE PRINTING BOARD

1	SEC. 35. For the state printing board there is hereby appropriated	
2	from the general fund of the state for each year of the biennium be-	

3	ginning July 1, 1945, and ending June 30, 1947, the sum of one hundred	
4	ninety-one thousand six hundred dollars (\$191,600.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of superintendent.....	\$ 3,600.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	18,000.00
9		<hr/>
		\$ 21,600.00
10	For necessary printing and binding authorized by law	
11	for the general assembly and for all state departments	
12	that have not been provided for in department appro-	
13	priations .....	\$170,000.00
		<hr/>
14	Grand total of all appropriations for all purposes for	
15	each year of the biennium for the state printing board..	\$191,600.00
16	This section is not to be construed or interpreted to include the ex-	
17	pense of any printing for any of the following departments, bureaus,	
18	boards or associations:	
19	Agricultural societies; animal health and veterinary division of ag-	
20	ricultural department for elimination of bovine tuberculosis and bangs*	
21	disease; board of accountancy; architectural examiners; banking	
22	department including receivership division; basic science board of	
23	examiners; board of control institutions; board of education institu-	
24	tions; board of educational examiners; board of engineering exam-	
25	iners; board of nurse examiners; conservation commission; cosmetol-	
26	ogy division of department of health; farmers' institutes; indigent	
27	hospital; hotel and restaurant fund; Iowa beef producers associa-	
28	tion; Iowa corn and small grain growers' association; Iowa depart-	
29	ment of the Grand Army of the Republic; Iowa state poultry breeders'	
30	association; Iowa swine breeders' association; Iowa liquor control	
31	commission; Iowa unemployment compensation commission; motor	
32	vehicle fuel tax division; psychopathic hospital; short course; state	
33	board of vocational education; state library and all divisions thereof;	
34	state permit board; truck operators division; and any and every	
35	agency, activity, and undertaking that has a fund for general support.	
36	Providing that funds appropriated by this section, in the discretion	
37	of the printing board, may be used in supplying paper stock, multi-	
38	graph or mimeograph work for any of the foregoing departments,	
39	bureaus, associations and institutions, any sum so used for supplying	
40	multigraph or mimeograph work to be refunded to the printing board	
41	and returned to the credit of the appropriation made for printing board	
42	general office expense; any sum so used for supplying paper stock to be	
43	refunded to the printing board and returned to the credit of the ap-	
44	propriation made by this section. These payments shall be made to	
45	the printing board in the same manner as other claims against such	
46	departments are paid, and the printing board shall remit the pro-	
47	ceeds to the Comptroller of State on the first secular day of each cal-	
48	endar month, taking the comptroller's receipt therefor, showing the	
49	same properly credited to the respective appropriations.	
50	The following departments are hereby limited to their demands for	
51	printing during the biennial period beginning July 1, 1945, and end-	
52	ing June 30, 1947, to an amount not to exceed the following:	

\*According to enrolled act.

53 Academy of science, \$2000.00; adjutant general, \$2000.00; depart-  
 54 ment of agriculture, \$20,000.00; attorney general, \$2500.00; auditor  
 55 of state, \$8,000.00; car dispatcher, \$1000.00; department of banking,  
 56 \$1500.00; commerce commission, \$7000.00; commerce counsel,  
 57 \$300.00; comptroller, \$18,000.00; conservation, \$20,000.00; board of  
 58 control, \$2000.00; dairy industry commission, \$500.00; board of edu-  
 59 cation, \$3000.00; employment security commission, \$20,000.00; ento-  
 60 mologist, \$75.00; executive council, \$500.00; fair board, \$750.00; fire  
 61 marshal, \$750.00; geological survey, \$5000.00; governor, \$2000.00;  
 62 department of health, \$15,000.00; highway commission, \$14,000.00;  
 63 department of history and archives, \$4000.00; department of horti-  
 64 culture, \$1400.00; horse and mule breeders' association, \$1500.00;  
 65 industrial commission,\* \$2500.00; department of public instruction,  
 66 \$15,000.00; insurance department, \$7500.00; bureau of labor, \$1500.00;  
 67 mine inspectors, 500.00; board of parole, \$500.00; pharmacy exam-  
 68 iners, \$500.00; department of public safety, \$50,000.00; secretary of  
 69 state, \$5000.00; department of social welfare, \$25,000.00; supreme  
 70 court, \$200.00; clerk of supreme court, \$2300.00; supreme court re-  
 71 port fund, \$10,000.00; state tax commission, \$12,000.00; treasurer  
 72 of state, \$10,000.00; it is, however, provided that in case of emer-  
 73 gency, the retrenchment and reform committee may authorize in-  
 74 creased amounts where necessary.

### PUBLIC SAFETY

1 SEC. 36. For the department of public safety there is hereby ap-  
 2 propriated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1945, and ending June 30, 1947, the sum  
 4 of one million one hundred two thousand nine hundred eighty-seven  
 5 dollars (\$1,102,987.00) or so much thereof as may be necessary to be  
 6 used in the following manner:

#### (1) DIVISION OF ADMINISTRATION

7	For salary of commissioner.....	\$ 4,000.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	18,407.00
10		<u>\$ 22,407.00</u>

#### (2) DIVISION OF ACCIDENT STATISTICS

11	For salaries, support, maintenance and miscellaneous	
12	purposes .....	\$ 12,500.00

#### (3) DIVISION OF HIGHWAY PATROL

13	For salary of chief of patrol.....	\$ 3,400.00
14	For salaries, support, maintenance and miscellaneous	
15	purposes .....	\$446,800.00
16		<u>\$450,200.00</u>

#### (4) DIVISION OF OPERATORS AND CHAUFFEURS LICENSE

17	For salaries, support, maintenance and miscellaneous	
18	purposes .....	\$125,000.00

\*According to enrolled act.

## (5) DIVISION OF MOTOR REGISTRATION

19	For salary of superintendent.....	\$ 3,200.00
20	For salaries, support, maintenance and miscellaneous	
21	purposes .....	232,000.00
		<hr/>
22		\$235,200.00

## (6) DIVISION OF CRIMINAL INVESTIGATION

23	For salary of chief of bureau of investigation.....	\$ 3,800.00
24	For salaries, support, maintenance and miscellaneous	
25	purposes .....	79,680.00
		<hr/>
26		\$ 83,480.00

## (7) DIVISION OF RADIO COMMUNICATION

27	For salary of superintendent.....	\$ 3,200.00
28	For laboratory equipment and supplies.....	3,000.00
29	New station and equipment.....	45,000.00
30	Provided that this appropriation shall not be used for	
31	the discontinuance or removal of any existing radio	
32	station without the approval of the executive council.	
33	For salaries, support, maintenance and miscellaneous	
34	purposes .....	67,000.00
		<hr/>
35		\$118,200.00

## (8) DIVISION OF FIRE MARSHAL

36	For salary of fire marshal.....	\$ 3,300.00
37	For salaries, support, maintenance and miscellaneous	
38	purposes .....	22,000.00
		<hr/>
39		\$ 25,300.00

## (9) DIVISION OF SAFETY EDUCATION

40	For salary of director.....	\$ 2,700.00
41	For salaries, support, maintenance and miscellaneous	
42	purposes .....	28,000.00
		<hr/>
43		\$30,700.00
44	Grand total of all appropriations for all purposes for	
45	each year of the biennium for the department of pub-	
46	lic safety and all divisions thereof.....	\$1,102,987.00

## REPORTER OF SUPREME COURT AND CODE EDITOR

1	SEC. 37. For salary of reporter of supreme court and code editor	
2	four thousand dollars (\$4,000.00), and two hundred and fifty dollars	
3	(\$250.00) each year of the biennium for additional work pertaining to	
4	the issuing of Code of 1945, or so much thereof as may be necessary	
5	to be used in the following manner:	
6	For salary of reporter of supreme court and code editor..	\$ 4,250.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	11,793.60

9 Grand total of all appropriations for all purposes for  
 10 each year of the biennium for the department of re-  
 11 porter of supreme court and code editor.....\$ 16,043.60

#### SECRETARY OF STATE

1 SEC. 38. For the office of secretary of state there is hereby appro-  
 2 priated from the general fund of the state for each year of the bien-  
 3 nium beginning July 1, 1945, and ending June 30, 1947, the sum of  
 4 forty thousand five hundred twenty dollars (\$40,520.00) or so much  
 5 thereof as may be necessary to be used in the following manner:  
 6 For salary of secretary of state.....\$ 5,000.00  
 7 For salaries, support, maintenance and miscellaneous  
 8 purposes ..... 35,520.00

9 Grand total of all appropriations for all purposes for  
 10 each year of the biennium for the office of secretary of  
 11 state .....\$ 40,520.00  
 12 Of the amount appropriated above the sum of not to exceed \$750.00  
 13 annually may be expended for holding school of instruction for Real  
 14 Estate Brokers.

#### SOLDIERS' BONUS BOARD WORLD WAR ORPHANS' EDUCATION AID

1 SEC. 39. For the Iowa soldiers' bonus board there is hereby appro-  
 2 priated from the general fund of the state for each year of the bien-  
 3 nium beginning July 1, 1945, and ending June 30, 1947, the sum of  
 4 four thousand dollars (\$4,000.00) or so much thereof as may be neces-  
 5 sary to be used in the following manner:  
 6 For the purpose of administration and aiding in the edu-  
 7 cation of children of honorably discharged soldiers,  
 8 sailors, marines, nurses or other component part of  
 9 the military forces of this state or nation.....\$ 4,000.00

#### SOCIAL WELFARE BOARD

1 SEC. 40. For the department of social welfare there is hereby ap-  
 2 propriated from the general fund of the state for each year of the bi-  
 3 ennium beginning July 1, 1945, and ending June 30, 1947, the sum of  
 4 six hundred forty-five thousand dollars (\$645,000.00) or so much  
 5 thereof as may be necessary to be used in the following manner:  
 6 For child welfare.....\$120,000.00  
 7 For aid to dependent children..... 375,000.00  
 8 For aid to blind..... 150,000.00

9 Grand total of all appropriations for all purposes for  
 10 each year of the biennium for the social welfare board..\$645,000.00

#### SPANISH-AMERICAN WAR VETERANS

1 SEC. 41. For the Spanish-American war veterans there is hereby  
 2 appropriated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1945, and ending June 30, 1947, the sum

4	of one thousand five hundred dollars (\$1,500.00) or so much thereof	
5	as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscellaneous	
7	purposes .....	\$ 1,500.00
8	Grand total of all appropriations for all purposes for	
9	each year of the biennium for the Spanish-American	
10	war veterans .....	\$ 1,500.00

## STATE EMPLOYMENT SECURITY COMMISSION

1	SEC. 42. For the state employment security commission there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1945, and ending June 30, 1947,	
4	the sum of fifty-eight thousand eight hundred fifty-two dollars and	
5	fifty-two cents (\$58,852.52) or so much thereof as may be necessary	
6	to be used in the following manner: Provided that this appropriation	
7	shall not be expended or made available for expenditure in any man-	
8	ner which would permit the substitution for or a corresponding re-	
9	duction in federal fund which in the absence of this appropriation	
10	would be available to finance the expenditures for the administration	
11	of the Iowa employment security commission. Provided further that	
12	no funds so appropriated shall be used for teachers' employment	
13	service.	
14	For salaries, support, maintenance and miscellaneous	
15	purposes .....	\$ 58,852.52
16	Grand total of all appropriations for all purposes for	
17	each year of the biennium for the Iowa employment	
18	security commission .....	\$ 58,852.52

## STATE FAIR BOARD

1	SEC. 43. For the state fair board there is hereby appropriated	
2	from the general fund of the state for the year beginning July 1, 1945,	
3	and ending June 30, 1946, the sum of twenty thousand dollars (\$20,-	
4	000.00), for the year beginning July 1, 1946, and ending June 30,	
5	1947, the sum of fifty thousand dollars (\$50,000.00) or so much there-	
6	of as may be necessary to be used in the following manner:	
7	For maintenance, insurance and operating expenses.....	\$ 20,000.00
8	Grand total of all appropriations for all purposes for the	
9	year ending June 30, 1946 for the state fair board.....	\$ 20,000.00
10	For maintenance, insurance and operating expenses.....	\$ 40,000.00
11	For premiums .....	10,000.00
12	Grand total of all appropriations for all purposes for the	
13	year ending June 30, 1947 for the state fair board.....	\$ 50,000.00

## AGRICULTURAL SOCIETIES

1	SEC. 44. For the agricultural societies there is hereby appropriated	
2	from the general fund of the state for each year of the biennium	
3	beginning July 1, 1945, and ending June 30, 1947, the sum of one	

4 hundred forty thousand dollars (\$140,000.00) or so much thereof as  
5 may be necessary to be used in the following manner:

6 For state aid to county fairs.....\$140,000.00

7 The foregoing appropriation for state aid to county fairs shall be  
8 deemed conditional on full compliance with all other statutes which  
9 regulate and prescribe the conditions under which such aid is pay-  
10 able. In no case shall any county receive more than two thousand  
11 dollars (\$2,000.00). In counties having more than one fair entitled  
12 to state aid, the state aid available for the county shall be pro-rated  
13 to said fairs on that basis of cash premiums paid by said fairs.

#### STATE TAX COMMISSION

1 SEC. 45. For the general office, the public utility division, the prop-  
2 erty division, the cigarette tax division, the inheritance tax division  
3 and the chain store tax division of the state tax commission there is  
4 hereby appropriated from the general fund of the state for each year  
5 of the biennium beginning July 1, 1945, and ending June 30, 1947, the  
6 sum of one hundred fifty-four thousand dollars (\$154,000.00) or so  
7 much thereof as may be necessary to be used in the following manner:

8 For salaries of commissioners (3 at \$4,500.00 each).....\$ 13,500.00  
9 For salaries, support, maintenance and miscellaneous  
10 purposes ..... 140,500.00

11 Grand total of all appropriations for all purposes for  
12 each year of the biennium for the general office, the  
13 public utility division, the property division, the cigar-  
14 ette tax division, the inheritance tax division and the  
15 chain store tax division of the state tax commission....\$154,000.00

#### SUPREME COURT

1 SEC. 46. For the supreme court there is hereby appropriated from  
2 the general fund of the state for each year of the biennium beginning  
3 July 1, 1945, and ending June 30, 1947, the sum of eighty-seven thou-  
4 sand two hundred ninety dollars (\$87,290.00) or so much thereof as  
5 may be necessary to be used in the following manner:

6 For salaries of judges (9 at \$7,500.00 each).....\$ 67,500.00  
7 For salaries, support, maintenance and miscellaneous  
8 purposes ..... 19,540.00  
9 Rules of procedure expenses..... 250.00

10 Grand total of all appropriations for all purposes for  
11 each year of the biennium for the supreme court.....\$ 87,290.00

#### TREASURER OF STATE

1 SEC. 47. For the department of treasurer of state there is hereby  
2 appropriated from the general fund of the state for each year of the  
3 biennium beginning July 1, 1945, and ending June 30, 1947, the sum  
4 of forty-three thousand eight hundred dollars (\$43,800.00) or so  
5 much thereof as may be necessary to be used in the following manner:



6	For salary of treasurer.....	\$ 5,000.00
7	For salaries, support, maintenance and miscellaneous	
8	purposes .....	38,800.00
9	Grand total of all appropriations for all purposes for	
10	each year of the biennium for the department of treas-	
11	urer of state.....	\$ 43,800.00

#### VOCATIONAL EDUCATION

1 SEC. 48. For the department of vocational education there is here-  
 2 by appropriated from the general fund of the state for each year of  
 3 the biennium beginning July 1, 1945, and ending June 30, 1947, the  
 4 sum of thirty three thousand nine hundred eight dollars (\$33,908.00)  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

7	For salary of director.....	\$ 2,250.00
8	For salaries, support, maintenance and miscellaneous	
9	purposes .....	31,658.00
10	Grand total of all appropriations for all purposes for	
11	each year of the biennium for the department of voca-	
12	tional education .....	\$ 33,908.00

#### VOCATIONAL REHABILITATION

1 SEC. 49. For the department of vocational rehabilitation there is  
 2 hereby appropriated from the general fund of the state for each year  
 3 of the biennium beginning July 1, 1945, and ending June 30, 1947,  
 4 the sum of thirty-nine thousand dollars (\$39,000.00) or so much  
 5 thereof as may be necessary to be used in the following manner:

6	For salaries, support, maintenance and miscellaneous	
7	purposes .....	\$ 39,000.00
8	Grand total of all appropriations for all purposes for	
9	each year of the biennium for the department of voca-	
10	tional rehabilitation .....	\$ 39,000.00

1 SEC. 50. All salaries provided for in this act are in lieu of all exist-  
 2 ing statutory salaries, for the positions provided herein, and shall be  
 3 payable in equal monthly or semi-monthly installments, and shall be  
 4 in full compensation for all services except as otherwise expressly  
 5 provided.

1 SEC. 51. 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.

Approved April 10, 1945.

## CHAPTER 2

## BOARD OF CONTROL INSTITUTIONS

## H. F. 296

AN ACT to appropriate from the general fund and from institutional industries of the state of Iowa for the biennium beginning July 1, 1945, and ending June 30, 1947, to the board of control for support of the institutions under said board of control.

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

1 SECTION 1. There is hereby appropriated from the general fund of  
2 the state and from the institutional industries fund of the state of Iowa  
3 for each year of the biennium beginning July 1, 1945, and ending June  
4 30, 1947, for the board of control of state institutions for salaries, sup-  
5 port, maintenance, repairs, replacements or alterations and miscel-  
6 laneous purposes for all institutions under the control of said board,  
7 the sum of five million two hundred eighty-six thousand seven hundred  
8 dollars (\$5,286,700.00) or so much thereof as may be necessary to be  
9 used for the following purposes, to wit:

## STATE HOSPITAL FOR INSANE

## Cherokee

1 SEC. 2. For the state hospital for insane at Cherokee, Iowa, there is  
2 hereby appropriated from the general fund of the state for each year  
3 of the biennium beginning July 1, 1945, and ending June 30, 1947, the  
4 sum of five hundred fifty-seven thousand dollars (\$557,000.00) or so  
5 much thereof as may be necessary to be used in the following manner:  
6 For salaries, support and maintenance.....\$545,000.00  
7 For repairs, replacements or alterations..... 12,000.00  
8 Total for state hospital for insane, Cherokee.....\$557,000.00

## STATE HOSPITAL FOR INSANE

## Clarinda

1 SEC. 3. For the state hospital for insane at Clarinda, Iowa, there is  
2 hereby appropriated from the general fund of the state for each year  
3 of the biennium beginning July 1, 1945, and ending June 30, 1947, the  
4 sum of five hundred forty-seven thousand dollars (\$547,000.00) or so  
5 much thereof as may be necessary to be used in the following manner:  
6 For salaries, support and maintenance.....\$535,000.00  
7 For repairs, replacements or alterations..... 12,000.00  
8 Total for state hospital for insane, Clarinda.....\$547,000.00

## STATE SCHOOL FOR FEEBLE-MINDED CHILDREN

## Glenwood

1 SEC. 4. For the state school for feeble-minded children at Glenwood,  
2 Iowa, there is hereby appropriated from the general fund of the state  
3 for the biennium beginning July 1, 1945, and ending June 30, 1947, the

4 sum of five hundred five thousand five hundred dollars (\$505,500.00)  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

7	For salaries, support and maintenance.....	\$493,500.00
8	For repairs, replacements or alterations.....	12,000.00
		<hr/>
9	Total for state school for feeble-minded children, Glen-	
10	wood, Iowa .....	\$505,500.00

**STATE HOSPITAL FOR INSANE**  
 Independence

1 SEC. 5. For the state hospital for insane at Independence, Iowa,  
 2 there is hereby appropriated from the general fund of the state for  
 3 each year of the biennium beginning July 1, 1945, and ending June 30,  
 4 1947, the sum of five hundred fifty-three thousand dollars (\$553,000.00)  
 5 or so much thereof as may be necessary to be used in the following  
 6 manner:

7	For salaries, support and maintenance.....	\$541,000.00
8	For repairs, replacements or alterations.....	12,000.00
		<hr/>
9	Total for state hospital for insane, Independence.....	\$553,000.00

**STATE HOSPITAL FOR INSANE**  
 Mt. Pleasant

1 SEC. 6. For the state hospital for insane at Mt. Pleasant, Iowa, there  
 2 is hereby appropriated from the general fund of the state for each year  
 3 of the biennium beginning July 1, 1945, and ending June 30, 1947, the  
 4 sum of five hundred forty-seven thousand dollars (\$547,000.00) or so  
 5 much thereof as may be necessary to be used in the following manner:

6	For salaries, support and maintenance.....	\$535,000.00
7	For repairs, replacements or alterations.....	12,000.00
		<hr/>
8	Total for state hospital for insane, Mt. Pleasant.....	\$547,000.00

**STATE HOSPITAL FOR EPILEPTICS AND FEEBLE-MINDED**  
 Woodward

1 SEC. 7. For the state hospital for epileptics and feeble-minded at  
 2 Woodward, Iowa, there is hereby appropriated from the general fund  
 3 of the state for each year of the biennium beginning July 1, 1945, and  
 4 ending June 30, 1947, the sum of four hundred seventy-two thousand  
 5 dollars (\$472,000.00) or so much thereof as may be necessary to be  
 6 used in the following manner:

7	For salaries, support and maintenance.....	\$460,000.00
8	For repairs, replacements or alterations.....	12,000.00
		<hr/>
9	Total for state hospital for epileptics and feeble-minded..	\$472,000.00

## SOLDIERS' ORPHANS' HOME

## Davenport

1	SEC. 8. For the soldiers' orphans' home, Davenport, Iowa, there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1945, and ending June 30, 1947, the	
4	sum of two hundred twenty thousand dollars (\$220,000.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salaries, support and maintenance.....	\$215,000.00
7	For repairs, replacements or alterations.....	5,000.00
8	Total for soldiers' orphans' home, Davenport.....	\$220,000.00

## IOWA SOLDIERS' HOME

## Marshalltown

1	SEC. 9. For the Iowa soldiers' home at Marshalltown, Iowa, there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1945, and ending June 30, 1947, the	
4	sum of two hundred eight thousand dollars (\$208,000.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salaries, support and maintenance.....	\$200,000.00
7	For repairs, replacements or alterations.....	8,000.00
8	Total for Iowa soldiers' home at Marshalltown.....	\$208,000.00

## JUVENILE HOME

## Toledo

1	SEC. 10. For the juvenile home at Toledo, Iowa, there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	one hundred fifteen thousand dollars (\$115,000.00) or so much thereof	
5	as may be necessary to be used in the following manner:	
6	For salaries, support and maintenance.....	\$110,000.00
7	For repairs, replacements or alterations.....	5,000.00
8	Total for juvenile home, Toledo.....	\$115,000.00

## STATE SANATORIUM

## Oakdale

1	SEC. 11. For state sanatorium at Oakdale, Iowa, there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1945, and ending June 30, 1947, the sum of	
4	three hundred fifty-five thousand dollars (\$355,000.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salaries, support and maintenance.....	\$345,000.00
7	For repairs, replacements or alterations.....	10,000.00
8	Total for state sanatorium, Oakdale.....	\$355,000.00

## MEN'S REFORMATORY

## Anamosa

1 SEC. 12. For the men's reformatory at Anamosa, Iowa, there is  
 2 hereby appropriated for each year of the biennium beginning July 1,  
 3 1945, and ending June 30, 1947, the sum of three hundred eighty thou-  
 4 sand four hundred dollars (\$380,400.00) from the following funds:  
 5 \$330,400.00 from the general fund of the state of Iowa, and \$50,000.00  
 6 from the industry funds of said institution which is hereby transferred  
 7 to the salaries, support and maintenance, or to the repair, replacement  
 8 or alteration funds of the institution, or so much thereof as may be  
 9 necessary to be used in the following manner:

10	For salaries, support and maintenance.....	\$370,400.00
11	For repairs, replacements or alterations.....	10,000.00
12	Total for Men's reformatory, Anamosa.....	<u>\$380,400.00</u>

## TRAINING SCHOOL FOR BOYS

## Eldora

1 SEC. 13. For training school for boys at Eldora, Iowa, there is here-  
 2 by appropriated from the general fund of the state for each year of the  
 3 biennium beginning July 1, 1945, and ending June 30, 1947, the sum of  
 4 two hundred thirty-eight thousand dollars (\$238,000.00) or so much  
 5 thereof as may be necessary to be used in the following manner:

6	For salaries, support and maintenance.....	\$230,000.00
7	For repairs, replacements or alterations.....	8,000.00
8	Total for training school for boys at Eldora.....	<u>\$238,000.00</u>

## PENITENTIARY

## Ft. Madison

1 SEC. 14. For the state penitentiary at Ft. Madison, Iowa, there is  
 2 hereby appropriated for each year of the biennium beginning July 1,  
 3 1945, and ending June 30, 1947, the sum of four hundred thirty-six  
 4 thousand dollars (\$436,000.00) from the following funds: \$386,000.00  
 5 from the general fund of the state of Iowa, and \$50,000.00 from the  
 6 industry funds of said institution, which sum is hereby transferred to  
 7 the salary, support and maintenance fund or to the repairs, replace-  
 8 ment or alterations fund of said institution, or so much thereof as may  
 9 be necessary to be used in the following manner:

10	For salaries, support and maintenance.....	\$426,000.00
11	For repairs, replacements or alterations.....	10,000.00
12	Total for penitentiary, Ft. Madison.....	<u>\$436,000.00</u>

## TRAINING SCHOOL FOR GIRLS

## Mitchellville

1 SEC. 15. For the training school for girls at Mitchellville, Iowa,  
 2 there is hereby appropriated from the general fund of the state for  
 3 each year of the biennium beginning July 1, 1945, and ending June 30,

4	1947, the sum of one hundred two thousand eight hundred dollars	
5	(\$102,800.00) or so much thereof as may be necessary to be used in the	
6	following manner:	
7	For salaries, support and maintenance.....	\$ 97,800.00
8	For repairs, replacements or alterations.....	5,000.00
9	Total for training school for girls, Mitchellville.....	\$102,800.00

### WOMEN'S REFORMATORY

#### Rockwell City

1	SEC. 16. For the women's reformatory at Rockwell City, Iowa, there	
2	is hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1945, and ending June 30, 1947, the	
4	sum of fifty thousand dollars (\$50,000.00) or so much thereof as may	
5	be necessary to be used in the following manner:	
6	For salaries, support and maintenance.....	\$ 45,000.00
7	For repairs, replacements or alterations.....	5,000.00
8	Total for women's reformatory, Rockwell City.....	\$ 50,000.00

1	SEC. 17. Grand total of all appropriations to the board	
2	of control of state institutions for all purposes for all	
3	institutions under said board of control.....	\$5,286,700.00

Approved March 7, 1945.

## CHAPTER 3

### CAPITAL IMPROVEMENTS IN INSTITUTIONS

#### H. F. 447

AN ACT to appropriate and set aside from the income, corporation and sales tax special fund for certain capital improvements in institutions under the board of control, including construction of new buildings, repairs, improvements, replacements or alterations, and providing for joint control of the expenditure of the funds by the state board of control and the joint legislative committee on retrenchment and reform of the state of Iowa, and providing for its investment by the state treasurer and the method of expenditure.

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

1	SECTION 1. There is hereby appropriated and set aside out of the	
2	income, corporation and sales tax special fund provided in section	
3	6943.093, Code, 1939, to the Board of Control for construction of new	
4	buildings, repairs, replacements, improvements or alterations, the	
5	sum of six million eight hundred seventy-two thousand five hundred	
6	dollars (\$6,872,500.00), same being allotted to the various institu-	
7	tions under the Board of Control in the following amounts:	
8	Mount Pleasant State Hospital.....	\$1,100,000.00
9	Independence State Hospital.....	900,000.00
10	Clarinda State Hospital.....	950,000.00
11	Cherokee State Hospital.....	850,000.00
12	Glenwood State School.....	350,000.00

13	State Hospital for Epileptics and School for Feeble	
14	Minded at Woodward.....	575,000.00
15	State Penitentiary at Fort Madison.....	225,000.00
16	Men's Reformatory at Anamosa.....	150,000.00
17	Women's Reformatory at Rockwell City.....	7,500.00
18	Training School for Boys at Eldora.....	500,000.00
19	Training School for Girls at Mitchellville.....	225,000.00
20	Juvenile Home, Toledo.....	100,000.00
21	Soldiers' Orphans' Home, Davenport.....	110,000.00
22	Iowa Soldiers' Home, Marshalltown.....	130,000.00
23	State Sanatorium at Oakdale.....	700,000.00

24 But said funds appropriated and set aside by this act shall not be  
 25 expended until it shall be determined by the Board of Control with  
 26 approval of the joint legislative committee on retrenchment and re-  
 27 form, that its expenditures shall be for the best interests of the state.

1 SEC. 2. The Treasurer of the State of Iowa is hereby empowered  
 2 to invest any of the funds so appropriated and set aside by the pro-  
 3 visions of section one (1) of this act in securities of the United States  
 4 Government.

1 SEC. 3. When contracts, plans and specifications for improvements  
 2 for which funds are herein appropriated have been accepted by the  
 3 State Board of Control, and approved and certified by the joint legis-  
 4 lative committee on retrenchment and reform of the State of Iowa,  
 5 the State Treasurer is authorized and directed to sell sufficient securi-  
 6 ties herein provided in section two (2) of this act to cover the cost of  
 7 said improvement.

1 SEC. 4. The provisions of all acts or statutes in conflict or incon-  
 2 sistent with the provisions of this act are hereby repealed.

1 SEC. 5. If any section, subsection, paragraph, sentence, clause, or  
 2 phrase of this act is for any reason held to be unconstitutional or  
 3 invalid, such unconstitutionality or invalidity shall not affect the con-  
 4 stitutionality or validity of the remaining portions of this act. The  
 5 General Assembly hereby declares that it would have passed this act  
 6 and each section, subsection, paragraph, sentence, clause, or phrase  
 7 hereof irrespective of whether any one or more of the sections, para-  
 8 graphs, sentences, clauses, or phrases be declared unconstitutional.

1 SEC. 6. The board of control and the joint legislative committee  
 2 on retrenchment and reform are hereby authorized to obtain Federal  
 3 grants to the State to be used in connection with the funds above  
 4 appropriated or diverted for such construction purpose.

1 SEC. 7. (a) There is hereby created a study group of five mem-  
 2 bers, two members of which shall be appointed by the Speaker of the  
 3 House from the membership of the House of the 51st General Assem-  
 4 bly, two members shall be appointed by the President of the Senate  
 5 from the membership of the Senate of the 51st General Assembly.  
 6 The fifth member shall be appointed by the Governor from persons  
 7 recommended by the Board of Control, and he shall receive per diem  
 8 compensation of \$10.00 per day and actual expenses. The four Legis-  
 9 lative members shall receive their actual and necessary expenses

10 when engaged in the work of the Committee and such additional sums  
11 as may be allowed by the 52nd General Assembly.

12 (b) Such group shall make a complete survey and study of the  
13 methods and processes of commitment to any mental hospital; of the  
14 methods of caring for such patients; of the procedure for their more  
15 prompt return to their normal activities; to investigate the facilities  
16 available or which can be made available in the County Homes of the  
17 State in order to provide for the accommodation of a larger number  
18 of patients therein under improved conditions; the processes and  
19 practices obtaining in private and County Nursing homes; to inves-  
20 tigate the feasibility of providing greater facilities for psychopathic  
21 treatment at the State Psychopathic Hospital at Iowa City or else-  
22 where, and determine whether a psychopathic examination and ob-  
23 servation before a commitment may be feasible and advisable; to  
24 study the feasibility of an exchange basis whereby doctors and nurses  
25 on the medical staffs of the mental hospitals may be assigned to the  
26 psychopathic hospital at Iowa City for short courses of internships  
27 and for arrangements whereby students who major in psychiatry at  
28 the State University may be assigned for internship at the mental  
29 hospital and for providing living quarters and maintenance of such  
30 interns at the mental hospitals; to study the question of the expansion  
31 of the housing facilities at the mental institutions and how the  
32 cost of such expansion and operation may be minimized.

33 (c) The study group shall commence its work as soon as practicable  
34 after appointment and shall make a written report of its findings and  
35 recommendations to the Governor not later than January 1, 1946,  
36 a copy of which report shall be mailed promptly to each member of  
37 the 51st General Assembly.

38 (d) The State Executive Council shall provide such quarters, if  
39 any, as are needed and such clerical assistance as may be necessary,  
40 and the Attorney General shall provide such legal assistance as the  
41 study group may require.

42 (e) The study group is hereby authorized to request and procure  
43 from the Board of Control or any other department or sub-division  
44 of the State such information, cooperation, aid and assistance as it  
45 deems necessary to enable it to do the things necessary to be done  
46 to fully discharge its duties.

47 (f) The study group shall meet in a joint session to be called by  
48 the President of the Senate in the early days of the 52nd General  
49 Assembly for the purpose of providing the members of that Assem-  
50 bly with facts concerning its findings, or make explanation of mat-  
51 ters contained or referred to in its report.

52 (g) There is hereby appropriated from the General Fund of the  
53 State the amount of seventy-five hundred dollars (\$7500.00) or so  
54 much thereof as may be needed, to pay all expenses of carrying out  
55 its duties as herein provided; such funds to be paid out on requisitions  
56 of the chairman of such study group.

Approved April 12, 1945.



## CHAPTER 4

## EDUCATIONAL INSTITUTION SUPPORT

H. F. 297

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1945, and ending June 30, 1947, to the board of education for the support, maintenance, repairs, replacements or alterations of institutions under said board of education.

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

1 SECTION 1. There is hereby appropriated from the general fund  
2 of the state for each year of the biennium beginning July 1, 1945, and  
3 ending June 30, 1947, for the support, maintenance, repairs, replace-  
4 ments or alterations of all institutions under the control of said  
5 board, the sum of seven million eight hundred ninety-two thousand  
6 seven hundred dollars (\$7,892,700.00) or so much thereof as may be  
7 necessary, and for the following purposes to wit:

(1) STATE UNIVERSITY OF IOWA  
IOWA CITY

8 For the state university of Iowa there is hereby appropriated from  
9 the general fund of the state for each year of the biennium beginning  
10 July 1, 1945, and ending June 30, 1947, the sum of two million six  
11 hundred ninety-seven thousand dollars (\$2,697,000.00) or so much  
12 thereof as may be necessary to be used in the following manner:

13 For salaries, support, maintenance and miscellaneous	
14 purposes .....	\$2,505,000.00
15 For repairs, replacements or alterations.....	192,000.00

16 Total for the State University of Iowa.....	\$2,697,000.00
--	----------------

(2) IOWA STATE COLLEGE OF AGRICULTURE AND  
MECHANIC ARTS  
AMES

17 For the Iowa State College of Agriculture and Mechanic Arts there  
18 is hereby appropriated from the general fund of the state for each  
19 year of the biennium beginning July 1, 1945, and ending June 30,  
20 1947, the sum of two million seven hundred twenty thousand dollars  
21 (\$2,720,000.00) or so much thereof as may be necessary to be used  
22 in the following manner:

23 For salaries, support, maintenance and miscellaneous	
24 purposes .....	\$2,520,000.00
25 For repairs, replacements or alterations.....	200,000.00

26 Total for the Iowa State College of Agriculture and	
27 Mechanic Arts .....	\$2,720,000.00

(3) IOWA STATE TEACHERS COLLEGE  
CEDAR FALLS

28 For the Iowa State Teachers College there is hereby appropriated  
29 from the general fund of the state for each year of the biennium

30	beginning July 1, 1945, and ending June 30, 1947, the sum of seven	
31	hundred forty thousand dollars (\$740,000.00) or so much thereof as	
32	may be necessary to be used in the following manner:	
33	For salaries, support, maintenance and miscellaneous	
34	purposes .....	\$ 715,000.00
35	For repairs, replacements or alterations.....	25,000.00
36	Total for the Iowa State Teachers College.....	\$ 740,000.00

(4) IOWA SCHOOL FOR DEAF  
COUNCIL BLUFFS

37	For the Iowa School for Deaf there is hereby appropriated from	
38	the general fund of the state for each year of the biennium beginning	
39	July 1, 1945, and ending June 30, 1947, the sum of two hundred	
40	eighty-seven thousand dollars (\$287,000.00) or so much thereof as	
41	may be necessary to be used in the following manner:	
42	For salaries, support, maintenance and miscellaneous	
43	purposes .....	\$ 267,000.00
44	For repairs, replacements or alterations.....	20,000.00
45	Total for the Iowa School for Deaf.....	\$ 287,000.00

(5) IOWA SCHOOL FOR BLIND  
VINTON

46	For the Iowa School for Blind there is hereby appropriated from	
47	the general fund of the state for each year of the biennium beginning	
48	July 1, 1945, and ending June 30, 1947, the sum of one hundred fifty	
49	thousand dollars (\$150,000.00) or so much thereof as may be neces-	
50	sary to be used in the following manner:	
51	For salaries, support, maintenance and miscellaneous	
52	purposes .....	\$ 145,000.00
53	For repairs, replacements or alterations.....	5,000.00
54	Total for Iowa School for Blind.....	\$ 150,000.00

(6) MEDICAL AND SURGICAL TREATMENT  
OF INDIGENT PATIENTS  
UNIVERSITY HOSPITAL

55	For the purpose of carrying out the purpose of chapter one hundred	
56	eighty-nine and seven-tenths (189.7), code, 1939, there is hereby	
57	appropriated from the general fund of the state for each year of the	
58	biennium beginning July 1, 1945, and ending June 30, 1947, the sum	
59	of one million one hundred thousand dollars (\$1,100,000.00) or so	
60	much thereof as may be necessary to be used in the following manner	
61	under the authority provided in said chapter.	
62	For salaries, support, maintenance and for medical	
63	and surgical treatment of indigent patients at uni-	
64	versity hospital .....	\$1,100,000.00

## (7) PSYCHOPATHIC HOSPITAL

65 For the psychopathic hospital there is hereby appropriated from  
 66 the general fund of the state for each year of the biennium beginning  
 67 July 1, 1945, and ending June 30, 1947, the sum of one hundred sixteen  
 68 thousand dollars (\$116,000.00) or so much thereof as may be neces-  
 69 sary to expend in the manner and under the authority provided in  
 70 chapter one hundred seventy-three and one-tenth (173.1), code, 1939,  
 71 provided however the amounts shall be available in monthly install-  
 72 ments not exceeding nine thousand seven hundred dollars (\$9,700.00)  
 73 and that said installments shall be expended only upon submission of  
 74 bills in the manner provided in section thirty-four hundred eighty-  
 75 two and twenty-eight hundredths (3482.28) of said chapter.

76 For salaries, support, maintenance and for the care,  
 77 treatment and maintenance of committed and volun-  
 78 tary public patients therein.....\$ 116,000.00

(8) BACTERIOLOGICAL AND HYGIENIC LABORATORY  
STATE DEPARTMENT OF HEALTH

79 For the bacteriological and hygienic laboratory of the department  
 80 of health there is hereby appropriated from the general fund of the  
 81 state for each year of the biennium beginning July 1, 1945, and ending  
 82 June 30, 1947, the sum of eighty-two thousand seven hundred dollars  
 83 (\$82,700.00) or so much thereof as may be necessary to provide for  
 84 public health examinations such as bacteriological, water and sero-  
 85 logical tests to determine the cause of infectious diseases, the origin  
 86 and control of epidemics throughout the state of Iowa.

87 For salaries, support, maintenance and miscellaneous  
 88 purposes and bacteriological, water and serological  
 89 and other tests to determine the cause of infectious  
 90 diseases, the origin and control of epidemics  
 91 throughout the state of Iowa.....\$ 82,700.00

92 Grand total of all appropriations to the board of edu-  
 93 cation for all purposes for all institutions under  
 94 said board of education.....\$7,892,700.00

Approved February 22, 1945.

## CHAPTER 5

## IMPROVEMENTS AT EDUCATIONAL INSTITUTIONS

H. F. 448

AN ACT to appropriate and set aside from the income, corporation and sales tax special fund for certain capital improvements in institutions under the state board of education, including construction of new buildings, repairs, improvements, replacements or alteration, and providing for joint control of the expenditure of the funds by the state board of education and the joint legislative committee on retrenchment and reform of the state of Iowa, and providing for its investment by the state treasurer and the method of expenditure.

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

1	SECTION 1. There is hereby appropriated and set aside out of the	
2	income, corporation and sales tax special fund provided in section	
3	6943.093, Code, 1939, to the State Board of Education for construc-	
4	tion of new buildings, repairs, replacements, improvements or alter-	
5	ations the sum of five million eight hundred thousand dollars (\$5,800,-	
6	000.00), same being allotted to the various institutions under the	
7	State Board of Education in the following amounts:	
8	STATE UNIVERSITY OF IOWA.....	\$2,297,500
9	1. New Library	
10	2. Addition to Children's Hospital	
11	3. Communication Center	
12	4. Physical Education Building for Women	
13	5. Improvements to heat, light and water service	
14	and Physical Plant Shop	
15	6. Campus Improvements	
16	7. Equipment purchases	
17	8. Purchase of lots	
18	9. Bridge across Iowa River	
19	IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC	
20	ARTS .....	\$2,297,500
21	1. Agronomy Building	
22	2. Electrical Engineering Building	
23	3. Home Economics Annex	
24	4. Completion of Science Building	
25	5. Additions to Library	
26	6. Poultry Industry Building	
27	7. Remodel Engineering Annex	
28	8. Addition to Power Plant	
29	9. Nursery School	
30	10. Additional Wing to Main Veterinary Group	
31	IOWA STATE TEACHERS COLLEGE.....	\$ 905,000
32	1. Health Service Building	
33	2. Campus Laboratory School Building	
34	3. Arts and Industries Building	
35	4. Garage Building	
36	5. Enclosure Wall	
37	6. Additional Heating plant facilities	
38	IOWA SCHOOL FOR THE DEAF.....	\$ 140,000
39	1. Vocational School Building & Equipment	
40	2. Central Stores Building	
41	3. Improved Main Dormitory exits	

42 4. Scout Lodge  
 43 5. Service and passenger elevator for main Building  
 44 IOWA SCHOOL FOR THE BLIND.....\$ 160,000  
 45 1. Boys' Dormitory  
 46 2. Furniture and Equipment

47 But said funds appropriated and set aside by this act shall not be  
 48 expended until it shall be determined by the State Board of Educa-  
 49 tion, with approval of the joint legislative committee on retrench-  
 50 ment and reform, that its expenditures shall be for the best interests  
 51 of the state.

1 SEC. 2. The Treasurer of the State of Iowa is hereby empowered  
 2 to invest any of the funds so appropriated and set aside by the pro-  
 3 visions of said section one (1) of this act in securities of the United  
 4 States Government.

1 SEC. 3. When contracts, plans and specifications for improvements  
 2 for which funds are herein appropriated have been accepted by the  
 3 State Board of Education, and approved and certified by the joint  
 4 legislative committee on retrenchment and reform of the State of  
 5 Iowa, the State Treasurer is authorized and directed to sell sufficient  
 6 securities herein provided in section two (2) of this act to cover the  
 7 cost of said improvement.

1 SEC. 4. The provisions of all acts or statutes in conflict or incon-  
 2 sistent with the provisions of this act are hereby repealed.

1 SEC. 5. If any section, subsection, paragraph, sentence, clause or  
 2 phrase of this act is for any reason held to be unconstitutional or in-  
 3 valid, such unconstitutionality or invalidity shall not affect the con-  
 4 stitutionality or validity of the remaining portions of this act. The  
 5 General Assembly hereby declares that it would have passed this act  
 6 and each section, subsection, paragraph, sentence, clause or phrase  
 7 hereof irrespective of whether any one or more of the sections, para-  
 8 graphs, sentences, clauses or phrases be declared unconstitutional.

1 SEC. 6. The Board of Education and the joint legislative committee  
 2 on retrenchment and reform are hereby authorized to obtain Federal  
 3 grants to the State to be used in connection with the funds above  
 4 appropriated or diverted for such construction purpose.

Approved April 14, 1945.

## CHAPTER 6

### HIGHWAY COMMISSION EXPENSE

#### H. F. 212

AN ACT authorizing expenditures by the state highway commission from the primary road fund for the biennium beginning July 1, 1945, and ending June 30, 1947.

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

1 SECTION 1. The state highway commission is hereby authorized to  
 2 expend from the primary road fund for each year of the biennium

- 3 beginning July 1, 1945, and ending June 30, 1947, not to exceed five  
 4 million six hundred thousand dollars (\$5,600,000.00) or so much there-  
 5 of as may be necessary to be used in the following manner:
- |    |  |                |
|----|--|----------------|
| 6  | For support of the state highway commission, engi- |                |
| 7  | neering, inspection and administration of highway  |                |
| 8  | work and inspection and testing materials for sec- |                |
| 9  | ondary road work.....                              | \$1,000,000.00 |
| 10 | For maintenance of primary road system.....        | \$4,600,000.00 |
- 1 SEC. 2. The state highway commission is further authorized to ex-  
 2 pend under the supervision and direction of the attorney general from  
 3 the primary road fund for each year of the biennium beginning July  
 4 1, 1945, and ending June 30, 1947, not to exceed fifteen thousand dollars  
 5 (\$15,000.00) or so much thereof as may be necessary for the purpose  
 6 of paying costs and expenses of litigation arising from or pertaining  
 7 to primary roads. Any balance unused during the first fiscal year of  
 8 the biennium shall be carried over and augment the amount authorized  
 9 for the second year of the biennium, and at the end of the biennium  
 10 any balance remaining shall revert to the primary road fund.

Approved February 22, 1945.

## CHAPTER 7

### STATE EMPLOYEES COMPENSATION

S. F. 432

AN ACT relating to the approval of compensation of employees of the state during the biennial fiscal period beginning July 1, 1945 and ending June 30, 1947.

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

- 1 SECTION 1. During the biennium beginning July 1, 1945 and end-  
 2 ing June 30, 1947, the compensation paid employees of the State from  
 3 appropriations made by the General Assembly, except employees of  
 4 elected state officials and of institutions under the State Board of  
 5 Education, and except salaries specifically provided for by statute or  
 6 appropriation act, shall be subject to the approval of the Comptroller  
 7 and the Governor.

Approved April 6, 1945.

**CHAPTER 8**  
**INTERIM CONTINGENT FUNDS.**  
**S. F. 433**

AN ACT to provide for the disposition of the balance in the Iowa emergency relief fund, created in chapter forty-five (45) Acts of the 50th General Assembly by creating therefrom a general contingent fund, and a contingent fund for the institutions under the board of control, and a fund for the social welfare commission for county administration, all for the ensuing biennium and providing for the administration of said funds.

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

1 SECTION 1. Notwithstanding any provision for reversion or trans-  
 2 fer in section eighty-four and twenty-six hundredths (84.26) and  
 3 eighty-four and twenty-seven hundredths (84.27) as amended, revised  
 4 and codified by Chapter 62 (Senate File 514) Acts of the 49th General  
 5 Assembly, the balance existing June 30, 1945, in the Iowa Emergency  
 6 Relief Fund from funds paid into it under the provisions of Sections  
 7 1 and 3 of Chapter 45 (Senate File 345) Acts of the 50th General  
 8 Assembly, is hereby transferred to the funds created by and in the  
 9 amounts set out in sections two (2) and three (3) and four (4) of this  
 10 act.

1 SEC. 2. The General Contingent Fund of the State for the bien-  
 2 nium beginning July 1, 1945, and ending June 30, 1947, is hereby cre-  
 3 ated and said fund shall consist of the sum of five hundred fifty thou-  
 4 sand dollars (\$550,000.00) transferred to it from the balance referred  
 5 to in section one (1) of this act. Said fund shall be administered by the  
 6 joint committee on retrenchment and reform and allocations there-  
 7 from may be made only for contingencies arising during the biennium  
 8 which are legally payable from the funds of the state. No alloca-  
 9 tion from said fund shall be made for the administration of or carry-  
 10 ing out the provisions of any act passed by the 51st General Assem-  
 11 bly which does not contain an appropriation. Nor shall the committee  
 12 on retrenchment and reform allocate any funds for any purpose or  
 13 project which was or should have been presented to the General As-  
 14 sembly by way of a bill and which failed to become enacted into law.  
 15 A report of the dispositions made of the fund during the first eighteen  
 16 months of the biennium shall be made by the committee on retrench-  
 17 ment and reform to the State Comptroller prior to the convening of  
 18 the 52nd General Assembly and by him included in the printed budget.  
 19 Any balance in said contingent fund as of June 30, 1947, shall revert  
 20 to the general fund of the state.

1 SEC. 3. There is hereby created a contingent fund for the institu-  
 2 tions under the board of control for the biennium beginning July 1,  
 3 1945, and ending June 30, 1947, and said fund shall consist of the  
 4 sum of two hundred thousand dollars (\$200,000.00) transferred to  
 5 it from the balance referred to in section one (1) of this act. Said  
 6 fund shall be administered by the joint committee on retrenchment  
 7 and reform and allocations therefrom may be made only for contin-  
 8 gencies arising during the biennium which are legally payable from  
 9 the funds of the state. No allocation from said fund shall be made  
 10 for the administration of or carrying out the provisions of any act  
 11 passed by the 51st General Assembly which does not contain an appro-

12 priation. Nor shall the committee on retrenchment and reform allo-  
 13 cate any funds for any purpose or project which was or should have  
 14 been presented to the General Assembly by way of a bill and which  
 15 failed to become enacted into law. A report of the dispositions made  
 16 of the fund during the first eighteen months of the biennium shall be  
 17 made by the committee on retrenchment and reform to the State  
 18 Comptroller prior to the convening of the 52nd General Assembly  
 19 and by him included in the printed budget. Any balance in said con-  
 20 tingent fund as of June 30, 1947, shall revert to the general fund of  
 21 the state.

1 SEC. 4. All of the balance remaining in said emergency relief fund  
 2 created by Sections 1 and 3 of Chapter 45 Acts of the 50th General  
 3 Assembly after the creation of the funds provided in Sections 2 and 3  
 4 of this Act are hereby transferred to the social welfare commission  
 5 for county administration.

1 SEC. 5. This act shall go into effect June 30, 1945, following its  
 2 publication in the Manchester Press, a newspaper published at Man-  
 3 chester, Iowa, and in the Reinbeck Courier, a newspaper published at  
 4 Reinbeck, Iowa.

Approved April 6, 1945.

I hereby certify that the foregoing act was published in the Manchester Press, Man-  
 chester, Iowa, April 12, 1945, and the Reinbeck Courier, Reinbeck, Iowa, April 13, 1945.  
 WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 9

### CAPITOL IMPROVEMENTS

S. F. 430

AN ACT to appropriate from the general fund of the state of Iowa for improvements, repairs, and supplies for the state capitol buildings and grounds.

*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 forty thousand two hundred dollars  
 3 (\$40,200.00) to the custodian of the capitol buildings and grounds,  
 4 to be expended under authority of the Executive Council for the fol-  
 5 lowing purposes in the respective amounts:

6 Replacement of Woodwork and Hardware on Capitol	
7 Buildings .....	\$ 6,000.00
8 Repairs for Heating System—Boiler Repairs—Pipe Cov-	
9 ering .....	6,000.00
10 Repairs for Stonework and Steps of Capitol Buildings....	4,500.00
11 Replacement of Electrical Material and Wiring for Capi-	
12 tol Buildings .....	1,500.00
13 Painting and Decorating of Capitol Buildings.....	7,000.00
14 Replacement of Carpeting and Linoleum in Capitol Build-	
15 ings .....	3,000.00
16 Replacement of Vacuum Return Pump for Historical	



17	Building .....	1,400.00
18	Replacement of Floors and Refinishing Floors in Historical	
19	Building .....	800.00
20	Repairs to pavement.....	10,000.00
21	Total.....	\$40,200.00

Approved April 6, 1945.

## CHAPTER 10

### STATE OFFICE BUILDING

S. F. 398

AN ACT to appropriate additional funds for erecting and equipping an office building on the state capitol grounds.

*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 nine hundred eighty-five thousand five  
 3 hundred dollars (\$985,500.00) which shall be added to the appropria-  
 4 tion made by Chapter 16, Acts of the forty-ninth (49) General Assem-  
 5 bly of the State of Iowa, and which shall be expended for the erection  
 6 and equipping of a state office building in accordance with the provi-  
 7 sions of said chapter 16, Acts of the 49th General Assembly of the State  
 8 of Iowa.

1 SEC. 2. Notwithstanding the provisions of Chapter nineteen (19)  
 2 Acts of the fiftieth (50) General Assembly of the State of Iowa, there  
 3 shall be created a Legislative Advisory Committee consisting of three  
 4 members of the Senate and three members of the House of Repre-  
 5 sentatives to be appointed by the respective presiding officer of the  
 6 Senate and House, for the purpose of carrying out the legislative intent  
 7 of this act and of Chapter 16, Acts of the 49th General Assembly.

8 The term of the Legislative Advisory Committee shall terminate  
 9 upon the convening of the General Assembly convening subsequently  
 10 to the performance of said duties or any part of the same. Any va-  
 11 cancy occurring on the legislative advisory committee shall be filled  
 12 by the presiding officer of the House, in the event the vacancy occurs  
 13 in the membership of said committee from the House of Representa-  
 14 tives, and by the Lieutenant Governor, in the event the vacancy occurs  
 15 in the membership of said committee from the Senate.

16 In carrying out the provisions of this act the Executive Council of  
 17 the State of Iowa and the legislative advisory committee shall meet  
 18 jointly at such places as may be determined by the Executive Council,  
 19 and in determining all matters coming before said meetings it shall  
 20 require a majority vote of the members of the joint committee of the  
 21 Executive Council and of the legislative advisory committee.

22 The legislative advisory committee shall meet and organize on the  
 23 second Monday in May following its appointment, and at the same time  
 24 and immediately following its organization, meet with the Executive  
 25 Council in order that the committee and council may advise on carry-

26 ing out the provisions of this act, and the provisions of Chapter 16,  
27 Acts of the 49th General Assembly.

1 SEC. 3. Each member of the legislative advisory committee shall be  
2 entitled to such hotel and traveling expenses incurred in the discharge  
3 of his duties and such allowance for time spent in the discharge of his  
4 duties as may be allowed by the General Assembly convening subse-  
5 quent to the performance of said duties or any part of same.

1 SEC. 4. In the event the Executive Council and the legislative ad-  
2 visory committee shall in their discretion determine that it would not  
3 be to the best interests of the State to proceed with the erection of  
4 said office building during the biennium beginning July 1, 1945, the  
5 moneys appropriated by this act shall be segregated and added to the  
6 fund known as the State Office Building Fund to be used for the pur-  
7 poses provided in this act and in Chapter 16, Acts of the 49th General  
8 Assembly, at such future time as the Executive Council and the legisla-  
9 tive advisory committee may determine, and if not previously expended  
10 for the purposes provided for herein or provided for in Chapter 16,  
11 Acts of the 49th General Assembly, shall not revert to the General  
12 Fund until such time as the General Assembly may by act or joint  
13 resolution provide therefor, anything in any other act or law to the  
14 contrary notwithstanding, and the treasurer of the state of Iowa is  
15 hereby empowered to invest any of the funds appropriated by this act  
16 in bonds of the United States Government.

1 SEC. 5. If any section, subsection, clause, sentence or phrase of this  
2 act is for any reason held to be unconstitutional and invalid, such deci-  
3 sion shall not affect the validity of the remaining portions of this act.  
4 The legislature hereby declares that it would have passed this act and  
5 each section, subsection, clause, sentence or phrase hereof, irrespective  
6 of whether any one or more of the sections, subsections, clauses, sen-  
7 tences, or phrases be declared unconstitutional.

1 SEC. 6. In so far as chapter 19, Acts of the 50th General Assembly  
2 is in conflict with this act, the same is hereby repealed.

Approved March 22, 1945.

## CHAPTER 11

### MOTOR VEHICLE FUEL TAX REFUNDS

H. F. 144

AN ACT to appropriate to the state comptroller from motor vehicle fuel tax fund.

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

1 SECTION 1. There is hereby appropriated to the state comptroller  
2 from motor vehicle fuel tax fund for each year of the biennium begin-  
3 ning July 1, 1945, and ending June 30, 1947, the sum of four thousand  
4 dollars (\$4,000.00) or so much thereof as may be necessary for use in

- 5 employing help and defraying other expenses in writing motor vehicle  
6 fuel tax refund warrants and keeping necessary records.

Approved February 22, 1945.

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## CHAPTER 12

### INJURIES TO HIGHWAY EMPLOYEES

H. F. 214

AN ACT to appropriate funds from primary road fund to the industrial commissioner for the payment of workmen's compensation claims of employees of the state highway commission.

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

- 1 SECTION 1. There is hereby appropriated to the industrial commis-  
2 sioner from the primary road fund for each year of the biennium be-  
3 ginning July 1, 1945, and ending June 30, 1947, the sum of forty thou-  
4 sand dollars (\$40,000.00) or so much thereof as may be necessary for  
5 the purpose of paying properly established claims of or on behalf of  
6 employees or dependents of employees of the state highway commission  
7 who are injured or killed while on duty as provided by Chapter 70,  
8 Code, 1939.

Approved February 22, 1945.

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## CHAPTER 13

### LIQUOR CONTROL FUND

H. F. 211

AN ACT to make appropriation from liquor control fund to the industrial commissioner for the payment of claim\* of employees of the liquor control commission who are injured or killed, and to the department of public safety for use by the bureau of investigation in liquor control enforcement.

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

- 1 SECTION 1. There is hereby appropriated from the liquor control  
2 act fund for each year of the biennium beginning July 1, 1945, and  
3 ending June 30, 1947, to the office of the industrial commissioner the  
4 sum of ten thousand dollars (\$10,000.00) or so much thereof as may  
5 be necessary for the purpose of paying properly established claims of  
6 or on behalf of employees of the liquor control commission who are  
7 injured or killed while on duty as provided for in Chapter 70, Code,  
8 1939.

- 1 SEC. 2. There is hereby appropriated from the liquor control act  
2 fund for each year of the biennium beginning July 1, 1945, and ending

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\*According to enrolled act..

3 June 30, 1947, to the department of public safety, the sum of twenty-  
4 six thousand dollars (\$26,000.00) or so much thereof as may be neces-  
5 sary for use by the bureau of investigation in liquor control enforce-  
6 ment.

Approved March 27, 1945.

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## CHAPTER 14

### INAUGURAL EXPENSE

H. F. 213

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 eighty dollars and fifty-five cents (\$480.55), or so much thereof as may  
4 be necessary, to pay the expenses incurred on account of the inaugural  
5 ceremonies and reception. Warrants shall be drawn upon the treasury  
6 for the sum herein appropriated in favor of the Adjutant General upon  
7 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  
3 in The Jefferson Herald, a newspaper published in the city of Jefferson,  
4 Iowa, and the Belmond Independent, a newspaper published in the city  
5 of Belmond, Iowa.

Approved February 22, 1945.

I hereby certify that the foregoing act was published in The Jefferson Herald,  
Jefferson, Iowa, March 1, 1945, and the Belmond Independent, Belmond, Iowa, March  
1, 1945.

WAYNE M. ROPES, *Secretary of State.*

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## CHAPTER 15

### PRINTING FOR GENERAL ASSEMBLY

H. F. 329

AN ACT to make an appropriation for the payment of the cost of printing for the Fifty-  
first General Assembly.

*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 thirty-five  
3 thousand dollars, or so much thereof as may be necessary, for the pay-  
4 ment of the cost of printing for the Fifty-first General Assembly.

1 SEC. 2. The state comptroller is hereby authorized to issue warrants  
2 against said appropriation, upon requisition by the superintendent of

3 printing, and the treasurer of state is hereby directed to pay same from  
4 the general fund of the state of Iowa.

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 the Eagle  
3 Grove Eagle, a newspaper published at Eagle Grove, Iowa, and the  
4 Indianola Record, a newspaper published at Indianola, Iowa.

Approved March 6, 1945.

I hereby certify that the foregoing act was published in the Eagle Grove Eagle, Eagle Grove, Iowa, March 15, 1945, and the Indianola Record, Indianola, Iowa, March 9, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 16

### MISCELLANEOUS EXPENSES OF GENERAL ASSEMBLY

H. F. 476

AN ACT making an appropriation for payment of miscellaneous expenses of the Fifty-first General Assembly.

*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 in payment of miscellaneous ex-  
4 penses of the Fifty-first General Assembly:

5	Irving W. Myers, first assistant in law and economic research,	
6	W. J. Scarborough, Secretary of the senate,	
7	A. C. Gustafson, chief clerk of the house,	
8	H. L. Peyton, assistant chief clerk of the house, \$2.50 per day, each	
9	for each day served in connection with the Fifty-first General As-	
10	sembly in accordance with the action of the joint committee.	
11	Edna Gillespie, Senate journal clerk, \$2.00 per day for each day	
12	served in connection with the Fifty-first General Assembly.	
13	Jean Olson, House journal clerk, \$2.00 per day for each day served	
14	in connection with the Fifty-first General Assembly.	
15	Frank Smith, special compensation in connection with	
16	services in operating the house voting machine.....	\$ 150.00
17	Lillian Leffert for special services rendered for Fifty-	
18	first General Assembly.....	100.00
19	Executive council for telephone, telegraph, miscellaneous	
20	supplies and postage.....	5000.00
21	A. C. Gustafson, chief clerk of the house, postage and mis-	
22	cellaneous expenses after adjournment (in addition to postage	
23	money advanced to the house postmistress).....	100.00
24	W. J. Scarborough, secretary of the senate, postage and	
25	miscellaneous expenses after adjournment (in addition to	
26	postage money advanced to the senate postmistress).....	75.00

1 SEC. 2. There is hereby appropriated a sum sufficient to pay the  
2 per diem compensation made necessary by House Concurrent Reso-

3 lution 20 for services required by officers and employees of the Fifty-  
4 first General Assembly after final adjournment.

1 SEC. 3. There is hereby appropriated a sum not to exceed one  
2 thousand dollars (\$1,000.00) to defray the expense of revising and  
3 reprinting the Manual of Legislative Procedure as provided by House  
4 Concurrent Resolution 17, to be paid on requisition signed by the  
5 president of the senate and the speaker of the House.

1 SEC. 4. There is hereby appropriated to the Executive Council a  
2 sum not to exceed six hundred dollars (\$600.00) to defray the cost  
3 of improving the acoustics of house committee room one, as provided  
4 by House Resolution 8.

1 SEC. 5. There is hereby appropriated the following amounts as  
2 additional compensation for various committee clerks of the Fifty-  
3 first General Assembly:

#### SENATE

4	Ethel Preston (Ways and Means).....	\$25.00
5	Palma Quanrude (Claims).....	25.00
6	Betty Morford (Floor Leader).....	25.00
7	Lorraine Clark (Appropriations Comm.).....	50.00
8	Norma Mathis (Judiciary Committee).....	25.00
9	Peggy Jamesson (Judiciary II Comm.).....	25.00
10	Mary Alice Becker (Sifting Comm.).....	25.00

#### HOUSE

11	Shirley Kuester (Appropriations Comm.).....	50.00
12	Helen Powers (Comp. of Public Officers).....	25.00
13	Barbara Tank (Steering Committee).....	10.00
14	Frances Stafford (Judiciary I).....	25.00
15	Mary L. Currie (Judiciary II).....	25.00
16	Betty Thompson (Sifting Committee).....	10.00
17	Wilma Holthaus (Claims Committee).....	25.00
18	Vera Emerson (Committee Clerk).....	25.00

1 SEC. 6. This Act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the LeMars  
3 Sentinel, a newspaper published at LeMars, Iowa, and the Iowa  
4 Falls Citizen, a newspaper published at Iowa Falls, Iowa.

Approved April 14, 1945.

I hereby certify that the foregoing act was published in the LeMars Sentinel, LeMars,  
Iowa, April 24, 1945, and the Iowa Falls Citizen, Iowa Falls, Iowa, April 26, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 17

## AID TO COUNTY FAIRS

S. F. 406

AN ACT to make appropriations to Osceola County Fair, Adams County Fair Association, Sac County Fair Association, and Page County Agricultural Association.

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

1 SECTION 1. There is hereby appropriated out of the Gen-  
2 eral Fund of the State of Iowa to the Osceola County Fair, Sib-  
3 ley, Iowa, the sum of.....\$ 720.40  
4 in full settlement of all claims that the said County Fair may  
5 have against the State of Iowa under the State Aid Program  
6 to financially aid county fairs.

1 SECTION\* 2. There is hereby appropriated out of the Gen-  
2 eral Fund of the State of Iowa to the Adams County Fair Asso-  
3 ciation, Corning, Iowa, the sum of.....\$ 535.04  
4 in full settlement of all claims that the said County Fair may  
5 have against the State of Iowa under the State Aid Program  
6 to financially aid county fairs.

1 SECTION 3. There is hereby appropriated out of the Gen-  
2 eral Fund of the State of Iowa to the Sac County Fair Associa-  
3 tion, Sac City, Iowa, the sum of.....\$1945.87.  
4 in full settlement of all claims that the said County Fair may  
5 have against the State of Iowa under the State Aid Program  
6 to financially aid county fairs.

1 SECTION 4. There is hereby appropriated out of the Gen-  
2 eral Fund of the State of Iowa to the Page County Agricultural  
3 Association, Clarinda, Iowa, the sum of.....\$1003.00  
4 in full settlement of all claims that the said County Fair may  
5 have against the State of Iowa under the State Aid Program  
6 to financially aid county fairs.

1 SECTION 5. The State Comptroller is hereby authorized to issue war-  
2 rants to the above named parties in the amounts stated, and the State  
3 Treasurer is hereby directed to pay the same from the general fund of  
4 the State of Iowa.

1 SECTION 6. The acceptance of said amounts by the above named  
2 parties shall be in full settlement of all claims against the State of Iowa  
3 growing out of the above described claims.

Approved March 30, 1945.

\*According to enrolled act.

## CHAPTER 18

## FINANCIAL AID TO COUNTY FAIRS

S. F. 168

AN ACT to make appropriations to Big Four Agricultural Society, Benton County Agricultural Association, and Lyon County Fair Association.

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

1 SECTION 1. There is hereby appropriated out of the Gen-  
2 eral Fund of the State of Iowa, to Big Four Agricultural So-  
3 ciety, Postville, Iowa, the sum of.....\$ 583.28  
4 in full settlement of all claims that the said Society may have  
5 against the State of Iowa under the State Aid program to  
6 financially aid county fairs.

1 SEC. 2. There is hereby appropriated out of the General  
2 Fund of the State of Iowa, to Benton County Agricultural  
3 Association, Vinton, Iowa, the sum of..... 1746.87  
4 in full settlement of all claims that the said Association may  
5 have against the State of Iowa under the State Aid program  
6 to financially aid county fairs.

1 SEC. 3. There is hereby appropriated out of the General  
2 Fund of the State of Iowa, to Lyon County Fair Association,  
3 Rock Rapids, Iowa, the sum of..... 486.11  
4 in full settlement of all claims that the said Association may  
5 have against the State of Iowa under the State Aid program  
6 to financially aid county fairs.

1 SEC. 4. The State Comptroller is hereby authorized to issue war-  
2 rants to the above named parties in the amounts stated, and the State  
3 Treasurer is hereby directed to pay the same from the general fund  
4 of the State of Iowa.

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

Approved March 7, 1945.

## CHAPTER 19

## CERRO GORDO COUNTY APPROPRIATION

S. F. 435

AN ACT to make appropriation to drainage ditch assessment No. 40, Cerro Gordo county, Mason 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 to Cerro Gordo County, Iowa, Drainage Ditch  
3 Assessment No. 40, Mason City, Iowa, the sum of thirty-five and 54/100  
4 dollars (\$35.54) in full settlement of all claims it may have against  
5 the State of Iowa for drainage assessments against the State under



6 an additional assessment against the lands and highways contained  
7 in such drainage district in the amount of 2% of the original assess-  
8 ment made by the Board of Supervisors of said County on November  
9 20, 1944.

1 SEC. 2. The State Comptroller is hereby authorized to issue his  
2 warrant to the above named party in the amount stated, and the State  
3 Treasurer is hereby directed to pay the same from the respective  
4 funds above specified.

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 above described claim.

Approved April 9, 1945.

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## CHAPTER 20

### MUSCATINE COUNTY DRAINAGE DISTRICT

H. F. 178

AN ACT making an appropriation to Muscatine county, Iowa.

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

1 SECTION 1. There is hereby appropriated to Muscatine County,  
2 Iowa, the sum of six thousand thirty-eight dollars and sixty-two cents  
3 (\$6038.62) in payment of special assessments for drainage purposes  
4 imposed upon lands owned by the state of Iowa in Drainage District  
5 No. 13 of Muscatine, Iowa.

1 SEC. 2. The state comptroller is hereby authorized and directed to  
2 draw his warrant to the said county to which appropriation has been  
3 made under the provisions of this act and in the sum so appropriated  
4 and heretofore set out, in payment of said special assessment, and the  
5 treasurer of state is hereby authorized and directed to pay the same  
6 out of any funds in the state treasury not otherwise appropriated.

1 SEC. 3. This appropriation represents the final payment on the  
2 basis of the old classification to Muscatine County for any assessment  
3 which it may levy against State owned land located within the bound-  
4 aries of Drainage District No. 13 of Muscatine County. Any addi-  
5 tional or new assessment which Muscatine County may levy against  
6 State owned land located within the boundaries of Drainage District  
7 No. 13 in Muscatine County can not be higher than the average assess-  
8 ment levied against privately owned lands in the district as a whole.

Approved April 3, 1945.

## CHAPTER 21

## CLAIMS AGAINST STATE

S. F. 443

AN ACT to make appropriations to J. T. Dykhouse, Rock Rapids, Iowa, O. H. Henningsen, Clinton, Iowa, R. V. Leo, Dysart, Iowa, G. T. Kuester, Griswold, Iowa, John S. Heffner, Webster City, Iowa, and Melvin Wilson, Lake 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, to J. T. Dykhouse, Rock Rapids, Iowa, the sum of  
3 one hundred one dollars and forty-four cents (\$101.44) in full set-  
4 tlement of all claims which he may have against the State of Iowa on  
5 account of services rendered as member of the State Office Building  
6 Legislative Committee.

1 SEC. 2. There is hereby appropriated out of the general fund of  
2 the State of Iowa, to O. H. Henningsen, Clinton, Iowa, the sum of fifty  
3 dollars (\$50.00) in full settlement of all claims which he may have  
4 against the State of Iowa on account of services rendered as member  
5 of the State Office Building Legislative Committee.

1 SEC. 3. There is hereby appropriated out of the general fund of  
2 the State of Iowa, to R. V. Leo, Dysart, Iowa, the sum of nineteen  
3 dollars and thirty-four cents (\$19.34) in full settlement of all claims  
4 which he may have against the State of Iowa on account of services  
5 rendered as member of the State Office Building Legislative Com-  
6 mittee.

1 SEC. 4. There is hereby appropriated out of the general fund of  
2 the State of Iowa, to G. T. Kuester, Griswold, Iowa, the sum of nine-  
3 teen dollars and thirty-four cents (\$19.34) in full settlement of all  
4 claims which he may have against the State of Iowa on account of  
5 services rendered as member of the State Office Building Legislative  
6 Committee.

1 SEC. 5. There is hereby appropriated out of the general fund of  
2 the State of Iowa, to John S. Heffner, Webster City, Iowa, the sum  
3 of seventeen dollars and twenty-six cents (\$17.26) in full settlement  
4 of all claims which he may have against the State of Iowa on account  
5 of services rendered as member of the State Office Building Legisla-  
6 tive Committee.

1 SEC. 6. There is hereby appropriated out of the general fund of  
2 the State of Iowa, to Melvin Wilson, Lake City, Iowa, the sum of  
3 twenty dollars and thirty cents (\$20.30) in full settlement of all  
4 claims which he may have against the State of Iowa on account of  
5 services rendered as member of the State Office Building Legislative  
6 Committee.

1 SEC. 7. The State Comptroller is hereby authorized to issue war-  
2 rants to the above named parties in the amounts stated, and the State  
3 Treasurer is hereby directed to pay the same from the general fund  
4 of the State of Iowa.

1 SEC. 8. The acceptance of said amounts by the above named parties  
2 shall be in full settlement of all claims against the State of Iowa grow-  
3 ing out of the above described claims.

Approved April 16, 1945.

## CHAPTER 22

### CLAIMS AGAINST STATE

S. F. 444

AN ACT to make appropriations to B. S. Moyle, Des Moines, Iowa; G. W. Hunt, Guttenberg, Iowa; Robert Keir, Spencer, Iowa; Alden L. Doud, Douds, Iowa; N. D. McCombs, Des Moines, Iowa; Henry K. Peterson, Council Bluffs, Iowa and Mrs. Raymond Sayre, Ackworth, 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 B. S. Moyle, Des Moines, Iowa, the sum of  
3 two hundred dollars (\$200.00) in full settlement of all claims which  
4 he may have against the State of Iowa on account of services rendered  
5 as a member of the commission to study school laws created by  
6 Senate Joint Resolution Ten (10) (Chapter 314) of the Fiftieth General  
7 Assembly.

1 SEC. 2. There is hereby appropriated out of the General Fund of  
2 the State of Iowa to G. W. Hunt, Guttenberg, Iowa the sum of two  
3 hundred dollars (\$200.00) in full settlement of all claims which he  
4 may have against the State of Iowa on account of services rendered  
5 as a member of the commission to study school laws created by Senate  
6 Joint Resolution Ten (10) (Chapter 314) of the Fiftieth General  
7 Assembly.

1 SEC. 3. There is hereby appropriated out of the General Fund of  
2 the State of Iowa to Robert Keir, Spencer, Iowa, the sum of two hun-  
3 dred dollars (\$200.00) in full settlement of all claims which he may  
4 have against the State of Iowa on account of services rendered as a  
5 member of the commission to study school laws created by Senate  
6 Joint Resolution Ten (10) (Chapter 314) of the Fiftieth General  
7 Assembly.

1 SEC. 4. There is hereby appropriated out of the General Fund of  
2 the State of Iowa to Alden L. Doud, Douds, Iowa, the sum of two hun-  
3 dred dollars (\$200.00) in full settlement of all claims which he may  
4 have against the State of Iowa on account of services rendered as a  
5 member of the commission to study school laws created by Senate  
6 Joint Resolution Ten (10) (Chapter 314) of the Fiftieth General  
7 Assembly.

1 SEC. 5. There is hereby appropriated out of the General Fund of  
2 the State of Iowa to N. D. McCombs, Des Moines, Iowa, the sum of  
3 two hundred dollars (\$200.00) in full settlement of all claims which  
4 he may have against the State of Iowa on account of services ren-

5 dered as a member of the commission to study school laws created by  
6 Senate Joint Resolution Ten (10) (Chapter 314) of the Fiftieth Gen-  
7 eral Assembly.

1 SEC. 6. There is hereby appropriated out of the General Fund of  
2 the State of Iowa to Henry K. Peterson, Council Bluffs, Iowa, the sum  
3 of two hundred dollars (\$200.00) in full settlement of all claims  
4 which he may have against the State of Iowa on account of services  
5 rendered as a member of the commission to study school laws created  
6 by Senate Joint Resolution Ten (10) (Chapter 314) of the Fiftieth  
7 General Assembly.

1 SEC. 7. There is hereby appropriated out of the General Fund of  
2 the State of Iowa to Mrs. Raymond Sayre, Ackworth, Iowa, the sum  
3 of two hundred dollars (\$200.00) in full settlement of all claims which  
4 she may have against the State of Iowa on account of services ren-  
5 dered as a member of the commission to study school laws created by  
6 Senate Joint Resolution Ten (10) (Chapter 314) of the Fiftieth Gen-  
7 eral Assembly.

1 SEC. 8. The State Comptroller is hereby authorized to issue war-  
2 rants to the above named parties in the amounts stated, and the State  
3 Treasurer is hereby directed to pay the same from the General Fund  
4 of the State of Iowa.

1 SEC. 9. The Acceptance of said amounts by the above named parties  
2 shall be in full settlement of all claims against the State of Iowa grow-  
3 ing out of the above described claims.

Approved April 16, 1945.

## CHAPTER 23

### CLAIM AGAINST STATE

S. F. 445

AN ACT to make appropriation to Otis Truck Line, Forest City, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the Emergency  
2 Relief Fund of the State of Iowa to the Otis Truck Line, Forest City,  
3 Iowa, the sum of five dollars and forty-four cents (\$5.44) in full set-  
4 tlement of freight bill No. 1257, covering the shipment of miscel-  
5 laneous commodities for the Department of Social Welfare of the State  
6 of Iowa.

1 SEC. 2. The State Comptroller is hereby authorized to issue war-  
2 rants to the above named persons in the amounts stated and the State  
3 Treasurer is hereby directed to pay the same from the funds of the  
4 State of Iowa above referred to.

5 The acceptance of said amounts by the above named persons shall  
6 be in full settlement of all claims against the State of Iowa growing  
7 out of the above described claim.

Approved April 16, 1945.

## CHAPTER 24

## MOTOR VEHICLE REGISTRATION REFUNDS

S. F. 166

AN ACT to make appropriations to certain named persons to recover\* refunds on motor vehicle registration fees.

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

1 SECTION 1. There is hereby appropriated out of the Reimbursement  
2 Fund of the State of Iowa, for the following named persons, the  
3 amounts set opposite their respective names, to cover refunds on motor  
4 vehicle registration fees as provided in section five thousand eight and  
5 twenty-five hundredths (5008.25), Code, 1939:

6	Name	Address	License Number	Amount of Refund
7	Helen McBride	Waterloo, Iowa	7-21477	\$3.00
8	M. E. Noonan	Eagle Grove, Iowa	99-5681	.50
9	M. E. Noonan	Eagle Grove, Ia.	99-4044	1.00
10				

1 SEC. 2. The Commissioner of Public Safety is hereby authorized and  
2 directed to issue his warrants to the above named persons in the  
3 amounts set opposite their respective names and to pay the same from  
4 said Reimbursement Fund.

1 SEC. 3. Receipt of said sums by said parties, respectively, shall be  
2 in full settlement of all claims they may hold against the State of Iowa  
3 for refunds on motor vehicle registration fees, claims for which were  
4 presented to the joint claims committee of the fifty-first General As-  
5 sembly.

Approved March 7, 1945.

\*According to enrolled act.

## CHAPTER 25

## FUNERAL EXPENSE OF OLD AGE RECIPIENTS

S. F. 165

AN ACT to make appropriations to M. D. Munshower, R. K. Crane, Giles Funeral Home, and Pursel Funeral Home, Dunshee Funeral Home, and Tyler Funeral Home.

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

1 SECTION 1. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to M. D. Munshower, undertaker,  
3 Rockford, Iowa, the sum of one hundred dollars (\$100.00) in full settle-  
4 ment of all claims which he may have against the State of Iowa on  
5 account of funeral expenses for burial of Amelia Thorne, deceased,  
6 recipient of Old Age Assistance.

1 SEC. 2. There is hereby appropriated out of the Old Age Assistance  
2 Fund of the State of Iowa, to R. K. Crane, undertaker, Mt. Pleasant,  
3 Iowa, the sum of twenty one dollars twelve cents (\$21.12) in full settle-

4 ment of all claims which he may have against the State of Iowa on  
5 account of funeral expenses for burial of Charles Colston, deceased,  
6 recipient of Old Age Assistance.

1 SEC. 3. There is hereby appropriated out of the Old Age Assistance  
2 Fund of the State of Iowa, to Giles Funeral Home, Burlington, Iowa,  
3 the sum of forty dollars (\$40.00) in full settlement of all claims they  
4 may have against the State of Iowa on account of funeral expenses for  
5 burial of William Henry Harrison, deceased, recipient of Old Age  
6 assistance.

1 SEC. 4. There is hereby appropriated out of the Old Age Assistance  
2 Fund of the State of Iowa, to Pursel Funeral Home, Marshalltown,  
3 Iowa, the sum of fifty-four and twenty-five hundredths dollars (\$54.25)  
4 in full settlement of all claims it may have against the State of Iowa,  
5 on account of funeral expenses for burial of Anna Collins, Old Age  
6 recipient.

1 SEC. 5. There is hereby appropriated out of the Old Age Assistance  
2 Fund of the State of Iowa, to Dunshee & Son, undertakers, Chariton,  
3 Iowa, the sum of one hundred dollars (\$100.00) in full settlement of all  
4 claims they may have against the State of Iowa on account of  
5 funeral expenses for the burial of David Etter, decedent, old age re-  
6 cipient.

1 SEC. 6. There is hereby appropriated out of the Old Age Assistance  
2 Fund of the State of Iowa, to Tyler Funeral Home, Council Bluffs,  
3 Iowa, the sum of one hundred dollars (\$100.00) in full settlement of  
4 all claims it may have against the State of Iowa on account of funeral  
5 expenses for the burial of Frank Pike, deceased, Old Age recipient.

1 SEC. 7. The State Comptroller is hereby authorized to issue war-  
2 rants to the above named parties in the amounts stated, and the State  
3 Treasurer is hereby directed to pay the same from the Old Age Assist-  
4 ance Fund of the State of Iowa.

1 SEC. 8. The acceptance of said amounts by the above named parties  
2 shall be in full settlement of all claims against the State of Iowa grow-  
3 ing out of the above described claims.

Approved March 7, 1945.

## CHAPTER 26

### CLAIMS AGAINST STATE

S. F. 414

AN ACT to make appropriations to Hamilton's Funeral Home, W. G. Griffith & Son, Biersborn Funeral Home, Winter Funeral Home, O'Brien Cooperative Burial Association, Tyler Funeral Home, McLaren Funeral Home, Curl Furniture and Undertaking Company, L. Fowler & Son, Pella Cooperative Burial Association, and R. K. Crane.

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

1 SECTION 1. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to Hamilton's Funeral Home, Des  
3 Moines, Iowa, the sum of one hundred dollars (\$100.00) in full set-

4 tlement of all claims which it may have against the State of Iowa on  
5 account of funeral expenses for burial of Florence De Moss, deceased,  
6 recipient of Old Age Assistance.

1 SEC. 2. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to W. G. Griffith & Son, Wilton Junc-  
3 tion, Iowa, the sum of one hundred dollars (\$100.00) in full settle-  
4 ment of all claims which they may have against the State of Iowa on  
5 account of funeral expenses for burial of Hugo Jarr, deceased, re-  
6 cipient of Old Age Assistance.

1 SEC. 3. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to Biersborn Funeral Home, Union,  
3 Iowa, the sum of one hundred dollars (\$100.00) in full settlement of  
4 all claims which it may have against the State of Iowa on account of  
5 funeral expenses for burial of Daniel E. Good, deceased, recipient of  
6 Old Age Assistance.

1 SEC. 4. There is hereby appropriated out of the Old Age Assistance  
2 Fund of the State of Iowa, to Winter Funeral Home, Sioux City, Iowa,  
3 the sum of one hundred dollars (\$100.00) in full settlement of all  
4 claims which it may have against the State of Iowa on account of  
5 funeral expenses for burial of Carl Lehman, deceased, recipient of  
6 Old Age Assistance.

1 SEC. 5. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to O'Brien Cooperative Burial Assoc-  
3 iation, Sanborn, Iowa, the sum of ninety-nine dollars (\$99.00) in  
4 full settlement of all claims which it may have against the State of  
5 Iowa on account of funeral expenses for burial of Lydia Gress and  
6 John Gress, deceased, recipients of Old Age Assistance.

1 SEC. 6. There is hereby appropriated out of the Old Age Assistance  
2 Fund of the State of Iowa, to Tyler Funeral Home, Council Bluffs,  
3 Iowa, the sum of one hundred dollars (\$100.00) in full settlement of  
4 all claims which it may have against the State of Iowa on account of  
5 funeral expenses for burial of L. E. S. Mitchell, deceased, recipient  
6 of Old Age Assistance.

1 SEC. 7. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to McLaren Funeral Home, West Des  
3 Moines, Iowa, the sum of one hundred dollars (\$100.00) in full set-  
4 tlement of all claims which it may have against the State of Iowa on  
5 account of funeral expenses for burial of Luella M. Stonehocker, de-  
6 ceased, recipient of Old Age Assistance.

1 SEC. 8. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to Curl Furniture & Undertaking  
3 Company, Bloomfield, Iowa, the sum of one hundred dollars (\$100.00)  
4 in full settlement of all claims which it may have against the State of  
5 Iowa on account of funeral expenses for burial of Edward Jones,  
6 deceased, recipient of Old Age Assistance.

1 SEC. 9. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to L. Fowler & Son, Des Moines,  
3 Iowa, the sum of one hundred dollars (\$100.00) in full settlement of  
4 all claims which they may have against the State of Iowa on account

5 of funeral expenses for burial of Richard Waters, deceased, recipient  
6 of Old Age Assistance.

1 SEC. 10. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to Pella Cooperative Burial Associa-  
3 tion, Pella, Iowa, the sum of ninety-five dollars (\$95.00) in full set-  
4 tlement of all claims which it may have against the State of Iowa on  
5 account of funeral expenses for burial of William Kelderman, deceased,  
6 recipient of Old Age Assistance.

1 SEC. 11. There is hereby appropriated out of the Old Age Assist-  
2 ance Fund of the State of Iowa, to R. K. Crane, Mt. Pleasant, Iowa,  
3 the sum of seventy-eight and 88/100 dollars (\$78.88) in full settle-  
4 ment of all claims which he may have against the State of Iowa on  
5 account of funeral expenses for burial of Charles Colston, deceased,  
6 recipient of Old Age Assistance.

1 SEC. 12. The State Comptroller is hereby authorized to issue war-  
2 rants to the above named parties in the amounts stated, and the State  
3 Treasurer is hereby directed to pay the same from the Old Age Assist-  
4 ance Fund of the State of Iowa.

1 SEC. 13. The acceptance of said amounts by the above named parties  
2 shall be in full settlement of all claims against the State of Iowa grow-  
3 ing out of the above described claims.

Approved April 6, 1945.

## CHAPTER 27

### CLAIMS AGAINST STATE

S. F. 428

AN ACT to make appropriations to certain named persons in settlement of damages sustained by them on account of accidents on primary roads, or on account of collisions with state highway equipment, or on account of acts of commission or omission by the state highway commission or its employees.

*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 following named persons the amounts set  
3 opposite their respective names, to-wit:

4	Claimant	Address	Claim Number	Nature of Claim	Amount
6	Doris Hindman	Albia, Iowa	H-57	Pain and suffering	\$500.00
8	Doris Hindman, 9 Guardian for				
10	Betty Lou Hind-				
11	man, minor child,	Albia, Iowa	H-58a	Pain and suffering	\$ 50.00
12					



13	Doris Hindman,				
14	Guardian for				
15	Shirley Ann				
16	Hindman, minor				
17	child,	Albia, Iowa	H-58b	Pain and	
18				suffering	\$200.00
19	C.M. St.P. & P.				
20	RR. Co.	Chicago, Ill.	H-69	Broken cross-	
21				ing gate	\$ 51.50

1 SEC. 2. The State Comptroller is hereby authorized and directed  
 2 to issue his warrants to the above named persons in the amounts set  
 3 opposite their names, respectively, and the Treasurer of State is  
 4 hereby authorized and directed to pay the same from the General Fund  
 5 of the State of Iowa.

1 SEC. 3. Receipt of said sums by said persons respectively, shall  
 2 be in full settlement of all claims they may hold against the State of  
 3 Iowa, the Iowa State Highway Commission, on account of damages  
 4 as above indicated, claims for which were presented to the Joint  
 5 Claims Committee of the Fifty-first General Assembly.

Approved April 13, 1945.

## CHAPTER 28

### CLAIMS AGAINST STATE

S. F. 413

AN ACT to make appropriations to certain named persons in settlement of damages sustained by them on account of accidents on primary roads, or on account of collisions with state highway equipment, or on account of acts of commission or omission by the state highway commission or its employees.

*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 following named persons the amounts set  
 3 opposite their respective names, to-wit:

4	Claimant	Address	Claim Number	Nature of Claim	Amount
6	Arthur E. Crabb	Burlington, Iowa	H-47	Damage to house	\$ 150.00
8	Robert L. Tindall	Waterford, Wisconsin	H-49	Damage to auto	\$ 380.01
10	Dale Maulson	Waterloo, Iowa	H-51	Damage to auto	\$ 94.82
12	I. B. Colson	Belle Plaine, Iowa	H-53	Broken window	\$ 20.00
14	James R. Krick	Ida Grove, Iowa	H-54	Damage to auto	\$ 15.30
16	S. W. Madison	Gaza, Iowa	H-60	Damage to auto	\$ 180.00

18	R. J. Gutknecht	Shellrock,* Iowa	H-64	Damage to	
19				auto	\$ 17.50
20	City of Sibley, Iowa		H-67	Paving as-	
21				essment	\$ 20.40
22	Russell Hindman	Albia, Iowa	H-56	Auto damage	
23				and per-	
24				sonal	
25				injury	\$1032.82

1 SEC. 2. The State Comptroller is hereby authorized and directed to  
 2 issue his warrants to the above named persons in the amounts set  
 3 opposite their names, respectively, and the Treasurer of State is  
 4 hereby authorized and directed to pay the same from the General Fund  
 5 of the State of Iowa.

1 .SEC. 3. Receipt of said sums by said persons respectively, shall  
 2 be in full settlement of all claims they may hold against the State of  
 3 Iowa, the Iowa State Highway Commission, on account of damages  
 4 as above indicated, claims for which were presented to the Joint Claims  
 5 Committee of the Fifty-first General Assembly.

Approved April 6, 1945.

\*According to enrolled act.

## CHAPTER 29

### PRIMARY ROAD ACCIDENTS

S. F. 167

AN ACT to make appropriations to certain named persons in settlement of damages sustained by them on account of accidents on primary roads, or on account of collisions with state highway equipment, or on account of acts of commission or omission by the state highway commission or its employees.

*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 following named persons the amounts set  
 3 opposite their respective names, to-wit:

4	Claimant	Address	Claim	Nature	Amount
5			Number	of Claim	
6	Highland & Illyria				
7	Telephone Co.	Elgin, Iowa	H-2	telephone pole	\$ 17.85
8	Lawrence Wood-				
9	ward	Rodney, Iowa	H-3	damage to auto	32.11
10	Fred Bowling	Bloomfield, Iowa	H-4	damage to auto	209.25
11	Marx Truck Line	Sioux City, Ia	H-5	damage to truck	45.36
12	Grover Smith	Burlington, Iowa	H-9	damage to house	1000.00
13	Iowa Electric Light				
14	& Power Co.	Marshalltown, Ia	H-10	power pole	15.58
15	Harry Buck	Ames, Iowa	H-11	damage to auto	20.50
16	George M. Fox	Hampton, Iowa	H-12	damage to cistern	7.00
17	Wm. Eischeid	Defiance, Iowa	H-13	damage to auto	57.27

18	George Ferguson	Galva, Iowa	H-14	death of cow	100.00
19	John T. Gerwe	Davenport, Ia.	H-16	damage to auto	271.18
20	Don V. Patrick	Mapleton, Iowa	H-17	damage to auto	22.94
21	Raymond Peterson	Alta, Iowa	H-18	damage to auto	63.50
22	Karl Keller	Mt. Pleasant, Ia	H-20	damage to auto	3.00
23	J. Milton Hale	Collins, Iowa	H-21	damage to auto	107.20
24	Arthur Hegle	Minot, North			
25		Dakota	H-22	damage to auto	133.62
26	A. R. Eno	Ft. Dodge, Iowa	H-27	damage to auto	281.81
27	Carl Moller	Kent, Iowa	H-29	damage to auto	21.53
28	L. R. Thatcher	Sioux City, Ia	H-30	damage to auto	32.90
29	I. W. Braga	Iowa Falls, Ia.	H-31	damage to auto	204.19
30	A. A. Rose, M.D.	Story City, Iowa	H-32	medical fee	4.00
31	Louis Duggan	Dubuque, Ia.	H-35	death of calf	60.00
32	Edward W. Halste	Massina, Ia.*	H-37	death of horse	75.00

1 SEC. 2. The State Comptroller is hereby authorized and directed to  
 2 issue his warrants to the above named persons in the amounts set  
 3 opposite their names, respectively, and the Treasurer of State is hereby  
 4 authorized and directed to pay the same from the General Fund of the  
 5 State of Iowa.

1 SEC. 3. Receipt of said sums of said persons respectively, shall be  
 2 in full settlement of all claims they may hold against the State of Iowa,  
 3 the Iowa State Highway Commission, on account of damages as above  
 4 indicated, claims for which were presented to the Joint Claims Com-  
 5 mittee of the Fifty-first General Assembly.

Approved March 7, 1945.

\*According to enrolled act.

CHAPTER 30

CLAIMS AGAINST STATE

S. F. 169

AN ACT to make appropriations to Iowa Photographic Supply Company, Drs. Peterson & Peterson, Atlantic Hospital, Inc., R. L. Barnett, M. D., Chicago, & Northwestern Railroad, Byron Hoekenberry, Ross McCreedy, Mrs. Ann Keller, Jack Tallman, Dr. J. J. Brady and C. R. Gibson.

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

1 SECTION 1. There is hereby appropriated out of the General  
 2 Fund of the State of Iowa to Iowa Photographic Supply Com-  
 3 pany, Des Moines, Iowa, the sum of.....\$ 12.67  
 4 in full settlement of all claims which it may have against the  
 5 State of Iowa for supplies furnished the Real Estate Depart-  
 6 ment of the Secretary of State's office of the State of Iowa.

1 SEC. 2. There is hereby appropriated out of the General  
 2 Fund of the State of Iowa to Drs. Peterson and Peterson of  
 3 Atlantic, Iowa, the sum of..... 53.00

4 in full settlement of all claims which they may have against the  
5 State of Iowa on account of services performed on behalf of  
6 Helen Dwight, a ward of the State of Iowa.

1 SEC. 3. There is hereby appropriated out of the General  
2 Fund of the State of Iowa to the Atlantic Hospital, Inc., At-  
3 lantic, Iowa, the sum of..... 72.25  
4 in full settlement of all claims which it may have against the  
5 State of Iowa on account of services furnished on behalf of  
6 Helen Dwight, a ward of the State.

1 SEC. 4. There is hereby appropriated out of the general  
2 fund of the State of Iowa to Dr. R. L. Barnett, Atlantic, Iowa,  
3 the sum of ..... 5.00  
4 in full settlement of all claims he may have against the State of  
5 Iowa on account of services rendered on behalf of Helen  
6 Dwight, a ward of the State.

1 SEC. 5. There is hereby appropriated out of the general  
2 fund of the State of Iowa to Chicago & Northwestern Railroad,  
3 Des Moines, Iowa, the sum of..... 2.48  
4 in full settlement of all claims it may have against the State of  
5 Iowa for switching charges on account of car-load of butter on  
6 behalf of the Social Welfare Board of the State of Iowa.

1 SEC. 6. There is hereby appropriated out of the General  
2 Fund of the State of Iowa to Byron Hockenberry, Des Moines,  
3 Iowa, the sum of..... 61.00  
4 in full settlement of all claims he may have against the State of  
5 Iowa on account of damages to automobile owned by Gerald  
6 Wiley.

1 SEC. 7. There is hereby appropriated out of the General  
2 Fund of the State of Iowa to Ross McCreedy, Haskins, Iowa,  
3 the sum of ..... 75.00  
4 in full settlement of all claims he may have against the State of  
5 Iowa on account of damages to his automobile on September 18,  
6 1943, by an escaped convict from the State Penitentiary at Ft.  
7 Madison.

1 SEC. 8. There is hereby appropriated out of the General  
2 Fund of the State of Iowa to Mrs. Ann Keller, Sabula, Iowa, the  
3 sum of ..... 67.41  
4 in full settlement of all claims she may have against the State of  
5 Iowa in payment for groceries and pilings sold to the Fish and  
6 Game department of the State of Iowa at said department's  
7 instance and request.

1 SEC. 9. There is hereby appropriated from the General  
2 Fund of the State of Iowa, to Jack Tallman, United States  
3 Army, the sum of..... 127.50  
4 on account of claim for thirty days' pay because of induction  
5 into the Army while serving as clerk to Representative Duffield  
6 during the 50th General Assembly.

1 SEC. 10. There is hereby appropriated to Dr. J. J. Brady,  
 2 Sheldon, Iowa, from the General Fund of the State of Iowa, the  
 3 sum of ..... 175.12  
 4 in full settlement of all claims which he may have against the  
 5 State of Iowa for expenses incurred on behalf of the state of  
 6 Iowa Board of Optometry.

1 SEC. 11. There is hereby appropriated from the General  
 2 Fund of the State of Iowa, to C. R. Gibson, Glenwood, Iowa, the  
 3 sum of ..... 35.00  
 4 in full settlement of all claims he may have against the State of  
 5 Iowa on account of damage done to claimant's automobile on  
 6 January 9, 1943, by two inmates of the state institution at Glen-  
 7 wood, Iowa.

1 SEC. 12. The State Comptroller is hereby authorized to issue war-  
 2 rants to the above named parties in the amounts stated, and the State  
 3 Treasurer is hereby directed to pay the same from the general fund of  
 4 the State of Iowa.

1 SEC. 13. The acceptance of said amounts by the above named parties  
 2 shall be in full settlement of all claims against the State of Iowa grow-  
 3 ing out of the above described claims.

Approved March 7, 1945.

## CHAPTER 31

### CLAIMS AGAINST STATE

#### S. F. 431

AN ACT to make appropriations to Woodrow H. Sherin, Des Moines, Iowa; Laurence K. Smith, Des Moines, Iowa; and K. Edward Johnson, Des Moines, 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 Woodrow H. Sherin, Des Moines, Iowa, the  
 3 sum of two hundred sixteen dollars (\$216.00) in full settlement of  
 4 all claims which he may have against the State of Iowa for salary  
 5 due under section four hundred sixty-seven and twenty-five hun-  
 6 dredths (467.25), Code, 1939, as amended by chapter seventy-three  
 7 (73), Acts of the Forty-Ninth General Assembly, by reason of his in-  
 8 duction in the United States Army.

1 SEC. 2. There is hereby appropriated out of the general fund of the  
 2 State of Iowa to Laurence K. Smith, Des Moines, Iowa, the sum of  
 3 two hundred seventy dollars (\$270.00) in full settlement of all claims  
 4 which he may have against the State of Iowa for salary due under  
 5 section four hundred sixty-seven and twenty-five hundredths (467.25),  
 6 Code, 1939, as amended by chapter seventy-three (73), Acts of the  
 7 Forty-Ninth General Assembly, by reason of his induction in the  
 8 United States Army.

1 SEC. 3. There is hereby appropriated out of the general fund of  
2 the State of Iowa, to K. Edward Johnson, Des Moines, Iowa, the sum  
3 of two hundred seventy dollars (\$270.00) in full settlement of all claims  
4 which he may have against the State of Iowa for salary due under  
5 section four hundred sixty-seven and twenty-five hundredths (467.25),  
6 Code, 1939, as amended by chapter seventy-three (73), Acts of the  
7 Forty-Ninth General Assembly, by reason of his induction in the  
8 United States Army.

1 SEC. 4. The State Comptroller is hereby authorized to issue his  
2 warrant to the above named parties in the amounts stated, and the  
3 State Treasurer is hereby directed to pay the same from the respec-  
4 tive funds above specified.

1 SEC. 5. 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 the above described claims.

Approved April 6, 1945.

## CHAPTER 32

### CLAIMS AGAINST STATE

S. F. 416

AN ACT to make appropriations to John Deere Tractor Company, Waterloo, Iowa; Helen Schilling, Des Moines, Iowa; Margaret Ruvane Johnson, administratrix of estate of John J. Ruvane, deceased, Des Moines, Iowa; Elizabeth Lawless, Madrid, Iowa; Ray's Body & Paint Shop, Ames, Iowa; Anna M. Mickelwait, Glenwood, Iowa; Cramblit & Poling, Ottumwa, Iowa; Winnebago County Drainage District No. 2 and Worth County Drainage District No. 3; Ventura Consolidated Drainage District and Hancock Drainage District No. 52; Percy Edwin McLuen, Stuart, Iowa; City of Iowa City, Iowa City, Iowa; Leo Logan, Waverly, Iowa; New Albin Consolidated School District, New Albin, Iowa, and Iowa Employment Security Commission, Des Moines, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the motor vehicle  
2 fuel tax refund fund of the State of Iowa to John Deere Tractor Com-  
3 pany, Waterloo, Iowa, the sum of one hundred twenty-four and 80/100  
4 dollars (\$124.80) in full settlement of all claims it may have against  
5 the State of Iowa on account of refund on four thousand one hundred  
6 sixty (4160) gallons of naphtha gasoline used in the said John Deere  
7 plant.

1 SEC. 2. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Helen Schilling, Des Moines, Iowa, the sum of  
3 sixty-four and 45/100 dollars (\$64.45) in full settlement of all claims  
4 that she may have against the State of Iowa for vacation pay by the  
5 office of public instruction for the period of August 6th to August  
6 19th, 1943, inclusive.

1 SEC. 3. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Margaret Ruvane Johnson, Administratrix of

3 Estate of John J. Ruvane, deceased, Des Moines, Iowa, the sum of  
4 one hundred nine and 92/100 dollars (\$109.92) in full settlement of  
5 all claims that the estate may have against the State of Iowa on ac-  
6 count of expense account of John J. Ruvane, deceased, employee of the  
7 State Banking Department killed in an automobile accident June 30,  
8 1944, said claim of expense being filed too late for payment under the  
9 statutory limitation.

1 SEC. 4. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Elizabeth Lawless, Madrid, Iowa, the sum of  
3 fifty-eight and 34/100 dollars (\$58.34) in full settlement of all claims  
4 that she may have against the State of Iowa for vacation pay for two  
5 weeks' vacation period in the year 1941 while employed by the State  
6 Commerce Commission.

1 SEC. 5. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Ray's Body & Paint Shop, Ames, Iowa, the sum  
3 of thirty-three and 50/100 dollars (\$33.50) in full settlement of all  
4 claims which it may have against the State of Iowa for repairing the  
5 car of A. R. Lawson of Ames, Iowa, which was struck by Iowa official  
6 car No. 229 on the 23rd day of September, 1944.

1 SEC. 6. There is hereby appropriated out of the general fund of  
2 the State of Iowa, to Anna M. Mickelwait, Glenwood, Iowa, the sum  
3 of four thousand five hundred dollars (\$4,500.00) in full settlement  
4 of all claims that she may have against the State of Iowa on account  
5 of the death of her husband Joy C. Mickelwait who died of cerebral  
6 spinal meningitis while on active duty with the Iowa State Guard on  
7 the 2nd day of July, 1943.

1 SEC. 7. There is hereby appropriated out of the Iowa liquor con-  
2 trol act fund to Cramblit & Poling, Ottumwa, Iowa, the sum of fifty  
3 dollars (\$50.00) in full settlement of all claims they may have against  
4 the State of Iowa on account of the Iowa State liquor store in Ottumwa,  
5 Iowa, overstaying their lease for ten days.

1 SEC. 8. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Winnebago County, Iowa, Drainage District No.  
3 2 and Worth County, Iowa, Drainage District No. 3, the sum of one  
4 thousand two hundred sixty-four and 96/100 dollars (\$1,264.96) in  
5 full settlement of all claims they may have against the State of Iowa  
6 for drainage assessments against the state for the years 1937 and 1942.

1 SEC. 9. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Ventura Consolidated Drainage District, Han-  
3 cock County, Iowa, and Hancock County, Iowa, Drainage District  
4 No. 52, the sum of one hundred three and 14/100 dollars (\$103.14) in  
5 full settlement of drainage special assessment in drainage district  
6 No. 81, Hancock County, Iowa, and drainage special assessment in  
7 drainage district No. 52, Hancock County, Iowa.

1 SEC. 10. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Percy Edwin McLuen, Stuart, Iowa, the sum of  
3 three hundred dollars (\$300.00) in full settlement of all claims he  
4 may have against the State of Iowa on account of injury to his left  
5 hand while an inmate of the state penitentiary at Fort Madison. Said

6 claim is paid on the grounds that there was a lack of due care on the  
7 part of the doctors attending this claimant and claimant is allowed  
8 further treatment for his injuries at the Iowa State Hospital at Iowa  
9 City, Iowa, as an indigent patient.

1 SEC. 11. There is hereby appropriated out of the general fund of  
2 the State of Iowa to the City of Iowa City, Iowa, the sum of one  
3 thousand eight hundred seventy-one and 85/100 dollars (\$1,871.85)  
4 in full settlement of all claims that it may have against the State of  
5 Iowa on account of paving North Madison Street in Iowa City which  
6 abuts land owned by the State Conservation Commission.

1 SEC. 12. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Leo Logan, Waverly, Iowa, the sum of three hun-  
3 dred fifty-six and 25/100 dollars (\$356.25) in full settlement of all  
4 claims which he may have on account of injuries sustained in an auto-  
5 mobile accident on February 14, 1944, arising out of and in the course  
6 of his employment as a game warden for the State Conservation Com-  
7 mission.

1 SEC. 13. There is hereby appropriated out of the sinking fund for  
2 public deposit of the State of Iowa to New Albin, Iowa Consolidated  
3 School District the sum of one thousand six hundred fifteen and 77/100  
4 dollars (\$1,615.77) in full settlement of all claims that it may have  
5 against the State of Iowa on account of the loss of balance of school  
6 funds in closed Farmers Savings Bank, New Albin, Iowa.

1 SEC. 14. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Iowa Employment Security Commission, Des  
3 Moines, Iowa, the sum of one hundred five and 74/100 dollars (\$105.74)  
4 in full settlement of all claims it may have against the State of Iowa  
5 for a refund on the ground that the said amount was expended by the  
6 Commission from January 1, 1940 to June 30, 1941, and not allowed  
7 by the Federal auditors.

1 SEC. 15. The State Comptroller is hereby authorized to issue his  
2 warrant to the above named parties in the amounts stated, and the  
3 State Treasurer is hereby directed to pay the same from the respective  
4 funds above specified.

1 SEC. 16. 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 the above described claims.

Approved April 11, 1945.



## CHAPTER 33

## CLAIMS AGAINST STATE

S. F. 427

AN ACT to make appropriations to N. L. Newton, Anamosa, Iowa; Mary Jeanette Benfer, Des Moines, Iowa; Sgt. Charles G. Cole, Ottumwa, Iowa; Tecla Hutton, Ames, Iowa, and Wallace-Homestead Company, Des Moines, 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 N. L. Newton, Anamosa, Iowa, the sum of  
3 one hundred fourteen and 99/100 dollars (\$114.99) in full settlement  
4 of all claims which he may have against the State of Iowa, on account  
5 of damages sustained to claimant's automobile which was stolen by  
6 two escaped convicts at the State Penitentiary\* at Anamosa, Iowa.

1 SEC. 2. There is hereby appropriated out of the general fund of  
2 the State of Iowa, to Mary Jeanette Benfer, Des Moines, Iowa, the  
3 sum of one thousand dollars (\$1,000) in full settlement of all claims  
4 which she may have against the State of Iowa, for the loss of fifty  
5 percent (50%) of her index and middle fingers of her right hand  
6 while working for Driver's License Division of the Department of  
7 Public Safety of the State of Iowa.

1 SEC. 3. There is hereby appropriated out of the general fund of  
2 the State of Iowa, to Sgt. Charles G. Cole, Ottumwa, Iowa, the sum  
3 of eighteen dollars (\$18.00) in full settlement of all claims which he  
4 may have against the State of Iowa on account of damage to his eye  
5 glasses occasioned by the resistance of a prisoner while claimant was  
6 acting in his capacity as a state highway patrolman.

1 SEC. 4. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Tecla Hutton, Ames, Iowa, the sum of four  
3 thousand five hundred dollars (\$4,500) in full settlement of all claims  
4 which she may have against the State of Iowa, for the death of her  
5 husband, M. L. Hutton, former director of the Conservation Depart-  
6 ment, who sustained injuries arising out of and in the course of his  
7 employment which subsequently resulted in his death.

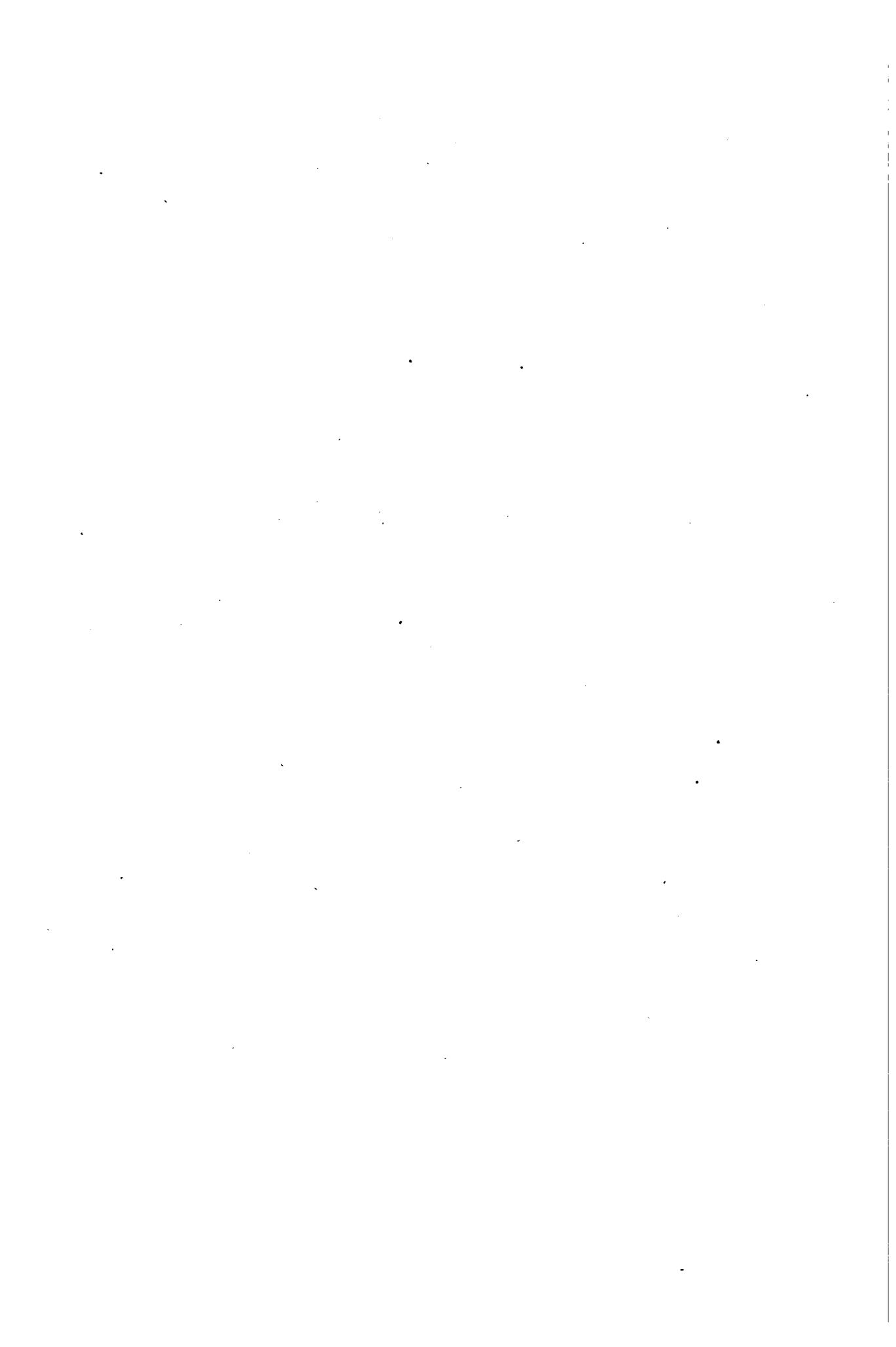
1 SEC. 5. There is hereby appropriated out of the general fund of  
2 the State of Iowa to Wallace-Homestead Company, Des Moines, Iowa,  
3 the sum of fifty-five and 75/100 dollars (\$55.75) in full settlement  
4 of all claims which it may have against the State of Iowa on account  
5 of services rendered to the G. A. R. Encampment.

1 SEC. 6. The State Comptroller is hereby authorized to issue war-  
2 rants to the above named parties in the amounts stated, and the State  
3 Treasurer is hereby directed to pay the same from the general fund  
4 of the State of Iowa.

1 SEC. 7. The acceptance of said amounts by the above named parties  
2 shall be in full settlement of all claims against the State of Iowa  
3 growing out of the above described claims.

Approved April 12, 1945.

\*According to enrolled act.



## **GENERAL LAWS**



## GENERAL LAWS

### (TEMPORARY)

#### CHAPTER 34

##### COMPENSATION OF STATE EXAMINERS OF ACCOUNTS

S. F. 32

AN ACT to amend chapter fifty-one (51), Acts of the Fiftieth General Assembly, relating to compensation of county, municipal and school examiners and their assistants.

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

1 SECTION 1. Amend Chapter fifty-one (51) of the acts of the Fiftieth  
2 General Assembly by striking the figure five (5) in the last line of  
3 section two (2) of said act and inserting the figure seven (7).

1 SEC. 2. This act being deemed of immediate importance shall take  
2 effect and be in full force from and after its passage and publication in  
3 the Hampton Chronicle,\* a newspaper published at Hampton, Iowa,  
4 and the Burlington Gazette, a newspaper published at Burlington,  
5 Iowa.

Approved February 15, 1945.

I hereby certify that the foregoing act was published in the Hampton Chronicle, Hampton, Iowa, February 22, 1945, and the Burlington Gazette, Burlington, Iowa, February 20, 1945.

WAYNE M. ROPES, *Secretary of State.*

\*According to enrolled act.

#### CHAPTER 35

##### EMERGENCY FUND TAX

H. F. 198

AN ACT legalizing an emergency fund levy for cities having a population of not less than twenty-six thousand or more than twenty-seven thousand as shown by the last census.

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

1 SECTION 1. Any city having a population of not less than 26,000  
2 nor more than 27,000, as shown by the last census, shall have the  
3 power to assess and levy in addition to the emergency fund tax already  
4 provided, an additional emergency fund tax levy not to exceed one (1)  
5 mill for the years 1945 and 1946, notwithstanding the limitations of  
6 Section three hundred seventy-three (373), Code, 1939.

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 Clinton Herald, a newspaper published at Clinton, Iowa, and the

4 Perry Daily Chief, a newspaper published at Perry, Iowa, without  
5 expense to the state of Iowa.

Approved April 10, 1945.

I hereby certify that the foregoing act was published in the Clinton Herald, Clinton, Iowa, May 1, 1945, and the Perry Daily Chief, Perry, Iowa, April 21, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 36

### ABSENT VOTING BY ARMED FORCES

S. F. 199

AN ACT to provide facilities for qualified electors of the state of Iowa serving in the armed forces of the United States to vote at the primary and general elections in the year 1946 and each election year thereafter during the continuance of the present war and for one (1) year thereafter, by casting absent voter's ballots and to that end to advance the dates for filing nomination papers, affidavits of candidacy, certificates of candidacies and nominations by modifying the provisions of sections five hundred thirty-seven (537), five hundred thirty-nine (539), five hundred forty-seven (547), five hundred forty-eight (548), six hundred one (601), and six hundred seventeen (617), code, 1939, to modify the provisions of chapters 37.1 and 37.2, code, 1939, as to time of filing nominations and candidacies, objections, withdrawals, making certifications which are provided for in sections six hundred fifty-five and four-hundredths (655.04), six hundred fifty-five and nine-hundredths (655.09), and six hundred fifty-five and fourteen hundredths (655.14), code, 1939; also amending section seven hundred seventy-four (774), code, 1939, relating to cost of printing absent voter's ballots; also amending section nine hundred thirty-seven (937), code, 1939, relating to time when qualified voters in the armed forces may vote personally; to modify the provisions as to registration and absent voting insofar as it shall apply to voters in the armed forces of the United States by making sections nine hundred twenty-eight (928), nine hundred thirty (930), and nine hundred thirty-one (931), code, 1939, inapplicable to such voting, and providing the method of obtaining ballots and authorizing specially printed war ballots; creating and prescribing the duties and powers of the Iowa war ballot commission; providing for obtaining and distributing by the state printing board of specially required materials, and making appropriations for carrying out the provisions of this act.

WHEREAS, it is desirable to afford every facility for the exercise of the elective franchise by qualified electors of the State of Iowa who are serving in the armed forces of the United States, insofar as it is possible to do so, and

WHEREAS, any enactment by the National Congress purporting to provide facilities for electors in the armed forces to vote would be ineffectual insofar as State and local officers are concerned, and would be of doubtful constitutionality under the provisions of the Constitution of the United States,

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

1 SECTION 1. The provisions of this Act shall apply only to the Pri-  
2 mary and General elections to be held in the State of Iowa in June  
3 and November respectively in the year 1946 and each election year  
4 thereafter during the continuance of the present war and for one  
5 year thereafter. This act is designed to facilitate the voting in said  
6 elections by qualified electors of the State of Iowa who are serving  
7 in the armed forces of the United States, irrespective of what part

8 of the world they may be serving in, and to that end special provision  
9 is made in this act advancing the date for filing candidacies in pri-  
10 maries, time of printing ballots, methods of casting ballots, and other  
11 changes. It is hereby declared that any changes made by this act in  
12 the election laws of the state are not by way of permanent amend-  
13 ment to existing statutes, but shall be effective only as to said Primary  
14 and General elections to be held in the year 1946 and each election  
15 year thereafter during the continuance of the present war and for  
16 one year thereafter.

1 SEC. 2. Notwithstanding the provisions of Section Five Hundred  
2 Thirty-seven (537), Code 1939, as to the time of filing nomination  
3 papers, such papers as are provided for in said Section Five Hundred  
4 Thirty-seven (537) shall in the year 1946 and each election year there-  
5 after during the continuance of the present war and for one year  
6 thereafter, be filed as follows:

7 1. For an elective county office, at least Seventy (70) days prior to  
8 the date fixed for holding the primary election;

9 2. For United States Senator, for an elective state office, for rep-  
10 resentative in Congress, and for members of the general assembly,  
11 not more than One Hundred (100) days nor less than Eighty (80)  
12 days prior to the date fixed for holding the primary election.

1 SEC. 3. Section Five Hundred Thirty-nine (539), Code 1939, shall  
2 be interpreted and construed to comply and conform with the pro-  
3 visions of section two (2) of this act.

1 SEC. 4. Notwithstanding the provisions of section Five Hundred  
2 Forty-seven (547), Code 1939, as to the time for filing nomination  
3 papers and affidavits of candidacy, such papers as are provided for  
4 in said Section Five Hundred Forty-seven (547) shall in the year 1946  
5 and each election year thereafter during the continuance of the pres-  
6 ent war and for one year thereafter, be filed at least Seventy (70)  
7 days prior to such primary election.

1 SEC. 5. Notwithstanding the provisions of Section Five Hundred  
2 Forty-eight (548), Code 1939, as to the time for certification of can-  
3 didacies by the Secretary of State to each county auditor, the Secre-  
4 tary of State shall, in the year 1946 and each election year thereafter  
5 during the continuance of the present war and for one year thereafter,  
6 make the certificates provided for in said section Five Hundred Forty-  
7 eight (548) at least Seventy (70) days before the primary election.

1 SEC. 6. Notwithstanding the provisions of section Six Hundred  
2 one (601), Code 1939, as to the time the Secretary of State shall make  
3 certification of nominations, the Secretary of State shall, in the year  
4 1946 and each election year thereafter during the continuance of the  
5 present war and for one year thereafter, make the certifications  
6 provided for in said section Six Hundred one (601) not less than  
7 Seventy (70) days before the general election.

1 SEC. 7. Notwithstanding the provisions of Section Six Hundred  
2 Seventeen (617), Code 1939, as to the time for party county central  
3 committees to file a statement as to the number of delegates to be  
4 elected from each precinct, such statement shall, in the year 1946 and

5 each election year thereafter during the continuance of the present  
6 war and for one year thereafter, be filed with the County Auditor at  
7 least Seventy (70) days before the primary election.

1 SEC. 8. In the year 1946 and each election year thereafter during  
2 the continuance of the present war and for one year thereafter,  
3 nominations made under the provisions of Chapter Thirty-seven and  
4 one-tenth (37.1) and thirty-seven and two-tenths (37.2), Code 1939,  
5 which are required to be filed in the office of the Secretary of State,  
6 shall be filed in said office not more than one hundred (100) nor less  
7 than eighty (80) days prior to the date of the General Election to  
8 be held in November; and those nominations which are required to  
9 be filed in the office of the County Auditor shall be filed in said office  
10 at least seventy (70) days prior to the date of said General Election.

1 SEC. 9. In the year 1946 and each election year thereafter during  
2 the continuance of the present war and for one year thereafter, not-  
3 withstanding the provisions of Section Six Hundred Fifty-five and  
4 four hundredths (655.04), Code 1939, as to the time for filing objec-  
5 tions, objections which are required to be filed with the Secretary of  
6 State shall be filed with the Secretary of State not less than seventy-  
7 five (75) days before the date of election, and such objections as are  
8 required to be filed with other officers shall be filed with such other  
9 officers not less than sixty-five (65) days before the day of election;  
10 in case of nominations made to fill vacancies occurring after said  
11 eighty (80) or seventy (70) days, as the case may be, objections shall  
12 be filed within three days after the filing of the certificate, provided  
13 such vacancies shall be filled not later than seventy-five (75) days  
14 prior to the election in the case of offices, certificate for which is re-  
15 quired to be filed in the office of the Secretary of State, and not later  
16 than sixty-five (65) days prior to the election in case of offices, cer-  
17 tificate for which is required to be filed in the office of the County  
18 Auditor.

1 SEC. 10. Notwithstanding the provisions of the paragraphs num-  
2 bered 1 and 2 of Section Six Hundred Fifty-five and nine hundredths  
3 (655.09), Code 1939, as to time for filing withdrawal of nominations,  
4 such withdrawals, in the year 1946 and each election year thereafter  
5 during the continuance of the present war and for one year there-  
6 after, shall be filed in the office of the Secretary of State at least  
7 seventy-five (75) days before the day of election and in the office of  
8 the proper County Auditor at least sixty-five (65) days before the  
9 day of election.

1 SEC. 11. Notwithstanding the provisions of the paragraphs num-  
2 bered 1 and 2 of Section Six hundred Fifty-five and fourteen hun-  
3 dredths (655.14), Code 1939, as to the time of filing certificates, such  
4 certificates for state, congressional, judicial, and legislative offices  
5 shall, in the year 1946 and each election year thereafter during the  
6 continuance of the present war and for one year thereafter, be filed  
7 with the Secretary of State not more than one hundred (100) nor less  
8 than eighty (80) days before the General Election, and such certificates  
9 for all other offices, except for cities and towns, shall, in the year 1946  
10 and each election year thereafter during the continuance of the pres-  
11 ent war and for one year thereafter, be filed with the County Auditor



12 not more than ninety (90) nor less than seventy (70) days before the  
13 General Election.

1 SEC. 12. Nominations made under the provisions of Chapter Thirty-  
2 seven and two-tenths (37.2), Code 1939, in the year 1946 and each elec-  
3 tion year thereafter during the continuance of the present war and for  
4 one year thereafter, shall be subject to the provisions of Sections eight  
5 (8) to eleven (11), both inclusive, of this act.

1 SEC. 13. The term "Armed Forces of the United States", as used in  
2 this act shall mean the Army, Navy, Marine Corps, Coast Guard, and  
3 Merchant Seamen of the United States.

1 SEC. 14. In the year 1946 and each election year thereafter during  
2 the continuance of the present war and for one year thereafter, when-  
3 ever registration is required in order to vote at either the Primary  
4 Election or General Election, in the case of voters in the Armed Forces  
5 of the United States, the affidavit upon the ballot envelope of such  
6 voter, otherwise qualified, shall constitute a sufficient registration,  
7 whether the registration required be under the provisions of Chapter  
8 thirty-nine (39) or Chapter thirty-nine and one-tenth (39.1), Code  
9 1939.

1 SEC. 15. The provisions of Sections Nine Hundred Twenty-eight  
2 (928), Nine Hundred Thirty (930) and Nine Hundred Thirty-one  
3 (931), Code 1939, shall not apply in connection with the Primary and  
4 General elections in the year 1946 and each election year thereafter dur-  
5 ing the continuance of the present war and for one year thereafter in  
6 the case of a qualified elector of the State of Iowa serving in the armed  
7 forces of the United States; in any such case an application for ballot  
8 as provided for in said sections shall not be required and an absent  
9 voter's ballot shall be sent or made available to any such voter upon a  
10 request being made therefor as provided for in this act. All official  
11 ballots to be voted by qualified absent voters in the armed forces of the  
12 United States at the Primary Election and the General Election in the  
13 year 1946 and each election year thereafter during the continuance of  
14 the present war and for one year thereafter, shall be printed prior to  
15 fifty-five (55) days before the said respective elections and shall be  
16 available for transmittal to such qualified electors in the armed forces  
17 of the United States fifty-five (55) days prior to the respective elec-  
18 tions. The provisions of Chapter Forty-four (44), Code 1939, shall  
19 apply to absent voting by qualified voters in the armed forces of the  
20 United States at said elections in 1946, except as modified by the pro-  
21 visions of this act.

1 SEC. 16. Request in writing for ballot for the Primary Election and  
2 for the General Election in the year 1946 and each election year there-  
3 after during the continuance of the present war and for one year  
4 thereafter, may be made by any member of the armed forces of the  
5 United States who is or will be a qualified voter on the day of the  
6 election at which said ballot is to be cast, at any time prior to either of  
7 said elections, the request stating for which election the request is  
8 made. In the case of the General Election such request may likewise  
9 be made, not more than seventy (70) days before said election, for and  
10 on behalf of a voter in the armed forces of the United States by a

11 spouse, parent, adult brother, adult sister, or adult child of any such  
12 voter, residing in the county of said voter's residence, provided that  
13 any such request made by other than the voter may be required to be  
14 made on forms prescribed by the Iowa War Ballot Commission.

15 A request shall show the residence (including street address, if any)  
16 of the voter, the age of the voter, and length of residence in the city,  
17 town or township, county and state, and shall designate the address to  
18 which the ballot is to be sent, and in the case of the Primary Election,  
19 the party affiliation of such voter. Such request shall be made to the  
20 County Auditor of the county of the voter's residence, provided that if  
21 the request is made by the voter to any elective state, city, town or  
22 county official, the said official shall forward it to the County Auditor  
23 of the county of the voter's residence, and such request so forwarded  
24 shall have the same force and effect as if made direct to the County  
25 Auditor by the voter.

26 The County Auditor shall immediately on the fifty-fifth (55) day  
27 prior to the particular election transmit ballots to the voter by mail  
28 or otherwise, postage prepaid, as may be directed by the Iowa War  
29 Ballot Commission, requests for which are in his hands at that time,  
30 and thereafter so transmit ballots immediately upon receipt of requests  
31 for same. A request for ballot for the Primary election which does  
32 not state the party affiliation of the voter making the request shall be  
33 void and of no effect. A request which does not show that the person  
34 for whom ballot is requested will be a qualified voter in the precinct  
35 in which said ballot is to be cast on the day of the election for which  
36 the ballot is requested, shall not be honored; provided that a request  
37 which states the age and the city or town, including street address, if  
38 any, or township, and county wherein the voter resides, and which  
39 shows a sufficient period of residence, shall be sufficient to show that  
40 he is such a qualified voter. A request by the voter containing sub-  
41 stantially the information required herein shall be sufficient.

42 If the affidavit on the ballot envelope shows that the affiant is not a  
43 qualified voter on the day of the election at which said ballot is offered  
44 for voting, the envelope shall not be opened, but the envelope and  
45 ballot contained therein shall be preserved and returned by the judges  
46 of election to the County Auditor, who shall preserve same for the  
47 period of time and under the conditions provided for in Sections Eight  
48 Hundred Fifty-one (851) to Eight Hundred Fifty-four (854) inclu-  
49 sive, Code 1939.

1 SEC. 17. The County Auditor of each county shall establish and  
2 maintain a record of all requests for ballots which are made, and of  
3 all ballots transmitted, and the manner of transmittal, from and re-  
4 ceived in his office under the provisions of this act. In the event more  
5 than one request for absent voter's ballot for a particular election shall  
6 be made to the county auditor by or on behalf of a voter in the armed  
7 forces of the United States, the request first received shall be honored,  
8 except that if one of the requests is made by the voter himself, and a  
9 request on his behalf has not been previously honored, such request  
10 of the voter shall be honored in preference to a request made on his  
11 behalf by another. Not more than one ballot shall be transmitted by  
12 the county auditor to any voter for a particular election. In the event  
13 the county auditor shall receive more than one absent voter's ballot,

14 provided for by this act, from or purporting to be from any one voter  
15 for a particular election, all of said ballots so received from or pur-  
16 porting to be from such voter shall be null and void, and the county  
17 auditor shall not deliver any of said ballots to the judges of election,  
18 but shall retain them in his office, and preserve them for the period and  
19 under the conditions provided for in Sections Eight hundred fifty-one  
20 (851) to Eight hundred fifty-four (854), inclusive, Code, 1939.

1 SEC. 18. Notwithstanding the provision as to time found in section  
2 nine hundred thirty-seven (937), Code 1939, in the year 1946 and each  
3 election year thereafter during the continuance of the present war  
4 and for one year thereafter, any qualified voter in the armed forces  
5 of the United States may personally appear in the office of the county  
6 auditor of the county of his residence and there vote an absent voter's  
7 ballot at any time not earlier than fifty-five (55) days before the Pri-  
8 mary or General Election, as the case may be.

1 SEC. 19. The ballots and envelopes used in connection with voting  
2 by absent voter's ballot by voters who are members of the armed  
3 forces of the United States, shall have stamped or printed on them the  
4 words "War Ballot" and a designation of the election at which said  
5 ballot is to be cast, either "Primary Election" or "General Election",  
6 as the case may be.

1 SEC. 20. Any commissioned officer in the armed forces of the United  
2 States, or any person authorized by the Government of the United  
3 States to administer oaths to members of the armed forces of the  
4 United States are authorized to administer and attest any oath re-  
5 quired in connection with the voting of an absent voter's ballot by a  
6 voter in the armed forces of the United States. Such officer or person  
7 shall show his rank and branch of service or other legal qualifications  
8 in connection with his signature in attesting any oath.

1 SEC. 21. There is hereby created for the year 1946, the Iowa War  
2 Ballot Commission, which shall be composed of the Secretary of State,  
3 who is the state official charged with the conduct and supervision of  
4 elections and who shall be chairman of the commission, and four other  
5 members who shall be appointed in the following manner, to wit: On  
6 or before January 15 in each year in which a Primary or General elec-  
7 tion is to be held, the respective chairmen of the state central com-  
8 mittees of the two political parties which cast the largest and second  
9 largest number of votes for Governor at the next preceding general  
10 election, as shown by the records in the office of the Secretary of State,  
11 shall each designate two members, qualified electors of the state of  
12 Iowa, from his political party for membership on said commission and  
13 notify the Governor thereof in writing; the Governor shall immediately  
14 upon receipt of such notification appoint said persons so designated  
15 as members of the commission and issue his commission of appoint-  
16 ment therefor; in the event either of said state chairmen shall fail to  
17 so make such designation and notification of either or both of said  
18 designates within said ten (10) days, the Governor shall immediately  
19 thereafter make the appointment thereto from the membership of the  
20 political party of the chairman failing to make such designation and  
21 notification and issue his commission of appointment therefor. The  
22 commissioners appointed shall qualify by subscribing the oath pro-

23 vided in Section One Thousand Fifty-four (1054), Code 1939. The  
 24 members of the commission shall be reimbursed their actual expenses  
 25 in the performance of their duties, but shall receive no compensation  
 26 for their services.

1 SEC. 22. The said commission is authorized and empowered:

2 1. To make rules and regulations for the purpose of carrying out the  
 3 provisions and intent of this act;

4 2. To prescribe and direct the preparation of specially printed bal-  
 5 lots, envelopes and other papers of different size and weight to be used  
 6 in connection with absent voting by voters in the armed forces of the  
 7 United States, if, in the discretion of the commission, it shall deter-  
 8 mine that such a special ballot and other papers will facilitate voting  
 9 by such voters; provided that the content of any such specially printed  
 10 matter shall be the same as that used for absent voters generally in  
 11 the particular precinct in which said war ballot is to be cast, and pro-  
 12 vided further that such ballots, envelopes and other papers shall be  
 13 substantially uniform in size and weight throughout the state; and  
 14 provided further that the provisions of section seven hundred seventy-  
 15 four (774), Code 1939, establishing the maximum cost of printing  
 16 ballots, shall not govern as to the cost of any specially printed ballots  
 17 authorized by this act, but the cost of printing any such specially  
 18 printed ballots by the several counties shall not exceed an amount, per  
 19 thousand such ballots or fraction thereof, which may be determined by  
 20 the State Printing Board upon the basis of cost and weight of paper,  
 21 size of ballots and type measurements;

22 3. To prescribe any forms that are not otherwise prescribed by law,  
 23 and which in the judgment of the commission are necessary to facili-  
 24 tate the carrying out of the purposes and intent of this act;

25 4. To arrange for special transportation of ballots either in coopera-  
 26 tion with the Government of the United States through any authorized  
 27 instrumentality thereof or otherwise, and to that end the commission  
 28 is empowered to direct the county auditors of the several counties of the  
 29 state to send ballots to voters in the armed forces of the United States  
 30 other than in the usual course of mail;

31 5. To employ such clerical assistance as it may require in carrying  
 32 out its functions, to purchase and requisition any office supplies it may  
 33 require, and certify for payment the expenses of carrying out its  
 34 functions;

35 6. To call upon any department or division of the state government  
 36 for information and assistance in connection with carrying out the  
 37 provisions of this act;

38 7. To cooperate with any authorized departments, agencies and  
 39 instrumentalities of the Government of the United States in effecting  
 40 the intent and purposes of this act.

1 SEC. 23. In order to establish uniformity in size, weight and other  
 2 characteristics of the ballot and facilitate its distribution and return,  
 3 the State Printing Board shall upon direction of the Iowa War Ballot  
 4 Commission purchase any material needed for any special ballots, en-  
 5 velopes and other printed matter, and sell any such materials to the  
 6 several counties of the state at cost plus handling and transportation  
 7 costs.

8 There is hereby appropriated to the State Printing Board from the

9 General Fund of the State such sums as may be necessary to purchase  
10 any materials provided for herein. The proceeds from sale of such  
11 materials to counties shall be turned into the General Fund of the State  
12 upon receipt of same by the State Printing Board.

1 SEC. 24. In the event the Government of the United States or any  
2 branch, department, agency or other instrumentality thereof shall  
3 make provision for sending of any voting matter provided for in this  
4 act through the mails postage free, or otherwise, the election officials  
5 of the State of Iowa and of the several counties of the state are author-  
6 ized to make use thereof under the direction of the Iowa War Ballot  
7 Commission.

1 SEC. 25. The provisions of this act as to absent voting shall apply  
2 only to absent voters in the armed forces of the United States. The  
3 provisions of Chapter Forty-four (44), Code 1939, as amended by  
4 Chapter Eighty-five (85), Acts of the 49th General Assembly, shall  
5 apply to all other qualified voters not members of the armed forces of  
6 the United States, unaffected by any provision of Sections Fifteen (15)  
7 to Twenty-four (24), both inclusive, of this act.

1 SEC. 26. There is hereby appropriated to the Iowa War Ballot Com-  
2 mission from the General Fund of the State such sums as are necessary  
3 for it to pay its expenses and perform its functions under this act.  
4 Warrants shall be drawn by the Comptroller upon certification by the  
5 chairman of the commission, or in the event of his inability or unavail-  
6 ability to act, by three members of the commission.

1 SEC. 27. This act shall be liberally construed in order to provide  
2 means and opportunity for qualified voters of the State of Iowa serving  
3 in the armed forces of the United States to vote at the Primary and  
4 General Elections in the year 1946 and each election year thereafter  
5 during the continuance of the present war and for one year thereafter.

1 SEC. 28. The provision or provisions of this act which are inconsis-  
2 ent with any provision or provisions of any other existing statute or any  
3 part of any such other existing statute, shall prevail. Likewise, the  
4 provision or provisions of any other existing statute or any part of  
5 any other existing statute which is not inconsistent with this act, shall  
6 prevail.

Approved March 19, 1945.

## CHAPTER 37

## UNEMPLOYMENT COMPENSATION

S. F. 220

AN ACT to amend chapter seventy-one (71), Acts of the Fiftieth General Assembly of Iowa, relating to the rate of contributions for certain employers whose payrolls for the year 1940 have been increased one hundred percent (100%) or more subsequent to 1942, and relating to employers who had no payrolls in 1942 and whose payrolls subsequent to 1942 were thirty thousand dollars (\$30,000.00) or more; to amend said chapter to provide that a subsequent employer of an enterprise could use the payroll of his predecessor employer in determining his liability under this act; to provide that no employer whose payroll was less than two hundred thousand dollars (\$200,000.00) in a calendar year could be covered by this act.

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

1 SECTION 1. That chapter seventy-one (71), Acts of the Fiftieth  
2 General Assembly of Iowa, be amended by inserting after the word  
3 "payroll" in line nine (9) of section one (1) of said chapter the words  
4 "or the payroll of the predecessor employer owner of the enterprise".

1 SEC. 2. That the law as it appears in chapter seventy-one (71),  
2 Acts of the Fiftieth General Assembly of Iowa, be amended by substi-  
3 tuting the words and figures "two hundred thousand dollars (\$200,-  
4 000.00)" for the words and figures "thirty thousand dollars (\$30,-  
5 000.00)" as found in line fifty-one (51) and in line fifty-three (53)  
6 of section one (1) of said chapter.

1 SEC. 3. The effective date\* of this act shall be January 1, 1945, and  
2 all computation of rates of contributions for the year 1945 and there-  
3 after shall be made in accordance with the provisions of said chapter  
4 as amended by this act.

1 SEC. 4. All acts, or parts of acts, in conflict herewith are hereby  
2 repealed insofar as they are inconsistent with any of the provisions  
3 of this act.

1 SEC. 5. This act being deemed of immediate importance shall be  
2 in full force and effect\* from and after its passage and publication in  
3 the Gravity Independent, a newspaper published at Gravity, Iowa,  
4 and in the Madrid Register News, a newspaper published at Madrid,  
5 Iowa.

Approved April 7, 1945.

\*According to enrolled act.

I hereby certify that the foregoing act was published in the Gravity Independent, Gravity, Iowa, April 19, 1945, and the Madrid Register News, Madrid, Iowa, April 19, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 38

## CONSERVATION COMMISSION SALARIES

H. F. 392

AN ACT to amend sections one thousand seven hundred three and thirty-two hundredths (1703.32), one thousand seven hundred three and thirty-nine hundredths (1703.39) and one thousand seven hundred three and forty-hundredths (1703.40), code, 1939, relating to salary adjustments of the members and employees of the state conservation commission.

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

1 SECTION 1. Amend Section one thousand seven hundred three and  
2 forty-hundredths (1703.40), code, 1939, by striking from lines four-  
3 teen (14) and fifteen (15) the words "one thousand five hundred" and  
4 inserting in lieu thereof the words "one thousand eight hundred".

1 SEC. 2. Amend section one thousand seven hundred three and thirty-  
2 two hundredths (1703.32), code, 1939, by striking from lines two (2)  
3 and three (3) the words "seven dollars and fifty cents" and substituting  
4 in lieu thereof the words "ten dollars". Further amend by striking  
5 from line six (6) the word "five" and substituting in lieu thereof the  
6 word "six".

1 SEC. 3. Amend Section one thousand seven hundred three and thirty-  
2 nine hundredths (1703.39), code, 1939, by inserting after the word  
3 "thousand" the words "eight hundred".

1 SEC. 4. The provisions of this Act shall be in full force and effect for  
2 the biennium beginning July 1, 1945, and ending June 30, 1947.

Approved March 29, 1945.

## CHAPTER 39

## AID TO DEPENDENT CHILDREN

H. F. 327

AN ACT to amend chapter one hundred thirty (130), Acts of the Fiftieth General Assembly, and to provide what shall be done at the end of each biennium with the unexpended funds remaining from any appropriation or allocation made by the state to the fund for aid to dependent children.

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

1 SECTION 1. Section Twelve (12), Chapter One Hundred Thirty  
2 (130), Acts of the Fiftieth General Assembly, is hereby amended by  
3 adding thereto, the following paragraph:

4 "Any unexpended balance of the fund appropriated or allocated by  
5 the state which remains in the fund for Aid to Dependent Children  
6 at the end of this biennium shall not revert to the general fund of the  
7 state, any law to the contrary notwithstanding."

Approved April 10, 1945.

## CHAPTER 40

## COUNTY EXPENSE FOR WAR BOND CAMPAIGNS

## H. F. 1

AN ACT to provide for the authorization of the appropriation of funds by boards of supervisors for payment of expenses of clerical help, rent, equipment, supplies, telephone and incidentals (except transportation and postage) to aid in the sale of war savings bonds and stamps and to conduct campaigns therefor.

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

1 SECTION 1. Until funds are made available from some other source  
2 the board of supervisors of any county may, by resolution duly adopted,  
3 appropriate from the general funds of the county in each of the years  
4 1945 and 1946 an amount they may deem necessary for the purpose  
5 of paying expenses incidental to office of County War Bond Com-  
6 mittee for clerical help, rent, equipment, supplies, telephone and inci-  
7 dentals (except transportation and postage) to aid in the sale of  
8 War Savings Bonds and Stamps, and to conduct campaigns therefor;  
9 and any supplies or equipment so provided by the county shall be and  
10 remain the property of the county. The County War Bond Chairman  
11 shall file with the county auditor each month a detailed sworn state-  
12 ment of said expenses and the board shall audit and allow only so much  
13 thereof as it shall find reasonable and necessary.

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 Montezuma  
3 Republican, a newspaper published at Montezuma, Iowa, and the  
4 Kingsley News-Times, a newspaper published at Kingsley, Iowa.

Approved January 18, 1945.

I hereby certify that the foregoing act was published in the Montezuma Republican, Montezuma, Iowa, January 25, 1945, and the Kingsley News-Times, Kingsley, Iowa, January 25, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 41

## COUNTY ATTORNEYS

## H. F. 106

AN ACT to amend section five thousand two hundred twenty-eight (5228), code, 1939, fixing the salaries of county attorneys.

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

1 SECTION 1. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection one (1) thereof  
3 the words "twelve hundred" and substituting in lieu thereof the words  
4 "fourteen hundred forty".

1 SEC. 2. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection two (2) thereof  
3 the words "fifteen hundred" and substituting in lieu thereof the words  
4 "eighteen hundred".



1 SEC. 3. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection three (3) thereof  
3 the words "seventeen hundred" and substituting in lieu thereof the  
4 words "two thousand forty".

1 SEC. 4. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection four (4) thereof  
3 the words "two thousand" and substituting in lieu thereof the words  
4 "twenty-four hundred".

1 SEC. 5. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection five (5) thereof  
3 the words "twenty-five hundred" and substituting in lieu thereof the  
4 words "three thousand".

1 SEC. 6. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection six (6) thereof  
3 the words "twenty-six hundred fifty" and substituting in lieu thereof  
4 the words "thirty-one hundred eighty".

1 SEC. 7. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection seven (7) thereof  
3 the words "three thousand" and substituting in lieu thereof the words  
4 "thirty-six hundred".

1 SEC. 8. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection eight (8) thereof  
3 the words "thirty-five" and substituting in lieu thereof the words  
4 "forty-one".

1 SEC. 9. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection nine (9) thereof  
3 the words "four thousand" and substituting in lieu thereof the words  
4 "forty-six hundred".

1 SEC. 10. Section five thousand two hundred twenty-eight (5228),  
2 Code, 1939, is amended by striking from subsection ten (10) thereof  
3 the words "five thousand" and substituting in lieu thereof the words  
4 "fifty-six hundred".

1 SEC. 11. The provisions of this Act shall be in force and effect to  
2 and including June 30, 1947 only.

1 SEC. 12. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in *The American*  
3 *Citizen*, a newspaper published at Des Moines, Iowa, and in the  
4 *Indianola Record*, a newspaper published at Indianola, Iowa.

Approved March 29, 1945.

I hereby certify that the foregoing act was published in *The American Citizen*, Des  
Moines, Iowa, April 6, 1945, and the *Indianola Record*, Indianola, Iowa, April 6, 1945.  
WAYNE M. ROPES, *Secretary of State*.

## CHAPTER 42

## ASSISTANT COUNTY ATTORNEYS

H. F. 107

AN ACT to amend section five thousand two hundred twenty-nine (5229), code, 1939, fixing the salaries of assistant county attorneys.

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

1 SECTION 1. Section five thousand two hundred twenty-nine (5229),  
2 Code, 1939, is amended by striking from subsection two (2) thereof  
3 the words "sixteen hundred" and substituting in lieu thereof the  
4 words "nineteen hundred twenty".

1 SEC. 2. Section five thousand two hundred twenty-nine (5229),  
2 Code, 1939, is amended by striking from subsection three (3) thereof  
3 the words "seventeen hundred" and substituting in lieu thereof the  
4 words "two thousand forty".

1 SEC. 3. Section five thousand two hundred twenty-nine (5229),  
2 Code, 1939, is amended by striking from subsection four (4) thereof  
3 the words "two thousand" and substituting in lieu thereof the words  
4 "twenty-four hundred".

1 SEC. 4. Section five thousand two hundred twenty-nine (5229),  
2 Code, 1939, is amended by striking from subsection five (5) thereof  
3 the words "twenty-five hundred" and substituting in lieu thereof the  
4 words "three thousand".

1 SEC. 5. Section five thousand two hundred twenty-nine (5229),  
2 Code, 1939, is amended by striking from line ten (10) of subsection  
3 six (6) thereof the words "two thousand" and substituting in lieu  
4 thereof the words "twenty-four hundred".

1 SEC. 6. The provisions of this Act shall be in force and effect to  
2 and including June 30, 1947 only.

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 Plain  
3 Talk, a newspaper published at Des Moines, Iowa, and in the Wright  
4 County Monitor, a newspaper published at Clarion, Iowa.

Approved March 29, 1945.

I hereby certify that the foregoing act was published in the Plain Talk, Des Moines, Iowa, April 5, 1945, and the Wright County Monitor, Clarion, Iowa, April 5, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 43

## INCOME TAX OF MILITARY PERSONNEL

## S. F. 3

AN ACT to amend subsection two (2) of section six thousand nine hundred forty-three and forty thousandths (6943.040), code, 1939, relating to exemption from personal net income tax of members of the armed forces of the United States and those who have died as a result of service in the armed forces of the United States, and to provide for refunds to eligible persons who have paid state individual income tax during the period covered by this act.

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

1 SECTION 1. Subsection two (2) of section six thousand nine hundred  
2 forty-three and forty thousandths (6943.040), Code, 1939, is amended  
3 by adding the following subsections:

4 h. The first two thousand dollars (\$2,000) of compensation from the  
5 federal government each year to any person in the armed forces of  
6 the United States for military services performed during the period  
7 beginning with the calendar year opening January 1, 1941 and con-  
8 tinuing for six (6) months after the termination of World War II.  
9 There shall also be exempt from the gross income of any such person  
10 subsistence or dependency allowances made either to him or his  
11 dependents by the government of the United States as a result of his  
12 services in the armed forces, and any payments received by him in  
13 the form of pensions, disability allowances or for rehabilitation or  
14 educational purposes arising from his service. This exemption shall  
15 be in addition to the two thousand dollars (\$2,000) exempt by reason  
16 of compensation for services rendered and shall not be terminated  
17 upon his discharge from service.

18 i. Compensation of all kinds received by or payable to any person  
19 by reason of service in the armed forces of the United States from the  
20 period beginning January 1, 1941, who shall die while a member of  
21 the armed forces of the United States during World War II.

1 SEC. 2. The State Tax Commission shall have the power to make  
2 refunds to persons affected by the provisions of subsections h. and i. of  
3 subsection two (2), section six thousand nine hundred forty-three and  
4 forty thousandths (6943.040), Code, 1939, as provided by this act,  
5 who have paid state individual income tax during the period covered  
6 by this act, which payments would be reduced or annulled through the  
7 application of these subsections. Such refunds shall be granted under  
8 such rules and regulations as the State Tax Commission may provide.  
9 Claims for such refunds shall not be barred by the provisions  
10 of section six thousand nine hundred forty-three and ninety-seven  
11 thousandths (6943.097), as amended by chapter two hundred thirty-  
12 six (236), Acts of the Forty-ninth General Assembly.

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 Madrid  
3 Register-News, a newspaper published at Madrid, Iowa, and in the  
4 Iowa Bystander, a newspaper published at Des Moines, Iowa.

Approved March 19, 1945.

I hereby certify that the foregoing act was published in the Madrid Register-News, Madrid, Iowa, March 29, 1945, and the Iowa Bystander, Des Moines, Iowa, March 29, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 44

## INCOME TAX TEMPORARY REDUCTION

S. F. 30

AN ACT to provide for a credit on personal income tax imposed under the provisions of division two (2), chapter three hundred twenty-nine and three-tenths (329.3), code, 1939, for the years nineteen hundred forty-four (1944) and nineteen hundred forty-five (1945), payable in the years nineteen-hundred forty-five (1945) and nineteen-hundred forty-six (1946) and providing for the form of income tax forms.

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

1 SECTION 1. In the payment of the income tax imposed under the  
2 provisions of Division two (2) of Chapter three hundred twenty-  
3 nine and three-tenths (329.3), Code, 1939, for the year Nineteen hun-  
4 dred forty-four (1944) and payable in the year Nineteen hundred  
5 forty-five (1945), and for the year Nineteen hundred forty-five (1945),  
6 and payable in the year Nineteen hundred forty-six (1946), fifty  
7 percent (50%) of the tax imposed shall be credited to the tax payer  
8 and fifty percent (50%) of the tax imposed shall be accepted in full  
9 of the tax liability for each of said years.

1 SEC. 2. The fifty percent (50%) of the tax provided by section  
2 one (1) of this act to be accepted in full of the tax liability shall be  
3 payable in the same installments as provided for in Division two (2)  
4 of Chapter three hundred twenty-nine and three-tenths (329.3), Code,  
5 1939, but in any case where the entire amount of tax due and payable  
6 for the year 1945, or 1946 is ten dollars (\$10.00) or less after the  
7 50% reduction has been made, the tax shall be paid in full in the first  
8 installment.

1 Sec. 3. This chapter shall not apply to the tax imposed by Divi-  
2 sion three (3) of Chapter three hundred and twenty-nine and three-  
3 tenths (329.3), Code, 1939.

1 Sec. 4. The State Tax Commission shall have the power to make  
2 such regulations as are necessary for the administration of this act  
3 and in all cases where payments are, or have been made of an amount  
4 in excess of 50% of the tax properly due and payable in the years 1945  
5 and 1946 the commission shall make refunds to such taxpayers, and  
6 no applications for such refunds shall be necessary by the taxpayer.  
7 For taxes based upon 1945 and payable in 1946, the state tax commis-  
8 sion shall provide in its forms, for the collection of the tax based  
9 upon a payment of 50% of the amount which would otherwise be due  
10 and payable.

1 SEC. 5. The State Tax Commission may as far as consistent with  
2 the provisions of the Code so draft income tax forms as to conform  
3 to the income tax forms of the Internal Revenue Department of the  
4 United States Government after the year 1945.

1 SEC. 6. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the Sibley

- 3 Gazette-Tribune, a newspaper published at Sibley, Iowa, and in the  
4 Lockridge Times, a newspaper published at Lockridge, Iowa.

Approved February 7, 1945.

I hereby certify that the foregoing act was published in the Sibley Gazette-Tribune, Sibley, Iowa, February 15, 1945, and the Lockridge Times, Lockridge, Iowa, February 15, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 45

### INCOME TAX ON FISCAL YEAR BASIS

S. F. 233

AN ACT to extend the provisions of Senate File 30, Acts of the Fifty-first General Assembly, to individual income tax payers making a return on a fiscal year basis.

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

1 SECTION 1. The provisions of senate file thirty (30), Acts of the  
2 Fifty-first General Assembly, shall apply to individual income tax  
3 payers making a return on a fiscal year basis. Any such individual  
4 income tax payer making a return on a fiscal year basis shall be en-  
5 titled to a 50 percent reduction for two fiscal years, which may include  
6 portions of other calendar years than 1945 and 1946 but no such tax  
7 payer shall be entitled to a reduction for more than two (2) fiscal years  
8 under the provisions of this Act.

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 Mediapolis New Era News, a newspaper published at Mediapolis,  
4 Iowa, and the Cedar Rapids Gazette, a newspaper published in Cedar  
5 Rapids, Iowa.

Approved March 7, 1945.

I hereby certify that the foregoing act was published in the Mediapolis New Era News, Mediapolis, Iowa, March 15, 1945, and the Cedar Rapids Gazette, Cedar Rapids, Iowa, March 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 46

### TAX COMMISSION SUPPORT

H. F. 306

AN ACT to amend section six thousand nine hundred forty-three and one hundred-thousandths (6943.100), code, 1939, relating to allocation of revenues of the income, corporation and sales tax.

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

1 SECTION 1. Amend section six thousand nine hundred forty-three  
2 and one hundred-thousandths (6943.100), code, 1939, by inserting a  
3 new paragraph as follows:

4 "The state tax commission is hereby authorized to expend from the  
 5 revenue collected under the provisions of chapter three hundred twenty-  
 6 ty-nine and three-tenths (329.3) and chapter three hundred twenty-  
 7 nine and four-tenths (329.4), code, 1939, annually, for each year of  
 8 the biennium beginning July 1, 1945, and ending June 30, 1947, the  
 9 sum of five hundred twenty-five thousand dollars (\$525,000.00) or so  
 10 much thereof as may be necessary for salaries, support and mainte-  
 11 nance of the personal and corporation income, sales and use tax divi-  
 12 sions."

Approved March 27, 1945.

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## CHAPTER 47

### TAX EXEMPTION FOR MILITARY PERSONNEL

S. F. 35

AN ACT to amend section six thousand nine hundred forty-four (6944), code, 1939, relating to the exemption from taxation of personal property of household furniture and equipment of persons in the armed services of the United States.

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

1 SECTION 1. Section six thousand nine hundred forty-four (6944),  
 2 Code, 1939, is amended by adding to subsection sixteen (16) thereof  
 3 the following:

4 "The exemptions granted by this subsection shall be allowed to  
 5 members of the armed forces of the United States during the period  
 6 of their active service in World War II, whether or not the property  
 7 exempted is in actual use by such persons or their families during  
 8 such period of active service in the armed forces of the United States."

Approved April 4, 1945.

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## CHAPTER 48

### INSURANCE PREMIUM TAXES

S. F. 390

AN ACT to extend the time for making annual statements and payment of premium taxes due for the calendar year 1944 by insurance companies and exchanges.

WHEREAS the Supreme Court of the United States has by decision held that insurance is interstate commerce and thereby rendered doubtful the legality of the present Iowa laws taxing insurance premiums, and

WHEREAS the fifty-first (51) General Assembly of the State of Iowa is considering proposed legislation to meet the situation arising under the federal decision referred to above with the purpose of protecting the revenue of the state of Iowa due from domestic and foreign insurance companies and exchanges, and protecting the state rights of Iowa from interference by the Federal Government, and

WHEREAS an extension of time should be granted unto said insurance companies and exchanges for making and filing their annual statements and payment of premium taxes, fees and charges,

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

1 SECTION 1. That the time for making and filing annual statements  
2 provided for by sections seven thousand twenty-one (7021), seven  
3 thousand twenty-two (7022), seven thousand twenty-five (7025), eight  
4 thousand six hundred twelve and one-tenth (8612.1), nine thousand  
5 sixty (9060), nine thousand ninety-two (9092) and nine thousand one  
6 hundred (9100), code, 1939, and the taxes imposed by such sections  
7 and amendments thereto measured by the business done in the calendar  
8 year 1944 shall be due April 1, 1945 and payable within thirty days  
9 thereafter at the statutory rates in effect April 1, 1945.

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

Approved February 23, 1945.

I hereby certify that the foregoing act was published in the Daily Times Herald, Carroll, Iowa, February 27, 1945, and the Lyon County Reporter, Rock Rapids, Iowa, March 1, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 49

### CAPITAL STOCK OF CORPORATIONS

S. F. 175

AN ACT to legalize certain issues of capital stocks of Iowa corporations, upon compliance herewith.

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

1 SECTION 1. Any corporation organized under the laws of this State  
2 which, prior to January 1, 1943, issued capital stock for property with-  
3 out complying with Section 8413, Code, 1939, and obtaining approval  
4 pursuant to Section 8414, Code, 1939, may within ninety (90) days  
5 after the effective date of this Act, make application for the approval  
6 of the issuance of such stock.

7 The Executive Council of the State of Iowa shall have the power to  
8 receive, consider and act upon any such application as though said  
9 application had been duly filed prior to the issuance of such stock.

1 SEC. 2. Any corporation organized under the laws of this State  
2 which prior to January 1, 1943, failed to comply with the provisions  
3 of Section 8416, Code, 1939, but which subsequently did in the first  
4 annual corporation report filed by such corporation following such  
5 failure, correctly report the amount of its capital stock issued, may  
6 within ninety (90) days after the effective date of this Act, file with

7 the Secretary of State of Iowa a certificate as to unreported issues;  
 8 and such certificate shall have the same force and effect as certificates  
 9 filed within the time required by the provisions of said Section 8416.

1 SEC. 3. Nothing in this Act contained shall affect or be construed as  
 2 affecting pending litigation.

1 SEC. 4. This Act being deemed of immediate importance, shall be  
 2 effective from and after the date of its publication, as required by law  
 3 in the Baxter New Era, a newspaper published at Baxter, Iowa, and in  
 4 the Waterloo Courier, a newspaper published at Waterloo, Iowa, with-  
 5 out expense to the State of Iowa.

Approved March 19, 1945.

I hereby certify that the foregoing act was published in the Baxter New Era, Baxter,  
 Iowa, March 21, 1945, and the Waterloo Courier, Waterloo, Iowa, March 21, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 50

### SHORTHAND REPORTERS

H. F. 87

AN ACT to amend chapter two hundred sixty-four (264), Acts of the Fiftieth General  
 Assembly, relating to the compensation of shorthand reporters.

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

1 SECTION 1. That chapter 264, Acts of the 50th General Assembly,  
 2 be and the same is hereby amended by striking from Sec. 3 thereof the  
 3 figures "1945" and inserting in lieu thereof, the figures "1947".

1 SEC. 2. Chapter two hundred sixty-four (264), Acts of the Fiftieth  
 2 General Assembly is amended by striking the word "eleven" from  
 3 line three (3) of Section one (1) and inserting in lieu thereof the  
 4 word "twelve" and by striking the words "twenty-seven hundred"  
 5 from line four (4) of Section two (2) and inserting in lieu thereof the  
 6 words "two thousand eight hundred eighty".

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 Davis  
 3 County Republican, a newspaper published at Bloomfield, Iowa, and  
 4 in the Chariton\*-Herald Patriot, a newspaper published at Chariton,  
 5 Iowa.

Approved March 29, 1945.

\*According to enrolled act.

I hereby certify that the foregoing act was published in the Davis County Republican,  
 Bloomfield, Iowa, April 3, 1945, and the Chariton Herald-Patriot, Chariton, Iowa, April  
 5, 1945.

WAYNE M. ROPES, *Secretary of State.*



## GENERAL LAWS (PERMANENT)

### CHAPTER 51 LEGISLATIVE PRINTING H. F. 462

AN ACT making an appropriation for the payment of the cost of legislative printing.

*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 of Iowa not otherwise appropriated, the sum of thirty-  
3 five thousand dollars (\$35,000.00), or so much thereof as may be  
4 necessary, for each biennium for the purpose of paying the cost of  
5 printing for each legislative session.

1 SEC. 2. The state comptroller is hereby authorized to issue war-  
2 rants for the payment of said bills upon vouchers approved by the  
3 state printing board.

Approved April 4, 1945.

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### CHAPTER 52\*

#### MISCELLANEOUS EXPENSE OF GENERAL ASSEMBLY H. F. 88

AN ACT making an appropriation for miscellaneous expense of the General Assembly.

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

1 SECTION 1. There is hereby appropriated out of the funds in the  
2 general treasury, not otherwise appropriated, the sum of five hundred  
3 (\$500.00) dollars annually, or so much thereof as may be necessary,  
4 for each branch of the General Assembly for the payment of current  
5 and miscellaneous expense. Requisitions for warrants against the  
6 above appropriation are to be drawn by the presiding officer of either  
7 House, by the Secretary of the Senate for Senate expense and the  
8 Chief Clerk of the House for House expense, after vouchers for same  
9 have been approved by the Committee on Appropriations for and on  
10 behalf of its respective House.

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 force and effect from and after its publication in Perry Chief, a news-  
3 paper published at Perry, Iowa, and Thompson Courier, a newspaper  
4 published at Thompson, Iowa.

Approved February 14, 1945.

I hereby certify that the foregoing act was published in the Perry Chief, Perry, Iowa, February 17, 1945, and the Thompson Courier, Thompson, Iowa, February 22, 1945.

WAYNE M. ROPES, *Secretary of State.*

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\*Repealed by Ch. 53, Acts 51st General Assembly.

## CHAPTER 53

## GENERAL ASSEMBLY INTERIM EXPENSE

S. F. 426

AN ACT to repeal house file eighty-eight (88), Acts 51st General Assembly and to amend chapter twenty-six (26), Acts 49th General Assembly relating to expenses of the general assembly and to make an appropriation therefor.

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

1 SECTION 1. House File eighty-eight (88), Acts of the 51st General  
2 Assembly and now on file in the office of the Secretary of State is  
3 hereby repealed.

1 SEC. 2. Chapter twenty-six (26), Acts of the 49th General As-  
2 sembly is hereby amended by adding thereto the following:

3 "There is hereby appropriated out of any funds in the state treas-  
4 ury not otherwise appropriated the sum of five hundred (\$500) dollars  
5 annually, or so much thereof as may be necessary, for each branch of  
6 the General Assembly for the payment of any unpaid expense filed  
7 after adjournment of the General Assembly or incurred in the interim  
8 between sessions of the General Assembly. The State Comptroller  
9 is hereby authorized and directed to issue warrants for such items  
10 of expense upon requisition of the President of the Senate for Senate  
11 expense and the Speaker of the House for House expense.

1 SEC. 3. This act being deemed of immediate importance shall be in  
2 force and effect from and after its publication in Perry Chief, a news-  
3 paper published at Perry, Iowa, and Thompson Courier, a newspaper  
4 published at Thompson, Iowa.

Approved April 6, 1945.

I hereby certify that the foregoing act was published in the Perry Chief, Perry, Iowa,  
April 11, 1945, and the Thompson Courier, Thompson, Iowa, April 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 54

## FORM OF BILLS IN GENERAL ASSEMBLY

S. F. 81

AN ACT to amend section forty-seven (47), code, 1939, relating to the form of bills presented to the general assembly.

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

1 SECTION 1. Section forty-seven (47), Code, 1939, is amended as  
2 follows:

3 1. Strike all of subsections one (1) and two (2) and insert in lieu  
4 thereof the following:

5 "Shall refer to the numbers of the sections or chapters of the code  
6 to be amended or repealed, but it shall not be necessary to refer to  
7 such sections or chapters in the title.";

- 8 2. Renumber subsections three (3) and four (4) and insert in  
 9 line one (1) of subsection four (4) after the word, "references" the  
 10 following, "to statutes";  
 11 3. Insert at the end of said section a new subsection as follows:  
 12 "The title to a bill shall contain a brief statement of the purpose  
 13 of the bill, however all detail matters properly connected with the  
 14 subject so expressed may be omitted from the title."

Approved February 15, 1945.

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## CHAPTER 55

### UNREDEEMED STATE WARRANTS

S. F. 205

AN ACT to repeal chapter forty-seven (47) Acts of the Fiftieth (50) General Assembly relating to the stoppage of payments on state warrants unredeemed within one (1) year or longer.

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

- 1 SECTION 1. Chapter forty-seven (47) Acts of the Fiftieth (50)  
 2 General Assembly is hereby repealed and the following enacted in  
 3 lieu thereof:  
 1 SEC. 2. Cancellation of State Warrants. The State Comptroller  
 2 as of March 31, June 30, September 30, and December 31 of each year  
 3 shall cancel and request the Treasurer of State to stop payment on  
 4 all state warrants which have been outstanding and unredeemed by the  
 5 State Treasurer for one year or longer.

Approved April 9, 1945.

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## CHAPTER 56

### STATE FUNDS WITHDRAWN FROM COUNTIES

H. F. 458

AN ACT to amend section one hundred forty-one (141) of chapter eleven (11), code, 1939, relating to the withdrawal by the treasurer of state of funds belonging to the state in any county treasury.

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

- 1 SECTION 1. Section one hundred forty-one (141) of Chapter eleven  
 2 (11), Code, 1939, is hereby amended by adding thereto the following:  
 3 "But the treasurer of state, with the approval of the Executive Coun-  
 4 cil, is authorized to withdraw such amount of funds from each county  
 5 treasurer, as he may in his discretion determine in proportion to the  
 6 amount in possession of each county treasurer, for the purpose of  
 7 investment of such funds so withdrawn in securities issued by the  
 8 Government of the United States. Such securities may be sold by  
 9 the treasurer of state at such time, in such amount, and at such price

10 as the treasurer of state, with the consent of the Executive Council,  
11 may determine.

1 SEC. 2. 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 Coon Rapids Enterprise, a newspaper published in Coon Rapids,  
4 Iowa, and in the Mount Ayr Record-News, a newspaper published in  
5 Mount Ayr, Iowa, without expense to the State of Iowa.

Approved April 4, 1945.

I hereby certify that the foregoing act was published in the Coon Rapids Enterprise, Coon Rapids, Iowa, April 13, 1945, and the Mount Ayr Record-News, Mount Ayr, Iowa, April 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

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## CHAPTER 57

### EMPLOYMENT SECURITY COUNSEL

S. F. 83

AN ACT to amend section one hundred fifty-two (152), code, 1939, relating to special counsel for the employment security commission.

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

1 SECTION 1. Section one hundred fifty-two (152), Code, 1939, is  
2 amended by striking from the last two lines of said section the words,  
3 "Iowa unemployment compensation commission" and inserting in lieu  
4 thereof the words, "Iowa employment security commission".

Approved February 9, 1945.

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## CHAPTER 58

### ANNOTATIONS TO THE CODE

S. F. 79

AN ACT to amend section one hundred fifty-six (156), code, 1939, relating to duties of the code editor.

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

1 SECTION 1. Section one hundred fifty-six (156), Code, 1939, is  
2 amended by striking the last sentence of subsection three (3) and  
3 inserting in lieu thereof the following:  
4 "When the accumulation of annotations reaches a sufficient amount  
5 they shall be published as a permanent volume."

Approved February 15, 1945.

## CHAPTER 59

## VETERAN'S NEWSSTAND IN CAPITOL

S. F. 6

AN ACT to amend section two hundred ninety-five and one-tenth (295.1), code, 1939, relating to veteran's newsstand in the lobby of the state capitol.

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

- 1 SECTION 1. Section two hundred ninety-five and one-tenth (295.1),  
 2 Code, 1939, is amended by striking from line four (4) thereof the words  
 3 "nurse of the army or navy" and substituting in lieu thereof the words  
 4 "woman who served in the military or naval forces", and by striking  
 5 from line seven (7) thereof the words "or war with Germany," and  
 6 substituting in lieu thereof the words "World War I or World War II,".  
 Approved March 7, 1945.

## CHAPTER 60

## WAR SURPLUS COMMODITIES BOARD

H. F. 444

AN ACT to create a state war surplus commodities board, to define its powers and duties, and to make an appropriation of five hundred thousand dollars (\$500,000) as a revolving fund for the use of said board.

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

- 1 SECTION 1. A State War Surplus Commodities Board is hereby  
 2 created and established hereinafter referred to as the "Board", to  
 3 consist of a member of the Board of Control of State Institutions, a  
 4 member of the State Board of Education, a member of the Iowa State  
 5 Highway Commission, a member of the Executive Council of the State  
 6 of Iowa, a member of the Conservation Commission of the State of  
 7 Iowa, the Commissioner of the Iowa State Department of Health, a  
 8 member of the Department of Public Instruction, a member of Indus-  
 9 trial Development, and the chairman of the committee on Retrench-  
 10 ment and Reform selected by the Retrenchment and Reform Commit-  
 11 tee of the Fifty-first General Assembly, and each succeeding General  
 12 Assembly thereafter.

- 1 SEC. 2. The board shall select the chairman from among its mem-  
 2 bers. The secretary of the Executive Council of the State of Iowa  
 3 shall be secretary of the State War Surplus Commodities Board. Mem-  
 4 bers of the board shall serve as ex officio members of their respective  
 5 agencies and shall receive the compensation as provided for their  
 6 position, and shall be reimbursed for their actual and necessary trav-  
 7 eling expenses incurred in performing their duties as members of the  
 8 board.

- 1 SEC. 3. The chairman of the committee on Retrenchment and Re-  
 2 form shall serve as a member of the board from and after his appoint-  
 3 ment as such chairman and until his successor is named by the com-

4 mittee on Retrenchment and Reform of the succeeding General As-  
5 sembly.

1 SEC. 4. The board shall meet at least once each month and shall  
2 hold special meetings on call of the chairman. Four members shall  
3 constitute a quorum. The board shall establish such rules and regula-  
4 tions as it may deem necessary to govern its own procedure.

1 SEC. 5. The powers and duties of the board shall be to: (1) Col-  
2 lect and assemble or cause to be collected or assembled all pertinent  
3 information available regarding surplus equipment, merchandise,  
4 supplies, surplus war materials and other governmental property that  
5 may be purchased from the Federal Government or any division there-  
6 of, which information shall be a public record available to anyone.  
7 (2) Enter into contract for and purchase from the Federal Govern-  
8 ment of equipment, property and supplies for the use of the State,  
9 its agencies or departments, or any township, county, city, including  
10 cities acting under special charter, towns and independent or consoli-  
11 dated school districts or any local governmental unit. (3) Enter into  
12 contract with or sell to any township, county, city, including cities  
13 acting under a special charter, towns, and independent and consoli-  
14 dated school districts or any local governmental unit or the State of  
15 Iowa, its departments, commissions, boards or agencies, any equip-  
16 ment, property, and supplies that the board has purchased from the  
17 Federal Government, provided, however, that the township, county,  
18 city, including cities acting under special charters, towns and inde-  
19 pendent or consolidated school districts or any local governmental  
20 unit, the State of Iowa, its departments, commissions, boards or agen-  
21 cies, reimburses the board for the purchase price and expense con-  
22 nected with acquiring said equipment, property and supplies. (4)  
23 The board may contract or make any purchase or sale up to  
24 fifty thousand dollars but any contract, purchase or sale in excess of  
25 fifty thousand dollars must first be approved by the Executive Coun-  
26 cil before said contract, purchase or sale is made. (5) To provide  
27 for the warehousing and distribution of such surplus war commodi-  
28 ties, as may be given to the State of Iowa by the Federal Government,  
29 among the various departments and subdivisions of the State of Iowa.

1 SEC. 6. There is hereby set aside from the Emergency Relief Fund,  
2 created by Section three (3), Chapter forty-five (45), Acts of the  
3 Fiftieth (50th) General Assembly, for a revolving fund for the use  
4 of the State War Surplus Commodities Board, the sum of five hundred  
5 thousand dollars (\$500,000.00) or as much thereof as may be neces-  
6 sary for it to perform its duties, to be used by the board in the pur-  
7 chase of property, and all moneys received or recovered by the board  
8 from whatever source shall be credited to the revolving fund.

1 SEC. 7. All the provisions of this act shall be applicable to cities  
2 acting under special charter.

1 SEC. 8. If any of the provisions of this act shall be held unconsti-  
2 tutional, such holdings shall not affect any of the other provisions not  
3 inseparably connected in meaning and effect with the part so held  
4 unconstitutional.

- 1 SEC. 9. This act being deemed of immediate importance shall be
- 2 in full force and effect from and after its publication in the Cedar
- 3 Valley Times, a newspaper published at Vinton, Iowa, and in the
- 4 Spencer Times, a newspaper published at Spencer, Iowa.

Approved April 4, 1945.

I hereby certify that the foregoing act was published in the Cedar Valley Times, Vinton, Iowa, April 10, 1945, and the Spencer Times, Spencer, Iowa, April 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 61

### MILEAGE FEES OF STATE EMPLOYEES

H. F. 250

AN ACT to amend section three hundred eight and five-tenths (308.5), code, 1939, relating to compensation for use of a private automobile by state officers and employees.

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

- 1 SECTION 1. Section three hundred eight and five-tenths (308.5),
- 2 Code, 1939, is hereby amended by striking from line six (6) the word,
- 3 "four" and inserting in lieu thereof the word "five".

- 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 Lake
- 3 Mills Graphic, a newspaper published at Lake Mills, Iowa, and the
- 4 Winnebago-Hancock Summit, a newspaper published at Forest City,
- 5 Iowa.

Approved April 4, 1945.

I hereby certify that the foregoing act was published in the Lake Mills Graphic, Lake Mills, Iowa, April 11, 1945, and the Winnebago-Hancock Summit, Forest City, Iowa, April 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 62

### MUNICIPAL BUDGETS

H. F. 92

AN ACT to amend section three hundred seventy-five (375), code, 1939, relating to the notice of hearing on municipal budgets and the publication thereof.

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

- 1 SECTION 1. Amend section three hundred seventy-five (375), Code,
- 2 1939, by striking the word "and" in line twelve and inserting therein
- 3 a comma (,) and further amend said section by adding the following
- 4 after the word "townships" in line thirteen (13): ", and municipalities
- 5 of less than two hundred population".

Approved February 20, 1945.

## CHAPTER 63

## IOWA DEVELOPMENT COMMISSION

H. F. 208

AN ACT creating an Iowa development commission, providing for the appointment of its members, defining its powers and duties, providing for a director and other necessary employees, providing for office space therefor, and making appropriations for its work, providing for the transfer of funds from Iowa industrial and defense commission to the use of the Iowa development commission, and extending the powers and duties of the Iowa industrial and defense commission and county defense councils for the duration of the war.

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

1     **SECTION 1.** There is hereby created and established a Commission to  
2 be known as "The Iowa Development Commission", hereinafter re-  
3 ferred to as "The Commission", to consist of eleven members, all of  
4 whom shall be appointed by the Governor and four of whom shall be  
5 members of the legislature, two from the House and two from the  
6 Senate. On or before April 1, 1945, the Governor shall, with the advice  
7 and consent of the Senate, make his appointments to the Commission,  
8 two for a term of one year, two for a term of two years, two for a term  
9 of three years and one for a term of four years. The legislative mem-  
10 bers of the Commission shall serve for two years or until the conven-  
11 ing of the next General Assembly when their successors shall be ap-  
12 pointed by the Governor.

13     The Commission shall be non-partisan and the members shall be  
14 appointed without reference to their political affiliation. The Governor  
15 shall appoint one of said members as Chairman and one as Vice Chair-  
16 man. As the terms of the members so appointed shall expire, their  
17 successors shall be appointed, each for a term of four years; provided,  
18 however, that upon the death, disability or resignation of any member,  
19 the Governor shall appoint a person to serve for the unexpired term.

1     **SEC. 2.** The members of the Commission shall serve without com-  
2 pensation, except that they shall be reimbursed for their actual and  
3 necessary expense actually incurred in performing their duties as  
4 members of the Commission.

1     **SEC. 3. Director—his duties.** The Commission shall choose a di-  
2 rector, who shall not be a member of the Commission, and shall fix the  
3 compensation of such Director, which shall be payable out of the funds  
4 of the Commission hereinafter appropriated. The Director shall  
5 attend the meetings of the Commission and shall serve as its Secretary,  
6 and shall have general charge of the work of the Commission, subject  
7 to its orders and direction, and shall serve at the pleasure of the Com-  
8 mission.

1     **SEC. 4. Commission employees.** The Commission shall be empow-  
2 ered to employ such assistants, clerks and stenographers as its busi-  
3 ness may require. All said employees shall be paid from the funds  
4 hereinafter appropriated to the Commission.

1     **SEC. 5. Offices.** The Executive Council shall furnish to the Commis-  
2 sion suitable offices in the State Capitol, or other State buildings, or  
3 elsewhere in the City of Des Moines, Iowa.



1 SEC. 6. Meetings and rules. The Commission shall meet once each  
2 month, and shall hold special meetings on call of the chairman. Five  
3 members shall constitute a quorum. The Commission shall adopt such  
4 rules and regulations as it may deem necessary to govern its own  
5 procedure.

1 SEC. 7. Duties of commission. It shall be the duty of the commis-  
2 sion to:

3 (a) Collect and assemble, or cause to have collected and assembled,  
4 all pertinent information available regarding the industrial and agri-  
5 cultural and recreational opportunities and possibilities of the State  
6 of Iowa, including raw materials and products that may be produced  
7 therefrom; power and water resources; transportation facilities; avail-  
8 able markets; the availability of labor; the banking and financing  
9 facilities; the availability of industrial sites; and the advantages of  
10 the State as a whole, and the particular sections thereof, as industrial  
11 locations, and such other fields of research and study as the commis-  
12 sion may deem necessary. Such information, as far as possible, shall  
13 consider both the encouragement of new industrial enterprises in the  
14 State and the expansion of industries now existing within the State,  
15 and allied fields to such industries.

16 (b) Acquaint the people of Iowa with the industries located within  
17 the State, and the industrial, agricultural and recreational opportuni-  
18 ties existing in the State; and to encourage closer cooperation between  
19 the various industries of the State themselves and with the people of  
20 the State.

21 (c) Encourage new industrial enterprises to locate in Iowa, by  
22 legitimate educational and advertising mediums directed to point out  
23 the opportunities of the State as a commercial, industrial and agricul-  
24 tural field of opportunity, and by solicitation of industrial enterprises.

25 (d) Encourage the traveling public to visit Iowa, by the disseminat-  
26 ing of information as to the natural advantages of the State, its lakes  
27 and resorts, and its highways and other facilities for transient travel.

28 (e) Do such other and further acts as shall, in the judgment of the  
29 commission, be necessary and proper in fostering and promoting the  
30 industrial and agricultural development and economic welfare of the  
31 State of Iowa.

1 SEC. 8. Powers. In the performing of its duties, the Commission  
2 is hereby empowered and authorized to make and enter into contracts,  
3 and to generally do all such things as in its judgment may be necessary,  
4 proper and expedient in accomplishing its duties herein enumerated;  
5 provided, however, that as far as may be practicable in performing its  
6 duties in connection with the collection and assembling of information,  
7 the commission shall cooperate with boards, commissions, agencies  
8 and institutions of this State, and shall have access to any and all  
9 records, data, information and statistics of such other boards, com-  
10 missions, agencies and institutions of this State, and upon such terms  
11 as may be mutually agreed upon to have such studies and research con-  
12 ducted as may be necessary and proper, the cost thereof to be paid  
13 out of the funds hereinafter appropriated to the commission.

14 The commission is authorized to seek advice and counsel of informed  
15 individuals, or any agricultural, industrial, professional, labor or trade

16 association, or business or civic group in the accomplishment of the  
17 aims and objectives of this Act.

1 SEC. 9. This commission is to supersede the work and services of the  
2 Iowa Industrial and Defense Commission, created by Chapter sixty-  
3 one (61) of the Acts of the Fiftieth General Assembly, and the Iowa  
4 Development Commission, hereby created, shall take over any unex-  
5 pended balances in the appropriation made by the Fiftieth General  
6 Assembly for said Iowa Industrial and Defense Commission, exclu-  
7 sive of emergency appropriations, and any of such funds remaining  
8 unexpended June 30th, 1945, shall not revert to the general fund of  
9 the State, but shall be the funds of, and are hereby allocated to, said  
10 Iowa Development Commission for its use during the two fiscal years  
11 ending June 30th, 1947.

12 (a) It is further provided that for the duration of the war all of  
13 the powers and duties of the Iowa Industrial and Defense Commission,  
14 as provided in Chapter sixty-one (61), Acts of the Fiftieth General  
15 Assembly, shall be assumed by the Iowa Development Commission and  
16 be carried on in addition to its other duties.

17 (b) It is also expressly provided that the provisions of Chapter  
18 sixty-one (61), Acts of the Fiftieth General Assembly, in so far as  
19 they apply to the establishment, operation, powers, duties, and financ-  
20 ing of County and local Defense Councils shall be extended for the  
21 duration of the present war and shall not be terminated on June 30th,  
22 1945, as provided in said Chapter.

1 SEC. 10. The Treasurer of State is hereby authorized and directed,  
2 notwithstanding the provisions of Section eleven (11) of Chapter  
3 sixty-one (61) of the Acts of the Fiftieth General Assembly, to transfer  
4 all unexpended funds of the Iowa Industrial and Defense Commission  
5 now in his hands, or that may come into his hands, to the account of  
6 the commission hereby created, for its use and benefit, the same to be  
7 paid out only on the authority and direction of the Comptroller of the  
8 State.

1 SEC. 11. The Comptroller is authorized and directed to draw war-  
2 rants on the Treasurer of State for the several sums and for the pur-  
3 poses specified in this Act upon duly itemized and verified vouchers that  
4 have been approved by the chairman or director of the commission.

1 SEC. 12. If any of the provisions of this act shall be held unconstitu-  
2 tional, such holdings shall not affect any of the other provisions not  
3 inseparably connected in meaning and effect with the part so held  
4 unconstitutional.

1 SEC. 13. This Act shall take effect and be in force from and after  
2 June 30th, 1945, and its publication in the Clayton County Register, a  
3 newspaper published at Elkader, Iowa, and in the Iowa Falls Citizen,  
4 a newspaper published in Iowa Falls, Iowa.

Approved March 6, 1945.

I hereby certify that the foregoing act was published in the Clayton County Register,  
Elkader, Iowa, March 15, 1945, and the Iowa Falls Citizen, Iowa Falls, Iowa, March  
15, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 64

## MILITARY UNIFORMS

S. F. 9

AN ACT to amend section four hundred sixty-seven and four hundredths (467.04), code, 1939, relating to the wearing of uniforms.

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

- 1 SECTION 1. Section four hundred sixty-seven and four hundredths
- 2 (467.04), Code, 1939, is amended by striking from line thirteen (13)
- 3 thereof the word "men" and inserting in lieu thereof the word "mem-
- 4 bers".

Approved March 7, 1945.

## CHAPTER 65

## DISCRIMINATION AGAINST MILITARY PERSONNEL

S. F. 5

AN ACT to amend section four hundred sixty-seven and five hundredths (467.05), code, 1939, relating to discrimination against members of National Guard or against a person wearing the uniform of the military or naval forces of the United States or of the National Guard.

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

- 1 SECTION 1. Section four hundred sixty-seven and five hundredths
- 2 (467.05), Code, 1939, is amended by striking from line five (5)
- 3 thereof the word "man" and substituting in lieu thereof the word
- 4 "member", and by striking from line nine (9) thereof the word "man"
- 5 and substituting in lieu thereof the word "person".

Approved February 16, 1945.

## CHAPTER 66

## ARMED FORCES—POWER OF ATTORNEY

H. F. 216

AN ACT relating to powers of attorney granted by persons serving in or present in the armed forces of the United States and others.

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

- 1 SECTION 1. No agency created by a power of attorney in writing
- 2 given by a principal who is at the time of execution, or who, after
- 3 executing such power of attorney, becomes either
- 4 (a) a member of the armed forces of the United States, or
- 5 (b) a person serving as a merchant seaman outside the limits of the
- 6 United States, included within the 48 states and the district of Co-
- 7 lumbia; or

8 (c) a person outside said limits by permission, assignment or direc-  
9 tion of any department or official of the United States government, in  
10 connection with any activity pertaining to or connected with the prose-  
11 cution of any war in which the United States is then engaged, shall  
12 be revoked or terminated by the death of the principal, as to the agent  
13 or other person who, without actual knowledge or actual notice of the  
14 death of the principal, shall have acted or shall act, in good faith,  
15 under or in reliance upon such power of attorney or agency, and any  
16 action so taken, unless otherwise invalid or unenforceable, shall be  
17 binding on the heirs, devisees, legatees, or personal representatives of  
18 the principal.

1 SEC. 2. An affidavit, executed by the attorney-in-fact or agent,  
2 setting forth that he has not or had not, at the time of doing any act  
3 pursuant to the power of attorney, received actual knowledge or actual  
4 notice of the revocation or termination of the power of attorney, by  
5 death or otherwise, or notice of any facts indicating the same, shall,  
6 in the absence of fraud, be conclusive proof of the nonrevocation or  
7 nontermination of the power at such time. If the exercise of the power  
8 requires execution and delivery of any instrument which is recordable  
9 under the laws of this state, such affidavit (when authenticated for  
10 record in the manner prescribed by law) shall likewise be recordable.

1 SEC. 3. No report or listing, either official or otherwise, of "missing"  
2 or "missing in action", as such words are used in military parlance,  
3 shall constitute or be interpreted as constituting actual knowledge or  
4 actual notice of the death of such principal or notice of any facts indi-  
5 cating the same, or shall operate to revoke the agency.

1 SEC. 4. This act shall not be construed so as to alter or affect any  
2 provision for revocation or termination contained in such power of  
3 attorney.

1 SEC. 5. If any provision of this act or the application thereof to  
2 any person or circumstance be held invalid, such invalidity shall not  
3 affect any other provision or application of the act which can be given  
4 effect without the invalid provision or application, and to this end the  
5 provisions of this act are declared to be severable.

1 SEC. 6. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in The Logan Ob-  
3 server, a newspaper published at Logan, Iowa, and in The Mount Ver-  
4 non Hawkeye-Record and The Lisbon Herald, a newspaper published  
5 at Mt. Vernon, Iowa.

Approved March 7, 1945.

I hereby certify that the foregoing act was published in The Logan Observer, Logan, Iowa, March 15, 1945, and The Mount Vernon Hawkeye-Record and The Lisbon Herald, Mt. Vernon, Iowa, March 15, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 67

## - MILITARY STORES

H. F. 464

AN ACT to prohibit the use of misleading names or designations of places of business and misleading trade practices and to provide penalties for violations.

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

1 SECTION 1. No owner, proprietor, manager or person in charge  
 2 or control of any privately owned or operated store, shop, or other  
 3 place of business, in, at, or from which goods, wares, or merchandise  
 4 are sold or offered for sale to the public, shall use, or cause or permit  
 5 to be used, as the name or designation, or as a part of the name or  
 6 designation, of such store, shop or other place of business, any of  
 7 the following words or expressions, viz: "Army," "Navy," "Marine,"  
 8 "Coast Guard," "Post Exchange," "Government," "G.I.," "P-X," or  
 9 any other word or expression denoting or relating to an agency or  
 10 activity of the United States Government or importing or implying  
 11 that such store, shop or other place of business is owned or operated  
 12 by the United States Government or its military or naval forces or  
 13 any agency of the United States Government.

1 SEC. 2. No such owner, proprietor, manager or person in charge  
 2 or control of any such privately owned or operated store, shop or  
 3 other place of business, or person employed in the sale of goods,  
 4 wares or merchandise therein, shall in any manner advertise or assert  
 5 or imply that any such goods, wares or merchandise were made for  
 6 or acquired from the United States Government or its military or  
 7 naval forces or any agency of the United States Government, if such  
 8 advertisement, assertion or implication be contrary to the fact. With-  
 9 out limiting the general effect of the foregoing prohibitions, it is ex-  
 10 pressly provided that any designation, express or implied, of any  
 11 stock, lot or group of goods, wares or merchandise as having been  
 12 made for or acquired from such government, forces or agency, shall  
 13 constitute a violation of such prohibitions unless all of the articles  
 14 in the stock, lot or group so designated shall have been made for or  
 15 acquired from such government, forces or agency.

1 SEC. 3. If any person shall violate any of the provisions of this act,  
 2 he shall be guilty of a misdemeanor and, on the occasion of the first  
 3 conviction, shall be fined not less than ten dollars (\$10.00) nor more  
 4 than one hundred dollars (\$100.00) and, on the occasion of the sec-  
 5 ond or any subsequent conviction, shall be imprisoned not less than  
 6 one day nor more than thirty days, according to the discretion of the  
 7 court, within said limits, in any case.

Approved April 12, 1945.

## CHAPTER 68

## MEMORIAL HALLS AND MONUMENTS

H. F. 256

AN ACT to repeal section four hundred ninety (490), and to amend chapter thirty-three (33) and section four hundred eighty-nine (489), code, 1939, relating to memorial halls and monuments for soldiers, sailors and marines and to provide for a tax levy for maintenance and construction.

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

1 SECTION 1. Section four hundred ninety (490), Code, 1939, is here-  
2 by repealed.

1 SEC. 2. Chapter thirty-three (33), Code, 1939, is hereby amended  
2 by adding the following section:

3 "For the development, operation, and maintenance of such build-  
4 ing or monument constructed, purchased, or donated under this chap-  
5 ter, there may be thereafter levied a tax as follows:

6 1. By a county owning same, not to exceed one and one-fourth  
7 mills on all the taxable property within said county.

8 2. By a city of the first class, having a population in excess of fifty  
9 thousand persons as shown by the last preceding census, owning same,  
10 not to exceed two mills on all the taxable property within said city.

11 3. By any other first class city owning same, not to exceed three  
12 mills on all the taxable property within said city.

13 4. By a city of the second class owning same, not to exceed four  
14 mills on all the taxable property within said city.

15 5. By a town owning same, not to exceed five mills on all the tax-  
16 able property within said town."

1 SEC. 3. Section four hundred eighty-nine (489), Code, 1939, is  
2 hereby amended by striking from line seven (7) the word "two" and  
3 inserting in lieu thereof the word "four".

1 SEC. 4. The provisions of this act and law are hereby made appli-  
2 cable to special charter cities.

Approved April 14, 1945.

## CHAPTER 69

## BOARD OF SUPERVISORS

S. F. 37

AN ACT to amend chapter thirty-five (35), code, 1939, relating to elections and officers and time of election, and limiting the number of members of the board of supervisors that may be elected from territories of the county.

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

1 SECTION 1. Chapter thirty-five (35), Code, 1939, is amended by  
2 adding thereto the following:

3 "In counties of over fifty thousand (50,000) population having two  
4 places at which the district court is held and where the board of

5 supervisors consists of five (5) members, not more than three (3)  
6 of said members shall be elected from either of the territories served  
7 by said courts within that county."

Approved February 7, 1945.

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## CHAPTER 70

### JUDGES AND CLERKS OF ELECTION

H. F. 28

AN ACT to amend sections five hundred sixty (560) and seven hundred thirty-eight (738), code, 1939, relating to compensation of judges and clerks of elections.

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

1 SECTION 1. Section five hundred sixty (560), Code, 1939, is amend-  
2 ed by striking from line five (5) the word "thirty" and inserting in  
3 lieu thereof the word "fifty".

1 SEC. 2. Section seven hundred thirty-eight (738), Code, 1939, is  
2 amended by striking from line two (2) the word "thirty" and insert-  
3 ing in lieu thereof the word "fifty".

Approved April 14, 1945.

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## CHAPTER 71

### BONDS OF STATE OFFICERS

S. F. 400

AN ACT to amend sections one thousand sixty-three (1063), two thousand five hundred ninety-nine (2599) and four hundred thirty (430), code, 1939, relating to bonds of state officers and providing for the payment by the state of the reasonable expense thereof.

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

1 SECTION 1. Amend section one thousand sixty-three (1063), Code,  
2 1939, by adding thereto the following:

3 "The State of Iowa shall pay the reasonable cost of the bonds re-  
4 quired in paragraphs one (1) to twenty-six (26), both inclusive, of  
5 this section."

1 SEC. 2. Amend section two thousand five hundred ninety-nine  
2 (2599), Code, 1939, by adding thereto as an additional sentence the  
3 following:

4 "The State of Iowa shall pay the reasonable cost of the bonds re-  
5 quired by this section."

1 SEC. 3. Amend section four hundred thirty (430), Code, 1939, by  
2 adding thereto the following sentence:

3 "The State of Iowa shall pay the reasonable cost of the bonds re-  
4 quired by this section."

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 Hawk-Eye  
 3 Gazette, a newspaper published at Burlington, Iowa, and in the Wap-  
 4 ello Republican, a newspaper published at Wapello, Iowa.

Approved April 10, 1945.

I hereby certify that the foregoing act was published in the Hawk-Eye Gazette, Bur-  
 lington, Iowa, April 16, 1945, and the Wapello Republican, Wapello, Iowa, April 19, 1945.  
 WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 72

### SOLDIERS PREFERENCE LAW

S. F. 10

AN ACT to amend section one thousand one hundred fifty-nine (1159) and section one  
 thousand one hundred sixty-one (1161), code, 1939, relating to preference in public  
 employment of honorably discharged members of the military or naval forces of  
 the United States, of any war in which the United States was or is now engaged  
 including the Philippine Insurrection and China Relief Expedition.

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

1 SECTION 1. Section one thousand one hundred fifty-nine (1159)  
 2 Code, 1939, is repealed and the following enacted in lieu thereof:  
 3 "In every public department and upon all public works in the state,  
 4 and of the counties, cities, towns, and school districts thereof, honor-  
 5 ably discharged men and women from the military or naval forces of  
 6 the United States in any war in which the United States was or is now  
 7 engaged, including the Philippine Insurrection and China Relief expe-  
 8 dition, who are citizens and residents of this state shall, be entitled to  
 9 preference in appointment, employment and promotion over other  
 10 applicants of no greater qualifications."

1 SEC. 2. Section one thousand one hundred sixty-one (1161), Code,  
 2 1939, is amended by striking from lines one (1) and two (2), the words  
 3 "When such soldier, sailor, marine or nurse" and substituting in lieu  
 4 thereof the words "When any preferred person".

1 SEC. 3. The provisions of this act shall apply to and be applicable  
 2 to special charter cities in the State.

Approved March 12, 1945.



**CHAPTER 73**  
**HIGHWAY PATROL**  
**H. F. 304**

AN ACT to amend section one thousand two hundred twenty-five and nine hundredths (1225.09), code, 1939, relating to police powers.

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

- 1 SECTION 1. Section one thousand two hundred twenty-five and nine
- 2 hundredths (1225.09), Code, 1939, is hereby amended by striking
- 3 from line seven (7) the words "one hundred twenty-five" and insert-
- 4 ing in lieu thereof the words "one hundred sixty".

Approved April 10, 1945.

**CHAPTER 74**  
**SHOT FIRING IN COAL MINES**  
**H. F. 84**

AN ACT to amend section one thousand two hundred ninety-seven and one tenth (1297.1), code, 1939, relating to the firing of blasting shots in coal mines.

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

- 1 SECTION 1. Section one thousand two hundred ninety-seven and
- 2 one tenth (1297.1), code, 1939, is amended by striking the period (.)
- 3 at the end of said section and substituting therefor a comma (,) and
- 4 adding thereto the following:
- 5 "except that the mine inspectors of the State of Iowa shall permit
- 6 the firing of shots while others, than those firing the shots, are in the
- 7 mine, provided:
- 8 1. Any explosive so used shall be of the type known as 'permissible
- 9 explosives' and shall be on the approved list of permissible explosives
- 10 of the United States Bureau of Mines and subject to the approval of
- 11 the mine inspectors of the State of Iowa.
- 12 2. Firing of shots while others, than those firing the shots, are in
- 13 the mine shall in no case be permitted until the operator shall have
- 14 complied with the rules and regulations approved by the mine in-
- 15 spectors of the State of Iowa, which rules shall safeguard the safety
- 16 and health of the employees of the mine; and any violation of such
- 17 rules and regulations shall be deemed just cause for revoking said
- 18 permission.
- 19 3. Firing of shots while others, than those firing the shots, are in
- 20 the mine shall in no case be permitted in any coal mine except in mines
- 21 where the coal is mechanically undercut."

- 1 SEC. 2. If any part of this act shall be declared unconstitutional, it
- 2 shall not invalidate the remaining portions of this act.

- 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 Ottumwa

- 3 Daily Courier, a newspaper published at Ottumwa, Iowa, and the  
4 Madrid Register-News, a newspaper published at Madrid, Iowa.

Approved March 7, 1945.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier, Ottumwa, Iowa, March 12, 1945, and the Madrid Register-News, Madrid, Iowa, March 15, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 75

### WORKMEN'S COMPENSATION—FIREMEN

#### H. F. 445

AN ACT to amend section one thousand three hundred sixty-one (1361), code, 1939, section one thousand three hundred ninety-seven (1397), code, 1939, and section one thousand four hundred twenty-one (1421), code, 1939, relating to workmen's compensation for volunteer firemen, defining volunteer firemen and providing the rate of compensation under the Iowa workmen's compensation law.

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

1 SECTION 1. Section one thousand three hundred sixty-one (1361),  
2 Code, 1939, is hereby amended by inserting after the comma (,) after  
3 the word "town" in line six of subsection four the following: "except  
4 volunteer firemen and".

1 SEC. 2. Section one thousand four hundred twenty-one (1421),  
2 Code, 1939, is hereby amended by adding thereto a new section as  
3 follows:

4 "The term 'volunteer firemen' shall mean any active member of  
5 an organized volunteer fire department in this state and any other  
6 person performing services as a volunteer fireman for a municipality  
7 at the request of the chief or other person in command of the fire  
8 department of such municipality, or of any other officer of such  
9 municipality having authority to demand such service, and who is  
10 not a full time member of a paid fire department. A person performing  
11 such services shall not be classified as a casual employee."

1 SEC. 3. Section one thousand three hundred ninety-seven (1397),  
2 Code, 1939, is hereby amended by adding thereto a new sub-section  
3 as follows:

4 "In computing the compensation to be allowed a volunteer fireman  
5 his earnings as such fireman shall be disregarded and he shall be  
6 paid the maximum compensation allowable under the Workmen's  
7 Compensation Law."

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 Eddyville Tribune, a newspaper published at Eddyville, Iowa,  
4 and the Centerville Daily Iowegian, a newspaper published at Center-  
5 ville, Iowa.

Approved April 10, 1945.

I hereby certify that the foregoing act was published in the Eddyville Tribune, Eddyville, Iowa, April 19, 1945, and the Centerville Daily Iowegian, Centerville, Iowa, April 16, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 76

## WORKMEN'S COMPENSATION—AGRICULTURAL EMPLOYMENT

H. F. 393

AN ACT to extend the compensatory provisions of the workmen's compensation act to employers who have employees engaged in agriculture or agricultural pursuits and other employment not excluded from the act, and the employees of such employers.

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

1 SECTION 1. Amend Section one thousand three hundred sixty-one  
2 (1361), Code, 1939, by striking the period at the end of subsection  
3 three (3) thereof and adding the following:  
4 "except that employers engaged in agriculture and also engaged  
5 in any other trade or business not excluded by the provisions of this  
6 section, may by serving notice thereof upon the industrial commis-  
7 sioner by registered United States mail, elect to provide, secure and  
8 pay workmen's compensation in the manner as by this chapter pro-  
9 vided for all personal injuries sustained, arising out of and in the  
10 course of the employment. Upon such an election the employee, except  
11 as otherwise provided by this chapter, shall accept compensation in  
12 the manner provided by this chapter and the employer shall be relieved  
13 from other liability for recovery of damages, or other compensation  
14 for such injury."

Approved April 3, 1945.

## CHAPTER 77

## WORKMEN'S COMPENSATION

H. F. 101

AN ACT to amend the law as it appears in chapters seventy (70) and seventy-one (71), code, 1939, and sections one thousand three hundred eighty-seven (1387), one thousand three hundred ninety (1390), one thousand three hundred ninety-one (1391), one thousand three hundred ninety-three (1393), one thousand three hundred ninety-four (1394), and one thousand four hundred fifty-seven (1457) thereof, relating to workmen's compensation, fixing the maximum amount of weekly compensation, fixing the time when compensation shall be payable, reducing the waiting period before commencement of payments.

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

1 SECTION 1. Section one thousand three hundred eighty-seven (1387),  
2 Code, 1939, is hereby amended by striking from lines one (1), two (2)  
3 and three (3) thereof, the following: "In addition to other compensa-  
4 tion hereinafter provided,".

1 SEC. 2. Section one thousand three hundred ninety (1390), Code,  
2 1939, is hereby amended by striking from lines seven (7) and eight  
3 (8) thereof the word "fifteen" and by substituting in lieu thereof the  
4 word "eighteen". Code section one thousand three hundred ninety  
5 (1390), Code, 1939, is amended by striking from lines 8 and 10 the  
6 word "six", and inserting in lieu thereof the word "eight".

1 SEC. 3. Section one thousand three hundred ninety-one (1391),  
2 Code, 1939, is hereby amended by striking from line three (3) thereof  
3 the word "twenty-second" and by substituting in lieu thereof the word  
4 "fifteenth".

1 SEC. 4. Section one thousand three hundred ninety-three (1393),  
2 Code, 1939, is hereby repealed and the following section is enacted in  
3 lieu thereof:

4 "Except as to injuries resulting in permanent partial disability,  
5 compensation shall begin on the eighth day of disability after the  
6 injury.

7 If the period of incapacity extends beyond the twenty-eighth day  
8 following the date of injury, then the compensation for the fourth  
9 week shall be increased by adding thereto an amount equal to one-third  
10 of one week of compensation.

11 If the period of incapacity extends beyond the thirty-fifth day fol-  
12 lowing the date of injury, then the compensation for the fifth week  
13 shall be increased by adding thereto an amount equal to one-third of  
14 one week of compensation.

15 If the period of incapacity extends beyond the forty-second day fol-  
16 lowing the date of injury, then the compensation for the sixth week  
17 shall be increased by adding thereto an amount equal to one-third of  
18 one week of compensation.

19 If the period of incapacity extends beyond the forty-second day fol-  
20 lowing the date of injury, then the compensation thereafter shall be  
21 only the weekly compensation."

1 SEC. 5. Section one thousand three hundred ninety-four (1394),  
2 Code, 1939, is hereby amended by striking from line three (3) thereof  
3 the word "fifteenth" and by substituting in lieu thereof the word  
4 "eighth".

1 SEC. 6. Section one thousand four hundred fifty-seven (1457), Code,  
2 1939, is hereby amended by striking from line seven (7) thereof the  
3 word "five" and by substituting in lieu thereof the word "three".

Approved March 14, 1945.

## CHAPTER 78

### WORKMEN'S COMPENSATION TO MINORS OR INCOMPETENTS

#### H. F. 10

AN ACT to amend section fourteen hundred nine (1409), code, 1939, so as to provide that compensation due a minor employee, a minor dependent or one mentally incompetent may be paid to the trustee of the county where such minor or incompetent dependent resides.

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

1 SECTION 1. Section fourteen hundred nine (1409), Code, 1939, is  
2 hereby amended by inserting in line seven after the comma, following  
3 the word occurred,\* the following: "or to the trustee of the county  
4 where such minors or incompetents reside".

Approved February 14, 1945.

\*According to enrolled act.

## CHAPTER 79

## WORKMEN'S COMPENSATION FOR MINORS

S. F. 309

AN ACT to amend section one thousand four hundred twenty-one (1421), code, 1939, by adding thereto a new paragraph relating to workmen's compensation for minors employed in violation of the child labor laws of the state of Iowa, code of 1939.

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

1 SECTION 1. Sub-section four (4) of section one thousand four hun-  
2 dred twenty-one (1421), Code, 1939, is hereby amended by adding  
3 thereto the following: Notwithstanding any law prohibiting the em-  
4 ployment of minors all minor employees shall be entitled to the bene-  
5 fits of this chapter and chapters seventy-one (71) and seventy-two  
6 (72) regardless of the age of such minor employee."

Approved April 4, 1945.

## CHAPTER 80

## OFFICERS INJURED OR KILLED

H. F. 193

AN ACT to amend sections one thousand four hundred twenty-one (1421) and one thousand four hundred twenty-two (1422), code, 1939, relating to compensation to be paid conservation officers and peace officers disabled or killed while performing official duties, and repealing section two (2) of chapter ninety-six (96) of the Acts of the Forty-ninth General Assembly of Iowa.

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

1 SECTION 1. Section one thousand four hundred twenty-two (1422),  
2 Code, 1939, is amended by striking from lines nine (9) to thirteen  
3 (13), inclusive, the following: "meaning while in the act of making  
4 or attempting to make an arrest or giving pursuit, or while perform-  
5 ing such official duties where there is peril or hazard peculiar to the  
6 work of their office,"

1 SEC. 2. That section one thousand four hundred twenty-one (1421),  
2 Code, 1939, as amended by chapter ninety-six (96), Laws of the Forty-  
3 ninth General Assembly, be amended by striking the period (.) at  
4 the end of subparagraph d of subsection three (3) and adding in lieu  
5 thereof the following: ", conservation officers and peace officers re-  
6 ferred to in section one thousand four hundred twenty-two (1422),  
7 Code, 1939."

1 SEC. 3. Section two (2) of Chapter ninety-six (96) of the Acts of  
2 the Forty-ninth General Assembly is hereby repealed.

Approved April 12, 1945.

## CHAPTER 81

## WORKMEN'S COMPENSATION FOR SECOND INJURY

## S. F. 102

AN ACT to amend the law as it appears in chapter seventy (70), code, 1939, and also sections one thousand three hundred ninety-two (1392) and one thousand three hundred ninety-seven (1397) relating to workmen's compensation so as to provide for the payment of compensation to certain employees for certain second injuries, to provide for a second injury fund and for the making of contributions thereto and providing for the administration of the act.

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

1 SECTION 1. This Act shall be known and referred to as the "Second  
2 Injury Compensation Act".

1 SEC. 2. If an employee who has previously lost, or lost the use of, one  
2 hand, one arm, one foot, one leg, or one eye, becomes permanently and  
3 totally disabled by a compensable injury which has resulted in the loss  
4 of or loss of use of another such member or organ, the employer shall  
5 be liable only for the degree of disability which would have resulted  
6 from the latter injury if there had been no preexisting disability. In  
7 addition to such compensation, and after the expiration of the full  
8 period provided by law for the payments thereof by the employer, the  
9 employee shall be paid out of the "Second Injury Fund" created by this  
10 Act the remainder of such compensation as would be payable for per-  
11 manent total disability after first deducting from such remainder the  
12 compensable value of the previously lost member or organ.

13 Any benefits received by any such employee, or to which he may be en-  
14 titled, by reason of such increased disability from any state or federal  
15 fund or agency, to which said employee has not directly contributed,  
16 shall be regarded as a credit to any award made against said Second  
17 Injury Fund as aforesaid.

1 SEC. 3. The employer, or, if insured, his insurance carrier in each  
2 case of compensable injury causing death shall pay to the Treasurer of  
3 State for the Second Injury Fund the sum of one hundred dollars  
4 (\$100.00), said payment to be made at the time compensation pay-  
5 ments are begun, or at the time the burial expenses are paid in a case  
6 where there are no dependents; provided, however, that such payments  
7 shall be required only in cases of injury resulting in death coming  
8 within the purview of this chapter and occurring after the effective  
9 date of this Act. These payments shall be in addition to any payments  
10 of compensation to injured employees or their dependents, or of burial  
11 expenses as provided in this chapter.

1 SEC. 4. When the total amount of such payments provided for in the  
2 preceding section, together with accumulated interest thereon and  
3 earnings, equals or exceeds fifty thousand dollars (\$50,000) no further  
4 contributions to said Fund shall be required; but whenever, thereafter,  
5 the amount of such sum shall be reduced below thirty thousand dollars  
6 (\$30,000) by reason of payments made to employees pursuant to the  
7 provisions of this Act, the said contributions shall be resumed forth-  
8 with and shall continue until such sum, together with accumulated in-  
9 terest and earnings, shall again amount to fifty thousand dollars

10 (\$50,000). The Industrial Commissioner shall promulgate rules and  
11 regulations for the maintenance of the Second Injury Fund and the  
12 making of contributions thereto, and shall determine when the con-  
13 tributions shall be made to said Fund and when they shall be sus-  
14 pended; and he is hereby empowered and authorized to enforce said  
15 rules and regulations and the collection of said contributions.

16 Monies so collected shall constitute a "Second Injury Fund", in the  
17 custody of the Treasurer of State, to be disbursed only for the purposes  
18 stated in this Act, and shall not at any time be appropriated or diverted  
19 to any other use or purpose. The Treasurer of State shall invest any  
20 surplus monies thereof in securities which constitute legal investments  
21 for state funds under the laws of this state, and may sell any of the  
22 securities in which said Fund is invested, if necessary, for the proper  
23 administration or in the best interests of said Fund. Disbursements  
24 from such Fund shall be paid by the Treasurer of State only upon the  
25 written order of the Industrial Commissioner. The Treasurer of State  
26 as custodian of such Fund shall quarterly furnish to the Industrial  
27 Commissioner a statement of the Fund, setting forth the balance of  
28 monies in said Fund, the income of the Fund, specifying the source of  
29 all income, the payments out of the Fund, specifying the various items  
30 of such payments, and setting forth the balance of the Fund remaining  
31 to its credit. Such statement shall be open to public inspection in the  
32 office of the Industrial Commissioner.

1 SEC. 5. The Industrial Commissioner shall be charged with the con-  
2 servation of the assets of the Second Injury Fund, and the collection  
3 of contributions thereto. In furtherance of this purpose, the Attorney  
4 General shall appoint a member of his staff to represent the Industrial  
5 Commissioner and the Fund in all proceedings and matters arising  
6 under this Act. In his award the Industrial Commissioner shall spe-  
7 cifically find the amount the injured employee shall be paid weekly, the  
8 number of weeks' compensation which shall be paid by the employer,  
9 the date upon which payments out of the Fund shall begin, and, if  
10 possible, the length of time such payments shall continue. The Indus-  
11 trial Commissioner shall administer the provisions of this Act in con-  
12 nection with and under the same procedure as other cases arising under  
13 this chapter.

1 SEC. 6. The Industrial Commissioner, on behalf of the Second Injury  
2 Fund created under the provisions of this Act, shall have a cause of  
3 action under the provisions of section one thousand three hundred  
4 eighty-two (1382) of this chapter to the same extent as an employer  
5 against any person not in the same employment by reason of whose  
6 negligence or wrong the subsequent injury of such previously disabled  
7 person was caused. Any such action shall be brought by the Industrial  
8 Commissioner on behalf of said Fund, and any recovery, less the neces-  
9 sary and reasonable expenses incurred by the Industrial Commissioner,  
10 shall be paid to the Treasurer of State and credited to said Fund.

1 SEC. 7. The Treasurer of State is hereby authorized to receive and  
2 credit to said Fund any sum or sums that may at any time be con-  
3 tributed to the state by the United States of America or any agency  
4 thereof, under any act of Congress or otherwise, to which the state

5 may be or become entitled by reason of any payments made to any pre-  
6 viously disabled person out of said Fund.

1 SEC. 8. That the law as it appears in subsection six (6) of section  
2 one thousand three hundred ninety-two (1392), Code, 1939, is hereby  
3 amended by striking from lines nine (9) and eighteen (18) of said  
4 subsection, the words "state treasury" and by substituting in lieu  
5 thereof the words "Second Injury Fund in the custody of the Treasurer  
6 of State".

1 SEC. 9. That the law as it appears in subsection eight (8) of section  
2 one thousand three hundred ninety-seven (1397), Code, 1939, be and  
3 the same is hereby amended by adding thereto the following: "This  
4 paragraph shall not apply to compensable injuries arising under the  
5 Second Injury Compensation Act."

1 SEC. 10. This Act is and shall be amendatory of chapter seventy  
2 (70), Code, 1939, and shall be inserted in said chapter and become a  
3 part thereof.

Approved March 16, 1945.

## CHAPTER 82

### WORKMEN'S COMPENSATION

S. F. 114

AN ACT to amend sections fourteen hundred twenty-four (1424), fourteen hundred twenty-five (1425), fourteen hundred thirty-seven (1437), fourteen hundred thirty-eight (1438), fourteen hundred forty (1440), fourteen hundred forty-one (1441), fourteen hundred forty-two (1442), fourteen hundred forty-three (1443), fourteen hundred forty-four (1444), fourteen hundred forty-six (1446), fourteen hundred forty-seven (1447), fourteen hundred sixty (1460) of the 1939 code of Iowa relating\* workmen's compensation law of Iowa, providing for an additional deputy industrial commissioner and prescribing the powers and duties of the industrial commissioner, his deputies, and providing for procedure for hearings on application for arbitration before the deputy industrial commissioners and boards of arbitration.

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

1 SECTION 1. Section fourteen hundred twenty-four (1424), code  
2 1939, is hereby amended by striking from line two (2) thereof the  
3 word "deputy" and by inserting in lieu thereof the following:  
4 "first and second deputy industrial commissioner"

5 Further amend this section by adding at the end thereof the fol-  
6 lowing: "Wherever the term 'deputy industrial commissioner' is used  
7 in this chapter it shall mean either the first or second deputy indus-  
8 trial commissioner".

1 SEC. 2. Section fourteen hundred twenty-five (1425), code 1939,  
2 is hereby amended by striking from line four (4) the word "deputy"  
3 and by inserting in lieu thereof the word "deputies".

1 SEC. 3. Section fourteen hundred thirty-seven (1437), code 1939,  
2 is hereby repealed and the following enacted in lieu thereof:

\*According to enrolled act.



3 "If the employer and injured employee or his representatives or  
 4 dependents fail to reach an agreement in regard to compensation,  
 5 either party may file with the industrial commissioner a petition for  
 6 arbitration together with two copies thereof, stating therein his or  
 7 her claims in general terms. Thereupon the commissioner or one of  
 8 the deputies shall in writing notify the parties that the defendant is  
 9 given at least ten days in which to answer said petition or otherwise  
 10 plead. A defense other than a general denial of claimant's alleged  
 11 facts must be plead as a special defense."

1 SEC. 4. Section fourteen hundred thirty-eight (1438), code 1939,  
 2 is hereby repealed and the following enacted in lieu thereof:

3 "Petitions for arbitration shall be heard before a deputy industrial  
 4 commissioner unless either party shall notify the industrial commis-  
 5 sioner or a deputy before the time fixed for hearing that they desire  
 6 a board of arbitration to hear and determine the rights of the respec-  
 7 tive parties. When a board of arbitration is requested by either party,  
 8 such board shall consist of three persons, one of whom shall be a  
 9 deputy industrial commissioner, who shall act as chairman. The  
 10 other two arbitrators shall be named, respectively, by the two parties  
 11 to the proceeding."

1 SEC. 5. Amend section fourteen hundred forty (1440), code 1939,  
 2 by adding after the word "The" in line one (1) the following:

3 "deputy industrial commissioner or the"  
 4 Further amend said section by striking from line four (4) the word  
 5 "board" and by inserting in lieu thereof the following:

6 "deputy industrial commissioner or the board of arbitration"

7 Further amend said section by striking from lines eight (8) and  
 8 nine (9) the words "of the board".

9 Further amend said section in line twelve (12) by inserting after  
 10 the word "commissioner" the following:

11 "or one of his deputies"

1 SEC. 6. Amend section fourteen hundred forty-one (1441), code  
 2 1939, by adding in line five (5) after the word "commissioner" the  
 3 following:

4 "or his deputies"

1 SEC. 7. Amend section fourteen hundred forty-two (1442), code  
 2 1939, by adding the words "or one of his deputies" after the word  
 3 "commissioner" where it appears in lines four (4), five (5), and  
 4 seven (7) of said section.

1 SEC. 8. Amend section fourteen hundred forty-three (1443), code  
 2 1939, by adding the words "or one of his deputies" after the word  
 3 "commissioner" where it appears in lines two (2) and four (4) of  
 4 said section.

1 SEC. 9. Amend section fourteen hundred forty-four (1444), code  
 2 1939, by adding the words "or one of his deputies" after the word "com-  
 3 missioner" in line four (4) of said section.

1 SEC. 10. Section fourteen hundred forty-six (1446), code 1939,  
 2 is hereby repealed and the following enacted in lieu thereof:

3 "The decision of a deputy industrial commissioner or board of  
4 arbitration, together with a statement or certificate of evidence sub-  
5 mitted at the hearing, the findings of fact, rulings of law and any  
6 other matters pertinent to questions arising at such hearing, shall  
7 be filed in the office of the industrial commissioner."

1 SEC. 11. Amend section fourteen hundred forty-seven (1447), code  
2 1939, by adding in line two (2) after the word "a" the following:

3 "deputy industrial commissioner or"

4 Further amend said section by inserting in line eleven (11) after  
5 the word "the" the following:

6 "deputy industrial commissioner or"

1 SEC. 12. Amend section fourteen hundred sixty (1460), code 1939,  
2 by adding in line two (2) after the word "a" the following:

3 "deputy industrial commissioner or"

Approved April 20, 1945.

## CHAPTER 83

### WORKMEN'S COMPENSATION REPORTS

S. F. 310

AN ACT to repeal section one thousand four hundred thirty-five (1435), code, 1939, and to enact a substitute therefor relating to a penalty for wilful failure to file reports required under chapter seventy-one (71), code, 1939, which may be required in workmen's compensation matters.

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

1 SECTION 1. Section one thousand four hundred thirty-five (1435),  
2 Code, 1939, is hereby repealed and the following is enacted in lieu  
3 thereof "Any employer who wilfully fails to make the reports re-  
4 quired by this chapter shall be liable to a penalty of fifty dollars for  
5 each offense to be recovered by the commissioner. The commissioner  
6 shall be represented by the county attorney of the county in which  
7 such proceedings is brought."

Approved April 6, 1945.

## CHAPTER 84

### WORKMEN'S COMPENSATION AGREEMENTS

S. F. 311

AN ACT to amend section one thousand four hundred thirty-six (1436), code, 1939, relating to filing memorandum of agreement for payment of weekly compensation in workmen's compensation matters.

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

1 SECTION 1. Section one thousand four hundred thirty-six (1436),  
2 Code, 1939, is hereby amended by striking from line five (5) thereof  
3 the word "employee" and by inserting in lieu thereof the words "the

4 insurance carrier". Said section is further amended by inserting  
5 after the word "employer" in line seven (7) the words "or the insur-  
6 ance carrier".

7 Said section is further amended by striking from lines fifteen (15)  
8 and sixteen (16) thereof the words "may execute the memorandum of  
9 agreement and".

10 Said section is further amended by adding thereto a new paragraph  
11 as follows: "Any failure on the part of the employer or insurance car-  
12 rier to file such memorandum of agreement with the Industrial Com-  
13 missioner within thirty (30) days after the payment of weekly Com-  
14 pensation is begun shall stop the running of section one thousand three  
15 hundred eighty-six (1386) as of the date of the first such payment."

Approved April 6, 1945.

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## CHAPTER 85

### FEDERAL AID TO BLIND PERSONS S. F. 224

AN ACT to amend chapter seventy-six and one tenth (76.1), code, 1939, relating to Iowa commission for the blind.

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

1 SECTION 1. Chapter seventy-six and one tenth (76.1), Code, 1939,  
2 is hereby amended by adding thereto the following:

3 "The Iowa Commission for the Blind is hereby authorized to accept  
4 financial aid from the Government of the United States for the pur-  
5 pose of assisting in carrying out rehabilitation and physical restora-  
6 tion of the blind, and shall have the same powers and duties for that  
7 purpose, as provided the State Board for Vocational Education in  
8 Chapter one hundred ninety-two (192), Code of 1939."

1 SEC. 2. No contribution or grant shall be received or accepted if  
2 any condition is attached as to its use or administration other than  
3 that it be used for assistance to the blind as provided in this act.

Approved April 10, 1945.

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## CHAPTER 86

### UNEMPLOYMENT COMPENSATION S. F. 103

AN ACT to amend the law as it appears in chapter seventy-seven and two tenths (77.2), code of 1939, and sections one thousand five hundred fifty-one and nine hundredths (1551.09), one thousand five hundred fifty-one and ten hundredths, sub-section E (1551.10-E) as amended, section one thousand five hundred fifty-one and thirteen hundredths, sub-section C, paragraph one (1551.13-C-1), one thousand five hundred fifty-one and twenty-five hundredths, sub-sections J and Q (1551.25-J-Q), and to repeal section one thousand five hundred fifty-one and eleven hundredths, sub-sections A and B (1551.11-A-B), and to enact a substitute therefor all in said chapter relating to unemployment compensation and the pay-

ment thereof, so as to increase the weekly benefits and to provide the method of determining the same; so as to increase individual credits and lengthen the duration of payment of benefits; so as to re-state provisions relating to eligibility and disqualifications for benefits; so as to re-define total unemployment and partial unemployment; so as to increase the maximum amount of benefits which may be charged against the account of an employer; so as to fix the method of receiving and processing of claims filed prior to the effective date of this act; and to repeal all acts or parts of acts in conflict with this act.

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

1 SECTION 1. That the law as it appears in section one thousand five  
2 hundred fifty-one and nine hundredths (1551.09), Code of 1939, be  
3 and the same is hereby amended by striking therefrom sub-sections  
4 B, C and D and by substituting in lieu thereof the following sub-  
5 sections:

6 B. Each eligible individual who is totally unemployed in any week  
7 shall be paid with respect to such week benefits in an amount which  
8 shall be equal to his weekly benefit amount.

9 C. Each eligible individual who is partially unemployed in any  
10 week shall be paid with respect to such weekly benefits in an amount  
11 equal to his weekly benefit amount less the total amount of wages  
12 earned in such week reduced by Three Dollars (\$3.00).

13 D. The weekly benefit amount of any individual shall be an amount  
14 equal to one twenty third of his total wages paid for insured work in  
15 that calendar quarter in his base period in which his wages were the  
16 highest, but in no case shall said amount be more than Eighteen Dol-  
17 lars (\$18.00) nor less than Five Dollars (\$5.00) in any one week.

1 SEC. 2. That the law as it appears in section one thousand five hun-  
2 dred fifty-one and nine hundredths, sub-section E (1551.09-E), Code  
3 of 1939, be and the same is hereby amended by substituting the word  
4 "eighteen" for the word "fifteen" in the sixth (6) line thereof; also  
5 by substituting the words "one-third" for the words "one-sixth" in  
6 line thirteen (13) thereof; also by substituting the words "one hun-  
7 dred thirty" for the words "sixty-five" in lines fourteen (14) and fif-  
8 teen (15) thereof.

1 SEC. 3. That the law as it appears in section one thousand five  
2 hundred fifty-one and ten hundredths, sub-section E (1551.10-E),  
3 Code of 1939, as amended by section three (3) of chapter one hundred  
4 six (106) of the laws of the Forty-ninth General Assembly be and  
5 the same is hereby amended by striking from lines four (4), five (5)  
6 and six (6) of said section three (3), the following: "He has within  
7 the last four (4) quarters of his base period been paid wages in in-  
8 sured work equal to not less than fifteen (15) times his weekly bene-  
9 fit amount." and by substituting in lieu thereof, the following: "He  
10 has within his base period been paid wages in insured work equal to  
11 not less than eighteen (18) times his weekly benefit amount."

1 SEC. 4. That the law as it appears in section one thousand five hun-  
2 dred fifty-one and eleven hundredths, sub-sections A and B (1551.11-  
3 A-B), Code of 1939, be and the same is hereby repealed and the  
4 following sub-sections enacted and substituted in lieu thereof.

5 (A) If he has left his work voluntarily without good cause attrib-  
6 utable to his employer, if so found by the Commission. But he shall  
7 not be disqualified if the Commission finds that:

8 (1) He left his employment in good faith for the sole purpose of  
9 accepting better employment, which he did accept, and that he re-  
10 mained continuously in said new employment for not less than twelve  
11 weeks;

12 (2) He has been laid off from his regular employment and has  
13 sought temporary employment, and has notified his temporary em-  
14 ployer that he expected to return to his regular job when it became  
15 available, and the temporary employer employed him under these  
16 conditions, and the worker did return to his regular employment  
17 with his regular employer as soon as it was available.

18 (3) He left his employment for the necessary and sole purpose of  
19 taking care of a member of his immediate family who was then in-  
20 jured or ill, and if after said member of his family sufficiently re-  
21 covered, he immediately returned to and offered his services to his  
22 employer, provided, however, that during such period he did not  
23 accept any other employment.

24 (B) If the Commission shall find that he has been discharged for  
25 misconduct in connection with his employment, he shall forfeit not  
26 less than two nor more than nine weeks' benefits as may be ordered  
27 by the Commission.

1 SEC. 5. That the law as it appears in section one thousand five  
2 hundred fifty-one and thirteen hundredths, sub-section C, paragraph  
3 one (1) (1551.13-C-1), Code of 1939, be and the same is hereby  
4 amended by substituting the words "one-third" for the words "one-  
5 sixth" in line seventeen (17) thereof; also by substituting the words  
6 "one hundred thirty" for the words "sixty-five" in line twenty-one  
7 (21) thereof.

1 SEC. 6. That the law as it appears in section one thousand five hun-  
2 dred fifty-one and twenty-five hundredths, sub-section J (1551.25-J),  
3 Code of 1939, be and the same is hereby amended as follows: In para-  
4 graph one (1) insert a "period" (.) following the word "services"  
5 in line four (4) of said paragraph and strike the remainder of said  
6 sub-paragraph, also strike paragraphs two (2), three (3) and four  
7 (4) of said sub-section J and insert in lieu thereof the following:

8 2. An individual shall be deemed partially unemployed in any week  
9 in which, while employed at his then regular job, he works less than  
10 the regular full time week and in which he earns less than his regular  
11 full time wage, or in which he, having been separated from his regular  
12 job, earns wages which are less than his weekly full time wage in his  
13 regular employment.

1 SEC. 7. That the law as it appears in section one thousand five hun-  
2 dred fifty-one and twenty-five hundredths, sub-section Q (1551.25-Q),  
3 Code of 1939, be and the same is hereby amended by substituting the  
4 word "five" for the word "nine" in line two (2) thereof.

1 SEC. 8. That this Act shall be effective\* on and after July 1, 1945.  
2 All claims filed prior to July 1, 1945 shall be received and processed  
3 in accordance with the law in effect prior to July 1, 1945.

1 SEC. 9. This Act being deemed of immediate importance shall be  
2 in full force and effect\* from and after its passage and publication in

\*According to enrolled act.

3 the Ottumwa Daily Courier, a newspaper of general circulation pub-  
 4 lished at Ottumwa, Iowa, and in the Plain Talk, a newspaper of gen-  
 5 eral circulation published at Des Moines, Iowa.

Approved April 21, 1945.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier, Ottumwa, Iowa, April 26, 1945, and the Plain Talk, Des Moines, Iowa, April 26, 1945.  
 WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 87

### UNEMPLOYMENT COMPENSATION CONTRIBUTIONS

H. F. 108

AN ACT to amend section one thousand five hundred fifty-one and thirteen hundredths (1551.13), code, 1939, relating to unemployment compensation contributions so as to permit voluntary payments or contributions by employers.

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

1 SECTION 1. That the law as it appears in section one thousand five  
 2 hundred fifty-one and thirteen hundredths, sub-section C (1551.13-C),  
 3 Code, 1939, be and the same is hereby amended by inserting imme-  
 4 diately following paragraph one (1) of said sub-section C, the follow-  
 5 ing paragraph:

6 "Any employer may at any time make payments to an account in  
 7 excess of the other requirements of this section; and all such payments  
 8 shall be considered as contributions required under the provisions of  
 9 this chapter. Any such payment made not later than the last payment  
 10 date for the last quarter of any calendar year shall be considered as a  
 11 contribution payable and paid upon the employer's payroll for that  
 12 calendar year."

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 Evening Democrat, a newspaper of general circulation published  
 4 at Ft. Madison, Iowa, and in the Lockridge Times, a newspaper of  
 5 general circulation published at Lockridge, Iowa.

Approved March 7, 1945.

I hereby certify that the foregoing act was published in the Evening Democrat, Ft. Madison, Iowa, March 13, 1945, and the Lockridge Times, Lockridge, Iowa, March 15, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 88

## UNEMPLOYMENT COMPENSATION CONTRIBUTIONS

S. F. 222

AN ACT to amend section one thousand five hundred fifty-one and thirteen hundredths, subsection C, (1551.13-C), code of 1939, as amended, relating to unemployment compensation, and the collection of contributions so as to provide for the transfer of an employer's account to the successor owner of the enterprise; to provide for the continuation of the account in the successor employers in case of reorganization or merger of enterprises; to provide for the fixing of the effective date of this act; and for the repeal of all acts, or parts of acts, inconsistent with the provisions of this act.

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

1 SECTION 1. That the law as it appears in section one thousand five  
2 hundred fifty-one and thirteen hundredths (1551.13) be amended by  
3 striking therefrom paragraph two (2) of subsection C, and inserting  
4 in lieu thereof the following:

5 "2. In any case in which the enterprise or business for which con-  
6 tributions have been paid has been sold or otherwise transferred to  
7 a subsequent employing unit, or in any case in which one or more  
8 employing units have been reorganized or merged into a single em-  
9 ploying unit and the successor employer continues to operate such  
10 enterprise, such successor employer shall assume the position of the  
11 predecessor employer or employers with respect to such predecessors'  
12 payrolls, contributions, accounts and contribution rates to the same  
13 extent as if there had been no change in the ownership or control of  
14 such enterprise or business.

15 "In determining each employer's rate of contribution for the cal-  
16 endar year 1945, and for each year thereafter, such employer shall be  
17 given full credit for the payrolls, contributions, accounts and contri-  
18 bution rates of his predecessor employer or employers to the same  
19 extent as if there had been no change in the organization or the owner-  
20 ship of the business. Provided, that in any case in which such sale,  
21 transfer, merger or reorganization has taken place in any year after  
22 the predecessor employer's rate of contribution (hereafter called rate)  
23 has been determined for such year the employer's rate for the re-  
24 mainder of such year, shall, upon his application to the Commission  
25 be determined in the following manner:

26 1. If the successor employer has no rate or if he has a rate and it  
27 is the same rate as that of his predecessor employer or employers,  
28 their rates being the same rate, his rate shall be that of the prede-  
29 cessor employer or employers.

30 2. If the rate or rates of the predecessor employers are not the same  
31 rate, and that of the successor employer if he has a rate is not the  
32 same rate as that of the predecessor employer then the rate of the  
33 successor employer shall be redetermined under the combined ex-  
34 perience of the predecessor employer or employers and the successor  
35 employers.

1 SEC. 2. That the law as it appears in section one thousand five hun-  
2 dred fifty-one and thirteen hundredths (1551.13) be further amended  
3 by adding after the word "he" in line seven (7) of paragraph three  
4 (3) of subsection C the words "and/or the predecessor owner of such  
5 enterprise."

1 SEC. 3. That the law as it appears in section one thousand five hun-  
 2 dred fifty-one and thirteen hundredths (1551.13) be further amended  
 3 by adding after the word "record" in line four (4) of paragraph four  
 4 (4) of subsection C the words "and/or the record of the predecessor  
 5 owner of his enterprise"; also by striking from line six (6) of para-  
 6 graph four (4) of said subsection C the word "his"; also by striking  
 7 from line seven (7) of said paragraph four (4) the words "on his  
 8 own behalf", and inserting in lieu thereof the words "to such account";  
 9 also by striking from line eight (8) of said paragraph four (4) the  
 10 word "his", and inserting in lieu thereof the word "such"; also by  
 11 striking from line three (3) of sub-paragraph (b) of said paragraph  
 12 four (4) the word "his"; also by striking from line four (4) of said  
 13 sub-paragraph (b) the words "on his own behalf"; also by striking  
 14 from line nine (9) of said sub-paragraph (b) the word "his", and  
 15 inserting in lieu thereof the word "such".

1 SEC. 4. If any part of this act is for any reason declared to be un-  
 2 constitutional or invalid, it shall not affect the validity of the re-  
 3 maining portions of this act, and it is declared that the remaining  
 4 portions would have been passed irrespective of that portion or part  
 5 hereof which might be held unconstitutional or invalid.

1 SEC. 5. All acts, or parts of acts, in conflict herewith are hereby  
 2 repealed insofar as they are inconsistent with any of the provisions  
 3 of this act.

1 SEC. 6. 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 Clayton County Register, a newspaper published at Elkader, Iowa,  
 4 and in the Wapello Republican, a newspaper published at Wapello,  
 5 Iowa.

Approved March 19, 1945.

I hereby certify that the foregoing act was published in the Clayton County Register,  
 Elkader, Iowa, April 5, 1945, and the Wapello Republican, Wapello, Iowa, March 29,  
 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 89

### UNEMPLOYMENT COMPENSATION—INTEREST ON CONTRIBUTIONS

S. F. 248

AN ACT to amend chapter seventy-seven and two tenths (77.2), code, 1939, as amended,  
 providing for unemployment compensation and regulating the collection of con-  
 tributions and the payment of benefits thereunder; to amend section one thousand  
 five hundred fifty-one and twenty hundredths (1551.20) relating to the rate of  
 interest on past due contributions.

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

1 SECTION 1. That the law as it appears in section one thousand five  
 2 hundred fifty-one and twenty hundredths (1551.20), Code of Iowa, as  
 3 amended, be amended by striking from line five (5) of subsection A  
 4 of said section the word "one", and inserting in lieu thereof the word  
 5 "one-half of one."

Approved April 2, 1945.



## CHAPTER 90

## UNEMPLOYMENT COMPENSATION OF MARITIME WORKERS

## H. F. 220

AN ACT to amend section one thousand five hundred fifty-one and twenty-five hundredths (1551.25), as amended, subsection G, paragraph seven (7), (1551.25-G-7), code, 1939, to provide unemployment compensation for maritime workers.

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

1 SECTION 1. That the law as it appears in section one thousand five  
2 hundred fifty-one and twenty-five hundredths, subsection G, paragraph  
3 seven (7) (1551.25-G-7), code, 1939, be and the same is hereby  
4 amended by striking from paragraph seven (7) all of subparagraph  
5 (f).

1 SEC. 2. The provisions of this act shall not be in operation until  
2 July 1, 1945.\*

1 SEC. 3. All acts, or parts of acts, in conflict herewith are hereby  
2 repealed insofar as they are inconsistent with any of the provisions  
3 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 passage and publication in  
3 the West Liberty Index, a newspaper published at West Liberty, Iowa,  
4 and in the Waukon Republican and Standard, a newspaper published at  
5 Waukon, Iowa.

\*According to enrolled act.

Approved April 4, 1945.

I hereby certify that the foregoing act was published in the West Liberty Index, West Liberty, Iowa, April 12, 1945, and the Waukon Republican and Standard, Waukon, Iowa, April 11, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 91

## PUBLIC EMPLOYEES RETIREMENT SYSTEM

## S. F. 436

AN ACT to provide for the general welfare of public employees by establishing an old age and survivor insurance system; to provide for the administration of such system; to provide for deductions from pay of public employees and contributions from the state, political subdivisions and other instrumentalities of the state and all political subdivisions thereof including public school districts to raise funds for such retirement system, and to repeal conflicting laws.

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

1 SECTION 1. A retirement system is hereby created and established  
2 to become effective January 1, 1946, and to be known as the "Old Age  
3 and Survivor Insurance System", hereinafter called the "System".

1 SEC. 2. The purpose of this Act is to promote economy and efficiency  
2 in the public service by providing an orderly means whereby em-  
3 ployees who become superannuated may, without hardship or preju-

4 dice be replaced by more capable employees, and to that end provid-  
5 ing a retirement system which will provide for the payment of an-  
6 nuities to public employees or to their beneficiaries thereby enabling  
7 the employees to care for themselves and their dependents, in old age  
8 or death, and which by its provisions will improve public employment  
9 within the state, reduce excessive personnel turnover and offer suit-  
10 able attraction to high grade men and women to enter public service  
11 in the state.

1 SEC. 3. The Iowa Employment Security Commission, hereinafter  
2 called the "Commission," shall be vested with authority to administer  
3 the Old Age and Survivors' Insurance System.

1 SEC. 4. The duties and powers of the Commission in respect to  
2 the carrying out of the provisions of this Act shall be the same as  
3 are set out in Sections one thousand five hundred fifty-one and fifteen  
4 hundredths (1551.15), one thousand five hundred fifty-one and six-  
5 teen hundredths (1551.16) and one thousand five hundred fifty-one  
6 and seventeen hundredths (1551.17), Code, 1939, as amended, insofar  
7 as they are consistent with the provisions of this Act.

1 SEC. 5. A. There is hereby created as a special fund, separate and  
2 apart from all other public moneys or funds of this state, the 'Old  
3 Age and Survivors' Insurance Trust Fund', hereafter called the 'Old  
4 Age and Survivors' Fund'. This fund shall consist of all moneys  
5 collected under this Act, together with all interest thereon, and shall  
6 also include all securities and other assets acquired by and through  
7 the use of the moneys belonging to this fund and any other moneys  
8 that have been paid into this fund.

9 B. The Treasurer of the State of Iowa is hereby made the custodian  
10 and trustee of this fund and shall administer the same in accordance  
11 with the directions of the commission. It shall be the duty of the trustee,

12 1. To hold said trust funds.

13 2. Invest such portion of said trust funds as are not needed for  
14 current payment of benefits under this Act in interest bearing bonds  
15 issued by the United States, or by the State of Iowa, or those issued  
16 by counties, school districts and/or general obligations or limited levy  
17 bonds issued by municipal corporations in this state as authorized by  
18 law. Also to sell and dispose of same when needed for the payment  
19 of benefits under this Act.

20 3. Disburse such trust funds upon warrants drawn by the Comp-  
21 troller pursuant to the order of the Commission.

22 C. All moneys which are paid or deposited into this fund are here-  
23 by appropriated and made available to the Commission to be used  
24 only for the purposes herein provided.

25 1. To be used by the Commission for the payment of claims for  
26 benefits under this Act.

27 2. To be used by the Commission to pay refunds provided for in  
28 section seven (7) of this Act.

1 SEC. 6. Taxes unpaid on the date on which they are due and pay-  
2 able as prescribed by the Commission, shall bear interest at the rate  
3 of one-half of one per centum per month from and after such date  
4 until payment plus accrued interest is received by the Commission,  
5 provided that the Commission may prescribe fair and reasonable regu-

6 lations pursuant to which such interest shall not accrue with respect  
7 to taxes required. Interest collected pursuant to this section shall  
8 be paid into the Old Age and Survivors' Fund.

9 A. If within thirty days after due notice, the employer defaults  
10 in payment of taxes or interest thereon, the amount due shall be col-  
11 lected by civil action in the name of the Commission and the employer  
12 adjudged in default shall pay the costs of such action. Civil actions  
13 brought under this section to collect taxes or interest thereon shall  
14 be heard by the court at the earliest possible date and shall be entitled  
15 to preference upon the calendar of the court over all other civil  
16 actions.

17 B. The employer shall pay its tax or contribution from funds avail-  
18 able and is directed to pay same from tax money or from any other  
19 income of the political subdivision.

20 C. The political subdivision, including public school districts, is  
21 hereby authorized and directed to levy a tax sufficient to meet its  
22 obligations under the provisions of this Act.

1 SEC. 7. In any case in which the Commission finds the employer  
2 has paid taxes thereon, which have been erroneously paid, or have  
3 filed an application for an adjustment thereof, the Commission shall  
4 make such adjustment, compromise or settlement and make such  
5 refund of such payments as it finds just and equitable in the premises.  
6 Refunds so made shall be charged to the fund to which the erroneous  
7 collections have been credited and shall be paid to the claimant with-  
8 out interest. Any claim for such refund shall be made within three  
9 years of date of payment and not thereafter. For like time and cause,  
10 adjustments, compromises or refunds may be made by the Commis-  
11 sion on its own initiative.

1 SEC. 8. A. In addition to all other taxes there is hereby levied  
2 upon each employer (as defined in section twenty (20) of this Act)  
3 and also upon each employee (as defined in section twenty (20) of  
4 this Act) a tax equal to the following percentage of the wages paid  
5 by the employer to the employee. With respect to such wages paid  
6 during the calendar years 1946, 1947 and 1948, the tax shall equal one  
7 per centum of such wages to be paid by each employer and each em-  
8 ployee. For the calendar year 1949 and each calendar year there-  
9 after the rate of tax shall be two per centum of such wages on both  
10 employer and employee.

1 SEC. 9. (a) The tax imposed by this Act shall be collected by the  
2 employer from the employee by deducting the amount of the tax from  
3 the wages as and when paid.

4 (b) If more or less than the correct amount of tax imposed by this  
5 Act is paid with respect both to the tax and the amount to be deducted,  
6 adjustments shall be made without interest, in such manner and at  
7 such times as may be prescribed by regulations made under this Act.

1 SEC. 10. For the purposes of the state income tax, the tax imposed  
2 by this Act shall not be allowed as a deduction to the taxpayer in com-  
3 puting his net income for the year in which such tax is deducted from  
4 his wages.

1 SEC. 11. The employer shall furnish to all employees a written  
2 statement in a form prescribed by the Commission suitable for reten-

tion by the employee, showing the wages paid to the employee after January 1, 1946. Each statement shall cover a calendar year, or one, two or three quarters, whether or not within the same calendar year, and shall show the name of the employee, the period covered by the statement, the total amount of wages paid within such period, and the amount of tax imposed by this Act with respect to such wages. Each statement shall be furnished to the employee not later than thirty days following the period covered by the statement, except that, if the employee leaves the employ of the employer, this final statement shall be furnished within thirty days after the last payment of wages is made to the employee. The employer may, at its option, furnish such a statement to any employee at the time of each payment of wages to the employee during any calendar quarter, in lieu of a statement covering each quarter, and, in such case, the statement may show the date of payment of wages in lieu of the period covered by the statement.

1     SEC. 12. (a) The taxes deducted from the wages of the employee  
2 by the employer shall be matched by the employer making the deduc-  
3 tion and shall be forwarded to the Commission for recording and de-  
4 posited with the state treasurer to the credit of the Old Age and Sur-  
5 vivors' Fund.

6     (b) Method of Collection and Payment—Such taxes as deducted  
7 by the employer shall be paid in such manner, at such times and under  
8 such conditions, either by copies of payrolls or other methods neces-  
9 sary or helpful in securing proper identification of the taxpayer, as  
10 may be prescribed by the Commission.

1     SEC. 13. (a) Every individual, who (1) is a fully insured indi-  
2 vidual (as defined in section 20 (f) after December 31, 1945, (2)  
3 has attained the age of sixty-five, and (3) has filed application for  
4 primary insurance benefits, shall be entitled to receive a primary insur-  
5 ance benefit (as defined in section 20 (d) for each month, beginning  
6 with the month in which such individual becomes so entitled to such  
7 insurance benefits and ending with the month preceding the month in  
8 which he dies.

9     (b) (1) Every wife (as defined in section 20 (h) of an individual  
10 entitled to primary insurance benefits, if such wife (a) has attained  
11 the age of sixty-five, (b) has filed application for wife's insurance  
12 benefits, (c) was living with such individual at the time such appli-  
13 cation was filed, and (d) is not entitled to receive primary insurance  
14 benefits, or is entitled to receive primary insurance benefits, each of  
15 which is less than one-half of a primary insurance benefit of her  
16 husband, shall be entitled to receive a wife's insurance benefit for  
17 each month, beginning with the month in which she becomes so en-  
18 titled to such insurance benefits, and ending with the month imme-  
19 diately preceding the first month in which any of the following occurs;  
20 she dies, her husband dies, they are divorced a vinculo matrimonii,  
21 or she becomes entitled to receive a primary insurance benefit equal  
22 to or exceeding one-half of a primary insurance benefit of her hus-  
23 band.

24     (2) Such wife's insurance benefit for each month shall be equal  
25 to one-half of a primary insurance benefit of her husband, except that,  
26 if she is entitled to receive a primary insurance benefit for any month,

27 such wife's insurance benefit for such month shall be reduced by an  
28 amount equal to a primary insurance benefit of such wife.

29 (c) (1) Every child (as defined in section 20 (j) of an individual  
30 entitled to primary insurance benefits, or of an individual who died  
31 a fully or currently insured individual (as defined in section 20 (f)  
32 and (g) after December 31, 1945, if such child (a) has filed appli-  
33 cation for child's insurance benefits, (b) at the time such application  
34 was filed was unmarried and had not attained the age of 18, and (c)  
35 was dependent upon such individual at the time such application was  
36 filed, or, if such individual has died, was dependent upon such indi-  
37 vidual at the time of such individual's death, shall be entitled to receive  
38 a child's insurance benefit for each month, beginning with the month  
39 in which such child becomes so entitled to such insurance benefits,  
40 and ending with the month immediately preceding the first month  
41 in which any of the following occurs: such child dies, marries, is  
42 adopted or attains the age of eighteen.

43 (2) Such child's insurance benefit for each month shall be equal to  
44 one-half of a primary insurance benefit of the individual with respect  
45 to whose wages the child is entitled to receive such benefit, except that,  
46 when there is more than one such individual such benefit shall be  
47 equal to one-half of whichever primary insurance benefit is greatest.

48 (3) A child shall be deemed dependent upon a father or adopting  
49 father, or to have been dependent upon such individual at the time  
50 of the death of such individual, unless, at the time of such death, or,  
51 if such individual was living, at the time of such child's application  
52 for child's insurance benefits was filed, such individual was not living  
53 or contributing to the support of such child and—

54 (A) such child is neither the legitimate nor adopted child of such  
55 individual, or

56 (B) such child had been adopted by some other individual, or

57 (C) such child, at the time of such individual's death, was living  
58 with and supported by such child's stepfather.

59 (4) A child shall be deemed dependent upon a mother, adopting  
60 mother, or stepparent, or to have been dependent upon such indi-  
61 vidual at the time of the death of such individual, only if, at the time  
62 of such death, or, if such individual was living, at the time such  
63 child's application for child's insurance benefits was filed, no parent  
64 other than such individual was contributing to the support of such  
65 child and such child was not living with its father or adopting father.

66 (d) (1) Every widow (as defined in Section 20 (i) of an individual  
67 who died a fully insured individual after December 31, 1945, if such  
68 widow (a) has not remarried, (b) has attained the age of sixty-five,  
69 (c) has filed application for widow's insurance benefits, (d) was living  
70 with such individual at the time of his death, and (e) is not entitled  
71 to receive primary insurance benefits, or is entitled to receive primary  
72 insurance benefits each of which is less than three-fourths of a pri-  
73 mary insurance benefit of her husband, shall be entitled to receive a  
74 widow's insurance benefit for each month, beginning with the month  
75 in which she becomes entitled to such insurance benefits and ending  
76 with the month immediately preceding the first month in which any  
77 of the following occurs; she remarries, dies, or becomes entitled to  
78 receive a primary insurance benefit equal to or exceeding three-fourths  
79 of a primary insurance benefit of her husband.

80 (2) Such widow's insurance benefit for each month shall be equal to  
81 three-fourths of a primary insurance benefit of her deceased husband,  
82 except that, if she is entitled to receive a primary insurance benefit for  
83 any months, such widow's insurance benefit for such month shall be re-  
84 duced by an amount equal to a primary insurance benefit of such widow.

85 (e) (1) Every widow (as defined in section 20 (i) of an individ-  
86 ual who died a fully or currently insured individual after December  
87 31, 1945, if such widow (a) has not remarried, (b) is not entitled to  
88 receive a widow's insurance benefit, and is not entitled to receive pri-  
89 mary insurance benefits, or is entitled to receive primary insurance  
90 benefits each of which is less than three-fourths of a primary insur-  
91 ance benefit of her husband, (c) was living with such individual at  
92 the time of his death, (d) has filed application for widow's current  
93 insurance benefits, and (e) at the time of filing such application has  
94 in her care a child of such deceased individual entitled to receive a  
95 child's insurance benefit, shall be entitled to receive a widow's current  
96 insurance benefit for each month, beginning with the month in which  
97 she became so entitled to such current insurance benefits and ending  
98 with the month immediately preceding the first month in which any  
99 of the following occurs; no child of such deceased individual is entitled  
100 to receive a child's insurance benefit, she becomes entitled to receive a  
101 primary insurance benefit equal to or exceeding three-fourths of a pri-  
102 mary insurance benefit of her deceased husband, she becomes entitled  
103 to receive a widow's insurance benefit, she remarries, she dies.

104 (2) Such widow's current insurance benefit for each month shall  
105 be equal to three-fourths of a primary insurance benefit of her de-  
106 ceased husband, except that, if she is entitled to receive a primary  
107 insurance benefit for any month, such widow's current insurance  
108 benefit for such month shall be reduced by an amount equal to a  
109 primary insurance benefit of such widow.

110 (f) (1) Every parent (as defined in this subsection) of an indi-  
111 vidual who died a fully insured individual after December 31, 1945,  
112 leaving no widow and no unmarried surviving child under the age of  
113 eighteen, if such parent (a) has attained the age of sixty-five, (b)  
114 was wholly dependent upon and supported by such individual at the  
115 time of such individual's death and filed proof of such dependency and  
116 support within two years of such date of death, (c) has not married  
117 since such individual's death, (d) is not entitled to receive any other  
118 insurance benefits under this section, or is entitled to receive one or  
119 more of such benefits for a month, but the total for such month is less  
120 than one-half of a primary insurance benefit of such deceased individ-  
121 ual, and (e) has filed application for parent's insurance benefits, shall  
122 be entitled to receive a parent's insurance benefit for each month,  
123 beginning with the month in which such parent becomes so entitled  
124 to such parent's insurance benefits and ending with the month  
125 immediately preceding the first month in which any of the following  
126 occurs; such parent dies, marries, or becomes entitled to receive  
127 for any month an insurance benefit or benefits (other than a benefit  
128 under this subsection) in a total amount equal or exceeding one-half  
129 of a primary insurance benefit of such deceased individual.

130 (2) Such parent's insurance benefit for each month shall be equal  
131 to one-half of a primary insurance benefit of such deceased indi-  
132 vidual, except that, if such parent is entitled to receive an insurance

133 benefit or benefits for any month (other than a benefit under this  
 134 subsection), such parent's insurance benefit for such month shall  
 135 be reduced by an amount equal to the total of such other benefit or  
 136 benefits for such month. When there is more than one such indi-  
 137 vidual with respect to whose wages the parent is entitled to receive  
 138 a parent's insurance benefit for a month, such benefit shall be equal  
 139 to one-half of whichever primary insurance benefit is greatest.

140 (3) As used in this subsection, the term "parent" means the  
 141 mother or father of an individual, a stepparent of an individual by  
 142 a marriage contracted before such individual attained the age of  
 143 sixteen, or an adopting parent by whom an individual was adopted  
 144 before he attained the age of sixteen.

145 (g) Upon the death, after December 31, 1945, of an individual  
 146 who died a fully or currently insured individual leaving no surviving  
 147 widow, child or parent who would, on filing application in the month  
 148 in which such individual died, be entitled to a benefit for such month  
 149 under subsection (c), (d), (e) or (f) of this section, an amount  
 150 equal to six times a primary insurance benefit of such individual  
 151 shall be paid in a lump sum to the following person (or if more  
 152 than one, shall be distributed among them) whose relationship to  
 153 the deceased is determined by the Commission, and who is living on  
 154 the date of such determination; to the widow or widower of the  
 155 deceased; or, if no such widow or widower be then living, to any  
 156 child or children of the deceased and to any other person or persons  
 157 who are, under the intestacy law of the state where the deceased  
 158 was domiciled, entitled to share as distributees with such children  
 159 of the deceased, in such proportions as is provided by such law; or,  
 160 if no widow or widower and no such child and no such other person  
 161 be then living, to the parent or to the parents of the deceased, in  
 162 equal shares. A person who is entitled to share as distributee with  
 163 an above-named relative of the deceased shall not be precluded from  
 164 receiving a payment under this subsection by reason of the fact that  
 165 no such named relative survived the deceased or of the fact that no  
 166 such named relative of the deceased was living on the date of such  
 167 determination. If none of the persons described in this subsection  
 168 be living on the date of such determination, such amount shall be  
 169 paid to any person or persons, equitably entitled thereto, to the ex-  
 170 tent and in the proportions that he or they shall have paid the ex-  
 171 penses of burial of the deceased. No payment shall be made to any  
 172 person under this subsection, unless application therefor shall have  
 173 been filed, by or on behalf of any such person (whether or not legally  
 174 competent), prior to the expiration of two years after the date of  
 175 death of such individual.

176 (h) An individual who would have been entitled to a benefit un-  
 177 der subsection (b), (c), (d), (e), or (f) for any month had he filed  
 178 application therefor prior to the end of such month, shall be entitled  
 179 to such benefit for such month if he files application therefor prior  
 180 to the end of the third month immediately succeeding such month.

181 Reduction and Increase of Insurance Benefits

1 SEC. 14. (a) Whenever the total of benefits under section 13, pay-  
 2 able for a month with respect to an individual's wages, is more than  
 3 \$20 and exceeds (1) \$85, or (2) an amount equal to twice a primary  
 4 insurance benefit of such individual, or (3) an amount equal to 80

5 per centum of his average monthly wage (as defined in section 20  
6 (d), whichever of such three amounts is least, such total of benefits  
7 shall, prior to any deductions under subsections (d), (e), or (h) be  
8 reduced to such least amount or to \$20, whichever is greater.

9 (b) Whenever the benefit or total of benefits under Section 13,  
10 payable for a month with respect to an individual's wages, is less  
11 than \$10, such benefit or total of benefits shall, prior to any deduc-  
12 tions under subsections (d), (e), or (h), be increased to \$10.

13 (c) Whenever a decrease or increase of the total of benefits for  
14 a month is made under subsection (a) or (b) of this section, each  
15 benefit, except the primary benefit, shall be proportionately decreased  
16 or increased as the case may be.

17 (d) Deductions, in such amounts and at such time or times as the  
18 Commission shall determine, shall be made from any payment or pay-  
19 ments under this title to which an individual is entitled, until the  
20 total of such deductions equals such individual's benefit or benefits  
21 for any month in which such individual:

22 (1) rendered services for wages of not less than \$15; or

23 (2) if a child under eighteen and over sixteen years of age, failed  
24 to attend school regularly and the Commission finds that attendance  
25 was feasible; or

26 (3) if a widow entitled to a widow's current insurance benefit did  
27 not have in her care a child of her deceased husband entitled to re-  
28 ceive a child's insurance benefit.

29 (e) Deductions shall be made from any wife's or child's insur-  
30 ance benefit to which a wife or child is entitled, until the total of  
31 such deductions equals such wife's or child's insurance benefit or  
32 benefits for any month in which the individual, with respect to whose  
33 wages such benefit was payable, rendered services for wages of not  
34 less than \$15.

35 (f) If more than one event occurs in any one month which would  
36 occasion deductions equal to a benefit for such month, only an amount  
37 equal to such benefit shall be deducted.

38 (g) Any individual in receipt of benefits subject to deduction  
39 under subsection (d) or (e) (or who is in receipt of such benefits on  
40 behalf of another individual), because of the occurrence of an event  
41 enumerated therein, shall report such occurrence to the Commission  
42 prior to the receipt and acceptance of an insurance benefit for the  
43 second month following the month in which such event occurred.  
44 Any such individual having knowledge thereof, who fails to report  
45 any such occurrence, shall suffer an additional deduction equal to  
46 that imposed under subsection (d) or (e).

1 SEC. 15. (a) Whenever an error has been made with respect to  
2 payments to an individual under this act, proper adjustment shall  
3 be made, under regulations prescribed by the Commission, by in-  
4 creasing or decreasing subsequent payments to which such individual  
5 is entitled. If such individual dies before such adjustment has been  
6 completed, adjustment shall be made by increasing or decreasing  
7 subsequent benefits payable with respect to the wages which were  
8 the basis of benefits of such deceased individual.

9 (b) There shall be no adjustment or recovery by the Commission  
10 in any case where incorrect payment has been made to an individual  
11 who is without fault, and where adjustment or recovery would de-



12 feat the purpose of this act or would be against equity and good  
13 conscience.

14 (c) No certifying or disbursing officer shall be held liable for  
15 any amount certified or paid by him to any person where the ad-  
16 justment or recovery of such amount is waived under subsection  
17 (b), or where adjustment under subsection (a) is not completed  
18 prior to the death of all persons against whose benefits deductions  
19 are authorized.

1 SEC. 16. (a) The Commission shall have full power and authority  
2 to make rules and regulations and to establish procedures, not in-  
3 consistent with the provisions of this act, which are necessary or  
4 appropriate to carry out such provisions, and shall adopt reasonable  
5 and proper rules and regulations to regulate and provide for the  
6 nature and extent of the proofs and evidence and the method of tak-  
7 ing and furnishing the same in order to establish the right to bene-  
8 fits hereunder.

9 (b) The Commission is directed to make findings of fact, and  
10 decisions as to the rights of any individual applying for a payment  
11 under this act. Whenever requested by any such individual or  
12 whenever requested by a wife, widow, child or parent who makes  
13 a showing in writing that his or her rights may be prejudiced by  
14 any decision the Commission has rendered, it shall give such appli-  
15 cant and such other individual reasonable notice and opportunity  
16 for a hearing with respect to such decision, and, if a hearing is held,  
17 shall, on the basis of evidence adduced at the hearing, affirm, modify,  
18 or reverse its findings of fact and such decision. The Commission  
19 is further authorized, on its own motion, to hold such hearings and  
20 to conduct such investigations and other proceedings as it may deem  
21 necessary or proper for the administration of this act. In the course  
22 of any hearing, investigation, or other proceedings, it may admin-  
23 ister oaths and affirmations, examine witnesses, and receive evi-  
24 dence. Evidence may be received at any hearing before the Commis-  
25 sion even though inadmissible under rules of evidence applicable to  
26 court procedure.

27 (c) (1) On the basis of information obtained by or submitted to  
28 the Commission, and after such verification thereof as it deems  
29 necessary, the Commission shall establish and maintain records of  
30 the amounts of wages paid to each individual and of the periods in  
31 which such wages were paid and, upon request, shall inform any  
32 individual, or after his death shall inform the wife, child or parent  
33 of such individual, of the amounts of wages of such individual and  
34 the periods of payments shown by such records at the time of such  
35 request. Such records shall be evidence, for the purpose of pro-  
36 ceedings before the Commission or any court, of the amounts of  
37 such wages and the periods in which they were paid, and the ab-  
38 sence of an entry as to an individual's wages in such records for  
39 any period shall be evidence that no wages were paid such individual  
40 in such period.

41 (2) After the expiration of the fourth calendar year following  
42 any year in which wages were paid or are alleged to have been paid  
43 to an individual, the records of the Commission as to the wages of  
44 such individual for such year and the periods of payment shall be  
45 conclusive for the purpose of this act, except as hereafter provided.

46 (3) If, prior to the expiration of such fourth year, it is brought  
47 to the attention of the Commission that any entry of such wages in  
48 such records is erroneous, or that any item of such wages has been  
49 omitted from the records, the Commission may correct such entry  
50 or include such omitted item in its records, as the case may be. Writ-  
51 ten notice of any revision of any such entry, which is adverse to the  
52 interests of any individual, shall be given to such individual, in any  
53 case where such individual has previously been notified by the Com-  
54 mission of the amount of wages and of the period of payments, shown  
55 by such entry. Upon request in writing made prior to the expiration  
56 of such fourth year, or within sixty days thereafter, the Commission  
57 shall afford any individual, or after his death shall afford the wife,  
58 child, or parent of such individual, reasonable notice and opportunity  
59 for hearing with respect to any entry or alleged omission of wages of  
60 such individual in such records, or any revision of any such entry.  
61 If a hearing is held, the Commission shall make findings of fact and a  
62 decision based upon the evidence adduced at such hearing and shall  
63 revise its records as may be required by such findings and decision.

64 (4) After the expiration of such fourth year, the Commission  
65 may revise any entry or include in its records any omitted item of  
66 wages to conform its records with tax returns or portions of tax  
67 returns. Notice shall be given of such revision under such condi-  
68 tions and to such individuals as is provided for revisions under  
69 paragraph (3) of this subsection. Upon request, notice and oppor-  
70 tunity for hearing with respect to any such entry, omission, or revi-  
71 sion, shall be afforded under such conditions and to such individuals as  
72 is provided in paragraph (3) hereof, but no evidence shall be intro-  
73 duced at any such hearing except with respect to conformity of such  
74 records with such tax returns.

75 (5) Decisions of the Commission under this subsection shall be  
76 reviewable by commencing a civil action in the district court of the  
77 state of Iowa as provided in subsection (g) hereof.

78 (d) For the purpose of any hearing, investigation, or other pro-  
79 ceeding authorized or directed under this act, or relative to any  
80 other matter within its jurisdiction hereunder, the Commission shall  
81 have power to issue subpoenas requiring the attendance and testi-  
82 mony of witnesses and the production of any evidence that relates  
83 to any matter under investigation or in question before the Com-  
84 mission. Such attendance of witnesses and production of evidence  
85 at the designated place of such hearing, investigation, or other pro-  
86 ceeding may be required from any political subdivision in the state.  
87 Subpoenas of the Commission shall be served by anyone authorized  
88 by it (1) by delivering a copy thereof to the individual named  
89 therein, or (2) by registered mail addressed to such individual at  
90 his last dwelling place or principal place of business. A verified  
91 return by the individual so serving the subpoena setting forth the  
92 manner of service, or, in the case of service by registered mail, the  
93 return post-office receipt therefor signed by the individual so served,  
94 shall be proof of service. Witnesses so subpoenaed shall be paid  
95 the same fees and mileage as are paid witnesses in the district courts  
96 of the state of Iowa.

97 (e) In case of contumacy by, or refusal to obey a subpoena duly  
98 served upon, any person, any district court of the state of Iowa for

99 the district in which said person charged with contumacy or refusal  
100 to obey is found or resides or transacts business, upon application  
101 by the Commission, shall have jurisdiction to issue an order requir-  
102 ing such person to appear and give testimony, or to appear and pro-  
103 duce evidence, or both; any failure to obey such order of the court  
104 may be punished by said court as contempt thereof.

105 (f) No person so subpoenaed or ordered shall be excused from  
106 attending and testifying or from producing books, records, corre-  
107 spondence, documents, or other evidence on the ground that the testi-  
108 mony or evidence required of him may tend to incriminate him or  
109 subject him to a penalty or forfeiture; but no person shall be prose-  
110 cuted or subjected to any penalty or forfeiture for, or on account  
111 of, any transaction, matter, or thing concerning which he is com-  
112 pelled, after having claimed his privilege against self-incrimination,  
113 to testify or produce evidence, except that such person so testify-  
114 ing shall not be exempt from prosecution and punishment for per-  
115 jury committed in so testifying.

116 (g) Any individual, after any final decision of the Commission  
117 made after a hearing to which he was a party, irrespective of the  
118 amount in controversy, may obtain a review of such decision by a  
119 civil action commenced within sixty days after the mailing to him  
120 of notice of such decision or within such further time as the Com-  
121 mission may allow. Such action shall be brought in the district court  
122 of the state of Iowa for the district in which the plaintiff resides,  
123 or has his principal place of business. As part of its answer the  
124 Commission shall file a certified copy of the transcript of the record  
125 including the evidence upon which the findings and decision com-  
126 plained of are based. The court shall have power to enter, upon the  
127 pleadings and transcript of the record, a judgment affirming, modi-  
128 fying, or reversing the decision of the Commission with or without  
129 remanding the cause for a rehearing. The findings of the Commission  
130 as to any fact, if supported by substantial evidence, shall be conclu-  
131 sive, and where a claim has been denied by the Commission or a  
132 decision is rendered under subsection (b) hereof which is adverse  
133 to an individual who was a party to the hearing before the Com-  
134 mission, because of failure of the claimant or such individual to  
135 submit proof in conformity with any regulation prescribed under  
136 subsection (a) hereof, the court shall review only the question of  
137 conformity with such regulations and the validity of such regula-  
138 tions. The court shall, on motion of the Commission made before it  
139 files its answer, remand the case to the Commission for further action  
140 by the Commission, and may, at any time, on good cause shown,  
141 order additional evidence to be taken before the Commission, and  
142 the Commission shall, after the case is remanded, and after hear-  
143 ing such additional evidence if so ordered, modify or affirm its find-  
144 ings of fact or its decision, or both, and shall file with the court  
145 any such additional and modified findings of fact and decision, and  
146 a transcript of the additional record and testimony upon which its  
147 action in modifying or affirming was based. Such additional or  
148 modified findings of fact and decision shall be reviewable only to the  
149 extent provided for review of the original findings of fact and  
150 decision. The judgment of the court shall be final except that it  
151 shall be subject to review in the same manner as a judgment in  
152 other civil actions.

153 (h) The findings and decision of the Commission after a hearing  
154 shall be binding upon all individuals who were parties to such hear-  
155 ing. No findings of fact or decision of the Commission shall be re-  
156 viewed by any person, tribunal, or governmental agency except as  
157 herein provided.

158 (i) Upon final decision of the Commission, or upon final judg-  
159 ment of any court of competent jurisdiction, that any person is  
160 entitled to any payment or payments under this act, the Commis-  
161 sion shall certify to the state comptroller the name and address of  
162 the person so entitled to receive such payment or payments, the  
163 amount of such payment or payments, and the time at which such  
164 payment or payments should be made, and the Commission, through  
165 the state comptroller, shall make payment in accordance with the  
166 certification of the Commission; Provided, That where a review of  
167 the Commission's decision is or may be sought under subsection (g)  
168 the Commission may withhold certification of payment pending  
169 such review. The state comptroller shall not be held personally  
170 liable for any payment or payments made in accordance with a cer-  
171 tification by the Commission.

172 (j) When it appears to the Commission that the interest of an  
173 applicant entitled to a payment would be served thereby, certifica-  
174 tion of payment may be made, regardless of the legal competency  
175 or incompetency of the individual entitled thereto, either for direct  
176 payment to such applicant, or for his use and benefit to a relative  
177 or some other person.

178 (k) Any payment made after December 31, 1945, under condi-  
179 tions set forth in subsection (j), to, or on behalf of, a legally in-  
180 competent individual, and any payment made after December 31,  
181 1945, to a legally incompetent individual without knowledge by the  
182 Commission of incompetency prior to certification of payment, if  
183 otherwise valid under this act, shall be a complete settlement and  
184 satisfaction of any claim, right, or interest in and to such payment.

185 (l) The Commission is authorized to delegate to any member,  
186 officer, or employee of the Commission designated by it any of the  
187 powers conferred upon it by this section, and is authorized to be  
188 represented by its own attorneys in any court in any case or pro-  
189 ceeding arising under the provisions of subsection (e).

190 (m) No application for any benefit under this act filed prior to  
191 three months before the first month for which the applicant becomes  
192 entitled to receive such benefit shall be accepted as an application  
193 for the purposes of this act.

194 (n) The Commission may certify, in its discretion, that any two  
195 or more individuals of the same family for joint payment of the  
196 total benefits payable to such individuals.

197 Representation of Claimants Before the Commission.

1 SEC. 17. The Commission may prescribe rules and regulations  
2 governing the recognition of agents or other persons, other than  
3 attorneys as hereinafter provided, representing claimants before  
4 the Commission, and may require of such agents or other persons,  
5 before being recognized as representatives of claimants that they  
6 shall show that they are of good character and in good repute, pos-  
7 sessed of the necessary qualifications to enable them to render such  
8 claimants valuable service, and otherwise competent to advise and

9 assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the district  
10 or supreme court of the state, shall be entitled to represent claimants before the Commission upon filing with the Commission a certificate of his right to so practice from the presiding judge or clerk  
11 of any such court.

12 The Commission may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Commission under this act, and any agreement in violation of such rules and regulations shall be void.  
13 Any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this act by word, circular, letter or advertisement, or who shall knowingly charge or collect  
14 directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Commission shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall  
15 for each offense be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or both.

16 SEC. 18. The right of any person to any future payment under this act shall not be transferable or assignable, at law or in equity, and none of the moneys paid or payable or rights existing under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

17 SEC. 19. Whoever, for the purpose of causing an increase in any payment authorized to be made under this act, or for the purpose of causing any payment to be made where no payment is authorized under this act, shall make or cause to be made any false statement or representation as to the amount of any wages paid or received or the period during which earned or paid, or whoever makes or causes to be made any false statement of a material fact in any application for any payment under this act, or whoever makes or causes to be made any false statement, representation, affidavit, or document in connection with such an application, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned for not more than one year, or both.

18 SEC. 20. When used in this act—

19 (a) The term "wages" means all remuneration for employment, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include—

20 (1) That part of the remuneration which, after remuneration equal to \$3,000 has been paid to an individual with respect to employment during any calendar year after 1945, is paid to such individual with respect to employment during such calendar year.

21 (b) The term "employment" means any service performed after December 31, 1945, under an employer employee relationship, under the provisions of this Act, except:

22 (1) Any service performed in the employ of any employer which has of the effective date of this Act its own retirement plan.

14 (2) Any service performed in any calendar quarter in which the  
15 remuneration for such services does not exceed the sum of fifty  
16 dollars (\$50.00), unless there are other calendar year quarters in  
17 which such remuneration does exceed the sum of fifty dollars (\$50.00).

18 (c) (1) The term "employer" means the State of Iowa, the coun-  
19 ties, municipalities and public school districts therein and all of the  
20 political subdivisions thereof and all of their departments and in-  
21 strumentalities, all hereinafter called political sub-divisions excepting  
22 only those whose employees are now covered by a retirement plan in  
23 which such political subdivision participates in financing. Provided,  
24 that such excepted political subdivision may by election come under  
25 the provisions of this Act in accordance with the regulations pre-  
26 scribed by the Commission.

27 (2) The term "employee" means any individual who is in employ-  
28 ment as defined in this Act.

29 (d) The term "primary insurance benefit" means an amount equal  
30 to the sum of the following—

31 (1) (A) 40 per centum of the amount of an individual's average  
32 monthly wage if such average monthly wage does not exceed \$50,  
33 or (B) if such average monthly wage exceeds \$50, 40 per centum  
34 of \$50, plus 10 per centum of the amount by which such average  
35 monthly wage exceeds \$50 and does not exceed \$250, and

36 (2) an amount equal to 1 per centum of the amount computed under  
37 paragraph (1) multiplied by the number of years in which \$200 or  
38 more of wages were paid to such individual. Where the primary insur-  
39 ance benefit thus computed is less than \$10, such benefit shall be \$10.

40 (e) The term "average monthly wage" means the quotient ob-  
41 tained by dividing the total wages paid an individual before the quar-  
42 ter in which he died or became entitled to receive primary insurance  
43 benefits, whichever first occurred by three times the number of quar-  
44 ters elapsing after January 1, 1946 in which he was covered under  
45 this act, and in which he earned more than Fifty Dollars (\$50.00)  
46 and before such quarter in which he died or became so entitled.

47 (f) The term "fully insured individual" means any individual  
48 with respect to whom it appears to the satisfaction of the Commis-  
49 sion that:

50 (1) He had not less than one quarter of coverage for each two  
51 of the quarters elapsing after 1945 and after he was first covered  
52 under this act, or after the quarter in which he attained the age of  
53 twenty-one, whichever quarter is later, and up to but excluding the  
54 quarter in which he retired after he had attained the age of sixty-  
55 five, or died, whichever first occurred, and in no case less than six  
56 quarters of coverage, excepting that no employee who has passed  
57 his sixtieth birthday prior to January 1, 1946, shall be paid any  
58 benefits until he would have been covered for ten full quarters im-  
59 mediately preceding his retirement or death; or

60 (2) He had at least forty quarters of coverage.

61 As used in this subsection, and in subsection (g) of this section,  
62 the term "quarter" and the term "calendar quarter" mean a period  
63 of three calendar months ending on March 31, June 30, September  
64 30, or December 31; and the term "quarter of coverage" means a  
65 calendar quarter in which the individual has been paid not less than  
66 \$50 in wages. When the number of quarters specified in paragraph

67 (1) of this subsection is an odd number, for purposes of such para-  
68 graph such number shall be reduced by one. In any case where an  
69 individual has been paid in a calendar year \$3,000 or more in wages,  
70 each quarter of such year following his first quarter of coverage  
71 shall be deemed a quarter of coverage, excepting any quarter in  
72 such year in which such individual dies or becomes entitled to a  
73 primary insurance benefit and any quarter succeeding such quarter  
74 in which he died or becomes so entitled.

75 (g) The term "currently insured individual" means any indi-  
76 vidual with respect to whom it appears to the satisfaction of the  
77 Commission that he has been paid wages of not less than \$50 for each  
78 of not less than six of the twelve calendar quarters, immediately  
79 preceding the quarter in which he died.

80 (h) The term "wife" means the wife of an individual who either  
81 (1) is the mother of such individual's son or daughter, or (2) was  
82 married to him prior to January 1, 1946, or if later, prior to the  
83 date upon which he attained the age of sixty.

84 (i) The term "widow" (except when used in section 13 (g) means the  
85 surviving wife of an individual who either (1) is the mother of such  
86 individual's son or daughter, or (2) was married to him prior to the  
87 beginning of the twelfth month before the month in which he died.

88 (j) The term "child" (except when used in section 13 (g) means  
89 the child of an individual, and the stepchild of an individual by a  
90 marriage contracted prior to the date upon which he attained the  
91 age of sixty and prior to the beginning of the twelfth month before  
92 the month in which he died, and a child legally adopted by an indi-  
93 vidual prior to the date upon which he attained the age of sixty and  
94 prior to the beginning of the twelfth month before the month in  
95 which he died.

96 (k) In determining whether an applicant is the wife, widow,  
97 child, or parent of a fully insured or currently insured individual  
98 for purposes of this Act, the Commission shall apply such law as  
99 would be applied in determining the devolution of intestate personal  
100 property under the laws of the state of Iowa. Applicants who ac-  
101 cording to such law would have the same status relative to taking  
102 intestate personal property as a wife, widow, child or parent shall  
103 be deemed such.

104 (l) A wife shall be deemed to be living with her husband if they  
105 are both members of the same household, or she is receiving regular  
106 contributions from him toward her support, or he has been ordered  
107 by any court to contribute to her support; and a widow shall be  
108 deemed to have been living with her husband at the time of his death  
109 if they were both members of the same household at the date of his  
110 death, or she was receiving regular contributions from him toward  
111 her support on such date, or he had been ordered by any court to  
112 contribute to her support.

113 (m) Exclusions from Benefits: Members of the state legislature,  
114 officials of the state, city, town and counties and their governmental  
115 instrumentalities elected by the vote of the people; employees who  
116 are members of any other retirement system in the state which is  
117 maintained in whole or in part by public contributions unless such  
118 political subdivision or its instrumentalities as a whole elects to  
119 adopt this system.

120 (n) The masculine form of expression shall be deemed to include  
121 the feminine.

122 (o) The term "taxes" as used in this Act shall mean the amount  
123 or amounts of money contributed to the fund of the system by the  
124 employer and the employee.

125 (p) Wherever the words "political subdivision" appear in this  
126 Act they shall include "public school districts, municipal corpora-  
127 tions, counties, and townships."

1 SEC. 21. Any political subdivision or the instrumentalities thereof  
2 not covered by this Act may become subject hereto by application  
3 to the Commission for such coverage on all or that part of its em-  
4 ployees that are not covered by this Act and by complying with the  
5 regulation prescribed by the Commission.

1 SEC. 22. None of the laws of this state regulating insurance or  
2 insurance companies shall apply to the Commission, or the Old Age  
3 and Survivors' Insurance System or any of its funds.

1 SEC. 23. The provisions of this Act shall apply to and be applic-  
2 able to special charter cities in the state.

1 SEC. 24. There is hereby annually appropriated out of the funds  
2 in the State Treasury otherwise not appropriated, the sum of fifty  
3 thousand dollars (\$50,000.00) for each year of the biennium to  
4 pay the costs of the administration.

1 SEC. 25. The commission is authorized to enter into arrangements  
2 with the Social Security Board whereby services performed by the  
3 commission and its employees both under this act and under the Iowa  
4 Employment Security Act shall be equitably apportioned between  
5 the funds provided for the administration of said acts. That money  
6 spent for rentals, supplies and equipment used by both agencies  
7 shall be equitably apportioned and charged against said funds.

1 SEC. 26. Each member of the Iowa Employment Security Com-  
2 mission shall be paid for his services, in addition to his compensation  
3 now provided in section one thousand five hundred fifty-one and six-  
4 teen hundredths (1551.16), Code, 1939, the sum of five hundred  
5 dollars (\$500.00) per year, payable monthly, to be paid from the  
6 funds hereby appropriated for the administration of this Act.

Approved April 17, 1945.

## CHAPTER 92

### FIRE PROTECTION IN PARKS AND FORESTS

#### H. F. 183

AN ACT to amend section one thousand seven hundred three and fifty hundredths (1703.50), code, 1939, to authorize the state conservation commission to provide fire protection for state parks, forest and wildlife lands.

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

1 SECTION 1. Section one thousand seven hundred three and fifty  
2 hundredths (1703.50), code, 1939, is hereby amended by adding a



3 subsection as follows: "Provide for the protection against fire and  
4 other destructive agencies on state and privately owned forest and  
5 wildlife areas, and to co-operate with federal and other state agencies  
6 in protection programs approved by the conservation commission,  
7 and with the consent of the owner on privately owned areas."

Approved April 3, 1945.

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### CHAPTER 93

#### FISHING IN CERTAIN RIVERS

S. F. 82

AN ACT to amend chapter ninety-four (94), Acts of the 50th General Assembly, and section one thousand seven hundred ninety-four and thirty-six thousandths (1794.036), code, 1939, relating to the taking of fish with seines, trot lines and throw lines.

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

1 SECTION 1. Chapter ninety-four (94), Acts of the 50th General  
2 Assembly, is amended by striking from line seven (7) of section one  
3 (1) the word "west" and inserting in lieu thereof the word "east".

1 SEC. 2. Amend section one thousand seven hundred ninety-four and  
2 thirty-six thousandths (1794.036), code, 1939, by striking in line five  
3 (5) the words "Skunk river,".

Approved February 20, 1945.

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### CHAPTER 94

#### NONRESIDENT FISH AND GAME LICENSES

H. F. 187

AN ACT to amend section one thousand seven hundred ninety-four and eighty-two thousandths (1794.082), code, 1939, relating to non-resident fish and game licenses.

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

1 SECTION 1. Section one thousand seven hundred and ninety-four  
2 and eighty-two thousandths (1794.082), Code, 1939, is hereby amended  
3 as follows:

4 1. Strike all of line twenty-one (21) and substitute therefor the  
5 following: "Upon submitting suitable evidence of legal residence in  
6 any other state, non-residents of Iowa shall be charged the same fee  
7 for a hunting license as that charged to residents of Iowa by the state  
8 in which applicant resides, provided, however, that in no case shall  
9 said fee be less than \$5.00, and provided further that if the state of  
10 applicant's residence does not provide for a non-resident hunting  
11 license, the fee shall be the minimum provided for herein."

12 2. Strike all of line twenty-five (25) and substitute therefor the  
13 following: "upon submitting suitable evidence of legal residence in

14 any other state, non-residents of Iowa shall be charged the same fee  
15 for a fishing license as that charged to residents of Iowa by the state  
16 in which applicant resides, provided, however, that in no case shall  
17 said fee be less than \$3.00, and provided further that if the state of  
18 applicant's residence does not provide for a non-resident fishing license,  
19 the fee shall be the minimum provided for herein."

20 3. Place a colon after the word "alien" in line thirty-three (33) and  
21 strike the balance of the line. Strike all of line thirty-four (34), and  
22 all of line thirty-five (35), and substitute therefor the following: "upon  
23 submitting suitable evidence of legal residence in any other state, non-  
24 residents of Iowa shall be charged the same fee for a trapping license  
25 as that charged to residents of Iowa by the state in which the applicant  
26 resides, provided, however, that no such license shall be issued to non-  
27 residents from states that will not extend to residents of Iowa a  
28 similar privilege and provided in addition that in no case shall said  
29 fee be less than \$10.00."

30 4. Place a colon after the word "license" in line thirty-seven (37),  
31 and strike the balance of the line. Then add the following: "upon  
32 submitting suitable evidence of legal residence in any other state, non-  
33 residents of Iowa shall be charged the same fee for a non-resident fur  
34 dealer's license as that charged to residents of Iowa, by the state in  
35 which the applicant resides, provided, however, that no such license  
36 shall be issued to non-resident fur dealers from states that will not  
37 extend to residents of Iowa a similar privilege and provided, in addi-  
38 tion, that in no case shall said fee be less than \$50.00."

39 5. Strike all of lines fifty (50), fifty-one (51) and fifty-two (52), and  
40 substitute the following therefor: "Upon submitting suitable evidence  
41 of legal residence in any other state, non-residents of Iowa shall be  
42 charged the same fee for a net or seine license as that charged to resi-  
43 dents of Iowa by the state in which the applicant resides, provided,  
44 however, that no such license shall be issued to non-residents from  
45 states that will not extend to residents of Iowa a similar privilege and  
46 provided in addition that in no case shall said fee be less than the  
47 regular Iowa resident net and seine license fee."

48 6. Strike all of line fifty-six (56) and substitute the following  
49 therefor: "Upon submitting suitable evidence of legal resident\* in any  
50 other state, non-residents of Iowa shall be charged the same fee for a  
51 mussel license as that charged to residents of Iowa by the state in  
52 which the applicant resides, provided, however, that no such license  
53 shall be issued to non-residents from states that will not extend to  
54 residents of Iowa a similar privilege and provided in addition that in  
55 no case shall said fee be less than \$25.00."

Approved March 27, 1945.

\*According to enrolled act.

**CHAPTER 95**  
**FISH AND GAME**  
**S. F. 129**

AN ACT to amend section one thousand seven hundred ninety-four and ninety-eight thousandths (1794.098), section one thousand seven hundred ninety-four and forty-four thousandths (1794.044), and section one thousand seven hundred ninety-four and forty thousandths (1794.040), code, 1939, relating to fish and game.

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

1 SECTION 1. Section one thousand seven hundred ninety-four and  
2 ninety-eight thousandths (1794.098), Code, 1939, is amended by  
3 adding thereto the following: "No license shall be required of any  
4 person who is receiving old age assistance under Chapter one hun-  
5 dred eighty-nine and one-tenth (189.1) as amended, Code, 1939."

1 SEC. 2. Section one thousand seven hundred ninety-four and forty-  
2 four thousandths (1794.044), Code, 1939, is amended by striking the  
3 word "young" from each of lines five (5) and seven (7).

1 SEC. 3. Section one thousand seven hundred ninety-four and forty  
2 thousandths (1794.040), Code, 1939, is amended by adding thereto  
3 the following after the word "fishing":

4 " , except that the commission may, after investigation to determine  
5 their suitability as to size, depth, living conditions for fish, and man-  
6 agement, provide a breeding stock of fish for privately owned farm  
7 ponds on request of the owner".

Approved April 6, 1945.

**CHAPTER 96**  
**REAL ESTATE BROKERS**  
**S. F. 39**

AN ACT to amend, revise, and codify chapter ninety-one and two tenths, code 1939, relating to the licensing and regulation of real estate brokers and salesmen and to matters properly pertaining to the orderly marketing of real estate.

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

1 From and after January 1, 1946, chapter ninety-one and two tenths,  
2 Code 1939 is amended, revised, and codified to read as follows:

1 SECTION 1. No person, shall act as a real estate broker or real estate  
2 salesman, without first obtaining a license as provided in this chapter.  
3 The word "person" as provided in said chapter shall mean and in-  
4 clude partnership, association or corporation.

1 SEC. 2. No copartnership, association, or corporation shall be  
2 granted a license, unless every member or officer of such copartner-  
3 ship, association or corporation, who actively participates in the brok-  
4 erage business of such copartnership, association, or corporation, shall  
5 hold a license as a real estate broker, and unless every employee who

6 acts as a salesman for such copartnership, association, or corporation  
7 shall hold a license as a real estate salesman.

1 SEC. 3. The term "real estate broker" within the meaning of this  
2 chapter shall include any person, other than a salesman and except  
3 as herein provided, who engages for all or part of his time in the  
4 following:

5 1. The business of selling, exchanging, purchasing or renting of  
6 real estate for another for a fee, commission, or other consideration.

7 2. Listing real estate of others for sale, exchange, or rental for a  
8 fee, commission, or other consideration or advertises or holds himself  
9 out as a real estate broker.

1 SEC. 4. Real Estate as used in this chapter shall mean real property  
2 wherever situated, and shall include any and all estate therein.

1 SEC. 5. "Real estate salesman" as used in this chapter is a person  
2 employed by, or otherwise associated with a real estate broker, as a  
3 selling, renting or listing agent or representative of said broker.

1 SEC. 6. Any person, partnership, association, or corporation, who,  
2 for another, in consideration of compensation, by fee, commission,  
3 salary, or otherwise, or with the intention or in the expectation or  
4 upon the promise of receiving or collecting a fee, does, offers or at-  
5 tempts or agrees to do, engages in or offers or attempts or agrees to  
6 engage in, either directly or indirectly, any single act or transaction  
7 contained in the definition of a real estate broker as set out in section  
8 three (3) of this chapter, whether said act be an incidental part of  
9 a transaction, or the entire transaction, shall constitute such person,  
10 partnership, association, or corporation a real estate broker or real  
11 estate salesman within the meaning of this chapter.

1 SEC. 7. The provisions of this chapter shall not apply to the sale,  
2 exchange, purchase, rental, or advertising of any real estate in any  
3 of the following cases:

4 1. Owners or lessors, or to the regular employees thereof, with  
5 respect to the property owned and leased where such acts are per-  
6 formed in the regular course of or incident to the management of  
7 property owned and the investment therein.

8 2. By any person acting as attorney in fact under a duly executed  
9 and acknowledged power of attorney from the owner, authorizing the  
10 final consummation and execution of any contract for the sale, leasing  
11 or exchange of real estate.

12 3. Nor shall the provisions of this chapter apply to an attorney  
13 admitted to practice in Iowa.

14 4. The acts of one while acting as a receiver, trustee in bankruptcy,  
15 administrator, executor, guardian, or under court order or while  
16 acting under authority of a deed of trust, trust agreement or will.

17 5. The acts of an auctioneer in conducting a public sale or auction.

18 6. An isolated real estate rental transaction by an owner's repre-  
19 sentative on behalf of said owner; such transaction not being made in  
20 the course of repeated and successive transactions of a like character.

1 SEC. 8. There is hereby created the Iowa Real Estate Commission  
2 which shall consist of the Secretary of State as chairman and four  
3 members appointed by the governor with approval of two-thirds of

4 the Senate in executive session. Prior to the effective date of this  
5 chapter, the governor shall appoint four persons, each of whom prior  
6 to the date of his appointment shall have been actively engaged as  
7 a real estate broker within this state for a period of not less than five  
8 years: one member shall be appointed for a term of one year; one  
9 member shall be appointed for a term of two years; one member shall  
10 be appointed for a term of three years; one member shall be appointed  
11 for a term of four years; and until their successors have been ap-  
12 pointed and qualified; thereafter, at the expiration of the term of  
13 each appointed member, the governor shall appoint a successor for  
14 a term of four years. There shall at no time be more than one ap-  
15 pointed commissioner from any one county, nor may any person act  
16 as an appointed commissioner while holding any other elective or  
17 appointive state or federal office. In the event of a vacancy on the  
18 commission, the governor shall fill such vacancy by appointing a  
19 member to serve during the unexpired term of the member whose  
20 office has become vacant. The action of the majority of the members  
21 of the commission shall be termed the action of the commission.

1 SEC. 9. The commission is empowered to promulgate rules and  
2 regulations to carry out and administer the provisions of this chapter  
3 consistent therewith. Said commission may carry on a program of  
4 education of real estate practices and matters relating thereto.

1 SEC. 10. The commission shall be provided by the executive coun-  
2 cil with office space in the office of the secretary of state and with office  
3 furniture, power, light, and other proper conveniences necessary for  
4 the carrying out of this chapter. Necessary printing and supplies  
5 shall be purchased by the commission subject to the general laws of  
6 the state.

1 SEC. 11. The commission shall employ a director at a salary not  
2 to exceed thirty-six hundred dollars (\$3600.00) per annum and such  
3 clerks and assistants as shall be necessary to discharge the duties  
4 imposed by the provisions of this chapter and to effect the purposes  
5 of this act, and the commission shall determine the duties of such  
6 director, clerks, and assistants.

1 SEC. 12. Each appointed member of the commission shall receive  
2 as full compensation for each day actually spent on the work of the  
3 commission the sum of ten dollars per diem and his actual and neces-  
4 sary expenses in the performance of duties pertaining to his office.  
5 The total per diem compensation of a single member of the commis-  
6 sion shall not exceed five hundred dollars per annum.

1 SEC. 13. The commission shall adopt a seal with such design as  
2 the commission may prescribe engraved thereon, by which it shall  
3 authenticate its proceedings. Copies of all records and papers in the  
4 office of the commission, duly certified and authenticated by the seal  
5 of said commission shall be received in evidence in all courts equally  
6 and with like effect as the original. All records kept in the office of  
7 the commission under authority of this act shall be open to public  
8 inspection under such reasonable rules and regulations as shall be  
9 prescribed by the commission.

1 SEC. 14. All fees and charges collected by the commission under  
2 the provisions of this chapter shall be paid into the general fund in  
3 the state treasury. All expenses incurred by the commission under  
4 the provisions of this chapter, including compensation to the director,  
5 clerks and assistants shall be paid out of the general fund in the state  
6 treasury. No expenditure shall be made in excess of the license fees  
7 and receipts under the provisions of this chapter during any fiscal  
8 year of its operation.

1 SEC. 15. Licenses shall be granted only to persons who are trust-  
2 worthy and competent to transact the business of a real estate broker  
3 or salesman in such manner as to safeguard the interests of the pub-  
4 lic and only after satisfactory proof has been presented to the com-  
5 mission. The applicant must be a person whose application has not  
6 been rejected in this or any other state within six months prior to  
7 the date of application, or whose real estate license has not been  
8 revoked in this or any other state within two years prior to date of  
9 application. Every applicant for a license as a real estate broker  
10 shall be of the age of twenty-one years or over and a citizen of the  
11 United States. Provided, however, that any person not a citizen of  
12 the United States may be eligible for a license if due proof is made to  
13 the commission that he has declared his intention to become a citizen  
14 of the United States.

1 SEC. 16. Every applicant for a real estate broker's license shall  
2 apply therefor in writing upon blanks prepared or furnished by the  
3 real estate commission. Such application shall be accompanied by  
4 the recommendation of at least two citizens, real estate owners, not  
5 related to the applicant, who have owned real estate for a period of  
6 one year or more and have known the applicant for a period of six  
7 months, in the county in which said applicant resides, or has his  
8 place of business, which recommendation shall certify that the appli-  
9 cant bears a good reputation for honesty, truthfulness, fair dealing  
10 and competency, and recommending that a license be granted to the  
11 applicant.

12 Every applicant for a license shall furnish a sworn statement set-  
13 ting forth his present address, both of business and residence, a com-  
14 plete list of all former places where he may have resided or been en-  
15 gaged in business for a period of sixty days or more, during the last  
16 five years, accounting for such entire period, and the length of such  
17 residence, together with the name and address of at least one real  
18 estate owner in each of said counties where he may have resided or  
19 have been engaged in business and whether he has been convicted of a  
20 criminal offense involving moral turpitude, and if so, what offense.

21 The commission shall prepare and furnish written application  
22 blanks for salesman's license, to contain request for such information  
23 as the commission may require. The application shall be accom-  
24 panied by a written statement by the broker in whose service he is  
25 about to enter, stating that in his opinion the applicant is honest,  
26 truthful, and of good reputation, and recommending that the license  
27 be granted to the applicant.

1 SEC. 17. The commission with due regard to the paramount in-  
2 terests of the public may require such other proof as shall be deemed

3 desirable as to the honesty, truthfulness, integrity, reputation, and  
4 competency of the applicant.

1 SEC. 18. The commission is expressly vested with the power and  
2 authority to make and enforce any and all such reasonable rules and  
3 regulations connected with the application for any license as shall be  
4 deemed necessary to administer and enforce the provisions of this  
5 chapter.

1 SEC. 19. If the commission, after an application in proper form  
2 has been filed with it, accompanied by the proper fee and the appli-  
3 cant's certification of trustworthiness and competence, and integrity,  
4 shall deny a license to the applicant, upon his application in writing,  
5 and within a period of thirty days of such denial, he shall be entitled  
6 to a hearing as provided in section thirty-five (35).

1 SEC. 20. Each applicant for a license must pass a written exam-  
2 ination conducted by said commission or its authorized representative  
3 which examination shall be of scope and wording sufficient in the  
4 judgment of the commission to establish the competency and trust-  
5 worthiness of the applicant to act as a real estate broker or sales-  
6 man in such manner as to protect the interests of the public. An  
7 examination for a real estate broker shall be of a more exacting na-  
8 ture than that for a real estate salesman and require higher stand-  
9 ards of knowledge of real estate. Provided, however, that any per-  
10 son licensed under chapter ninety-one and two tenths (91.2) of the  
11 1939 Code of Iowa at the time this act becomes effective may secure  
12 a similar license under this chapter upon making application to the  
13 commission for such license within sixty days after the effective date  
14 of this act.

1 SEC. 21. A nonresident of this state may be licensed as a real estate  
2 broker, or a real estate salesman, upon complying with all require-  
3 ments of law and with all the provisions and conditions of this chap-  
4 ter relative to resident brokers and salesmen, and the filing by the  
5 applicant with the commission of a certified copy of a real estate  
6 license issued by the state of domicile. The commission may waive  
7 the requirement of an examination in the case of a nonresident broker  
8 who is licensed under the laws of a state having similar requirements  
9 and where similar recognition and courtesies may be extended to  
10 licensed real estate brokers and salesmen of this state.

1 SEC. 22. A nonresident to whom a license is issued upon com-  
2 pliance with all the other requirements of law and provisions of this  
3 chapter, shall not be required to maintain a definite place of business  
4 within this state. Provided, that such nonresident, if a broker, shall  
5 maintain an active place of business within the state of his domicile,  
6 and provided further, that the privilege of so submitting the license  
7 or a copy thereof certified by the state of his domicile, in lieu of the  
8 recommendations and statements otherwise required, shall only apply  
9 to licensed real estate brokers and real estate salesmen of those states  
10 under the laws of which similar recognition and courtesies are ex-  
11 tended to licensed real estate brokers and real estate salesmen of this  
12 state.

1 SEC. 23. Every nonresident applicant, before the issuance of a  
2 license, shall file an irrevocable consent that suits and actions may be

3 commenced against such applicant in the proper court of any county  
4 of this state in which a cause of action may arise, by the service of  
5 any process or pleadings authorized by the laws of this state on the  
6 chairman of the commission, said consent stipulating and agreeing  
7 that such service of such process or pleadings on the commission  
8 shall be taken and held in all courts to be as valid and binding as if  
9 due service had been made upon said applicant within the State of  
10 Iowa. Said instrument containing such consent shall be authenti-  
11 cated by the seal thereof, if a corporation, or by the acknowledged  
12 signature of a member or officer thereof, if otherwise. All such ap-  
13 plications, except from individuals, shall be accompanied by a duly  
14 certified copy of the resolutions of the proper officers, or managing  
15 board, authorizing the proper officer to execute the same. In case  
16 any process or pleadings mentioned in the case are served upon the  
17 commission it shall be by duplicate copies, one of which shall be filed  
18 in the office of the commission, and the other immediately forwarded  
19 by registered mail to the main office of the applicant against whom  
20 or which said process or pleadings are directed.

1 SEC. 24. The license of such real estate salesman shall be delivered  
2 or mailed to the real estate broker by whom such real estate sales-  
3 man is employed and shall be kept in the custody and control of such  
4 broker.

1 SEC. 25. It shall be the duty of every real estate broker to con-  
2 spicuously display in his place of business the current license issued  
3 to him and the licenses issued to his employees.

1 SEC. 26. The commission shall prepare and deliver to each licensee  
2 a pocket card, which card among other things shall contain an im-  
3 print of the seal of the commission and shall certify that the person  
4 whose name appears thereon is a licensed real estate broker or real  
5 estate salesman, as the case may be, and if it is a real estate salesman's  
6 card it shall also contain the name and address of his employer. The  
7 matter to be printed on such pocket card, except as above set forth,  
8 shall be prescribed by the commission.

1 SEC. 27. The annual fee for each real estate broker's license shall  
2 be ten dollars. The annual fee for each real estate salesman's license  
3 shall be five dollars.

1 SEC. 28. Every license shall expire as of December 31st of the year  
2 of issuance. The commission shall upon the written request of the  
3 applicant on forms prescribed by the commission, and payment of  
4 the annual fee therefor as herein required, issue a new license for  
5 each ensuing year in the absence of any reason or condition which  
6 might warrant the revocation of a license after a hearing as provided  
7 in sections thirty-four (34) and thirty-five (35).

1 SEC. 29. The revocation of a broker's license shall automatically  
2 suspend every real estate salesman's license granted to any person  
3 by virtue of his employment by the broker whose license has been  
4 revoked, pending a change of employer and the issuance of a new  
5 license. Such new license shall be issued upon payment of a fee of  
6 one dollar, if granted during the same year in which the original  
7 license was granted.



1 SEC. 30. No person, copartnership, association or corporation en-  
2 gaged in the business or acting in the capacity of a real estate broker  
3 or a real estate salesman within this state shall bring or maintain  
4 any action in the courts of this state for the collection of compensa-  
5 tion for any services performed as a real estate broker or salesman  
6 without alleging and proving that such person, copartnership, asso-  
7 ciation, or corporation was a duly licensed real estate broker or real  
8 estate salesman at the time the alleged cause of action arose.

1 SEC. 31. Every real estate broker, except as provided in section  
2 twenty-one (21), shall maintain a place of business in this state.  
3 If the real estate broker maintains more than one place of business  
4 within the state, a duplicate license shall be issued to such broker  
5 for each branch office maintained. Provided, that if such broker be  
6 a copartnership, association or corporation, a duplicate shall be issued  
7 to the members or officers thereof, and a single fee of one dollar in  
8 each case shall be paid for each duplicate license.

1 SEC. 32. Notice in writing shall be given to the commission by each  
2 licensee of any change of principal business location, whereupon the  
3 commission shall issue a new license for the unexpired period upon  
4 the payment of a fee of one dollar.

1 SEC. 33. When any real estate salesman shall be discharged or  
2 shall terminate his employment with the real estate broker by whom  
3 he is employed, it shall be the duty of such real estate broker to im-  
4 mediately deliver or mail by registered mail to the commission such  
5 real estate salesman's license on the reverse side of which the em-  
6 ploying broker shall set out the date and cause of termination of  
7 employment. The real estate broker shall at the time of mailing such  
8 real estate salesman's license to the commission address a communi-  
9 cation to the last known residence address of such real estate salesman  
10 stating that his license has been delivered or mailed to the commission.  
11 A copy of such communication to the real estate salesman shall accom-  
12 pany the license when mailed or delivered to the commission. It shall  
13 be unlawful for any real estate salesman to perform any of the acts  
14 contemplated by this chapter either directly or indirectly under  
15 authority of said license from and after the date of receipt of said  
16 license by the commission; provided, that another license shall not be  
17 issued to such real estate salesman until he shall return his former  
18 pocket card to the commission or shall satisfactorily account to them  
19 for the same. The commission shall upon presentation of evidence  
20 by the salesman that he has been employed by another broker issue  
21 another license and pocket card for the balance of the current year  
22 showing each change of employment. A fee of one dollar will be  
23 charged for the issuance of such a license. Not more than one license  
24 shall be issued to any real estate salesman for the same period of time.

1 SEC. 34. The commission may upon its own motion and shall upon  
2 the verified complaint in writing of any person, provided such com-  
3 plaint together with evidence, documentary or otherwise presented  
4 in connection therewith, makes out a prima facie case, investigate  
5 the actions of any real estate broker or real estate salesman, or any  
6 person who shall assume to act in either such capacity within this  
7 state and shall have the power to suspend or to revoke any license

8 issued under the provisions of this chapter, at any time where the  
9 licensee has by false or fraudulent representation obtained a license,  
10 or where the licensee in performing or attempting to perform any  
11 of the acts mentioned herein is found to be guilty of:

- 12 1. Making any substantial misrepresentation.
- 13 2. Making any false promise of a character likely to influence, per-  
14 suade or induce.
- 15 3. Pursuing a continued and flagrant course of misrepresentation,  
16 or making of false promises through agents or salesmen or advertis-  
17 ing or otherwise.
- 18 4. Acting for more than one party in a transaction without the  
19 knowledge of all parties for whom he acts.
- 20 5. Accepting a commission or valuable consideration as a real estate  
21 salesman for the performance of any of the acts specified in this chap-  
22 ter, from any person, except his employer; who must be a licensed  
23 real estate broker.
- 24 6. Representing or attempting to represent a real estate broker  
25 other than his employer, without the express knowledge and consent  
26 of the employer.
- 27 7. Failing, within a reasonable time, to account for or to remit  
28 any moneys coming into his possession which belong to others.
- 29 8. Being unworthy or incompetent to act as a real estate broker or  
30 salesman in such manner as to safeguard the interests of the public.
- 31 9. Paying a commission or any part thereof for performing any  
32 of the acts specified in this chapter to any person who is not a licensed  
33 broker or salesman under the provisions of this chapter or who is  
34 not engaged in the real estate business in another state.
- 35 10. Failing, within a reasonable time, to provide information re-  
36 quested by the commission as the result of a formal or informal com-  
37 plaint to the commission which would indicate a violation of this act.
- 38 11. Any other conduct, whether of the same or different character  
39 from that hereinbefore specified, which constitutes improper, fraud-  
40 ulent, or dishonest dealing or determined by the commission as being  
41 detrimental to the public interest.

42 Any unlawful act or violation of any of the provisions of this chap-  
43 ter by any real estate salesman, employee, or partnership or associate  
44 of a licensed real estate broker, shall not be cause for the revocation  
45 of the license of any real estate broker, partial or otherwise, unless  
46 the commission finds that said employer, partner or associate had  
47 guilty knowledge thereof.

1 SEC. 35. The commission shall upon request of the applicant as  
2 provided in section nineteen (19), or before revoking any license set  
3 the matter down for a hearing and at least twenty days prior to the  
4 date set for the hearing it shall notify the applicant or licensee in  
5 writing, which said notice shall contain an exact statement of the  
6 charges made and the date and place of the hearing. The applicant  
7 or licensee at all such hearings shall have the opportunity to be heard  
8 in person and by counsel in reference thereto. Such written notice  
9 of hearing may be served by delivery personally to the applicant or  
10 licensee or by mailing the same by registered mail to the last known  
11 business address of such applicant or licensee. If such applicant or  
12 licensee be a salesman, the commission shall also notify the broker em-  
13 ploying him or into whose employ he is about to enter by mailing such

14 notice by registered mail to the broker's last known business address.  
15 The hearing on such charges shall be at such time and place as the  
16 commission shall prescribe.

1 SEC. 36. In the preparation and conducting of such hearings, the  
2 director shall have power to execute and sign subpoenas to require  
3 the attendance and testimony of any witnesses and the producing of  
4 any papers or books. He may administer oaths, examine witnesses  
5 and take any evidence he deems pertinent to the determination of the  
6 charges. Any such hearing may be held before two or more members  
7 of the commission as may be directed by the commission.

1 SEC. 37. Any witnesses so subpoenaed shall be entitled to the same  
2 fees and mileage as is prescribed by law in judicial proceedings in the  
3 courts of this state in civil cases.

1 SEC. 38. Any party to any hearing before the commission shall have  
2 the right to the attendance of witnesses in his behalf at such a hear-  
3 ing upon making a request thereof to the commission and designating  
4 the person or persons sought to be subpoenaed.

1 SEC. 39. In case of a disobedience to a subpoena the commission  
2 may invoke the aid of any court of competent jurisdiction or judge  
3 thereof in requiring the attendance and testimony of witnesses and  
4 the production of papers; and such court may issue an order requir-  
5 ing the persons to appear before the commission and give evidence  
6 or to produce papers as the case may be; and any failure to obey such  
7 order may be punished as a contempt.

1 SEC. 40. The testimony may be taken by deposition as in civil cases,  
2 and any person may be compelled to appear and depose in the same  
3 manner as witnesses may be compelled to appear and testify as here-  
4 inbefore provided.

1 SEC. 41. If the majority of the commission shall determine that  
2 any applicant is not qualified to receive a license, a license shall not  
3 be granted to such applicant, and if the commission shall determine  
4 that any licensee is guilty of a violation of any of the provisions of  
5 this chapter, the license may be suspended or revoked. The commis-  
6 sion, upon request of the applicant or licensee shall furnish said appli-  
7 cant or licensee with a definite statement of its findings of facts and  
8 its reason or reasons for refusing to grant the license or for sus-  
9 pension of the rights of the licensee or for the revocation of the license,  
10 as the case may be. The findings of fact made by the commission  
11 acting within its powers shall, in the absence of fraud, be conclusive,  
12 but the district court of the county of the licensee's residence or the  
13 judge thereof shall have the power to review questions of law involved  
14 in any final decision or determination of the commission; provided  
15 that an application is made by the aggrieved party within ten days  
16 after such determination by certiorari, mandamus, or by any other  
17 method permissible under the rules and practices of said court, or  
18 the laws of this state, and said court may make such further orders  
19 in respect thereto as justice may require.

1 SEC. 42. The commission shall at least annually prepare a list of  
2 the names and addresses of all licensees licensed by it under the pro-

3 visions of this chapter, and of all persons whose licenses have been sus-  
 4 pended or revoked within one year; together with such other infor-  
 5 mation relative to the enforcement of the provisions of this chapter  
 6 as it may deem of interest to the public. One of such lists shall be  
 7 mailed to the clerk of the district court in each county of the state  
 8 and shall be held by said clerk of the district court as a public record.  
 9 Such lists shall also be mailed by the commission to any person in this  
 10 state upon request.

1 SEC. 43. Any person found guilty of violating a provision of this  
 2 chapter in a first offense shall be punished by a fine of not to exceed  
 3 one hundred dollars or by imprisonment for a term of not to exceed  
 4 thirty days in jail.

1 SEC. 44. The commission may refer a complaint for violation of  
 2 section one (1) before any court of competent jurisdiction, and it  
 3 may take the necessary legal steps through the proper legal officers  
 4 of this state to enforce the provisions hereof and collect the penalties  
 5 herein provided.

1 SEC. 45. This act shall be effective from and after January 1, 1946.  
 Approved April 4, 1945.

## CHAPTER 97

### WATCHMAKERS AND REPAIRMEN

S. F. 52

AN ACT relating to watchmakers and watchmaking, defining the term "watchmaking", creating a board and other officers, providing for a seal and collection of fees and expenditures, providing for the issuance and revocation of certificates, prohibiting the practice of watchmaking as defined in the act without a certificate; providing penalties for the violation thereof.

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

1 SECTION 1. **Certificate required.** It shall be unlawful, after July  
 2 4th, 1945, for any person, co-partnership, association or corporation  
 3 to engage in watchmaking as defined in this chapter without first  
 4 obtaining a certificate of registration as herein provided. The cer-  
 5 tificate shall at all times be conspicuously displayed in the place of  
 6 business or employment of the holder thereof.

1 SEC. 2. **Definition.** The term "watchmaking" for the purposes of  
 2 this chapter, includes and means the repairing, replacing, rebuilding,  
 3 reconditioning, cleaning, adjusting or regulating of the mechanical  
 4 parts of watches, clocks and/or time recording instruments and esti-  
 5 mating the cost of the repairs thereof, and the manufacturing and  
 6 fitting of parts designed for use or used in watches. Such term shall  
 7 not include or mean the manufacturing or repairing of watch cases,  
 8 nor shall it include or mean the repairing of electric clocks where the  
 9 repair is necessary or incidental to the electric mechanism contained  
 10 in such clocks, but shall include the repairing of all winding mech-  
 11 anisms for time keeping instruments whether they are parts of such

12 cases or not. The term "board" as used in this chapter shall mean  
13 the Iowa Board of Examiners in watchmaking.

1     **SEC. 3. Board of Watchmaking Examiners.** (1) There is hereby  
2 created a board to be known as the Board of Examiners in watch-  
3 making whose duties it shall be to carry out the provisions of this  
4 chapter. Such board shall consist of five members, only three of whom  
5 shall belong to the same political party, to be appointed by the Gov-  
6 ernor. All persons so appointed shall be residents of this state and  
7 actually engaged in watchmaking as defined in this chapter, for at  
8 least five years immediately preceding the time of their appointment.  
9 Within thirty days after the effective date of this chapter, the Gov-  
10 ernor shall appoint the board as provided herein. Each member of  
11 said board shall hold office for three years and until his successor shall  
12 be appointed and qualified, except that in the first appointment, one  
13 member shall be appointed for one year, two for two years, two for  
14 three years and the term of office in such case shall be designated by  
15 the Governor at the time of the appointment. Members of the board  
16 before entering upon their duties, shall respectively take and file an  
17 official oath. (2) The board shall choose annually, one of its members  
18 as Chairman and one as Secretary who shall severally have power to  
19 administer oaths and take affidavits, certifying thereto under the seal  
20 of the board. The board shall meet at least once every six months  
21 or whenever a majority of the board shall call a meeting at Des Moines,  
22 Iowa, at the place to be designated by the Chairman. A majority of  
23 the board shall constitute a quorum. The Secretary shall give bond  
24 in the sum of five thousand dollars (\$5,000.00). The secretary shall  
25 keep a full record of the proceedings of the board which shall be open  
26 for inspection at all reasonable times. The members of the board  
27 shall be compensated as follows: Each member of the board shall  
28 be paid a per diem of ten dollars (\$10.00) during sessions of the  
29 board, not to exceed, however, two days time at any meeting; also,  
30 they shall be paid their actual traveling expenses in attending the  
31 meeting; the Secretary in addition to such per diem and expenses  
32 may be paid annually a salary to be fixed by the board, but such sal-  
33 ary shall not exceed fifteen hundred dollars. The per diem allowed  
34 each member of the board shall not exceed the sum of three hundred  
35 dollars (\$300.00) in any year. (3) The board shall have power to  
36 adopt rules and regulations to carry out the intent of this chapter.  
37 The Secretary shall collect the fees and shall pay the same quarterly  
38 to the Treasurer of the State of Iowa. (4) The board may appoint  
39 such clerks and assistants as it may deem necessary for the execution  
40 of its functions and fix their salaries. (5) The board shall on the  
41 thirtieth day of June of each year report its proceedings to the State  
42 Comptroller including an account of moneys received and disbursed.

1     **SEC. 4. Seal.** The board shall adopt a seal which shall be used to  
2 authenticate all of its proceedings and records and licenses to be issued  
3 which seal shall be under the control of the Secretary.

1     **SEC. 5. Fees and Expenses.** All examination, license and renewal  
2 fees received from such persons licensed to practice watchmaking  
3 shall be paid to and collected by the Secretary of the board, who shall  
4 remit to the Treasurer of the State quarterly all fees collected, and  
5 at the same time render to the State Comptroller an itemized and

6 verified report showing the source from which said fees were obtained.  
7 All such fees collected and remitted shall be placed in a special fund  
8 by the Treasurer of State and the State Comptroller to be known as  
9 the "Watchmaker's fund", to be used by the board to administer and  
10 enforce the laws relating to the practice of watchmaking, to elevate  
11 the standards of schools of watchmaking, and to promote the educa-  
12 tional and professional standards of watchmakers and watchmaking  
13 in this state, and no part of such expense shall be paid out of the gen-  
14 eral fund of the state. Any remainder in said fund at the end of  
15 each fiscal year, after all expense in carrying out the provisions of  
16 this chapter, have been paid, or a sum sufficient for payment thereof  
17 set apart, shall be paid into the general fund of the state. Said fund  
18 shall be subject at all times to the warrant of the State Comptroller,  
19 drawn upon written requisition of the chairman of the board and  
20 attested by the secretary, for the payment of all salaries and other  
21 expenses necessary to carry out the provisions of this chapter, but in  
22 no event shall the total expenses therefor exceed the total fees col-  
23 lected and deposited to the credit of said fund.

1 **SEC. 6. Application.** Applicants for certificates shall be examined  
2 at a time and place fixed by the board. Applications for examina-  
3 tion shall be filed with the board at least ten days before the time  
4 set for the examination and shall be accompanied by an examination  
5 fee of ten dollars (\$10.00). The applicant shall be of good moral  
6 character and shall furnish an affidavit in support of the same from  
7 at least two reputable citizens in the community in which he lives;  
8 shall be at least nineteen years of age and shall have at least three  
9 years previous experience at the bench under the supervision of a  
10 watchmaker, holding a certificate under the provisions of this chap-  
11 ter, or said applicant shall have had at least one year's schooling in a  
12 recognized watchmaker's school, together with one year's experience  
13 at the bench under the provisions of this chapter or at least two  
14 years schooling in a recognized watchmaker's school.

1 **SEC. 7. Examination.** An applicant to be entitled to a certificate  
2 otherwise provided in this chapter shall pass an examination before  
3 the board, which examination shall be confined to such knowledge,  
4 practical ability, and skill as is essential in the proper repairing of  
5 watches, clocks, and time-recording instruments, and shall include  
6 an examination of theoretical knowledge of watch construction and  
7 repair, and also a practical demonstration of the applicant's skill in  
8 the manipulation of watchmaker's tools. The board shall make rules  
9 and regulations for conducting examinations, and shall define the  
10 standards of workmanship and skill. In case of failure at any exam-  
11 ination, the applicant shall have the privilege of taking another exam-  
12 ination at any other examination period upon the payment of a fee  
13 of five (\$5.00) dollars and the board shall conduct such examinations  
14 at least twice in each year.

1 **SEC. 8. Certificates of Registration.** (1) If the Applicant success-  
2 fully passes the examination, the Secretary of the board shall register  
3 such fact and shall issue to him a certificate of registration. (2) A  
4 watchmaker who is not a resident of the State of Iowa, may, in the  
5 discretion of the board, be issued a certificate without the examination  
6 upon the payment of a fee of ten (\$10.00) dollars and upon filing a

7 written application with the board, together with evidence of five  
8 years practice as a watchmaker in some other state immediately pre-  
9 vious to the time of the application by furnishing such evidence in  
10 connection with his skill as a watchmaker as the board may require.  
11 (3) Persons actually engaged in watchmaking within this state prior  
12 to the effective date of this chapter shall be exempt from taking the  
13 examination herein provided, upon making application for a certifi-  
14 cate of registration within six months after said date, accompanied  
15 by an application fee of five (\$5.00) dollars and the affidavit of the  
16 applicant setting forth the fact of his having actually engaged in  
17 watchmaking, together with the affidavits of two freeholders in this  
18 state setting forth that they know that the applicant has been so en-  
19 gaged in watchmaking and if the board shall be satisfied that such  
20 applicant is entitled thereto, it shall cause its secretary to so register  
21 such applicant and issue to such person a certificate of registration  
22 on a form to be designed by the board. (4) Certificates of registration  
23 shall expire on the 30th day of June of each year. Upon the payment  
24 of a fee of five (\$5.00) dollars an application for a renewal of the  
25 certificate of registration may be made after the 15th day of June in  
26 each year. If any applicant upon the effective date of this act is in  
27 any branch of the military or naval service of the United States and  
28 actively engaged therein or if the applicant at such time is actively  
29 employed in national defense work in connection with the war effort  
30 then he shall have the right to make application for a certificate under  
31 the provisions of this chapter at any time within a period of six months  
32 after he is discharged from such military or naval service or discon-  
33 tinues his employment in national defense work.

1 **SEC. 9. Apprentice Watchmakers.** Any person sixteen years of age  
2 or over, of good moral character, apprenticed to a registered watch-  
3 maker, may pursue the trade of watchmaking upon obtaining from  
4 the board a certificate of registration as an apprenticed watchmaker,  
5 which certificate shall be conspicuously displayed at all times in the  
6 place of employment of such apprentice. No apprentice certificate  
7 shall be renewed unless the application therefor shall be accompanied  
8 by a sworn statement of the employer or employers as to the length  
9 of time the applicant has been actually employed under his certificate  
10 in the pursuit of the watchmaking trade. Apprentice watchmakers  
11 shall pay a fee of One Dollar (\$1.00) for the certificate which shall  
12 expire on June 30th of each year and shall pay a renewal fee of One  
13 Dollar (\$1.00) annually. Any applicant for a certificate of registra-  
14 tion as a watchmaker who fails to pass the examination provided for  
15 herein may in the discretion of the board be issued a certificate as an  
16 apprentice watchmaker.

1 **SEC. 10. Revocation.** The board may revoke a certificate of regis-  
2 tration obtained through error of the board or fraud of the applicant,  
3 or if the holder is grossly incompetent, guilty of immoral or unethical  
4 conduct, or obtained, or sought anything of value by fraudulent rep-  
5 resentation in the practice of watchmaking. The holder of such cer-  
6 tificate shall be given thirty days' notice in writing enumerating the  
7 charges and fixing a date for the hearing thereon. Such notice shall  
8 be given to the certificate holder by registered mail addressed to him  
9 at his last known address as shown by the Secretary. At the hearing

10 he shall have the opportunity to defend himself against the charges  
 11 and to introduce evidence tending to disprove the charges. If the  
 12 board should refuse any such application and refuse to renew any such  
 13 license, the applicant may within thirty (30) days after the order of  
 14 the board and not afterward appeal therefrom by a writ of certiorari  
 15 to the district court where upon such appeal the hearing shall be de  
 16 novo and all legal evidence pertaining to the matter of whether or not  
 17 such license should be renewed may be submitted, including new evi-  
 18 dence not submitted to the board. Upon the expiration of one year,  
 19 and after satisfactory proof that the cause of revocation no longer  
 20 exists, a person whose certificate has been revoked may be issued a  
 21 certificate of registration at the discretion of the board, upon pay-  
 22 ment of the fee herein provided.

1 SEC. 11. **Duplicates.** A duplicate of any certificate provided by this  
 2 chapter shall be issued upon filing with the Secretary a sworn state-  
 3 ment that the original certificate has been lost or destroyed, and upon  
 4 payment of One Dollar (\$1.00) for the issuance of the same.

1 SEC. 12. **Conflicting Statutes.** No provisions of law in conflict with  
 2 the provisions of this chapter shall have any effect thereon or upon  
 3 the rights of any person licensed hereunder.

1 SEC. 13. **Penalty.** Anyone not having a certificate of registration  
 2 who shall hold himself out as a watchmaker or as one qualified to do  
 3 watchmaking or anyone who shall violate any of the provisions of  
 4 this chapter shall be guilty of a misdemeanor and shall be punished  
 5 by a fine of not more than One Hundred (\$100.00) Dollars or by im-  
 6 prisonment in the County Jail for not more than thirty days or by  
 7 both such fine and imprisonment.

Approved April 6, 1945.

## CHAPTER 98

### BIRTH CERTIFICATES OF ADOPTED CHILDREN

H. F. 218

AN ACT to amend chapter one hundred fourteen (114), code, 1939, relating to registration of vital statistics as pertaining to adoptions or annulment of adoption and substitution of new birth certificates.

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

1 SECTION 1. Chapter one hundred fourteen (114), Code, 1939, is  
 2 hereby amended by adding thereto the following section: "When a  
 3 decree declaring a child legally adopted or annulment of adoption is  
 4 entered in any court of record in this state, an abstract of the decree  
 5 upon a form provided for that purpose shall be forwarded by the  
 6 clerk of said court to the state registrar of vital statistics on or before  
 7 the tenth day of the succeeding month. This certificate or abstract  
 8 of the decree of adoption shall be filed with the original record of  
 9 birth and shall remain a part of the records of the state bureau of  
 10 vital statistics, and shall not be accessible to any one except upon



11 order of court. Upon request a certificate of birth shall be issued  
12 bearing the name of the child as shown in the decree of adoption, but  
13 no reference to the adoption shall be made in any birth certificate.  
14 The certificate of birth shall contain the name of the parents, who  
15 adopted the child, as the father and mother of the adopted child.

16 "When a new birth certificate is made to replace the original birth  
17 certificate of an adopted child, the state registrar shall inform the  
18 county registrar whose records contain copies of the original certifi-  
19 cate that he shall effectively seal a cover over such copy in a manner  
20 as not to deface or destroy such copy and that thereafter the infor-  
21 mation contained in such copy shall only be available upon court order.

22 "A new certificate of birth may be issued by the state registrar in  
23 accordance with this chapter in the case of a child born in the state,  
24 but adopted by a legal proceeding in another state, in the District  
25 of Columbia, or in any Territory of the United States which has  
26 jurisdiction of the child, upon the filing with the state registrar a  
27 copy of the decree, judgment or other certification as may be required  
28 by the registrar from the judge who entered it or the person having  
29 the legal custodianship of the records in the proceeding. When any  
30 such certificate is issued, it shall be treated in all respects the same  
31 as, and governed by, all the provisions of this chapter pertaining to  
32 a certificate issued in the case of a child adopted in this state. If the  
33 birth occurred outside the state of Iowa, the state registrar shall  
34 forward the certificate of said decree to the appropriate registration  
35 authority. All certificates of birth shall contain the name of the par-  
36 ents, who adopted the child, as father and mother of said child.

37 "Upon receipt of a certificate of annulment of adoption, the state  
38 registrar shall restore the original certificate of birth to its original  
39 status in the files, and shall notify the county registrar to do likewise."

1 SEC. 2. In the cases where an adoption was consummated under  
2 previous laws by the procedure of written records in the office of the  
3 County Recorder and where a child has been legally adopted in that  
4 manner, an abstract of the written record upon a form provided for  
5 that purpose shall be forwarded by the County Recorder of said  
6 county to the State Registrar of Vital Statistics on or before July 1,  
7 1946. This certificate or abstract of the record in the County Re-  
8 corder's office showing the adoption shall be filed with the original  
9 record of birth and shall remain a part of the records of the State  
10 Bureau of Vital Statistics and shall not be accessible to any one except  
11 upon order of the Court.

12 Upon request a certificate of birth shall be issued bearing the name  
13 of the child as shown by the written instrument that was recorded  
14 in the office of the County Recorder that shows the adoption but no  
15 reference to the adoption shall be made in any birth certificate and  
16 the name of the parents who adopted the child shall appear on the  
17 birth certificate as the father and mother of the child.

18 When a new birth certificate is made to replace the original birth  
19 certificate of an adopted child, the State Registrar shall inform the  
20 county registrar whose records contain copies of the original certifi-  
21 cate that he shall effectively seal a cover over such copy in a manner  
22 as not to deface or destroy such copy and that thereafter the infor-  
23 mation contained in such copy shall only be available upon court order.

1 SEC. 3. If any section or provision of this Act is declared uncon-  
 2 stitutional, the remaining sections or provisions of the Act shall not  
 3 be affected thereby.

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 Spencer Daily Reporter, a newspaper published at Spencer, Iowa  
 4 and The Peterson Patriot, a newspaper published at Peterson, Iowa.

Approved April 12, 1945.

I hereby certify that the foregoing act was published in the Spencer Daily Reporter,  
 Spencer, Iowa, April 16, 1945, and The Peterson Patriot, Peterson, Iowa, April 26, 1945.  
 WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 99

### BARBER SHOPS AND SCHOOLS

S. F. 31

AN ACT to provide for the licensing, inspection, control and regulation of barber  
 shops and barber schools.

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

1 SECTION 1. Chapter one hundred twenty-four and three-tenths  
 2 (124.3), Code, 1939, is amended by adding thereto the following:

3 1. For the purpose of this chapter, a barber shop shall mean an  
 4 establishment or place of business where one or more persons engage  
 5 in the practice of barbering as defined in section twenty five hundred  
 6 eighty-five and twenty-five hundredths (2585.25).

7 2. A barber school or college shall mean an establishment operated  
 8 by any person, or partnership for the teaching of barbering as defined  
 9 in section twenty five hundred eighty-five and twenty-six hundredths  
 10 (2585.26).

11 No person, or partnership shall maintain or operate a barber school  
 12 or a barber shop until he or they shall have obtained a license for  
 13 that purpose from the state department of health. Each such license  
 14 shall expire at the same time and shall be renewed in the same manner  
 15 as an individual barber license. Any such license may be suspended,  
 16 revoked, or renewal thereof denied by the board of barber examiners  
 17 for violation of any provision of statute or rule of the department of  
 18 health pertaining to the operation of barber shops or barber schools,  
 19 after finding following due notice and hearing before the board of  
 20 barber examiners.

21 Every application for a license to maintain or operate a barber  
 22 shop or a barber school shall be made on a form furnished by the state  
 23 department of health and shall contain such information relative to  
 24 ownership, management, location, sanitation, and other data concern-  
 25 ing said business as may be required by the department.

26 The state department of health shall collect, in addition to the annual  
 27 individual license fee required by section twenty five hundred sixteen  
 28 (2516), an inspection fee of ten dollars for every barber shop or  
 29 barber school hereafter opened and every barber shop or barber school  
 30 changing ownership before it may open for business or before the

31 new owner assumes the control and management of the same. The  
 32 remodeling and reopening of a barber shop on the same site as an  
 33 existing shop and under the same ownership shall not for the purpose  
 34 of this section be considered as a new shop.

35 The provisions of this act shall not apply to veterans of World  
 36 War Two for a period of twelve months after their discharge from  
 37 the Armed Services of the United States.

1 SEC. 2. Section two thousand five hundred sixteen (2516), Code,  
 2 1939, is amended by adding thereto the following:

3 15. For a license to conduct a school of barbering, an annual fee of  
 4 twenty-five dollars.

5 16. For transfer of license upon change of ownership of a barber  
 6 shop or barber school, a fee of one dollar (\$1.00).

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 ....., a newspaper published at .....,  
 4 and in the ....., a newspaper published at .....

Approved April 14, 1945.

I hereby certify that the foregoing act was published in The Scranton Journal, Scranton, Iowa, April 26, 1945, and the Eagle Grove Eagle, Eagle Grove, Iowa, April 26, 1945.

I further certify that the above papers were designated by me pursuant to Section 55 of the Code, due to the fact that no papers had been designated in the act.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 100

### MARKETING NEWS SERVICE

H. F. 239

AN ACT to amend section two thousand five hundred ninety (2590), code, 1939, relating to the establishment of a marketing news service division in the department of agriculture, and making appropriation therefor.

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

1 SECTION 1. Section two thousand five hundred ninety (2590), Code,  
 2 1939, is amended by adding to section 7 the following:

3 "Establish and maintain a marketing news service division in the  
 4 department of agriculture which shall, in cooperation with the Federal  
 5 Market News and Grading Division of the United States department  
 6 of agriculture, collect and disseminate data and information relative  
 7 to the market prices and conditions of agricultural products  
 8 raised, produced and handled in the state. Said division shall be in  
 9 charge of a director who shall be appointed by the secretary of agriculture  
 10 and shall be an officer of the Federal Market News and Grading  
 11 Division of the United States department of agriculture, if one be  
 12 detailed for that purpose by the federal government."

1 SEC. 2. There is hereby appropriated out of any moneys in the state  
 2 treasury not otherwise appropriated the sum of twenty thousand  
 3 (\$20,000.00) dollars annually, or so much thereof as may be necessary

4 to pay the annual expense of operating the marketing news service  
 5 division authorized by this act. Said funds to be drawn and expended  
 6 upon the order of the director with the approval of the secretary of  
 7 agriculture.

1 SEC. 3. This act being of immediate importance shall be in full  
 2 force and effect from and after its publication in the Harlan News  
 3 Advertiser, a newspaper published at Harlan, Iowa, and in the Perry  
 4 Daily Chief, a newspaper published at Perry, Iowa.

Approved March 15, 1945.

I hereby certify that the foregoing act was published in the Harlan News Advertiser,  
 Harlan, Iowa, March 22, 1945, and the Perry Daily Chief, Perry, Iowa, March 19, 1945.  
 WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 101

### LICENSES OF FOOD ESTABLISHMENTS

S. F. 153

AN ACT to amend chapter one hundred thirty-three (133) relating to hotels, restaurants  
 and food establishments.

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

1 SECTION 1. Section twenty eight hundred nine (2809), Code, 1939,  
 2 is hereby amended by inserting after the comma following the words  
 3 "canning factory," in line four, the following: "wholesale grocery  
 4 store, wholesale fruit and vegetable store, bakery supply store, egg  
 5 breaking plant, egg drying plant, milk drying (for human consump-  
 6 tion) plant, peanut products plant, milk condensery,"

7 Further amend section twenty eight hundred nine (2809) by strik-  
 8 ing from line eight (8) the words "one year from the date of issuance,"  
 9 and insert in lieu thereof the following: "September first each year,"

1 SEC. 2. Section twenty eight hundred twelve (2812) subsection six  
 2 (6) is hereby amended by inserting after the comma following the  
 3 words "canning factory," in line two (2) of subsection six (6) the  
 4 following: "wholesale grocery store, wholesale fruit and vegetable  
 5 store, bakery supply store, egg breaking plant, egg drying plant, milk  
 6 drying (for human consumption) plant, peanut products plant, milk  
 7 condensery,"

Approved April 4, 1945.

## CHAPTER 102

## COUNTY AND DISTRICT FAIRS

H. F. 295

AN ACT to amend sections two thousand eight hundred ninety-four (2894), two thousand eight hundred ninety-seven (2897), two thousand eight hundred ninety-eight (2898), two thousand eight hundred ninety-nine (2899), two thousand nine hundred (2900), two thousand nine hundred two and one-tenth (2902.1), two thousand nine hundred three (2903), two thousand nine hundred five (2905), two thousand nine hundred seven (2907), two thousand nine hundred nine (2909), and two thousand nine hundred ten (2910), code, 1939, relating to management and state aid to county and district fairs, and providing for division of funds between fairs held in same county.

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

1 SECTION 1. Section two thousand eight hundred ninety-four (2894),  
2 Code, 1939, is hereby amended by inserting a period after the word  
3 "dollars" in line seven (7), subsection two (2), and striking the re-  
4 mainder of the subsection. Further amend by adding a new sub-  
5 section as follows: "Management" shall mean president, vice-presi-  
6 dent, secretary or treasurer of the society."

1 SEC. 2. Section two thousand eight hundred ninety-seven (2897),  
2 Code, 1939, is hereby amended by striking out the word "president"  
3 in lines one (1) and two (2) and inserting in lieu thereof the word  
4 "management".

1 SEC. 3. Section two thousand eight hundred ninety-eight (2898),  
2 Code, 1939, is hereby amended by striking out the word "president" in  
3 line one (1) and inserting in lieu thereof the word "management".

1 SEC. 4. Section two thousand eight hundred ninety-nine (2899),  
2 Code, 1939, is hereby amended by striking out the word "carriages"  
3 in line two (2) and inserting in lieu thereof the word "vehicles"; also  
4 striking out the word "president" in line five (5) and inserting in  
5 lieu thereof the word "management".

1 SEC. 5. Section two thousand nine hundred (2900), Code, 1939, is  
2 hereby amended by striking out the word "president" in line four (4)  
3 and inserting in lieu thereof the word "management".

1 SEC. 6. Section two thousand nine hundred two and one-tenth  
2 (2902.1), Code, 1939, is hereby amended by striking out the word  
3 "but" in line thirteen (13) and also striking all after the word  
4 "county" in line fifteen (15), inserting a period after the word  
5 "county".

1 SEC. 7. Section two thousand nine hundred three (2903), Code,  
2 1939, is hereby amended by striking out the word "society" in line ten  
3 (10) and inserting in lieu thereof the word "county". Provided, how-  
4 ever, in counties having more than one fair entitled to state aid, the  
5 state aid available for the county shall be pro-rated to said fairs, which  
6 have been in existence for ten years or more, on the basis of cash  
7 premiums paid by said fairs.

1 SEC. 8. Section two thousand nine hundred five (2905), Code, 1939,  
2 is hereby amended by striking out the word "one-eighth" in line three  
3 (3) and inserting in lieu thereof the word "one-quarter"; and also

4 inserting after the word "work" in line nine (9) the following "and  
5 payment of agricultural and livestock premiums."

1 SEC. 9. Section two thousand nine hundred seven (2907), Code,  
2 1939, is hereby amended by striking all after the period in line eleven  
3 (11) and substituting in lieu thereof the following: "Such society  
4 is authorized to act as agent for said county in the erection of build-  
5 ings, maintenance of grounds and buildings or any improvements con-  
6 structed on such grounds. Title to new buildings or improvements  
7 shall be taken in the name of the county but the county shall not be  
8 liable for such improvements or expenditures therefor."

1 SEC. 10. Section two thousand nine hundred nine (2909), Code,  
2 1939, is hereby amended by striking out the word "one-eighth" in line  
3 five (5) and inserting in lieu thereof the word "one-quarter".

1 SEC. 11. Section two thousand nine hundred ten (2910), Code,  
2 1939, is hereby amended by striking the period at the end of said sec-  
3 tion and by inserting thereafter the following: "and payment of agri-  
4 cultural and livestock premiums."

Approved April 4, 1945.

## CHAPTER 103

### FAIRGROUND BUILDINGS

H. F. 168

AN ACT providing for an additional millage levy in counties having a population of between thirty-five thousand and forty thousand, upon all the taxable property of the county for the purpose of the completion of buildings upon the fairgrounds, after such additional levy has been approved by a majority of the voters of said county at a general election.

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

1 SECTION 1. Section two thousand nine hundred and nine (2909),  
2 Code, 1939, is hereby amended by inserting at the end of said section  
3 the following:

4 "In any county having a population of between thirty-five thou-  
5 sand and forty thousand as shown by the last federal census and  
6 having an incompleated structure valued at fifteen thousand dollars  
7 (\$15,000) or more, the board of supervisors shall levy a tax of two  
8 (2) mills upon all the taxable property of the county which levy shall  
9 be made over a two year period only, providing such levy has first  
10 been approved by a majority of the electors of said county at a gen-  
11 eral election. Notice of such election shall be published in the official  
12 newspapers of the county for four weeks previous to such election.  
13 The funds realized therefrom shall be known as the fair ground spe-  
14 cial construction fund."

Approved April 12, 1945.

## CHAPTER 104

## FARMERS' SHORT COURSES

H. F. 82

AN ACT to amend section one (1), chapter one hundred seventeen (117), acts of the Fiftieth General Assembly, relating to state aid for farmer's\* short courses where there are two (2) farm aid associations in the same county.

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

1 SECTION 1. Section one (1), chapter one hundred seventeen (117),  
2 Acts of the Fiftieth General Assembly, is hereby amended by striking  
3 from line seven (7) the word "fair" and inserting in lieu thereof the  
4 word "court"; also striking from line eight (8) the word "district" and  
5 inserting in lieu thereof the word "county"; also striking from line nine  
6 (9) the word "district" and inserting in lieu thereof the word "county".

Approved March 7, 1945.

\*According to enrolled act.

## CHAPTER 105

## DAIRY INDUSTRY COMMISSION

H. F. 170

AN ACT to protect and further the public health and welfare by promoting the development, expansion, economic stability, and prosperity of the dairy industry through the stimulation of an increased use and consumption of dairy products in the markets of the state, nation, and foreign countries; to provide means and methods for research, education, advertising and sales stimulation relative to the products of the dairy industry of Iowa; to provide funds for such purposes by an excise tax on dairy products, and for the collection and expenditure thereof; to create a commission with state authority to administer this act, and to define its authority, duties and powers; and to prescribe penalties for violations of this act.

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

1 SECTION 1. As used in this Act:  
2 (a) The term "commission" shall mean the Iowa Dairy Industry  
3 Commission:  
4 (b) The term "person" shall mean individuals, corporations, part-  
5 nerships, trusts, associations, cooperatives, and any and all other  
6 business units.  
7 (c) The term "Producer" shall mean and include every person who  
8 produces milk or cream from cows and thereafter sells the same as  
9 milk, cream or other dairy products.  
10 (d) The term "dealer" shall mean and include any person who buys,  
11 sells, manufactures, processes or ships dairy products, or who acts as  
12 sales or purchasing agent, broker or factor of dairy products.

1 SEC. 2. There is hereby created an "Iowa Dairy Industry Commis-  
2 sion" to be thus known and designated.

3 This commission shall be composed of the head of the Dairy Hus-  
4 bandry Department of Iowa state college, the head of the Dairy In-

5 dustry Department of Iowa state college, and the Chief of the Dairy  
6 and Food Division of the Department of Agriculture and in addition  
7 thereto nine (9) members appointed by the secretary of agriculture  
8 of the State of Iowa as immediately hereinafter provided.

9 The Board of Directors of the Iowa State Dairy Association shall on  
10 or before the 15th day of May of each odd numbered year nominate  
11 for the office of commissioners three persons from each congressional  
12 district within the state of Iowa, as constituted January 1, 1941, all  
13 of whom shall be actual milk or cream producers which list shall on  
14 or before the first day of June following be certified to the secretary  
15 of agriculture of the State of Iowa by the President and Secretary of  
16 the Iowa State Dairy Association and the said secretary of agriculture  
17 shall, on or before the second Tuesday in June of each odd numbered  
18 calendar year, appoint one of said nominees so certified from each of  
19 said districts as a member of Iowa Dairy Industry Commission who  
20 shall serve for a period of two years from July 1st following his  
21 appointment and until his successor is duly appointed and qualified.  
22 Any vacancy occurring in said Iowa Dairy Industry Commission shall  
23 be filled by the said secretary of agriculture from nominations made  
24 by the Board of Directors of the Iowa State Dairy Association in the  
25 manner heretofore provided. The appointive members of the Com-  
26 mission shall receive the sum of five dollars (\$5.00) per day for each  
27 day spent in actual attendance on meetings of the commission not ex-  
28 ceeding one hundred dollars (\$100.00) per annum, together with actual  
29 necessary expenses and mileage at the rate of three and one-half cents  
30 ( $3\frac{1}{2}$ c) per mile.

1 SEC. 3. The powers and duties of the commission shall include the  
2 following:

3 (1) To elect a chairman, a secretary, and from time to time such  
4 other officers as it may deem advisable, and from time to time to adopt,  
5 rescind, modify and amend all proper and necessary rules, regulations  
6 and orders for the exercise of its power and the performance of its  
7 duties, which rules, regulations and orders shall have the force and  
8 effect of law when not inconsistent with existing laws;

9 (2) To administer and enforce this Act, and do and perform all acts  
10 and exercise all powers reasonably necessary to effectuate the purpose  
11 of this Act;

12 (3) To employ at its pleasure and discharge at its pleasure such  
13 attorneys, advertising counsel, advertising agencies, clerks, and em-  
14 ployees as it deems necessary, and to prescribe their duties and powers  
15 and fix their compensation;

16 (4) To establish offices and incur any and all expense, and to enter  
17 into any and all contracts and agreements for the proper administra-  
18 tion and enforcement of this Act;

19 (5) To report alleged violations of this Act to the attorney general  
20 of the state of Iowa;

21 (6) To conduct scientific research for the purpose of developing  
22 and discovering the health, food, therapeutic, dietetic, and industrial  
23 uses for products of milk or its derivatives;

24 (7) To make in the name of the commission such advertising con-  
25 tracts and other agreements as it deems necessary to promote the sale  
26 and consumption of dairy products on either a state or national basis;



27 (8) To keep accurate books, records, and accounts of all its deal-  
28 ings, which books, records, and accounts shall be open to inspection  
29 and audit by the Board of Directors of the Iowa State Dairy Associa-  
30 tion or its representatives, and shall be audited annually by the Auditor  
31 of State.

1 SEC. 4. The commission shall plan and conduct a campaign for  
2 commodity advertising, publicity and sales promotion, research and  
3 educational campaigns to increase the consumption of dairy products,  
4 and may contract for any advertising, publicity, and sales promotion,  
5 research and educational service. To accomplish such purpose the  
6 commission shall have power and it shall be the duty of the commission  
7 to disseminate information as follows:

8 (a) Relating to dairy products and the importance thereof in pre-  
9 serving the public health, the economy thereof in the diet of the people,  
10 and the importance thereof in the nutrition of children;

11 (b) Relating to the manner, method and means used and employed  
12 in the production, processing and marketing of dairy products in order  
13 to comply with the laws of the state and nation regulating and safe-  
14 guarding such production and marketing to insure a pure and whole-  
15 some product;

16 (c) Relating to the method of the producer and dealer in producing  
17 and handling dairy products in order to meet the standards imposed  
18 by the state and Federal Government to insure a pure and nutritious  
19 product;

20 (d) Relating to the harmful effect on the public health that would  
21 result from a breakdown of the dairy industry;

22 (e) Relating to the reasons why producers should receive a reason-  
23 able return on their labor investment;

24 (f) Relating to the problem of furnishing the consumer at all times  
25 with an abundant supply of high quality dairy products at reasonable  
26 prices;

27 (g) Relating to the factors of instability peculiar to the dairy in-  
28 dustry, such as unbalanced production, influence of consumer purchas-  
29 ing power, and price relative to the cost of other items of food in the  
30 normal diet of people, all to the end that an intelligent and increasing  
31 consumer demand may be stimulated;

32 (h) Relating to the possibilities of increasing consumption of dairy  
33 products;

34 (i) Relating to such other, further and additional information as  
35 shall tend to promote increased consumption of dairy products, and as  
36 may foster a better understanding and more efficient cooperation be-  
37 tween producers, and consuming public.

1 SEC. 5. (a) There is hereby levied and imposed an excise tax of one  
2 cent (1¢) per pound or fraction thereof upon all butter fat sold in the  
3 state of Iowa during the period beginning June 1st and terminating  
4 June 15th inclusive, 1945, and annually thereafter during the same  
5 period; provided, however, that the provisions of this section shall not  
6 apply to butter fat in milk and cream produced outside the state of  
7 Iowa. For the purpose of computing the tax in markets where butter  
8 fat tests are not available, or the butter fat content not definitely  
9 known, the amount of butter fat in milk and cream shall be computed

10 on the basis of four percent (4%) in the case of milk, and thirty-two  
11 percent (32%) in the case of cream.

12 (b) All taxes levied and imposed under this act shall be deducted  
13 from the price charged by the producer and shall be collected by the  
14 first dealer; provided however, that:

15 (1) Where the producer produces milk or cream from cows and  
16 thereafter sells the same as milk, cream, or other dairy products,  
17 directly to the consumer the taxes aforesaid shall be held by such  
18 producer.

19 (2) Where the producer sells milk, cream or other dairy products  
20 to any dealer outside the state of Iowa the taxes aforesaid shall be  
21 due and payable by such producer before the shipment is made, except  
22 that the commission may make such agreements with extra state deal-  
23 ers for the keeping of records and the collection of the taxes aforesaid  
24 as are necessary to secure the payment of the said taxes within the time  
25 fixed by this Act.

26 All taxes levied and imposed under this act, shall be paid to and  
27 collected by the Secretary of the Commission who shall remit to the  
28 Treasurer of the State, quarterly, and at the same time render to the  
29 State Comptroller an itemized and verified report showing the source  
30 from which said taxes were obtained. All such taxes collected and  
31 remitted shall be placed in a special fund by the treasurer of state,  
32 and the state comptroller, to be known as the "Dairy Industry Fund",  
33 to be used by the Iowa Dairy Industry Commission for the purposes  
34 set out in this act and to administer and enforce the laws relative  
35 thereto.

1 SEC. 6. Every producer shipping milk, cream and/or other dairy  
2 products to any dealer outside of Iowa who is not by agreement with  
3 the commission collecting the tax imposed by this act, and every first  
4 dealer within the state of Iowa and every producer distributing milk,  
5 cream, or other dairy products directly to the consumer, shall keep a  
6 complete and accurate record of all butter fat taxed by this Act in  
7 milk or cream produced, bottled, processed, or distributed by him  
8 during the period of June 1 to June 15, inclusive, of each year. Such  
9 records shall be in such form and contain such information as the  
10 commission shall by rule or regulation prescribe and shall be pre-  
11 served by the person charged with their making for a period of two  
12 (2) years and shall be offered or submitted for inspection at any time  
13 upon written or oral request by the Commission or its duly authorized  
14 agent or employee.

1 SEC. 7. Every person charged by this Act or by agreement with the  
2 commission with the keeping of records provided for in this Act shall  
3 at such times as the commission may by rule or regulation require, file  
4 with the commission a return on forms to be prescribed and furnished  
5 by the commission stating the quantity of dairy products produced,  
6 bottled, processed, or distributed, and butter fat content of all milk  
7 or cream produced by, delivered to or purchased by such person from  
8 the various producers of dairy products or their agents in the State  
9 of Iowa during the period of time prescribed in above sub-section (a)  
10 Section 5. Such return shall contain such other information as the  
11 commission may require, and shall be made in triplicate, one (1) copy  
12 of which shall be for the files of the person making the return, and

13 one (1) copy available at the office of such person, for the use of his  
14 patrons, and the original filed with the commission.

1 SEC. 8. No part of the expense incurred by the commission shall  
2 be paid out of any funds in the state treasury except said Dairy In-  
3 dustry Fund which shall be subject at all times to the warrant of the  
4 state comptroller, drawn upon written requisition of the Chairman  
5 of the Commission and attested by the Secretary for the payment of  
6 all salaries, and other expenses necessary, to carry out the provisions  
7 of this act, but in no event shall the total expenses therefor exceed the  
8 total taxes collected and deposited to the credit of said fund.

1 SEC. 9. The Commission shall have the power to cause its authorized  
2 agents to enter upon the premises of any person charged by this Act  
3 or by agreement with the commission with the collection of the excise  
4 tax imposed by this Act, and to cause to be examined by any such agent  
5 any books, records, documents, or other instruments bearing upon the  
6 amount of such tax collected or to be collected by such person; pro-  
7 vided that the commission has reasonable ground to believe that all  
8 the tax herein levied has not been collected, or if it has not been fully  
9 accounted for as herein provided.

1 SEC. 10. The commission shall on or before the first day of March  
2 of each year make a full and complete report of its doings for the  
3 previous calendar year to the Board of Directors of the Iowa State  
4 Dairy Association, which report shall show the amount of money re-  
5 ceived and the expenditures thereof, and shall be printed in the annual  
6 Agricultural Year Book issued by the secretary of agriculture of the  
7 state of Iowa.

1 SEC. 11. Any person who shall violate or aid in the violation of any  
2 of the provisions of this Act shall be deemed guilty of a misdemeanor  
3 and upon conviction thereof shall be punished by a fine of not to  
4 exceed one hundred dollars (\$100.00), or by imprisonment in the  
5 county jail not to exceed thirty (30) days. All prosecutions for  
6 alleged violations of the provisions of this Act shall be by the County  
7 Attorney of the county in which such alleged violation occurred and  
8 shall be instituted and conducted under the direction and authority of  
9 the attorney general of the state of Iowa.

1 SEC. 12. This Act shall be liberally construed. If any section, sen-  
2 tence, clause or part of this Act is for any reason held to be unconsti-  
3 tutional or invalid, such decision shall not affect the remaining por-  
4 tions of this Act.

1 SEC. 13. All salaries and compensation provided for by this act shall  
2 be subject to the approval of the governor and the comptroller of this  
3 state.

1 SEC. 14. This Act being deemed of immediate importance shall take  
2 effect from and after its passage and publication in the Charles City  
3 Daily Press, a newspaper published in Charles City, Iowa, and in the  
4 Ida County Pioneer Record, a newspaper published in Ida Grove, Iowa.

Approved March 13, 1945.

I hereby certify that the foregoing act was published in the Charles City Daily Press,  
Charles City, Iowa, March 20, 1945, and the Ida County Pioneer Record, Ida Grove,  
Iowa, March 22, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 106

## ICE CREAM AND FOOD PRODUCTS

H. F. 280

AN ACT to amend section three thousand fifty-eight (3058), code, 1939, relating to standards for ice cream and other food products.

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

1 SECTION 1. Section three thousand fifty-eight (3058), Code, 1939,  
2 is amended by adding after subsection thirty-two (32) the following:  
3 "Ice cream mix is a pure clean product made from a combination  
4 of milk products and one or more of the following: sugar, dextrose  
5 and glucose; and may contain one or more of the following ingredients:  
6 eggs, egg products, harmless coloring, salt and wholesome stabilizer.  
7 It may not contain more than one-half of one percentum ( $\frac{1}{2}$  of  
8 1%) by weight of stabilizer. It may contain not less than twelve  
9 percentum (12%) by weight of milk fat nor less than twenty per-  
10 centum (20%) by weight of total milk solids. The acidity and the  
11 salt balance of the ice cream may be standardized by the use of a  
12 harmless alkali, an amount not to exceed  $\frac{1}{2}$ % calculated as lactic  
13 acid. In no case shall the bacteria count of ice cream mix exceed one  
14 hundred thousand (100,000) to the cubic centimeter."

1 SEC. 2. Section three thousand fifty-eight (3058), Code, 1939, is  
2 amended by repealing subsection thirty-three (33) and substituting  
3 in lieu thereof the following:

4 "Ice cream is a pure clean frozen product made from ice cream mix  
5 and a harmless flavoring. It shall contain not less than twelve per-  
6 centum (12%) by weight of milk fat and not less than twenty per-  
7 centum (20%) by weight of total milk solids, except where fruit, fruit  
8 juice or both fruit and fruit juice, nuts, cocoa or chocolate, or cocoa  
9 and chocolate syrup, maple syrup, cakes or confections are used for  
10 the purpose of flavoring; then it shall contain not less than ten per-  
11 centum (10%) by weight of milk fat and not less than sixteen per-  
12 centum (16%) by weight of total milk solids.

13 In no case shall any ice cream contain less than one and six tenths  
14 (1.6) pounds of total food solids per gallon nor shall the bacteria count  
15 exceed one hundred thousand (100,000) to the cubic centimeter.

16 A quart of ice cream in factory filled packages shall weigh not less  
17 than eighteen (18) ounces."

1 SEC. 3. Section three thousand fifty-eight (3058), Code, 1939, is  
2 amended by repealing subsections thirty-four (34) and thirty-five  
3 (35) and substituting the following in lieu thereof:

4 "(1) Fruit Ice Cream is ice cream flavored exclusively with fruit  
5 and shall be labeled "Fruit Ice Cream" preceded by the name of the  
6 fruit.

7 (2) Fruit flavored ice cream is ice cream flavored with fruit and  
8 fruit juice, or with fruit juice, and shall be labeled "Ice Cream" pre-  
9 ceded by the name of the fruit.

10 (3) Nut Ice Cream is ice cream flavored exclusively with nut meats  
11 and shall be labeled "Nut Ice Cream" preceded by the name of the nut  
12 used.

13 (4) Nut flavored ice cream is ice cream flavored with a combina-  
14 tion of nut meats and one or both of the following: Juice of nut meats  
15 or true nut extract and shall be labeled "Ice Cream" preceded by the  
16 name of the nut.

17 (5) Any ice cream bearing the name of a fruit or nut flavor but  
18 flavored with artificial flavor shall be labeled "Ice Cream" preceded  
19 by the name of the fruit or nut and followed by the words "artificially  
20 flavored," in the same size type. Such ice cream shall contain not less  
21 than twelve percentum (12%) by weight of total milk fat and not  
22 less than twenty percentum (20%) by weight of total milk solids.

23 (6) Any ice cream flavored with confections, cakes, bread or pastry  
24 products, cereals or vegetables, the ice cream shall be labeled "Ice  
25 Cream" preceded by the name of the product imparting the flavor.

26 (7) Frozen Custard, French Ice Cream, French Custard Ice Cream  
27 is a frozen product which shall contain not less than five dozen clean  
28 wholesome egg yolks, or one and five tenths (1.5) pounds of whole-  
29 some dry egg yolks or three (3) pounds wholesome frozen egg yolks  
30 for each ninety (90) pounds of the product and shall conform in all  
31 other respects to the definition and standard of identity of ice cream  
32 prescribed previously."

1 SEC. 4. Further amend section three thousand fifty-eight (3058),  
2 Code, 1939, by repealing subsection thirty-five b (35-b) and substi-  
3 tuting in lieu thereof the following:

4 "(1) Milk sherbet is the pure clean frozen product made from a  
5 combination of milk products and one or more of the following in-  
6 gredients: sugar, sucrose, dextrose, harmless coloring and stabilizer  
7 composed of wholesome edible material, flavoring derived from fruit,  
8 fruit juice and lactic, citric or tartaric acid and with not less than  
9 thirty-five hundredths of one percentum of acid as determined by  
10 titrating with standard alkali and expressed as lactic acid.

11 It shall contain not less than four percentum (4%) by weight of  
12 milk solids. It shall be identified by its common or usual flavor name.

13 (2) Ices or fruit ices shall conform in all respects to the definition  
14 and standard of identity for milk sherbet, except that it shall contain  
15 no milk solids."

1 SEC. 5. Notwithstanding any provision of this act, the milk fat  
2 content of ice cream mix, ice cream, or flavored ice cream, after the  
3 effective date hereof and until April 30, 1947, shall not be less than  
4 eight percent, and the milk fat content of nut ice cream shall not be  
5 less than seven percent, and the milk fat content of fruit ice cream  
6 shall not be less than six percent.

1 SEC. 6. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the Charles  
3 City Daily Press, a newspaper published at Charles City, Iowa, and  
4 the Bremer County Independent, a newspaper published at Waverly,  
5 Iowa.

Approved April 4, 1945.

I hereby certify that the foregoing act was published in the Charles City Daily Press,  
Charles City, Iowa, April 10, 1945, and the Bremer County Independent, Waverly, Iowa,  
April 11, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 107

## DAIRY CONTROL BACTERIOLOGISTS

H. F. 292

AN ACT to protect the public against milk borne disease and for this purpose to provide, within the department of agriculture, for dairy specialists and bacteriologists for the purpose of efficient control of sanitary production, processing and marketing of dairy products and to provide adequate laboratory facilities for this purpose.

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

1 SECTION 1. The state department of agriculture may employ not to  
2 exceed five dairy specialists or bacteriologists who shall devote their  
3 full time to the improvement of sanitation in the production, process-  
4 ing and marketing of dairy products. Said dairy specialists and bac-  
5 teriologists shall have qualifications as to education and experience  
6 and such other requirements as the secretary may require.

1 SEC. 2. Said dairy specialists and bacteriologists employed by the  
2 department shall co-operate with the dairy and food inspectors of the  
3 department and with the health departments of cities and towns for  
4 sanitary control of the production, processing and marketing of dairy  
5 products. The department shall provide adequate laboratory facilities  
6 for the efficient performance of their duties.

1 SEC. 3. There is hereby appropriated from any moneys in the gen-  
2 eral fund not otherwise appropriated for the purposes of this act, the  
3 following amounts, or so much thereof as may be necessary:

4 1. For the year ending June 30, 1946, thirty-five thousand dollars,  
5 for automobiles, equipment and for other provisions required by this  
6 act.

7 2. For the year ending June 30, 1947, twenty-five thousand dollars.

Approved March 27, 1945.

## CHAPTER 108

## CREAM GRADING

H. F. 164

AN ACT to amend sections three thousand one hundred and twenty-three hundredths (3100.23), three thousand one hundred and twenty-six hundredths (3100.26), three thousand one hundred and twenty-eight hundredths (3100.28) and three thousand one hundred and forty-five hundredths (3100.45), code, 1939, relating to cream grading.

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

1 SECTION 1. Section three thousand one hundred and twenty-three  
2 hundredths (3100.23), code, 1939, is hereby amended by striking from  
3 line two (2) the following words "for butter-making purposes".

1 SEC. 2. Section three thousand one hundred and twenty-six hun-  
2 dredths (3100.26), code, 1939, is hereby amended by striking from

3 lines three (3) and four (4) thereof the following words: "when  
4 cream is delivered or gathered for the manufacture of butter".

1 SEC. 3. Section three thousand one hundred and twenty-eight hun-  
2 dredths (3100.28), code, 1939, is hereby amended by striking from  
3 lines two (2) and three (3) thereof the following words: "for one  
4 year from" and inserting in lieu thereof the following words "until  
5 July first after".

1 SEC. 4. Section three thousand one hundred and forty-five hun-  
2 dredths (3100.45), code, 1939, is hereby amended by striking from  
3 lines one (1) and two (2) of sub-section one (1) the following words:  
4 "for butter-making purposes". Further amend said section by strik-  
5 ing from lines two (2) and three (3) of sub-section five (5) the fol-  
6 lowing words: "for butter-making purposes or".

Approved April 12, 1945.

## CHAPTER 109

### COMMERCIAL FEEDS

S. F. 197

AN ACT to amend chapter one hundred fifty-two (152), code, 1939, relating to commercial feeds and commercial feed fund.

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

1 SECTION 1. Chapter one hundred fifty-two (152), Code, 1939, is  
2 hereby amended by adding thereto immediately following section three  
3 thousand one hundred eighteen (3118), a new section to be known as  
4 section three thousand one hundred eighteen and one tenth (3118.1)  
5 as follows:

6 "All inspection fees required by section three thousand one hundred  
7 eighteen (3118) shall, upon receipt thereof by the department, be paid  
8 to and receipted for by the treasurer of the state and shall be kept by  
9 him in a separate fund to be known as the "Commercial Feed Fund."  
10 Such Commercial Feed Fund shall be continued from year to year and  
11 the treasurer shall keep a separate account thereof showing receipts  
12 and disbursements as authorized by law. No part of such fund shall  
13 be used for any other purpose than the administration and enforce-  
14 ment of the laws relating to commercial feeds; provided, however, if on  
15 July first of any year there is a balance remaining in said Commercial  
16 Feed Fund which, in the opinion of the Governor, State Comptroller  
17 and Secretary of Agriculture, is greater than is necessary for the  
18 proper adminisrration\* of such laws, the Treasurer of State is hereby  
19 authorized, on the recommendation and with the approval of the Gov-  
20 ernor, State Comptroller and Secretary of Agriculture, to transfer to  
21 the general fund of the state such portion of said Commercial Feed  
22 Fund as the Governor, State Comptroller and Secretary of Agriculture  
23 shall deem advisable to so transfer."

Approved March 16, 1945.

\*According to enrolled act.

## CHAPTER 110

## SEED TESTING FEES

H. F. 268

AN ACT to amend chapter one hundred thirty (130), section 10, Acts of the Forty-ninth General Assembly, relating to the fee for testing seed samples.

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

- 1 SECTION 1. Chapter one hundred thirty (130), Section ten (10),
- 2 Acts of the Forty-ninth General Assembly, is amended by striking
- 3 from line twenty (20) the following: "fifty (50) cents" and substitut-
- 4 ing in lieu thereof the following: "one (1) dollar".

Approved April 4, 1945.

## CHAPTER 111

## AGRICULTURAL LIME

S. F. 396

AN ACT to repeal chapter one hundred fifty-four and one-tenth (154.1), code, 1939, and to enact a substitute therefor, relating to agricultural lime.

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

- 1 Chapter one hundred fifty-four and one-tenth (154.1), Code, 1939,
- 2 is hereby repealed, and the following enacted in lieu thereof:
- 1 SECTION 1. Before any person shall sell, offer for sale or dispose
- 2 of in this state any agricultural lime to be used for the correction of
- 3 soil acidity, such person shall file with the secretary of agriculture
- 4 an acceptable application for a license to sell, together with the license
- 5 fee, which application shall be sworn to before a notary public, or
- 6 other proper official, stating the name of the manufacturer, or shipper,
- 7 the location of the principal office of the manufacturer or shipper,
- 8 the name, brand, or trademark under which the agricultural lime
- 9 will be sold, on or before the thirty-first day of January in each year,
- 10 and the net tons sold during the previous year.
- 1 SEC. 2. Upon the acceptance of the above application and the proper
- 2 fees, the secretary of agriculture shall issue a license for the current
- 3 year. The payment of such license fee shall exempt an agent or dealer
- 4 of said licensee therein from the requirements of this section. All
- 5 licenses shall expire on the thirty-first day of January in each year.
- 1 SEC. 3. The annual license fee shall be computed as follows: for an
- 2 anticipated sale of five hundred (500) tons, five (\$5.00) dollars; for
- 3 a total anticipated sale of one thousand five hundred (1500) tons,
- 4 fifteen (\$15.00) dollars; for a total anticipated sale of two thousand
- 5 five hundred (2500) or more tons, twenty-five (\$25.00) dollars. In
- 6 case of doubt on the part of the secretary of agriculture that any
- 7 person, firm or corporation engaged in the sale of agricultural lime



8 has failed to secure an adequate license for the actual tonnage of  
9 such agricultural lime sold by said person during the previous year,  
10 the secretary of agriculture, or his legal representative, shall have  
11 access to and audit the books of said person, firm or corporation. In  
12 case a shortage in tonnage is shown by such audit, the secretary of  
13 agriculture may bring prosecution as provided in section six of this  
14 act.

1 SEC. 4. The term "agricultural lime" or "limestone" as herein used,  
2 shall include all calcium and magnesium products sold for agricultural  
3 purposes in the oxide, hydrate or carbonate form; such form being  
4 designated as "quicklime", hydrated lime, carbonate of lime and  
5 ground limestone.

1 SEC. 5. Any person who shall sell, offer or expose for sale any agri-  
2 cultural lime in this state, shall affix or cause to be affixed, to every  
3 package or sample of such agricultural lime in a conspicuous place  
4 on the outside thereof a tag, label, or way bill which shall be ac-  
5 cepted as a guarantee of the manufacturer, importer, dealer, agent  
6 or person, and which shall have plainly printed thereon in the English  
7 language the number of net pounds of agricultural lime in the pack-  
8 age or lot, the name, brand or trademark under which the agricul-  
9 tural lime is sold, the name of the manufacturer or shipper, the loca-  
10 tion of the principal office of the manufacturer and the guaranteed  
11 analysis of the total neutralizing power in terms of calcium carbonate  
12 equivalent, and the percentum of the total material that will pass  
13 through a number fifty mesh sieve, and the percentum of the total ma-  
14 terial that will pass through a number eight mesh sieve, and the per-  
15 centum of the total material that will pass through a number four mesh  
16 sieve. By a "number four", "number eight", and "number fifty" mesh  
17 sieve are meant four, eight and fifty meshes respectively per linear  
18 inch, according to the specifications of the American Society for Test-  
19 ing Materials. When agricultural lime is sold in bulk, a tag or way bill  
20 as hereinbefore described, shall be delivered to the consumer. In  
21 case of agricultural lime sold at factory or shipped in bulk, or deliv-  
22 ered in wagon or truck loads or other conveyances, it shall be accom-  
23 panied by at least one such statement as above required. No other  
24 form of analysis, and no duplication of terms or the equivalent there-  
25 of in other terms shall be used, and no percentage higher than actually  
26 guaranteed shall be applied to a package or lot, or branded upon the  
27 bag, or used in printed matter descriptive of such material, and no  
28 false or misleading name, brand or trademark shall be used in desig-  
29 nating it. Five percent tolerance shall be allowed on grades of fine-  
30 ness and on calcium carbonate equivalent.

1 SEC. 6. Whoever sells, offers for sale or exposes for sale or distri-  
2 bution any package or sample or any quantity of agricultural lime or  
3 limestone without complying with the provisions of this act relating  
4 to agricultural lime to be used for the correction of soil acidity, or  
5 permits any claim or guarantee to accompany or be printed or stamped  
6 on any parcel or way bill, lot or container, stating that the contents  
7 contain a higher percentum of calcium carbonate equivalent than it  
8 does in fact contain, or who shall adulterate any agricultural lime with  
9 foreign mineral matter or other foreign substances without plainly  
10 stating on the guarantee as described in section three hereof the kind

11 and amount of such mixture, or who shall adulterate the same with any  
12 substance injurious to the growth of plants, or make any false report,  
13 shall be deemed guilty of a misdemeanor. On conviction thereof he  
14 shall be fined not less than fifty dollars nor more than one hundred  
15 dollars, and the secretary of agriculture may revoke his license. In  
16 all litigation arising from the purchase or sale or disposal of any  
17 agricultural lime in which the composition of the same may be in-  
18 volved, a certified copy of the official analysis signed by an official  
19 chemist shall be accepted as prima facie evidence of the composition  
20 of such agricultural lime. The possession of agricultural lime, ex-  
21 cept by a person who has the same for his private use, without com-  
22 plying with the provisions of this act relative to agricultural lime,  
23 in any building, room, railroad equipment, store, storeroom, ware-  
24 house, truck or other place within this state shall be prima facie  
25 evidence of keeping the same for the purpose of selling or disposal.  
26 In all prosecutions under this act a justice of the peace, police judge,  
27 or mayor, shall have jurisdiction with the right of appeal to the Dis-  
28 trict Court by certiorari. It shall be the duty of the secretary of  
29 agriculture or his deputized representative to bring prosecution for  
30 all violations under the provisions of this act, or action may be com-  
31 menced by the Attorney General when requested to do so by the said  
32 secretary. A person authorized by law to prosecute a case under the  
33 provisions of this act shall not be required to advance or secure costs  
34 therein. If the defendant be acquitted or discharged from custody,  
35 or if he be convicted and committed in default of the payment of fine  
36 and costs, such costs shall be certified under oath by the court to the  
37 county auditor who shall, when verified, issue a warrant on the county  
38 treasurer payable to the person or persons entitled thereto. The sec-  
39 retary of agriculture shall rest his prosecution under this act on  
40 samples collected as provided in section seven hereof.

1 SEC. 7. The secretary of agriculture shall annually analyze, or cause  
2 to be analyzed, at least one sample of agricultural lime exposed for  
3 sale or disposal or offered for sale within the state under the pro-  
4 visions of this act, if found exposed for sale upon the markets of the  
5 state. The secretary of agriculture is hereby authorized either in  
6 person or by deputies to collect a representative sample for said  
7 analysis from any lot or package of agricultural lime which may be  
8 in the possession of any purchaser, manufacturer, shipper, employer,  
9 agent, or dealer therein, or any transportation agency in the state.  
10 The result of the analysis of the sample or samples so procured, to-  
11 gether with such additional information as circumstances advise or  
12 suggest, shall be set out in reports or bulletins issued from time to  
13 time, and also be a basis upon which prosecution may be brought.

1 SEC. 8. Any producer of limestone or person purchasing any agri-  
2 cultural lime in this state for his own use may submit fair samples  
3 of said lime to the department, accompanied by an analysis fee of one  
4 dollar for each sample, and a proper analysis of the same shall be  
5 made and furnished.

1 SEC. 9. All samples of agricultural lime to be used for analysis by  
2 or under the direction of the secretary of agriculture shall be  
3 from goods that have not been damaged while in transit or storage.

1 SEC. 10. The secretary of agriculture is hereby empowered to pre-  
 2 scribe and enforce such rules and regulations relating to agricultural  
 3 lime as may be deemed necessary to carry into effect the full intent  
 4 and meaning of this act, and to refuse the registration of any agri-  
 5 cultural lime under a name or claim which would be misleading.

1 SEC. 11. The moneys received under the provisions of this act shall  
 2 be paid into the state treasury. The secretary of agriculture shall  
 3 in his report made from time to time include a detailed statement of  
 4 the samples taken, analysis claimed by the person or persons offering  
 5 to sell agricultural lime or sending samples of same and the analysis  
 6 made by the secretary of agriculture.

1 SEC. 12. The secretary of agriculture shall include in all reports  
 2 published under this act a statement of moneys received from license  
 3 fees for the sale of agricultural lime and of fines collected from prose-  
 4 cutions in the enforcement of this act.

1 SEC. 13. Any person who shall obstruct the secretary of agriculture  
 2 or his agents or representatives when in the discharge of any duty or  
 3 duties prescribed by this act, shall be deemed to be guilty of a mis-  
 4 demeanor and upon conviction thereof shall be punished by a fine of  
 5 not less than ten dollars nor more than one hundred dollars for the  
 6 first offense, and for each subsequent offense by a fine of not less than  
 7 fifty dollars nor more than thirty days in jail, or by both such fine  
 8 and imprisonment.

1 SEC. 14. The several provisions of this act are hereby declared to  
 2 be severable, and if any provision of this act shall be held by any court  
 3 to be unconstitutional, it is the legislative intent that such judgment  
 4 shall not affect any other section or provision hereof.

Approved April 3, 1945.

## CHAPTER 112

### NARCOTIC DRUGS—ISONIPECAINE

H. F. 15

**AN ACT** to amend section three thousand one hundred sixty-nine and one hundredth (3169.01), code, 1939, relating to the uniform narcotic drug act.

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

1 SECTION 1. Section three thousand one hundred sixty-nine and one  
 2 hundredth (3169.01), Code, 1939, is hereby amended by striking from  
 3 subsection fifteen (15), line two (2), the word "and"; also by striking  
 4 the period (.) after the word "cannabis" in line two (2) and inserting  
 5 in lieu thereof a comma (,) and adding the following: "isonipecaine,  
 6 and every other substance neither chemically nor physically dis-  
 7 tinguishable from them."

1 SEC. 2. Also amend said section by adding a new subsection imme-  
 2 diately following section nineteen (19) as follows: "Isonipecaine means  
 3 the substance identified chemically as 1-methyl-4-phenyl-piperidine-4-

4 carboxylic acid ethel\* ester, or any salt thereof, by whatever trade  
5 name identified."

1 SEC. 3. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its passage and publication in The  
3 Sac Sun, a newspaper published in Sac City, Iowa, and in The Daily  
4 Times, a newspaper published in Davenport, Iowa.

Approved February 19, 1945.

\*According to enrolled act.

I hereby certify that the foregoing act was published in The Sac Sun, Sac City,  
Iowa, March 1, 1945, and The Daily Times, Davenport, Iowa, February 24, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 113

### BUSINESS MANAGERS OF INSTITUTIONS

S. F. 74

AN ACT to amend section three thousand two hundred ninety-one and one tenth  
(3291.1), code of Iowa, 1939, relating to the salary and compensation and main-  
tenance of business managers of the institutions operating under the board of  
control.

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

1 SECTION 1. Section three thousand two hundred ninety-one and  
2 one tenth (3291.1), Code of Iowa, 1939, is amended by striking from  
3 line eleven (11) the word "He", and by striking lines twelve (12),  
4 thirteen (13), fourteen (14), fifteen (15), sixteen (16), and the words  
5 "maintenance furnished" in line seventeen (17) and inserting in lieu  
6 thereof the following:

7 "He shall receive an annual salary and compensation of two thou-  
8 sand four hundred dollars in cash, and, in addition six hundred dollars  
9 in value of support and maintenance furnished or a dwelling house  
10 or other appropriate quarters in lieu thereof, and from supplies fur-  
11 nished for the institution, the necessary household provisions for  
12 himself, wife, and minor children, as he may elect".

Approved April 6, 1945.

## CHAPTER 114

## SUPERINTENDENTS OF STATE INSTITUTIONS

H. F. 471

AN ACT to amend sections three thousand three hundred eighty-four and nine hundredths (3384.09), three thousand seven hundred seven (3707), three thousand six hundred eighty-seven (3687), and three thousand seven hundred twenty-four (3724), code, 1939, relating to salaries of superintendents of institutions and state schools under the board of control.

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

1 SECTION 1. That section three thousand three hundred eighty-four  
2 and nine hundredths (3384.09), Code, 1939, is hereby amended by  
3 striking from lines two (2) and three (3) the words "two thousand  
4 eight hundred" and inserting in lieu thereof the words "three thou-  
5 and"; that section three thousand seven hundred seven (3707), Code,  
6 1939, is hereby amended by striking from lines two (2) and three (3)  
7 the words "twenty-four hundred" and inserting in lieu thereof the  
8 words "two thousand seven hundred fifty"; that section three thou-  
9 sand six hundred eighty-seven (3687), Code, 1939, is hereby amended  
10 by striking from line three (3) the words "twenty-five hundred" and  
11 inserting in lieu thereof the words "three thousand", and by striking  
12 from line five (5) the words "two thousand" and inserting in lieu  
13 thereof the words "twenty-four hundred"; that section three thousand  
14 seven hundred twenty-four (3724), Code, 1939, is hereby amended  
15 by striking from line four (4) the words "two thousand" and insert-  
16 ing in lieu thereof the words "twenty-four hundred".

Approved April 16, 1945.

## CHAPTER 115

## SUPERINTENDENTS OF STATE HOSPITALS

H. F. 451

AN ACT to amend sections three thousand three hundred eighty-eight (3388), three thousand four hundred three (3403), three thousand four hundred sixty-six (3466), and three thousand four hundred eighty-six (3486), code, 1939, relating to salaries of superintendents of state hospitals under the board of control.

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

1 SECTION 1. That section three thousand three hundred eighty-  
2 eight (3388), Code, 1939, as amended by chapter one hundred thirty-  
3 three (133), laws of the 49th General Assembly, is hereby amended  
4 by striking from line four (4) the words "three thousand" and in-  
5 serting in lieu thereof the words, "thirty-nine hundred"; that sec-  
6 tion three thousand four hundred three (3403), Code, 1939, as  
7 amended by chapter one hundred thirty-four (134), laws of the 49th  
8 General Assembly, is hereby amended by striking from line three (3)  
9 the words, "three thousand", and inserting in lieu thereof the words,  
10 "thirty-nine hundred"; that section three thousand four hundred  
11 sixty-six (3466), Code, 1939, is hereby amended by striking from

12 line four (4) thereof the words, "three thousand", and inserting in  
 13 lieu thereof the words: "thirty-nine hundred"; that section three  
 14 thousand four hundred eighty-six (3486), Code, 1939, is hereby  
 15 amended by striking from line three (3) thereof the words, "three  
 16 thousand", and inserting in lieu thereof the words, "thirty-nine hun-  
 17 dred".

Approved April 14, 1945.

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### CHAPTER 116

#### JUVENILE COURT EXPENSE

S. F. 189

AN ACT to amend section thirty-six hundred sixteen (3616), code, 1939, both relating to salaries and expenses of officers and employees of the juvenile court.

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

1 SECTION 1. Section thirty-six hundred sixteen (3616) Code, 1939,  
 2 is hereby amended by striking the period (.) at the end of the last line  
 3 of said section, and inserting in lieu thereof the following: "either from  
 4 the general county fund or from the court expense fund."

Approved March 13, 1945.

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### CHAPTER 117

#### AID TO DEPENDENT CHILDREN

H. F. 200

AN ACT to amend chapter one hundred thirty (130), Acts of the Fiftieth General Assembly, relating to aid to dependent children.

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

1 SECTION 1. Section five (5), chapter one hundred thirty (130),  
 2 acts of the Fiftieth General Assembly, be amended by striking from  
 3 lines twenty-six (26) and twenty-eight (28) thereof the word "fif-  
 4 teen" and inserting in lieu thereof the word "eighteen".

1 SEC. 2. Section five (5), chapter one hundred thirty (130), acts  
 2 of the Fiftieth General Assembly, be amended by striking from line  
 3 twenty-nine (29) thereof the word "ten" and inserting in lieu thereof  
 4 the word "twelve".

1 SEC. 3. Section five (5), chapter one hundred thirty (130), acts of  
 2 the Fiftieth General Assembly, be amended by striking from line  
 3 thirty-one (31) thereof the word "fifty" and inserting in lieu thereof  
 4 the word "seventy-five".

Approved April 12, 1945.

## CHAPTER 118

## DEPENDENT INDIAN CHILDREN

S. F. 203

AN ACT to amend section eleven (11), chapter one hundred thirty (130) Acts of the Fiftieth (50th) General Assembly, and to provide that the assistance and benefits for dependent Indian children shall be paid by the state of Iowa.

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

1 SECTION 1. Section eleven (11), Chapter one hundred thirty (130),  
2 Acts of the Fiftieth (50th) General Assembly is hereby amended by  
3 adding the following paragraph:

4 "The share of any county for assistance and benefits payable to  
5 dependent Indian children living on an Indian reservation in said  
6 county shall be paid by the State, from the "fund for aid to dependent  
7 children".

Approved March 19, 1945.

## CHAPTER 119

## AID TO BLIND PERSONS

H. F. 161

AN ACT to amend section three thousand six hundred eighty-four and three one hundredths (3684.03), code, 1939, as amended by section two (2), chapter one hundred forty-three (143), Acts of the Forty-ninth General Assembly, relating to aid to the needy blind and the amount of assistance that may be paid.

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

1 SECTION 1. Section three thousand six hundred eighty-four and  
2 three one-hundredths (3684.03), Code, 1939, as amended by section  
3 two (2), chapter one hundred forty-three, (143), Acts of the Forty-  
4 ninth General Assembly, is hereby amended by striking all of the  
5 said section and substituting in lieu thereof the following: "The  
6 amount of assistance shall be fixed with due regard to the condition  
7 of the individual, including all resources available to the applicant or  
8 recipient, household situation and community in each instance, to-  
9 gether with the essential need due to the individual's mental or  
10 physical condition, subject to the rules, regulations and standards  
11 adopted by the State Board."

Approved April 4, 1945.

## CHAPTER 120

## AID TO BLIND PERSONS

H. F. 326

AN ACT to amend section three thousand six hundred eighty-four and twenty-one hundredths (3684.21), code, 1939, and to provide what shall be done at the end of each biennium with the unexpended funds remaining from any appropriations or allocation made by the state to the fund for aid to the blind.

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

1 SECTION 1. Section Three Thousand Six Hundred Eighty-four and  
2 Twenty-one hundredths (3684.21), Code, 1939, is hereby amended  
3 by adding thereto the following paragraph:

4 "Any unexpended balance of the funds appropriated or allocated  
5 by the state which remains in the fund for Aid to the Blind at the  
6 end of this biennium shall not revert to the general fund of the state,  
7 any law to the contrary notwithstanding."

Approved April 10, 1945.

## CHAPTER 121

## SALARIES AT PENAL INSTITUTIONS

H. F. 452

AN ACT to amend section three thousand seven hundred forty-one (3741), code, 1939, as amended by chapter one hundred thirty-one (131) of the laws of the Fiftieth General Assembly, to amend section two (2) of chapter one hundred thirty-one (131) of the laws of the Fiftieth General Assembly, relating to salaries at the state penitentiary and men's reformatory.

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

1 SECTION 1. Section three thousand seven hundred forty-one (3741),  
2 Code, 1939, as amended by chapter one hundred thirty-one (131) of  
3 the laws of the Fiftieth General Assembly is hereby amended by strik-  
4 ing from section one (1) of said chapter one hundred thirty-one (131):  
5 At line four (4) thereof, "one hundred seventy-five" and inserting in  
6 lieu thereof, "two hundred"; at line five (5) thereof "one hundred  
7 fifty", and inserting in lieu thereof, "one hundred seventy-five"; at  
8 line six (6) thereof, "two hundred" and inserting in lieu thereof,  
9 "two hundred ten"; at line ten (10) thereof, "one hundred fifty"  
10 and inserting in lieu thereof, "one hundred seventy-five"; at line  
11 eleven (11) thereof, "one hundred forty" and inserting in lieu thereof,  
12 "one hundred seventy-five"; at line twelve (12) thereof, "one hundred  
13 fifty", and inserting in lieu thereof, "one hundred seventy-five"; at  
14 line thirteen (13), "one hundred twenty-five", and inserting in lieu  
15 thereof, "one hundred forty-five".

1 SEC. 2. Section two (2) of chapter one hundred thirty-one (131),  
2 laws of the Fiftieth General Assembly which repealed section three



3 thousand seven hundred forty-two (3742), Code, 1939, and was en-  
 4 acted in lieu thereof, is hereby amended by striking from said section  
 5 two (2) of chapter one hundred thirty-one (131) at line seven (7)  
 6 thereof, the words "one hundred thirty", and inserting in lieu thereof,  
 7 "one hundred fifty"; at line eight (8) thereof, "one hundred twenty-  
 8 five" and inserting in lieu thereof, "one hundred forty-five"; at line  
 9 nine (9) thereof, "one hundred ten", and inserting in lieu thereof,  
 10 "one hundred thirty-five", and at line ten (10) thereof, "one hundred",  
 11 and inserting in lieu thereof, "one hundred twenty-five".

1 SEC. 3. Section three thousand seven hundred forty-one (3741),  
 2 Code, 1939, is further amended by striking from line four (4) the  
 3 words "two hundred fifty" and inserting in lieu thereof the words  
 4 "three hundred".

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 Fort  
 3 Madison Democrat, a newspaper published at Fort Madison, Iowa,  
 4 and in the Anamosa Eureka, a newspaper published at Anamosa, Iowa.

Approved April 4, 1945.

I hereby certify that the foregoing act was published in the Fort Madison Democrat,  
 Fort Madison, Iowa, April 9, 1945, and the Anamosa Eureka, Anamosa, Iowa, April  
 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 122

### OLD-AGE ASSISTANCE

S. F. 113

AN ACT to clarify various amendments of the 49th General Assembly to the statutes  
 relating to old-age assistance.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight and  
 2 fourteen thousandths (3828.014), Code, 1939, as amended by section  
 3 seven (7) of chapter one hundred forty-five (145), Acts of the 49th  
 4 General Assembly, is further amended by striking from lines sixteen  
 5 (16) and twenty-three (23) the word, "division" and inserting in  
 6 lieu thereof in each instance the words, "state department".

1 SEC. 2. Section three thousand eight hundred twenty-eight and  
 2 eighteen thousandths (3828.018), Code, 1939, as amended by section  
 3 nine (9) of chapter one hundred forty-five (145) and section eight  
 4 (8) of chapter one hundred forty-six (146), Acts of the 49th General  
 5 Assembly, is further amended by striking all of subsection three (3)  
 6 and inserting in line seventeen (17) after the word, "state" the fol-  
 7 lowing, "in the household of a relative or friend".

1 SEC. 3. Section nine (9) of chapter one hundred forty-six (146),  
 2 Acts of the 49th General Assembly, is amended by striking from lines  
 3 thirteen (13) and fourteen (14) the words and figures, "eighteen  
 4 thousandths (3828.018)" and inserting in lieu thereof the following,  
 5 "twenty-one thousandths (3828.021)".

Approved April 9, 1945.

## CHAPTER 123

### OLD-AGE ASSISTANCE FUNERAL EXPENSES

S. F. 195

AN ACT to amend sub-section four (4), section three thousand eight hundred twenty-eight and twenty-one one-thousandths (3828.021), code, 1939, as amended by section twelve (12), chapter one hundred forty-five (145), section nine (9), chapter one hundred forty-six (146), Acts of the Forty-ninth General Assembly, and section one (1), chapter one hundred thirty-six (136), Acts of the Fiftieth General Assembly; relating to old age assistance funeral expenses.

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

1 SECTION 1. Sub-Section four (4), Section three thousand eight  
 2 hundred twenty-eight and twenty-one one-thousandths (3828.021),  
 3 Code, 1939, as amended by Section twelve (12), Chapter one hundred  
 4 forty-five (145), Section nine (9), Chapter one hundred forty-six  
 5 (146), Acts of the Forty-ninth General Assembly, and Section one  
 6 (1), Chapter one hundred thirty-six (136), Acts of the Fiftieth Gen-  
 7 eral Assembly, is hereby amended by striking all of the first paragraph  
 8 of the said sub-section and substituting in lieu thereof the following:  
 9 "That in the event the total funeral expenses exceed the depart-  
 10 ment's liability of one hundred dollars, as provided under 1, 2 and 3  
 11 above, the additional expenses shall accrue only when there is an  
 12 extraordinary expense or when the family or next best friend of the  
 13 decedent specify the use of a steel or concrete outside burial vault.  
 14 Provided that said additional expense shall not be paid by the state of  
 15 Iowa."

Approved April 16, 1945.

## CHAPTER 124

## RELIEF FOR SOLDIERS, SAILORS, AND MARINES

## S. F. 2

AN ACT to amend section three thousand eight hundred twenty-eight and fifty-one thousandths (3828.051), to repeal section three thousand eight hundred twenty-eight and fifty-three thousandths (3828.053), to amend section three thousand eight hundred twenty-eight and fifty-five thousandths (3828.055), to amend section three thousand eight hundred twenty-eight and fifty-six thousandths (3828.056), to repeal section three thousand eight hundred twenty-eight and fifty-seven thousandths (3828.057), to amend section three thousand eight hundred twenty-eight and fifty-eight thousandths (3828.058), to amend section three thousand eight hundred twenty-eight and sixty-one thousandths (3828.061), to amend section three thousand eight hundred twenty-eight and sixty-four thousandths (3828.064), and to amend section three thousand eight hundred twenty-eight and sixty-five thousandths (3828.065), code, 1939, relating to relief for honorably discharged men and women of the United States who have served in the military or naval forces of the United States during any war in which the United States was engaged.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight and  
2 fifty-one thousandths (3828.051), Code, 1939, is amended by striking  
3 all after the word "indigent" in lines seven (7) and eight (8), and  
4 substituting therefor "men and women of the United States who  
5 served in the military or naval forces of the United States in any  
6 war, and their indigent wives, widows and minor children not over  
7 eighteen years of age, having a legal residence in the county."

1 SEC. 2. Section three thousand eight hundred twenty-eight and  
2 fifty-three thousandths (3828.053), Code, 1939, is repealed, and the  
3 following enacted in lieu thereof:  
4 "Said funds shall be disbursed by the soldiers relief commission  
5 which shall consist of three persons, all of whom shall be honorably  
6 discharged men or women of the United States who served in the  
7 military or naval forces of the United States in any war. Said mem-  
8 bership shall at all times, as near as possible, be equally divided among  
9 the men and women who served in the Spanish American War, World  
10 War I and World War II."

1 SEC. 3. Section three thousand eight hundred twenty-eight and  
2 fifty-five thousandths (3828.055), Code, 1939, is amended by adding  
3 thereto the following:  
4 "In the event the commission has employed administrative or clerical  
5 help, the members of the commission shall receive compensation  
6 for attendance at the annual and monthly meetings only."

1 SEC. 4. Section three thousand eight hundred twenty-eight and  
2 fifty-six thousandths (3828.056), Code, 1939, is amended by adding  
3 the following:  
4 "The commission shall have power to employ necessary administrative  
5 or clerical assistants when needed, the compensation of such em-  
6 ployees to be fixed by the Board of Supervisors, but no member of the  
7 commission shall be so employed."

1 SEC. 5. Section three thousand eight hundred twenty-eight and  
2 fifty-seven thousandths (3828.057), Code, 1939, is repealed and the  
3 following enacted in lieu thereof:

4 "The commission shall meet monthly on the first Monday and at  
5 such other times as may be necessary. At the monthly meeting it  
6 shall determine who are entitled to relief and the probable amount  
7 required to be expended therefor. The commission shall meet an-  
8 nually on the second Monday in June. At such annual meeting it  
9 shall prepare an estimated budget for all expenditures to be made in  
10 the next fiscal year and certify said budget to the Board of Super-  
11 visors, who shall levy a sufficient tax to raise the amount of the esti-  
12 mated budget. At such annual meeting it shall likewise submit to  
13 the Board of Supervisors a certified list of those to whom relief has  
14 been granted and the sum paid to each person or estate of deceased  
15 veteran, during the preceding fiscal year under the provisions of this  
16 chapter."

1 SEC. 6. Section three thousand eight hundred twenty-eight and  
2 sixty-one thousandths (3828.061), Code, 1939, is amended by striking  
3 from line seven (7) the words "soldier, sailor, marine, or nurse" and  
4 substituting therefor the words "man or woman".

1 SEC. 7. Section three thousand eight hundred twenty-eight and  
2 sixty-four thousandths (3828.064), Code, 1939, is amended by striking  
3 from lines eight (8) and nine (9) the words "soldier, sailor, marine,  
4 or nurse" and substituting therefor the words "man or woman".  
5 Further amend said section by striking from line seven (7) the words:  
6 "one dollar" and inserting in lieu thereof the words: "two and one-  
7 half dollars".

1 SEC. 8. Section three thousand eight hundred twenty-eight and  
2 sixty-five thousandths (3828.065), Code, 1939, is amended by striking  
3 from line seven (7) the words "deceased soldier or sailor" and sub-  
4 stituting therefor the words "such deceased service man or woman".

1 SEC. 9. Chapter one hundred eighty-nine and two tenths (189.2),  
2 Code, 1939, is amended by adding thereto a new section as follows:  
3 "The state auditor shall prepare sample copies of a system of  
4 accounting and case records for the use of all county soldiers relief  
5 commissions, and this uniform system of accounting and case records  
6 shall be used by the several counties."

1 SEC. 10. Chapter one hundred eighty-nine and two tenths (189.2),  
2 Code, 1939, is amended by adding thereto a new section as follows:  
3 "It shall be unlawful for the board of supervisors of any county or  
4 the soldiers relief commission of any county to place the administra-  
5 tion of the duties of the soldiers relief commission under any other  
6 relief agency of any county, or to publish the names of the veterans  
7 or their families who receive relief under the provisions of this chap-  
8 ter."

1 SEC. 11. The soldiers relief commission of each county shall be  
2 charged with securing the information requested by the Adjutant  
3 General's office of every person having a service record buried in that  
4 county. Such information shall be secured from the undertaker in  
5 charge of the burial and shall be transmitted by him to the soldiers  
6 relief commission of the county where burial is made and shall be  
7 recorded alphabetically and by description of location in the cemetery

8 where buried, in a book as prescribed by the Adjutant General and  
9 kept for that purpose in the office of the commission.

Approved April 2, 1945.

## CHAPTER 125

### SETTLEMENT OF POOR

S. F. 23

AN ACT to amend section three thousand eight hundred twenty-eight and ninety-two thousandths (3828.092), code, 1939, relating to the warning by the authorities preventing persons from acquiring a settlement.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight and  
2 ninety-two thousandths (3828.092), Code, 1939, is amended by strik-  
3 ing from line seven (7) thereof the words "to depart therefrom."  
4 and substituting in lieu thereof the following:  
5 "that their continued residence in the county will not result in their  
6 acquiring legal settlement rendering them eligible to receive poor re-  
7 lief from the funds of the county. Such warning shall state that its  
8 purpose is to prevent eligibility to receive poor relief from the funds  
9 of the county, and in no way affects any other legal right of the person  
10 on whom the warning is served."

Approved April 10, 1945.

## CHAPTER 126

### CERTIFICATION OF TEACHERS

S. F. 397

AN ACT to amend chapter one hundred ninety-three (193), code, 1939, and to repeal chapter one hundred ninety-four (194), code, 1939, all relating to the board of educational examiners, certification of teachers, and high school normal training courses.

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

1 SECTION 1. Section three thousand eight hundred seventy-two and  
2 two hundredths (3872.02), Code 1939, is amended by striking the  
3 word "four" in line three (3) and substituting the word "six", and  
4 is further amended by adding to said section at the end thereof the  
5 following:  
6 "5. Emergency teachers' certificates.  
7 6. Substitute teachers' certificates.  
8 Every person employed as an administrator, supervisor or teacher  
9 in the public schools shall hold a certificate valid for the type of posi-  
10 tion in which he is employed."  
1 SEC. 2. Section three thousand eight hundred seventy-two and three  
2 hundredths (3872.03), Code 1939, is hereby amended by striking the

3 word "and" in line three (3) and substituting a comma (,) therefor,  
4 and by inserting the words "and limited elementary certificate" after  
5 the word "certificate" in line four (4), and by adding to said section  
6 the following:

7 "3. *Limited elementary certificate.* On and after September 1,  
8 1946, the limited elementary certificate shall be issued to a person  
9 who has graduated from an approved four-year high school or has  
10 had equivalent academic training and who is the holder of official  
11 statements certifying to the completion of standard college work in  
12 an institution or institutions approved by the board of educational  
13 examiners for this purpose. The amount of such standard work shall  
14 be as follows: after September 1, 1946, 10 semester hours; after Sep-  
15 tember 1, 1948, 30 semester hours; after September 1, 1950, and up  
16 to August 31, 1952, 45 semester hours. From and after August 31,  
17 1952, no limited elementary certificates shall be issued except in re-  
18 newal of a certificate previously issued as provided in section 3872.08.

19 The limited elementary certificates shall be valid for teaching only  
20 in the elementary school field."

1 SEC. 3. Section three thousand eight hundred seventy-two and six  
2 hundredths (3872.06), Code 1939, is amended by adding to said section  
3 the following:

4 "The board of educational examiners is hereby authorized to enter  
5 into reciprocity agreement with any other state for the certification  
6 of teachers on an equitable basis of mutual exchange, when such action  
7 is in conformity with law."

1 SEC. 4. Section three thousand eight hundred seventy-two and  
2 seven hundredths (3872.07), Code 1939, is hereby amended by add-  
3 ing to said section at the end thereof the following: "The limited ele-  
4 mentary certificate shall be valid for a term of three (3) years."

1 SEC. 5. Section three thousand eight hundred seventy-two and  
2 eight hundredths (3872.08), Code 1939, is hereby amended by adding  
3 to said section the following:

4 "*Limited elementary certificate.* The limited elementary certifi-  
5 cate shall be subject at expiration to one renewal for a term of three  
6 years upon the filing with the board of educational examiners of such  
7 evidence as the board may require showing professional spirit, physi-  
8 cal and moral fitness for work in the schools and successful teaching  
9 experience, except that the board of educational examiners may accept  
10 credit earned in an approved college in lieu of teaching experience."

1 SEC. 6. Section three thousand eight hundred seventy-two and nine  
2 hundredths (3872.09), Code 1939, is amended by striking the words  
3 "immediately preceded the date of application for renewal for life."  
4 in lines ten (10) and eleven (11) and substituting in lieu thereof the  
5 words "occurred during the term of the certificate offered for life  
6 renewal."

1 SEC. 7. Section three thousand eight hundred seventy-two and ten  
2 hundredths (3872.10), Code 1939, is amended by striking the words  
3 "five-year or special" in lines two (2) and three (3).

1 SEC. 8. Section three thousand eight hundred seventy-two and  
2 eleven hundredths (3872.11), Code 1939, is amended by striking the  
3 entire section and substituting in lieu thereof the following:

4 "Applications for the issuance or the renewal of all special and five-  
5 year certificates, limited elementary certificates, substitute teachers'  
6 certificates, and emergency certificates shall be made to the superin-  
7 tendent of public instruction. All fees for the issuance, renewal, or  
8 exchange of such certificates shall be paid to the superintendent of  
9 public instruction who shall deposit one-half of each fee received from  
10 these sources in a state trust fund to be used to carry on the teacher  
11 certification work of the board of educational examiners, including  
12 preparation and printing of courses of study to be used in teacher  
13 training and the supervision of such training. From and after the  
14 close of the fiscal year beginning July 1, 1946, and ending June 30,  
15 1947, the superintendent of public instruction shall remit to the county  
16 superintendents of schools on or before the first day of the following  
17 January one-half of all such fees received during each fiscal year.  
18 Such payments shall be made to each county superintendent on a pro  
19 rata basis as determined by the ratio that the number of public school  
20 teachers who taught in said county during the fiscal year for which  
21 payment is made bears to the total number of public school teachers  
22 who taught in the several counties in the entire state in the same  
23 period, said numbers to be based upon the total number of teachers  
24 employed for said fiscal year as shown by the reports of each county  
25 superintendent for said fiscal year.

26 The county superintendent of schools shall deposit such funds with  
27 the county treasurer to the credit of the improvement of instruction  
28 fund."

1 SEC. 9. Chapter one hundred ninety-three (193), Code 1939, is  
2 amended by inserting as separate sections following section 3878, Code  
3 1939, each of the following two paragraphs:

4 "Whenever a sufficient number of certificated teachers cannot be  
5 secured to supply the schools of any county, the board of educational  
6 examiners may, upon request of the county superintendent, issue  
7 emergency teachers' certificates to applicants meeting the require-  
8 ments prescribed by said board. Such emergency certificates shall be  
9 valid for teaching the subject or subjects specified in the field or fields  
10 designated on the certificate for a term of one year and shall be sub-  
11 ject to renewal of one year under such conditions as shall be pre-  
12 scribed by the board of educational examiners."

13 "A substitute teacher's certificate may be issued to persons who  
14 have at some previous time held a valid Iowa teacher's certificate,  
15 upon presentation of such evidence and under such conditions as the  
16 board of educational examiners may require. Such certificate shall  
17 be valid for substitute teaching in the type of school, subjects or grades  
18 in which the holder was previously qualified to teach and for which  
19 the holder has at some time been granted approval by the department  
20 of public instruction. Such certificates shall be valid for two years  
21 and may be renewed at expiration without any additional training."

1 SEC. 10. Section three thousand eight hundred eighty-eight (3888),  
2 Code 1939, is amended by changing the period (.) at the end of the  
3 section to a comma (,) and adding thereto the following:

4 "provided that whenever there is a sufficient number of holders of  
5 advanced and standard elementary certificates available to supply the  
6 elementary schools in any county it shall not be incumbent upon the  
7 county superintendent to register limited elementary certificates."

1 SEC. 11. Chapter one hundred ninety-three (193), Code 1939, is  
2 amended by adding to said chapter as a separate section following  
3 section 3888, Code 1939, the following:

4 "Uniform county certificates and normal training highschool cer-  
5 tificates in force or renewable at the dates when the respective repeals  
6 affecting them in this act become effective, shall be subject to term  
7 renewals upon the filing with the board of educational examiners of  
8 such evidence as the board may require, showing professional spirit,  
9 physical and moral fitness for work in the schools, and successful ex-  
10 perience in administration, supervision or teaching for at least nine  
11 months during the term for which the certificate was issued. The  
12 board may, at its discretion, accept credit in an approved college or  
13 graduate school in lieu of the teaching experience required for renewal  
14 of certificates."

1 SEC. 12. Section three thousand eight hundred sixty-one (3861),  
2 Code 1939, is hereby repealed.

1 SEC. 13. Sections three thousand eight hundred seventy-three  
2 (3873), three thousand eight hundred seventy-five (3875), three thou-  
3 sand eight hundred seventy-six (3876), three thousand eight hundred  
4 seventy-seven (3877), three thousand eight hundred seventy-nine  
5 (3879), three thousand eight hundred eighty (3880), three thousand  
6 eight hundred eighty-one (3881), three thousand eight hundred  
7 eighty-two (3882), three thousand eight hundred eighty-three (3883),  
8 three thousand eight hundred eighty-four (3884), three thousand  
9 eight hundred eighty-five (3885), three thousand eight hundred  
10 eighty-six (3886), three thousand eight hundred eighty-seven (3887),  
11 three thousand eight hundred eighty-nine (3889) and three thousand  
12 eight hundred ninety (3890), Code 1939, are hereby repealed effec-  
13 tive September 1, 1946.

1 SEC. 14. Section three thousand eight hundred ninety-one (3891),  
2 is hereby amended by changing the comma (,) in line four (4) to a  
3 period (.) and by striking the remainder of the section.

1 SEC. 15. Chapter one hundred ninety-four (194), Code 1939, is  
2 hereby repealed, effective September 1, 1948.

Approved April 4, 1945.

## CHAPTER 127

### DISCONTINUING SCHOOL FACILITIES

H. F. 130

AN ACT to permit school districts to discontinue facilities and contract with other districts to furnish such facilities under certain conditions.

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

1 SECTION 1. Any school district by record action taken by its board  
2 of directors and approved by the county board of education may dis-  
3 continue any or all of its educational facilities and contract with any



4 school district maintaining approved schools to furnish such facilities,  
 5 provided it is determined by the district and the county board of educa-  
 6 tion that the per pupil cost of tuition and transportation to be con-  
 7 tracted for does not exceed the per pupil cost of maintaining its own  
 8 educational facilities. In the event the total per pupil cost of tuition  
 9 and transportation proposed to be contracted for exceeds the total per  
 10 pupil cost of maintaining like facilities in its own schools, the district  
 11 may nevertheless contract with another district, maintaining approved  
 12 schools, to furnish such facilities provided the parents or the persons  
 13 standing in loco parentis to the pupils involved will agree to share the  
 14 pro rata amount of such excess cost. Contracts made under the pro-  
 15 visions hereof shall not be made for a period to exceed one school year.

Approved March 22, 1945.

## CHAPTER 128

### REORGANIZATION OF SCHOOL DISTRICTS

#### S. F. 330

AN ACT to provide for the study and survey by the county boards of education of the matter of reorganization of school districts, the submission of plans of reorganization to the voters of affected districts, and making effective any reorganization which may be authorized.

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

1 SECTION 1. The county board of education in each county of the  
 2 state shall initiate detailed studies and surveys of the school districts  
 3 within the county and territory adjacent thereto for the purpose of  
 4 promoting such reorganization of districts by unions, mergers, re-  
 5 organizations or centralization as will effect more economical opera-  
 6 tion and the attainment of higher standards of education in the schools.

1 SEC. 2. The scope of such studies and surveys shall include the  
 2 following matters in the various districts in the county: the adequacy  
 3 of the educational program, average daily attendance of pupils, prop-  
 4 erty valuations, existing buildings and equipment, natural commu-  
 5 nity areas, road conditions, transportation, economic factors, and  
 6 such other matters that may bear on educational programs meeting  
 7 minimum standards required by law.

1 SEC. 3. In making such studies and surveys the board in each  
 2 county shall consult with the officials of affected districts and other  
 3 citizens, and shall from time to time hold public hearings, and may  
 4 employ such research and other assistance as it may determine rea-  
 5 sonably necessary in order to properly carry on its survey and pre-  
 6 pare definite plans of reorganization. In the development of such  
 7 reorganization plans and surveys the county boards shall call upon  
 8 the department of public instruction for advice and counsel in order  
 9 to keep such reorganization plans in conformity to the statewide  
 10 plan of education and to state laws.

1 SEC. 4. Upon final approval by the county board of any plan of  
2 reorganization, the county board through its executive officer shall  
3 at the next school election, submit same to the qualified electors of  
4 the affected districts in the manner provided for in sections 4356  
5 and 4357, Code 1939. If sixty per cent of the votes cast in each of  
6 the affected districts are in favor of the plan, the same shall go into  
7 effect and the reorganized district or districts shall become a school  
8 corporation or corporations in accordance with the plan on the first  
9 day of July following said election.

10 After a plan has been rejected no new proposal or plan shall be  
11 submitted until a period of two years has elapsed from the date of  
12 said rejection.

1 SEC. 5. If the plan of reorganization carries, the county board  
2 through its executive officer shall call a special election in and for the  
3 new school corporation or corporations for the election of directors  
4 and treasurer, said election to be held on or before the tenth day of  
5 June, and notice of same to be given by one publication in the same  
6 newspapers in which the former notices were published, and he shall  
7 appoint judges who shall serve without pay. At such election there  
8 shall be elected a treasurer for two years, and directors as provided  
9 in section 4216.25, Code 1939, and except as may be otherwise pro-  
10 vided in this act, the election shall be conducted as provided in Chap-  
11 ter 211.1, Code 1939.

1 SEC. 6. If the plan of reorganization so submitted to vote of af-  
2 fected districts carries, the newly created district shall pay the ex-  
3 penses of the election and the proceedings to initiate the election,  
4 and if the plan involved the creation of more than one new district,  
5 such costs shall be divided between the new districts in proportion  
6 to the assessed valuation of property therein. The costs of the spe-  
7 cial election for election of the first board of directors and treasurer  
8 shall be paid by each newly formed district. If the plan of reorgani-  
9 zation does not carry, the said election expenses shall be apportioned by  
10 the county board among the several affected districts in proportion  
11 to the assessed valuation of property therein, and as thus appor-  
12 tioned be paid by the respective districts.

1 SEC. 7. A plan of reorganization in addition to setting up the  
2 territory to comprise the reorganized districts, may provide for a  
3 division of assets and liabilities of the old districts between reorganized  
4 districts. If no provision is made in the plan for the division of assets  
5 and liabilities, such division shall be made under the provisions of  
6 sections 4137 to 4139, inclusive, Code 1939.

1 SEC. 8. It is the intent of this act that the county board shall carry  
2 on the program of reorganization progressively and shall, in so far  
3 as is possible, submit plans as they are developed and approved.

1 SEC. 9. The county board of education shall include in the budget  
2 submitted in 1946 for the year 1947, and each year thereafter such  
3 sums as it deems necessary to carry on its reorganization work under  
4 this act.

1 SEC. 10. The state department of public instruction shall cooperate  
2 with the several county boards of education in making the studies

3 and surveys required hereunder. In the case of controversy arising  
4 over the organization of joint districts, the matter shall be submitted  
5 to the state department of public instruction and its decision shall  
6 be final. Joint districts shall mean districts that lie in two or more  
7 adjacent counties.

1 SEC. 11. The provisions of this act are supplemental to the existing  
2 provisions of law for the promotion of districts and the changing of  
3 boundaries of districts.

1 SEC. 12. Provided that school aid funds shall not be withheld from  
2 any school solely for the reason that said district has failed to com-  
3 ply with an order for reorganization.

Approved April 13, 1945.

## CHAPTER 129

### TERMINATION OF TEACHERS' CONTRACTS

S. F. 149

AN ACT to amend section four thousand two hundred twenty-nine (4229), code 1939, as amended by chapter 157, Acts of the 49th General Assembly, relating to teachers' contracts, their continuation and termination.

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

1 SECTION 1. Section four thousand two hundred twenty-nine (4229),  
2 Code 1939, as amended by chapter 157 Acts of the 49th General Assem-  
3 bly, is amended by striking all that part of section 4229 added thereto  
4 by said chapter 157, Acts of the 49th General Assembly, and adding at  
5 the end of said section 4229 as found in the Code 1939, the following:  
6 "Said contract shall remain in force and effect for the period stated  
7 in the contract and thereafter shall be automatically continued in force  
8 and effect for equivalent periods, except as modified or terminated by  
9 mutual agreement of the board of directors and the teacher, until  
10 terminated as hereinafter provided. On or before April 15, of each  
11 year the teacher may file his written resignation with the secretary of  
12 the board of directors, or the board may by a majority vote of the  
13 elected membership of the board, cause said contract to be terminated  
14 by written notification of termination, by a registered letter mailed to  
15 the teacher not later than the tenth day of April; in event of such  
16 termination, it shall take effect at the close of the school year in which  
17 the contract is terminated by either of said methods. The teacher shall  
18 have the right to protest the action of the board, and to a hearing  
19 thereon, by notifying the president or secretary of the board in writing  
20 of such protest within twenty (20) days of the receipt by him of the  
21 notice to terminate, in which event the board shall hold a public hear-  
22 ing on such protest at the next regular meeting of the board, or at a  
23 special meeting called by the president of the board for that purpose,  
24 and shall give notice in writing to the teacher of the time of the hear-  
25 ing on the protest. Upon the conclusion of the hearing the board shall  
26 determine the question of continuance or discontinuance of the contract  
27 by a roll call vote entered in the minutes of the board, and the action

28 of the board shall be final. The foregoing provisions for termination  
29 shall not affect the power of the board of directors to discharge a  
30 teacher for cause under the provisions of section 4237."

Approved February 22, 1945.

## CHAPTER 130

### TUITION RATES FOR PUPILS

#### H. F. 132

AN ACT to amend section four thousand two hundred thirty-three and three-tenths (4233.3) and four thousand two hundred seventy-seven (4277), code, 1939, relating to tuition rates for pupils in the public schools.

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

1 SECTION 1. Section four thousand two hundred thirty-three and  
2 three tenths (4233.3), Code, 1939, is amended by striking out the words  
3 "except that the rate shall not be in excess of six dollars a month" in  
4 lines three (3), four (4), and five (5), and substituting in lieu thereof  
5 the following: "and shall be equal to the average cost per elementary  
6 child (including both resident and tuition students) in average daily  
7 attendance in the tuition-receiving district for the preceding year.  
8 Such tuition rate shall include a pro rata charge for capital as well as  
9 for operating costs, but not exceeding ten dollars per month. Capital  
10 costs shall include expenditures from the general fund under the head-  
11 ings: 'capital outlay' and 'debt service' and the amount of any tax  
12 levied for the schoolhouse fund".

1 SEC. 2. Section four thousand two hundred seventy-seven (4277),  
2 Code, 1939, is amended by striking out that part beginning with the  
3 words "of not to exceed" in line five (5) and ending with the words  
4 "in such district" in line twenty-nine (29), and substituting in lieu  
5 thereof the following: "sufficient to cover the average cost per high  
6 school child (including both resident and tuition students) in average  
7 daily attendance in the tuition-receiving district in the preceding year.  
8 Such tuition rate shall include a pro rata charge for capital as well as  
9 for operating costs, as defined above, but shall not exceed seventeen  
10 dollars per month"; also by striking that part beginning with the word  
11 "to" in line thirty-two (32), and ending with the word "or" in line  
12 thirty-five (35); also by striking the word "such" in line thirty-five  
13 (35) and substituting in lieu thereof the word "any".

Approved March 14, 1945.

## CHAPTER 131

## EDUCATION OF HANDICAPPED CHILDREN

H. F. 125

AN ACT to provide for the special education of handicapped children, to create a division of special education within the state department of public instruction, to enable school directors and boards of education to establish and maintain classes and schools for handicapped children, to provide for payments from state funds of the excess cost of maintaining and operating such classes and schools over the cost of maintaining and operating schools for normal children, and to establish controls for the distribution of such funds.

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

1 SECTION 1. There is created within the state department of public  
2 instruction a division of special education for the promotion,  
3 direction and supervision of special education for handicapped children  
4 in the schools under the supervision and control of the department;  
5 and to employ a director and other necessary personnel adequately  
6 qualified by training and experience to direct and supervise  
7 the types of instruction provided for in this act.

1 SEC. 2. The term "handicapped children" shall be interpreted for  
2 the purpose of this act as either of the following:

3 1. Children under twenty-one years of age who are crippled or  
4 have defective sight or are hard of hearing or have an impediment in  
5 speech or heart disease or tuberculosis, or who by reason of physical  
6 defects cannot attend the regular public school classes with normal  
7 children.

8 2. Children under twenty-one years who are certified by a practicing  
9 physician to be emotionally maladjusted or intellectually incapable  
10 of profiting from ordinary instructional methods.

11 Provided, that the term "handicapped children" shall not include  
12 the blind, the deaf, and other physically and mentally handicapped  
13 children for whom special schools or institutions are provided.

1 SEC. 3. The division of special education, subject to the approval  
2 of the state board, shall have the following duties and powers:

3 1. To aid school districts in the organization of special schools,  
4 classes and instructional facilities for handicapped children, and to  
5 supervise the system of special education for handicapped children  
6 in the several school districts of the state.

7 2. To establish standards for teachers to be employed under the  
8 provisions of this act, to give examinations for teachers to qualify  
9 to teach handicapped children, and to issue certificates to teachers  
10 who qualify for such teaching.

11 3. To adopt plans for equitable reimbursement, in whole or in  
12 part, of school districts for costs of carrying out programs of special  
13 instruction, as provided for herein.

14 4. To adopt plans for the establishment and maintenance of day  
15 classes, schools, home instruction, and other methods of special education  
16 for handicapped children.

17 5. To purchase and otherwise acquire special equipment, appliances,  
18 and other aids for use in special education, and to loan or lease same  
19 to school districts under such rules and regulations as the department  
20 may prescribe.

21 6. To prescribe courses of study, and curricula for special schools,  
 22 special classes and special instruction of handicapped children, in-  
 23 cluding physical and psychological examinations, and to prescribe  
 24 minimum requirements for handicapped children to be admitted to  
 25 any such special schools, classes or instruction.

26 7. To provide for certification by competent medical and psycho-  
 27 logical authorities of the eligibility of handicapped children for ad-  
 28 mission to, or discharge from, special schools, classes or instruction.

29 8. To initiate the establishment of classes for handicapped chil-  
 30 dren in hospitals and convalescent homes, in cooperation with the  
 31 management thereof and local school districts.

32 9. To cooperate with school districts in arranging for any handi-  
 33 capped child to attend school in a district other than the one in which  
 34 he resides when there is no available special school, class or instruc-  
 35 tion in the districts\* in which he resides.

36 10. To cooperate with existing agencies such as the state depart-  
 37 ment of social welfare, the state department of public health, the state  
 38 school for the deaf, the state school for the blind, the state tuber-  
 39 culosis sanitarium,\* the children's hospitals, or other agencies con-  
 40 cerned with the welfare and health of handicapped children in the  
 41 co-ordination of their educational activities for such children.

42 11. To investigate and study the needs, methods and costs of spe-  
 43 cial education for handicapped children.

44 12. To make rules and regulations to carry out the foregoing  
 45 powers and duties.

1 SEC. 4. The board of directors of any school district, with the  
 2 approval of the state department of public instruction, may provide  
 3 transportation and may establish and organize one or more suitable  
 4 special classes, or provide for instruction in regular classes or in  
 5 the home, and may provide special facilities and equipment for special  
 6 classes and special schools or home instruction as a part of the school  
 7 system for such handicapped children as required for their effective  
 8 education, a type of instruction different from that ordinarily given  
 9 in the regular classes of such district. In the event that there are  
 10 not enough children of any special type in any school district to war-  
 11 rant the establishment of a special class, such children may be in-  
 12 structed in any nearby school district in which such special classes  
 13 have been established, by mutual agreement of the board of directors  
 14 of the school district affected, and by payment of regular tuition.  
 15 The local board of directors of a school district with approval by the  
 16 state department of public instruction may prescribe the use of such  
 17 other aids to special education as physical therapy, corrective gym-  
 18 nastics, rest periods, warm lunches, social counseling, and vocational  
 19 counseling and training.

20 The board of directors of each school district providing for handi-  
 21 capped children shall employ qualified teachers certified by the au-  
 22 thority provided by law as teachers for children requiring such spe-  
 23 cial education. The maximum number of pupils per teacher shall  
 24 be determined by the board of directors in accordance with the rules  
 25 and regulations of the state department of public instruction.

\*According to enrolled act.

1 SEC. 5. In order that the state board of public instruction may  
2 estimate the financial requirements for the program of state aid for  
3 education of handicapped children, it shall be the duty of the secre-  
4 tary of each school district in connection with the annual school cen-  
5 sus to file a report with the county superintendent each year in July  
6 on blanks prepared for that purpose by the state division of special  
7 education listing the names, sex, age, post office address, and dis-  
8 ability of every physically handicapped or mentally handicapped  
9 person of school age, together with the name and post office address  
10 of his parent or guardian, and such other pertinent information which  
11 the division may require. Copies of these reports shall in turn be  
12 sent by the county superintendent to the division of special education  
13 on or before August 1.

14 The state department of public health shall from time to time as  
15 requested furnish to the state division of special education informa-  
16 tion obtained from birth certificates relative to the name, address,  
17 and disability of any case of congenital deformity or physical defect.  
18 The state crippled children's service shall from time to time as re-  
19 quired furnish to the state division of special education the name,  
20 address, and disability of all children of their register.

1 SEC. 6. When the school district has provided special education  
2 facilities as provided herein for any handicapped child, either by  
3 admission to a special class or by special instruction, it shall be the  
4 duty of the parent or guardian to enroll said child for instruction in  
5 such special classes or instruction as may be established, except in  
6 the event a doctor's certificate is filed with the secretary of the school  
7 district showing that it is inadvisable for the handicapped child to  
8 receive the special education provided; all the provisions and condi-  
9 tions of chapter 228, Code 1939, and amendments thereto shall be  
10 applicable to this section, and any violations shall be punishable as  
11 provided in said chapter 228.

1 SEC. 7. In order to render proper instruction to each handicapped  
2 child, the school districts shall certify handicapped children for spe-  
3 cial instruction in accordance with the requirements set up by the  
4 division of special education and shall provide examinations for chil-  
5 dren preliminary to making certification. The examinations neces-  
6 sary for the certification of handicapped children shall be conducted  
7 by a physician licensed to practice medicine by the state board of  
8 medical examiners, and whenever available, by a competent psycholo-  
9 gist or other person qualified by training to make psychometric exam-  
10 inations. Final decision in case of disagreement or appeal shall be  
11 the responsibility of the director\* of the state superintendent of pub-  
12 lic instruction, who may secure the advice of competent medical and  
13 educational authorities including the state department of health, the  
14 university hospitals, the state department of social welfare, the su-  
15 perintendent of the state school for the deaf, the superintendent of  
16 the state school for the blind, and the superintendent of the state  
17 tuberculosis sanitorium.\*

1 SEC. 8. It shall not be incumbent upon the school districts to keep  
2 a handicapped child in regular instruction when the child cannot

\*According to enrolled act.

3 sufficiently profit from the work of the regular class room, nor to keep  
4 such handicapped child in the special class or instruction for handi-  
5 capped children when it is determined that the child can no longer  
6 benefit therefrom, or needs more specialized instruction which is  
7 available in special state schools.

8 In the case of any person who, by reason of congenital factors, acci-  
9 dent or prolonged illness, has not been able to finish the special edu-  
10 cation by his or her twenty-first birthday, the period of special educa-  
11 tion may be continued by the school district for not exceeding three  
12 years thereafter.

13 No provision of this Act shall be construed to require or compel  
14 any person who is a member of a well recognized church or religious  
15 denomination and whose religious convictions, in accordance with the  
16 tenets or principles of his or her church or religious denomination,  
17 are opposed to medical or surgical treatment for disease to take or  
18 follow a course of physical therapy, or submit to medical treatment,  
19 nor shall any parent or guardian who is a member of such church or  
20 religious denomination and who has such religious convictions be  
21 required to enroll a child in any course or instruction which utilizes  
22 medical or surgical treatment for disease.

1 SEC. 9. Any school district which has maintained an approved pro-  
2 gram of special education for handicapped children during any school  
3 year shall be entitled to and receive reimbursement from the state  
4 for the excess cost of instruction of the children in said program of  
5 special education above the cost of instruction of pupils in the regu-  
6 lar curriculum of the district which shall be determined in the fol-  
7 lowing manner. The cost of instruction of all pupils exclusiye of  
8 those in special education shall be determined on a per pupil basis  
9 and the total cost of instruction of all pupils in special education shall  
10 be determined on a per pupil basis. The excess of cost per pupil in  
11 special education shall be the difference between the cost per pupil  
12 of all children exclusive of those in special education, and the cost  
13 per pupil in special education; the excess per pupil cost in special  
14 education multiplied by the yearly average unit of pupils in special  
15 education in the district shall be the amount to which the district  
16 shall be entitled and receive by way of reimbursement from the state.  
17 The cost per pupil, both as to pupils in special education and in the  
18 regular curriculum, shall be based on the following elements: Gen-  
19 eral administration costs, instructional costs, health service, attend-  
20 ance officers, plant operation, plant maintenance, including equip-  
21 ment, transportation and insurance.

1 SEC. 10. On or before the twentieth of June of each year, each  
2 school district which has during that year maintained an approved  
3 program of special education, shall report to the division of special  
4 education on forms provided by it such information as the division  
5 may require in order to determine the amount to which the district  
6 shall be entitled by way of reimbursement of costs as provided in this  
7 act. The division may require additional information and upon de-  
8 termining the amount to which the district is entitled shall make its  
9 requisition on the state comptroller for warrant therefor.

1 SEC. 11. There is hereby appropriated from the general fund of  
2 the state of Iowa, from funds not otherwise appropriated, the sum



3 of thirty thousand dollars (\$30,000.00) for each year of the bien-  
 4 nium beginning July 1, 1945, and ending June 30, 1947, which sum is  
 5 in addition to any appropriation in the departmental appropriations  
 6 bill. These sums shall be used for the expenses and maintenance of the  
 7 division of special education and to make the state's reimbursement  
 8 to the school districts as provided in this act. If said sums are in-  
 9 sufficient to reimburse the districts in full, then in that event a pro-  
 10 rata reimbursement shall be made.

1 SEC. 12. There is hereby transferred to the general fund of the  
 2 state of Iowa, for each year of the biennium beginning July 1, 1945  
 3 and ending June 30, 1947, the sum of thirty thousand dollars (\$30,-  
 4 000.00) from the income, corporation and sales tax fund collected  
 5 under the provisions of Chapter three hundred ninety-three and three  
 6 tenths (393.3), Code, 1939.

Approved April 12, 1945.

## CHAPTER 132

### REIMBURSEMENT FOR LOSS OF TAXES

H. F. 22

AN ACT to amend sections four thousand two hundred eighty-three and eleven hun-  
 dredths (4283.11) and four thousand two hundred eighty-three and thirteen hun-  
 dredths (4283.13), code, 1939, relating to the computation and certificate thereof  
 for the reimbursement of school districts for loss of taxes on publicly owned land.

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

1 SECTION 1. Section four thousand two hundred eighty-three and  
 2 eleven hundredths (4283.11), Code, 1939, is amended by striking the  
 3 period (.) following the word "located" in line eleven (11) of said  
 4 section, and substituting a comma (,) and adding thereafter the follow-  
 5 ing: "which computation shall be made on or before the first day of  
 6 September in the year in which said deductions are to be made."

1 SEC. 2. Section four thousand two hundred eighty-three and thir-  
 2 teen hundredths (4283.13), Code, 1939, is amended by striking the  
 3 period (.) following the word "corporation" in line eleven (11) of said  
 4 section, and substituting a comma (,) and adding thereafter the follow-  
 5 ing: "which certificate shall be filed with the secretary of the Executive  
 6 Council not later than April first of each succeeding year."

1 SEC. 3. This act being deemed of immediate importance shall be in  
 2 full force and effect from and after its passage and publication in The  
 3 Colfax Tribune, a newspaper published at Colfax, Iowa, and The  
 4 Times-Republican, a newspaper published at Corydon, Iowa.

Approved February 20, 1945.

I hereby certify that the foregoing act was published in The Colfax Tribune, Colfax,  
 Iowa, March 1, 1945, and The Times-Republican, Corydon, Iowa, March 1, 1945.

WAYNE M. ROPES, Secretary of State.

## CHAPTER 133

## TRANSPORTATION OF PUPILS

H. F. 118

AN ACT to provide for reimbursement by the state of Iowa to school districts of pupil transportation costs, providing the manner of computing the amount of reimbursement and making an appropriation for said reimbursements.

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

1 SECTION 1. Every school district required by law to furnish free  
2 transportation to pupils shall be reimbursed by the state for trans-  
3 portation costs incurred in the amount and manner as provided in  
4 this act.

1 SEC. 2. Reimbursement shall be for the school year preceding that  
2 in which it is made on the basis of eighteen dollars (\$18.00) per pupil  
3 per annum in a district (1) transporting an average of 125 pupils  
4 per day, (2) its vehicles traveling 160 miles per pupil per year, and  
5 (3) having a road condition index of 1.40. To determine the amount  
6 of reimbursement to which any district shall be entitled and shall  
7 receive, adjustments from the foregoing standard shall be made and  
8 the amount determined in the following manner, to-wit:

9 1. Adjustments for number of pupils transported:

10 (a) An increase of two cents for each reduction of one in the  
11 average number of pupils transported below 125, until \$18.50 is reached  
12 for each of 100 pupils.

13 (b) An increase of four cents for each reduction of one pupil in  
14 the average number of pupils transported below 100, until \$18.50 has  
15 increased to \$19.50 for each 75 pupils.

16 (c) An increase of six cents for each reduction of one in the aver-  
17 age number of pupils transported below 75, until \$19.50 has increased  
18 to \$21.00 for each 50 pupils, or less.

19 (d) A decrease of two cents for each addition of one in the average  
20 number of pupils transported above 125, until \$17.00 is reached for  
21 each of 175 pupils.

22 (e) A decrease of one cent for each addition of one in the average  
23 number of pupils transported above 175, until \$16.50 is reached for  
24 each of 225 or more pupils.

25 2. Adjustments for mileage:

26 (a) An increase of the base of \$18.00 by three cents per year for  
27 each mile of vehicular travel in excess of 160 miles per pupil per year.

28 (b) A decrease of the base of \$18.00 by three cents per year for  
29 each mile of vehicular travel less than 160 miles per pupil per year.

30 .3. Adjustment for road conditions:

31 An increase or decrease, as the case may be, of the base rate of  
32 \$18.00 by the percentage by which the road condition index is greater  
33 or less than 1.40.

34 The road condition index for any district shall be obtained by (a)  
35 multiplying the miles of hard surfaced (including black top), gravel,  
36 and unsurfaced roads over which the school busses travel by 1.00,  
37 1.39 and 1.55 respectively; (b) adding the amounts thus obtained,  
38 and (c) dividing by the total bus mileage.

39 The three computations provided for in the paragraphs numbered  
40 1, 2 and 3, immediately preceding, shall be added together and divided

41 by three and the amount so obtained shall be the amount to be paid  
42 to the district per pupil transported, by way of reimbursement; pro-  
43 vided that in no event shall any district be reimbursed in any amount  
44 in excess of the actual cost per pupil per year.

1 SEC. 3. The secretary of each district entitled to transportation  
2 aid shall, on or before the first day of July of each year, report to the  
3 state department of public instruction on blanks furnished by the  
4 latter, such information as it may require for determining the amount  
5 the district shall be reimbursed for transportation of pupils. The  
6 state department may require further supporting data and informa-  
7 tion, and from the said reports, data and information it shall deter-  
8 mine and compute the amount to which each district is entitled to  
9 reimbursement, and shall certify same for payment to the state comp-  
10 troller who shall draw warrants upon such certification and cause  
11 same to be delivered to the districts so entitled.

1 SEC. 4. A district sending pupils to another district shall receive  
2 reimbursement for transportation costs as provided for in this act,  
3 for all pupils who are sent to another district, if the sending district  
4 provides the transportation at its expense. The district actually  
5 providing the transportation shall be the district to which state trans-  
6 portation aid should be paid. The district sending tuition pupils  
7 must contract for both transportation and tuition whenever the re-  
8 ceiving district is already engaged in transporting pupils; provided  
9 that the county board of education may permit the sending district  
10 to furnish its own transportation when it can be shown that such  
11 transportation will cost less than that provided by the receiving dis-  
12 trict. When the receiving district furnishes the transportation, it  
13 shall determine the amount to be charged the sending district by add-  
14 ing to the cost of tuition, as provided for in section 4277, Code 1939,  
15 such cost of transportation per pupil from the sending district as may  
16 be in excess of its reimbursement from the state for performance of  
17 such service, and the sending district will not be entitled to any reim-  
18 bursement from the state therefor. If the amount of reimbursement  
19 from the state for such service covers its full costs for the service then  
20 the receiving district shall charge the sending district nothing for  
21 transportation.

1 SEC. 5. For the purpose of furnishing school facilities to students  
2 eligible to attend high school, who are residents of rural independent  
3 districts, or school townships which do or do not maintain approved  
4 public high schools, or other school districts not maintaining ap-  
5 proved public high schools, the local boards of such districts shall  
6 provide either transportation to and from school or the cost of such  
7 transportation not to exceed twenty-three (23.00) dollars per pupil  
8 per year for such children who live more than two miles from the  
9 high school designated by the board for them to attend. The cost for  
10 such transportation, including any reimbursement from state funds,  
11 not exceeding twenty-three (23.00) dollars per pupil per school year,  
12 shall be paid from the general fund of school corporation of the pupil's  
13 residence. The local board shall, subject to the approval of the county  
14 board of education and state board of public instruction, designate  
15 the public high school to which transportation will be provided. Any  
16 student wishing to attend a high school other than the one so desig-

17 nated may do so, but transportation shall not be provided for such  
18 pupils.

1 SEC. 6. The state department of public instruction shall appoint a  
2 director of transportation and such other assistants as it may find  
3 necessary to carry out the powers and duties of the board and depart-  
4 ment under this act. The appropriation provided by this Act may  
5 be expended in part for the direction and supervision provided by  
6 the Act which shall include salaries and all necessary traveling expense  
7 incurred by the director and his assistants in the performance of their  
8 official duties.

1 SEC. 7. Regulatory powers and duties necessary to assure the state  
2 that its transportation moneys will be spent with the best results will  
3 be shared by the state department of public instruction, county boards  
4 of education and boards of education of the local school districts.

1 SEC. 8. The powers and duties of the state department shall be to:  
2 (1) Exercise general supervision over the school transportation  
3 system in the state.

4 (2) Review and approve bus routes which, when established, are  
5 located in more than one county.

6 (3) Establish uniform standards for locating and operating bus  
7 routes and for the protection of the health and safety of pupils trans-  
8 ported.

9 (4) Issue temporary certificates for operation of school busses  
10 which do not conform to the established requirements of the depart-  
11 ment, provided that such busses can be operated with safety, and  
12 provided further that no such certificate shall be issued for a period  
13 in excess of one year and may not be renewed.

14 (5) Aid in the enforcement of the motor vehicle laws relating to  
15 the transportation of school children.

1 SEC. 9. The powers and duties of the respective county boards of  
2 education shall be to:

3 (1) Enforce all laws and all rules and regulations of the state  
4 department of public instruction relating to transportation.

5 (2) Approve all bus routes of school districts within the county,  
6 except bus routes in city, town or village independent districts and  
7 consolidated school districts, and review and approve arrangements  
8 between school districts for transportation from one district to an-  
9 other district within the county.

1 SEC. 10. The powers and duties of the local school boards shall be to:

2 (1) Provide transportation for each pupil who attends public  
3 school, and who is entitled to transportation under the laws of this  
4 state.

5 (2) Establish, maintain and operate bus routes for the transpor-  
6 tation of pupils so as to provide for the economical and efficient opera-  
7 tion thereof without duplication of facilities, and to properly safe-  
8 guard the health and safety of the pupils transported.

9 (3) Purchase or lease busses and other transportation facilities,  
10 and maintain same, and to enter into contracts for transportation  
11 subject to any provisions of law affecting same.

12 (4) Employ such drivers and other employees as may be necessary  
13 and prescribe their qualifications and adopt rules for their conduct.

14 (5) Exercise any and all powers and duties relating to transpor-  
15 tation of pupils enjoined upon them by law.

1 SEC. 11. The establishment and operation of bus routes and the  
2 contracting for transportation shall be based upon the following con-  
3 siderations:

4 (1) Each bus route shall be planned and adjusted to utilize the  
5 normal seating capacity of each bus in so far as it is possible to do so.

6 (2) Each bus route shall serve regularly only pupils whose homes  
7 are beyond the statutory walking distance to the nearest appropriate  
8 school.

9 (3) Each bus route shall serve only those pupils living in those  
10 areas where transportation by bus is the most economical method for  
11 providing adequate transportation facilities.

12 (4) A route shall not be extended for the purpose of accommodat-  
13 ing pupils whose homes are nearer another bus route.

14 (5) Special contracts for transportation of pupils entitled to trans-  
15 portation shall be entered into only when it is more economical to  
16 make such special provision than to provide same by regular bus  
17 route, or when by reason of physical or mental handicap of the pupil  
18 such pupil cannot be transported with safety by bus.

1 SEC. 12. In the event of disagreement between a school patron and  
2 the board of a school district, the patron if dissatisfied with the deci-  
3 sion of the district board, may appeal same to the county board of  
4 education by notifying the secretary of the district in writing within  
5 ten days of the decision of the board, in which case it shall be the  
6 duty of the secretary of the local board to certify all papers to the  
7 county board of education which shall hear same within ten days of  
8 the receipt of the papers and decide same within three days of the  
9 conclusion of the hearing. Either party may appeal the decision of  
10 the county board to the state superintendent of public instruction by  
11 notifying the opposite party and the county superintendent in writing  
12 within five days of the decision of the county board, in which case the  
13 county superintendent shall within ten days from said notice, file  
14 with the state superintendent of public instruction all records and  
15 papers pertaining to the case. The state superintendent of public  
16 instruction shall hear the appeal within 15 days of the filing of the  
17 records and papers in his office, notifying all parties and the county  
18 superintendent of the time, and shall forthwith decide the same, and  
19 his decision shall be subject to appeal to the district court. The state  
20 superintendent of public instruction shall notify all parties of his  
21 decision and return all papers with a copy of the decision to the county  
22 superintendent.

1 SEC. 13. In the event of a disagreement between the board of a  
2 school district and the county board of education, the board of the  
3 school district may appeal to the state superintendent of public instruc-  
4 tion, and the procedure and times provided for in the last preceding  
5 section shall prevail in any such case.

1 SEC. 14. Any person who operates or permits to be operated as a  
2 school bus to transport pupils, any vehicle which does not comply

3 with the requirements provided by law or by the rules and regulations  
4 of the state department of public instruction, or for which there is  
5 not a valid temporary certificate for operation, shall be punished by  
6 a fine of not to exceed one hundred dollars (\$100.00) or by imprison-  
7 ment in the county jail not to exceed thirty (30) days.

1 SEC. 15. The failure of any local district to comply with the pro-  
2 visions of this act or any other laws relating to the transportation of  
3 pupils, or any rules or regulations made by the state department of  
4 public instruction under this act or the final decisions of the county  
5 board of education, or the final decisions of the state department of  
6 public instruction shall cause such district to forfeit any rights to  
7 reimbursement for any transportation costs incurred during the period  
8 such failure to comply existed.

1 SEC. 16. There is hereby appropriated from the general fund of  
2 the state of Iowa, for each year of the biennium beginning July 1, 1945  
3 and ending June 30, 1947, the sum of two million dollars (\$2,000,-  
4 000.00) or so much thereof as is earned according to the schedules  
5 herein provided, and in case said sum is not sufficient to pay allow-  
6 ances in full, then in that event it shall be prorated to the several  
7 school districts according to the amounts earned as herein provided.  
8 There is hereby transferred to the general fund of the state of Iowa,  
9 for each year of the biennium beginning July 1, 1945 and ending June  
10 30, 1947, the sum of two million dollars (\$2,000,000.00) from the In-  
11 come, Corporation and Sales Tax fund collected under the provisions  
12 of Chapter three hundred twenty-nine and three-tenths (329.3), Code,  
13 1939.

1 SEC. 17. In the event the provisions of any statute are inconsistent  
2 with any of the provisions of this act, the provisions of this act shall  
3 prevail.

Approved April 20, 1945.

## CHAPTER 134

### STATE AID TO SCHOOL DISTRICTS

S. F. 388

AN ACT to provide for the use of state funds to supplement funds of school districts in support of education relating to state aid to schools; and providing for an appropriation for such aid and the expenses of administering same.

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

1 SECTION 1. For the purpose of equalizing educational opportunity  
2 in the school districts throughout the state, the several school dis-  
3 tricts in the state of Iowa shall be entitled to and receive financial aid  
4 from the state in the manner and amount as provided in this act.  
5 The aid provided for in this act is supplementary aid. Supplemen-  
6 tary aid is that aid which is available to districts which qualify under  
7 the provisions of this act.

1 SEC. 2. For the purposes of this act an elementary pupil is a pupil  
2 of school age attending public school who has not entered the ninth  
3 grade, and a high school pupil is a pupil of school age attending pub-  
4 lic school in any of the grades ninth to twelfth inclusive.

1 SEC. 3. Supplementary aid shall be paid by the state to those dis-  
2 tricts which qualify, as hereinafter provided.

1 SEC. 4. Supplementary aid shall be paid under the following con-  
2 ditions and requirements:

3 1. Supplementary aid shall be paid to a district only when the  
4 funds described in paragraph 2 of this section are insufficient to meet  
5 an educational cost of seventy-five (\$75.00) dollars per elementary  
6 child and one hundred twenty-five (\$125.00) dollars per high school  
7 child in average daily attendance, and then only to the extent of this  
8 deficiency.

9 2. The funds which shall be considered available to any district to  
10 meet the educational cost described in paragraph 1 of this section,  
11 shall include: (a) the estimated proceeds of a standard local tax rate  
12 (exclusive of the rate for the school house fund) of seventeen (17)  
13 mills for independent districts with high schools, ten (10) mills for  
14 consolidated and other districts with high schools, and seven (7)  
15 mills for elementary districts; (b) proceeds of the semi-annual ap-  
16 portionment; (c) estimated proceeds of the moneys and credits tax;  
17 and (d) receipts in the general fund called "other revenue" and "other  
18 nonrevenue", (excluding transfers from the schoolhouse fund).

1 SEC. 5. Supplementary aid shall be on the basis of per school  
2 census child and shall be computed and determined as follows:

3 1. Multiply seventy-five dollars (\$75.00) by the combined number  
4 of non-tuition elementary students in average daily attendance and  
5 average number of elementary students for which the district pays  
6 tuition to another district.

7 2. Multiply one hundred twenty-five dollars (\$125.00) by the com-  
8 bined number of non-tuition high school students in average daily  
9 attendance and average number of high school students for which the  
10 district pays tuition to another district.

11 3. Take the sum of the amounts found in paragraphs one (1) and  
12 two (2) of this section.

13 4. From this sum, subtract the receipts in the general fund, which  
14 are described in paragraph two (2) of section four (4).

15 5. Divide the remainder obtained in paragraph four (4) by the  
16 school census to determine the amount per census child to which the  
17 district may be entitled in supplementary aid.

1 SEC. 6. The amount of supplementary aid per census child to which  
2 the district is entitled, if any, shall be multiplied by the school census  
3 to obtain the total state aid to which the district is entitled.

1 SEC. 7. The supplementary aid shall take the form of reimburse-  
2 ment to the school district for its educational program of the preced-  
3 ing year. At the close of each school year, but not later than June  
4 30, the local district shall supply to the state department of public  
5 instruction the information required for calculation of the amount  
6 reimbursable to the district. Forms for this purpose shall be sup-

7 plied by the state department to each school district at the beginning  
 8 of each school year. After the claim has been calculated and vali-  
 9 dated for accuracy, the department of public instruction shall im-  
 10 mediately certify to the state comptroller the amount of reimburse-  
 11 ment due to each school district, and in no event shall the process of  
 12 certification, calculation and validation extend more than sixty days  
 13 beyond the time when a given district has submitted its data for the  
 14 preceding year. In event that the amount appropriated for reim-  
 15 bursement of the school districts is insufficient to pay in full the  
 16 amounts to each of the school districts, then the amount of each pay-  
 17 ment shall be reduced by the state comptroller in the ratio that the  
 18 total funds appropriated and available bears to the total amount cer-  
 19 tified for reimbursement.

1 SEC. 8. There is hereby appropriated from the general fund of the  
 2 state of Iowa for each year of the biennium beginning July 1, 1945,  
 3 and ending June 30, 1947, for the purposes set forth in this act, the  
 4 sum of one million dollars (\$1,000,000.00) or so much thereof as may  
 5 be necessary.

6 There is hereby transferred to the general fund of the State of  
 7 Iowa, for each year of the biennium beginning July 1, 1945, and end-  
 8 ing June 30, 1947, the sum of one million (\$1,000,000.00) from the  
 9 Income, Corporation and Sales Tax fund collected under the provisions  
 10 of chapter three hundred twenty-nine and three tenths (329.3), Code,  
 11 1939. The necessary expenses incurred by the department of public  
 12 instruction in the administration of this act may be paid from the  
 13 appropriation provided by this act.

Approved April 21, 1945.

## CHAPTER 135

### MINIMUM WAGES OF TEACHERS

#### H. F. 122

AN ACT to amend section four thousand three hundred forty-one (4341), code 1939, as amended by chapter one hundred sixty-five (165), Acts of the Forty-ninth General Assembly, relating to the minimum wages of teachers in the public schools.

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

1 SECTION 1. Section four thousand three hundred forty-one (4341),  
 2 Code, 1939, as amended by chapter one hundred sixty-five (165), Acts  
 3 of the Forty-ninth General Assembly, is amended by striking all of  
 4 said section and by inserting in lieu thereof the following:

5 "1. Any teacher holding a valid certificate shall be paid a minimum  
 6 wage of not less than seventy (\$70) dollars per month.

7 2. A teacher holding a limited elementary certificate who has com-  
 8 pleted at least fifteen (15) semester hours of standard college work  
 9 shall be paid a minimum wage of not less than seventy-five (\$75) dol-  
 10 lars per month.

11 3. A teacher holding a limited elementary certificate who has com-  
 12 pleted at least thirty (30) semester hours of standard college work



13 shall be paid a minimum wage of not less than eighty (\$80) dollars  
14 per month.

15 4. A teacher holding a limited elementary certificate who has com-  
16 pleted at least forty-five (45) semester hours of standard college work  
17 shall be paid a minimum wage of not less than eighty-five (\$85) dol-  
18 lars per month.

19 5. A teacher holding a limited elementary certificate who has com-  
20 pleted sixty (60) or more semester hours of standard college work  
21 or who holds a certificate requiring sixty (60) hours or more of stand-  
22 ard college work shall be paid a minimum wage of not less than ninety  
23 (\$90) dollars per month."

24 Provided, that nothing herein shall be construed as limiting the  
25 right of a school board to make a contract for a higher wage than  
26 herein specified as a minimum.

Approved April 10, 1945.

## CHAPTER 136

### SECONDARY ROADS AND STREETS

S. F. 229

AN ACT to amend section four thousand six hundred forty-four and eleven hundredths (4644.11), code 1939, relating to secondary roads and optional maintenance levies, and to provide additional revenue for the construction and maintenance of secondary roads and streets in cities and towns by amending certain sections of chapter 251.3, code, 1939, as amended by chapter 165 Acts of the 50th General Assembly.

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

1 SECTION 1. Section four thousand six hundred forty-four and eleven  
2 hundredths, (4644.11), Code, 1939, is hereby amended by striking from  
3 line six (6), the words "one and one fourth" and by inserting in lieu  
4 thereof, the word "two" and further amend said section by inserting  
5 the words "and towns" immediately following the word "cities" at the  
6 end of line eight (8). Further amend by striking the word "three" in  
7 line ten (10) and substituting in lieu thereof the word "five" (5).

1 SEC. 2. Section four (4), Chapter one hundred sixty-five (165),  
2 Acts of the Fiftieth General Assembly, is hereby amended by striking  
3 from line one (1) of said section the words and figures "three cents  
4 (3¢)" and substituting in lieu thereof the words and figures "four  
5 cents (4¢)".

1 SEC. 3. Section thirty-five (35) of Chapter one hundred sixty-five  
2 (165), Acts of the Fiftieth General Assembly is hereby amended as  
3 follows:

4 a. By striking the word "all" from line two (2) of said section and  
5 substituting in lieu thereof the words "three cents per gallon".

6 b. By adding to said section, the following: "The net proceeds of  
7 one cent per gallon license fees and penalties collected under the pro-  
8 visions of this chapter shall be distributed as follows: Three-fifths  
9 thereof shall be credited to the secondary road construction fund of the

10 several counties of the state. The treasurer shall apportion said three-  
11 fifths portion among the counties of the state in the ratio that the  
12 area of each county bears to the total area of the state and shall on  
13 the first day of each month remit to the treasurer of each county the  
14 amount apportioned to the secondary road construction fund of the  
15 county. Two-fifths thereof shall be credited to the street construc-  
16 tion fund of the several incorporated cities and towns of the state,  
17 which fund is hereby created, for the construction, reconstruction,  
18 repair and maintenance of roads and streets in such cities and towns.  
19 The treasurer shall apportion said two-fifths portion among the incor-  
20 porated cities and towns of the state in the ratio that the population  
21 of each such city or town bears to the total population of all such cities  
22 and towns of the state, as shown by the latest Federal census, and shall,  
23 on the first day of each month, remit to the city clerk of each such  
24 city or town the amount so apportioned to the street construction fund  
25 of such city or town."

Approved March 27, 1945.

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## CHAPTER 137

### FARM-TO-MARKET ROADS H. F. 456

AN ACT to amend section four thousand six hundred eighty-six and twenty hundredths (4686.20), code, 1939, relating to use of county's allotment of motor vehicle fuel license fees on farm-to-market road projects.

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

1 SECTION 1. Section four thousand six hundred eighty-six and  
2 twenty hundredths (4686.20), Code, 1939, is hereby amended by  
3 striking from lines four (4) and five (5) of said section the words  
4 "an amount of not to exceed twenty-five percent" and substituting in  
5 lieu thereof the words "any portion".

Approved April 12, 1945.

CHAPTER 138  
INTERSTATE BRIDGES

S. F. 335

AN ACT authorizing the state highway commission to accept as a gift any bridge and approaches thereto, over the Missouri river or over the Mississippi river, on the boundary of the state of Iowa, which bridge constitutes a connecting link or part thereof between the primary roads of this state and similar roads of an adjoining state, to receive and accept conveyance of title of such bridge and approaches, and to thereafter operate and maintain such bridge and approaches, free of tolls, as a part of the primary road system, and to relieve any bridge so accepted by the commission from the payment of state and local taxes and providing for the approval by tax levying and certifying bodies where the bridge is owned by an individual or a corporation.

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

1 SECTION 1. Should the owner of any bridge, for highway traffic,  
2 over the Mississippi River or the Missouri River, on the boundary of  
3 the State of Iowa, and which bridge is a connecting link between a  
4 primary road or primary road extension in a city or town of this  
5 state and a corresponding road or extension thereof in an adjoining  
6 state, offer to give such bridge and approaches thereto, or any part  
7 thereof, to the State of Iowa, the State Highway Commission is here-  
8 by authorized, in its discretion, to accept such offer in the name of  
9 the State of Iowa, and to enter into written agreements evidencing  
10 such acceptance.

1 SEC. 2. When all outstanding indebtedness or other obligations  
2 against such bridge and approaches thereto have been paid and dis-  
3 charged the State Highway Commission shall accept transfer of title  
4 thereof to the State of Iowa and is thereafter authorized to take pos-  
5 session of, operate and maintain such bridge and approaches, or any  
6 part thereof, free of tolls, as a part of the primary road system.

1 SEC. 3. Any such bridge and approaches, which has been offered  
2 to the State Highway Commission and with respect to which the com-  
3 mission has entered into a written agreement accepting such offer,  
4 shall after the date of such agreement, be free from state and local  
5 property and income taxes in this state.

1 SEC. 4. The authority herein given to the State Highway Com-  
2 mission to enter into agreements for, accept, take over, operate and  
3 maintain such bridges may be exercised by the commission inde-  
4 pendently or in cooperation with other governmental agencies within  
5 this state or in adjoining states.

1 SEC. 5. The State Highway Commission shall not enter into an  
2 agreement of acceptance until the adjoining state enters into an agree-  
3 ment to accept ownership of one-half ( $\frac{1}{2}$ ) of such bridge and agrees  
4 to pay one-half ( $\frac{1}{2}$ ) of the cost of maintenance.

1 SEC. 6. Should the State Highway Commission accept the offer of  
2 any bridge over a boundary stream and enter into a written agree-  
3 ment in relation thereto as provided in this act, the owner or oper-  
4 ator of such bridge shall thereafter and until all indebtedness or other  
5 obligations against such bridge have been paid and discharged annu-

6 ally file with the commission a sworn statement of its financial con-  
 7 dition. Such statement shall show funds on hand and indebtedness  
 8 at the beginning and end of the year, receipts, disbursements, indebt-  
 9 edness retired during the year and any other information required  
 10 by the commission to show the true and complete condition of the  
 11 finances with respect to such bridge and approaches thereto.

12 The annual budget of authorized operating and other expenditures  
 13 for or on behalf of such bridge and approaches shall be approved by  
 14 the commission before becoming effective. Expenditures during the  
 15 year shall not exceed the approved budget unless an increase in the  
 16 annual budget be likewise approved by the commission.

1 SEC. 7. Before any bridge owned by any private individual or  
 2 corporation shall be accepted by the state highway commission un-  
 3 der the provisions of this act, the said proposal and acceptance shall  
 4 first be approved by the following tax levying and tax certifying  
 5 bodies located in the said tax district: the board of supervisors, the  
 6 city councils and the school board or boards.

1 SEC. 8. This act is deemed to be separable. Should any court of  
 2 competent jurisdiction hold that any section or part thereof of this act  
 3 is invalid or unconstitutional, then such decision shall affect only the  
 4 section or part so held to be invalid or unconstitutional and shall not  
 5 affect any other section or part of this act.

Approved April 13, 1945.

## CHAPTER 139

### WELL BORING APPARATUS—MOVEMENT

H. F. 44

AN ACT to amend section five thousand and one hundredth (5000.01) and section five thousand eight and twenty hundredths (5008.20), code, 1939, relating to motor vehicles.

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

1 SECTION 1. Section five thousand and one hundredth (5000.01),  
 2 sub-section fifteen (15), Code of Iowa, 1939, is hereby amended by  
 3 striking from lines six (6) and seven (7) thereof the words "and  
 4 well boring apparatus".

1 SEC. 2. Section five thousand eight and twenty hundredths  
 2 (5008.20), Code, 1939, is hereby amended by inserting after the  
 3 comma (,) after the word "equipment" in line three (3), the follow-  
 4 ing: "including a truck or semi-trailer equipped with well drills and  
 5 well boring apparatus,".

Approved February 19, 1945.

## CHAPTER 140

## ROAD CLEARING FUND TAX

H. F. 54

AN ACT to amend section four thousand eight hundred twenty-nine and eighteen hundredths (4829.18), code, 1939, relating to the authority of the board of supervisors to cut all weeds and second or undergrowth brush, on county trunk, and local county roads between the fence lines of such roads.

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

1 SECTION 1. Section four thousand eight hundred twenty-nine and  
2 eighteen hundredths (4829.18), code, 1939, is amended by adding to  
3 said section following the period (.) in line twenty-one (21) thereof  
4 the following: "The board of supervisors in any county may levy  
5 against all the taxable property, other than incorporated cities and  
6 towns, in said county not to exceed three-fourths mill, the proceeds  
7 of which said levy shall be known as the 'road-clearing fund' and shall  
8 be used for no purpose except to cut all weeds, second or undergrowth  
9 brush on said county trunk and local county roads between the fence  
10 rows of such roads thereof in time to prevent reseeding."

1 SEC. 2. Out of said fund so provided for in section one (1) hereof  
2 the board of supervisors shall have the power to purchase or hire  
3 necessary equipment or to contract with the adjoining landowner to  
4 carry out the purposes of this act.

Approved April 3, 1945.

## CHAPTER 141

## CHAUFFEURS' LICENSES

S. F. 125

AN ACT to amend section five thousand and one hundredth (5000.01), code, 1939, paragraph forty (40), as amended by chapter one hundred fifty-five (155), acts of the 50th General Assembly, relating to certain exemptions from the chauffeur's license requirements.

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

1 SECTION 1. Section five thousand and one hundredth (5000.01),  
2 code, 1939, as amended by section one (1) chapter one hundred fifty-  
3 five (155), Acts of the 50th General Assembly, is hereby amended by  
4 striking subsection forty (40) of said section and enacting in lieu  
5 thereof the following:

6 Chauffeur means any driver who operates a motor vehicle or a motor  
7 truck in the transportation of persons or property for hire, including  
8 school busses, whether paid directly or indirectly in wages, commis-  
9 sions or otherwise, excepting when such operation by the owner or  
10 driver is occasional and merely incidental to his principal occupation,  
11 or when a passenger automobile is being operated as a pool car in a  
12 "share the ride" plan.

13 Subject to the provisions of section five thousand thirteen and five  
14 hundredths (5013.05), a farmer or his hired help shall not be deemed

15 a chauffeur, when operating a truck owned by him, and used exclu-  
 16 sively in connection with the transportation of his own products or  
 17 property.

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 Davenport Times, a newspaper published at Davenport, Iowa, and in  
 4 the Muscatine Journal, a newspaper published at Muscatine, Iowa.

Approved March 22, 1945.

I hereby certify that the foregoing act was published in the Davenport Times, Davenport, Iowa, March 27, 1945, and the Muscatine Journal, Muscatine, Iowa, March 26, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 142

### SCHOOL BUSES

H. F. 420

AN ACT to amend section five thousand thirty-two and two hundredths (5032.02), code, 1939, relating to school buses.

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

1 SECTION 1. Section five thousand thirty-two and two hundredths  
 2 (5032.02), Code, 1939, is hereby amended by striking from line one  
 3 (1) of subsection one (1) the words "a lemon-yellow color" and sub-  
 4 stituting in lieu thereof the following: "national school bus chrome".

1 SEC. 2. Section five thousand thirty-two and two hundredths  
 2 (5032.02), Code, 1939, is hereby amended by striking from lines four  
 3 (4), eight (8), and nine (9), of subsection twelve (12), the words  
 4 "lemon-yellow" and substituting in lieu thereof the following: "na-  
 5 tional school bus chrome".

1 SEC. 3. Section five thousand thirty-two and two hundredths  
 2 (5032.02), Code, 1939, is further amended by striking the period (.)  
 3 at the end of line one (1) of subsection two (2) and adding thereto  
 4 the following: "with seats arranged on each side of the bus and an  
 5 aisle at least twenty (20) inches wide between said seats. The aisle  
 6 shall not be blocked by placing seats or other obstructions therein nor  
 7 shall any seat or obstruction be permitted at any time across the emer-  
 8 gency exit."

Approved April 10, 1945.

## CHAPTER 143

## LIMITED CHAUFFEUR'S LICENSE

S. F. 394

AN ACT to amend section five thousand thirty-two and five hundredths (5032.05), code, 1939, by striking part of section as pertaining to chauffeurs over the age of sixteen (16) years and under the age of eighteen (18) years.

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

1 SECTION 1. Section five thousand thirty-two and five hundredths  
2 (5032.05), code, 1939, is hereby amended by striking the semi-colon  
3 (;) after the word "board" in line nine (9) of said section, and insert-  
4 ing in lieu thereof a period (.), and by striking the remainder of said  
5 section.

Approved May 1, 1945.

## CHAPTER 144

## MOTOR VEHICLES SIZE AND WEIGHT

H. F. 243

AN ACT to amend section five thousand thirty-five and five hundredths (5035.05) and section five thousand thirty-five and six hundredths (5035.06), code, 1939, relating to the size of motor vehicles, and to repeal section five thousand thirty-five and twelve hundredths (5035.12), code, 1939, as amended by chapter one hundred seventy-eight (178), Acts of the Forty-ninth General Assembly, relating to the weight of motor vehicles and to enact a substitute therefor.

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

1 SECTION 1. Section five thousand thirty-five and five hundredths  
2 (5035.05), code, 1939, is hereby amended by inserting after the word  
3 "feet" and preceding the period (.) in line three (3) of said section  
4 the following, "six inches".

1 SEC. 2. Section five thousand thirty-five and six hundredths  
2 (5035.06), code, 1939, is hereby amended by striking from line three  
3 (3) of said section the word "thirty-three" and substituting in lieu  
4 thereof the word "thirty-five".

1 SEC. 3. Section five thousand thirty-five and twelve hundredths  
2 (5035.12), code, 1939, as amended by Chapter 178, Acts of the Forty-  
3 ninth General Assembly, is hereby repealed and the following enacted  
4 in lieu thereof:

5 "5035.12. Axle. Maximum Gross Weight. An axle may be divided  
6 into two or more parts, provided, however, that all parts in the same  
7 vertical transverse plane shall be considered as one axle.

8 The gross weight on any one axle of a vehicle, or of a combination  
9 of vehicles, operated on the highways of this state, shall not exceed  
10 eighteen thousand (18,000) pounds on an axle equipped with pneu-  
11 matic tires, and shall not exceed fourteen thousand (14,000) pounds  
12 on an axle equipped with solid rubber tires.

13 Provided, however, that the total gross weight (a) of a vehicle,  
14 (b) of a combination of vehicles, or (c) of any group of two or more

15 consecutive axles of a vehicle or a combination of vehicles, operated  
16 on the highways of this state, shall not exceed

17 1. Thirteen (13) tons plus six hundred fifty (650) pounds per foot  
18 or fraction thereof, of distance between the first and last axles of the  
19 group, or between the front and rear axles of the vehicle or of the  
20 combination of vehicles, where the distance between the first and last  
21 axles of the group, or between the front and rear axles of the vehicle  
22 or the combination of vehicles, is less than eighteen (18) feet, or

23 2. Fifteen (15) tons plus seven hundred fifty (750) pounds per  
24 foot or fraction thereof, of distance between the first and last axles  
25 of the group, or between the front and rear axles of the vehicle or the  
26 combination of vehicles, where the distance between the first and last  
27 axles of the group, or between the front and rear axles of the vehicle  
28 or the combination of vehicles, is eighteen (18) feet or more."

1 SEC. 4. Provided further, that any vehicle or combination of ve-  
2 hicles, equipped with pneumatic tires, which is in operation when this  
3 act becomes effective, and which at that time contains a group of two  
4 or more axles in which group the distance between the first and the  
5 last axles is less than ten (10) feet, may operate on the highways of  
6 this state until July 1, 1946, with a gross weight not greater than  
7 thirty-two thousand (32,000) pounds on such group of axles.

1 SEC. 5. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication in  
3 the Cedar Valley Daily Times, a newspaper published at Vinton, Iowa,  
4 and in the LeMars Globe Post, a newspaper published at LeMars, Iowa.

Approved March 20, 1945.

I hereby certify that the foregoing act was published in the Cedar Valley Daily Times,  
Vinton, Iowa, March 24, 1945, and the LeMars Globe Post, LeMars, Iowa, March 26,  
1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 145

### MOTOR VEHICLE DEALERS

#### S. F. 151

AN ACT to amend section five thousand thirty-nine and two hundredths (5039.02),  
code, 1939, by changing the definition of the term "place of business" contained  
therein; and to amend section five thousand thirty-nine and five hundredths  
(5039.05), code, 1939, by increasing the license fee provided for therein from five  
dollars (\$5.00) to fifteen dollars (\$15.00).

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

1 SECTION 1. Section five thousand thirty-nine and two hundredths  
2 (5039.02), Code 1939, in paragraph 5, line 3, insert after the word  
3 "displaying" a comma and insert the words "reconditioning and re-  
4 pairing".

1 SEC. 2. Section five thousand thirty-nine and five hundredths  
2 (5039.05), is hereby amended by striking therefrom the word "five"  
3 and inserting in lieu thereof the word "fifteen".

Approved March 22, 1945.



## CHAPTER 146

## MOTOR VEHICLE FUEL LICENSE FEES

S. F. 192

AN ACT to amend section thirty-five (35) of chapter one hundred sixty-five (165), Acts of the 50th General Assembly, relating to distribution of proceeds of motor vehicle fuel license fees and penalties.

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

1 SECTION 1. Section thirty-five (35) of chapter one hundred sixty-  
2 five (165), Acts of the 50th General Assembly, is hereby amended as  
3 follows:

4 1. Strike all of lines eleven (11) to twenty-one (21), inclusive, of  
5 said section.

6 2. Strike from line twenty-two (22) the word, "two-ninths" and  
7 insert in lieu thereof the word, "five-ninths".

Approved April 7, 1945.

## CHAPTER 147

## CERTIFICATED CARRIERS

S. F. 158

AN ACT to amend section five thousand one hundred and twenty-six hundredths (5100.26), code, 1939, relating to the liability insurance or surety bond requirements imposed upon certificated motor vehicle carriers.

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

1 SECTION 1. Section five thousand one hundred and twenty-six hun-  
2 dredths (5100.26), Code, 1939, is amended by striking from lines  
3 twelve (12) and thirteen (13); eighteen (18) and nineteen (19); and  
4 twenty-five (25) and twenty-six (26) the words "or surety bond" and  
5 inserting in lieu thereof in each instance the words, ", surety bond or  
6 certificate of insurance". Further amend said section by striking from  
7 line twenty-nine (29) the words, "or bonds" and inserting in lieu  
8 thereof the words, ", bonds or certificates".

Approved March 7, 1945.

## CHAPTER 148

## AERONAUTICS COMMISSION

H. F. 358

AN ACT relating to aeronautics; providing for the development and promotion thereof within this state; creating a state aeronautics commission and the office of director of aeronautics; prescribing the powers and duties of such commission and director; providing for the registration of persons engaged in aeronautics, aircraft, and aeronautic facilities; prescribing penalties, and providing for the repeal of chapter 383.1, code, 1939, and chapter 383.2, code, 1939; and providing for an appropriation.

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

1 SECTION 1. **Definitions.** The following words, terms, and phrases  
2 when used in this act shall, for the purposes of this act, have the mean-  
3 ings herein given, unless otherwise specifically defined, or unless an-  
4 other intention clearly appears, or the context otherwise requires:

5 1. "Aeronautics" means transportation by aircraft; the operation.  
6 construction, repair, or maintenance of aircraft, aircraft power plants  
7 and accessories, including the repair, packing and maintenance of  
8 parachutes, the design, establishment, construction, extension, oper-  
9 ation, improvement, repair, or maintenance of landing areas, or other  
10 air navigation facilities, and air instruction.

11 2. "Aeronautics instructor" means any individual giving or offer-  
12 ing to give instruction, in aeronautics, either in flying or ground sub-  
13 jects, or both, for hire or reward.

14 3. "Aircraft" means any contrivance now known, or hereafter in-  
15 vented, used or designed for navigation of or flight in the air, for the  
16 purpose of transporting persons or property, or both.

17 4. "Air instruction" means the imparting of aeronautical informa-  
18 tion, by any aeronautics instructor, or in or by any air school or flying  
19 club.

20 5. "Airman" means any individual who engages, as the person in  
21 command, or as pilot, mechanic, or member of the crew, in the naviga-  
22 tion of aircraft while under way and any individual who is directly  
23 in charge of the inspection, maintenance, overhauling, or repair of  
24 aircraft, aircraft engines, propellers,\* aircraft appliances, or para-  
25 chutes; and any individual who serves in the capacity of aircraft  
26 dispatcher or air-traffic control-tower operator. It shall not include  
27 individuals engaged in aeronautics as an employee of the United  
28 States or any state or foreign country and any individuals employed  
29 by a manufacturer of aircraft, aircraft engines, propellers, or appli-  
30 ances to perform duties as inspector or mechanic in connection there-  
31 with, and any individual performing inspection or mechanical duties  
32 in connection with aircraft owned or operated by him.

33 6. "Air Navigation" means the operation or navigation of aircraft  
34 in the air space over this state, or upon any landing area within this  
35 state.

36 7. "Air Navigation Facility" means any facility, other than one  
37 owned or controlled by the Federal Government, used, available for  
38 use, or designed for use, in aid of air navigation, including landing  
39 areas, and any structures, mechanisms, lights, beacons, markers,

\*According to enrolled act.

40 communicating systems, or other instrumentalities or devices having  
41 a similar purpose for guiding or controlling flight in the air or the  
42 landing and take-off of aircraft.

43 8. "Airport" means any landing area used regularly by aircraft  
44 for receiving or discharging passengers or cargo, and all appurtenant  
45 areas used or suitable for airport buildings or other airport facilities,  
46 and all appurtenant rights of way, whether heretofore or hereafter  
47 established.

48 9. "Air School" means any person engaged in giving, or offering  
49 to give, instruction, in aeronautics, either in flying or ground sub-  
50 jects, or both, for hire or reward, and who employs other persons for  
51 such purposes. It does not include any public school or university of  
52 this state, or any institution of higher learning duly accredited and  
53 approved for carrying on collegiate work.

54 10. "Civil Aircraft" means any aircraft other than a public air-  
55 craft.

56 11. "Commission" means the Iowa Aeronautics Commission; "state"  
57 or "this state" means the State of Iowa; and "director" means the  
58 Director of Aeronautics of this state.

59 12. "Landing Area" means any locality, either of land or water,  
60 including intermediate landing fields, which is used or intended to  
61 be used, for the landing and take-off of aircraft, whether or not facili-  
62 ties are provided for the shelter, servicing, or repair of aircraft, or  
63 for receiving or discharging passengers or cargo; it does not include  
64 any intermediate landing field established or maintained by the fed-  
65 eral government as a part of any civil airway.

66 13. "Municipality" means any county, city, village, town or town-  
67 ship, of this state, and any other political subdivision, public cor-  
68 poration, authority, or district in this state which is or may be author-  
69 ized by law to acquire, establish, construct, maintain, improve, and  
70 operate landing areas and other air navigation facilities.

71 14. "Operation of Aircraft" or "operate aircraft" means the use  
72 of aircraft for the purpose of air navigation, and includes the naviga-  
73 tion or piloting of aircraft and shall embrace any person who causes  
74 or authorizes the operation of aircraft, whether with or without the  
75 right of legal control (in the capacity of owner, lessee, or otherwise).

76 15. "Person" means any individual, firm, partnership, corporation,  
77 company, association, joint stock association or body politic; and in-  
78 cludes any trustee, receiver, assignee, or other similar representative  
79 thereof.

80 16. "Public Aircraft" means an aircraft used exclusively in the  
81 service of any government or of any political subdivision thereof,  
82 including the government of any state, territory, or possession of the  
83 United States, or the District of Columbia, but not including any  
84 government-owned aircraft engaged in carrying persons or property  
85 for commercial purposes.

86 17. "Operation for Hire" shall mean hire to the general public or  
87 members or classes thereof, and shall not include such operations as  
88 are incidental to the carrying on of the general business of an aircraft  
89 owner engaged in business other than aeronautics.

90 18. The singular shall include the plural, and the plural the singular.

1 SEC. 2. Aeronautics commission—creation—membership. There  
2 is hereby created and established an aeronautics commission to be

3 known as the "Iowa Aeronautics Commission", to consist of five  
4 members, only three of whom shall be members of the same political  
5 party, and who shall be appointed by the governor with the approval  
6 of the senate in executive session.

1 **SEC. 3. Tenure.** The members of said commission shall hold office  
2 for six years, except that on the first commission one member shall  
3 be appointed for the period ending July 1, 1947, two for the period  
4 ending on the first day of July, 1949, and two for the period ending  
5 on the first day of July, 1951. Each member shall serve until the  
6 appointment and qualification of his successor.

1 **SEC. 4. Vacancies.** Vacancies on the commission shall be filled  
2 by appointment by the governor, for the balance of the unexpired  
3 term.

1 **SEC. 5. Qualifications.** All members of the commission shall be  
2 electors of the State, and at least three members must hold at the time  
3 of their appointment valid federal airman certificates in the grade of  
4 private pilot or higher.

1 **SEC. 6. Compensation.** No member of the commission shall receive  
2 any salary for his services, but each shall be reimbursed for necessary  
3 expenses incurred by him in the performance of his duties, and each  
4 shall be paid, in addition to said expenses, the sum of nine dollars  
5 (\$9.00) per diem, or part thereof, spent in attending to his duties as  
6 commissioner, provided such per diem compensation shall not exceed  
7 four hundred fifty dollars for each fiscal year.

1 **SEC. 7. Organization.** The commission shall, within thirty days  
2 after its appointment, meet and organize. At such meeting it shall  
3 elect from among its members a chairman, a vice chairman, and a  
4 secretary, to serve for one year, and annually thereafter shall elect  
5 such officers; all to serve until their successors are elected and qual-  
6 ified.

1 **SEC. 8. Qualifications of chairman.** The member elected as chair-  
2 man shall have no personal financial interest in any commercial aero-  
3 nautics enterprise, and acquisition of such interest subsequent to his  
4 election shall disqualify him from further service as chairman.

1 **SEC. 9. Meetings.** It shall at its initial meeting fix the date and  
2 place for its regular meetings. Three members shall constitute a  
3 quorum, and no action shall be taken by less than a majority of the  
4 commission. Special meetings may be called upon notice, as provided  
5 by its rules and regulations. All commission meetings shall be open  
6 to the public. Regular meetings shall be held at its office, but when-  
7 ever the convenience of the public or of the parties may be promoted,  
8 or delay or expense may be prevented, it may hold hearings or pro-  
9 ceedings at any other place designated by it.

1 **SEC. 10. Reports.** It shall report in writing to the governor on or  
2 about December 1st, of each year, a summary of its proceedings dur-  
3 ing the preceding fiscal year, a detailed and itemized statement of  
4 all revenue and expenditures, such other information as it may deem  
5 necessary or useful, and any additional information which may be  
6 requested by the governor.

1     **SEC. 11. Office and expenses.** Suitable offices and other equipment  
2 shall be provided by the state for the commission in the city of Des  
3 Moines and it may incur the necessary expense for office furniture,  
4 stationery, printing, incidental expenses, and other expenses neces-  
5 sary for the enforcement of this act and the general promotion of  
6 aeronautics within the state. The commission may employ such  
7 clerical, technical, and other employees and assistants as it may deem  
8 necessary for the proper transaction of its business and shall fix their  
9 salaries, subject to the approval of the governor and comptroller.

1     **SEC. 12. Powers and duties.** The commission shall have the fol-  
2 lowing powers and duties:

3     1. *Promotion of aeronautics.* It is empowered and directed to  
4 encourage, foster, and assist in the general development and promo-  
5 tion of aeronautics in this state, and to make disbursements from the  
6 State Aviation fund for such purposes.

7     2. *Rules and regulations.* It shall have power to make such rea-  
8 sonable rules and regulations, consistent with the provisions of this  
9 act, as may be deemed by the commission to be necessary and expedi-  
10 dent for the administration of the affairs of the commission, and the  
11 administration and enforcement of this act, and to amend said rules  
12 and regulations at any time.

13     3. *Filing of rules.* It shall keep on file at the office of the commis-  
14 sion, for public inspection, a copy of all its rules and regulations with  
15 all amendments thereto, and mail copy thereof to all registered land-  
16 ing areas in this state. All rules shall take effect thirty (30) days  
17 after such mailing.

18     4. *Technical services available.* It shall, in so far as is reasonably  
19 possible, make available the engineering and other technical services  
20 of the commission, without charge, in connection with aeronautics.

21     5. *Intervention.* It may participate as party plaintiff or defendant,  
22 or as intervenor, complainant or movant, on behalf of the state or  
23 any municipality or citizen thereof, in any proceeding having to do  
24 with aeronautics; provided however that in any application before  
25 the Civil Aeronautics Board the commission shall take no position  
26 as between applicants or municipalities.

27     6. *Enforcement of aeronautics laws.* It shall be the duty of the  
28 commission, its members and employees, and the director of aéro-  
29 nautics, to enforce and assist in the enforcement of this act and of all  
30 rules and regulations issued pursuant thereto, and of all other laws  
31 of this state relating to aeronautics; and, in the aid of such enforce-  
32 ment and within the scope of such duties general powers of peace  
33 officers are hereby conferred upon the commission, each of its mem-  
34 bers, the director of aeronautics, and such of the officers and em-  
35 ployees of the commission as may be designated by it to exercise  
36 such powers. The commission is further authorized, in the name  
37 of this state, to enforce the provisions of this act and the rules  
38 and regulations issued pursuant thereto by injunction in the courts  
39 of this state.

40     7. *Use of existing facilities.* The commission, in the discharge of  
41 all functions prescribed by this act, law enforcement, technical, and  
42 other, to every feasible extent shall use the facilities of other agencies  
43 of the state, and such agencies are authorized and directed to make  
44 available to the commission such facilities and services.

45 8. *Investigations.* The commission, any member thereof, the di-  
46 rector of aeronautics, or any officer or employee of the commission  
47 designated by it, when acting for, and with the authority of the com-  
48 mission, shall have the power to hold investigations, inquiries, and  
49 hearings concerning matters covered by the provisions of this act  
50 and orders, rules and regulations of the commission. In any such  
51 inquiry, investigation, or hearing, the person acting for the commis-  
52 sion shall have power to administer oaths and affirmations, certify  
53 to all official acts, issue subpoenas, and compel the attendance and  
54 testimony of witnesses, and the production of papers, books, and  
55 documents.

56 9. *Reports of investigations—limitations on use.* The reports of  
57 investigations or hearings, or any part thereof, shall not be admitted  
58 in evidence or used for any purpose in any civil suit, growing out of  
59 any matter referred to in said investigation, hearing, or report there-  
60 of, except in case of criminal or other proceedings instituted in behalf  
61 of the commission or this state under the provisions of this act and  
62 other laws of this state relating to aeronautics.

63 10. *Authority to contract.* It may enter into any contracts neces-  
64 sary to the execution of the powers granted it by this act.

65 11. *No exclusive rights granted.* It shall grant no exclusive right  
66 for the use of any airway, airport, landing area, or other air naviga-  
67 tion facility under its jurisdiction.

1 SEC. 13. **Cooperation with federal government.** The commission  
2 is authorized to cooperate with the Government of the United States,  
3 and any agency or department thereof, in the acquisition, construction,  
4 improvement, maintenance and operation of airports and other air  
5 navigation facilities in this state, and to comply with the provisions  
6 of the laws of the United States and any regulations made thereunder  
7 for the expenditures of federal monies upon such airports and other  
8 navigation facilities; provided, however, that no matching of federal  
9 funds by state funds may be made unless such federal monies have  
10 been accepted by the General Assembly.

1 SEC. 14. **Authority to receive federal monies for state and municipi-**  
2 **palities.** It is authorized to accept, receive, and receipt for federal  
3 monies and other monies, either public or private, for and in behalf of  
4 this state, or any municipality thereof, for the acquisition, construc-  
5 tion, improvement, maintenance, and operation of airports and other  
6 air navigation facilities, whether such work is to be done by the state or  
7 by such municipalities, or jointly, aided by grants of aid from the  
8 United States, upon such terms and conditions as are or may be pre-  
9 scribed by the laws of the United States and any rules or regulations  
10 made thereunder, and it is authorized to act as agent of any municipi-  
11 pality of this state, upon the request of such municipality, in accept-  
12 ing, receiving, and receipting for such monies in its behalf for air-  
13 ports or other air navigation facility purposes, and in contracting  
14 for the acquisition, construction, improvement, maintenance, or oper-  
15 ation of airports or other air navigation facilities, financed either in  
16 whole or in part by federal monies, and the governing body of any  
17 such municipality is authorized to designate the commission as its  
18 agent for such purposes and to enter into an agreement with it pre-  
19 scribing the terms and conditions of such agency in accordance with

20 federal laws, rules, and regulations and with this act. Such monies  
21 as are paid over by the United States Government shall be retained by  
22 the state, or paid over to said municipalities, under such terms and  
23 conditions as may be imposed by the United States Government in  
24 making such grants.

1     **SEC. 15. Contracts—law governing.** All contracts for the acqui-  
2 tion, construction, improvement, maintenance, and operation of air-  
3 ports, or other air navigation facilities made by the commission,  
4 either as the agent of this state or of any municipality or made by  
5 any such municipality itself, shall be made pursuant to the laws of  
6 this state governing the making of like contracts; provided, however,  
7 that where such undertaking is financed wholly or partially with  
8 federal monies, the commission, as such agent, or the municipality  
9 acting for itself, may let contracts in the manner prescribed by the  
10 federal authorities, acting under the laws of the United States, and  
11 any rules or regulations made thereunder, notwithstanding any other  
12 state law to the contrary.

1     **SEC. 16. Disposition of federal funds.** All monies accepted for dis-  
2 bursement by the commission pursuant to Section 14 of this act shall  
3 be deposited in the state treasury, and, unless otherwise prescribed  
4 by the authority from which the money is received, kept in separate  
5 funds, designated according to the purposes for which the monies  
6 were made available, and held by the state in trust for such purposes.  
7 All such monies are hereby appropriated for the purposes for which  
8 the same were made available, to be expended in accordance with  
9 federal laws and regulations and with this act. The commission is  
10 authorized, whether acting for this state or as the agent of any of  
11 its municipalities, or when requested by the United States Govern-  
12 ment or any agency or department thereof, to disburse such monies  
13 for the designated purposes, but this shall not preclude any other  
14 authorized method of disbursement.

1     **SEC. 17. Director of aeronautics.** A director of aeronautics shall  
2 be appointed by the commission, to serve for an indefinite term at  
3 the pleasure of the commission. He shall hold, at the time of his ap-  
4 pointment and for the duration of his tenure, valid federal airman  
5 certificate in the grade of private pilot or higher, and shall have had  
6 at least two years practical experience in aeronautics. He shall de-  
7 vote his entire time to the duties of his office as required and pre-  
8 scribed by this act and shall not be actively engaged or employed in  
9 any other business, vocation, or employment, nor shall he have any  
10 pecuniary interest of any kind in any civil aeronautics enterprise. He  
11 shall receive such compensation as the commission may determine,  
12 subject to the approval of the executive council, and shall be reim-  
13 bursed for all expenses actually and necessarily incurred by him in  
14 the discharge of his official duties.

1     **SEC. 18. Powers and duties of director.** The Director shall be the  
2 executive officer of the commission, but shall not be a member thereof.  
3 He shall be in charge of the office of the commission and responsible  
4 to the commission. At the direction of the commission he shall, to-  
5 gether with the chairman of the commission, execute all contracts

6 entered into by the commission which are legally authorized, and  
7 perform such duties as may be prescribed by the commission.

1 **SEC. 19. Registration.** Every airman, aeronautics instructor, land-  
2 ing area and air school, shall register annually with the aeronautics  
3 commission.

4 There shall be paid to the commission, at the time of such registra-  
5 tions, the following annual registration fees:

6 1. Airmen and Aeronautics Instructors, One Dollar (\$1.00).

7 2. Air School, Twenty Dollars (\$20.00) for the first registration  
8 and Ten Dollars (\$10.00) for each annual renewal thereof.

9 The commission shall collect no fee for the registration of landing  
10 areas.

1 **SEC. 20. Registration of aircraft.** Every civil aircraft owned and  
2 operated in this state, unless specifically excepted under the provisions  
3 of this act, shall be registered annually with the commission, by the  
4 owner thereof.

1 **SEC. 21. Aircraft registration fees.** There shall be paid to the  
2 commission at the time of such registration an annual registration  
3 fee for each such aircraft, to be computed as follows:

4 1. For the first and second registrations, a sum equal to one and  
5 one-half (1½) per centum of the manufacturer's list price of the air-  
6 craft and all its equipment.

7 2. After said aircraft has been registered two (2) times the reg-  
8 istration fee shall be seventy-five (75) per cent of the rate as fixed for  
9 the first registration; after three (3) times fifty (50) per cent; and  
10 after four (4) times twenty-five (25) per cent; provided however  
11 that no aircraft shall be registered for a registration fee of less than  
12 Ten Dollars (\$10.00).

13 3. Where there is no delinquency and the registration is made in  
14 August or succeeding months to and including May, the fee shall be  
15 computed on the basis of one-twelfth of the annual registration fee  
16 multiplied by the number of the unexpired months of the year and  
17 said amount shall be the fee collected. No fee shall be required for  
18 the month of June for a new aircraft, in good faith delivered in that  
19 month, providing said aircraft is registered at the time of purchase  
20 for the following year.

21 4. The registration fee for an aircraft operated in scheduled inter-  
22 state airline operation, owned by an Iowa person and operated part  
23 time within this state shall be a sum equal to a percentage of the air-  
24 craft registration fee hereinbefore provided for, which percentage  
25 shall be computed by dividing the total number of hours during which  
26 said aircraft is operated within this state by the total number of hours  
27 during which said aircraft is operated in scheduled inter-state airline  
28 operation. The full registration fee shall be paid at the beginning  
29 of the registration period and adjustment and refund shall be made  
30 by the commission following the close of the registration period upon  
31 application therefor by the person in whose name the aircraft was  
32 registered, said application to be supported by such records as the  
33 commission shall prescribe.

34 When the fee as so computed results in a fractional part of a dol-  
35 lar, it shall be computed to the nearest quarter of a dollar.



1     **SEC. 22. Used aircraft.** When an aircraft other than new is reg-  
2  istered in Iowa the age of the aircraft in years calculated to the near-  
3  est anniversary of the date of manufacture shall be construed as the  
4  number of times previously registered, and reduction of the registra-  
5  tion fee computed accordingly.

1     **SEC. 23. Credit on registration fees.** There shall be credited upon  
2  the registration fee due for the registration of any aircraft pursuant  
3  to the provisions of this act, any tax, registration fee, or license fee  
4  levied upon or charged for said aircraft and paid to any other state,  
5  and the registration fee due and to be collected pursuant to the pro-  
6  visions of this act, shall be reduced by the amount of said tax, regis-  
7  tration fee or license fee, upon the presentation of the official receipt  
8  therefor with the application for registration.

1     **SEC. 24. Refunds of fees.** If, during the year for which an air-  
2  craft was registered and the required fee paid therefor, such aircraft  
3  is destroyed by fire or accident or junked, and its identity as an air-  
4  craft entirely eliminated, or it is removed and continuously used be-  
5  yond the boundaries of the state, then the owner in whose name it  
6  was registered at the time of such destruction, dismantling or re-  
7  moval from the state shall return the certificate of registration to the  
8  commission within ten (10) days and make affidavit of such destruc-  
9  tion, dismantling or removal and make claim for such refund.  
10    The registration fee for the unexpired portion of the year shall  
11  thereupon be refunded pro-rata to the nearest full calendar month.

1     **SEC. 25. Fees in lieu of taxes.** The registration fees imposed by  
2  this act upon aircraft shall be in lieu of all taxes, general or local, to  
3  which aircraft may be subject, and if an aircraft shall have been reg-  
4  istered at any time under this act it shall not thereafter be subject to  
5  a personal property tax unless such aircraft shall have been in storage  
6  continuously as an unregistered aircraft during the preceding regis-  
7  tration year.

1     **SEC. 26. Application for registration.** Every application for regis-  
2  tration pursuant to Sections 19 to 22 inclusive shall be made upon  
3  such forms, and shall contain such information, as the commission  
4  may prescribe, and every application shall be accompanied by the full  
5  amount of the registration fee.

1     **SEC. 27. Issuance of certificates.** The commission shall forthwith  
2  cause to be issued, upon receipt of proper application and fee for reg-  
3  istration, a certificate of registration which shall be numbered and  
4  recorded by the commission, shall state the name and address of the  
5  person to whom it is issued, shall be entitled with the designation of  
6  the class of registrant covered thereby and shall contain such other  
7  information as the commission may prescribe including, in the case  
8  of aircraft, a description thereof. Every certificate of registration  
9  or special certificate issued hereunder shall expire at midnight on the  
10  30th day of June of each year.

1     **SEC. 28. Operation under special certificate.** A manufacturer or  
2  dealer owning any aircraft otherwise required to be registered here-  
3  under may operate the same for purposes of transporting, testing,  
4  demonstrating, or selling the same without registering each such air-

5 craft, upon condition that any such aircraft display therein a special  
6 certificate issued to such owner as provided in Sections 28\* to 33 in-  
7 clusive.

8 A transporter may operate any such aircraft solely for the purpose  
9 of delivery upon likewise displaying therein, a special certificate  
10 issued to him as provided in these sections.

11 The provisions of this section and sections 28\* and 33 inclusive shall  
12 not apply to aircraft owned by manufacturer, transporter or dealer,  
13 which are used for hire or principally for transportation of persons  
14 and property, aside from the transporting of the aircraft itself, or  
15 testing or demonstrating thereof.

1 **SEC. 29. Application.** Any manufacturer, transporter, or dealer,  
2 may, upon payment of a fee of Twenty-five Dollars (\$25.00) make  
3 application to the commission upon such forms as the commission may  
4 prescribe for a special certificate containing a general distinguishing  
5 number and for one or more duplicate special certificates hereunder.  
6 The applicant shall also submit such reasonable proof of his status as  
7 a bona fide manufacturer, transporter, or dealer as the commission  
8 may require. Dealers in new aircraft shall furnish satisfactory evi-  
9 dence of a valid franchise with manufacturer or distributor of such  
10 aircraft authorizing such dealership.

1 **SEC. 30. Issuance of special certificates.** The commission upon  
2 granting any such application shall issue to the applicant a special  
3 certificate containing the applicant's name and address, and the gen-  
4 eral distinguishing number assigned to the applicant, and such other  
5 information as the commission may prescribe.

1 **SEC. 31. Issuance of duplicate special certificates.** The commission  
2 shall also issue duplicate special certificates as applied for which shall  
3 have displayed thereon the general distinguishing number assigned  
4 to the applicant. Each duplicate special certificate so issued shall  
5 also contain a number or symbol identifying the same from every  
6 other duplicate special certificate bearing the same general distinguish-  
7 ing number. The fee for each additional such duplicate special cer-  
8 tificate shall be Three Dollars (\$3.00).

1 **SEC. 32. Expiration of special certificate.** Every special certificate  
2 issued hereunder shall expire at midnight on the 30th day of June  
3 of each year, and a new special certificate for the ensuing year may  
4 be obtained by the person to whom any such expired special certifi-  
5 cate was issued, upon application to the commission, and payment of  
6 the fee provided by law.

1 **SEC. 33. Records required.** Every manufacturer, transporter, or  
2 dealer shall keep a written record of the aircraft upon which such  
3 special certificates are used, which records shall be open to inspection  
4 of any police officer, or any officer or employee of the commission.

1 **SEC. 34. Grounds for refusing, revoking or suspending certificates.**  
2 The commission may refuse to issue, or may revoke or suspend a cer-  
3 tificate of registration or special certificate for any one, or any com-  
4 bination, of the following reasons:

\*According to enrolled act.

5 1. That the application contains any false or fraudulent material  
6 statement, or that the applicant has failed to furnish required infor-  
7 mation or reasonable additional information requested, or that the  
8 applicant is not entitled to registration of the aircraft under this act.

9 2. That the commission has reasonable ground to believe that the  
10 aircraft is a stolen or embezzled aircraft, or that granting of regis-  
11 tration would constitute a fraud against the rightful owner.

12 3. That the required fee has not been paid.

13 4. That the commission has reasonable ground to believe that fraud-  
14 ulent use, against the state or any municipality or citizen thereof, is  
15 being made of such certificate of registration or special certificate.

16 5. That the person making application for, or holding, the certifi-  
17 cate is not certificated or licensed by the government of the United  
18 States or any authorized agency thereof, pursuant to the laws of the  
19 United States or any rules or regulations promulgated thereunder,  
20 to do the acts for which he has been, or seeks to be, registered as per-  
21 forming, or to perform, pursuant to the provisions of this act.

22 6. That the aircraft registered, or for which application for regis-  
23 tration is made, is not certificated or licensed for operation by the  
24 government of the United States or any authorized agency thereof,  
25 pursuant to the laws of the United States or any rules or regulations  
26 promulgated thereunder.

1 **SEC. 35. Exceptions to registration requirements.** The provisions  
2 of Sections 19 and 20 hereof shall not apply to:

3 1. An aircraft which has been licensed by a foreign country with  
4 which the United States has a reciprocal agreement covering the oper-  
5 ations of such licensed aircraft.

6 2. An aircraft which is owned by a non-resident of this state, and  
7 which is lawfully entitled to operate in the state of residence of such  
8 owner.

9 3. An aircraft engaged principally in commercially flying in inter-  
10 state or foreign commerce, except as provided in paragraph 4 of Sec-  
11 tion 21, of this act.

12 4. An airman operating military or public aircraft or any aircraft  
13 licensed as provided in paragraph 1 of this section.

14 5. Persons operating model aircraft nor to any person piloting an  
15 aircraft which is equipped with fully functioning dual controls when  
16 an appropriately registered pilot is in full charge of one set of said  
17 controls and such flight is solely for instruction or for the demonstra-  
18 tion of said aircraft to a bona fide prospective purchaser.

19 6. A non-resident operating aircraft in this state who is lawfully  
20 entitled to operate aircraft in the state of his residence.

21 7. An airman while operating or taking part in the operation of  
22 an aircraft engaged principally in commercially flying in interstate  
23 or foreign commerce.

24 8. Any airport, landing area or other air navigation facility owned  
25 or operated by the federal government within this state.

26 9. Any landing areas created or maintained solely for personal use  
27 and not for hire.

1 **SEC. 36. State aviation fund.** There is hereby created a fund to  
2 be known as the State Aviation Fund, which shall consist of all monies  
3 received by the commission, together with all monies appropriated to  
4 said fund by the state.

1     **SEC. 37. Appropriation.** - There is hereby appropriated from the  
2 general fund of the state, for each year of the biennium beginning  
3 July 1, 1945 and ending June 30, 1947, to the State Aviation Fund,  
4 the sum of Twenty-five Thousand (\$25,000.00) Dollars, for use by the  
5 State Aeronautics commission in carrying out its functions.

1     **SEC. 38. Repayment.** During the biennium beginning July 1, 1945,  
2 and ending June 30, 1947, the fees collected by the commission pur-  
3 suant to the provisions of this act shall be paid from the State Avia-  
4 tion Fund into the general fund of the state. All unexpended moneys  
5 in said fund, in excess of twenty-five thousand dollars (\$25,000.00)  
6 at the end of each fiscal year shall be paid into the general fund of the  
7 state.

1     **SEC. 39. Operations unlawful without certificate.** Except as pro-  
2 vided in Section 35, it shall be unlawful for any person to operate,  
3 or cause or authorize to be operated, any civil aircraft, airport, land-  
4 ing area or other air navigation facility, or air school, or to engage  
5 in aeronautics as an airman or aeronautics instructor in this state,  
6 unless there has been issued therefor or thereto an appropriate cer-  
7 tificate of registration or special certificate by the commission and  
8 such certificate is in force and effect.

1     **SEC. 40. Exhibition of certificates.** The certificate of registration  
2 or special certificate issued by the commission or any agency of an-  
3 other state (unless the requirement therefor is excepted by the pro-  
4 visions of this act) shall, as to an airman or aeronautics instructor,  
5 be kept in his personal possession whenever engaging in aeronautics;  
6 as to an aircraft be conspicuously displayed therein; as to a landing  
7 area be conspicuously displayed in the office of the person in charge  
8 thereof; as to an air school be conspicuously displayed in the principal  
9 office thereof; and as to a navigation facility be conspicuously displayed  
10 in the office of the person responsible for the operation thereof; and  
11 must be presented for inspection upon demand of any passenger,  
12 peace officer, authorized member, official or employee of the commis-  
13 sion or any official, manager or person in charge of any landing area  
14 in this state where landing is made.

1     **SEC. 41. Order of commission—review.** In any case where the  
2 commission refuses to issue a certificate of registration or special  
3 certificate, or in any case where it shall issue any order requiring  
4 certain things to be done, or revoking or suspending any certificate,  
5 it shall set forth its reasons therefor and shall state the requirements  
6 to be met before such certificate will be issued or such order will be  
7 modified or changed. Any order made by the commission pursuant  
8 to the provisions of this act shall be served upon the interested per-  
9 sons by registered mail or in person.

10     Any order of the commission or any refusal to issue, revocation  
11 or suspension of any certificate shall be subject to review by the dis-  
12 trict courts of this state.

1     **SEC. 42. Penalties.** Any person who violates any of the provisions  
2 of this act, or who makes any material false statement or represen-  
3 tation in any application or statement filed with the commission as  
4 required by this act or any of the rules and regulations issued pur-

5 suant thereto shall be guilty of a misdemeanor, and upon conviction  
6 thereof shall be punished accordingly.

1 SEC. 43. **Separability.** If any section, clause, sentence, or phrase  
2 of this act is for any reason held to be unconstitutional 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, clause, sentence or phrase hereof, irrespec-  
6 tive of whether any one or more of the sections, clauses, sentences,  
7 or phrases be declared unconstitutional.

1 SEC. 44. **Repeal.** Chapters three hundred eighty-three and one-  
2 tenth (383.1) and three hundred eighty-three and two-tenths (383.2),  
3 Code of Iowa, 1939, and all other acts or parts of acts inconsistent  
4 with the provisions of this act are hereby repealed.

1 SEC. 45. **Special charter cities.** The provisions of this act shall be  
2 applicable to cities operating under special charter.

1 SEC. 46. **Short title.** This act may be cited as the "State Aeronau-  
2 tics Act."

Approved April 4, 1945.

## CHAPTER 149

### AIRPORT ZONING REGULATIONS

#### H. F. 366

AN ACT to empower municipalities, including cities acting under special charter, and other political subdivisions to promulgate, administer, and enforce, airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of airports, and to acquire, by purchase, grant, condemnation or otherwise air rights and other interests in land; and to empower the state aeronautics commission to exercise like powers under given circumstances; and to provide penalties and remedies for violations of this act or any ordinance or regulation made under the authority conferred herein; and for other purposes as appear herein.

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

1 SECTION 1. **Definitions.** The following words, terms and phrases,  
2 when used in this act, shall, for the purposes of this act, have the  
3 meaning herein given, unless otherwise specifically defined, or unless  
4 another intention clearly appears, or the context otherwise requires:

5 1. "Airport" means any area of land or water designed and set  
6 aside for the landing and take-off of aircraft and utilized, or to be  
7 utilized, in the interest of the public for such purposes.

8 2. "Airport hazard" means any structure or tree, or use of land,  
9 which obstructs the airspace required for the flight of aircraft in  
10 landing or taking-off at an airport, or is otherwise hazardous to such  
11 landing or taking-off of aircraft.

12 3. "Airport hazard area" means any area of land or water upon  
13 which an airport hazard might be established if not prevented as  
14 provided by this act.

15 4. "Municipality" means any county, city, village, town, or town-  
 16 ship, of this state, and any other political subdivision, public cor-  
 17 poration, authority or district in this state which is or may be author-  
 18 ized by law to acquire, establish, construct, maintain, improve, and  
 19 operate airports.

20 5. "Person" means any individual, firm, co-partnership, corpora-  
 21 tion, company, association, joint stock association, or body politic,  
 22 and includes any trustee, receiver, assignee, or other similar repre-  
 23 sentative thereof.

24 6. "Structure" means any object constructed or installed by man,  
 25 including, but without limitation, buildings, towers, smokestacks, and  
 26 overhead transmission lines, including the poles or other structures  
 27 supporting the same.

28 7. "Tree" means any object of natural growth.

29 8. "Obstruction" means any tangible, inanimate physical object,  
 30 natural or artificial, protruding above the surface of the ground.

31 9. "Commission" means the Iowa aeronautics commission; "state"  
 32 or "this state" means the State of Iowa.

33 10. The singular shall include the plural, and the plural the singular.

1 SEC. 2. **Airport hazards contrary to public interest.** It is hereby  
 2 found that an airport hazard endangers the lives and property of users  
 3 of the airport and of occupants of land and other persons in its vicini-  
 4 ty, and also, if of the obstruction type, in effect reduces the size of  
 5 the area available for the landing, taking-off and maneuvering of air-  
 6 craft, thus tending to destroy or impair the utility of the airport and  
 7 the public investment therein. Accordingly, it is hereby declared:

8 1. That the creation or establishment of an airport hazard is a  
 9 public nuisance and an injury to the community served by the airport  
 10 in question;

11 2. That it is necessary in the interest of the public health, safety  
 12 and general welfare that the creation or establishment of airport  
 13 hazards be prevented; and

14 3. That this should be accomplished, to the extent legally possible,  
 15 by proper exercise of the police power.

16 4. That the prevention of the creation or establishment of airport  
 17 hazards, and the elimination, removal, alteration, mitigation, or mark-  
 18 ing and lighting of existing airport hazards are public purposes for  
 19 which municipalities may raise and expend public funds, as an inci-  
 20 dent to the operation of airports, to acquire land or property inter-  
 21 ests therein.

1 SEC. 3. **Zoning regulations—powers granted.** Every municipality  
 2 having an airport hazard area within its territorial limits may adopt,  
 3 administer, and enforce in the manner and upon the conditions pre-  
 4 scribed by this act, zoning regulations for such airport hazard area,  
 5 which regulations may divide such area into zones and, within such  
 6 zones, specify the land uses permitted, and regulate and restrict, for  
 7 the purpose of preventing airport hazards, the height to which struc-  
 8 tures and trees may be erected or permitted to grow.

1 SEC. 4. **Extra-territorial airport hazard areas.** When any airport  
 2 hazard area appertaining to an airport owned or controlled by a mu-  
 3 nicipality is located outside the territorial limits of said municipality:

4 1. The municipality owning or controlling the airport, and the  
5 municipality within which the airport hazard area is located, may  
6 by duly adopted ordinance or resolution, as may be appropriate, adopt,  
7 administer and enforce airport zoning regulations applicable to the  
8 airport hazard area in question.

9 2. *Petition to district court.* If the municipality within which is  
10 located such airport hazard area has failed or refused, within sixty  
11 days after demand has been made upon it by any municipality owning  
12 or controlling the airport, to adopt reasonably adequate airport zon-  
13 ing regulations under Section 3 of this act, or to join in adopting  
14 joint airport zoning regulations as authorized in Paragraph 1 of this  
15 section, the municipality owning or controlling the airport may, upon  
16 a resolution of necessity therefor duly adopted by its governing body,  
17 petition the district court of the county in which such airport hazard  
18 area is located, in the name of the municipality owning or controlling  
19 the affected airport, praying that zoning regulations be established  
20 for the airport hazard area in question.

21 3. *Petition—contents.* Such petition shall allege all essential facts  
22 showing the necessity for bringing such action, the relief sought in-  
23 cluding proposed zoning regulations, and the necessity therefor.

24 4. *Parties.* The parties defendant in such action shall be the mu-  
25 nicipality in which such airport hazard area is located, and all per-  
26 sons having an apparent or contingent interest in the property located  
27 within such area, who may be joined in said action generally as a  
28 class.

29 5. *Procedure.* The action shall be triable in equity and in accord-  
30 ance with general rules of civil procedure, except that such action  
31 shall have precedence over any other business of the court except  
32 criminal cases, and the court shall set said petition for hearing not  
33 less than sixty days nor more than one hundred twenty days from  
34 the date it is filed with the clerk of said court.

35 6. *Notice.* The original notice in such action shall be served upon  
36 the municipality in which such airport hazard area is located, and in  
37 the same manner as original notice of any other action but not less  
38 than thirty days prior to the date set for trial; and upon all other  
39 defendants by the publication of said notice in some newspaper or  
40 newspapers of general circulation within the area described in the  
41 petition, or as near thereto as possible, which publication shall be  
42 in the same manner as provided for the publication of other original  
43 notices, provided however that the last publication thereof shall be  
44 not less than thirty days prior to the date set for trial.

45 7. *Decree and modification.* Upon trial the court may enter decree  
46 establishing such zoning regulations as it shall find reasonable and  
47 necessary. The court having once taken jurisdiction of such matter  
48 shall retain continuing jurisdiction thereof for such subsequent modi-  
49 fication as it may deem advisable, upon proper application of inter-  
50 ested parties, and due showing made thereunder after such notice to  
51 possible adverse parties as the court shall prescribe.

52 8. *Appeal.* Any person or municipality adversely affected or ag-  
53 grieved by any findings of the court may appeal therefrom as in other  
54 civil actions.

55 9. *Enforcement.* Following the entry of any final decree by the  
56 district court, and unless appeal has been taken therefrom, the zoning

57 regulations established by such decree may be enforced, and viola-  
58 tions thereof punished, as provided by Section 14 of this act.

1     **SEC. 5. Prevention of airport hazards.** Any municipality owning  
2 or controlling an airport may maintain actions in equity to restrain  
3 and abate as nuisances the creation or establishment of airport haz-  
4 ards appertaining to said airport, in violation of any zoning regula-  
5 tions adopted or established pursuant to the provisions of this act  
6 for any area whether within or without the territorial limits of said  
7 municipality.

1     **SEC. 6. Zoning powers— aeronautics commission.** If any munici-  
2 pality owning or controlling an airport adjacent to which there is  
3 an airport hazard area shall fail or refuse, within sixty days after  
4 demand made upon it by the aeronautics commission of the state of  
5 Iowa, to adopt reasonably adequate airport zoning regulations under  
6 Sec. 3 of this act, or to proceed as provided in Sec. 4 of this act, the  
7 aeronautics commission of the state of Iowa may petition the district  
8 court of the county in which such municipality is located, in the name  
9 of the State of Iowa, praying that zoning regulations be established  
10 for the airport hazard area in question, and the proceedings of sub-  
11 sections 3 to 9 inclusive of Sec. 4 of this act shall apply to such actions.

12     The aeronautics commission of the State of Iowa may maintain  
13 actions in equity to restrain and abate as nuisances the creation or  
14 establishment of airport hazards appertaining to any airport within  
15 the state of Iowa, in violation of any zoning regulations adopted or  
16 established pursuant to the provisions of this act.

1     **SEC. 7. Relation to comprehensive zoning regulations.** Any munici-  
2 pality, which has adopted, or hereafter adopts, zoning ordinances  
3 under the provisions of Chapter 324, Code of Iowa, 1939, is hereby em-  
4 powered to incorporate therein such airport hazard area zoning regu-  
5 lations as are provided for by this act, and to administer and enforce  
6 the same as herein provided.

1     **SEC. 8. Conflicting regulations.** In the event of any conflict be-  
2 tween any airport zoning regulations adopted or established under  
3 this act and any other regulations applicable to the same area, whether  
4 the conflict be with respect to the height of structures or trees, the use  
5 of land, or any other matter, the more stringent limitation or re-  
6 quirement shall govern and prevail.

1     **SEC. 9. Procedure for adopting zoning regulations.** In adopting,  
2 amending and repealing airport zoning regulations under this act the  
3 governing body of the municipality shall follow the procedure as  
4 provided in Sections 6455 and 6457, Code of Iowa, 1939. The com-  
5 mission so appointed shall be known as the airport zoning commis-  
6 sion. Where a comprehensive zoning commission already exists it  
7 may, but need not, be appointed as the airport zoning commission.

1     **SEC. 10. Airport zoning requirements.**

2     1. All airport zoning regulations adopted under this act shall be rea-  
3 sonable and none shall impose any requirement or restriction which  
4 is not necessary to effectuate the purposes of this act.

5     2. No airport zoning regulations adopted under this act shall re-  
6 quire the removal, lowering, or other change or alteration of any



7 structure or tree, or interfere with any use, not conforming to the  
8 regulations when adopted or amended, except that they may require  
9 the owner thereof to permit the municipality at its own expense to  
10 install, operate and maintain thereon such markers and lights as may  
11 be necessary to indicate to operators or aircraft the presence of the  
12 airport hazard.

13 3. All such regulations shall provide that no pre-existing non-con-  
14 forming structure, tree, or use, shall be replaced, rebuilt, altered,  
15 allowed to grow higher or replanted, so as to constitute a greater air-  
16 port hazard than it was when such airport zoning regulations or  
17 amendments thereto were adopted.

1 SEC. 11. **Variances.** Any person desiring to erect or increase the  
2 height of any structure, or to permit the growth of any tree, or other-  
3 wise use his property in violation of airport zoning regulations adopted  
4 under this act, may apply to the board of adjustment for a variance  
5 from the zoning regulations. Such variances shall be allowed where  
6 a literal application or enforcement of the regulations would result  
7 in practical difficulty or unnecessary hardship and the relief granted  
8 would not be contrary to the public interest, but would do substantial  
9 justice and be in accordance with the spirit of the regulations and  
10 this act; provided, however, that any such variance may be allowed  
11 subject to any reasonable conditions that the board of adjustment  
12 may deem necessary to effectuate the purposes of this act, including  
13 the reservation of the right of the municipality, at its own expense,  
14 to install, operate and maintain thereon such markers and lights as  
15 may be necessary to indicate to operators of aircraft the presence of  
16 the airport hazard.

1 SEC. 12. **Board of adjustment—creation—powers—duties.** The  
2 governing body of any municipality availing or seeking to avail itself  
3 of the powers by this act conferred shall, by ordinance or resolution  
4 duly adopted, provide for the appointment of a board of adjustment,  
5 as provided in Section 6458, Chapter 324, Code of Iowa, 1939. Such  
6 board of adjustment shall have the same powers and duties, and its  
7 procedure, and appeals thereto and therefrom, in all respects shall  
8 be governed by and subject to the same provisions established in Sec-  
9 tions 6460 to 6470, inclusive, Chapter 324, Code of Iowa, 1939.

10 The board of adjustment shall consist of two members from each  
11 municipality, selected by the governing body thereof, and one addi-  
12 tional member to act as chairman and to be selected by a majority  
13 vote of the members selected by the municipality. Members shall  
14 be removable for cause by the appointing authority upon written  
15 charges and after public hearing. Vacancies shall be filled for the  
16 unexpired term of any member whose term becomes vacant.

1 SEC. 13. **Administration of airport zoning regulations.** All airport  
2 zoning regulations adopted under this act shall provide for the ad-  
3 ministration and enforcement of such regulations by an administra-  
4 tive agency (which may be an agency created by such regulations),  
5 or by any official, board, or other existing agency of the municipality  
6 adopting the regulations, or of one or both of the municipalities which  
7 participated therein, but in no case shall such administrative agency  
8 be or include any member of the board of adjustment. The duties of

9 any administrative agency designated pursuant to this act shall not in-  
10 clude any of the powers herein delegated to the board of adjustment.

1 **SEC. 14. Enforcement and remedies.** Each violation of this act or  
2 of any regulations, order, or rules promulgated pursuant to this act,  
3 shall constitute a misdemeanor, and the perpetrator thereof, upon  
4 conviction, shall be punished accordingly; and each day a violation  
5 continues to exist shall constitute a separate offense.

1 **SEC. 15. Separability.** If any section, clause, sentence or phrase  
2 of this act is for any reason held to be unconstitutional 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, clause, sentence or phrase hereof, irrespec-  
6 tive of whether any one or more of the sections, clauses, sentences, or  
7 phrases be declared unconstitutional or invalid.

1 **SEC. 16. Repeal.** All acts or parts of acts inconsistent with the  
2 provisions of this act are hereby repealed.

1 **SEC. 17. Short title.** This act shall be known and may be cited as  
2 the "Airport Zoning Act."

1 **SEC. 18. Special charter cities.** The provisions of this act shall  
2 apply to cities operating under special charter.

Approved April 6, 1945.

## CHAPTER 150

### AIRPORTS

H. F. 365

AN ACT to amend chapter three hundred three and one-tenth (303.1), code, 1939, and to amend sections five thousand nine hundred three and two hundredths (5903.02), five thousand nine hundred three and three hundredths (5903.03), five thousand nine hundred three and seven hundredths (5903.07), and five thousand nine hundred three and nine hundredths (5903.09) of chapter three hundred three and one tenth (303.1), code, 1939; and to amend chapter two hundred ten (210) Acts of the Forty-ninth General Assembly; and to amend section six thousand nine hundred forty-four (6944) chapter three hundred thirty (330), code, 1939, relating to airports and airport approaches; the powers of political subdivisions with respect thereto, including the acquisition and planning thereof, acceptance of federal aid therefor and issuance of revenue bonds for improvements thereupon, the creation of airport commissions, and exemption from taxation, under certain circumstances, of land used for airport purposes.

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

1 **SECTION 1.** Chapter three hundred three and one-tenth (303.1),  
2 Code, 1939, is hereby amended by adding thereto the following section:  
3 "All powers herein conferred upon and granted to cities and towns  
4 are hereby specifically extended and granted to and conferred upon  
5 all other political subdivisions within this state, including villages,  
6 townships and counties.

1 **SEC. 2.** Chapter three hundred three and one-tenth (303.1), Code,  
2 1939, is hereby further amended by adding thereto the following  
3 section:

4 "Any Iowa political subdivision, villages, towns, cities, townships  
5 and counties may, by duly adopted ordinance or resolution as may  
6 be appropriate, enter into agreements providing for collaboration  
7 with any other one or more such political subdivisions, within or with-  
8 out the state of Iowa, in exercising jointly any of the powers granted  
9 by this chapter, to the same extent as such powers can be exercised  
10 by any such political subdivision individually. Concurrent action by  
11 the governing bodies of the political subdivision participating shall  
12 constitute joint action. Such agreements may provide for the creation  
13 and establishment of a joint airport commission which, when so cre-  
14 ated or established, shall function in accordance with the provisions  
15 of chapter two hundred ten (210), Acts of the 49th General Assembly,  
16 insofar as provided by said agreements.

1 SEC. 3. Chapter three hundred three and one-tenth (303.1), Code,  
2 1939, is hereby further amended by adding thereto the following sec-  
3 tion:

4 "Federal aid. Any subdivision of government is authorized to ac-  
5 cept, receive, and receipt for federal monies, and other monies, either  
6 public or private, for the acquisition, construction, enlargement, im-  
7 provement, maintenance, equipment, or operation of airports, and  
8 other air navigation facilities, and sites therefor, and to comply with  
9 the provisions of the laws of the United States and any rules and regu-  
10 lations made thereunder for the expenditure of federal monies upon  
11 such airports and other air navigation facilities."

1 SEC. 4. The provisions of this act shall be applicable to cities acting  
2 under special charter.

1 SEC. 5. Chapter three hundred three and one-tenth (303.1), Code,  
2 1939, is hereby further amended by adding thereto the following  
3 section:

4 "All political subdivisions authorized by this chapter to acquire,  
5 establish, improve, maintain and operate airports may, in connection  
6 therewith, purchase or construct, or contract for the construction of,  
7 and maintain and operate, hangars, administration and office buildings  
8 and other aeronautical and commercial facilities for which fees are  
9 charged, and pay for the same solely and only out of the earnings  
10 thereof. Such political subdivisions are authorized to borrow money  
11 for the purpose of purchasing or constructing the improvements here-  
12 in authorized, and as evidence of such money borrowed to issue their  
13 bonds payable solely and only from the revenues derived from such  
14 improvements. Such bonds may be issued in such amounts as may  
15 be necessary to provide sufficient funds to pay all the costs of con-  
16 struction and operation of such improvement, including engineering  
17 and other expenses, together with interest to a date six months sub-  
18 sequent to the estimated date of completion. Bonds issued under the  
19 provisions of this section are declared to be negotiable instruments.  
20 The principal and interest of said bonds shall be payable solely and  
21 only from the special fund herein provided for such payments, and  
22 said bonds shall not in any respect be a general obligation of such  
23 political subdivision, nor shall they be payable in any manner by  
24 taxation. All details pertaining to the issuance of such bonds and  
25 the terms and conditions thereof shall be determined by ordinance

26 or resolution duly adopted by the governing body of such political  
 27 subdivision, which may pledge the property purchased or constructed,  
 28 and the net earnings thereof, to the payment of said bonds and the  
 29 interest thereon, and provide that the net earnings thereof shall be  
 30 set apart as a sinking fund for that purpose. Such political subdivi-  
 31 sion is authorized and directed to charge the users of such improve-  
 32 ments at rates which at all time, shall be sufficient to pay the prin-  
 33 cipal and interest on the bonds issued under the provisions of this  
 34 chapter, and the cost of operation and maintenance, and to provide  
 35 an adequate depreciation fund. This section shall be construed as  
 36 granting additional power, without limiting the power already exist-  
 37 ing in political subdivisions.

1 SEC. 6. Section five thousand nine hundred three and two hun-  
 2 dredths (5903.02), Code, 1939, is hereby amended by striking the  
 3 period (.) from line four (4) thereof and substituting therefor a  
 4 comma (,), and adding thereto the following words: "and either  
 5 within or without the territorial limits of this state."

1 SEC. 7. Section five thousand nine hundred three and three hun-  
 2 dredths (5903.03), Code, 1939, is hereby amended by inserting follow-  
 3 ing the comma in line five (5) thereof, the following words: "and  
 4 either within or without the territorial limits of this state," and said  
 5 section is further amended by striking the period (.) at the end of  
 6 line six (6) thereof, inserting in lieu thereof a semicolon (;) and  
 7 adding thereto the following: "and in like manner to acquire or cause  
 8 to be moved, removed, abated, eliminated, mitigated or altered any  
 9 structure or object protruding above the surface of the ground, or  
 10 any use of land obstructing the air space necessary for the safe and  
 11 efficient flight of aircraft in landing or taking-off at any airport, or  
 12 otherwise constituting a hazard to such landing or taking-off."

1 SEC. 8. Section one (1) of Chapter two hundred nine (209), Acts  
 2 of the Forty-ninth General Assembly, is hereby amended by striking  
 3 therefrom everything following the word "tax" in line six (6) of  
 4 Section one (1) of said amendment, and inserting in lieu thereof the  
 5 following: "of not to exceed one and one-fourth mills on the dollar  
 6 on all taxable property of said city or town."

1 SEC. 9. Section five thousand nine hundred three and seven hun-  
 2 dredths (5903.07), Code, 1939, is hereby amended by striking from  
 3 line four (4) thereof the word "commerce" and inserting in lieu there-  
 4 of the word "aeronautics".

1 SEC. 10. Section five thousand nine hundred three and nine hun-  
 2 dredths (5903.09), Code, 1939, is hereby amended by striking all of  
 3 that portion of the first sentence of said section following the word  
 4 "airports" in line four (4) thereof, and inserting after the word "air-  
 5 ports" a period (.).

1 SEC. 11. Chapter two hundred ten (210), Acts of the Forty-ninth  
 2 General Assembly, is hereby amended by striking from lines one (1)  
 3 and two (2) of Section one (1) thereof the words: "except a city  
 4 having a population of more than seventy-five thousand (75,000)".

1 SEC. 12. Section six thousand nine hundred forty-four (6944),  
 2 Chapter three hundred thirty (330), Code, 1939, is hereby amended

3 by adding thereto the following paragraph: "23. Any lands, the use  
4 of which (without charge by or compensation to the holder of the legal  
5 title thereto) has been granted to and accepted by the state or any  
6 political subdivision thereof for airport or aircraft landing area  
7 purposes."

Approved April 4, 1945.

## CHAPTER 151

### COUNTY OFFICERS AND EMPLOYEES

#### H. F. 315

AN ACT to provide for increases in compensation for public officers and employees in counties and subdivisions thereof during the period from July 1, 1945 to June 30, 1947 and to authorize a levy of one-half mill to provide funds in counties wherein the county general fund is insufficient to pay such increases.

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

1 SECTION 1. It is hereby provided that from July 1, 1945 to June 30,  
2 1947, assessors who are by law compensated on a per diem basis, in-  
3 cluding assessors employed by cities, but whose compensation is paid  
4 by the county, shall receive compensation at the rate of five dollars  
5 (\$5.00) per day, provided, however, that in cities having a population  
6 of more than sixty thousand (60,000) such compensation shall be at  
7 the rate of six dollars (\$6.00) per day.

1 SEC. 2. It is hereby provided that from July 1, 1945 to June 30,  
2 1947, county supervisors shall receive compensation of six dollars  
3 (\$6.00) per day for each day services are rendered as provided by law.  
4 However, in counties now having or which may hereafter have a popu-  
5 lation in excess of sixty thousand (60,000), with boards not exceeding  
6 five (5) members in number, these county supervisors shall receive  
7 an annual salary of two thousand five hundred dollars (\$2500.00), and  
8 in counties now having or which may hereafter have a population in  
9 excess of one hundred fifty thousand (150,000), county supervisors  
10 shall receive an annual salary of three thousand dollars (\$3000.00).  
11 These salaries shall be in full payment of all services rendered to the  
12 county by said supervisors except statutory mileage while actually  
13 engaged in the performance of official duties.

14 It is further provided that the amounts allowed themselves by super-  
15 visors for per diem and mileage shall be subject to review by the Dis-  
16 trict Court if a petition signed by twenty-five (25) electors and free-  
17 holders of the county is filed with the Clerk of the District Court  
18 within ten (10) days after publication of such allowance or payment.

1 SEC. 3. It is hereby provided that from July 1, 1945 to June 30,  
2 1947, full time deputy auditors, deputy recorders, deputy treasurers  
3 and deputy clerks of the district court shall receive as compensation,  
4 payable on an annual basis, not less than one thousand four hundred  
5 dollars (\$1400.00) per annum.

1 SEC. 4. It is hereby provided that from July 1, 1945 to June 30,  
2 1947, full time deputy sheriffs shall receive as compensation, payable  
3 on an annual basis, not less than one thousand four hundred dollars  
4 (\$1400.00) nor more than two thousand one hundred dollars  
5 (\$2100.00) except in any county having within its limits a city with a  
6 population of thirty-six thousand (36,000) or over, the annual salary  
7 shall be not more than two thousand four hundred dollars (\$2400.00),  
8 the amount to be fixed by the board of supervisors, provided that where  
9 by law a chief deputy is appointed or a deputy other than a chief deputy  
10 in charge of an office where court is held outside the county seat,  
11 the board of supervisors shall fix the compensation of such chief deputy  
12 or deputy in charge of the office where court is held outside the county  
13 seat, at not to exceed two thousand four hundred dollars (\$2400.00).

1 SEC. 5. It is hereby provided that from July 1, 1945 to June 30,  
2 1947, except as otherwise provided for herein, the compensation of  
3 all county officers and deputies except county attorneys and their assist-  
4 ants, whose compensation is fixed by law, including full time assessors  
5 and full time deputy assessors, employed by cities, but whose compen-  
6 sation is paid by the county, shall be increased and granted by the  
7 board of supervisors as follows:

8 In counties having a population of forty-four thousand (44,000) or  
9 less a twenty percent (20%) increase in each case, but in no case to  
10 exceed four hundred dollars (\$400.00) per annum and in counties  
11 having a population in excess of forty-four thousand (44,000) a twenty  
12 percent (20%) increase in each case, but in no case to exceed six hun-  
13 dred dollars (\$600.00) per annum.

1 SEC. 6. In those counties wherein the county general fund is in-  
2 sufficient to pay the salaries as provided by this act, the board of super-  
3 visors is authorized to levy, if necessary, one-half mill in addition to  
4 the one and one-half mill levy as provided in section seven thousand  
5 one hundred seventy-one (7171), Code, 1939, for the purpose of this  
6 act.

1 SEC. 7. County officers or deputy as used in this act shall not be  
2 construed to include county superintendent of schools and deputy su-  
3 perintendent of schools.

1 SEC. 8. Nothing herein contained shall be construed as a limitation  
2 on the powers of Boards of Supervisors as regards salaries not fixed by  
3 statute.

1 SEC. 9. 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 Tipton Advertiser, a newspaper published at Tipton, Iowa, and in  
4 the Scranton Journal, a newspaper published at Scranton, Iowa.

Approved March 21, 1945.

I hereby certify that the foregoing act was published in The Tipton Advertiser, Tipton,  
Iowa, March 29, 1945, and the Scranton Journal, Scranton, Iowa, March 29, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 152

## LEASE OR SALE OF COUNTY REAL PROPERTY

S. F. 139

AN ACT to amend section five thousand one hundred thirty (5130), code, 1939, relative to the lease or sale of real estate owned by a county and not needed for county purposes.

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

1 SECTION 1. Sub-section seventeen (17) of section five thousand  
2 one hundred thirty (5130), Code, 1939, is hereby amended by strik-  
3 ing from line one (1) of said sub-section the following: "to school  
4 districts".

Approved April 10, 1945.

## CHAPTER 153

## COUNTY LAW LIBRARIES

H. F. 279

AN ACT to provide for the purchase and maintaining of law libraries by the county board of supervisors for the use of the courts, county officers and attorneys.

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

1 SECTION 1. The county board of supervisors may, when in their  
2 discretion they shall deem it advisable, provide by purchase or other-  
3 wise for the procuring, and for the maintaining of a suitable law  
4 library in the county court house, for the use of the judges, county  
5 attorney, county officers and their deputies, besides attorneys prac-  
6 ticing in the courts of their respective counties, and such other persons  
7 as the supervisors may deem proper; such library shall be under the  
8 supervision and control of the judges of the district court of the  
9 county wherein the same is located.

Approved April 3, 1945.

## CHAPTER 154

## VETERANS' NEWSSTANDS IN COURTHOUSES

S. F. 7

AN ACT to amend section five thousand one hundred thirty and one-tenth (5130.1), code, 1939, relating to veterans' newsstand in county court houses.

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

1 SECTION 1. Section five thousand one hundred thirty and one-tenth  
2 (5130.1), Code, 1939, is amended by striking from line seven (7)  
3 thereof the words "or war with Germany," and by substituting in lieu  
4 thereof the words "World War I or World War II,".

Approved March 7, 1945.

## CHAPTER 155

## RECORDING DOCUMENTS OF MILITARY PERSONNEL

S. F. 141

AN ACT to amend section five thousand one hundred seventy three (5173), code, 1939, as amended, and providing for the free recording of certain documents issued to members of the armed forces.

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

1 SECTION 1. In order to provide an historical record of all Iowa men  
2 and women who have served in the armed forces of the United States,  
3 the several states and territories, and in the armed forces of countries  
4 allied with the United States, and in order to meet the requirements  
5 of section six thousand nine hundred forty-six (6946), Code, 1939;  
6 Section five thousand one hundred seventy three (5173) Code, 1939,  
7 as amended, is hereby amended by striking therefrom the wording  
8 of said section and substituting therefor the following:

9 The County Recorder of each County in this State shall maintain  
10 in his office a special book or books of uniform type, kind and form  
11 approved by the Adjutant General of the State of Iowa in which he  
12 shall, upon request, record without charge the discharge or discharges  
13 of any man or woman who

- 14 (a) Enlisted or was inducted from said County;
- 15 (b) Resided at any time in said County, or
- 16 (c) Is buried in said County.

17 This section shall apply to any man or woman entitled thereto who  
18 served at any time in any of the armed branches of the United States  
19 of America, including members of the Merchant Marine in time of  
20 war, members of the armed forces of any country allied with the  
21 United States of America, and of the armed forces of Iowa, the various  
22 States and Territories.

1 SEC. 2. Where no official discharge was issued, or where such per-  
2 son was killed in action or died in service, the recorder shall record an  
3 official certificate, General or Special Order, letter or telegram from  
4 competent authority, including letters from the Pension Bureau,  
5 Veterans Administration, or other Governmental Office which shows  
6 the termination of such veteran's service.

1 SEC. 3. Said recorder shall also record without charge for the  
2 classes indicated in Section one (1) the Commissions and warrants of  
3 officers and non-commissioned officers, and all orders citing said vet-  
4 eran for bravery and meritorious action, and all citations and be-  
5 stowals of medals from the State, Federal and Foreign governments.

1 SEC. 4. In the event of the death of any veteran entitled to have  
2 his discharge or other records recorded, the same may be presented  
3 by any veterans organization for record with the same force as though  
4 tendered by the veteran himself during his or her lifetime.

1 SEC. 5. The county recorder may from time to time by published  
2 notice, request the filing of such documents as are referred to herein  
3 for the purpose of recording. Any expense incident to such notice.  
4 shall be paid as an expense of the county recorder's office upon bills  
5 filed with the Board of Supervisors.

Approved April 6, 1945.



## CHAPTER 156

## FEES FOR BOARDING PRISONERS

H. F. 169

AN ACT to amend section five thousand one hundred ninety-one (5191), subsection eleven (11), code, 1939, relating to boarding prisoners.

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

1 SECTION 1. Section five thousand one hundred ninety-one (5191),  
2 subsection eleven (11), code, 1939, is amended by striking the word  
3 "twenty" in line two (2) and inserting in lieu thereof the word  
4 "twenty-four", and by inserting after the word "meal" in line two (2)  
5 the following: "in counties having a population of over forty thousand  
6 and twenty-eight cents for each meal in counties having a population  
7 of forty thousand or less".

1 SEC. 2. This increase shall be in full force and effect from the effec-  
2 tive date of this act to June 30, 1947.

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 Waterloo  
3 Daily Courier, a newspaper published at Waterloo, Iowa, and in The  
4 Malvern Leader, a newspaper published at Malvern, Iowa.

Approved February 14, 1945.

I hereby certify that the foregoing act was published in the Waterloo Daily Courier, Waterloo, Iowa, February 19, 1945, and The Malvern Leader, Malvern, Iowa, February 22, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 157

## SALARY AND DUTY OF DEPUTY COUNTY TREASURER

H. F. 24

AN ACT to amend section five thousand two hundred twenty-three (5223), code, 1939, relating to the salary and duties of deputy treasurers.

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

1 SECTION 1. Section five thousand two hundred twenty-three (5223),  
2 Code, 1939, is amended as follows:  
3 After the word "same" in line seven (7), subsection three (3), strike  
4 the remainder of said subsection and insert in lieu thereof the fol-  
5 lowing:  
6 "percentage of the treasurer's salary as the chief deputy and second  
7 deputy in such county. Such resident deputy collector shall maintain  
8 an office in such city for a period of approximately five (5) weeks each  
9 spring and fall, such periods to terminate on April first and October  
10 first respectively or as soon thereafter as possible, and the remainder  
11 of the year he shall be on duty as a deputy in the county treasurer's  
12 office. The treasurer in such case shall prepare the necessary books  
13 and records for such deputy each year, and the Board of Supervisors  
14 is authorized to allow payment of incidental expenses pertaining to the

15 operation of such office, not to exceed one hundred dollars per year."

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect after its passage and publication in the Cedar Falls  
3 Daily Record, a newspaper published at Cedar Falls, Iowa, and the  
4 Waterloo Daily Courier, a newspaper published at Waterloo, Iowa.

Approved February 20, 1945.

I hereby certify that the foregoing act was published in the Cedar Falls Daily Record, Cedar Falls, Iowa, February 23, 1945, and the Waterloo Daily Courier, Waterloo, Iowa, February 23, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 158

### COUNTY BUILDINGS

#### S. F. 126

AN ACT to amend section five thousand two hundred sixty-one, (5261) and section five thousand one hundred thirty (5130) code, 1939, relating to the powers and duties of the board of supervisors.

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

1 SECTION 1. Section five thousand two hundred sixty-one (5261),  
2 Code, 1939, is hereby amended by inserting in line four (4) after the  
3 word "jail" the following: "county hospital".

1 SEC. 2. Section five thousand one hundred thirty (5130) is hereby  
2 amended by inserting in paragraph thirteen (13), line three (3) after  
3 the word "county" the following: "to convert the same to other county  
4 purposes or". Further amend said section, paragraph thirteen (13),  
5 by inserting after the word "sell" in line four (4) the words "or lease".

1 SEC. 3. This Act shall not apply to county hospitals organized and  
2 operating under Chapter two hundred sixty-nine (269), Code, 1939.

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 Clayton  
3 County Register, a newspaper published at Elkader, Iowa, and in the  
4 Guttenberg Press, a newspaper published at Guttenberg, Iowa.

Approved April 13, 1945.

I hereby certify that the foregoing act was published in the Clayton County Register, Elkader, Iowa, April 19, 1945, and the Guttenberg Press, Guttenberg, Iowa, April 19, 1945.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 159  
COUNTY HOSPITAL BONDS  
H. F. 68

AN ACT to amend section five thousand three hundred fifty-four (5354), code, 1939, by adding thereto a section providing for the reinvestment of the funds derived from the sale of such bonds, in United States government bonds, and to hold the same pending such time as, in the judgment of the board of supervisors construction of the county hospital may be commenced.

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

1 SECTION 1. Amend section five thousand three hundred fifty-four  
2 (5354), code, 1939, by adding thereto as section five thousand three  
3 hundred fifty-four and one tenth (5354.1) the following:  
4 "That upon the issuance of the bonds as herein authorized and the  
5 sale thereof by the county treasurer the board of supervisors may  
6 direct the county treasurer to invest the proceeds from the sale of  
7 said bonds in United States Government bonds which said proceeds,  
8 when so invested, and the accumulation of interest on the bonds so  
9 purchased shall be used for the purposes for which said hospital  
10 bonds were authorized; such investment when so made shall remain  
11 in said United States Government bonds until such time as in the  
12 judgment of the board of supervisors it is deemed advisable to com-  
13 mence the construction of said county hospital.

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 Mitchell  
3 County Press and Osage News, a newspaper published at Osage, Iowa,  
4 and in the St. Ansgar Enterprise, a newspaper published at St. Ans-  
5 gar, Iowa.

Approved March 20, 1945.

I hereby certify that the foregoing act was published in the Mitchell County Press and Osage News, Osage, Iowa, March 29, 1945, and the St. Ansgar Enterprise, St. Ansgar, Iowa, March 29, 1945.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 160  
OFFICIAL PUBLICATIONS—FEES  
S. F. 323

AN ACT to amend section five thousand four hundred twelve (5412), code, 1939, relating to the costs of official publications.

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

1 SECTION 1. Section five thousand four hundred twelve (5412), Code  
2 1939, is amended by striking the words "thirty-three and one-third  
3 cents" after the word "exceed" in line two (2), and inserting in lieu  
4 thereof the words "fifty cents".

Approved March 30, 1945.

## CHAPTER 161

## BOUNTY ON WOLVES

H. F. 62

AN ACT to amend section fifty-four hundred thirteen (5413), code, 1939, relating to bounty on wolves.

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

1 SECTION 1. Section fifty-four hundred thirteen (5413), Code, 1939,  
2 is amended as follows: strike the word "five" from line five (5), and  
3 insert in lieu thereof the word "ten". Strike the word "two" in line  
4 six (6), and insert in lieu thereof the word "four".

1 Sec. 2. This act being deemed of immediate importance shall be in  
2 force and effect from and after its publication in The Times-Republic-  
3 can, a newspaper published in Corydon, Iowa, and The Seymour Her-  
4 ald, a newspaper published in Seymour, Iowa.

Approved March 15, 1945.

I hereby certify that the foregoing act was published in The Times-Republican, Corydon, Iowa, March 22, 1945, and The Seymour Herald, Seymour, Iowa, March 22, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 162

## SANITARY DISTRICTS

S. F. 291

AN ACT to create sanitary districts and to provide for sewage disposal and providing for the government, operation and financing of such districts.

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

1 SECTION 1. **Incorporation.** Whenever any area of contiguous ter-  
2 ritory contains one or more incorporated cities or towns and is so  
3 situated that the maintenance and operation of a plant or plants for  
4 the treatment of sewage and the maintenance of one or more outlets  
5 for the drainage thereof, after having been so treated by and through  
6 such plant or plants, will be conducive to the public health, comfort,  
7 convenience or welfare, such area may be incorporated as a sanitary  
8 district in the manner set forth in this Act.

1 SEC. 2. **Petition.** Any twenty-five (25) or more qualified voters  
2 resident within the limits of any proposed sanitary district may file  
3 a petition in the office of the county auditor of the county in which  
4 the proposed sanitary district, or the major portion thereof, is located,  
5 requesting that there be submitted to the qualified voters of such  
6 proposed district the question whether the territory within the bound-  
7 aries of such proposed district shall be organized as a sanitary dis-  
8 trict under this Act. Such petition shall be addressed to the Board  
9 of supervisors of the county wherein it is filed and shall set forth:

10 (1) an intelligible description of the boundaries of the territory  
11 to be embraced in such district;

12 (2) the name of such proposed sanitary district;

13 (3) that the public health, comfort, convenience or welfare will  
14 be promoted by the establishment of such sanitary district;

15 (4) the signatures of the petitioners.

16 No territory shall be included within more than one sanitary dis-  
17 trict organized under this Act, and if any proposed sanitary district  
18 shall fail to receive a majority of votes cast at any election thereon  
19 as hereinafter provided, no petition shall be filed for establishment  
20 of such a sanitary district within one year from the date of such pre-  
21 vious election.

1 **SEC. 3. Jurisdiction—Decisions—Records.** The Board of Super-  
2 visors of the county in which the proposed sanitary district, or the  
3 major portion thereof, is located shall have jurisdiction of the pro-  
4 ceedings on said petition as herein provided, and the decision of a  
5 majority of the members of said Board shall be necessary for adop-  
6 tion. All orders of the Board made hereunder shall be spread at  
7 length upon the records of the proceedings of the Board of Supervisors,  
8 but need not be published under Section 5411 of the 1939 Code.

1 **SEC. 4. Date and Notice of Hearing:** It shall be the duty of the  
2 Board of Supervisors to whom said petition is addressed, at its next  
3 regular, special, or adjourned meeting, to set the time and place  
4 when it will meet for a hearing upon said petition, and it shall direct  
5 the county auditor in whose office said petition is filed to cause notice  
6 to be given to all persons whom it may concern, without naming them,  
7 of the pendency and prayer of said petition, by publication of a notice  
8 once each week for two consecutive weeks in some newspaper of gen-  
9 eral circulation published in such proposed district, the last of which  
10 publications shall not be less than twenty (20) days prior to the date  
11 set for the hearing of said petition, and if no such newspaper is pub-  
12 lished in such proposed district, then by posting at least five (5)  
13 copies of such notice in such proposed district at least twenty (20)  
14 days before such hearing. Proof of giving such notice shall be made  
15 by affidavit of the publisher or affidavit of the person who posted  
16 said notices, and such proof shall be on file with the county auditor at  
17 the time the hearing begins. Said notice of hearing shall be directed  
18 to all persons it may concern, and shall state:

19 (1) that a petition has been filed with the county auditor, of the  
20 county, naming it, for establishment of a proposed sanitary district,  
21 and the name of such proposed district;

22 (2) an intelligible description of the boundaries of the territory  
23 to be embraced in such district;

24 (3) the date, hour and the place where such petition will come on  
25 for hearing before the Board of Supervisors of said named county;

26 (4) that the Board of Supervisors will fix and determine the bound-  
27 aries of such proposed district as described in the petition or other-  
28 wise, and for that purpose may alter and amend such petition, and at  
29 the said hearing all interested persons shall have an opportunity to  
30 be heard touching the location and boundaries of such proposed dis-  
31 trict and to make suggestions regarding same.

1     **SEC. 5. Hearing of Petition and Order.** The Board of Supervisors  
2 to whom the petition is addressed shall preside at the hearing pro-  
3 vided for in the preceding section and shall continue the same in ses-  
4 sion, with adjournments from day to day, if necessary, until com-  
5 pleted, without being required to give any further notice thereof.  
6 Proof of the residence and qualification of the petitioners as qualified  
7 voters shall be made by affidavit or otherwise as the Board may direct.  
8 Said Board shall have power and authority to consider the boundaries  
9 of any such proposed sanitary district, whether the same shall be as  
10 described in such petition or otherwise, and for that purpose may  
11 alter and amend such petition and limit or change the boundaries of  
12 the proposed district as stated in the petition. The boundaries of  
13 any proposed district shall not be changed to incorporate therein any  
14 property not included in the original petition and published notice  
15 until the owner or owners of said property shall be given notice there-  
16 of as on the original hearing. All persons in such proposed district  
17 shall have an opportunity to be heard touching the location and bound-  
18 aries of the proposed district and to make suggestions regarding  
19 the same, and said Board of Supervisors, after hearing the state-  
20 ments, evidence and suggestions made and offered at the hearing,  
21 shall enter an order fixing and determining the limits and boundaries  
22 of such proposed district and directing that an election be held for  
23 the purpose of submitting to the qualified voters resident within the  
24 boundaries of the proposed district the question of organization and  
25 establishment of the proposed sanitary district as determined by said  
26 Board of Supervisors. The order shall fix a date for the election not  
27 more than sixty (60) days after the date of the order, establish vot-  
28 ing precincts within the proposed district and define their boundaries  
29 and specify the polling places therein as in the Board's judgment will  
30 best serve the convenience of the voters, and shall appoint from resi-  
31 dents of the proposed district three (3) judges and two (2) clerks of  
32 election for each voting precinct established.

1     **SEC. 6. Notice of Election.** In its order for such election the Board  
2 of Supervisors shall direct the county auditor with whom said petition  
3 is filed to cause notice of such election to be given by posting at least  
4 five (5) copies of such notice in public places in such proposed dis-  
5 trict at least twenty (20) days before the date of election and by pub-  
6 lication of such notice once each week for three (3) consecutive weeks  
7 in some newspaper of general circulation published in such proposed  
8 district, or, if no such paper is published within the proposed district,  
9 then in such a newspaper published in the county in which the major  
10 part of such proposed district is located, the last publication to be at  
11 least twenty (20) days prior to the date of election. Such notice shall  
12 state the time and place of holding the election and the hours when  
13 the polls will open and close, the purpose of the election, with the  
14 name of such proposed sanitary district and a description of the bound-  
15 aries thereof, and shall set forth briefly the limits of each voting  
16 precinct and the location of the polling places therein. Proof of post-  
17 ing and publication shall be made in the manner provided in Section  
18 4 of this Act and filed with the county auditor.

1     **SEC. 7. Election.** Each qualified voter resident within such pro-  
2 posed sanitary district shall have the right to cast a ballot at such

3 election and no person shall vote in any precinct but that of his or  
 4 her residence. Ballots at such election shall be in substantially the  
 5 following form, to-wit:

	: For Sanitary District	:	:
	: Against Sanitary District	:	:

8 The election shall be conducted in the manner provided by law for gen-  
 9 eral elections and the ballots so cast shall be issued, received, returned  
 10 and canvassed in the same manner and by the same officers, in the  
 11 county whose Board of Supervisors is vested with jurisdiction of the  
 12 proceedings, as is provided by law in the case of ballots cast for  
 13 county officers, except as herein modified. The Board of Supervisors  
 14 shall cause a statement of the result of such election to be spread  
 15 upon the records of the county auditor. If a majority of the votes  
 16 cast upon the question of incorporation of the proposed sanitary dis-  
 17 trict shall be in favor of the proposed sanitary district, such pro-  
 18 posed sanitary district shall thenceforth be deemed an organized  
 19 sanitary district under this Act and established as conducive to the  
 20 public health, comfort, convenience and welfare.

1 **SEC. 8. Expenses and Costs of Election.** All expenses incurred in  
 2 carrying out the foregoing sections of this Act, together with the costs  
 3 of the election therein provided for, as determined by the Board of  
 4 Supervisors, shall be paid by the county whose Board is vested with  
 5 jurisdiction of the proceedings.

1 **SEC. 9. Election of Trustees—Term of Office.** Within thirty (30)  
 2 days after the organization of a sanitary district under this Act, the  
 3 Board of Supervisors which had jurisdiction of the proceedings for  
 4 its establishment, together with the Board of Supervisors of any  
 5 other county, if any, in which any part of said district is located, shall  
 6 order an election to be held in the district on a date not more than  
 7 sixty (60) days after the date of the order for the purpose of electing  
 8 a Board of Trustees, consisting of three (3) members, for the govern-  
 9 ment, control and management of the affairs and business of such  
 10 sanitary district. Said Board, or Boards, shall cause notice of said  
 11 election to be posted and published, and shall perform all other acts  
 12 with reference to such election, and conduct the same, in like man-  
 13 ner, as nearly as may be, as provided in this Act for the election on  
 14 the question of establishing such district. Each trustee shall be a  
 15 citizen of the United States, not less than twenty-one (21) years of  
 16 age, and a resident within said sanitary district. Each voter at said  
 17 election may write in upon the ballot the names of not more than  
 18 three (3) persons whom he desires for Trustees and may cast not  
 19 more than one vote for each of said three (3) persons, and the three  
 20 (3) persons receiving the highest number of votes cast shall consti-  
 21 tute the first Board of Trustees of the district. The term of office  
 22 of the first Board of Trustees shall be for the period extending to the  
 23 second secular day of January following the next regular biennial

24 election. Three (3) Trustees to succeed the first Board of Trustees  
25 shall be nominated and elected at the next primary and regular bien-  
26 nial elections following establishment of the district, in the same  
27 manner as provided by the primary and general election laws of this  
28 state for the nomination and election for offices to be filled by the  
29 voters of any subdivision of a county. Said Trustees shall be elected  
30 for terms of two (2), four (4), and six (6) years respectively, and  
31 their terms shall commence on the second secular day of January next  
32 thereafter. At each succeeding biennial election one Trustee shall  
33 be nominated and elected in the manner herein provided for a six (6)  
34 year term to succeed the Trustee whose term next expires. In all  
35 elections for Trustees each qualified voter resident within the district  
36 may vote one vote for each office of Trustee to be filled at the election.  
37 At all elections for Trustees subsequent to the election of the first  
38 Board the names of all candidates for Trustees of such sanitary  
39 district shall be printed on the same ballot with candidates for other  
40 offices to be filled at such election. In case a regular election precinct  
41 includes territory lying partly within and partly without the sanitary  
42 district, it shall be the duty of the officers charged with the printing  
43 and furnishing of ballots to furnish to the election judges of such  
44 precinct two sets of official ballots, one set including the names of  
45 candidates for Trustees of such sanitary district, and one set with-  
46 out such names. All provisions of the primary and general election  
47 laws of Iowa shall govern the nomination and election of Trustees  
48 hereunder, so far as applicable, and except as modified hereby.  
49 Vacancies in the office of Trustee of a sanitary district shall be filled  
50 by the remaining members of the Board for the period extending to  
51 the second secular day of January following the next biennial election,  
52 when a Trustee shall be elected to fill such vacancy for the unexpired  
53 term.

1     **SEC. 10. Trustee's Bond.** Each Trustee shall, before entering upon  
2 the duties of his office, execute a bond payable to the district, with  
3 security to be approved by the Board of Supervisors which had juris-  
4 diction of the petition for establishment of the district, in such form  
5 and amount as said Board of Supervisors may determine, which bond  
6 shall be filed with the county auditor of said county.

1     **SEC. 11. Sanitary District to be a Body Corporate.** Each sanitary  
2 district organized under this Act shall be a body corporate and poli-  
3 tic, with the name and style under which it was organized, and by  
4 such name and style may sue and be sued, contract and be contracted  
5 with, acquire and hold real and personal property necessary for cor-  
6 porate purposes, adopt a corporate seal and alter the same at pleasure,  
7 and exercise all the powers conferred in this Act.

8     All Courts of this State shall take judicial notice of the existence  
9 of sanitary districts organized hereunder.

1     **SEC. 12. Board of Trustees—Powers.** The Trustees elected in pur-  
2 suance of the foregoing provisions of this Act shall constitute a Board  
3 of Trustees for the district by which they are elected, which Board  
4 of Trustees is hereby declared to be the corporate authority of such  
5 sanitary district, and shall exercise all the powers and manage and  
6 control all the affairs and property of such district. A majority of



7 the Board of Trustees shall constitute a quorum, but a smaller num-  
 8 ber may adjourn from day to day. Said Board of Trustees shall have  
 9 the right to elect a president, a clerk and a treasurer from their own  
 10 number and, from without their own number, such employees as the  
 11 Board may deem necessary, who shall hold their employment during  
 12 the pleasure of the Board, and shall prescribe the duties and fix the  
 13 compensation of all employees of said sanitary district and the amount  
 14 of bond to be filed by the treasurer of the district and by any employee  
 15 for whom they may require bond, provided, however, that the com-  
 16 pensation of members of the Board of Trustees is hereby fixed at not  
 17 to exceed five dollars (\$5.00) per day for each day the Board is actu-  
 18 ally in session and five dollars (\$5.00) per day when not in session  
 19 but employed on committee service, and five cents (5c) for every mile  
 20 traveled in going to and from sessions of the Board and in going to  
 21 and from the place of performing committee service; provided fur-  
 22 ther, that members of said Board shall not receive compensation for  
 23 more than sixty days of session and committee service each year.

24 Said Board of Trustees shall have full power to pass all necessary  
 25 ordinances, resolutions, rules and regulations for the proper man-  
 26 agement and conduct of the business of said Board of Trustees and  
 27 of said corporation and for carrying into effect the objects for which  
 28 such sanitary district is formed.

1 **SEC. 13. Ordinances — Publication or Posting — Time of Taking**  
 2 **Effect.** All ordinances, resolutions, orders, rules and regulations adopt-  
 3 ed by the board shall take effect five (5) days from and after their  
 4 adoption and publication. The publication thereof shall be by one publi-  
 5 cation in a newspaper published in the district or by posting copies  
 6 thereof in five (5) public places within the district.

1 **SEC. 14. Proof of Ordinances, etc.** All ordinances, resolutions,  
 2 orders, rules and regulations, and the date when same became effec-  
 3 tive, may be proven by the certificate of the clerk, under the seal of  
 4 the corporation, if one has been adopted, and when printed in book  
 5 or pamphlet form and purporting to be published by the Board of  
 6 Trustees such book or pamphlet shall be received as evidence of the  
 7 passage and legal publication or posting thereof as of the dates men-  
 8 tioned therein, in all courts and places, without further proof.

1 **SEC. 15. Personal Interest in Contracts.** No Trustee of such dis-  
 2 trict shall be directly or indirectly interested in any contract, work  
 3 or business of the district, or in the sale of any article the expense,  
 4 price or consideration of which is paid by such district; nor in the  
 5 purchase of any real estate or other property belonging to the dis-  
 6 trict, or which shall be sold for taxes or assessments, or by virtue of  
 7 legal process at the suit of said district; provided, that nothing herein  
 8 shall be construed as prohibiting the selection of any person as Trus-  
 9 tee because of his ownership of real estate in the district or because  
 10 he is a taxpayer in the district.

1 **SEC. 16. Power to Provide for Sewage Disposal.** The Board of Trus-  
 2 tees of any sanitary district organized under this Act shall have  
 3 power to provide for the disposal of the sewage thereof, including  
 4 the sewage and drainage of any city, town or village within the boun-  
 5 daries of such district; to acquire, lay out, locate, establish, construct,

6 maintain and operate one or more drains, conduits, treatment plants,  
7 disposal plants, pumping plants, works, ditches, channels and outlets  
8 of such capacity and character as may be required for the treatment,  
9 carrying off and disposal of the sewage and industrial wastes and  
10 other drainage incidental thereto of such district; to lay out, estab-  
11 lish, construct, maintain and operate all such adjuncts, additions,  
12 auxiliary improvements and works as may be necessary or proper  
13 for accomplishment of the purposes intended, and to procure supplies  
14 of water for operating, diluting and flushing purposes; to maintain,  
15 repair, change, enlarge and add to such facilities, improvements and  
16 works as may be necessary or proper to meet the future requirements  
17 for the purposes aforesaid; and, when necessary for such purposes,  
18 any such facilities, improvements and works and the maintenance  
19 and operation thereof may extend beyond the limits of such district,  
20 and the rights and powers of said Board of Trustees in respect there-  
21 to shall be the same as if located within said district, provided, no  
22 taxes shall be levied upon any property outside of such district; and  
23 provided further, that the district shall be liable for all damages  
24 sustained beyond its limits in consequence of any work or improve-  
25 ment authorized hereunder.

26 Nothing contained herein shall be construed to authorize or em-  
27 power such Board of Trustees to operate a system of waterworks for  
28 the purpose of furnishing water to the inhabitants of the district, or  
29 to construct, maintain or operate local municipal sewerage facilities,  
30 or to deprive municipalities within the district of their powers to con-  
31 struct and operate sewers for local purposes within their limits.

1 **SEC. 17. Power to Acquire and Dispose of Property.** Any sanitary  
2 district organized under this Act may acquire by purchase, condem-  
3 nation or otherwise, any and all real and personal property, rights  
4 of way and privileges, either within or without its corporate limits,  
5 required for its corporate purposes. Condemnation proceedings shall  
6 be conducted in the same manner, as near as may be, as provided for  
7 condemnation by counties under the laws of Iowa. Said sanitary  
8 districts shall have power to sell, convey or otherwise dispose of any  
9 of the properties belonging to them when no longer required for their  
10 purposes.

1 **SEC. 18. Taxes—Power to Levy—Tax Sales.** The Board of Trustees  
2 of any sanitary district organized under this Act shall have the power  
3 by ordinance to levy annually for corporate purposes a tax upon  
4 property within the territorial limits of such sanitary district not  
5 exceeding two (2) mills on the dollar of the adjusted taxable valua-  
6 tion of the property within such district for the preceding calendar  
7 year.

8 All taxes thus levied by the Board shall be certified by the clerk  
9 on or before the first day of September to the county auditor of each  
10 county wherein any of the property included within the territorial  
11 limits of said sanitary district is located, and shall by said auditor  
12 or auditors be placed upon the tax list for the current year; and the  
13 county treasurer, or treasurers, of more than one county, shall col-  
14 lect all taxes so levied in the same manner as other taxes, and when  
15 delinquent they shall draw the same interest and penalties. All taxes

16 so levied and collected shall be paid over by the officer collecting the  
17 same to the treasurer of the sanitary district.

18 Sales for delinquent taxes owing to such sanitary district shall be  
19 made at the same time and in the same manner as such sales are made  
20 for other taxes, and all provisions of the law of this State relating  
21 to the sale of property for delinquent taxes shall be applicable, so far  
22 as may be, to such sales.

1 **SEC. 19. Records and Disbursements.** The clerk of each sanitary  
2 district shall keep a record of all the proceedings and actions of the  
3 Trustees. The treasurer shall receive, collect, and disburse all moneys  
4 belonging to the district, and no claim shall be paid or disbursement  
5 made until it has been duly audited by the Board of Trustees.

1 **SEC 20. Rentals and Charges.** Any sanitary district may by ordi-  
2 nance establish just and equitable rates or charges or rentals for  
3 the utilities and services furnished by it to be paid to such district  
4 by every person, firm or corporation whose premises are served by  
5 a connection to such utilities and services directly or indirectly. Such  
6 rates, charges or rentals, as near as may be in the judgment of the  
7 Board of Trustees of the district, shall be equitable and in proportion  
8 to the services rendered and the cost thereof, and taking into considera-  
9 tion in the case of each such premises the quantity of sewage pro-  
10 duced thereby and its concentration, strength and pollution qualities.  
11 The Board of Trustees may change such rates, charges or rentals  
12 from time to time as it may deem advisable, and by ordinance may  
13 provide for the collection thereof. The Board is authorized to con-  
14 tract with any municipality within the district, whereby such munic-  
15 ipality may collect or assist in collecting any of such rates, charges  
16 or rentals, whether in conjunction with water rentals or otherwise,  
17 and any such municipality is hereby empowered to undertake such  
18 collection and render such service. Such rates, charges or rentals,  
19 if not paid when due, shall constitute a lien upon the property served  
20 by a connection as aforesaid and shall be collected in the same manner  
21 as other taxes.

22 In no case shall such rates, rentals or charges, or the funds accru-  
23 ing from the collection thereof, be used to meet that part of the cost  
24 of any construction within the district which has been financed by  
25 special assessment against benefited properties.

1 **SEC. 21. Debt Limit—Borrowing—Bonds.** Any sanitary district  
2 organized hereunder may borrow money for its corporate purposes,  
3 but shall not become indebted in any manner or for any purpose to  
4 an amount in the aggregate exceeding five per centum on the value  
5 of the taxable property within such district, to be ascertained by  
6 the last state and county tax lists previous to the incurring of such  
7 indebtedness. Indebtedness within this constitutional limit, shall  
8 not include the indebtedness of any other municipal corporation lo-  
9 cated wholly or partly within the boundaries of such sanitary district.

10 Subject only to this debt limitation, any such sanitary district or-  
11 ganized hereunder shall have and it is hereby vested with all of the  
12 same powers to issue bonds, including both general obligation and  
13 revenue bonds, which municipal corporations, including cities of the  
14 first class and special charter cities and cities having the commission

15 form of government, now or may hereafter have under the laws of  
16 this State. In the application of such laws to this Act, the words  
17 used in any such laws referring to municipal corporations or to cities  
18 and towns shall be held to include sanitary districts organized under  
19 this Act; the words "council" or "city council" shall be held to include  
20 the board of trustees of a sanitary district; the words "mayor" and  
21 "clerk" shall be held to include the president and clerk of any such  
22 board of trustees or sanitary district; and like construction shall be  
23 given to any other words in such laws where required to permit the  
24 exercise of such powers by sanitary districts.

25 Any and all bonds issued hereunder shall be signed by the president  
26 of the board of trustees and attested by the clerk, with the seal of the  
27 district, if any, affixed, and interest coupons attached thereto shall  
28 be attested by the signature of the clerk.

1     **SEC. 22. Special Assessments.** The Board of Trustees of any sani-  
2 tary district may provide for payment of all or any portion of the  
3 costs and expenses of constructing, reconstructing, or extending any  
4 drains, sewers or laterals, and other necessary adjuncts thereto, in-  
5 cluding pumping stations, by assessing all, or any portion thereof, on  
6 abutting and adjacent property according to the benefits derived there-  
7 by, and for this purpose said Board may define adjacent property as  
8 all that included within a designated benefited district or districts  
9 to be fixed by the Board, which may be all of the property located  
10 within the sanitary district or any lesser portion thereof. It shall con-  
11 stitute no objection to any special assessment that the improvement for  
12 which the same is levied is outside the limits of such sanitary district,  
13 but no special assessment shall be made upon property situated outside  
14 of such sanitary district. Special assessments shall be in proportion  
15 to the special benefits conferred upon the property thereby, and not  
16 in excess of such benefits, and the same shall not exceed twenty-five  
17 (25) per centum of the actual value of the property at the time of  
18 levy, and the last preceding assessment roll shall be taken as prima  
19 facie evidence of such value.

20 Such assessments may be made to extend over a period of ten (10)  
21 years, payable in as nearly equal annual installments as practicable,  
22 and certificates or bonds may be issued in anticipation thereof. Pro-  
23 ceedings for improvements to be made and paid for, in whole or in  
24 part, by special assessments, as herein authorized shall be initiated  
25 by resolution of necessity, and said resolution and the plat, schedule,  
26 hearings, notices, objections, orders, assessments, levies, contracts,  
27 bonds, certification of assessments, liens, payment, tax sales, and  
28 appeals, and the issuance and sale of certificates, and bonds, shall  
29 correspond, as near as may be, to the provisions therefor contained  
30 in Chapters 308 and 311 of the Code of Iowa, and all provisions of  
31 said chapters shall govern such proceedings, to the extent applicable,  
32 except as modified hereby. A majority vote of the Board of Trustees  
33 shall be requisite and sufficient for any action required by the Board  
34 under the provisions of this section.

1     **SEC. 23.** Any person aggrieved by any proceeding had by the  
2 board of supervisors or by the board of trustees as herein provided  
3 in relation to any matter involving his rights not included under the  
4 provisions of Section twenty-two (22) of this act may appeal to the

5 district court of the county in which the proceedings were had. Such  
6 appeals shall be governed in all respects as is provided by pertinent  
7 sections under Chapter 353, Code, 1939.

Approved April 12, 1945.

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## CHAPTER 163

### ABANDONED TOWNS

S. F. 71

AN ACT to amend chapter two hundred eighty-six (286), code, 1939, relating to discontinuance of municipal corporations.

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

1 SECTION 1. Amend chapter two hundred eighty-six (286), code,  
2 1939, by adding thereto as section five thousand six hundred four and  
3 one tenth (5604.1) the following:

4 "If any municipal corporation has for a period of six (6) years or  
5 more held no municipal election, made no tax levies for such time, nor  
6 carried on the functions of such corporation as required by law, it  
7 shall within sixty days from the taking effect of this act cease to exist  
8 as a municipal corporation and shall automatically be discontinued;  
9 and the books, documents, records, papers, corporate seal, if any, shall  
10 be deposited as provided for in section 5602, Code, 1939."

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Osceola  
3 Tribune, a newspaper published at Osceola, Iowa, and in the Osceola  
4 Sentinel, a newspaper published at Osceola, Iowa.

Approved March 30, 1945.

I hereby certify that the foregoing act was published in the Osceola Tribune, Osceola, Iowa, April 10, 1945, and the Osceola Sentinel, Osceola, Iowa, April 5, 1945.

WAYNE M. ROPES, *Secretary of State.*

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## CHAPTER 164

### CITY ASSESSORS

H. F. 247

AN ACT to amend section five thousand six hundred sixty-nine (5669), code, 1939, relating to compensation of city assessors, in cities under the commission form of government and in cities of the first class.

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

1 SECTION 1. Section five thousand six hundred sixty-nine (5669),  
2 Code, 1939, is hereby amended by striking from line eight (8) the  
3 words "forty-five" and by inserting in lieu thereof the word "forty",  
4 and further amend said section by inserting after the word "annum"  
5 in line ten (10) the following: ", in cities of the first class having a

6 population of more than forty thousand and less than forty-five thou-  
7 sand the compensation of the assessor shall be twenty-four hundred  
8 dollars per annum,"

Approved April 23, 1945.

## CHAPTER 165

### BASEBALL GAMES IN PUBLIC PARKS

H. F. 25

AN ACT to amend section five thousand seven hundred ninety-eight and one tenth (5798.1), code, 1939, relating to the powers of park commissioners, and authorizing park commissioners to lease parks or portions thereof for the playing of professional baseball or other professional games.

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

1 SECTION 1. Section five thousand seven hundred ninety-eight and  
2 one tenth (5798.1), Code, 1939, is hereby amended by adding thereto  
3 the following:  
4 "Said board shall also have the authority to lease under reasonable  
5 rules and requirements a portion of any park under their jurisdiction  
6 for such time or times, not to exceed six consecutive months, as the  
7 board shall deem proper for the purpose of permitting the playing of  
8 professional baseball or other professional games and under such  
9 conditions as to charging a fee for the use of the same as the board  
10 shall determine."

Approved March 7, 1945.

## CHAPTER 166

### MUNICIPAL PARKS

S. F. 154

AN ACT to repeal chapter one hundred nineteen (119), Acts of the 40th General Assembly as amended by chapter two hundred forty-seven (247), Acts of the 44th General Assembly and to enact a substitute therefor, relating to the extension of time for levying a tax for park improvement purposes for the sole and only purpose of grading, beautifying and otherwise improving certain lands acquired for park purposes and for acquiring and improving any driveways or boulevards connecting one park with another.

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

1 SECTION 1. Chapter one hundred nineteen (119), Acts of the 40th  
2 General Assembly as amended by chapter two hundred forty-seven  
3 (247), Acts of the 44th General Assembly is hereby repealed and the  
4 following enacted in lieu thereof:  
5 "In all cities including cities acting under special charter where the  
6 board of park commissioners have, prior to January 1, 1914, made  
7 purchase of property for park purposes by means of the additional  
8 tax of one mill authorized by special Acts of the General Assembly  
9 the said board is authorized in its discretion to certify to the county

10 auditor each year and cause to be collected an additional tax of one  
 11 mill each year to be used for the sole and only purpose of grading,  
 12 beautifying, and otherwise improving any lands acquired for park  
 13 purposes by means of the tax so authorized or other lands then owned  
 14 and used for park purposes or for acquiring and improving any drive-  
 15 ways or boulevards connecting one park with another."

Approved April 10, 1945.

CHAPTER 167  
 MUNICIPAL PARKS

S. F. 155

AN ACT to repeal chapter one hundred twenty-one (121), Acts of the 40th General Assembly as amended by chapter two hundred forty-eight (248), Acts of the 44th General Assembly and to enact a substitute therefor, relating to the extension of time for levying a park tax for the improvement of lakes by dredging or otherwise deepening the same, constructing dikes and levees for the protection of the same and for changing the form and size thereof, improving such lakes and park lands surrounding the same and for other purposes.

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

1 SECTION 1. Chapter one hundred twenty-one (121), Acts of the  
 2 40th General Assembly as amended by chapter two hundred forty-  
 3 eight (248), Acts of the 44th General Assembly is hereby repealed  
 4 and the following enacted in lieu thereof:

5 "That where any city has, prior to July 1st, eighteen hundred eighty  
 6 (1880), received a grant of the title from the United States to a mean-  
 7 dered lake within its corporate limits, to be held and used for public  
 8 uses, recreation and park purposes, and where such city has, for  
 9 more than twenty years devoted the same to the public use, recrea-  
 10 tion and park purposes, its board of park commissioners is author-  
 11 ized, in the discretion of said board to certify to the county auditor  
 12 and cause to be collected an additional tax of not exceeding one mill  
 13 each year, to be used for the sole and only purpose of improving such  
 14 lake by dredging or otherwise deepening the same, constructing dikes  
 15 and levees for the protection of the same and for changing the form  
 16 and size thereof, and for the regulation, control and improvement  
 17 of the water supply and for the improvement and beautifying of such  
 18 lake, the park land surrounding the same and for the furnishing of  
 19 suitable equipment thereof for public use and pleasure.

Approved April 10, 1945.

**CHAPTER 168**  
**MUNICIPAL PARKS**  
**S. F. 156**

AN ACT to repeal section one (1), paragraph two (2) of chapter three hundred twelve (312), Acts of the 38th General Assembly as amended by section one (1), chapter one hundred twenty-five (125), Acts of the 39th General Assembly and to enact a substitute therefor, relating to the levy of a tax for park purposes to be used for the sole and only purpose of grading, road building, building retaining walls, or rip-rap along water courses and otherwise permanently improving by the construction of buildings in public parks any and all lands acquired for park purposes prior to 1919, or improving any driveway or boulevard connecting one park with another.

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

1     SECTION 1. Section one (1), paragraph two (2) of chapter three  
2 hundred twelve (312), Acts of the 38th General Assembly as amended  
3 by Section one (1), chapter one hundred twenty-five (125), Acts of  
4 the 39th General Assembly is hereby repealed and the following en-  
5 acted in lieu thereof:  
6     “In all cities where said board shall have, prior to January first,  
7 1919, acquired property for park purposes, the said board is further  
8 authorized to certify to the county auditor in all succeeding years and  
9 cause to be collected an additional tax of one mill each year, to be  
10 used for the sole and only purpose of grading, road-building, building  
11 retaining walls, or riprap along water-courses and otherwise perma-  
12 nently improving by the construction of buildings in public parks any  
13 and all lands theretofore acquired for park purposes or improving  
14 any driveway or boulevard connecting one park with another.

Approved April 10, 1945.

**CHAPTER 169**  
**DOCKS AND WHARVES**  
**S. F. 255**

AN ACT to amend subdivisions one (1) and three (3) of section five thousand nine hundred and two (5902), code, 1939, relating to the powers and duties of dock boards; providing that sections six thousand five hundred and eighty (6580), six thousand six hundred seventy-nine and one-tenth (6679.1) and six thousand seven hundred eighty-one and two-tenths (6781.2), code, 1939, do not apply to leases by dock boards; and making the provisions of this act applicable to cities acting under special charter; and making this act effective upon publication.

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

1     SECTION 1. That subdivision one (1) of section five thousand nine  
2 hundred and two (5902(1)), Code, 1939, be amended by inserting after  
3 the comma (,) following the word “shipping” in the fifth line thereof  
4 the words:  
5     “and for the use of river front property by others for industrial and  
6 manufacturing purposes to the extent deemed advisable in relation to  
7 the operation of established wharves and docks,”



1 SEC. 2. That subdivision three of section five thousand nine hundred  
2 and two, (5902(3)), Code, 1939, be amended by adding thereto the  
3 following:

4 "Leases of such property may be made for such purposes, including  
5 industrial and manufacturing purposes, upon such terms and condi-  
6 tions, and for such period of time as, in the exclusive judgment of the  
7 Dock Board, shall be for the best interests of the city or town in the  
8 furtherance of the general plan adopted by said Board, but this section  
9 shall in no way apply to cities organized and operating under the Com-  
10 mission form of government, having a population of sixty thousand  
11 (60,000), or more, and the provisions, restrictions and limitations of  
12 sections six thousand six hundred seventy-nine and one-tenth (6679.1),  
13 and six thousand seven hundred eighty-one and two-tenths (6781.2),  
14 Code, 1939, shall not apply to such leases.

1 SEC. 3. The provisions of this act shall be applicable to cities acting  
2 under special charter.

1 SEC. 4. 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 Telegraph Herald, a newspaper published at Dubuque, Iowa, and in the  
4 Burlington, Iowa, Burlington Hawkeye Gazette, which publication is  
5 to be without expense to the State of Iowa.

Approved March 22, 1945.

I hereby certify that the foregoing act was published in the Telegraph Herald, Du-  
buque, Iowa, March 26, 1945, and the Burlington Hawkeye Gazette, Burlington, Iowa,  
March 27, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 170

### AIRPORT TAX

H. F. 478

AN ACT to amend chapter two hundred nine (209), Acts of the Forty-ninth General Assembly, relating to levy of taxes for airports.

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

1 SECTION 1. Amend section one (1) of Chapter two hundred nine  
2 (209), Acts of the Forty-ninth General Assembly, by striking there-  
3 from everything following the word "tax" in line six (6) of section  
4 one (1) of said act, and inserting in lieu thereof the following: "of  
5 not to exceed one and one-fourth mills on the dollar on all taxable  
6 property of said city or town."

Approved April 14, 1945.

## CHAPTER 171

## MUNICIPAL AIRPORT BONDS

S. F. 84

AN ACT to amend chapter 303.1 of the 1939 code of Iowa providing for the levy of a tax and the anticipation thereof by the issuance of bonds by municipalities for airport purposes.

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

1 SECTION 1. That Chapter 303.1 of the 1939 Code of Iowa is hereby  
2 amended by adding thereto, the following:

3 1. Municipalities in which there have been established airports,  
4 pursuant to the provisions of this Chapter, or by Act of Congress, or  
5 by any Federal Department or Agency, and over which airport the  
6 municipality has control by ownership, grant, lease, or otherwise, may  
7 levy annually, when found necessary in addition to all other levies, a  
8 further tax within the limits hereinafter set out for the purpose of  
9 equipping, improving, maintaining, operating or enlarging such air-  
10 ports.

11 The limits of such additional levies shall be as follows:

12 Under ten thousand population.....1 $\frac{1}{4}$  mills

13 From ten thousand to twenty thousand population.....1 mill

14 From twenty thousand to fifty thousand population..... $\frac{3}{4}$  mill

15 Over fifty thousand population..... $\frac{1}{2}$  mill

16 The provisions of section five thousand nine hundred three and five  
17 hundredths (5903.05) of chapter 303.1 shall not be operative with  
18 respect to the additional levies herein provided.

19 2. Such taxes, or a part thereof, may be anticipated by the issuance  
20 of bonds of such municipality, maturing not later than twenty years  
21 from date of issue, pursuant to section five thousand nine hundred  
22 three and six hundredths (5903.06) of this chapter.

1 SEC. 2. This act shall go into effect on April 1, 1945 following its  
2 publication in the Clinton Herald, a newspaper published at Clinton,  
3 Iowa, and in the Leon Journal-Reporter, a newspaper published at  
4 Leon, Iowa.

Approved March 22, 1945.

I hereby certify that the foregoing act was published in the Clinton Herald, Clinton, Iowa, March 26, 1945, and the Leon Journal-Reporter, Leon, Iowa, March 29, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 172

## JOINT MUNICIPAL HIGHWAYS

S. F. 78

AN ACT to repeal chapter three hundred nine (309), code, 1939, relating to joint municipal improvement of highways.

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

1 SECTION 1. Chapter three hundred nine (309), Code, 1939, is  
2 hereby repealed.

Approved February 19, 1945.

## CHAPTER 173

## ART FUND TAX

S. F. 314

AN ACT to amend section six thousand two hundred eleven (6211), paragraph 29, code, 1939, relating to tax for art fund.

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

- 1 SECTION 1. Amend section six thousand two hundred eleven (6211),
- 2 Code, 1939, by inserting after the comma (,) following the word "mill"
- 3 in line three (3), subsection twenty-nine (29) the words "and any city
- 4 having a population of seventy-five thousand (75,000) or more but not
- 5 exceeding one hundred thousand (100,000), not exceeding one-six-
- 6 teenth (1/16) of a mill,".

Approved March 16, 1945.

## CHAPTER 174

## PUBLIC UTILITY FUNDS

H. F. 231

AN ACT to amend section six thousand two hundred eleven (6211), code, 1939, relating to a levy of taxation for gas light, electric light, heat or power funds.

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

- 1 SECTION 1. Amend subsection ten (10) of section six thousand two
- 2 hundred eleven (6211), code, 1939, by striking from line two (2) of
- 3 said subsection the words "one and one-fourth" and inserting in lieu
- 4 thereof the words "one and three-fourths".
- 5 Further amend said section by striking from line five (5) the words
- 6 "one and three-fourths" and by inserting in lieu thereof the words
- 7 "two and one-fourth".

Approved March 22, 1945.

## CHAPTER 175

## CEMETERY FUND TAX

H. F. 34

AN ACT to amend paragraph fourteen (14) of section six thousand two hundred eleven (6211), code, 1939, by authorizing an increased levy for the cemetery fund in cities and towns.

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

- 1 SECTION 1. Section six thousand two hundred eleven (6211), Code,
- 2 1939, is hereby amended by striking from subsection fourteen (14)
- 3 all of lines one (1) and two (2) and the words, "fourths mill," in line
- 4 three (3) and substituting in lieu thereof the following:
- 5 "Any city, having a population of more than 30,000, not to exceed

6 one-half mill; any city having a population of more than 5,000, but  
 7 not more than 30,000, not to exceed one mill; any city having a popu-  
 8 lation of 5,000 or less and any town, not to exceed two mills;"

Approved March 12, 1945.

## CHAPTER 176

### ADDITIONS TO CITIES AND TOWNS

S. F. 254

AN ACT to amend sections six thousand two hundred seventy (6270), six thousand two hundred seventy-two (6272), six thousand two hundred seventy-eight and one tenth (6278.1), six thousand two hundred eighty (6280), six thousand two hundred eighty-nine (6289) and six thousand two hundred ninety-three (6293), code, 1939, relating to plats, and to provide for closer supervision of the platting of additions in cities and towns including cities acting under special charter and to require approval of auditor's plats in cities, cities acting under special charter, cities under the city manager form of government, and towns having over twelve thousand population.

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

1 SECTION 1. Section six thousand two hundred seventy (6270), Code,  
 2 1939, is amended by inserting in line three (3) after the word "coun-  
 3 cil" the following:

4 "and may also require the installation of sidewalks, paving, sewers,  
 5 water, gas and electric utilities" and further amend said section by  
 6 inserting after the end of the sentence in line four (4), the following:

7 "The Council or Commission may tentatively approve such plat  
 8 prior to such installation, but any such tentative approval shall be  
 9 revokable. In lieu of the completion of such improvements and utili-  
 10 ties prior to the final approval of the plat, the Council or Commission  
 11 may accept a bond with surety to secure to the City the actual con-  
 12 struction and installation of such improvements or utilities within a  
 13 fixed time and according to specifications determined by or in ac-  
 14 cordance with the regulation of the Council or Commission the City is  
 15 hereby granted the power to enforce such bond by all appropriate  
 16 legal and equitable remedies."

1 SEC. 2. Section six thousand two hundred seventy-two (6272),  
 2 Code, 1939, is amended by striking in lines one (1) and two (2), the  
 3 following:

4 ", except subdivisions of less than one (1) block,"

1 SEC. 3. Section six thousand two hundred seventy-eight and one  
 2 tenth (6278.1), Code, 1939, is amended by striking in lines four (4),  
 3 five (5), and six (6) the following:

4 "and to dedicate any part thereof for streets and other public use"

1 SEC. 4. Section six thousand two hundred eighty (6280), Code,  
 2 1939, is amended by inserting in line two (2) after the word "thereof",  
 3 the following:

4 "with the consent of the city"

1 SEC. 5. Section six thousand two hundred eighty-nine (6289), Code,  
 2 1939, is amended by inserting in line two (2) after the word "land",

3 the following:

4 "located in a city having a population, by the latest Federal census  
5 of less than twelve thousand."

1 SEC. 6. Section six thousand two hundred ninety-three (6293),  
2 Code, 1939, is amended by inserting after the period (.) in line nine-  
3 teen (19) the following:

4 "No such plat of land in cities having a population of over twelve  
5 thousand by the latest Federal census shall be so filed and recorded  
6 unless and until the same shall have been approved by the Council of  
7 such city, and by the City Plan Commission as required by law in  
8 such cities where such Commission exists."

1 SEC. 7. The provisions of this act shall be applicable to cities acting  
2 under special charter and cities under the city manager form of gov-  
3 ernment.

Approved April 14, 1945.

## CHAPTER 177

### RETIREMENT SYSTEM OF POLICE AND FIREMEN

S. F. 45

AN ACT to amend sections six thousand three hundred eighteen (6318) and six thousand three hundred twenty-six and eight hundredths (6326.08), code, 1939, relating to benefits under retirement systems for policemen and firemen, and to make the same applicable to special charter cities.

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

1 SECTION 1. Section six thousand three hundred twenty-six and eight  
2 hundredths (6326.08), Code, 1939, is hereby amended as follows:

3 1. Strike from line three (3) of subsection three (3) of said section  
4 the word "ten" and insert in lieu thereof the word "five".

5 2. Strike from line six (6) of subparagraph (a) of subsection thir-  
6 teen (13) of said section the word "sixteen" and insert in lieu thereof  
7 the word "eighteen".

8 3. Strike from line four (4) of subparagraph (b) of subsection  
9 thirteen (13) of said section the word "sixteen" and insert in lieu  
10 thereof the word "eighteen".

1 SEC. 2. The provisions of this act shall be applicable to special char-  
2 ter cities.

1 SEC. 3. Amend Section six thousand three hundred eighteen (6318)  
2 paragraph three (3), by striking from line two (2) the word "sixteen"  
3 and inserting in lieu thereof the word "eighteen"; and by striking after  
4 the comma (,) in line two (2) the word "eight" and inserting in lieu  
5 thereof the word "ten".

1 SEC. 4. Section six thousand three hundred twenty-six and eight  
2 hundredths (6326.08) paragraph eight (8) sub-section "d" is hereby  
3 amended by striking from lines three (3) and nine (9) the word "six-  
4 teen" and inserting in lieu thereof the word "eighteen".

1 SEC. 5. Further amend Section six thousand three hundred twenty-  
 2 six and eight hundredths (6326.08) paragraph eight (8) sub-section  
 3 "e" by striking from line two (2) the word "sixteen" and inserting in  
 4 lieu thereof the word "eighteen".

1 SEC. 6. Further amend Section six thousand three hundred twenty-  
 2 six and eight hundredths (6326.08) paragraph nine (9) sub-section "c"  
 3 by striking from line two (2) the word "sixteen" and inserting in lieu  
 4 thereof the word "eighteen".

Approved March 22, 1945.

## CHAPTER 178

### MUNICIPAL UTILITY EMPLOYEES RETIREMENT SYSTEM

#### S. F. 25

AN ACT to provide for a pension and annuity retirement system for employees of a municipally owned waterworks, or other municipally owned and operated public utility, in any city having a population of five thousand or more, and to authorize city council, board of water works trustees, or other board or commission, whichever is authorized to manage and operate such waterworks, or other municipally owned and operated public utility, to formulate and establish such plan and adopt appropriate rules and regulations therefor.

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

1 SECTION 1. The City Council, Board of Water Works Trustees,  
 2 or other Board or Commission, whichever is authorized by law to  
 3 manage and operate any municipally owned waterworks system, or  
 4 other municipally owned and operated public utility, in cities having  
 5 a population of five thousand or more, including cities under com-  
 6 mission form of government, and cities under city manager plan,  
 7 may establish a pension and annuity retirement system for the em-  
 8 ployees of any such waterworks system, or other municipally owned  
 9 and operated public utility.

1 SEC. 2. The fund for such pension and annuity retirement system  
 2 shall be created from any or all of the following sources:

3 a. From the proceeds of the assessments on the wages and salaries  
 4 of employees, of any such waterworks system, or other municipally  
 5 owned and operated public utility, eligible to receive the benefits  
 6 thereof.

7 b. From the interest on any permanent fund which may be created  
 8 by gift, bequest or otherwise.

9 c. From moneys derived from the operation of such waterworks,  
 10 or other municipally owned and operated public utility, available and  
 11 appropriated therefor by the City Council, Board of Water Works  
 12 Trustees, or other Board or Commission, whichever is authorized  
 13 by law to manage and operate such waterworks or other municipally  
 14 owned and operated public utility. Such money so expended shall  
 15 constitute an operating expense of such utility.

1 SEC. 3. The City Council, Board of Water Works Trustees, or other  
 2 Board or Commission, whichever is authorized by law to manage and

3 operate such waterworks, or other municipally owned and operated  
4 public utility, may formulate and establish such pension and annuity  
5 retirement system, and may make and establish such rules and regu-  
6 lations for the operation thereof as may be deemed necessary or ap-  
7 propriate.

1 SEC. 4. The City Council, Board of Water Works Trustees, or other  
2 Board or Commission, whichever is authorized by law to manage and  
3 operate any such waterworks, or other municipally owned and oper-  
4 ated public utility, shall have the right and power to contract with  
5 any legal reserve insurance company, authorized to conduct its busi-  
6 ness in the state of Iowa, for the payment by such insurance company  
7 of the pensions and annuities provided in any such pension and annu-  
8 ity retirement system, and may pay the premiums accruing under  
9 such contract out of the fund provided for in section two (2) hereof.

1 SEC. 5. Public utility as that term is used in this Act shall be lim-  
2 ited to any waterworks, gas or electric light plants managed, operated  
3 and owned by a municipality.

1 SEC. 6. The provisions of this Act are made applicable to special  
2 charter cities.

Approved April 6, 1945.

#### CHAPTER 179\*

##### MAYOR AND COUNCILMEN—SALARY

S. F. 15

AN ACT to amend section sixty-five hundred seventeen (6517), code 1939, relating to and providing for the salary of the mayor and councilmen of certain cities now or hereafter organized under chapter three hundred twenty-six (326), code 1939, relating to cities under the commission form of government.

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

1 SECTION 1. Subsection one (1) of Section sixty-five hundred seven-  
2 teen (6517), Code 1939, is hereby amended as follows:

3 1. By striking from lines six (6) and seven (7) of said subsection  
4 the words "one hundred fifty" and inserting in lieu thereof the words  
5 "two hundred."

6 2. By striking from line ten (10) of said subsection the words "one  
7 hundred twenty" and inserting in lieu thereof the words "one hundred  
8 fifty".

9 3. By striking from line fourteen (14) of said subsection the words  
10 "twenty-five hundred" and inserting in lieu thereof the words "three  
11 thousand".

12 4. By striking from line twenty-two (22) of said subsection the  
13 semicolon (;) after the word "office" and inserting in lieu thereof a  
14 period (.) and by striking all of said subsection one (1) in lines twenty-  
15 two (22) to twenty-five (25), inclusive, after the word "office" therein.

16 5. By striking from line seventeen (17) of said subsection the words  
17 "two thousand" and inserting in lieu thereof the words "twenty-five  
18 hundred".

\*Amended by Ch. 180, Acts 51st General Assembly.

1 SEC. 2. Subsection two (2) of section sixty-five hundred seventeen  
2 (6517), Code 1939, is hereby amended by striking from line four (4)  
3 of said subsection the words "twenty-five hundred" and inserting in  
4 lieu thereof the words "thirty-five hundred".

5 Further amend said subsection by striking from line Five (5) there-  
6 of the words "eighteen hundred" and inserting in lieu thereof the words  
7 "twenty-eight hundred"

1 SEC. 3. Subsection three (3) of section sixty-five hundred seventeen  
2 (6517), Code 1939, is hereby amended as follows:

3 1. By striking from lines three (3) and four (4) of said subsection  
4 the words "three thousand" and inserting in lieu thereof the words  
5 "four thousand".

6 2. By striking from line five (5) of said subsection the words "twen-  
7 ty-five hundred" and inserting in lieu thereof the words "thirty-two  
8 hundred".

1 SEC. 4. Subsection four (4) of Section sixty-five hundred seventeen  
2 (6517), Code 1939 is hereby amended by striking all of said subsection  
3 and substituting in lieu thereof the following:

4 "In cities having by such census a population of sixty thousand and  
5 less than one hundred thousand, the mayor's annual salary shall be  
6 four thousand five hundred dollars, and that of each councilman, three  
7 thousand five hundred dollars".

1 SEC. 5. Add the following subsection:

2 "In cities having by such census a population of one hundred thou-  
3 sand or more, the mayor's annual salary shall be five thousand dollars,  
4 and that of each councilman, forty-two hundred dollars.

5 Such salaries shall be payable in equal monthly installments."

1 SEC. 6. This Act shall go into effect on April 1, 1945, following its  
2 publication in the Sioux City Journal Tribune, a newspaper published  
3 at Sioux City, Iowa, and in the Burlington Hawk-Eye Gazette, a news-  
4 paper published at Burlington, Iowa.

Approved March 13, 1945.

I hereby certify that the foregoing act was published in the Sioux City Journal  
Tribune, Sioux City, Iowa, March 19, 1945, and the Burlington Hawk-Eye Gazette,  
Burlington, Iowa, March 20, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 180

### OFFICERS OF COMMISSION CITIES

S. F. 415

AN ACT to amend Senate File 15, Acts of the 51st General Assembly of Iowa relating  
to the salaries of mayor and councilmen of commissioned cities.

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

1 SECTION 1. Senate File 15 of the Acts of the 51st General Assembly  
2 of Iowa, is amended by the addition of the following:



3 "Section Five thousand six hundred seventy-two (5672) of the Code,  
4 1939 shall not be construed as affecting the provisions of Senate File  
5 15."

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Mediapolis  
3 New Era, a newspaper published in the town of Mediapolis, Iowa, and  
4 in the Wapello Republican, a newspaper published in the town of  
5 Wapello, Iowa.

Approved March 27, 1945.

I hereby certify that the foregoing act was published in the Mediapolis New Era, Mediapolis, Iowa, March 29, 1945, and the Wapello Republican, Wapello, Iowa, March 29, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 181

### TRACKLESS TROLLEYS

H. F. 228

AN ACT to amend section six thousand six hundred ten and fifty-eight hundredths (6610.58), code, 1939, relating to trackless trolleys, fees and taxes and to increase the license fee or tax.

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

1 SECTION 1. Section six thousand six hundred ten and fifty-eight  
2 hundredths (6610.58), Code, 1939, is hereby amended by striking  
3 from subsection two (2) of said section in line ten (10) the words  
4 "one and one-half" and by inserting in lieu thereof the words "two  
5 and three-fourths".

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 Des Moines Daily Record, a newspaper published at Des Moines,  
4 Iowa and in Plain Talk, a newspaper published at Des Moines, Iowa.

Approved April 14, 1945.

I hereby certify that the foregoing act was published in the Des Moines Daily Record, Des Moines, Iowa, April 18, 1945, and the Plain Talk, Des Moines, Iowa, April 19, 1945

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 182

## SPECIAL CHARTER CITIES—SALARIES

H. F. 379

AN ACT to amend sections six thousand seven hundred four (6704) and six thousand seven hundred five (6705), code, 1939, relating to compensation of aldermen and mayor of cities under special charter.

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

1 SECTION 1. Section six thousand seven hundred four (6704), Code,  
2 1939, is hereby amended by striking from line three (3) the following:  
3 "six hundred" and inserting in lieu thereof the words "nine hundred".

1 SEC. 2. Section six thousand seven hundred five (6705), Code, 1939,  
2 is hereby amended by striking in lines three (3) and four (4) the  
3 following: "two thousand five hundred" and inserting in lieu thereof  
4 the words "forty-five hundred".

Approved April 12, 1945.

## CHAPTER 183

## SPECIAL CHARTER CITIES—RIPARIAN RIGHTS

H. F. 142

AN ACT to amend chapter three hundred twenty-nine (329), code, 1939, by adding thereto a new section relating to rights of owners of certain riparian lands.

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

1 SECTION 1. That Chapter three hundred twenty-nine (329), Code,  
2 1939, be amended by adding thereto a new section to be known as  
3 Section 6830.2 as follows: "With respect to any lands title to which  
4 has been or may be granted by the State to any municipal corporation  
5 of the State, acting under special charter, Sections 7948 and 7949  
6 of the Code shall not, after the occurrence of such grant, continue to  
7 apply, excepting only that permanent structures erected prior to such  
8 grant under authority of said Section 7948 may continue to be used,  
9 occupied and maintained thereunder, and excepting further only that  
10 such lands may continue to be used and occupied thereunder, to the  
11 extent only that use and occupancy of such lands shall be necessary  
12 to the use and occupancy of such structures for like purposes and in  
13 like manner as before such grant; provided that nothing herein con-  
14 tained shall be deemed to affect riparian rights at common law."

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

Approved April 3, 1945.

I hereby certify that the foregoing act was published in the Daily Times, Davenport, Iowa, April 12, 1945, and The Davenport Democrat and Leader, Davenport, Iowa, April 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 184

## TAXATION OF LIMITED PARTNERSHIPS

H. F. 219

AN ACT to amend section six thousand nine hundred forty-three and forty-seven thousandths (6943.047); six thousand nine hundred forty-three and fifty-two thousandths (6943.052) and six thousand nine hundred forty-three and sixty-four thousandths (6943.064), code, 1939, providing for taxation of limited partnerships under the state income tax law.

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

1 SECTION 1. Subsection two (2) of section six thousand nine hun-  
2 dred forty-three and forty-seven thousandths (6943.047), Code, 1939,  
3 is hereby amended by inserting after the word "partnership" in line  
4 one (1) of said subsection the words: "including limited partnerships  
5 organized under provisions of chapter 428, Code, 1939,".

1 SEC. 2. Subsection three (3) of section six thousand nine hundred  
2 forty-three and fifty-two thousandths (6943.052), Code, 1939, is here-  
3 by amended by inserting after the word "partnership" in line two (2)  
4 of said subsection, the words: "including limited partnerships organ-  
5 ized under chapter 428, Code, 1939,".

1 SEC. 3. Subsection one (1) of section six thousand nine hundred  
2 forty-three and sixty-four thousandths (6943.064), Code, 1939, is  
3 hereby amended by striking from line two (2) of said subsection the  
4 words "limited partnerships" and by striking from line three (3) of  
5 said subsection the period after the word "profit" and adding the  
6 words: ", except limited partnerships organized under chapter 428,  
7 Code, 1939,".

1 SEC. 4. 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 Cedar Falls Daily Record, a newspaper published at Cedar Falls, Iowa,  
4 and in the Progress Review, a newspaper published at La Porte City,  
5 Iowa.

Approved April 2, 1945.

I hereby certify that the foregoing act was published in the Cedar Falls Daily Record, Cedar Falls, Iowa, April 6, 1945, and the Progress Review, La Porte City, Iowa, April 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 185

## SURPLUS WAR MATERIAL—USE TAX

S. F. 54

AN ACT to amend section six thousand nine hundred forty-three and seventy-six thousandths (6943.076), and section six thousand nine hundred forty-three and one hundred and three thousandths (6943.103), code of Iowa, 1939, and providing for the imposition of a use tax upon purchases of tangible personal property from the government of the United States or any of its agencies by ultimate consumers.

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

1 SECTION 1. Section one (1) of section six thousand nine hundred  
2 and forty-three and seventy-six thousandths (6943.076), Code, 1939,  
3 is hereby amended by adding the following:

4 "Purchases of tangible personal property from the Government of  
5 the United States or any of its agencies by ultimate consumers are  
6 hereby declared to be subject to the State Use Tax."

1 SEC. 2. Section six thousand nine hundred and forty-three and one-  
2 hundred three thousandths (6943.103), Code, 1939, is hereby amended  
3 by adding thereto the following paragraph:

4 "Purchases of tangible personal property made from the Govern-  
5 ment of the United States or any of its agencies by ultimate consumers  
6 shall be subject to the tax imposed by this section. Industrial mate-  
7 rials and equipment owned by the Federal Government within the  
8 State of Iowa of a character not ordinarily readily obtainable within  
9 the state, shall not be subject to use tax when sold, if such industrial  
10 materials and equipment would not be subject to use tax if such were  
11 sold outside of the state for use in Iowa."

1 SEC. 3. This act shall not apply to purchases made by counties or  
2 municipal corporations.

1 SEC. 4. 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 Anamosa Eureka, a newspaper published at Anamosa, Iowa, and the  
4 Tri County News, a newspaper published at Farmington, Iowa.

Approved March 30, 1945.

I hereby certify that the foregoing act was published in the Anamosa Eureka, Anamosa, Iowa, April 5, 1945, and the Tri County News, Farmington, Iowa, April 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 186

## TEMPORARY RETAIL SALES PERMIT

H. F. 3

AN ACT providing for the issuance of temporary permits to persons engaging temporarily in the business of retail sales in Iowa.

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

1 SECTION 1. Section six thousand nine hundred forty-three and  
2 eighty-four one-thousandths (6943.084), Code, 1939, is amended by

3 adding thereto the following subsection:

4 "7. Every person desiring to engage temporarily in the conduct of  
5 a business as a retailer within the state, shall file with the commission  
6 an application for a temporary permit. The commission shall issue a  
7 temporary permit for any number of days or months not exceeding six  
8 (6) months. A temporary permit may be renewed from time to time  
9 in the discretion of the commission and shall expire automatically  
10 on the final day for which it shall have been issued, unless renewed.  
11 Itinerant merchants, seasonal retailers, peddlers and persons selling  
12 tangible personal property at retail without a permanent or fixed place  
13 of business, shall operate on a temporary permit and shall not be  
14 issued a regular permit unless they shall have established a regular  
15 place of business. The commission shall prescribe rules and regula-  
16 tions as to the issuance of temporary permits and the collection of tax  
17 due from retailers operating by virtue of a temporary permit. All the  
18 provisions of the first three (3) subsections of this section, shall apply  
19 to temporary permits as far as consistent herewith."

Approved February 21, 1945.

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## CHAPTER 187

### SALES TAX PERMITS

H. F. 46

AN ACT amending subsection two (2) of section six thousand nine hundred forty-three and eighty-nine thousandths (6943.089), code, 1939, modifying the penalties for failure to take out sales tax permits.

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

1 SECTION 1. Subsection two (2) of section six thousand nine  
2 hundred forty-three and eighty-nine thousandths (6943.089), Code,  
3 1939, is hereby amended by striking out the last three (3) lines of  
4 said subsection and substituting in lieu thereof the following: "One  
5 hundred dollars (\$100) or imprisonment in the county jail for not  
6 more than thirty (30) days in the discretion of the court."

Approved January 29, 1945.

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## CHAPTER 188

### CLAIMS FOR TAX REFUNDS

H. F. 40

AN ACT to amend chapter two hundred thirty-six (236), Acts of the Forty-ninth General Assembly, relating to tax refunds.

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

1 SECTION 1. Chapter two hundred thirty-six (236) Acts of the Forty-  
2 ninth General Assembly, is amended by inserting after the word "re-

3 fund" in line four (4) of section one (1) and after the word "refund"  
4 in line five (5) of section one (1) the words "or credit".

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 Cedar Rapids Gazette, a newspaper published in Cedar Rapids, Iowa,  
4 and in the Des Moines Daily Record, a newspaper published in Des  
5 Moines, Iowa.

Approved March 7, 1945.

I hereby certify that the foregoing act was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, March 12, 1945, and the Des Moines Daily Record, Des Moines, Iowa, March 13, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 189

### OLD-AGE ASSISTANCE

H. F. 328

AN ACT to amend chapter two hundred thirty-seven (237), Acts of the Forty-ninth General Assembly, relative to the allocation of revenue for old-age assistance.

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

1 SECTION 1. Section one (1), chapter two hundred thirty-seven  
2 (237), Acts of the Forty-ninth General Assembly, is hereby amended  
3 by striking from line four (4) thereof the words "eight million five  
4 hundred thousand" and inserting in lieu thereof the words "ten mil-  
5 lion".

Approved March 27, 1945.

## CHAPTER 190

### CHAIN STORE TAX OVERPAYMENTS

H. F. 2

AN ACT providing for the payment of refunds to persons who have overpaid Iowa chain store taxes.

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

1 SECTION 1. Section six thousand nine hundred forty-three and one  
2 hundred thirty-seven thousandths (6943.137), Code, 1939, is amended  
3 by adding the following:  
4 "If it shall appear that an overpayment has been made or shall  
5 have been made, then, all of the provisions, power, duties, authority  
6 and restrictions contained in sections six thousand nine hundred  
7 forty-three and ninety-seven thousands (6943.097) and six thousand  
8 nine hundred forty-three and ninety-eight thousands (6943.098) shall  
9 apply hereto."

Approved January 29, 1945.

## CHAPTER 191

## HOMESTEAD TAX CREDIT—APPEAL NOTICE

H. F. 9

AN ACT to amend section six thousand nine hundred forty-three and one hundred forty-eight thousandths (6943.148), code, 1939, as amended by chapter 209, Acts of the 50th General Assembly, and providing for notice of appeal to the state tax commission.

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

1 SECTION 1. Section two (2) of Chapter 209, Acts of the 50th Gen-  
2 eral Assembly, is hereby amended by inserting after the word "sec-  
3 tion" in line fifteen (15) the following sentence: "Where such  
4 appeal is taken by the claimant or by the board of supervisors, the  
5 appellant shall within ten (10) days after the filing of such appeal,  
6 notify the chairman of the state tax commission by registered mail,  
7 with receipt requested, of the filing of said appeal."

Approved February 16, 1945.

## CHAPTER 192

## AGRICULTURAL LAND TAX CREDIT

H. F. 127

AN ACT creating in the office of the treasurer of state a permanent fund to be known as the agricultural land credit fund, and making appropriation thereto, providing for the apportionment of said fund as a credit against the tax on agricultural lands in school districts in which the millage for the general school fund exceeds fifteen mills, and providing the procedure for effecting said credits.

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

1 SECTION 1. There is hereby created as a permanent fund in the  
2 office of the treasurer of state a fund to be known as the agricultural  
3 land credit fund, and for the purpose of establishing and maintaining  
4 said fund for each fiscal year beginning July 1, 1946 there is appro-  
5 priated thereto from funds in the general fund not otherwise appro-  
6 priated the sum of \$500,000.00. Any balance in said fund on June 30  
7 shall revert to the general fund.

1 SEC. 2. "Agricultural lands" as used in this act shall mean and  
2 include all tracts of land of ten (10) acres or more, and not laid off  
3 into lots of less than ten acres or divided by streets and alleys into  
4 parcels of less than ten acres, lying within any school corporation in  
5 this state and in good faith used for agricultural or horticultural  
6 purposes.

1 SEC. 3. The agricultural land credit fund shall be apportioned each  
2 year in the manner hereinafter provided so as to give a credit against  
3 the tax on each tract of agricultural lands within the several school  
4 districts of the state in which the millage for the general school fund  
5 exceeds fifteen (15) mills; the amount of such credit on each tract of  
6 such lands shall be the amount the tax levied for the general school fund

7 exceeds the amount of tax which would be levied on said tract of such  
8 lands were the levy for the general school fund fifteen (15) mills,  
9 except in the case of a deficiency in the agricultural land credits fund  
10 to pay said credits in full, in which case the credit on each eligible tract  
11 of such lands in the state shall be proportionate and shall be applied  
12 as hereinafter provided. The agricultural land credit as provided  
13 herein shall not be made to any tax payer on any portion of his prop-  
14 erty upon which a homestead credit, as provided by Chapter three  
15 hundred twenty-nine and six tenths (329.6), has been allowed for  
16 the year in which the agricultural credit is claimed.

1 SEC. 4. Commencing with the year 1946 and each year thereafter  
2 any owner of a tract or tracts of agricultural lands who desires to  
3 obtain for said lands the credit against the tax on said lands as pro-  
4 vided for in this act, shall deliver to the assessor, on blanks furnished  
5 by the county auditor, a verified statement and designation of such  
6 agricultural lands, and the assessor shall return said statement and  
7 designation containing an endorsement of his recommendation for  
8 allowance or disallowance to the county auditor along with the assess-  
9 ment roll; if the said statement and designation is not delivered to  
10 the assessor, the owner may on or before June 1 of that year file with  
11 the county auditor such statement and designation together with the  
12 supporting affidavits of at least two disinterested freeholders of the  
13 taxing district in which the agricultural lands are located. The fail-  
14 ure to file a statement and designation on or before June 1, shall pre-  
15 clude the allowance of any credit against the tax on said lands for  
16 that year.

1 SEC. 5. The board of supervisors in each county shall forthwith  
2 examine all such statements and designations and shall not later than  
3 July 1 either allow or disallow same. In the event of disallowance  
4 the county auditor shall immediately mail to the owner at the address  
5 shown on the statement and designation, notice of such disallowance,  
6 in which case the owner may within twenty (20) days from the date  
7 of making such notice appeal the disallowance by the board of super-  
8 visors to the district court of that county by serving written notice of  
9 appeal on the county auditor. The appeal shall be tried de novo and  
10 may be heard in term time or vacation and trial thereof shall take  
11 precedence over all other business of the court. The decision of the  
12 district court thereon shall be final.

1 SEC. 6. On or before October 15 the county auditor shall list by  
2 school districts all tracts of agricultural lands on which there has  
3 been made an allowance for credit hereunder together with the tax-  
4 able value, and immediately upon receiving the certification of the  
5 budget from each school district shall determine the tax rate for the  
6 general fund of the district in the manner provided in section 7164,  
7 Code 1939; if the tax rate is in excess of fifteen mills he shall multiply  
8 the millage which is in excess of fifteen (15) mills by the total tax-  
9 able value of the allowed agricultural lands in the district and on or  
10 before November 10 certify the amount thereof to the state comp-  
11 troller.

1 SEC. 7. After receiving from the several county auditors of the  
2 state the certifications provided for in section 6 of this act, and on



3 or before December 10, the state comptroller shall draw warrants  
 4 on the agricultural land credits fund created by this act, payable to  
 5 the county treasurers of the several counties of the state in the total  
 6 amount certified by the county auditors of the respective counties and  
 7 mail said warrants to the county auditors of said counties, provided  
 8 that in the event the agricultural land credits fund is insufficient to  
 9 pay in full the total of the amounts certified to the state comptroller  
 10 on the tenth of November, he shall pro-rate the fund to the several  
 11 county treasurers and notify the several county auditors of the pro-  
 12 rata percentage at the time of mailing the warrants to them.

1 SEC. 8. Upon receiving the warrant from the state comptroller  
 2 the county auditor shall determine the amount thereof to be credited  
 3 to each tract of agricultural land, and shall enter upon the tax lists  
 4 as a credit against the tax levied on each tract of agricultural land  
 5 on which there has been made an allowance of credit, the amount of  
 6 said credit, and shall deliver the comptroller's warrant to the county  
 7 treasurer with the tax lists. The county treasurer shall credit each  
 8 school district with the total amount of the tax credits credited on lands  
 9 in the district and shall show on each tax receipt the amount of tax  
 10 credit for each tract of agricultural lands.

1 SEC. 9. If the appropriation herein is insufficient to pay the credits  
 2 in full, then in that event they shall be paid on a pro-rata basis.

1 SEC. 10. There is hereby transferred to the general fund of the  
 2 state of Iowa, for each year of the biennium beginning July 1, 1945,  
 3 and ending June 30, 1947, the sum of five hundred thousand dollars  
 4 (\$500,000.00) from the income, corporation and sales tax fund col-  
 5 lected under the provisions of chapter three hundred ninety-three and  
 6 three tenths (393.3), code, 1939.

Approved April 10, 1945.

## CHAPTER 193

### TAX EXEMPTION OF BONUS BONDS

#### H. F. 4

AN ACT to repeal subsection twenty-two (22) of section six thousand nine hundred forty-four (6944), code, 1939, relating to the exemption of soldiers' bonus bonds from state taxation.

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

1 SECTION 1. Subsection twenty-two (22) of section six thousand  
 2 nine hundred forty-four (6944), Code, 1939, is hereby repealed.

Approved January 29, 1945.

## CHAPTER 194

## MILITARY SERVICE EXEMPTIONS

H. F. 50

AN ACT to amend section six thousand nine hundred forty-six (6946), code, 1939, relating to exemptions from taxation of property of soldiers, sailors, marines, nurses, and widows, and the child or children of soldiers, sailors, marines, and nurses.

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

1 SECTION 1. Section six thousand nine hundred forty-six (6946),  
2 Code, 1939, as amended by chapter two hundred forty-one (241),  
3 Acts of the Forty-ninth (49) General Assembly, is amended by strik-  
4 ing all of subsection three (3), four (4), and five (5) and the amend-  
5 ment of chapter two hundred forty-one (241), Acts of the Forty-  
6 ninth (49) General Assembly, and inserting in lieu thereof the fol-  
7 lowing:

8 "3. The property, not to exceed seven hundred fifty (\$750.00) dol-  
9 lars in taxable value of any honorably discharged soldier, sailor, ma-  
10 rine or nurse of the first World War.

11 "4. The property, not to exceed five hundred (\$500) dollars in  
12 taxable value of any honorably discharged soldier, sailor, marine or  
13 nurse of the second World War, Army of Occupation in Germany  
14 November 12, 1918, to July 11, 1923, American Expeditionary Forces  
15 in Siberia November 12, 1918, to April 30, 1920, Second Nicaraguan  
16 Campaign with the Navy or Marines in Nicaragua or on combatant  
17 ships 1926-1933, Second Haitian Suppressions of Insurrections 1919-  
18 1920, Navy and Marine Operations in China 1937-1939 and Yangtze  
19 Service with Navy and Marines in Shanghai or in the Yangtze Valley  
20 1926-1927 and 1930-1932.

21 "In case any person in the foregoing classifications does not claim  
22 any such exemption from taxation, it shall be allowed in the name of  
23 such person to the same extent on the property of any one of the  
24 following persons in the order named:

25 "1. The wife, or widow remaining unmarried, of any such soldier,  
26 sailor, marine or nurse, where they are living together or were living  
27 together at the time of the death of such person.

28 "2. The widowed mother, remaining unmarried, of any such sol-  
29 dier, sailor, marine or nurse, whether living or deceased, where such  
30 widowed mother is, or was at the time of death of the soldier, sailor,  
31 marine or nurse, dependent on such person for support.

32 "3. The minor child, or children owning property as tenants in  
33 common, of any such deceased soldier, sailor, marine or nurse.

34 "No more than one tax exemption shall be allowed under this sec-  
35 tion in the name of any honorably discharged soldier, sailor, marine  
36 or nurse."

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 Cedar Rapids Gazette, a newspaper published at Cedar Rapids,

4 Iowa, and the American Citizen, a newspaper published at Des Moines,  
5 Iowa.

Approved April 14, 1945.

I hereby certify that the foregoing act was published in the Cedar Rapids Gazette, Cedar Rapids, Iowa, April 18, 1945, and the American Citizen, Des Moines, Iowa, April 27, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 195

### SUSPENDED TAX LIST

S. F. 385

AN ACT to amend section six thousand nine hundred fifty-two and one-tenth (6952.1), code, 1939, relating to the keeping of a suspended tax list and the entries made therein.

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

1 SECTION 1. Amend section six thousand nine hundred fifty-two  
2 and one-tenth (6952.1), Code, 1939, by striking from lines 2 and 22  
3 and 32 thereof the word "auditor" and inserting in lieu thereof the  
4 word "treasurer" and also by striking from line 23 the figures "1932"  
5 and inserting in lieu thereof the figures "1946". Also amend said sec-  
6 tion by adding thereto the following new paragraph:  
7 "Said suspended tax list shall be considered the only official sus-  
8 pended tax list of the county. When any suspension, heretofore or  
9 hereafter ordered by the board of supervisors for any reason pro-  
10 vided by law, has been entered therein, such entry shall, on and after  
11 date of said entry, be a lien and notice thereof in accordance with the  
12 provisions of sections six thousand nine hundred fifty and one-tenth  
13 (6950.1), and seven thousand one hundred ninety three (7193),  
14 Code, 1939. Such entries of suspended taxes shall not be required to  
15 be entered in or carried forward to any other book or tax list, not-  
16 withstanding any provision of law to the contrary."

Approved April 7, 1945.

## CHAPTER 196

### MONEYS AND CREDITS REVENUE

S. F. 295

AN ACT to amend section six thousand nine hundred eighty-six (6986), code, 1939, relating to the apportionment of the revenue derived from the tax on moneys and credits.

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

1 SECTION 1. Section six thousand nine hundred eighty-six (6986),  
2 Code, 1939, is amended by striking all after the word "in" in line six  
3 (6) thereof, and substituting therefor the following:

4 "each taxing district in cities and towns shall be apportioned twenty  
5 per cent to the county general fund, thirty per cent to the city or town  
6 general fund, and fifty per cent to the general fund of the school dis-  
7 trict, and the amount collected in each taxing district outside of cities  
8 and towns shall be apportioned fifty per cent to the county general  
9 fund and fifty per cent to the general fund of the school district."

Approved April 10, 1945.

## CHAPTER 197

### INTEREST ON BONUS BONDS

H. F. 5

AN ACT to repeal section six thousand nine hundred eighty-seven (6987), code, 1939, relating to soldiers' bonus bond levies.

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

1 SECTION 1. Section six thousand nine hundred eighty-seven (6987),  
2 Code, 1939, providing for a millage tax on moneys and credits for the  
3 payment of interest and principal on soldiers' bonus bonds is hereby  
4 repealed.

Approved February 14, 1945.

## CHAPTER 198

### BONUS BOND LEVIES

H. F. 39

AN ACT amending section seven thousand seventeen and eleven one-hundredths (7017.11), code, 1939, and repealing section seven thousand one hundred eighty-three and one-tenth (7183.1), section seven thousand one hundred eighty-three and two tenths (7183.2), section seven thousand one hundred eighty-three and three tenths (7183.3) and section seven thousand one hundred eighty-three and four tenths (7183.4), code, 1939, relating to levies authorized for payment of soldiers' bonuses to veterans of world war one.

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

1 SECTION 1. Section seven thousand seventeen and eleven one-hun-  
2 dredths (7017.11), Code, 1939, is hereby amended by substituting a  
3 period for the comma following the word "association" in line five (5)  
4 thereof and striking out the remaining portion of said section seven  
5 thousand seventeen and eleven one-hundredths (7017.11).

1 SEC. 2. Sections seven thousand one hundred eighty-three and one-  
2 tenth (7183.1), section seven thousand one hundred eighty-three and  
3 two-tenths (7183.2), section seven thousand one hundred eighty-three  
4 and three-tenths (7183.3) and section seven thousand one hundred  
5 eighty-three and four-tenths (7183.4), Code, 1939, are hereby repealed.

Approved March 7, 1945.

## CHAPTER 199

## TAXES ON FREIGHT LINE AND EQUIPMENT COMPANIES

H. F. 20

AN ACT to amend section seven thousand seventy-six (7076), code, 1939, permitting garnishment in collection of taxes upon freight line and equipment car companies.

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

1 SECTION 1. Section seven thousand seventy-six (7076), Code, 1939,  
2 as amended, is hereby amended by inserting after the word "therefor."  
3 in line nineteen (19) thereof the following sentence:  
4 "The state tax commission may also bring garnishment proceedings  
5 for the collection of such delinquent taxes as provided by section eleven  
6 thousand six hundred seventy-nine and one-tenth (11679.1) as amend-  
7 ed by Acts of the Fifty-first General Assembly."

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 Northwood Anchor and Index, a newspaper published in Northwood,  
4 Iowa, and in The Tipton Advertiser, a newspaper published in Tipton,  
5 Iowa.

Approved February 20, 1945.

I hereby certify that the foregoing act was published in The Northwood Anchor and Index, Northwood, Iowa, March 1, 1945, and The Tipton Advertiser, Tipton, Iowa, March 1, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 200

## NOTICE OF ADJUSTED TAX ASSESSMENTS

H. F. 37

AN ACT to amend section seven thousand one hundred thirty-seven (7137), code, 1939, and providing for notices to local boards of review when valuations are increased by the county board of review.

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

1 SECTION 1. Section seven thousand one hundred thirty-seven  
2 (7137), Code, 1939, is hereby amended by adding to the same the fol-  
3 lowing: "Before such county board of review shall add to the valuation  
4 of any kind or class of property any such percentage, it shall serve  
5 notice of such increase by registered mail on the chairman or presid-  
6 ing officer of the township board of review or city or town board of  
7 review whose valuation is ordered increased, and shall hold an ad-  
8 journed meeting not less than ten (10) days after such notice has been  
9 mailed, at which time such township, city or town boards of review  
10 may appear and make written or oral protest against such proposed  
11 raise, and at such meeting final action may be taken in reference to the  
12 increase ordered."

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

- 3 Cherokee Times, a newspaper published at Cherokee, Iowa, and in  
4 Greenfield Free Press, a newspaper published at Greenfield, Iowa.

Approved February 14, 1945.

I hereby certify that the foregoing act was published in the Cherokee Times, Cherokee, Iowa, February 19, 1945, and the Greenfield Free Press, Greenfield, Iowa, February 22, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 201

### FEEES OF COUNTY OFFICERS

S. F. 135

AN ACT to amend sections seven thousand two hundred sixty-three (7263), seven thousand two hundred eighty-four (7284), and five thousand ten and eight hundredths (5010.08), code, 1939, relating to fees to be charged by the county treasurer; section five thousand one hundred fifty-five (5155), code, 1939, relating to fees to be charged by the county auditor; sections five thousand one hundred seventy-seven (5177) and ten thousand thirty-one (10031), code, 1939, relating to fees to be charged by the county recorder; and chapter four hundred twenty-nine and one-tenth (429.1), code, 1939, relating to the filing of verified statements when conducting business under a trade name; to provide for a fee or increase in fees to be charged by the county treasurer, auditor and recorder.

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

1 SECTION 1. Section seven thousand two hundred sixty-three (7263),  
2 Code, 1939, is amended by adding thereto the following: "The treasurer  
3 shall receive fifty cents for each certificate of purchase."

1 SEC. 2. Section seven thousand two hundred eighty-four (7284),  
2 Code, 1939, is amended by striking from line eight (8) thereof the  
3 words "twenty-five" and substituting in lieu thereof the word "fifty".

1 SEC. 3. Section five thousand ten and eight hundredths (5010.08),  
2 Code, 1939, is amended by inserting after the word "vehicles," in line  
3 six (6) thereof the words "and ten cents for each certificate of transfer  
4 of registration,".

1 SEC. 4. Section five thousand one hundred fifty-five (5155), Code,  
2 1939, is amended by repealing subsection one (1) thereof and by sub-  
3 stituting the following:

4 "1. For transfers made in the transfer books, twenty-five cents for  
5 each separate parcel of real estate described in any deed, or transfer  
6 of title certified by clerks of district courts, provided, however, if  
7 several parcels are described in any one such instrument and the par-  
8 cels are contiguous or separated only by public streets or highways, the  
9 fee shall not exceed two and one-half dollars. A parcel of real estate  
10 outside of the limits of cities and towns shall be all the unplatted land  
11 described in any deed or transfer of title lying within one numbered  
12 section of land."

1 SEC. 5. Section five thousand one hundred seventy-seven (5177),  
2 Code, 1939, is amended by repealing subsection three (3) thereof and  
3 by substituting the following:

4 "3. For the marginal assignment or release of any instrument (ex-  
5 cept those made by the clerk of the district court), twenty-five cents."

1 SEC. 6. Section ten thousand thirty-one (10031), Code, 1939, is  
2 amended by adding thereto the following new subsection:

3 "3. For the marginal assignment or release of any instrument,  
4 twenty-five cents."

1 SEC. 7. Chapter four hundred twenty-nine and one-tenth (429.1),  
2 Code, 1939, is amended by adding thereto the following section:

3 "The county recorder shall be entitled to charge and receive a fee of  
4 twenty-five cents for each verified statement filed under the provisions  
5 of this chapter."

Approved March 29, 1945.

## CHAPTER 202

### INHERITANCE TAX

S. F. 274

AN ACT to amend section seven thousand three hundred twenty-eight (7328), code, 1939, relating to inheritance tax and avoidance of administration.

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

1 SECTION 1. Section seven thousand three hundred twenty-eight  
2 (7328), Code, 1939, is hereby amended by striking from lines six  
3 (6) and seven (7) thereof the words "four months" and by inserting  
4 in lieu thereof the words "eighteen months".

Approved April 10, 1945.

## CHAPTER 203

### SINKING FUND CLAIMS

S. F. 85

AN ACT to amend section seven thousand four hundred twenty and twenty-two hundredths (7420.22), code, 1939, relating to the payment of claims against the state sinking fund for public deposits.

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

1 SECTION 1. Amend section seven thousand four hundred twenty and  
2 twenty-two hundredths (7420.22), Code, 1939, by inserting after the  
3 period (.) in line forty-three (43) of said section, the following:

4 "But where deposits of state funds in National Banks only for which  
5 claims are on file, the payment of interest or assessments on said  
6 deposits, as provided in this chapter, from the time of the closing of  
7 said bank to the date of its reorganization, shall not be required, and  
8 the claim may be paid without interest or assessment for that period;  
9 and all claims heretofore filed, payment of which has been denied be-

10 cause of failure to pay the interest or assessments for the time between  
 11 the date of the closing of said bank and its reopening, as in this chapter  
 12 provided, shall be reconsidered and, if approved, shall be paid without  
 13 the payment of such interest or assessments."

1 SEC. 2. This act being deemed of immediate importance shall be in  
 2 full force and effect from and after its publication in the Daily Free-  
 3 man Journal, a newspaper published at Webster City, Iowa, and in the  
 4 Eagle Grove Eagle, a newspaper published at Eagle Grove, Iowa.

Approved March 13, 1945.

I hereby certify that the foregoing act was published in the Daily Freeman Journal, Webster City, Iowa, March 16, 1945, and the Eagle Grove Eagle, Eagle Grove, Iowa, March 22, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 204

### ELECTRIC TRANSMISSION LINES

S. F. 146

AN ACT to repeal section eight thousand three hundred twenty-eight (8328), code, 1939, and to amend section eight thousand three hundred twenty-six (8326), code, 1939, relating to the manner of construction of electric transmission lines.

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

1 SECTION 1. Section eight thousand three hundred twenty-six  
 2 (8326), Code, 1939, is hereby amended by adding thereto the follow-  
 3 ing: "The Iowa state commerce commission shall have power to make  
 4 and enforce such further and additional rules relating to location,  
 5 construction, operation and maintenance of said transmission line as  
 6 may be reasonable."

1 SEC. 2. Section eight thousand three hundred twenty-eight (8328),  
 2 Code, 1939, is hereby repealed.

Approved April 9, 1945.

## CHAPTER 205

### FOREIGN CORPORATIONS CAPITAL STOCK

H. F. 43

AN ACT to amend, revise and codify section eight thousand four hundred twenty-four (8424), code, 1939, relating to fees to be paid on increase of capital by foreign corporations having permits to transact business in the state of Iowa.

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

1 SECTION 1. That Section eight thousand four hundred twenty-four  
 2 (8424), Code, 1939, is hereby amended, revised and codified to read as  
 3 follows:

4 "If from time to time the amount of money or other property in use



5 in the state by said foreign corporation is increased, said corporation  
 6 shall at the time of said increase, or at the time of making annual re-  
 7 port to the secretary of state, in July of each year, file with the secre-  
 8 tary of state a sworn statement showing the amount of such increase,  
 9 and shall pay a filing fee thereon of one dollar for each one thousand  
 10 dollars or fraction thereof of such increase if such corporation has a  
 11 permit to transact business within the state for a period of years; if  
 12 said corporation has a perpetual permit to transact business within  
 13 the state, said filing fee thereon shall be one dollar and ten cents for  
 14 each one thousand dollars or fraction thereof of such increase. The  
 15 secretary of state shall upon request furnish a blank upon which to  
 16 make report of such increase of capital in use within the state.  
 17 "If said foreign corporation amends its articles of incorporation or  
 18 files with the corporation official in the state of its incorporation any  
 19 certificate of increase or decrease in its capital stock, or any instru-  
 20 ment which affects its articles of incorporation, said corporation shall  
 21 file with the secretary of state a copy of said amendment, certificate,  
 22 or other instrument, certified by the official of the state of incorpora-  
 23 tion with whom it is filed. The fee for filing such copies shall be one  
 24 dollar for each instrument separately certified by the official of the  
 25 state of incorporation. The secretary of state shall issue to said cor-  
 26 poration a certificate for each such instrument, stating that said in-  
 27 strument has been filed with him."

Approved March 22, 1945.

## CHAPTER 206

### LIFE INSURANCE COMPANIES AND ASSOCIATIONS

S. F. 109

AN ACT to amend chapters three hundred ninety-eight (398), four hundred (400), and four hundred one (401) of the code of Iowa, 1939, relating to investments by life insurance companies and associations and the regulation of said investments, companies and associations under the supervision of the insurance commissioner of the state of Iowa, by amending sections eight thousand six hundred fifty-seven (8657), eight thousand six hundred fifty-eight (8658), eight thousand six hundred fifty-nine (8659), eight thousand seven hundred twenty-two (8722), eight thousand seven hundred forty-five (8745), and eight thousand seven hundred forty-six (8746), and repealing sections eight thousand six hundred fifty-five (8655), eight thousand six hundred fifty-six (8656), eight thousand six hundred sixty-four (8664), eight thousand six hundred sixty-five (8665), eight thousand six hundred ninety-eight (8698), eight thousand six hundred ninety-nine (8699), eight thousand seven hundred (8700), eight thousand seven hundred one (8701), eight thousand seven hundred thirty-five (8735), eight thousand seven hundred thirty-six (8736), eight thousand seven hundred thirty-seven (8737), eight thousand seven hundred thirty-eight (8738), eight thousand seven hundred thirty-nine (8739), eight thousand seven hundred forty (8740), eight thousand seven hundred forty-one (8741), eight thousand seven hundred forty-one and one tenth (8741.1), eight thousand seven hundred forty-two (8742), eight thousand seven hundred forty-three (8743), eight thousand seven hundred forty-four (8744), and eight thousand seven hundred forty-seven (8747) thereof, and enacting substitutes therefor.

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

1 SECTION 1. Section eight thousand six hundred fifty-seven (8657),  
 2 Code, 1939, is amended by striking from lines one (1) and two (2)

3 thereof the words "On receipt of such deposit and statement," and  
4 substituting in lieu thereof the words "On receipt of the deposit pro-  
5 vided in subsection thirteen (13) of section eight thousand seven hun-  
6 dred thirty-seven (8737) and the statement,".

1 SEC. 2. Section eight thousand six hundred fifty-eight (8658), Code,  
2 1939, is amended by inserting after the word "deposit" in line three  
3 (3) thereof the words "provided in subsection thirteen (13) of section  
4 eight thousand seven hundred thirty-seven (8737)".

1 SEC. 3. Section eight thousand six hundred fifty-nine (8659), Code,  
2 1939, is amended by striking the word "deposit" in line four (4) and  
3 substituting therefor the word "investment".

1 SEC. 4. Section eight thousand seven hundred twenty-two (8722),  
2 Code, 1939, is amended by striking from line fourteen (14) the words  
3 "section 8741," and substituting therefor the words "said section."

1 SEC. 5. Section eight thousand seven hundred forty-five (8745),  
2 Code, 1939, is amended by striking lines five (5) and six (6) thereof  
3 and substituting therefor the following: "section eight thousand seven  
4 hundred thirty-seven (8737), or for violating the same."

1 SEC. 6. Section eight thousand seven hundred forty-six (8746),  
2 Code, 1939, is amended by striking from lines three (3) and four (4)  
3 thereof the words "life insurance company, assessment life association,  
4 or".

1 SEC. 7. Section eight thousand six hundred fifty-five (8655), Code,  
2 1939, is repealed.

1 SEC. 8. Section eight thousand six hundred fifty-six (8656), Code,  
2 1939, is repealed.

1 SEC. 9. Section eight thousand six hundred sixty-four (8664), Code,  
2 1939, is repealed.

1 SEC. 10. Section eight thousand six hundred sixty-five (8665), Code,  
2 1939, is repealed.

1 SEC. 11. Section eight thousand six hundred ninety-eight (8698),  
2 Code, 1939, is repealed.

1 SEC. 12. Section eight thousand six hundred ninety-nine (8699),  
2 Code, 1939, is repealed.

1 SEC. 13. Section eight thousand seven hundred (8700), Code, 1939,  
2 is repealed.

1 SEC. 14. Section eight thousand seven hundred one (8701), Code,  
2 1939, is repealed.

1 SEC. 15. Section eight thousand seven hundred thirty-five (8735),  
2 Code, 1939, is repealed.

1 SEC. 16. Section eight thousand seven hundred thirty-six (8736),  
2 Code, 1939, is repealed.

1 SEC. 17. Section eight thousand seven hundred thirty-seven (8737),  
2 Code, 1939, is repealed, and the following enacted in lieu thereof:

3 Section 8737. **Investment of Funds.** Any company, organized un-  
4 der chapter three hundred ninety-eight (398), shall, at all times, have  
5 invested in the securities provided in this section, funds equivalent to  
6 its legal reserve. Legal reserve shall be the net present value of all  
7 outstanding policies, and contracts involving life contingencies. Any  
8 association, organized under chapter four hundred (400), accumul-  
9 ating any moneys to be held in trust for the purpose of the fulfillment of  
10 its policies or certificates, contracts, or otherwise, shall invest such ac-  
11 cumulations in the securities provided in this section. Wherever, in this  
12 section, reference is made to "legal reserve", it shall mean the total  
13 accumulations in the case of an association organized under chapter  
14 four hundred (400). Nothing herein contained shall prohibit a com-  
15 pany or association from holding a portion of its legal reserve in cash.

16 1. *United States Government Obligations.* Bonds or other evidences  
17 of indebtedness issued, assumed or guaranteed by the United States  
18 of America, or by any agency or instrumentality thereof.

19 2. *State, District of Columbia, Territorial and Municipal Obligations.* Bonds or other evidences of indebtedness issued, assumed or  
20 guaranteed by the District of Columbia, or by any state, insular or  
21 territorial possession of the United States of America, or by any county,  
22 city, town, school, road, drainage, or other district located within any  
23 state, or insular or territorial possession of the United States of  
24 America, or by any civil subdivision or governmental authority of any  
25 such state, or insular or territorial possession, or by any instrumen-  
26 tality of any such state, or insular or territorial possession, civil sub-  
27 division, or governmental authority; provided that the obligations are  
28 valid, legally authorized and issued.

30 3. *Canadian Government, Provincial and Municipal Obligations.*

31 Bonds or other evidences of indebtedness issued, assumed or guar-  
32 anteed by the Dominion of Canada, or by any province thereof, or by  
33 any municipality or district therein, provided that the obligations are  
34 valid, legally authorized and issued.

35 4. *Corporate Obligations.* Subject to the restrictions contained in  
36 subsection seven (7) hereof, bonds or other evidences of indebtedness  
37 issued, assumed or guaranteed by a corporation incorporated under the  
38 laws of the United States of America, or of any state, district, insular  
39 or territorial possession thereof; or of the Dominion of Canada, or any  
40 province thereof; and which meet the following qualifications:—

41 A. If fixed interest bearing obligations,—

42 The net earnings available for fixed charges of the corporation for  
43 the five (5) fiscal years next preceding the date of acquisition of the  
44 obligations shall have averaged per year not less than one and one-half  
45 ( $1\frac{1}{2}$ ) times the fixed charges to which the corporation is subject as of  
46 the date of acquisition, and the net earnings available for fixed charges  
47 for the fiscal year immediately preceding the date of acquisition shall  
48 have been not less than one and one-half ( $1\frac{1}{2}$ ) times the fixed charges  
49 to which the corporation is subject as of the date of acquisition.

50 B. If adjustment, income, or other contingent interest obligations.\*—

51 The net earnings available for fixed charges of the corporation for  
52 the five (5) fiscal years next preceding the date of acquisition of the  
53 obligations shall have averaged per year not less than one and one-half

\*According to enrolled act.

54 (1½) times the sum of the fixed charges and the maximum contingent  
55 interest to which the corporation is subject as of the date of acquisition,  
56 and the net earnings available for fixed charges for each of the two  
57 (2) fiscal years immediately preceding the date of acquisition shall  
58 have been not less than one and one-half (1½) times the sum of the  
59 fixed charges and the maximum contingent interest to which the cor-  
60 poration is subject as of the date of acquisition.

61 The term "net earnings available for fixed charges" as used herein  
62 shall mean the net income after deducting all operating and mainte-  
63 nance expenses, taxes other than any income taxes, depreciation and  
64 depletion, but non-recurring items of income or expense may be ex-  
65 cluded.

66 The term "fixed charges" as used herein shall include interest on all  
67 of the fixed interest bearing debt of the corporation outstanding and  
68 maturing in more than one (1) year as of the date of acquisition.

69 *5. Preferred and Guaranteed Stocks.* Subject to the restrictions con-  
70 tained in subsection seven (7) hereof, preferred stocks of, or stocks  
71 guaranteed by, a corporation incorporated under the laws of the United  
72 States of America, or of any state, district, insular or territorial pos-  
73 session thereof; or of the Dominion of Canada, or any province there-  
74 of; and which meet the following qualifications:—

75 A. Preferred Stocks—

76 (a) All of the obligations and preferred stocks of the issuing cor-  
77 poration, if any, prior to the preferred stock acquired must be eligible  
78 as investments under this section as of the date of acquisition; and

79 (b) The net earnings available for fixed charges and preferred  
80 dividends of the issuing corporation shall have been, for each of the  
81 five (5) fiscal years immediately preceding the date of acquisition, not  
82 less than one and one-half (1½) times the sum of the annual fixed  
83 charges and contingent interest, if any, and the annual preferred divi-  
84 dend requirements as of the date of acquisition.

85 The term "preferred dividend requirements" shall mean cumulative  
86 or non-cumulative dividends whether paid or not.

87 The term "fixed charges" shall be construed in accordance with sub-  
88 section four (4) above. The term "net earnings available for fixed  
89 charges and preferred dividends" as used herein shall mean the net  
90 income after deducting all operating and maintenance expenses, taxes,  
91 including any income taxes, depreciation and depletion, but non-recur-  
92 ring items may be excluded.

93 B. Guaranteed Stocks—

94 (a) All of the fixed interest bearing obligations of the guarantee-  
95 ing corporation, if any, must be eligible under this section as of the  
96 date of acquisition; and

97 (b) The net earnings available for fixed charges of the guarantee-  
98 ing corporation shall meet the requirements outlined in subparagraph  
99 "A" of subsection four (4) above, except that all guaranteed dividends  
100 shall be included in "fixed charges".

101 *6. Equipment Trust Obligations.* Subject to the restrictions con-  
102 tained in subsection seven (7) hereof, bonds, certificates, or other evi-  
103 dences of indebtedness secured by any transportation equipment used  
104 in the United States of America or Canada, that provide a right to  
105 receive determined rental, purchase or other fixed obligatory pay-

106 ments adequate to retire the obligations within twenty (20) years  
107 from date of issue, and also provide:

108 a. For vesting of title to such equipment free from incumbrance in  
109 a corporate trustee, or

110 b. For creation of a first lien on such equipment.

111 7. *Further Restrictions.* Securities included under subsections four  
112 (4), five (5) and six (6) shall not be eligible:—

113 A. If the corporation is in default on fixed obligations as of the  
114 date of acquisition. Securities provided in subparagraph "A" of sub-  
115 section five (5) shall not be eligible if the issuing corporation is in  
116 arrears with respect to the payment of any preferred dividends as of  
117 the date of acquisition.

118 B. The investments of any company or association in such securities  
119 shall not be eligible in excess of the following percentages of the legal  
120 reserve of such company or association:

121 a. Two per cent (2%) of the legal reserve in the securities of any  
122 one corporation.

123 b. Fifty per cent (50%) of the legal reserve in the securities de-  
124 scribed in subsection four (4).

125 c. Ten per cent (10%) of the legal reserve in the securities de-  
126 scribed in subsection five (5).

127 d. Ten per cent (10%) of the legal reserve in securities described  
128 in subsection six (6).

129 C. Statements adjusted to show the actual condition at the time  
130 of acquisition or the effect of new financing (known commercially as  
131 pro forma statements) may be used in determining whether invest-  
132 ments under subsections four (4) and five (5) are in compliance with  
133 requirements. Statements so adjusted or consolidated statements  
134 may be used in order to include the earnings of all predecessor,  
135 merged, consolidated or purchased companies.

136 8. *Real Estate Bonds and Mortgages.*

137 A. Bonds, notes, or other evidences of indebtedness secured by  
138 mortgages or deeds of trust which are a first lien upon unencumbered  
139 real property within the United States of America, or the Dominion  
140 of Canada, provided that at the date of acquisition the total indebt-  
141 edness secured by such lien shall not exceed sixty-six and two-thirds  
142 per cent (66 $\frac{2}{3}$ %) of the value of the property upon which it is a lien.  
143 These limitations shall not apply to obligations described in subpara-  
144 graphs "B", "C" and "D" of this subsection.

145 Improvements shall not be considered in estimating the value of  
146 the property unless the owner shall contract to keep the same ade-  
147 quately insured during the life of the loan in some reliable fire insur-  
148 ance company or companies, association or associations, the insurance  
149 to be made payable in case of loss to the mortgagee, trustee, or assigns  
150 as its interests may appear at the time of the loss.

151 Provided further that for the purpose of this subsection a mortgage  
152 or deed of trust shall not be deemed to be other than a first lien upon  
153 property within the meaning of this subsection by reason of the exist-  
154 ence of taxes or assessments that are not delinquent, instruments  
155 creating or reserving mineral, oil or timber rights, rights of way,  
156 joint driveways, sewer rights, rights in walls or by reason of building  
157 restrictions or other like restrictive covenants, or when such real es-

158 tate is subject to lease in whole or in part whereby rents or profits  
159 are reserved to the owner.

160 B. Bonds, notes or other evidences of indebtedness representing  
161 loans and advances of credit that have been issued, guaranteed or in-  
162 sured, in accordance with the terms and provisions of an Act of  
163 Congress of the United States of America approved June twenty-  
164 seventh, nineteen hundred thirty-four, entitle\* the "National Housing  
165 Act", as heretofore and hereafter amended.

166 C. Bonds, notes or other evidences of indebtedness representing  
167 loans and advances of credit that have been issued or guaranteed, in  
168 whole or in part, in accordance with the terms and provisions of Title  
169 III of an Act of Congress of the United States of America approved  
170 June twenty-second, nineteen hundred forty-four, known as Public  
171 Law 346—Seventy-eighth Congress, Chapter 268—2nd Session, cited  
172 as the "Servicemen's Readjustment Act of 1944", as heretofore and  
173 hereafter amended.

174 D. Contracts of sale, purchase money mortgages or deeds of trust  
175 secured by property obtained through foreclosure, or in settlement or  
176 satisfaction of any indebtedness.

177 9. *Real Estate.*

178 A. Any such real estate in this state as is necessary for the accom-  
179 modation of the company or association as a home office or in the  
180 transaction of its business. In the erection of any buildings for such  
181 purposes, there may be added thereto rooms for rent. Before the com-  
182 pany or association shall invest any of its funds in accordance with the  
183 provisions of this subparagraph it shall first obtain the consent of the  
184 executive council of this state. The maximum amount which any  
185 such company or association shall be permitted to invest in accord-  
186 ance with these provisions shall not exceed ten per cent (10%) of the  
187 legal reserve; provided, however, that a stock company may invest  
188 such portion of its paid-up capital, in addition to said ten per cent  
189 (10%) of the legal reserve as is not held to constitute a part of its  
190 legal reserve, under section eight thousand six hundred fifty-four  
191 (8654); provided, further, that the total legal reserve of such com-  
192 pany shall be equal to or exceed the amount of its paid up capital stock.

193 B. Any real estate acquired through foreclosure, or in settlement  
194 or satisfaction of any indebtedness. Any company or association may  
195 improve real estate so acquired or remodel existing improvements  
196 and exchange such real estate for other real estate or securities, and  
197 real estate acquired by such exchange may be improved or the im-  
198 provements remodelled.

199 Any farm real estate acquired under this subparagraph shall be  
200 sold within five (5) years from the date of acquisition unless the  
201 commissioner of insurance shall extend the time for such period  
202 or periods as seem warranted by the circumstances.

203 10. *Certificates of Sale.* Certificates of sale obtained through fore-  
204 closure of liens on real estate.

205 11. *Policy Loans.* Loans upon the security of the policies of the  
206 company or association and constituting a lien thereon in an amount  
207 not exceeding the legal reserve thereon.

\*According to enrolled act.

208 12. *Collateral Loans.* Loans secured by collateral consisting of  
209 any securities qualified in this section, provided the amount of the  
210 loan is not in excess of ninety per cent (90%) of the value of the  
211 securities.

212 Provided further that subsection seven (7) of this section shall  
213 apply to the collateral securities pledged to the payment of loans  
214 authorized in this subsection.

215 13. *Deposit of Securities.* Securities in an amount not less than  
216 the legal reserve as defined in this section shall be deposited and such  
217 deposit maintained with the commissioner of insurance, and it shall  
218 be the duty of the commissioner to designate such places for the keep-  
219 ing of said deposits as will properly safeguard the same. There may  
220 be included in the deposit an amount of cash on hand not in excess of  
221 five per cent (5%) of the deposit required, such deposit to be evi-  
222 denced by a certified check, certificate of deposit or other evidence  
223 satisfactory to the commissioner of insurance. Deposits of securities  
224 may be made in excess of the amounts required hereby. No stock  
225 company organized under the laws of this state shall be required to  
226 make such deposit until the legal reserve, as ascertained by the com-  
227 missioner, exceeds the amount deposited by it as capital. Real estate  
228 may be made a part of the deposit by furnishing evidence of owner-  
229 ship satisfactory to the commissioner. Real estate mortgage loans  
230 and policy loans may be made a part of the deposit by filing a verified  
231 statement of the loans with the commissioner, which statement shall  
232 be subject to check at the discretion of the commissioner.

233 The securities comprising the deposit of any company or associa-  
234 tion against which proceedings are pending under sections eight thou-  
235 sand six hundred sixty-one (8661) and eight thousand six hundred  
236 sixty-two (8662) shall vest in the state for the benefit of the policies  
237 and contracts for which such deposits were made.

238 Securities on deposit may be withdrawn at any time and other  
239 eligible securities may be substituted, provided the amount main-  
240 tained on deposit is equal to the sum of the legal reserve and Twenty-  
241 five Thousand Dollars (\$25,000.00). Any company or association  
242 shall, if requested by the commissioner, at the time of withdrawing  
243 any securities on deposit, designate for what purpose the same are  
244 being withdrawn.

245 Companies or associations having securities on deposit with the  
246 commissioner of insurance shall have the right to collect all divi-  
247 dends, interest or other income thereon unless proceedings against  
248 such company or association are pending under sections eight thou-  
249 sand six hundred sixty-one (8661) and eight thousand six hundred  
250 sixty-two (8662), in which event the commissioner shall collect  
251 such interest, dividends or other income and add the same to the  
252 deposit.

253 Any company or association receiving payments or partial pay-  
254 ments of principal on any securities deposited with the commis-  
255 sioner of insurance shall notify him of such fact at such times and  
256 in such manner as the commissioner may prescribe, giving the  
257 amount and date of payment.

258 14. *Rules of Valuation.*

259 A. All bonds or other evidences of debt having a fixed term and

260 rate of interest, if amply secured and not in default as to principal  
261 or interest, may be valued as follows:

262 (a) If purchased at par, at the par value.

263 (b) If purchased above or below par, on the basis of the purchase  
264 price adjusted so as to bring the value to par at maturity and so as  
265 to yield in the meantime the effective rate of interest at which the  
266 purchase was made.

267 In applying the above rule, the purchase price shall in no case be  
268 taken at a higher figure than the actual market value at the time  
269 of purchase.

270 B. (a) Real estate acquired through foreclosure or in settlement  
271 or satisfaction of any indebtedness, shall be valued in an amount not  
272 greater than the amount of the unpaid principal of the defaulted  
273 indebtedness, plus any amounts actually expended for taxes, acqui-  
274 sition costs, (but not including any interest due or subsequently  
275 accrued thereon) and the cost of any additions or improvements.

276 (b) Real estate acquired and held under the provisions of sub-  
277 paragraph "A" of subsection nine (9) hereof, shall be valued in an  
278 amount not greater than the original cost plus any subsequent addi-  
279 tions or improvements.

280 C. Certificates of sale obtained by foreclosure of liens on real  
281 estate shall be valued in an amount not greater than the unpaid  
282 principal of the defaulted indebtedness plus any amounts actually  
283 expended for taxes and acquisition costs.

284 D. All investments, except those for which a specific rule is pro-  
285 vided in this subsection, shall be valued at their market value, or at  
286 their appraised value, or at prices determined by the commissioner  
287 of insurance as representing their fair market value.

288 The commissioner of insurance shall have full discretion in deter-  
289 mining the method of calculating values according to the foregoing  
290 rules, but no company or association shall be prevented from valu-  
291 ing any asset at an amount less than that provided by this subsection.

1 SEC. 18. Section eight thousand seven hundred thirty-eight  
2 (8738), Code, 1939, is repealed.

1 SEC. 19. Section eight thousand seven hundred thirty-nine (8739),  
2 Code, 1939, is repealed.

1 SEC. 20. Section eight thousand seven hundred forty (8740),  
2 Code, 1939, is repealed.

1 SEC. 21. Section eight thousand seven hundred forty-one (8741),  
2 Code, 1939, is repealed.

1 SEC. 22. Section eight thousand seven hundred forty-one and one-  
2 tenth (8741.1), Code, 1939, is repealed.

1 SEC. 23. Section eight thousand seven hundred forty-two (8742),  
2 Code, 1939, is repealed.

1 SEC. 24. Section eight thousand seven hundred forty-three  
2 (8743), Code, 1939, is repealed.

1 SEC. 25. Section eight thousand seven hundred forty-four (8744),  
2 Code, 1939, is repealed.



1 SEC. 26. Section eight thousand seven hundred forty-seven  
2 (8747), Code, 1939, is repealed.

Approved March 16, 1945.

## CHAPTER 207

### GROUP INSURANCE—INDUSTRIAL ASSOCIATIONS

S. F. 345

AN ACT to amend sections eight thousand six hundred eighty-four and two hundredths (8684.02) and eight thousand six hundred eighty-four and three hundredths (8684.03), code, 1939, as amended, to authorize incorporated nonprofit industrial associations, organized for purposes other than obtaining insurance, to procure group insurance on the lives of employees of the members of such associations subject to certain restrictions.

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

1 SECTION 1. Section eight thousand six hundred eighty-four and two  
2 hundredths (8684.02), Code, 1939, as amended, is amended by adding  
3 thereto a new subsection as follows:

4 "Any nonprofit industrial association, incorporated for a period of  
5 at least ten years and organized for purposes other than obtaining in-  
6 surance; provided,

7 (a) two or more members of the association, or any class or classes  
8 of members thereof determined by conditions not pertaining to insur-  
9 ance, elect to insure their employees or any class or classes of employees  
10 determined by conditions pertaining to employment; and

11 (b) the total number of insured employees must not be less than  
12 one thousand, and of these, not less than seventy-five per cent must be  
13 employees of members with at least twenty insured employees each,  
14 and further, not more than ten per cent may be employees of members  
15 with less than ten insured employees each; and

16 (c) the insurance premiums are paid by such members to the asso-  
17 ciation; each member, insofar as applicable to his own employees, may  
18 collect part of the premium from insured employees, and the method  
19 of apportionment of the premium payment between himself and his  
20 employees may be varied as among individual members; and

21 (d) not less than seventy-five per cent (75%) of the eligible em-  
22 ployees of each participating member may be insured where the em-  
23 ployees pay a part of the premium.

1 SEC. 2. Section eight thousand six hundred eighty-four and three  
2 hundredths (8684.03), Code, 1939, as amended, is amended by adding  
3 to said section the following:

4 "The word 'employee' shall include the employees of the members  
5 of an incorporated nonprofit industrial association, and also the indi-  
6 vidual members of such association."

Approved March 30, 1945.

## CHAPTER 208

## FRATERNAL BENEFICIARY ASSOCIATIONS

S. F. 360

- AN ACT to repeal sections eight thousand eight hundred twenty-six (8826) and eight thousand eight hundred twenty-nine (8829), code, 1939, relating to investments by fraternal beneficiary associations and the regulation of said investments and associations under the supervision of the insurance commissioner of the state of Iowa, and to enact a substitute therefor.

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

1 SECTION 1. Section eight thousand eight hundred twenty-six (8826),  
2 Code, 1939, is repealed.

1 SEC. 2. Section eight thousand eight hundred twenty-nine (8829),  
2 Code, 1939, is repealed, and the following enacted in lieu thereof:

3 "Any fraternal beneficiary society, order, or association, organized  
4 under the laws of this state, accumulating money to be held in trust  
5 for the purpose of fulfillment of its certificates or contracts, shall  
6 invest such accumulation in the securities provided in section seven-  
7 teen (17) of Senate File one hundred nine (109), Acts of the Fifty-  
8 first General Assembly, and no other."

Approved April 16, 1945.

## CHAPTER 209

## MUTUAL MEDICAL AND SURGICAL SERVICE

S. F. 128

- AN ACT to amend sections eight thousand eight hundred ninety-five and one hundredth (8895.01), eight thousand eight hundred ninety-five and two hundredths (8895.02), eight thousand eight hundred ninety-five and four hundredths (8895.04), eight thousand eight hundred ninety-five and five hundredths (8895.05), eight thousand eight hundred ninety-five and six hundredths (8895.06), eight thousand eight hundred ninety-five and seven hundredths (8895.07), eight thousand eight hundred ninety-five and eight hundredths (8895.08), eight thousand eight hundred ninety-five and eleven hundredths (8895.11), eight thousand eight hundred ninety-five and thirteen hundredths (8895.13), and chapter four hundred three and one tenth (403.1), code, 1939, and chapter two hundred seventy-four (274), laws of the Forty-ninth General Assembly, relating to nonprofit corporations furnishing hospital service, and to authorize nonprofit corporations to contract to furnish medical and surgical service to subscribers and to contract for the furnishing of such service with physicians and surgeons, osteopathic physicians or osteopathic physicians and surgeons; to provide for the regulation and supervision of such corporations; to fix their rights, powers and duties; to provide for the method of their incorporation and the personnel of their board of directors; to declare such corporations to be charitable and benevolent institutions; and to prescribe the powers and duties of the commissioner of insurance with reference to such corporations.

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

1 SECTION 1. Section eight thousand eight hundred ninety-five and  
2 one hundredth (8895.01), Code, 1939, is amended by inserting after  
3 the comma (,) in line nine (9) the following: "or any such corporation  
4 organized for the purpose of establishing, maintaining, and operating a

5 plan whereby medical and surgical service may be provided at the ex-  
6 pense of said corporation, by duly licensed physicians and surgeons,  
7 osteopathic physicians, or osteopathic physicians and surgeons, to sub-  
8 scribers under contract, entitling each subscriber to medical and surgi-  
9 cal service, as provided in said contract,".

1 SEC. 2. Section eight thousand eight hundred ninety-five and two  
2 hundredths (8895.02), Code, 1939, is amended by inserting in line two  
3 (2) after the word "corporation" the following: ", or a nonprofit medi-  
4 cal service corporation,".

1 SEC. 3. Section eight thousand eight hundred ninety-five and four  
2 hundredths (8895.04), Code, 1939, is amended by striking from line  
3 two (2) the word "such" and inserting in lieu thereof the words "a  
4 hospital service", and by adding at the end of said section a new para-  
5 graph as follows:  
6 "At least a majority of the directors of a medical service corporation  
7 must be at all times physicians or surgeons, osteopathic physicians, or  
8 osteopathic physicians and surgeons, who have contracted or may con-  
9 tract with such corporation to render to its subscribers medical or  
10 surgical service. The board of directors of such corporation shall  
11 consist of at least nine (9) members."

1 SEC. 4. Section eight thousand eight hundred ninety-five and five  
2 hundredths (8895.05), Code, 1939, is amended by inserting in line one  
3 (1) after the word "any" the words "hospital service", and by adding  
4 at the end of said section a new paragraph as follows: "Any medical  
5 service corporation organized under the provisions of this chapter may  
6 enter into contracts with subscribers to furnish medical and surgical  
7 service through physicians and surgeons, osteopathic physicians, or  
8 osteopathic physicians and surgeons."

1 SEC. 5. Section eight thousand eight hundred ninety-five and six  
2 hundredths (8895.06), Code, 1939, is amended by inserting after the  
3 word "by" in line one (1) the word "any", and by inserting after the  
4 word "service" in line two (2) the words "or for medical and surgical  
5 service".

1 SEC. 6. Section eight thousand eight hundred ninety-five and seven  
2 hundredths (8895.07), Code, 1939, is amended by inserting after the  
3 word "by" in line one (1) the word "any", and by inserting after the  
4 word "service" in line two (2) the words "or for medical and surgical  
5 service".

1 SEC. 7. Section eight thousand eight hundred ninety-five and eight  
2 hundredths, (8895.08), Code, 1939, is amended by inserting after the  
3 word "by" in line one (1) the word "any", and by inserting after the  
4 word "service" in line two (2) the words "or with participating physi-  
5 cians and surgeons, osteopathic physicians, or osteopathic physicians  
6 and surgeons for medical and surgical service".

1 SEC. 8. Section eight thousand eight hundred ninety-five and eleven  
2 hundredths (8895.11), Code, 1939, is amended by inserting after the  
3 word "plan" in line three (3) the words "or medical service plan".

1 SEC. 9. Section eight thousand eight hundred ninety-five and thir-  
2 teen hundredths (8895.13), Code, 1939, is amended by inserting after

3 the comma (,) following the word "service" in line five (5) the words  
 4 "or any physician and surgeon, osteopathic physician, or osteopathic  
 5 physician and surgeon with whom any such corporation has a contract  
 6 for medical and surgical service,".

1 SEC. 10. Chapter four hundred three and one tenth (403.1), Code,  
 2 1939, is amended by adding thereto the following:

3 "No nonprofit medical service corporation shall be permitted to  
 4 operate until it shall have entered into contracts with at least one  
 5 hundred fifty (150) physicians and surgeons licensed to practice medi-  
 6 cine and surgery pursuant to chapter 116, Code, 1939, or at least one  
 7 hundred fifty (150) physicians and surgeons licensed to practice  
 8 osteopathy or osteopathy and surgery pursuant to chapter 118, Code,  
 9 1939, who agree to furnish medical and surgical service and be gov-  
 10 erned by the by-laws of the corporation."

1 SEC. 11. Chapter two hundred seventy-four (274), Laws of the  
 2 Forty-ninth General Assembly is amended by inserting after the word  
 3 "plan" in line seven (7) the words "or medical service plan", by in-  
 4 serting after the word "plan" in line twelve (12) the words "or medical  
 5 service plan", and by inserting after the word "corporation" in line  
 6 eighteen (18) the words "or medical service corporation".

1 SEC. 12. This act being deemed of immediate importance shall be in  
 2 full force and effect from and after its publication in the Cedar Falls  
 3 Record, a newspaper published at Cedar Falls, Iowa, and the Newton  
 4 Daily News, a newspaper published at Newton, Iowa.

Approved February 15, 1945.

I hereby certify that the foregoing act was published in the Cedar Falls Record,  
 Cedar Falls, Iowa, February 21, 1945, and the Newton Daily News, Newton, Iowa,  
 February 19, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 210

### INSURANCE COMPANIES—ELECTIONS

S. F. 177

AN ACT to amend section eight thousand nine hundred nineteen (8919), code, 1939,  
 relating to the time for the holding of annual meeting for election of directors of  
 insurance companies organized under chapter four hundred four (404), code, 1939.

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

1 SECTION 1. Section eight thousand nine hundred nineteen (8919),  
 2 Code, 1939, is hereby amended by striking from lines two (2), three  
 3 (3), and four (4) thereof the following: "during the month of January,  
 4 at such time as the by-laws of the company may direct;" and by substi-  
 5 tuting in lieu thereof the following: "at such time as the Articles of  
 6 Incorporation or By-Laws of the company provide;".

Approved March 29, 1945.

## CHAPTER 211

## INSURANCE ON AIRCRAFT

H. F. 17

AN ACT to amend section eight thousand nine hundred forty (8940), code, 1939, relating to insurance and policies of insurance on aircraft.

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

1 SECTION 1. Subdivision "e" of paragraph five (5) of section eight  
2 thousand nine hundred forty (8940), Code, 1939, is hereby amended  
3 by inserting after the word "automobile" in line seven (7) the words  
4 "or aircraft", and by inserting after the word "Automobile" in line  
5 nine (9) the words "or aircraft", and by inserting after the word  
6 "automobile" in line fifteen (15) the words "or aircraft".

Approved February 14, 1945.

## CHAPTER 212

## INSURANCE—TAX ON GROSS PREMIUMS

H. F. 395

AN ACT relating to gross premium taxes to be paid by insurance companies and associations.

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

1 SECTION 1. Section nine thousand sixteen (9016), code, 1939, is  
2 amended by striking from line eleven (11) the words "and one-half".

1 SEC. 2. Section nine thousand sixty (9060), code, 1939, is amended  
2 by striking from line five (5) the word "one" and substituting in lieu  
3 thereof the word "two", and by striking from lines nine (9) to eleven  
4 (11), both inclusive, the words "the amount actually paid for losses on  
5 property located within this state, and".

1 SEC. 3. Section nine thousand one hundred (9100), code, 1939, is  
2 amended by striking from line seven (7) the word "one" and substitut-  
3 ing therefor the word "two", and by striking from line eight (8)  
4 the words "and one-half" and by striking from line thirteen (13) the  
5 words "considerations for reinsurance" and by striking from lines  
6 fifteen (15) to eighteen (18), both inclusive, the words "after deduct-  
7 ing the amount actually paid for losses on property located within this  
8 state, or on claims arising within this state, and".

1 SEC. 4. Section eight thousand nine hundred sixteen (8916), code,  
2 1939, is amended by striking from line six (6) thereof the word  
3 "mutual".

1 SEC. 5. Section seven thousand twenty-one (7021), code, 1939, as  
2 amended, is repealed.

1 SEC. 6. Section seven thousand twenty-two (7022), code, 1939, as  
2 amended, is repealed.

1 SEC. 7. Section seven thousand twenty-five (7025), code, 1939, as  
2 amended, is repealed.

1 SEC. 8. Section eight thousand six hundred twelve and one-tenth  
2 (8612.1), code, 1939, is repealed.

1 SEC. 9. **Tax on Gross Premiums.** Every insurance company or asso-  
2 ciation of whatever kind or character, not including fraternal bene-  
3 ficiary associations, county mutual associations and non-profit hospital  
4 and medical service corporations, shall, at the time of making the  
5 annual statement as required by law, pay to the Treasurer of State as  
6 taxes, an amount equal to the following:

7 A. Two percent of the gross amount of premiums received during  
8 the preceding calendar year by every life insurance company or asso-  
9 ciation, not including fraternal beneficiary associations, or the gross  
10 payments or deposits collected from holders of fraternal beneficiary  
11 association certificates, on contracts of insurance covering risks resi-  
12 dent in this state during the preceding year, including contracts for  
13 group insurance and annuities and without including or deducting  
14 any amounts received or paid for reinsurance.

15 In determining the gross amount of premiums to be taxed here-  
16 under, there shall be excluded all premiums returned to policyholders  
17 or annuitants during the preceding calendar\* year, except cash sur-  
18 render values, all dividends that, during said year, have been paid in  
19 cash or applied in reduction of premiums or left to accumulate to the  
20 credit of policyholders or annuitants.

21 B. Two percent of gross amount of premiums, assessments, and fees  
22 received during the preceding calendar year by every company or asso-  
23 ciation other than life on contracts of insurance other than life for  
24 business done in this state, including all insurance upon property situ-  
25 ated in this state, after deducting the amounts returned upon can-  
26 celled policies, certificates and rejected applications.

1 SEC. 10. The taxes herein imposed shall not be increased on account  
2 of any retaliatory law in this state, but such taxes shall apply uni-  
3 formly to all insurance companies and associations doing business in  
4 this state.

1 SEC. 11. The rates of taxes as provided in this act shall apply as,  
2 of and for all business transacted by said insurance companies, asso-  
3 ciations and reciprocal exchanges, for the year 1944 and thereafter,  
4 except as hereinbefore limited.

1 SEC. 12. If any provision of this act, or the application of such pro-  
2 vision to any person or circumstances, shall be held invalid, the re-  
3 mainder of the act, and the application of such provision to persons or  
4 circumstances, other than those as to which it is held invalid, shall not  
5 be affected thereby.

1 SEC. 13. This act being deemed of immediate importance shall be  
2 in full force and effect from and after its publication in the Perry Daily  
3 Chief, a newspaper published at Perry, Iowa, and in the Daily Times  
4 Herald, a newspaper published at Carroll, Iowa.

Approved March 29, 1945.

\*According to enrolled act.

I hereby certify that the foregoing act was published in the Perry Daily Chief, Perry,  
Iowa, March 30, 1945, and the Daily Times Herald, Carroll, Iowa, March 30, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 213

## INSTALLMENT LOANS BY BANKS

S. F. 122

AN ACT to authorize banks, operating under Title XXI of the 1939 code of Iowa, to make installment loans subject to certain definite limitations, and to make the provisions of this act, in so far as applicable, available to national banks operating in this state and prescribing certain requirements for advertising on the part of banks of loans to be made under this act.

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

Title XXI of the Code of Iowa (1939) is hereby amended by adding thereto the following:

1 SECTION 1. **Definition.** An installment loan shall be a loan made  
2 by a bank as provided in this act, upon a written instrument, the  
3 terms of which contain an agreement or a promise of repayment in  
4 installments at regular intervals, provided that, installments may  
5 be deferred or omitted on a seasonal basis.

1 SEC. 2. **Lending agency.** All banks operating under this Title are  
2 authorized to make installment loans as provided in this act. The  
3 provisions of this act, so far as they are applicable, shall also apply  
4 and extend to national banks operating in this state, if such banks  
5 avail themselves of the provisions of this act.

1 SEC. 3. **Limitation of amount.** No bank shall have outstanding  
2 under the provisions of this act any installment loan or loans to any  
3 one borrower in an amount in excess of the sum of twenty-five hun-  
4 dred dollars (\$2,500.00) exclusive of charges authorized herein, pro-  
5 vided no bank shall have outstanding in such installment loans an  
6 aggregate amount in excess of fifteen percent of its total resources.

1 SEC. 4. **Maturity.** Each such installment loan shall mature within  
2 a period of not to exceed twenty-four and one-half months.

1 SEC. 5. **Form of note.** Any such installment loan may be made  
2 upon a written promissory note of the borrower. The form of said  
3 note shall be approved by the superintendent of banking.

1 SEC. 6. **Maximum charge.** All banks operating under the provi-  
2 sions of this act may contract for and receive on any loan, excluding  
3 charges, which is repayable in installments, a maximum charge (which  
4 shall include interest) determined in accordance with either of the  
5 following options:

6 Option A. The total charge on any such installment loan shall be  
7 at a rate not to exceed six dollars per annum upon each one hundred  
8 dollars actually loaned to the borrower. Said charge may be included  
9 in the face amount of the note, in addition to the amount loaned or  
10 advanced. Said charge shall include and be in lieu of any interest,  
11 or charge for credit investigation, drawing papers, or any other  
12 service charge incidental to making, carrying or servicing said loan.

13 Option B. The total charge may be any amount not exceeding the  
14 equivalent of one percent per month computed on unpaid principal  
15 balances. The bank may receive such charge by crediting each pay-  
16 ment whenever received, first to the charge at the monthly rate con-

17 tracted for, and the remainder to principal until the loan is fully paid;  
18 or the bank may compute the total charge which would be earned at  
19 the monthly rate contracted for if the loan contract were repaid accord-  
20 ing to its terms and each payment were applied first to the charge  
21 and then to principal, and include such total charge in the face of  
22 the note.

23 If the total charge is included in the face of the note pursuant to  
24 either Option A or B of this section, and the period of the loan con-  
25 tract is divided into monthly intervals, a first interval of not less than  
26 fifteen nor more than forty-five days may be treated as a monthly  
27 interval.

28 In addition to the total charge permitted by this section, no further  
29 amount shall be directly or indirectly charged, contracted for, or  
30 received on or in connection with any loan made under this act, except;  
31 lawful fees paid to a public officer, adjudged and statutory taxable  
32 costs, and the cost of a reasonable amount and kind of insurance  
33 customarily required, but at not in excess of standard insurance rates.  
34 The borrower shall be free to obtain his insurance from any agent  
35 or broker of his own choosing.

1 **SEC. 7. Delinquency of installment payments.** When any install-  
2 ment is not paid when-due, the bank may collect, upon said delinquent  
3 installment, interest from date of delinquency at a rate not in excess  
4 of one percent per month.

1 **SEC. 8. Repayment of loan before maturity.** The borrower may  
2 prepay his or her installment loan in whole or in part at any time,  
3 and when full payment thereof is made before maturity, whether by  
4 payment in cash, renewal or otherwise, or whenever the maturity of  
5 the note is accelerated, the borrower shall receive from said bank  
6 at the time the loan is paid in full a refund of the unearned loan  
7 charge. The refund shall be so calculated that the borrower will not  
8 have paid a charge for the loan at a greater rate when computed on  
9 actual unpaid principal balances than he would have paid had the  
10 loan been permitted to run to its maturity, and in no event shall the  
11 borrower be required to pay in excess of one percent per month inter-  
12 est on the actual unpaid principal balances. All such refunds shall be  
13 made in accordance with a uniform refund schedule calculated, pre-  
14 scribed and approved by the superintendent of banking which shall  
15 be adhered to by the lender.

1 **SEC. 9. Not to restrict or prevent "G.I." loans.** Nothing in this  
2 act shall in any way restrict or prevent Iowa banking institutions,  
3 authorized to make loans under the provisions of this act, from making  
4 loans under or investing their funds in notes or bonds secured by  
5 mortgages issued under sections five hundred (500) to five hundred  
6 five (505), inclusive, of Title III of the "Servicemen's Readjustment  
7 Act of 1944" (Public Law 346, 78th Congress) approved June 22,  
8 1944, or acts amendatory or supplemental thereto, and more familiarly  
9 known as the "G.I. Bill of Rights" and as such act may be interpreted  
10 and operated under rules and regulations that may be promulgated  
11 by the Veteran's Administration.

1 **SEC. 10.** That notwithstanding any other provision of this act,  
2 no bank as defined herein shall charge a rate of interest of more than



3 seven (7) cents on the hundred by the year on a first mortgage on  
4 real estate.

1 SEC. 11. Nothing in this Act shall be construed as prohibiting  
2 any person, firm or corporation from making installment loans or  
3 from selling goods, merchandise or property on installment credit.

1 SEC. 12. Advertising. (a) No bank shall publish, disseminate, or  
2 distribute any advertising containing any false, misleading or decep-  
3 tive statements concerning rates, terms and conditions for loans  
4 made under this act. Violation of any of the provisions of this para-  
5 graph shall be punishable as provided in section thirteen thousand  
6 sixty-nine (13069) of the Code of 1939. (b) Any statement indi-  
7 cating the amount of the installment or the total charge in dollars  
8 required for any loan shall also state the percentage rate per year  
9 computed on declining balances of the original principal amount to  
10 which the total charge would be equivalent if the loan were repaid  
11 according to the contract. The percentage rate stated may be closely  
12 approximate rather than exact if the statement so indicates.

1 SEC. 13. Short title. This act may be known and referred to as  
2 the "Bank Installment Loan Law".

1 SEC. 14. Severability. If any clause, sentence, section, provision  
2 or part of this act shall be adjudged to be unconstitutional or invalid  
3 for any reason by any court of competent jurisdiction, such judg-  
4 ment shall not impair, affect or invalidate the remainder of this act,  
5 which shall remain in full force and effect thereafter.

1 SEC. 15. 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 Ottumwa Daily Courier, a newspaper published at Ottumwa,  
4 Iowa, and the Iowa City Press Citizen, a newspaper published at  
5 Iowa City, Iowa.

Approved February 7, 1945.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier,  
Ottumwa, Iowa, February 10, 1945, and the Iowa City Press Citizen, Iowa City, Iowa,  
February 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 214

### BUILDING AND LOAN ASSOCIATIONS

S. F. 57

AN ACT to amend section nine thousand three hundred forty and eight hundredths  
(9340.08), section nine thousand three hundred twenty-nine (9329), code, 1939, and  
chapter two hundred forty-five (245) Acts of the Fiftieth General Assembly, re-  
lating to loans, investments, and powers of building and loan and savings and loan  
associations.

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

1 SECTION 1. Section nine thousand three hundred forty and eight  
2 hundredths (9340.08), Code, 1939, is hereby amended by striking the

3 word "fifteen" in line five (5) thereof and inserting in lieu thereof  
 4 the word "twenty", and by striking the word "eighty" in line thirty  
 5 (30) thereof and insertng in lieu thereof the word "ninety", and by  
 6 striking the word "twenty" in line thirty-two (32) thereof and in-  
 7 serting the words "twenty-five" and by striking the period (.) in line  
 8 thirty-two (32) thereof, and inserting in lieu thereof a semi-colon (;),  
 9 and inserting following said semi-colon the following: "also pro-  
 10 vided, however, that loans may be made under and in compliance with  
 11 the Service Men's Re-Adjustment Act of 1944, and pursuant to all of  
 12 the provisions thereof."

1 SEC. 2. Section nine thousand three hundred twenty-nine (9329),  
 2 Code, 1939, is hereby amended by adding thereto the following sub-  
 3 section:

4 "11. Any such association which is a member of a federal home  
 5 loan bank shall have power to act as fiscal agent of the United States  
 6 and, when designated for the purpose by the Secretary of the Treas-  
 7 ury, it shall perform under such regulations as he may prescribe all  
 8 such reasonable duties as fiscal agent of the United States as he may  
 9 require, and shall have power to act as agent for any United States  
 10 Government instrumentality."

1 SEC. 3. Chapter two hundred forty-five (245), Acts of the Fiftieth  
 2 General Assembly, is hereby amended by striking from line six (6)  
 3 thereof the figure "25%" and inserting in lieu thereof the figure  
 4 "50%".

1 SEC. 4. This act, being deemed of immediate importance, shall  
 2 take effect from and after its publication in the Cedar Rapids Tribune,  
 3 a newspaper published at Cedar Rapids, Iowa, and the Ames Daily  
 4 Tribune, a newspaper published at Ames, Iowa.

Approved March 16, 1945.

I hereby certify that the foregoing act was published in the Cedar Rapids Tribune,  
 Cedar Rapids, Iowa, March 22, 1945, and the Ames Daily Tribune, Ames, Iowa, March  
 22, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 215

### BUILDING AND LOAN SUPERVISOR

S. F. 402

AN ACT to amend section nine thousand three hundred fifty-four and one tenth  
 (9354.1), code, 1939, relating to salary of supervisor of building and loan associ-  
 ations.

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

1 SECTION 1. Section nine thousand three hundred fifty-four and one  
 2 tenth (9354.1), Code, 1939, is hereby amended by striking from lines  
 3 twelve (12), thirteen (13) and fourteen (14), the following: "such  
 4 supervisor's salary shall be at the rate of twenty-five hundred dollars  
 5 (\$2500.00) per annum" and inserting in lieu thereof the following:

6 "such supervisor's salary shall be fixed by the Auditor of State, sub-  
7 ject to the approval of the Comptroller and Governor, providing that  
8 such salary shall not exceed thirty-one hundred fifty dollars (\$3,150)  
9 per annum.

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Stanton  
3 Zephyr, newspaper published at Stanton, Iowa, and the Malvern  
4 Leader, a newspaper published at Malvern, Iowa.

Approved April 9, 1945.

I hereby certify that the foregoing act was published in the Stanton Zephyr, Stanton, Iowa, April 19, 1945, and the Malvern Leader, Malvern, Iowa, April 19, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 216

### ASSIGNMENT OF TRADEMARKS AND LABELS

H. F. 16

AN ACT to amend section nine thousand eight hundred seventy (9870), code, 1939, relating to assignment of trademarks, labels and forms of advertising, the filing thereof and fees to be paid.

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

1 SECTION 1. Section nine thousand eight hundred seventy (9870),  
2 Code, 1939, is amended by adding thereto the following:  
3 "Trademarks, labels and forms of advertising registered in the  
4 office of the secretary of state may be assigned of record by the regis-  
5 trant or record owner thereof, or legal representative of such owner,  
6 in the event of the death of the record owner, by the execution of an  
7 appropriate written instrument, duly acknowledged and filed in the  
8 office of the secretary of state, and upon payment to the secretary  
9 of state of a fee of one dollar for each such assignment, said instru-  
10 ment shall be filed by the secretary of state with the original registra-  
11 tion of such trademark, label or form of advertising, and the record  
12 shall be changed to show the proper ownership thereof in the assignee."

Approved February 20, 1945.

## CHAPTER 217

### MECHANICS' LIENS

S. F. 53

AN ACT to amend sections ten thousand two hundred seventy (10270), ten thousand two hundred seventy-one (10271), ten thousand two hundred seventy-four (10274), ten thousand two hundred seventy-five (10275), ten thousand two hundred seventy-seven (10277), ten thousand two hundred eighty-two (10282), ten thousand two hundred eighty-three (10283), ten thousand two hundred eighty-seven (10287), ten thousand two hundred eighty-nine (10289), ten thousand two hundred ninety

(10290), code, 1939, relating to mechanics' liens, enlarging the definition of material and increasing the scope of mechanics' liens.

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

1 SECTION 1. Section ten thousand two hundred seventy (10270),  
2 Code, 1939, is amended by striking all of sub-section four (4) and in-  
3 sert in lieu thereof the following: "4. "Material" shall in addition to  
4 its ordinary meaning embrace and include machinery, fixtures, trees,  
5 evergreens, vines, plants, shrubs, tubers, bulbs, hedges, bushes, sod,  
6 soil, dirt, mulch, peat, fertilizer, fence wire, fence material, fence  
7 posts and tile."

1 SEC. 2. Section ten thousand two hundred seventy-one (10271),  
2 Code, 1939, is amended by striking after the word "material" in line  
3 two (2) all of the rest of the said section and by inserting in lieu thereof  
4 the following: "or labor for, or perform any labor upon, any building  
5 or land for improvement, alteration or repair thereof, including those  
6 engaged in the construction or repair of any work of internal or ex-  
7 ternal improvement, and those engaged in grading, sodding, installing  
8 nursery stock, landscaping, sidewalk, building, fencing on any land or  
9 lot, by virtue of any contract with the owner, his agent, trustee, con-  
10 tractor, or subcontractor shall have a lien upon such building or im-  
11 provement, and land belonging to the owner on which the same is sit-  
12 uated or upon the land or lot so graded, landscaped, fenced or other-  
13 wise improved, altered, or repaired, to secure payment for material or  
14 labor furnished or labor performed."

1 SEC. 3. Section ten thousand two hundred seventy-four (10274),  
2 Code, 1939, is amended by inserting after the word "building" in line  
3 two (2) the words "or improvement".

1 SEC. 4. Section ten thousand two hundred seventy-five (10275),  
2 Code, 1939, is amended by inserting after the word "building" in line  
3 six (6) the words "or improvement".

1 SEC. 5. Section ten thousand two hundred seventy-seven (10277),  
2 Code, 1939, is amended by inserting after the word "building" in line  
3 four (4) the following: ", land or improvement."

1 SEC. 6. Section ten thousand two hundred eighty-two (10282), Code,  
2 1939, is amended as follows:  
3 1. By inserting after the word "building" in line one (1) the fol-  
4 lowing: ", land or improvement".  
5 2. By inserting after the word "building" in line five (5) the fol-  
6 lowing: ", land or improvement".  
7 3. By inserting after the word "building" in line six (6) the words  
8 "or improvement".  
9 4. By inserting after the word "building" in line twelve (12) the  
10 words "land or improvement".

1 SEC. 7. Section ten thousand two hundred eighty-three (10283),  
2 Code, 1939, is amended as follows:  
3 1. By inserting after the word "building" in line three (3) the words  
4 "or improvement".

5 2. By inserting after the word "building" in line nine (9) the words  
6 "land or improvement".

1 SEC. 8. Section ten thousand two hundred eighty-seven (10287),  
2 Code, 1939, is amended by adding after the word "building" in line  
3 three (3) the following: ", or improvement".

1 SEC. 9. Section ten thousand two hundred eighty-nine (10289),  
2 Code, 1939, is amended as follows:

3 1. By inserting after the word "building" in line three (3), the  
4 words "or improvement".

5 2. By inserting after the word "building" in line six (6) the words  
6 "or improvement".

1 SEC. 10. Section ten thousand two hundred ninety (10290), Code,  
2 1939, is amended as follows:

3 1. By inserting after the word "building" in line five (5) the words  
4 "or improvement".

5 2. By inserting after the word "building" in line eight (8) the words  
6 "or improvement".

7 3. By inserting after the word "building" in line eleven (11) the  
8 words "or improvement".

9 4. By inserting after the word "building" in line fifteen (15) the  
10 words "or improvement".

11 5. By inserting after the word "building" in line seventeen (17) the  
12 words "or improvement".

13 6. By inserting after the word "building" in line twenty-two (22)  
14 the words "or improvement".

15 7. By inserting after the word "building" in line twenty-three (23)  
16 the words "or improvement".

17 8. By inserting after the word "building" in line twenty-six (26) the  
18 words "or improvement".

Approved March 30, 1945.

## CHAPTER 218

### MUNICIPAL COURT JUDGES SALARIES

H. F. 138

AN ACT to amend section ten thousand six hundred eighty-eight (10688) and section ten thousand six hundred forty-six (10646), code, 1939, relating to the salaries and number of the judges of the municipal court of the state of Iowa.

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

1 SECTION 1. Section ten thousand six hundred eighty-eight (10688),  
2 Code, 1939, is amended by striking therefrom lines one (1) to eight  
3 (8) both inclusive, and substituting in lieu thereof the following:  
4 "The annual salary of each municipal judge shall be three thousand  
5 five hundred dollars in cities of less than thirty thousand population;  
6 four thousand dollars in cities of thirty thousand and less than seventy-  
7 five thousand population; and four thousand two hundred dollars in  
8 cities of seventy-five thousand or more population. Upon the desig-

9 nation of any judge of the municipal court to act as judge of the juve-  
 10 nile court, the annual salary of such municipal court judge so acting  
 11 shall be increased in the sum of five hundred dollars; provided there  
 12 is but one judge in said municipal court."

1 SEC. 2. Amend section ten thousand six hundred forty-six (10646),  
 2 Code, 1939, by striking from line ten (10) thereof the word "thirty"  
 3 and substituting in lieu thereof the word "forty".

Approved March 30, 1945.

## CHAPTER 219

### SUPERIOR COURT JUDGES

H. F. 215

AN ACT to amend sections ten thousand seven hundred thirty-nine (10,739) and ten  
 thousand seven hundred forty-eight (10,748), code, 1939, relating to the salary  
 of judges of the superior court.

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

1 SECTION 1. Section ten thousand seven hundred thirty-nine (10,739),  
 2 Code, 1939, is hereby amended by striking from line three (3) thereof  
 3 the words "thirty-seven hundred fifty" and inserting in lieu thereof  
 4 the words "forty-two hundred fifty".

1 SEC. 2. Section ten thousand seven hundred forty-eight (10,748),  
 2 Code, 1939, is hereby amended by striking from line four (4) thereof  
 3 the words "two thousand" and inserting in lieu thereof the words  
 4 "twenty-four hundred".

Approved March 21, 1945.

## CHAPTER 220

### DISTRICT COURT JUDGES

S. F. 96

AN ACT to amend section ten thousand eight hundred four (10804), code, 1939, relat-  
 ing to the salary of judges of the district court.

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

1 SECTION 1. Section ten thousand eight hundred four (10804) of the  
 2 Code of 1939, is amended by striking from lines two (2) and three (3),  
 3 the words, "five thousand (\$5,000.00) Dollars per year" and substi-  
 4 tuting in lieu thereof the following: "Six thousand (\$6,000.00) Dollars  
 5 per year, provided that the compensation of Judges during the terms  
 6 existing at the time of the passage of this Act shall be at the rate of  
 7 Five Thousand (\$5,000.00) Dollars per year until the end of said exist-  
 8 ing terms".

Approved March 13, 1945.

## CHAPTER 221

## COURT REPORTERS' EXPENSES

H. F. 109

AN ACT to amend section ten thousand eight hundred eleven (10811), code, 1939, relating to necessary hotel and living expenses of court reporters.

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

1 SECTION 1. Amend section ten thousand eight hundred eleven  
2 (10811), code, 1939, by striking the word "three" from line seven (7)  
3 and inserting in lieu thereof the word "four".

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

Approved March 29, 1945.

I hereby certify that the foregoing act was published in the Cedar Valley Daily Times, Vinton, Iowa, April 3, 1945, and The Cedar Rapids Gazette, Cedar Rapids, Iowa, April 4, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 222

## LIMITATION OF ACTIONS

S. F. 94

AN ACT to repeal chapter 267, laws of the Fiftieth General Assembly, fixing the period of limitations within which actions may be begun with respect to certain claims arising out of federal statutes, when no period of limitation is prescribed therein, and providing for a period of limitation for claims for wages.

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

1 SECTION 1. That Chapter 267, Laws of the Fiftieth General Assem-  
2 bly be and the same is hereby repealed.

1 SEC. 2. Subsection five (5) of Section eleven thousand seven (11007)  
2 is amended by striking the period (.) following the word "years" in  
3 line seven (7) and adding the following: "except as provided by sub-  
4 section nine (9)."

1 SEC. 3. Section eleven thousand seven (11007) is further amended  
2 by adding a new subsection as follows: "9. Those founded on claims for  
3 wages or for a liability or penalty for failure to pay wages, within two  
4 years. Any present existing causes of action must be commenced in  
5 any court of competent jurisdiction within six (6) months after the  
6 effective date\* of this act."

Approved March 29, 1945.

\*Effective July 4, 1945.

## CHAPTER 223

## FORECLOSURE OF ANCIENT MORTGAGES

S. F. 33

AN ACT to amend section eleven thousand twenty-eight (11028), code, 1939, relating to the limitations for foreclosure of ancient mortgages and other written instruments.

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

1 SECTION 1. That section eleven thousand twenty-eight (11028),  
 2 Code, 1939, is hereby amended by adding thereto the following:  
 3 "From and after July 4, 1946, this section shall also apply to any  
 4 instrument of the kind described in this section which is not of rec-  
 5 ord but which is described or referred to in any other instrument  
 6 which is filed of record and the limitation shall be ten years from the  
 7 due date of the instrument referred to if disclosed in the record and  
 8 if not so disclosed then within ten years from the date of the record  
 9 of the instrument containing such reference."

Approved April 9, 1945.

## CHAPTER 224

## GARNISHMENT BY TAX COMMISSION

H. F. 19

AN ACT to amend section eleven thousand six hundred seventy-nine and one tenth (11679.1), code, 1939, and providing garnishment when necessary in the collection of freight line and equipment car taxes.

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

1 SECTION 1. Section eleven thousand six hundred seventy-nine and  
 2 one tenth (11679.1), Code, 1939, is hereby amended by inserting after  
 3 the words "sales tax" in line three (3) the words: "freight line and  
 4 equipment car tax,".

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 Marshalltown-\*Times Republican, a newspaper published in Marshall-  
 4 town, Iowa, and in the Herald-Journal, a newspaper published in  
 5 Clarinda, Iowa.

Approved February 19, 1945.

I hereby certify that the foregoing act was published in the Marshalltown Times-Republican, Marshalltown, Iowa, February 24, 1945, and the Herald-Journal, Clarinda, Iowa, February 26, 1945.

WAYNE M. ROPES, *Secretary of State.*

\*According to enrolled act.



## CHAPTER 225

## PROOF OF WILLS

H. F. 240

AN ACT to amend chapter five hundred five (505), code, 1939, relating to proof of wills.

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

1 SECTION 1. Amend chapter five hundred five (505), code, 1939, by  
2 adding the following:  
3 "Where it appears to the court that a will cannot be proven as pro-  
4 vided in section eleven thousand eight hundred sixty-six (11866),  
5 code, 1939, because all of the subscribing witnesses to the will at the  
6 time the will is offered for probate are serving in or are present with  
7 the armed forces of the United States or as a merchant seaman, or  
8 other persons outside the limits of the United States by permission,  
9 assignment, or direction of any department or official of the United  
10 States in connection with any activity pertaining to or connected with  
11 the prosecution of any war in which the United States is then engaged,  
12 or are dead or mentally or physically incapable of testifying or other-  
13 wise unavailable, in the course of such service, the court may admit  
14 the will to probate upon the testimony in person or by deposition of  
15 at least two credible disinterested witnesses that the signature to the  
16 will is in the handwriting of the person whose will it purports to be,  
17 or upon other sufficient proof of such handwriting. The foregoing  
18 provision shall not preclude the court, in its discretion, from requir-  
19 ing in addition, the testimony in person or by deposition of any avail-  
20 able subscribing witness, or proof of such other pertinent facts and cir-  
21 cumstances as the court may deem necessary to admit the will to  
22 probate."

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 Audubon  
3 County Journal, a newspaper published at Exira, Iowa, and in the  
4 Mount Vernon Hawkeye-Record and The Lisbon Herald, a newspaper  
5 published at Mt. Vernon, Iowa.

Approved March 22, 1945.

I hereby certify that the foregoing act was published in the Audubon County Journal, Exira, Iowa, March 29, 1945.

I further certify that the Mount Vernon Hawkeye-Record and The Lisbon Herald, Mt. Vernon, Iowa, refused to publish this act and pursuant to section 55 of the Code, at my request, publication was made in the Plain Talk, Des Moines, Iowa, March 29, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 226

## PRESUMED DEATH OF MISSING PERSONS

H. F. 217

AN ACT to amend chapter four hundred ninety-four (494), code, 1939, by adding thereto a new section relating to evidence of presumed death of persons missing in action, interned, beleaguered, besieged or captured by an enemy.

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

1 SECTION 1. Amend chapter four hundred ninety-four (494), Code,  
2 1939, by adding thereto a new section as follows:

3 "1. A written finding of presumed death, made by the Secretary of  
4 War, the Secretary of the Navy, or other officer or employee of the  
5 United States authorized to make such finding, pursuant to the Federal  
6 Missing Persons Act (56 Stat. 143, 1092, and P. L. 408, Ch. 371, 2d  
7 Sess. 78th Cong.; 50 U.S.C. App. Supp. 1001-17), as now or hereafter  
8 amended, or a duly certified copy of such finding, shall be received in  
9 any court, office or other place in this state, as evidence of the death  
10 of the person therein found to be dead, and the date, circumstances and  
11 place of his disappearance.

12 2. An official written report or record, or duly certified copy thereof,  
13 that a person is missing, missing in action, interned in a neutral coun-  
14 try, or beleaguered, besieged or captured by an enemy, or is dead, or  
15 is alive, made by any officer or employee of the United States author-  
16 ized by the Act referred to in Section one (1) or by any other law of  
17 the United States to make same, shall be received in any court, office  
18 or other place in this state as evidence that such person is missing,  
19 missing in action, interned in a neutral country, or beleaguered, be-  
20 sieged or captured by an enemy, or is dead, or is alive, as the case  
21 may be.

22 3. For the purposes of sub-sections one (1) and two (2) of this Act  
23 any finding, report or record, or duly certified copy thereof, purport-  
24 ing to have been signed by such an officer or employee of the United  
25 States as is described in said sections, shall prima facie be deemed to  
26 have been signed and issued by such an officer or employee pursuant  
27 to law, and the person signing same shall prima facie be deemed to  
28 have acted within the scope of his authority. If a copy purports to  
29 have been certified by a person authorized by law to certify the same,  
30 such certified copy shall be prima facie evidence of his authority so to  
31 certify.

32 4. If any provision of this act or the application thereof to any  
33 person or circumstance be held invalid, such invalidity shall not affect  
34 any other provision or application of the act which can be given effect  
35 without the invalid provision or application, and to this end the pro-  
36 visions of this act are declared to be severable."

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in The Wapello  
3 Republican, a newspaper published at Wapello, Iowa, and in The Mount

4 Vernon Hawkeye-Record and The Lisbon Herald, a newspaper pub-  
5 lished at Mt. Vernon, Iowa.

Approved March 13, 1945.

I hereby certify that the foregoing act was published in The Wapello Republican, Wapello, Iowa, March 22, 1945, and The Mount Vernon Hawkeye-Record and The Lisbon Herald, Mt. Vernon, Iowa, March 22, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 227

### DISTRIBUTION OF LEGACIES TO INCOMPETENTS

H. F. 11

AN ACT to amend section twelve thousand seventy-seven and one tenth (12077.1), code, 1939, relating to small legacies in estates payable to minors and incompetents and distribution thereof.

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

1 SECTION 1. Section twelve thousand seventy-seven and one tenth  
2 (12077.1), Code, 1939, is amended by inserting in line one (1) after  
3 the word "minor" the words "or an incompetent"; and by inserting  
4 in line nine (9) after the word "minor" the words "or incompetent";  
5 and by inserting in line seventeen (17) after the word "minor", and  
6 before the comma, the words "or incompetent"; and by inserting in  
7 line eighteen (18) after the first word "minor" the words "or incom-  
8 petent"; and by inserting in said line eighteen (18) after the words  
9 "for the use of such minor", and before the comma, the words "or  
10 incompetent"; and by inserting after the word "minor" in the last  
11 line of said section and before the period, the words "or incompetent".

Approved February 1, 1945.

## CHAPTER 228

### ACTIONS OF FORCIBLE ENTRY AND DETENTION

H. F. 21

AN ACT to amend chapter three hundred three (303) of the acts and laws of the Forty-ninth General Assembly of the state of Iowa, with reference to actions of forcible entry and detention of real property, in order to give jurisdiction in equity to the municipal and superior courts of the state of Iowa in such cases.

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

1 SECTION 1. Section two (2) of Chapter three hundred three (303)  
2 of the Acts and Laws of the Forty-ninth General Assembly of the  
3 State of Iowa is hereby amended by adding a comma (,) after the  
4 word "district" in line four (4) of said section and by adding the  
5 following words, "superior or municipal".

Approved February 1, 1945.

## CHAPTER 229

## TERMINATION OF GUARDIANSHIP

H. F. 12

AN ACT to amend chapter five hundred thirty-nine (539), code, 1939, authorizing guardians to petition for termination of guardianships whenever the assets thereof are exhausted, or where only personal property remains in the guardianship and the value of said personal property does not exceed two hundred dollars, and authorizing guardians under order of court to pay and distribute such personal property to the parents or natural guardian of a minor or incompetent, or to the person with whom such minor or incompetent resides, and to accept the receipt of such person therefor.

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

1 SECTION 1. Chapter five hundred thirty-nine (539), Code, 1939,  
2 is amended by adding at the end thereof the following section:  
3 "Whenever the assets in charge of a guardian are exhausted, or  
4 whenever the property remaining in charge of a guardian of a minor  
5 or an incompetent consists of personal property only, and the value  
6 thereof does not exceed two hundred dollars, the district court hav-  
7 ing jurisdiction of said guardianship may, in its discretion, upon the  
8 application of the guardian or ward or upon its own motion, enter  
9 an order terminating such guardianship and, where property re-  
10 mains, authorizing the guardian to pay and distribute the remaining  
11 personal property to the parents or natural guardian of such minor  
12 or incompetent, less expenses of administration as approved by the  
13 court, or to the person with whom such minor or incompetent resides,  
14 for the use of such minor or incompetent, and the receipt of such  
15 person or persons therefor, when presented to the court or filed with  
16 the report of distribution of any such guardian, shall have the same  
17 force and effect as though such payment had been made to the ward  
18 after attaining his majority or regaining his competency."

Approved February 14, 1945.

## CHAPTER 230

## GUARDIANSHIP OF VETERANS

S. F. 19

AN ACT to repeal chapter five hundred forty-two and one-tenth (542.1), code, 1939, and to enact a substitute therefor, relating to the guardianship of incompetent veterans and other incompetents and minor beneficiaries of the veterans administration and to make uniform the law relative thereto.

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

1 SECTION 1. Chapter five hundred forty-two and one-tenth (542.1),  
2 Code, 1939, is repealed, and the following enacted in lieu thereof:  
3 1. **Definitions.** As used in this act, "person" means an individual,  
4 a partnership, a corporation or an association; "Veterans Adminis-  
5 tration" means the Veterans Bureau, its predecessors or successors;  
6 "income" means moneys received from the Veterans Administration  
7 and revenue or profit from any property wholly or partially acquired

8 therewith; "estate" means income on hand and assets acquired par-  
9 tially or wholly with "income"; "benefits" means all moneys paid  
10 or payable by the United States through the Veterans Administra-  
11 tion; "administrator" means the Administrator of Veterans Affairs  
12 of the United States or his successor; "ward" means a beneficiary  
13 of the Veterans Administration; "guardian" means any fiduciary  
14 for the person or estate of a ward.

15 2. **Applicability of chapter.** Whenever pursuant to any law of  
16 the United States or regulation of the Veterans Administration, the  
17 administrator requires, prior to payment of benefits, that a guardian  
18 be appointed for a ward, such appointment shall be made in the  
19 manner hereinafter provided.

20 3. **Petition.** A petition for the appointment of a guardian for an  
21 incompetent ward may be filed in the district court of the county of  
22 which he is a resident. The petition shall set forth:

23 A. The name, age, and place of residence of the ward, and the  
24 name and address of the person or institution, if any, having actual  
25 custody of the ward.

26 B. The name and place of residence of the nearest known relative  
27 of the ward.

28 C. The fact that the ward is entitled to receive moneys payable  
29 by or through the Veterans Administration, and the amount thereof  
30 then due and the amount of probable future payments.

31 D. The fact that the ward has been rated incompetent on exami-  
32 nation by the Veterans Administration in accordance with the laws  
33 and regulations governing the Veterans Administration.

34 4. **Notice—service.** Notice of the commencement of the action  
35 shall be served in the time, manner, and form as prescribed by the  
36 rules of civil procedure of the state of Iowa and amendments thereto.

37 5. **Temporary guardian.** A temporary guardian may be appointed  
38 as provided by section twelve thousand six hundred twenty (12620).

39 6. **Trial.** Trial shall be had as provided by section twelve thou-  
40 sand six hundred twenty-one (12621).

41 7. **Certificate of incompetency.** Upon trial of an issue arising  
42 upon a prayer for the appointment of either a temporary or perma-  
43 nent guardian, a certificate of the administrator, of Veterans Ad-  
44 ministration or his representative, setting forth the fact that the  
45 defendant ward has been rated incompetent by the Veterans Admin-  
46 istration on examination in accordance with the laws and regula-  
47 tions governing the Veterans Administration; and that the appoint-  
48 ment of a guardian is a condition precedent to the payment of any  
49 moneys due such person by the Veterans Administration, shall be  
50 prima facie evidence of the necessity for such appointment, and the  
51 court may appoint a guardian for the property of such person.

52 8. **Appointment of guardian.** Guardians for the estate of minor  
53 wards may be appointed as provided by chapter five hundred thirty-  
54 nine (539).

55 9. **Bond.** Upon appointment the guardian shall execute and file  
56 a bond as provided in the case of guardians of minors in sections  
57 twelve thousand five hundred seventy-seven (12577) and twelve  
58 thousand five hundred seventy-eight (12578), and chapter five hun-  
59 dred fifty-one (551). The court shall have power from time to time  
60 to require the guardian to file an additional bond.

61 10. **Limitation on appointment.** Except as hereinafter provided,  
62 it shall be unlawful for any person to accept appointment as guardian  
63 of any ward if such proposed guardian shall at that time be acting  
64 as guardian for ten wards. In any case, upon presentation of a peti-  
65 tion by an attorney of the Veterans Administration under this section  
66 alleging that a guardian is acting in a fiduciary capacity for more  
67 than ten wards and requesting his discharge for that reason, the  
68 court, upon proof substantiating the petition, shall require a final  
69 accounting forthwith from such guardian and shall discharge such  
70 guardian in said case. The limitations of this section shall not apply  
71 where the guardian is a bank or trust company acting for the estate  
72 only and not for the person of the ward. An individual may be  
73 guardian of more than ten wards if they are all members of the same  
74 family.

75 11. **Reports—hearings.** Every guardian who shall receive on  
76 account of his ward any moneys from the Veterans Administration  
77 shall file with the court annually, in addition to such other accounts  
78 as may be required by the court, a full, true and accurate account  
79 under oath of all moneys so received by him, of all disbursements  
80 thereof, and showing the balance thereof in his hands at the date of  
81 such account and how invested. The court, or a judge thereof, shall  
82 fix a time and place for the hearing on such account not less than fif-  
83 teen and not more than thirty days from the date of filing same, and  
84 notice thereof by registered mail shall be given by the guardian to the  
85 proper office of the Veterans Administration not less than fifteen  
86 days prior to the date fixed for the hearing, which notice shall include  
87 a true copy of the accounting. And a like notice shall be given to the  
88 surety on such guardian bonds upon the filing of the final report by  
89 said guardian.

90 12. **Failure to report—effect.** If any guardian shall fail to file an  
91 account of the moneys received by him from the Veterans Adminis-  
92 tration on account of his ward within thirty days after such account  
93 is required by either the court or the Veterans Administration, or  
94 shall fail to furnish the Veterans Administration a copy of his ac-  
95 counts as required by this chapter, such failure shall be grounds for  
96 removal and forfeiture of such guardian's commission as said guar-  
97 dian would otherwise be entitled to receive; provided that the court  
98 shall have in addition hereto the same authority to impose penalties  
99 and to remove guardians for cause as provided in the general guar-  
100 dianship laws of this state.

101 13. Compensation payable to guardians for ordinary services shall  
102 not exceed five per cent (5%) of the income of the ward during any  
103 accounting year, provided, however, that the court may grant com-  
104 pensation to such guardian not to exceed Twenty-five Dollars  
105 (\$25.00) where five per cent (5%) of the income of the ward during  
106 the accounting year will not adequately compensate the guardian  
107 for services performed. In the event of extraordinary services,  
108 however, the court may upon petition and after hearing thereon allow  
109 the guardian additional compensation. Such petition shall set out  
110 the extraordinary services rendered by the guardian and a copy of  
111 said petition together with a copy of the notice of hearing thereon  
112 shall be served upon the Veterans Administration as provided in  
113 section twelve thousand six hundred forty-four and eleven hun-

114 dredths (12644.11). Compensation as guardian and a fee as attorney  
115 shall not be allowed to the same person. No compensation shall be  
116 allowed on the corpus of an estate received from the preceding  
117 guardian.

118 14. A guardian may without prior authority of the court invest  
119 in bonds or other interest bearing obligations of the United States,  
120 the State of Iowa, or those issued by the cities or counties of Iowa,  
121 for the payment of which the faith and credit of the issuing instru-  
122 mentality of government is pledged. All other investment shall be  
123 under orders of the court in such securities in which the guardian has  
124 no interest as authorized by section twelve thousand seven hundred  
125 seventy-two (12772) provided that said investments shall be made  
126 under order of the court after notice to the proper office of the Vet-  
127 erans Administration in the manner provided in section twelve thou-  
128 sand six hundred forty-four and eleven hundredths (12644.11).

129 15. **Use of funds.** A guardian shall not apply any portion of the  
130 estate of his ward for the support and maintenance of any person  
131 other than his ward, except upon order of the court after a hearing,  
132 notice of which has been given the proper office of the Veterans Ad-  
133 ministration in the manner provided in section twelve thousand six  
134 hundred forty-four and eleven hundredths (12644.11).

135 16. **Construction of chapter.** This chapter shall be construed  
136 liberally to secure the beneficial intent and purpose thereof, and shall  
137 apply only to beneficiaries of the Veterans Administration.

138 17. **How chapter cited.** This chapter may be cited as the "Uniform  
139 Veterans Guardianship Act".

140 18. **Interpretation.** This chapter shall be so interpreted and con-  
141 strued as to effectuate its general purpose to make uniform the law  
142 of those states which enact it.

143 19. **Repeal—scope of chapter.** All laws or parts of laws relating  
144 to beneficiaries of the Veterans Administration inconsistent with this  
145 chapter are hereby repealed. Guardians appointed under this chap-  
146 ter shall be subject to the general guardianship law of the state except  
147 insofar as the same is modified by this chapter. Insofar as it may be  
148 applicable, this chapter shall apply to guardians of Veterans Admin-  
149 istration beneficiaries heretofore or hereafter appointed under the  
150 general laws of the state.

151 20. **Dual guardianship.** This chapter shall not be construed to  
152 require dual guardianship proceedings of the property of the same  
153 person, but when a guardian is such both as to moneys paid by the  
154 United States through the Veterans Administration and to other  
155 property of the ward, the accounts of the moneys received through  
156 the Veterans Administration shall be kept separate and apart from  
157 the accounts of other property.

158 21. **Discharge of guardian and release of sureties.** In addition to  
159 any other provisions of law relating to judicial restoration and dis-  
160 charge of guardian, a certificate by the Veterans Administration  
161 showing that a minor ward has attained majority, or that an incom-  
162 petent ward has been rated competent by the Veterans Administration  
163 upon examination in accordance with law shall be prima facie  
164 evidence that the ward has attained majority, or has recovered his  
165 competency. Upon hearing after notice as provided by this act and  
166 the determination by the court that the ward has attained majority

167 or has recovered his competency, an order shall be entered to that  
 168 effect, and the guardian shall file a final accounting. Upon hearing  
 169 after notice to the former ward and to the Veterans Administration  
 170 as in case of other accounts, upon approval of the final accounting,  
 171 and upon delivery to the ward of the assets due him from the guar-  
 172 dian, the guardian shall be discharged and his sureties released.

173 22. Nothing contained in this act shall be construed to abrogate,  
 174 modify or in any manner affect pending proceedings under chapter  
 175 five hundred forty-two and one-tenth (542.1), Code, 1939, and all  
 176 such pending proceedings shall continue under the provisions of this  
 177 act.

Approved February 20, 1945.

## CHAPTER 231

### EMBEZZLEMENT

S. F. 218

AN ACT to amend section thirteen thousand twenty-seven (13027), code, 1939, and to repeal section thirteen thousand twenty-nine (13029), code, 1939, relating to embezzlement and the penalty therefor.

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

1 SECTION 1. Section thirteen thousand twenty-seven (13027), Code,  
 2 1939, is hereby amended by changing the period (.) at the end of line  
 3 eight (8), subsection four (4), to a semi-colon (;) and adding there-  
 4 to the following: "and an offer to return and account for, or the actual  
 5 return and accounting for, such funds or property so embezzled as  
 6 herein defined shall not relieve such defaulting officer from the crime  
 7 of larceny by embezzlement or the punishment therefor as fixed in  
 8 section 13028, Code, 1939."

1 SEC. 2. Section thirteen thousand twenty-nine (13029), Code, 1939,  
 2 is hereby repealed.

1 SEC. 3. Section thirteen thousand twenty-seven (13,027), Code,  
 2 1939, is further amended by inserting after the word "of" in line four  
 3 (4) of subsection four (4) thereof, the following: "larceny by".

Approved April 10, 1945.



## CHAPTER 232

## INFORMATIONS IN MUNICIPAL COURTS

S. F. 17

AN ACT to amend sections thirteen thousand six hundred forty-five (13645), ten thousand six hundred fifty-six (10656), and ten thousand six hundred sixty-nine and one-tenth (10669.1), code 1939, relating to the filing of county attorney's true informations in municipal courts.

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

1 SECTION 1. Section thirteen thousand six hundred forty-five (13645),  
2 Code 1939, is amended by inserting after the word "district" in line  
3 nine (9) the words "or municipal".

1 SEC. 2. Section ten thousand six hundred fifty-six (10656), Code  
2 1939, is amended by striking the word "trial" from line three (3) and  
3 inserting in lieu thereof the word "prosecution".

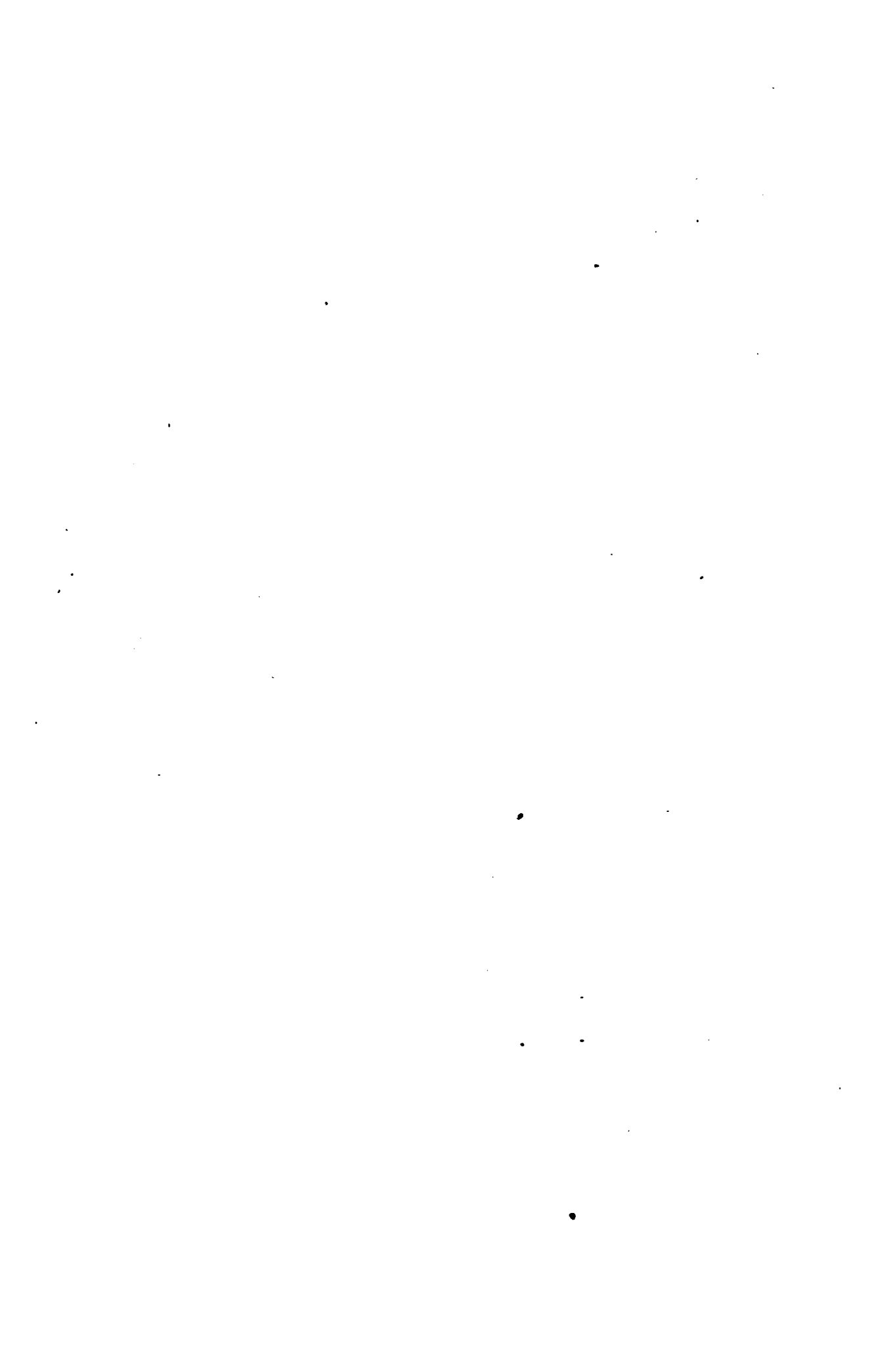
1 SEC. 3. Section ten thousand six hundred sixty-nine and one-tenth  
2 (10669.1), Code 1939, is amended by striking the word "trial" in line  
3 two (2) and inserting in lieu thereof the word "prosecution".

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 Clinton Her-  
3 ald, a newspaper published in the City of Clinton, Iowa, and in the  
4 Waterloo Courier, a newspaper published in the City of Waterloo, Iowa.

Approved March 16, 1945.

I hereby certify that the foregoing act was published in the Clinton Herald, Clinton, Iowa, March 21, 1945, and the Waterloo Courier, Waterloo, Iowa, March 21, 1945.

WAYNE M. ROPES, *Secretary of State.*



**LEGALIZING AND SPECIAL ACTS  
AND  
JOINT RESOLUTIONS**



## LEGALIZING AND SPECIAL ACTS

### CHAPTER 233

#### GOVERNOR'S APPOINTMENTS LEGALIZED

S. F. 442

AN ACT to legalize the appointments of certain public officials by the governor of Iowa which have been confirmed by the Senate.

WHEREAS, the laws of Iowa provide that the Governor of Iowa shall appoint certain public officials subject to confirmation by the Senate, and

WHEREAS, the time within which such appointments are directed to be made, varies in certain of these Statutes, and

WHEREAS, due largely to press of business, such appointments to be made by the Governor have been delayed and same were made after the expiration of the time prescribed therefor, and

WHEREAS, it is the desire of the Legislature to remove any doubt as to the timeliness of such appointments and the legality of same; therefore,

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

1 SECTION 1. All appointments to public office made by the Governor  
2 of Iowa during the session of the fifty-first General Assembly which  
3 have been confirmed by the Senate during said session, are hereby  
4 declared to be legal and valid for the offices and terms included in said  
5 appointments, and to be of the same force and effect as if such appoint-  
6 ments had been made by the Governor within the time prescribed by  
7 law and thereafter confirmed by the Senate during said session.

1 SEC. 2. Nothing herein contained shall affect any provision of law  
2 relative to the filling of vacancies between sessions of the General  
3 Assembly.

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 Baxter New  
3 Era, a newspaper published at Baxter, Iowa, and in the Keokuk  
4 County News, a newspaper published at Sigourney, Iowa.

Approved April 16, 1945.

I hereby certify that the foregoing act was published in the Baxter New Era, Baxter, Iowa, April 25, 1945, and the Keokuk County News, Sigourney, Iowa, April 26, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 234

## SMITH BROTHERS AND BURDICK COMPANY

S. F. 62

AN ACT to legalize the corporate acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and renewed articles of incorporation of Smith Brothers and Burdick Company and to provide for the renewal of the charter of said company.

WHEREAS, the period of the corporate existence of Smith Brothers & Burdick Company, a corporation organized under the laws of the State of Iowa, with its principal place of business in the City of Davenport, Iowa, expired on the first day of September, 1938, and through inadvertence the same was not renewed within the period prescribed by statute, and

WHEREAS, Smith Brothers & Burdick Company has continued thereafter to conduct its business and affairs as a corporation, and

WHEREAS, on the 12th day of January, 1945, a special meeting of the stockholders was called and held for the purpose of extending and renewing the said corporation for a period of twenty years from September 1, 1938, and adopting the amended and renewed Articles of Incorporation, and

WHEREAS, Smith Brothers & Burdick Company has filed the said amended and renewed articles of incorporation, together with a certificate of renewal of the said Corporation, with the Secretary of State of the State of Iowa, and has paid the proper renewal fees and recording fees, and has in all other particulars complied with the provisions of the statutes relating to renewals of corporations, Now, Therefore,

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

1 SECTION 1. All proceedings had with respect to the renewal of the  
2 corporate existence of Smith Brothers & Burdick Company, a corpora-  
3 tion with its principal place of business in Davenport, Iowa, and all  
4 corporate acts of said corporation, its officers and stockholders, since  
5 the expiration of the corporate existence of said corporation on the 1st  
6 day of September, 1938, are hereby legalized and shall have the same  
7 force and effect as though the said proceedings had been adopted pur-  
8 suant to law and within the period prescribed by the statute, and shall  
9 be held and considered as a renewal and extension of the period of the  
10 corporate existence of said corporation, which expired on September  
11 1, 1938, and all corporate acts and proceedings of said corporation,  
12 including the proceedings in connection with the renewal and extension  
13 of said corporation and the adoption of the amended and renewed  
14 articles of incorporation, are hereby declared to be valid and legal.

1 SEC. 2. The Secretary of State is hereby authorized and directed to  
2 acknowledge and file and record the certificate of renewal of said cor-  
3 poration previously delivered to him by said Corporation, and to issue  
4 a certificate of renewal to Smith Brothers & Burdick Company, said  
5 renewal to extend the corporate existence of said corporation for a  
6 period of twenty (20) years from September 1, 1938, which certificate  
7 of renewal shall have the same force and effect as though issued upon  
8 proper and timely 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, or any claims  
3 outstanding against said corporation.

1 SEC. 4. 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 Daily Times and The Democrat and Leader, newspapers published in  
4 the City of Davenport, Iowa, without expense to the State of Iowa.

Approved March 7, 1945.

I hereby certify that the foregoing act was published in the Daily Times, Davenport, Iowa, March 14, 1945, and The Democrat and Leader, Davenport, Iowa, March 14, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 235

### TOWN OF ATKINS LEGALIZING ACT

H. F. 446

AN ACT to legalize the action of the town council of the town of Atkins, Benton county, Iowa, in respect to expenditure of funds for the purchase and construction of a filter and addition to pump-house connected with its waterworks system, and warrants issued in payment thereof.

WHEREAS, in the year 1939 the Town of Atkins, Benton County, Iowa, erected a System of Waterworks and a pump-house in the Town of Atkins, and to effectuate its full use, in connection therewith in the year 1941 a filter and addition to the pump-house was erected, and indebtedness incurred for the purchase and construction of such filter and addition to pump-house in the amount of \$2035.52.

WHEREAS, the said Town of Atkins, Benton County, Iowa, issued warrants in the said amount for the purpose of paying for the expenditure aforesaid.

WHEREAS, doubt has arisen as to the legality and validity of the action of the said Town in incurring such indebtedness and in the issuance of warrants for the payment thereof and warrants so issued; now therefore

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

1 SECTION 1. That proceedings had and action taken by the said  
2 Town of Atkins, Benton County, Iowa, and its Town Council in in-  
3 curring the indebtedness for the purchase and construction of a filter  
4 and addition to pump-house in the said Town of Atkins, Benton County,  
5 Iowa, in the year 1941 and all proceedings had and actions taken by  
6 the said Town and its Town Council in the issuance of warrants in  
7 the amount of \$2035.52 in payment of the said indebtedness of like  
8 amount and the warrants so issued be and are hereby legalized and  
9 validated.

1 SEC. 2. 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 Cedar Rapids Gazette, a newspaper published in Cedar Rapids,

4 Iowa, and in Cedar Valley Times, a newspaper published in Vinton,  
5 Iowa, without expense to the State of Iowa.

Approved April 4, 1945.

I hereby certify that the foregoing act was published in the Cedar Rapids Gazette, Cedar Rapids, Iowa, April 21, 1945, and the Cedar Valley Times, Vinton, Iowa, April 21, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 236

### COUNCIL BLUFFS LEGALIZING ACT

S. F. 157

AN ACT to legalize and validate the proceedings authorizing and providing for the issuance and delivery of storm sewer bonds of 1945 by the city of Council Bluffs, Iowa, and the provisions made for taxes for the payment of said bonds and declaring said bonds, issued pursuant to said proceedings, to be enforceable obligations of said city.

WHEREAS the City Council of the City of Council Bluffs, Iowa, did heretofore construct a storm sewer commonly known as the Indian Creek Storm Sewer, and thereafter by resolution adopted on January 22, 1945, authorized and provided for the issuance and delivery of Storm Sewer Bonds of 1945 in the principal amount of \$370,000 for the purpose of thereby evidencing the unpaid cost to that amount of said storm sewer and by said resolution provided for the payment of the interest on and principal of said bonds by the levy and collection of annual taxes on the taxable property in said city; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said bonds and proceedings and the provisions made for the payment of same, and it is deemed advisable to put said doubts and all others that might arise concerning same forever at rest.

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

1 SECTION 1. All proceedings heretofore taken by the City Council of  
2 the City of Council Bluffs, Iowa, authorizing and providing for the  
3 issuance and delivery of Storm Sewer Bonds of 1945 by the City of  
4 Council Bluffs, Iowa, and providing for the levy and collection of an  
5 annual tax to pay the interest on and principal of said bonds, are  
6 hereby legalized, validated and confirmed, and said Storm Sewer Bonds  
7 of 1945 issued and delivered pursuant to and in accordance with said  
8 proceedings are hereby declared to be legal and to constitute valid and  
9 binding obligations of said city.

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 Council  
3 Bluffs Nonpareil, a newspaper published in the City of Council Bluffs,  
4 Iowa, and the Oakland Acorn, a newspaper published in Oakland, Iowa,  
5 all without expense to the state.

Approved February 15, 1945.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil, Council Bluffs, Iowa, March 2, 1945, and the Oakland Acorn, Oakland, Iowa, March 1, 1945.

WAYNE M. ROPES, *Secretary of State.*



## CHAPTER 237

## CRAWFORD COUNTY TRANSFER OF FUNDS

S. F. 434

AN ACT to make permanent a certain temporary transfer of funds of Crawford county, Iowa, made by authority of the state comptroller.

WHEREAS, on application of the Board of Supervisors of Crawford County, Iowa, the State Comptroller, on the 26th day of May, 1944, authorized and approved a temporary transfer of Twenty Thousand (\$20,000.00) Dollars from the poor fund of said county to the county general fund of said county; and

WHEREAS, the poor fund has sufficient funds to meet all demands thereon and will not require the return of the funds temporarily transferred to the county general fund; and

WHEREAS, the county general fund is depleted to such an extent that it would be a hardship to transfer the said Twenty Thousand (\$20,000.00) Dollars to the poor fund; therefore

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

1 SECTION 1. The temporary transfer of Twenty Thousand (\$20,-  
2 000.00) Dollars from the poor fund of Crawford County, Iowa, to  
3 the county general fund of said county, approved by the state comp-  
4 troller on the 26th day of May, 1944, and duly made, is hereby made  
5 a permanent transfer and the same is hereby legalized and made valid.

1 SEC. 2. This act, being deemed of immediate importance, shall take  
2 effect and be in full force from and after its passage and publication  
3 in the Denison Review, a newspaper published at Denison, Iowa, and  
4 in the Charter Oak Times, a newspaper published at Charter Oak,  
5 Iowa, both of said publications to be without expense to the State of  
6 Iowa.

Approved April 9, 1945.

I hereby certify that the foregoing act was published in the Denison Review, Denison, Iowa, May 3, 1945, and the Charter Oak Times, Charter Oak, Iowa, May 3, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 238

## DUBUQUE SCHOOL DISTRICT LEGALIZING ACT

S. F. 90

AN ACT to legalize the proceedings by the board of directors of the independent school district of Dubuque, Dubuque County, Iowa, in submitting to the voters of said district at the school election in said district on March 13, 1944, the proposition of establishing a pension and annuity retirement system for the employees of said district who are under written contract to said district, the said election and the establishment of said pension and annuity retirement system.

WHEREAS, it appears that at the school election held on March thirteenth (13), 1944, there was submitted to the qualified electors of the Independent School District of Dubuque, Dubuque County, Iowa, the question of

establishing a pension and annuity retirement system for the employees of said district who are under written contract to said district, and that at said election there were 2118 votes cast in favor of said question, and 442 votes were cast against said question, and said question was declared to have been duly carried, and

WHEREAS, said proposition was submitted to the voters after there had been presented to the board of directors of said school district a petition requesting the submission of said question to the electorate, which was signed by more than the number of qualified electors of said district as required by Section 4218 of the 1939 Code of Iowa, and thereupon the board of directors of said district did submit said question to the electors, and

WHEREAS, after said election the Board of directors of said district, did establish a pension and annuity retirement system for the employees of said district who are under written contract to said district, and

WHEREAS, doubts have arisen as to the legal sufficiency of the proceedings in connection with the submission of said question to the voters, the said election and the establishment of said pension and annuity retirement system and it is deemed advisable to set said doubts and all others that may arise, forever at rest.

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

1 SECTION 1. That the election held on March 13, 1944 and all pro-  
2 ceedings in connection therewith, wherein there was submitted to the  
3 voters of the Independent School District of Dubuque, Dubuque  
4 County, Iowa, the question of establishing a pension and annuity  
5 retirement system for the employees of said district who are under  
6 written contract to said district, and which question was carried at  
7 said election, be and the same are hereby legalized and declared to  
8 be as binding as if each and every requirement of law had been suf-  
9 ficiently complied with.

1 SEC. 2. That the actions of the board of directors of said district in  
2 establishing said pension and annuity retirement system, be and the  
3 same are hereby legalized and declared binding.

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 Telegraph  
3 Herald, a newspaper published at Dubuque, Iowa, and the Cascade  
4 Pioneer, a newspaper published at Cascade, Iowa, which publications  
5 shall be without expense to the state.

Approved March 7, 1945.

I hereby certify that the foregoing act was published in the Telegraph Herald, Du-  
buque, Iowa, March 13, 1945, and the Cascade Pioneer, Cascade, Iowa, March 15, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 239

## HAMILTON COUNTY LEGALIZING ACT

H. F. 184

AN ACT to legalize the action of the board of supervisors of Hamilton county, Iowa, in transferring funds in the amount of twelve thousand six hundred twenty dollars and fourteen cents (\$12,620.14) from the county poor fund to the county hospital fund.

WHEREAS, up to October 1, 1944, the board of supervisors of Hamilton County, Iowa, in full settlement of all accounts of indigent patients in the county hospital of said county, transferred the sum of twelve thousand six hundred twenty dollars and fourteen cents (\$12,620.14) from the poor fund of said county to the county hospital fund; and

WHEREAS, such transfer of said funds should be approved, legalized and made permanent; now, therefore,

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

1 SECTION 1. That the temporary transfer, by the board of super-  
2 visors of Hamilton County, Iowa, from the poor fund of said county  
3 to the county hospital fund thereof in full settlement of all accounts  
4 of indigent patients up to October 1, 1944, be legalized and made per-  
5 manent.

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in the Freeman-  
3 Journal, a newspaper published at Webster City, Iowa, and in The  
4 Jewell Record, a newspaper published at Jewell, Iowa.

Approved March 30, 1945.

I hereby certify that the foregoing act was published in the Freeman-Journal, Webster City, Iowa, April 27, 1945, and the Jewell Record, Jewell, Iowa, May 3, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 240

## FORT DODGE SCHOOL DISTRICT LEGALIZING ACT

H. F. 225

AN ACT to legalize the action of the Independent School District of Fort Dodge, Iowa, in conveying certain real estate to Fort Dodge Gas & Electric Company and certain real estate to Harold Ertl, without holding an election.

WHEREAS, the Independent School District of Fort Dodge, Iowa, on the 25th day of February, 1940, by deed recorded in Land Deed Records 44, page 546, in the recorder's office of Webster County, Iowa, conveyed to Fort Dodge Gas & Electric Company the following described real estate, to wit:

A tract of land twenty (20) feet in length North and South and sixteen (16) feet in length East and West in the Northeast corner of a tract of land described as follows:

Commencing at a point 525 feet East of the Southwest corner of the Southeast Quarter of Section 17, Township 89 North, Range 28 West; running thence North 124 feet, thence East 52 feet, thence South 124 feet, thence West 52 feet to the place of beginning.

Also a strip of land 3 feet in width off the East side of said tract of land extending from the tract 20 feet by 16 feet in the Northeast corner thereof South along the East line of said tract to Tenth Avenue North (Fort Dodge, Iowa).

and

WHEREAS, the Independent School District of Fort Dodge, Iowa, on the 22nd day of April, 1940, by deed recorded in Land Deed Records 44, at page 356, of the records in the office of the County Recorder of Webster County, Iowa, conveyed to Harold Ertl the following described real estate, to-wit:

A tract of land commencing at a point 473 feet East of the Southwest Corner of the Southeast Quarter of Section 17, Township 89 North, Range 28, thence running North 124 feet, thence East 104 feet, thence South 124 feet, thence West 104 feet to the place of beginning; excepting and reserving therefrom a tract of land 20 feet in length North and South and 16 feet in length East and West in the Northeast corner of the said tract, together with a strip of land 3 feet in width off the East side of the said tract, running South along the East line thereof to Tenth Avenue North, Fort Dodge, Iowa, heretofore granted to the Fort Dodge Gas and Electric Company; and all subject to streets and highways located thereon or upon any portion thereof.

and

WHEREAS, the aforesaid conveyances were made for the purposes of exchange and of completing title to the school house site and athletic field belonging to the Independent School District of Fort Dodge, Iowa, but were made without compliance with the provisions of the law with reference to notice and approval at an election by the voters of said Independent School District; and

WHEREAS, a doubt has arisen as to the legality of said conveyances and the authority of the Independent School District of Fort Dodge, Iowa, to make said conveyances, therefore

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

1 SECTION 1. That the deed from the Independent School District  
2 of Fort Dodge, Iowa, to Fort Dodge Gas & Electric Company, dated  
3 February 25, 1940, and recorded in Book of Land Deeds 44, page 546  
4 of the deed records of Webster County, Iowa, conveying to said Fort  
5 Dodge Gas & Electric Company the following described real estate,  
6 to wit:

7 A tract of land twenty (20) feet in length North and South and  
8 sixteen (16) feet in length East and West in the Northeast corner  
9 of a tract of land described as follows:

10 Commencing at a point 525 feet East of the Southwest corner of  
11 the Southeast Quarter of Section 17, Township 89 North, Range 28  
12 West; running thence North 124 feet, thence East 52 feet, thence  
13 South 124 feet, thence West 52 feet to the place of beginning.

14 Also a strip of land 3 feet in width off the East side of said tract  
15 of land extending from the tract 20 feet by 16 feet in the Northeast  
16 corner thereof South along the East line of said tract to Tenth Avenue  
17 North (Fort Dodge, Iowa), be and the same is hereby legalized and  
18 declared valid.

1 SEC. 2. That the deed from the Independent School District of Fort  
2 Dodge, Iowa, to Harold Ertl, dated April 22, 1940, and recorded in  
3 Book of Land Deeds 44, at page 356 of the deed records of Webster  
4 County, Iowa, conveying to said Harold Ertl the following described  
5 real estate, to-wit:

6 A tract of land commencing at a point 473 feet East of the South-  
7 west corner of the Southeast Quarter of Section 17, Township 89  
8 North, Range 28, thence running North 124 feet, thence East 104  
9 feet, thence South 124 feet, thence West 104 feet to the place of be-  
10 ginning; excepting and reserving therefrom a tract of land 20 feet  
11 in length North and South and 16 feet in length East and West in  
12 the Northeast corner of the said tract, together with a strip of land  
13 3 feet in width off the East side of said tract, running South along  
14 the East line thereof to Tenth Avenue North, Fort Dodge, Iowa, hereto-  
15 fore granted to the Fort Dodge Gas and Electric Company; and all  
16 subject to streets and highways located thereon or upon any portion  
17 thereof,  
18 be and the same is hereby legalized and declared valid.

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 Messenger  
3 and Chronicle, a newspaper published at Fort Dodge, Iowa, and in the  
4 Dayton Review, a newspaper published at Dayton, Iowa.

Approved March 20, 1945.

I hereby certify that the foregoing act was published in the Messenger and Chronicle,  
Fort Dodge, Iowa, April 30, 1945, and the Dayton Review, Dayton, Iowa, May 3, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 241

### KEOKUK LEGALIZING ACT

S. F. 424

AN ACT to legalize and validate the proceedings authorizing and providing for the  
acquisition, ownership and operation by the city of Keokuk, Iowa, of the existing  
toll bridge extending across the Mississippi river from said city, and for the  
issuance, sale and delivery by said city of bridge revenue bonds in connection  
therewith, and the provisions made for the payment of said bonds and declaring  
said proceedings and the bonds issued pursuant thereto legally sufficient and  
enforceable.

WHEREAS, it appears from the official records of the City Council of the  
City of Keokuk, Iowa, that said City Council did heretofore by resolution  
order and provide for the acquisition, ownership and operation by said  
City of the existing privately owned toll bridge extending across the Mis-  
sissippi River from said City, and also authorizing and providing for the  
issuance, sale and delivery of Bridge Revenue bonds of said City in the  
principal amount of \$500,000.00, for the purpose of acquiring said bridge  
and provided in and by said resolution for the use and application of the  
income and revenues from said bridge to pay the costs of its operation  
and maintenance and to pay the interest on and principal of said bonds  
on a self-sustaining and liquidating basis; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said proceedings and bonds, and the provisions made for use and application of the income and revenues for the payment of said bonds, and it is deemed advisable to put said doubts and all others that might arise concerning same 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  
2 Council of the City of Keokuk, Iowa, ordering and providing for the  
3 acquisition, ownership and operation by said City of the existing  
4 privately owned toll bridge extending across the Mississippi River  
5 from said City, and authorizing and providing for the issuance, sale  
6 and delivery of Bridge Revenue Bonds by said City and providing  
7 for the use and application of the income and revenues from said  
8 bridge to pay the costs of its operation and maintenance and to pay  
9 the interest on and principal of said bonds, are hereby legalized, vali-  
10 dated and confirmed, and said proceedings are hereby declared to be  
11 and to constitute complete, lawful and sufficient authority for the  
12 acquisition, ownership and operation of said toll bridge by said City,  
13 and for the issuance of revenue bonds of said City in connection there-  
14 with, and said Bridge Revenue Bonds issued, sold and delivered pur-  
15 suant to and in accordance with said proceedings are hereby declared  
16 to be legal and to constitute valid and binding obligations of said City  
17 payable only from such income and revenue, but said bonds shall not  
18 be a corporate indebtedness of said City nor shall said City be author-  
19 ized to levy ad valorem taxes to pay either principal thereof or in-  
20 terest thereon.

1 SEC. 2. This Act being deemed of immediate importance, shall take  
2 effect and be in force from and after its publication in the Daily Gate  
3 City, a newspaper published in the City of Keokuk, Iowa, and the  
4 Allison Tribune, a newspaper published in Allison, Iowa, all without  
5 expense to the State.

Approved April 12, 1945.

I hereby certify that the foregoing act was published in the Daily Gate City, Keokuk, Iowa, April 30, 1945, and the Allison Tribune, Allison, Iowa, May 2, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 242

### SIBLEY LEGALIZING ACT

S. F. 412

AN ACT to legalize an election held in the city of Sibley, Iowa, on March 12, 1945, for the annexation of certain unplatted real estate of the city of Sibley, Osceola county, Iowa.

WHEREAS, at a special city election held on the 12th day of March, 1945, there was submitted to the qualified electors of the city of Sibley, Iowa, the following proposition:

"Shall the proposition to annex the territory described in the resolution adopted by the City Council of Sibley, Iowa, on the 2nd day of October, 1944, be approved", and

WHEREAS, the territory referred to in said proposition was situated wholly outside the corporate limits of said city of Sibley, was wholly unimproved, and described as follows:

The South five hundred ninety-three (593) feet of the West Half of the Southwest Quarter ( $W\frac{1}{2}$   $SW\frac{1}{4}$ ) of Section No. Seven (7), in Township No. Ninety-nine (99), North, of Range No. Forty-one (41), West of the Fifth Principal Meridian, Osceola County, Iowa, and

WHEREAS, said proposition as submitted to the qualified electors of said city of Sibley was to incorporate said territory within the limits of the City of Sibley, Iowa, the said territory being the property of the Independent School District, it being highly desirable that it be included within the corporate limits of said city so that certain improvements, such as sewers, might be constructed thereon, and

WHEREAS, the notice of said election was published for two consecutive weeks in a legal newspaper published in said county, and

WHEREAS, at said election there were cast in favor of said proposition, sixty-eight votes, and against said proposition, four votes, and

WHEREAS, it now appears that under the statutes in existence at the time said election was held the notice should have been published for four consecutive weeks; that the proposition should have been submitted at the regular city election; and that the qualified voters should have cast their ballots in polling places in the three separate wards of said city instead of at the one polling place, and

WHEREAS, it is deemed desirable to put all doubts that may arise as to the legality of said election forever at rest,

NOW THEREFORE,

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

1 SECTION 1. The election held in the city of Sibley, Iowa, on March  
2 12, 1945, on the question whether the following territory should be in-  
3 corporated and included within the corporate limits of said city, to-wit:  
4 "The South Five hundred Ninety-three (593) feet of the West Half  
5 of the Southwest Quarter ( $W\frac{1}{2}$   $SW\frac{1}{4}$ ) of Section No. Seven (7) in  
6 Township No. Ninety-nine (99), North of Range No. Forty-one (41),  
7 West of the Fifth Principal Meridian, Osceola County, Iowa" is here-  
8 by declared to be as legal and valid as if every provision of law had been  
9 fully complied with, notwithstanding any irregularity, omission, or  
10 defect in connection therewith.

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 Sibley  
3 Gazette-Tribune, a newspaper published at Sibley, Iowa, and in the  
4 Ocheyedon Arrow, a newspaper published at Ocheyedon, Iowa, with-  
5 out expense to the State of Iowa.

Approved April 14, 1945.

I hereby certify that the foregoing act was published in the Sibley Gazette-Tribune, Sibley, Iowa, April 26, 1945, and the Ocheyedon Arrow, Ocheyedon, Iowa, May 3, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 243

## WAPELLO COUNTY LEGALIZING ACT

S. F. 51

AN ACT to legalize the action of the county board of supervisors of Wapello county, Iowa, in making expenditures and approving claims against said county for secondary road maintenance and construction, to legalize said expenditures and said claims as valid and binding obligations of said county, and to authorize said county by its proper officials to pay said indebtedness evidenced by said claims by the issuance and exchange or sale of funding bonds as authorized by law.

WHEREAS, the Board of Supervisors of Wapello County, Iowa, heretofore incurred indebtedness during the years 1943 and 1944 for the maintenance and construction of secondary roads in said County and during the year 1944 and prior to January 1, 1945, said Board allowed and authorized the payment of said claims against the maintenance and construction funds of said County, and

WHEREAS, said expenditures were for the purpose of maintaining and constructing roads, bridges and culverts, and for necessary material, equipment, repairs, parts, and supplies therefor, and the County of Wapello is enjoying the use and benefit thereof, and said expenditures were necessary to keep said roads in condition for general purposes and for transportation of agricultural and other products and for traffic deemed essential to the community and the needs of the World War, and said expenditures and the purposes for which they were made were well worth the sum which said County agreed should be paid therefor and the indebtedness of said County at the time said expenditures were made did not and does not now exceed the constitutional limit of indebtedness, and

WHEREAS, the unpaid claims so allowed aggregate the sum of \$43,156.27 and were and are bona fide claims against said County and should be paid, and

WHEREAS, at the time of the incurring of said indebtedness there was no money in the secondary road maintenance fund and construction fund of said County adequate to pay said indebtedness, and

WHEREAS, doubts have arisen as to the authority of the Board of Supervisors to make said expenditures, incur said indebtedness, approve said claims and order the payment thereof and it is deemed advisable that said doubts and all questions concerning the validity of said indebtedness and said proceedings be forever put at rest; now therefore

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

1 SECTION 1. That the acts and proceedings of the Board of Super-  
2 visors of the County of Wapello making such expenditures and in-  
3 curring said indebtedness by said County and approving said claims  
4 and ordering the payment thereof be and the same are hereby legalized  
5 and validated.

1 SEC. 2. That the aforesaid unpaid claims against the County of  
2 Wapello in the aggregate sum of \$43,156.27 be and the same are  
3 hereby legalized and declared to be binding, valid, legal general obliga-  
4 tions and indebtedness of said County, and said County through its  
5 proper officers is authorized to issue and exchange or sell bonds to  
6 fund said indebtedness as provided by the laws of the State of Iowa.



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 Ottumwa Daily Courier, a newspaper published in Ottumwa,  
 4 Iowa, and in The Blakesburg Excelsior, a newspaper published in  
 5 Blakesburg, Iowa, without expense to the State of Iowa.

Approved February 9, 1945.

I hereby certify that the foregoing act was published in The Ottumwa Daily Courier, Ottumwa, Iowa, February 14, 1945, and The Blakesburg Excelsior, Blakesburg, Iowa, February 15, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 244

### WAUKON LEGALIZING ACT

S. F. 356

AN ACT to legalize and validate the proceedings authorizing and providing for the issuance and delivery of hospital bonds by the city of Waukon, Iowa, and the provisions made for taxes for the payment of said bonds and declaring said bonds issued pursuant to said proceedings to be enforceable obligations of said city.

WHEREAS, the City Council of the City of Waukon, Iowa, did heretofore by resolution and in reliance upon Special Municipal election theretofore held on the 10th day of April, 1944, in said city, authorize and provide for the issuance and delivery of Hospital Bonds of said City in the principal amount of \$16,500 for the purpose of completing the construction of a building for a city hospital and by said resolution provided for the payment of the interest on and principal of said bonds by the levy and collection of annual taxes on the taxable property in said city; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said bonds, proceedings, election and the provisions made for the payment of same, and it is deemed advisable to put said doubts and all others that might arise concerning same 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  
 2 Council of the City of Waukon, Iowa, and the Special Municipal elec-  
 3 tion of April 10, 1944 providing for the issuance and delivery of Hos-  
 4 pital Bonds by the City of Waukon, Iowa, and providing for the levy  
 5 and collection of an annual tax to pay the interest on and principal of  
 6 said bonds, are hereby legalized, validated and confirmed, and said  
 7 Hospital Bonds issued and delivered pursuant to and in accordance  
 8 with said proceedings are hereby declared to be legal and to constitute  
 9 valid and binding obligations of said City.

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  
 3 the Waukon Republican and Standard, a newspaper published in the

4 City of Waukon, Iowa, and in the Democrat, a newspaper published  
5 in Waukon, Iowa, all without expense to the State.

Approved April 9, 1945.

I hereby certify that the foregoing act was published in the Waukon Republican and Standard, Waukon, Iowa, May 2, 1945, and the Democrat, Waukon, Iowa, May 2, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 245

### WEBSTER CITY LEGALIZING ACT

S. F. 347

AN ACT to legalize and validate the proceedings authorizing and providing for the issuance and delivery of airport bonds of the city of Webster City, Iowa, and the provisions made for taxes for the payment of said bonds and declaring said bonds issued pursuant to said proceedings to be enforceable obligations of said city.

WHEREAS the City Council of the City of Webster City, Iowa, by resolution adopted on February 15, 1945, authorized and provided for the issuance and delivery of \$60,000 Airport Bonds for the purpose of purchasing a site and constructing and equipping a municipal airport and by said resolution provided for the payment of the principal and interest on said bonds by the levy and collection of annual taxes on the taxable property in said city; and

WHEREAS doubts have arisen concerning the validity and legal sufficiency of said bonds and proceedings and the provisions made for the payment for same and it is deemed advisable to put said doubts and all others that might arise concerning same forever at rest;

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

1 SECTION 1. That all proceedings heretofore taken by the City Council  
2 of the City of Webster City, Iowa, authorizing and providing for the  
3 issuance and delivery of Airport Bonds by the City of Webster City,  
4 Iowa, and providing for the levy and collection of an annual tax to pay  
5 the principal and interest on said bonds are hereby legalized, validated  
6 and confirmed and said Airport Bonds issued and delivered pursuant  
7 to and in accordance with said proceedings are hereby declared to be  
8 legal and to constitute valid and binding obligations of said city.

1 SEC. 2. This act being deemed of immediate importance shall take  
2 effect and be in force from and after its publication in the Daily Free-  
3 man Journal, a newspaper published in the City of Webster City,  
4 Iowa, and The Jewell Record, a newspaper published in Jewell, Iowa,  
5 all without expense to the state.

Approved March 16, 1945.

I hereby certify that the foregoing act was published in the Daily Freeman Journal, Webster City, Iowa, March 24, 1945, and The Jewell Record, Jewell, Iowa, March 29, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 246

## WOODBURY COUNTY LEGALIZING ACT

S. F. 172

AN ACT to legalize action of the board of supervisors of Woodbury county, in making expenditures from the court expense fund for the purpose of paying the salaries and expenses of officers and employees of the juvenile court of Woodbury county.

WHEREAS, the Board of Supervisors of Woodbury County, has for the past two years paid salaries and the expense of officers and employees of the Juvenile Court from the Court expense fund of Woodbury 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 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 Woodbury  
2 County, Iowa, in making expenditures for salaries and expenses of  
3 the officers and employees of the Juvenile Court of Woodbury County  
4 in the year 1943, in the sum of seven thousand one hundred two dol-  
5 lars, twenty-four cents (7,102.24) from the court expense fund is  
6 hereby declared to be legal, valid and binding.

1 SEC. 2. The action of the Board of Supervisors of Woodbury County,  
2 Iowa, in making expenditures for salaries and expenses of the officers  
3 and employees of the Juvenile Court of Woodbury County in the year  
4 1944, in the sum of seven thousand five hundred six dollars, seventy-  
5 nine cents, (\$7,506.79) from the court expense fund, is hereby declared  
6 to be legal, valid and binding.

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 in  
3 the Sioux City Journal Tribune, a newspaper published at Sioux City,  
4 Iowa, and the Anthon Herald, a newspaper published at Anthon, Iowa,  
5 such publication to be without expense to the State.

Approved March 16, 1945.

I hereby certify that the foregoing act was published in the Sioux City Journal Tribune, Sioux City, Iowa, March 26, 1945, and the Anthon Herald, Anthon, Iowa, March 28, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 247

## STATE SANATORIUM IMPROVEMENT

H. F. 374

AN ACT to authorize the purchase of certain farm land adjoining the State Sanatorium, and to provide for an appropriation therefor.

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

1 SECTION 1. That the Board of Control of State Institutions is  
2 hereby authorized to purchase certain farm land adjacent to and  
3 adjoining the State Sanatorium consisting of one hundred fifty-four  
4 and five-tenths (154.5) acres more or less, according to government  
5 survey, for the price of twenty-one thousand five hundred dollars  
6 (\$21,500.00) and legally described as follows:

7 "The west one-half (W  $\frac{1}{2}$ ) of the northeast one-quarter (NE  $\frac{1}{4}$ )  
8 of section twenty-five (25); (except a strip of ground fifty (50) feet  
9 wide off the east side thereof); also commencing at a point on the  
10 west line of said section twenty-five (25), six hundred sixty (660) feet  
11 north of the southwest corner of the northwest quarter (NW $\frac{1}{4}$ )  
12 thereof, thence north along said west line eight hundred sixty (860)  
13 feet, thence east two thousand seven hundred twelve and five-tenths  
14 (2712.5) feet, to the east line of said northwest one-quarter (NW $\frac{1}{4}$ ),  
15 thence south along said east line one thousand twenty-seven (1027)  
16 feet, thence west one thousand two hundred ninety-eight and five-  
17 tenths (1298.5) feet, thence south four hundred ninety-three (493)  
18 feet to the south line of said northwest one-quarter (NW $\frac{1}{4}$ ), thence  
19 west seven hundred fifty-four (754) feet along said south line, thence  
20 northwesterly to the place of beginning, all in section twenty-five  
21 (25), township eighty (80) north, of range seven (7) west of the 5th  
22 P. M. containing one hundred fifty-four and five-tenths (154.5) acres,  
23 according to the recorded survey thereof, and being all of the land  
24 grantors own in said section, township and range."

1 SEC. 2. There is hereby appropriated out of any unappropriated  
2 funds in the state treasury a sum sufficient to carry out the provisions  
3 of this act, but not to exceed the sum of twenty-one thousand five  
4 hundred dollars (\$21,500).

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 Malvern Leader, a newspaper published at Malvern, Iowa, and  
4 The Harlan Tribune, a newspaper published at Harlan, Iowa.

Approved March 27, 1945.

I hereby certify that the foregoing act was published in The Malvern Leader, Malvern, Iowa, April 5, 1945, and The Harlan Tribune, Harlan, Iowa, April 5, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 248

## STATE SANATORIUM IMPROVEMENT

H. F. 362

AN ACT to authorize the purchase of certain farm land adjoining the State Sanatorium, and to provide for an appropriation therefor.

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

1 SECTION 1. That the Board of Control of State Institutions is  
2 hereby authorized to purchase certain farm land adjacent to and  
3 adjoining the State Sanatorium consisting of seventy-seven (77) acres  
4 more or less, according to government survey, for the unit price of  
5 one hundred twelve dollars and fifty cents (\$112.50) per acre, and  
6 legally described as follows:  
7 "The east one-half (E 1/2) of the northeast one-quarter (NE1/4)  
8 of section twenty-five (25), township eighty (80) north, range seven  
9 (7) west of the 5th P. M., except fifty (50) feet on the west for the  
10 interurban right-of-way."

1 SEC. 2. There is hereby appropriated out of any unappropriated  
2 funds in the state treasury a sum sufficient to carry out the provisions  
3 of this act, but not to exceed the sum of eight thousand six hundred  
4 sixty-five dollars (\$8,665.00).

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 Griswold American, a newspaper published at Griswold, Iowa,  
4 and the Glenwood Opinion-Tribune, a newspaper published at Glen-  
5 wood, Iowa.

Approved March 27, 1945.

I hereby certify that the foregoing act was published in the Griswold American, Griswold, Iowa, April 4, 1945, and the Glenwood Opinion-Tribune, Glenwood, Iowa, April 5, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 249

## MISSISSIPPI RIVER RIPARIAN LANDS

H. F. 459

AN ACT granting to certain cities, including cities acting under special charter, title to the bed and banks of the Mississippi river, islands and made lands therein abutting upon and lying adjacent to said cities and within stated boundaries.

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

1 SECTION 1. To each of the cities of Dubuque, Clinton, Muscatine,  
2 Burlington, Fort Madison and Keokuk is hereby granted all of the  
3 right, title and interest of the State of Iowa in and to that part of  
4 the bed and banks of the Mississippi River which abuts upon and lies  
5 adjacent to the corporate limits of each named city and which lies  
6 within the boundaries hereinafter stated. Said grant to include all  
7 islands in said river within said boundaries and all filled or made land

8 which has at any time been formed in, on or out of the bed or banks  
 9 of said river within said boundaries. The boundaries hereinbefore  
 10 referred to are: (a) In the channel of said river, the boundary line  
 11 of the State of Iowa; (b) on and along the Iowa shore of said river,  
 12 the line on said shore which is the most distant line from said state  
 13 boundary line to which the bed or banks of said river have at any time  
 14 extended; (c) and (d) at the upper and lower corporate limits of said  
 15 cities, as said limits are now established along said river, the lines of  
 16 said limits, extended to the state boundary line.

1 SEC. 2. This act shall not affect existing rights of owners of riparian  
 2 lands or rights thereto in the cities and towns herein designated.

1 SEC. 3. This act shall apply to cities operating under special charter.

1 SEC. 4. This act being deemed of immediate importance shall be of  
 2 full force and effect from and after its publication, without expense to  
 3 the state, in the Muscatine Journal, a newspaper published in Musca-  
 4 tine, Iowa, and the West Liberty Index, a newspaper published in West  
 5 Liberty, Iowa.

Approved April 4, 1945.

I hereby certify that the foregoing act was published in the Muscatine Journal, Mus-  
 catine, Iowa, April 23, 1945, and the West Liberty Index, West Liberty, Iowa, April 26,  
 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 250

### WAYNE COUNTY STATE PARK

#### H. F. 416

AN ACT to authorize the purchase of and payment for certain real estate in Wayne  
 county, Iowa, and to provide for the supervision thereof.

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

1 SECTION 1. There is hereby set aside from the appropriation  
 2 made to the Conservation Commission, found in Chapter one (1)  
 3 section thirteen (13) Acts of the Fiftieth (50th) General Assembly  
 4 or from any other funds of the state conservation commission, the  
 5 sum of fifteen thousand dollars (\$15,000.00) or as much as may be  
 6 necessary to be used for the purpose of making the purchase of real  
 7 estate hereinafter described in the name of the State of Iowa and  
 8 the Conservation Commission is hereby authorized to purchase the  
 9 following described real estate;

10 "All those parts of Sections Four (4) and Nine (9) Township  
 11 Sixty-eight (68) North, Range Twenty-two (22) West, Wayne  
 12 County, Iowa, described as follows: Beginning at a point on the  
 13 west line of said Section Nine (9) distant six hundred fifty (650)  
 14 feet south of the northwest corner of the Southwest Quarter (SW $\frac{1}{4}$ )  
 15 of said Section nine (9); thence north forty-one degrees twenty-eight  
 16 minutes (41°28') east eight hundred fifty (850) feet to a point on  
 17 the north line of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section

18 nine (9) distant five hundred seventy (570) feet east of the north-  
19 west corner thereof; thence northeasterly in a straight line to a  
20 point on the north line of said Section Nine (9) distant three hundred  
21 (300) feet west of the northeast corner of the West Half ( $W\frac{1}{2}$ ) of the  
22 Northwest quarter ( $NW\frac{1}{4}$ ) of said Section Nine (9); thence north  
23 seventeen hundred (1700) feet, more or less, to a point nine hun-  
24 dred eighty (980) feet south of the east and west center line of said  
25 Section Four (4); thence west four hundred forty-eight (448) feet;  
26 thence north nine hundred eighty (980) feet to the east and west  
27 center line of said Section Four (4); thence west along the said  
28 east and west center line five hundred eighty (580) feet to the west  
29 line of said Section Four (4); thence north nine hundred (900) feet;  
30 thence east parallel to the east and west center line of said Section  
31 Four (4) a distance of eleven hundred ninety (1190) feet, more or less  
32 to a point distant fourteen hundred fifty-four (1454) feet west of the  
33 north and south center line of said Section Four (4); thence south  
34 parallel to said north and south center line five hundred (500) feet;  
35 thence east parallel to said east and west center line of said Section  
36 four (4) a distance of eight hundred four (804) feet; thence south-  
37 easterly seven hundred fifty (750) feet, more or less, to the center  
38 of said Section Four (4); thence south along the north and south  
39 center line of said Section Four (4) a distance of two hundred (200)  
40 feet; thence west parallel to the east and west center line of said  
41 Section Four (4) a distance of eleven hundred thirty (1130) feet;  
42 thence south three hundred twenty (320) feet; thence south twenty-  
43 eight degrees thirty-one minutes ( $28^{\circ}31'$ ) east eleven hundred ten  
44 (1110) feet; thence south two hundred (200) feet; thence south fifty-  
45 three degrees eight minutes ( $53^{\circ}8'$ ) west four hundred (400) feet;  
46 thence south seven hundred ninety (790) feet to a point on the south  
47 line of said section four (4) distance four hundred feet east of the  
48 Southwest corner of the Southeast Quarter ( $SE\frac{1}{4}$ ) of the South-  
49 west Quarter ( $SW\frac{1}{4}$ ) of Section Four (4); thence south one hundred  
50 ten (110) feet; thence south sixty three degrees, three minutes  
51 ( $63^{\circ}3'$ ) east ten hundred thirty two (1032) feet to a point on the  
52 North and South center line of said Section nine (9) distant six  
53 hundred thirty (630) feet south of the North line thereof; thence  
54 south four hundred fifty (450) feet; thence North sixty-two degrees  
55 twenty seven minutes ( $62^{\circ}27'$ ) west seven hundred thirty-five (735)  
56 feet; thence west five hundred (500) feet; thence South one thou-  
57 sand (1000) feet; thence south twenty seven degrees, thirty five  
58 minutes ( $27^{\circ}35'$ ) west one thousand (1000) feet, more or less, to  
59 a point on the east and west center line of said section nine (9), dis-  
60 tant three hundred (300) feet west of the Northeast corner of the  
61 Northwest Quarter ( $NW\frac{1}{4}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ ) of  
62 said Section Nine (9); thence south parallel to the east line of the  
63 said Northwest Quarter ( $NW\frac{1}{4}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ )  
64 of said section nine (9) one thousand (1000) feet; thence west ten  
65 hundred twenty (1020) feet to the west line of said Section Nine  
66 (9); thence north three hundred fifty (350) feet to the point of  
67 beginning.

68 Also, a right of way or easement for a roadway for the purpose  
69 of ingress and egress from the land herein above described, over  
70 and across the following described strip of land: Beginning at the

71 northwest corner of the Southwest quarter ( $SW\frac{1}{4}$ ) of the North-  
72 west Quarter ( $NW\frac{1}{4}$ ) of Section four (4), Township Sixty-eight  
73 (68) North, Range twenty-two (22) West, thence east thirty-three  
74 (33) feet; thence south three hundred ninety-six (396) feet; thence  
75 west thirty-three (33) feet; thence north three hundred ninety-six  
76 (396) feet to the point of beginning, aiming and intending to con-  
77 vey all the rights in and to said strip of land acquired under and by  
78 virtue of a certain deed from W. L. Morgan and M. A. Morgan,  
79 husband and wife, dated June 19th, 1912, which deed was recorded  
80 June 27th, 1912, Book 56, on Page 582, of the Records of Wayne  
81 County, Iowa.

82 All those parts of Section Four (4), Eight (8) and nine (9), in  
83 Township Sixty-Eight (68) North, Range Twenty-Two (22) West,  
84 Wayne County, Iowa, described as follows: Beginning at the center  
85 of said section four (4); thence north along the North and South  
86 Center line of said Section Four (4), a distance of four hundred  
87 (400) feet; thence west parallel to the East and West center lines  
88 of said Section four (4) a distance of six hundred fifty (650) feet;  
89 thence southeasterly seven hundred fifty (750) feet, more or less,  
90 to the point of beginning.

91 Also, beginning at a point on the North and South center line of  
92 said Section Four (4) distant two hundred (200) feet south of the  
93 center of Section Four (4); thence west parallel to the east and west  
94 center line of said Section four (4); a distance of eleven hundred  
95 thirty (1130) feet; thence south three hundred twenty (320) feet;  
96 thence south twenty-eight degrees thirty-one minutes ( $28^{\circ}31'$ ) east  
97 eleven hundred ten (1110) feet; thence south two hundred (200)  
98 feet; thence south fifty-three degrees eight minutes ( $53^{\circ}8'$ ) west  
99 four hundred (400) feet; thence south seven hundred ninety (790)  
100 feet to a point on the south line of said section four (4) distant four  
101 hundred (400) feet east of the South West corner of the South East  
102 Quarter ( $SE\frac{1}{4}$ ) of the South West Quarter ( $SW\frac{1}{4}$ ) of said Section  
103 Four (4); thence south one hundred ten (110) feet; thence south  
104 63 degrees three minutes ( $63^{\circ}3'$ ) East ten hundred thirty two (1032)  
105 feet to a point on the north and south center line of said Section nine  
106 (9) distant six hundred thirty (630) feet south of the North line  
107 thereof; thence north along the north and south center line of said  
108 section nine (9) and along the north and south center line of said  
109 section four (4) to the point of beginning.

110 Also, beginning at a point on the North and South center line of  
111 said Section nine (9), distant ten hundred eighty (1080) feet south  
112 of the north line thereof; thence north sixty-two degrees, twenty  
113 seven minutes ( $62^{\circ}27'$ ) West seven hundred thirty-five (735) feet;  
114 thence west five hundred (500) feet; thence south one thousand  
115 (1000) feet; thence south twenty seven degrees, thirty five minutes  
116 ( $27^{\circ}35'$ ) west to a point on the east and west center line of said  
117 Section Nine (9) distant three hundred (300) feet west of the South  
118 east corner of the west half ( $W\frac{1}{2}$ ) of the Northwest Quarter  
119 ( $NW\frac{1}{4}$ ) of said Section Nine (9); thence south one thousand (1000)  
120 feet; thence east three hundred (300) feet to a point on the west  
121 line of the East half ( $E\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of said  
122 section nine (9); thence south to the Southwest Corner of the North-  
123 east Quarter ( $NE\frac{1}{4}$ ) of the Southwest quarter ( $SW\frac{1}{4}$ ) of said



124 Section Nine (9); thence east to the Southeast corner of the North-  
 125 east Quarter (NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of said  
 126 Section Nine (9); thence North along the south and north center  
 127 line of said Section nine (9) to the point of beginning.

128 Also, beginning at the Northwest corner of the Southwest quar-  
 129 ter (SW $\frac{1}{4}$ ) of said section nine (9); thence south along the west  
 130 line of said section nine (9) a distance of six hundred fifty feet  
 131 (650); thence north forty-one degrees, twenty eight minutes  
 132 (41°28') east eight hundred fifty (850) feet to a point on the north  
 133 line of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section Nine (9);  
 134 thence west five hundred seventy (570) feet to the point of beginning.

135 Also, beginning at a point on the East side of said Section eight  
 136 (8) distant six hundred ninety (690) feet north of the southeast  
 137 corner thereof; thence north along the said east line thirteen hun-  
 138 dred (1300) feet; thence west at right angle seven hundred fifty  
 139 (750) feet; thence at right angles southerly, thirteen hundred (1300)  
 140 feet; thence at right angles easterly seven hundred fifty (750) feet  
 141 to the point of beginning.

142 Containing in all three hundred fifty-one and six tenths (351.6)  
 143 acres, more or less.

144 \*and the State Comptroller is hereby authorized to draw his warrants  
 145 for the purchase price not to exceed fifteen thousand dollars (\$15,-  
 146 000.00) payable from the appropriation contained in Chapter one  
 147 (1) Section thirteen (13) Acts of the Fiftieth (50th) General  
 148 Assembly, or other fund of the state conservation commission and  
 149 the Treasurer of State is authorized to pay said warrants when pre-  
 150 sented to him.

1 SEC. 2. The State Executive Council shall have power and au-  
 2 thority to approve any and all terms and conditions in connection  
 3 with the transaction and purchase of said real estate.

1 SEC. 3. When the title of the above described property is vested  
 2 in the State of Iowa, the Conservation Commission shall have super-  
 3 vision of said property.

1 SEC. 4. This Act being deemed of immediate importance shall be  
 2 in full force and effect, immediately upon publication in The Times-  
 3 Republican, a newspaper published at Corydon, Iowa, and The  
 4 Humeston New Era, a newspaper published at Humeston, Iowa.

Approved April 14, 1945.

I hereby certify that the foregoing act was published in The Times-Republican, Cory-  
 don, Iowa, April 26, 1945, and The Humeston New Era, Humeston, Iowa, April 25, 1945.

WAYNE M. ROPES, *Secretary of State.*

\*According to enrolled act.

CHAPTER 251

GREAT LAKES SEWAGE DISPOSAL SYSTEM .

S. F. 289

AN ACT authorizing conveyance of the Iowa Great Lakes sewage disposal system in Dickinson county, Iowa.

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

1 SECTION 1. Whenever a sanitary district shall be established in  
2 the area of the Iowa Great Lakes Sewage Disposal System in Dick-  
3 inson County, Iowa, which was constructed pursuant to Senate File  
4 278 (Chapter 100), Acts of the 47th General Assembly of Iowa, the  
5 Executive Council may authorize the governor of Iowa to execute,  
6 acknowledge, and deliver for and on behalf of the State such deeds  
7 and instruments as may be appropriate to transfer and convey to  
8 such Sanitary District all right, title, interest and ownership of the  
9 State of Iowa in and to such Iowa Great Lakes Sewage Disposal Sys-  
10 tem, consisting of outfall sewer which extends from its northern  
11 terminus at or near the south corporate limits of Orleans, Iowa, to  
12 the disposal plant located at the outlet of said sewer into the Little  
13 Sioux River and of a line of outfall sewer from a point at or near  
14 the north corporate limits of the town of Okoboji, Iowa, and extending  
15 in a southeasterly direction through said town to its connection with  
16 the sewer line first described, and the sewage treatment and disposal  
17 plant at the outlet of said sewer, and of real estate and interests  
18 therein, and easements and rights of way for the location of said out-  
19 fall sewer and treatment and disposal plant, and pumping stations,  
20 and all equipment and personal property located upon said sewer right  
21 of way and disposal plant premises or belonging thereto and used in  
22 connection therewith.

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 Pocahontas Record Democrat, a newspaper published at Poca-  
4 hontas, Iowa, and in the Wright County Monitor, a newspaper pub-  
5 lished at Clarion, Iowa.

Approved April 11, 1945.

I hereby certify that the foregoing act was published in the Pocahontas Record Demo-  
crat, Pocahontas, Iowa, April 19, 1945, and the Wright County Monitor, Clarion, Iowa,  
April 19, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 252

## GREAT LAKES SEWAGE DISPOSAL SYSTEM

S. F. 290

AN ACT relating to the Iowa Great Lakes sewage disposal system in Dickinson county, Iowa; defining the state's title and jurisdiction in respect thereto; providing for the operation and maintenance thereof; and prescribing the powers and duties of the state conservation commission in relation thereto.

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

1 SECTION 1. **State ownership and title.** The title and ownership  
2 of the Iowa Great Lakes Sewage Disposal System in Dickinson County,  
3 Iowa, which was constructed pursuant to Senate File No. 278 (Chap-  
4 ter 100) Acts of the 47th General Assembly of Iowa, consisting of  
5 outfall sewer which extends from its northern terminus at or near the  
6 south corporate limits of Orleans, Iowa, to the disposal plant located  
7 at the outlet of said sewer into the Little Sioux River, and of a line  
8 of outfall sewer from a point at or near the north corporate limits of  
9 the town of Okoboji, Iowa, and extending in a southeasterly direction  
10 through said town to its connection with the sewer line first described,  
11 and the sewage treatment and disposal plant at the outlet of said  
12 sewer, and of real estate and interests therein, and easements and  
13 rights-of-way for the location of said outfall sewer and treatment  
14 and disposal plant, and pumping stations, and all equipment and personal  
15 property located upon said sewer right-of-way and disposal  
16 plant premises or belonging thereto and used in connection therewith,  
17 are hereby declared to be in the State of Iowa.

1 SEC. 2. **Jurisdiction.** The State Conservation Commission is here-  
2 by vested with jurisdiction over said Sewage Disposal System and all  
3 properties in connection therewith and belonging thereto, and any  
4 hereafter acquired, and over the maintenance and operation thereof.

1 SEC. 3. **Specific powers.** The State Conservation Commission is  
2 hereby authorized and empowered:

3 (1) to govern, control, manage, operate and maintain the Sewage  
4 Disposal System and properties described in this Act as same are now  
5 or may hereafter be constituted, and to make contracts for and in  
6 connection therewith; and to acquire by purchase, condemnation,  
7 lease, agreement, gift, and devise, such real and personal property  
8 and interests therein as may be suitable for the operation and main-  
9 tenance of said Sewage Disposal System and for any extensions there-  
10 of or additions thereto, and to expend and utilize the same;

11 (2) to hire employees necessary for the operation and maintenance  
12 of said Sewage Disposal System, to determine the number and com-  
13 pensation of employees and the nature of their duties, and to pay the  
14 salaries, wages, compensation and necessary expenses of said em-  
15 ployees;

16 (3) to contract with municipalities and with persons, firms, asso-  
17 ciations and corporations, either public or private, for use of said  
18 Sewage Disposal System by connection therewith, without monopoly  
19 by any such user, until its capacity has been reached, at such rentals,  
20 rates and charges on a connection basis, or on the basis of quantity  
21 and quality of sewage handled, and cost of handling same, as the Com-

22 mission shall determine to be fair and equitable and in proportion to  
23 service rendered and cost of furnishing such service;

24 (4) to make such expenditures as may be necessary for carrying  
25 into effect the purposes of this Act;

26 (5) to establish and enforce all necessary rules and regulations not  
27 in conflict herewith for carrying out the purposes of this Act.

1 **SEC. 4. Receipts and expenditures.** All receipts from rentals, rates  
2 and charges for use of said Sewage Disposal System shall be remitted  
3 to the Treasurer of State in the manner provided by Section one thou-  
4 sand seven hundred three point forty-five (1703.45), of the 1939 Code,  
5 and shall be segregated in a fund known as "Iowa Great Lakes Sew-  
6 age Disposal System Fund." Expenditures of the State Conservation  
7 Commission for and in connection with this Sewage System shall be  
8 limited to the moneys available in said fund and to any moneys ap-  
9 propriated thereto.

1 **SEC. 5.** This act being deemed of immediate importance shall be  
2 in full force and effect from and after its passage and publication in  
3 the Pocahontas Record Democrat, a newspaper published at Poca-  
4 hontas, Iowa, and in the Wright County Monitor, a newspaper pub-  
5 lished at Clarion, Iowa.

Approved April 11, 1945.

I hereby certify that the foregoing act was published in the Pocahontas Record Demo-  
crat, Pocahontas, Iowa, April 19, 1945, and the Wright County Monitor, Clarion, Iowa,  
April 19, 1945.

WAYNE M. ROPES, *Secretary of State.*

## JOINT RESOLUTIONS

### CHAPTER 253

#### LEGISLATIVE ASSISTANT ATTORNEY GENERAL

##### S. J. R. 1

A JOINT RESOLUTION providing for the appointment by the attorney general of a special assistant to assist, counsel with and advise the members of the legislature, when requested to do so, respecting legislation, and to assist the attorney general during the legislative session, and authorizing the attorney general to fix the compensation of such special assistant, and making an appropriation therefor.

WHEREAS, the members of the legislature named certain members thereof to act as an efficiency committee or committees for the purpose of investigation, study and proposal to the legislature of non-controversial bills and requesting the Attorney General to appoint a special assistant for the purpose of cooperating with such committee or committees in the preparation of such bills and other matters coming under its jurisdiction; and

WHEREAS, the Attorney General, during the present session of the legislature is in need of additional legal assistance; and

WHEREAS, the Attorney General did on the 20th day of December, 1944, appoint an attorney as such Special Assistant Attorney General, and he has been and is now acting as such, and has been and is performing the foregoing services and cooperating with the Attorney General in performing the additional services required to be rendered in his office on account of this legislative session; and

WHEREAS, it is advisable that for such length of time as in the judgment of the Attorney General his services may be required, that such appointee continue in the capacity herein designated, and the compensation of such Special Assistant Attorney General should be determined by the Attorney General,

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

1 SECTION 1. That the action of the Attorney General in appointing  
2 a special Assistant to the Attorney General on the 20th day of Decem-  
3 ber, 1944, be approved and that his retention in such employment at  
4 the pleasure of the Attorney General during the session of the Fifty-  
5 first General Assembly be approved and that the Attorney General  
6 is authorized and empowered to fix and determine the compensation  
7 to be paid to such Special Assistant Attorney General from the begin-  
8 ning of his services on December 20, 1944, and when so fixed such  
9 compensation upon the order of the Attorney General shall be paid  
10 out of the funds hereinafter appropriated.

1 SEC. 2. That there is hereby appropriated out of the funds in the  
2 general treasury not otherwise appropriated the sum of twenty five  
3 hundred dollars (\$2500.00), or so much thereof as may be necessary  
4 to compensate the special assistant attorney General as provided for

5 herein. Requisition for warrants against the said appropriation are  
6 to be drawn by the Attorney General.

1 SEC. 3. This act being deemed of immediate importance shall be  
2 in effect from and after its publication in the Plain Talk, a newspaper  
3 published at Des Moines, Iowa, and in the Hamburg Reporter, a news-  
4 paper published at Hamburg, Iowa.

Approved February 9, 1945.

I hereby certify that the foregoing act was published in the Plain Talk, Des Moines, Iowa, February 15, 1945, and the Hamburg Reporter, Hamburg, Iowa, February 15, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 254

### PURCHASE OF HARVESTER BUILDING

S. J. R. 5

A JOINT RESOLUTION providing for the exercise and acceptance of the option to purchase by the state of Iowa of the following described real estate situated in Des Moines, Polk County, Iowa, from International Harvester Company, a corporation organized under and existing by virtue of the laws of the state of New Jersey.

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

1 SECTION 1. That the Executive Council of the State of Iowa be and  
2 is hereby authorized to exercise in the name of the State of Iowa an  
3 option granted on property to the state of Iowa, dated January 18,  
4 1945, by International Harvester Company, a corporation organized  
5 under and existing by virtue of the laws of the State of New Jersey,  
6 with its principal office and place of business in Chicago, Illinois, to  
7 purchase for the State of Iowa the following described real estate:

8 Lots One (1), Two (2) and Three (3), in Harvester Sub-Division,  
9 an official plat of Lots Four (4), Five (5) and Six (6), Block "G",  
10 Griffith's Addition to Fort Des Moines, now included in and forming  
11 a part of the city of Des Moines, Iowa, subject only to a right-of-way  
12 deed to the Des Moines Western Railway covering a strip of ground  
13 eight feet on each side of the center line of the track as now located on  
14 Lot Two (2) of the said Harvester Sub-Division,  
15 for the sum of one hundred fifty-five thousand dollars (\$155,000.00)  
16 and to give notice of the exercise of said option by registered mail to  
17 the office of the International Harvester Company, 180 North Michi-  
18 gan Avenue, Chicago, Illinois.

1 SEC. 2. That there is hereby appropriated out of the funds of the  
2 treasury of the State of Iowa not otherwise appropriated the sum of  
3 one hundred fifty-five thousand dollars (\$155,000.00) to be used by  
4 the Executive Council of the State of Iowa in making purchase in the  
5 name of the State of Iowa of the following described real estate:

6 Lots One (1), Two (2) and Three (3), in Harvester Sub-division,  
7 an official plat of Lots Four (4), Five (5) and Six (6), Block "G",  
8 Griffith's Addition to Fort Des Moines, now included in and forming  
9 a part of the City of Des Moines, Iowa, subject only to a right-of-way

10 deed to the Des Moines Western Railway covering a strip of ground  
11 eight feet on each side of the center line of the track as now located on  
12 Lot Two (2) of the said Harvester Sub-division,  
13 said sum of money to be paid unto International Harvester Company  
14 on conveyance by said company of the above described real estate by  
15 Warranty Deed free and clear of all liens and incumbrances, and  
16 requisition for a warrant shall be drawn against said appropriation  
17 by the Executive Council.

1 SEC. 3. That the Executive Council of the State of Iowa lease unto  
2 International Harvester Company the following described real estate:  
3 Lots One (1), Two (2) and Three (3), in Harvester Sub-division,  
4 an official plat of Lots Four (4), Five (5) and Six (6), Block "G",  
5 Griffith's Addition to Fort Des Moines, now included in and forming  
6 a part of the City of Des Moines, Iowa, subject only to a right-of-way  
7 deed to the Des Moines Western Railway covering a strip of ground  
8 eight feet on each side of the center line of the track as now located  
9 on Lot Two (2) of the said Harvester Sub-division,  
10 for a period which will permit the International Harvester Company  
11 to erect a building suitable for carrying on of its business in Des  
12 Moines, Iowa, said International Harvester Company to have eighteen  
13 months after materials may be made available to it for the erection  
14 of said building, said lease with said International Harvester Company  
15 to provide for the payment of rent thereof based on six percent of the  
16 purchase price of \$155,000.00, or \$9,300.00 per annum to be paid  
17 unto the State of Iowa at the rate of \$775.00 per month in advance,  
18 said lease to contain the further provision that the International Har-  
19 vester Company is to maintain the interior of the building erected  
20 on the above described real estate, and the State of Iowa is to maintain  
21 the roof, exterior and structural members of said buildings, except  
22 such repairs or replacements as may be required through the fault  
23 of International Harvester Company or other persons permitted by  
24 the said International Harvester Company to occupy or enter the  
25 above described premises. Said lease to further provide that the  
26 International Harvester Company may cancel said lease by giving  
27 six months written notice of its intention to do so. Said lease to  
28 further provide that in the event the building erected on the above  
29 described real estate is destroyed by fire, the State of Iowa shall not  
30 be required to rebuild the same nor to furnish other space for the  
31 benefit of International Harvester Company. Said lease to further  
32 provide that the State of Iowa shall have the right during the period  
33 of said lease to repair, alter or make additions to the above described  
34 premises, provided said work shall not be performed in such manner  
35 as to interfere with the regular operation of the business of Inter-  
36 national Harvester Company.

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 Clinton  
3 Herald, a newspaper published at Clinton, Iowa, and in the Waterloo  
4 Courier, a newspaper published at Waterloo, Iowa.

Approved March 7, 1945.

I hereby certify that the foregoing act was published in the Clinton Herald, Clinton,  
Iowa, March 12, 1945, and the Waterloo Courier, Waterloo, Iowa, March 12, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 255

COMPENSATION OF OFFICERS AND EMPLOYEES OF THE  
GENERAL ASSEMBLY

H. J. R. 1

A JOINT RESOLUTION fixing the compensation of officers and employees of the Fifty-first General Assembly.

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

1 SECTION 1. Pursuant to the provisions of section nineteen (19)  
2 of the Code, 1939, it is provided that the daily compensation of all  
3 officers and employees of the Fifty-first General Assembly be as fol-  
4 lows, to be paid in accordance with the rules of the Senate and House:

## OFFICERS AND EMPLOYEES OF THE SENATE

5	Secretary of the Senate.....	\$10.00
6	Assistant Secretary and Reading Clerk of Senate.....	10.00
7	Engrossing Clerk .....	7.00
8	Enrolling Clerk .....	7.00
9	Enrolled Bills Clerk.....	7.00
10	Journal Clerk .....	7.00
11	Assistant Journal Clerk.....	7.00
12	Clerk to Lieutenant Governor.....	6.00
13	Clerk to Secretary.....	6.00
14	Bill Clerk .....	4.50
15	File Clerk .....	4.50
16	Assistant File Clerk.....	4.50
17	Sergeant-at-arms .....	6.00
18	Assistant Sergeant-at-arms.....	5.00
19	Chief Doorkeeper .....	5.00
20	Doorkeepers .....	4.50
21	Postmistress .....	4.50
22	Committee Clerks .....	5.00
23	Matrons .....	4.50
24	Janitors .....	4.50
25	Telephone Messenger .....	4.00
26	Lieutenant Governor's Page.....	4.00
27	Pages .....	4.00
28	Secretary's Page .....	4.00

## HOUSE OFFICERS AND EMPLOYEES

29	Chief Clerk .....	\$10.00
30	Assistant Chief Clerk.....	7.50
31	Reading Clerk .....	7.00
32	Journal Clerks .....	7.00
33	Engrossing Clerk .....	7.00
34	Enrolling Clerks .....	7.00
35	Special Clerks .....	7.00
36	Clerk of Enrolled Bills.....	7.00
37	File Clerks .....	4.50
38	Supply Clerk .....	4.50
39	Bill Clerks .....	4.50



40	Speaker's Clerk .....	6.00
41	Chief Clerk's Clerk.....	6.00
42	Committee Clerks .....	5.00
43	Postmistress .....	4.50
44	Sergeant-at-arms .....	6.00
45	Assistant Sergeant-at-arms .....	5.00
46	Porters .....	4.50
47	Telephone Messenger .....	4.00
48	Chief Doorkeeper .....	5.00
49	Doorkeepers .....	4.50
50	Chief Clerk's Page.....	4.00
51	Speaker's Page .....	4.00
52	Pages .....	4.00
53	Assistant Electricians .....	5.00
54	Matrons .....	4.50

## JOINT LEGISLATIVE HELP

55	1st Assistant in Law and Economics Research.....	10.00
56	2nd Assistant in Law and Economics Research.....	10.00
57	Assistants in General Research and Clerk.....	6.00
58	Stenographers and Typists for Law Library.....	5.00
59	Pages to Librarian and his office.....	4.00
60	Stenographers for Law and Economics Division.....	5.00
61	Matrons .....	4.50
62	Elevator Tenders .....	4.50
63	Janitors .....	4.50
64	Postoffice Assistant .....	4.50
65	Postoffice Mail Carrier.....	4.50
66	Special Police for parking.....	4.50
67	Photostat Operator .....	5.00
68	Clerk in Archives Department.....	5.00
69	Clerk in Code Editor's Office.....	5.00
70	Chaplains five dollars (\$5.00) for each service rendered or	
71	five cents (5¢) per mile to and from the State Capitol,	
72	whichever is the greater, but only one mileage where said	
73	service is rendered in both bodies on the same trip.	

1 SEC. 2. It is further provided that the president and secretary  
2 of the senate and the speaker and chief clerk of the house shall be  
3 authorized to pay compensation to persons acting as temporary offi-  
4 cers or employees, prior to the permanent organization of their  
5 respective houses, in the positions set forth in section one (1) and at  
6 the same 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 Daily Iowegian  
3 and Citizen, a newspaper published at Centerville, Iowa, and The  
4 Globe Gazette, a newspaper published at Mason City, Iowa.

Approved January 17, 1945.

I hereby certify that the foregoing act was published in the Daily Iowegian and Citizen, Centerville, Iowa, January 22, 1945, and The Globe Gazette, Mason City, Iowa, January 20, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 256

## ROADS TO IOWA ORDNANCE PLANT

H. J. R. 2

A JOINT RESOLUTION establishing the rights of Des Moines County, Iowa, in the money judgment in favor of the state of Iowa and Des Moines County, Iowa, rendered May 17, 1944, in an action entitled United States of America, Plaintiff, vs. Des Moines County, Iowa and the State of Iowa, Defendants, in the District Court of the United States for the Southern District of Iowa, Eastern Division.

WHEREAS on May 17, 1944, in an action entitled "United States of America, plaintiff, vs. Des Moines County, Iowa, and the State of Iowa, Defendants", then pending in the District Court of the United States for the Southern District of Iowa, Eastern Division, there was entered of record a judgment in favor of the State of Iowa and Des Moines County, Iowa, and against the United States of America in the sum of \$208,687.50, and

WHEREAS the United States of America, plaintiff in the above entitled action, has heretofore constructed at its own expense a like amount of primary roads outside of said Iowa Ordnance Plant area equal to the amount of primary roads which were included in said Iowa Ordnance Plant area and the State of Iowa has no claim or interest in the money judgment entered in said action as hereinbefore described, and

WHEREAS, the said judgment was the result of the findings of said court as to the amount of damages to which the said plaintiffs were entitled by reason of the taking by the United States of America of certain public secondary highways and bridges and culverts on the first day of March, 1941, in a certain area in Des Moines County, Iowa, known as the Iowa Ordnance Plant area, for the purposes of the Government of the United States, and

WHEREAS the said highways, bridges and culverts were established, constructed, improved and maintained with funds belonging to Des Moines County, Iowa, and derived from the revenues of said county, and as a result of the taking of said public roads, bridges and culverts, it will be necessary for said county to provide other highways, culverts and bridges, and to expend the necessary funds for the establishment, construction and improvement thereof, now therefore

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

1 SECTION 1. That the State of Iowa recognizes the rights of Des  
2 Moines County, Iowa, in said judgment entered by the United States  
3 District Court for the Southern District, Eastern Division, on the  
4 17th day of May, 1944, in the above entitled cause upon which said  
5 judgment was based, or in any subsequent judgment that may be  
6 entered in the same cause of action, and in the proceeds thereof; and  
7 the State of Iowa hereby assigns and transfers any interest it may  
8 have therein to Des Moines County, Iowa, and the Governor of the  
9 State of Iowa is hereby authorized to execute any instrument neces-  
10 sary to effectuate the purposes herein expressed. The net proceeds  
11 realized upon said judgment or judgments shall, when collected, be-  
12 come a part of the Secondary Road Construction funds of said Des  
13 Moines County.

- 1 SEC. 2. This act being deemed of immediate importance shall take
- 2 effect from and after its publication in the Burlington Hawkeye-
- 3 Gazette, a newspaper published in Burlington, Iowa, and in the Keokuk
- 4 Gate City, a newspaper published in Keokuk, Iowa.

Approved March 7, 1945.

I hereby certify that the foregoing act was published in the Burlington Hawkeye-Gazette, Burlington, Iowa, March 13, 1945, and the Keokuk Gate City, Keokuk, Iowa, March 13, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 257

### MUSCATINE COUNTY DRAINAGE DISTRICT

#### H. J. R. 4

A JOINT RESOLUTION to provide that a survey be made of Drainage District No. 13 in Muscatine county with the purpose of abandoning said district and converting the area into a wildlife refuge.

WHEREAS, Drainage District No. 13 in Muscatine County as established requires the use of pumping stations to properly control the water level so that the land may be farmed, and

WHEREAS, this method of drainage as applied to this submarginal land is expensive and far from satisfactory and it would be better to abandon this futile attempt to effectively drain this land, for the State of Iowa has, since 1923, spent \$61,595.10 by appropriation to aid this district, as follows:

APPROPRIATION	Muscatine County
50th G. A.....	\$1,418.88
49th G. A.....	1,144.77
48th G. A.....	452.59
47th G. A.....	2,583.13
46th G. A.....	1,319.47
45th G. A.....	1,907.78
44th G. A.....	5,424.02
43rd G. A.....	4,708.53
42nd G. A.....	2,197.22
41st G. A.....	1,718.06
40th G. A.....	38,720.65 (1923)

\$61,595.10, and

there is now pending in this Legislature a bill to appropriate \$6,038.62 additional to this district, said bill being House File No. 178 and Senate File No. 58, and

WHEREAS, it would have been better from a standpoint of economy and as a move to conserve natural resources to have spent this money to establish a wildlife refuge in this area, now therefore

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

- 1 SECTION 1. The State Conservation Commission and the Committee
- 2 on Retrenchment and Reform are empowered and directed to make a

3 survey of Drainage District No. 13 in Muscatine County to ascertain  
 4 the cost of acquiring the land of said district by purchase, gift, con-  
 5 demnation or otherwise for the use by the people of the state as a  
 6 wildlife refuge.

1 SEC. 2. The State Conservation Commission on recommendation  
 2 of the Committee on Retrenchment and Reform may secure options  
 3 of purchase on said land, may accept gifts, and shall make appraisals  
 4 of said land and shall report to the 52nd General Assembly, upon the  
 5 convening thereof, an estimate of the total cost to the state of acquir-  
 6 ing title to the land in said district.

Approved April 3, 1945.

## CHAPTER 258

### CENTENNIAL OF STATEHOOD

H. J. R. 7

A JOINT RESOLUTION extending the time for celebrating the Iowa Centennial and making an appropriation therefor.

WHEREAS, the State of Iowa was admitted to the Union December 28, 1846, and

WHEREAS, the year 1946 will mark the centennial of that event, and

WHEREAS, it is proper and highly desirable that the occasion be properly observed and celebrated, and

WHEREAS, the Fiftieth General Assembly did on April 5, 1943 approve a Senate Joint Resolution providing for such observance and celebration and appropriating funds therefor as shown by Chapter 310, Acts of the Fiftieth General Assembly of the State of Iowa, and

WHEREAS, the provisions of said Senate Joint Resolution have not yet been fully carried out; now, therefore,

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

1 SECTION 1. That the time for the performance of the said Senate  
 2 Joint Resolution be extended to January 1, 1947, and the Governor of  
 3 Iowa is authorized to carry out all the provisions set out in said Sen-  
 4 ate Joint Resolution of April 5, 1943, not already performed and car-  
 5 ried out, and that the appropriation provided for in said Senate Joint  
 6 Resolution is hereby made available for that purpose.

7 And further that a report hereof be made to the Fifty-second Gen-  
 8 eral Assembly upon its convening in January, 1947.

Approved April 10, 1945.

## CHAPTER 259

## POST-WAR TAXATION COMMITTEE

## H. J. R. 8

A JOINT RESOLUTION to create a special committee to make a study of taxation in Iowa, embracing the entire structure of state and counties, cities and school districts of raising revenues, to make inquiries into the present system of assessment of real and personal property, to make a study of changes in the existing tax system which may be necessary or advisable, to equalize taxes, and study the loss of tax revenues and increased costs of state government by reason of federal action, for the purpose of making recommendations to the governor and to the general assembly of such revisions as may be necessary to meet post-war tax problems, arising in part from the war, prescribing the powers and authority of such committee and making an appropriation for its expenses.

WHEREAS, the acquisition of property by the federal government in Iowa, the great increase of federal taxes, the increased cost of state and local government because of inflation resulting from the war and the burdens placed upon local government by federal legislation, and

WHEREAS, it has become evident that the existing system of assessment of real and personal property for purposes of taxation has developed serious weaknesses and inequalities that should be thoroughly studied; and,

WHEREAS, it is apparent that the General Assembly should have available for its consideration of the facts concerning our Iowa tax system, and a comparison of it with other states, information and recommendations based upon a careful and impartial study of the taxation system of Iowa: therefore,

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

1 SECTION 1. That a special committee is hereby created to be known  
2 as the committee on post-war taxation, which shall be composed of  
3 twelve (12) members, three of which\* shall be appointed by the Speak-  
4 er of the House of Representatives, three of which\* shall be appointed  
5 by the President of the Senate, and six of whom shall be appointed  
6 by the Governor, consisting of a representative of cities and towns,  
7 school districts, counties, industry, labor and agriculture.

1 SEC. 2. The committee shall have full power and authority to investi-  
2 gate, inquire into and examine all matters relating to the adequacy  
3 of the provisions for revenue for the state government and cities and  
4 towns, counties, school districts of Iowa, and shall have the power  
5 to make recommendations for changes deemed advisable for the equal-  
6 ization of taxes for the support of the state or municipal subdivisions,  
7 and in general, to inquire into and examine every matter and thing  
8 whatsoever affecting the providing of revenue for governmental pur-  
9 poses in Iowa, and the administration of laws relating to taxation.

1 SEC. 3. It shall be the duty of the committee to make a scientific  
2 and impartial study of the present assessment system; of present  
3 methods of equalization of individual assessments and as between  
4 the various taxing districts and the various counties; and specifically  
5 to make definite recommendations as to changes deemed desirable in  
6 the present system of assessment of real and personal property and  
7 taxation in Iowa.

\*According to enrolled act.

1 SEC. 4. It shall make a survey of the entire present system of ex-  
2 emptions from taxation of real and personal property.

1 SEC. 5. In view of the recent decision of the Supreme Court of the  
2 United States, in which insurance was held to be a subject of inter-  
3 state commerce, and in further view of the passing of Senate File  
4 340 by the United States Congress, providing that Congress shall not  
5 by its silence be construed to impose any barrier to the regulation of  
6 taxation of such business until January 1st, 1948, the said committee  
7 shall make a special study of the matter of taxation of insurance com-  
8 panies, both domestic and foreign and formulate any necessary  
9 changes in the law, for the aid and guidance of the next general as-  
10 sembly.

1 SEC. 6. It shall make a study of existing methods of raising reve-  
2 nues from other sources than the taxation of real and personal prop-  
3 erty and shall make such recommendations it deems advisable as to  
4 the adoption of additional methods of providing revenue, should pres-  
5 ent sources prove inadequate.

1 SEC. 7. Said committee shall choose a chairman from its members,  
2 adopt rules for conduct of its proceedings, and is hereby empowered  
3 to employ a secretary and such other employees as are necessary for  
4 the proper conduct of the business of the committee. It is hereby  
5 empowered also to employ such expert assistance as may be deemed  
6 necessary for the studies and investigations herein authorized in-  
7 cluding, subject to the approval of the Governor, the employment of  
8 recognized survey agencies to assist the committee in arriving at its  
9 conclusions. The committee may hold public hearings, may sub-  
10 poena witnesses and compel the production of books, documents or  
11 papers, public or private, pertaining to its investigations. Witnesses  
12 shall be entitled to witness fees and to actual traveling expenses while  
13 attending upon the committee, such expenses to be audited and ap-  
14 proved by the committee, but no Iowa public employee shall be entitled  
15 to witness fees, but may be allowed actual and necessary expenses. The  
16 committee shall have access to all public records and shall be given  
17 the cooperation of all public officials and shall generally have all the  
18 powers of a joint legislative committee or of a legislative committee.  
19 The committee may at any time or from time to time be divided into  
20 subcommittees of one or more members, any of said subcommittees  
21 having the power to hold hearings and conduct investigations in any  
22 part of the state. The committee may also, if deemed necessary, cause  
23 studies to be made of taxation systems and administration in other  
24 states, and may designate, if necessary, subcommittees for the pur-  
25 pose of studying revenue methods in other states than Iowa. The  
26 committee or any member thereof, or the secretary of the committee,  
27 shall have the power to administer oaths.

1 SEC. 8. The committee shall have the cooperation of the state tax  
2 commission and its counsel in the performance of its duties and shall  
3 be authorized to call upon any department of the state government,  
4 including state educational institutions, for assistance in the obtain-  
5 ing of information deemed useful to the committee.

1 SEC. 9. Should any vacancy occur in the committee, the Governor  
2 is empowered to fill it by appointment, but in case of a vacancy in the

3 legislative membership, he shall make such appointment from the  
4 representative body to which such member of the committee belonged.  
5 Members of the committee appointed by the Governor shall receive  
6 a compensation of ten (\$10.00) dollars per day for days actually en-  
7 gaged in work of the committee together with the actual and neces-  
8 sary expenses incurred by them in the discharge of their duties.  
9 Legislative members shall receive their actual and necessary expenses  
10 when engaged in the work of the committee and any additional  
11 amounts as may be allowed by the 52nd General Assembly. The com-  
12 mittee shall have power to fix the compensation of its secretary and  
13 other assistants and shall be provided a suitable office for the con-  
14 duct of its investigations by the state executive council.

1 SEC. 10. The committee shall enter into its duties as soon as mem-  
2 bership has been appointed. It shall make a report including drafts  
3 of proposed bills, to the Governor on or before November 15, 1946 and  
4 thereupon the Governor shall cause to be printed the necessary num-  
5 ber of copies of said report, including the drafts of proposed bills,  
6 and cause copies of same to be mailed to the elected members of the  
7 52nd General Assembly on or before December 1, 1946. The expense  
8 thereof shall be paid from the funds hereinafter provided for. Upon  
9 the making of said report to the Governor, the commission shall stand  
10 discharged of its duties hereunder.

11 The committee shall also be prepared to report to any special ses-  
12 sion of the 51st General Assembly which might be called.

1 SEC. 11. There is hereby appropriated from any funds of the state  
2 treasury not otherwise appropriated, the sum of thirty thousand  
3 (\$30,000) dollars, or so much thereof as may be necessary, to carry  
4 out the proposals of this act and for compensation and expenses of  
5 such committee and its members as herein provided, to be paid out of  
6 the state treasury on vouchers to be approved by the chairman or  
7 secretary of the committee and audited according to law.

1 SEC. 12. This act being deemed of immediate importance shall take  
2 effect and be in full force from and after its publication in the Minden  
3 News, a newspaper published in the city of Minden, Iowa, and The  
4 Manning Monitor, a newspaper published in Manning, Iowa.

Approved April 4, 1945.

I hereby certify that the foregoing act was published in the Minden News, Minden,  
Iowa, April 12, 1945, and The Manning Monitor, Manning, Iowa, April 12, 1945.

WAYNE M. ROPES, *Secretary of State.*





# **RULES OF CIVIL PROCEDURE**

1950年12月14日

# RULES OF CIVIL PROCEDURE

REPORT OF THE SUPREME COURT OF IOWA

on

RULES OF CIVIL PROCEDURE

To the Fifty-first General Assembly of Iowa:

In accordance with Chapter 311, Acts of the Forty-ninth General Assembly, the Supreme Court of Iowa has prescribed rules of pleading, practice and procedure and forms of process, writs and notices, for proceedings of a civil nature in courts of this state, for the purpose of simplifying the same and of promoting the speedy determination of litigation. They were reported by the court to the Fiftieth General Assembly and went into force and effect July 4, 1943.

After a year and a half of operation, there are a number of modifications in the Rules of Civil Procedure which appear to the court desirable. Accordingly, the court has prescribed the following Rules, in the nature of modifications and revisions in the Rules of Civil Procedure and Appendix I attached thereto, which were reported to the Fiftieth General Assembly, to wit:

## Rule 54

Rule 54 has been revised to read as follows:

**"Rule 54. Same; Special Cases; Appearance of Garnishee.**

"(a) Any statute of Iowa which specially requires appearance by a particular defendant, or in a particular action, within a specified time, shall govern the time for appearance in such cases, rather than Rule 53.

"(b) The officer serving a writ of attachment or execution shall garnish such persons as the plaintiff may direct as supposed debtors, or having in possession property of the principal defendant, which shall be effected by a notice served in the manner and as an original notice in civil actions, forbidding his paying any debt owing such defendant, due or to become due, and requiring him to retain possession of all property of the defendant in his hands or under his control, to the end that the same may be dealt with according to law, and, unless answers are required to be taken as provided by statute, it shall cite the garnishee to appear in not less than ten (10) days after service of the notice and at a time specified when court will be in session and a judge will be present, and answer such interrogatories as may be propounded, or he will be liable to pay any judgment which the plaintiff may obtain against the defendant."

## COMMENT

Section 12157 provided that the garnishee be cited to appear on the first day of the next term. Under the new procedure for commencement of actions, unreasonable delays have been experienced under Section 12157.

## Rule 56

Paragraph (b) of Rule 56 has been amended by adding thereto the following sentence:

"Where the notice upon a minor is served on behalf of one who is the guardian or other fiduciary and the guardian or other fiduciary is the

## RULES OF CIVIL PROCEDURE

only person who would be available upon whom service could be made, the court or a judge shall appoint, without prior notice on the ward, a guardian ad litem upon whom service shall be made and who shall defend for the minor."

Paragraph (c) of Rule 56 has been amended by adding thereto the following sentence:

"Where the notice upon an incompetent is served on behalf of one who is the guardian or other fiduciary and the guardian or other fiduciary is the only person who would be available upon whom service could be made, the court or a judge shall appoint, without prior notice to the ward, a guardian ad litem upon whom service shall be made and who shall defend for the incompetent."

## COMMENT

The foregoing amendments were made because of the fact that, under the rule as first prescribed, where the guardian or fiduciary is the only person who would be a proper person upon whom service could be made, it was either necessary for the guardian or fiduciary to resign or to serve himself as parent, etc.

## Rule 60

Clause (e) of Rule 60 has been amended by changing the semicolon at the end thereof to a comma, and adding thereto:

"or if his residence is unknown;".

Clause (k) of Rule 60 has been stricken and clauses (l) and (m) have been designated as clauses (k) and (l) respectively.

## COMMENT

The change in clause (e) was made to apply to those cases in which there are unknown defendants.

The second amendment was made to avoid an apparent conflict between Rule 60 (k), which was patterned after Par. 11, Section 11081 of the Code, and Section 11935 of the Code. Section 11935 is adequate without Rule 60 (k). Section 11081, Code, 1939, is shown by Appendix I of the Rules as having been superseded in toto.

## Rule 80

The first sentence of Paragraph (a) of Rule 80 has been stricken and the following inserted in lieu thereof:

"Pleadings need not be verified unless special statutes so require and, where a pleading is verified, it is not necessary that subsequent pleadings be verified unless special statutes so require."

## COMMENT

The change clarifies the language.

## Rule 85

The word "five" which appeared twice in the first sentence of Paragraph (a) of Rule 85, once in the first clause of Paragraph (b) thereof, and once in the second clause of Paragraph (e) thereof, has been stricken in each instance, and, in lieu thereof, the word "seven" inserted in each instance.

Paragraph (f) of Rule 85 has been amended by striking out the word "amend" in the first sentence and also by striking out the second sentence thereof and inserting, in lieu of said second sentence, the following:

## RULES OF CIVIL PROCEDURE

"For good cause but not ex parte, and upon such terms as the court prescribes, the court may grant a party the right to file a motion, answer or reply where the time to file same has expired."

## COMMENT

The first change, wherein the word "five" is stricken in four places and the word "seven" substituted therefor, was made to avoid confusion.

The change in Paragraph (f) was made to avoid miscarriage of justice by giving the court discretion in permitting the filing of motions, answers or replies, thus avoiding the loss of substantial rights through the strict application of an arbitrary rule of procedure. The reference to amendments was stricken to avoid a conflict with Rule 88.

**Rule 86**

Rule 86 has been revised to read as follows:

"If a party is required or permitted to plead further by an order or ruling, the clerk shall forthwith mail or deliver notice of such order or ruling to the attorneys of record. Presence of counsel when the court announces such ruling or order shall be the equivalent of such mailing or delivery. Unless otherwise provided by order or ruling, such party shall file such further pleading within seven (7) days after such mailing or delivery; and if such party fails to do so within such time, he thereby elects to stand on the record theretofore made. On such election, the ruling shall be deemed a final adjudication in the trial court without further judgment or order; reserving only such issues, if any, which remain undisposed of by such ruling and election."

## COMMENT

The change was made to clarify the language.

**Rule 117**

Paragraph (a) of Rule 117 has been amended by striking the second sentence and inserting in lieu thereof the following:

"Unless the parties or their counsel file a written stipulation to the contrary, all motions made prior to trial on issues of fact, on file for twenty (20) days or more, must then be submitted."

## COMMENT

This amendment was made to avoid a harsh situation by permitting counsel to agree to an extension of time for submitting a motion.

**Rule 153**

Rule 153 has been amended by adding thereto the following:

"(d) When the witness is in the military or naval service of the United States, his deposition may be taken before any commissioned officer under whose command he is serving, or any commissioned officer in the judge advocate general's department."

## COMMENT

This amendment was made to facilitate the taking of depositions of those in the armed forces.

**Rule 177**

Rule 177 has been amended by adding thereto the following:

“(d) Notwithstanding the failure of a party to demand a jury in an action in which such demand might have been made of right, the court, in its discretion on motion and for good cause shown, but not ex parte, and upon such terms as the court prescribes, may order a trial by jury of any or all issues.”

**COMMENT**

The federal rules give the trial court discretion in granting a jury trial where the right thereto would otherwise be lost because of failure to demand the same within the strict requirements of the rule. The amendment preserves the right to demand a jury trial and also accords the trial court discretion similar to that exercised by the federal courts which seems to be desirable for a proper administration of justice.

**Rule 288**

Rule 288 has been amended by striking the second sentence and inserting in lieu thereof, the following:

“No bond shall be required before the referee conveys real estate unless he is to sell personalty or take possession of real estate or is to receive a payment on the sale before conveyance, in which case, he shall give such bond as the court directs.”

**COMMENT**

This amendment was made for the purpose of affording protection in a case where a substantial down payment is made before conveyance.

**Rule 331**

Rule 331 has been revised to read as follows:

“Rule 331. From Final Judgment.

“(a) All final judgments and decisions of courts of record, and any final adjudication in the trial court under Rule 86 involving the merits or materially affecting the final decision, may be appealed to the Supreme Court, except as provided in this Rule and in Rule 333.

“(b) No interlocutory ruling or decision may be appealed, except as provided in Rule 332, until after the final judgment or order. No error in such interlocutory ruling or decision is waived by pleading over, or proceeding to trial. On appeal from the final judgment, there may be assigned as error such interlocutory ruling or decision or any final adjudication in the trial court under Rule 86 from which no appeal has been taken, where such ruling, decision, or final adjudication is shown to have substantially affected the rights of the complaining party.”

**COMMENT**

The amendment was made for the purpose of clarifying the situation where a ruling becomes a final adjudication under Rule 86 and to permit an appeal from such ruling as a matter of right but to further provide that, in the event such right to appeal is not exercised, the question presented by the ruling may be raised on appeal from the final judgment if it is shown to have substantially affected the rights of the complaining party.

## RULES OF CIVIL PROCEDURE

**Rule 332**

Paragraph (a) of Rule 332 has been amended by adding thereto the following sentence:

"No such application is necessary where the appeal is, pursuant to Rule 331, from a final adjudication in the trial court under Rule 86."

## COMMENT

This amendment was made for the purpose of clarifying the situation where an appeal as a matter of right exists under Rules 86 and 331.

**Rule 335**

Rule 335 has been amended by striking the period at the end thereof and adding the following:

"; provided however, that, where an application to the Supreme Court or any Justice thereof to grant an appeal in advance of final judgment under Rule 332 is made within thirty (30) days from the date of such ruling or decision, the Supreme Court or any Justice thereof may extend the time for filing the notice of appeal in the event the appeal is granted and the appeal, in such event, may be perfected within the time thus specified."

## COMMENT

This amendment was made to clarify the situation where an intermediate appeal is sought under Rule 332. Without this amendment, it was sometimes necessary to file the notice of appeal before the right to appeal was granted, in which case it has been contended that the filing thereof was premature. If application for leave to appeal is made within 30 days from the ruling, the Supreme Court or a Justice thereof will be accorded a reasonable time within which to determine whether or not to grant the appeal and then provide the time within which the notice of appeal should be filed.

**Rule 363**

Rule 363 has been revised to read as follows:

**"Rule 363. Filing and Docketing.**

"Unless the petition in class 'A' cases or the original notice in class 'B' cases is filed with the clerk of the court at least five days before the date set in the original notice for appearance, the defendant shall not be held to appear and answer, except that in any Municipal Court wherein class 'B' cases are included in rules prescribing the manner for settlement of controversies by conciliation, the original notice in such conciliation cases need not be filed until the time and the date set forth in the notice for appearance. If the petition or original notice, as the case may be, is not so filed the defendant may have the case dismissed at plaintiff's costs, without notice, by filing a copy of the original notice with the clerk and paying the filing fees. No new action shall be commenced in any court of this state based upon the same claim or demand unless the costs in such dismissed action are fully paid by the claimant and satisfied of record."

## COMMENT

This revision was made because of the fact that Rule 363, which required the filing of an original notice in a conciliation case five days before the defendant is required to appear, unnecessarily and seriously impeded the administration of the conciliation court.

**Rule 367**

Paragraph (a) of Rule 367 has been revised to read as follows:

“(a) In the event of the death or disability of a Judge in the course of a proceeding at which he is presiding, or while a motion for new trial or for judgment notwithstanding the verdict, or for other relief, is pending, any other Judge of the district may hear or act upon the same, and, if in his opinion he can proceed with the matter or determine the motion he shall do so; otherwise, he may order a continuance, declare a mistrial, order a new trial of all or any of the issues, or make such disposition of the matter as the situation warrants.”

**COMMENT**

This revision was made because, under the rule, it was not clear what was meant by the words “may be called in”.

**Rule 369**

Rule 369 has been revised to read as follows:

“Rule 369. **Effect of Notice by Posting.**

“Notice by posting shall not be recognized as having any effect, except in probate proceedings, or where expressly authorized by statute.”

**COMMENT**

This revision was made because of the fact that, under Rule 369, some lawyers contended that notice by posting was of doubtful validity in any case, even in probate, if the court were authorized to prescribe the notice. The revision more clearly states what the original rule was intended to provide.

**Rule 228**

Rule 228 has been amended by making the last two words thereof read, “for cancellation.”

**COMMENT**

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.

**Rule 244**

Clause (b) of Rule 244 has been amended by making the last two words thereof read “prevailing party;”.

**COMMENT**

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.

**Appendix I**

In column 1 of Appendix I, attached to the Rules of Civil Procedure, the figures “11083” have been inserted immediately following “11081”.

**COMMENT**

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.



## RULES OF CIVIL PROCEDURE

In column 1 of Appendix I, attached to the Rules of Civil Procedure, the figures "12157" have been inserted immediately following "11671". In column 2 opposite reference to Section 12157 is inserted "54 (b)".

## COMMENT

The foregoing is necessary to show that Section 12157 has been superseded by Rule 54 (b).

In column 1 of Appendix I, attached to the Rules of Civil Procedure, the figures "12312" have been inserted immediately following "12311".

## COMMENT

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.

In column 1 of Appendix I, attached to the Rules of Civil Procedure, the figures immediately following "12873" are amended and determined to read as follows: "12874

12874  
12876  
12879".

## COMMENT

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.

## CERTIFICATE

I, Oscar Hale, hereby certify that I am the Chief Justice of the Supreme Court of Iowa; that the above and foregoing Rules of Civil Procedure were adopted and approved by the Supreme Court of Iowa pursuant to Chapter 311, Acts of the Forty-ninth General Assembly, as amendments, revisions and additions to the Rules of Civil Procedure heretofore reported by the Supreme Court of Iowa to the Fiftieth General Assembly.

Dated at Des Moines, Iowa, this 24th day of January, 1945.

OSCAR HALE,  
*Chief Justice of the  
Supreme Court of Iowa.*

ATTEST:

CHAS. W. BARLOW,  
*Clerk of the Supreme Court of Iowa.*

## RULES OF CIVIL PROCEDURE

AMENDMENT TO REPORT OF THE  
SUPREME COURT OF IOWA  
ON  
RULES OF CIVIL PROCEDURE.

The Supreme Court of Iowa amends its report on rules heretofore filed on January 24, 1945 as follows:

**Rule 349**

Rule 349 has been amended by striking the figures "244 (b)" appearing therein and inserting in lieu thereof the figures "243 (b)".

COMMENT

This change was made to correct a typographical error.

**Appendix I**

In column 2 of Appendix I attached to the Rules of Civil Procedure, the figures opposite "12871" are amended to read "343

346  
349".

CERTIFICATE

I, Oscar Hale, hereby certify that I am the Chief Justice of the Supreme Court of Iowa; that the above and foregoing Amendment to Report of the Supreme Court of Iowa on Rules of Civil Procedure was adopted and approved by the Supreme Court of Iowa pursuant to Chapter 311, Acts of the Forty-ninth General Assembly, as amending and revising the Rules of Civil Procedure heretofore reported by the Supreme Court of Iowa to the Fiftieth General Assembly.

Dated at Des Moines, Iowa, this 26th day of January, 1945.

OSCAR HALE,  
*Chief Justice of the  
Supreme Court of Iowa.*

ATTEST:

CHARLES W. BARLOW,  
*Clerk of the Supreme Court of Iowa.*

CERTIFICATE

I, Kenneth A. Evans, hereby certify that I am the President of the Senate of the Fifty-first General Assembly of the State of Iowa, and I, W. J. Scarborough, hereby certify that I am the Secretary of said Senate, and we hereby certify, as such President and such Secretary, that, on the 24th day of January, 1945, the Supreme Court of the State of Iowa reported to said Senate and filed with it the attached and foregoing modifications, amendments, revisions and additions to the Rules of Civil Procedure, heretofore reported by said Supreme Court to the Fiftieth General Assembly of the State of Iowa, and, on the 26th day of January, 1945, said Supreme Court reported to said Senate and filed with it the attached and foregoing Amendment to said Report filed on January 24, 1945; that both of said dates were within twenty (20) days after the commencement of the regular session of said Fifty-first General Assembly; that no other report, pertaining to the Rules of Civil Procedure, was made or filed by said Supreme Court with said Senate; that no other or different changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such regular session of said Fifty-first General Assembly.

Signed this 14th day of April, 1945.

KENNETH A. EVANS, *President of the Senate.*  
W. J. SCARBOROUGH, *Secretary of the Senate.*  
*Fifty-First General Assembly of the State of Iowa.*

## RULES OF CIVIL PROCEDURE

## CERTIFICATE

I, Wayne M. Ropes, Secretary of State of the State of Iowa, do hereby certify that the above and foregoing changes, modifications, amendments, revisions and additions to the Rules of Civil Procedure, prescribed by the Supreme Court of Iowa and reported by it to the regular session of the Fifty-first General Assembly of the State of Iowa, and duly certified by Kenneth A. Evans, President of the Senate, and W. J. Scarborough, Secretary of the Senate, of said Fifty-first General Assembly, were filed and deposited with me on the 16th day of April, 1945.

WAYNE M. ROPES,  
*Secretary of State.*

## CERTIFICATE

I, Harold Felton, hereby certify that I am the Speaker of the House of Representatives of the Fifty-first General Assembly of the State of Iowa, and I, A. C. Gustafson, hereby certify that I am the Chief Clerk of said House of Representatives, and we hereby certify, as such Speaker and such Chief Clerk, that, on the 24th day of January, 1945, the Supreme Court of the State of Iowa reported to said House of Representatives and filed with it the attached and foregoing modifications, amendments, revisions and additions to the Rules of Civil Procedure, heretofore reported by said Supreme Court to the Fiftieth General Assembly of the State of Iowa, and, on the 26th day of January, 1945, said Supreme Court reported to said House of Representatives and filed with it the attached and foregoing Amendment to said Report filed on January 24, 1945; that both of said dates were within twenty (20) days after the commencement of the regular session of said Fifty-first General Assembly; that no other report, pertaining to the Rules of Civil Procedure, was made or filed by said Supreme Court with said House of Representatives; that no other or different changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such regular session of said Fifty-first General Assembly.

Signed this 14th day of April, 1945.

HAROLD FELTON, *Speaker.*  
A. C. GUSTAFSON, *Chief Clerk of the House of  
Representatives, Fifty-first General As-  
sembly of the State of Iowa.*

## CERTIFICATE

I, Wayne M. Ropes, Secretary of the State of Iowa, do hereby certify that the above and foregoing changes, modifications, amendments, revisions and additions to the Rules of Civil Procedure, prescribed by the Supreme Court of Iowa and reported by it to the regular session of the Fifty-first General Assembly of the State of Iowa, and duly certified by Harold Felton, Speaker, and A. C. Gustafson, Chief Clerk, of the House of Representatives of said Fifty-first General Assembly, were filed and deposited with me on the 16th day of April, 1945.

WAYNE M. ROPES,  
*Secretary of State.*

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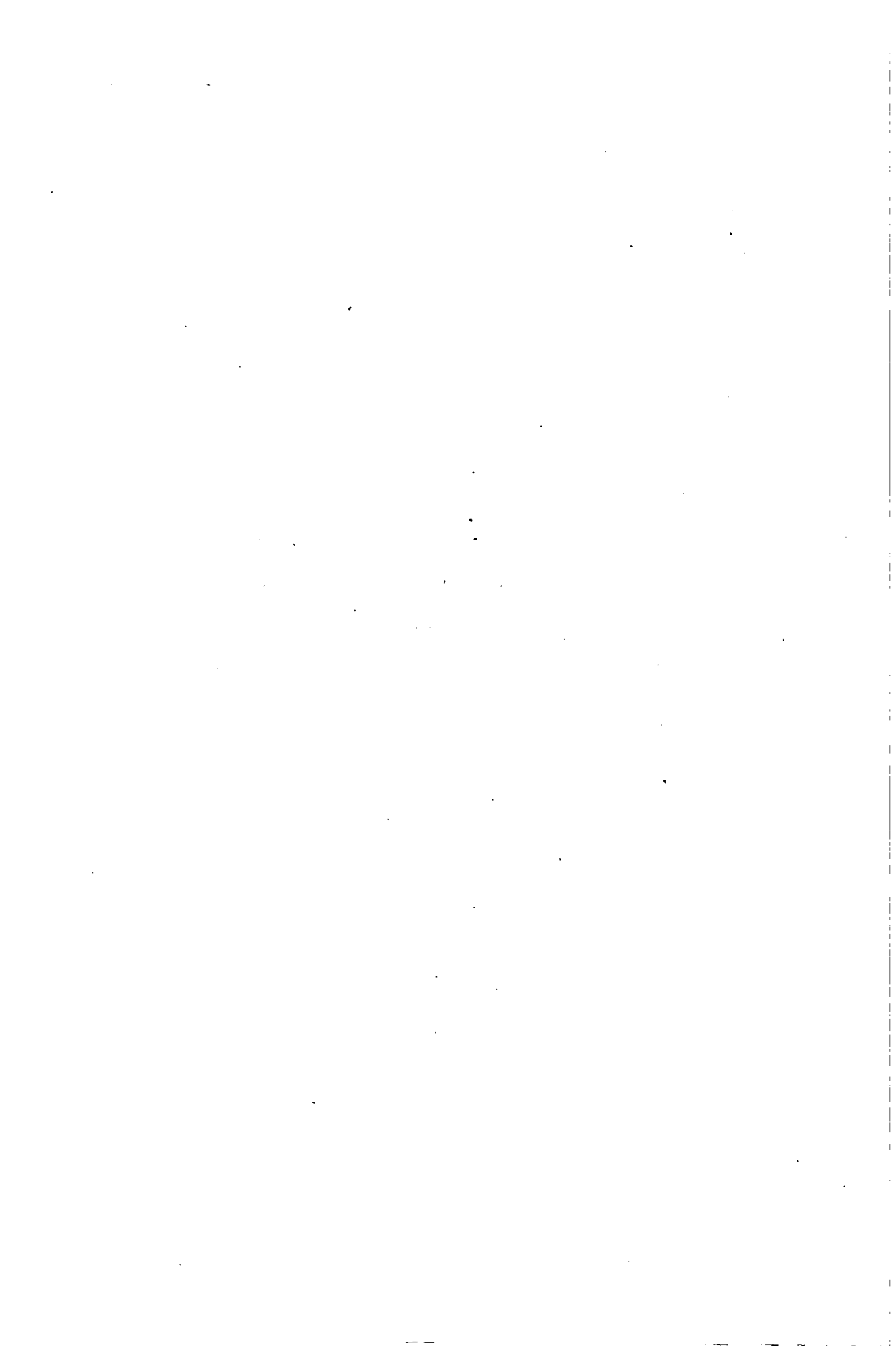
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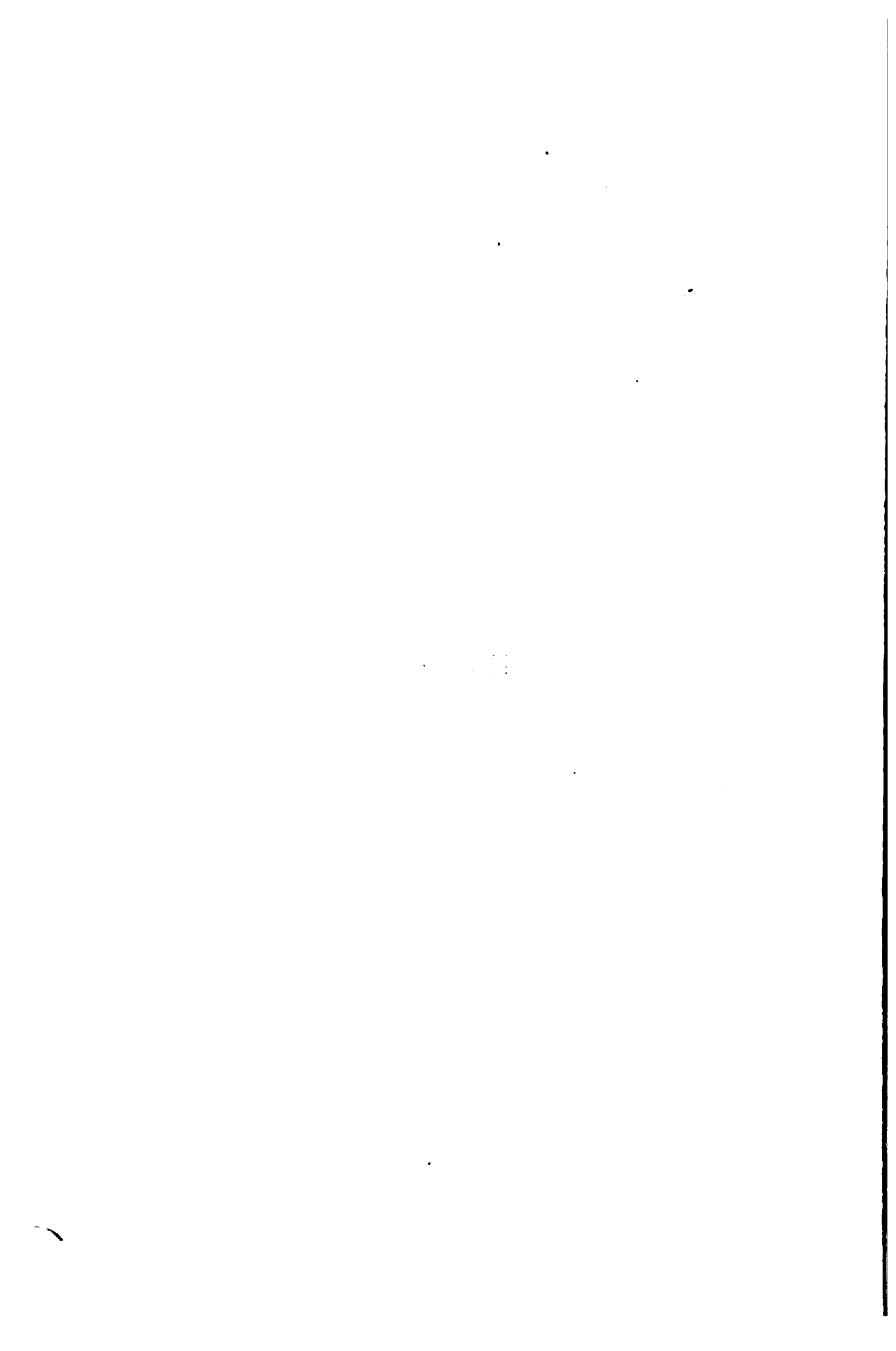
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