

BRIEFS

1746:17

OF

# Code Commissioners' Bills

CONTAINING

A LINE FOR LINE COMPARISON OF THE PRESENT LAW  
WITH THE PROPOSALS CONTAINED IN THE CODE  
REVISION BILLS WITH EXPLANATORY NOTES  
RELATIVE TO CHANGES, ADDITIONS,  
AND OMISSIONS

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EDITED BY

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REPORTER OF THE SUPREME COURT  
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AND

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Authorized by Chapter Three Hundred Thirty-three, Acts of the  
Thirty-ninth General Assembly

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THE STATE OF IOWA  
1922

ATHENS PRESS  
IOWA CITY, IOWA

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## EDITORS' PREFACE

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Chapter 50, Acts of the Thirty-eighth General Assembly allotted approximately nine months to the Code Commission in which to:

1. Compile all the existing statutory law of the State of a permanent and general nature into one volume.

2. Rearrange, revise, and rewrite such portions of this compilation with such modifications and additions as were deemed necessary in order to simplify, clarify, and reduce the body of the law into one harmonious whole.

Although the Code Commission worked eleven months on the above task, it did not find time in which to prepare explanatory notes or statements relative to the legislative proposals contained in the 253 Code Commission bills. At the time, it was thought that such explanations as were necessary would have to be made orally before the legislative committees during the consideration of the bills.

The Thirty-eighth General Assembly, however, was not convened in extra session for the purpose of code revision and the Thirty-ninth General Assembly did not enter upon the consideration of the Code Commission bills during its regular session. Under these circumstances it was necessary to provide for the revision of the original Code Commission bills so as to harmonize them with the legislation of the Thirty-ninth General Assembly. The legislature placed this revision work and other arrangements for code revision in the hands of the Joint Committee on Retrenchment and Reform.

The Committee, after a conference with the former Code Commissioners, came to the conclusion that it would be a real economy to have such explanatory notes or statements prepared for each of the code revision bills as would be helpful to the legislature in the work of code revision. The use of such explanatory notes or statements, it was decided, would materially reduce the length of the code revision session and thereby save the State considerable expense.\*

In conformity with this decision the Committee directed the Code Editor and his force to prepare the necessary explanatory notes for the code revision bills which he had primarily in charge during their original preparation. The Committee also employed J. H. Trewin of Cedar Rapids and J. C. Mabry of Albia to perform a similar service for the revision bills which they had primarily in charge during their original preparation.\*

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\* Minutes of Joint Committee on Retrenchment and Reform of the Thirty-ninth General Assembly, Meeting No. 18, May 3, 1921.

This volume is the product of the above work. It consists of a set of notes for each of the code revision bills in the form of a brief. These briefs are similar in purpose to the notes prepared by the Code Commission in 1895 to accompany the proposed Code which later became the Code of 1897. The notes of 1895 were published in book form under the title *Report of the Code Commission to Accompany the Code as reported to the Twenty-sixth General Assembly*.

The briefs in this volume, however, are more detailed in character than the notes which accompanied the proposed Code of 1897. They have been prepared primarily for the use of the legislature in checking the present law found in the Compiled Code and Supplement line by line with the proposals contained in the code revision bills. Nevertheless, the briefs will be very useful to the general public in studying particular code revision bills and in the years to come will be invaluable in interpreting and construing the new Code. In this respect they will serve the same purpose that the notes which accompanied the Code of 1897 have served during the last twenty-five years in applying and administering the laws contained therein.

Each brief is in the form of a three-column table. The first column lists the sections of the bill; the second column shows the section or sections of the Compiled Code or Supplement which are rewritten in a particular section of the bill; and the third column contains explanatory matter relative to changes, additions, and omissions.

The italic entries in the second and third columns are in the nature of special notes. They are inserted in each instance where only a part of a Compiled Code or Supplement section is used in a particular section of the bill. In this way, the searcher is shown at once where the remainder of such section has been used. Thus, when a searcher finds that only a part of a section has been used in a particular bill section he can immediately satisfy himself that the remainder of the section has been properly cared for.

Upon completion of the copy for the briefs the Committee on Retrenchment and Reform placed the entire matter of editing and printing in the hands of the Code Editor and his force.\*\* On account of the technical nature of the subject-matter and the form in which it was handled, this branch of the work entailed an almost endless amount of labor in the final preparation of the manuscript for the printer and in the critical examination of the proof sheets.

The short time, however, allotted by the Committee for editorial work

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\*\* See Order No 81 of the Joint Committee on Retrenchment and Reform of the Thirty-ninth General Assembly, dated January 5, 1922.

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made it impossible for the editors to verify the *line citations* in the second column, to examine the *substance* of the content notes in the third column, and to unify the *style* of the briefs as to minor details. The *section citations* and *cross references*, however, were verified, and their accuracy is due in a large degree to the patience and tireless efforts of the workers in the office of the Code Editor. In all of this work the former Code Commissioners cooperated with the Code Editor and his force and rendered valuable assistance in perfecting the section citations and cross references.

Acknowledgment is due the Joint Committee on Retrenchment and Reform of the Thirty-ninth General Assembly, which has had general supervision of the work, for its kind and courteous treatment.

U. G. WHITNEY

O. K. PATTON

OFFICE OF THE CODE EDITOR,  
STATE HOUSE, DES MOINES, IOWA,  
JUNE, 1922.

## ABBREVIATIONS

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C., '97.....	Code of 1897
S., '13.....	Supplement 1913
S.S., '15.....	Supplemental Supplement 1915
C.C.....	Compiled Code
S.C.C.....	Supplement to Compiled Code
C.B.....	Code Commissioners' Bill
G.A.....	General Assembly
Ch. ....	Chapter
§ or Sec.....	Section
Et seq.....	And sections following

## TABLE OF BRIEFS

---

Bill No.	Page
1 Form of bills.....	1
2 Acquisition of lands by United States.....	2
3 Committee on bills.....	2
4 Laws effective by publication.....	2
5 Publication of session laws.....	3
6 Distribution of codes and session laws.....	4
7 Governor .....	6
8 Auditor of state—uniform system of accounts.....	7
9 Treasurer of state—appropriations.....	10
10 Attorney general.....	11
11 Reporter supreme court.....	13
12 Public printing and binding, the state board of printing, and the document editor (withdrawn).....	15
13 Custodian of public buildings and grounds (withdrawn).....	15
14 Executive council.....	16
15 State board of audit—payment of claims.....	20
16 Census .....	22
17 Deputies of state officers.....	24
18 Reports of officers.....	24
19 Memorial halls and monuments for soldiers, sailors, and marines.....	25
20 Time of holding elections—terms of officers.....	27
21 Nominations by primary elections.....	29
22 Nominations by political organizations which are not political parties—nominations by petition.....	37
23 Nomination and election of supreme, district, and superior judges.....	39
24 Registration of voters.....	41
25 Method of conducting elections.....	44
26 Canvass of votes at elections.....	51
27 Absent voters.....	54
28 Presidential electors.....	59
29 Election expenses of candidates.....	60
30 Contest on state officers.....	61
31 Qualification by public officers.....	62
32 Bonds of public officers.....	63
33 Release of sureties.....	67
34 Removal from office.....	68
35 Vacancies in office.....	70
36 Preference in appointments.....	71
37 Contracts by public officers—general duties.....	72
38 Notaries public.....	73
39 Administration of oaths.....	74
40 Salaries, fees, deposits, and legal notices.....	75
41 Coal mines, gypsum mines, and mining.....	76
42 Workmen's compensation.....	85
43 Health and safety appliances.....	99
44 Child labor.....	102
45 Fire escapes.....	105
46 Labor bureau and commissioner.....	108
47 State employment bureau.....	111
48 Boards of arbitration.....	114
49 Assumption of risks.....	115
50 Suspension of state officers.....	116
51 Intoxicating liquors.....	118
52 Houses of prostitution.....	122
53 State fire marshal.....	123
54 Fish and game.....	126
55 Public parks.....	136
56 Fences .....	137

Bill No.	Page
57	Lost property..... 138
58	Civil Engineers..... 139
59	Certified shorthand reporters..... 141
60	Certified public accountants..... 142
61	Gold and silver alloy..... 144
62	Branding mattresses..... 145
63	Public health (withdrawn)..... 145
64	Food and drug department (withdrawn)..... 145
65	Department of agriculture—county and district fairs..... 146
66	Farm associations..... 150
67	Horticulture—forest reservations..... 152
68	Animal industry..... 153
69	Registration of animals..... 161
70	Lien for services of stallions and jacks..... 163
71	Estrays and trespassing animals..... 164
72	Contesting elections—voter witness..... 170
73	Examination of witnesses..... 171
74	Limited partnership—uniform law..... 174
75	Chattel mortgages—conditional sales of personal property—sales of stocks of merchandise in bulk..... 179
76	Real property..... 180
77	Conveyances..... 181
78	Occupying claimants..... 185
79	Homestead..... 187
80	Landlord and tenant..... 189
81	Perpetuities, gifts, and bequests..... 190
82	Trustees to manage cemetery funds..... 191
83	Legalizing deeds and other instruments..... 193
84	Charitable, correctional, and penal institutions..... 194
85	Education—instruction in patriotism..... 231
86	Education—superintendent of public instruction..... 232
87	Education—vocational..... 235
88	Education—board of examiners..... 237
89	Education—normal training high schools..... 241
90	Education—state board of education..... 242
91	Education—state university..... 247
92	Education—medical and surgical treatment indigent persons..... 248
93	Education—state college of agriculture and mechanic arts..... 253
94	Education—Iowa state teachers college..... 254
95	Education—school for the blind..... 255
96	Education—school for the deaf..... 256
97	Education—Iowa soldiers' orphans' home..... 257
98	Education—juvenile home..... 259
99	Education—county superintendent..... 261
100	Education—school districts..... 266
101	Education—school meetings—directors, powers, and duties..... 272
102	Education—evening schools..... 276
103	Education—appeals..... 277
104	Education—special meetings—report county superintendent..... 278
105	Education—school libraries..... 279
106	Education—standard schools..... 280
107	Education—teachers..... 280
108	Education—indebtedness of school districts..... 281
109	Education—school buildings and sites..... 282
110	Education—school funds and bonds..... 284
111	Education—compulsory..... 285
112	Education—textbooks..... 289
113	Education—funds..... 290
114	Education—state library—historical department..... 291
115	Education—state historical society..... 295
116	Education—Iowa geological survey..... 297
117	Establishment of highways..... 299
118	Drainage of highways..... 301
119	State highway commission..... 303
120	State road districts..... 304
121	County road, bridge and culvert system, and taxation therefor..... 305
122	Patrolling of highways..... 311
123	Township road system..... 312
124	Road poll tax (withdrawn)..... 315
125	Destruction of weeds..... 316



TABLE OF BRIEFS

IX

Bill No.	Page
126 Removal of obstructions from highways.....	318
127 Road improvement associations.....	319
128 Private use of highways.....	320
129 Board of supervisors.....	321
130 Powers and duties of supervisors.....	323
131 County auditor.....	326
132 County treasurer.....	327
133 County recorder.....	327
134 County attorney.....	328
135 Sheriff .....	330
136 Coroner .....	331
137 County officers, deputies and compensation.....	332
138 Submission of questions to voters.....	337
139 County bonds.....	339
140 Support of the poor.....	341
141 County homes.....	343
142 County public hospitals and detention hospitals for contagious diseases.....	344
143 County aid for the blind.....	347
144 Relief for soldiers, sailors, and marines.....	348
145 Official newspapers.....	349
146 Bounties on wild animals.....	351
147 Relocation of county seats.....	353
148 Changing names of villages.....	355
149 Land surveys.....	356
150 Jails .....	357
151 Townships and township officers.....	359
152 Township halls.....	363
153 Municipal corporations—incorporations.....	364
154 Municipal corporations—organization and officers.....	366
155 Municipal corporations—civil service commission.....	369
156 Municipal corporations—ordinances.....	373
157 Municipal corporations—mayor's and police courts.....	374
158 Municipal corporations—general powers.....	375
159 Municipal corporations—park tax.....	380
160 Municipal corporations—board of public works.....	381
161 Municipal corporations—river front commission.....	382
162 Municipal corporations—comfort stations.....	383
163 Municipal corporations—juvenile playgrounds.....	384
164 Municipal corporations—city hall.....	385
165 Municipal corporations—public libraries.....	386
166 Municipal corporations—hospitals.....	387
167 Municipal corporations—bridges.....	388
168 Municipal corporations—streets and public grounds.....	389
169 Municipal corporations—special assessments—street improvements and sewers.....	391
170 Municipal corporations—protection of city property.....	401
171 Municipal corporations—street improvement and sewer bonds.....	402
172 Municipal corporations—public utilities.....	403
173 Municipal corporations—waterworks.....	405
174 Municipal corporations—waterworks in cities of one hundred thousand.....	406
175 Municipal corporations—street railway regulations.....	407
176 Municipal corporations—condemnation.....	408
177 Municipal corporations—taxation.....	410
178 Municipal corporations—indebtedness.....	415
179 Municipal corporations—bonds.....	420
180 Municipal corporations—plats.....	422
181 Municipal corporations—policemen's and firemen's pension funds.....	423
182 Municipal corporations—special charter cities.....	425
183 Taxation .....	428
184 Taxation—collateral inheritance tax (withdrawn).....	431
185 Drainage .....	432
186 Water power improvement.....	474
187 Eminent domain.....	478
188 Board of railroad commissioners.....	484
189 Commerce counsel.....	487
190 Construction and operation of railways.....	488
191 Electric wires, transmission lines, and franchises.....	493
192 Voting taxes in aid of railways.....	496
193 Cattle guards and highway crossings.....	499
194 Liability for negligence of employees.....	500

Bill No.	Page
195	Railway crossings..... 501
196	Regulation of carriers and definition of terms..... 502
197	Free or reduced transportation prohibited..... 503
198	Schedules of rates and charges by common carriers..... 504
199	Crossings of railways and duty of employees (withdrawn)..... 505
200	Interurban railways..... 506
201	Corporations for pecuniary profit..... 509
202	Corporate stock..... 510
203	Cooperative associations..... 511
204	Failure of consideration of written contracts..... 512
205	Insurance department..... 513
206	Life insurance companies..... 514
207	Insurance other than life..... 515
208	Banking department..... 516
209	Building and loan associations (withdrawn)..... 516
210	Unfair discrimination..... 517
211	Pools and trusts..... 518
212	Certain special liens..... 519
213	Marriages and incest..... 530
214	Conveyance of property—insanity or abandonment of either spouse..... 533
215	Remarriage of divorced persons..... 534
216	Guardianship (withdrawn)..... 534
217	Guardianship (withdrawn)..... 534
218	Adoption..... 535
219	Justice of the peace court—security for costs..... 536
220	Municipal courts..... 537
221	Superior courts..... 543
222	District courts..... 544
223	Judges..... 545
224	Court rules for conciliation..... 546
225	Clerk of the district court..... 547
226	Parties to actions..... 548
227	Place of bringing actions..... 549
228	Manner of commencing actions..... 550
229	Pleadings..... 551
230	Depositions..... 553
231	Trial and judgment..... 554
232	Instructions..... 555
233	Costs..... 556
234	Examination of debtors..... 556
235	Probate court..... 557
236	Estates of decedents..... 558
237	Wills and letters of administration..... 559
238	Notice of sale of real estate of deceased persons (withdrawn)..... 560
239	Distribution of intestate property..... 560
240	Compensation of executors and administrators (withdrawn)..... 560
241	Foreclosure of mortgages on personal property..... 561
242	Nuisances..... 562
243	Forcible entry or detention..... 563
244	Paternity of illegitimate children..... 563
245	Clerk of supreme court..... 564
246	Procedure in supreme court..... 565
247	Carrying dangerous weapons..... 567
248	Larceny..... 568
249	Lascivious conduct with children..... 569
250	State police..... 570
251	Security from witnesses in criminal cases..... 572
252	Appeals in criminal cases..... 573
253	Dismissal of criminal proceedings..... 573
254	Labor and material on public improvements..... 574
255	State printing board..... 577
256	Guardianship and estate matters..... 579
257	Cigarettes and tobacco..... 581
258	Municipal corporations—commission form of government..... 586
259	Commissioners in other states..... 590
260	Public health..... 593
261	Regulation and inspection of foods, drugs, and other articles..... 665
262	The practice of medicine, surgery, podiatry, osteopathy, chiropractic, nursing, dentistry, optometry, pharmacy, and embalming..... 724

# BRIEFS

OF

# Code Commissioners' Bills

Authorized by Chapter Three Hundred Thirty-three, Acts of the  
Thirty-ninth General Assembly

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BRIEF OF CODE COMMISSIONERS' BILL NO. 1

Prepared by U. G. Whitney

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Subject: **FORM OF BILLS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	
2	New	
3	New	
4	New	
5	New	
6	C.C. 42, entire 43, entire	Note changes in phraseology.
7	New	
8	New	
9	New	
10	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 2

Prepared by U. G. Whitney

Subject: **ACQUISITION OF LANDS BY UNITED STATES**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 4, entire 5, entire 6, entire 7, entire 8, entire 4962, entire	Forty-five lines condensed in eleven lines.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 3

Prepared by U. G. Whitney

Subject: **COMMITTEE ON BILLS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	
2	New	
3	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 4

Prepared by U. G. Whitney

Subject: **LAWS EFFECTIVE BY PUBLICATION**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 53, entire	Condensed in half the words of present statute.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 5

Prepared by U. G. Whitney

**Subject: PUBLICATION OF SESSION LAWS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 56, lines 1-8 lines 8-13 line 14	See sec. 3 of bill.  Matters omitted: 1. Diligence in doing the work. 2. Reference to judges supreme court. 3. Order for chapterizing legislative acts. Theory impracticable.
2	C.C. 57, entire	Matters omitted: 1. Reference to "supplies". Covered by C.B. 14, sec. 25.
3	C.C. 56, lines 8-13	Diligence in printing omitted.
4	C.C. 59, entire	"Under his facsimile signature" is only change.
5	C.C. 61, entire	Matters omitted: 1. Reference to judges supreme court. 2. Reference to paying printing bills. Covered by printing laws. (39 G.A., ch. 286.)

## BRIEF OF CODE COMMISSIONERS' BILL NO. 6

Prepared by U. G. Whitney

## Subject: DISTRIBUTION OF CODES AND SESSION LAWS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 62, lines 1-2 lines 2-18 68, lines 1-2 lines 1-20 lines 18-20 lines 20-22	See also sec. 2 of bill. See secs. 2 and 3 of bill.  See sec. 2 of bill. See sec. 3 of bill. See sec. 4 of bill.
2	C.C. 62, lines 1-2 lines 2-18 68, lines 1-20	See also sec. 1 of bill. See also sec. 3 of bill.  1. C.C. 62 relates to session laws. C.C. 68 relates to codes. The two sections are combined to include supplements. 2. The ten copies to state historical society reduced to five at request of society. 3. It is made clear that the secretary of state does not distribute to justices, mayors, and township clerks. 4. Sec. 2 of bill, subsec. 19 is practically a copy of lines 14 and 15 of sec. 224-j, S.S. '15.
2-a1	New	
3	C.C. 62, lines 2-18 63, lines 1-2 lines 3-8 lines 8-11 68, lines 18-20 69, lines 1-3 lines 8-10 lines 3-8 lines 10-13	See also sec. 2 of bill.  See sec. 5 of bill. See sec. 6 of bill.  See sec. 5 of bill. See sec. 6 of bill.
4	C.C. 68, lines 20-22 70, lines 1-3 lines 3-9	See sec. 7 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	C.C. 63, lines 3-8 69, lines 3-8	
6	C.C. 63, lines 8-11 69, lines 10-13	
7	C.C. 64, entire 70, lines 3-9	"Monthly" payments to state treasurer omitted. See C.C. 717 and C.B. 40, sec. 4.
8	C.C. 65, lines 1-8 lines 8-16 71, lines 1-8 lines 8-16	See sec. 9 of bill. See sec. 9 of bill.
9	C.C. 65, lines 8-16 71, lines 8-16	
10	C.C. 66, lines 1-9 lines 9-13 72, lines 1-8 lines 8-13	See sec. 11 of bill. See sec. 11 of bill.
11	C.C. 66, lines 9-13 72, lines 8-13	
12	C.C. 67, entire	Free distribution of session laws of the 36th and preceding assemblies authorized.
13	C.C. 75, entire 76, entire  74, entire	Reference to distribution of "documents" by secretary of state omitted. Such distribution has, for years, been made by document editor, now superintendent of printing. Omitted. Exchange of statute laws with other countries is now made through law library. See sec. 2 of bill, subsec. 1.
14	C.C. 73, lines 1-13 lines 13-20	See sec. 15 of bill.
15	C.C. 73, lines 13-20	Reference to payment omitted as superfluous.

**BRIEF OF CODE COMMISSIONERS' BILL NO. 7**

Prepared by U. G. Whitney

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**Subject: GOVERNOR**

<b>SEC. OF BILL</b>	<b>SOURCE OF BILL SECTION</b>	<b>EXPLANATORY NOTES</b>
<b>1</b>	<b>C.C. 94, entire</b>	Section largely condensed. Budget may be submitted after delivery of governor's message.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 8

Prepared by U. G. Whitney

## Subject: AUDITOR OF STATE—UNIFORM SYSTEM OF ACCOUNTS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 118, subsec. 7, lines 27-29 lines 29-36	<i>Omitted because repetition of first sentence of C.C. 127, 128, and 130.</i>
2	C.C. 127, lines 1-6 lines 15-19 lines 5-6 lines 7-14 128, lines 1-6 lines 6-17 129, entire 130, lines 1-7 lines 8-10 4359, lines 3-5 lines 1-3	Combines parts of three sections. <i>See sec. 3 of bill.</i> <i>Omitted as obsolete.</i> <i>Omitted as obsolete.</i> <i>Omitted as unnecessary. Printing of blanks is handled as ordinary printing.</i> <i>See sec. 3 of bill.</i> See also C.B. 182, sec. 14. <i>See C.B. 182, sec. 14.</i>
3	C.C. 127, lines 5-6 130, lines 8-10 131, lines 1-3 lines 3-14	<i>Omitted. Omission of the specific duty would furnish grounds for removal from office—a remedy more effective than non-enforced "penalties". Then, again, omission of specific duty necessarily affords ground for mandamus.</i>
4	C.C. 133, lines 1-6 lines 7-15 lines 16-28 lines 28-36 lines 36-44 lines 44-51 lines 51-55 lines 55-60 lines 60-64 S.C.C. 135, lines 1-4 lines 5-6 lines 6-7	<i>See sec. 8 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 9 of bill.</i> <i>See sec. 10 of bill.</i> <i>See sec. 9 of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 12 of bill.</i> <i>See sec. 13 of bill.</i>  <i>See sec. 9 of bill.</i> <i>See sec. 7 of bill.</i>

## C. B. 8 AUDITOR OF STATE—UNIFORM SYSTEM OF ACCOUNTS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	lines 8-14 lines 15-17 lines 17-20 <b>C.C. 4359, lines 3-5</b>	See sec. 11 of bill. See sec. 15 of bill. See sec. 16 of bill.
5	<b>S.C.C. 132, lines 1-14</b> lines 15-24 lines 18-24 lines 25-30 <b>135, lines 1-4</b>	See sec. 6 of bill. See sec. 15 of bill. See sec. 16 of bill.
6	<b>S.C.C. 132, lines 15-24</b>	
7	<b>C.C. 133, lines 16-28</b> <b>S.C.C. 135, lines 6-7</b>	
8	<b>C.C. 133, lines 7-15</b> <b>S.C.C. 135, lines 1-4</b>	Extent of examination made uniform for both cities and counties.
9	<b>C.C. 133, lines 28-36</b> lines 44-51 <b>S.C.C. 135, lines 5-6</b>	Reference to perjury omitted because willful false swearing is always perjury.
10	<b>C.C. 133, lines 36-44</b>	
11	<b>C.C. 133, lines 51-55</b> <b>S.C.C. 135, lines 8-14</b>	
12	<b>C.C. 133, lines 55-60</b>	
13	<b>C.C. 133, lines 60-64</b>	
14	<b>C.C. 134, lines 1-9</b>  lines 9-10 lines 9-14 <b>136, entire</b>	Conflict between C.C. 134 and 136 eliminated. See sec. 15 of bill. See sec. 16 of bill.
15	<b>S.C.C. 132, lines 18-24</b> <b>C.C. 134, lines 9-10</b> <b>S.C.C. 135, lines 15-17</b>	
16	<b>S.C.C. 132, lines 25-30</b> <b>C.C. 134, lines 9-14</b> <b>S.C.C. 135, lines 17-20</b>	The warrant-issuing officer is directed to immediately do that which is now done by the council or supervisors.
17	<b>C.C. 274, lines 1-14</b>	“At the time provided by law” substituted for specific date to harmonize with C.B. 255.  Provision relative to time covered by report omitted as C.B. 255 takes care of this matter.  Auditor is now ex officio secretary of board of audit (S.C.C. 276). As such he must keep record of all claims. As auditor he also has custody of all vouchers on which warrants have been issued.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
17	<i>lines 15-20</i> <i>lines 20-23</i> <i>lines 23-26</i> <i>lines 26-31</i>	Hence he has full data for said report. Why maintain another force in office of executive council to enable it to issue report? <i>See C.B. 15, sec. 6.</i> <i>Omitted. Reference is to repealed statute.</i> <i>See sec. 18 of bill.</i> <i>Omitted. Biennial salary act must provide for assistants.</i>
18	C.C. 274, lines 23-26	Guards against any possible lack of data.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 9

Prepared by U. G. Whitney

**Subject: TREASURER OF STATE—APPROPRIATIONS****General Explanation**

Sections one hundred forty-six (146) and one hundred forty-seven (147) of the compiled code, relate to the abandoned system of governing state institutions by separate boards or trustees. They are obsolete and wholly omitted from the bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 148, entire 149, entire S.C.C. 150, lines 1-8 <i>lines 9-13</i> C.C. 151, entire	<i>See sec. 2 of bill.</i>
2	S.C.C. 150, lines 9-13	
3	C.C. 153, entire	Question of appeal is left to executive council.
4	C.C. 154, entire 157, entire	Warrant is made to clerk of court instead of attorney general. Warrant itself is receipt.
5	C.C. 155, entire 156, entire	
6	C.C. 158, entire 159, entire 160, entire	Procedure much simplified.
7	C.C. 144, entire	1. "At the time provided by law" substituted for specific date to harmonize with C.B. 255. 2. Provision relative to time covered by report omitted as C.B. 255 takes care of this matter.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 10

Prepared by U. G. Whitney

## Subject: ATTORNEY GENERAL

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 161, entire S.C.C. 164, lines 1-2 <i>lines 2-6</i>	<i>See sec. 6 of bill.</i>
2 (1)*	C.C. 162, lines 1-3  <i>lines 4-8</i> <i>lines 9-20</i> <i>lines 21-22</i> <i>lines 23-25</i> <i>lines 26-29</i> <i>lines 30-31</i> <i>lines 32-34</i> <i>lines 35-38</i> <i>lines 39-40</i>	“Except as otherwise provided” is new. See sec. 3 of bill. <i>See sec. 2 of bill, subsec. 2.</i> <i>See sec. 2 of bill, subsec. 4.</i> <i>See sec. 2 of bill, subsec. 5.</i> <i>See sec. 2 of bill, subsec. 6.</i> <i>See sec. 2 of bill, subsec. 7.</i> <i>See sec. 2 of bill, subsec. 3.</i> <i>See sec. 2 of bill, subsec. 8.</i> <i>See sec. 2 of bill, subsec. 9.</i> <i>See sec. 2 of bill, subsec. 10.</i>
2 (2)*	C.C. 162, lines 4-8	
2 (3)*	C.C. 162, lines 30-31	
2 (4)*	C.C. 162, lines 9-20	
2 (5)*	C.C. 162, lines 21-22	
2 (6)*	C.C. 162, lines 23-25	“At the time provided by law” substituted for “preceding each general assembly” to harmonize with C.B. 255.
2 (7)*	C.C. 162, lines 26-29	
2 (8)*	C.C. 162, lines 32-34	
2 (9)*	C.C. 162, lines 35-38	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2 (10)*	C.C. 162, lines 39-40	
3	New	Covers a condition not covered in present law.
4	C.C. 165, entire	Provision as to number and salary of assistants omitted. Covered by biennial salary act. (39 G.A., ch. 340, sec. 7.)
5	C.C. 163, lines 1-9  <i>lines 9-10</i>	Showing by attorney general, and employment by council must precede the rendering of the services. <i>Omitted. Covered by board of audit law.</i>
6	S.C.C. 164, lines 2-6	Assistants are reimbursed for expenses.

\* Indicates subsection.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 11

Prepared by U. G. Whitney

**Subject: REPORTER SUPREME COURT**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8478, entire 8479, entire	These two C.C. sections codified in C.B. 245, so far as clerk of the supreme court is concerned.
2	C.C. 166, lines 1-3 lines 4-6 lines 6-8	<i>Omitted. Unnecessary. Otherwise covered. See C.B. 14, secs. 18 and 25.</i> <i>Omitted. Unnecessary. Everybody in use of library is subject to orders of library authorities.</i>
3	C.C. 167, entire	Time limit on custody of opinions omitted. Unnecessary.
4	C.C. 168, entire	Time limit omitted. Wholly impracticable.
5	S.C.C. 169, lines 1-4 lines 15-19 lines 4-14 lines 19-20	Vol. 178 is declared standard in order to preserve uniformity of system of reports. <i>See sec. 7 of bill.</i> <i>See sec. 8 of bill.</i>
6	New	Self-explanatory.
7	S.C.C. 169, lines 4-14	Audit by secretary of state omitted. Wholly in conflict with board of audit act. See C.B. 15.
8	S.C.C. 169, lines 19-20	Duty placed on executive council to fix price. Matter not covered by present statute.
9	C.C. 170, lines 1-13 lines 17-19 lines 13-17	1. Librarian states that 75 volumes will effect all exchanges. 2. Historical society states 5 volumes are sufficient for its purposes. <i>See sec. 10 of bill.</i>
10	C.C. 170, lines 13-17	Formerly the library received more than sufficient volumes to effect exchanges. S.C.C. 169 providing for purchase of

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10		volumes necessarily demands that the library be limited to a number sufficient for such purposes.
11	<b>C.C. 171, entire</b>	
12 (1)*	<b>New</b>	See 38 G.A., ch. 50, sec. 5.
12 (2)*	<b>C.C. 173, lines 1-6</b> <b>lines 15-22</b> <i>lines 7-14</i> <i>lines 23-26</i> <b>S.C.C. 173-a4,</b> <b>lines 5-8</b> <i>lines 1-5</i> <i>lines 9-19</i>	<i>See sec. 12 of bill, subsec. 4.</i> <i>Omitted. Obsolete.</i>  <i>See sec. 12 of bill, subsec. 4.</i> <i>Omitted. Temporary.</i>
12 (3)*	<b>S.C.C. 173-a1,</b> <b>lines 1-7</b> <i>lines 7-8</i> <i>lines 8-10</i> <b>173-a3,</b> <b>lines 1-5</b> <i>lines 5-6</i>	<i>See sec. 13 of bill.</i> <i>Omitted. Temporary.</i>  <i>See sec. 15 of bill.</i>
12 (4)*	<b>C.C. 173, lines 7-14</b> <b>S.C.C. 173-a4,</b> <b>lines 5-8</b>	
12 (5)*	<b>New</b>	
13	<b>S.C.C. 173-a1,</b> <b>lines 7-8</b>	
14	<b>C.C. 174, entire</b>	
15	<b>C.C. 172, entire</b> <b>S.C.C. 173-a3,</b> <b>lines 5-6</b>	Digests have been included for copyright.
16	<b>S.C.C. 173-a2,</b> <b>lines 6-11</b> <i>lines 1-6</i> <b>175, entire</b>	<i>Omitted. Temporary.</i>

\* Indicates subsection.



CODE COMMISSIONERS' BILL NO. 12

**Subject: PUBLIC PRINTING AND BINDING, THE STATE BOARD OF  
PRINTING, AND THE DOCUMENT EDITOR**

**No brief prepared. Bill withdrawn.**

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CODE COMMISSIONERS' BILL NO. 13

**Subject: CUSTODIAN OF PUBLIC BUILDINGS AND GROUNDS**

**No brief prepared. Bill withdrawn.**

## BRIEF OF CODE COMMISSIONERS' BILL NO. 14

Prepared by U. G. Whitney

## Subject: EXECUTIVE COUNCIL

## General Explanation

The enactment of the board of audit act (chapter 13, title II), and the state board of printing act (S.C.C. 241-a1, et seq.), relieves the secretary of the executive council of numerous duties. To clear the statute of this dead material it is necessary in this bill to codify all of chapter twelve (12), title two (II) except:

1. C.C. 274 which is codified as follows;
  - a. Lines 1-14, 20-31 in C.B. 8,
  - b. Lines 15-20 in C.B. 15, and
2. C.C. 275 which is codified in C.B. 255.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 248, entire	
2	C.C. 249, entire 250, lines 1-3	
	lines 4-11	See sec. 3 of bill.
	lines 12-18	See sec. 4 of bill.
	lines 19-25	Omitted. Duty is now assigned to auditor of state. See S.C.C. 276.
	lines 26-27	See sec. 5 of bill.
	lines 28-29	Omitted. Matter now rests with board of audit. See C.B. 15.
	lines 30-32	Omitted. Duty transferred to printing board. See S.C.C. 241-a30.
	lines 33-34	See sec. 5 of bill.
	lines 35-36	Omitted. Superfluous.
	lines 37-39	See sec. 6 of bill.
	lines 40-41	Omitted. Duty transferred to board of audit. See C.C. 279.
	lines 42-43	See sec. 6 of bill.
	lines 43-48	Omitted. Duty transferred to printing board. See S.C.C. 241-a10, et seq.
	lines 49-50	Omitted. Duty transferred to board of audit. See C.C. 279.
	lines 51-53	See sec. 6 of bill.
	lines 54-55	Omitted. Unnecessary.
	lines 56-69	See sec. 7 of bill.
	lines 70-73	See C.B. 8.
	lines 74-77	See sec. 8 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2	<i>lines 78-80</i> <i>lines 81-83</i>	<i>See sec. 5 of bill.</i> <i>See C.B. 32.</i>
3	<b>C.C. 250, lines 4-11</b>	
4	<b>C.C. 250, lines 12-18</b>	
5	<b>C.C. 250, lines 26-27</b> <b>lines 33-34</b> <b>lines 78-80</b>	
6	<b>C.C. 250, lines 37-39</b> <b>lines 42-43</b> <b>lines 51-53</b>	
7	<b>C.C. 250, lines 56-69</b>	
8	<b>C.C. 250, lines 74-77</b>	
9	<b>C.C. 251, entire</b>	
10	<b>C.C. 252, entire</b>	
11	<b>C.C. 253, entire</b>	
12	<b>C.C. 254, entire</b>	
13	<b>C.C. 255, lines 1-7</b> <i>lines 8-17</i> <i>lines 17-21</i> <i>lines 21-27</i>	<i>See sec. 14 of bill.</i> <i>See sec. 15 of bill.</i> <i>See sec. 16 of bill.</i>
14	<b>C.C. 255, lines 8-17</b>	
15	<b>C.C. 255, lines 17-21</b>	
16	<b>C.C. 255, lines 21-27</b>	
17	<b>S.C.C. 297, lines 4-12</b> <i>lines 1-3</i>	<i>See C.B. 18, sec. 1.</i>
18	<b>C.C. 256, entire</b> <b>258, lines 1-4</b> <i>lines 5-10</i> <i>lines 10-15</i>	<i>See sec. 19 of bill.</i> <i>Omitted as unnecessary. See C.B. 15, sec. 6.</i> Reference to temple of justice new. Permanent quarters for G. A. R. new. Inserted at the request of said organization.
19	<b>C.C. 258, lines 5-10</b> <b>259, lines 1-6</b> <i>lines 8-10</i> <i>lines 6-8</i> <i>lines 10-13</i>	<i>See sec. 22 of bill.</i> <i>See C.B. 255.</i> <i>See sec. 23 of bill.</i>
20	<b>C.C. 260, lines 1-7</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
20	lines 12-16 lines 8-10 lines 10-12  lines 16-19	<i>See C.B. 15, sec. 6.</i> <i>Omitted as unnecessary. See C.B. 15, sec. 9.</i> <i>Omitted as unnecessary. See C.B. 15, sec. 6.</i>
21	C.C. 261, lines 1-5 lines 5-11	<i>Omitted as unnecessary. See C.B. 15, sec. 6.</i>
22	C.C. 259, lines 8-10	
23	C.C. 259, lines 10-13	
24	C.C. 262, lines 1-4 lines 4-15 lines 15-17 lines 17-19  263, lines 7-9 lines 1-7 lines 9-12 lines 12-16	<i>See sec. 25 of bill.</i> <i>See sec. 26 of bill.</i> <i>See sec. 27 of bill.</i>  <i>See sec. 27 of bill.</i> <i>See sec. 28 of bill.</i> <i>See C.B. 255, sec. 4.</i>
25	C.C. 262, lines 4-15	All departments entitled to supplies are here enumerated. "Dairy and Food Commissioner" omitted to harmonize with C.B. 261.
26	C.C. 262, lines 15-17	
27	C.C. 262, lines 17-19 263, lines 1-7	
28	C.C. 263, lines 9-12	
29	C.C. 264, entire 266, lines 1-4 lines 5-14 268, entire	<i>See sec. 30 of bill.</i>
30	C.C. 265, entire 266, lines 5-14	
31	C.C. 267, entire	
32	C.C. 272, lines 1-9 lines 10-17 lines 18-30 lines 30-37 lines 38-41	<i>See sec. 33 of bill.</i> <i>See sec. 35 of bill.</i> <i>See sec. 34 of bill.</i> <i>See sec. 36 of bill.</i>
33	C.C. 272, lines 10-17	
34	C.C. 269, entire 272, lines 30-37	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
35	C.C. 272, lines 18-30	
36	C.C. 272, lines 38-41	
37	C.C. 273, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 15

Prepared by U. G. Whitney

## Subject: STATE BOARD OF AUDIT—PAYMENT OF CLAIMS

## General Explanation

Under present law the executive council is required to issue the biennial financial report. To enable it to do so the law created a confused system of *duplicate* vouchers for every claim. S. C. C. 276 now makes the auditor of state *ex officio* secretary of the board of audit and custodian of its records. As secretary of the board of audit he is custodian of all vouchers filed with the board, and as auditor of state he is custodian of the final approved voucher. He, therefore, has all data for the biennial financial report. The reason for duplicate vouchers no longer exists.

This bill abolishes the confused system of duplicate vouchers and substitutes a simple one-voucher system, and C. B. 8 requires the state auditor to prepare the biennial financial report.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 276, lines 1-4 lines 4-6	See sec. 2 of bill.
2	S.C.C. 276, lines 4-6	
3	C.C. 277, lines 1-8 lines 7-8 lines 5-6 lines 8-15 278, lines 11-13 lines 1-11 281, lines 1-3 lines 3-6	Made more explicit as to what is a fixed salary. See sec. 9 of bill. See sec. 8 of bill. Omitted as temporary and unnecessary. See sec. 4 of bill. See sec. 5 of bill.
4	C.C. 278, lines 1-11	
5	C.C. 279, entire 280, entire 281, lines 3-6	Omitted. Unnecessary. All members are already under oath and bond.
6	C.C. 260, lines 8-10 lines 1-7 lines 10-19 274, lines 15-20	See C.B. 14, sec. 20, and "Explanatory Notes" of brief covering same.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	<i>lines 1-14</i> <i>lines 20-31</i> } <b>282, lines 1-6</b> <i>lines 6-9</i> <i>lines 9-10</i> <i>lines 11-14</i> <i>lines 15-19</i> <i>lines 19-29</i>	<i>See C.B. 8, secs. 17 and 18, and "Explanatory Notes" of brief covering same.</i>  <i>See sec. 7 of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 10 of bill.</i> <i>See sec. 11 of bill.</i> <i>Omitted. Obsolete. These lines refer to a condition when various institutions had separate boards.</i>
7	<b>C.C. 282, lines 6-9</b>	
8	<b>C.C. 277, lines 5-6</b>	Made more definite as to what is a fixed salary.
9	<b>C.C. 277, lines 7-8</b>	
10	<b>C.C. 282, lines 11-14</b>	
11	<b>C.C. 282, lines 9-10</b> <b>lines 15-19</b>	
12	<b>C.C. 714, entire</b>	
13	<b>C.C. 715, lines 8-12</b> <i>lines 1-6</i> <i>lines 6-8</i>	<i>Omitted. Superfluous. See secs. 4 and 8 of bill.</i> <i>See C.B. 40, sec. 6.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 16

Prepared by U. G. Whitney

## Subject: CENSUS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 283, lines 1-4 lines 4-9 lines 9-11 lines 12-17 lines 18-20 lines 20-23 lines 23-27	See sec. 2 of bill. See sec. 4 of bill. See sec. 3 of bill. See sec. 4 of bill. See sec. 6 of bill. See sec. 5 of bill.
2	C.C. 283, lines 4-9	
3	C.C. 283, lines 12-17	
4	C.C. 283, lines 9-11 lines 18-20	
5	C.C. 283, lines 23-27	
6	C.C. 283, lines 20-23	
7	C.C. 284, lines 1-6 lines 6-23 lines 23-26 lines 26-32 lines 32-40	See sec. 8 of bill. See sec. 9 of bill. See sec. 10 of bill. See sec. 11 of bill.
8	C.C. 284, lines 6-23	
9	C.C. 284, lines 23-26	
10	C.C. 284, lines 26-32	
11	C.C. 284, lines 32-40	
12	C.C. 285, entire	
13	C.C. 286, entire	
14	C.C. 287, entire 289, lines 3-7 lines 1-3	Certification to record is new; former certification was to published census. See sec. 16 of bill.
15	C.C. 288, entire	
16	C.C. 289, lines 1-3	
17	C.C. 291, entire	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18	<b>C.C. 292, lines 1-6</b> <b>lines 15-17</b> <i>lines 6-13</i> <i>lines 13-15</i> <i>lines 17-18</i> <i>lines 18-24</i>	<i>See sec. 19 of bill.</i> <i>See sec. 20 of bill.</i> <i>See sec. 19 of bill.</i> <i>See sec. 21 of bill.</i>
19	<b>C.C. 292, lines 6-13</b> <b>lines 17-18</b>	
20	<b>C.C. 292, lines 13-15</b>	
21	<b>C.C. 290, entire</b> <b>292, lines 18-24</b>	All certified records are made evidence. Last sentence is new.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 17

Prepared by U. G. Whitney

Subject: **DEPUTIES OF STATE OFFICERS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 293, lines 1-7 <i>lines 7-11</i>	<i>See sec. 2 of bill.</i>
	294, lines 1-7 <i>lines 7-11</i>	<i>See sec. 2 of bill.</i>
	295, lines 1-7 <i>lines 7-11</i>	<i>See sec. 2 of bill.</i>
2	S.C.C. 293, lines 7-11 294, lines 7-11 295, lines 7-11	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 18

Prepared by U. G. Whitney

Subject: **REPORTS OF OFFICERS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 297, lines 1-3 <i>lines 4-12</i>	<i>See C.B. 14, sec. 17.</i>
2	C.C. 5421, lines 1-8  <i>lines 8-12</i>	“At the time provided by law” substituted for specific date to harmonize with C.B. 255. Section of bill largely new. <i>See C.B. 201.</i>
3	C.C. 298, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 19

Prepared by J. C. Mabry

**Subject: MEMORIAL HALLS AND MONUMENTS FOR SOLDIERS,  
SAILORS, AND MARINES**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3348, lines 1-6 (in part) lines 7-9 lines 9-14 lines 15-19 3349, lines 12-14 lines 1-12 3765, lines 1-5  lines 6-19	See also sec. 2 of bill.  See sec. 4 of bill. Omitted to harmonize with sec. 8 of bill. See sec. 14 of bill.  See secs. 9 and 11 of bill. C.C. 3765 modified to allow cities and towns to erect monuments. See also sec. 5 of bill. See sec. 13 of bill.
2	C.C. 3348, lines 1-6 (in part) 3768, lines 1-5  lines 1-9 lines 9-19 lines 19-24	Line 2, "regular organizations of war veterans" substituted for "grand army". Modified making fifteen per cent legal voters applicable to harmonize with lines 1-3 of C.C. 3768. See sec. 3 of bill. See sec. 4 of bill. See sec. 3 of bill.
3	C.C. 3768, lines 1-9 lines 19-24	
4	C.C. 3348, lines 7-9 3768, lines 9-19	
5	C.C. 3765, lines 1-4	Lines 5-6 of bill section added for clarity.
6	S.C.C. 3767, lines 1-12 lines 13-18	Cross reference omitted as unnecessary. See sec. 7 of bill.
7	S.C.C. 3767, lines 13-18	
8	S.C.C. 3769, lines 1-5 lines 5-6	See C.B. 154, sec. 16.
9	C.C. 3349, lines 1-12 (in part) 3350, entire	Modified as to manner of administration.
10	C.C. 3351, entire	

## MEMORIAL HALLS AND MONUMENTS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	<b>S.C.C. 3352, entire</b>	Modified so as to provide for each organization making nominations and for board appointing, if no nomination is made.
11	<b>C.C. 3349, lines 1-12 (in part)</b>	Modified as to manner of disbursements to harmonize with other provisions.
12	<b>C.C. 3770, entire</b>	"Or to the Commission" is new.
13	<b>C.C. 3765, lines 6-19</b>  <b>3353, entire</b>	Divided into subsections for clarity.  Provision relative to community civic congress covered by C.B. 154, sec. 16, subsec. 13.
14	<b>C.C. 3348, lines 15-19</b>	Broadened as to inscriptions and record to conform to whole purpose of bill.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 20

Prepared by U. G. Whitney

**Subject: TIME OF HOLDING ELECTIONS—TERMS OF OFFICERS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 343, entire	
2	C.C. 344, entire	
3	C.C. 345, lines 1-4 lines 7-20 lines 4-7	<i>See sec. 4 of bill.</i>
4	C.C. 345, lines 4-7	
5	C.C. 346, entire	
6	C.C. 347, entire	
7	C.C. 348, entire	
8	C.C. 349, entire	
9	C.C. 350, entire	
10	C.C. 365, lines 4-6 lines 1-4	<i>See C.B. 21, sec. 6.</i>
11	C.C. 351, entire 8456, entire	
12	C.C. 352, entire	Actual day of commencement of terms is given.
13	C.C. 353, lines 1-6 lines 6-9	<i>Omitted. Temporary.</i>
14	C.C. 354, entire	
15	C.C. 355, lines 1-4	“To succeed those whose terms are about to expire” and “in each even-numbered year” omitted as temporary.
16	C.C. 356, entire	
17	C.C. 357, lines 1-5 lines 6-12 lines 12-19	<i>See sec. 18 of bill.</i> <i>See sec. 19 of bill.</i>
18	C.C. 357, lines 6-12 358, entire	

## C. B. 20      TIME OF HOLDING ELECTIONS—TERMS OF OFFICERS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
19	C.C. 357, lines 12-19	
20	C.C. 359, entire	
21	C.C. 360, lines 1-4 lines 2-9	<i>See sec. 22 of bill.</i>
22	C.C. 360, lines 2-9	Assessors within cities and towns are provided for in C.C. 3516-3518 and 4224.
23	C.C. 361, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 21

Prepared by U. G. Whitney

**Subject: NOMINATIONS BY PRIMARY ELECTIONS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 362, entire	
2	C.C. 363, entire	C.C. 363 and 396 both define "political parties" as those casting 2% of the vote, but the enactment of 363 necessarily withdrew all political parties from the operation of 396.
3	C.C. 364, lines 1-7 lines 7-10 lines 10-13	See sec. 4 of bill. See sec. 5 of bill.
4	C.C. 364, lines 7-10	
5	C.C. 364, lines 10-13	
6	C.C. 365, lines 1-4  lines 4-6	Vacancies in office of U. S. senator are temporarily filled by appointment by the governor (1) when the U. S. senate is in session when the vacancy occurs or (2) when such senate will meet prior to the next biennial election. See C.C. 668 and C.B. 35. See C.B. 20, sec. 10.
7	C.C. 366, lines 1-4 lines 4-11	Omitted, superfluous.
8	C.C. 367, lines 1-6 lines 7-12	See sec. 9 of bill.
9	C.C. 367, lines 7-12	
10	New	
11	S.C.C. 368, lines 1-17 lines 1-2 lines 7-8 lines 14-15 lines 17-20 lines 58-64 lines 20-31 lines 31-43 lines 43-44	} See sec. 13 of bill. } See sec. 21 of bill. } See sec. 14 of bill. } See sec. 15 of bill. } See sec. 16 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11	<i>lines 44-53</i>	<i>See sec. 17 of bill.</i>
	<i>lines 53-56</i>	} <i>See sec. 18 of bill.</i>
	<i>lines 64-79</i>	
	<i>lines 56-58</i>	<i>See sec. 19 of bill.</i>
	<i>lines 80-98</i>	<i>See sec. 20 of bill.</i>
	<i>lines 99-100</i>	<i>See C.B. 26, sec. 12.</i>
12	New	
13	S.C.C. 368, lines 1-2 lines 7-8 lines 14-15	
14	S.C.C. 368, lines 20-31	
15	S.C.C. 368, lines 31-43	
16	S.C.C. 368, lines 43-44	
17	S.C.C. 368, lines 44-53	
18	S.C.C. 368, lines 53-56 lines 64-79	
19	S.C.C. 368, lines 56-58	
20	S.C.C. 368, lines 80-98	
21	S.C.C. 368, lines 17-20 lines 58-64	
22	C.C. 369, lines 1-13	<i>See sec. 23 of bill.</i> <i>See sec. 24 of bill.</i> <i>See sec. 25 of bill.</i> <i>See sec. 26 of bill.</i>
	<i>lines 13-27</i>	
	<i>lines 27-32</i>	
	<i>lines 32-38</i>	
	<i>lines 38-41</i>	
23	C.C. 369, lines 13-27	
24	C.C. 369, lines 27-32	
25	C.C. 369, lines 32-38	
26	C.C. 369, lines 38-41	
27	C.C. 370, entire	
28	C.C. 371, lines 1-8	<i>See sec. 29 of bill.</i> <i>See sec. 30 of bill.</i> <i>See sec. 31 of bill.</i>
	<i>lines 8-12</i>	
	<i>lines 12-25</i>	
	<i>lines 25-28</i>	
29	C.C. 371, lines 8-12	
30	C.C. 371, lines 12-25	
31	C.C. 371, lines 25-28	
32	C.C. 372, entire	
33	C.C. 373, lines 1-6	<i>See sec. 34 of bill.</i>
	<i>lines 6-11</i>	



## NOMINATIONS BY PRIMARY ELECTIONS

C. B. 21

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
34	C.C. 373, lines 6-11	
35	C.C. 374, lines 1-4 lines 4-17 lines 18-21	See sec. 36 of bill. See sec. 37 of bill.
36	C.C. 374, lines 4-17	Most of lines 5-11 omitted. Unnecessary.
37	C.C. 374, lines 18-21	
38	C.C. 375, lines 1-3 lines 10-13 lines 3-4 lines 4-7 lines 7-10 lines 13-15 lines 15-20 lines 20-24	Omitted. Unnecessary. See sec. 38 of bill. See sec. 39 of bill. See sec. 40 of bill. See sec. 41 of bill. See C.B. 25, secs. 36 and 37.
39	C.C. 375, lines 4-7	
40	C.C. 375, lines 7-10 lines 13-15	
41	C.C. 375, lines 15-20	
42	C.C. 376, entire	C.C. 376 inaugurated the original list of party affiliations. Much of the section is obsolete and has been omitted.
43	C.C. 377, lines 1-11 lines 11-20	See sec. 44 of bill.
44	C.C. 377, lines 11-20	
45	C.C. 378, lines 1-6 lines 6-17	See sec. 46 of bill.
46	C.C. 378, lines 6-17	
47	C.C. 379, lines 1-23 lines 23-25 lines 29-32 lines 25-28 lines 32-36	See sec. 48 of bill. See sec. 50 of bill. See sec. 49 of bill.
48	C.C. 379, lines 23-25 lines 29-32	
49	C.C. 379, lines 32-36	
50	C.C. 379, lines 25-28	
51	C.C. 380, lines 1-7 lines 7-8 lines 8-10 lines 10-19	See sec. 52 of bill. See sec. 53 of bill. See sec. 55 of bill.

## NOMINATIONS BY PRIMARY ELECTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
51	<i>lines 19-28</i> <i>lines 28-30</i> <i>lines 30-39</i>	<i>See sec. 54 of bill.</i> <i>See sec. 56 of bill.</i> <i>See sec. 57 of bill.</i>
52	<b>C.C. 380, lines 7-8</b>	
53	<b>C.C. 380, lines 8-10</b>	
54	<b>C.C. 380, lines 19-28</b>	
55	<b>C.C. 380, lines 10-19</b>	
56	<b>C.C. 380, lines 28-30</b>	
57	<b>C.C. 380, lines 30-39</b>	
58	<b>C.C. 381, lines 1-10</b> <i>lines 10-13</i> <i>lines 13-20</i> <i>lines 20-22</i>	<i>See sec. 59 of bill.</i> <i>See sec. 60 of bill.</i> <i>See sec. 61 of bill.</i>
59	<b>C.C. 381, lines 10-13</b>	
60	<b>C.C. 381, lines 13-20</b>	
61	<b>C.C. 381, lines 20-22</b>	
62	<b>C.C. 382, entire</b>	
63	<b>C.C. 383, lines 1-3</b> <i>lines 3-11</i>	<i>See sec. 64 of bill.</i>
64	<b>C.C. 383, lines 3-11</b>	
65	<b>C.C. 384, lines 1-3</b> <b>lines 6-12</b> <i>lines 3-6</i> <i>lines 12-13</i> <i>lines 13-19</i> <i>lines 19-25</i> <i>lines 25-27</i> <i>lines 27-30</i> <i>lines 31-37</i> <i>lines 37-45</i> <i>lines 45-48</i>	<i>See sec. 73 of bill.</i> <i>See sec. 66 of bill.</i> <i>See sec. 67 of bill.</i> <i>See sec. 68 of bill.</i> <i>See sec. 69 of bill.</i> <i>See sec. 70 of bill.</i> <i>See sec. 71 of bill.</i> <i>See sec. 72 of bill.</i> <i>Omitted. Obsolete. Remnant of law existing prior to election of U. S. senators by popular vote.</i>
66	<b>C.C. 384, lines 12-13</b>	
67	<b>C.C. 384, lines 13-19</b>	
68	<b>C.C. 384, lines 19-25</b>	
69	<b>C.C. 384, lines 25-27</b>	
70	<b>C.C. 384, lines 27-30</b>	
71	<b>C.C. 384, lines 31-37</b>	
72	<b>C.C. 384, lines 37-45</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
73	C.C. 384, lines 3-6	
74	C.C. 385, lines 1-5 lines 5-12 lines 12-16	See sec. 75 of bill. See sec. 76 of bill.
75	C.C. 385, lines 5-12 431, entire	“Or by petition” is new. C.C. 385 and 431 are now in conflict.
76	C.C. 385, lines 12-16	C.C. 385 in its present form is not broad enough to include all nominations which may be certified to the secretary of state.
77	C.C. 386, lines 1-4 lines 4-12 lines 13-16 lines 12-13 lines 15-16 lines 16-20 lines 20-24 lines 24-26 lines 27-36	See sec. 78 of bill. See sec. 79 of bill. See sec. 80 of bill. See sec. 82 of bill. See secs. 83-85 of bill. See sec. 88 of bill. See sec. 89 of bill.
78	C.C. 386, lines 4-12 387, lines 1-5 lines 5-11	See secs. 79-83 of bill. Purpose in sections 78 to 85, inclusive, is to fully and plainly cover (1) vacancies in nominations made in the primary, and (2) nominations occasioned by vacancies in office.
79	C.C. 386, lines 13-16 387, lines 5-11	Vacancies in case of U. S. senator must be filled by convention except when vacancy occurs less than thirty days before election. See C.C. 387.
80	C.C. 386, lines 12-13 lines 15-16 387, lines 5-11	See remark last above.
81	C.C. 387, entire	“Too late to be filled by said convention” is new. See sec. 83 of bill.
82	C.C. 386, lines 16-20	
83	C.C. 386, lines 20-24 387, lines 5-11	
84	C.C. 386, lines 20-24	
85	C.C. 386, lines 20-24	
86	New	
87	New	The practical construction placed on the present law.
88	C.C. 386, lines 24-26	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
89	C.C. 386, lines 27-36	
90	C.C. 388, lines 1-6 <i>lines 3-4</i> <i>lines 6-11</i> <i>lines 12-19</i> <i>lines 19-22</i> <i>lines 22-30</i> <i>lines 30-33</i> <i>lines 33-38</i> <i>lines 38-45</i> <i>lines 45-54</i> <i>lines 54-56</i> <i>lines 56-71</i> <i>lines 71-73</i>	<i>See sec. 91 of bill.</i> <i>See sec. 92 of bill.</i> <i>See sec. 95 of bill.</i> <i>See sec. 100 of bill.</i> <i>See sec. 101 of bill.</i> <i>See sec. 93 of bill.</i> <i>See sec. 94 of bill.</i> <i>See sec. 96 of bill.</i> <i>See sec. 97 of bill.</i> <i>See sec. 98 of bill.</i> <i>See sec. 99 of bill.</i>
91	C.C. 388, lines 3-4 lines 6-11	
92	C.C. 388, lines 12-19	
93	C.C. 388, lines 33-38	
94	C.C. 388, lines 38-45	
95	C.C. 388, lines 19-22	
96	C.C. 388, lines 45-54	
97	C.C. 388, lines 54-56	
98	C.C. 388, lines 56-71	<p>1. C.C. 388 dates back to the original primary act. It imposes on a county convention the duty to make nominations only in those cases where no candidate has received sufficient votes in the primary to nominate. C.C. 386 represents a later and more radical amendment which imposes two additional duties on such convention, to wit: (1) To nominate to fill a vacancy in nomination, and (2) to nominate to fill a vacancy in office. These changes have necessitated the insertion of these new duties.</p> <p>2. Selection of delegates to judicial conventions in accordance with C.C. 403 and 404.</p> <p>3. Last sentence of subsection 4 is new.</p> <p>4. Selection of judicial district central committee in accordance with C.C. 404.</p>
99	C.C. 388, lines 71-73	Last clause is necessary in order to harmonize with C.C. 386, lines 16-20.
100	C.C. 388, lines 22-30	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
101	C.C. 388, lines 30-33	
102	C.C. 389, lines 1-4 lines 17-26  lines 4-14 lines 26-29 lines 15-17 lines 29-35 lines 36-37 lines 37-39 lines 39-41	C.C. 389 dates back to original primary act. It imposes on a district convention the sole duty to nominate when the party fails to legally nominate in the primary. C.C. 386 represents a later and radical amendment which imposed two additional duties on the district convention, to wit: (1) To nominate to fill a vacancy in a nomination, and (2) to nominate to fill a vacancy in an office. These changes have necessitated a radical revamping of C.C. 389.  } See sec. 103 of bill. } See sec. 104 of bill. } See sec. 106 of bill. } See sec. 105 of bill. } Omitted. Superfluous. } See sec. 107 of bill.
103	C.C. 389, lines 4-14 lines 26-29	See remarks last above.
104	C.C. 389, lines 15-17	See remarks last above.
105	C.C. 389, lines 36-37	
106	C.C. 389, lines 29-35	See remarks last above.
107	C.C. 389, lines 39-41	Last clause is necessary to harmonize with C.C. 386, lines 16-20.
108	C.C. 390, lines 1-6 lines 6-11 lines 11-20 lines 20-26 lines 26-28	See sec. 109 of bill. See sec. 110 of bill. See sec. 112 of bill. See sec. 111 of bill.
109	C.C. 390, lines 6-11	
110	C.C. 390, lines 11-20	C.C. 390 dates back to original primary act. It imposes on the state convention the sole duty to nominate when the party fails to legally nominate in the primary. C.C. 386 represents a later and radical amendment which imposes two additional duties on the state convention, to wit: (1) To nominate to fill a vacancy in a nomination, and (2) to nominate to fill a vacancy in an office. These changes necessitate an enlargement of C.C. 390.
111	C.C. 390, lines 26-28	Last clause necessary in order to harmonize with C.C. 386, lines 16-20.
112	C.C. 390, lines 20-26	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
113	<b>C.C. 391, lines 1-7</b> <i>lines 7-13</i> <i>lines 13-15</i> <i>lines 15-19</i> <i>lines 19-23</i> <i>lines 23-25</i> <i>lines 25-27</i> <i>lines 27-29</i>	<i>See sec. 114 of bill.</i> <i>See sec. 115 of bill.</i> <i>See sec. 116 of bill.</i> <i>See sec. 117 of bill.</i> <i>See sec. 118 of bill.</i> <i>See sec. 119 of bill.</i> <i>Omitted. Unnecessary.</i>
114	<b>C.C. 391, lines 7-13</b>	
115	<b>C.C. 391, lines 13-15</b>	
116	<b>C.C. 391, lines 15-19</b>	
117	<b>C.C. 391, lines 19-23</b>	
118	<b>C.C. 391, lines 23-25</b>	
119	<b>C.C. 391, lines 25-27</b>	
120	<b>C.C. 392, entire</b>	
121	<b>C.C. 393, entire</b>	
122	<b>C.C. 394, entire</b> <i>S.C.C. 395, entire</i>	<i>Omitted since nominations for offices to be filled at special elections are fully covered by sections 82-88 of bill.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 22

Prepared by U. G. Whitney

**Subject: NOMINATIONS BY POLITICAL ORGANIZATIONS WHICH  
ARE NOT POLITICAL PARTIES—NOMINATIONS BY PETITION****General Explanation**

The seven sections covered by this bill were enacted prior to our present primary election law. Said sections originally applied:

1. To political parties casting 2% of the entire vote,
2. To all *other* political parties and organizations which desired to nominate by caucus or convention, and
3. To individuals who desired to nominate by petition.

When the primary election law was enacted these seven sections necessarily ceased to apply to "political parties casting 2% of the entire vote".

The purpose of this proposed bill is to preserve the system of:

1. Nominations by caucuses or conventions representing organizations which do not come under the primary election law, and
2. Nominations by individuals by means of petitions.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 396, entire	All reference to "political parties casting 2% of the vote" is omitted because necessarily repealed by the Primary Election Act (C.C. 362, et seq.).
2	C.C. 397, lines 11-18 lines 1-11 lines 18-24	} See sec. 3 of bill.
3	C.C. 397, lines 1-11 lines 18-24	
4	C.C. 398, lines 1-10 lines 10-16 lines 17-23 lines 23-30 lines 30-35	Only electors may file objections. This is new. See sec. 6 of bill. See sec. 7 of bill. See sec. 8 of bill. See sec. 5 of bill.
5	C.C. 398, lines 30-35	
6	C.C. 398, lines 10-16	
7	C.C. 398, lines 17-23	

## C. B. 22 NOMINATIONS BY ORGANIZATIONS NOT POLITICAL PARTIES

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	C.C. 398, lines 23-30	
9	S.C.C. 400, lines 1-6 lines 7-10 lines 6-7	See sec. 10 of bill.
10	S.C.C. 400, lines 6-7	
11	C.C. 401, lines 1-10 lines 10-16 lines 16-24	Reference to "nomination papers" is covered in secs. 17-20 of bill. See sec. 12 of bill. See sec. 13 of bill.
12	C.C. 401, lines 10-16	
13	C.C. 401, lines 16-24	
14	C.C. 402, lines 1-8 lines 16-23 lines 8-13 lines 13-15	See sec. 15 of bill. See sec. 16 of bill.
15	C.C. 402, lines 8-13	
16	C.C. 402, lines 13-15	
17	C.C. 399, lines 1-8 lines 8-10 lines 10-11	See sec. 18 of bill. See sec. 19 of bill.
18	C.C. 399, lines 8-10	
19	C.C. 399, lines 10-11	Requirement in signing and preparing petition is enlarged.
20	New	Note that nominations (1) by caucus or convention, and (2) by petition, are kept separate in this bill. The effect of sec. 20 of the bill is not different than present law. Sec. 20 is new in the sense that, by reference, the procedure referred to is made applicable to nominations by petition.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 23

Prepared by U. G. Whitney

Subject: **NOMINATION AND ELECTION OF SUPREME, DISTRICT,  
AND SUPERIOR JUDGES**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 403, lines 1-3</b> lines 3-6 lines 7-11 lines 11-13 lines 14-16 lines 18-21 lines 17-18 lines 21-23	<i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i> <i>See sec. 4 of bill.</i> } <i>See sec. 5 of bill.</i> } <i>See sec. 6 of bill.</i>
2	<b>C.C. 403, lines 3-6</b>	
3	<b>C.C. 403, lines 7-11</b>	
4	<b>C.C. 403, lines 11-13</b>	
5	<b>C.C. 403, lines 14-16 lines 18-21</b>	
6	<b>C.C. 403, lines 17-18 lines 21-23</b>	Last clause is new.
7	<b>C.C. 404, lines 1-8 lines 13-15</b> lines 8-13 lines 16-19 lines 34-36 lines 19-25 lines 25-31 lines 32-34 lines 37-43 lines 43-45	<i>Omitted because temporary.</i> } <i>See sec. 8 of bill.</i> } <i>See sec. 9 of bill.</i> <i>See sec. 10 of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 12 of bill.</i> <i>See sec. 13 of bill.</i>
8	<b>C.C. 404, lines 16-19 lines 34-36</b>	
9	<b>C.C. 404, lines 19-25</b>	
10	<b>C.C. 404, lines 25-31</b>	
11	<b>C.C. 404, lines 32-34</b>	
12	<b>C.C. 404, lines 37-43</b>	
13	<b>C.C. 404, lines 43-45</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	C.C. 405, lines 1-4 lines 4-7 lines 7-11	<i>See sec. 15 of bill.</i> <i>See sec. 16 of bill.</i>
15	C.C. 405, lines 4-7	Time of certifying nominations not left to inference.
16	C.C. 405, lines 7-11	
17	New	Point not now covered by law.
18	C.C. 406, entire	
19	C.C. 407, entire	
20	C.C. 408, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 24

Prepared by U. G. Whitney

Subject: **REGISTRATION OF VOTERS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 409, lines 1-2 lines 25-27  lines 2-8 lines 8-11 lines 11-13 lines 13-15 lines 15-16 lines 17-21 lines 21-25 lines 28-35  412, lines 7-8 lines 6-7 lines 1-6 S.C.C. 451, lines 1-2 lines 2-10	1. Since women are now entitled to vote at all elections they are required to register.  2. See C.C. 2543 for permissive registration for school elections.  <i>See sec. 2 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 8 of bill.</i> <i>See sec. 9 of bill.</i> <i>See sec. 13 of bill.</i> <i>See sec. 3 of bill.</i> <i>Omitted. Useless. Never enforced.</i> <i>See sec. 4 of bill.</i>  <i>See sec. 18 of bill.</i> <i>See sec. 22 of bill.</i>  <i>Omitted. Obsolete.</i>
2	C.C. 409, lines 2-8	
3	C.C. 409, lines 17-21	
4	C.C. 409, lines 28-35	Last clause in lines 6 and 7 of bill is new.
5	New	Section is far-reaching but unavoidable.
6	New	
7	C.C. 409, lines 8-11	
8	C.C. 409, lines 11-13	
9	C.C. 409, lines 13-15	
10	C.C. 410, lines 1-5 lines 5-10	<i>See sec. 11 of bill.</i>
11	C.C. 410, lines 5-10	
12	S.C.C. 411, lines 12-13 lines 1-2 lines 2-3	<i>See sec. 16 of bill.</i> <i>See sec. 15 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
12	<i>lines 3-6</i> <i>lines 6-9</i> <i>lines 14-15</i> <i>lines 9-11</i> <i>lines 11-12</i> <i>lines 15-20</i> <i>lines 20-31</i> <i>lines 31-34</i>	<i>See sec. 17 of bill.</i> <i>See sec. 18 of bill.</i> <i>See sec. 13 of bill.</i> <i>See sec. 14 of bill.</i> <i>See sec. 19 of bill.</i> <i>See sec. 20 of bill.</i> <i>See sec. 21 of bill.</i>
13	<b>C.C. 409, lines 15-16</b> <b>S.C.C. 411, lines 9-11</b>	
14	<b>S.C.C. 411, lines 11-12</b>	
15	<b>S.C.C. 411, lines 2-3</b>  <b>C.C. 416, lines 2-3</b> <i>lines 1-2</i> <i>lines 3-4</i> <i>lines 4-14</i> <i>lines 14-24</i> <i>lines 24-28</i> <i>lines 29-35</i>	Reference to place of meeting, in case of consolidation is new.  <i>See sec. 16 of bill.</i> <i>See sec. 17 of bill.</i> <i>See sec. 31 of bill.</i> <i>See sec. 32 of bill.</i> <i>See sec. 33 of bill.</i> <i>See sec. 34 of bill.</i>
16	<b>S.C.C. 411, lines 1-2</b> <b>C.C. 414, lines 1-3</b> <i>lines 3-4</i> <i>lines 4-10</i> <i>lines 10-14</i> <i>lines 14-16</i> <i>lines 16-20</i>  <b>416, lines 1-2</b>	<i>See sec. 17 of bill.</i> <i>See sec. 25 of bill.</i> <i>See sec. 26 of bill.</i> <i>See sec. 28 of bill.</i> <i>See sec. 27 of bill.</i>
17	<b>S.C.C. 411, lines 3-6</b> <b>C.C. 414, lines 3-4</b> <b>416, lines 3-4</b>	
18	<b>S.C.C. 411, lines 6-9</b> <b>lines 14-15</b> <b>C.C. 412, lines 6-7</b>	“Except as otherwise specially provided by law” is new. See ch. 9, title IV.
19	<b>S.C.C. 411, lines 15-20</b>	
20	<b>S.C.C. 411, lines 20-31</b>	
21	<b>S.C.C. 411, lines 31-34</b>	
22	<b>C.C. 412, lines 1-6</b>	
23	<b>C.C. 413, lines 1-9</b> <i>lines 9-12</i>	<i>See sec. 24 of bill.</i>
24	<b>C.C. 413, lines 9-12</b>	
25	<b>C.C. 414, lines 4-10</b>	
26	<b>C.C. 414, lines 10-14</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
27	C.C. 414, lines 16-20	
28	C.C. 414, lines 14-16	
29	C.C. 415, lines 1-8 lines 8-15	<i>See sec. 30 of bill.</i>
30	C.C. 415, lines 8-15	
31	C.C. 416, lines 4-14	
32	C.C. 416, lines 14-24	
33	C.C. 416, lines 24-28	
34	C.C. 416, lines 29-35	
35	C.C. 417, lines 1-5 lines 5-7	<i>See sec. 36 of bill.</i>
36	C.C. 417, lines 5-7	
37	C.C. 418, lines 1-2 lines 2-10 lines 10-13	<i>See sec. 38 of bill.</i> <i>See sec. 39 of bill.</i>
38	C.C. 418, lines 2-10	
39	C.C. 418, lines 10-13	
40	C.C. 419, lines 3-9 lines 1-3	<i>See sec. 41 of bill.</i>
41	C.C. 419, lines 1-3	
42	C.C. 420, lines 3-12 lines 1-3 lines 12-15	<i>Omitted. Forfeitures are seldom if ever enforced.</i> <i>Omitted. This omission automatically substitutes the penalties of C.C. 8538.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 25

Prepared by U. G. Whitney

## Subject: METHOD OF CONDUCTING ELECTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 421, entire	
2	C.C. 422, entire	
3	C.C. 423, lines 1-4 lines 22-23 lines 4-6 lines 7-11 lines 11-12 lines 12-18 lines 18-20 lines 21-22 lines 23-24	<p>“Except as otherwise provided” is new. See secs. 4-7, inclusive, of bill.</p> <p><i>See secs. 4 and 5 of bill.</i></p> <p><i>See sec. 6 of bill.</i></p> <p><i>See sec. 5 of bill.</i></p> <p><i>See sec. 7 of bill.</i></p> <p><i>See sec. 8 of bill.</i></p> <p><i>See sec. 25 of bill.</i></p> <p><i>See sec. 9 of bill.</i></p>
4	C.C. 423, lines 4-6	*
5	C.C. 423, lines 4-6 lines 11-12	The term “ward” is omitted. Some cities have no “wards”.
6	C.C. 423, lines 7-11	Present law slightly enlarged by inserting the words “or precincts”.
7	C.C. 423, lines 12-18	Boundaries of precincts fully covered in sec. 11 of bill.
8	C.C. 423, lines 18-20	
9	C.C. 423, lines 23-24	
10	C.C. 424, entire	
11	C.C. 425, entire	
12	C.C. 426, line 1 lines 3-6 lines 2-3 lines 6-11 lines 11-16 lines 16-20 lines 20-22 lines 22-26 lines 26-30 lines 30-33	<p><i>See sec. 20 of bill.</i></p> <p><i>See sec. 13 of bill.</i></p> <p><i>See sec. 14 of bill.</i></p> <p><i>See sec. 15 of bill.</i></p> <p><i>See sec. 16 of bill.</i></p> <p><i>See sec. 18 of bill.</i></p> <p><i>See sec. 19 of bill.</i></p> <p><i>See sec. 17 of bill.</i></p>
13	C.C. 426, lines 6-11	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	C.C. 426, lines 11-16	
15	C.C. 426, lines 16-20	
16	C.C. 426, lines 20-22	
17	C.C. 426, lines 30-33	
18	C.C. 426, lines 22-26	
19	C.C. 426, lines 26-30	
20	C.C. 426, lines 2-3	
21	C.C. 427, lines 1-3  <i>lines 1-2</i> <i>lines 4-6</i> <i>line 7</i> <i>lines 8-26</i> <i>lines 26-29</i>  3442, lines 1-3 <i>lines 3-6</i>	1. "Except as otherwise provided" is new. See sec. 10 of bill. 2. "Shelving" is covered in sec. 23 of bill. <i>See sec. 21-a1 of bill.</i> <i>See sec. 26 of bill.</i> <i>Omitted. Covered in sec. 23 of bill.</i> <i>See sec. 23 of bill.</i> <i>See sec. 22 of bill.</i>  <i>See sec. 21-a2 of bill.</i>
21-a1	C.C. 427, lines 1-2	
21-a2	C.C. 3442, lines 3-6	
22	C.C. 427, lines 26-29	"For the use of which there shall be no charge" is omitted. See C.C. 2537, subsec. 4, and C.C. 2644. See also C.B. 101, sec. 2.
23	C.C. 427, lines 8-26	
24	C.C. 428, lines 1-2  <i>lines 2-11</i>	One box is not always sufficient. "Board of supervisors" changed to "auditor". <i>See sec. 25 of bill.</i>
25	C.C. 423, lines 21-22 428, lines 2-11 S.C.C. 499-a11, entire	Precincts may embrace: 1. Territory in two different townships, or 2. Territory of a town and territory outside the town but in the same township. See C.C. 423.  In the first case, there must be separate ballots and boxes for all township officers.  In the second case, there must be separate ballots and boxes for township assessor.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
25		Present law is not broad enough to embrace all conditions.
26	<b>C.C. 427, lines 4-6 429, entire</b>	1. "On registration of voters" omitted. Registration is made only in cities and under appointments made by the city council. Registration supplies covered in C.B. 24, pages 4, 5.  2. Trustees under present law are required to furnish election supplies. In practice, such supplies are always furnished by the county auditor. Bill so provides.
27	<b>C.C. 430, entire 431, entire</b>	<i>See C.B. 21, sec. 75.</i>
28	<b>S.C.C. 432, lines 1-3</b> <i>lines 3-7 lines 7-16 lines 16-22 lines 23-29 lines 30-33 lines 33-36 lines 37-43 lines 43-51 lines 51-53 lines 54-78 lines 79-82 lines 82-88 lines 88-93 lines 94-95 lines 95-99 lines 100-103 lines 103-110 lines 110-114</i>	<i>See sec. 29 of bill. See sec. 30 of bill. See sec. 31 of bill. See sec. 32 of bill. See sec. 33 of bill. See sec. 35 of bill. See secs. 36 and 37 of bill. See sec. 38 of bill. See sec. 34 of bill. See sec. 39 of bill. See sec. 40 of bill. See sec. 41 of bill. See sec. 42 of bill. See sec. 43 of bill. See sec. 44 of bill. See sec. 45 of bill. See sec. 46 of bill. See sec. 47 of bill.</i>
29	<b>S.C.C. 432, lines 3-7</b>	
30	<b>S.C.C. 432, lines 7-16</b>	
31	<b>S.C.C. 432, lines 16-22</b>	
32	<b>S.C.C. 432, lines 23-29</b>	
33	<b>S.C.C. 432, lines 30-33</b>	
33-a1	<b>New</b>	Under present law nominations may be made in three ways:  1. By primary for political parties casting 2% of the vote.  2. By petition.  3. By caucus or convention of organizations which do not cast 2% of the vote.



## METHOD OF CONDUCTING ELECTIONS

C. B. 25

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
33-a1		This new section is necessary in order to provide for No. 3.
34	S.C.C. 432, lines 51-53	
35	S.C.C. 432, lines 33-36	
36	C.C. 375, lines 20-24 lines 1-20 S.C.C. 432, lines 37-43	<i>See C.B. 21, secs. 38-41.</i>
37	C.C. 375, lines 20-24 S.C.C. 432, lines 37-43	
38	S.C.C. 432, lines 43-51	
39	S.C.C. 432, lines 54-78	
40	S.C.C. 432, lines 79-82	
41	S.C.C. 432, lines 82-88	
42	S.C.C. 432, lines 88-93	
43	S.C.C. 432, lines 94-95	
44	S.C.C. 432, lines 95-99	
45	S.C.C. 432, lines 100-103	
46	S.C.C. 432, lines 103-110	
47	S.C.C. 432, lines 110-114	
48	C.C. 433, lines 1-8 lines 8-10 lines 10-13 lines 13-17 lines 17-19	<i>See sec. 49 of bill.</i> <i>See sec. 53 of bill.</i> <i>See sec. 50 of bill.</i> <i>See sec. 52 of bill.</i>
49	C.C. 433, lines 8-10	So changed to harmonize with sec. 25 of bill.
50	C.C. 433, lines 13-17	
51	C.C. 719, lines 6-12 lines 1-6 lines 12-16 lines 16-20	<i>See C.B. 40, sec. 7.</i> <i>See C.B. 40, sec. 8.</i> <i>See C.B. 40, sec. 9.</i>
52	C.C. 433, lines 17-19	
53	C.C. 433, lines 10-13	
54	C.C. 434, entire	
55	C.C. 435, lines 1-5 lines 5-6 lines 6-9 lines 10-13 lines 13-16	<i>See sec. 56 of bill.</i> <i>See sec. 57 of bill.</i> <i>See sec. 58 of bill.</i> <i>See sec. 59 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
56	C.C. 435, lines 5-6	
57	C.C. 435, lines 6-9	
58	C.C. 435, lines 10-13	Provision for "pastors" is new.
59	C.C. 435, lines 13-16	
60	C.C. 436, lines 1-5 lines 5-9 lines 9-14 lines 14-24 lines 24-31	See sec. 61 of bill. See sec. 62 of bill. See sec. 63 of bill. See sec. 64 of bill.
61	C.C. 436, lines 5-9	
62	C.C. 436, lines 9-14	
63	C.C. 436, lines 14-24	
64	C.C. 436, lines 24-31	
65	C.C. 437, lines 4-17 lines 18-20 lines 17-18 lines 1-3 lines 20-23	See sec. 66 of bill. See sec. 67 of bill.
66	C.C. 437, lines 17-18	
67	C.C. 437, lines 1-3 lines 20-23	
68	C.C. 438, lines 1-5 lines 5-14	See sec. 69 of bill.
69	C.C. 438, lines 5-14	
70	C.C. 439, entire	
71	C.C. 440, entire	
72	C.C. 441, entire	
73	C.C. 422, lines 1-5 lines 5-11	See sec. 74 of bill.
74	C.C. 442, lines 5-11	
75	C.C. 443, lines 1-5 lines 6-8 lines 8-18	See sec. 76 of bill. See sec. 77 of bill.
76	C.C. 443, lines 6-8	
77	C.C. 443, lines 8-18	
78	C.C. 444, lines 1-6 lines 6-9 445, lines 8-10 lines 1-7	See sec. 79 of bill. See sec. 80 of bill.

## METHOD OF CONDUCTING ELECTIONS

C. B. 25

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
78	<i>lines 7-8</i> <i>lines 10-11</i> <i>lines 11-16</i> <i>lines 16-19</i> <i>lines 20-28</i>	<i>See sec. 81 of bill.</i> <i>See sec. 82 of bill.</i> <i>See sec. 83 of bill.</i> <i>See sec. 84 of bill.</i>
79	C.C. 444, lines 6-9	
80	C.C. 445, lines 1-7 447, line 1 <i>lines 2-15</i>	<i>See secs. 88, 90, 91, 92, 93, and 95 of bill.</i>
81	C.C. 445, lines 7-8 lines 10-11	
82	C.C. 445, lines 11-16	
83	C.C. 445, lines 16-19	
84	C.C. 445, lines 20-28	
85	C.C. 446, lines 4-7 <i>lines 1-4</i> <i>lines 7-9</i> <i>lines 11-13</i> <i>lines 9-11</i>	<i>See sec. 86 of bill.</i> <i>See sec. 87 of bill.</i>
86	C.C. 446, lines 1-4 lines 7-9 lines 11-13	
87	C.C. 446, lines 9-11	
88	C.C. 447, lines 2-3 449, lines 1-2 <i>lines 2-7</i>	<i>See sec. 96 of bill.</i>
89	C.C. 448, lines 8-10 <i>lines 1-8</i> <i>lines 10-20</i>	<i>See secs. 90-94 of bill.</i>
90	C.C. 447, lines 2-5 448, lines 1-8	
91	C.C. 447, lines 2-5 448, lines 1-8	Implied from general provisions relative to marking the ballot.
92	C.C. 447, lines 6-10 448, lines 8-14	
93	C.C. 447, lines 2-5 448, lines 1-8	
94	C.C. 448, entire	
95	C.C. 447, lines 10-15	
96	C.C. 449, lines 2-7	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
97	C.C. 450, lines 1-3 lines 5-9 lines 3-5 lines 9-12	"Certified abstract of canvassing board" is new. See sec. 98, of bill. See sec. 99 of bill.
98	C.C. 450, lines 3-5	
99	C.C. 450, lines 9-12 S.C.C. 451, entire	Omitted. Obsolete, except lines 1-2 which are used in C.B. 24.
100	C.C. 452, lines 8-17 lines 1-8	See sec. 103 of bill.
101	C.C. 453, lines 1-6 lines 6-10	See sec. 102 of bill.
102	C.C. 453, lines 6-10	
103	C.C. 452, lines 1-8 454, lines 1-12 lines 12-16 544, entire	See sec. 104 of bill.
104	C.C. 454, lines 12-16	
105	C.C. 455, lines 1-8 lines 8-16	See sec. 106 of bill.
106	C.C. 455, lines 8-16	
107	C.C. 456, lines 1-8 lines 8-11	"Prior to any election" changed as indicated. See sec. 108 of bill.
108	C.C. 456, lines 8-11	
109	C.C. 457, entire	
110	C.C. 458, entire	
111	C.C. 459, entire	
112	C.C. 460, entire	
113	C.C. 461, lines 1-3 lines 3-11	"When not appointed from the police force of the city" is new. See sec. 114 of bill.
114	C.C. 461, lines 3-11	All expenses are here dealt with.
115	C.C. 462, entire	"Unless otherwise provided" is new. This is necessary because otherwise the different penalties would be in hopeless confusion.
116	C.C. 463, entire	"Or special election" is new.
117	C.C. 464, entire	"Or special election" is new.
118	C.C. 465, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 26

Prepared by U. G. Whitney

Subject: **CANVASS OF VOTES AT ELECTIONS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 466, lines 1-6 lines 6-8	See sec. 2 of bill.
2	C.C. 466, lines 6-8	
3	C.C. 467, lines 1-5 lines 5-8 lines 8-12	See sec. 4 of bill. See sec. 5 of bill.
4	C.C. 467, lines 5-8	
5	C.C. 467, lines 8-12	
6	C.C. 468, lines 1-3 lines 3-10 lines 10-16	See sec. 7 of bill. See sec. 8 of bill.
7	C.C. 468, lines 3-10	
8	C.C. 468, lines 10-16	
9	C.C. 470, lines 1-7 lines 8-16	See sec. 10 of bill.
10	C.C. 470, lines 8-16	
11	C.C. 471, lines 1-7 lines 7-10 lines 10-12	See sec. 12 of bill. See sec. 13 of bill.
12	S.C.C. 368, lines 99-100 471, lines 7-10	See C.B. 21, sec. 11.
13	C.C. 471, lines 10-12	
14	C.C. 473, lines 1-3 lines 3-10 lines 10-14	See sec. 15 of bill. See sec. 16 of bill.
15	C.C. 473, lines 3-10	
16	C.C. 473, lines 10-14	The destruction of these records after 18 months was proper under our former system of annual elections, but wholly improper under our present system of biennial elections. To now destroy such

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
16		records after 18 months spells disaster, because the legal sufficiency of many petitions is tested by a comparison with the poll books of the last general election. Then, too, the registration books may be necessary in making up new registration books. See C.C. 419.
17	C.C. 474, lines 1-5 lines 5-10	<i>See sec. 18 of bill.</i>
18	C.C. 474, lines 5-10	
19	C.C. 475, entire	Notifying a successful candidate by mail has been substituted for a notification by posting.
20	C.C. 476, entire	
21	C.C. 479, entire 481, entire 484, entire	} <i>Omitted. Obsolete.</i> <i>These sections harken back to a time when the votes for senators and representatives in the general assembly were canvassed either by the county judge or by a district canvassing board composed of county judges.</i>
22	C.C. 480, lines 1-3  lines 3-4	Declarations of election of judges, senators, and representatives in the general assembly are now made by the state canvassing board. <i>Omitted. These lines refer to a former statute which provided that in case of a tie vote the candidates should, subsequent to the canvass, be summoned to meet with the county judge and the candidates then settled the tie. Such tie vote is now settled by the canvassers at the time of the canvass. See C.C. 496.</i>
23	C.C. 485, lines 1-2 lines 6-10 lines 2-5 lines 8-10 lines 10-11	The different offices are specifically enumerated for the purpose of clearness. <i>See sec. 24 of bill.</i> <i>See secs. 25 and 26 of bill.</i> <i>Omitted. Covered by C.C. 498.</i>
24	C.C. 485, lines 2-5	The present law requires the abstracts of votes for governor and lieutenant governor to be forwarded to the speaker of the house of representatives. The objections to this are:  1. There may be no speaker—he may be dead or may have removed from the state.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
24		<p>2. The speaker may be incompetent to act.</p> <p>3. The speaker may not be a candidate for reelection.</p> <p>4. The speaker receiving the abstracts may not be speaker when the vote on governor is canvassed by the general assembly.</p>
25	C.C. 485, lines 8-10	
26	C.C. 485, lines 8-10	
27	New	See remarks under sec. 24 of bill.
28	C.C. 487, entire	
29	<p>C.C. 488, entire</p> <p>490, lines 1-4</p> <p>lines 5-6</p> <p>lines 6-7</p> <p>lines 7-11</p> <p>lines 11-14</p>	<p>C.C. 488 is broadened so as to embrace all the present duties of the state canvassing board.</p> <p><i>See sec. 30 of bill.</i></p> <p><i>Omitted. Covered by C.C. 498.</i></p> <p><i>Omitted. Obsolete.</i></p> <p><i>Omitted. These lines are part of the former act existing prior to the election of U. S. senators by direct vote, in which act candidates for the legislature could pledge themselves to abide by the popular vote. Insofar as necessary, the subject is covered by C.C. 478 and sec. 29 of bill.</i></p>
30	<p>C.C. 489, lines 1-5</p> <p>lines 5-6</p> <p>490, lines 5-6</p>	<i>Omitted. Covered by C.C. 498.</i>
31	C.C. 495, entire	C.C. 495 is so changed as to include U. S. senators.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 27

Prepared by U. G. Whitney

**Subject: ABSENT VOTERS****General Explanation**

The general purpose of this bill is so to widen the scope of the present Absent Voter's Act as to provide a safe and practical system of voting for voters whose absence from their election precinct is:

1. Temporary or occasional because of some unforeseen event, or
2. Permanent, for the time being, owing to their employment in the civil, military, or naval service of the state or federal government.

The two classes are quite distinct. A system applicable to one class is not really applicable to the other. To illustrate: A system under which the temporary and occasional absentee may make application for and receive a ballot is not applicable to men in the military or naval service. Again a system under which a "record of absent voters" may be kept of voters in the military or naval service is not applicable to the voter who is only absent occasionally and because of some unlooked for event.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 521, entire	"Having duly registered where such registration is required" omitted because affidavit on ballot envelope now constitutes "registration". See S.C.C. 529, lines 30 and 31, and sec. 26 of bill.
2	C.C. 522, line 1 lines 4-7  lines 2-3	Time for making application enlarged. "Nor less than three days" omitted. A voter might not know until a few hours before election that he would be absent. <i>Omitted. Repetition of C.C. 521 and sec. 1 of bill.</i>
3	C.C. 523, lines 1-3 lines 3-29 line 30 lines 31-33	<i>See sec. 4 of bill. See sec. 6 of bill. See sec. 7 of bill.</i>
4	C.C. 523, lines 3-29	A blank on which to indicate party affiliation is inserted. See sec. 7 of bill.
5	New	Ten day residence in precinct is only required in case of municipal elections.
6	C.C. 523, line 30	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7	C.C. 523, lines 31-33	
8	C.C. 524, lines 1-5  lines 5-8	The ten and three day provision omitted. Moreover the auditor is fortunate if he can have the printed ballots as long as ten days before election. <i>See sec. 9 of bill.</i>
9	C.C. 524, lines 5-8	"Nor less than one secular day before election" omitted. A voter may not know until a few hours before election that he will be absent. Requiring immediate marking of ballot is new.
10	New	
11	C.C. 525, lines 1-6 lines 6-37 lines 38-40	<i>See sec. 12 of bill.</i> <i>See sec. 13 of bill.</i>
12	C.C. 525, lines 6-37	A blank on which to indicate party affiliation is inserted. See sec. 13 of bill.
13	C.C. 525, lines 38-40	
14	C.C. 526, lines 3-5 lines 1-2 lines 5-9 lines 9-11	} <i>See sec. 15 of bill.</i> <i>See sec. 16 of bill.</i>
15	C.C. 526, lines 1-2 lines 5-9	
16	C.C. 526, lines 9-11	
17	C.C. 527, lines 1-8  lines 8-10 528, lines 9-18 lines 1-6 lines 7-9 lines 18-24 lines 21-22	1. In some instances the ballot envelope must be mailed. It ought to carry as definite an address as possible.  2. The words "or disabled voter's ballot as the case may be" omitted as unnecessary. <i>See sec. 18 of bill.</i>  <i>See sec. 18 of bill.</i> <i>See sec. 19 of bill.</i> <i>See sec. 20 of bill.</i>
18	C.C. 527, lines 8-10 528, lines 1-16	
19	C.C. 528, lines 7-9 lines 18-24	
20	C.C. 528, lines 21-22	
21	New	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
22	<b>S.C.C. 529, lines 1-16</b> <i>lines 17-21</i> <i>lines 22-27</i> <i>lines 27-34</i> <i>lines 35-36</i> <i>lines 37-44</i> <i>lines 44-51</i> <i>lines 52-56</i>	<i>See sec. 22-a1 of bill.</i> <i>See sec. 23 of bill.</i> <i>See sec. 24 of bill.</i> <i>See sec. 26 of bill.</i> <i>See sec. 27 of bill.</i> <i>See sec. 28 of bill.</i> <i>See sec. 25 of bill.</i>
22-a1	<b>S.C.C. 529, lines 17-21</b>	If the opening and registering on the machine of absent voters' ballots is postponed until after the polls are closed to other voters, two things will ordinarily happen:  1. There will doubtless be several ballots. They can, therefore, be intermingled, and every voter will be protected in the secrecy of his ballot, and  2. In any event, all the judges will have ample opportunity to witness the actual registration of the ballot on the machine.
23	<b>S.C.C. 529, lines 22-27</b>	
24	<b>S.C.C. 529, lines 27-34</b>	
25	<b>S.C.C. 529, lines 52-56</b>	
26	<b>S.C.C. 529, lines 35-36</b>	
27	<b>S.C.C. 529, lines 37-44</b>	
28	<b>S.C.C. 529, lines 44-51</b>	
29	<b>C.C. 530, entire</b>	
30	<b>C.C. 531, entire</b>	A record which will show why the ballot was rejected ought to be preserved.
31	<b>C.C. 532, entire</b>	
32	<b>C.C. 533, lines 1-3</b>  <i>lines 3-9</i> <i>lines 9-14</i>	Line 1 of C.C. 533 is ambiguous. Does it refer to the affidavit on the application or to the ballot affidavit? Bill avoids this ambiguity. <i>See sec. 33 of bill.</i> <i>See sec. 34 of bill.</i>
33	<b>C.C. 533, lines 3-9</b>	Last sentence is new.
34	<b>C.C. 533, lines 9-14</b> <i>534, entire</i>	<i>Omitted. Unnecessary.</i>
35	<b>New</b>	Note that sections 1 to 34, inclusive, of bill, provide a voting procedure for those

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
35		<p>who are only occasionally and temporarily absent.</p> <p>Sections 35 to 53, inclusive, aim to provide for those voters whose absence is, for the time being, permanent.</p> <p>For the latter class no good objection seems to exist against the plan of keeping a permanent record of the absence of such voters.</p> <p>The plan is submitted under the claim that it is (1) safe, (2) practicable, and (3) nonexpensive.</p>
36	New	
37	New	The particular purpose of this section is to conserve the interests of soldiers and sailors.
38	New	
39	New	
40	New	
41	New	
42	New	This section aims to prevent the inadvertent sending of more than one ballot to an absent voter.
43	New	In the interest of soldiers and sailors.
43-a1	New	
43-a2	New	The judges of election or county canvassing board should have this record in order to compare the ballot affidavit therewith.
44	New	<p>An absent voter who is not in the military or naval service must see to it that his ballot is so returned as to reach the judges of election prior to the closing of the polls.</p> <p>On the contrary a soldier or sailor, by reason of his peculiar situation, ought to be favored to the utmost allowable extent.</p>
45	New	
46	New	Soldiers and sailors must, in case of city or town elections, have their ballots returned before the canvassing board completes its work because officers elected at such elections must qualify within ten days. See C.C. 600.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
47	New	
48	New	<p>It does not seem possible to wait more than thirty days after election for the ballots of soldiers and sailors. General elections may be held as late as November 8. Thirty days later would be December 8. The reconvening of the county and state canvassing board and the completion of their work would probably run the time to December 15.</p> <p>Note that this latter date is practically only two weeks before all state and county officers must qualify, including members of the general assembly.</p>
49	New	
50	New	
51	New	<p>After election, a defeated candidate ought not to be permitted to induce absent voters to prepare their ballots and affidavits and to rush them into the canvassing board within the thirty days allowed for their receiving of such votes.</p>
52	New	
53	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 28

Prepared by U. G. Whitney

**Subject: PRESIDENTIAL ELECTORS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>S.C.C. 535, lines 1-8</b> <i>lines 9-15</i> <i>lines 16-20</i>	<i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i>
2	<b>S.C.C. 535, lines 9-15</b>	
3	<b>S.C.C. 535, lines 16-20</b>	
4	<b>New</b>	Candidates for office may be nominated in three ways:  1. By primary in case of political parties as defined by law—those casting 2% of the vote.  2. By petition.  3. By convention or caucus of organizations, which are not political parties as defined by law.  S.C.C. 535 only covers the first two ways. Sec. 4 of the bill covers the third way.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 29

Prepared by U. G. Whitney

Subject: **ELECTION EXPENSES OF CANDIDATES**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>S.C.C. 540, lines 1-8</b> <i>lines 9-12</i> <i>lines 13-17</i> <i>lines 18-22</i> <i>lines 23-28</i>	<i>See sec. 3 of bill.</i> <i>See sec. 2 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 7 of bill.</i>
2	<b>S.C.C. 540, lines 13-17</b>	
3	<b>S.C.C. 540, lines 9-12</b> <i>C.C. 541, entire</i>	<i>See C.B. 73, sec. 2, subsec. 5.</i>
4	<b>C.C. 542, entire</b>	
5	<b>S.C.C. 540, lines 18-22</b>	Modified so as to include subsequent receipts by a chairman as well as by a candidate.
6	<b>C.C. 543, entire</b> <i>544, entire</i>	<i>See C.B. 25, sec. 103.</i>
7	<b>S.C.C. 540, lines 23-28</b>	
8	<b>C.C. 545, entire</b>	Section simplified without great change in punishment.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 30

Prepared by U. G. Whitney

Subject: **CONTEST ON STATE OFFICERS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 569, entire	Present law makes no provision, except by mere inference, for choosing the members of the contest court.
2	New	
3	C.C. 572, lines 1-3 lines 3-8 lines 8-10	See sec. 8 of bill. See sec. 7 of bill.
4	C.C. 573, entire	Present law is silent as to "organization".
5	New	Des Moines might prove very inconvenient as a place of meeting in a contest over the office of district judge.
6	New	
7	C.C. 572, lines 8-10	
8	C.C. 572, lines 3-8	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 31

Prepared by U. G. Whitney

**Subject: QUALIFICATION BY PUBLIC OFFICERS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 600, lines 1-5 lines 5-7 lines 7-11 line 11	See sec. 2 of bill. See sec. 3 of bill. See sec. 4 of bill.
2	C.C. 600, lines 5-7	
3	C.C. 600, lines 7-11	
4	C.C. 600, line 11	
5	C.C. 609, entire	The form of oath set forth in C.C. 609 is in part identical with that provided for in C.C. 606. No possible excuse exists for repeating it.
6	C.C. 610, entire	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 32

Prepared by U. G. Whitney

## Subject: BONDS OF PUBLIC OFFICERS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 611, entire 6851, line 1 <i>lines 1-4</i>	Municipal judges have been put on the basis of other judges. <i>See C.B. 220, sec. 9.</i>
2	C.C. 612, lines 1-16 <i>lines 16-18</i>	<i>See sec. 3 of bill.</i>
3	C.C. 612, lines 16-18	
4	C.C. 613, entire 615, entire	Reference to private corporations or associations and private bonds has been omitted.
5	C.C. 614, entire 627, entire	
6 (1)*	S.C.C. 617, lines 1-5 lines 8-9 <i>lines 3-4</i> <i>lines 5-6</i> <i>lines 7-8</i> <i>lines 9-10</i>	<i>See sec. 6 of bill, subsec. 2</i> <i>See sec. 6 of bill, subsec. 6.</i> <i>See sec. 6 of bill, subsec. 28.</i> <i>See sec. 6 of bill, subsec. 7.</i>
6 (2)*	S.C.C. 617, lines 3-4	
6 (3)*	C.C. 1853, lines 3-7 <i>lines 1-3</i> <i>lines 7-14</i> <i>lines 14-22</i>	For approval and custody of bonds see secs. 17 and 21 of bill. <i>See C.B. 84, sec. 6, and "Explanatory Notes" of brief covering same.</i> <i>See C.B. 73, sec. 2, subsec. 11, and sec. 3, and "Explanatory Notes" of brief covering same.</i>
6 (4)*	C.C. 2324, lines 3-5 <i>lines 1-3</i> <i>lines 5-7</i>	<i>Omitted. Covered by C.B. 31, sec. 1.</i> <i>Omitted. Covered by secs. 2, 17, and 21 of bill.</i>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6 (5)*	<b>C.C. 2398, lines 15-18</b>  <i>lines 1-15</i> <i>lines 18-20</i> }	For approval and custody of bonds see sections 17 and 21 of bill.  <i>See C.B. 90, sec. 10, subsec. 2, and "Explanatory Notes" of brief covering same.</i>
6 (6)*	<b>S.C.C. 617, lines 5-6</b>	
6 (7)*	<b>S.C.C. 617, lines 9-10</b>	
6 (8)*	<b>S.C.C. 247-a1,</b> <b>lines 3-4</b>  <i>lines 1-2</i> <i>lines 4-5</i>	<i>See sec. 25 of bill.</i> <i>See sec. 8 of bill.</i>
6 (9)*	<b>S.C.C. 5460, lines 20-25</b>  <i>lines 1-20</i>	For approval and custody of bonds see secs. 17 and 21 of bill.  <i>See C.B. 205, secs. 1-4, and "Explanatory Notes" of brief covering same.</i>
6 (10)*	<b>S.C.C. 5744, entire.</b>	For approval and custody of bonds see secs. 17 and 21 of bill.
6 (11)*	<b>New</b>	
6 (12)*	<b>New</b>	
6 (13)*	<b>C.C. 1038, lines 16-19</b>  <i>lines 1-16</i>	<i>See C.B. 53, secs. 1 and 2, and "Explanatory Notes" of brief covering same.</i>
6 (14)*	<b>C.C. 727, lines 13-20</b>  <i>lines 1-13</i>	For approval and custody of bonds see secs. 17 and 21 of bill.  <i>See C.B. 41, secs. 5 and 9, and "Explanatory Notes" of brief covering same.</i>
6 (15)*	<b>C.C. 873, lines 8-11</b>  <i>lines 1-8</i> <i>lines 11-15</i> }	For approval of bonds see sec. 17 of bill.  <i>See C.B. 46, secs. 1, 2, and 3, and "Explanatory Notes" of brief covering same.</i>
6 (16)*	<b>New</b>	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6 (17)*	New	
6 (18)*	S.C.C. 1136, lines 20-22 lines 1-19	Amount of bond is made specific. See C.B. 54, secs. 6 and 7.
6 (19)*	C.C. 250, lines 81-83 lines 1-80	See C.B. 14, secs. 2-8, and "Explanatory Notes" of brief covering same.
6 (20)*	New	
6 (21)*	C.C. 2731, lines 3-8 lines 1-3 2768, lines 1-2 lines 2-8	For approval and custody of bonds see secs. 17 and 21 of bill. See C.B. 114, sec. 6.  See sec. 6 of bill, subsec. 23. See C.B. 114, sec. 22 and "Explanatory Notes" of brief covering same.
6 (22)*	New	
6 (23)*	C.C. 2768, lines 2-6	
6 (24)*	S.C.C. 241-a36, lines 4-6 lines 1-4 lines 6-7	} See sec. 24 of bill.
6 (25)*	New	
6 (26)*	C.C. 2858, lines 8-11 lines 1-7 lines 11-18	For approval and custody of bonds see secs. 17 and 21 of bill. } See C.B. 119, secs. 1, 3, 4, and 7.
6 (27)*	S.C.C. 617, lines 7-8	
6 (28)*	New	
7	New	
8	C.C. 618, entire S.C.C. 247-a1, lines 4-5	Clause with reference to surety company is new. In harmony with sec. 11 of bill, which see.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	C.C. 619, lines 1-5 <i>lines 5-9</i> <i>lines 9-13</i> <i>lines 13-16</i>	“Surveyors” omitted. <i>See sec. 10 of bill.</i> <i>See sec. 12 of bill.</i> <i>See sec. 11 of bill.</i>
10	C.C. 616, lines 1-5 <i>line 6</i> 619, lines 5-9	Read sec. 10 with sec. 7 of bill. For approval of bonds see sec. 17 of bill. <i>See sec. 21 of bill.</i>
11	C.C. 619, lines 13-16	
12	C.C. 619, lines 9-13	
13	C.C. 620, entire	
14	C.C. 621, lines 1-4 <i>lines 4-8</i>	<i>See sec. 15 of bill.</i>
15	C.C. 621, lines 4-8	
16	C.C. 622, lines 1-4 <i>lines 4-9</i> <i>lines 9-11</i> <i>lines 11-12</i>	<i>See sec. 17 of bill.</i> <i>See sec. 18 of bill.</i> <i>See sec. 21 of bill.</i>
17	C.C. 622, lines 4-9 616, lines 3-4	
18	C.C. 622, lines 9-11	
19	C.C. 623, entire	
20	C.C. 624, entire	
21	C.C. 616, line 6 622, lines 11-12 625, entire	Subsec. 6 is new, as there is now no general provision in the law in regard to bonds and oaths and place of filing the same, in relation to cities and towns.
22	C.C. 626, entire	Record of bonds by secretary of state and city or town auditor or clerk is new. We now keep no record of official city or town bonds except of the bond given by the mayor. We keep absolutely no record of official state bonds beyond the document itself. They are simply filed and “put into a pigeon hole”.
23	C.C. 628, entire	
24	S.C.C. 241-a36, lines 1-4 lines 6-7	
25	S.C.C. 247-a1, lines 1-2	<i>See sec. 8 of bill; also sec. 6, subsec. 8.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 33

Prepared by U. G. Whitney

Subject: **RELEASE OF SURETIES**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 632, entire</b>  <i>line 1</i>	“Except as otherwise provided” omitted. This will leave but one way to terminate liability of surety, to wit: notice and hearing as provided by C. C. 633 and 635. <i>See sec. 2 of bill.</i>
2	<b>C.C. 632, line 1</b> <b>638, lines 1-5</b> <i>lines 5-6</i> <i>lines 6-8</i>	Note that most of C.C. 638 is omitted. <i>See sec. 3 of bill.</i> <i>Omitted. Unnecessary.</i>
3	<b>C.C. 638, lines 5-6</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 34

Prepared by U. G. Whitney

**Subject: REMOVAL FROM OFFICE****General Explanation**

The general purpose of this bill is to wholly remove from the compiled code, sections 639 to 644, inclusive. These sections constitute a very old act on the subject of removal from office and have been entirely superseded by the later act, which is composed of sections 645 to 656, inclusive. The bill preserves the latter series of sections.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 649, entire	Broadened so as to include all elective and appointive officers except officers liable to impeachment.
2	New	This section is necessary if the proposal to broaden the statute is adopted.
3	C.C. 650, lines 2-4 lines 1-2 lines 4-5 lines 6-8 lines 8-10	See sec. 4 of bill. See sec. 8 of bill. See sec. 9 of bill. See sec. 10 of bill.
4	C.C. 650, lines 1-2 651, lines 4-11 lines 1-4	See sec. 8 of bill.
5	C.C. 652, line 15 lines 1-7 lines 7-13 lines 13-17 lines 17-19 lines 19-22	Practically new. See sec. 11 of bill. See sec. 12 of bill. See sec. 13 of bill. See sec. 15 of bill. See sec. 14 of bill.
6	C.C. 653, lines 4-8 lines 1-4 lines 8-10	See sec. 16 of bill. See sec. 17 of bill.
7	New	
8	C.C. 650, lines 4-5 651, lines 1-4	
9	C.C. 650, lines 6-8	First sentence is new.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	C.C. 650, lines 8-10	
11	C.C. 652, lines 1-7	A longer time is given in which to file application for outside judge.
12	C.C. 652, lines 7-13	
13	C.C. 652, lines 13-17	
14	C.C. 652, lines 19-22	Last sentence is new.
15	C.C. 652, lines 17-19	
16	C.C. 653, lines 1-4	
17	C.C. 645, entire 653, lines 8-10	
18	C.C. 654, entire	
19	C.C. 655, lines 1-6 lines 6-9 lines 9-15 lines 15-18	<i>See sec. 20 of bill.</i> <i>See sec. 21 of bill.</i> <i>See sec. 22 of bill.</i>
20	C.C. 655, lines 6-9	
21	C.C. 655, lines 9-15	Section makes payment more specific.
22	C.C. 655, lines 15-18	
23	C.C. 656, lines 1-4 lines 4-8	<i>Omitted. Unnecessary. Form of all vouchers fully provided for in C.C. 282.</i>
24	C.C. 648, entire	Present law specifies what officers are removable by the council. Bill extends the power to all appointive officers.
24-a1	S.C.C. 648-a1, lines 1-3 lines 4-5 648-a2, entire	<i>See sec. 24-a2 of bill.</i>
24-a2	S.C.C. 648-a1, lines 4-5	Modified so as to give mileage to state employees.
25	C.C. 646, lines 1-5 lines 5-10	<i>See sec. 26 of bill.</i>
26	C.C. 646, lines 5-10 647, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 35

Prepared by U. G. Whitney

## Subject: VACANCIES IN OFFICE

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1)*	C.C. 668, entire	
1 (2)*	C.C. 671, lines 2-8 lines 1-2 lines 8-9 lines 9-11 lines 11-12 lines 12-16 lines 16-19 lines 19-28	See sec. 1 of bill, subsec. 3. Omitted. Covered by C.C. 673. See sec. 1 of bill, subsec. 4. See sec. 1 of bill, subsec. 5. See sec. 1 of bill, subsec. 6. See sec. 1 of bill, subsec. 7. See C.C. 3541 and C.B. 154, sec. 16, subsecs. 7 and 8.
1 (3)*	C.C. 671, lines 1-2	
1 (4)*	C.C. 671, lines 9-11	
1 (5)*	C.C. 671, lines 11-12	
1 (6)*	C.C. 671, lines 12-16	
1 (7)*	C.C. 671, lines 16-19	

\* Indicates subsection.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 36

Prepared by U. G. Whitney

## Subject: PREFERENCE IN APPOINTMENTS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 679-a1, lines 1-9 <i>lines 9-13</i> <i>lines 13-23</i> <i>lines 23-29</i>	Made applicable to special charter cities. <i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i> <i>See sec. 4 of bill.</i>
2	S.C.C. 679-a1, lines 9-13	
3	S.C.C. 679-a1, lines 13-23	
4	S.C.C. 679-a1, lines 23-29 679-a2, lines 1-3 <i>lines 3-10</i> <i>lines 10-15</i>	<i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i>
5	S.C.C. 679-a2, lines 3-10	
6	S.C.C. 679-a2, lines 10-15	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 37

Prepared by U. G. Whitney

**Subject: CONTRACTS BY PUBLIC OFFICERS—GENERAL DUTIES**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 680, entire 681, lines 1-4 lines 5-9 723, entire 724, entire      }	See sec. 2 of bill. Omitted. Obsolete. The reasons for dropping these two sections are: 1. They hearken back to the time when state wardens, trustees, and superintendents expended state funds. 2. A violation of section 1 of the bill would constitute a misdemeanor and would be punished under C.C. 8538 to the exact extent provided in C.C. 724,—an adequate punishment. 3. A diversion of an appropriation, even though it constituted embezzlement, would, under C.C. 724 be punished by a \$500.00 fine or one year in jail—a wholly inadequate punishment.
2	C.C. 681, lines 5-9	
3	C.C. 682, lines 1-6 lines 6-11	See sec. 4 of bill.
4	C.C. 682, lines 6-11 683, entire	See C.B. 73, sec. 2. subsec. 12.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 38

Prepared by U. G. Whitney

## Subject: NOTARIES PUBLIC

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 694, lines 1-2 lines 3-7 lines 7-11	See sec. 2 of bill. See sec. 3 of bill.
2	C.C. 694, lines 3-7	
3	C.C. 694, lines 7-11	
4	C.C. 698, lines 1-3 lines 3-5 lines 5-10	See sec. 5 of bill. See sec. 6 of bill.
5	C.C. 698, lines 3-5	
6	C.C. 698, lines 5-10	
7	C.C. 700, lines 1-4 lines 5-8 lines 8-12	See sec. 8 of bill. See sec. 9 of bill.
8	C.C. 700, lines 5-8	
9	C.C. 700, lines 8-12	
10	C.C. 703, entire	1. Some increase in fees is recommended. 2. Subsec. 1 avoids a controversy arising out of conflicting constructions of the present statute. One construction is that the correct fee for each notice is 25 cents. On the other hand some notaries are charging 50 cents for each notice, possibly by reason of subsec. 7 of the present law, which is claimed to be ambiguous. One instance was called to our attention where on a check for \$36.00 the protest fees were \$4.37.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 39

Prepared by U. G. Whitney

**Subject: ADMINISTRATION OF OATHS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 704, entire	1. Municipal court judges, clerks and official court reporters have been added. 2. Subsec. 16 is new, and necessary, especially in connection with the treasurer's duties in administering the automobile license statute.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 40

Prepared by U. G. Whitney

## Subject: SALARIES, FEES, DEPOSITS, AND LEGAL NOTICES

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 706, entire 707, entire	Conflict in present statute eliminated and one rule provided for all cases.
2	C.C. 710, lines 1-6 lines 6-9	<i>See sec. 3 of bill.</i>
3	C.C. 710, lines 6-9	
4	C.C. 716, entire 717, lines 1-6 lines 9-12  lines 6-9	1. Excepting state board of education and board of control is new. 2. Thirty-day limitation omitted as unnecessary. <i>See sec. 5 of bill.</i>
5	C.C. 717, lines 6-9	
6	C.C. 715, lines 6-8 lines 1-6 lines 8-12	} <i>See C.B. 15, sec. 13, and "Explanatory Notes" of brief covering same.</i>
7	C.C. 719, lines 1-6 lines 6-12 lines 12-16 lines 16-20	
8	C.C. 719, lines 12-16	
9	C.C. 719, lines 16-20	
10	C.C. 720, entire 721, entire	
11	C.C. 722, lines 1-4 lines 4-6	<i>See sec. 12 of bill.</i>
12	C.C. 722, lines 4-6	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 41

Prepared by J. C. Mabry

**Subject: COAL MINES, GYPSUM MINES, AND MINING****General Explanation**

The mining laws of Iowa are an accumulation running through many years in which there have been repeals, amendments and additions from time to time. The result has been a disorderly arrangement which produces considerable confusion.

There is no purpose to change any existing law to any considerable extent. Various recommendations have been made by the state mine inspectors and some of them have been adopted.

Practically the only new addition in the bill is that relating to the use of electricity in mines. A number of serious accidents have happened in Iowa mines growing out of the somewhat unguarded manner in which electricity is used.

Another change is the elimination of gasoline motors for haulage in Iowa mines.

There is incorporated in the bill as a separate chapter the laws relating to gypsum mining. These laws are practically identical with the laws relating to coal mines and from repeated consultations with mine inspectors and others interested, it is believed that all laws relating to coal mines so far as applicable, should likewise apply to gypsum mining.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 728, lines 1-6</b>  <i>lines 6-9</i>  <i>lines 9-18</i>	Provision as to time of appointment new, to harmonize with general plan as to appointive officers.  <i>Omitted here as being covered by C. C. 600 and C. B. 31, sec. 1.</i> <i>See sec. 2 of bill.</i>
2	<b>C.C. 728, lines 9-18</b>	
3	<b>S.C.C. 729, lines 1-5</b>  <i>lines 6-8</i>  <b>780, entire</b>	<i>Omitted as being covered by C. C. 262 and C. B. 14.</i>
4	<b>C.C. 730, entire</b>	
5	<b>C.C. 727, lines 1-8</b>  <i>lines 9-13</i>  <i>lines 14-20</i>	<i>See sec. 9 of bill.</i> <i>Omitted as being covered by C. C. 612 and C. B. 32, sec. 6.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	C.C. 733, lines 1-11 <i>lines 12-22</i> <i>lines 23-36</i>	<i>See sec. 7 of bill.</i> <i>See sec. 8 of bill.</i>
7	C.C. 733, lines 12-22	"But if the charges are not sustained the costs shall be taxed against the parties filing the charges and their bondsmen".  Lines 11-12 of bill section new.
8	C.C. 733, lines 23-36	Provision as to trial term new.
9	C.C. 727, lines 9-13	
10	S.C.C. 732, entire	"Meet in said office" in lines 3-4 omitted as superfluous.  "At the time provided by law" substituted for specific date to harmonize with C. B. 255.
11	C.C. 731, lines 1-3 lines 31-41 <i>lines 3-7</i>  <i>lines 7-19</i> <i>lines 20-27</i> <i>lines 27-30</i>	Lines 2-3, "who shall devote his entire time to his work", see sec. 9, lines 1-2. <i>All after the word "work" in line 3 to and including "weighing" in line 7 omitted as being fully covered by C. C. 262 and C. B. 14, sec. 25.</i> <i>See sec. 12 of bill.</i> <i>See sec. 13 of bill.</i> <i>See sec. 96 of bill.</i>
12	C.C. 731, lines 7-19	
13	C.C. 731, lines 20-27	
14	New	This is a definitive section, the purpose of which is to avoid the constant repetition of "operator, owner, lessee, agent, managing officer and person in charge of any mine".
15	C.C. 735, lines 1-36 lines 44-74 lines 1-3 lines 4-8 lines 9-13 lines 14-20 lines 21-29 lines 30-32 lines 33-36 lines 44-57 lines 58-64 lines 65-74 <i>lines 36-44</i>	Divided and arranged in numbered paragraphs. See par. 1 of bill section. See par. 2 of bill section. See par. 3 of bill section. See par. 4 of bill section. See par. 5 of bill section. See par. 6 of bill section. See par. 7 of bill section. See par. 8 of bill section. See par. 9 of bill section. See par. 10 of bill section. <i>See sec. 17 of bill.</i>
16	C.C. 736, lines 8-16 <i>lines 1-7</i>	<i>See sec. 107, par. 1, of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
17	C.C. 735, lines 36-44	
18	C.C. 738, entire	Lines 1-3, "any mine" substituted for all types of mines described in said lines.
19	C.C. 739, entire	Line 10, "as by this chapter provided" omitted as useless reference.
20	C.C. 740, entire	
21	C.C. 741, entire	Lines 7-12, "communication" changed to "connection".
22	C.C. 742, lines 1-5 lines 6-10 lines 10-11  lines 11-22 lines 23-26	<i>See sec. 23 of bill.</i> <i>"And such additional air and escape ways shall only be used in cases of emergency" omitted as being impracticable and contrary to usage and custom in mines.</i> <i>See sec. 24 of bill.</i> <i>See sec. 45 of bill.</i>
23	C.C. 742, lines 6-10	
24	C.C. 742, lines 11-22	Line 20, "four" changed to "five". Line 22, "who shall make such order as the case demands" changed to "who shall have discretion to fix a time and place for such trial in vacation".
25	C.C. 743, entire	
26	C.C. 744, lines 1-20 lines 1-5 lines 14-20 lines 6-9 lines 9-14 lines 21-32 lines 33-39	Divided into paragraphs. } See par. 1 of bill section. } See par. 2 of bill section. } See par. 3 of bill section. <i>See sec. 27 of bill.</i> <i>See sec. 28 of bill.</i>
27	C.C. 744, lines 21-32	Line 32, cross reference changed to direct reference.
28	C.C. 744, lines 33-39	Lines 37-39, substituted for all after the word "party" in line 37 "if the evidence shows that the order was not a reasonable one the court shall vacate it or so modify it as to be equitable and just".
29	C.C. 748, entire	
30	C.C. 749, lines 1-10 lines 11-17 lines 18-22	<i>See sec. 31 of bill.</i> <i>See sec. 32 of bill.</i>
31	C.C. 749, lines 11-17	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
32	C.C. 749, lines 18-22	
33	C.C. 754, entire 774, lines 16-20  <i>lines 1-16</i>	This is a combination of these two widely separated provisions and so worded as to include both without any change in substance or meaning. <i>See sec. 63 of bill.</i>
34	C.C. 750, entire	Line 1, "hereafter" changed to "after July fourth, nineteen hundred eleven (1911)" for the reason that the original act in which the word "hereafter" appeared went into effect July fourth, 1911, and it would not be accurate to retain that word for the reason that in the adoption of the permanent code it would only apply to entries constructed after the date, whereas it should apply to entries constructed since the date of the original enactment.
35	C.C. 756, lines 8-11 <i>lines 1-5</i> <i>lines 5-8</i>	<i>See sec. 37 of bill.</i> <i>See sec. 38 of bill.</i>
36	C.C. 755, entire	Line 13, "contemplated" changed to "provided".
37	C.C. 756, lines 1-5	
38	C.C. 756, lines 5-8	
39	C.C. 745, entire	Line 8, added "or other structures".
40	C.C. 746, entire	
41	C.C. 747, entire	
42	C.C. 751, lines 1-16  <i>lines 16-26</i>	Line 15, "that contemplated in" changed to "a compliance with". <i>See sec. 43 of bill.</i>
43	C.C. 751, lines 16-26	
44	C.C. 752, entire	
45	C.C. 753, entire  742, lines 23-26	Line 1, "artificial" changed to "efficient". Line 6, "indestructable" changed to "incombustible".
46	C.C. 757, lines 1-9 <i>lines 9-13</i>	<i>See sec. 107, par. 2, of bill.</i>
47	C.C. 758, lines 1-5 <i>lines 6-12</i>	<i>See sec. 48 of bill.</i>
48	C.C. 758, lines 6-12	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
49	<b>C.C. 759, lines 1-21</b> <b>lines 1-4</b> <b>lines 4-7</b>  <b>lines 7-9</b> <b>lines 10-11</b> <i>lines 11-13</i>  <b>lines 13-16</b>   <b>lines 17-21</b> <i>lines 22-30</i>	Arranged in numbered paragraphs. See par. 1 of bill section. See par. 2 of bill section.  Line 6, "when the whole rope is wound on the drum" changed to "between the outer surface of the cable and the outer edge of the flanges". See par. 3 of bill section. See par. 4 of bill section. <i>Beginning with "which" in line 11, to and including "engineer" in line 13, omitted as superfluous.</i> See par. 5 of bill section.  Line 14, "efficient" substituted for "good".  Line 16, "on the cage" substituted for "being hoisted therein". See par. 6 of bill section. <i>See sec. 50 of bill.</i>
50	<b>C.C. 759, lines 22-30</b>	
51	<b>C.C. 760, entire</b>	
52	<b>C.C. 761, lines 10-13</b> <i>lines 1-8</i> <i>lines 8-10</i> <i>lines 14-18</i> <i>lines 19-22</i>  <b>C.C. 762, entire</b>	<i>See sec. 53 of bill.</i> <i>See sec. 55 of bill.</i> <i>See sec. 54 of bill.</i> <i>See sec. 55 of bill.</i> Divided into numbered paragraphs.  Line 8, "employees are coming up" changed to "employees are ready to enter cage either top or bottom".  Line 12, "warning of danger" substituted for "implies danger".  Lines 26-27, "placed as in this section provided for the code of signals" substituted.
53	<b>C.C. 761, lines 1-8</b>	
54	<b>C.C. 761, lines 14-18</b>	
55	<b>C.C. 761, lines 8-10</b> <b>lines 19-22</b>	
56	<b>C.C. 772, entire</b>	
57	<b>C.C. 778, lines 1-5</b> <i>lines 5-12</i>  <b>C.C. 783, lines 1-3</b> <i>lines 4-7</i>	<i>See sec. 58 of bill.</i>  <i>See sec. 107, par. 3, of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
58	C.C. 778, lines 5-12	Line 11, "holding a certificate" substituted for "certificated".
59	C.C. 779, entire	Lines 3-5, "who satisfactorily passes the examination written or oral prescribed by the board of examiners" substituted.
	C.C. 781, lines 1-3 lines 4-7	<i>Omitted as obsolete.</i>
60	C.C. 773, entire	
61	C.C. 782, entire	Line 7, "mining" substituted for "years of".
62	C.C. 771, entire	Divided into numbered paragraphs for convenience of reference. See par. 1 of bill section. See par. 2 of bill section. See par. 3 of bill section. Line 10, "upon their request" added. See par. 4 of bill section. See par. 5 of bill section. See par. 6 of bill section. See par. 7 of bill section.
63	C.C. 774, lines 1-16 lines 1-3 lines 3-8 lines 8-13 lines 14-16	Divided into numbered paragraphs. See par. 1 of bill section. See par. 2 of bill section. See par. 3 of bill section. See par. 4 of bill section.
64	C.C. 775, entire	Divided into paragraphs for convenience of reference. See par. 1 of bill section. See par. 2 of bill section. See par. 3 of bill section. See par. 4 of bill section. See par. 5 of bill section. See par. 6 of bill section.
65	C.C. 776, entire	
66	C.C. 792, lines 1-2 lines 3-4  lines 5-14	Provision as to examiner's power to prohibit the charging and firing of shot which in their judgment is unsafe is fully covered by C. C. 777; also see section 67. "Shot" changed to "drill holes".
67	C.C. 777, entire	
68	C.C. 794, entire	
69	C.C. 797, entire	
70	C.C. 795, entire	Divided into paragraphs for convenience of reference.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
70	lines 3-6 lines 6-10	See par. 1 of bill section. See par. 2 of bill section.  Lines 9-10, clause changed from negative to affirmative expression.
71	C.C. 796, entire	Lines 5-6, cross reference changed to "preceding section".
72	C.C. 763, entire	
73	C.C. 764, entire	Line 5, "in his work" substituted for "in the performance of his ordinary duties as a workman".
74	C.C. 765, entire	
75	C.C. 766, entire	Lines 4-9, "the written approval of the mine inspector of that district, a copy of which shall be filed in his office" substituted for all beginning with "given" in line 4 to and including "located" in line 9.
76	C.C. 768, entire	Line 1, "two" substituted for "three". Line 6, "two" substituted for "three".
77	C.C. 769, entire	Line 6, "and reasonable" omitted as surplusage.
78	C.C. 767, lines 1-11 lines 11-23 lines 23-27	See sec. 79 of bill. See sec. 80 of bill.
79	C.C. 767, lines 11-23	
80	C.C. 767, lines 23-27	"Of approved make" is new.
81	New	So far as the commissioners could ascertain all gasoline motors for haulage purposes have been eliminated in Iowa mines. They were found to be unsatisfactory, and especially for their effect upon the air, and it is not likely there will ever be a disposition to use them again.
82	C.C. 787, entire	
83	C.C. 791, lines 1-16 lines 17-26	Line 16, cross reference changed to direct reference. See sec. 84 of bill.
84	C.C. 791, lines 17-26	"In any court of competent jurisdiction" omitted as unnecessary.
85	New	This and the three following sections are designed to regulate use of electricity in mines.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
85		It is recognized as a dangerous element and a number of distressing accidents have resulted, and yet there is no provision in the statutes regulating the use of electricity in mines or the amount of current that may be carried into a mine. The mine inspector, United Mine Workers and mine operators have all recognized the desirability of some kind of statutory regulation and restriction in this respect, and the four new sections are submitted for that purpose.
86	New	
87	New	
88	New	
89	C.C. 784, lines 1-15 lines 16-25 lines 26-32 lines 32-39 lines 40-49	<i>See sec. 90 of bill.</i> <i>See sec. 91 of bill.</i> <i>See sec. 93 of bill.</i> <i>See sec. 92 of bill.</i>
90	C.C. 784, lines 16-25	
91	C.C. 784, lines 26-32	
92	C.C. 784, lines 40-49	
93	C.C. 784, lines 32-39	
94	C.C. 770, lines 1-8 lines 9-16	<i>See sec. 96 of bill.</i>
95	C.C. 734, entire	
96	C.C. 770, lines 9-16 731, lines 27-30	
97	C.C. 786, entire	Line 13, "the negligence of such operator shall be held to be the proximate cause of such injury." substituted for "the same shall be held culpable negligence."
98	C.C. 789, lines 1-10  lines 10-16 lines 17-22 lines 22-30 lines 31-34 lines 35-42	Line 10, after "facts" the following is added: "and asking a mandatory writ to compel the making of such improvements". <i>See sec. 99 of bill.</i> <i>See sec. 100 of bill.</i> <i>See sec. 102 of bill.</i> <i>See sec. 103 of bill.</i> <i>See sec. 101 of bill.</i>
99	C.C. 789, lines 10-16	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 42

Prepared by J. C. Mabry

Subject: **WORKMEN'S COMPENSATION****General Explanation**

The statutes covered by this bill are a composite mass gathered from many sources. Their provisions are good, but the arrangement is poor, illogical, and confusing in many instances.

The bill proposes to retain practically all the provisions of the present law, and in so far as changes are proposed, their object is to strengthen the law and add to its efficiency. The most that is attempted is to divide unduly long sections and rearrange for more logical order.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 807, lines 9-16</b>  <i>lines 1-8</i> <i>lines 17-22</i> <i>lines 23-40</i> <i>lines 40-41</i> <i>lines 42-50</i> <i>lines 51-65</i> <i>lines 66-89</i> <i>lines 90-94</i> <i>lines 95-102</i>	Divided into numbered paragraphs for convenience of reference.  <i>See sec. 3 of bill.</i> <i>See sec. 2 of bill.</i> <i>See sec. 15 of bill.</i> <i>See sec. 16 of bill.</i> <i>See sec. 19 of bill.</i> <i>See sec. 4 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 17 of bill.</i>
2	<b>C.C. 807, lines 17-22</b>	
3	<b>C.C. 807, lines 1-8</b>	
4	<b>C.C. 807, lines 51-65</b>	Lines 51-54, repetition of lines 1-6, codified in sec. 3 of bill.
5	<b>C.C. 807, lines 66-89</b>	
6	<b>C.C. 807, lines 90-94</b>	Line 91, "where the business is carried on" added for clearness.
7	<b>C.C. 809, lines 12-22</b>  <i>lines 1-11</i> <i>lines 23-30</i> <i>lines 31-57</i> <i>lines 58-80</i> <i>lines 81-97</i>	  <i>See sec. 20 of bill.</i> <i>See sec. 8 of bill.</i> <i>See sec. 9 of bill.</i> <i>See sec. 10 of bill.</i> <i>See sec. 11 of bill.</i>
8	<b>C.C. 809, lines 23-30</b>	Line 30, "employer in any action for

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8		damages on account of such injury" substituted for "offending party".
9	C.C. 809, lines 31-57	
10	C.C. 809, lines 58-80	Lines 78-79, "fraudulently procured" substituted for "procured through fraud and thereby fraudulently procured".
11	C.C. 809, lines 81-97	Line 97, "with the reasons indorsed thereon by the industrial commissioner" added as a proper provision.
12	C.C. 810, lines 1-6 lines 7-12	<i>See sec. 13 of bill.</i>
13	C.C. 810, lines 7-12	Line 12, "and posted at the place of business" added as a necessary requirement.
14	C.C. 811, entire	Line 1, "when" substituted for "where". Line 2, "terms, conditions and" omitted as tautology. Lines 3-4, same omission as last for same reason.
15	C.C. 807, lines 23-40	Line 40, "unless such negligence was the sole and only proximate cause of the injury" added for clearness and because such is the meaning and intent of the statute as construed by the courts.
16	C.C. 808, entire 807, lines 40-41	
17	C.C. 807, lines 95-102	
18	C.C. 814, entire	
19	C.C. 807, lines 42-50	Divided into paragraphs for convenience of reference. Line 50, "and proximate cause" added for clearness.
20	C.C. 809, lines 1-11	
21	C.C. 812, entire	
22	C.C. 813, entire	At present the employee can look to the employer for compensation and at the same time sue the third party. By the time he collects damages from the third party, the employer has paid the compensation and it is gone and the employer or insurer who paid it has no redress. Again, the compensation pay-



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
22		ments may extend over many months or even four years in extreme cases and the employee may delay beginning an action against the third party for as much as two years. We have recast the whole section and made ample provisions to protect the rights of both employer and employee, and giving the employee, if anything, the advantage.
23	C.C. 815, lines 1-19 lines 20-33 lines 34-42	See sec. 24 of bill. See sec. 25 of bill.
24	C.C. 815, lines 20-33	
25	C.C. 815, lines 34-42	
26	C.C. 816, lines 10-23  lines 1-9  lines 24-28 lines 28-29 lines 30-31 lines 32-34 lines 35-48 lines 49-69 lines 70-71 lines 72-74 lines 75-77 lines 78-79 lines 80-82 lines 83-85 lines 86-144 lines 145-152	Line 23, "for such additional services and supplies" added for clearness. <i>Omitted as being a mere preliminary statement of conditions upon which compensation and medical and hospital expense shall be paid which conditions have already been fully stated and where in the positive provisions creating the rights and liabilities of employer and employee, and the omitted portion is, therefore, but a repetition of such conditions.</i> See sec. 27 of bill. See sec. 28 of bill. See sec. 30 of bill. See sec. 29 of bill. See sec. 30 of bill. See sec. 31 of bill. See sec. 32 of bill. See secs. 29 and 32 of bill. See sec. 32 of bill. See secs. 29 and 33 of bill. See sec. 29 of bill. See sec. 33 of bill. See sec. 34 of bill. <i>Omitted as being fully covered in other sections.</i>
27	C.C. 816, lines 24-28	Line 28, "for each" added. It often happens that an employee after injury lingers sometime before death. In the meantime bills for hospital and medical services are incurred which if paid would leave nothing for burial expenses or if applied on burial expenses then nothing for medical and hospital services. Hence this addition which is only just.

## WORKMEN'S COMPENSATION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
28	C.C. 816, lines 28-29	The modification above also applies here.
29	C.C. 816, lines 32-34 lines 72-74 lines 78-82	The purpose here is to fix once for all the basis of compensation which all through is 60 per cent per week of average weekly wages, with a maximum of \$15.00 and a minimum of \$6.00 per week to avoid the innumerable repetition of this basis in connection with all the different classes of injury mentioned in the schedule. This same basis of compensation is applied to each injury specified in the schedule, except in case of minors whose earnings were received by the parent, when it is two-thirds of the basic amount.
30	C.C. 816, lines 30-31 lines 35-48 lines 30-34 lines 45-48 lines 35-40 lines 41-44 817, entire	For rate of compensation see sec. 29 of bill. Par. 1 of bill section. Par. 2 of bill section. Par. 3 of bill section. Par. 4 of bill section. Par. 5 of bill section.
31	C.C. 816, lines 49-69	
32	C.C. 816, lines 70-77	For rate of compensation see sec. 29.
33	C.C. 816, lines 78-79 lines 83-85	For rate of compensation see sec. 29.
34	C.C. 816, lines 86-144	In twenty numbered paragraphs. For weekly rate of compensation see section 29 where the rate is fixed applicable to all to save the numerous repetitions in connection with each item in the schedule. In the present statute in each paragraph of the schedule of compensation for permanent partial disability "sixty per cent of daily wages" is repeated in each paragraph. In the bill daily wages is changed to weekly wages because weekly wages is the basis on which compensation is fixed, and amounts to the same thing as daily wages in the computation. The method of computing to find average weekly earnings takes into consideration daily wages and which is used for the purpose of finding average weekly earnings as a basis for the computation, but when weekly earnings have once been ascertained as the basis of computation, then that term should be used in the schedule instead of daily wages.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
34		Lines 105-107 omitted since under the schedule the loss of all the fingers could never exceed the amount for entire hand.
35	C.C. 822, entire	Divided into numbered paragraphs for convenience of reference.
36	C.C. 819, entire	Line 5, after "employees" add "or other donations".
37	C.C. 818, entire	Lines 10-11, omitted as being a repetition of the same thing as the preceding sentence.
38	C.C. 833, lines 3-9 lines 1-2 lines 10-19 lines 20-22 lines 23-26 lines 27-41 lines 42-45	<i>See sec. 70 of bill.</i> <i>See sec. 80 of bill.</i> <i>See sec. 70 of bill.</i> <i>See sec. 104 of bill.</i> <i>See sec. 84 of bill.</i> <i>See sec. 71 of bill.</i>
39	New	This section is added to compel employers to furnish the statement of earnings required by the preceding section. It very often occurs that requests for statement of earnings are ignored or neglected and proper steps cannot be taken by the injured to secure his compensation until he receives his statement of earnings. Therefore, a period of thirty days is fixed as an ample time after receiving the request to furnish the statement and in default for thirty days after receiving request the employer is liable to a penalty of \$25.00. Any employer giving proper attention to the rights of the employee need never be subject to this penalty.
40	C.C. 823, lines 29-47 lines 67-69 lines 1-28 lines 48-53 lines 54-66 lines 70-86	<i>See sec. 61 of bill.</i> <i>See sec. 41 of bill.</i> <i>See sec. 42 of bill.</i> <i>See sec. 61 of bill.</i>
41	C.C. 823, lines 48-53	Line 53, "if any, in proportion to their dependency" is added for clearness.
42	C.C. 823, lines 54-66	Line 61, "in the proportion each dependency bears to their aggregate dependency" substituted for "according to relative extent of their dependency" as a clearer expression of the meaning.
43	C.C. 821, lines 1-14	See also sec. 44 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
43	<i>lines 15-24</i>	<i>See sec. 45 of bill.</i>
44	C.C. 821, lines 1-14	While this section is based upon the provisions of C. C. 821, it is an enlargement of such provisions for completeness in the matter of the procedure. There is nothing in the present law to indicate how a commutation is to be brought about. As a matter of practice it is done by filing a petition for commutation in the district court and serving notice on the opposite party, although there is no provision of law for that procedure. This bill section is drawn to fit the procedure which has already been adopted as a matter of necessity.
45	C.C. 821, lines 15-24	
46	C.C. 820, lines 1-7 lines 14-20  <i>lines 8-13</i> <i>lines 21-45</i>	Lines 4-5, "for the county in which the injury occurred" substituted for "for each county in the respective judicial districts." <i>See sec. 47 of bill.</i> <i>See sec. 48 to 53, inclusive, of bill.</i>
47	C.C. 820, lines 8-13	
48 49 50 51 52	C.C. 820, lines 21-45	These five sections propose a modification of the present statute with regard to compensation that may become due aliens who reside outside the United States. The modification is not a radical one, but is designed to more fully protect the rights of alien nonresident dependents, and avoid conflicts between consular officers and next of kin. At present any consular officer of the country in which the alien resides may come in and take charge of his estate and there is no provision for requiring an accounting. There is no disposition to prevent such officers from representing in a proper manner such interests, but the nonresident alien should have something to say about it. At present such officer is given the exclusive right to represent all such interests and it is required that the industrial commissioner on the filing of a copy of his commission from his own country to notify such consular agent of the death of all employees leaving dependents residing in the country of such consular officer so far as they

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
52		shall come to his knowledge and thereupon the consular officer without further authority to take charge of the estate unless some relative of the decedent residing in the state shall take out letters of administration upon the estate. The bill proposes to leave the right to the consular agent to represent such dependents undisturbed, but requires that they come within the jurisdiction of the district court by appointment as trustee, and that he shall be subject to the jurisdiction of the court until his final report has been filed and approved. Also the bill proposes that any adult relative of the deceased employee either by blood or marriage residing within the state shall have the exclusive right for twenty days from the date to apply for letters of administration, but at any time during such period may file a written waiver of such right in favor of the consular agent. We believe that these five sections are a great improvement upon the provisions now found in C. C. 820, lines 21-45.
53	New	
54	C.C. 824, lines 1-8 lines 9-12	<i>See sec. 55 of bill.</i>
55	C.C. 824, lines 9-12	
56	C.C. 825, entire	
57	C.C. 827, entire	Modified for clearness of expression of the true intent. There is a federal compensation law which applies to certain employees engaged in interstate business and so far as the Iowa law may conflict with it the federal statute would control. Therefore, it seems necessary to put in the qualifying clause found at the beginning of the bill section "so far as permitted or not forbidden by any act of Congress". Subject to this modification, the other provisions of the section are retained.
58	C.C. 828, entire	
59	C.C. 829, entire	
60	C.C. 830, entire	
61	C.C. 823, lines 1-28	Divided into numbered paragraphs and

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
61	<p style="text-align: center;"><b>lines 70-86</b></p> <p style="text-align: center;"><i>lines 29-47</i> <i>lines 48-53</i> <i>lines 54-56</i> <i>lines 67-69</i></p>	<p>lettered subdivisions of paragraphs for convenience of reference.</p> <p>Lines 7-8 omitted as not necessary to give effect to sec. 22 of bill.</p> <p><i>See sec. 40 of bill.</i></p> <p><i>See sec. 41 of bill.</i></p> <p><i>See sec. 42 of bill.</i></p> <p><i>See sec. 40 of bill.</i></p>
62	<p><b>C.C. 831, lines 1-5</b></p> <p style="text-align: center;"><i>lines 6-9</i> <i>lines 10-12</i> <i>lines 13-15</i></p>	<p>Line 3, "he shall maintain his office at the seat of government" added.</p> <p><i>See sec. 63 of bill.</i></p> <p><i>See sec. 64 of bill.</i></p> <p><i>Omitted as being covered by the salary act of 39 G. A.</i></p>
63	<p><b>C.C. 831, lines 6-9</b></p>	<p>Lines 7-9 omitted as being covered by 39 G. A., ch. 340, sec. 25.</p>
64	<p><b>C.C. 831, lines 10-12</b></p>	
65	<p><b>S.C.C. 832, lines 43-47</b></p> <p style="text-align: center;"><i>lines 1-4</i></p> <p style="text-align: center;"><i>lines 5-25</i></p> <p style="text-align: center;"><i>lines 26-28</i></p> <p style="text-align: center;"><i>lines 29-36</i> <i>lines 37-42</i></p> <p style="text-align: center;"><i>lines 48-50</i></p>	<p><i>Provision as to office furniture and supplies omitted as being covered by C. C. 262, C. B. 14.</i></p> <p><i>Omitted here as being covered by other provisions relating to the auditing and paying salaries and expense accounts of state officers, their deputies, and clerks. Omitted as being a useless provision here in view of other provisions covering the same matters.</i></p> <p><i>See sec. 66 of bill.</i></p> <p><i>Omitted as being covered by C. C. 600 and C. B. 31.</i></p> <p><i>Omitted as being covered by C. C. 262, and C. B. 14, also 39 G. A., ch. 286.</i></p>
66	<p><b>S.C.C. 832, lines 29-36</b> <b>C.C. 846, entire</b></p>	<p>These two provisions combined in one section, each relating to the same thing.</p>
67	<p><b>C.C. 847, entire</b></p>	
68	<p><b>C.C. 848, lines 1-15</b></p> <p style="text-align: center;"><i>lines 16-20</i> <i>849, entire</i></p>	<p>Lines 14-15, "which shall be filed in the office of the governor or commissioner as the case may be" substituted for "which shall be filed as by this chapter in other cases provided". Part of the recommendations referred to may be made to the governor and part of them to the industrial commissioner.</p> <p><i>See sec. 69 of bill.</i></p> <p><i>Omitted as being covered by C. B. 34.</i></p>
69	<p><b>C.C. 848, lines 16-20</b></p>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
70	C.C. 833, lines 1-2 lines 20-22	The statement as to the general duties of the commissioner is very meager in the present statute and this bill section proposes to broaden such general duties not in conflict with any provision of law, but to make the existing provisions of law to authorize what is done in actual practice. There should be general power to enforce all necessary rules and regulations not in conflict with law to prepare and distribute the necessary blanks for the administration of his office, to preside as chairman of boards of arbitration and to do all things not inconsistent with law in carrying out the provisions relating to the administration of his office. Much of this is left to conjecture in the present law.
71	C.C. 833, lines 42-45	The present statute fixes no period at which the biennial report shall be made. In harmony with provisions as to other officials this bill section fixes a date on or before which the biennial report shall be made. The only requirement at present is that such report shall recommend such changes in the law as the commissioner may deem necessary. It should contain a statement of the expenses of the office, the number of arbitrations and the results thereof and such other matters as may be of public interest in connection with his office during the biennium covered by the report. "At the time provided by law" substituted for specific date to harmonize with C. B. 255.
72	C.C. 845, lines 22-39 lines 1-9 lines 10-21	<i>See sec. 73 of bill.</i> <i>See sec. 74 of bill.</i>
73	C.C. 845, lines 1-9	
74	C.C. 845, lines 10-21	Line 21, there is added the provision that in the recovery of the penalty provided for, the county attorney of the county in which the proceeding is brought shall represent the commissioner.
75	C.C. 834, entire	
76	C.C. 835, entire	"Who shall thereupon in writing notify the parties to form a board of arbitration" substituted for line 4 of C.C. 835.





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
83		or similar provisions are absolutely necessary for the speedy and just administration of this law in relation to hearings before the commissioner or a board of arbitration.
84	C.C. 833, lines 27-41	Line 39, "a commission" is substituted for "permission" in order to be in harmony with the laws of the state with regard to taking depositions on commission. No one has to get "permission" to take a deposition.
85	C.C. 838, lines 9-12	
86	C.C. 838, lines 13-15 841, entire	Lines 7-8 omitted because it is self-evident without any provision.
87	C.C. 841, generally	This provision is an enlargement of the present provisions, but is in harmony with what is in fact done in the administration of the law as the industrial commission on petitions for review uniformly files opinions setting forth findings of fact on all fact issues and conclusions of law on all legal questions raised before him, and these are required to be in writing in order that such matters may be preserved of record.
88	C.C. 842, lines 20-27  <i>lines 1-15</i> <i>lines 16-20</i> <i>lines 28-34</i> <i>lines 34-38</i> <i>lines 38-40</i> <i>lines 41-53</i> <i>lines 53-59</i> <i>lines 60-65</i> <i>lines 66-72</i> <i>lines 73-78</i>	The present statute does not provide that an appeal from a decision of the industrial commission shall be to the district court of the county in which the injury occurred. Certainly appeals should not be permitted to any other county and so this provision is inserted. <i>See sec. 105 of bill.</i> <i>Omitted as unnecessary.</i> <i>See sec. 89 of bill.</i> <i>See sec. 90 of bill.</i> <i>See sec. 91 of bill.</i> <i>See sec. 92 of bill.</i> <i>See sec. 93 of bill.</i> <i>See sec. 105 of bill.</i> <i>See sec. 95 of bill.</i> <i>See sec. 94 of bill.</i>
89	C.C. 842, lines 28-34	Line 32, "including any depositions" inserted along with other documents and transcripts of evidence.
90	C.C. 842, lines 34-38	Line 34, "the application for such appeal" is omitted as not being a proper term. When the case gets into the district court it is an appeal case and not merely "an application" for an appeal.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
90		Lines 35-37, the present provision is that the party appealing can bring the cause on for trial on ten days notice to the other party. This would be impracticable because in many instances court would not be in session. The bill section proposes a modification making the first term after the appeal is taken the trial term irrespective of when the appeal is filed, and if taken during a term it may be tried at any time after ten days of the date of filing the transcript, and it shall have precedence on the docket over all other civil business except appeals of the same kind. This certainly is an improvement on the present unworkable provision.
91	<b>C.C. 842, lines 38-40</b>	The wording of this provision is peculiarly unfortunate to express the meaning. The bill section modifies it in such way as to make it clear that the record made by the industrial commissioner shall be the record on which a case shall be tried on appeal, except in case of fraud, and in the absence of any claim of fraud no additional evidence shall be heard. The bill section expresses clearly the evident meaning of the present statute.
92	<b>C.C. 842, lines 41-53</b>	These grounds upon which a reversal may be had on appeal are stated in somewhat different language and in a clearer and more concise way, but with no variance in the meaning.
93	<b>C.C. 842, lines 53-59</b>	
94	<b>C.C. 842, lines 73-78</b>	
95	<b>C.C. 842, lines 66-72</b>	
96	<b>S.C.C. 843, lines 1-6</b> <i>lines 7-11</i> <i>lines 12-16</i> <i>lines 18-21</i>	See also sec. 97 of bill. <i>See sec. 99 of bill.</i> <i>See sec. 100 of bill.</i> <i>See sec. 98 of bill.</i>
97	<b>S.C.C. 843, lines 1-6</b>	Line 3, this bill section is merely an enlargement of the provisions to require a party desiring a review of payments by the industrial commissioner to file an application therefor instead of merely making a "request" and also providing for the service of notice on the opposite party of the filing of such application. There is no provision at the present time

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
97		for giving notice of such application.
98	S.C.C. 843, lines 18-21	
99	S.C.C. 843, lines 7-11	Lines 8-9, cross reference changed to direct references; "seat of government" substituted for "Des Moines, Iowa".
100	S.C.C. 843, lines 12-16	
101	C.C. 839, entire	
102	C.C. 826, entire  844, entire	Line 4, "by a judge of a court of record" omitted as a provision that could be enormously abused. The proceedings are before the industrial commissioner and he is the only proper official to approve the amount of attorney's fee. These two sections are combined as relating to the same thing.
103	C.C. 840, entire	Line 2, on the recommendation of industrial commissioner the provision that each arbitrator shall receive five dollars (\$5.00) as a fee for his services is changed by the bill to such amount as the commissioner shall allow in each case but not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00) per day. Experience has taught the commissioner that arbitrators cannot be found competent to serve in such cases at the compensation fixed by the statute.
104	C.C. 833, lines 23-26	Modified to make fees of witnesses before the commissioner and the arbitration committee the same as in the district court.
105	C.C. 842, lines 1-15 lines 60-65	See bill sec. 88 for other portions C.C. 842.  Lines 60-65, the provisions in these lines are wholly unnecessary as any person may have a transcript of any judgment or record from the office of any clerk of the district court to be used or filed in any other county or elsewhere.
106	New	This provision is here made to supply an entire lack of the law as to the satisfaction of judgments in such matters rendered in the district court. The amounts of such judgments are often paid direct to the employee and this provision is more particularly to require that in such cases he shall execute a sat-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
106		isfaction of the judgment either on the record or in some form to be filed as evidence that the judgment is paid.
107	C.C. 850, lines 1-10 <i>lines 11-27</i>	Line 10, "of this chapter" omitted as superfluous. <i>See sec. 108 of bill.</i>
108	C.C. 850, lines 11-27	
109	C.C. 855, entire	
110	C.C. 851, entire	Line 5, "insurance commissioner" substituted for "state insurance department".
111	C.C. 852, entire	
112	C.C. 853, entire	
113	C.C. 854, entire	Line 9, "in the same time and manner as appeals from actions of the industrial commissioner" added for completeness.
114	C.C. 857, lines 1-4 <i>lines 5-12</i>	<i>See sec. 115 of bill.</i>
115	C.C. 857, lines 5-12	
116	C.C. 856, entire	
117	C.C. 858, lines 1-13  <i>lines 14-18</i>	Line 13, "may be required by such insurance commissioner or industrial commissioner" substituted for "by this section of this chapter provided" for clearness. <i>See sec. 118 of bill.</i>
118	C.C. 858, lines 14-18	Line 14, "insurance commissioner" substituted for "insurance department". Departments only act through administrative officers.
119 120 121	New New New	These three new sections are for the purpose of curing a very lame place in the law. At present an employer comes under the compensation provisions automatically without doing anything and then he can walk out automatically without complying with the insurance provisions. This is manifestly unjust to the employee, and to induce the employer to comply with such provisions, and in the absence of any way to absolutely enforce such provisions the injured employee is given the right to elect, whether he will treat the employer as being under the compensation law. These provisions are salutary and just and should be adopted.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 43

Prepared by J. C. Mabry

**Subject: HEALTH AND SAFETY APPLIANCES****General Explanation**

The general purpose of this bill is to gather together in one (1) chapter the widely separated provisions of law germane to the subject. There is no proposal to change the law, except to broaden some of the provisions of S. C. C. 860 so as to apply to portable concerns operated by machinery, such as ditching machines, shredders, saw mills, thrashing machines, and the like.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 862, lines 1-3</b> <i>lines 4-11</i> <i>lines 12-22</i> <i>lines 23-26</i>	See also C.B. 46, sec. 4. <i>See sec. 12, par. 3, of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 12, par. 3, of bill.</i>
2	<b>C.C. 859, lines 1-10</b> <i>lines 11-19</i> <i>lines 20-25</i> <i>lines 26-27</i>	Line 10, "or boys" added after "men". <i>See sec. 3 of bill.</i> <i>See sec. 4 of bill.</i> <i>See sec. 12, par. 1, of bill.</i>
3	<b>C.C. 859, lines 11-19</b>	Line 16, "suitable" changed to "adequate".
4	<b>C.C. 859, lines 20-25</b>	Line 20, "workshop" inserted preceding "mercantile" to make the law apply to such concerns.  Line 21, "occupation" changed to "establishment".
5	<b>S.C.C. 860, lines 9-11</b> <i>lines 1-8</i> <i>lines 11-12</i> <i>lines 13-16</i> <i>lines 17-18</i> <i>lines 19-27</i>	<i>See sec. 6 of bill.</i> <i>See sec. 12, par. 2, of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 12, par. 3, of bill.</i> <i>See C. B. 44, sec. 4.</i>
6	<b>S.C.C. 860, lines 1-8</b> <b>lines 13-16</b>	Line 2, "having" changed to "in". "Industrial" inserted preceding "establishments". "Or concern" inserted after "establishment".  Line 3, "where machinery is used" omitted and the following substituted "operated by machinery, within a fixed location or when portable and moved

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6		<p>from place to place in carrying on such industry". This addition is for the purpose of broadening the law and make it applicable to portable machinery plants as well as those having a fixed location.</p> <p>"To furnish and supply or cause to be furnished and supplied" omitted and in lieu thereof "to install and keep in order" substituted.</p> <p>Line 5, "contrivances" changed to "means". "The purpose of" omitted as superfluous.</p> <p>Line 6, "and wherever possible machinery therein shall be provided with" omitted and "installed" substituted.</p> <p>Line 7, "tumbling rods, universal or knuckle joints" inserted after "shafting".</p> <p>Line 8, "and machinery of every description" changed to "and other machinery, so far as practicable, when so located or used that employees may receive injury thereby", "Guarded" changed to "and protect by guards or housing".</p>
7	C.C. 862, lines 12-22	<p>Lines 12-14, "in any manufacturing or other establishment wherein machinery is used and wherein or whereon guards or safety appliances have been provided" omitted as superfluous.</p> <p>Lines 17-21, omitted and the following inserted in lieu thereof, "for the purpose of enabling the employee operating said machine to perform any special work that cannot be otherwise performed". The present wording of the law is very awkward and confusing.</p>
8	C.C. 861, lines 1-15  <i>lines 16-20</i>	<p>Line 3, "or machines which create or throw dust sufficiently light to float in the air" inserted after "casting".</p> <p><i>See sec. 9 of bill.</i></p>
9	C.C. 861, lines 16-20	
10	C.C. 883, lines 1-9  <i>lines 10-16</i> <i>lines 17-20</i>	<p>Line 8, "four" changed to "one".</p> <p><i>See sec. 11 of bill.</i></p> <p><i>See sec. 12, par. 3, of bill.</i></p>
11	C.C. 883, lines 10-16	<p>Line 12, "commissioner of the bureau of labor statistics" changed to "commissioner of labor". There appears no good</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11		reason why so cumbersome a title for this office should longer remain.
12	<b>C.C.</b> 859, lines 26-27 862, lines 4-11 lines 23-26 883, lines 17-20 <b>S.C.C.</b> 860, lines 11-12 lines 17-18	All the penal provisions of the various sections codified are grouped by paragraphs in this section of the bill, being a much better arrangement than to have them buried in various portions of the various long sections as they now exist in the law. In some instances jail sentences are omitted because it necessarily follows if fine is not paid.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 44

Prepared by J. C. Mabry

**Subject: CHILD LABOR****General Explanation**

The general purpose of this bill is to gather into one chapter all the various and widely separated provisions touching the subject. There is no proposal for any substantial changes in the law, but only such modifications as make the statement of the law definite and concise.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 882, entire	Line 2, "wages or" omitted as superfluous.  Line 5, "or in the operation of any freight or passenger elevator". See sec. 4 for codification.  Lines 9-10, "owned or" omitted as superfluous.
2	C.C. 886, lines 1-9 lines 10-13 lines 13-16	See sec. 3 of bill. See sec. 13 of bill.
3	C.C. 886, lines 10-13	
4	S.C.C. 860, lines 19-27 C.C. 882, line 5	See C.B. 43 for balance of section.
5	S.C.C. 888, lines 1-14 lines 65-66 lines 77-78 lines 15-57 lines 58-64 lines 67-76 lines 79-87	See sec. 6 of bill. See sec. 8 of bill. See sec. 7 of bill. See sec. 9 of bill.
6	S.C.C. 888, lines 15-57	Line 37, following "custodian" insert the following "but in special cases where a child is strong, healthy, and well developed physically, superintendents or local school boards may, with the approval of the labor commissioner issue permits for boys and girls between the ages of fourteen and sixteen, with less educational acquirements good for vacation only". This provision is inserted here



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6		on suggestion of the labor commissioner for reasons apparently sound.
7	S.C.C. 888, lines 67-76	
8	S.C.C. 888, lines 58-64	
9	S.C.C. 888, lines 79-87	
10	C.C. 885, entire	Line 6, after "hotel" insert "cafe, restaurant", and after "billiard room" insert "cigar store, barber shop". These insertions are made upon the urgent recommendation of the labor commissioner as well as organizations for social welfare work.
11	C.C. 884, lines 1-10 <i>lines 11-29</i> <i>lines 30-33</i> <i>lines 34-35</i> <i>lines 36-43</i>	Line 7, "juvenile court" inserted after "municipal court". <i>See sec. 12 of bill.</i> <i>See sec. 14, par. 2, of bill.</i> <i>See sec. 15 of bill.</i> <i>See sec. 14, par. 3, of bill.</i>
12	C.C. 884, lines 11-29	Line 29, at the end of the line is added "following their issuance".
13	C.C. 886, lines 13-16	
14	C.C. 884, lines 30-33 lines 36-43  887, entire 889, entire	Lines 38-42, provision is omitted regarding continuance to furnish or sell articles to a minor to aid him in violating the law after receiving notice from officers to desist, in order to afford better means of enforcement.  Line 15, "knowingly" is omitted as forming a great obstacle to enforcement and enabling a guilty person to invariably escape by proving that he did not "knowingly" violate the law.  Line 24, "or who violates any other provision of this chapter", see par. 4.
15	C.C. 884, lines 34-35 890, entire	See also C.B. 46, sec. 4.  Line 7, "within the territories where they exercise their official functions" changed to "within their several jurisdictions".  Line 8, following the word "functions" changed to "jurisdictions", the following is inserted "to cooperate in the enforcement of such provisions and furnish the labor commissioner, his deputy and assistants all information coming to their

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
15		<p>knowledge regarding any violations of such provision.</p> <p>Line 14, "or prevent from asking questions of any persons found at the place being inspected by them with reference to the provision of this chapter" changed to "and to freely question any person therein as to any violations of such provision".</p> <p>Lines 19-20, omitted and the following inserted "and to prosecute all such cases of violation within their respective counties".</p>

## BRIEF OF CODE COMMISSIONERS BILL NO. 45

Prepared by J. C. Mabry

**Subject: FIRE ESCAPES****General Explanation**

This is purely a codification measure whose purpose is to simplify the law by dividing long sections and by setting out various types of fire escapes and buildings in numbered paragraphs in order to clarify the law and enable the searcher to more readily place his finger upon any particular provision. There is no proposal to change the law, except one or two slight modifications in order to make an obscure provision more definite or specific.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1061, lines 1-6  <i>lines 7-12</i>	Lines 2-3, "as are included by law and which buildings are not equipped with fire escapes or which buildings may hereafter be erected or the fire escapes of which are renewed or are in state of renewal" omitted and the following inserted, "and such other buildings of a less number of stories as are in this chapter specially designated".  <i>See sec. 2 of bill.</i>
2	C.C. 1061, lines 7-12	Line 7, "used in the law relating to fire escapes and protection against fire and means of escape from buildings" omitted and the following inserted, "all structures or enclosures of each of the classes mentioned or referred to herein".  Lines 9-10, "embraced in this section or referred to more specifically in the law relating to fire escapes, protection against fire and means of escape from buildings" omitted as being covered by the language of the bill section "shall include all structures or enclosures of each of the classes mentioned or referred to herein".  Line 12, "when a basement is five feet or over above ground it shall be counted as a story" changed to the words "story shall include a basement story when such

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2		basement story is on the average of five feet or more above the ground".
3	<b>C.C. 1062, lines 1-37</b>  <i>lines 38-75</i>	Line 2, after "school house" is inserted "dance, lodge or assembly hall," which structure should be brought within the purview of the law.  Lines 17, 21, 24, "non-combustible" changed to "incombustible" as being the preferable word. <i>See sec. 4 of bill.</i>
4	<b>C.C. 1062, lines 38-75</b>	This section codifies the voluminous matter in the form of paragraphs under the general heading of regulations, as a means of visualizing the various provisions to the searcher.
5	<b>C.C. 1063, lines 1-23</b> <i>lines 24-54</i>	<i>See sec. 6 of bill.</i>
6	<b>C.C. 1063, lines 24-54</b> <b>lines 24-25</b> <b>lines 26-32</b> <b>lines 33-43</b> <b>lines 44-47</b> <b>lines 48-49</b> <b>lines 50-54</b>	See par. 2 of bill section. See par. 1 of bill section. See par. 3 of bill section. See par. 4 of bill section. See par. 5 of bill section. See par. 6 of bill section.
7	<b>S.C.C. 1064, entire</b> <b>lines 1-7</b> <b>lines 8-24</b>   <b>lines 25-29</b>	See par. 1 of bill section. See par. 2 of bill section.  Lines 17-18, "be continuous from one story to the next" stricken out and insert "and must not continue in the same line for more than one story". See par. 3 of bill section.
8	<b>C.C. 1065, entire</b>	
9	<b>C.C. 1066, lines 75-80</b> <i>lines 1-8</i> <i>lines 9-23</i> <i>lines 24-27</i> <i>lines 28-33</i>  <i>lines 31-33</i> <i>lines 34-38</i> <i>lines 39-53</i> <i>lines 54-64</i> <i>lines 65-75</i>	<i>See sec. 14 of bill.</i> <i>See sec. 15 of bill.</i> <i>See sec. 16 of bill.</i> <i>See sec. 11 of bill, and C.B. 46, sec. 4, par. 2.</i> <i>See sec. 10 of bill.</i> <i>See sec. 12 of bill.</i> <i>See sec. 17 of bill.</i> <i>See sec. 18 of bill.</i> <i>See sec. 13 of bill.</i>
10	<b>C.C. 1066, lines 31-33</b>	This section really is a new provision which grows out of the fact that inspectors often find a particular building

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10		which owing to its peculiar situation or interior arrangement requires some special regulations as to the width and arrangement of aisles to permit escape in case of fire, and which cannot always be under the direct supervision of the labor commissioner. Therefore the inspectors are empowered in such cases to make rules and regulations applicable to the particular building.
11	C.C. 1066, lines 28-33	See also C.B. 46, sec. 4. Line 28, "commission of the bureau of labor statistics" changed to "labor commissioner" and followed by "except when otherwise specially provided by law". Line 31, after "herein" insert "and others upon whom there is imposed by law or ordinance any duty with reference to fire escapes".
12	C.C. 1066, lines 34-38	
13	C.C. 1066, lines 65-75	
14	C.C. 1066, lines 1-8	Lines 7-8, "as hotels and factories" omitted as superfluous.
15	C.C. 1066, lines 9-23	Lines 11-12, "shall include" omitted in both lines as unnecessary repetition.
16	C.C. 1066, lines 24-27	
17	C.C. 1066, lines 39-53	Line 52, "commissioner of the bureau of labor statistics" changed to "labor commissioner".
18	C.C. 1066, lines 54-64	Line 62, "in his discretion" inserted after "commissioner". Line 63, "wherever it is within the discretion of the commissioner" omitted.
19	C.C. 1067, entire	Last three lines of C.C. 1067 changed to more concise statement.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 46

Prepared by J. C. Mabry

**Subject: LABOR BUREAU AND COMMISSIONER****General Explanation**

This bill is mainly codification by dividing, combining, and paragraphing sections, and bringing into one chapter the various provisions of law concerning the duties of labor commissioner. This body of the law has heretofore been denominated bureau of labor statistics and the commissioner has been styled the commissioner of the bureau of labor statistics. Originally this body of the law was largely confined to the matter of labor statistics, but that is a very small portion of that body of law at this time. The department has been broadened greatly in its scope in the course of years and a much more appropriate name for it is the bureau of labor. It is much more appropriate than the commissioner of the bureau of labor statistics. There is practically no change proposed in the substance of the law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 873, lines 1-5 line 12  <i>lines 6-8</i> <i>lines 8-11</i> <i>lines 13-15</i>	Line 2, "by and with the advice and counsel of the executive council" is omitted and inserted in lieu thereof "with the approval of the senate". This is a modification fully justified to harmonize it with other similar appointments.  Line 5, "and until his successor is appointed and qualified" omitted as superfluous.  <i>See sec. 2 of bill.</i> <i>See C.B. 32, sec. 6, par. 16.</i> <i>See sec. 3, par. 1, of bill.</i>
2	C.C. 873, lines 6-8	
3	C.C. 873, lines 13-15 874, entire lines 1-9 lines 10-19 lines 20-34 lines 37-40 <i>lines 35-37</i>	See par. 1, of bill section.  See par. 2, of bill section. See par. 3, of bill section. See par. 4, of bill section. See par. 5, of bill section. <i>Omitted as being covered by new printing bill.</i>
4	C.C. 862, lines 1-2 <i>lines 3-26</i>	See also C.B. 43, sec. 1. <i>See C.B. 43, secs. 1, 7, 12.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	<p><b>890, lines 1-2</b> <i>lines 3-20</i></p> <p><b>1066, lines 28-31</b> <i>lines 1-27</i> <i>lines 31-80</i></p> <p><b>S.C.C. 891, lines 1-2</b> <i>lines 2-15</i></p>	<p>See also C. B. 44, sec. 15. <i>See C.B. 44, sec. 15.</i></p> <p>See also C.B. 45, sec. 11. <i>See C.B. 45, secs. 14, 15, 16.</i> <i>See C.B. 45, secs. 9, 10, 12, 13, 17, 18.</i></p> <p>See also C.B. 47, sec. 1. <i>See C.B. 47, sec. 1.</i></p>
5	<p><b>S.C.C. 881, lines 13-14</b> <i>lines 1-12</i> <i>lines 15-17</i></p> <p><i>lines 18-20</i> <i>lines 21-22</i> <i>lines 23-25</i></p>	<p><i>See sec. 6 of bill.</i> <i>Omitted as unnecessary repetition, and covered by other provisions.</i></p> <p><i>See sec. 7 of bill.</i> <i>Omitted as unnecessary repetition.</i> <i>See sec. 7 of bill.</i></p>
6	<p><b>S.C.C. 881, lines 1-12</b></p>	<p>Line 3, "under the direction of the commissioner of bureau of labor statistics" omitted as superfluous as other provisions indicate she must work under the direction of the commissioner.</p>
7	<p><b>S.C.C. 881, lines 18-20</b> <b>lines 23-25</b></p>	
8	<p><b>C.C. 876, lines 1-7</b> <i>lines 8-17</i> <i>lines 18-26</i></p>	<p><i>See sec. 10 of bill.</i> <i>See sec. 15, par. 1, of bill.</i></p>
9	<p><b>C.C. 875, lines 1-9</b> <b>lines 16-17</b></p>	<p>Line 1, "labor commissioner" substituted for "the commissioner of the bureau of labor statistics" and following such substitution is added "his deputy and inspectors". This addition is a very necessary provision because the inspectors often conduct investigations and hearings in various parts of the state and for such purposes it is necessary for them to have authority to issue subpoenas and administer oaths.</p> <p>Line 17, "county of his residence" substituted for "in which he resides" and following such substitution add the following "except when the hearing is in a county adjoining the county of his residence, then he shall be required to obey such subpoenas". This is quite essential because in some of the larger cities of the state hearings are had which require witnesses from an adjoining county and such hearing is usually near a county line. This would never require a witness to attend from a longer dis-</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	<i>lines 10-16</i>	tance than he could be required to attend in the district court. <i>See sec. 15, par. 2, of bill.</i>
10	<b>C.C. 876, lines 8-17</b>	Lines 11-13, modified by omitting it altogether. If employers are deliberately violating the law they have no moral right to sixty days in which to desist and the provision as it now stands is a serious obstacle in the way of efficient enforcement. It is proposed that the notice shall be given to the county attorney and that he shall institute proper proceedings to prosecute the offender. The bill proposes that if the violation or neglect is not wilful or is an oversight or of a trivial nature he has discretion to fix a time within which for it to be remedied and if this is done not to cause prosecution to be begun, and which provision seems to give employers ample protection.
11	<b>C.C. 878, lines 1-9</b> <i>lines 10-19</i>	<i>See sec. 15, par. 4, of bill.</i>
12	<b>C.C. 879, lines 1-5</b>  <i>lines 6-9</i>	Line 1, "any use" substituted for "in the reports of the commissioner no use shall be made" and to complete the provision see comment on line 5.  Line 3, cross references omitted and the words "required by this chapter for his biennial report" substituted.  Line 5, after "affairs" is added "is hereby prohibited." <i>See sec. 15, par. 3, of bill.</i>
13	<b>C.C. 880, entire</b>	
14	<b>C.C. 877, entire</b>	Line 5, "certain stipulated" are both superfluous.
15	<b>C.C. 876, lines 18-26</b> <b>875, lines 10-16</b> <b>879, lines 6-9</b> <b>878, lines 10-19</b>	See par. 1, of bill section. See par. 2, of bill section. See par. 3, of bill section. See par. 4, of bill section.





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2	<i>lines 22-24</i>	<p>the state and as often as in the judgment of the labor commissioner will afford the best means of finding employment or help for all such applicants''. Experience has shown that practically no good is derived from mailing the lists to county auditors and the mailing of such lists to all cities and towns within the state having a population of five hundred or over entails much labor and expense with practically no results. Farm bureaus and farm agencies are practically in every county of the state and one of the main purposes of such agencies is to supply farm help and other help. It is believed that this will be the best possible means through which the labor commissioner can bring employee and employer together. He is directed in addition to this to mail this to the mayors of cities and towns according to his best judgment as to where it will do most good. It has been necessary to largely rewrite this section in order to get the proposed change in proper form.</p> <p><i>See sec. 3 of bill.</i></p>
3	<b>C.C. 892, lines 22-24</b>	
4	<b>C.C. 894, entire</b>	<p>Lines 10-11, "except an amount not to exceed one dollar to be charged as a filing fee" omitted. Experience has shown that this has been subject to great abuse. Concerns conducting a private agency may take in any number of applicants per day and make no effort whatever to get employment and yet charge each applicant one dollar making it possible to reap a harvest without giving anything in return. There is no work about filing an application for employment that calls for a dollar of compensation.</p>
5	<b>C.C. 895, entire</b>	
6	<b>C.C. 896, entire</b>	
7	<b>New</b>	<p>So many abuses have grown out of conducting private employment agencies that they should be required to keep records of some kind that would be subject to inspection by a proper official. Many applicants are helpless and where a few dollars have been wrongfully taken from them they do not feel disposed to</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7		<p>make a contest for it and it ought to be a part of the business of the state employment bureau that private agencies are kept within reasonable bounds in their dealings with laboring classes.</p> <p>C.C. 897 makes it the duty of the labor commissioner to examine records, books, and papers of such concerns and yet there are no provisions of law requiring such books or records to be kept.</p>
8	C.C. 897, entire	
9	C.C. 898, entire	Last two lines of bill added for clearness.
10	C.C. 893, entire	Line 2, "this chapter" substituted for "preceding section."

## BRIEF OF CODE COMMISSIONERS' BILL NO. 48

Prepared by J. C. Mabry

**Subject: BOARDS OF ARBITRATION****General Explanation**

The purpose of this bill is purely codification by dividing long sections and clarifying one provision contained in section 6. No change in the law is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 864, entire	
2	C.C. 865, entire	
3	C.C. 868, lines 1-9 <i>lines 10-19</i>	Line 4, "or solemn affirmation" omitted as superfluous. <i>See sec. 4 of bill.</i>
4	C.C. 868, lines 10-19	"Upon warrants drawn by the auditor of state" omitted as superfluous.
5	C.C. 871, lines 1-7 <i>lines 7-17</i>	<i>See sec. 6 of bill.</i>
6	C.C. 871, lines 7-17	Line 10, "and shall publish" changed to "who shall cause to be published" to make definite upon whom that duty rests.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 49

Prepared by J. C. Mabry

**Subject: ASSUMPTION OF RISKS****General Explanation**

The purpose of this bill is purely codification by simplifying the language, omitting surplusage, and especially to take it out of its present location and place it in a chapter to itself for better visualization in connection with any industry to which it may apply.

No change in the law proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 863, entire	<p>Lines 3-4, "from the character of the place, work, machinery or appliances" omitted as surplusage.</p> <p>Line 7, "as aforesaid" omitted as surplusage. "May have" omitted to clarify.</p> <p>Line 11, "excepted" inserted before "conditions" for certainty and "deemed" changed to "held" as a better legal term.</p> <p>Line 12, "of the employer" inserted after "negligence" for clarity.</p> <p>Lines 14-16, transposition for more logical order.</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 50

Prepared by U. G. Whitney

Subject: **SUSPENSION OF STATE OFFICERS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 657, lines 1-7 <i>lines 7-11</i>	Appointment "in writing" is new. <i>See sec. 3 of bill.</i>
2	C.C. 658, entire	Last sentence is new.
2-a1	New	
3	S.C.C. 657, lines 7-11	
4	C.C. 659, lines 1-6 <i>lines 6-12</i>	<i>See sec. 5 of bill.</i>  This bill is interlocked with C. B. 34. When the report of the commission is filed, the governor may find:  1. That the officer is a state officer who is removable only by the court, under C.B. 34, or  2. That the officer is an appointive state officer removable both (1) by the court, or (2) by the executive council, under C.B. 34, or  3. That the officer is such an elective state officer that he is removable only under impeachment proceedings.  The nature of the office controls the governor in his action.
5	C.C. 659, lines 6-12	
6	C.C. 660, entire	
7	C.C. 661, entire	
8	New	The present law authorizes the suspension from office of an impeachable officer, but makes no provision except by mere implication, for the confirmation or termination of such suspension.
9	New	See note to preceding section.

## SUSPENSION OF STATE OFFICERS

C. B. 50

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	C.C. 662, entire	1. Compensation has been increased. 2. An appropriation is made.
10-a1	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 51

Prepared by J. C. Mabry

Subject: **INTOXICATING LIQUORS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 917, entire	
2	C.C. 920, lines 1-6 <i>lines 6-14</i>	<i>See sec. 3 of bill.</i>
3	C.C. 920, lines 6-14	
4	C.C. 921, lines 1-10 <i>lines 11-29</i>	<p>“State board of health” substituted for “Pharmacy commission”.</p> <p><i>Omitted as useless and unworkable under present state of the law. These provisions have been in the statutes for about thirty years and have never heard of a proceeding under them. Owing to present drastic provisions of both federal and state laws it is less likely than ever before that these provisions will ever be invoked and there is no excuse for leaving them as dead timber to encumber the permanent code.</i></p>
5	C.C. 922, lines 1-5 <i>lines 6-24</i>	<i>See sec. 6 of bill.</i>
6	C.C. 922, lines 6-24	
7	C.C. 924, lines 1-13 <i>lines 14-23</i> <i>lines 23-29</i>	<p>Surplus language omitted.</p> <p><i>See sec. 8 of bill.</i></p> <p><i>See sec. 9 of bill.</i></p>
8	C.C. 924, lines 14-23	
9	C.C. 924, lines 23-29	
10	C.C. 929, lines 1-26 <i>lines 26-64</i> <i>lines 65-69</i> <i>lines 69-76</i>	<p>“Commission of pharmacy” omitted to harmonize with general plan of bill.</p> <p><i>See sec. 13 of bill.</i></p> <p><i>See sec. 12 of bill.</i></p> <p><i>See sec. 11 of bill.</i></p>
11	C.C. 929, lines 69-76	
12	C.C. 929, lines 65-69	
13	C.C. 929, lines 26-64	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	C.C. 933, entire	
15	C.C. 934, lines 1-8  <i>lines 8-19</i> <i>lines 19-25</i>	Provision as to delivering to hospital added to harmonize with section 36 of bill. <i>See sec. 16 of bill.</i> <i>See C.B. 73, sec. 2, subsec. 4, and sec. 3.</i>
16	C.C. 934, lines 8-19	
17	C.C. 935, lines 1-12  <i>lines 13-23</i> <i>lines 23-31</i>	<i>See sec. 18 of bill.</i> <i>See sec. 19 of bill.</i>
18	C.C. 935, lines 13-23	
19	C.C. 935, lines 23-31	“State board of health” substituted for “commissioners of pharmacy” to harmonize with commissioners’ bill 260.
20	C.C. 936, lines 1-10 lines 16-24  <i>lines 10-13</i> <i>lines 13-16</i>	<i>See sec. 21 of bill.</i> <i>See sec. 22 of bill.</i>
21	C.C. 936, lines 10-13	
22	C.C. 936, lines 13-16	
23	C.C. 967, lines 1-6  <i>lines 6-10</i> <i>lines 11-28</i>	<i>See sec. 24 of bill.</i> <i>See sec. 25 of bill.</i>
24	C.C. 967, lines 6-10	
25	C.C. 967, lines 11-28	
26	C.C. 974, lines 1-20  <i>lines 20-25</i> <i>lines 25-37</i>	“Municipal or police courts” added. <i>See sec. 27 of bill.</i> <i>See sec. 28 of bill.</i>
27	C.C. 974, lines 20-25	
28	C.C. 974, lines 25-37	
29	C.C. 976, lines 1-17  <i>lines 17-28</i> <i>lines 29-44</i> <i>lines 44-56</i> <i>lines 57-67</i>	<i>See sec. 30 of bill.</i> <i>See sec. 31 of bill.</i> <i>See sec. 32 of bill.</i> <i>See sec. 33 of bill.</i>
30	C.C. 976, lines 17-28	
31	C.C. 976, lines 29-44	
32	C.C. 976, lines 44-56	
33	C.C. 976, lines 57-67	
34	C.C. 977, lines 1-12	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
34	<i>lines 13-23</i> <i>lines 24-39</i> <i>lines 40-50</i> <i>lines 51-62</i> <i>lines 63-66</i>	<i>See sec. 35 of bill.</i> <i>See sec. 36 of bill.</i> <i>See sec. 37 of bill.</i> <i>See sec. 38 of bill.</i> <i>See sec. 39 of bill.</i>
35	C.C. 977, lines 13-23	
36	C.C. 977, lines 24-39	
37	C.C. 977, lines 40-50	"The clerk of the district court shall" substituted.
38	C.C. 977, lines 51-62	
39	C.C. 977, lines 63-66	
40	C.C. 984, lines 1-14 <i>lines 15-20</i>	<i>See sec. 41 of bill.</i>
41	C.C. 984, lines 15-20	"Or private consumption" omitted to harmonize with present law.
42	C.C. 988, lines 1-10 <i>lines 10-19</i> <i>lines 19-23</i>	<i>See sec. 43 of bill.</i> <i>See sec. 44 of bill.</i>
43	C.C. 988, lines 10-19	In line 16, "imposed" substituted for "inflicted".
44	C.C. 988, lines 19-23	
45	C.C. 999, lines 1-6 <i>lines 7-9</i> <i>lines 10-12</i> <i>lines 12-15</i> <i>lines 16-18</i> <i>lines 19-22</i> <i>lines 23-32</i>	<i>See sec. 47 of bill.</i> <i>See sec. 46 of bill.</i> <i>See C.B. 73, sec. 2, subsec. 4.</i> <i>See sec. 47 of bill.</i> <i>See sec. 46 of bill.</i> <i>See sec. 48 of bill.</i>
46	C.C. 999, lines 10-12 lines 19-22	
47	C.C. 999, lines 7-9 lines 16-18	
48	C.C. 999, lines 23-32	
49	C.C. 1004, lines 1-10 <i>lines 11-18</i> <i>lines 19-26</i> <i>lines 27-43</i>	<i>See sec. 50 of bill.</i> <i>See sec. 51 of bill.</i> <i>See sec. 52 of bill.</i>
50	C.C. 1004, lines 11-18	
51	C.C. 1004, lines 19-26	
52	C.C. 1004, lines 27-43	Lines 39-40 of C.C. 1004, omitted as being a repetition of provision found in sec. 53 of bill.

## INTOXICATING LIQUORS

C. B. 51

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
53	C.C. 1005, entire	
54	C.C. 1007, lines 1-11 lines 12-24	<i>See sec. 55 of bill.</i>
55	C.C. 1007, lines 12-24	Surplusage omitted in lines 23-24.
56	C.C. 1010, lines 1-12 lines 13-20 lines 21-34	<i>See sec. 57 of bill.</i> <i>See sec. 58 of bill.</i>
57	C.C. 1010, lines 13-20	
58	C.C. 1010, lines 21-34	
59	C.C. 1013, lines 1-11 lines 12-27	<i>See sec. 60 of bill.</i>
60	C.C. 1013, lines 12-27	
61	C.C. 1016, entire	Lines 10-23 modified as present provisions would not harmonize with present highway laws.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 52

Prepared by J. C. Mabry

## Subject: HOUSES OF PROSTITUTION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1028, entire	
2	C.C. 1029, lines 1-10 <i>lines 11-18</i> <i>lines 18-26</i> <i>lines 26-39</i> <i>lines 39-53</i>	<i>See sec. 3 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i>
3	C.C. 1029, lines 11-18	
4	C.C. 1036, lines 7-24  <i>lines 1-7</i>	Line 12, "summons and complaint" changed to "notice and petition".  Line 15, "summons" changed to "notice". <i>See sec. 14 of bill.</i>
5	C.C. 1029, lines 18-26	
6	C.C. 1029, lines 26-39	
7	C.C. 1029, lines 39-53	
8	C.C. 1030, lines 1-10  <i>lines 10-22</i>	Lines 1-4, "noticed for" and "the same as other actions triable in district court of such county" omitted as superfluous. <i>See sec. 9 of bill.</i>
9	C.C. 1030, lines 10-22	
10	C.C. 1032, lines 1-10 lines 13-17 <i>lines 10-13</i>	<i>See sec. 11 of bill.</i>
11	C.C. 1032, lines 10-13	
12	C.C. 1035, lines 1-17  <i>lines 17-31</i>	Line 14, "provided that" omitted as superfluous. <i>See sec. 13 of bill.</i>
13	C.C. 1035, lines 17-31	
14	C.C. 1036, lines 1-7	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 53

Prepared by J. C. Mabry

**Subject: STATE FIRE MARSHAL****General Explanation**

The main purpose of the bill is to propose some important changes in procedure, especially in relation to review of orders by the fire marshal and in appeals taken from his actions and orders. The only provision for appeal is contained in C. C. 1047, lines 17-20 and this is a very indefinite right, and a wholly inadequate procedure.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1038, lines 5-9 line 13  <i>lines 1-4</i>  <i>lines 10-12</i> <i>lines 14-19</i>  1050, lines 1-2 <i>lines 3-5</i>	Modified by requiring approval of appointment by the senate to harmonize with provisions as to other similar appointments. <i>Omitted as superfluous and repetition of subsequent provisions.</i> <i>See sec. 2 of bill.</i> <i>See Commissioners' bills 14, sec. 25, par. 36 and 32, sec. 6, par. 13.</i>  <i>Omitted as superfluous.</i>
2	C.C. 1038, lines 10-12	
3	S.C.C. 1039, entire  C.C. 1041, lines 1-3 <i>lines 4-5</i> <i>lines 6-12</i>	Line 4, "additional deputies" changed to "assistant deputies" and fixes the number at two where it is left indefinite now.  <i>Omitted as superfluous.</i> <i>See sec. 6 of bill.</i>
4	C.C. 1040, entire	
5	S.C.C. 1049, lines 3-6 <i>lines 1-3</i> <i>lines 7-11</i>	<i>Omitted as covered by omnibus measure.</i> <i>See S.C.C. 1053 and sec. 34 of the bill.</i>
6	C.C. 1042, lines 1-12 <i>lines 13-21</i> <i>lines 22-25</i> 1041, lines 6-12	<i>See sec. 7 of bill.</i> <i>See sec. 8 of bill.</i>
7	C.C. 1042, lines 13-21	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	C.C. 1042, lines 22-25	
9	C.C. 1043, entire	
10	C.C. 1044, lines 1-5 lines 6-14	See sec. 14 of bill.
11	C.C. 1045, lines 1-6 lines 7-8  lines 9-14 lines 15-22 lines 23-27	Omitted as superfluous and covered by statute on perjury. See sec. 12 of bill. See sec. 13 of bill. See sec. 12 of bill.
12	C.C. 1045, lines 9-14 lines 23-27	
13	C.C. 1045, lines 15-22	
14	C.C. 1044, lines 6-14	
15	C.C. 1046, entire	
16	C.C. 1047, lines 8-17  lines 1-7  lines 18-35	Line 16, "forthwith complied with" changed to "within such time as the fire marshal shall specify". Omitted as being repetition of provisions C.C. 1046 and covered by bill section 15. See sec. 27 of bill. Also see secs. 17 to 26, inc.
17	New	But based in part on C.C. 1047, lines 18-35.  The present procedure is old and crude. Most states are far ahead of Iowa in their departments relating to prevention of fires. It is an opportune time to improve and strengthen our laws relating to this subject. The present procedure relating to appeals from the orders and findings of the fire marshal is very indefinite and inefficient and the bill by way of a number of new sections seeks to make this procedure more definite and efficient and to better protect the rights of the public as well as individuals.
18	New	Part of general plan for modification as explained above.
19	New	Same explanation applies.
20	New	Same explanation.
21	New	See explanations of new sections above.
22	New	
23	New	
24	New	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
25	New	
26	New	
27	C.C. 1047, lines 18-35	Modified to be in harmony with changes proposed by new sections.
28 29	New New	Being part of plan for proposed changes to a better procedure for the administration of the department.
30	C.C. 1048, lines 1-6 lines 7-15	<i>See sec. 31 of bill.</i>
31	C.C. 1048, lines 7-15	
32	C.C. 1051, entire	"At the time provided by law" substituted for specific date to harmonize with C. B. 255.
33	C.C. 1052, entire	
34	S.C.C. 1053, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 54

Prepared by J. C. Mabry

**Subject: FISH AND GAME****General Explanation**

There are three general headings covered by the present statutes:

1. Fish, including mussels.
2. Birds, including game birds and nongame birds and harmful birds.
3. Game animals.

The aim of the bill is to arrange these in logical order.

The most radical change proposed is that relating to a fish license. The bill proposes a license fee of one dollar (\$1.00) for hook and line fishing for residents of the state and two dollars (\$2.00) for nonresidents. The fees for seines and trotline fishing have been slightly increased both as to residents and nonresidents.

At present the game warden can arrange with any person to remove from the lakes of the state what are denominated as "rough" fish such as carp, dogfish, gar, and buffalo. The bill seeks to make the law covering this feature more certain and specific.

The bill gathers up all penal sections and combines them in one section near the end of the bill and fixes the same penalty for nearly all violations, except those relating to transportation, and to the building of dams without fish ways, and the destruction of dams, which are of a more serious nature and call for heavier penalties.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1138, lines 1-3 lines 4-6 1165, entire S.C.C. 1137, lines 1-8 lines 9-13 lines 14-32	See sec. 2 of bill.  See sec. 2. of bill. See sec. 3 of bill.
2	C.C. 1138, lines 4-6 S.C.C. 1137, lines 9-13	Modified to include "mussels, birds and their nests and eggs". Line 11, "be held to" inserted after "shall" as expressing the true intent.  Line 13, modified to include "catching, taking or having in possession".
3	S.C.C. 1137, lines 14-32	
4	C.C. 1113, entire	Line 8, "shall be liable" substituted for "may recover".  Line 9, omitted as surplusage.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	<p><b>S.C.C. 1106, lines 1-3</b></p> <p><i>lines 4-11</i> <i>lines 12-17</i> <i>lines 18-23</i> <i>lines 24-32</i> <i>lines 33-46</i></p>	<p>3 year term of office changed to 4 to harmonize with other appointive offices.</p> <p>Line 1, "fish and" omitted. Why have any other official title than "state game warden"?</p> <p>Line 2, there should be uniformity as to the date the terms of appointive officers begin. In harmony with such plan which the commissioners in their various bills have proposed "July" is substituted for "April". There is no provision as to where this state official shall maintain his office or that he shall devote all his time to the duties of his office. They are made definite by this bill section.</p> <p><i>See sec. 8 of bill.</i> <i>See sec. 9 of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 12 of bill.</i> <i>See sec. 34 of bill.</i></p>
6	<p><b>S.C.C. 1136, lines 1-6</b></p> <p><i>lines 7-19</i> <i>lines 20-22</i></p>	<p>Modified to require approval by game warden and to be allowed by board of audit for payment from the fish and game protection fund.</p> <p><i>See sec. 7 of bill.</i> <i>See C.B. 32, sec. 6, subsec. 19.</i></p>
7	<b>S.C.C. 1136, lines 7-19*</b>	
8	<b>S.C.C. 1106, lines 4-11</b>	Lines 5-6, enforcing provisions see sec. 5 of bill.
9	<b>S.C.C. 1106, lines 12-17</b>	Modified to fix time limit for report to harmonize with C. B. 255.
10	<p><b>C.C. 1117, entire</b> <b>1145, entire</b></p> <p><b>1160, entire</b></p>	<p>There is no specific provisions as to what shall constitute this fund. The bill makes it specific and provides the manner in which it shall be kept and how used. The bill section for such purpose had to be a complete redraft of the present section, but preserving all present provisions and modifying by adding what is necessary for completeness.</p> <p>Under the plan of the bill it is contemplated that the game and protection fund, as provided in the bill, will be sufficient for all the expenses of this department and therefore, C.C. 1160, in so far as it refers to appropriations, is omitted.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11	C.C. 1157, generally S.C.C. 1106, lines 18-23	Line 20, "mussels" added. See C. C. 1157.
12	S.C.C. 1106, lines 24-32	"Mussels" added for reason above.  Line 31, "shall be turned into the state treasury and placed to the credit of the game protection fund" substituted for "school fund of the county in which the seizure is made". This modification seems fully justified and in harmony with other provisions of the bill.
13	C.C. 1161, entire	Iowa is one of a very few states which does not require a resident fishing license, and it seems high time the law should be modified in this respect. The revenue is needed for propagation and law enforcement and should be adopted beyond question.
14	C.C. 1162, entire	Modified to require nominal resident license fee for hook and line, and double the amount for nonresident. Also trot-line resident license fee and larger amount for nonresident. This is imperative if we are to conserve and propagate fish in the waters of the state. The provision is as needful as that for hunting license. For provision for paying treasurer see sec. 52 of bill.
15	C.C. 1107, lines 1-7 <i>lines 8-10</i> <i>lines 11-21</i> <i>lines 22-24</i> <i>lines 24-28</i> <i>lines 29-33</i> <i>lines 34-46</i> <i>lines 47-51</i> <i>lines 52-53</i> <i>lines 54-60</i>	<i>See sec. 71 of bill.</i> <i>See sec. 72 of bill.</i> <i>See sec. 73 of bill.</i> <i>Omitted. Covered by sec. 12 of bill.</i> <i>See sec. 16 of bill.</i> <i>See sec. 17 of bill.</i> <i>See sec. 35 of bill.</i> <i>See secs. 34-35 of bill.</i> <i>See sec. 20 of bill.</i>
16	C.C. 1107, lines 29-33	
17	C.C. 1107, lines 34-46	Line 35, "except as in this chapter otherwise provided" substituted for "except minnows for bait" because there are other exceptions.
18	C.C. 1109, entire	Line 2, modified by adding "except in inland lakes and boundary waters of the state, such length not exceeding thirty feet as may be approved in writing by the game warden". This on the recom-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18		mendation of the game warden for good reasons.
19	S.C.C. 1110, entire	Did the 39 G. A. intend to omit inland rivers from this prohibition? We propose no change. Looks as if it should be "inland waters" in place of "inland lakes".
20	C.C. 1107, lines 54-60	
21	S.C.C. 1120-a1, entire	
22	S.C.C. 1120-a2, entire	
23	S.C.C. 1120-a3, entire	The purpose here is to prohibit commercial use. The "keeper" of such institution may purchase for family use a day's catch the same as any one else, under the preceding section, then be prohibited from having his purchase in "possession" under this one. The intent is to prohibit possession in his place of business and the section is redrafted to express that intent.
24	C.C. 1114, lines 1-4  lines 5-18	Line 4, added "or the federal government" for obvious reasons. <i>See sec. 25 of bill.</i>
25	C.C. 1114, lines 5-18	Line 6, "written contracts" substituted for "written permits".  Lines 9-10, "such contracts shall be in writing, and designate the particular waters to which they apply, and the terms in which such fish are disposed of" substituted. There has been much complaint over the loose manner in which this business has sometimes been done. It should be evidenced by properly drawn contracts, the blanks of which should be prepared by the legal department. Vast quantities of such fish have been taken from the waters of the state at reputed large profit to those to whom permits were issued.
26	C.C. 1121, lines 1-11  lines 12-15 1115, lines 5-6	<i>See sec. 79 of bill.</i> Practically repealed by C.C. 1121, except lines 5 and 6.
27	C.C. 1122, entire	
28	C.C. 1116, lines 1-12 lines 44-46	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
28	<p><i>lines 13-22</i> <i>lines 23-29</i></p> <p><i>lines 30-37</i> <i>lines 38-43</i></p>	<p><i>See sec. 29 of bill.</i> <i>Omitted except as to condition that licensee shall faithfully comply with all the laws of the state regulating the use of nets and seines for fishing. The other provisions as to the qualifications of sureties are useless since the warden has to approve the bond before he accepts it.</i> <i>See sec. 30 of bill.</i> <i>See sec. 31 of bill.</i></p>
29	<b>C.C. 1116, lines 13-22</b>	Lines 20-22 omitted because unnecessary to state qualifications of sureties when bond is subject to the approval of the game warden.
30	<b>C.C. 1116, lines 30-37</b>	<p>Line 32, "fifteen" substituted for "ten".</p> <p>Line 33, "six" substituted for "four".</p> <p>Line 34, "three" substituted for "one".</p> <p>Line 35, "dollar" substituted for "fifty cents".</p> <p>Line 36, "ten" substituted for "five".</p> <p>License fees for various kinds of seines are too low in this state as compared with most other states. The bill proposes a slight increase in all license fees for the use of seines. Another new proposal of the bill is that any person, firm or corporation operating a wholesale fish market, jobbing house or other place for wholesale marketing or distributing fish shall pay an annual license fee of ten dollars. This class of business houses have a monopoly on the fish business and compel the fishermen to sell his catch for little or nothing because he must dispose of it promptly and then sell at large profits. These are matters well known to the game warden and those familiar with the business. Hence par. 7 of sec. 30 is new.</p>
31	<b>C.C. 1116, lines 38-43</b>	
32	<b>C.C. 1118, entire</b>	
33	<b>C.C. 1119, entire</b>	
34	<b>C.C. 1107, lines 52-53</b> <b>S.C.C. 1106, lines 33-46</b>	See also sec. 35 of bill.
35	<b>C.C. 1107, lines 47-53</b>	
36	<b>C.C. 1108, lines 1-5</b> <i>lines 5-8</i>	<i>See penal sec. 78 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
37	C.C. 1150, entire	
38	C.C. 1151, lines 1-15 lines 16-19 lines 20-23	See sec. 83, par. 2, of bill. See penal sec. 78 of bill.
39	C.C. 1155, entire	
40	C.C. 1152, lines 1-17 lines 18-21	See penal sec. 78 of bill.
41	C.C. 1153, lines 1-7 lines 8-11	See penal sec. 78 of bill.
42	C.C. 1154, lines 1-6  lines 7-8  lines 9-16 lines 17-23	Line 3, "by written or printed order" added after "prescribe". Omitted as being covered by general provisions. See sec. 43 of bill. See penal sec. 78 of bill.
43	C.C. 1154, lines 9-16	
44	C.C. 1159, entire	The purpose of C. C. 1159 is to establish reciprocal relations between Wisconsin and Illinois on the one hand and Iowa on the other in regard to mussel fishing in the Mississippi river, but the section is very cumbersome in its entire wording and construction. In order to make the legislative intent, as we gather it, concise it has been necessary to make a complete redraft of the entire section, and it contains the substance and meaning of the section but pays little regard to the language used in the original section.
45	C.C. 1158, entire	
46	C.C. 1125, entire	
47	C.C. 1139, entire	
48	S.C.C. 1128, entire	
49	C.C. 1140, entire 1147, lines 9-11 lines 1-9 lines 12-17 lines 18-20  lines 21-26	See sec. 54 of bill. See penal sec. 78 of bill. Omitted as being fully covered by C. C. 8760, defining forgery and therefore would be useless repetition. See sec. 78 of bill.
50	C.C. 1141, entire	
51	C.C. 1142, entire	
52	C.C. 1143, entire	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
52	1156, entire	
53	C.C. 1146, entire	
54	C.C. 1147, lines 1-9	Line 6, "having such license upon his person at the time of so doing" substituted for "being prepared at the time of so doing".
55	C.C. 1144, entire	
56	C.C. 1148, entire	*
57	C.C. 1129, lines 1-5 <i>lines 6-11</i>	See also sec. 83 of bill. Line 5, "three" substituted for "five". <i>See sec. 83, par. 4, of bill.</i>
58	S.C.C. 1124, lines 1-12 lines 24-25  <i>lines 13-23</i> <i>lines 26-32</i>	Line 6, "nor at any time prior to November 1st, 1932" added after "November". It is believed this modification is fully justified making a closed season until date fixed on this class of game birds owing to their almost complete extinction in Iowa. <i>See sec. 62 of bill.</i> <i>See penal sec. 78 of bill.</i>
59	C.C. 1127, lines 1-14          <i>lines 14-17</i>	Line 3, substitute "five" for "eight". Line 4, substitute "ten" for "fifteen" and "fifteen" for "twenty-five". Line 7, substitute "ten" for "sixteen" and substitute "fifteen" for "twenty-five". Line 10, substitute "twenty-five" for "fifty".  These modifications as to the daily bag of the various species of game birds and fowl seems fully justified and as modified the number seems ample to satisfy any reasonable appetite and has a tendency to curb any market hunter. <i>See sec. 78 of bill.</i>
60	C.C. 1170, lines 1-12       <i>lines 12-14</i> 1169, entire	Line 3, "fish, game and wild animals" added to specimens which may be taken for scientific purposes.  Line 6, "zoologist" substituted for "ornithologist" to harmonize with the other modifications. <i>See penal sec. 78 of bill.</i> <i>Omitted as unnecessary.</i>
61	C.C. 1171, entire	
62	S.C.C. 1124, lines 13-23	Line 8, "nor pursue, for the purpose of

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
62		killing or capturing, any such bird by motor vehicle or aircraft" added to exclude these most modern and efficient means of pursuit and capture.
63	C.C. 1133, lines 1-4  <i>lines 5-7</i>	Modified to prohibit use of such devices for capturing or killing any of the birds or the animals protected by this chapter. <i>See penal sec. 78 of bill.</i>
64	C.C. 1166, entire	
65	C.C. 1135, lines 1-8  <i>lines 9-12</i> C.C. 1167, entire	There are added to the protected class of birds the following: "humming bird, nuthatch, woodpecker, flicker, grosbeak, wild canary, brown thrasher, mocking bird, bluejay, oriole, cardinal, wren, wax-wing", for the reason that these beautiful song birds should be specially protected as much as those already mentioned. <i>See sec. 78 of bill.</i>
66	C.C. 1172, entire	<p>Lines 1-2, modified by omitting "blackbirds" to harmonize this section with C. C. 1135 which protects "blackbirds". Also further modified to place all species of owl, hawk or crow in the nonprotected classes instead of naming the specific members as at present.</p> <p>There is another important modification. At the state fish hatcheries and those waters where fish become isolated and have to be salvaged and removed to fresh water there are several classes of fish destroying fowl, and which destroy large numbers of fish every season. The bill proposes to permit the killing of such destructive fowl on the grounds and waters of any public or private fish hatcheries by the owner, superintendent or any employee thereof, and the most destructive of these birds are named in the bill. But in order to prevent a general slaughter of all such water fowl for commercial purposes the provision is added that they shall be totally destroyed on the grounds and waters where killed, trapped or taken, except that they may be donated as gifts to museums or public and scientific institutions in which case the shipping directions are specified. We believe such a modification is of great importance and should be adopted.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
67	C.C. 1173, entire	
68	S.C.C. 1175, entire	
69	C.C. 1164, lines 1-6 lines 6-9	See penal sec. 78 of bill.
70	C.C. 1168, entire 1170, lines 1-4	Containing exception.
71	C.C. 1107, lines 8-10 1130, lines 1-5  lines 6-22 lines 23-27 lines 27-33	The transportation provisions with regard to fish, animals and birds protected under this chapter are very loose and indefinite. They are all found in more or less fragmentary form in C. C. 1107, lines 8-21; in C. C. 1130 and 1132. These provisions are so meager and indefinite as to be almost worthless for the purpose intended. It is our purpose, therefore, while making these provisions the basis of transportation regulations to formulate and add thereto such further regulatory provisions as seem necessary. This we have done in secs. 70 to 77 inclusive. See sec. 72 of bill. See sec. 74 of bill. See penal sec. 83 of bill.
72	C.C. 1107, lines 11-21 1130, lines 6-22	See comment above.
73	C.C. 1107, lines 22-24	
74	C.C. 1130, lines 23-27	Modified to include game, fish, and animals as well as birds, and to specify the number that may be shipped in one day.
75	C.C. 1107, lines 8-10 1130, lines 3-5	
76	C.C. 1114, generally 1115, generally 1116, generally	
77	C.C. 1130, lines 31-33	
78	C.C. 1108, lines 5-8 1111, entire 1112, entire 1120, entire 1126, entire 1127, lines 14-17 1131, entire 1133, lines 5-7 1135, lines 9-12 1147, lines 12-17 lines 21-26 1151, lines 20-23	The penal provisions of the fish and game laws are scattered far and wide, often buried in long sections where it is most difficult to find them. This section is made broad enough with sufficient range of penalty to include and be adapted to them all, except those relating to transportation and dams, for which see sections 79 and 80 of bill.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
	1152, lines 18-21 1153, lines 8-11 1154, lines 17-23 1163, entire 1164, lines 6-9 1170, lines 12-14 1174, entire 1176, entire S.C.C. 1120-a4, entire 1124, lines 26-32	
79	C.C. 1121, lines 12-15          C.C. 1123, entire	Line 14, "one hundred dollars" substituted for "fifty dollars" and "five hundred dollars" substituted for "one hundred dollars" to harmonize with penalty of C. C. 1123, with which it is combined. If a person deliberately violates this provision this penalty is none too severe.
80	C.C. 1132, entire	Lines 7-8, modified to make imprisonment apply only to "agent, employee or servant" as it might be a difficult task to imprison a railroad company.
81	C.C. 1134, lines 8-13       <i>lines 1-8</i>	Line 11, provision added requiring county attorneys to prosecute violations in their respective counties.       <i>See sec. 82 of bill.</i>
82	C.C. 1134, lines 1-8	Line 8, provision added fixing jurisdiction of prosecutions in any county where game is unlawfully taken or killed or into or through which it is transported or found in possession.
83	C.C. 1129, entire 1149, entire 1130, lines 27-33 1151, lines 16-19	Combined and provisions broadened to apply to the possession of fish, game birds or animals under various conditions which naturally imply a violation of some of the provisions of this chapter, as will also the possession under specified conditions of the implements and instrumentalities by which such violations are committed.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 55

Prepared by J. C. Mabry

**Subject: PUBLIC PARKS****General Explanation**

The purpose is to embody the substance of the act of 39 G. A. relating to public parks. There is no intention to change the law, but S. C. C. 1177-a1 has been changed in language, still leaving the executive council with all the power it would have under that section as it now stands.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1184, entire	
2	C.C. 1177, entire	
3	S.C.C. 1177-a1 lines 5-12  lines 1-4	Wording changed to more concise statement. <i>Omitted as a useless preamble to the grant of power intended.</i>
4	S.C.C. 1177-a2 entire	
5	S.C.C. 1182-a1, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 56

Prepared by J. C. Mabry

**Subject: FENCES****General Explanation**

The purpose of this bill is purely codification, by dividing an unduly long section into a number of short sections and setting forth different types of fences in numbered paragraphs to enable the searcher to readily find the type he is looking for.

The bill proposes no change in the law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 1199, lines 1-20</b> <i>lines 20-26</i> <i>lines 26-35</i> <i>lines 36-38</i> <i>lines 39-42</i>	<i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i> <i>See sec. 4 of bill.</i> <i>See sec. 5 of bill.</i>
2	<b>C.C. 1199, lines 20-26</b>	
3	<b>C.C. 1199, lines 26-35</b>	
4	<b>C.C. 1199, lines 36-38</b>	
5	<b>C.C. 1199, lines 39-42</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 57

Prepared by J. C. Mabry

**Subject: LOST PROPERTY****General Explanation**

This is purely a codification measure which divides a number of sections and eliminates superfluous language and changes some words for better expression. No change of the law is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1204, lines 1-6 <i>lines 7-20</i>	Line 6, the word "finder" is substituted for "taker-up". <i>See sec. 2 of bill.</i>
2	C.C. 1204, lines 7-20	Line 12, the word "public" omitted. Line 15, "finder" substituted for "taker-up".
3	C.C. 1205, lines 1-5 <i>lines 5-15</i>	Line 3, "over" is substituted for "upwards". <i>See sec. 4 of bill.</i>
4	C.C. 1205, lines 5-15	
5	C.C. 1206, lines 1-9 <i>lines 9-27</i>	<i>See sec. 6 of bill.</i>
6	C.C. 1206, lines 9-27	
7	C.C. 1207, entire	Line 11, "or taker-up" omitted as superfluous.
8	C.C. 1209, lines 1-8 <i>lines 8-17</i>	<i>See sec. 9 of bill.</i>
9	C.C. 1209, lines 8-17	Line 8, "in addition to which allowance" omitted as superfluous. Line 9, "taker-up or" omitted as superfluous.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 58

Prepared by J. C. Mabry

## Subject: CIVIL ENGINEERS

## General Explanation

The general purpose is that of codification in the way of dividing sections and in some instances transposing provisions for more logical arrangement.

No change in the present law is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1214, entire	Line 3, "except as permitted by the last section thereof" added to harmonize the law.
2	C.C. 1217, lines 1-4 lines 15-24 <i>lines 5-11</i> <i>lines 11-15</i> <i>lines 24-29</i>	Lines 2-3, obsolete matter omitted. <i>See sec. 3 of bill.</i> <i>See sec. 4 of bill.</i> <i>See sec. 7 of bill.</i>
3	C.C. 1217, lines 5-11	
4	C.C. 1217, lines 11-15	
5	C.C. 1218, lines 1-5 <i>lines 6-13</i>	Lines 2-4, provision as to "constitutional oath" omitted as superfluous. <i>See sec. 6 of bill.</i>
6	C.C. 1218, lines 6-13	
7	C.C. 1217, lines 24-29	Lines 28-29, "carrying out the provisions of this chapter" changed to "the discharge of his duties".
8	C.C. 1219, lines 1-2 lines 33-37 <i>lines 2-18</i> <i>lines 18-23</i> <i>lines 24-33</i>	<i>See sec. 10 of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 9 of bill.</i>
9	C.C. 1219, lines 24-33	"At the time provided by law" substituted for specific date to harmonize with C.B. 255.
10	C.C. 1219, lines 2-18	
11	C.C. 1219, lines 18-23	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
12	<p data-bbox="371 346 632 406"><b>C.C. 1226, entire 1222, lines 19-21</b></p> <p data-bbox="504 493 632 573"><i>lines 1-7</i> <i>lines 14-18</i> <i>lines 7-14</i></p>	<p data-bbox="691 346 1188 488">Provision changed to require each registrant to provide his own seal instead of having it done at the expense of the state. "Registrant" used instead of the seven words to denote the same thing.</p> <p data-bbox="691 505 913 536">} <i>See sec. 13 of bill.</i></p> <p data-bbox="691 547 913 578">} <i>See sec. 14 of bill.</i></p>
13	<p data-bbox="371 588 632 648"><b>C.C. 1222, lines 1-7 lines 14-18</b></p>	
14	<p data-bbox="371 654 618 692"><b>C.C. 1222, lines 7-14</b></p>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 59

Prepared by J. C. Mabry

**Subject: CERTIFIED SHORTHAND REPORTERS****General Explanation**

The general purpose is codification mostly in transposing provisions for logical order and to bring them in proper relation with each other and the remainder of the chapter.

Only slight change made in administration.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1231, lines 1-4 lines 4-9	See sec. 2 of bill.
2	C.C. 1231, lines 4-9	
3	C.C. 1232, lines 1-4  lines 11-12 lines 5-11	Line 4, provision for certifying expense account omitted to harmonize with change made in sec. 7 of bill.  See sec. 7 of bill.
4	C.C. 1229, lines 1-5  lines 5-9	Line 4, "commissions" omitted as being a misuse of word. See sec. 5 of bill.
5	C.C. 1229, lines 5-9	
6	C.C. 1230, entire	
7	C.C. 1232, lines 5-11	Line 7, provision added for clerk supreme court paying fees collected into state treasury to be kept in special fund to defray expenses incurred in carrying out provisions of chapter.
8	C.C. 1233, entire	
9	C.C. 1234, entire	Form changed but not meaning. Slightly more impressive as changed.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 60

Prepared by J. C. Mabry

**Subject: CERTIFIED PUBLIC ACCOUNTANTS****General Explanation**

The general purpose is codification by dividing and rearranging sections, with only slight modifications as to administrative matters.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1236, lines 1-12 <i>lines 12-14</i>	Rewritten for better form. <i>See sec. 2 of bill.</i>
2	C.C. 1236, lines 12-14	
3	C.C. 1237, lines 3-8 <i>lines 1-3</i> <i>lines 8-10</i>	<i>See sec. 4 of bill.</i> <i>Omitted as useless matter.</i>
4	C.C. 1237, lines 1-3	
5	C.C. 1235, entire	
6	C.C. 1238, lines 1-6  <i>lines 6-8</i> <i>lines 8-16</i> <i>lines 17-19</i> <i>lines 20-27</i>	Line 5 modified fixing time for mailing notice. <i>See sec. 8 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 9 of bill.</i> <i>See sec. 10 of bill.</i>
7	C.C. 1238, lines 8-16	
8	C.C. 1238, lines 6-8	
9	C.C. 1238, lines 17-19	
10	C.C. 1238, lines 20-27	Lines 25-27, omitted as there is no provision for waiving examination and the authority there granted could easily become the subject of great abuse.
11	C.C. 1239, entire	Line 10, "reciprocating" inserted before "foreign" for obvious reasons.
12	C.C. 1244, entire	
13	C.C. 1240, entire	
14	C.C. 1241, lines 1-7 <i>lines 8-12</i>	<i>See sec. 15 of bill.</i>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	<i>lines 12-16</i>	<i>See sec. 16 of bill.</i>
15	<b>C.C. 1241, lines 8-12</b>	Modified to harmonize with general purpose of the bill as to administration of fiscal affairs of the board.
16	<b>C.C. 1241, lines 12-16</b>	Omitted. Such recommendations always come without invitation.  "At the time provided by law" substituted for specific date to harmonize with C. B. 255.
17	<b>C.C. 1242, entire</b>	
18	<b>C.C. 1243, entire</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 61

Prepared by J. C. Mabry

**Subject: GOLD AND SILVER ALLOY****General Explanation**

This bill is only for codification and division of long sections without changing the law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1245, lines 1-18  <i>lines 19-33</i>	"Firm, corporation or association" covered by sec. 10 of bill. Lines 6-16, "container" substituted for "box, package, cover or wrapper." <i>See sec. 2 of bill.</i>
2	C.C. 1245, lines 19-33	
3	C.C. 1246, lines 1-15  <i>lines 16-29</i> <i>lines 30-48</i> <i>lines 49-64</i>	"Firm, corporation or association" covered by sec. 10 of bill. "Container" substituted for "box, package, cover or wrapper." <i>See sec. 4 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i>
4	C.C. 1246, lines 16-29	"Firm, corporation or association" covered by sec. 10 of bill. "Container" substituted for "box, package, cover or wrapper."
5	C.C. 1246, lines 30-48	"Firm, corporation or association" covered by sec. 10 of bill. "Container" substituted for "box, package, cover or wrapper."
6	C.C. 1246, lines 49-64	
7	C.C. 1247, entire	"Firm, corporation or association" covered by sec. 10 of bill.
8	C.C. 1248, entire	"Firm, corporation or association" covered by sec. 10 of bill.
9	C.C. 1249, entire	"Firm, corporation or association" covered by sec. 10 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	New	Definitive in character in order to avoid no less than eight repetitions of "any person, firm, corporation or association."

## BRIEF OF CODE COMMISSIONERS' BILL NO. 62

Prepared by J. C. Mabry

Subject: **BRANDING MATTRESSES**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1258, lines 1-5 line 6 1259, entire	<i>See sec. 2 of bill.</i>
2	C.C. 1256, entire 1257, entire 1258, line 6	
3	C.C. 1250, entire 1251, entire 1252, entire 1253, entire 1254, entire 1255, entire	
4	C.C. 1260, entire	
5	C.C. 1261, entire	

## CODE COMMISSIONERS' BILL NO. 63

Subject: **PUBLIC HEALTH**

No brief prepared. Bill withdrawn, but see C. B. 260 and brief covering the same.

## CODE COMMISSIONERS' BILL NO. 64

Subject: **FOOD AND DRUG DEPARTMENT**

No brief prepared. Bill withdrawn, but see C. B. 261 and brief covering the same.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 65

Prepared by U. G. Whitney

**Subject: DEPARTMENT OF AGRICULTURE—COUNTY AND DISTRICT FAIRS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1613, lines 1-3 lines 4-7	<i>See sec. 4 of bill.</i>
2	C.C. 1621, entire	
3	C.C. 1614, entire	“One of the members of the state board of health and safety to be designated by said board of health and safety” substituted for “dairy and food commissioner” to harmonize with C.B. 260 and 261.
4	C.C. 1613, lines 4-7 1615, lines 1-18  lines 18-21 lines 21-24	“Improved stock breeders’ association” omitted. No such organization now exists. <i>Omitted as unnecessary.</i> <i>See sec. 5 of bill.</i>
5	C.C. 1615, lines 21-24	
6	C.C. 1616, entire	Commencement and termination of terms of office made more definite.
7	C.C. 1624, entire	
8	C.C. 1617, lines 1-12 lines 12-15	<i>See sec. 9 of bill.</i>
9	C.C. 1617, lines 12-15	
10	C.C. 1618, entire	
11	C.C. 1627, lines 1-8 lines 9-16	<i>See sec. 12 of bill.</i>
12	C.C. 1627, lines 9-16	This is in accordance with the present law, except:  1. “Dairy and Food Commissioner” is omitted to harmonize with C. B. 260.  2. “Live Stock Sanitary Board” is substituted for “State Veterinarian”. <b>See C. B. 68.</b>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
12		<p>3. "Iowa Improved Stock Breeders' Association" omitted. No such organization now exists.</p> <p>4. Reference to power of committee to determine the particular part of reports to be printed, and also the reference to printing by the state, omitted because fully covered by the act governing public printing. See S. C. C. 241-a1 to 241-a77, inclusive.</p> <p>Note that this section will require a duplication of printing.</p>
13	<p><b>C.C. 1622, lines 5-10</b>  <i>lines 1-2</i>  <i>lines 2-5</i></p>	<p><i>Omitted. See 39 G. A., ch. 134. See C. B. 14, sec. 25, subsec. 20.</i></p>
14	<p><b>C.C. 1623, lines 1-7</b>  <i>lines 7-10</i></p>	<p><i>See sec. 15 of bill.</i></p>
15	<p><b>C.C. 1623, lines 7-10</b></p>	
16	<p><b>C.C. 1619, lines 1-11</b>  <i>lines 11-16</i></p>	<p><i>See sec. 17 of bill.</i></p>
17	<p><b>C.C. 1619, lines 11-16</b></p>	
18	<p><b>C.C. 1620, entire</b></p>	
19	<p><b>C.C. 1625, lines 8-11</b>  <i>lines 1-8</i></p>	<p><i>See sec. 23 of bill.</i></p>
20	<p><b>C.C. 1626, entire</b></p>	
21	<p><b>C.C. 1630, entire</b></p>	
22	<p><b>C.C. 1631, entire</b></p>	
23	<p><b>C.C. 1625, lines 1-8</b>  <i>1628, entire</i></p>	<p><i>Omitted. Covered by printing bill enacted by 39 G. A. See S. C. C. 241-a1 et seq.</i></p>
24	<p><b>S.C.C. 1636-a5,</b>  <b>entire</b></p>	
25	<p><b>S.C.C. 1636-a1,</b>  <b>entire</b></p>	
26	<p><b>S.C.C. 1636-a8,</b>  <b>lines 16-19</b>  <i>lines 1-2</i>  <i>lines 2-8</i></p>	<p><i>See sec. 28 of bill.</i>  <i>Omitted. Unnecessary. When these special police are vested with the powers and duties of peace officers (see sec. 28 of bill), the right and duty to arrest and</i></p>

## C. B. 65 DEPT. OF AGRICULTURE—COUNTY AND DISTRICT FAIRS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
26	lines 8-12 lines 12-16	prosecute for all offenses necessarily follows. See sec. 29 of bill. See sec. 30 of bill.
27	S.C.C. 1636-a7, entire	
28	S.C.C. 1636-a8, lines 1-2	See above note under sec. 26 of bill.
29	S.C.C. 1636-a8, lines 8-12	
30	S.C.C. 1636-a8, lines 12-16	
31	S.C.C. 1636-a3, lines 15-18 lines 1-14 lines 18-20	} See sec. 32 of bill.
32	S.C.C. 1636-a3, lines 1-14 lines 18-20 1636-a4, lines 1-4 lines 5-16	See sec. 34 of bill.
33	S.C.C. 1636-a2, lines 1-9  lines 10-22	The provision for "40% on all sums over \$3,000" is nugatory because no society could get any part of it in view of the \$2,000 limitation. See secs. 34 and 42 of bill.
34	S.C.C. 1636-a2, lines 10-22 1636-a4, lines 5-16	
35	S.C.C. 1637, lines 1-11 lines 12-19 lines 20-29 lines 30-33 lines 34-37 lines 38-41	See sec. 36 of bill. See sec. 37 of bill. See sec. 38 of bill. See sec. 39 of bill. See sec. 40 of bill.
36	S.C.C. 1637, lines 12-19	
37	S.C.C. 1637, lines 20-29	
38	S.C.C. 1637, lines 30-33	
39	S.C.C. 1637, lines 34-37	
40	S.C.C. 1637, lines 38-41	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
41	S.C.C. 1636-a6, entire	
42	S.C.C. 1636-a2, lines 10-22	
43	C.C. 1645, lines 1-4 lines 7-9 lines 17-21 lines 4-6 line 6 lines 9-10 lines 10-12 lines 12-15 lines 15-17	<i>Omitted. Unnecessary.</i> } <i>See sec. 44 of bill.</i> <i>See sec. 45 of bill.</i> <i>See sec. 48 of bill.</i> <i>See sec. 46 of bill.</i>
44	C.C. 1645, line 6 lines 9-10	
45	C.C. 1645, lines 10-12	
46	C.C. 1645, lines 15-17 1646, lines 1-4 lines 4-9	<i>See sec. 47 of bill.</i>
47	C.C. 1646, lines 4-9	
48	C.C. 1645, lines 12-15	
49	C.C. 1647, lines 1-11  lines 12-14 lines 14-17 lines 17-20 lines 20-23	In case of aid to farmers' institutes, the certificate, as the basis for the aid, is made to the secretary of the state board of agriculture. The same plan is preserved here in case of state aid to short courses. <i>See sec. 50 of bill.</i> <i>See sec. 51 of bill.</i> <i>Omitted. Unnecessary.</i> <i>See sec. 52 of bill.</i>
50	C.C. 1647, lines 12-14	
51	C.C. 1647, lines 14-17 1648, entire	
52	C.C. 1647, lines 20-23	
53	S.C.C. 1653-a7, lines 1-3 line 5  lines 3-4  lines 5-7	Appropriation reduced by practically the amount duplicated in 39 G. A., ch. 340, sec. 36. <i>Omitted because not in harmony with the board of audit law.</i> <i>Omitted. Covered by biennial salary act.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 66

Prepared by U. G. Whitney

Subject: **FARM ASSOCIATIONS**

SEC. OF BILL	SOURCE OF BILL SECTION.	EXPLANATORY NOTES
1	C.C. 1657, entire	Broadened.
2	C.C. 1660, entire	Reference to levy or tax omitted. Former law provided for a tax levy. Levy was dropped by 37 G. A., ch. 90.
3	C.C. 1661, entire 1670, entire	See note above. <i>Omitted. Unnecessary.</i>
4	C.C. 1671, entire	So modified that annual proof is required of the substantial existence of the association.
5	C.C. 1673, entire	
6	C.C. 1675, entire	
7	C.C. 1676, entire	See note under sec. 4 of bill.
8	C.C. 1677, lines 1-10 lines 11-16	<i>See sec. 9 of bill.</i>
9	C.C. 1677, lines 11-16	Member of board of health and safety substituted for "Dairy and Food Commissioner". See C.C. 260.
10	S.C.C. 1678, entire	
11	C.C. 1680, entire	See note under sec. 4 of bill.
12	C.C. 1681, lines 1-9 lines 9-15	<i>See sec. 13 of bill.</i>
13	C.C. 1681, lines 9-15	
14	S.C.C. 1682, entire	
15	C.C. 1683, entire 1684, lines 1-9 lines 9-11 lines 11-15 1686, entire	See also sec. 23 of bill. <i>See secs. 16 and 17 of bill.</i> <i>See sec. 19 of bill.</i> Bill provides for reports to secretary of agriculture instead of to county auditor. See explanation under sec. 16 of bill.
16	C.C. 1684, lines 9-11	In extending aid to county fairs, farmers'



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
16		institutes, and short courses, the showing of compliance with the law and consequent right to state aid is by a sworn statement filed with the secretary of the department of agriculture. The same method is here applied to poultry associations.
17	C.C. 1684, lines 10-11	The amount of aid is small and the bill provides for payment direct to the treasurer of the association.
18	C.C. 1685, entire	
19	C.C. 1684, lines 11-15	
20	C.C. 1687, entire	
21	C.C. 1688, lines 1-6 lines 5-6 1690, entire	<i>See sec. 22 of bill.</i>
22	C.C. 1688, lines 5-6 1689, lines 1-2 lines 2-6	<i>See secs. 24 and 25 of bill.</i>
23	C.C. 1684, lines 8-9 1689, entire	See note under sec. 16 of bill.
24	C.C. 1689, lines 2-6	See note under sec. 16 of bill. See also sec. 25 of bill.
25	C.C. 1689, lines 2-6	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 67

Prepared by U. G. Whitney

**Subject: HORTICULTURE—FOREST RESERVATIONS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 1693, entire  1698-a2, entire	"At the time provided by law" substituted for specific date to harmonize with C. B. 255.
2	C.C. 1695, entire S.C.C. 1698-a3, entire 1694, entire	<i>Omitted. Fully covered by printing bill. See S.C.C. 241-a1 et seq.</i>
3	C.C. 1701, entire	"Original" omitted at request of head of department.
4	C.C. 1705, entire	
5	C.C. 1711, entire	Date of reporting changed at request of head of department.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 68

Prepared by U. G. Whitney

Subject: **ANIMAL INDUSTRY**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1715, entire	Prohibits practice without a license.
2	C.C. 1716, entire	
3	C.C. 1718, entire 1719, lines 1-2 lines 1-4	See sec. 5 of bill.
4	C.C. 1722, line 2 lines 1-2 1724, lines 2-5 lines 1-2 lines 5-10 1725, entire	See sec. 14 of bill. See sec. 15 of bill. See sec. 14 of bill. Omitted. All such funds are now turned into state treasury at stated periods.
5	C.C. 1719, lines 1-4	
6	C.C. 1720, lines 6-7  lines 1-6 lines 8-11 line 11 lines 11-14 lines 15-29 lines 29-30	Inasmuch as license fee has been increased by sec. 14 of bill, credit is here given on the license fee. } See sec. 7 of bill. } See sec. 9 of bill. } See sec. 10 of bill. } See secs. 11, 12, and 13 of bill. } See sec. 14 of bill.
7	C.C. 1720, lines 1-6 lines 8-11	Subsec. 2 (line 5) is new.
8	C.C. 1721, entire	
9	C.C. 1720, line 11	
10	C.C. 1720, lines 11-14	
11	C.C. 1720, lines 15-19	
12	C.C. 1720, lines 15-29 1723, entire	
13	C.C. 1720, lines 15-29	
14	C.C. 1720, lines 29-30 1722, lines 1-2	Note increase in fee. In view of this increase, the annual fee has been omitted.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	1724, lines 5-10	
15	C.C. 1724, lines 1-2	
16	New	
17	New	
18	C.C. 1726, entire	Class of U. S. veterinarians is enlarged.
19	C.C. 1727, entire	See also sec. 20 of bill.
20	C.C. 1727, entire	
21	C.C. 1728, lines 1-5 lines 5-7	See sec. 22 of bill.
22	C.C. 1728, lines 5-7	
23	New	Term extended to 1925 (one year) in order to bring the end of the term in a year in which the senate is in session and can confirm.
24	S.C.C. 1712, lines 1-3  lines 3-5 lines 6-7	See C. C. 1729, line 5.  Right of governor to remove omitted. Fully covered in C. C. 648. See C. B. 34. See sec. 25 of bill. See C. B. 14, sec. 25.
25	S.C.C. 1712, lines 3-5 1713, entire C.C. 1729, line 3 lines 1-4 lines 4-22	Expenses made payable out of general funds.  See sec. 27 of bill. See sec. 26 of bill.
26	S.C.C. 1729-a1, entire C.C. 1729, lines 4-22	
27	C.C. 1729, lines 1-4	
28	C.C. 1731, lines 1-4 lines 4-8 lines 8-10 lines 10-12 lines 12-14	See sec. 29 of bill, subsec. 2. See sec. 29 of bill, subsec. 3. See sec. 32 of bill. See sec. 34 of bill.
29 (1)*	S.C.C. 1783-a1, entire	
29 (2)*	C.C. 1731, lines 4-8 1732, lines 10-12 lines 1-5 lines 5-10 lines 12-18	See sec. 29 of bill, subsec. 4. See sec. 29 of bill, subsec. 5. See sec. 33 of bill.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
29 (3)*	C.C. 1731, lines 8-10	
29 (4)*	C.C. 1732, lines 1-5	
29 (5)*	C.C. 1732, lines 5-10	
29 (6)*	C.C. 1739, entire	
29 (7)*	C.C. 1736, lines 3-7 <i>lines 1-3</i> <i>lines 7-10</i> <i>lines 10-16</i>	<i>See sec. 38 of bill.</i> <i>See sec. 29 of bill, subsec. 8.</i> <i>See sec. 32 of bill.</i>
29 (8)*	C.C. 1736, lines 7-10	
29 (9)*	C.C. 1746, entire	
29 (10)*	S.C.C. 1733, lines 1-3 <i>lines 4-7</i> <i>lines 7-11</i> <i>lines 11-14</i>	<i>See also sec. 34 of bill.</i> <i>See sec. 29 of bill, subsec. 11.</i> <i>See sec. 30 of bill.</i> <i>See sec. 31 of bill.</i>
29 (11)*	S.C.C. 1733, lines 4-7	
30	S.C.C. 1733, lines 7-11	
31	S.C.C. 1733, lines 11-14	
32	C.C. 1731, lines 10-12 1736, lines 10-16	Approval by executive council omitted.
33	C.C. 1732, lines 12-18	
34	C.C. 1731, lines 12-14	
35	C.C. 1714, entire	“Surgeon” changed to “Board”. “At the time provided by law” substituted for specific date to harmonize with C. B. 255.
36	New	
37	S.C.C. 1734, entire	
38	C.C. 1736, lines 1-3 1738, lines 1-2 <i>lines 3-11</i> 1741, entire	<i>See sec. 62 of bill.</i>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
39	C.C. 1737, lines 1-9 <i>lines 9-13</i> <i>lines 13-16</i>	See also sec. 42 of bill. <i>See sec. 40 of bill.</i> <i>See sec. 41 of bill.</i>
40	C.C. 1737, lines 9-13	
41	C.C. 1737, lines 13-16	
42	C.C. 1737, line 4	Practically new.
43	S.C.C. 1740, lines 1-4 <i>lines 4-10</i> <i>lines 10-13</i> <i>lines 14-18</i> <i>lines 19-21</i> <i>lines 21-30</i> <i>lines 30-32</i> <i>lines 32-39</i> <i>lines 39-41</i>	<i>See sec. 44 of bill.</i> <i>See sec. 51 of bill.</i> <i>See sec. 52 of bill.</i> <i>See sec. 46 of bill.</i> <i>See sec. 45 of bill.</i> <i>See sec. 49 of bill.</i> <i>See sec. 48 of bill.</i> <i>See sec. 50 of bill.</i>
44	S.C.C. 1740, lines 4-10 C.C. 1743, lines 3-7 <i>lines 1-3</i>	<i>See sec. 55 of bill.</i>
45	S.C.C. 1740, lines 21-30	Last sentence is new.
46	S.C.C. 1740, lines 19-21 C.C. 1742, entire	
47	S.C.C. 1742-a1, lines 1-5 <i>lines 5-8</i>	<i>See sec. 53 of bill.</i>
48	S.C.C. 1740, lines 32-39	
49	S.C.C. 1740, lines 30-32	
50	S.C.C. 1740, lines 39-41	
51	S.C.C. 1740, lines 10-13	
52	S.C.C. 1740, lines 14-18	
53	S.C.C. 1742-a1, lines 5-8	
54	C.C. 1770-1777, entire	These eight sections of the compiled code were enacted to meet an emergency. They were temporary in their nature. Sec. 54 of bill makes permanent the policy of paying losses occasioned by these particular diseases, but not out of board's standing appropriation.  Note that no limitation is placed on the value of the animal.
55	C.C. 1743, lines 1-3	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
56	C.C. 1744, entire	"Licensed" has been substituted for "regularly practicing".
57	C.C. 1745, entire	
58	C.C. 1747, entire	
59	C.C. 1748, entire	Subsec. 2 is new.
60	C.C. 1749, lines 1-6  <i>lines 6-12</i>  1750, entire <i>1751-1769</i>	For definition of "person", see sec. 63 of bill. <i>Omitted. He who commits a public offense is necessarily liable for the damages resulting.</i>  <i>Omitted. Obsolete.</i>
61	C.C. 1735, lines 1-8  <i>lines 8-10</i>	<i>Omitted. The section of the bill as written would render the willful vendor liable for all damages proximately resulting from his act.</i>
62	C.C. 1738, lines 3-11	
63	New	See sec. 60 of bill.
64	S.C.C. 1783-a2, entire	
65	S.C.C. 1783-a3, entire	
66	S.C.C. 1783-a4, entire	
67	S.C.C. 1783-a5, lines 1-4  <i>lines 4-5</i>	<i>See sec. 74 of bill.</i>
68	S.C.C. 1783-a6, entire	
69	S.C.C. 1783-a7, lines 1-8  <i>lines 8-11</i> <i>lines 11-14</i> <i>lines 14-16</i>	<i>See sec. 75 of bill.</i> <i>See sec. 70 of bill.</i> <i>See sec. 74 of bill.</i>
70	S.C.C. 1783-a7, lines 11-14	
71	S.C.C. 1783-a8, entire	
72	S.C.C. 1783-a10, lines 1-5  <i>lines 5-8</i>	<i>See sec. 73 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
73	S.C.C. 1783-a10, lines 5-8	
74	S.C.C. 1783-a5, lines 4-5 1783-a7, lines 14-16 1783-a23, lines 5-8 lines 1-5 1783-a25, lines 8-10 lines 1-8	<i>See sec. 96 of bill.</i>  <i>See sec. 90 of bill.</i>
75	S.C.C. 1783-a7, lines 8-11 1783-a12, entire	Subdivision "2" is new.
76	S.C.C. 1783-a13, entire	
77	S.C.C. 1783-a14, entire	
78	S.C.C. 1783-a15, lines 6-8 lines 1-6 lines 8-9	<i>See sec. 79 of bill.</i> <i>See sec. 96 of bill.</i>
79	S.C.C. 1783-a15, lines 1-6	
80	S.C.C. 1783-a16, entire 1783-a17, lines 1-5 line 4 lines 5-6 lines 7-8 lines 8-10 lines 10-12 lines 12-15 1783-a22, entire	Provision for payment of fees into state treasury is new.  <i>See sec. 81 of bill.</i> <i>See sec. 82 of bill.</i> <i>See sec. 83 of bill.</i> <i>See sec. 84 of bill.</i> <i>See sec. 86 of bill.</i> <i>See sec. 87 of bill.</i>
81	S.C.C. 1783-a17, line 4	
82	S.C.C. 1783-a17, lines 5-6	
83	S.C.C. 1783-a17, lines 7-8	
84	S.C.C. 1783-a17, lines 8-10	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
85	New	
86	S.C.C. 1783-a17, lines 10-12	
87	S.C.C. 1783-a17, lines 12-15	
88	S.C.C. 1783-a18, lines 1-4 lines 6-7 lines 4-6	<i>Sec sec. 89 of bill.</i>
89	S.C.C. 1783-a18, lines 4-6	
90	S.C.C. 1783-a25, lines 1-8	
91	S.C.C. 1783-a11, entire	
92	S.C.C. 1783-a9, lines 1-6 lines 7-12	<i>Omitted because temporary.</i>
93	S.C.C. 1783-a19, entire	
94	S.C.C. 1783-a20, entire	
95	S.C.C. 1783-a21, entire	
96	S.C.C. 1783-a15, lines 8-9 1783-a23, lines 1-5	
97	S.C.C. 1783-a24, entire	
98	S.C.C. 1783-a26, entire	
99	New	
100	C.C. 1784, entire 1797, entire 1798, entire	} <i>Omitted. Inconsistent with C. C. 1784.</i>
101	C.C. 1785, entire	
102	C.C. 1786, lines 1-6 lines 6-7 lines 7-8 1787, lines 1-5 lines 5-6	<i>See sec. 104 of bill. See sec. 108 of bill.  Omitted. Unnecessary. See C. C. 717 and C.B. 40.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
102	<i>lines 6-17</i> <i>lines 18-23</i> <i>lines 24-36</i> <i>lines 36-38</i> <i>lines 39-45</i>	<i>See sec. 103 of bill.</i> <i>See sec. 104 of bill.</i> <i>See sec. 106 of bill.</i> <i>See sec. 107 of bill.</i> <i>See sec. 108 of bill.</i>
103	<b>C.C. 1787, lines 6-17</b> <b>1790, entire</b> <b>1791, entire</b>	
104	<b>C.C. 1786, lines 6-7</b> <b>1787, lines 18-23</b>	
105	<b>New</b>	
106	<b>C.C. 1787, lines 24-36</b>	
107	<b>C.C. 1787, lines 36-38</b>	
108	<b>C.C. 1786, lines 7-8</b> <b>1787, lines 39-45</b>	
109	<b>C.C. 1788, lines 1-5</b> <i>lines 5-29</i>	<i>See sec. 110 of bill.</i>
110	<b>C.C. 1788, lines 5-29</b>	
111	<b>C.C. 1789, entire</b>	
112	<b>C.C. 1792, entire</b>	
113	<b>C.C. 1793, entire</b>	
114	<b>S.C.C. 1794, lines 1-7</b> <b>lines 21-22</b> <i>lines 8-13</i> <i>lines 14-20</i> <b>C.C. 1799, entire</b>	<i>See sec. 115 of bill.</i> <i>See sec. 116 of bill.</i> <i>Omitted. Inconsistent with S. C. C. 1794.</i>
115	<b>S.C.C. 1794, lines 8-13</b>	
116	<b>S.C.C. 1794, lines 14-20</b>	
117	<b>S.C.C. 1795, entire</b>	
118	<b>C.C. 1796, entire</b>	
119	<b>New</b>	
120	<b>New</b>	
121	<b>C.C. 1800, entire</b> <b>1801, entire</b>	<i>Omitted. This omission will have the effect of largely increasing the punishment for violation of sec. 121 of bill. See C. C. 8538.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 69

Prepared by U. G. Whitney

Subject: **REGISTRATION OF ANIMALS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 1802, lines 1-5</b>  <i>lines 5-6</i> <i>line 4</i> <i>lines 9-10</i> <i>lines 6-9</i> <i>lines 10-13</i> <b>1805, lines 11-14</b> <i>lines 1-7</i> <i>lines 7-11</i> <i>lines 14-25</i>	C. C. 1802 requires certificates of soundness for registered animals. C. C. 1805 requires such certificates for grade animals. These two sections are here condensed.  See also sec. 21 of bill.  <i>See sec. 4 of bill.</i> <i>See sec. 3 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 19 of bill.</i>  <i>See sec. 10 of bill.</i> <i>See sec. 2 of bill.</i> <i>See sec. 11 of bill.</i>
2	<b>C.C. 1805, lines 7-11</b>	
3	<b>C.C. 1802, line 4</b> <b>lines 9-10</b> <b>1803, lines 1-9</b> <i>lines 9-15</i> <i>lines 15-20</i>	<i>See sec. 20 of bill.</i> <i>See sec. 6 of bill.</i>
4	<b>C.C. 1802, lines 5-6</b>	Certificate is made good for one year only.
5	<b>C.C. 1802, lines 6-9</b>	
6	<b>C.C. 1803, lines 15-20</b>  <b>1811, entire</b>	Continued showing of soundness is required.
7	<b>C.C. 1804, lines 1-6</b> <i>lines 7-8</i> <i>lines 11-22</i> <i>lines 8-11</i>	<i>See sec. 8 of bill.</i> <i>See sec. 9 of bill.</i>
8	<b>C.C. 1804, lines 7-8</b> <b>lines 11-22</b>	
9	<b>C.C. 1804, lines 8-11</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	C.C. 1805, lines 1-7	
11	C.C. 1805, lines 14-25	Certificates of soundness must be posted at place of service. See sec. 10 of bill. A certificate must show whether the animal is registered or grade. See sec. 4 of bill. Therefore posting of advertisement at place of service has been omitted.
12	C.C. 1806, lines 1-8 line 9 line 10 lines 10-17	See sec. 14 of bill. See sec. 15 of bill. See sec. 16 of bill.
13	New	
14	C.C. 1806, line 9	Duty of examiners made more specific.
15	C.C. 1806, line 10	
16	C.C. 1806, lines 10-17	
17	C.C. 1807, lines 1-6 lines 6-7	See sec. 19 of bill.
18	C.C. 1813, entire	
19	C.C. 1802, lines 10-13 1807, lines 6-7	
20	C.C. 1803, lines 9-15	Matter of perjury is not new but is here given prominence.
21	C.C. 1812, entire	
22	C.C. 1802, line 1 1808, entire 1809, entire 1810, entire	Omitted. Unnecessary. The reason is that the importation of stock into Iowa from foreign countries or into Iowa from sister states is exhaustively covered by federal statutes and regulations cooperating with like agencies in the state. The commission of animal health has, since C. C. 1808-9-10 were enacted, been vested with almost unlimited powers in this matter. See C. C. 1731 and 1732.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 70

Prepared by U. G. Whitney

Subject: **LIEN FOR SERVICES OF STALLIONS AND JACKS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>S.C.C. 1816-a4,</b> <b>lines 1-5</b>  <i>lines 5-11</i> <i>lines 11-16</i>	1. "Sheriff" is added.  2. The county in which foreclosure may be had is here fixed. Present law leaves this point, at the best, to mere inference. <i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i>
2	<b>S.C.C. 1816-a4,</b> <b>lines 5-11</b>	"Sheriff" has been added.
3	<b>S.C.C. 1816-a4,</b> <b>lines 11-16</b>	
4	<b>New</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 71

Prepared by U. G. Whitney

Subject: **ESTRAYS AND TRESPASSING ANIMALS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 1821, entire	
2	C.C. 1822, line 1  lines 2-5 lines 5-16 lines 16-20 1824, lines 1-3 lines 3-6 lines 7-10 lines 10-12	See C. B. 138, sec. 5, for restraint procedure. <i>See sec. 11 of bill.</i> <i>See sec. 18 of bill.</i> <i>See sec. 10 of bill.</i>  <i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 4 of bill.</i>
3	C.C. 1823, lines 1-5 lines 5-9 lines 9-12	<i>See sec. 4 of bill.</i> <i>See sec. 5 of bill.</i>
4	C.C. 1823, lines 5-9 1824, lines 10-12	
5	C.C. 1823, lines 9-12	
6	C.C. 1824, lines 3-6	See sec. 3 of bill for trespass on land.
7	C.C. 1824, lines 7-10	"Unimproved" changed to "unfenced".
8	C.C. 1825, lines 1-4 lines 4-7 1826, lines 3-5 lines 1-3	<i>See sec. 9 of bill.</i>  <i>See sec. 10 of bill.</i>
9	C.C. 1825, lines 4-7	
10	C.C. 1822, lines 16-20 1826, lines 1-3	
11	C.C. 1822, lines 2-5 1827, lines 1-6 line 7 lines 5-9 lines 9-16 lines 16-21 lines 21-23	<i>See sec. 14 of bill.</i> <i>See sec. 16 of bill.</i> <i>See sec. 17 of bill.</i> <i>See sec. 18 of bill.</i> <i>See sec. 14 of bill.</i>
12	New	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
13	New	
14	C.C. 1827, line 7 lines 21-23	Appointment to fill vacancies is new.
15	New	
16	C.C. 1827, lines 5-9 1828, lines 1-2 lines 2-6 lines 9-12 lines 6-8 lines 12-15 lines 15-22 lines 23-25 lines 25-29 1829, lines 2-4 lines 1-2 lines 4-8	<p>See sec. 19 of bill.</p> <p>See sec. 20 of bill.</p> <p>See sec. 21 of bill.</p> <p>See sec. 22 of bill.</p> <p>See sec. 23 of bill.</p> <p>See sec. 24 of bill.</p> <p>See sec. 25 of bill.</p>
17	C.C. 1827, lines 9-16	Clerk posts notices instead of trustees.
18	C.C. 1822, lines 5-16 1827, lines 16-21	Sale by clerk instead of by trustees or constable.
19	C.C. 1828, lines 2-6 lines 9-12	Appellate procedure simplified. Filing of bond within four days substituted for the present five days for notice of appeal and three days for bond.
20	C.C. 1828, lines 6-8	Amount of bond is made to depend on who takes the appeal.
21	C.C. 1828, lines 12-15	
22	C.C. 1828, lines 15-22	
23	C.C. 1828, lines 23-25	
24	C.C. 1828, lines 25-29	
25	C.C. 1829, lines 1-2 lines 4-8	Notice by clerk in place of by trustees.
26	C.C. 1830, entire	
27	C.C. 1831, entire	<p>1. Definition of estray enlarged.</p> <p>2. Lines 3-5 with reference to "unbroken" animal omitted as inconsistent with terms of proposed bill.</p>
28	C.C. 1831, lines 2-3 1832, lines 1-5 lines 5-8	<p>Giving of notice of the presence of estray omitted.</p> <p>See sec. 30 of bill.</p>
29	C.C. 1833, lines 1-6 lines 6-12 lines 12-14	<p>Signing of notice new.</p> <p>See sec. 30 of bill.</p> <p>See sec. 31 of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
29	* lines 14-16	See sec. 32 of bill.
30	C.C. 1832, lines 5-8 1833, lines 6-12	Record by affidavit required.
31	C.C. 1833, lines 12-14	"Docket" substituted for "Estray book," which in practice are rarely, if ever, found.
32	C.C. 1833, lines 14-16	
33	C.C. 1834, entire	"Notice" changed to "affidavit" to conform with sec. 30 of bill.
34	C.C. 1835, lines 1-10  lines 10-15	Publication cost of \$1.50 omitted as inadequate. Such costs cannot be definitely fixed. See sec. 35 of bill.
35	C.C. 1835, lines 10-15	
36	C.C. 1836, entire	
37	C.C. 1837, entire	Reference to justice courts omitted.
38	C.C. 1838, entire	
39	C.C. 1839, lines 1-2 lines 10-11 lines 3-10	See sec. 40 of bill.
40	C.C. 1839, lines 3-10	1. Recovery of court costs omitted as unnecessary. 2. Recovery of penalty omitted as a useless provision seldom, if ever, enforced.
41	C.C. 1840, entire	
42	C.C. 1841, lines 1-3 lines 4-5	See sec. 43 of bill.
43	C.C. 1841, lines 4-5	Reference to personal representative is new.
44	New	Taker-up ought to have his damages instead of being forced to take the animal.
45	New	
46	New	
47	New	
48	C.C. 1842, entire	1. "Printer" omitted. 2. "Fine" substituted for the never-enforced "penalty".
49	C.C. 1843, entire	1. Bond enlarged to include a distrainer. 2. Approval of bond by township clerk



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
49		and county auditor is added to conform with various procedures provided in this bill. 3. Recovery of attorney fee is new.
50	C.C. 1844, entire	1. Word "male" and "all other stock 25c a day" omitted from subsec. 4. 2. Costs for keeping increased in subsec. 5. 3. Mileage increased. 4. "Trustees" changed to "township clerk" to conform with sec. 17 of bill.
51	C.C. 1845, entire 1846, entire	Vesting of title in an animal which is being cared for, omitted.
52	C.C. 1847, entire	
53	S.C.C. 3139-a1, lines 1-3 lines 1-4 lines 5-6 lines 6-14 lines 9-10 lines 15-17 lines 17-18 lines 19-20 lines 19-23  3139-a13, lines 1-3 lines 4-6	<i>See sec. 55 of bill.</i> <i>See sec. 57 of bill.</i> <i>See sec. 60 of bill.</i> <i>See sec. 77 of bill.</i> <i>See sec. 58 of bill.</i> <i>See sec. 62 of bill.</i> <i>See sec. 75 of bill.</i> <i>See sec. 63 of bill.</i>  <i>See sec. 77 of bill.</i>
54	S.C.C. 3139-a2, entire	
55	S.C.C. 3139-a1, lines 1-4	
56	New	
57	S.C.C. 3139-a1, lines 5-6 3139-a3, lines 1-2  lines 2-4  lines 4-7	1. Sworn statement required. 2. "Name of dog" new. For identification purpose.  <i>Omitted. Fully covered in the law relative to fees for administering oaths. See sec. 63 of bill.</i>
58	S.C.C. 3139-a1, lines 15-17	Subsecs. 3, 5, 7, and 8 of sec. 58 of bill, are new.
59	New	But see S.C.C. 3139-a5, lines 1-2.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
60	S.C.C. 3139-a1, lines 6-14	Present law exempts city owner of dog from additional fee. Town owner is not so exempt. Constitutionally it appears necessary to exempt both or neither.
61	New	
62	S.C.C. 3139-a1, lines 17-18	
63	S.C.C. 3139-a1, lines 19-23  3139-a3, lines 4-7	1. Data on tag is new. 2. Duty to remove tag after expiration of license is new.
64	S.C.C. 3139-a4, lines 2-4 lines 1-2 lines 5-7 lines 7-10	Reference to "stub" is new. <i>See sec. 66 of bill.</i> <i>See sec. 65 of bill.</i> <i>See sec. 67 of bill.</i>
65	S.C.C. 3139-a4, lines 5-7	Surrender of license and tag, and issuance of new license and tag new.
66	S.C.C. 3139-a4, lines 1-2	
67	S.C.C. 3139-a4, lines 7-10	
67-a1	New	
68	S.C.C. 3139-a6, entire	1. Requirement to indicate sex of dog is new. 2. Payment in full when return is made is new. Ordinary claims on said fund are not necessarily paid in full. See sec. 87 of bill.
69	S.C.C. 3139-a10, lines 1-5 lines 5-7 lines 7-8 lines 8-10	<i>See sec. 71 of bill.</i> <i>See sec. 72 of bill.</i> <i>See sec. 76 of bill.</i> 1. Present law requires publication of "a list of unlicensed dogs." Publication should be of "a list of the owners of unlicensed dogs." 2. Form of notice made explicit. 3. Last sentence is new.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
70	New	Probably contemplated by S.C.C. 3139-a10.
71	S.C.C. 3139-a10, lines 5-7	Section largely new. Reason: Present law requires the tax "to be spread upon the tax books." Which books? The books under which the treasurer is then collecting, or the books which the auditor is then preparing for the following year? If present law refers to the latter books, then the tax will be collected one year after it is needed to pay claims. Evidently the intent was to collect the tax during the license year—not one year later.
72	S.C.C. 3139-a10, lines 7-8	Section largely new. See last section of bill.
73	S.C.C. 3139-a8, entire 3139-a9, entire	1. "Prior to expiration of license" is new. See sec. 63 of bill. 2. Fine increased.
74	S.C.C. 3139-a5, entire	"Together with all tax collections as herein provided" is new. Clear omission in present law.
75	S.C.C. 3139-a1, lines 19-20 3139-a11, entire 3140, entire	
76	S.C.C. 3139-a10, lines 8-10	"Payment in full" is new. Reason: Impracticable to secure publication with payment deferred almost a year with possibility then of only partial payment. See sec. 87 of bill.
77	S.C.C. 3139-a1, lines 9-10 3139-a13, lines 4-6	
78	S.C.C. 3139-a12, entire	
79	S.C.C. 3139-a7, lines 1-4 lines 4-7	<i>See sec. 80 of bill.</i>
80	C.C. 1851, lines 1-3	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
	<i>lines 4-7</i> <b>S.C.C. 3139-a7,</b> <i>lines 4-7</i>	<i>See sec. 81 of bill.</i>
<b>81</b>	<b>C.C. 1851, lines 4-7</b>	“Directly contributing to said injury” is new, but in strict accord with rulings of the court. See Schmidt v. Humphrey, 48 Iowa 652.
<b>82</b>	<b>S.C.C. 3139-a14,</b> <b>entire</b>	
<b>83</b>	<b>C.C. 3142, lines 1-14</b> <i>lines 4-6</i> <i>lines 9-11</i> <i>lines 14-18</i> <i>lines 18-21</i> }	<i>See sec. 84 of bill.</i> <i>See sec. 85 of bill.</i> <i>See sec. 86 of bill.</i>
<b>84</b>	<b>C.C. 3142, lines 4-6</b>	
<b>85</b>	<b>C.C. 3142, lines 9-11</b> <b>lines 14-18</b>	
<b>86</b>	<b>C.C. 3142, lines 18-21</b>	Seems advisable to specify maturity date.
<b>87</b>	<b>C.C. 3143, lines 1-7</b>  <i>lines 7-11</i>	Modified by excluding warrants to assessors and publishers. See secs. 68 and 76 of bill. <i>See sec. 88 of bill.</i>
<b>88</b>	<b>C.C. 3143, lines 7-11</b>	Provision for retransfer is new.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 72

Prepared by U. G. Whitney

**Subject: CONTESTING ELECTIONS—VOTER WITNESS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
<b>1</b>	<b>C.C. 591, lines 1-4</b> <i>lines 4-6</i>	<i>See C. B. 73, sec. 2, subsec. 7.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 73

Prepared by U. G. Whitney

**Subject: EXAMINATION OF WITNESSES****General Explanation**

The provisions of law authorizing the court to compel the giving or production of incriminating testimony are scattered promiscuously throughout the code. Several instances where the power is granted are collected in C. C. 7319, but this is far from complete. It is a fundamental principle that such power may not be exercised unless the witness is given full and adequate immunity from prosecution. In several instances this provision for immunity is very indefinite and of very doubtful sufficiency. This bill seeks to gather together in a very few sections all "immunity bath" provisions.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 7319, lines 1-3</b> lines 3-4 lines 5-11 line 11 lines 11-12 lines 12-14 lines 15-18	<i>See sec. 2, subsec. 1, of bill.</i> <i>See sec. 2, subsec. 2, of bill.</i> <i>See sec. 2, subsec. 3, of bill.</i> <i>See sec. 2, subsec. 4, of bill.</i> <i>See sec. 2 (first sentence) of bill.</i> <i>See sec. 3 of bill.</i>
2	<b>C.C. 7319, lines 12-14</b>	
2 (1)*	<b>C.C. 7319, lines 3-4</b>	
2 (2)*	<b>C.C. 7319, lines 5-11</b>	
2 (3)*	<b>C.C. 7319, line 11</b>	
2 (4)*	<b>C.C. 934, lines 19-23</b> lines 1-19 lines 23-25 <b>999, lines 12-15</b> lines 1-12 lines 15-32 <b>7319, lines 11-12</b>	<i>See C. B. 51, secs. 15 and 16.</i> <i>See sec. 3 of bill.</i>  <i>See C.B. 51, secs. 45-48, inc.</i>
2 (5)*	<b>C.C. 541, entire</b>	The power to compel the giving or production of testimony is here broadened

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2 (5)*		so as to include all violations of the election laws.
2 (6)*	C.C. 5375, entire	
2 (7)*	C.C. 591, lines 4-6 lines 1-4	See C. B. 72, sec. 1.
2 (8)*	C.C. 5186, lines 6-18 lines 1-6	Present law somewhat broadened. See C. B. 188, sec. 19-a1.
2 (9)*	C.C. 5222, entire	
2 (10)*	C.C. 5188, lines 19-26 lines 1-19	See C. B. 188, secs. 9 and 10.
2 (11)*	C.C. 28, lines 10-14 lines 1-10 1853, lines 14-20 lines 1-3 lines 7-14 lines 3-7 lines 20-22	See sec. 4 of bill. See C. B. 84, sec. 6, and "Explanatory Notes" of brief, covering same. See C. B. 32, sec. 6, subsec. 3. See sec. 3 of bill.
2 (12)*	C.C. 683, entire	
2 (13)*	C.C. 7759, lines 7-11 lines 1-7	See C. B. 234, sec. 1.
2 (14)*	C.C. 1903, lines 11-19 lines 1-11 lines 19-28	See also sec. 3 of bill. See C. B. 84, secs. 38 and 41. See C. B. 84, secs. 42 and 43.
2 (15)*	C.C. 6238, entire	The language here used carries an enlargement of the present law.
3	C.C. 934, lines 23-25 1853, lines 20-22 1903, lines 18-19 7319, lines 15-18	The language of the present statute (C.C. 7319, lines 15-18) is as follows: "Any matter so elicited shall not be used against him, and said witness shall not be prosecuted for any crime connected with or growing out of the act on which the prosecution is based in the cause in

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
3		which his evidence is used for the state, under the provisions of this section.” Note the change in phraseology.
4	C.C. 28, lines 1-10	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 74

Prepared by U. G. Whitney

**Subject: LIMITED PARTNERSHIP—UNIFORM LAW****General Explanation**

This bill is designed to repeal our present obsolete limited partnership statutes (C. C. 6180 to 6195, inclusive), and to replace them with the Uniform Limited Partnership Act as drafted by the National Conference of Commissions on Uniform State Laws.

Many of the sections of the original act embrace a large number of distinct matters, divided into *numbered* subsections and numerous sub-subsections represented by *letters*. The view of the Commissioners is that this method of statute drafting is very cumbersome and renders the statute difficult to cite.

To avoid this difficulty the Code Commissioners have divided many of these awkward sections of the original bill into several distinct concrete sections. They are quite sure such course adds materially to the clearness of the law, and renders it much easier of citation.

To illustrate: Under the bill as presented by the Code Commission, the last paragraph of section 45 would be cited as follows:

“Sec. 45, par. 10”.

If the peculiar style of the original act were retained, the citation would be:

“Sec. 24 (2) (j)”.

Again, under the bill as presented by the Commission, the last paragraph of section 2 would be cited as follows:

“Sec. 2, par. 14”.

If the peculiar style of the original act were retained, the citation would be:

“Sec. 2 (1) (a) XIV”.

All changes are indicated on the following brief and are purely formal except the one indicated under section 56.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
	(All references in this column are to the sections of the Uniform Limited Partnership Act)	
1	Sec. 1 entire	“Section 2” changed to “this chapter”.
2	Sec. 2 (1), lines 1-39	1. The clause providing for recording takes the place of the two lines following “XIV” of sec. 2 of the Uniform Act.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2	<i>2 (2), lines 40-42</i>	2. The original Uniform Act designates subsections by "I", "II", etc. These have been changed to numerals as more in harmony with the general plan of all our statutes. <i>See sec. 3 of bill.</i>
3	<b>Sec. 2 (2), lines 40-42</b>	1. This part of sec. 2 of the original Uniform Act has been cast into a separate section. 2. "Paragraph (1)" changed to "the last preceding section."
4	<b>Sec. 3 entire</b>	This section carries no exceptions. Apparently the original Uniform Act contemplates some exceptions.
5	<b>Sec. 4, entire</b>	Catchwords changed.
6	<b>Sec. 5 (1), lines 1-8</b> <i>5 (2), lines 9-14</i>	<i>See sec. 7 of bill.</i>
7	<b>Sec. 5 (2), lines 9-14</b>	"Paragraph (1)" of original Uniform Act changed to "the last preceding section". This makes no change in meaning.
8	<b>Sec. 6 entire</b>	1. Subsections "a" and "b" of original Uniform Act changed to "1" and "2". 2. "As provided in sec. 25 (3)" of original Uniform Act changed to "as hereinafter provided." An unnecessary cross reference is thereby avoided.
9	<b>Sec. 7 entire</b>	
10	<b>Sec. 8 entire</b>	1. Catchwords shortened. 2. "Section 25" changed to "sections 46 to 51, inclusive." This last change has been made because said "section 25" of the original Uniform Act has been divided into six separate sections.
11	<b>Sec. 9 entire</b>	Subsections "a" to "f", inclusive, changed to "1" to "7", inclusive.
12	<b>Sec. 10 (1), lines 1-12</b> <i>10 (2), lines 13-16</i>	Subsections "a", "b", "c", changed to "1", "2", "3". <i>See sec. 13 of bill.</i>
13	<b>Sec. 10 (2), lines 13-16</b>	1. This part of sec. 10 has been cast into a section by itself. Different matter is thereby kept separate and no change in meaning is had. 2. "Provided in secs. 15 and 16" of orig-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
13		inal Uniform Act changed to "hereinafter provided."
14	Sec. 11 entire	Cumbersome catchwords changed.
15	Sec. 12 (1), lines 1-3 12 (2), lines 4-9	<i>See sec. 16 of bill.</i>
16	Sec. 12 (2), lines 4-9	
17	Sec. 13 (1), lines 1-14 13 (2), lines 15-17	Lettered subsections changed to numerals. <i>See sec. 18 of bill.</i>
18	Sec. 13 (2), lines 15-17	"Paragraph (1)" changed to "the last preceding section". No change in meaning.
19	Sec. 14 entire	
20	Sec. 15 entire	
21	Sec. 16 (1), lines 1-14  16 (2), lines 15-24 16 (3), lines 25-29 16 (4), lines 30-38	1. "Paragraph (2)" changed to "the next section." 2. Lettered paragraphs changed to numerals. <i>See sec. 22 of bill.</i> <i>See sec. 23 of bill.</i> <i>See sec. 24 of bill.</i>
22	Sec. 16 (2), lines 15-24	1. "Paragraph (1)" changed to "the last preceding section". 2. Lettered paragraphs changed to numerals.
23	Sec. 16 (3), lines 25-29	
24	Sec. 16 (4), lines 30-38	1. "Paragraph (1a)" changed to "subsection one (1) of section 21". 2. Lettered paragraphs changed to numerals.
25	Sec. 17 (1), lines 1-8  17 (2), lines 9-15 17 (3), lines 16-22 17 (4), lines 23-28	Lettered subsections changed to numerals. <i>See sec. 26 of bill.</i> <i>See sec. 28 of bill.</i> <i>See sec. 27 of bill.</i>
26	Sec. 17 (2), lines 9-15	Lettered subsections changed to numerals.
27	Sec. 17 (4), lines 23-28	
28	Sec. 17 (3), lines 16-22	"This section" changed to "the three (3) preceding sections".
29	Sec. 18 entire 19 (1), lines 1-2	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
29	19 (2), lines 3-5 19 (3), lines 6-12 19 (4), lines 13-17 19 (5), lines 18-20 19 (6), lines 21-25 19 (7), lines 26-28	<i>See sec. 30 of bill.</i> <i>See sec. 31 of bill.</i> <i>See sec. 32 of bill.</i> <i>See sec. 33 of bill.</i> <i>See sec. 34 of bill.</i> <i>See sec. 35 of bill.</i>
30	Sec. 19 (2), lines 3-5	
31	Sec. 19 (3), lines 6-12	
32	Sec. 19 (4), lines 13-17	
33	Sec. 19 (5), lines 18-20	"In accordance with section 25" changed to "as hereinafter provided," No change in meaning.
34	Sec. 19 (6), lines 21-25	
35	Sec. 19 (7), lines 26-28	"Sections 6 and 17" changed to "sections 8 and 25 to 28, inclusive," in order to embrace the same sections referred to in the original Uniform Act.
36	Sec. 20 entire	Lettered subsections changed to numerals.
37	Sec. 21 (1), lines 1-6 21 (2), lines 7-8	<i>See sec. 38 of bill.</i>
38	Sec. 21 (2), lines 7-8	
39	Sec. 22 (1), lines 1-8 22 (3), lines 12-13 22 (2), lines 9-11 22 (4), lines 14-15	<i>See sec. 40 of bill.</i> <i>See sec. 41 of bill.</i>
40	Sec. 22 (2), lines 9-11	
41	Sec. 22 (4), lines 14-15	
42	Sec. 23 (1), lines 1-15 23 (2), lines 16-21	Lettered subsections changed to numerals. <i>See sec. 43 of bill.</i>
43	Sec. 23 (2), lines 16-21	
44	Sec. 24 (1), lines 1-4 24 (2), lines 5-26	Catchwords changed. <i>See sec. 45 of bill.</i>
45	Sec. 24 (2), lines 5-26	Lettered subsections changed to numerals. "Sec. 20" in line 13 changed to "36" in order to keep the same reference.
46	Sec. 25 (1), lines 1-12 25 (2), lines 13-14	1. Lettered subsections changed to numerals. 2. Catchwords changed. <i>See sec. 47 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
46	25 (3), lines 15-19 25 (4), lines 20-28 25 (5), lines 29-35 25 (6), lines 36-39	<i>See sec. 48 of bill.</i> <i>See sec. 49 of bill.</i> <i>See sec. 50 of bill.</i> <i>See sec. 51 of bill.</i>
47	<b>Sec. 25 (2), lines 13-14</b>	
48	<b>Sec. 25 (3), lines 15-19</b>	The clauses of this section of the original Uniform Act have been rearranged for greater clearness of expression. There is no change in meaning.
49	<b>Sec. 25 (4), lines 20-28</b>	Reference to county recorder inserted to complete the section.
50	<b>Sec. 25 (5), lines 29-35</b>	1. Lettered subsections changed to numerals. 2. "County recorder" inserted to complete the section. 3. "Paragraph (1), or (2)," line 33, changed to "sections 46 or 47" in order to preserve same reference. 4. "Paragraph (4)", line 35, changed to "section 49" for same purpose.
51	<b>Sec. 25 (6), lines 36-39</b>	1. "This section", line 37, changed to "sections 46-50, inclusive", in order to preserve same reference. 2. "Act", line 39, changed to "statute."
52	<b>Sec. 26 entire</b>	
53	<b>Sec. 27 entire</b>	"Act", line 1, changed to "law".
54	<b>Sec. 28 (2), lines 4-6</b> 28 (1), lines 1-3 28 (3), lines 7-10	<i>Omitted as unnecessary because declaratory of our present law. See C.C. 7077. See sec. 55 of bill.</i>
55	<b>Sec. 28 (3), lines 7-10</b>	
56	<b>Sec. 29 entire</b>	"Including the law merchant" is in the original Uniform Act. It is omitted from this bill.
57	<b>Sec. 30 (1), lines 1-14</b> 30 (2), lines 15-21	Lettered subsections changed to numerals. <i>See sec. 58 of bill.</i>
58	<b>Sec. 30 (2), lines 15-21</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 75

Prepared by J. C. Mabry

**Subject: CHATTEL MORTGAGES—CONDITIONAL SALES OF PERSONAL PROPERTY—SALES OF STOCKS OF MERCHANDISE IN BULK****General Explanation**

The general purpose is to codify and bring together various scattered statutes relating to personal property, and to rearrange various provisions for more logical order. The bill also proposes a modification of the present law relating to recording of chattel mortgages. The bill does not propose to abrogate the present statute, but makes it optional with the mortgagee whether his chattel mortgage shall be recorded or merely left on file with the recorder.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6318, lines 9-16 <i>lines 1-8</i>	Line 11, "under the provisions of law" omitted as surplusage. <i>See sec. 3 of bill.</i>
2	C.C. 6332, entire	
3	C.C. 6318, lines 1-8	
4	C.C. 6317, entire	
5	C.C. 6319, entire	
6	C.C. 6331, entire	This was an old section of the code of '97 left untouched except by implication by the acts of the 38 G. A. as set forth in C.C. 6317-6327. The bill modifies this old section so as to make it optional with the mortgagee to have it recorded or only deposited.
7	C.C. 6329, entire	
8	C.C. 6323, entire 6328, entire	C.C. 6323 is from acts of 38 G. A. C.C. 6328 is part of the old law not repealed by that act. The bill section is the combination of the two.
9	C.C. 6330, entire	
10	C.C. 6320, entire	
11	New	This in obedience to a wide demand for such a provision and to make it sub-

## C. B. 75 CHATTEL MORTGAGE—CONDITIONAL SALES, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11		stantially uniform with the law as to real estate mortgages.
12	C.C. 6321, entire	
13	C.C. 6322, entire	
14	C.C. 6324, entire	Line 8, "or on the record thereof, if recorded" added to harmonize with purpose of bill.
15	C.C. 6325, entire	Line 1, "unrecorded" inserted preceding "chattel" to harmonize.
16	C.C. 6326, entire	
17	C.C. 6327, entire	
18	C.C. 6333, entire	Divided into paragraphs for clearness. "Vendor" and "vendee" used in place of "seller, transferor, or assignor and purchaser, transferee, and assignee" as better terms and covering them all. See sec. 20 of bill.
19	C.C. 6335, entire	"Vendor" and "vendee" substituted for other terms meaning same thing, especially in view of sec. 20.
20	C.C. 6334, entire	Modified to define terms used in bill.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 76

Prepared by J. C. Mabry

Subject: **REAL PROPERTY****General Explanation**

Codification only for sake of greater clearness.  
No change of law proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6347, lines 1-2 lines 3-10 lines 11-14	See sec. 2 of bill. See sec. 3 of bill.
2	C.C. 6347, lines 3-10	
3	C.C. 6347, lines 11-14	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 77

Prepared by J. C. Mabry

**Subject: CONVEYANCES****General Explanation**

Codification by dividing sections and transposing provisions for more logical arrangement.

A few slight changes in matter of recording and transfers are proposed.

Sections codified elsewhere C. C. 6399. See C. B. 83, sec. 2.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6389, lines 1-7 <i>lines 8-11</i>	<i>See sec. 6 of bill.</i>
2	C.C. 6391, entire	
3	C.C. 6401, entire	Line 1, "in all cases" omitted as surplusage.
4	C.C. 6402, entire	Lines 1-2, omitted as surplusage. Lines 2-3, limitation date transferred to end of section.
5	C.C. 6403, entire	Paragraphed for clearness. Line 1, omitted and "when the record shows" substituted.
6	C.C. 6389, lines 8-11 6400, entire	Lines 1-3, omitted as merely fixing the time when the act took effect, and which is now obsolete. Lines 4-8, cross references omitted as bill section combines the two sections.
7	C.C. 6370, lines 1-12 <i>lines 13-18</i>	<i>See sec. 8 of bill.</i>
8	C.C. 6370, lines 13-18	
9	C.C. 6371, entire	Line 4, "so as to show the evidence of title" omitted as surplusage.
10	C.C. 6369, lines 1-5 <i>lines 6-11</i>	Line 5, "that he is such officer" changed to "his official character". <i>See sec. 11 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11	C.C. 6369, lines 6-11	
12	C.C. 6397, entire	Lines 8-11, all after "convey" in line 8 to and including "thereof" in line 11 is omitted as a repetition of what immediately follows the part omitted.  Lines 16-25, omitted as a repetition and as superfluous and redundant.
13	C.C. 6375, entire	
14	C.C. 6394, entire	Lines 1-2, "or one formerly attached to another when necessary" omitted as surplusage.
15	C.C. 6395, entire	Lines 6-7, omitted as surplusage.
16	C.C. 6396, entire	
17	C.C. 6390, entire	Paragraphs numbered for convenience.
18	C.C. 6373, entire	
19	C.C. 6374, lines 1-4 <i>lines 5-11</i>	<i>See sec. 20 of bill.</i>
20	C.C. 6374, lines 5-11	
21	C.C. 6376, entire	Line 2, "enable" changed to "entitle". Line 8, "shall be entitled to" changed to "may".  Lines 11-12, "named in the second preceding section" substituted for omitted portion.
22	C.C. 6377, lines 1-9 <i>lines 10-16</i>	<i>Omitted as redundant and unnecessary in view of form set out in next section.</i>
23	C.C. 6378, entire	
24	C.C. 6379, lines 1-5 <i>lines 6-14</i>	<i>See sec. 25 of bill.</i>
25	C.C. 6379, lines 6-14	
26	C.C. 6380, entire	
27	C.C. 6381, entire	
28	C.C. 6382, entire	
29	C.C. 6388, entire	
30	C.C. 6383, entire	
31	C.C. 6393, entire	
32	C.C. 6384, entire	
33	C.C. 6385, entire	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
34	C.C. 6386, entire	
35	C.C. 6392, entire	
36	C.C. 6387, entire	
37	C.C. 6355, entire	
38	C.C. 6356, entire	"Except that affidavits need not thus be acknowledged" added for clearness.
39	New	In accordance with prevailing opinion that it should be the law.
40	C.C. 6365, lines 1-9 lines 10-17 lines 18-19 and form	See sec. 42 of bill. See sec. 41 of bill.
41	C.C. 6365, lines 18-19 and form	
42	C.C. 6365, lines 10-17	Line 17, "and indexed inversely in the name of the grantee" omitted as redundant in view of next section.
43	C.C. 6367, entire	
44	C.C. 6372, lines 1-4 lines 5-8	See sec. 45 of bill.
45	C.C. 6372, lines 5-8	
46	C.C. 6366, entire	Line 2, "day, hour and minutes" substituted for "time" for greater certainty. Lines 4-6, modified to provide that filing and indexing shall be constructive notice without recording for 30 days. It is generally believed that such should be the law.
47	C.C. 6362, entire 6364, entire	This and the next section propose a modification of the present law. They are self explanatory and the reasons apparent.
48	New	To be considered in connection with the preceding section in comparison with the present law, and the manner it is often administered.
49	C.C. 6368, entire	Modified so as to be in harmony with the changes and purpose of the two preceding sections.
50	New	To harmonize with changes proposed by the last four preceding sections.
51	C.C. 6357, entire	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
52	C.C. 6358, (in part)	See section 53 of bill for form for index book.
53	C.C. 6358, (in part)	
54	C.C. 6359, entire	
55	C.C. 6360, lines 1-8 <i>lines 9-17</i>	<i>See sec. 56 of bill.</i>
56	C.C. 6360, lines 9-17	
57	C.C. 6361, entire	Line 5, modified by adding at end provision for taxing fee in case as costs and collection by clerk.
58	C.C. 6363, entire	Line 2, modified by adding provision that auditor shall give notice of any error discovered and permit correction.
59	C.C. 6404, entire	The provisions of this section are obsolete and should not encumber a permanent code.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 78

Prepared by J. C. Mabry

**Subject: OCCUPYING CLAIMANTS****General Explanation**

The purpose is to codify this chapter by dividing and combining and transposing sections for clearness and more logical arrangement.

No change in the law is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6406, entire	Line 3, "thereafter adjudged" substituted for "afterwards in a proper action found". Line 4, "owner" substituted for "plaintiff" for obvious reasons.
2	C.C. 6409, entire  6410, entire	Line 2, "person or" omitted as superfluous. Lines 5-6, "and his rights shall pass to his assignees or representatives" omitted as superfluous. Lines 5-8, all after "thereon" in line 5 omitted as superfluous.
3	C.C. 6407, entire	Line 1, "of the occupant" inserted for certainty. "Defendant" omitted as wrong word and "he" substituted. Line 7, "on the trial" omitted as superfluous.
4	C.C. 6408, lines 1-5  <i>lines 5-8</i> 6412, entire	This part redrafted for clearer and more concise language. Line 1, "owner of the land" substituted for "plaintiff in the main action" for obvious reasons. <i>See sec. 5 of bill.</i>
5	C.C. 6408, lines 5-8	Whole section poorly written and bill sections 4 and 5 are a redraft in clearer, more concise language.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	C.C. 6411, entire	Line 1, "In the cases hereinbefore provided for" omitted as surplusage.
7	C.C. 6413, entire	Line 4, "otherwise" omitted as useless.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 79

Prepared by J. C. Mabry

Subject: **HOMESTEAD**

## General Explanation

The general purpose is codification by combining and rearranging sections into more logical order.

No change of the law is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6419, entire	
2	C.C. 6420, entire	
3	C.C. 6421, lines 1-10 lines 11-17	See sec. 4 of bill.
4	C.C. 6421, lines 11-17	
5	C.C. 6422, entire	
6	C.C. 6423, lines 1-6 lines 7-8	See sec. 18 of bill.
7	C.C. 6424, entire	
8	C.C. 6425, entire	Line 5, "if expedient" omitted as surplusage.
9	C.C. 6426, entire	
10	C.C. 6427, lines 1-5 lines 6-9 lines 10-12	See sec. 11 of bill. See sec. 17 of bill.
11	C.C. 6427, lines 6-9	
12	C.C. 6416, entire	
13	C.C. 6429, entire	
14	C.C. 6430, entire	
15	C.C. 6414, entire 6415, lines 4-5 lines 1-4	See sec. 16 of bill.
16	C.C. 6415, lines 1-4	
17	C.C. 6427, lines 10-12	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18	C.C. 6423, lines 7-8	Line 7 modified by striking out "to the extent of the value of the old". This modification seems justified.
19	C.C. 6418, entire lines 1-4 lines 5-8 .6417, entire 6428, entire	See par. 1 of bill section. See par. 2 of bill section. See par. 3 of bill section. Modified by omitting mechanics' liens as superfluous. See par. 4 of bill section.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 80

Prepared by J. C. Mabry

**Subject: LANDLORD AND TENANT****General Explanation**

Purely a codification measure by rearranging and dividing sections for clearer statement and more logical order. No change in the law proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6431, entire	Line 4, "of such life tenant" added for clearness.
2	C.C. 6432, entire	Line 2, "afterward holding over" changed to "holding after such time".
3	C.C. 6433, entire	Line 2, "and shall not affect the rights of such lessor" inserted after "void" for clearness. Line 3, "to which the lessor was a party" added for clearness.
4	C.C. 6434, lines 1-6 lines 7-11 lines 12-13 lines 14-19	See sec. 5 of bill. See sec. 6 of bill. See sec. 7 of bill.
5	C.C. 6434, lines 7-11	
6	C.C. 6434, lines 12-13	
7	C.C. 6434, lines 14-19	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 81

Prepared by J. C. Mabry

**Subject: PERPETUITIES, GIFTS, AND BEQUESTS****General Explanation**

The purpose is to bring together all the widely separated provisions of law on the subject. No change in the law is proposed and only slight modifications of language.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6452, lines 1-2 lines 3-6 lines 6-7	Line 2, see also sec. 4 of bill.  <i>See sec. 4 of bill.</i>
2	C.C. 6453, entire	Line 1, provision as to county or municipal corporation see sec. 4 of bill.  Line 4, reference to county or municipal corporation codified in sec. 4 of bill.  Line 7, reference to county and municipal corporation in sec. 4 of bill.
3	C.C. 6454, entire	
4	C.C. 6452, line 2 lines 6-7 6453, lines 1, 4, 7 S.C.C. 6501, lines 1-5 lines 6-13 lines 14-29 lines 29-35 lines 35-40 lines 41-52 lines 53-64 lines 65-91	<i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 8 of bill.</i> <i>See sec. 10 of bill.</i> <i>See sec. 9 of bill.</i> <i>See C. B. 82, secs. 12, 13, and 14.</i>
5	S.C.C. 6501, lines 6-13	
6	S.C.C. 6501, lines 14-29	
7	S.C.C. 6501, lines 29-35	
8	S.C.C. 6501, lines 35-40	
9	S.C.C. 6501, lines 53-64	
10	S.C.C. 6501, lines 41-52	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 82

Prepared by J. C. Mabry

**Subject: TRUSTEES TO MANAGE CEMETERY FUNDS****General Explanation.**

To collect in one body all the provisions of law relating to this subject. Such provisions are widely scattered, some of them being separated by fifty sections and hidden in a long section where they do not belong.

The language has been modified in some instances to eliminate surplusage, and for greater clarity and conciseness.

No change in meaning is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 6492, lines 1-10 lines 11-12  lines 13-21	<i>Omitted as surplusage. It should in fairness to the public be exempt or not and not merely left optional so that no one knows whether it is exempt or not. See sec. 2 of bill.</i>
2	S.C.C. 6492, lines 13-21	Line 21, "under the direction of the court" added for obvious reasons.
3	C.C. 6493, entire	
4	C.C. 6494, entire	Line 1, first five words omitted as surplusage. Lines 7-8, "and that the applicant for the loan has good title thereto" substituted as more concise.
5	C.C. 6495, entire	Line 5, "imposed on him by law" omitted as surplusage.
6	C.C. 6496, entire	
7	C.C. 6497, entire	Lines 1-2, "such trustees shall serve without compensation" substituted as more concise statement.
8	C.C. 6498, entire	Line 1, "such trustee shall" substituted as more concise. Line 2, "in the matter of his trusteeship" omitted as surplusage. Line 3, "as are therein mentioned" omitted as surplusage.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	<b>C.C. 6499, entire</b>	Lines 4-5, omitted all after "accounting" as surplusage.
10	<b>C.C. 6500, lines 1-7</b>  <i>lines 7-11</i>	Line 1, "by said court" omitted. "As provided in this chapter" omitted as surplusage.  Lines 3-4, "as are therein mentioned" omitted as useless. <i>See sec. 11 of bill.</i>
11	<b>C.C. 6500, lines 7-11</b>	
12	<b>S.C.C. 6501, lines 65-73</b>  <i>lines 1-64</i> <i>lines 74-82</i> <i>lines 83-91</i>	Lines 65-66, "irrespective of their form of government" substituted. <i>See C. B. 81 secs. 4 to 10, inclusive.</i> <i>See sec. 13 of bill.</i> <i>See sec. 14 of bill.</i>
13	<b>S.C.C. 6501, lines 74-82</b>	Lines 74-75, "the mayor and council and trustees as the case may be" substituted as more concise.
14	<b>S.C.C. 6501, lines 83-91</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 83

Prepared by J. C. Mabry

**Subject: LEGALIZING DEEDS AND OTHER INSTRUMENTS****General Explanation.**

This is purely a codification measure to bring C. C. 6399 into the general chapter on legalizing acts. It is now out of place by 162 sections. No change in the law is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6561, entire	Section redrafted for more concise statement.
2	C.C. 6399, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 84

Prepared by U. G. Whitney

## Subject: CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

## General Explanation

Prior to the board of control act, the various charitable, correctional, and penal institutions of the state were controlled by separate boards. The statutes were necessarily in harmony with that system.

The board of control act wholly departed from the old system. The result was that a great mass of inapplicable and dead statutes has remained in our statute books for twenty-five (25) years. In this bill these dead statutes have been omitted. The bill covers the entire subject of charitable, correctional, and penal institutions, public and private, including juvenile court.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 1852, lines 3-12  lines 1-3 lines 12-20 lines 20-21 lines 21-26 lines 26-29  lines 30-35 lines 36-43	As to duty to "devote entire time to duties of office," see C. C. 1853 lines 2 and 3.  } See sec. 2 of bill. } See sec. 7 of bill. } See sec. 4 of bill. } Omitted. These lines state cause for removal and such power is given to the executive council in C. B. 34, sec. 24. } See sec. 3 of bill. } Omitted. Obsolete.
2	S.C.C. 1852, lines 1-3 lines 12-20	"Sixty day" provision is new. This will prevent the withholding of nominations until the very close of the session when no adequate time for consideration remains.
3	S.C.C. 1852, lines 30-35	
4	S.C.C. 1852, lines 21-26	
5	C.C. 1906, entire	
6	C.C. 1853, lines 7-11 lines 1-3 lines 3-7 lines 12-14  lines 14-22	Omitted. Covered by C. B. 31, sec. 1. See C. B. 32, sec. 6, subsec. 3. Omitted because a repetition of the law. See C. C. 40. See C. B. 73, sec. 2, subsec. 11, and sec. 3.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7	<b>S.C.C. 1852, lines 20-21</b> <b>1854, lines 1-9</b> <i>lines 10-12</i> <i>lines 12-15</i>	<i>See C. B. 14, sec. 25.</i> <i>See sec. 11 of bill.</i>
8	<b>C.C. 1855, entire</b>	
9	<b>C.C. 1856, lines 1-5</b> <i>lines 6-14</i>	<i>See sec. 10 of bill.</i>
10	<b>C.C. 1856, lines 6-14</b> <i>1857, entire</i>	<i>Omitted because it is, substantially, a repetition of C. C. 282.</i>
11	<b>S.C.C. 1854, lines 12-15</b> <b>C.C. 1860, lines 17-22</b> <i>lines 1-8</i> <i>lines 8-14</i> <i>lines 14-17</i> <b>1909, entire</b> <b>1910, lines 1-4</b> <i>lines 4-11</i> <i>1911, entire</i> <b>1912, lines 1-3</b> <i>lines 4-8</i>	Subdivision "8" is new.  <i>Omitted. Obsolete.</i> <i>See sec. 18 of bill.</i> <i>See sec. 15 of bill.</i>  <i>See sec. 28 of bill.</i> <i>Omitted. Covered by C. B. 18, sec. 3.</i>  <i>Omitted, unnecessary.</i>
12	<b>C.C. 1875, entire</b>	
13	<b>S.C.C. 1858, entire</b>	
14	<b>C.C. 1859, entire</b> <b>1930, entire</b> <b>1978, lines 3-4</b> <i>lines 1-3</i> <i>lines 4-9</i> <i>lines 9-10</i> <i>lines 10-14</i> <b>2161, lines 1-2</b> <i>lines 2-5</i> <i>lines 5-7</i> <i>lines 7-12</i> <b>2471, entire</b>	<i>See sec. 195 of bill.</i> <i>See sec. 17 of bill.</i> <i>See sec. 199 of bill.</i> <i>See sec. 202 of bill.</i>  <i>See sec. 428 of bill.</i> <i>See sec. 24 of bill.</i> <i>See sec. 20 of bill.</i>
15	<b>C.C. 1860, lines 14-17</b>	
16	<b>C.C. 1908, entire</b>	
17	<b>C.C. 1865, entire</b> <b>1869, lines 1-5</b> <i>lines 5-10</i> <i>lines 10-12</i> <i>lines 12-14</i> <b>1895, entire</b> <b>1902, lines 4-7</b>	<i>See also sec. 63 of bill.</i> <i>See sec. 64 of bill.</i> <i>See sec. 63 of bill.</i> <i>See sec. 65 of bill.</i>

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
17	lines 1-4 1978, lines 4-9	See sec. 37 of bill.
18	C.C. 1860, lines 8-14 1870, entire 1871, entire	
19	C.C. 1881, lines 1-11 lines 11-17	Omitted. Obsolete—at least unnecessary.
20	C.C. 1882, lines 1-4 lines 7-10 lines 4-7 1980, lines 1-6 lines 6-10 lines 11-12 2161, lines 7-12	See sec. 21 of bill.  See sec. 196 of bill. See sec. 24 of bill.
21	C.C. 1882, lines 4-7	
22	C.C. 1885, entire	Last sentence is new.
23	C.C. 1883, lines 1-7 lines 7-10 lines 11-14	See sec. 25 of bill. See sec. 24 of bill.
24	C.C. 1883, lines 11-14 1980, lines 11-12 2161, lines 5-7	
25	C.C. 1883, lines 7-10 1884, entire	See C. B. 97, sec. 2.
26	C.C. 1892, lines 1-7 lines 8-15 1894, entire	See sec. 27 of bill.
27	C.C. 1892, lines 8-15 1893, entire	
28	C.C. 1910, lines 4-11	
29	C.C. 1861, entire	
30	C.C. 1863, entire	Power to transfer patients is somewhat broadened.
31	C.C. 1864, line 1 lines 3-11 lines 1-3 lines 11-22	See sec. 32 of bill. See sec. 33 of bill.
32	C.C. 1864, lines 1-3	
33	C.C. 1864, lines 11-22	
34	C.C. 1862, entire	Duty is broadened.
35	C.C. 1900, lines 12-16	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
35	lines 1-12 lines 16-20	See sec. 36 of bill.
36	C.C. 1900, lines 1-12 lines 16-20 1901, entire	
37	C.C. 1902, lines 1-4	
38	C.C. 1903, lines 1-4 lines 4-11 lines 11-19 lines 19-24 lines 24-28 1904, lines 1-5 lines 10-13 lines 6-10	See sec. 41 of bill. See C. B. 73, sec. 2, subsec. 14. See sec. 43 of bill. See sec. 42 of bill.  See sec. 39 of bill.
39	C.C. 1904, lines 6-10	Broadened to include all institutions under the board.
40	C.C. 1905, entire	Power to investigate made applicable, generally, to all institutions which are under the supervision of the board.
41	C.C. 1903, lines 4-11	
42	C.C. 1903, lines 24-28	"In the county where the offense occurs" is new.
43	C.C. 1903, lines 19-24	
44	S.C.C. 1913, lines 1-4  lines 4-11	Power to discharge at pleasure is in the old law and has been retained. "Juvenile home" is added because this institution was established subsequent to enactment of C. C. 1913. See sec. 45 of bill.
45	S.C.C. 1913, lines 4-11	
46	C.C. 1914, entire	
47	S.C.C. 1915, entire	See also sec. 48 of bill.
48	S.C.C. 1915, entire	
49	C.C. 1886, lines 1-5 lines 8-30 lines 5-8	Provision as to investigation omitted as being covered by sec. 38 of bill. See sec. 63 of bill. All purchases are made by or under authority of the board.
50	C.C. 1874, lines 35-40 lines 1-8	See sec. 73 of bill (in part). Otherwise the lines are omitted. These lines invest the executive head with the power to enter into contracts for all improvements. This bill vests such power in the governing board, to wit: the board of control.

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
50	<p>lines 9-12 lines 14-22 lines 12-14</p> <p>lines 22-27 lines 27-34 lines 40-42 lines 42-47</p> <p>1876, lines 5-9 lines 1-5 lines 9-14</p>	<p>See sec. 71 of bill.</p> <p>Omitted. Covered by secs. 69 and 70 of bill.</p> <p>See sec. 72 of bill.</p> <p>See sec. 74 of bill.</p> <p>See sec. 68 of bill.</p> <p>See sec. 75 of bill.</p> <p>See sec. 84 of bill.</p> <p>See sec. 51 of bill.</p>
51	C.C. 1876, lines 9-14	
52	C.C. 1877, lines 1-7 lines 7-14 lines 14-24	<p>See sec. 53 of bill.</p> <p>See sec. 54 of bill.</p>
53	C.C. 1877, lines 7-14	
54	C.C. 1877, lines 14-24	
55	C.C. 1878, entire	"Quarterly" changed to "semiannual".
56	C.C. 1879, entire 1880, entire	Money is made available at any time.
57	C.C. 1907, lines 1-10 lines 10-12	Omitted. Unnecessary.
58	C.C. 1891, lines 1-4 lines 4-6	See sec. 68 of bill.
59	C.C. 1887, entire 2154, entire	
60	C.C. 1890, lines 1-7 lines 7-10 lines 10-13	<p>See sec. 62 of bill.</p> <p>See sec. 61 of bill.</p>
61	C.C. 1890, lines 10-13	
62	C.C. 1890, lines 7-10	
63	C.C. 1869, lines 1-5 lines 10-12 lines 5-10 lines 12-14 1886, lines 5-8	<p>See sec. 64 of bill.</p> <p>See sec. 65 of bill.</p>
64	C.C. 1869, lines 5-10	
65	C.C. 1869, lines 12-14	
66	C.C. 1868, entire	Section much condensed.
67	C.C. 1866, entire	"Duplicate" substituted for "triplicate".



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
67-a1	C.C. 1867, lines 1-7 lines 7-9	<i>Omitted because covering a mere administrative detail.</i>
68	C.C. 1874, lines 40-42 1888, lines 1-9 lines 17-21 lines 9-17  1889, lines 1-35 lines 36-38  1891, lines 4-6	<i>Omitted. Criminal feature fully covered by C. C. 8958.</i>  <i>Omitted because temporary and at best otherwise covered by biennial omnibus salary acts.</i>
69	S.C.C. 1872, entire	See 39 G. A., ch. 340, sec. 8.
70	C.C. 1873, lines 1-11 lines 14-16 lines 11-13 lines 16-27	<i>Omitted. Useless.</i> <i>Omitted. Unnecessary. Of the sections referred to in these omitted lines sections 40, 680, 725, and 726 are by their very terms applicable to members of the board of control. Sec. 681 refers to the same acts prohibited in sec. 680. See also C. C. 8958.</i>
71	C.C. 1874, lines 9-12 lines 14-22	
72	C.C. 1874, lines 22-27	
73	C.C. 1874, lines 1-8 (in part)	Under this bill executive heads no longer have power to enter into contracts for improvements.
74	C.C. 1874, lines 27-34	See sec. 17 of bill for provision covering rules.
75	C.C. 1874, lines 42-47	
76	C.C. 1897, lines 1-14 lines 15-20 lines 21-32 lines 33-37 lines 38-45	<i>See sec. 77 of bill.</i> <i>See sec. 78 of bill.</i> <i>See sec. 79 of bill.</i> <i>See sec. 80 of bill.</i>
77	C.C. 1897, lines 15-20	
78	C.C. 1897, lines 21-32	Sharply condensed.
79	C.C. 1897, lines 33-37	
80	C.C. 1897, lines 38-45	
81	C.C. 1898, lines 1-3 lines 6-8	

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
81	lines 3-6  1899, entire	<i>Omitted. The part omitted reads as follows: "by evidence satisfactory to the board of control or to the district court of the county in which the institution from which the money was sent is located". The amount of money might be very large. True, it might be trifling. It was thought best to leave the question of legal ownership to the courts.</i>
82	C.C. 1896, entire	Section much condensed. Appointment is made by board and not by governor.
83	C.C. 2175, entire 2216, lines 1-7  lines 7-14 lines 15-16	Present law is much broadened and meets all calamities which might befall an institution. <i>See sec. 466 of bill.</i> <i>Omitted. Covered by sec. 19 of bill.</i>
84	C.C. 1876, lines 1-5	
85	C.C. 2040, entire  line 5	Institution for feeble minded and department for insane at Anamosa have been added. <i>See sec. 87 of bill.</i>
86	C.C. 2041, entire	
87	C.C. 2040, line 5	
88	C.C. 2043, entire	Much verbiage omitted. Whoever aids and abets the commission of a crime is necessarily a principal. See C. C. 8539.
89	C.C. 2042, entire	"Annual report" changed to "biennial report" to harmonize with C. B. 255.
90	S.C.C. 1916, entire 1917, entire 1920, lines 1-17  lines 18-19	These three C. C. sections make a laborious attempt to state who is entitled to admission to the home. They are decidedly confusing. They have been combined into one section which it is hoped will prove clear and understandable.  On consultation with military authorities, we find that the terms, "commissioned, enlisted and inducted" clearly embrace officers, soldiers, sailors, marines, and army and navy nurses". <i>See sec. 92 of bill.</i>
91	C.C. 1921, lines 1-2 lines 2-5	<i>Omitted. Fully covered by sec. 17 of bill.</i>
92	S.C.C. 1920, lines 18-19	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
93	C.C. 1918, lines 1-9  lines 9-11	Complaint has been made that supervisors oft times grant these certificates without any investigation. "Certificate" has been changed to "affidavit". <i>Omitted. Unnecessary.</i>
94	C.C. 1923, entire	
95	C.C. 1919, lines 1-5 lines 8-11 lines 5-8 lines 11-13	<i>See sec. 96 of bill.</i> <i>See sec. 101 of bill.</i>
96	C.C. 1919, lines 5-8	Line 4 of bill, after "home" is new.
97	C.C. 1922, lines 3-4 lines 1-3 lines 21-25 lines 4-6 lines 6-11 lines 11-15  lines 15-17 lines 17-20 lines 26-28	<i>See sec. 98 of bill.</i> <i>Omitted because covered by sec 24 of bill.</i> <i>See sec. 99 of bill.</i> <i>Omitted. All subordinate officers are appointed and discharged by the chief executive officer. See sec. 20 of bill.</i> <i>Omitted. Covered by sec. 23 of bill.</i> <i>See sec. 100 of bill.</i> <i>Omitted. See sec. 24 of bill.</i>
98	C.C. 1922, lines 1-3 lines 21-25	"To serve during the pleasure of the board" is omitted. The various statutes fix various terms of office for these executive heads. Some say he shall serve during the pleasure of the board. Others fix a certain number of years. This bill places them all on an equality. See sec. 19 of bill.
99	C.C. 1922, lines 6-11	Last six words of section are new but are in harmony with sec. 98 of bill.
100	C.C. 1922, lines 17-20	
101	C.C. 1919, lines 11-13 1924, entire	
102	C.C. 1925, lines 1-7 lines 7-12 lines 12-18 lines 18-28 lines 28-31 lines 31-32  lines 33-34	<i>See sec. 103 of bill.</i> <i>See sec. 104 of bill.</i> <i>See sec. 105 of bill.</i> <i>See sec. 106 of bill.</i> <i>Omitted. Unnecessary to say that on the death of a person his property shall go to his heirs, legatees, or legal representative.</i> <i>See sec. 107 of bill.</i>
103	C.C. 1925, lines 7-12	
104	C.C. 1925, lines 12-18	

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
105	C.C. 1925, lines 18-28	
106	C.C. 1925, lines 28-31	
107	C.C. 1925, lines 33-34	
108	C.C. 1926, entire 1927, entire	<i>Omitted. Unnecessary. See C. C. 8958, 8960.</i>
109	S.C.C. 1928, lines 1-7  lines 7-14	Law not changed but procedure is made plain. <i>See sec. 110 of bill.</i>
110	S.C.C. 1928, lines 7-14	
111	C.C. 1929, lines 1, 3, 4 lines 1-2	Name of institution slightly changed. <i>See sec. 112 of bill.</i>
112	C.C. 1929, lines 1-2	For requirement of residence see C. C. 1933, line 14.
113	C.C. 1931, lines 1-2 lines 4-6 lines 2-4  lines 6-7 lines 8-9 1932, line 11 lines 1-10	<i>Omitted. Covered uniformly by secs. 19 and 20 of bill. C. C. 1931 provides for appointment of subordinates by the board. Other sections provide for such appointments by the executive head. Omitted. Covered by sec. 19 of bill. See sec. 114 of bill.</i>  <i>See sec. 115 of bill.</i>
114	C.C. 1931, lines 8-9	
115	C.C. 1932, lines 1-10	See C. C. 1933, line 4.
116	C.C. 1933, lines 1-11 lines 12-16 lines 20-29 lines 16-19	} <i>See sec. 117 of bill.</i> <i>See sec. 118 of bill.</i>
117	C.C. 1933, lines 12-16 lines 20-29	
118	C.C. 1933, lines 16-19	
119	C.C. 1934, lines 1-3 lines 5-8 lines 3-5 lines 8-12	<i>Omitted. Covered by sec. 17 of bill. See sec. 120 of bill.</i>
120	C.C. 1934, lines 8-12	
121	C.C. 1935, entire	
122	New	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
123	S.C.C. 1936, lines 1-7 (in part)  lines 7-10	See also secs. 124, 125, 126 of bill. Procedure for payment of support fund made specific and to conform to present practice under existing law. See sec. 126 of bill.
124	S.C.C. 1936, lines 4-5	
125	S.C.C. 1936, lines 5-7	
126	S.C.C. 1936, lines 7-10	
127	C.C. 1937, lines 1-6 lines 6-8 lines 8-12	See sec. 128 of bill. See sec. 129 of bill.
128	C.C. 1937, lines 6-8	
129	C.C. 1937, lines 8-12	
130	C.C. 1938, lines 1-8 lines 8-13	Omitted. Covered by sec. 115, subsec. 5, of bill.
131	C.C. 1939, lines 1-3 lines 3-4 lines 5-6 lines 6-8 1940, lines 1-2 lines 2-4 1941, lines 1-5 lines 5-13 S.C.C. 1943, entire C.C. 1944, entire S.C.C. 1945, entire C.C. 1946, entire	Omitted. Covered by sec. 14 of bill. See sec. 134 of bill. Omitted. Covered by sec. 11 of bill. See also sec. 141 of bill. See sec. 133 of bill.  Omitted. Obsolete.  Omitted. Useless.  Omitted. Useless.
132	C.C. 1884, lines 1-3 lines 3-4 lines 6-7 lines 4-5	} See sec. 414 of bill. See C. B. 97, sec. 2.
133	C.C. 1940, lines 2-4	
134	C.C. 1939, lines 5-6  1942, entire 1947, entire	Provision relative to "board of supervisors" omitted as impracticable.
134-a1	S.C.C. 1951-a1, entire 1951-a2, entire 1951-a3, entire	

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
134-a1	1951-a4, entire	
135	C.C. 1948, lines 1-8 lines 3-4 lines 8-11 lines 11-17	See sec. 138 of bill. See sec. 136 of bill. See sec. 139 of bill.
136	C.C. 1948, lines 8-11	
137	New	
138	C.C. 1948, lines 3-4	
139	C.C. 1948, lines 11-17	
140	S.C.C. 1951, entire	Procedure for determining the number of inmates and the certification of the proper amount to the treasurer and auditor has been made uniform for all institutions.
141	C.C. 1940, entire 1952, entire	“Managing” in line 4 changed to “controlling”. “Or of being taught to do so”, omitted.
142	New	
143	C.C. 1958, lines 1-11  lines 11-24 lines 30-31 lines 36-38 lines 24-29 lines 31-36 lines 38-43	“Feeble minded” is defined in sec. 141 of bill. The repetition of this definition in lines 1-11 is omitted.  } See secs. 144 and 146 of bill. } See sec. 145 of bill. } See sec. 147 of bill.
144	C.C. 1953, lines 11-24 lines 36-38	The confused verbiage of these lines has been moulded into a plain statement of what the petition shall show.
145	C.C. 1953, lines 24-29	Provision relative to physician omitted; covered in expression “all obtainable witnesses”.
146	C.C. 1953, lines 11-21 lines 30-31	It is quite difficult to determine from present statute who should be made party defendant.
147	C.C. 1953, lines 31-36 lines 38-43	Our present statute is a foreign one which was enacted without so changing its terms as to correspond to our established procedure.  Reference to “chancery” omitted.

BILL SEC. OF	SOURCE OF BILL SECTION	EXPLANATORY NOTES
147	<p>1954, lines 1-3 lines 6-9 lines 3-5 lines 5-6 lines 10-41</p> <p>lines 41-47 lines 47-48 lines 49-52</p>	<p>Reference to "unknown parties" omitted.</p> <p>Procedure is made plain and simple.</p> <p><i>See sec. 152 of bill.</i> <i>See sec. 148 of bill.</i> <i>Omitted. This bill requires all persons who could have an interest in defendant to be made parties. All reference to unknown parties and publication service thereon is omitted. The subject of "service" is here fully covered.</i> <i>See sec. 148 of bill.</i> <i>Omitted. Wholly unnecessary.</i> <i>See sec. 149 of bill.</i></p>
148	C.C. 1954, lines 5-6 lines 41-47	Appearance is made elastic by giving the court or judge power to meet the necessities of each case.
149	C.C. 1954, lines 49-52	
150	C.C. 1955, entire	
151	C.C. 1956, lines 5-7 lines 1-2 lines 3-4	<p><i>Omitted. Unnecessary.</i> <i>See sec. 154 of bill.</i></p>
152	C.C. 1954, lines 3-5	
153	New	
154	C.C. 1956, lines 3-4 1957, lines 1-13 lines 14-21	<p>Statute much condensed.</p> <p><i>See sec. 155 of bill.</i></p>
155	C.C. 1957, lines 14-21	
156	C.C. 1958, entire	Reference to "masters in chancery" omitted. Section much condensed.
157	New	
158	C.C. 1959, lines 3-14	<p>Much unnecessary verbiage has been eliminated. This section of the bill enables the court to shape its orders according to the circumstances.</p> <p><i>Omitted. Unnecessary.</i> <i>See sec. 159 of bill.</i> <i>See sec. 160 of bill.</i></p>
159	C.C. 1959, lines 14-16	The court is allowed to retain jurisdiction in order to meet the necessities of each case.
160	C.C. 1959, lines 16-19 1960, entire	Status of guardian is made plain.

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
161	C.C. 1961, lines 1-17 <i>lines 18-22</i>	Court is left free to adequately meet each case. <i>See sec. 162 of bill.</i>
162	C.C. 1961, lines 18-22	
163	C.C. 1962, lines 6-11 <i>lines 1-6</i>	Practically new. Present statute quite indefinite. <i>See sec. 164 of bill.</i>
164	C.C. 1962, lines 1-6 1963, lines 1-7 <i>lines 7-12</i> <i>lines 13-16</i> <i>line 18</i> <i>lines 16-20</i> <i>lines 20-21</i>	<i>See sec. 165 of bill.</i> <i>See sec. 166 of bill.</i> <i>See sec. 167 of bill.</i> <i>Omitted. Unnecessary.</i>
165	C.C. 1963, lines 7-12	
166	C.C. 1963, lines 13-16 line 18	
167	C.C. 1963, lines 16-20	
168	C.C. 1964, lines 1-5 <i>lines 6-14</i> <i>lines 59-62</i> <i>lines 14-30</i> <i>lines 31-36</i> <i>lines 37-45</i> <i>lines 46-50</i> <i>lines 51-58</i>	<i>See sec. 169 of bill.</i> <i>See sec. 170 of bill.</i> <i>See sec. 172 of bill.</i> <i>See sec. 171 of bill.</i> <i>See sec. 173 of bill.</i> <i>See sec. 174 of bill.</i>
169	C.C. 1964, lines 6-14 lines 59-62	The 6 months limitation and the venue are both new.
170	C.C. 1964, lines 14-30	Much verbiage has been eliminated.
171	C.C. 1964, lines 37-45	Statute condensed and simplified.
172	C.C. 1964, lines 31-36	
173	C.C. 1964, lines 46-50	
174	C.C. 1964, lines 51-58	
175	C.C. 1965, lines 1-7 <i>lines 7-11</i> <i>lines 11-12</i>	<i>See sec. 176 of bill.</i> <i>Omitted and duration of leave left to the authorities.</i>
176	C.C. 1965, lines 7-11	
177	C.C. 1966, entire	
178	C.C. 1967, entire	"Conspiracy" omitted because fully covered by the general statutes on that subject.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
178		Double penalty omitted. Quite difficult to determine what is meant by "unlawfully and improperly". Knowledge of non-feble-mindedness is substituted.
179	C.C. 1968, lines 11-15 lines 1-10 lines 16-22	See sec. 180 of bill. See sec. 181 of bill.
180	C.C. 1968, lines 1-10	
181	C.C. 1968, lines 16-22	
182	C.C. 1969, entire	"Funeral expenses" omitted.
183	C.C. 1970, entire	
184	C.C. 1971, lines 1-15 lines 15-18	Statute much condensed. See sec. 185 of bill.
185	C.C. 1971, lines 15-18	
186	C.C. 1972, entire	See also secs. 187 and 188 of bill.
187	C.C. 1972, lines 1-7	
188	C.C. 1972, lines 8-15	
189	C.C. 1973, entire	
190	C.C. 1949, entire 1950, lines 1-16 lines 16-21 1974, lines 1-6 lines 6-7	See sec. 191 of bill. Reporting escape to judge has been omitted as quite unnecessary. See sec. 191 of bill.
191	C.C. 1950, lines 16-21 1974, lines 6-7	Expense of recapture is made a state expense.
192	C.C. 1975, entire	
193	C.C. 1976, entire 1977, entire	Omitted. Unnecessary.
194	New	
195	C.C. 1978, lines 1-3	
196	C.C. 1980, lines 6-10	See sec. 19 of bill for tenure of appointment.
197	C.C. 1981, entire 1982, lines 1-5 lines 5-12 lines 12-21	Language of statute simplified. See sec. 203 of bill. See sec. 200 of bill.
198	C.C. 1979, entire	

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
199	C.C. 1978, lines 9-10	Last sentence is new.
200	C.C. 1982, lines 12-21	"Voluntary" has been inserted.
201	C.C. 1983, entire	.
202	C.C. 1978, lines 10-14	
203	C.C. 1982, lines 5-12	
204	New	
205	S.C.C. 1984, lines 1-9 <i>lines 6-13</i>	See also sec. 206 of bill. <i>See sec. 206 of bill.</i>
206	S.C.C. 1984, lines 6-13	
207	C.C. 1985, entire 1990-2017 S.C.C. 1989-a1-1989-a4	<p>Sections C. C. 1985 to 2017, inclusive, governed the drug and inebriate institution at Knoxville, and the commitment, support, treatment, and parole of the inmates thereof.</p> <p>The said Knoxville institution has been closed and leased to the federal government.</p> <p>When the institution was closed all inebriates were discharged and the drug habituates were transferred to other institutions.</p> <p>The 39th G. A. repealed C. C. 1986 to 1989, inclusive, and in lieu enacted S. C. C. 1989-a1 to 1989-a4 and this chapter of Code Commission bill 84 is practically a duplication of these last four sections, except sec. 211 which was in the old statutes.</p> <p>The result is that chapter 8 of this bill supplants all of chapter 7 of the compiled code and of the supplement thereto.</p> <p>The design of the bill is to formulate a brief plan for the handling of a class of unfortunates for which no institution is specifically established.</p>
208	C.C. 1985, entire 1990-2017 S.C.C. 1989-a1-1989-a4	See last above note.
209	C.C. 1985, entire 1990-2017 S.C.C. 1989-a1-1989-a4	See last above note.
210	C.C. 1985, entire 1990-2017	See last above note.

BILL SEC. OF	SOURCE OF BILL SECTION	EXPLANATORY NOTES
210	S.C.C. 1989-a1-1989-a4	
211	C.C. 1985, entire 1990-2017 S.C.C. 1989-a1-1989-a4	See last above note.
212	C.C. 2018, entire	
213	C.C. 2019, lines 9-10 lines 1-9 lines 10-15  2020, lines 1-3 lines 3-4 lines 4-7 lines 8-11 lines 12-19 lines 19-21	<p>Omitted. Covered by secs. 14, 17, 19, 20 of bill.</p> <p>Omitted. Covered by sec. 19 of bill. See sec. 217 of bill.</p> <p>Omitted. Covered by sec. 20 of bill. See sec. 217 of bill. See sec. 215 of bill.</p>
214	C.C. 2023, entire	
215	C.C. 2020, lines 19-21	
216	C.C. 2022, entire	These witnesses are here placed on the same basis as other witnesses.
217	C.C. 2020, lines 4-7 lines 12-19 2021, entire	
218	C.C. 2024, entire	
219	C.C. 2073, lines 2-4 lines 1-2	See sec. 313 of bill.
220	C.C. 2025, entire	
221	C.C. 2026, lines 1-4 lines 4-8	See sec. 222 of bill.
222	C.C. 2026, lines 4-8 2039, entire	
223	C.C. 2027, entire	Section much condensed but no change in meaning made.
224	C.C. 2028, entire	
225	C.C. 2029, entire	Last sentence is new.
226	C.C. 2030, entire	
227	C.C. 2031, lines 1-14 lines 14-19	Section simplified. Last sentence new. See sec. 228 of bill.
228	C.C. 2031, lines 14-19	
229	C.C. 2032, entire	
230	C.C. 2033, lines 1-4	

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
230	<i>lines 4-6</i> <i>lines 6-7</i> <i>lines 8-11</i> <i>lines 11-14</i>	<i>See sec. 231 of bill.</i> <i>See sec. 232 of bill.</i> <i>See sec. 233 of bill.</i> <i>See sec. 234 of bill.</i>
231	<b>C.C. 2033, lines 4-6</b>	
232	<b>C.C. 2033, lines 6-7</b>	Evidentiary effect is also given to the certificate.
233	<b>C.C. 2033, lines 8-11</b>	
234	<b>C.C. 2033, lines 11-14</b>	
235	<b>New</b>	
236	<b>New</b>	
237	<b>C.C. 2034, lines 1-6</b>  <i>lines 6-8</i>	Present law empowers commissioners of insanity to order discharge of a dangerous patient. Bill leaves discretion in board of control. <i>See sec. 240 of bill.</i>
238	<b>C.C. 2072, lines 1-8</b> <i>lines 8-12</i>	<i>See sec. 239 of bill.</i>
239	<b>C.C. 2072, lines 8-12</b>	
240	<b>C.C. 2034, lines 6-8</b>	
241	<b>New</b>	
242	<b>New</b>	
243	<b>C.C. 2035, entire</b>	
244	<b>C.C. 2036, entire</b>	"Who has not fully recovered" is new.
245	<b>C.C. 2037, entire</b>	
246	<b>C.C. 2038, lines 1-5</b> <b>line 8</b> <i>line 7</i> <i>lines 5-11</i>	<i>See sec. 247 of bill.</i> <i>See sec. 248 of bill.</i>
247	<b>C.C. 2038, line 7</b>	Provision relative to reports made clearer.
248	<b>C.C. 2038, lines 5-11</b>	
249	<b>C.C. 2044, entire</b>	
250	<b>C.C. 2045, entire</b>	
251	<b>C.C. 2046, entire</b>	
252	<b>C.C. 2047, lines 1-5</b> <i>lines 5-9</i>	<i>Omitted. An inspector's bill is a combined per diem and expense matter and fully covered by C.B. 15.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
253	C.C. 2140, entire	
254	C.C. 2048, lines 3-12 lines 1-3 lines 12-14	} Omitted. Temporary.
255	C.C. 2049, lines 1-10 lines 23-25 lines 10-16 lines 16-19 lines 19-23	
256	C.C. 2049, lines 10-16	See sec. 256 of bill. See sec. 257 of bill. See sec. 258 of bill.
257	C.C. 2049, lines 16-19	
258	C.C. 2049, lines 19-23	
259	C.C. 2050, lines 1-8 lines 8-17 lines 17-21 lines 21-23	See sec. 260 of bill. See sec. 261 of bill. See sec. 263 of bill.
260	C.C. 2050, lines 8-17	
261	C.C. 2050, lines 17-21	
262	C.C. 2053, entire	
263	C.C. 2050, lines 21-23	So changed as to apply to inmates transferred from a state hospital. The board's power over discharges is covered in secs. 234 and 247 of bill.
264	C.C. 2051, entire	
265	C.C. 2052, entire	
266	C.C. 2054, lines 1-3 lines 4-8 lines 8-15 lines 15-20 lines 21-24	See sec. 267 of bill. See sec. 268 of bill. See sec. 270 of bill. See sec. 269 of bill.
267	C.C. 2054, lines 4-8	
268	C.C. 2054, lines 8-15	
269	C.C. 2054, lines 21-24	
270	C.C. 2054, lines 15-20	
271	C.C. 2055, lines 1-10 lines 10-13	See sec. 272 of bill.
272	C.C. 2055, lines 10-13	
273	C.C. 2056, lines 1-4 lines 4-7 2071, lines 1-6	See sec. 279 of bill.

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
273	<i>lines 6-7</i> <i>lines 8-11</i> <i>lines 11-13</i>	<p><i>See sec. 288 of bill.</i></p> <p><i>See sec. 287 of bill.</i></p> <p><i>Omitted. See following explanation:</i></p> <p><i>The jurisdiction of the board is here concisely stated in accord with a sensible holding of the court.</i></p> <p><i>Under C. C. 2071, the commissioners of insanity have jurisdiction to pass on the sanity of a person "charged with crime but not convicted nor on trial therefor".</i></p> <p><i>It would be difficult to frame more uncertain language.</i></p> <p><i>This language has been construed by the supreme court, to mean that the commissioners have jurisdiction to pass on the sanity of a person accused of crime up to the time the district court obtains jurisdiction over such person and that thereafter the district court, under C.C. 9477, et seq. has jurisdiction over such issue. See Stone v. Conrad, 105 Iowa 21; Constance V. Lamb, 185 Iowa 237.</i></p> <p><i>Notwithstanding this sensible holding the Code Commissioners of 1897 and the legislature which enacted C.C. 2071 evidently intended to give the commissioners jurisdiction over a person accused of crime up to the time he was actually put on trial, because this is the only way to account for lines 11-13 of C.C. 2071 which provides that the Commissioners shall not pass on the sanity of such a person oftener than once in 6 months. Lines 11-13 are therefore omitted.</i></p>
274	<b>C.C. 2057, lines 1-16</b> <i>lines 16-19</i> <i>lines 19-34</i>	<p><i>See sec. 275 of bill.</i></p> <p><i>See sec. 276 of bill.</i></p>
275	<b>C.C. 2057, lines 16-19</b>	
276	<b>C.C. 2057, lines 19-34</b>	
277	<b>C.C. 2058, entire</b>	
278	<b>C.C. 2059, lines 1-9</b> <i>lines 5-6</i> <i>lines 9-12</i> <i>lines 12-13</i> <i>lines 13-16</i> <i>lines 16-28</i>	<p><i>See sec. 280 of bill.</i></p> <p><i>Omitted. Necessarily implied.</i></p> <p><i>See sec. 281 of bill.</i></p> <p><i>See sec. 282 of bill.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
279	C.C. 2056, lines 4-7	Last sentence is new.
280	C.C. 2059, lines 5-6 lines 9-12	
281	C.C. 2059, lines 13-16	
282	C.C. 2059, lines 16-28	
283	C.C. 2060, lines 1-3 lines 6-40  <i>lines 3-5</i>	Questions have, in some instances, been subdivided in the interest of clearness and fullness of statement. <i>See sec. 284 of bill.</i>
284	C.C. 2060, lines 3-5	
285	C.C. 2061, lines 1-5 lines 7-9  <i>lines 5-7</i> <i>lines 9-14</i> <i>lines 14-21</i> <i>lines 21-25</i> <i>lines 25-31</i> <i>lines 31-35</i> <i>lines 35-44</i>	<i>Omitted. Unavoidably implied.</i> <i>See sec. 286 of bill.</i> <i>See sec. 287 of bill.</i> <i>See sec. 289 of bill.</i> <i>See sec. 290 of bill.</i> <i>See sec. 291 of bill.</i> <i>See sec. 292 of bill.</i>
286	C.C. 2061, lines 9-14	
287	C.C. 2061, lines 14-21 2071, lines 8-11	
288	C.C. 2071, lines 6-7	These lines have been so modified as to be in harmony with sec. 273 of bill.
289	C.C. 2061, lines 21-25	
290	C.C. 2061, lines 25-31	
291	C.C. 2061, lines 31-35	
292	C.C. 2061, lines 35-44	
293	C.C. 2062, entire	"Next friend" is new.
294	C.C. 2063, entire	
295	C.C. 2064, lines 2-6 <i>lines 1-2</i>	<i>Omitted. Unnecessary because unavoidably implied.</i>
296	C.C. 2065, entire	"Blanks" changed to "forms for blanks".
297	C.C. 2066, lines 1-7 <i>lines 7-14</i> <i>lines 14-18</i> <i>lines 18-23</i>	<i>See sec. 298 of bill.</i> <i>See sec. 299 of bill.</i> <i>Omitted because in conflict with C. C. 2061, lines 35-44, and in conflict with sec. 292 of bill.</i>
298	C.C. 2066, lines 7-14	

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
299	C.C. 2066, lines 14-18	"Warrant" changed to "mandate".
300	C.C. 2067, entire	Provision for reporting to board of control is new.
301	C.C. 2068, entire	
302	C.C. 2069, entire	
303	C.C. 2070, entire	Provision for the approval of the board of control is new.
304	C.C. 2074, lines 1-8 lines 8-19 lines 20-23 lines 23-28 lines 28-33	See sec. 305 of bill. See sec. 306 of bill. See sec. 307 of bill. See sec. 308 of bill.
305	C.C. 2074, lines 8-19	
306	C.C. 2074, lines 20-23	
307	C.C. 2074, lines 23-28	
308	C.C. 2074, lines 28-33	Certification by judge to auditor of state is new.
309	C.C. 2075, entire	
310	C.C. 2076, entire	
311	C.C. 2077, lines 1-11 lines 6-7 lines 11-20	Omitted, because repetition. See sec. 312 of bill.
312	C.C. 2077, lines 11-20	Offense reduced from a felony to an indictable misdemeanor. See C.C. 8538.
313	C.C. 2073, lines 1-2	
314	C.C. 2079, lines 30-32	This section is new except the last sentence, but said new part is implied from C.C. 2080, 2082, 2087.  Our law requires each county to meet the expenses of its own resident insane. No difficulty would result if all patients were admittedly residents of some county, but we have (1) the admitted resident, (2) the disputed resident, (3) the admitted nonresident, (4) the disputed nonresident, and (5) the patient with an unknown residence.  Interminable controversies have resulted between counties and between counties and the state.  To solve these troubles we have enacted more statutes, until at the present time they are a jumbled mixture of obsolete,



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
314	<p style="text-align: right;">lines 1-12 lines 12-19 lines 19-24 lines 25-30</p>	<p>contradictory, and confusing provisions. We have extracted the fundamental intent of these statutes and have, in sections 314 to 327 of the bill, moulded that intent into a comprehensive but simple procedure.</p> <p>The skeleton outline of sections 314 to 327, inclusive, is:</p> <ol style="list-style-type: none"> <li>1. The counties pay for resident insane.</li> <li>2. The state pays for nonresidents and for those of unknown residence.</li> <li>3. Procedure in case of patient who is admittedly a resident of a certain county.</li> <li>4. Procedure in case of dispute between counties as to residence.</li> <li>5. Procedure in case of nonresidents and of those of unknown residence.</li> <li>6. Procedure in court for settlement of all controversies.</li> </ol> <p><i>See sec. 317 of bill.</i> <i>See sec. 325 of bill.</i> <i>Omitted. Obsolete because never enforced.</i> <i>See secs. 318 and 327 of bill.</i></p>
315	New	Implied from C.C. 2079.
316	C.C. 2078, entire	The duty of the commissioners is made mandatory.
317	C.C. 2079, lines 1-12	Duty is made mandatory.
318	<p>C.C. 2079, lines 25-30 2082, lines 1-6 lines 21-23 lines 6-9 lines 12-15 lines 9-11  lines 15-20</p>	<p>See also section 327 of bill.</p> <p>} <i>See sec. 319, subsec. 1, of bill.</i> <i>See sec. 319, subsec. 2, of bill; see also sec. 322 of bill.</i> <i>See sec. 320 of bill.</i></p>
319 (1)*	C.C. 2082, lines 6-9 lines 12-15	
319 (2)*	C.C. 2082, lines 9-11	
320	C.C. 2081, entire 2082, lines 15-20	
321	C.C. 2080, lines 14-21	See also sec. 324 of bill.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
321	<i>lines 1-10</i> <i>lines 10-14</i> 2083, entire	<i>See sec. 323 of bill.</i> <i>See sec. 326 of bill.</i>
322	C.C. 2082, lines 9-11	
323	C.C. 2080, lines 1-10	<p>Note that when a patient is sent to a hospital under claim that his settlement is in another county, the commissioners must so certify to the superintendent of the hospital and to the auditor of such other county. See secs. 316 and 317 of bill.</p> <p>Note also that thereafter all expenses shall be charged to such other county, see sec. 316 of bill.</p> <p>Therefore the only costs and expenses for the committing county to pay, in the first instance are the costs up to the time the patient is received at the hospital.</p>
324	C.C. 2080, lines 14-21	
325	C.C. 2079, lines 12-19  2086, lines 6-11 <i>lines 1-6</i>	<p>In the years past, many controversies have been allowed to drag along for years because of the refusal of either county to begin an action. Better results will be obtained by placing a mandatory duty on the board of control and attorney general to bring the action and force a determination.</p> <p><i>See sec. 326 of bill.</i></p>
326	C.C. 2080, lines 10-14 2086, lines 1-6	
327	C.C. 2079, lines 25-30	
328	C.C. 2084, lines 1-7 <i>lines 8-10</i> <i>lines 10-16</i> <i>lines 16-21</i>	<i>See sec. 329 of bill.</i> <i>See sec. 330 of bill.</i> <i>See sec. 331 of bill.</i>
329	C.C. 2084, lines 8-10	
330	C.C. 2084, lines 10-16	
331	C.C. 2084, lines 16-21	
332	C.C. 2085, entire	
333	C.C. 2087, lines 1-6	"Drug habituates" changed to "insane patients". Last sentence is new.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
333	lines 17-19 lines 6-13 lines 13-16 lines 19-27	See sec. 336 of bill. See sec. 335 of bill. See sec. 334 of bill.
334	C.C. 2087, lines 19-27	
335	C.C. 2087, lines 13-16	
336	C.C. 2087, lines 6-13	
337	C.C. 2088, entire	
338	C.C. 2090, lines 1-3 lines 3-5 lines 6-9 2092, lines 4-9 lines 1-4	See also sec. 339 of bill. See sec. 343 of bill. See sec. 342 of bill.  See sec. 340 of bill.
339	C.C. 2090, lines 1-3	Provision is here made for the district judges to designate a municipal or superior judge to hold the juvenile court.
340	C.C. 2092, lines 1-4	1. A district judge may be designated to act as juvenile judge in one or many counties. 2. A municipal or superior judge may be designated to hold juvenile court for the entire county. 3. A municipal or superior judge may be designated to hold juvenile court in a particular part of a county. The object is to afford the highest degree of convenience for all concerned.
341	New	
342	C.C. 2090, lines 6-9	
343	C.C. 2090, lines 3-5	
344	C.C. 2093, entire	Change is self-explanatory.
345 (1)*	C.C. 2091, lines 1-4  lines 4-8 lines 10-12 lines 8-10 lines 20-26 lines 12-17 lines 17-20	Reference to "discreet persons" omitted. For tenure of office see sec. 349 of bill.  } See sec. 345, subsec. 2, of bill. } See sec. 347 of bill. } See sec. 349 of bill. } See sec. 348 of bill.
345 (2)*	C.C. 2091, lines 4-8	

\* Indicates subsection.

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
345 (2)*	lines 10-12 S.C.C. 2094, lines 1-3 lines 8-11 lines 3-4 lines 4-8 lines 11-12 lines 12-18	See sec. 346 of bill. See sec. 347 of bill. See sec. 349 of bill. See sec. 345, subsec. 3, of bill.
345 (3)*	S.C.C. 2094, lines 12-18	
346	S.C.C. 2094, lines 3-4 C.C. 2095, entire 2096, entire	C.C. 2094 to 2096, inclusive, were enacted in order to meet conditions in the counties of large population. The power of appointment is here confined to cities of 100,000 and over.
347	C.C. 2091, lines 8-10 lines 20-26 S.C.C. 2094, lines 4-8	"Peace officers" substituted for "sheriff".
348	C.C. 2091, lines 17-20	
349	C.C. 2091, lines 12-17 S.C.C. 2094, lines 11-12 C.C. 2097, entire	Reimbursement of expenses is made applicable to all probation officers.
350	C.C. 2089, lines 1-7  lines 7-20 lines 20-28 lines 28-34	Under our present statutes, some institutions are authorized to receive children under 16 years. Other institutions are authorized to receive children of the age of 18. To preserve harmony the age limit in C.C. 2089 has been fixed at 18 years. See sec. 351 of bill. See sec. 352 of bill. See sec. 353 of bill.
351	C.C. 2089, lines 7-20	
352	C.C. 2089, lines 20-28	
353	C.C. 2089, lines 28-34	"Association" changed to "institution".
354	C.C. 2098, entire	
355	New	
356	C.C. 2099, lines 1-4	C.C. 2099 is a good illustration of how not to draft a statute. The section deals with about every subject from the inception of the proceedings to appeal. In drafting the section no attempt at orderly arrangement has been made. This strange medley of sentences has been separated and carried into sections logically arranged.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
356	<i>lines 2-3</i> <i>lines 23-25</i> <i>lines 4-8</i> <i>lines 8-9</i> <i>lines 9-12</i> <i>lines 12-18</i> <i>lines 18-23</i> <i>lines 25-28</i> <i>line 34</i> <i>lines 28-31</i> <i>lines 32-33</i> <i>lines 35-36</i> <i>lines 37-47</i> <i>lines 47-50</i> <i>lines 50-55</i> <i>lines 55-58</i>	"Summons" has been changed to "notice". <i>See sec. 357 of bill.</i> <i>See sec. 359 of bill.</i> <i>See sec. 364 of bill.</i> <i>See sec. 360 of bill.</i> <i>See sec. 361 of bill.</i> <i>See sec. 362 of bill.</i> <i>See sec. 363 of bill.</i> <i>Omitted. Unnecessary.</i> <i>See sec. 365 of bill.</i> <i>See sec. 366 of bill.</i> <i>See sec. 365 of bill.</i> <i>Omitted. Unnecessary.</i>
357	C.C. 2099, lines 2-3 lines 23-25	
358	New	
359	C.C. 2099, lines 4-8	
360	C.C. 2099, lines 9-12	Line 4 is new.
361	C.C. 2099, lines 12-18	
362	C.C. 2099, lines 18-23  <i>lines 25-28</i> <i>line 34</i>	A second notice on the parties is not required.
363	C.C. 2099, lines 28-31	
364	C.C. 2099, lines 8-9	
365	C.C. 2099, lines 37-47 lines 50-55	1. Lines 38 to 47, in their final analysis, simply direct the court to hold a preliminary examination. 2. Provision for a jury for hearings in vacation is new.
366	C.C. 2099, lines 47-50 2100, lines 1-10 <i>lines 10-14</i>	<i>See sec. 367 of bill.</i>
367	C.C. 2100, lines 10-14	
368	C.C. 2101, entire	
369	C.C. 2102, entire	The transfer here authorized will enable the court to meet the demand of the various cases of juvenile delinquency. Less harsh measures may first be resorted to. If these prove ineffective, the district court sentence may be resorted to.

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
370	<p><b>C.C. 2103, lines 1-10</b>  <b>lines 16-21</b>  <i>lines 10-14</i></p> <p><i>lines 14-16</i>  <i>lines 21-22</i>  <i>lines 22-31</i></p> <p><b>S.C.C. 2104, lines 1-9</b>  <b>lines 33-36</b>  <i>lines 9-10</i>  <i>lines 11-32</i>  <i>lines 37-41</i></p>	<p>“Without change” omitted from subsec. 4.</p> <p><i>Omitted because the power here sought to be granted is embraced within the other general powers enumerated in these four subsections.</i></p> <p><i>See sec. 378 of bill.</i>  <i>See sec. 381 of bill.</i>  <i>See sec. 372 of bill.</i></p> <p><i>See sec. 387 of bill.</i>  <i>See sec. 374 of bill.</i>  <i>See sec. 378 of bill.</i></p>
371	<b>C.C. 2108, entire</b>	
372	<b>C.C. 2103, lines 22-31</b>	It has been thought best to retain jurisdiction in the court. The court can, then, under its broad powers intelligently meet the circumstances of every case.
373	<b>C.C. 2106, entire</b> <b>2136, entire</b>	
374	<b>S.C.C. 2104, lines 11-32</b>	<p>Maximum weekly allowance increased.</p> <p>Lines 25-32 may appear to be omitted but they are necessarily embraced in the broad power of the court to modify or vacate orders. This involves a hearing. It necessarily follows that any one interested may apply for a modification or vacation.</p>
375	<b>C.C. 2105, entire</b>	Note that the definition of “widow” has been enlarged.
376	<b>C.C. 2107, entire</b> <b>2114-2129,</b> <b>entire</b>	<p>See also sec. 377 of bill.</p> <p>Sections 376, 377 of the bill present all that, in the judgment of the commission, can be presented of a practicable nature on the subject of power in the court to compel a parent to support his child. These two sections, if enacted, will supplant the seventeen sections cited as the source of these sections of the bill. As far as the commission can learn said seventeen sections as they now exist are impracticable and obsolete.</p>
377	<b>C.C. 2107, entire</b> <b>2114-2129,</b> <b>entire</b>	See note under last preceding section of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
378	<b>S.C.C. 2104, lines 37-41</b> <b>C.C. 2103, lines 14-16</b> <b>2150, lines 1-8</b> <i>lines 8-10</i> <i>lines 11-35</i> <i>lines 35-42</i> <i>lines 42-48</i> <i>lines 48-53</i> <b>2151, lines 1-5</b> <b>lines 17-18</b> <i>lines 5-17</i> <i>lines 19-24</i> <b>2462, lines 4-10</b> <i>lines 1-4</i>	See also sec. 417 of bill. <i>See sec. 381 of bill.</i> <i>See sec. 416 of bill.</i> <i>See sec. 381 of bill.</i> <i>See sec. 384 of bill.</i> <i>See sec. 416 of bill.</i>  <i>See sec. 416 of bill.</i> <i>See sec. 384 of bill.</i>  <i>Omitted. Temporary.</i>
379	<b>New</b>	
380	<b>New</b>	
381	<b>C.C. 2103, lines 21-22</b> <b>2150, lines 8-10</b> <b>lines 35-42</b>	Provision for duplicate form is new.
382	<b>New</b>	
383	<b>New</b>	
384	<b>C.C. 2150, lines 42-48</b> <b>2151, lines 19-24</b>	
385	<b>C.C. 2110, entire</b>	
386	<b>C.C. 2111, entire</b>	
387	<b>S.C.C. 2104, lines 9-10</b> <b>2112, lines 1-6</b> <i>lines 6-11</i>	<i>See sec. 388 of bill.</i>
388	<b>C.C. 2112, lines 6-11</b>	
389	<b>C.C. 2113, entire</b>	
389-a1	<b>S.C.C. 2113-a1,</b> <b>entire</b>	Age limit changed to 18 years.
389-a2	<b>S.C.C. 2113-a3,</b> <b>lines 1-8</b> <i>lines 9-25</i>	<i>See sec. 389-a3 of bill.</i>
389-a3	<b>S.C.C. 2113-a3,</b> <b>lines 9-25</b>	
389-a4	<b>S.C.C. 2113-a2,</b> <b>lines 11-19</b> <i>lines 1-10</i>	<i>Omitted. Superfluous.</i>
390	<b>C.C. 2109, entire</b> <b>2130, entire</b>	Power of guardianship is retained in the court.

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
391	C.C. 2138, entire	See also sec. 396 of bill.
392	New	
393	C.C. 2131, lines 1-6 lines 6-9	Omitted. All surrender of children (except voluntary surrenders by parent) is, by this bill placed in the power of the juvenile court. See sec. 370 of bill.
394	New	
395	C.C. 2132, lines 11-15 lines 1-11  2133, entire  2134, entire 2135, entire 2137, entire	Omitted. See explanation above under sec. 393 of bill. Omitted. Fully covered in the sections of the bill governing juvenile procedure. See ch. 15 of bill. Omitted. Same reason as above. Omitted. Unnecessary.
396	C.C. 2138, entire	
397	C.C. 2139, lines 1-6 lines 6-18 lines 18-21	See sec. 398 of bill. See sec. 399 of bill.
398	C.C. 2139, lines 6-18	
399	C.C. 2139, lines 18-21	
400	C.C. 2141, lines 1-14 lines 6-7 lines 14-16	See sec. 401 of bill. See sec. 403 of bill.
401	C.C. 2141, lines 6-7	
402	New	
403	C.C. 2141, lines 14-16 2142, entire	Omitted. Fully covered by juvenile procedure. See sec. 370 of bill.
404	C.C. 2143, entire 2144, entire	Provision relative to sex broadened. Omitted in view of secs. 397 and 398 of bill.
405	C.C. 2145, lines 1-10  lines 10-16 lines 16-20	"Which is situated within the judicial district" is omitted. See sec. 406 of bill. See sec. 407 of bill.
406	C.C. 2145, lines 10-16	
407	C.C. 2145, lines 16-20	
408	C.C. 2146, entire	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
409	C.C. 2147, lines 1-7 lines 8-12	<i>See sec. 410 of bill.</i>
410	C.C. 2147, lines 8-12	
411	C.C. 2148, entire	
412	C.C. 2149, entire	
413	C.C. 2153, lines 1-7 lines 7-8	<i>Omitted. Covered by sec. 19 of bill.</i>
414	C.C. 1884, lines 3-4 lines 6-7	
415	C.C. 2152, entire	
416	C.C. 2150, lines 11-35 lines 48-53 2151, lines 5-17	The entire juvenile procedure will be found in secs. 350 to 381, inclusive, of bill.
417	C.C. 2150, lines 1-8	
418	C.C. 2155, lines 1-5 lines 5-10 lines 10-15 lines 15-19 lines 19-25	<i>See sec. 419 of bill. See sec. 420 of bill. See sec. 421 of bill. See sec. 422 of bill.</i>
419	C.C. 2155, lines 5-10	
420	C.C. 2155, lines 10-15	
421	C.C. 2155, lines 15-19	
422	C.C. 2155, lines 19-25	
423	C.C. 2156, lines 2-10 lines 1-2 lines 10-13	<i>Omitted. Covered by sec. 381 of bill. See sec. 424 of bill.</i>
424	C.C. 2156, lines 10-13 2157, entire	<i>Omitted because an unworkable provision in the opinion of the board of control and code commission.</i>
425	C.C. 2158, entire	“Unlawfully” preceding “aids” has been omitted.
426	C.C. 2159, entire	
427	C.C. 2160, entire 2162, lines 1-9 lines 9-14	<i>See sec. 429 of bill.</i>
428	C.C. 2161, lines 2-5	See sec. 14 of bill.
429	C.C. 2162, lines 9-14 2163, entire	<i>Omitted. Covered by secs. 17 and 20 of bill.</i>

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
430	C.C. 2164, entire	Age limit of 18 is new.
431	C.C. 2165, entire	Age limits have been changed.
432	C.C. 2166, entire	Age limit is new.
433	C.C. 2170, entire	
434	C.C. 2167, lines 1-4 lines 4-8	See sec. 435 of bill.
435	C.C. 2167, lines 4-8 2168, entire	Omitted. But see secs. 430 and 432 of bill.
436	C.C. 2169, lines 1-12 lines 12-15	See sec. 437 of bill.
437	C.C. 2169, lines 12-15	
438	C.C. 2171, entire	See also sec. 438-a1 of bill. C.C. 2171 authorizes the board of control to parole any inmate of the women's reformatory. C.C. 2247 authorizes the board of parole to parole any inmate of the men's reformatory and penitentiary if not under life sentence. C.C. 2171 authorizes the board of control to discharge any inmate of the women's reformatory. C. C. 2251 authorizes the board of parole to recommend to the governor the discharge of inmates of the men's reformatory or penitentiary. Sections 438 and 438-a1 of the bill has so modified C.C. 2171 as to substantially harmonize the parole procedure of these two boards.
438-a1	C.C. 2171, entire	See preceding note.
439	C.C. 2172, lines 7-10 lines 1-7	See sec. 440 of bill.
440	C.C. 2172, lines 1-7	
441	C.C. 2173, lines 1-11 lines 11-12	See sec. 442 of bill.
442	C.C. 2173, lines 11-12	
443	C.C. 2174, entire	"Unlawfully" preceding "aids" omitted.
444	C.C. 2176, entire	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
444	2177, entire 2178, entire	Omitted. Covered by sec. 19 of bill. Omitted. Covered by sec. 22 of bill.
445	<b>C.C. 2179, lines 2-3</b> lines 1-2 lines 3-5 lines 5-14 2180, lines 1-3 lines 3-23 2181, lines 1-3 lines 3-6 lines 6-11 lines 11-12 2182, entire 2183, entire 2184, entire 2185, entire 2186, entire 2187, entire 2188, entire	Omitted. Substantially covered by C.C. 8958, 8960 and 8961. Omitted. Covered by sec. 19 of bill. Omitted. Covered by sec. 20 of bill. Omitted. Covered by sec. 22 of bill. Omitted. Covered by sec. 20 of bill. Omitted. Covered by sec. 22 of bill. Omitted. Obsolete. See sec. 28 of bill. Omitted. Covered by sec. 17 of bill. Omitted. Unnecessary. Covered by secs. 17, 19, and 20 of bill. Omitted. Covered by sec. 22 of bill. Omitted. Obsolete. See secs. 17 and 20 of bill. Omitted. Obsolete. Omitted. Obsolete. See sec. 17 of bill. Omitted. Covered by sec. 17 and 20 of bill. Omitted. Covered by secs. 17, 20, and 28 of bill.
446	<b>C.C. 2189, lines 1-12</b> lines 12-15 lines 16-20 lines 21-23 lines 23-24	See sec. 447 of bill. Omitted. Covered by sec. 20 of bill. See sec. 448 of bill. Omitted. Covered by sec. 68 of bill.
447	<b>C.C. 2189, lines 12-15</b>	
448	<b>C.C. 2189, lines 21-23</b>	
449	<b>C.C. 2190, lines 3-4</b> lines 1-3 lines 5-9 lines 9-12 lines 12-15 lines 15-18	Omitted. Covered by sec. 24 of bill. See sec. 450 of bill. Omitted. Obsolete. Omitted. See sec. 461 of bill.
450	<b>C.C. 2190, lines 9-12</b>	
451	<b>C.C. 2191, lines 6-10</b> lines 1-6 2192, entire 2193, entire	Omitted. Covered by secs. 17 and 19 of bill. Omitted. Covered by sec. 20 of bill. Omitted. Covered by sec. 17 of bill.
452	<b>C.C. 2194, entire</b>	
453	<b>C.C. 2195, entire</b> 2196, entire	Omitted. Covered by sec. 19 of bill. See also C.C. 8960.

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
454	C.C. 2197, entire 2198, entire	Omitted. Obsolete.
455	C.C. 2199, entire	Larger freedom of transfers has been provided.
456	C.C. 2200, entire	
457	C.C. 2201, entire	Last two lines new.
458	C.C. 2202, entire	
459	C.C. 2203, entire 2206, entire 2204, entire 2205, entire	Omitted. Obsolete.
460	C.C. 2207, entire	
461	C.C. 2208, entire 2209, entire	
461-a1	New	
462	C.C. 2210, entire 2211, entire 2212, entire	Omitted. Obsolete.
463	C.C. 2213, entire	
464	C.C. 2214, entire	
465	C.C. 2215, entire	
466	C.C. 2216, lines 7-14	See sec. 83 of bill.
467	C.C. 2217, entire 2218, entire	See C.B. 228, sec. 3.
468	C.C. 2219, entire 2220, entire	"Murder" changed to "offense which may be punished by death or life imprisonment".
469	C.C. 2221, entire	
470	C.C. 2222, entire	
471	C.C. 2223, lines 5-11 lines 1-5	See sec. 472 of bill.
472	C.C. 2223, lines 1-5 2227, entire	See also section 473 of bill.
473	C.C. 2224, entire	
474	C.C. 2225, entire	
475	C.C. 2226, entire	
476	C.C. 2228, entire	Amount of money has been increased to \$25.00.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
477	C.C. 2229, lines 1-11 lines 11-14	Omitted. Unnecessary.
478	C.C. 2230, entire 2231, entire	Judges of municipal courts added. Omitted. Obsolete. Harkens back to a time when prison labor was under contract.
479	C.C. 2232, lines 1-6 lines 7-19	See sec. 480 of bill.
480	C.C. 2232, lines 7-19 2233-2241	Omitted. Obsolete.
481	S.C.C. 2242, lines 1-5 lines 6-11 lines 5-6 lines 11-13 lines 14-16 lines 16-17 lines 18-20	Omitted. Temporary. See sec. 482 of bill. Omitted. Covered by C.B. 14, sec. 25. Omitted. Unnecessary. Omitted. Covered by 1921 Salary act. See 39 G. A., ch. 340, sec. 34.
482	S.C.C. 2242, lines 11-13	The requirement that regular appointments shall be made within 60 days of the convening of the assembly is new.
483	C.C. 2243, lines 1-4 lines 4-11	Expenses of board members have been included. See sec. 484 of bill.
484	C.C. 2243, lines 4-11 2244, entire	Omitted. Covered by C.B. 15, sec. 15.
485	S.C.C. 2245, entire	
486	C.C. 2247, lines 2-5 line 1 lines 5-9 lines 9-12 lines 12-13 line 14 lines 14-22 lines 22-26 lines 26-29	“Or under sentence of death” new. See sec. 487 of bill. See sec. 490 of bill. See sec. 488 of bill. See sec. 487 of bill. See sec. 490 of bill. See sec. 491 of bill. See sec. 489 of bill. See sec. 492 of bill.
487	C.C. 2247, line 1 lines 12-13	
488	C.C. 2247, lines 9-12	“For less than life imprisonment” is new. This keeps the section in harmony with sec. 486 of bill and with the present law.
489	C.C. 2247, lines 22-26 2249, lines 1-5 lines 5-10	See sec. 493 of bill.

C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
490	C.C. 2247, lines 5-9 line 14	
491	C.C. 2247, lines 14-22	
492	C.C. 2247, lines 26-29	
493	C.C. 2248, entire 2249, lines 5-10	
494	C.C. 2246, lines 1-6 lines 6-11	<i>See sec. 495 of bill.</i>
495	C.C. 2246, lines 6-11	
496	C.C. 2250, entire	
497	S.C.C. 2250-a1, lines 1-3 lines 3-4 2250-a2, lines 1-3 lines 3-4	<i>See sec. 499 of bill.</i>  <i>See sec. 499 of bill.</i>
498	S.C.C. 2250-a3, entire	
499	S.C.C. 2250-a1, lines 3-4 2250-a2, lines 3-4	The present law seems to contemplate that the chairman and secretary of the board will draw warrants on the state treasurer. This is wholly at variance with the board of audit law which provides that claims shall be paid only by warrants issued by the auditor of state on duly executed and audited vouchers.
500	S.C.C. 2254, lines 1-7 line 9 lines 10-13 lines 7-9 lines 18-21 lines 13-18 lines 21-25	1. Age limit has been omitted. 2. Subsections 1 and 2 are new.  } <i>See sec. 500-a1 of bill.</i> <i>See sec. 501 of bill.</i> <i>See sec. 508 of bill.</i>
500-a1	S.C.C. 2254, lines 7-9 lines 18-21	Modified so as to commit to board of control in case of females and to board of parole in case of males.
500-a2	New	
500-a3	New	
501	S.C.C. 2254, lines 13-18	
502	C.C. 2255, entire	
503	New	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
503-a1	S.C.C. 2247-a1, entire	1. "Upon conviction of the same" is omitted. 2. "At hard labor" is omitted. See sec. 462 of bill. Modified so as to apply to all paroles.
504	C.C. 2256, lines 1-10 lines 11-28	See sec. 505 of bill.
505	C.C. 2256, lines 11-28	
506	C.C. 2257, entire	
506-a1	New	New but practically a copy of 33 G.A., ch. 3, sec. 1, which was apparently inadvertently repealed by 35 G.A., ch. 33.
507	C.C. 2253, entire	
508	S.C.C. 2254, lines 21-25	
509	C.C. 2251, lines 2-12  lines 1-2 lines 13-23 lines 24-25 lines 25-27 lines 28-30	A "recommendation of pardon" has been added to the present statutes which requires a "recommend of discharge from further liability under the sentence". The governor uniformly recognizes the recommendation of the board, and issues what is called a "Final Discharge". An examination of these "Final Discharges" will reveal the fact that they are in fact pardons. <i>Omitted. Superfluous.</i> <i>See sec. 510 of bill.</i> <i>See sec. 510-a1 of bill.</i> <i>See secs. 520, 521 of bill.</i> <i>See sec. 516 of bill.</i>
510	C.C. 2251, lines 13-23	
510-a1	C.C. 2251, lines 24-25	
511	S.C.C. 2258, lines 3-8 lines 1-3 lines 8-15	<i>See sec. 518 of bill.</i> <i>See sec. 512 of bill.</i>
512	S.C.C. 2258, lines 8-15	
513	C.C. 2252, entire	"Board of parole" changed to "proper board".
514	C.C. 2259, lines 1-7 lines 7-14	<i>See sec. 515 of bill.</i>
515	C.C. 2259, lines 7-14	
516	C.C. 2251, lines 28-30	
517	C.C. 2261, entire 2262, entire	Broadened to include a woman. <i>Omitted. Temporary.</i>

## C. B. 84 CHARITABLE, CORRECTIONAL, AND PENAL INSTITUTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
518	S.C.C. 2258, lines 1-3	
519	New	<p>Sections 519 to 522, inclusive, provide a simple yet comprehensive procedure in the issuance of:</p> <ol style="list-style-type: none"> <li>1. Pardons,</li> <li>2. Reprieves,</li> <li>3. Commutation of sentences,</li> <li>4. Remission of fines and forfeitures, and</li> <li>5. Restorations of rights of citizenship.</li> </ol> <p>No detailed system now exists. The term "warrant" as used in S.C.C. 2260 is wholly inapplicable to some of these executive documents, and is misleading.</p>
520	C.C. 2251, lines 25-27 S.C.C. 2260, lines 1-8 <i>lines 8-9</i>	<p>See also sec. 521 of bill.            See also sec. 521 of bill.  <i>See sec. 522 of bill.</i></p>
521	C.C. 2251, lines 25-27 S.C.C. 2260, lines 1-8	
522	S.C.C. 2260, lines 8-9	Duty of clerk is made specific, especially as to the remission of fines and forfeitures which may constitute liens.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 85

Prepared by J. H. Trewin

**Subject: EDUCATION—INSTRUCTION IN PATRIOTISM****General Explanation**

The purpose of this bill is to gather into one chapter all the provisions of law with reference to Americanism in schools, and to related subjects.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	This section is introduced for clarity.
2	C.C. 2573, entire  <i>2628, entire</i>	Following are new: 1. "And the authorities in charge of each private school." (lines 1-2) 2. "School." (line 4) "School building" omitted in line 3 and "school site" substituted. <i>Omitted as superfluous.</i>
3	C.C. 2263, entire	
4	C.C. 2264, entire	Penalty is made applicable to violation of sec. 2 of the bill as well as of sec. 3.
5	C.C. 2271, entire	"In all grades" is new. (lines 2-3)
6†	S.C.C. 2274-a1, entire 2274-a2, entire	
7†	C.C. 2273, entire	"And all students shall be required to take" is new. (lines 3-4)
8 to 16, inc.†	New	Introduced to remedy existing evils.
17†	C.C. 2575, entire	

† As renumbered.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 86

Prepared by J. H. Trewin

## Subject: EDUCATION—SUPERINTENDENT OF PUBLIC INSTRUCTION

## General Explanation

Bill No. 86 shortens and rearranges in logical order the law with reference to the superintendent of public instruction. The only important modification in the bill is that it provides for supervision of, and reports from, private schools, in order to determine that they are giving the instruction required by law.

Omissions from chapter 2, title 10, are as follows:

C. C. 2271, 2273, S. C. C. 2274-a1, and 2274-a2 as they are contained in C. B. 85, secs. 5, 6, and 7.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2266, lines 1-4 lines 5-7	Omitted. Covered by C. B. 31, sec. 1.
2	C.C. 2265, lines 1-2 lines 2-7 lines 7-11  2267, lines 5-6 lines 1-5 lines 7-9 lines 10-14 lines 15-19 lines 20-23 lines 24-29 lines 30-32 lines 33-37 lines 38-40 lines 40-48 lines 49-54 lines 54-57 lines 58-62 lines 63-65	Omitted. Covered by C. B. 32, sec. 2. Omitted. Covered by C. B. 14, sec. 25, except the words "and with the reports of the supreme court of the state" which are dropped.  See sec. 3 of bill. See sec. 4 of bill, subsec. 1. See sec. 4 of bill, subsec. 2. See sec. 4 of bill, subsec. 3. See sec. 4 of bill, subsec. 5. See sec. 4 of bill, subsec. 8. See sec. 4 of bill, subsec. 4. See sec. 4 of bill, subsec. 17. See sec. 4 of bill, subsec. 10. See sec. 4 of bill, subsec. 11. See sec. 4 of bill, subsec. 14. Omitted as unnecessary. See sec. 4 of bill, subsec. 12. See sec. 4 of bill, subsec. 13.
3	C.C. 2267, lines 1-5	"Secular education in private schools" is new. (lines 1-2)

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
<u>4</u> (1)*	C.C. 2267, lines 7-9	
<u>4</u> (2)*	C.C. 2267, lines 10-14	
<u>4</u> (3)*	C.C. 2267, lines 15-19	
<u>4</u> (4)*	C.C. 2267, lines 30-32	
<u>4</u> (5)*	C.C. 2267, lines 20-23	
<u>4</u> (6)*	C.C. 2272, entire	“Public and private, lists of books and texts and” is new. (lines 23-24)
<u>4</u> (7)*	C.C. 2274, entire	“Public and private, lists of books and texts and” is new. (line 28)
<u>4</u> (8)*	C.C. 2267, lines 24-29	
<u>4</u> (9)*	New	
<u>4</u> (10)*	C.C. 2267, lines 38-40	
<u>4</u> (11)*	C.C. 2267, lines 40-48	“At the time provided by law” substituted for specific date to harmonize with C. B. 255.
<u>4</u> (12)*	C.C. 2267, lines 58-62	
<u>4</u> (13)*	C.C. 2267, lines 63-65	The provision for questions “for the examination of applicants for teachers’ certificates” has been dropped, to eliminate a conflict between this and the board of educational examiners law. “And fix the time of such examinations” is new. (line 61)
<u>4</u> (14)*	C.C. 2267, lines 49-54	
<u>4</u> (15)*	C.C. 2269, lines 1-6 lines 7-10 2270, entire	See subsec. 16 of sec. 4 of bill. “During the months of June and July in the year——” is new. (lines 1-2)

\* Indicates subsection.

## C. B. 86 EDUCATION—SUPERINTENDENT OF PUBLIC INSTRUCTION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4 (16)*	C.C. 2269, lines 7-10	
4 (17)*	C.C. 2267, lines 33-37	
5†	C.C. 2268, lines 1-21 lines 22-25	<i>See sec. 6 of bill, as renumbered.</i>
6†	C.C. 2268, lines 22-25	
7†	C.C. 2275, entire	
8†	C.C. 2276, entire	“And private” is new. (line 6)
9†	S.C.C. 2277, lines 1-4 lines 4-6	<i>Omitted. Covered by C. B. 15, secs. 6 and 8.</i>

\* Indicates subsection.

† As renumbered.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 87

Prepared by J. H. Trewin

## Subject: EDUCATION—VOCATIONAL

## General Explanation

Bill No. 87. shortens and simplifies the law with reference to vocational education.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2278, entire 2279, entire	
2	C.C. 2280, entire	See also sec. 3 of bill.
3	C.C. 2282, entire 2280, line 4	
4 (1)*	C.C. 2281, entire	
4 (2)*	C.C. 2283, lines 1-4 <i>lines 4-6</i> <i>lines 6-8</i> <i>lines 8-10</i> <i>lines 10-12</i>	<i>See sec. 4 of bill, subsec. 3.</i> <i>See sec. 4 of bill, subsec. 4.</i> <i>See sec. 4 of bill, subsec. 5.</i> <i>See sec. 4 of bill, subsec. 6.</i>
4 (3)*	C.C. 2283, lines 4-6	
4 (4)*	C.C. 2283, lines 6-8	
4 (5)*	C.C. 2283, lines 8-10	Certification of all teachers has been placed under the supervision of the board of educational examiners. Therefore, the words "test the qualifications of, and to certificate teachers of such subjects in approved schools, departments and classes" have been dropped.
4 (6)*	C.C. 2283, lines 10-12	
4 (7)*	C.C. 2284, lines 1-7	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4 (7)*	<i>lines 7-13</i> <i>lines 14-17</i>	<i>See sec. 5 of bill.</i> <i>Omitted as unnecessary.</i>
5	<b>C.C. 2284, lines 7-13</b> <b>2285, entire</b>	
6	<b>C.C. 2286, lines 1-12</b>  <i>lines 13-16</i> <i>lines 16-18</i>	“The terms of three members shall expire on the first day of July each year” is new. <i>Omitted as superfluous.</i> <i>See sec. 11 of bill.</i>
7	<b>C.C. 2287, lines 1-8</b> <b>lines 12-15</b> <i>lines 8-11</i>	<i>See sec. 8 of bill.</i>
8	<b>C.C. 2287, lines 8-11</b>	
9	<b>C.C. 2288, entire</b>	
10	<b>C.C. 2289, entire</b>	
11	<b>C.C. 2286, lines 16-18</b> <b>2290, entire</b> <b>S.C.C. 2291, entire</b>	
12	<b>C.C. 2293, entire</b> <b>2294, lines 1-4</b> <i>lines 4-8</i>	<i>See sec. 13 of bill.</i>
13	<b>C.C. 2294, lines 4-8</b>	This change avoids the making of a separate report yet preserves the data in the superintendent's regular report.

\* Indicates subsection.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 88

Prepared by J. H. Trewin

## Subject: EDUCATION—BOARD OF EXAMINERS

## General Explanation

Bill No. 88 collects into one chapter all of the law with reference to the board of educational examiners, by codifying chapter 4 of title X, of the compiled code of Iowa and of the supplement to said code, and other sections scattered through the school law, which come within the scope of the board of examiners law.

In codifying this law, it was found that many of its provisions were confused and cumbersome; that the board was hampered in the establishment of a practical and unified system of certification of teachers, by detailed provisions of law with reference to matters which ought to be left to the discretion of the board. The bill increases the discretionary power of the boards.

The following sections are repealed: C. C. 2305, 2482, 2488, and 2494. C. C. 2308 is covered in C. B. 14, sec. 25.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 2295, lines 1-12 lines 12-13	See sec. 2 of bill.
2	C.C. 2296, lines 1-2 lines 2-8 lines 8-15 lines 16-23 S.C.C. 2295, lines 12-13	See sec. 4 of bill. See sec. 9 of bill. Repealed by this bill. Following are new: 1. "And the executive officer of the board." (line 2) 2. "And meetings may be called by the president or upon the written request of three (3) members." (lines 4-5) Bill omits "as the president may direct" and substitutes "as it may determine." (line 3)
3	S.C.C. 2306, lines 1-5 lines 6-16	See sec. 21 of bill.
4	C.C. 2296, lines 2-8 2297, lines 1-2	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	<p><i>lines 2-7</i> <i>lines 7-9</i></p> <p><b>2483, line 1</b></p> <p><i>lines 2-9</i></p>	<p><i>Repealed by this bill.</i> <i>See sec. 19 of bill.</i></p> <p><i>Repealed by this bill.</i> Sec. 4 of the bill gives the board greater discretionary powers as to the classes of certificates to be issued.</p>
5	<b>New</b>	
6	<p><b>C.C. 2481, lines 1-2</b> <b>lines 13-15</b></p> <p><i>lines 3-12</i> <i>lines 15-22</i></p>	<p>“At which time such classes of candidates shall appear as the board may direct” is new. (lines 4-5)</p> <p><i>See C. B. 99, sec. 11.</i> <i>Repealed by this bill.</i></p>
7	<p><b>C.C. 2497, entire</b> <b>2498, lines 4-8</b></p> <p><i>lines 1-3</i> <i>lines 8-11</i></p>	<p>The last sentence is new.</p> <p><i>See sec. 8 of bill.</i> <i>See sec. 15 of bill.</i></p>
8	<p><b>C.C. 2495, entire</b> <b>2496, entire</b> <b>2498, lines 1-3</b></p>	<p>“Or give instruction in any private school or otherwise which is to be in lieu of education required in the public schools,” is new. (lines 3-4) Compare with C. B. 111, sec. 1.</p> <p>“In that year” (line 5) is new, inserted to require annual registration of certificates.</p>
9	<p><b>C.C. 2296, lines 8-15</b> <b>2298, lines 2-3</b></p> <p><i>lines 1-2</i> <i>lines 3-7</i> <i>lines 7-11</i></p>	<p><i>See sec. 10 of bill.</i> <i>See sec. 15 of bill.</i> <i>See sec. 19 of bill.</i></p> <p>Modifies present law by requiring ten years' experience as a prerequisite for the issuance of a life diploma, and by leaving the other qualifications required for certificates and diplomas to the discretion of the board.</p>
10	<p><b>C.C. 2298, lines 1-2</b> <b>2299, entire</b> <b>2300, entire</b> <b>2301, entire</b></p>	<p>Bill omits “any public school in the state” and substitutes “in the kinds of schools therein named”. (lines 1-2)</p> <p>C. C. 2300 is modified by dropping the requirement of two years' experience in case of graduation from schools in other states.</p>
11	<b>C.C. 2302, entire</b>	<p>Modified by allowing the board to prescribe the rules for the issuance of certificates.</p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
12	<b>C.C. 2485, lines 1-3</b> <i>lines 4-13</i> <b>2486, lines 1-2</b> <i>lines 3-22</i> <b>2487, lines 1-2</b> <i>lines 3-4</i>	<i>See sec. 13 of bill.</i>  <i>See sec. 13 of bill.</i>  <i>See secs. 13 and 19 of bill.</i> "All the county certificates shall expire on the thirtieth day of June" is new.
13	<b>C.C. 2485, lines 4-13</b> <b>2486, lines 3-22</b> <b>2487, lines 3-4</b> <b>2315, lines 5-8</b> <i>lines 1-5</i> <b>S.C.C. 2304, lines 16-21</b> <i>lines 1-15</i> <i>lines 22-24</i> <i>lines 25-27</i>	Modified by allowing the board to prescribe the rules for renewing certificates and granting higher grades on existing certificates. <i>See bill 89, sec. 2.</i>  <i>See sec. 14 of bill.</i> <i>See sec. 14 of bill.</i> <i>See sec. 19 of bill.</i>
14	<b>C.C. 2303, entire</b> <b>S.C.C. 2304, lines 1-15</b> <b>lines 22-24</b>	See also sec. 19 of bill.  C. C. 2303 is modified by requiring professional study for reissuance of certificates for life.  C. C. 2304 is modified by allowing the board to prescribe the rules for professional study.
15	<b>C.C. 2498, lines 8-11</b> <b>2298, lines 3-7</b>	Bill omits "due notice" and substitutes "ten days' notice by registered mail". (line 3)
16	<b>C.C. 2499, lines 1-9</b> <i>lines 9-15</i> <i>lines 16-23</i>	<i>See sec. 17 of bill.</i> <i>See sec. 18 of bill.</i> "Not less than ten days thereafter" is new. (lines 7-8)
17	<b>C.C. 2499, lines 9-15</b>	The first sentence is new.  "Filed and recorded in his office" is new.  Bill omits "ten" and substitutes "fifteen". (line 7)
18	<b>C.C. 2499, lines 16-23</b>	Bill omits "superintendent of public instruction" and substitutes "board of educational examiners". (lines 1-2)  Bill omits "ten" and substitutes "fifteen". (line 2)  "On the appeal the trial shall be de novo on the record made before the

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18		<p>county superintendent'' is new. (lines 3-4)</p> <p>The last two sentences are new.</p>
19	<p><b>C.C. 2297, lines 7-9</b>  <b>2298, lines 7-11</b>  <b>2303, line 5</b>  <b>2307, entire</b>  <b>2487, lines 3-4</b>  <b>2493, line 1</b>  <b>2493, line 1</b>  <i>lines 2-4</i>  <i>lines 4-23</i></p> <p><b>S.C.C. 2304, lines 25-27</b></p>	<p>Modified by requiring a fee for the issuance of county certificates, and for the renewal of certificates of the first and second classes.</p> <p><i>See bill 99, sec. 11.</i>  <i>Mainly repealed. Covered by sections 4 and 10 of this bill.</i></p>
20	<b>New</b>	The provisions of sec. 20 are taken from lines 1-2 of C. C. 2306.
21	<p><b>S.C.C. 2306, lines 6-16</b>  <b>C.C. 2492, entire</b></p>	Bill omits cross references appearing in S. C. C. 2306, and substitutes "this chapter and from examinations of teachers by county superintendents". (lines 4-5)

## BRIEF OF CODE COMMISSIONERS' BILL NO. 89

Prepared by J. H. Trewin

**Subject: EDUCATION—NORMAL TRAINING HIGH SCHOOLS****General Explanation**

Bill No. 89 can be better understood if read in connection with the rest of chapter 5, title X, of the compiled code of Iowa.

Throughout the educational bills, certification of all teachers has been placed under the control of the board of educational examiners. The purpose of the bill is to give the board supervision over the certification of teachers from normal training high schools.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2313, entire	“With the advice and consent of the board of educational examiners,” is new. (lines 1-2)
2	C.C. 2315, lines 1-5  <i>lines 5-8</i>	Bill omits “superintendent of public instruction” and substitutes “president of the board of educational examiners”.  <i>See sec. 13 of C. B. 88.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 90

Prepared by J. H. Trewin

## Subject: EDUCATION—STATE BOARD OF EDUCATION

## General Explanation

When the state board of education law was enacted, there was a specific repeal of certain sections of the law; and other sections not therein specifically repealed, were, in fact, repealed by operation of the law, particularly in regard to the handling of the endowment funds of the university and agricultural college, the board of education law having transferred all these matters to the finance committee.

In preparing this bill, members of the state board of education and the finance committee, and auditor of the board, were freely consulted, in order to drop obsolete matter from the statute and properly codify the law. Very few important changes in substance were made. The sections marked "new" are self-explanatory.

C. C. 2400 to 2408, inclusive, are omitted as obsolete, as the board of education reported that the land grants have all been disposed of.

C. C. 2409, and 2411 to 2413, inclusive, are omitted as obsolete, as the board of education law transferred the handling of these funds to the finance committee.

C. C. 2322, 2333, and 2414 are omitted as obsolete.

C. C. 2399 and 2437 are omitted as unnecessary.

C. C. 2324 is covered in Bill 32, sec. 6.

C. C. 2329 to 2331, inclusive, are covered in Bill 15, secs. 3 to 6, inclusive.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 2318, lines 5-8</b> <i>lines 1-4</i> <b>2319, lines 3-5</b> <i>lines 1-4</i> <i>lines 6-13</i> <i>lines 14-17</i> <i>lines 18-22</i> <i>lines 23-26</i> <i>lines 26-32</i>	<i>See sec. 8 of bill.</i>  <i>See sec. 3 of bill.</i> <i>See sec. 4 of bill.</i> <i>See sec. 2 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i>
2	<b>C.C. 2319, lines 14-17</b>	<i>See also sec. 3 of bill.</i>
3	<b>C.C. 2319, lines 1-4</b> <b>line 16</b>	
4	<b>C.C. 2319, lines 6-13</b>	
5	<b>C.C. 2319, lines 18-22</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	C.C. 2319, lines 23-26	
7	C.C. 2319, lines 26-32	
8	C.C. 2318, lines 1-4 2441, lines 1-2 lines 2-6 lines 6-12	See sec. 10 of bill, subsec. 2. See C. B. 96, sec. 1.
9	C.C. 2320, entire	
10 (1)*	C.C. 2321, lines 2-5 lines 2-5 lines 5-6 lines 6-8 lines 8-9 lines 9-11 lines 12-13	See subsec. 2 of this section. See subsec. 4 of this section. See subsec. 5-6 of this section. See subsec. 7 of this section. See subsec. 8 of this section. See subsec. 11 of this section. Modified, providing for the election of a president in the even-numbered years, and every two years, to make the matter explicit.
10 (2)*	C.C. 2321, lines 2-5 2432, lines 1-3 lines 3-4 lines 5-16 2441, lines 2-6 2398, line 15 lines 1-4 lines 5-6 lines 6-7 lines 7-10 lines 10-12 lines 12-14 lines 16-17 lines 18-20	See sec. 10 of bill, subsec. 4. Omitted as unnecessary.  See sec. 24 of bill, subsec. 1. See sec. 24 of bill, subsec. 2. See sec. 24 of bill, subsec. 3. See sec. 24 of bill, subsec. 4. See sec. 24 of bill, subsec. 5. Omitted as unnecessary. See C. B. 32, sec. 6. Omitted as unnecessary. The words "secretarial officer" have been introduced to take the place of the words "secretary" and "registrar" in the present law.
10 (3)*	New	
10 (4)*	C.C. 2321, lines 5-6 2432, lines 3-4	
10 (5)*	C.C. 2321, lines 6-8	See also sec. 10, subsec. 6, of bill.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10 (6)*	C.C. 2321, lines 6-8	The provisions of this subsection are taken by implication from the provisions of C. C. 2321.
10 (7)*	C.C. 2321, lines 8-9	
10 (8)*	C.C. 2321, lines 9-11 2344, lines 14-16 <i>lines 1-6</i> <i>lines 6-10</i> <i>lines 10-14</i> 2410, lines 1-4 <i>lines 4-5</i>	<i>Omitted as obsolete.</i> <i>See sec. 15 of bill, subsec. 3.</i> <i>See sec. 15 of bill, subsec. 1.</i> <i>See also sec. 15, subsec. 3, of bill.</i> <i>Omitted as obsolete.</i>
10 (9)*	New	
10 (10)*	C.C. 2325, lines 5-11 <i>lines 1-5</i>	<i>Omitted. Covered by C. B. 14, sec. 25.</i>
10 (11)*	C.C. 2321, lines 12-13	The words "and the finance committee" were added for clarity.
11	New	
12	C.C. 2323, lines 7-10 <i>lines 1-3</i> <i>lines 3-6</i> <i>lines 11-12</i> <i>lines 12-16</i>	<i>See sec. 13 of bill.</i> <i>See sec. 14 of bill.</i> <i>Omitted as superfluous.</i> <i>See sec. 13 of bill.</i> Modified to require a record of the roll call in every instance, whether demanded or not.
13	C.C. 2323, lines 1-3 lines 12-16	The last sentence is new, to clarify the law in reference to the duties of the finance committee and its members, and is in accord with the construction placed upon the law by the board.
14	C.C. 2323, lines 3-6	
15 (1)*	C.C. 2344, lines 10-14 2334, lines 1-2 lines 7-9 <i>lines 3-6</i> <i>lines 10-12</i>	<i>See subsec. 2 of this section.</i> <i>See subsec. 4 of this section.</i> Modified by requirement for abstract, which is in accord with proper practice and custom.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
15 (2)*	C.C. 2334, lines 3-6	
15 (3)*	C.C. 2344, lines 6-10 2410, lines 1-4	“Or some county thereof” is new. See also sec. 10, subsec. 8, of bill.
15 (4)*	C.C. 2334, lines 10-12	
16	C.C. 2335, lines 8-13 <i>lines 1-8</i> <i>lines 13-15</i> <i>lines 16-18</i>	<i>See sec. 17 of bill.</i> <i>See sec. 18 of bill.</i> <i>See sec. 19 of bill.</i>
17	C.C. 2335, lines 1-8	
18	C.C. 2335, lines 13-15	
19	C.C. 2335, lines 16-18	
20	C.C. 2343, line 19 <i>lines 1-8</i>  <i>lines 8-9</i> <i>lines 9-18</i>	<i>Omitted covered by C. B. 31, sec. 5, and</i> <i>C. B. 32, sec. 6.</i> <i>See sec. 24 of bill, subsec. 4.</i> <i>Omitted as unnecessary.</i>
21	C.C. 2326, lines 1-2 lines 6-10 <i>lines 2-6</i>	<i>Omitted as superfluous.</i>
22	S.C.C. 2328, entire	The first sentence of sec. 22 is taken from lines 7-8 of C. C. 2328.
23	C.C. 2332, entire	
24 (1)*	C.C. 2398, lines 1-4	
24 (2)*	C.C. 2398, lines 5-6	
24 (3)*	C.C. 2398, lines 6-7	
24 (4)*	C.C. 2398, lines 7-10 2343, lines 8-9	
24 (5)*	C.C. 2398, lines 10-12	
25	C.C. 2440, entire 2444, entire 2347, lines 1-7 <i>lines 7-13</i>	<i>See sec. 27 of bill.</i> Modified by requiring reports to be made

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
25		to board, and by fixing date of reports earlier, so that the board may consider them and present them to the general assembly.
26	C.C. 2337, lines 1-11 lines 14-27 lines 12-14	<i>Omitted as superfluous.</i> Modified by requiring reports to be made to board, and by fixing the date of reports earlier, so that the board may consider them and present them to the general assembly.
27	C.C. 2336, entire 2347, lines 7-13 2436, entire	Modified by omitting some of the detailed requirements for reports, leaving them to the discretion of the board; and by allowing the board to summarize the reports of the officers in its report to the general assembly. "At the time provided by law" substituted for specific date to harmonize with C. B. 255.
28	C.C. 2342, entire	
29	C.C. 2338, entire	
30	S.C.C. 2327, entire	
31	C.C. 2339, entire	
32	C.C. 2340, entire	
33	C.C. 2341, entire	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 91

Prepared by J. H. Trewin

## Subject: EDUCATION—STATE UNIVERSITY

## General Explanation

Bill No. 91 simplifies the law with reference to the state university, codifying all of chapter 7, title X, of the compiled code of Iowa and of the supplement to said code, except the sections dealing with the department of homeopathic medicine, the Iowa child welfare research station, and the appropriations.

Omissions from chapter 7, title X, are as follows: C. C. 2343, 2344, and 2347 as they are contained in C. B. 90.

S. C. C. 2354, appropriations, not to be affected by this bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2346, lines 1-10 lines 10-16	See sec. 2 of this bill.
2	C.C. 2346, lines 10-16	
3	C.C. 2345, lines 5-11 lines 1-5	Omitted as unnecessary.
4	C.C. 2352, lines 1-3 lines 8-14 lines 18-23 lines 3-8 lines 15-17 lines 23-24 2353 lines 3-5 lines 1-2 lines 5-9	See sec. 5 of this bill. See sec. 5 of this bill. See sec. 5 of this bill. See sec. 5 of this bill. See sec. 5 of this bill. See sec. 5 of this bill.
5	C.C. 2352, lines 3-8 lines 15-17 lines 23-24 2353, lines 1-2 lines 5-9 S.C.C. 2354, lines 22-24 lines 1-14 lines 14-16 lines 16-18 lines 18-22	Modified to harmonize with the consolidation features of C. B. 260 and 261. See sec. 6 of bill. Omitted as obsolete. See sec. 6 of bill. Omitted. Unnecessary. See S. C. C. 2346-a1 for permanent appropriation.
6	S.C.C. 2354, lines 1-14 lines 16-18	Last sentence is new.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 92

Prepared by J. H. Trewin

**Subject: EDUCATION—MEDICAL AND SURGICAL TREATMENT  
INDIGENT PERSONS****General Explanation**

Bill No. 92 codifies chapters 9 and 10 of title X, of the compiled code of Iowa. Chapter 9 was first enacted and applied to children under sixteen years of age. Chapter 10 was subsequently enacted, applying the law to adults, and was almost a duplication of chapter 9. The two chapters are combined and simplified, thus shortening the law by about 125 lines and eliminating confusion by making the procedure the same for the commitment of both children and adults to the hospital of the college of medicine of the state university.

Such amendments as are proposed in connection with this bill are for the purpose of remedying defects in these statutes, discovered in their practical application.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2375, lines 1-10 lines 11-12 lines 12-18 lines 19-20 2386, lines 1-13 lines 14-16 lines 17-23 lines 23-27	See also sec. 2 of bill See sec. 4 of bill. See sec. 5 of bill. See sec. 6 of bill. See also sec. 2 of bill. See sec. 4 of bill. See sec. 5 of bill. See sec. 6 of bill. Line 1, "Any adult resident of the state" is new. The present law specifies certain officers who may make complaint.
2	C.C. 2375, lines 1-10 2386, lines 1-13	Modified by making it mandatory upon these officers to make complaint in case of indigent children as well as in case of indigent adults.
3	New	Inserted for clarity.
4	C.C. 2375, lines 11-12 2386, lines 14-16	This and the following sections give to the clerk of court certain minor duties which the present law imposes upon the court or judge. In line 1, "the clerk—shall appoint" is new; the present law requires the court to make the appointment. "Living in the vicinity of the patient" (lines 2-3) is new.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	<b>C.C. 2375, lines 12-18</b> <b>2386, lines 17-23</b> <b>2383, lines 7-9</b> <i>lines 1-7</i> <i>lines 10-12</i> <i>lines 12-16</i> <b>2394, lines 7-12</b> <i>lines 1-7</i> <i>lines 13-14</i>	<p><i>See sec. 24 of bill, as renumbered.</i>  <i>See sec. 10 of bill.</i>  <i>See sec. 24 of bill, as renumbered.</i>            See also sec. 10 of bill.  <i>See sec. 24 of bill, as renumbered.</i>  <i>See sec. 24 of bill, as renumbered.</i>            "In duplicate" is new. (line 1)            "Which report shall be filed in the office of the clerk within such time as the clerk may fix" (lines 7-8) is new. The present law requires the court to fix the time for filing the report.</p>
6	<b>C.C. 2375, lines 19-20</b> <b>2386, lines 23-27</b>	<p>"The clerk shall furnish the county attorney a copy thereof" (lines 1-2) is new, introduced for the purpose of assisting the county attorney in his investigations.            "The legal residence of the patient" (line 3) is new, to conform to section 1.            C. C. 2375 is modified by making this investigation mandatory in case of indigent children, as well as in case of indigent adults.            "And shall file a report of such investigation in the office of the clerk, at or before the time of hearing" (lines 5-6) is new, introduced in order that complete records of the case may be kept.</p>
7	<b>C.C. 2376, lines 1-4</b> <i>lines 5-16</i> <b>2387, lines 1-5</b> <i>lines 6-18</i> <i>lines 19-24</i>	<p><i>See secs. 8 and 9 of bill.</i>  <i>See secs. 8 and 9 of bill.</i>  <i>See sec. 13 of bill.</i>            Under the present law the court is required to fix the time of hearing and give the notice.            The following are new, added for clarity:</p> <ol style="list-style-type: none"> <li>1. "And place". (line 2)</li> <li>2. "If under legal disability". (line 5)</li> <li>3. "As the judge or clerk may prescribe". (lines 6-7)</li> </ol>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	C.C. 2387, lines 6-18 2376, lines 5-16	<p>The sentence appearing in lines 2-3 is new, introduced for clarity. The present law states merely, "evidence may be introduced".</p> <p>"Is a legal resident of Iowa" (line 4) is new, to conform to section 1 of the bill. In line 8, the words "the court shall enter an order" in the present law are: "the judge may, with the consent of the said person, or parent or parents, guardian or other person having legal custody of said person, as the case may be, enter an order". The change was made upon the recommendation of judges and officers throughout the state. The law is based on the right and duty of the state so to treat its unfortunate inhabitants that they may become good, self-supporting citizens. Parents or others having legal custody of indigents should not unreasonably interfere with the exercise of this right and performance of this duty by the state. If there are any valid objections to the commitment of any person, they may be brought to the attention of the court and all rights will be protected.</p>
9	C.C. 2376, lines 12-13 2387, lines 13-14	This section is practically new, introduced to take care of emergency cases.
10	C.C. 2383, lines 10-12 2394, lines 10-12	
11	C.C. 2381, lines 1-3 lines 7-20 lines 4-6 lines 20-26 2392, lines 1-3 lines 8-23 lines 4-7	<p><i>See sec. 18 of bill, as renumbered.</i> <i>See sec. 12 of bill, as renumbered.</i></p> <p>See also sec. 12 of bill. <i>See sec. 18 of bill, as renumbered.</i></p> <p>The last sentence of sec. 11 does not appear in the law with reference to indigent children.</p>
12	C.C. 2381, lines 20-26 2392, lines 12-16	Under the law with reference to indigent children, the statement of charges is filed with the county auditor.
13	C.C. 2377, lines 1-14 lines 15-18 lines 19-21 lines 22-26 2387, lines 19-24	<p><i>See sec. 14 of bill.</i> <i>See sec. 15 of bill.</i> <i>See sec. 17 of bill, as renumbered.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
13	2388, lines 1-5 lines 5-11	<i>See sec. 17 of bill, as renumbered.</i> The last sentence of this section is new, added in order that complete records may be kept of each case.
14	C.C. 2377, lines 15-18	The provision of this section originally appeared only in the indigent children's law.
15	C.C. 2377, lines 19-21	The provisions of this section originally appeared only in the indigent children's law. "And by the clerk filed and preserved among the records in the cause," is new, added in order that complete records may be kept of each case.
16	S.C.C. 2348-a1, entire	The apparent intent of that part of S.C.C. 2348-a1 enacted by the 39th G. A., is to authorize the hospital authorities to admit into the hospital persons not committed under the provisions of chapter 9, of title X. However, the appropriation of S. C. C. 2348-a1 has already been expended, and for that reason it is not included in this bill. The intent of S. C. C. 2348-a1 is codified in sec. 16 of this bill, modified slightly to correspond with the rest of the bill.
17†	C.C. 2377, lines 22-26 2388, lines 5-11	
18†	C.C. 2381, lines 4-6 2382, entire 2392, lines 4-7 2393, entire	The first sentence is new, introduced upon the recommendation of the state board of education.
19†	C.C. 2385, entire	The following are new: 1. "Or incompetent person". (line 1) 2. "Or the report of the examining physician". (line 3) 3. "Is provided for in the order of court". (line 4) 4. "But the physician in charge may administer such treatment or perform such surgical operations as are usually required in cases of emergency" (line 5-7) added to take care of emergency cases.

† As renumbered

## C. B. 92 EDUCATION—MEDICAL AND SURGICAL TREATMENT

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
20†	C.C. 2378, entire 2389, entire	
21†	C.C. 2379, entire 2390, entire	The last sentence is new, added upon the recommendation of the finance committee of the board of education.
22†	New	Sec. 22 is introduced on the recommendation of the finance committee of the board of education.
23†	C.C. 2380, entire 2391, entire	
24†	C.C. 2383, lines 1-7 lines 12-16 2394, lines 1-7 lines 13-14	
25†	C.C. 2384, entire	

† As renumbered

## BRIEF OF CODE COMMISSIONERS' BILL NO. 93

Prepared by J. H. Trewin

**Subject: EDUCATION—STATE COLLEGE OF AGRICULTURE  
AND MECHANIC ARTS****General Explanation**

Bill No. 93 codifies three sections of chapter 11 of title X, of the compiled code of Iowa, and can be better understood if read in connection with that chapter.

Sections 2398 to 2414, inclusive, of chapter 11 of title X, of the compiled code are codified in bill No. 90.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2396, entire 2415, lines 1-3 <i>lines 3-13</i>	<i>Omitted as superfluous.</i>
2	C.C. 2397, lines 1-3 <i>lines 4-8</i>	<i>Omitted as obsolete.</i> The last sentence of section 2 is new, added upon the recommendation of the state board of education, to make the law conform to existing practice.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 94

Prepared by J. H. Trewin

**Subject: EDUCATION—IOWA STATE TEACHERS COLLEGE****General Explanation**

Bill No. 94 codifies without modification all of chapter 12, title X, of the compiled code of Iowa, with the exception of sections 2432 and 2436, which are codified in sections 10 and 27 of bill No. 90.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2431, lines 1-3 lines 4-8	<i>Omitted, covered by C. B. 32, sec. 6.</i>
2	C.C. 2433, lines 1-4 lines 4-6	<i>Omitted as superfluous.</i>
3	C.C. 2434, entire 2435, entire	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 95

Prepared by J. H. Trewin

**Subject: EDUCATION—SCHOOL FOR THE BLIND****General Explanation**

Bill No. 95 codified all of chapter 13 of title X, of the compiled code of Iowa, except sections 2437 and 2440. For C. C. 2437 see "General Explanation" to brief on C. B. 90. For C. C. 2440 see section 25 of C. B. 90.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2438, entire	<p>"And persons whose vision is so defective that they can not be properly instructed in the common schools" (lines 1-2) is new, added to take care of people who are nearly blind.</p> <p>Lines 6-7 are new. The present law is "if they can be accommodated therein, upon paying to the treasurer sixty-six dollars quarterly in advance." The change is made upon the recommendation of the state board of education.</p>
2	C.C. 2439, entire	Modified by making C. C. 2445 and 2446 applicable to the school for the blind.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 96

Prepared by J. H. Trewin

**Subject: EDUCATION—SCHOOL FOR THE DEAF****General Explanation**

Bill No. 96 codifies three sections of chapter 14, title X, of the compiled code of Iowa.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 2441, lines 6-12</b> <i>lines 1-6</i> <b>2442, entire</b>	<i>Codified in bill 90, secs. 8 and 10.</i> <i>“And in lip reading” (line 2) is new.</i>
2	<b>C.C. 2443, lines 1-9</b> <i>lines 9-14</i>	<i>Covered by subsec. 11 of sec. 13, bill 99.</i> <i>Modified by allowing the board to fix the terms for admission of nonresidents.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 97

Prepared by J. H. Trewin

**Subject: EDUCATION—IOWA SOLDIERS' ORPHANS' HOME .****General Explanation**

Bill No. 97 codifies all of chapter 15 of title X, of the compiled code of Iowa, and of the supplement to said code. It should be read in connection with sections 350 to 389 (chapter 15) of C. B. 84.

Omission from chapter 15, title X, are as follows: C. C. 2447 and 2448 as they are covered by C. B. 84, secs. 14 and 17-21, inclusive.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2452, lines 1-5 lines 6-7 lines 7-10	<i>Omitted as unnecessary. See sec. 6 of bill.</i>
2	C.C. 1884, lines 4-5 lines 1-4 lines 6-7	<i>See C. B. 84, secs. 132 and 414. See C. B. 84, sec. 414.</i>
3	C.C. 2449, lines 1-3 lines 5-12 line 4 lines 4-5	See also sec. 4 of bill. <i>See sec. 4 of bill. See sec. 7 of bill.</i> Bill substitutes "eighteen" for "fifteen" (line 2) to correspond with sec. 350 of bill 84. Subsection 3 is new. Line 6, bill omits "by the board of supervisors or".
4	C.C. 2449, line 4 lines 10-12	"The procedure for commitment to said home shall be the same as provided by chapter fifteen (15) of title nine (9)" is new. For this procedure, see secs. 350 to 390, inclusive, of bill 84.
5	New	Introduced on the recommendation of the board of control.
6	C.C. 2452, lines 7-10 2456, lines 5-6 lines 1-5	<i>See sec. 14 of bill.</i>
7	C.C. 2449, lines 4-5	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7	<b>2451, entire</b> <b>2454, lines 1-4</b> <i>lines 5-15</i>	<i>See sec. 11 of bill.</i> "Under voluntary application" (line 3) is new. Bill omits "sixteen" and substitutes "eighteen" (line 6) to correspond with sec. 350 of bill 84.
8	<b>C.C. 2450, entire</b>	
9	<b>C.C. 2453, lines 1-7</b> <i>lines 7-13</i>	<i>See sec. 10 of bill.</i>
10	<b>C.C. 2453, lines 7-13</b>	
11	<b>C.C. 2454, lines 5-15</b>	
12	<b>C.C. 2455, lines 1-6</b> <i>lines 7-11</i>	<i>See sec. 13 of bill.</i>
13	<b>C.C. 2455, lines 7-11</b>	
14	<b>C.C. 2456, lines 1-5</b>	
15	<b>C.C. 2458, entire</b>	
16	<b>S.C.C. 2457, lines 1-7</b>	Modified to make the system specific and to correspond with provisions in C. B. 84 for like institutions.
17	<b>S.C.C. 2457, lines 8-15</b>	See note opposite preceding section in this brief.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 98

Prepared by J. H. Trewin

**Subject: EDUCATION—JUVENILE HOME****General Explanation**

Bill No. 98 greatly shortens and simplifies the law with reference to the Juvenile Home, by eliminating many repetitions and duplications in the law. It should be read in connection with sections 350 to 389 of bill No. 84 (chapter 15).

Omissions from chapter 16, title X, are as follows:

C. C. 2460 and 2471 as they are covered by C. B. 84, secs. 20-23, inclusive, and 14.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 2459, lines 4-5</b> <i>lines 1-3</i> <i>lines 6-8</i> <b>2461, lines 2-9</b> <i>lines 1-2</i> <b>2466 lines 1-4</b> <i>lines 4-14</i>	<i>Omitted as obsolete.</i>  <i>Omitted. Covered by C. B. 84, sec. 19.</i>  <i>See sec. 5 of bill.</i> Line 2, bill omits "dependent, neglected, delinquent or destitute children, residents of Iowa" and substitutes "children," for the reason that the class of children to be admitted is set forth in sec. 378 of bill 84.
2	<b>C.C. 2462, lines 4-10</b> <i>lines 1-4</i>	See also C. B. 84, sec. 378. <i>Omitted as obsolete.</i>
3	<b>C.C. 2463, entire</b> <b>2464, entire</b>	Line 3, "signed by the legal custodian of such children" is new.  The last sentence of sec. 3 is new.  Bill omits "under the age of fifteen years" for the reason that the age of children admitted is set forth in sec. 378 of bill 84.
4	<b>New</b>	
5	<b>C.C. 2465, entire</b> <b>2466, lines 4-14</b> <b>2467, entire</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	2468, entire	
6	C.C. 2470, entire	
7	C.C. 2469, lines 1-9  <i>lines 9-15</i>	The specific system here provided is identical with the system provided in C. B. 84 for all institutions under the board of control. <i>See sec. 8 of bill.</i>
8	C.C. 2469, lines 9-15	See note on brief on preceding section.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 99

Prepared by J. H. Trewin

## Subject: EDUCATION—COUNTY SUPERINTENDENT

## General Explanation

Bill No. 99 codifies all of chapter 18, title X, of the compiled code of Iowa and the supplement to said code, except secs. 2481-2483, 2485-2488, and 2492-2499, inclusive, which have reference to certification of teachers and are codified in bill No. 88, the bill with reference to the board of educational examiners.

The substance of C. C. 2500, repealed by this bill, is covered by section 4, subsection 8, of bill No. 86, which gives the state superintendent authority to require all necessary reports.

C. C. 2502 is repealed by this bill, as it was found impossible to teach the elements of vocal music in the short time allotted for teachers' institutes.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 2478, lines 28-29</b> lines 1-19 lines 19-23 lines 23-27 lines 30-37 lines 37-62 lines 62-67 lines 67-71 lines 71-76 lines 76-77 lines 77-80	<i>See secs. 3 and 4 of this bill.</i> <i>See sec. 5 of this bill.</i> <i>See sec. 6 of this bill.</i> <i>See sec. 7 of this bill.</i> <i>See sec. 26 of this bill, as renumbered.</i> <i>See sec. 27 of this bill, as renumbered.</i> <i>See sec. 28 of this bill, as renumbered.</i> <i>See sec. 29 of this bill, as renumbered.</i> <i>See sec. 6 of this bill.</i> <i>See sec. 9 of this bill.</i>
	<b>2480, lines 1-6</b> lines 6-9	<i>See sec. 8 of this bill.</i>
2	<b>C.C. 2479, lines 1-5</b> lines 5-10 lines 11-13 lines 13-15 lines 15-20 lines 20-25 lines 23-26	<i>See sec. 11 of this bill, subsec. 1.</i> <i>See sec. 11 of this bill, subsec. 2.</i> <i>See sec. 11 of this bill, subsec. 3.</i> <i>See substitute for bill No. 137.</i> <i>See sec. 11 of this bill, subsec. 15.</i> <i>See sec. 25 of this bill, as renumbered.</i>
3	<b>C.C. 2478, lines 1-19</b>	Bill omits "first Tuesday in April" (line 2) and substitutes "second Tuesday in May". The change is made in order to allow the local boards, which are elected on the second Monday in March,

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
3		time for organization. See also sec. 4 of bill.
4	C.C. 2478, lines 1-17	The following are new: 1. "When such selection is made, the secretary of the board shall at once notify the county auditor thereof." (lines 4-5) 2. "And the secretary of the meeting shall notify the county auditor of the person so selected." (lines 9-10)
5	C.C. 2478, lines 19-23	
6	C.C. 2478, lines 23-27 lines 76-77	"The convention shall be the judge of the qualifications of its own members" (lines 4-5) is new.
7	C.C. 2478, lines 30-37	
8	C.C. 2480, lines 6-9	
9	C.C. 2478, lines 77-80	
10	C.C. 2653, lines 1-4  lines 4-10	"First Monday in January" omitted to harmonize with section 3 of bill. <i>See bill 110, sec. 8.</i>
11 (1)*	C.C. 2479, lines 5-10	
11 (2)*	C.C. 2479, lines 11-13	The word "private" is new (line 8) to conform to other regulations concerning private schools in bills 85, 86, 88, and 111.
11 (3)*	C.C. 2479, lines 13-15	
11 (4)*	C.C. 2504, entire	"As the medium of instruction" is new, (lines 21-22) to conform to C. C. 2263.
11 (5)*	C.C. 2490, lines 1-8 lines 8-13  2481, lines 3-12 lines 1-2 lines 13-22	<i>Omitted. Codified in substance in sec. 4, bill 88.</i>  <i>See sec. 6 of bill 88.</i> <i>See sec. 6 of bill 88.</i> "For all such examinations" is new. (lines 37-38)

\* Indicates subsection.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11 (5)*		"And the bills for their services and expenses shall be verified and filed with the county auditor and allowed by the board of supervisors" (lines 39-41) is new.
11 (6)*	C.C. 2489, entire	
11 (7)*	New	
11 (8)*	C.C. 2484, entire	
11 (9)*	C.C. 2501, lines 47-48 lines 1-5 lines 6-11 lines 11-16 lines 17-24 lines 24-29 lines 30-37 lines 38-42 lines 43-45 line 46 lines 48-59 lines 59-64 lines 65-67 lines 68-75 lines 75-82	See sec. 13 of this bill. See sec. 14 of this bill. See sec. 15 of this bill. See sec. 17 of this bill. See sec. 18 of this bill. See sec. 19 of this bill. See sec. 20 of this bill. See sec. 11 of this bill, subsec. 14. See sec. 19 of this bill. See sec. 21 of this bill. See sec. 24 of this bill. See sec. 11 of this bill, subsec. 16. See sec. 22 of this bill. See sec. 23 of this bill.
11 (10)*	C.C. 2550, lines 11-20 lines 1-11	Codified in bill 101, sec. 20. This subsection is practically new. Compare with sec. 20 of bill 101.
11 (11)*	C.C. 2503, lines 1-9 lines 9-11 lines 11-20	See subsec. 12 of sec. 11 of this bill. See subsec. 13 of sec. 11 of this bill. The last sentence is new.
11 (12)*	C. C. 2503, lines 9-11	
11 (13)*	C.C. 2503, lines 11-20	"Without regard to age" (lines 86-87) is new, inserted to make this section conform to C. C. 2443 and 2438.
11 (14)*	C.C. 2501, lines 43-45	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11 (14)*	2493, lines 2-4 <i>line 1</i> <i>lines 4-23</i>	<i>See bill 88, sec. 19.</i> <i>See bill 88, secs. 4 and 10.</i>
11 (15)*	C.C. 2479, lines 20-25 S.C.C. 2506, lines 8-10 <i>lines 1-5</i> <i>lines 5-8</i> <i>lines 10-12</i>	<i>See substitute for bill 137.</i> <i>See sec. 25 of bill, as renumbered.</i> <i>See substitute for bill No. 137.</i>
11 (16)*	C.C. 2501, lines 65-67	
11 (17)*	New	
12	C.C. 2505, entire	
13	C.C. 2501, lines 1-5	Bill omits "annually at least one, but not more than two,.....at such times as the schools of the county are generally in session" and substitutes "as directed by the superintendent of public instruction" (line 2) to conform to subsec. 12, sec. 4, of bill 86.  "But no county superintendent shall act as institute instructor or lecturer except with the consent of the county board of education of the county in which he is elected, nor shall he receive his regular salary during the time he is so engaged" (lines 4-8) is new.
14	C.C. 2501, lines 6-11	
15	C.C. 2501, lines 11-16	
16	New	
17	C.C. 2501, lines 17-24	
18	C.C. 2501, lines, 24-29	
19	C.C. 2501, lines 30-37 line 46	Bill omits "one hundred fifty" and substitutes "two hundred fifty". (line 4)  Bill omits "two hundred" and substitutes "three hundred". (line 8)  Subsec. 5 is new.
20	C.C. 2501, lines 38-42	
21	C.C. 2501, lines 48-59	
22	C.C. 2501, lines 68-75	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
23	C.C. 2501, lines 75-82	
24	C.C. 2501, lines 59-64	
25†	C.C. 2479, lines 23-26 S.C.C. 2506, lines 5-8	
26†	C.C. 2478, lines 37-62	
27†	C.C. 2478, lines 62-67	
28†	C.C. 2478, lines 67-71	
29†	C.C. 2478, lines 71-76	

† As renumbered

## BRIEF OF CODE COMMISSIONERS' BILL NO. 100

Prepared by J. H. Trewin

## Subject: EDUCATION—SCHOOL DISTRICTS

## General Explanation

Bill No. 100 corrects certain ambiguities and adds several desirable provisions to the law with reference to school districts. Particular attention has been paid in this bill to the giving of sufficient notice of all proposed changes in boundaries of school districts, to all people affected thereby.

C. C. 2529 is repealed by this bill, because it gives city and town high schools an undue advantage over consolidated schools.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2508, entire	Following are new, inserted for clarity: 1. "If there are more than one school corporation composed of subdistricts in any civil township in addition to the foregoing, they should be designated by number." 2. "Or the consolidated school district of (some appropriate name or number), in the county of (naming county), state of Iowa."
2	C.C. 2509, entire	
3	C.C. 2515, lines 1-10 lines 10-15	Lines 10-15 are omitted as undesirable.
4	C.C. 2516, lines 1-8 lines 8-9 lines 9-15 S.C.C. 2524-a21, lines 1-3 lines 4-6 lines 6-12 2524-a22, lines 1-3 lines 3-5 lines 5-16	See sec. 5 of this bill. See sec. 6 of this bill.  See sec. 35 of this bill. See bill 110.  See sec. 35 of this bill. See bill 110.
5	C.C. 2516, lines 8-9 2533, lines 5-11 lines 1-3	See also sec. 6 of bill. See sec. 35 of this bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	<i>lines 3-5</i>	<p><i>See bill 110.</i></p> <p>Following are new, inserted for clarity:</p> <ol style="list-style-type: none"> <li>1. "Within twenty days after the organization of the new boards".</li> <li>2. "Jointly with the several boards of directors whose districts have been affected by the organization of the new corporation or corporations and all of said boards acting jointly".</li> <li>3. "And if necessary to equalize such division and distribution, the new board or boards may provide for the levy of additional taxes upon the property of any corporation or part of corporation and for the distribution of the same so as to effectuate such equalization."</li> </ol> <p>Sec. 5 is made applicable to consolidated districts.</p> <p>Bill omits "all property belonging to the districts affected by such consolidation shall become the property of the consolidated district" (lines 5-8 of C. C. 2533) to eliminate a conflict of the law.</p>
6	C.C. 2516, lines 9-15 2533, lines 5-11	<p>"Where the matter shall be tried in equity and a decree entered determining the entire matter, including the levy, collection, and distribution of any necessary taxes" is new, inserted for clarity.</p>
7	New	
8	C.C. 2517, lines 1-12 <i>lines 12-21</i> <i>lines 21-24</i> 2531, entire 2532, lines 1-9 <i>lines 9-19</i> <i>lines 20-28</i> <i>lines 28-35</i> <i>lines 36-38</i>	<p><i>See sec. 9 of this bill.</i></p> <p><i>See sec. 10 of this bill.</i></p> <p><i>Omitted as superfluous.</i></p> <p><i>See sec. 11 of this bill.</i></p> <p><i>See sec. 12 of this bill.</i></p> <p><i>See sec. 13 of this bill.</i></p> <p>Modified by omitting the requirement for one hundred signers to the petition, in line 3 of C. C. 2532, making the requirement ten signers, to correspond with C. C. 2517.</p>
9	C.C. 2517, lines 12-21	<p>"When such territory is included in an independent district, adequate school facilities shall be provided for the increased attendance," is new.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	C.C. 2517, lines 21-24	
11	C.C. 2532, lines 20-28	
12	C.C. 2532, lines 28-35	
13	C.C. 2532, lines 36-38	
14	C.C. 2534, entire	
15	S.C.C. 2524-a1, entire	“Independent districts” added for clarity. Dissolution of consolidated school corporations covered by section 47 of bill.
16	S.C.C. 2524-a2, entire	
17	S.C.C. 2524-a3, entire	
18	S.C.C. 2524-a4, entire	
19	S.C.C. 2524-a5, entire	“And shall send by registered letter a copy thereof to each person residing upon or owning land included in the district other than land included in the petition” is new, added in order that all parties may receive sufficient notice of the proposed changes.
20	S.C.C. 2524-a6, entire	Bill omits “described in the petition” and substitutes “included in or excluded from the district by any change in the boundary lines from those proposed in the petition” (lines 3-4), in order to give complete notice to all parties affected.
21	S.C.C. 2524-a7, entire	“If such boundaries are neither those petitioned for nor those fixed by the county superintendent, the hearing shall be adjourned, and notice of such adjourned hearing shall be given as for the hearing before the county superintendent, and upon the final hearing the board of education shall fix the boundaries,” is new, inserted in order to give complete notice of all proposed changes to the parties affected.
22	S.C.C. 2524-a8, entire	Modified by providing for adjourned hearing as in sec. 21 of this bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
23	S.C.C. 2524-a9, entire 2524-a37, entire	Bill omits "within the territory described in the petition or within a school corporation a part of which is included in the petition" and substitutes "within the proposed district or within any existing district affected by the proposed change in boundaries", for clarity, and in order to exclude all interested parties from acting as judges.
24	S.C.C. 2524-a10, entire	Bill omits "five nor more than ten" and substitutes "ten nor more than fifteen" (lines 7-8 of S. C. C. 2524-a10).
25	S.C.C. 2524-a11, entire	"Or if no judge appears, any three qualified electors may organize the election board" is new, added to take care of all contingencies.
26	S.C.C. 2524-a12, entire	
27	S.C.C. 2524-a13, entire	
28	S.C.C. 2524-a14, entire	
29	S.C.C. 2524-a15, entire	
30	S.C.C. 2524-a16, entire	"Or dissolve" is new. (line 1)
31	S.C.C. 2524-a17, entire	
32	S.C.C. 2524-a18, entire	Following are new: <ol style="list-style-type: none"> <li>1. "If the district is all in one county".</li> <li>2. "If such district embraces territory in more than one county, the joint board of education shall apportion such expenses equitably among the several counties and certify them accordingly."</li> </ol>
33	S.C.C. 2524-a19, entire	
34	S.C.C. 2524-a20, entire	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
35	C.C. 2533, lines 1-3 S.C.C. 2524-a21, lines 4-6 2524-a22, lines 3-5	
36	New	Added to provide definitely what is to be done in case of appeal or litigation.
37	S.C.C. 2524-a23, entire	
38	S.C.C. 2524-a24, entire	
39	S.C.C. 2524-a25, entire	Bill omits "The board of every independent school district". (line 1 of S. C. C. 2524-a25)  Bill omits "and outside the limits of any city, town, or village" and substitutes "or to provide transportation for any pupils residing within the limits of any city, town or village within which said school is situated."  "And more than a mile from such school" is new.
40	S.C.C. 2524-a26, entire	
41	S.C.C. 2524-a27, entire	
42	S.C.C. 2524-a28, entire	
43	S.C.C. 2524-a29, entire	
44	C.C. 2526, entire 2527, entire S.C.C. 2525, entire	"All central schools in districts with an area of more than sixteen government sections" (lines 1-2) are new, added in order that school townships, as well as consolidated schools, maintaining a central school with the required equipment, may receive state aid.
45	C.C. 2528, entire	"And of each school township maintaining a central school" is new, to correspond with sec. 44 of the bill.  "Or the superintendent of such school" is new.
46	C.C. 2530, entire	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
47 (1)*	S.C.C. 2524-a30, entire	"For at least two years" (line 1) is new, added in order that consolidated districts may not be dissolved within two years after their establishment.
47 (2)*	S.C.C. 2524-a31, entire	
47 (3)*	S.C.C. 2524-a32, entire	
47 (4)*	S.C.C. 2524-a33, entire	
47 (5)*	S.C.C. 2524-a34, entire	
47 (6)*	S.C.C. 2524-a35, entire 2524-a36, entire	
47 (7)*	S.C.C. 2524-a38, entire 2524-a39, entire	Modified to correspond with secs. 24 and 25 of this bill.
47 (8)*	New	
47 (9)*	S.C.C. 2524-a40, entire	Modified to correspond with sec. 32 of this bill.
48	New	But see 39th G. A., chapter 175, sec. 2

\* Indicates subsection.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 101

Prepared by J. H. Trewin

**Subject: EDUCATION—SCHOOL MEETINGS—DIRECTORS, POWERS AND DUTIES****General Explanation**

Bill No. 101 codifies certain sections of chapter 20, title X, of the compiled code of Iowa and of the supplement to said code, and can be better understood if read in connection with the other sections of that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2536, lines 1-3 lines 4-9	Omitted as obsolete.
2	C.C. 2537, lines 1-6 lines 9-19 lines 7-8 lines 20-30	See sec. 3 of bill 85. See sec. 3 of this bill.
3	C.C. 2537, lines 20-30	Bill omits "ten voters of any school township" and substitutes "five voters of any school township".  The following are new: 1. "Or consolidated district". (line 2) 2. "Or of any district in which registration of any of the voters is required". (line 5-6)
4	C.C. 2542, lines 1-21 lines 21-25 lines 25-29 lines 29-31 lines 31-36 lines 36-46 lines 46-49	See sec. 5 of this bill. See sec. 7 of this bill. See sec. 9 of this bill. See sec. 6 of this bill. See sec. 8 of this bill. See sec. 9 of this bill.  Section 4 is brought down to date by slight changes in the wording, but the meaning of the section is left without change.
5	C.C. 2542, lines 21-25	"Who shall serve without pay" is new. (line 4)
6	C.C. 2542, lines 31-36	"And consolidated district" is new. (line 2)

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6		Bill omits "seven days" and substitutes "noon of the seventh day".
7	C.C. 2542, lines 25-29 2544, lines 18-20 <i>lines 1-14</i> <i>lines 14-18</i>	See also sec. 11 of bill. <i>See sec. 14 of this bill.</i> <i>See sec. 15 of this bill.</i>
8	C.C. 2542, lines 36-46	
9	C.C. 2542, lines 29-31 lines 46-49	
10	C.C. 2543, lines 1-9 lines 34-37 <i>lines 9-19</i> <i>lines 19-25</i> <i>lines 25-27</i> <i>lines 27-34</i>	<i>See sec. 11 of this bill.</i> <i>See sec. 12 of this bill.</i> <i>Omitted as obsolete.</i> <i>See sec. 13 of this bill.</i> Bill omits "each school corporation having six thousand or more inhabitants," and substitutes "When the whole or any part of a city wherein registration of voters is required is in one school corporation, the same". The last sentence of sec. 10 is new.
11	C.C. 2543, lines 9-19 2544, lines 18-20	
12	C.C. 2543, lines 19-25	
13	C.C. 2543, lines 27-34	
14	C.C. 2544, lines 1-14	
15	C.C. 2544, lines 14-18	
16	C.C. 2545, lines 1-8 <i>lines 8-10</i>	<i>See sec. 20 of this bill.</i> The following are new: 1. "Or the secretary". (line 1) 2. "To the treasurer". (line 2)
17	C.C. 2548, lines 1-14 <i>lines 14-22</i> <i>lines 22-31</i> <i>lines 31-34</i>	<i>See sec. 18 of this bill.</i> <i>See sec. 19 of this bill.</i> <i>See sec. 18 of this bill.</i> Modified by making the organization of all boards of directors in March, instead of part in March and part in July. The following are new: 1. "Two o'clock p. m.". (line 2)

## C. B. 101 SCHOOL MEETINGS, DIRECTORS, POWERS AND DUTIES

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
17		2. "Or by registered letter". (line 10)
18	C.C. 2548, lines 14-22 lines 31-34	Lines 1-3 of sec. 18 modify C. C. 2548 to conform to sec. 17 of this bill.
19	C.C. 2548, lines 22-31	"Or may provide that the county treasurer shall perform the duties of the treasurer of the school corporation" (lines 4-5) is new.
20	C.C. 2545, lines 8-10 2549, lines 1-2 lines 3-11 2550, lines 1-11 lines 11-20	<i>See sec. 21 of this bill.</i>  <i>See subsec. 10, sec. 11, bill 99.</i> "Except as otherwise provided by law" (line 8) is new. Compare with subsec. 10, sec. 11, bill 99.
21	C.C. 2549, lines 3-11	"And may exclude from school any incorrigible child or any child so abnormal that his attendance at school will be of no substantial benefit to him, or any child whose presence in school may be injurious to the health or morals of other pupils or to the welfare of the school" (lines 6-10) is new.
22	C.C. 2551, lines 1-4 lines 5-6 lines 6-11	<i>Repealed by this bill.</i> <i>See sec. 23 of this bill.</i>
23	C.C. 2551, lines 6-11 2552, entire	"Which may include employment for a term not exceeding the ensuing school year, except as otherwise authorized, and payment by the calendar month" (lines 7-9) is new.  Last sentence of C. C. 2552 omitted as the statute is a part of every contract.
24	C.C. 2553, entire 2560, lines 7-8 lines 1-6	<i>See sec. 28 of this bill.</i> The last sentence is new.
25	New	
26	C.C. 2557, lines 1-4 lines 8-10 lines 4-8	<i>Omitted, left to the discretion of the board of educational examiners.</i>
27	C.C. 2559, entire	
28	C.C. 2560, lines 1-6	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
29	New	
30	<b>C.C. 2639, lines 4-8</b> <i>lines 1-3</i> <i>lines 8-21</i> <i>lines 21-28</i> <i>lines 28-31</i> <i>lines 31-36</i> <i>lines 36-40</i>	<i>See bill 109, sec. 1.</i> <i>See sec. 31 of this bill.</i> <i>See sec. 34 of this bill.</i> <i>See sec. 32 of this bill.</i> <i>See sec. 33 of this bill.</i> <i>See sec. 32 of this bill.</i>
31	<b>C.C. 2639, lines 8-21</b>	
32	<b>C.C. 2639, lines 28-31 lines 36-40</b>	
33	<b>C.C. 2639, lines 31-36</b>	<p>The purpose of this section is to extend the requirements for transportation, and provide a method therefor.</p> <p>Bill omits "one and one-half" and substitutes "two". (line 2)</p> <p>The following are new:</p> <ol style="list-style-type: none"> <li>1. "In all districts". (line 1)</li> <li>2. "As in consolidated districts". (lines 1-2)</li> <li>3. "Nearest school". (line 3)</li> <li>4. "But in exceptional cases the county superintendent may require the transportation of children for a less distance." (lines 5-6)</li> </ol>
34	<b>C.C. 2639, lines 21-28</b>	<p>"And may be maintained during the entire calendar year" (lines 8-9) is new.</p>
35	<b>C.C. 2567, entire</b>	<p>Bill omits "city or village treasurer, when such schools are situated inside the corporate limits of any city or village, and to the county treasurer, when situated outside of the corporate limits of any such city or village" and substitutes "county treasurer". (line 8)</p> <p>"And be by him added to the school fund of the district in which the offense was committed". (lines 8-9) is new.</p>
36	<b>S.C.C. 2578, lines 1-6</b> <i>lines 6-15</i> <i>lines 16-28</i> <i>lines 28-36</i> <i>lines 37-43</i> <i>lines 44-57</i> <i>lines 58-63</i>	<i>See sec. 37 of this bill.</i> <i>See sec. 38 of this bill.</i> <i>See sec. 39 of this bill.</i> <i>See sec. 40 of this bill.</i> <i>See sec. 41 of this bill.</i> <i>See sec. 42 of this bill.</i>

## C. B. 101 SCHOOL MEETINGS, DIRECTORS, POWERS AND DUTIES

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
36	<i>lines 63-71</i>	<i>See sec. 43 of this bill.</i>
37	<b>S.C.C. 2578, lines 6-15</b>	
38	<b>S.C.C. 2578, lines 16-28</b>	
39	<b>S.C.C. 2578, lines 28-36</b>	
40	<b>S.C.C. 2578, lines 37-43</b>	
41	<b>S.C.C. 2578, lines 44-57</b>	
42	<b>S.C.C. 2578, lines 58-63</b>	
43	<b>S.C.C. 2578, lines 63-71</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 102

Prepared by J. H. Trewin

**Subject: EDUCATION—EVENING SCHOOLS****General Explanation**

Bill No. 102 codifies two sections of chapter 21, title X, of the compiled code of Iowa.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 2581, lines 1-5</b> <i>lines 2-8</i>	<i>See sec. 3 of this bill.</i>
2	<b>C.C. 2582, lines 1-8</b> <i>lines 8-9</i>	<i>See sec. 3 of this bill.</i> Bill omits "over sixteen years of age" and substitutes "between the age of sixteen and twenty-one". (lines 1-2)
3	<b>C.C. 2581, lines 2-8</b> <b>2582, lines 8-9</b>	Bill omits "over sixteen years of age" and substitutes "between the age of sixteen and twenty-one years". (line 5)

## BRIEF OF CODE COMMISSIONERS' BILL NO. 103

Prepared by J. H. Trewin

Subject: **EDUCATION—APPEALS****General Explanation**

Bill No. 103 codifies one section of chapter 22, title X, of the compiled code of Iowa.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2591, lines 1-10 lines 10-13	<i>See sec. 2 of this bill.</i>
2	C.C. 2591, lines 10-13	“And may cause the same to be taken down and transcribed by a shorthand reporter, whose fees shall be fixed by the county superintendent and be taxed as a part of the costs in the case” (lines 2-4) is new, inserted in order that an accurate record may be kept.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 104

Prepared by J. H. Trewin

**Subject: EDUCATION—SPECIAL MEETINGS—REPORT COUNTY SUPERINTENDENT****General Explanation**

Bill No. 104 codifies four sections of chapter 23, title X, of the compiled code of Iowa, and can be better understood if read in connection with the other sections of that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2597, entire 2598, entire 2599, entire	Sec. 1 includes all of the provisions of C. C. 2597, 2598, and 2599, without modification.
2	C.C. 2601, lines 1-16 lines 17-18	<i>Omitted as unnecessary.</i> Bill omits "five" and substitutes "ten". (line 2) Bill omits "between the ages of five and twenty-one years" and substitutes "without regard to age" (line 13), to make this section conform to C. C. 2503. Bill omits "twenty-one" and substitutes "thirty-five" (line 15) to make this section conform to C. C. 2443.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 105

Prepared by J. H. Trewin

## Subject: EDUCATION—SCHOOL LIBRARIES

## General Explanation

Bill No. 105 codifies three sections of chapter 24, title X, of the compiled code of Iowa.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2606, lines 1-7 lines 7-8	<i>Omitted as superfluous.</i> Bill omits "five" and "fifteen" and substitutes "ten" and "twenty-five", respectively. (line 4) On account of the increase in the price of books, the old amount is insufficient.
2	C.C. 2607, lines 1-5 lines 7-9 lines 5-6 lines 9-10	} <i>Omitted as superfluous.</i>
3	New	
4	C.C. 2608, lines 1-5 lines 5-7	<i>Omitted as undesirable.</i> "Of each school corporation" is new. (line 4)

## BRIEF OF CODE COMMISSIONERS' BILL NO. 106

Prepared by J. H. Trewin

Subject: **EDUCATION—STANDARD SCHOOLS****General Explanation**

Bill No. 106 codifies three sections of chapter 25 of title X, of the compiled code of Iowa, and can be better understood if it is read in connection with the other sections of that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2611, entire	"Not maintaining a high school" (line 2) is new.
2	C.C. 2612, entire	
3	C.C. 2615, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 107

Prepared by J. H. Trewin

Subject: **EDUCATION—TEACHERS****General Explanation**

Bill No. 107 codifies three sections of chapter 26 of title X, of the compiled code of Iowa.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2619, entire	
2	C.C. 2621, entire	
3	C.C. 2625, entire	Bill omits "having a population of seventy-five thousand or more."

## BRIEF OF CODE COMMISSIONERS' BILL NO. 108

Prepared by J. H. Trewin

**Subject: EDUCATION—INDEBTEDNESS OF SCHOOL DISTRICTS****General Explanation**

Bill No. 108 codifies four sections of chapter 28, title X, of the compiled code of Iowa, and can be better understood if read in connection with the other sections of that chapter.

C. C. 2638 is repealed as obsolete.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2635, entire	“The amount of bonds proposed to be issued” (line 6) is new.
2	C.C. 2636, lines 1-4 <i>lines 4-12</i>	<i>See sec. 3 of this bill.</i>
3	C.C. 2636, lines 4-12	Bill omits “in the next nearest town or city in the county” and substitutes “in the county and of general circulation in the district.” (lines 3-4)  “The notice shall state the date of the election, the hours of opening and closing the polls and the exact location thereof, and the questions to be submitted.” (lines 4-6) is new.  Bill omits the form of ballot and substitutes “At such election the ballot shall be prepared and used in substantially the form for submitting special questions at general elections.” (lines 6-8)
4	New	
5	C.C. 2637, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 109

Prepared by J. H. Trewin

## Subject: EDUCATION—SCHOOL BUILDINGS AND SITES

## General Explanation

Bill No. 109 codifies part of chapter 29, title X, of the compiled code of Iowa and of the supplement to said code.

C. C. 2641 is repealed as obsolete.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2639, lines 1-3 <i>lines 3-40</i> S.C.C. 2640, lines 12-16 <i>lines 1-4</i> <i>lines 4-9</i> <i>lines 9-12</i> <i>lines 17-27</i>	<i>Codified in bill 101, secs. 30-34.</i>  <i>See sec. 2 of this bill.</i> <i>See sec. 3 of this bill.</i> <i>See sec. 4 of this bill.</i> <i>See sec. 5 of this bill.</i>
2	S.C.C. 2640, lines 1-4	
3	S.C.C. 2640, lines 4-9	
4	S.C.C. 2640, lines 9-12	
5	S.C.C. 2640, lines 17-27	Bill omits "of the first and second class, city under the manager plan" as superfluous.  Bill omits last sentence of C. C. 2640 as unnecessary.
6	C.C. 2642, lines 1-10 <i>lines 11-12</i> <i>lines 12-21</i> <i>lines 21-26</i> <i>lines 26-29</i> <i>lines 29-33</i> <i>lines 33-39</i> <i>lines 39-42</i>	<i>Omitted as unnecessary.</i> <i>See sec. 7 of this bill.</i> <i>See sec. 8 of this bill.</i> <i>See sec. 10 of this bill.</i> <i>See sec. 9 of this bill.</i> <i>See sec. 10 of this bill.</i> <i>See sec. 9 of this bill.</i>
7	C.C. 2642, lines 12-21	
8	C.C. 2642, lines 21-26	
9	C.C. 2642, lines 29-33 lines 39-42	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	C.C. 2642, lines 26-29 lines 33-39	
11	C.C. 2643, entire	Bill omits "county" and substitutes "state". (line 2)
12	C.C. 2647, entire 2648, entire	
13	C.C. 2646, entire	
14	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 110

Prepared by J. H. Trewin

## Subject: EDUCATION—SCHOOL FUNDS AND BONDS

## General Explanation

Bill No. 110 codifies part of chapter 30, title X, of the compiled code of Iowa and of the supplement to said code.

C. C. 2658 is repealed as superfluous.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>S.C.C. 2524-a21,</b> lines 7-10 <i>lines 1-7</i> <i>lines 11-12</i> <b>2524-a22,</b> lines 5-12 <i>lines 1-5</i> <i>lines 13-16</i> <b>2650, lines 1-8</b> <b>lines 14-15</b> <i>lines 8-10</i> <i>lines 10-13</i> <i>lines 16-17</i> <i>lines 18-22</i> <i>lines 23-37</i>	<i>See substitute for bill 100, secs. 4 and 35.</i> <i>See sec. 7 of this bill.</i>  <i>See substitute for bill 100, secs. 4 and 35.</i> <i>See sec. 7 of this bill.</i>  <i>See sec. 2 of this bill.</i> <i>See sec. 3 of this bill.</i> <i>See sec. 4 of this bill.</i> <i>See sec. 5 of this bill.</i> <i>See sec. 6 of this bill.</i>
2	<b>S.C.C. 2650, lines 8-10</b>	
3	<b>S.C.C. 2650, lines 10-13</b>	
4	<b>S.C.C. 2650, lines 16-17</b>	
5	<b>S.C.C. 2650, lines 18-22</b>	
6	<b>S.C.C. 2650, lines 23-37</b>	
7	<b>S.C.C. 2524-a21,</b> lines 11-12 <b>2524-a22,</b> lines 13-16	
8	<b>C.C. 2653, lines 4-8</b> <i>lines 1-4</i> <i>lines 8-9</i>	<i>Codified in sec. 10 of bill 99.</i> <i>Dropped as superfluous.</i>
9	<b>C.C. 2660, entire</b>	Bill omits "a schoolhouse" and substitutes "schools, sites, and buildings".

## BRIEF OF CODE COMMISSIONERS' BILL NO. 111

Prepared by J. H. Trewin

**Subject: EDUCATION—COMPULSORY****General Explanation**

Bill No. 111 codifies all of chapter 31, title X, of the compiled code of Iowa. The purpose of the bill is to raise the standard of common-school education, to make the requirements for compulsory education more stringent, and the penalties for violations of the law more severe. In order that all children may have the same advantages, private schools are by this bill required to conform to all of the provisions of the compulsory education law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 2663, lines 1-14</b> <i>lines 14-20</i> <i>lines 20-21</i> <i>lines 21-24</i>	<p><i>See sec. 3 of this bill.</i>  <i>See sec. 2 of this bill.</i>  <i>See sec. 7 of this bill.</i></p> <p>Bill omits "of the age of seven to sixteen years, inclusive," and substitutes "over seven and under sixteen years of age". (lines 1-2)</p> <p>The following are new:</p> <ol style="list-style-type: none"> <li>1. "Whose course of study is approved by the superintendent of public instruction and whose teachers hold certificates from the board of educational examiners". (lines 3-6)</li> <li>2. "Patriotism, and the principles of American government". (lines 13-14)</li> <li>3. "As determined by the superintendent of public instruction". (lines 15-16)</li> </ol> <p>Bill omits "twenty-four" and substitutes "thirty-two". (line 6)</p> <p>Bill omits "December" and substitutes "November". (lines 10)</p> <p>Bill omits "in any city of the first or second class". (C.C. 2663, line 12)</p> <p>Bill omits "competent teacher" and sub-</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1		stitutes "teacher holding such certificate". (lines 16-17)
2	<b>C.C. 2663, lines 20-21</b>	Under the present law, children may be excused "while attending religious exercises or receiving religious instruction".
3	<b>C.C. 2663, lines 14-20</b>	The provision in the present law for excusing children who live two miles from school is omitted, as provision for transporting all such children has been made in sec. 33 of bill 101.
4	<b>C.C. 2664, lines 1-9</b> <i>lines 9-15</i> <i>lines 15-18</i> <i>lines 19-20</i>	<i>See sec. 5 of this bill.</i> <i>See sec. 6 of this bill.</i> <i>See sec. 8 of this bill.</i> The following are new: 1. "In duplicate". (line 5) 2. "Over seven and under sixteen years of age, the course of study pursued by each such child, the texts used, and the names of the teachers". (lines 6-9) 3. "The secretary shall retain one of the reports and file the other in the office of the county superintendent". (lines 10-12)
5	<b>C.C. 2664, lines 9-15</b>	Bill omits "between seven and fourteen years of age, inclusive" and substitutes "over seven and under sixteen years of age" to make sec. 5 conform to sec. 1. "The details of such instruction, and the name of the instructor". (line 7) is new.
6	<b>C.C. 2664, lines 15-18</b>	"Over seven and under sixteen years of age" (lines 1-2) is new.
7	<b>C.C. 2663, lines 21-24</b>	The present law makes the penalty applicable only to C.C. 2663. Bill omits "three" and substitutes "five". (line 2)
8	<b>C.C. 2664, lines 19-20</b> <b>2665, entire</b>	
9	<b>C.C. 2667, lines 9-15</b> <i>lines 1-5</i> <i>lines 5-22</i> <i>lines 22-27</i> <i>lines 28-35</i>	See also sec. 12 of bill. <i>See sec. 11 of bill.</i> <i>See sec. 12 of bill.</i> <i>See sec. 14 of bill.</i> <i>See sec. 11 of bill.</i> Bill omits "of the age of seven to four-



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9		teen years, inclusive” and substitutes “over seven and under sixteen years of age” to make this section correspond to section 1.
10	C.C. 2666, lines 1-7 lines 7-17 2670, entire	<i>See sec. 14 of this bill.</i>
11	C.C. 2667, lines 1-5 lines 28-35	Bill omits “may and in school corporations having a population of 20,000 or more shall” and substitutes “shall”. (line 1) “Who may be the school nurse” is new. (line 2) Bill omits “in towns and cities of the second class” and substitutes “of a city under twenty thousand or a town”. (lines 6-7) Bill omits “who shall serve for one year”.
12	C.C. 2667, lines 5-22 2668, lines 1-5 lines 5-10	<i>See sec. 13 of this bill.</i> Bill omits “whose duty it shall be to report violations of said act to the secretary of the school corporation”. Bill omits “which said child is entitled to attend” and substitutes “designated by the board of directors of the school corporation in which said child resides”. (lines 3-4)
13	C.C. 2668, lines 5-10	Bill omits “within thirty days”. Bill omits “district” and substitutes “county”. (line 3) Bill omits “less than ten dollars or more than twenty dollars” and substitutes “exceeding twenty-five dollars and be removed from such office.” (line 4) The last sentence is new.
14	C.C. 2666, lines 7-17 2667, lines 22-27	Bill omits “with the consent of the parent or guardian”.
15	C.C. 2669, lines 8-10 lines 1-8	<i>See sec. 16 of this bill.</i> Bill omits “upon sufficient assurance of the future good conduct of such child” and substitutes “under such rules as it may prescribe”.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
16	C.C. 2669, lines 1-8	
17	C.C. 2671, entire	Bill omits "of the ages of seven to sixteen years, inclusive" and substitutes "over seven and under sixteen years of age".
18	C.C. 2672, entire 2673, lines 1-3 <i>lines 3-5</i> 2674, entire	<i>Omitted as unnecessary.</i>
19	C.C. 2675, entire 2680, lines 1-3  <i>lines 3-6</i>	See also secs. 20, 21, and 23 of bill. C. C. 2680 makes C. B. 2675 applicable to blind. <i>See sec. 22 of this bill.</i>
20	C.C. 2676, entire 2680, lines 1-3	C. C. 2680 makes C. C. 2676 applicable to blind. See also secs. 19, 21, and 23 of bill.
21	C.C. 2677, entire 2680, lines 1-3	See also secs. 19, 20, and 23 of bill. C. C. 2680 makes C. C. 2677 applicable to blind. Bill omits "with the approval of the state board of education in the individual case".
22	C.C. 2678, entire 2680, lines 3-6	See also sec. 23 of bill. C. C. 2680 makes C. C. 2678 applicable to blind.
23	C.C. 2679, entire 2680, entire	See also secs. 19, 20, 21, and 22 of bill. C. C. 2680 makes C. C. 2679 applicable to blind.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 112

Prepared by J. H. Trewin

**Subject: EDUCATION—TEXTBOOKS****General Explanation**

Bill No. 112 codifies one section of chapter 33, title X, of the compiled code of Iowa.

The purpose of this bill is to give school boards power to change textbooks, when a change is found to be desirable, thereby providing a remedy for undesirable textbook conditions which have existed in the past.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	
2	C.C. 2699, entire	<p>Bill omits "by sec. 2697" and substitutes "by law". (line 2)</p> <p>Bill omits "unless authorized to do so by a majority of the electors present and voting at the regular annual meeting in March, due notice of such proposition to change or displace said textbooks having been included in the notice for the said regular meeting," and substitutes "except on good cause shown and on the recommendation of the superintendent of the school in question or of the county superintendent if the books be used in a rural school, and on a three-fourths vote of all the members of such board."</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 113

Prepared by J. H. Trewin

**Subject: EDUCATION—FUNDS****General Explanation**

Bill No. 113 codifies two sections of chapter 34, title X, of the compiled code of Iowa, and can be better understood if read in connection with that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2716, lines 1-6 lines 10-14 <i>lines 6-10</i>	<i>Omitted as obsolete.</i>
2	C.C. 2725, lines 1-12 <i>lines 12-20</i> <i>lines 20-28</i> <i>lines 28-35</i> <i>lines 35-42</i> <i>lines 42-46</i> <i>lines 47-52</i>	<i>See sec. 3 of this bill.</i> <i>See sec. 4 of this bill.</i> <i>See sec. 5 of this bill.</i> <i>See sec. 6 of this bill.</i> <i>See sec. 7 of this bill.</i> <i>See sec. 8 of this bill.</i>
3	C.C. 2725, lines 12-20	
4	C.C. 2725, lines 20-28	
5	C.C. 2725, lines 28-35	
6	C.C. 2725, lines 35-42	
7	C.C. 2725, lines 42-46	
8	C.C. 2725, lines 47-52	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 114

Prepared by J. H. Trewin

**Subject: EDUCATION—STATE LIBRARY—HISTORICAL  
DEPARTMENT****General Explanation**

Bill No. 114 codifies all of chapter 35, title X, of the compiled code of Iowa and of the supplement to said code, except the sections dealing with associate libraries, and with appropriations.

In this bill, C. C. 2759 is repealed as obsolete, and C. C. 2767 is repealed because its provisions are contained in the general salary law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	
2	New	
3	<b>C.C. 2728, lines 1-4</b> line 5 lines 6-11 lines 12-13 <b>2729, lines 11-15</b> lines 1-11 <b>2746, lines 2-3</b> lines 1-2 lines 4-7 lines 8-9 lines 9-13	<i>See sec. 6 of this bill.</i> <i>See sec. 4 of this bill.</i> <i>See sec. 6 of this bill.</i>  <i>Omitted as obsolete.</i>  <i>See subsec. 1 of sec. 7 of this bill.</i> <i>Omitted as obsolete.</i> <i>See sec. 8 of this bill.</i> <i>See subsec. 1 of sec. 7 of this bill.</i>
4	<b>C.C. 2728, lines 6-11</b>  <b>2764, lines 6-7</b> lines 1-4 line 4 line 5	The last sentence is new, added on the suggestion of the board. Under the present law, the curator is secretary of the board.  <i>See sec. 23 of bill, subsec. 2.</i> <i>See sec. 23 of bill, subsec. 3.</i> <i>See sec. 23 of bill, subsec. 4.</i>
5	<b>C.C. 2763, entire</b>	“Except the law and legislative reference sections” is new.
6	<b>C.C. 2728, line 5</b> lines 12-13 <b>2731, line 1</b> lines 2-3	<i>Omitted as unnecessary.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	<i>lines 3-8</i> <b>2732, lines 9-10</b> <i>lines 1-3</i> <i>lines 3-5</i> <i>lines 5-9</i> <i>lines 10-12</i> <i>lines 12-13</i> <b>2750, lines 1-2</b> <i>lines 2-12</i> <i>lines 13-15</i> <i>lines 16-20</i>	<i>See sec. 6 of bill 32.</i>  <i>See subsec. 1 of sec. 7 of this bill.</i> <i>See subsec. 1 of sec. 15 of this bill.</i> <i>Omitted as obsolete.</i> <i>See subsec. 5 of sec. 7 of this bill.</i> <i>See subsec. 8 of sec. 15 of this bill.</i>  <i>See subsec. 2 of sec. 15 of this bill.</i> <i>See subsec. 6 of sec. 15 of this bill.</i> <i>Omitted of superfluous.</i> "A law librarian" is new. (line 1) "And fill all vacancies by a majority vote of the board." (lines 3-4) is new. Bill omits "for immorality, incompetency, or inattention to duty" as superfluous. Term of office under C. C. 2731 was 2 years; C. C. 2732 made it 6 years.
7 (1)*	<b>C.C. 2746, lines 1-2</b> <b>lines 9-13</b> <b>2732, lines 1-3</b>	"Under proper rules" (line 4) is new.
7 (2)*	<b>C.C. 2733, lines 1-3</b> <i>lines 4-5</i>	<i>See subsec. 8 of this section.</i>
7 (3)*	<b>C.C. 2734, entire</b>	
7 (4)*	<b>S.C.C. 2748, entire</b>	
7 (5)*	<b>C.C. 2732, lines 10-12</b>	
7 (6)*	<b>C.C. 2735, entire</b>	
7 (7)*	<b>C.C. 2738, lines 1-5</b> <i>lines 6-7</i>	<i>Omitted because covered by subsec. 5 of this section.</i>
7 (8)*	<b>C.C. 2733, lines 4-5</b>	
8	<b>C.C. 2746, lines 8-9</b> <b>2749, entire</b>	
9	<b>New</b>	
10	<b>New</b>	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11	C.C. 2730, lines 1-6 lines 6-9	<i>Omitted, leaving the rules for taking out books to the discretion of the board.</i> The following are new: 1. "District, superior, and municipal". (line 2) 2. "To be used in connection with their official business at the seat of government". (lines 6-7)
12	New	Introduced on the recommendation of the board.
13	C.C. 2737, entire	
14	C.C. 2736, entire	
15 (1)*	C.C. 2753, lines 3-7 lines 1-3 2732, lines 3-5	<i>Omitted as obsolete.</i> "Under the direction of the board be custodian of the historical building and collections therein," is new. Bill omits "Sundays and legal holidays excepted", leaving that matter to the discretion of the board.
15 (2)*	C.C. 2750, lines 2-12	
15 (3)*	C.C. 2751, entire	
15 (4)*	C.C. 2752, lines 1-3 lines 3-5	<i>Omitted as superfluous.</i>
15 (5)*	New	Introduced on the recommendation of the curator.
15 (6)*	C.C. 2750, lines 13-15	
15 (7)*	New	Introduced on the recommendation of the curator, in order that the monuments and memorials, and works of art, at the seat of government might be under the control of some responsible person.
15 (8)*	C.C. 2732, lines 12-13	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
15 (9)*	New	
15 (10)*†	New	
16	C.C. 2761, entire	“But any gift imposing unusual monetary obligations on the department shall be approved by the board before acceptance” is new. (lines 7-9)
17	C.C. 2762, entire	
18	C.C. 2756, entire	“And of such county and municipal archives as are voluntarily deposited” is new. (line 2)
19	C.C. 2757, entire 2758, lines 1-3 lines 3-6	Omitted, because covered by subsec. 2 of sec. 15 of this bill.
20	C.C. 2760, lines 5-10 lines 1-5 lines 11-15	} See sec. 21 of this bill.
21	C.C. 2760, lines 1-5 lines 11-15	
22	C.C. 2768, lines 6-8 lines 1-6	See sec. 6, subssecs. 22 and 24, of bill 32.
23 (1)*	C.C. 2747, entire  2739, entire	Enlarged by the use of the words “and for other uses deemed necessary to the upbuilding of the medical section”. Omitted because repealed by 28 G. A., ch. 114, sec. 5
23 (2)*	C.C. 2764, lines 1-4	
23 (3)*	C.C. 2764, line 4	
23 (4)*	C.C. 2764, line 5	

\* Indicates subsection.

† As renumbered



## BRIEF OF CODE COMMISSIONERS' BILL NO. 115

Prepared by J. H. Trewin

## Subject: STATE HISTORICAL SOCIETY

## General Explanation

Bill No. 115 codified all of chapter 37 of title X, of the compiled code of Iowa and of the supplement to said code.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2782, lines 1-3 lines 4-11 line 4	<i>See sec. 3 of this bill.</i>
2	C.C. 2783, entire 2786, lines 2-4 line 1 lines 4-7	<i>Omitted as unnecessary.</i> <i>See sec. 4 of this bill.</i> "And provide for the meetings of the board and of the society; appoint all members of the administrative, research, editorial, and library staff of the society" is new.
3	C.C. 2782, line 4 2784, entire 2785, entire	"Vice president" is new. (lines 1-2, 5) Bill omits "corresponding secretary, recording secretary, and librarian" as unnecessary. Bill omits "unless sooner removed by a majority vote of the board" as unnecessary.
4	C.C. 2786, lines 4-7	"At the time provided by law" substituted for specific date to harmonize with C. B. 255.
5	C.C. 2787, entire	Bill omits "twenty" and substitutes "five". Bill omits "for the purpose of effecting exchanges with similar societies in other states and countries, or other purposes of the society."
6	C.C. 2776, entire 2777, entire	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	2778, entire 2779, entire 2780, entire 2781, entire S.C.C. 2781-a1, entire 2781-a2, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 116

Prepared by J. H. Trewin

## Subject: IOWA GEOLOGICAL SURVEY

## General Explanation

Bill No. 116 codified all of chapter 38, title X, of the compiled code of Iowa.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2788, entire	
2	C.C. 2789, lines 1-2 line 3	See sec. 6 of this bill. "And fix the salaries of" is new. (line 1) "And other employees" is new. (line 2)
3	C.C. 2790, lines 1-11 lines 11-19	See sec. 4 of this bill.
4	C.C. 2790, lines 11-19	"The animal and plant life of the state, the streams and water powers" is new. (lines 3-4)
5	New	
6	C.C. 2789, line 3 2791, lines 1-7 lines 11-14 lines 7-11	"At the time provided by law" substituted for specific date to harmonize with C. B. 255. See sec. 7 of this bill.
7	C.C. 2791, lines 7-11	
8	C.C. 2792, lines 1-4 lines 4-10	See sec. 9 of this bill.
9	C.C. 2792, lines 4-10	Bill omits "after retaining a sufficient number to supply probable future demands" and substitutes "When the number of copies of any report or bulletin shall be reduced to three hundred more than the reserve list fixed by the executive council". (lines 3-5)
10	C.C. 2793, entire	Provision for office expenses codified in bill 14, sec. 16.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10		Provision for payment of expenses of survey codified in bill 15.  The following are new : 1. "The members of the board shall serve without compensation". (line 1) 2. "And its assistants". (line 2) 3. "And his assistants". (line 4)

## BRIEF OF CODE COMMISSIONERS' BILL NO. 117

Prepared by U. G. Whitney

## Subject: ESTABLISHMENT OF HIGHWAYS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2799, lines 1-4 lines 4-7	See sec. 2 of bill.
2	C.C. 2799, lines 4-7 2831, entire	1. "Building" changed to "substantial, permanent and valuable building". 2. "Unless it is necessary to so do in order to avoid dangerous crossings and corners" is new.
3	C.C. 2816, lines 1-2 lines 2-5	See sec. 4 of bill.
4	C.C. 2816, lines 2-5  2826, lines 3-5 lines 1-3 lines 5-6	Modified so as to harmonize with the present county, primary, and township road systems.  See sec. 5 of bill. See sec. 6 of bill.
5	C.C. 2826, lines 1-3 2828, lines 1-11 lines 11-14 lines 14-17 lines 18-19	"Ten freeholders" omitted.  See sec. 7 of bill. See sec. 8 of bill. See sec. 6 of bill.
6	C.C. 2826, lines 5-6 2828, lines 18-19 2830, lines 34-35 lines 22-23 lines 44-46 lines 1-2 lines 3-5 lines 5-7 lines 7-13 lines 13-16 lines 16-22 lines 23-31  lines 31-34 lines 35-38 lines 38-39 lines 39-44	Last sentence is new.    See sec. 11 of bill. See sec. 10 of bill. See sec. 9 of bill. See sec. 12 of bill. See sec. 13 of bill. See sec. 14 of bill. Omitted. Very difficult to determine what these omitted lines mean. See sec. 18 of bill. See sec. 15 of bill. See sec. 18 of bill. See sec. 16 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	<i>lines 46-49</i>	<i>Omitted. Covered by sec. 4 of bill.</i>
7	<b>C.C. 2828, lines 11-14</b>	
8	<b>C.C. 2827, lines 1-5</b> <i>lines 5-8</i> <b>2828, lines 14-17</b> <b>2829, lines 1-6</b> <i>lines 6-11</i> <i>lines 11-24</i>	<i>See sec. 15 of bill.</i>  <i>See sec. 9 of bill.</i> <i>See sec. 11 of bill.</i>
9	<b>C.C. 2829, lines 6-11</b> <b>2830, lines 5-7</b>	
10	<b>C.C. 2830, lines 3-5</b> <b>2833, entire</b>	Form of notice is fully covered by C. C. 2807.
11	<b>C.C. 2829, lines 11-24</b> <b>2830, lines 1-2</b>	
12	<b>C.C. 2830, lines 7-13</b>	
13	<b>C.C. 2830, lines 13-16</b>	Change in plans to avoid objections is new.
14	<b>C.C. 2830, lines 16-22</b>	
15	<b>C.C. 2827, lines 5-8</b> <b>2830, lines 35-38</b>	
16	<b>C.C. 2830, lines 39-44</b>	
17	<b>New</b>	
18	<b>C.C. 2830, lines 31-34</b> <b>lines 38-39</b>  <i>2832, entire</i> <i>2834, lines 1-3</i> <i>lines 3-7</i>	1. Tender as a condition to taking possession is new. 2. Liability of county is new. } <i>Omitted. Unnecessary.</i> <i>Omitted because covered by C. C. 2807.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 118

Prepared by U. G. Whitney

## Subject: DRAINAGE OF HIGHWAYS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<p><b>C.C. 2842, entire</b>  <b>2844, entire</b>  <b>2845, entire</b>  <b>2846, entire</b>  <b>2847, lines 1-10</b>  <b>lines 15-18</b>  <b>lines 22-24</b></p> <p><i>lines 10-15</i>  <i>lines 18-22</i></p> <p><b>2848, lines 1-10</b>  <b>lines 14-18</b>  <i>lines 11-13</i>  <i>lines 10-14</i></p> <p><b>2849, entire</b>  <b>2851, entire</b>  <b>2855, entire</b>  <b>2856, entire</b></p>	<p>Chapter 2 of title XI provides for the drainage of highways. It is in large part a repetition of provisions now existing in the general drainage laws of the state. This bill (C. B. 118) is prepared on the basis of making the general drainage laws applicable to the drainage of highways except insofar as the nature of the work renders such laws inapplicable. In other words this bill covers the subject of highway drainage only insofar as the general drainage laws are inapplicable.</p> <p><i>See sec. 5 of bill.</i>  <i>See sec. 8 of bill.</i></p> <p><i>See sec. 8 of bill.</i>  <i>See sec. 5 of bill.</i></p>
2	<b>C.C. 2854, entire</b>	
3	<b>C.C. 2843, entire</b>	
4	<b>New</b>	We had no "primary" road system when the drainage of highway law was enacted.
5	<b>C.C. 2847, lines 10-15</b> <b>2848, lines 10-14</b>	Modified so as to take account of "primary" roads.
6	<b>C.C. 2850, entire</b>	
7	<b>New</b>	
8	<b>C.C. 2847, lines 18-22</b> <b>2848, lines 11-13</b>	Modified so as to take account of "primary" roads.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	New	
10	C.C. 2853, entire	
11	C.C. 2857, lines 1-30  <i>lines 31-43</i>	Sections 11 and 13 of the bill constitute a marked modification of the very elaborate procedure provided in C. C. 2857. See sec. 13 of bill.
12	C.C. 2852, entire	
13	C.C. 2857, lines 31-43	See note to sec. 11 of bill.
14	New	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 119

Prepared by U. G. Whitney

## Subject: STATE HIGHWAY COMMISSION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2858, lines 1-7 lines 8-11 lines 11-12 lines 13-16 lines 16-18	See also sec. 3 of bill. See C.B. 32, sec. 6, subsec. 27. See C.B. 34, sec. 24. See sec. 4 of bill. See sec. 7 of bill.
2	New	Temporary.
3	C.C. 2858, lines 1-7	Confirmation by senate is new.
4	C.C. 2858, lines 13-16	Modified so as to conform to the confirmation, by the senate, of appointments.
5	C.C. 2859, lines 1-5 lines 7-8 lines 6-7	See sec. 6 of bill.
6	C.C. 2859, lines 6-7 2860, lines 1-21 lines 23-35 lines 21-22	"At the time provided by law" substituted for specific date to harmonize with C.B. 255. See sec. 7 of bill.
7	C.C. 2858, lines 16-18 2860, lines 21-22	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 120

Prepared by U. G. Whitney

## Subject: STATE ROAD DISTRICTS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2861, lines 1-4 <i>lines 4-6</i> <i>lines 6-24</i> <i>lines 24-32</i>	<i>See sec. 2 of bill.</i> <i>Omitted. Obsolete because impracticable.</i> <i>See sec. 3 of bill.</i>
2	C.C. 2861, lines 4-6	Section is very largely new.
3	C.C. 2861, lines 24-32	Last sentence is new.
4	C.C. 2862, entire S.C.C. 2864-a1, entire	Modified by requiring the amount to be determined by the executive council.
5	S.C.C. 2864-a2, entire	Modified by requiring a certificate of the state highway engineer as to compliance with contract. All bills are now audited by the state board of audit.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 121

Prepared by U. G. Whitney

**Subject: COUNTY ROAD, BRIDGE AND CULVERT SYSTEM, AND  
TAXATION THEREFOR**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1)*	C.C. 2865, lines 1-9	<p>Under the present law we have four different road funds:</p> <p>1. A county road fund. See C.C. 2865.</p> <p>This is a levy of "not more than one mill," on all the property in the county, but the county must pay back to the cities and towns one-half of the fund collected therein.</p> <p>The county may turn over to a city or town the entire fund collected therein.</p> <p>The city or town may pass their one-half back to the county—a kind of "shuttle" process.</p> <p>Note that the county, if it levies one mill has an unqualified right to only half the fund raised in cities and towns.</p> <p>2. A county road drainage fund. See C. C. 2865.</p> <p>This is a levy of "not more than one mill," on all the property in the county, except in cities of the first class and in special charter cities.</p> <p>3. A county road building fund. See C.C. 2870.</p> <p>This is a levy of "not less than one nor more than two mills" on all the property in the county. The county is entitled to all this fund.</p> <p>4. A county road cash fund. See C.C. 2877, lines 43-54.</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
<p><b>1</b> <b>(1)*</b></p>		<p>This fund is simply a combination of the three above funds.</p> <p>The logic of the controversy between the cities and towns, and county, over who should have and spend road funds raised in the cities and towns, is to keep the county road levies separate from the city and town road levies—in other words allow the county to levy and collect on cities and towns just what it is entitled to keep after it is levied and collected.</p> <p>The county drainage levy appears without change in sec. 1, subsec. 2, of the bill.</p> <p>All other county road levies have been condensed in sec. 1, subsec. 1 of the bill under the name of "county road fund".</p> <p>The levy in this bill on city and town property is made up as follows:</p> <p>(1) Minimum levy:  <math>\frac{1}{2}</math> mill under C.C. 2865  1 mill under C.C. 2870  <hr/> Total <math>1\frac{1}{2}</math> mills</p> <p>(2) Maximum:  <math>\frac{1}{2}</math> mill under C.C. 2865  2 mills under C.C. 2870  <hr/> Total <math>2\frac{1}{2}</math> mills</p> <p>The levy in this bill on property outside cities and towns is made up as follows:</p> <p>(1) Minimum:  1 mill under C.C. 2865  1 mill under C.C. 2870  <hr/> Total 2 mills</p> <p>(2) Maximum:  1 mill under C.C. 2865  2 mills under C.C. 2870  <hr/> Total 3 mills</p> <p><i>Omitted. Obsolete. Trustees may already levy up to thirteen mills. See C.B. 123, sec. 15.</i></p>

lines 9-13

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
<p><b>1</b> <b>(1)*</b></p>	<p><i>lines 13-22</i> <i>lines 22-27</i> <i>lines 27-30</i></p> <p><i>lines 30-31</i></p> <p><i>lines 31-34</i></p> <p>2866, entire 2867, entire 2868, entire 2869, entire <b>2870, lines 11-13</b> <i>lines 1-10</i> 2871, entire <b>2877, lines 43-54</b> <i>lines 1-9</i> <i>lines 9-16</i> <i>lines 16-29</i> <i>lines 29-42</i> <i>lines 54-60</i> <i>lines 61-65</i></p>	<p><i>See sec. 1, subsec. 2 of bill.</i> <i>Omitted. Inapplicable under bill.</i> <i>Omitted. Treasurer receives no fee for collecting county taxes.</i> <i>Omitted. Unnecessary. Purpose of tax is clearly declared.</i> <i>Omitted, because of trustees' present power to levy up to thirteen mills.</i></p> <p><i>Omitted as inapplicable under the bill.</i></p> <p><i>See sec. 1, subsec. 3.</i> <i>Omitted, obsolete.</i></p> <p><i>See sec. 11 of bill.</i> <i>See sec. 12 of bill.</i> <i>See sec. 30 of bill, subsecs. 2 and 3.</i> <i>See sec. 40 of bill.</i> <i>See C.B. 123, sec. 16.</i> <i>See C.B. 123, sec. 18.</i></p>
<p><b>1</b> <b>(2)*</b></p>	<p><b>C.C. 2865, lines 13-22</b></p>	
<p><b>1</b> <b>(3)*</b></p>	<p><b>C.C. 2870, lines 1-10</b></p>	<p>The exception of cities of the first class has been changed to "cities controlling their own bridge levy".</p>
<p><b>2</b></p>	<p><b>C.C. 2872, lines 11-23</b></p> <p><i>lines 1-11</i> <i>lines 23-25</i> <i>lines 25-36</i> <i>lines 37-41</i> 2873, entire</p>	<p>See also C.B. 123, sec. 1.</p> <p>Reference to "primary" roads is new. <i>See sec. 7 of bill.</i> <i>See sec. 29 of bill.</i> <i>See sec. 31 of bill.</i> <i>See sec. 28 of bill.</i> <i>Omitted. Temporary.</i></p>
<p><b>3</b></p>	<p><b>C.C. 2874, lines 11-18</b></p> <p><i>lines 1-11</i> 2875, entire</p>	<p><i>Omitted. Temporary.</i></p>
<p><b>4</b></p>	<p><b>C.C. 2878, entire</b></p>	<p>Last sentence is new.</p>
<p><b>5</b></p>	<p><b>C.C. 2879, entire</b></p>	
<p><b>6</b></p>	<p><b>C.C. 2880, entire</b></p>	<p>County roads have already been selected. C.C. 2880 is modified to now cover (1) modifications and (2) additions.</p>
<p><b>7</b></p>	<p><b>C.C. 2872, lines 1-11</b></p>	<p>Last two sentences is present law, though of very doubtful meaning.</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	C.C. 2886, entire 2887, entire	See also C.B. 185 (drainage), sec. 12. <i>Omitted. Unnecessary to say that a willfully false affidavit constitutes perjury.</i>
9	C.C. 2876, lines 3-6 lines 24-31 lines 1-2 lines 7-17 lines 19-24 lines 18-19 lines 31-43 lines 43-44	<i>Omitted. Temporary.</i> } <i>See sec. 10 of bill.</i> <i>See sec. 32 of bill.</i> <i>See sec. 22 of bill.</i> <i>Omitted. Unnecessary.</i>
10	C.C. 2876, lines 7-17 lines 19-24	
11	C.C. 2877, lines 1-9 2883, entire	
12	C.C. 2877, lines 9-16	
13	C.C. 2882, lines 12-18 lines 1-4 lines 4-7 lines 7-12 lines 19-22 lines 22-25 lines 25-29 lines 29-33 lines 33-39 lines 39-43	<i>See sec. 36 of bill.</i> <i>See sec. 39 of bill.</i> <i>See sec. 14 of bill.</i> <i>See sec. 15 of bill.</i> <i>See sec. 37 of bill.</i> <i>See sec. 38 of bill.</i> <i>See sec. 41 of bill.</i> <i>See sec. 39 of bill.</i> <i>See sec. 21 of bill.</i>
14	C.C. 2882, lines 7-12	
15	C.C. 2882, lines 19-22	
16	C.C. 2881, lines 20-24 lines 1-17 lines 25-26 lines 17-20	} <i>See sec. 19 of bill.</i> <i>See sec. 20 of bill.</i>
17	C.C. 2885, lines 1-13 lines 14-17	<i>See sec. 18 of bill.</i>
18	C.C. 2885, lines 14-17	
19	C.C. 2881, lines 1-17  lines 25-26	Liability for payment under unlawful form of claims changed from auditor to board of supervisors.
20	C.C. 2881, lines 17-20	
21	C.C. 2882, lines 39-43	
22	C.C. 2876, lines 31-43	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
23	S.C.C. 2888, lines 1-8 lines 13-15 lines 8-13  lines 15-17	Omitted. Exercise of the power left to board. Manifestly gravel beds are not scattered uniformly over a county. Omitted. Many counties possess no gravel beds. Matter of purchase left to supervisors.
24	C.C. 2889, entire 2890, entire 2891, entire	Omitted—a never enforced provision.
25	C.C. 2884, lines 1-5 lines 5-13	See sec. 50 of bill.
26	C.C. 2893, lines 1-7 lines 8-23	See sec. 27 of bill.
27	C.C. 2893, lines 8-23	
28	C.C. 2872, lines 37-41 2892, entire	Last sentence new.
29	C.C. 2872, lines 23-25	“Cities of the first class” changed to “cities controlling their own bridge funds”.
30 (1)*	C.C. 3779, lines 1-5  lines 5-10	Size of culverts maintainable by townships made applicable to cities and towns. See C.B. 167, sec. 1.
30 (2)*	C.C. 2877, lines 18-29	
30 (3)*	C.C. 2877, lines 16-18	
31	C.C. 2872, lines 25-36	“Cities of the first class” changed. See note under sec. 29 of bill.
32	C.C. 2876, lines 18-19 2895, entire	
33	New	
34	S.C.C. 2894, lines 1-3 lines 7-8 lines 3-6 lines 7-8	} See sec. 35 of bill.
35	S.C.C. 2894, lines 3-6 lines 7-8	
36	C.C. 2882, lines 1-4	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
37	C.C. 2882, lines 22-25	
38	C.C. 2882, lines 25-29	
39	C.C. 2882, lines 4-7 lines 33-39	
40	C.C. 2877, lines 29-42	
41	C.C. 2882, lines 29-33	
42	C.C. 2896, entire	
43	C.C. 2897, lines 1-8 <i>lines 8-10</i> 2898, lines 1-8 <i>lines 8-11</i> <i>lines 11-15</i> <i>lines 15-17</i> <i>lines 17-26</i>	<i>Omitted. Unnecessary.</i>  <i>See sec. 44 of bill.</i> <i>See sec. 45 of bill.</i> <i>See sec. 46 of bill.</i> <i>See sec. 47 of bill.</i>
44	C.C. 2898, lines 8-11	
45	C.C. 2898, lines 11-15	
46	C.C. 2898, lines 15-17 2899, lines 1-8 lines 13-16 <i>lines 8-12</i>	<i>Omitted.</i>
47	C.C. 2898, lines 17-26	
48	C.C. 2901, entire	“Interurban” added.
49	C.C. 2900, entire	
50	C.C. 2884, lines 5-13	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 122

Prepared by U. G. Whitney

## Subject: PATROLLING OF HIGHWAYS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2964, lines 1-4 <i>lines 4-7</i>	<i>See sec. 2 of bill.</i>
	2965, lines 2-4 <i>lines 1-3</i>	<i>See sec. 5 of bill.</i>
	2966, lines 1-3 <i>lines 3-6</i>	<i>See sec. 5 of bill.</i>
2	C.C. 2964, lines 4-7	
3	C.C. 2968, lines 4-5 <i>lines 1-4</i> <i>lines 5-7</i> }	<i>See sec. 4 of bill.</i>
4	C.C. 2968, lines 1-4 lines 5-7	
5	C.C. 2965, lines 1-3 2966, lines 3-6 2967, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 123

Prepared by U. G. Whitney

## SUBJECT: TOWNSHIP ROAD SYSTEM

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 2872, lines 14-15 lines 1-14 lines 15-41 2969, entire	See also C.B. 121, sec. 2. See C.B. 121, secs. 2 and 7. See C.B. 121, secs. 2, 28, 29, and 31. Omitted. Temporary.
2	C.C. 2973, lines 1-2 lines 7-8 lines 10-14  lines 3-4 lines 5-6 lines 9-10 lines 14-19 lines 19-23	Date at which money is to be spent omitted. Omitted. Obsolete. See sec. 8 of bill. See sec 20 of bill. See sec. 5 of bill. See sec. 8 of bill.
3	C.C. 2985, entire	
4	New	
5	C.C. 2973, lines 14-19	Destruction of weeds fully covered by C.B. 125.
6	C.C. 2979, lines 1-5 lines 5-7 lines 7-8 lines 9-11 lines 11-13 lines 14-24 lines 24-27 lines 28-33 lines 34-36 lines 36-38 2981, lines 1-4 lines 4-44	See sec. 8 of bill. See sec. 29 of bill. See sec. 9 of bill. See sec. 8 of bill. See sec. 9 of bill. See sec. 17 of bill. See sec. 7 of bill. See sec. 8 of bill. See sec. 9 of bill.  Omitted. Obsolete.
7	C.C. 2979, lines 28-33	
8	C.C. 2973, lines 5-6 lines 19-23 2979, lines 5-7 lines 11-13 lines 34-36	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	<b>C.C. 2975, lines 1-2</b>  <i>lines 2-6</i> 2976, <i>entire</i>  2979, <b>lines 9-11</b> <b>lines 14-24</b> <b>lines 36-38</b>	See S.C.C. 3000-a4 for duty to collect road poll tax. <i>Omitted. Obsolete.</i> <i>Omitted. Unnecessary. There are no longer several districts in a township. The township road plat as a whole will always be accessible to the superintendent.</i>
9-a1	<b>C.C. 2971, lines 6-11</b> <i>lines 1-4</i> <i>line 5</i>	<i>See sec. 20 of bill.</i> <i>See sec. 21 of bill.</i>
10	<b>C.C. 2986, lines 1-2</b> <i>lines 2-7</i>	<i>Omitted. Obsolete.</i>
11	<b>C.C. 2987, lines 1-4</b> <b>lines 6-13</b> <i>lines 4-6</i>	<i>Omitted. Unnecessaru and obsolete.</i>
12	<b>C.C. 2988, lines 1-4</b>  <i>lines 4-14</i>	Modified so as to apply to township roads and culverts only. <i>See sec. 13 of bill.</i>
13	<b>C.C. 2988, lines 4-14</b> <i>2989, entire</i> <i>2990, entire</i>	<i>Omitted. Obsolete.</i> <i>These sections harken back to the time when the property road tax was "worked out".</i>
14	<b>C.C. 2978, entire</b>	Sentence in lines 6-9 is new.
15	<b>C.C. 2962, entire</b> <b>2970, lines 10-17</b> <i>lines 1-2</i> <i>lines 2-9</i> <i>lines 11-13</i> <i>lines 17-30</i> <i>lines 31-32</i> <i>lines 32-35</i>  <i>lines 35-37</i> <b>2982, lines 47-51</b> <i>lines 1-47</i> <i>lines 54-56</i> <i>lines 51-53</i>  <i>2983, entire</i> <i>2984, entire</i>	<i>Omitted. See sec. 8 of bill.</i> <i>See sec. 16 of bill.</i> <i>See sec. 19 of bill.</i> <i>Omitted. Obsolete.</i> <i>Omitted. The trustees now have the power to levy as high as 13 mills for road purposes. Under some conditions their levy may reach 15 mills. See sec. 15 of bill and S.C.C. 2997-a1.</i> <i>See sec. 26 of bill.</i>  <i>Omitted. Obsolete.</i> <i>See sec. 17 of bill.</i>  <i>Omitted. Obsolete.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
16	C.C. 2877, lines 54-60 lines 1-54 lines 61-65 2970, lines 2-9 lines 11-13	See C.B. 121, secs. 1, 11, 12, 30, and 40. See sec. 18 of bill.
17	C.C. 2979, lines 24-27 2982, lines 51-53	
18	C.C. 2877, lines 61-65 2980, entire	Omitted. Established policy seems to be to replenish the drag fund, but not to deplete it.
19	C.C. 2970, lines 17-30	"Competent civil engineer" changed to "county engineer".
20	C.C. 2971, lines 1-4 2973, lines 9-10	Immediate certification of lines is required.
21	C.C. 2971, line 5 2972, entire	Taxes payable to clerk made definite.
22	C.C. 2992, lines 4-9 lines 1-4 lines 9-10	See sec. 29 of bill. See sec. 28 of bill.
23	C.C. 2996, lines 1-5 lines 5-18	Omitted. Unnecessary. There is no marked reluctance on the part of trustees to ask county authorities to install necessary culverts.
24	C.C. 2997, entire	Duty placed on clerk to prepare, and on trustees to verify the report. Last sentence is new
25	C.C. 2994, entire 2995, entire	Omitted. Covered by S.C.C. 3000-a2.
26	C.C. 2970, lines 35-37	
27	C.C. 2993, lines 1-3 lines 3-5	Omitted. Obsolete.
28	C.C. 2992, lines 9-10	
29	C.C. 2974, entire 2979, lines 7-8 2991, entire 2992, lines 1-4	Approval of all bonds left with trustee. Term "contractor" omitted.
30	C.C. 2977, entire	

315

ROAD POLL TAX

C. B. 124

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CODE COMMISSIONERS' BILL NO. 124

**Subject: ROAD POLL TAX**

**No brief prepared. Bill withdrawn.**

## BRIEF OF CODE COMMISSIONERS' BILL NO. 125

Prepared by U. G. Whitney

Subject: **DESTRUCTION OF WEEDS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>S.C.C. 3003, lines 8-12</b>  <b>lines 17-18</b> <b>lines 32-33</b> <i>lines 1-21</i> <i>lines 21-29</i> <i>lines 30-41</i> <i>lines 41-47</i> <i>lines 48-53</i> <i>lines 54-58</i> <i>lines 59-62</i> <i>lines 62-64</i>  <b>C.C. 3004, lines 1-5</b> <i>lines 6-11</i> <i>lines 11-12</i> <i>lines 12-14</i> <i>lines 14-18</i>  <i>3005, entire</i>  <b>3006, entire</b> <i>3007, entire</i>  <b>3009, entire</b>	Modified so as to definitely fix the responsibility for enforcement.  <i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 8 of bill.</i> <i>See sec. 6-a1 of bill.</i> <i>See sec. 9 of bill.</i> <i>See sec. 9-a1 of bill.</i> <i>See sec. 9 of bill.</i>  <i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 8 of bill.</i> <i>Omitted because of sec. 10 of bill.</i> <i>See note to that section.</i>  <i>Omitted because of sec. 10 of bill.</i> <i>See note to that section.</i>
2	<b>C.C. 3002, entire</b>	
3	<b>C.C. 3001, entire</b>	
4	<b>New</b>	
5	<b>S.C.C. 3003, lines 1-21</b> <b>C.C. 3004, lines 6-11</b>	"Board of supervisors" is new.
6	<b>S.C.C. 3003, lines 21-29</b> <b>C.C. 3004, lines 11-12</b>	
6-a1	<b>S.C.C. 3003, lines 48-53</b>	
7	<b>S.C.C. 3003, lines 30-41</b> <b>C.C. 3004, lines 12-14</b>	"Board of supervisors" is new.
8	<b>S.C.C. 3003, lines 41-47</b> <b>C.C. 3004, lines 14-18</b>	"Board of supervisors" is new.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	S.C.C. 3003, lines 54-58 lines 62-64	"Board of supervisors" is new.
9-a1	S.C.C. 3003, lines 59-62	
10	New	It is believed that the appointment of a weed commissioner, charged with a specific duty, will bring better results than to charge a large number of road officials with the duty to make complaint and to file reports which are seldom, if ever, made or filed.
11	C.C. 3008, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 126

Prepared by U. G. Whitney

**Subject: REMOVAL OF OBSTRUCTIONS FROM HIGHWAYS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3014, lines 1-2 lines 2-5 3015, lines 1-3 lines 3-7 lines 7-9 lines 18-20 lines 10-13 lines 13-18 lines 20-22	See sec. 2 of bill. See sec. 2 of bill. See sec. 3 of bill. See sec. 4 of bill. See sec. 5 of bill. See sec. 6 of bill.
2	C.C. 3014, lines 2-5 3015, lines 3-7	The six months limitation has been dropped and the ten-day limitation has been retained.
3	C.C. 3015, lines 7-9 lines 18-20	Manner of service broadened.
4	C.C. 3015, lines 10-13	
5	C.C. 3015, lines 13-18	
6	C.C. 3015, lines 20-22	
7	C.C. 3017, entire 3020, entire	
8	C.C. 3016, entire 3018, entire 3019, entire	Omitted because if it means anything, it is in conflict with C.C. 3016.
9	New	This and the following section are quite necessary in order to meet the decision in Phillips v. Crawford, 179 N. W. 937.
10	New	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 127

Prepared by U. G. Whitney

**Subject: ROAD IMPROVEMENT ASSOCIATIONS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3021, entire 3022, entire 3023, entire 3024, entire	Whatever of value exists in these four sections has been condensed in one section.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 128

Prepared by U. G. Whitney

## Subject: PRIVATE USE OF HIGHWAYS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3035, lines 1-3 line 6 lines 3-5 lines 6-9 3037, lines 1-6 lines 6-9 3040, lines 1-8 lines 8-9 lines 9-16	"Written" application is required. See sec. 2 of bill. See sec. 3 of bill.  See sec. 3 of bill.  See sec. 2 of bill. See sec. 3 of bill.
2	C.C. 3035, lines 3-5 3036, entire  3040, lines 8-9	Much of C.C. 3036 has been omitted. It is believed that section 4 of the bill which provides for a forfeiture will be more effective than the omitted provisions of C.C. 3036. Reference to county or primary roads is new.  Twenty year provision is analogous to provisions governing electric transmission lines.
3	C.C. 3035, lines 6-9 3037, lines 6-9 3040, lines 9-16	
4	New	
5	C.C. 3039, entire	See also C.B. 191, sec. 22.
6	C.C. 3042, entire 3043, entire	
7	C.C. 3044, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 129

Prepared by J. C. Mabry

**Subject: BOARD OF SUPERVISORS****General Explanation**

A codification measure dividing long sections, gathering together scattered sections and simplifying language. No change of law proposed, except slight modification in sections 6 and 7 in relation to calling special sessions and the business to be transacted at such sessions.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 3115, lines 1-5</b> <i>lines 6-18</i> <i>lines 19-28</i> <i>lines 28-29</i>  <i>lines 30-36</i> <i>lines 37-45</i>	<i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i> <i>Omitted as repetition of other provisions.</i> <i>See sec. 4 of bill.</i> <i>See sec. 5 of bill.</i>
2	<b>C.C. 3115, lines 6-18</b>	Line 9, "as such board may elect in the absence of a petition" changed to "or the board may, on its own motion".
3	<b>C.C. 3115, lines 19-28</b>	
4	<b>C.C. 3115, lines 30-36</b>	Lines 30-32, "If the proposition to reduce the number of members of the board carries" substituted.
5	<b>C.C. 3115, lines 37-45</b>	Line 42, "persons shall be elected members of the board" omitted as surplusage. Line 45, same omission as last.
6	<b>C.C. 3124, lines 1-5</b> <i>lines 6-13</i> <i>lines 14-18</i>	<i>See sec. 7 of bill.</i> <i>Omitted as it is never done and would incur needless expense and delay.</i>
7	<b>C.C. 3124, lines 6-13</b>	Lines 6-7, omitted as useless, because when the request is filed the auditor has no discretion as to whether the meeting shall be called or not. Line 9, "six" changed to "two" to facilitate business.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7		Line 13, "petition" changed to "written request".
8	<p><b>C.C. 713, entire</b></p> <p><b>7173, lines 3-5</b> <i>lines 1-2</i></p>	<p>Line 1, "unliquidated" added for clearness.</p> <p>Line 2, "are by the provisions of this code to be paid to any officer" omitted as superfluous.</p> <p>Line 3, "out of the county or state treasury" omitted as superfluous.</p> <p><i>See C.B. 228, sec. 4.</i></p>
9	<p><b>C.C. 3127, lines 1-6</b> <i>lines 7-20</i> <i>lines 21-32</i></p>	<p><i>See sec. 10 of bill.</i> <i>See sec. 11 of bill.</i></p>
10	<b>C.C. 3127, lines 7-20</b>	Provisions recast to eliminate useless repetitions and paragraphed for convenience.
11	<b>C.C. 3127, lines 21-32</b>	<p>"Except the drainage of highways" in lines 6 and 7 of the section, added for certainty.</p> <p>Provision in lines 10-12, in this section, added to secure more equal justice among districts.</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 130

Prepared by J. C. Mabry

**Subject: POWERS AND DUTIES OF SUPERVISORS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
<b>1</b>		
(1)*	<b>S.C.C. 3130, lines 1-5</b>	
	line 6	See sec. 1 of bill, subsec. 3.
	lines 7-8	See sec. 1 of bill, subsec. 4.
	lines 9-11	See sec. 1 of bill, subsec. 5.
	lines 12-13	See sec. 1 of bill, subsec. 15.
	lines 14-17	See sec. 2 of bill.
	lines 18-22	See sec. 3 of bill.
	lines 22-28	Omitted. Covered by C.B. 254.
	lines 28-32	See sec. 3 of bill.
	lines 33-35	See sec. 1 of bill, subsec. 11.
	lines 36-38	Omitted. Covered by C.B. 181, secs. 10-13.
	lines 39-40	Omitted. Covered by title XI, ch. 18.
	lines 41-45	See sec. 1 of bill, subsec. 12.
	lines 46-47	See sec. 1 of bill, subsec. 13.
	lines 48-54	See sec. 1 of bill, subsec. 16.
	lines 55-57	See sec. 1 of bill, subsec. 17.
	lines 58-61	See sec. 1 of bill, subsec. 8.
	lines 62-65	See sec. 1 of bill, subsec. 9.
	lines 66-68	See sec. 1 of bill, subsec. 6.
	lines 69-70	See sec. 1 of bill, subsec. 7.
	lines 71-75	Omitted as being in conflict with recent highway legislation.
	lines 76-78	See sec. 1 of bill, subsec. 10.
	lines 79-80	Omitted. Covered by C.B. 147.
	lines 81-89	Omitted. Covered by C.B. 117.
	lines 90-94	See C. B. 146, sec. 3.
	lines 95-101	See sec. 1 of bill, subsec. 12.
	lines 102-103	See sec. 1 of bill, subsec. 13.
	lines 104-106	See sec. 1 of bill, subsec. 14.
	lines 107-108	Omitted as being specifically covered by statutes relating to support of the poor.
	lines 109-111	See sec. 1 of bill, subsec. 2.
	lines 112-113	Omitted. Covered by C.B. 65, secs. 35-40.
	lines 114-115	Omitted in view of present provisions as to county engineers.
	lines 116-119	Omitted as being in conflict with recent

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1)*	lines 120-127	highway legislation and as covered by other specific provision. See C.B. 165, secs. 4 and 6.
1 (2)*	S.C.C. 3130, lines 109-111	
1 (3)*	S.C.C. 3130, line 6	
1 (4)*	S.C.C. 3130, lines 7-8	
1 (5)*	S.C.C. 3130, lines 9-11	
1 (6)*	S.C.C. 3130, lines 66-68	
1 (7)*	S.C.C. 3130, lines 69-70	
1 (8)*	S.C.C. 3130, lines 58-61	
1 (9)*	S.C.C. 3130, lines 62-65	
1 (10)*	S.C.C. 3130, lines 76-78	
1 (11)*	S.C.C. 3130, lines 33-35	
1 (12)*	S.C.C. 3130, lines 41-45 lines 95-101	
1 (13)*	S.C.C. 3130, lines 46-47 lines 102-103	
1 (14)*	S.C.C. 3130, lines 104-106	
1 (15)*	S.C.C. 3130, lines 12-13	
1 (16)*	S.C.C. 3130, lines 48-54	
1 (17)*	S.C.C. 3130, lines 55-57	
2	S.C.C. 3130, lines 14-17	
3	S.C.C. 3130, lines 18-22 lines 28-32	
4	C.C. 3131, lines 1-3	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	<b>lines 6-7</b> <i>lines 4-5</i> <i>lines 8-9</i>	<i>See sec. 5 of bill.</i> <i>See sec. 5 of bill.</i>
5	<b>C.C. 3131, lines 4-5</b> <b>lines 8-9</b>	
6	<b>C.C. 3136, entire</b>	Line 5, "the issuance of such license" substituted for "said auditor to do so" and "shall collect" substituted for "will exact".

## BRIEF OF CODE COMMISSIONERS' BILL NO. 131

Prepared by J. C. Mabry

**Subject: COUNTY AUDITOR****General Explanation**

Purely codification by eliminating sections C.C. 3146 and 3147 which are obsolete and no longer of any use in Iowa. These were adopted by the code of 1873, when many of the counties were sparsely populated, and the business of these offices often small. No one would ever dream now or hereafter of uniting in one person these two officers. Why then, longer incur a permanent code with these two obsolete and useless sections? The bill also codifies the unduly long section C.C. 3158 by setting out its provisions in numbered paragraphs for convenience of search.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 3158, lines 1-55</b> lines 3-10 lines 11-15 lines 16-20 lines 21-22 lines 23-24 lines 25-27 lines 28-29 lines 30-32 lines 33-35 lines 36-39 lines 40-43 line 44 lines 45-48 lines 49-53 lines 54-55 lines 56-67 lines 68-71	Par. 1. Par. 2. Par. 3. Par. 4. Par. 5. Par. 6. Par. 7. Par. 8. Par. 9. Par. 10. Par. 11. Par. 12. Par. 13. Par. 14. Par. 15. <i>See sec. 3 of bill.</i> <i>See sec. 2 of bill.</i>
2	<b>C.C. 3158, lines 68-71</b>	Doubtful meaning made definite and certain.
3	<b>C.C. 3158, lines 56-71</b> lines 56-57 lines 58-59 lines 60-62 lines 63-64 lines 65-67	Par. 1. Direct reference instead of cross reference. Par. 2. Direct reference instead of cross reference. Par. 3. Par. 4. Par. 5.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	S.C.C. 3164, lines 13-18. lines 1-13 lines 18-35	} See C.B. 137.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 132

Prepared by J. H. Trewin

## Subject: COUNTY TREASURER

## General Explanation

To codify two sections and eliminate one of them as being entirely superfluous.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3173, entire 3174, entire	Omitted in codification as being entirely superfluous in view of preceding section.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 133

Prepared by J. C. Mabry

## Subject: COUNTY RECORDER

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3186, lines 1-6 lines 7-23 3180, entire	See C.B. 137, sec. 24. Omitted as obsolete.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 134

Prepared by J. C. Mabry

**Subject: COUNTY ATTORNEY****General Explanation**

The purpose of this bill is to retain for the permanent code all those provisions relating to county attorney which are of a permanent nature and to omit in this bill the budget salary provision which has been codified in a bill which covers the salaries of all county officers also omitting the provisions with regard to the appointment of a deputy which has been codified in a new bill which covers the matter of deputies of county officers.

Another important purpose is the incorporation of a number of new sections for the examination of witnesses in criminal cases in order to preserve the testimony and make such witnesses available, not only upon an investigation as to criminal conduct, but in any trial that may result therefrom. This is very important for the reason that in many cases county attorneys have no way by which they can put on record witnesses who have knowledge of criminal conduct until there is a trial and in many instances such witnesses escape and get beyond the reach of a subpoena if the matter has to be postponed till a trial. Such provisions will be a great aid not only in carrying on investigations of crimes but also in bringing guilty parties to justice. Whether or not we have devised the best provisions we do not know but they are suggestive of what legislation should be enacted along this line.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3189, entire	
2	C.C. 3190, lines 1-40 <i>lines 41-52</i> lines 53-59	<i>See C.B. 252.</i>
3	New	These new sections are proposed as a means of promptly and efficiently investigating crimes that are committed and preserving the evidence and securing the attendance of necessary witnesses in order to be available in any criminal prosecution that may follow the commission of such crimes. They or similar provisions are very essential as an aid in convicting criminals and in the prevention of crime.
4	New	
5	New	
6	New	
7	New	
8	New	
9	New	
10	New	
11	New	
12	C.C. 3194, lines 13-19	See also C.B. 137, sec. 9.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
12	<i>lines 1-10</i> <i>lines 11-12</i> <i>lines 20-23</i>	<i>See C.B. 137, sec. 9.</i> <i>See C.B. 137, sec. 15.</i> <i>See C.B. 137, sec. 9.</i>
13	<b>C.C. 3191, lines 14-22</b> <i>lines 1-13</i>	<i>See C.B. 137.</i>
14	<b>C.C. 3192, lines 1-11</b> <i>lines 12-18</i>	<i>See sec. 15 of bill.</i>
15	<b>C.C. 3192, lines 12-18</b>	"And he has failed to appear in response thereto" added.
16	<b>C.C. 3193, entire</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 135

Prepared by J. C. Mabry

**Subject: SHERIFF****General Explanation**

The codification of two sections, C. C. 3205 and 3206, by which the first one is eliminated as entirely superfluous and useless.

Also the arrangement of the provisions of the other one in more logical order.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 3206, lines 1-58</b> lines 2-4 lines 5-9 lines 10-12 lines 13-14 lines 15-20 lines 21-23 lines 24-27 lines 28-29 lines 30-31 lines 32-33 lines 34-38 lines 39-41 lines 42-43 line 44 lines 45-52 lines 53-58 lines 59-62 lines 63-66 lines 67-69	Par. 1. Par. 2. Par. 3. Par. 4. Par. 5. Par. 6. Par. 7. Par. 8. Par. 9. Par. 10. Par. 11. Par. 12. Par. 13. Par. 14. Par. 15. Par. 16. <i>Omitted. Covered by C.B. 129, sec. 8.</i> <i>See sec. 2 of bill.</i> <i>Omitted. Covered by C.B. 137.</i>
2	<b>C.C. 3206, lines 63-66</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 136

Prepared by J. C. Mabry

**Subject: CORONER****General Explanation**

To codify by dividing long and involved sections.

C. C. 3231 is codified in new commissioners' bill on compensation of county officers and their deputies in order to get all salary provisions together in a suitable chapter, that by reason of the temporary character of such provisions it may be omitted from the permanent code.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3219, lines 1-6 lines 20-26 lines 7-9 lines 10-15 lines 16-19	See sec. 2 of bill. See sec. 3 of bill. See sec. 2 of bill.
2	C.C. 3219, lines 7-9 lines 16-19	
3	C.C. 3219, lines 10-15	
4	C.C. 3220, entire	
5	C.C. 3221, entire	
6	C.C. 3225, entire	
7	C.C. 3226, entire	
8	C.C. 3228, entire	Line 5, "his preliminary hearing" substituted for "him".

## BRIEF OF CODE COMMISSIONERS' BILL NO. 137

Prepared by J. C. Mabry

**Subject: COUNTY OFFICERS, DEPUTIES AND COMPENSATION****General Explanation**

1. The last two general assemblies have adopted a biennial budget system for county officers and their deputies and which will likely be changed every two years. For this reason all sections dealing with compensation of county officers and their deputies are codified, in chapter one (1) of a new bill dealing with that subject, and with a section added providing that it shall not be published as a part of the permanent code.

2. In some of these sections are other provisions which are of a permanent nature, such as the appointment of deputies and assistants, their qualifications and duties, and these provisions are repeated in each section relating to county officers. Hence in order to separate these permanent provisions from the temporary ones in various sections, chapter two (2) is submitted covering the subject of deputy county officers and assistants.

3. There are other provisions common to all county officers repeated over and over in the various sections relating to the different county officers with regard to the collection and accounting of fees. In order to avoid some five repetitions of this kind, chapter three (3) is submitted covering the matter of fees collected by county officers.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>S.C.C. 3162, lines 1-26</b>  <i>lines 27-29</i>	Divided into numbered paragraphs and much repetition of "in counties having a population of" eliminated. <i>See sec. 17 of bill.</i>
2	<b>S.C.C. 3164, lines 11-13</b> <b>lines 18-31</b>  <i>lines 1-3</i> <i>lines 5-7</i> <i>lines 7-9</i> <i>lines 9-11</i> <i>lines 14-18</i> <i>lines 32-35</i>	Language changed to convey intent, which present provisions leave obscure. <i>See secs. 18 and 19 of bill.</i> <i>See secs. 19 and 20 of bill.</i> <i>See sec. 21 of bill.</i> <i>See sec. 22 of bill.</i> <i>See C.B. 131, sec. 4.</i> <i>See sec. 17 of bill.</i>
3	<b>S.C.C. 3176, lines 1-26</b>  <i>lines 27-28</i>  <b>C.C. 3177, lines 7-11</b>  <i>lines 1-2</i> <i>lines 2-6</i>	Divided into numbered paragraphs eliminating useless repetitions. <i>See sec. 17 of bill.</i>  <i>Omitted.</i> <i>See sec. 23 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	<b>S.C.C. 3178, lines 11-29</b>  <i>lines 1-3</i> <i>lines 5-7</i> <i>lines 4-5</i> <i>lines 7-9</i> <i>lines 9-11</i> <i>lines 30-33</i>  <b>3178-a1, entire</b>	Divided into paragraphs for convenience and repetitions eliminated. <i>See secs. 18 and 19 of bill.</i> <i>See secs. 19 and 20 of bill.</i> } <i>See sec. 21 of bill.</i> <i>See sec. 22 of bill.</i> <i>See sec. 17 of bill.</i>  See paragraph 3, modified by substituting "or over" for "to seventy-thousand".
5	<b>S.C.C. 3187, lines 7-28</b>  <i>lines 1-6</i> <i>lines 28-30</i>	Divided into paragraphs and repetitions eliminated. <i>See sec. 25 of bill.</i> <i>See sec. 17 of bill.</i>
6	<b>S.C.C. 3188, lines 11-29</b>  <i>lines 5-7</i> <i>lines 4-5</i> <i>lines 7-9</i> <i>lines 9-11</i> <i>lines 30-33</i>	Divided into paragraphs and changing language to make meaning clear and eliminate repetitions. <i>See secs. 19 and 20 of bill.</i> } <i>See sec. 21 of bill.</i> <i>See sec. 22 of bill.</i> <i>See sec. 17 of bill.</i>
7	<b>S.C.C. 3209, lines 1-16</b> <b>lines 21-23</b> <i>lines 17-20</i>  <i>lines 24-25</i>  <b>C.C. 3210, entire</b>	Divided into paragraphs for convenience and repetitions eliminated. <i>Omitted as being covered by secs. 23, 24 and 25 of bill.</i> <i>See sec. 17 of bill.</i>
8	<b>S.C.C. 3211, lines 10-21</b>  <i>lines 1-3</i> <i>lines 6-7</i> <i>lines 4-5</i> <i>lines 7-9</i> <i>lines 22-25</i>	Divided into paragraphs for convenience and repetitions eliminated. <i>See secs. 18 and 19 of bill.</i> <i>See secs. 19 and 20 of bill.</i> } <i>See sec. 21 of bill.</i> <i>See sec. 17 of bill.</i>

## C. B. 137 COUNTY OFFICERS, DEPUTIES AND COMPENSATION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	C.C. 3194, lines 1-10 lines 13-23 lines 10-12	Divided into paragraphs and repetitions omitted. See also C.B. 134, sec. 12. See sec. 15 of bill.
10	C.C. 3191, lines 4-13 lines 1-3 lines 14-22	Divided into paragraphs and repetitions omitted. See secs. 18 and 19 of bill. See C.B. 134, sec. 13.
11	S.C.C. 6983, lines 1-21 lines 22-24	Divided into paragraphs and repetitions omitted. See sec. 17 of bill.
12	S.C.C. 6985, lines 12-32 lines 1-3 lines 5-7 lines 4-5 lines 7-9 lines 9-11 lines 33-35 C.C. 6986, entire	Divided into paragraphs and repetitions omitted. See secs. 18 and 19 of bill. See secs. 19 and 20 of bill. See sec. 21 of bill. See sec. 22 of bill. See sec. 17 of bill. Lines 2-3 modified as being in conflict with provisions of S.C.C. 6985. See par. 2 of this section.
13	S.C.C. 2506, lines 1-5 lines 5-10 lines 10-12	See C.B. 99, secs. 11 and 25. See sec. 17 of bill.
14	C.C. 2479, lines 18-20 lines 15-18 lines 1-15 lines 20-26	Modified to harmonize with teachers' minimum wage law. See sec. 18 of bill. See C.B. 99, sec. 11.
15	C.C. 3194, lines 10-12	Broadened to apply to all county officers and deputies.
16	C.C. 3231, entire	Divided into paragraphs for convenience.
17	S.C.C. 2506, lines 10-12 3162, lines 27-29 3164, lines 32-35 3176, lines 27-28 3178, lines 30-33 3187, lines 28-30 3188, lines 30-33 3209, lines 24-25 3211, lines 22-25 6983, lines 22-24 6985, lines 33-35	All provide that the salaries fixed shall not apply after June 30, 1923, as the General Assembly has very definitely indicated that it will, hereafter, treat the fixing of salaries of county officers and deputies as a biennial matter and, therefore, it seems unjustifiable to encumber the permanent code with provisions that would be a law for only two years and these accumulating every two years would soon make a large bulk of dead material.
18	S.C.C. 3164, lines 1-3 3178, lines 1-3	Modified to require approval by resolution of board. See also sec. 19 of bill.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18	<b>3188, lines 1-3</b> <b>3211, lines 1-3</b> <b>6985, lines 1-3</b> <b>C.C. 3191, lines 1-3</b> <b>2479, lines 15-18</b>	Lines 1-3 of C.C. 3191 are also used in sec. 20 of bill.
19	<b>S.C.C. 3164, lines 1-2</b> <b>lines 6-7</b> <b>3178, lines 1-2</b> <b>lines 6-7</b> <b>3188, lines 1-2</b> <b>lines 6-7</b> <b>3211, lines 1-2</b> <b>lines 6-7</b> <b>6985, lines 1-2</b> <b>lines 6-7</b> <b>C.C. 3191, lines 1-2</b>	Modified to require issuance of certificate to be filed in the office of the auditor in order for certainty and as a matter of record.
20	<b>S.C.C. 3164, lines 5-7</b> <b>3178, lines 5-7</b> <b>3188, lines 5-7</b> <b>3211, lines 6-7</b> <b>6985, lines 5-7</b>	All these provisions are modified for the sake of uniformity and to require revocation to be filed with auditor to make record of termination of authority as modified to apply to office of county attorney for uniformity.
21	<b>S.C.C. 3164, lines 4-5</b> <b>lines 7-9</b> <b>3178, lines 4-5</b> <b>lines 7-9</b> <b>3188, lines 4-5</b> <b>lines 7-9</b> <b>3211, lines 4-5</b> <b>lines 7-9</b> <b>6985, lines 4-5</b> <b>lines 7-9</b>	These provisions should all be uniform and are made so by this bill. The only decided modification relates to deputy county attorney and there is no reason why he should not be required to give bond the same as the other deputies.
22	<b>S.C.C. 3164, lines 9-11</b> <b>3178, lines 9-11</b> <b>3188, lines 9-11</b> <b>6985, lines 9-11</b>	Made applicable to all deputy county officers as it should be.
23	<b>C.C. 3163, lines 3-6</b> <i>lines 1-2</i> <b>3177, lines 2-6</b> <b>3208, lines 6-8</b> <i>lines 1-4</i> <i>line 5</i> <b>6987, lines 4-5</b> <i>lines 1-4</i>	<i>Omitted as unnecessary.</i>  <i>See sec. 25 of bill.</i> <i>See sec. 26 of bill.</i>  <i>See sec. 25 of bill.</i>
24	<b>C.C. 3161, lines 1-4</b>  <i>lines 5-8</i> <b>3179, lines 1-3</b>	Provisions made to apply to all county officers who are required to report and pay over fees. <i>See sec. 25 of bill.</i>

## C. B. 137 COUNTY OFFICERS, DEPUTIES AND COMPENSATION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
24	<i>lines 4-7</i> <b>3186, lines 7-22</b> <i>lines 1-7</i>	<i>See sec. 25 of bill.</i>  <i>See C.B. 133.</i>
25	<b>C.C. 3161, lines 5-8</b> <b>3179, lines 4-7</b> <b>3208, lines 1-4</b> <b>6987, lines 1-4</b> <b>S.C.C. 3187, lines 1-6</b>	Cross reference omitted as error in compilation and should refer to preceding section but nothing now in preceding section to which it could apply.
26	<b>C.C. 3208, line 5</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 138

Prepared by J. C. Mabry

## Subject: SUBMISSION OF QUESTIONS TO VOTERS

## General Explanation

Purely a codification measure, combining and simplifying sections, with proposal for a change of the law relative to stock being restrained or running at large. We believe restraint should be the law unless lifted by a vote of the people. The present statute permits stock to run at large unless restrained by a vote of the people and is contrary to public sentiment as well as practice.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3242, entire	<p>“Or bridge” omitted as being covered by C.B. 121.</p> <p>Lines 9-12, “for thirty days previously in a newspaper, if one be published in the county, and if none be published therein, then by written notice posted in a public place in each township in the county” omitted and “as in other special elections” inserted.</p>
2	C.C. 3243, lines 1-7 lines 8-9 lines 12-15 lines 9-11	<p><i>Omitted as useless in view of other specific statutes as to police regulations.</i></p> <p><i>Omitted as obsolete in view of other statutes regulating such matters.</i></p> <p><i>See sec. 3 of bill.</i></p>
3	C.C. 3243, lines 9-11	
4	C.C. 3244, lines 14-15 (part new)  lines 1-10	<p>The present law is based upon the assumption that stock may run at large unless restrained by a vote to the contrary, while the bill proposes that stock shall be restrained unless by a vote to the contrary. It is believed there is not a county in the state where stock is unrestrained.</p> <p><i>See sec. 5 of bill.</i></p>
5	C.C. 3244, lines 1-10  lines 11-13	<p>Lines 5, 6, and 8, “restrained from running” changed to “permitted to run” for obvious reasons.</p> <p><i>Omitted as obsolete and unthinkable at the present day.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	C.C. 3245, lines 1-6  <i>lines 7-13</i>	Line 6, the provisions added, "which resubmission may be had not oftener than every four years" for obvious reasons. <i>Omitted as wholly archaic and obsolete.</i>
7	C.C. 3246, entire	Lines 13-15, changed to "and a copy of the question to be submitted shall be posted at each polling place during the day of election".  Lines 8-12, omitted as obsolete, as no such condition will ever prevail in the state.
8	C.C. 3247, entire	
9	C.C. 3248, lines 1-10 <i>lines 11-18</i>	<i>See sec. 10 of bill.</i>
10	C.C. 3248, lines 11-18	
11	C.C. 3249, entire	
12	C.C. 3250, entire	Line 1, "on being satisfied" changed to "on finding from a canvass of the returns" for obvious reasons.  Line 3, "the same and" omitted as meaningless.  Lines 8-9, omitted as superfluous.
13	C.C. 3251, entire	
14	C.C. 3252, entire	
15	C.C. 3253, entire	
16	C.C. 3254, entire <i>3255, entire</i>	<i>Omitted as superfluous declaration.</i>
17	C.C. 3256, entire  <i>3257, entire</i> <i>3258, entire</i>  <i>3259, entire</i>	It is suggested that there is no longer any occasion for preserving the provision set out in secs. 17 and 18 of the bill.  <i>Omitted, but all summed up in the simple statement "The question shall be submitted as provided in the law on special elections."</i>  <i>Omitted as a superfluous declaration.</i>
18	C.C. 3260, entire	Line 5 omitted as superfluous.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 139

Prepared by J. C. Mabry

**Subject: COUNTY BONDS****General Explanation**

General codification by dividing long sections and giving appropriate catch words. No change of the law is proposed except a slight modification in section 2 making the law apply to cities generally instead of cities of the first class. New section 4 has been incorporated in the bill making applicable the provisions of S. C. C. 683-a1, 683-a2, and 683-a3 enacted by 39 G. A., the purpose being to direct special attention of county treasurers to these new provisions.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3261, lines 1-7 <i>lines 8-13</i> <i>lines 14-52</i>	<i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i>
2	C.C. 3261, lines 8-13	"Of the first class" omitted.
3	C.C. 3261, lines 14-52	
4	New	See S. C. C., ch. 25-A, title IV.
5	C.C. 3262, lines 1-10 <i>lines 11-17</i> <i>lines 18-25</i> <i>lines 26-35</i>	<i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 8 of bill.</i>
6	C.C. 3262, lines 11-17	
7	C.C. 3262, lines 18-25	
8	C.C. 3262, lines 26-35	
9	C.C. 3263, entire	
10	C.C. 3264, entire	Line 5, "fixes" changed to "provided".
11	C.C. 3265, lines 1-10 <i>lines 11-15</i>	<i>See sec. 12 of bill.</i>
12	C.C. 3265, lines 11-15	
13	C.C. 3266, lines 1-10 <i>lines 11-15</i>	<i>See sec. 14 of bill.</i>
14	C.C. 3266, lines 11-15	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
15	C.C. 3267, lines 1-7 <i>lines 8-21</i>	<i>See sec. 16 of bill.</i>
16	C.C. 3267, lines 8-21	
17	C.C. 3268, entire	
18	C.C. 3269, entire	Line 4, "plank road, turnpike" are antiques, not omitted, but should be.
19	C.C. 3270, entire	"Corporation" changed to "county" as reference is only to county.
20	C.C. 3271, entire	Line 2, "two preceding sections" changed to "this chapter" as no penalties for other violations are prescribed. Line 3, "guilty of a misdemeanor" omitted as surplusage.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	<i>lines 1-2</i>	"Gains a settlement where his master had one" is an awkward expression, and changed to "takes the settlement of his master". <i>See sec. 7 of bill.</i>
7	<b>C.C. 3283, lines 1-2</b>	
8	<b>C.C. 3287, lines 1-10</b> <i>lines 11-17</i>	<i>See sec. 9 of bill.</i>
9	<b>C.C. 3287, lines 11-17</b>	
10	<b>C.C. 3289, lines 1-8</b> <i>lines 9-16</i> <i>lines 17-21</i>	<i>See sec. 11 of bill.</i> <i>See sec. 13 of bill.</i>
11	<b>C.C. 3289, lines 9-16</b>	
12	<b>New</b>	Founded on sufficient reasons.
13	<b>C.C. 3289, lines 17-21</b>	
14	<b>C.C. 3293, lines 1-7</b> <i>lines 8-16</i>	<i>See sec. 15 of bill.</i>
15	<b>C.C. 3293, lines 8-16</b>	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 141

Prepared by J. C. Mabry

**Subject: COUNTY HOMES****General Explanation**

Purely a codification measure by dividing a long section and making more concise.

No change of the law proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3302, lines 1-5 <i>lines 6-15</i>	Line 3, "farm and" inserted before "home". <i>See sec. 2 of bill.</i>
2	C.C. 3302, lines 6-15	Lines 13-14, "of the county farm or home" omitted as superfluous. Lines 14-15, "of the previous year" substituted for all that follows "home".
3	C.C. 3304, lines 1-8 <i>lines 9-12</i>	<i>See sec. 4 of bill.</i>
4	C.C. 3304, lines 9-12	Line 10, "is to be" changed to "shall be". Line 12, "unless in the cases" changed to "except as".

## BRIEF OF CODE COMMISSIONERS' BILL NO. 142

Prepared by J. C. Mabry

**Subject: COUNTY PUBLIC HOSPITALS AND DETENTION HOSPITALS  
FOR CONTAGIOUS DISEASES****General Explanation**

Codification mainly, by dividing into three chapters so as to separate the three distinct purposes of the statute and the provisions applicable to each. By gathering separated provisions under the subjects to which they relate, dividing long sections and combining others.

This whole body of law is confused and perplexing mixture, burdened with much unnecessary verbiage and with no semblance of orderly or logical arrangement. These evils could not be cured so as to have an orderly concise statute covering the three main objects sought, without making practically a redraft of the whole thing in which it would be difficult if not impossible to keep trace of every line of the present statute, yet the bill proposes but few modifications in the substance of the present law.

The new provisions added by 39 G. A. are incorporated as sections 18 and 19.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 3309, lines 1-10</b>	Lines 1-2 changed to "when it is proposed to establish in any county a county public hospital".
	<i>lines 11-17</i>	<i>See secs. 2 and 3 of bill.</i>
	<i>lines 18-21</i>	<i>See sec. 4 of bill.</i>
	<i>lines 22-23</i>	<i>See secs. 2 and 3 of bill.</i>
	<i>lines 24-33</i>	<i>See sec. 27 of bill.</i>
	<i>lines 34-43</i>	<i>See sec. 28 of bill.</i>
2	<b>3314, line 25</b>	
	<i>lines 1-18</i>	<i>See sec. 4 of bill.</i>
	<i>lines 19-20</i>	<i>Omitted as superfluous and covered by other provisions.</i>
	<i>lines 21-24</i>	<i>See sec. 6 of bill.</i>
2	<b>C.C. 3309, lines 11-17</b>	For the sake of uniformity and to avoid the repetition and detail here found, and because the whole matter is governed by chapter 10, title XII of the compiled code, the whole matter is condensed in sections 2 and 3 of the bill. The form of the ballot is entirely superfluous as found in C.C. 3310 as that is governed by provisions of the chapter referred to. Why have such a chapter if every
	<b>lines 22-23</b>	
	<b>3310, lines 1-10</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2	<i>lines 11-18</i>	detail is to be repeated in every body of law where a public question is to be submitted to vote? <i>See secs. 4 and 5 of bill.</i>
3	<b>C.C. 3309, lines 11-17</b> <b>lines 22-23</b> <b>3310, lines 1-10</b>	Explanatory note of preceding section applies to this. A modification is proposed that if the election is to be special, the petition shall so request and the board so order, and the whole matter of submitting such question shall be governed by the provisions of the chapter above referred to.
4	<b>C.C. 3309, lines 18-21</b> <b>3310, lines 11-18</b> <b>3314, lines 1-18</b>	See also sec. 5 of bill.
5	<b>C.C. 3310, lines 11-18</b> <b>S.C.C. 3318, entire</b>	See also sec. 4 of bill. See also sec. 11 of bill.
6	<b>C.C. 3314, lines 21-24</b>	Cross references omitted as bonds are to be disposed of as other county bonds.
7	<b>C.C. 3311, entire</b>	The bill section is but a redraft of the entire section in better and more concise language, with all the provisions retained except the one excluding physicians from the board of trustees, which did not seem a wise provision.
8	<b>C.C. 3313, entire</b>	
9	<b>C.C. 3312, lines 1-5</b> <b>lines 36-39</b> <i>lines 6-9</i> <i>lines 10-16</i> <i>lines 17-21</i> <i>lines 21-36</i> <i>lines 39-44</i> <i>lines 44-46</i> }	Mere change of language for conciseness. <i>See sec. 10 of bill.</i> <i>See sec. 16 of bill.</i> <i>See sec. 12, par. 1, of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 13 of bill.</i>
10	<b>C.C. 3312, lines 6-9</b>	
11	<b>C.C. 3312, lines 21-36</b> <b>lines 39-44</b> <b>3315, entire</b> <b>3316, entire</b> <b>S.C.C. 3318, entire</b> <b>C.C. 3320, entire</b> <b>3321, entire</b> <b>3324, entire</b> <b>3326, entire</b>	It is impossible to point out the verbal changes in condensing all these provisions into this bill section. It is a process of gathering them all together and condensing them into a clear concise and orderly arrangement in numbered paragraphs.
12	<b>C.C. 3312, lines 17-21</b> <b>3319, lines 13-16</b> <i>lines 1-13</i>	<i>See sec. 14 of bill.</i>

## C. B. 142 COUNTY HOSPITALS AND DETENTION HOSPITALS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
12	3323, entire 3325, lines 1-14 lines 15-17 3327, entire	See sec. 26 of bill.
13	C.C. 3312, lines 44-46	Condition as to competitive bidding as applied to trustees omitted as against the policy of the law as well as public policy.
14	C.C. 3319, lines 1-13	
15	C.C. 3322, entire	
16	C.C. 3312, lines 10-16	
17	C.C. 3317, entire	Modified to apply only to police and fire protection and control, sanitary regulations and public utility service. Provisions for general jurisdiction would be null and void.
18	S.C.C. 3327-a1, entire	
19	S.C.C. 3327-a2, entire	
20	C.C. 3328, entire 3329, entire	
21	C.C. 3330, lines 1-11 lines 12-19	See sec. 24 of bill.
22	C.C. 3331, lines 3-14 lines 1-3	See sec. 23 of bill.
23	C.C. 3331, lines 1-3	
24	C.C. 3330, lines 12-19	
25	C.C. 3332, entire	Redrafted in more concise language. Impossible to designate the change of language in any other way.
26	C.C. 3333, entire 3325, lines 15-17	
27	C.C. 3309, lines 24-33	Population basis omitted as there is no apparent reason for its existence.
28	C.C. 3309, lines 34-43	
29	New	Making law applicable.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 143

Prepared by J. C. Mabry

**Subject: COUNTY AID FOR THE BLIND****General Explanation**

Is mainly codification by combining various sections and stating the provisions in more direct and concise form. Three sections containing nineteen lines are condensed into one of nine lines. Slight modifications are proposed as to the administration, but not the substance of the law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3334, entire 3335, entire 3336, entire	See also sec. 6 of bill. This section contains every provision of the three in concise form.
2	C.C. 3337, entire	Modified by providing he shall have had training as an oculist.  In addition to keeping office open first week of each year, insert also the first week of April, July and October.
3	C.C. 3338, entire	
4	C.C. 3339, entire	Line 2, change "clerk of their respective counties" to "auditor of the county of his residence". This modification is fully warranted to harmonize with other like proceedings and because the board of supervisors has general supervision.
5	C.C. 3340, entire	Line 1, "clerk" changed to "auditor" to carry out purpose of the bill.
6	C.C. 3341, entire  3334, entire	Line 5, add provision under certain conditions for board to appoint overseer of poor or other suitable person to expend benefit judiciously.  General principle included in this section.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 144

Prepared by J. C. Mabry

**Subject: RELIEF FOR SOLDIERS, SAILORS, AND MARINES****General Explanation**

Codification mainly, but slight modification as to administration.

Sections 3348 to 3351, inclusive, and 3353 of the compiled code and 3352 of the supplement to said code are codified in code commissioners' bill 19.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3342, lines 1-8 lines 9-15 lines 16-18	Omitted in view of C.B. 19 fully covering the subject. See sec. 2 of bill.
2	C.C. 3342, lines 16-18	Change contemplates incorporation at some time into a permanent code.
3	C.C. 3343, lines 1-7 lines 8-14	See sec. 4 of bill.
4	C.C. 3343, lines 8-14	
5	C.C. 3344, lines 1-9 lines 9-12 lines 13-21 lines 22-27	See sec. 6 of bill. See sec. 7 of bill. See sec. 6 of bill.
6	C.C. 3344, lines 9-12 lines 22-27	
7	C.C. 3344, lines 13-21	
8	C.C. 3345, entire	Lines 9-10, omitted as surplusage.
9	C.C. 3346, lines 1-5 lines 6-9	See sec. 10 of bill.
10	C.C. 3346, lines 6-9	
11	C.C. 3347, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 145

Prepared by J. C. Mabry

## Subject: OFFICIAL NEWSPAPERS

## General Explanation

Codification in the main, by dividing long sections, and into numbered paragraphs and some transposition for more logical arrangement.

Sections 4 and 7 are new covering some phases liable to arise and as to which the present law is silent.

C. C. 3354 is a confused jumble of many things without any regard to logical order or arrangement, consisting of 57 solid lines. It cries loudly for codification.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 3354, lines 1-2</b> <i>line 2</i> <i>lines 3-4</i> <i>line 4</i> <i>lines 5-12</i> <i>lines 13-15</i> <i>lines 16-19</i> <i>lines 20-21</i> <i>lines 21-24</i> <i>lines 25-26</i> <i>lines 27-29</i> <i>lines 30-36</i> <i>lines 37-40</i> <i>lines 41-42</i> <i>lines 43-44</i> <i>lines 45-57</i>	<i>See sec. 3 of bill.</i> <i>See sec. 2 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 15 of bill.</i> <i>See sec. 16 of bill.</i> <i>See sec. 3 of bill.</i> <i>See sec. 2 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 8 of bill.</i> <i>See sec. 9 of bill.</i> <i>See secs. 10, 11 and 12 of bill.</i> <i>See sec. 13 of bill.</i> <i>See sec. 14 of bill.</i>
2	<b>C.C. 3354, lines 3-4</b> <b>lines 25-26</b>	Line 26, "for the purpose of such publication" omitted as surplusage.
3	<b>C.C. 3354, line 2</b> <b>lines 21-24</b>	
4	<b>New</b>	No provision at present as to how application shall be made.
5	<b>C.C. 3354, lines 5-12</b>	Line 12, added "the manner of its delivery, and if by rural route, the number thereof."
6	<b>C.C. 3354, line 4</b> <b>lines 13-15</b> <b>lines 27-29</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7	New	Such situation might arise.
8	C.C. 3354, lines 30-36	
9	C.C. 3354, lines 37-40	
10	C.C. 3354, lines 41-42	No proceedings on appeal are indicated and to harmonize with statutes in cases of other similar appeals, the proper steps have been preserved.
11	C.C. 3354, lines 41-42	This section grows out of the mere declaration of the right of appeal and is a step that should be definitely prescribed.
12	C.C. 3354, lines 41-42	This is a part of the proper and necessary procedure on appeal as to which the statute is silent.
13	C.C. 3354, lines 43-44	
14	C.C. 3354, lines 45-57	
15	C.C. 3354, lines 16-19	Subsec. 4 added to harmonize with C.B. 123, sec. 24.
16	C.C. 3354, lines 20-21	
17	C.C. 3355, lines 1-5 lines 6-12	<i>See sec. 18 of bill.</i>
18	C.C. 3355, lines 6-12	Lines 7-9, omitted as repetition and surplusage.
19	C.C. 3356, entire	





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	<b>3365, entire</b> <b>3366, lines 1-2</b> <i>lines 3-5</i>  <b>3367, lines 3-4</b> <b>3368, entire</b>	<i>Omitted as unnecessary and liable to abuses.</i>
6	<b>C.C. 3357, lines 10-11</b> <b>3363, line 5</b> <b>3369, entire</b>	
7	<b>C.C. 3357, lines 12-14</b>	Modified to cover all violations.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 147

Prepared by J. C. Mabry

**Subject: RELOCATION OF COUNTY SEATS****General Explanation**

Mainly codification by dividing and transposing sections and dividing into paragraphs.

Sections 3, 6, 7, 15, and 16 are new to supply defects and omissions as to procedure on which the statute is silent. Much unnecessary verbiage is omitted from the bill, making the language clear and concise.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3370, entire	
2	C.C. 3371, entire	Divided into numbered paragraphs.
3	New	Present law fixes no time for hearing and this section supplies the omission.
4	C.C. 3373, entire	Line 1, time is changed to three weeks, which seems sufficient.
5	C.C. 3372, lines 1-4 lines 5-7	<i>See sec. 8 of bill.</i>
6	New	Making proceeding specific and orderly.
7	New	Making these matters jurisdictional which is proper.
8	C.C. 3374, lines 1-7 lines 21-25 lines 8-12 lines 13-14 lines 15-20 lines 26-42	Redrafted for more concise statement and divided into subsections. <i>See sec. 9 of bill.</i> <i>See sec. 10 of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 14 of bill.</i>
9	C.C. 3374, lines 8-12	
10	C.C. 3374, lines 13-14	Provisions made more specific.
11	C.C. 3374, lines 15-20	
12	C.C. 3375, entire	
13	C.C. 3376, lines 1-5 lines 6-18	<i>See sec. 14 of bill.</i>
14	C.C. 3374, lines 26-42 3376, lines 6-18	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
15	New	A very essential provision as to which the law is silent.
16	New	Important, but law is silent.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 148

Prepared by J. C. Mabry

**Subject: CHANGING NAMES OF VILLAGES****General Explanation**

Purely codification measure in which no change in the law is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3377, entire	
2	C.C. 3378, entire	Lines 1-2, omitted as surplusage.
3	C.C. 3379, entire	Line 2, "and purposes thereof" omitted as surplusage.
4	C.C. 3380, lines 1-5 lines 6-9	<i>Omitted as unnecessary.</i>
5	C.C. 3381, entire	
6	C.C. 3382, lines 1-4 lines 5-9	<i>See sec. 7 of bill.</i>
7	C.C. 3382, lines 5-9 3383, entire	
8	C.C. 3384, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 149

Prepared by J. C. Mabry

**Subject: LAND SURVEYS****General Explanation**

The present law is very indefinite as to the matter of county surveyor. There seems to be no such officer unless the board of supervisors appoint one, and which in some instances is not done. The bill proposes to make the highway engineer in each county ex officio the county engineer in all cases where the board does not appoint a different one.

Another change proposed is from \$4.00 to \$10.00 per day compensation, as no man competent to do surveying can be procured for \$4.00 per day. That rate was fixed by the code of '97 and has never been changed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	C.C. 3385 starts out by prescribing the duties of the county surveyor, and there is now no provision of law for the appointment or creation of a county surveyor.
2	C.C. 3385, entire	
3	C.C. 3399, entire	Line 5, "four" changed to "ten" as no competent surveyor can be obtained at the rate now fixed. It is not a public expense and this rate should be changed otherwise the work will go undone.  Line 7, "one" changed to "one and one-half" for same reason as above.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 150

Prepared by J. C. Mabry

**Subject: JAILS****General Explanation**

This is purely a codification measure, dividing and combining sections for more logical order and eliminating surplus language.  
No change in the law is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3401, entire	Line 1, "has" replaced by "shall have". Line 3, "himself or by his deputy or jailer" omitted as superfluous.
2	C.C. 3402, entire	Line 5, "if" substituted for "provided". Line 7, "but the foregoing provision may in the discretion of such officer be suspended as to any such prisoner who" changed to "unless such prisoner" for conciseness.
3	C.C. 3403, entire	
4	C.C. 3404, entire 3407, entire	Two sections combined as relating to same general duties, and the whole divided into numbered paragraphs for clearness.
5	C.C. 3405, entire	Line 1, "all prisoners" changed to "each prisoner". Lines 2 and 3, plurals changed to singulars to make specific application to each prisoner instead of all of them collectively. "Time" changed to "day and hour" to make more specific. Line 7 "time" changed to "day and hour" for reasons above.
6	C.C. 3406, entire	
7	C.C. 3408, entire	
8	C.C. 3411, entire	Line 5, "the cause thereof" changed to "in what respects".

BILL SEC. OF	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	C.C. 3414, entire	Line 1, "upon a conviction or charge of an offense" omitted as superfluous.  Line 3, "any part thereof or its contents" substituted for the enumerated article.
10	C.C. 3415, entire	Line 2, "prisoners" substituted for "convicts and persons charged with public offenses".
11	C.C. 3418, lines 1-5 lines 6-9	<i>See sec. 12 of bill.</i>
12	C.C. 3418, lines 6-9	Line 7, "and regulations" omitted as superfluous.
13	C.C. 3420, entire	Lines 3 and 4, "if the prisoner attempts to escape" substituted for the particulars stated in which the attempt is made.  Lines 7 and 8, "prisoners" substituted for the long description of the kind of prisoners.
14	C.C. 3423 lines 1-4 lines 5-7	<i>See sec. 15 of bill.</i>
15	C.C. 3423 lines 5-7	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 151

Prepared by J. C. Mabry

**Subject: TOWNSHIPS AND TOWNSHIP OFFICERS****General Explanation**

A codification measure mainly by dividing and combining sections and omitting superfluous language.

A slight modification is proposed in C. C. 3441, by broadening the provisions to authorize trustees to employ attorneys in any litigation growing out of their official duties except in those cases wherein it is provided the county attorney shall represent them.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3424, lines 1-4 <i>lines 5-8</i>	Line 1, "of each county" omitted as superfluous. <i>See sec. 2 of bill.</i>
2	C.C. 3424, lines 5-8	Lines 5-6, language transposed to end of section for more logical arrangement.
3	C.C. 3428, entire	
4	C.C. 3429, entire	
5	C.C. 3430, lines 1-6 <i>lines 7-14</i>	Line 4, "January, April or June" stricken out and "any regular" substituted. <i>See sec. 6 of bill.</i>
6	C.C. 3430, lines 7-14	Line 8, "electors" substituted for "individuals".
7	C.C. 3431, entire	Line 4, "such hearing" substituted for "the presentation of such petition,".  Line 9, "at least ten days prior to such hearing" added for the purpose of fixing the time of posting notices which the present statute does not fix.
8	C.C. 3432, lines 1-6 <i>lines 7-12</i>	<i>See sec. 9 of bill.</i>
9	C.C. 3432, lines 7-12	
10	C.C. 3433, entire	
11	C.C. 3434, entire	Line 1, "a warrant" changed to "an order".

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11		<p>Line 3, "transacted" substituted for "attended to".</p> <p>Lines 3-4, "and no other business shall be done than such as is so named" changed to "and no business not named in such order shall be transacted at such election".</p>
12	C.C. 3435, entire	<p>Line 1, "warrant" changed to "order".</p> <p>Lines 4-5, "warrant" changed to "order".</p>
13	C.C. 3425, entire	<p>Line 2, "of the county in which such township is situated" omitted as superfluous.</p> <p>Line 5, "three" before "notices" omitted as superfluous and the words "attested by the auditor" inserted after "notices".</p> <p>Line 7, "regular" inserted before "session".</p> <p>Line 9, "recite" inserted before "name" near end of line.</p> <p>Lines 10-11, "which notice shall be attested by the auditor" transposed following "notices" in line 5.</p>
14	C.C. 3426, entire	Line 5, omitted as superfluous.
15	C.C. 3427, entire	
16	C.C. 3440, lines 1-5  lines 5-9	<p>See also C. B. 260, secs. 37 and 43.</p> <p>First sentence new, but based on 37 G. A., ch. 204, sec. 1, lines 5-9, which were omitted from compiled code as temporary.</p> <p>Lines 7-8, "or as soon thereafter as the assessment book is received by the township clerk" omitted as superfluous in view of the statute fixing the day on which trustees shall meet as a board of equalization.</p>
17	C.C. 3441, lines 7-12 lines 1-6 lines 13-15	See sec. 18 of bill.
18	C.C. 3441, lines 1-6	Lines 1-2, "involving the right or duty of township trustees to certify or levy taxes which have been authorized upon expressed conditions, then and in such cases" omitted and the following sub-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18	lines 13-15	stituted, "in any case not covered by the preceding section involving the right or duty of township trustees with reference to any matter within their jurisdiction. The reasons for this change are obvious. Lines 14-15, "and pay the expense thereof out of the fund created by this chapter" omitted as indefinite and inaccurate and the following substituted, "and to levy the necessary taxes to pay for their services and to defray the expenses of such litigation".
19	C.C. 3445, lines 1-7 lines 8-12 lines 13-19	<i>See sec. 21 of bill.</i> <i>See sec. 22 of bill.</i>
20	S.C.C. 3445-a1, entire	
21	C.C. 3445, lines 8-12	Line 8, "they shall have power and it shall be their duty to" omitted and "it shall" substituted.  Lines 10-11, "they shall have power and it shall be their duty to" omitted as superfluous, and covered by the previous language of the section.
22	C.C. 3445, lines 13-19	Line 12, "herein authorized" changed to "authorized in the two preceding sections" to fit the purposes of the bill.
23	C.C. 3446, lines 1-9 lines 9-12	<i>See C. B. 260, sec. 151.</i>
24	C.C. 3449, lines 1-8	Lines 1-2, omitted and the following substituted "such trustees, directors, or other officers may appoint."
25	C.C. 3449, lines 9-17	Lines 13-15, the following language omitted as superfluous "in reference to the protection, care and preservation of cemetery and of the trees, shrubbery, plants, structures, grass and adornments therein".
26	C.C. 3453, entire	Line 5, "dimensions" omitted as superfluous.
27	C.C. 3554, entire	
28	C.C. 3450, lines 1-8 lines 9-17	<i>See sec. 29 of bill.</i>
29	C.C. 3450, lines 9-17	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
30	C.C. 3458, entire	Modified to apply to all assessors. Line 4, "three" changed to "four". Lines 5-7, omitted as superfluous in view of change of compensation proposed.
31	C.C. 3459, entire	Modified to apply to all assessors. Line 5, "and shall not exceed the sum of three and one-half dollars" changed to "on the basis of four dollars".

## BRIEF OF CODE COMMISSIONERS' BILL NO. 152

Prepared by J. C. Mabry

**Subject: TOWNSHIP HALLS****General Explanation**

This is purely a codification measure for the elimination of superfluous language and making a more concise statement of the law. No change in the law is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3460, entire	
2	C.C. 3461, entire	
3	C.C. 3462, entire	Line 2, "relating to building public township halls" omitted as superfluous. Line 9, "upon" changed to "after"; "and the filing of said petition with said clerk" transposed to precede "upon order of the trustees".
4	C.C. 3463, entire	
5	C.C. 3464, entire	
6	C.C. 3465, entire	
7	C.C. 3466, entire	
8	C.C. 3467, entire	Line 6, "taking" omitted as superfluous.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 153

Prepared by J. H. Trewin

## Subject: MUNICIPAL CORPORATIONS—INCORPORATIONS

## General Explanation

Bill No. 153 codifies part of chapter 1 of title XIII, of the compiled code of Iowa, and should be read in connection with the rest of the chapter.

C. C. 3479 and 3480 are repealed by this bill, because the proceedings set out in C. C. 3484 and 3490 serve the same purpose, and are more simple and easily resorted to.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 3471, lines 1-10</b> <b>lines 11-16</b> <i>lines 10-11</i> <i>lines 16-21</i>  <i>lines 21-22</i> <i>lines 22-24</i>	<i>See sec. 4 of this bill.</i> <i>Omitted, and office of assessor made elective.</i> <i>See sec. 4 of this bill.</i> <i>Omitted, and office of assessor made elective.</i> Bill omits "clerk" and substitutes "assessor". (line 4) "And of general circulation" is new. (lines 6-7)
2	<b>C.C. 3472, lines 1-7</b> <b>lines 9-11</b> <i>lines 7-9</i> <i>lines 12-19</i>	<i>See sec. 4 of this bill.</i> <i>See sec. 3 of this bill.</i>
3	<b>C.C. 3472, lines 12-19</b>	
4	<b>C.C. 3471, lines 10-11</b> <b>lines 21-22</b> <b>3472, lines 7-9</b> <b>3519, lines 2-3</b> <i>lines 1-2</i>	<i>Omitted. Covered by C. C. 663.</i>
5	<b>C.C. 3473, lines 1-13</b> <i>lines 13-16</i>	<i>Omitted. Covered by C. B. 25, sec. 1.</i> Bill omits "annual" and substitutes "regular" (line 5) Bill omits "if any, published within the limits of such city or town" and sub-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5		stitutes "of general circulation within the city or town". (lines 8-9) "For two weeks" is new. (line 8)
6	<b>C.C. 3481, lines 1-13</b> <i>lines 13-15</i> <i>lines 15-19</i> <i>lines 19-27</i>	<i>See sec. 7 of this bill.</i> <i>Omitted. Covered by C. B. 25, sec. 1.</i> <i>See sec. 7 of this bill.</i> Bill omits "proper" and substitutes "identical". (line 6) The following are new: 1. "And therein determine whether the question shall be voted upon at a special election, fixing the date thereof, or at the next regular city election". (lines 6-8) 2. "Together with a statement that both councils have adopted the same". (lines 9-10) Bill omits "in each of such cities and towns" and substitutes "once in two newspapers of general circulation in both cities or towns". (lines 10-11)
7	<b>C.C. 3481, lines 13-15</b> <i>lines 19-27</i>	
8	<b>C.C. 3485, lines 1-6</b> <i>lines 6-10</i>	<i>See sec. 3 of bill 177.</i>
9	<b>C.C. 3488, entire</b>	Bill strikes "ordinance or resolution" and substitutes "resolution" wherever it appears in the section. "At a special election or" is new. (line 3) Bill omits "annual" and substitutes "city or town". (line 3)
10	<b>C.C. 3497, entire</b>	Bill omits "annual" and substitutes "regular". (line 6) "And of general circulation" is new. (line 9)
11	<b>C.C. 3504, entire</b>	Bill omits "title" and substitutes "chapter". (line 9)

## BRIEF OF CODE COMMISSIONERS' BILL NO. 154

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—ORGANIZATION  
AND OFFICERS****General Explanation**

Bill No. 154 codifies part of chapter 2 of title XIII, of the compiled code of Iowa, and of the supplement to said code, and should be read in connection with the rest of that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3508, entire	Bill omits "by an increase of population". (lines 5-6 of sec. 3508)  Modified by omitting the limitation to cities at time of taking effect of code of 1897.
2	C.C. 3509, entire	Bill omits "at the next regular annual or biennial period for the election of officers after such statement is published, showing a change of class" and substitutes "Before the next election in a city or town after a change of class". (line 1)
3	C.C. 3511, entire 3515, lines 18-20 lines 33-36 lines 1-12 lines 12-15 lines 15-18 lines 20-23  3516, line 1 lines 1-3  3517, line 1 lines 1-2  3518, line 1 lines 1-2	<i>Omitted as obsolete.</i> <i>See sec. 6 of this bill.</i> <i>Omitted as obsolete.</i> <i>Omitted as obsolete.</i>  <i>See sec. 7 of this bill.</i>  <i>See sec. 7 of this bill.</i>  <i>See sec. 7 of this bill.</i> "At least" is new. (line 4) "Or ward as the case may be" is new. (lines 4-5)
4	C.C. 3553, entire 3554, entire	



## MUNICIPAL CORPORATIONS—ORGANIZATION AND OFFICERS C. B. 154

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	C.C. 3512, entire 3513, entire	Bill omits "and shall reside within the limits of said city during his term of office" because this provision is covered by C. C. 664.
6	C.C. 3514, entire 3515, lines 12-15	
7	C.C. 3516, lines 1-3 3517, lines 1-2 3518, lines 1-2	See also C. B. 157, sec. 1. "Municipal or" is new. (line 3)
8	C.C. 3421, lines 1-3 lines 4-12 lines 15-17 lines 3-4 lines 12-14	<i>See sec. 14 of this bill.</i> <i>Omitted as superfluous.</i>
9	C.C. 3530, lines 1-8 lines 8-12 lines 12-14 lines 14-16	<i>See sec. 10 of this bill.</i> <i>Omitted.</i> <i>See sec. 10 of this bill.</i> Modified by making this section applicable to towns.
10	C.C. 3530, lines 8-12 lines 14-16	Bill omits "for double the amount deposited" and substitutes "in a sum to be fixed by the council, which shall not be less than double the amount which it is estimated will be on deposit at any one time". (lines 1-3)
11	C.C. 3531, entire	Bill omits "shall" and substitutes "may". (line 2)
12	C.C. 3532, entire	
13	C.C. 3533, entire	"Or town" is new. (line 1)
14	C.C. 3521, lines 3-4 3522, entire 3535, entire 3536, entire	
15	C.C. 3541, lines 1-3 lines 4-9 lines 10-14 lines 15-18 lines 19-21 lines 22-24 lines 25-29 lines 30-35 lines 36-39 lines 40-43 lines 44-47 lines 48-50	<i>See sec. 16 of this bill, subsec. 1.</i> <i>See sec. 16 of this bill, subsec. 2.</i> <i>See sec. 16 of this bill, subsec. 3.</i> <i>See sec. 16 of this bill, subsec. 4.</i> <i>See sec. 16 of this bill, subsec. 5.</i> <i>See sec. 16 of this bill, subsec. 6.</i> <i>See sec. 16 of this bill, subsec. 7.</i> <i>See sec. 16 of this bill, subsec. 8.</i> <i>See sec. 16 of this bill, subsec. 9.</i> <i>See sec. 16 of this bill, subsec. 10.</i> <i>See sec. 16 of this bill, subsec. 11.</i>

## C. B. 154 MUNICIPAL CORPORATIONS—ORGANIZATION AND OFFICERS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
15	lines 51-53 lines 54-58 lines 58-60 lines 61-66 lines 67-78 lines 79-84 <b>3551, entire</b>	See sec. 16 of this bill, subsec. 14. See sec. 17 of this bill, as renumbered. Omitted, because covered by C. C. 3552. See sec. 16 of this bill, subsec. 12. See sec. 16 of this bill, subsec. 16. See sec. 16 of this bill, subsec. 15.
16 (1)*	<b>C.C. 3541, lines 4-9</b>	
16 (2)*	<b>C.C. 3541, lines 10-14</b>	
16 (3)*	<b>C.C. 3541, lines 15-18</b>	
16 (4)*	<b>C.C. 3541, lines 19-21</b>	
16 (5)*	<b>C.C. 3541, lines 22-24</b>	
16 (6)*	<b>C.C. 3541, lines 25-29</b>	
16 (7)*	<b>C.C. 3541, lines 30-35</b>	
16 (8)*	<b>C.C. 3541, lines 36-39</b>	
16 (9)*	<b>C.C. 3541, lines 40-43</b>	
16 (10)*	<b>C.C. 3541, lines 44-47</b>	
16 (11)*	<b>C.C. 3541, lines 48-50</b>	
16 (12)*	<b>C.C. 3541, lines 61-66</b>	
16 (13)*	<b>C.C. 3640, entire</b> <b>3766, entire</b>	
16 (14)*	<b>C.C. 3541, lines 51-53</b>	
16 (15)*	<b>C.C. 3541, lines 79-84</b>	“And of general circulation” is new. (line 63)
16 (16)*	<b>C.C. 3541, lines 67-78</b>	“Separate” is new. (line 69)
17†	<b>C.C. 3541, lines 54-58</b> <b>3550, entire</b>	

\* Indicates subsection.

† As renumbered.



## C. B. 155 MUNICIPAL CORPORATIONS—CIVIL SERVICE COMMISSION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<p>lines 30-36  lines 37-46  lines 46-56  lines 56-59  lines 60-65  lines 65-73  lines 73-80  lines 80-83  lines 84-89  lines 89-94  lines 94-100  lines 100-105  lines 105-106  lines 107-109  lines 109-113  lines 114-116  lines 116-119  lines 120-124  lines 124-126  lines 127-135  lines 136-139  lines 140-145  lines 146-150  lines 151-154  lines 154-158    lines 159-164  <b>S.C.C. 4297-a1,</b>  entire  <b>4297-a2,</b>  lines 1-2  lines 4-10  lines 3-4  <b>4297-a3,</b>  entire</p>	<p><i>Covered by C. C. 606.</i>  <i>See sec. 7 of this bill.</i>  <i>See sec. 8 of this bill.</i>  <i>Covered by chapter 24, title IV.</i>  <i>See sec. 12 of this bill.</i>  <i>See sec. 13 of this bill.</i>  <i>See sec. 14 of this bill.</i>  <i>See sec. 21 of this bill.</i>  <i>See sec. 15 of this bill.</i>  <i>See sec. 16 of this bill.</i>  <i>See sec. 17 of this bill.</i>  <i>See sec. 18 of this bill.</i>  <i>See sec. 20 of this bill.</i>  <i>See sec. 18 of this bill.</i>  <i>Omitted as unnecessary.</i>  <i>See sec. 9 of this bill.</i>  <i>See sec. 6 of this bill.</i>  <i>See sec. 11 of this bill.</i>  <i>Omitted as unnecessary.</i>  <i>See sec. 23 of this bill.</i>  <i>Covered by C. C. 3574.</i>  <i>See sec. 5 of this bill.</i>  <i>See sec. 6 of this bill.</i>  <i>See sec. 10 of this bill.</i>  <i>Covered by C. B. 25, secs. 116-118 and C. C. 8904.</i>  <i>Covered by chapter 11, title IV.</i>    <i>See sec. 2 of this bill.</i>  Made applicable to cities of over 8000, to correspond with board of police and fire commissioners law.  Bill omits "three years" and substitutes "five years" requirement for residence of commissioners, to correspond with C. C. 3564.</p>
2	<p><b>C.C. 4232, lines 3-4</b>  <b>lines 8-12</b>  <b>S.C.C. 4297-a2,</b>  <b>lines 3-4</b>  <b>4297-a8,</b>  entire</p>	<p>Bill omits "the council shall.....exercise and perform all duties" and substitutes "may provide by ordinance for the exercise of the powers and performance of the duties."</p>
3	<p><b>C.C. 4232, lines 16-18</b>  <b>lines 27-28</b>  <b>S.C.C. 4297-a5,</b>  <b>lines 1-3</b>  lines 3-4</p>	<p><i>Omitted as unnecessary.</i></p>

## MUNICIPAL CORPORATIONS—CIVIL SERVICE COMMISSION C. B. 155 .

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	C.C. 4232, lines 26-27 S.C.C. 4297-a6, entire 4297-a7, entire	<i>Omitted. Covered by C. B. 25.</i>
5	C.C. 4232, lines 140-145 S.C.C. 4297-a9, lines 2-4 lines 1-2 lines 5-8	} <i>See sec. 7 of this bill.</i>
6	C.C. 4232, lines 116-119 lines 146-150 S.C.C. 4297-a14, lines 3-9 lines 1-3	<i>See sec. 9 of this bill.</i> "And efficient" is new. (line 3)
7	C.C. 4232, lines 37-46 S.C.C. 4297-a9, lines 1-2 lines 5-8	
8	C.C. 4232, lines 46-56 S.C.C. 4297-a10, lines 1-5 lines 5-9 4297-a11, entire 4297-a12, lines 3-7 lines 1-3	<i>Omitted as unnecessary.</i>  <i>Omitted as undesirable.</i> Modified to correspond with C. C. 4232.
9	S.C.C. 4297-a14, lines 1-3	"In cities under the commission plan, the council shall appoint the chief of police" (lines 1-2) is new.
10	C.C. 4232, lines 151-154	
11	C.C. 4232, lines 120-124 S.C.C. 4297-a13, entire	Qualifications made applicable to all civil service employees. "Or drug" (last line) is new.
12	C.C. 4232, lines 60-65	
13	C.C. 4232, lines 65-73 S.C.C. 4297-a16, entire	Provisions for report of suspension or discharge to city council in cities under manager plan, is new.
14	C.C. 4232, lines 73-80 S.C.C. 429 -a17, entire 4297-a19, lines 1-5	See also secs. 16 and 18 of bill.  See also sec. 17 of this bill.

## C. B. 155 MUNICIPAL CORPORATIONS—CIVIL SERVICE COMMISSION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	<i>lines 5-13</i>	<i>See sec. 21 of this bill.</i> Modified as to method of appeal in cities under manager plan.
15	C.C. 4232, lines 84-89	Modified by specifying different persons upon whom notice must be served.
16	C.C. 4232, lines 89-94 S.C.C. 4297-a17, entire	Method of appeal in cities under manager plan changed.  See also secs. 14 and 18 of bill.
17	C.C. 4232, lines 94-100 S.C.C. 4297-a19, lines 1-5	Modified as to the persons upon whom notice shall be served.
18	C.C. 4232, lines 100-105 lines 107-109 S.C.C. 4297-a17, lines 6-8	Modified as to cities under manager plan.  See also secs. 14 and 16 of bill.
19	New	
20	C.C. 4232, lines 105-106	Bill omits "appellant" and substitutes "the parties". (line 1)
21	C.C. 4232, lines 80-83 S.C.C. 4297-a18, entire 4297-a19, lines 5-13	The last sentence is new.
22	C.C. 3570, lines 35-51  <i>lines 1-35</i>	Made applicable to all employees under civil service. <i>Omitted. See "General Explanation" at head of brief.</i>
23	C.C. 4232, lines 127-135 S.C.C. 4297-a15, entire	Made applicable to all employees under civil service.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 156

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—ORDINANCES****General Explanation**

Bill No. 156 clarifies and harmonizes the law with reference to ordinances. It codifies part of chapter 6, title XIII, of the compiled code of Iowa, and of the supplement to said code, and should be read in connection with that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3575, entire	
2	C.C. 3577, entire 3578, entire 3856, lines 7-8 lines 1-7	<i>Codified in sec. 16 of bill 169.</i> Bill omits "improvement or repair" and substitutes "repair" (line 14) Bill omits "unless two-thirds of the owners to be charged therefor shall petition in writing for the same". Compare with sec. 16 of bill 169.
3	S.C.C. 3580, lines 1-3 lines 13-17 lines 4-13	<i>See sec. 4 of this bill.</i>
4	S.C.C. 3580, lines 4-13	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 157

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—MAYOR'S AND  
POLICE COURTS****General Explanation**

Bill No. 157 codifies two sections of chapter 7, title XIII, of the compiled code, and should be read in connection with the rest of that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3516. line 3 <i>lines 1-3</i> 3584, entire	<i>Codified in bill 154, sec. 7.</i> "Municipal or" is new (line 1), taken by implication from the provisions of C. C. 6844.
2	C.C. 3587, lines 1-11  <i>lines 11-23</i>	Modified by the inclusion of municipal courts, taken by implication from the provisions of C. C. 6844. <i>See sec. 3 of this bill.</i>
3	C.C. 3587, lines 11-23	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 158

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—GENERAL POWERS****General Explanation**

Bill No. 158 codifies part of chapter 8, title XIII, of the compiled code of Iowa and supplement to said code, and should be read in connection with the rest of that chapter.

Section 3651 of the compiled code is repealed by this bill, as obsolete.

This bill omits as unnecessary the words "including cities acting under the commission form of government" wherever they appear in the present law; since in cities under the commission plan the general law is applicable in all instances, except when otherwise specifically stated.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3592, lines 1-3 lines 4-5 lines 16-18 lines 3-4 lines 5-7 lines 7-10 lines 11-13 lines 14-15 3626, lines 1-5 lines 5-7	Covered by bill 125. See sec. 6, subsec. 2, of this bill. See sec. 4, subsec. 1, of this bill. See sec. 6, subsec. 3, of this bill. See sec. 8, subsec. 1, of this bill.  See sec. 3 of this bill. Bill omits "by ordinance and to punish by fine or imprisonment for the violation thereof" because covered by C. C. 3574.  "And may maintain actions in equity to restrain and abate any nuisance" is new. (lines 4-5)
2	C.C. 3594, entire	
3	C.C. 3625, entire 3626, lines 5-7	
4 (1)*	C.C. 3592, lines 7-10	
4 (2)*	C.C. 3609, lines 2-7 lines 1-2	See subsec. 7 of sec. 6 of bill as re-numbered.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4 (2)*	lines 7-8	See subsec. 7 of sec. 6 of bill as renumbered.
5 (1)*	C.C. 3599, lines 1-2 lines 8-12 lines 2-8 line 13 lines 14-18	See subsec. 6 of this sec. as renumbered. See subsec. 3 of this sec. as renumbered. See subsec. 2 of this sec. as renumbered. See subsec. 4 of this sec. as renumbered. Bill omits "to tax" in each case, because it is construed as superfluous and unconstitutional. See: State vs. Glassman, 155 Iowa 671. Huston vs. City of Des Moines, 176 Iowa 455. State vs. Osborne, 171 Iowa 680.
5 (2)*†	C.C. 3599, line 13	
5 (3)*†	C.C. 3599, lines 8-12	
5 (4)*†	C.C. 3599, lines 14-18	
5 (5)*†	C.C. 3601, entire	
5 (6)*†	C.C. 3599, lines 2-8	
6 (1)*	C.C. 3656, entire	
6 (2)*	C.C. 3592, lines 5-7	"The sale of tainted or unsound meat, or other provisions" (lines 4-5) is new, taken by inference from the provisions of C. C. 3574.
6 (3)*	C.C. 3592, lines 11-13	
6 (4)*†	C.C. 3602, entire	
6 (5)*†	C.C. 3610, entire	Bill omits "restrain and regulate" and substitutes "restrain and prohibit" (line 1)
6 (6)*†	C.C. 3608, entire	

\* Indicates subsection.

† As renumbered.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6 (7)*†	C.C. 3609, lines 1-2 lines 7-8	
6 (8)*†	C.C. 3605, lines 3-6 lines 1-3	See subsec. 2 of sec. 7 of this bill.
6 (9)*†	C.C. 3607, entire	
7 (1)*	C.C. 3600, entire	Bill omits "to tax". See note to sec. 5, subsec. 1, of this bill.
7 (2)*	C.C. 3605, lines 1-3	
7 (3)*	C.C. 3606, entire	
7 (4)*	C.C. 3611, entire	
7 (5)*	C.C. 3612, entire	Bill omits "of horses or other domestic animals".
8 (1)*	C.C. 3592, lines 14-15	
8 (2)*	C.C. 3593, lines 1-6 lines 7-8 lines 6-7 lines 9-14 lines 15-17 lines 17-21 lines 21-24	See bill 177, sec. 5, subsec. 16 as renumbered. See bill 177, sec. 5, subsec. 16 as renumbered. See bill 178, secs. 4, 9, and 12, and subsec. 3 of this section. See bill 178, sec. 13, subsec. 5. See bill 178, sec. 2, subsec. 2.
8 (3)*	C.C. 3593, lines 15-17	
9†	C.C. 3620, entire 3623, lines 12-15 lines 1-8 lines 9-10 lines 13-15	Bill omits "or from fire to be immediately made safe or removed". See Fire Marshal law. See sec. 11 of this bill as renumbered. See bill 45. See sec. 11 of this bill as renumbered.
10	C.C. 3622, lines 1-8 lines 11-15	

\* Indicates subsection.

† As renumbered.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	<i>lines 8-10</i>	<i>Omitted as unnecessary. See C.C. 3574. Bill omits "operating under state charters and franchises" as unnecessary.</i>
11†	<b>C.C. 3623, lines 1-8</b> <b>lines 13-15</b>	Bill omits "to regulate manufactories by providing against danger from fire." See Fire Marshal law.
12†	<b>C.C. 3642, entire</b>	Bill omits "sixteen" and substitutes "eighteen" (lines 6 and 8) to correspond with C.B. 150, sec. 2.
13†	<b>C.C. 3643, entire</b> <b>3644, entire</b>	
14†	<b>C.C. 3647, lines 1-8</b> <i>lines 8-10</i>	<i>Omitted as unnecessary. See C.C. 3574.</i>
15†	<b>C.C. 3648, lines 1-9</b> <b>lines 31-33</b> <i>lines 9-11</i> <i>lines 12-31</i>	<i>Omitted as unnecessary. See C.C. 3574. See bill 260, sec. 14, subsec. 6, and brief covering same.</i>
16†	<b>C.C. 3649, line 1</b> <b>lines 4-8</b> <i>lines 2-4</i> <i>lines 8-16</i> <i>lines 17-22</i> <i>lines 23-34</i> <i>lines 34-42</i>	<i>Omitted as unnecessary. See sec. 17 of this bill as renumbered. See sec. 18 of this bill as renumbered. See sec. 19 of this bill as renumbered. Omitted, because there is no longer any reason for such a fund. The plumbing code has been adopted and the committee paid; the state board of health is given no power to inspect plumbing; so that there is no longer any use for the plumbing inspection fund.</i>
17†	<b>C.C. 3649, lines 8-16</b>	Bill omits "every such city" and substitutes "every city". (line 3)
18†	<b>C.C. 3649, lines 17-22</b>	
19†	<b>C.C. 3649, lines 23-34</b>	
20†	<b>C.C. 3650, entire</b>	
21†	<b>C.C. 3652, entire</b>	
22†	<b>C.C. 3659, lines 1-9</b> <i>lines 9-14</i> <b>S.C.C. 3660, lines 1-5</b> <i>lines 5-15</i>	<i>See sec. 24 of this bill as renumbered.</i> <i>See sec. 23 of this bill as renumbered.</i>
23†	<b>S.C.C. 3660, lines 5-15</b>	
24†	<b>C.C. 3659, lines 9-14</b>	

† As renumbered.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
24†	3661, lines 1-2 lines 5-6 lines 3-4	<i>Omitted.</i>
25†	C.C. 3662, lines 1-4 lines 10-15 lines 4-9 lines 15-21 lines 21-23	<i>See sec. 27 of this bill as renumbered. See sec. 26 of this bill as renumbered. See sec. 27 of this bill as renumbered.</i>
26†	C.C. 3662, lines 15-21	
27†	C.C. 3662, lines 4-9 lines 21-23	
28†	C.C. 3663, entire	Modified by permitting increase of the dues.
29	C.C. 4359, line 2	See also C.B. 8 and 182.

† As renumbered.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 159

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—PARK TAX****General Explanation**

Bill No. 159 codifies three sections of chapter 9, title XIII, of the compiled code of Iowa, and of the supplement to said code, and should be read in connection with the rest of that chapter.

C. C. 3685 and 3686 are repealed by this bill, because they are almost exact duplications of C. C. 3680 and 3681, and are included in the last named sections.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3667, entire	<p>Bill omits "including cities under the commission form of government" as superfluous.</p> <p>"Of August" (line 1) is new, inserted to make the date of the determination of the tax conform generally with the law in reference to cities.</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 160

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—BOARD OF PUBLIC WORKS****General Explanation**

Bill No. 160 codifies three sections of chapter 10, Title XIII, of the compiled code of Iowa, and should be read in connection with the rest of that chapter.

This bill repeals C. C. 3700, because that section is in contravention with the body of the law on the subject of fire escapes. The provisions of C. C. 3700 are covered by commissioners' bill no. 45.

C. C. 3703 is repealed, because its provisions are covered by commissioners' bill no. 34.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 3687, lines 1-8</b> <i>lines 8-9</i> <i>lines 9-11</i> <i>line 11</i> <i>line 12</i>	<i>Omitted. See C.C. 663.</i> <i>Omitted. See C.C. 3526.</i> <i>Omitted. See bill 154, sec. 16, subsec. 8.</i> <i>Omitted. See bill 154, sec. 17.</i> Bill omits "and in cities having a population of fifty thousand or more, there is hereby created a board of public works." Since C.C. 4223 abolishes the board of public works in cities under the commission form of government and restores its power to the commission, the words quoted have been omitted in order to express the practical working of the law, having in mind its applicability to cities under all forms of government. The modification of this section will not result in any changes of present conditions.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 161

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—RIVER FRONT COMMISSION****General Explanation**

Bill No. 161 codifies two sections of chapter 2, Title XIII, of the compiled code of Iowa, without modification, and should be read in connection with the rest of that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
. 1	C.C. 3707, lines 1-16 lines 16-19	<i>Omitted as obsolete.</i>
2	C.C. 3708, entire	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 162

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—COMFORT STATIONS****General Explanation**

C. B. 162 codifies one section of chapter 13, title XIII, of the compiled code of Iowa, and should be read in connection with the rest of that chapter.

C. C. 3733, codified in code commissioners' bill No. 177.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3730, entire	Clarified by allowing towns of one thousand or more inhabitants to maintain a public comfort station, which is the evident intent of the present law.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 163

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—JUVENILE PLAYGROUNDS****General Explanation**

Bill No. 163 codifies without modification chapter 14, of Title XIII, of the compiled code of Iowa.

C. C. 3735, 3736, and 3737 codified in code commissioners' bills 176, 177, and 178.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3734, lines 1-5 <i>lines 6-25</i>	<i>Codified in bill 178, secs. 4, 5, 8, 9, and 10.</i>
2	C.C. 3738, entire	Bill omits as superfluous: <ol style="list-style-type: none"> <li>1. "Who shall be known as 'play-ground superintendent.'"</li> <li>2. "All salaries shall be paid monthly."</li> </ol> Bill omits "but only after being allowed and ordered paid by the city council" because covered by subsec. 14, sec. 16, of bill 154.
3	C.C. 3739, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 164

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—CITY HALL****General Explanation**

Bill No. 164 codifies chapter 15 of Title XIII, of the compiled code of Iowa, and of the supplement to said code. It repeals C. C. 3745 to 3748, inclusive, as obsolete. These sections were enacted before the enactment of C. C. 3740 to 3744, inclusive, and all cities and towns now act under C. C. 3740 to 3744.

C. C. 3741 to 3744, inclusive, codified in code commissioners' bills 177 and 178.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3743, entire S.C.C. 3740, entire	See also C.B. 178, secs. 4 and 9. Bill omits "including cities under commission plan" as superfluous. "And to purchase the ground therefor" contained in sec. 1, subsec. 2, bill 176.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 165

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—PUBLIC LIBRARIES****General Explanation**

Bill No. 165 collects and codifies a number of scattered provisions of the law with reference to public libraries, so they will appear in the same chapter with the sections of chapter 16, title XIII, of the compiled code, which are not codified in this bill.

C. C. 3753, 3754, 3759 and S. C. C. 3758, codified in code commissioners' bills 176, 177, and 178.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 3749, lines 1-14</b> <i>lines 14-17</i>	<i>See bill 178, sec. 4.</i> Bill omits "and may purchase land". See bill 176, sec. 3, and bill 177, sec. 5, subsec. 19.
2	<b>C.C. 3443, lines 1-4</b> <b>lines 9-13</b> <i>lines 4-8</i> <i>lines 13-18</i> <b>S.C.C. 3752, lines 1-8</b> <i>lines 9-19</i> <i>lines 20-23</i>	<i>See sec. 5 of this bill.</i>  <i>See sec. 3 of this bill.</i> <i>See sec. 4 of this bill.</i> "With a designated library" is new. (line 6)
3	<b>S.C.C. 3752, lines 9-19</b>	
4	<b>S.C.C. 3130, lines 120-125</b> <i>lines 125-127</i> <i>lines 1-119</i> <b>3752, lines 20-23</b>	<i>See sec. 6 of this bill.</i> <i>Codified in bills 130 and 146.</i> "Outside of cities or towns" is new.
5	<b>C.C. 3443, lines 4-8</b> <b>lines 13-18</b>	
6	<b>S.C.C. 3130, lines 125-127</b>	
7	<b>S.C.C. 3760, entire</b>	Modified by allowing the board to appropriate a specified sum from the fund created under C.C. 3342, for memorial library purposes, thus leaving the rest of the fund available for other memorial purposes.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 166

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—HOSPITALS****General Explanation**

Bill No. 166 codifies without modification one section of chapter 18, title XIII, of the compiled code.

C. C. 3773, 3775, and 3778 are codified in code commissioners' bills 177 and 178.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3777, lines 1-3 lines 4-7	<i>Codified in bill 177, sec. 5, subsec. 27.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 167

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—BRIDGES****General Explanation**

Bill No. 167 codifies three sections of chapter 19, title XIII, of the compiled code of Iowa, eliminating a conflict between those sections and the general law with reference to bridges and culverts.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3779, entire	Bill omits "and shall construct and keep in repair all public culverts within the limits of said corporations" and substitutes "cities not controlling the city bridge fund shall construct and keep in repair all culverts which are thirty-six inches or less in diameter within the city." to eliminate a conflict between C.C. 3779 and the general law with reference to culverts. Compare with bill 121, secs. 29 to 31.
2	C.C. 3780, entire	See also C.B. 177, sec. 2.
3	C.C. 3781, lines 1-14 lines 14-22	<i>See sec. 4 of this bill.</i> Bill omits "ordinance or resolution" and substitutes "resolution" (lines 3-4).
4	C.C. 3781, lines 14-22	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 168

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—STREETS AND  
PUBLIC GROUNDS****General Explanation**

Bill No. 168 codifies part of chapter 22, title XIII, of the compiled code of Iowa, and of the supplement to said code, and should be read in connection with the rest of that chapter.

C. C. 3846 is repealed by this bill. The case of *Farwell v. Des Moines Brick Co.*, 66 N. W. 176, holds that a special assessment for street improvement is not a tax for city purposes; and therefore the restriction of C. C. 3485 would not apply to assessments for temporary sidewalks. The only modification resulting from the repeal of C. C. 3846 is that cities of the first class may expend not more than sixty cents per foot for the construction of temporary sidewalks in front of agricultural property, instead of forty cents as provided by the present law.

C. C. 3835 and 3844, codified in code commissioners' bill 169.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>S.C.C. 3808, lines 1-10</b> <i>lines 10-28</i>	<i>See sec. 2 of this bill.</i> Bill omits "ordinance or resolution" and substitutes "resolution." (line 8)
2	<b>S.C.C. 3808, lines 10-28</b> <b>C.C. 3882 lines 1-3</b> <i>lines 3-9</i>	<i>See bill 169, sec. 25.</i> Bill omits "ordinance or resolution" and substitutes "resolution." (line 8)
3	<b>C.C. 3811, entire</b>	Bill omits cross references, and substitutes "at the times and in the manner provided by law for the dragging of roads outside such corporate limits." (lines 3-4)
4†	<b>C.C. 3825, lines 1-10</b> <i>lines 10-22</i>	<i>See sec. 5 of this bill as renumbered.</i> "Or of ten voters in each precinct in cities under the commission form of government" is new. (lines 10-11)

† As renumbered.

## C. B. 168 MUNICIPAL CORPORATIONS—STREETS AND GROUNDS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5†	<b>C.C. 3825, lines 10-22</b>	Bill omits "one of which places shall be the post office" because some towns have no postoffice.
6†	<b>C.C. 3836, lines 1-8 lines 18-22</b> <i>lines 8-13</i> <i>lines 13-18</i>	<i>See bill 177, sec. 12.</i> <i>See bill 169.</i>
7†	<b>C.C. 3840, entire 3841, entire 3842, entire 3843, entire</b>	
8†	<b>C.C. 3845, lines 1-7</b> <i>lines 7-8</i> <i>lines 9-10</i>	<i>See bill 169, sec. 33</i> <i>See bill 177, sec. 12.</i>

† As renumbered.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 169

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—SPECIAL ASSESSMENTS—  
STREET IMPROVEMENTS AND SEWERS****General Explanation**

Bill No. 169 codifies chapter 23, title XIII, of the compiled code of Iowa, and of the supplement to said code, and completely rearranges the law with reference to special assessments. Formerly there was one distinct method of special assessment for street improvements, one for sewers, one for paved roadways, and one for oiling. This bill combines all of these methods with the least possible modification, and provides one method of levying all such special assessments. The sections of the bill are arranged, so far as possible, in the order of the action taken by the city or town council.

Some of the sections in the present law provide for making certain improvements "by ordinance," some "by resolution," and some "by ordinance or resolution." Throughout this bill, all improvements are made uniformly "by resolution," as this is the method provided for in the more important laws, for levying special assessments.

C. C. 3853 is repealed by this bill as superfluous.

Other sections of chapter 23, title XIII, of the compiled code of Iowa, and of the supplement to said code, not germane to the subject of this bill, have been codified in other bills, as follows:

C. C. 3861 to 3872, inclusive, codified in commissioners' bill 170.

C. C. 3897, 3905 and 3909 codified in commissioners' bill 177.

C. C. 3908 codified in commissioners' bill 179.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1)*	<b>C.C. 3836, lines 13-18</b>	Making chapter 23 applicable to towns. See also secs. 2-6, 13, 15, 17-25, 29, 30, 33, 34, 36, and secs. 42, 46, 47, and 56-66 as renumbered, of this bill.
	<i>lines 1-8</i>	<i>See bill 168, sec. 6 as renumbered.</i>
	<i>lines 8-13</i>	<i>See bill 177, sec. 12.</i>
	<i>lines 18-22</i>	<i>See bill 168, sec. 6 as renumbered.</i>
	<b>3854, lines 1-3</b>	Making chapter 23 applicable to towns. See also secs. 2-6, 13, 15-25, 29, 30, 33, 34, 36, and secs. 42, 46, 47, and 56-66 as renumbered of this bill.
	<i>lines 1-6</i>	<i>See sec. 16 of this bill.</i>
	<i>lines 7-8</i>	<i>See bill 177, sec. 5.</i>
	<b>3923, lines 1-3</b>	See also sec. 13 of bill.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1)*	<p>lines 3-4 line 5 lines 6-7 lines 7-11 lines 11-12 lines 12-18 lines 19-22 lines 22-26</p> <p><b>S.C.C. 3849, lines 1-5</b> lines 5-6 lines 7-13 lines 14-28</p>	<p>See sec. 25 of this bill. See sec. 24 of this bill. See sec. 26 of this bill. See sec. 16 of this bill. See sec. 17 of this bill. See sec. 2 of this bill. See sec. 33 of this bill. See secs. 56-58 of this bill as renumbered.</p> <p>See sec. 25 of this bill. See sec. 2 of this bill. See sec. 3 of this bill.</p>
1 (2)*	<p><b>S.C.C. 3912, entire</b> <b>3913, lines 1-6</b> lines 6-8 lines 9-12</p>	<p>See sec. 27 of this bill. See sec. 33 of this bill.</p> <p>Modified by making this law applicable to towns; and by making the establishment of districts mandatory, to conform to S.C.C. 3914.</p>
2	<p><b>C.C. 3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3921, entire</b> <b>3923, lines 12-18</b> <b>S.C.C. 3849, lines 7-13</b></p>	<p>C.C. 3836 and 3854 make S.C.C. 3849 applicable to towns; C.C. 3836 makes C.C. 3921 and 3923 applicable to towns.</p> <p>C.C. 3921 has reference to paving; C.C. 3923 to oiling.</p>
3	<p><b>C.C. 3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>S.C.C. 3849, lines 14-28</b></p>	<p>C.C. 3836 and 3854 make C.C. 3849 applicable to towns.</p> <p>Bill omits "abutting property" and substitutes "assessed for the original construction of the paving" (line 6). C.C. 3855, making certain special assessments enforceable against abutting or adjacent property, when originally enacted contained a clause repealing all laws in conflict therewith. This necessitated a revision of other sections of the code to conform with C.C. 3855. For that reason, and for uniformity, all special assessments throughout this bill have been made enforceable against abutting and adjacent property, as provided in C.C. 3855, codified in sec. 25 of this bill.</p>
4	<p><b>C.C. 3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3873, lines 1-12</b> lines 12-28 lines 29-36</p>	<p>C.C. 3836 and 3854 make C.C. 3873 applicable to towns.</p> <p>See sec. 5 of this bill. See sec. 6 of this bill.</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	C.C. 3836, lines 13-18 3854, lines 1-3 3873, lines 12-28	C.C. 3836 and 3854 make C.C. 3873 applicable to towns. “And fixing a time therefor” (line 10) is new, inserted for clarity. Bill omits “of general circulation” and substitutes “published.” (line 12) Bill omits “notice” and substitutes “resolution.” (line 13) Changed for clarity.
6	C.C. 3836, lines 13-18 3854, lines 1-3 3873, lines 29-36	C.C. 3836 and 3854 make C.C. 3873 applicable to towns.
7	C.C. 3835, lines 1-2 <i>lines 2-3</i> 3857, lines 1-6 <i>lines 6-12</i> <i>lines 12-13</i> <i>lines 13-18</i> 3858, entire	<i>See secs. 24, 28, and 29 of this bill.</i>  <i>See sec. 16 of this bill.</i> <i>See sec. 2 of bill 156.</i> <i>See sec. 10 of this bill.</i> See also secs. 11, 12, 13, 15-21, 24, 28-30, 33, 34, 36, and secs. 42, 46, 54, 62-66, as renumbered, of this bill, and sec. 5 of bill 177.  C.C. 3835 and 3858 make C.C. 3857 applicable to towns.
8	C.C. 3910, lines 8-14 <i>lines 1-8</i> 3911, entire	<i>See bill 177, sec. 5, and bill 179, sec. 7.</i> Modified by making sec. 8 applicable to cities of the first class.
9	C.C. 3906, entire 3907, lines 9-20 <i>lines 1-9</i>	<i>The intent of these lines is codified in line 5 of sec. 28, line 4 of sec. 29, and line 3 of sec. 54 as renumbered, of this bill.</i> Modified by omitting the limitation of C.C. 3905, 3906, 3908, and 3909 to cities having population of less than 47,000.
10	C.C. 3857, lines 13-18	
11	C.C. 3835, lines 1-2 3858, entire 3859, entire	C.C. 3835 and 3858 make C.C. 3859 applicable to towns.
12	C.C. 3835, lines 1-2 3858, entire 3860, entire	C.C. 3835, and 3858 make C.C. 3860 applicable to towns.  In lines 2 and 6, the word “lateral” is new.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
13	<p>C.C. 3835, lines 1-2  3836, lines 13-18  3854, lines 1-3  3858, entire  3874, lines 1-9  lines 13-17  lines 9-13  lines 17-22</p> <p>3923, lines 1-3</p> <p>S.C.C. 3914, lines 1-13  lines 13-18  lines 18-20</p> <p>3917, entire</p>	<p>C.C. 3835, 3836, 3854 and 3858 make C.C. 3874 applicable to towns; C.C. 3836 makes S.C.C. 3917 applicable to towns.</p> <p><i>See sec. 15 of this bill.</i>  <i>See sec. 15 of this bill.</i></p> <p>C.C. 3923 relates to oiling. For uniformity sec. 13 is made applicable to oiling.  <i>See sec. 14 of this bill.</i>  <i>See sec. 33 of this bill.</i></p> <p>Bill omits "abutting" and substitutes "private" (line 4) See note to sec. 3.</p> <p>Bill omits "affected thereby" and substitutes "subject to assessment for the proposed improvement or sewer" (lines 9-10).</p> <p>Bill omits from S.C.C. 3917, "any citizen of such city."</p>
14	<p>S.C.C. 3914, lines 13-18  3915, entire</p>	<p>"Filed with the resolution and made a part thereof" (lines 1-2) is new, introduced for uniformity and clarity.</p> <p>Sec. 14 is new as applied to street improvements other than paving and graveling.</p>
15	<p>C.C. 3835, lines 1-2  3836, lines 13-18  3854, lines 1-3  3858, entire  3874, lines 9-13  lines 17-22</p> <p>3916, entire</p>	<p>For uniformity sec. 15 is made applicable to oiling.</p> <p>C.C. 3835, 3836, 3854 and 3858 make C.C. 3874 applicable to towns; C.C. 3836 makes C.C. 3916 applicable to towns.</p> <p>Bill omits "of general circulation published" and substitutes "published." (line 3)</p>
16	<p>C.C. 3835, lines 1-2  3854, lines 1-6  3856, lines 1-7  lines 7-8</p> <p>3857, lines 6-12  3858, entire  3875, lines 1-3  lines 3-4</p> <p>lines 4-5</p> <p>3923, lines 7-11</p> <p>S.C.C. 3918, lines 1-6  lines 6-7</p>	<p>C.C. 3836 makes C.C. 3918 applicable to towns; C.C. 3836, 3854 and 3858 make C.C. 3856 and 3875 applicable to towns.  <i>See bill 156, sec. 2.</i></p> <p>C.C. 3835 and 3858 make C.C. 3857 applicable to towns.</p> <p><i>Omitted because covered by sec. 2 bill 176.</i>  <i>Omitted as unnecessary.</i></p> <p>For uniformity sec. 16 is made applicable to oiling.  <i>Omitted because covered by sec. 2 bill</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
16	<i>lines 7-8</i>	<p>176.  <i>Omitted as unnecessary.</i>            The provisions of C.C. 3854 are in conflict with the provisions of C.C. 3836 and 3856.</p> <p>To eliminate this conflict, in line 5 the required vote is made "three-fourths" for uniformity.</p> <p>"Resident" is new. (line 8).</p> <p>"Assessed for the construction thereof" (lines 8-9) see note to sec. 3 of this bill.</p>
17	<b>C.C. 3835, lines 1-2</b> <b>3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3858, entire</b> <b>3876, entire</b> <b>3923, lines 11-12</b>	C.C. 3835, 3836, 3854 and 3858 make C.C. 3876 applicable to towns; C.C. 3836 makes C.C. 3923 applicable to towns.
18	<b>C.C. 3835, lines 1-2</b> <b>3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3858, entire</b> <b>S.C.C. 3878, lines 1-9</b> <i>lines 9-11</i>	C.C. 3835, 3836, 3854, and 3858 make S.C.C. 3878 applicable to towns.  <i>See sec. 21 of this bill.</i>
19	<b>C.C. 3835, lines 1-2</b> <b>3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3858, entire</b> <b>3877, lines 1-8</b> <b>lines 9-15</b> <i>lines 8-9</i> <i>lines 15-20</i>	C.C. 3835, 3836, 3854, and 3858 make C.C. 3877 applicable to towns.  <i>See sec. 20 of this bill.</i> <i>See sec. 20 of this bill.</i>
20	<b>C.C. 3835, lines 1-2</b> <b>3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3858, entire</b> <b>3877, lines 8-9</b> <b>lines 15-20</b>	C.C. 3835, 3836, 3854 and 3858 make C.C. 3877 applicable to towns.  "On an Iowa bank" (line 2) is new.
21	<b>C.C. 3835, lines 1-2</b> <b>3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3858, entire</b> <b>3879, entire</b> <b>S.C.C. 3878, lines 9-11</b>	C.C. 3835, 3836, 3854 and 3858 make C.C. 3879 applicable to towns.
22	<b>C.C. 3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3880, lines 1-8</b> <b>lines 19-26</b> <i>lines 8-15</i>	C.C. 3836, 3854 and 3858 make C.C. 3880 applicable to towns.  <i>See sec. 23 of this bill.</i>

## C. B. 169 MUNICIPAL CORPORATIONS—SPECIAL ASSESSMENTS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
22	<i>lines 15-17</i>  <i>lines 17-19</i>	<i>Omitted; see note to sec. 3 of this bill, and see sec. 25 of this bill.</i> <i>See sec. 23 of this bill.</i>
23	<b>C.C. 3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3880, lines 8-15</b> <b>lines 17-19</b>	C.C. 3836, 3854 and 3858 make C.C. 3880 applicable to towns.
24	<b>C.C. 3835, lines 2-3</b> <b>3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3858, entire</b> <b>3881, entire</b> <b>3923, line 5</b>	C.C. 3835, 3836, 3854 and 3858 make C.C. 3881 applicable to towns.  "Privately owned property" (line 7) See note to sec. 3 of this bill.  Sec. 24 is made applicable to oiling.
25	<b>C.C. 3836, lines 13-18</b> <b>3855, lines 1-14</b> <i>lines 14-16</i> <i>lines 17-27</i> <b>3882, lines 3-9</b> <i>lines 1-3</i> <b>S.C.C. 3849, lines 5-6</b>	C.C. 3836 and 3854 make C.C. 3882 applicable to towns. <i>See sec. 31 of this bill.</i> <i>See sec. 32 of this bill.</i>  <i>See bill 168 sec. 2.</i> See note to sec. 3 of this bill explaining the modifications in this section.
26	<b>C.C. 3844, lines 1-10</b> <i>lines 10-13</i>	<i>See secs. 59-60 of this bill as renumbered.</i>
27	<b>C.C. 3920, lines 1-5</b> <i>lines 6-9</i> <b>S.C.C. 3913, lines 6-8</b> <b>3919, lines 10-11</b> <i>lines 1-10</i> <i>lines 12-15</i>	<i>See bill 179 sec. 7 as renumbered.</i>  <i>See sec. 48 of this bill as renumbered.</i> <i>See sec. 48 of this bill as renumbered.</i>
28	<b>C.C. 3835, lines 1-3</b> <b>3858, entire</b> <b>3883, entire</b> <b>3907, lines 1-9</b>	C.C. 3835 and 3858 make C.C. 3883 applicable to towns.  See also sec. 29 of bill.
29	<b>C.C. 3835, lines 1-3</b> <b>3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3858, entire</b> <b>3896, entire</b> <b>3907, lines 1-9</b> <b>3922, entire</b>	C.C. 3835, 3836, 3854, and 3858 make C.C. 3896 applicable to towns; C.C. 3922 makes C.C. 3896 applicable to roadways.  See also secs. 30, 33, 34, 37, and secs. 39-45, 55-58, and 61-66 as renumbered, of this bill.
30	<b>C.C. 3835, lines 1-3</b> <b>3836, lines 13-18</b> <b>3854, lines 1-3</b> <b>3858, entire</b>	C.C. 3835, 3836, 3854, and 3858 make C.C. 3884 applicable to towns; C.C. 3922 makes C.C. 3884 applicable to roadways.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
30	3884, entire 3922, entire	
31	C.C. 3855, lines 14-16	“And property owned by the city or town” (lines 2-3) is new.
32	C.C. 3855, lines 17-27	
33	C.C. 3835, lines 1-3 3836, lines 13-18 3850, entire 3854, lines 1-3 3858, entire 3922, entire S.C.C. 3913, lines 9-12 3914, lines 18-20	C.C. 3836 makes secs. 3913 and 3914 applicable to towns; C.C. 3922 makes C.C. 3850 applicable to roadways.
34	C.C. 3835, lines 1-3 3836, lines 13-18 3854, lines 1-3 3858, entire 3885, entire 3922, entire	C.C. 3835, 3836, 3854 and 3858 make C.C. 3885 applicable to towns; C.C. 3922 makes C.C. 3885 applicable to roadways.
35	C.C. 3924, entire	Bill omits “street commissioner or other officer designated by the council” and substitutes “the officer designated by the council to have charge thereof.” (lines 1-2). Changed for clarity.
36	C.C. 3835, lines 1-3 3836, lines 13-18 3854, lines 1-3 3858, entire 3886, entire	C.C. 3835, 3836, 3854 and 3858 make C.C. 3886 applicable to towns.
37	C.C. 3887, entire 3922, entire 3925, entire S.C.C. 3926, lines 1-4 <i>lines 4-11</i>	C.C. 3922 makes C.C. 3887 applicable to roadways.  <i>See secs. 40, 41, 43-45 of this bill as renumbered.</i> The notice with respect to oiling is in sec. 37 made to conform to notices for other street improvements.
38†	S.C.C. 3887-a1, entire	
39†	C.C. 3888, entire 3922, entire 3927, entire	C.C. 3922 makes C.C. 3888 applicable to roadways.
40†	C.C. 3922, entire S.C.C. 3889, lines 1-5 <i>lines 6-18</i>	C.C. 3922 makes C.C. 3889 applicable to roadways. <i>See sec. 41 of this bill as renumbered.</i>

† As renumbered.

## C. B. 169 MUNICIPAL CORPORATIONS—SPECIAL ASSESSMENTS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
40†	<i>lines 18-33</i> 3926, lines 4-11	<i>See sec. 42 of this bill as renumbered.</i>
41†	C.C. 3922, entire S.C.C. 3889, lines 6-18 3926, lines 4-11	C.C. 3922 makes C.C. 3889 applicable to roadways.
42†	C.C. 3835, lines 1-3 3836, lines 13-18 3854, lines 1-3 3858, entire 3891, lines 1-4 lines 8-10 <i>lines 4-7</i> 3922, entire S.C.C. 3889, lines 18-33	C.C. 3835, 3836, 3854 and 3858 make C.C. 3889 and 3891 applicable to towns; C.C. 3922 makes C.C. 3889 and 3891 applicable to roadways.  <i>See sec. 43 of this bill as renumbered.</i>
43†	C.C. 3890, entire 3891, lines 4-7 3922, entire S.C.C. 3926, lines 4-11	C.C. 3922 makes C.C. 3890 applicable to roadways. S.C.C. 3926 is modified by making sec. 43 applicable to oiling. “The rate of interest” (line 2) under C.C. 3891 was certified only when below 6 per cent.
44†	C.C. 3892, entire 3922, entire S.C.C. 3926, lines 4-11	C.C. 3922 makes C.C. 3892 applicable to roadways. S.C.C. 3926 is modified by making sec. 44 applicable to oiling.
45†	C.C. 3893, entire 3922, entire 3926, lines 10-11	C.C. 3922 makes C.C. 3893 applicable to roadways.
46†	C.C. 3835, lines 1-3 3836, lines 13-18 3851, entire 3854, lines 1-3 3858, entire	C.C. 3835, 3836, 3854 and 3858 make C.C. 3851 applicable to towns.
47†	C.C. 3836, lines 13-18 3854, lines 1-3 3894, lines 1-10 <i>lines 10-12</i> <i>lines 12-17</i>	C.C. 3836 and 3854 make C.C. 3894 applicable to towns.  <i>Omitted. See sec. 31 of this bill.</i> <i>See sec. 55 of this bill as renumbered.</i>
48†	S.C.C. 3919, lines 1-10 lines 12-15	Made applicable to towns to conform to subsec. 2 of sec. 1 of this bill.
49†	S.C.C. 3922-a1, entire	Made applicable to towns to conform to subsec. 2 of sec. 1 of this bill.  Many cross references eliminated by reference to subsec. 2 of sec. 1.

† As renumbered.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
50†	<b>S.C.C. 3922-a2, entire</b>	Made applicable to towns to conform to subsec. 2 of sec. 1 of this bill.
51†	<b>S.C.C. 3922-a3, entire</b>	Made applicable to towns to conform to subsec. 2 of sec. 1 of this bill.
52†	<b>S.C.C. 3922-a4, entire</b>	Made applicable to towns to conform to subsec. 2 of sec. 1 of this bill.
53†	<b>S.C.C. 3922-a5, entire</b>	Made applicable to towns to conform to subsec. 2 of sec. 1 of this bill.
54†	<b>C.C. 3835, lines 1-3 3858, entire 3895, lines 1-12 lines 11-12 lines 12-20 3907, lines 1-9</b>	C.C. 3835 and 3858 make C.C. 3895 applicable to towns.  <i>Omitted; see sec. 31 of this bill. See sec. 55 of this bill as renumbered.</i>
55†	<b>C.C. 3894, lines 12-17 3895, lines 12-20 3922, entire</b>	C.C. 3922 makes C.C. 3894 and 3895 applicable to roadways.  Bill omits "with a description of the boundaries of the particular sewer district" as superfluous.
56†	<b>C.C. 3836, lines 13-18 3854, lines 1-3 3898, lines 1-14 lines 19-21 lines 14-18 lines 21-29 3922, entire 3923, lines 22-26</b>	C.C. 3922 makes C.C. 3898 applicable to roadways; C.C. 3836 and 3854 make C.C. 3898 applicable to towns.  <i>See sec. 57 of this bill as renumbered. See sec. 58 of this bill as renumbered.</i> C.C. 3836 makes C.C. 3923 applicable to towns.
57†	<b>C.C. 3836, lines 13-18 3854, lines 1-3 3898, lines 14-18 3922, entire 3923, lines 22-26</b>	C.C. 3922 makes C.C. 3898 applicable to roadways; C.C. 3836 and 3854 make C.C. 3898 applicable to towns; and C.C. 3836 makes C.C. 3923 applicable to towns.
58†	<b>C.C. 3836, lines 13-18 3854, lines 1-3 3898, lines 21-29 3922, entire 3923, lines 22-26</b>	C.C. 3922 makes C.C. 3898 applicable to roadways; C.C. 3836 and 3854 make C.C. 3898 applicable to towns; and C.C. 3836 makes C.C. 3923 applicable to towns.
59†	<b>C.C. 3836, lines 13-18 3844, lines 10-13 3854, lines 1-3 3904, lines 1-15 lines 15-21</b>	C.C. 3836 and 3854 make C.C. 3904 applicable to towns.  <i>See sec. 60 of this bill as renumbered.</i>

† As renumbered.

## C. B. 169 MUNICIPAL CORPORATIONS—SPECIAL ASSESSMENTS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
60†	C.C. 3836, lines 13-18 3844, lines 10-13 3854, lines 1-3 3904, lines 15-21	C.C. 3836 and 3854 make C.C. 3904 applicable to towns.
61†	C.C. 3836, lines 13-18 3854, lines 1-3 3899, entire 3922, entire	C.C. 3922 makes C.C. 3899 applicable to paved roadways; C.C. 3836 and 3854 make C.C. 3899 applicable to towns.  Bill omits "abutting property" and substitutes "property assessed for said improvement." (line 7). See note to sec. 3 of this bill.
62†	C.C. 3835, lines 1-3 3836, lines 13-18 3854, lines 1-3 3858, entire 3900, lines 1-9  <i>lines 9-21</i> 3922, entire	C.C. 3922 makes C.C. 3900 applicable to roadways; C.C. 3835, 3836, 3854 and 3858 make C.C. 3900 applicable to towns.  Bill omits "or in case of deficiencies" and "as also an amount to make up such deficiencies" because covered by sec. 46 of this bill as renumbered. <i>See sec. 63 of this bill as renumbered.</i>
63†	C.C. 3835, lines 1-3 3836, lines 13-18 3854, lines 1-3 3858, entire 3900, lines 9-21 3922, entire	C.C. 3922 makes C.C. 3900 applicable to roadways; C.C. 3835, 3836, 3854 and 3858 make C.C. 3900 applicable to towns.
64†	C.C. 3835, lines 1-3 3836, lines 13-18 3854, lines 1-3 3858, entire 3901, entire 3922, entire	C.C. 3922 makes C.C. 3901 applicable to roadways; C.C. 3835, 3836, 3854 and 3858 make C.C. 3901 applicable to towns.
65†	C.C. 3835, lines 1-3 3836, lines 13-18 3854, lines 1-3 3858, entire 3902, entire 3922, entire	C.C. 3922 makes C.C. 3902 applicable to roadways; C.C. 3835, 3836, 3854 and 3858 make C.C. 3902 applicable to towns.
66†	C.C. 3835, lines 1-3 3836, lines 13-18 3852, entire 3854, lines 1-3 3858, entire 3903, entire 3922, entire 3928, entire	C.C. 3922 makes C.C. 3903 applicable to roadways; C.C. 3835, 3836, 3854 and 3858 make C.C. 3903 applicable to towns; C.C. 3836 makes C.C. 3928 applicable to towns.

† As renumbered.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 170

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—PROTECTION OF CITY  
PROPERTY****General Explanation**

C.B. 170 codifies part of chapter 25, title XIII, of the compiled code of Iowa, and should be read in connection with the rest of that chapter.

Chapter 25, title XIII, of the compiled code of Iowa, enacted by the 38th G.A., duplicates and conflicts with the previous law on the same subject, appearing in C.C. 3861 to 3872, inclusive. For that reason, C.B. 170 repeals C.C. 3861 to 3872, inclusive, C.C. 3954 is repealed as superfluous.

C.C. 3951, codified in C.B. 179, sec. 7.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3937, entire	Bill omits "including cities under the commission form of government" as superfluous.  "And towns" is new. (line 1)  "Improve, beautify or" is new, (line 2) taken by implication from the provisions of C.C. 3861.
2	C.C. 3938, entire	"Or town" is new. (line 3)  Modified by making procedure mandatory upon council when petitioned for.
3	C.C. 3944, lines 1-7 lines 7-10	See sec. 33 of bill 169.  "At places where the same is crossed by any street, avenue, or alley" is new. (lines 4-5). (See C.C. 3949.)
4	C.C. 3950, lines 1-15 lines 15-20 lines 20-23	See sec. 5 of this bill. See C.C. 3657, 3658, 3952, and sec. 15 of bill 177.  "Where it is intersected by any street, avenue, or alley" (lines 4-5) is new. See C.C. 3949.
5	C.C. 3950, lines 15-20	
6	C.C. 3953, entire	Bill omits "including cities acting under the commission form of government" as superfluous.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 171

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—STREET IMPROVEMENT AND SEWER BONDS****General Explanation**

C.B. 171 codifies part of chapter 26, title XIII, of the compiled code of Iowa, and of the supplement to said code, and should be read in connection with the rest of that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3955, lines 1-10 lines 16-20 lines 10-16 lines 20-23	See sec. 2 of this bill. See sec. 2 of this bill. Bill omits "ordinance or resolution" and substitutes "resolution." (line 1)
2	C.C. 3955, lines 10-16 lines 20-23	Bill omits "contractor or assigns" (lines 1 and 3), as superfluous.
3	C.C. 3956, entire	Bill omits "ordinance or resolution" and substitutes "resolution." (line 4) Bill omits "and in case of sewers also upon adjacent property," as superfluous.
4	S.C.C. 3957, lines 1-11 lines 11-62	See sec. 5 of this bill.
5	S.C.C. 3957, lines 11-62	Bill omits provision that coupons must be signed by the mayor and inserts "and coupons shall be attested by the signature of the clerk." (lines 2-3) Bill omits "ordinance or resolution" and substitutes "resolution." (lines 4-5, 15, 21 and 31.) "Equal" is new (line 24) to conform to sec. 4. Bill omits "seven (7)" (lines 23-24) and substitutes "_____". Bill omits signature of mayor to the coupon.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 172

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—PUBLIC UTILITIES****General Explanation**

C.B. 172 codifies part of chapter 27, title XIII, of the compiled code of Iowa, and should be read in connection with the rest of that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3966, lines 1-11 lines 25-29 <i>lines 11-20</i> <i>lines 21-25</i>	<i>See sec. 2 of this bill.</i> <i>See sec. 3 of this bill.</i> Bill omits "including cities under commission plan of government" as superfluous.
2	C.C. 3966, lines 11-20	
3	C.C. 3966, lines 21-25	"Granted" (line 2) is new. Bill omits "at a general city or special election" because covered by sec. 4.
4	C.C. 3967, entire	Following are new: 1. "Which is so divided, or of ten property owners in each precinct in cities under the commission form of government" (lines 5-7.) 2. "Granting" (line 14). Bill omits "one of which places shall be the post office", because some towns have no postoffice.
5	C.C. 3968, lines 1-11 <i>lines 12-30</i> <i>lines 30-33</i>	<i>See sec. 6 of this bill.</i> <i>See sec. 3 of bill 178.</i>
6	C.C. 3968, lines 12-30	
7	C.C. 3969, lines 1-11 <i>lines 11-20</i> <i>lines 20-30</i> <i>lines 30-35</i> <i>lines 35-50</i>	<i>See sec. 8 of this bill.</i> <i>See sec. 9 of this bill.</i> <i>Omitted as obsolete.</i> <i>See sec. 10 of this bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	C.C. 3969, lines 11-20	
9	C.C. 3969, lines 20-30	
10	C.C. 3969, lines 35-50	
11	C.C. 3972, entire	“With the consent of the board of railroad commissioners” (lines 4-5) is new.
12	C.C. 4006, entire	Modified by prohibiting free service and discriminatory rates from all public utilities. “To” should be stricken from line 1. Following are new: 1. “From any of the public utility plants mentioned in this chapter” (lines 2-3). 2. “Or both” (line 7).
13	C.C. 3976, lines 1-17 <i>lines 17-18</i>	<i>Omitted. Covered by secs. 25-26 of bill 34.</i>
14	C.C. 3977, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 173

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—WATERWORKS****General Explanation**

C.B. 173 codifies without modification part of chapter 28, title XIII, of the compiled code of Iowa, and of the supplement to said code, and should be read in connection with the remainder of the chapter. It shortens the law by simplifying the wording of the sections codified.

Sections 3991 and 3992 of the compiled code are repealed by this bill, because they are obsolete.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 3982, entire	
2	C.C. 3987, lines 1-15 lines 15-17 S.C.C. 3988, entire	<i>Omitted. Covered by secs. 25-26 of bill 34.</i>
3	C.C. 3990, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 174

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—WATERWORKS IN CITIES OF  
ONE HUNDRED THOUSAND****General Explanation**

C.B. 174 codifies part of chapter 29, title XIII, of the compiled code of Iowa, and of the supplement to said code, and should be read in connection with the rest of that chapter.

C.C. 4006 and 4009, codified in C.B. 172 and 177.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 3995, entire	
2	C.C. 4000, lines 1-17 lines 28-29 <i>lines 17-24</i> <i>lines 24-25</i> <i>lines 25-28</i> <i>lines 29-30</i>	<i>See sec. 3 of this bill.</i> <i>Omitted. Superfluous.</i> <i>See secs. 25-26 of bill 34.</i> <i>See C.C. 3549.</i>
3	C.C. 4000, lines 17-24	Bill omits "This shall not apply to any officer or soldier in the United States army or to any officer or sailor of the United States navy" and substitutes "civil". (line 5)
4	C.C. 4001, lines 3-7 <i>lines 1-2</i> <i>lines 7-8</i>	<i>See bill 31.</i> <i>Omitted.</i>



## BRIEF OF CODE COMMISSIONERS' BILL NO. 175

Prepared by J. H. Trewin

Subject: **MUNICIPAL CORPORATIONS—STREET RAILWAY REGULATIONS****General Explanation**

C.B. 175 shortens and simplifies chapter 30, title XIII, of the compiled code of Iowa, by combining and eliminating many duplicate provisions in that chapter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1)*	C.C. 4013, entire	
1 (2)*	C.C. 4012, lines 1-6 lines 6-8 4020, entire	<i>See sec. 2 of this bill.</i>
1 (3)*	C.C. 4015, entire 4017, entire 4018, entire	Bill omits from C.C. 4015, "of 37 feet or more in length over all or weighing 35000 pounds or more" because it is in conflict with C.C. 4017.
1 (4)*	C.C. 4021, entire	
2	C.C. 4012, lines 6-8 4014, entire 4016, entire 4019, entire 4022, entire	Modified by making the penalty identical for violations of all street railway regulations.

\* Indicates subsection.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 176

Prepared by J. H. Trewin

## Subject: MUNICIPAL CORPORATIONS—CONDEMNATION

## General Explanation

C.B. 176 codifies part of chapter 31, title XIII, of the compiled code of Iowa, and collects into that chapter a number of scattered provisions of law with reference to condemnation of property for municipal purposes.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1)*	<b>C.C. 3775, entire 4023, lines 1-6</b> <i>lines 7-10 lines 11-13 lines 14-18</i>	<i>See subsec. 3 of this section. See subsec. 6 of this section. See subsec. 13 of sec. 5 of bill 177.</i>
1 (2)*	<b>C.C. 3725, lines 1-10</b> <i>lines 10-15</i> <b>3736, lines 1-9</b> <i>lines 9-14</i> <b>S.C.C. 3740, lines 2-3</b> <i>lines 1-9</i>	<i>Omitted as superfluous.</i> <i>Omitted as superfluous.</i> <i>See sec. 1 of bill 164.</i> Modified by providing for condemnation for city hall purposes.
1 (3)*	<b>C.C. 4023, lines 7-10</b>	
1 (4)*	<b>C.C. 4024, lines 5-6 lines 7-12</b> <i>lines 1-7 lines 12-16</i>	<i>See subsec. 5 of this section.</i> <i>See bill 177, sec. 5, subsec. 6, as renumbered.</i> Bill omits "including cities acting under commission form of government" as superfluous.
1 (5)*	<b>C.C. 4024, lines 1-7</b>	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (6)*	C.C. 4023, lines 11-13	
2	C.C. 4969, entire	See also C.B. 182, sec. 36.
3	C.C. 3753, entire	
4	C.C. 3754, entire 4027, entire 4970, entire	

\* Indicates subsection.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 177

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—TAXATION****General Explanation**

C.B. 177 codifies by combining into one chapter, the provisions of law with reference to taxation in cities and towns, and by transferring into other chapters the provisions in the sections codified with reference to indebtedness and bonds.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 4031, entire	"And for no other purpose", see sec. 15 of this bill.
2	C.C. 4032, entire 3780, lines 1-4 lines 4-11 2870, lines 1-5 lines 5-13	See also C.B. 167, sec. 2. See bill 167, sec. 2. See also C.B. 121, sec. 1, subsec. 3. See bill 121, sec. 1, subsec. 1. Modified to allow cities of the second class with population of 5000 traversed by stream 200 feet in width to levy bridge tax, to conform to C.C. 3780.
3	C.C. 3485, lines 6-10 lines 1-6 4034, entire	See sec. 8 of bill 153.
4	C.C. 4037, entire	Modified to conform to S.C.C. 4036-a1.
5 (1)*	S.C.C. 4038, lines 1-6 line 117 lines 7-15 lines 16-26 lines 26-32 lines 33-34 lines 35-41 lines 41-46	See also sec. 5, subsec. 2. See subsec. 3 of this section. See subsec. 5 of this section as renumbered. See subsec. 6 of this section as renumbered. Omitted as superfluous. See subsec. 19 of this section as renumbered. See subsec. 20 of this section as renumbered.

\* Indicates subsection

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5 (1)*	<i>lines 47-52</i> <i>lines 52-55</i> <i>lines 56-61</i>  <i>lines 62-64</i> <i>lines 65-68</i> <i>lines 68-69</i> <i>lines 69-71</i> <i>lines 72-81</i>  <i>lines 78-79</i> <i>lines 82-90</i>  <i>line 91</i> <i>lines 92-96</i>  <i>lines 96-99</i> <i>lines 100-114</i>  <i>lines 115-118</i> <i>lines 119-123</i> <i>lines 124-126</i>  <i>lines 127-135</i> <i>lines 136-148</i> <i>lines 149-157</i> <i>lines 158-164</i> <i>lines 165-170</i>	<i>See subsec. 17 of this section as renumbered.</i> <i>See sec. 6 of this bill.</i> <i>See subsec. 18 of this section as renumbered.</i> <i>See sec. 6 of this bill.</i> <i>See subsec. 2 of this section.</i> <i>See sec. 6 of this bill.</i> <i>See subsec. 2 of this section.</i> <i>See subsec. 10 of this section as renumbered.</i> <i>See sec. 6 of this bill.</i> <i>See subsec. 11 of this section as renumbered.</i> <i>See sec. 15 of this bill.</i> <i>See subsec. 12 of this section as renumbered.</i> <i>See sec. 6 of this bill.</i> <i>See subsec. 14 of this section as renumbered.</i> <i>See line 1 of this section.</i> <i>Omitted as superfluous.</i> <i>See subsec. 14 of this section as renumbered.</i> <i>See sec. 9 of this bill.</i> <i>See sec. 10 of this bill.</i> <i>Omitted, because covered by C.C. 4046.</i> <i>See sec. 6 of this bill.</i> <i>See subsec. 4 of this section.</i>
5 (2)*	<b>S.C.C. 4038, lines 65-68</b> <b>lines 69-71</b> <b>line 117</b>	
5 (3)*	<b>C.C. 3854, lines 7-8</b> <i>lines 1-6</i> <b>S.C.C. 4038, lines 7-15</b>	<i>See bill 169.</i>
5 (4)*†	<b>S.C.C. 4038, lines 165-170</b>	
5 (5)*†	<b>C.C. 3858, lines 6-12</b> <i>lines 1-6</i> <b>S.C.C. 4038, lines 16-26</b>	<i>See also subsec. 6 of this section and C.B. 169.</i> <i>See bill 169.</i>
5 (6)*†	<b>C.C. 3858, lines 6-12</b> <b>4024, lines 12-16</b>	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5 (6)*†	<i>lines 1-12</i> <b>S.C.C. 4038, lines 26-32</b>	<i>See bill 176.</i>
5 (7)*†	<b>C.C. 3910, lines 1-6</b> <i>lines 7-8</i> <i>lines 8-14</i>	<i>See bill 179, secs. 7 and 9 as renumbered.</i> <i>See bill 169, sec. 8.</i> Made applicable to cities of the first class.
5 (8)*†	<b>C.C. 3631, lines 1-6</b> <i>lines 6-8</i>	<i>Omitted as superfluous.</i>
5 (9)*†	<b>C.C. 3630, lines 1-10</b> <b>lines 11-15</b> <i>lines 10-11</i>	<i>See sec. 15 of this bill.</i>
5 (10)*†	<b>S.C.C. 4038, lines 72-81</b> <b>line 117</b>	
5 (11)*†	<b>S.C.C. 4038, lines 82-90</b> <b>line 117</b>	
5 (12)*†	<b>S.C.C. 4038, lines 92-96</b> <b>line 117</b>	
5 (13)*†	<b>C.C. 4023, lines 14-18</b> <i>lines 1-13</i>	<i>See bill 176.</i>
5 (14)*†	<b>S.C.C. 4038, lines 100-114</b> <b>lines 124-126</b>	
5 (15)*†	<b>C.C. 3733, entire</b>	
5 (16)*†	<b>C.C. 3593, lines 6-7</b> <b>lines 9-14</b> <i>lines 1-8</i> <i>lines 15-17</i> <i>lines 17-21</i> <i>lines 21-24</i>	<i>See bill 158, sec. 8, subsec. 2.</i> <i>See bill 178, sec. 12.</i> <i>See bill 178, sec. 13, subsec. 5.</i> <i>See bill 178, sec. 2, subsec. 2.</i>
5 (17)*†	<b>S.C.C. 4038, lines 47-52</b> <b>line 117</b>	
5 (18)*†	<b>S.C.C. 4038, lines 56-61</b> <b>line 117</b>	

\* Indicates subsection.

† As renumbered.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5 (19)*†	<b>S.C.C. 3758, lines 1-5</b> lines 5-15 lines 16-21 lines 22-28 <b>4038, lines 35-41</b>	<i>See subsec. 20 of this sec. as renumbered.</i> <i>Omitted as obsolete.</i> <i>See subsec. 20 of this sec. as renumbered.</i>
5 (20)*†	<b>S.C.C. 3758, lines 5-15</b> lines 22-28 <b>4038, lines 41-46</b>	
5 (21)*†	<b>C.C. 3759, entire</b>	
5 (22)*†	<b>C.C. 3724, lines 10-14</b> lines 19-21 lines 1-10 lines 15-19 lines 21-23	<i>See bill 178.</i> <i>Covered by C.C. 4046.</i> <i>See sec. 9 of bill 179.</i>
5 (23)*†	<b>C.C. 3726, lines 1-3</b> lines 4-10 lines 11-12	<i>See sec. 3658 and sec. 15 of this bill.</i> <i>See bill 154, sec. 16, subsec. 14.</i>
5 (24)*†	<b>C.C. 3735, lines 8-11</b> lines 1-8 lines 11-16	<i>See bill 178.</i> <i>Omitted. See C.C. 4046.</i>
5 (25)*†	<b>C.C. 3737, lines 1-3</b> lines 4-10 lines 10-11	<i>See C.C. 3658 and sec. 15 of this bill.</i> <i>See bill 154, sec. 16, subsec. 14.</i>
5 (26)*†	<b>C.C. 3773, lines 3-9</b> line 13 lines 1-3 lines 9-13 lines 13-18 lines 18-20 <b>3774, lines 15-21</b> lines 1-15	<i>See bill 178.</i> <i>See bill 178.</i> <i>See bill 178.</i> <i>See sec. 15 of this bill.</i>  <i>See bills 178 and 179.</i>
5 (27)*†	<b>C.C. 3777, lines 4-7</b> lines 1-4	<i>See bill 166, sec. 1.</i>
5 (28)*†	<b>C.C. 3741, entire</b>	

\* Indicates subsection.

† As renumbered.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	S.C.C. 4038, lines 52-55 lines 62-64 lines 68-69 lines 78-79 lines 96-99 lines 158-164	Bill omits "each year before making the levy" (lines 55 and 64 of S.C.C. 4038.)
7	C.C. 3905, entire 3909, entire	Modified by omitting the limitation to cities of less than 47,000 (See lines 19-20 of C.C. 3907.)
8	C.C. 4039, lines 1-7 lines 7-13 lines 14-16 4040, entire	<i>See bill 179, sec. 7 as renumbered. Covered by C.C. 4046.</i>
9	S.C.C. 4038, lines 127-135	
10	S.C.C. 4038, lines 136-148	Bill omits "or circulating" and substitutes "of general circulation" (line 3).  Bill omits "of the proposed transfer" and substitutes "of the resolution adopted by the council and set forth specifically the funds from and to which the transfer is to be made" (lines 5-7)  Bill omits "will be heard" and substitutes "may be filed." (line 8)
11	C.C. 4041 entire	
12	S.C.C. 4051, lines 1-7 lines 7-14 lines 14-23	<i>See sec. 13 of this bill. See sec. 14 of this bill.</i>  Bill omits "first Monday in September" and substitutes "fifteenth day of August" (line 3), in order to give the auditor time to get the assessments and taxes on his books before the September meeting of the board of supervisors.
13	S.C.C. 4051, lines 7-14	
14	S.C.C. 4051, lines 14-23	
15	C.C. 3897, entire 3983, entire 4009, entire 4053, entire 3726, lines 4-10 3630, lines 10-11 3737, lines 4-10 3773, lines 18-20 S.C.C. 4038, line 91	See also C.B. 178, sec. 14.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 178 •

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—INDEBTEDNESS****General Explanation**

The purpose of C.B. 178 is to gather into one chapter all the provisions of law with reference to indebtedness of cities and towns.

The bill omits the provision of C.C. 4054, 3593, 3742, and 3778 that cities and towns may, for certain purposes, incur an indebtedness not exceeding in the aggregate five per cent of the actual value of the taxable property in such city or town, because that provision is contained in sec. 3 of Article XI of the constitution of Iowa.

The bill repeals C.C. 4058 as obsolete.

The provisions in the sections codified in this bill, with reference to the issuance, denominations, and sale of bonds have been transferred to C.B. 179, the bill with reference to municipal bonds.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 4054, lines 1-5</b> <b>lines 20-22</b> <i>lines 5-9</i> <i>lines 9-12</i>  <i>lines 12-20</i>	<i>See sec. 2, subsec. 1 of this bill.</i> <i>Omitted, because contained in Iowa constitution.</i> <i>See sec. 3 of this bill.</i>
2 (1)*	<b>C.C. 4054, lines 5-9</b>	“Reconstructing” (line 4) is new.
2 (2)*	<b>C.C. 3593, lines 21-22</b> <i>lines 1-6</i> <i>lines 6-7</i>  <i>lines 7-8</i> <i>lines 9-14</i>  <i>lines 15-17</i>  <i>lines 17-21</i> <i>lines 23-24</i>	<i>See bill 158, sec. 8, subsec. 2.</i> <i>See bill 177, sec. 5, subsec. 16 as renumbered.</i> <i>See bill 158, sec. 8, subsec. 2.</i> <i>See bill 177, sec. 5, subsec. 16 as renumbered.</i> <i>See secs. 4, 9, and 12 of this bill, also C.B. 158.</i> <i>See sec. 13, subsec. 5 of this bill.</i> <i>Omitted, because contained in Iowa constitution.</i>
2 (3)*	<b>C.C. 3724, lines 1-4</b>	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2 (3)*	<i>lines 1-7</i> <i>lines 8-10</i> <i>lines 10-14</i>  <i>lines 14-18</i> <i>lines 19-21</i>  <i>lines 21-23</i>	<i>See sec. 12 of this bill.</i> <i>See sec. 13 of this bill.</i> <i>See bill 177, sec. 5, subsec. 22 as renumbered.</i> <i>Covered by C.C. 4046.</i> <i>See bill 177, sec. 5, subsec. 22 as renumbered.</i> <i>See bill 179, sec. 9 as renumbered.</i>
2 (4)*	<b>C.C. 3735, lines 1-4</b> <i>lines 3-6</i> <i>lines 7-8</i> <i>lines 8-11</i>  <i>lines 11-16</i>	<i>See sec. 12 of this bill.</i> <i>See sec. 13 of this bill.</i> <i>See bill 177, sec. 5, subsec. 24 as renumbered.</i> <i>See C.C. 4046.</i>
2 (5)*	<b>C.C. 3742, lines 1-3</b> <i>lines 3-5</i>  <i>lines 6-9</i> <i>lines 9-14</i>  <i>lines 15-18</i>	<i>See bill 179, and subsec. 2, sec. 13 of this bill.</i> <i>See sec. 13, subsec. 2 of this bill.</i> <i>Omitted because contained in Iowa constitution.</i> <i>See sec. 12 of bill.</i>
2 (6)*	<b>S.C.C. 3758, lines 9-10</b> <i>lines 1-5</i>  <i>lines 5-15</i>  <i>lines 16-21</i> <i>lines 22-28</i>	<i>See also C.B. 177, sec. 5, subsec. 20.</i> <i>See subsec. 19 of sec. 5 of bill 177 as renumbered.</i> <i>See bill 177, sec. 5, subsec. 20 as renumbered.</i> <i>Omitted as obsolete.</i> <i>See bill 177, sec. 5, subsec. 20 as renumbered.</i>
2 (7)*	<b>C.C. 3774, lines 1-7</b> <i>lines 4-7</i> <i>lines 7-10</i> <i>lines 10-15</i> <i>lines 15-21</i>	<i>See also secs. 4 and 7 of bill.</i> <i>See sec. 12 of this bill.</i> <i>See bill 179, sec. 9 as renumbered.</i> <i>See sec. 13 of this bill.</i> <i>See bill 177, sec. 5, subsec. 26 as renumbered.</i>
3	<b>C.C. 3968, lines 30-33</b> <i>lines 1-11</i> <i>lines 12-30</i>  <b>4054, lines 12-20</b>	<i>See sec. 5 of bill 172.</i> <i>See sec. 6 of bill 172.</i> <i>Sec. 3 of this bill is made applicable to the provisions of C.C. 3593 and 3742.</i>
4	<b>C.C. 3593, lines 15-17</b> <b>3720, lines 5-8</b>	<i>C.C. 3720 is not codified; but lines 5-8 of C.C. 3720 make sec. 4 of this bill applicable to community center houses.</i>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	<b>3734, lines 3-6</b> <i>lines 1-6</i> <i>lines 7-10</i> <i>lines 10-12</i> <i>lines 12-17</i> <i>lines 17-20</i> <i>lines 20-22</i> <i>lines 22-25</i> <b>3743, entire</b> <b>3749, lines 14-17</b> <i>lines 1-14</i> <b>3774, lines 1-7</b>	<i>See bill 163, sec. 1.</i> <i>Omitted.</i> <i>See sec. 5 of this bill, subsec. 3.</i> <i>See sec. 8 of this bill.</i> <i>See bill 25, sec. 1.</i> <i>See sec. 9 of this bill.</i> <i>See sec. 10 of this bill.</i> See also C.B. 164, sec. 1, and sec. 9 of bill. <i>See bill 165, sec. 1.</i> Sec. 4 makes the words "nor any money appropriated therefor" applicable to all of the purposes mentioned in sec. 2. See also sec. 12 of bill.
5 (1)*	<b>C.C. 4055, lines 1-5</b> <b>lines 10-12</b> <i>lines 5-10</i>	<i>Omitted as unnecessary.</i> Bill omits "a majority" and substitutes "ten per cent" (line 6) Bill omits "two hundred" and substitutes "one hundred" (line 8)
5 (2)*	<b>C.C. 3722, lines 1-5</b> <i>lines 6-8</i>	<i>See sec. 6 of this bill.</i> Modified by requiring petition in case of community center houses.
5 (3)*	<b>C.C. 3734, lines 10-12</b>	Modified by requiring petition in case of juvenile playgrounds.
5 (4)*	<b>C.C. 3778, lines 6-11</b> <i>lines 1-6</i>  <i>lines 11-14</i> <i>lines 14-17</i>	<i>Omitted because contained in Iowa constitution.</i> <i>Omitted as unnecessary.</i> <i>See sec. 9, subsec. 2 and sec. 12 of this bill.</i>
6	<b>C.C. 3722, lines 5-8</b> <b>4056, lines 1-3</b> <i>lines 1-6</i> <i>lines 6-11</i>	<i>See sec. 7 of this bill.</i> <i>See sec. 8 of this bill.</i> "Or at a special meeting held prior thereto" (line 2) is new.
7	<b>C.C. 3744, lines 4-11</b> <i>lines 1-4</i>	See also sec. 12 of bill. <i>Omitted.</i>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7	<i>lines 11-14</i> 4056, lines 1-6	<i>See sec. 8 of this bill.</i> Modified by requiring notices of all elections held under this chapter, and by requiring the same length of publication in each case.
8	C.C. 3723, lines 1-9 <i>lines 9-13</i> <i>lines 13-16</i> <i>lines 16-19</i> 3734, lines 12-17 3744, lines 11-14 4056, lines 6-15	<i>See bill 25, sec. 1.</i> <i>See secs. 9 and 12 of this bill.</i> <i>See secs. 10 and 12 of this bill.</i> Line 1 is new. Bill omits as unnecessary the particular form of ballot in each instance.
9	C.C. 3593, line 15 3723, lines 13-16 3734, lines 20-22 3743, entire 3749, lines 15-17 3773, lines 13-16 <i>lines 1-3</i> <i>lines 3-9</i>  <i>lines 9-10</i> <i>lines 11-13</i> <i>lines 16-18</i> <i>lines 18-20</i>	See also sec. 4 of bill and C. B. 158, sec. 8. See also sec. 12 of bill.  See also sec. 4 of bill and C.B. 164, sec. 1.  <i>Covered by sec. 6 of this bill.</i> <i>See sec. 5 of bill 177, subsec. 26 as re-numbered.</i> <i>See bill 25, sec. 1.</i> <i>Covered by sec. 8 of this bill.</i> <i>Omitted as unnecessary.</i> <i>See sec. 14 of bill.</i>
9 (1)*	4057, entire	
9 (2)*	3778, lines 14-17	See also sec. 12 of bill.
10	C.C. 3723, lines 16-19 3734, lines 22-25	
11	New	
12	C.C. 3593, lines 14-17 3723, lines 13-16 3735, lines 3-6 3742, lines 15-18 3774, lines 4-7 3778, lines 15-17	See also secs. 4 and 9 of bill and C.B. 158.
13	C.C. 3593, lines 17-21 3638, entire 3724, lines 8-10 3774, lines 10-15 4057, line 5	
14	C.C. 3724, lines 17-21 3773, lines 18-20	See also C.B. 177, sec. 15.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	4024, lines 11-12 lines 1-11 lines 12-16	<i>See bill 176.</i> <i>See bill 177, sec 5, subsec. 6.</i>
15	S.C.C. 4059, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 179

Prepared by J. H. Trewin

## Subject: MUNICIPAL CORPORATIONS—BONDS

## General Explanation

C.B. 179 collects into one chapter the provisions of law with reference to municipal bonds.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 4061, entire	Bill omits "ordinance or resolution" and substitutes "resolution" (lines 6, 17) Date of passage is new. (lines 18-19) Bill omits signature of mayor to coupon.
2	C.C. 4062, entire	Bill omits "executed in the same manner" and substitutes "attested by the signature of the clerk" (line 4), to correspond with sec. 1.
3	C.C. 4063, entire	Bill omits "and a true and complete copy thereof printed on the back of such bond" as unnecessary, (lines 10-11).
4	C.C. 4065, lines 1-5 lines 5-12 S.C.C. 4065-a1, lines 1-9 lines 11-13 lines 9-10 lines 13-14	See sec. 5 of this bill.  See sec. 1 of this bill. See sec. 5 of this bill. "Or any part thereof" (subsec. 3) is new.
5	C.C. 4065, lines 5-12 S.C.C. 4065-a1, lines 13-14	The following clauses are new: "Upon payment therefor"; "And the cancellation of such judgments as are paid."
6†	C.C. 4066, entire	
7†	C.C. 3633, entire	See also sec. 9 of this bill.

† As renumbered.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7†	<b>3908, lines 1-2</b> <i>lines 3-5</i> <b>3910, lines 6-8</b> <i>lines 1-6</i> <i>lines 8-14</i> <b>3920, lines 6-9</b> <i>lines 1-5</i> <b>4039, lines 7-13</b> <i>lines 1-7</i> <i>lines 14-16</i> <b>4067, lines 1-4</b> <i>lines 4-9</i> <i>lines 9-18</i> <b>4068, entire</b> <b>3951, entire</b>	<i>See sec. 8 of this bill as renumbered.</i> See also sec. 9 of this bill. <i>See bill 177, sec. 5, subsec. 7 as renumbered.</i> <i>See bill 169, sec. 8.</i> <i>See bill 169, sec. 27.</i> <i>See bill 177, sec. 8.</i> <i>Covered by C.C. 4046.</i> <i>See sec. 8 of this bill.</i> <i>See sec. 9 of this bill.</i>
8†	<b>C.C. 3908, lines 3-5</b> <b>4067, lines 4-9</b>	
9†	<b>C.C. 3633, lines 4-6</b> <b>3910, lines 6-8</b> <b>3634, entire</b> <b>4067, lines 9-18</b>	

† As renumbered.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 180

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—PLATS****General Explanation**

C.B. 180 clarifies the language of the law with reference to plats, and adds provisions to improve the title to the platted additions or subdivisions.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 4072, lines 1-6 lines 13-19 lines 6-13	See sec. 2 of this bill.
2	C.C. 4072, lines 6-13	
3	C.C. 4071, lines 2-7 line 1 lines 7-14 lines 15-24 lines 25-33 lines 33-42	See sec. 4 of this bill. See sec. 4 of this bill. See sec. 5 of this bill. See sec. 6 of this bill. See secs. 4 and 7 of this bill. "And his spouse, if any" is new. (line 5)
4	C.C. 4071, line 1 lines 7-14 lines 37-38	Bill omits "a certified statement by the recorder" and substitutes "an opinion from a reputable attorney" (line 2)
5	C.C. 4071, lines 15-24	
6	C.C. 4071, lines 25-33	
7	C.C. 4071, lines 33-42 4073, entire	Bill omits "the certificate of the recorder" and substitutes "the attorney's opinion" (lines 1-2) to conform to sec. 4 of this bill.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 181

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—POLICEMEN'S AND  
FIREMEN'S PENSION FUNDS****General Explanation**

C.B. 181 codifies without modification all of chapters 36 and 37 of title XIII, of the compiled code of Iowa, and of the supplement to said code. These chapters are identically the same, except that one refers to pension funds for policemen, and the other to pension funds for firemen. C.B. 181 combines the chapters, thereby eliminating three pages of the code.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 4089, lines 1-11</b> <i>line 11</i> <i>lines 12-13</i> <b>4097, lines 1-10</b> <i>lines 10-11</i> <i>lines 11-12</i>	<i>See sec. 2 of this bill.</i> <i>See sec. 15 of bill 177.</i>  <i>See sec. 2 of this bill.</i> <i>See sec. 15 of bill 177.</i>
2	<b>C.C. 4089, line 11</b> <b>4090, entire</b> <b>4097, lines 10-11</b> <b>4098, entire</b>	
3	<b>C.C. 4091, lines 2-9</b> <i>line 1</i> <b>4099, lines 2-9</b> <i>line 1</i>	<i>Covered by sec. 1 of this bill.</i>  <i>Covered by sec. 1 of this bill.</i>
4	<b>C.C. 4092, lines 1-10</b> <i>lines 10-17</i> <b>4100, lines 1-10</b> <i>lines 10-18</i>	<i>See sec. 5 of this bill.</i>  <i>See sec. 5 of this bill.</i>
5	<b>C.C. 4092, lines 10-17</b> <b>4100, lines 10-18</b>	Present law provided that only members of paid fire departments pay membership fee.  "Monthly installments" in case of fire departments changed to "semiannual installments" to correspond with police department provisions. (lines 6-7)

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	<b>S.C.C. 4093, lines 1-10</b> <b>lines 34-38</b> <i>lines 10-15</i> <i>lines 16-19</i> <i>lines 19-21</i> <i>lines 21-34</i> <i>lines 38-41</i> <i>lines 42-44</i> <i>lines 44-47</i> <b>4101, lines 1-9</b> <b>lines 34-37</b> <i>lines 10-15</i> <i>lines 15-18</i> <i>lines 19-20</i> <i>lines 21-33</i> <i>lines 38-40</i> <i>lines 41-44</i>	<i>See sec. 7 of this bill.</i> <i>See sec. 8 of this bill.</i> <i>See sec. 7 of this bill.</i> <i>See sec. 9 of this bill.</i> <i>See sec. 11 of this bill.</i> <i>See sec. 7 of this bill.</i> <i>See sec. 10 of this bill.</i>  <i>See sec. 7 of this bill.</i> <i>See sec. 8 of this bill.</i> <i>See sec. 7 of this bill.</i> <i>See sec. 9 of this bill.</i> <i>See sec. 7 of this bill.</i> <i>See sec. 10 of this bill.</i>
7	<b>S.C.C. 4093, lines 10-15</b> <b>lines 19-21</b> <b>lines 42-44</b> <b>4101, lines 10-15</b> <b>lines 19-20</b> <b>lines 38-40</b>	
8	<b>S.C.C. 4093, lines 16-19</b> <b>4101, lines 15-18</b>	
9	<b>S.C.C. 4093, lines 21-34</b> <b>4101, lines 21-33</b>	
10	<b>S.C.C. 4093, lines 44-47</b> <b>4101, lines 41-44</b>	
11	<b>S.C.C. 4093, lines 38-41</b>	
12	<b>C.C. 4094, lines 1-15</b> <i>lines 15-19</i> <b>4102, lines 1-15</b> <i>lines 15-19</i>	<i>See sec. 13 of this bill.</i>  <i>See sec. 13 of this bill.</i>
13	<b>C.C. 4094, lines 15-19</b> <b>4102, lines 15-19</b>	
14	<b>C.C. 4095, entire</b> <b>4103, entire</b>	
15	<b>C.C. 4096, entire</b> <b>4105, entire</b>	
16	<b>C.C. 4104, entire</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 182

Prepared by J. H. Trewin

**Subject: MUNICIPAL CORPORATIONS—SPECIAL CHARTER CITIES****General Explanation**

The purpose of C.B. 182 is to eliminate a vast number of confusing cross references in the law with reference to special charter cities.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 4299, entire	The last sentence is new.
2	New	
3	C.C. 4306, entire	
4	C.C. 4356, entire	See also sec. 14 of bill.
5	C.C. 4310, entire	
6	C.C. 4321, entire 4322, entire 4324, entire	
7	C.C. 4318, entire	"Except in cities where a municipal court has been established, when such trials shall be governed by the law applicable to municipal courts" (lines 4-6) is new.
8	C.C. 4320, entire	
9	C.C. 4325, entire	Municipal court law modified; see bill 220.
10	C.C. 4327, entire	
11	C.C. 4328, entire	
12	S.C.C. 4329, entire	
13	C.C. 4330, entire	Memorial building law modified; see bill 19.
14	C.C. 4345, entire  4346, entire 4348, entire 4349, entire 4350, entire 4351, entire 4352, entire	Modified by making C.C. 3594, 3600, 3601, 3603, 3604, 3630, 3637, 3641, 3644 applicable to special charter cities. See also sec. 15 of bill.

## C. B. 182 MUNICIPAL CORPORATIONS—SPECIAL CHARTER CITIES

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	4353, lines 3-4 <i>lines 1-3</i> 4355, entire 4356, entire 4357, entire 4359, entire  4360, entire 4361, lines 7-13 <i>lines 1-7</i> S.C.C. 4323, entire 4347, entire 4358, lines 1-2 <i>lines 3-13</i> <i>lines 13-19</i>	See also sec. 19 of bill. <i>See sec. 19 of this bill.</i>  See also C.B. 8, sec. 2, and C.B. 158, sec. 29.  <i>See sec. 23 of this bill.</i>  <i>See sec. 20 of this bill.</i> <i>See sec. 21 of this bill.</i>
15	C.C. 4346, entire	
16	C.C. 4354, entire	
17	C.C. 4440, entire 4441, entire	
18	C.C. 4442, entire	
19	C.C. 4353, lines 1-3	
20	C.C. 4413, entire 4414, entire S.C.C. 4358, lines 3-13 4378, entire	
21	S.C.C. 4358, lines 13-19 C.C. 4443, lines 2-4 <i>lines 1-2</i>	<i>See sec. 37 of bill.</i>
22	C.C. 4412, entire	
23	C.C. 4361, lines 1-7	
24	C.C. 4369, entire	Modified by making C.C. 4013 to 4022 also applicable to special charter cities.
25	C.C. 4362, entire 4363, entire 4366, entire 4367, entire 4371, entire	Modified in accordance with bill 170.
26	C.C. 4364, entire 4365, entire 4380, entire 4381, entire 4382, entire 4394, entire 4395, entire 4400, entire	Modified to include all the provisions of chapter 23 of title XIII.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
26	4401, entire 4402, entire	
27	C.C. 4379, lines 1-9 lines 9-16 lines 16-23	See sec. 28 of this bill. See sec. 29 of this bill. Bill omits "or abutting on" and "per front foot" (lines 7-8) to conform to bill 169.
28	C.C. 4379, lines 9-16	
29	C.C. 4379, lines 16-23	
30	C.C. 4392, lines 1-11 lines 11-17	See sec. 32 of this bill.
31	C.C. 4393, lines 1-10 lines 11-18	See sec. 32 of this bill.
32	C.C. 4392, lines 11-17 4393, lines 11-18	
33	C.C. 4383, entire	
34	C.C. 4403, entire 4404, entire 4406, entire 4407, entire	
35	C.C. 4408, lines 1-6 lines 6-25 4409, entire 4410, entire	Omitted as obsolete. C.C. 3684, to 3686, inclusive, are also made applicable to special charter cities.
36	C.C. 4417, entire 4969, entire	See also sec. 2 of bill 176.
37	C.C. 4443, lines 1-2 4444, entire	
38	C.C. 4467, entire 4468, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 183

Prepared by J. H. Trewin

**Subject: TAXATION****General Explanation**

C.B. 183 collects into one section all the provisions of law with reference to exemptions from taxation, and rearranges other provisions of taxation law in more logical order.

The few modifications made by C.B. 183 are self-explanatory.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
<b>1</b> (1,a)*	<b>S.C.C. 4482, lines 1-3</b> lines 3-5 lines 6-8 lines 8-11 lines 11-13 lines 13-16 lines 17-19 lines 19-20 lines 20-26 lines 26-32 lines 32-35 lines 36-40 lines 40-41 lines 41-48 lines 49-71 lines 72-76 lines 77-79 lines 80-94 lines 95-99 lines 100-102 lines 103-106 lines 107-111 lines 112-115	<i>See subdivision "b" of this subsection.</i> <i>See subsec. 2 of this section.</i> <i>See subdivision "c" of this subsection.</i> <i>See subdivision "d" of this subsection.</i> <i>See subsec. 2 of this section.</i> <i>See subdivision "a" of subsec. 3.</i> <i>See subdivision "b" of subsec. 3.</i> <i>See subdivision "c" of subsec. 3.</i> <i>See subsec. 4 of this section.</i> <i>See subsec. 5 of this section.</i> <i>See subsec. 6 of this section.</i> <i>See subsec. 7 of this section.</i> <i>See subsec. 8 of this section.</i> <i>See subsec. 11 of this section.</i> <i>See subsec. 9 of this section.</i> <i>See subsec. 10 of this section.</i> <i>See section 2 of this bill.</i> <i>See section 3 of this bill.</i> <i>See section 4 of this bill.</i> <i>See section 5 of this bill.</i> <i>See section 4 of this bill.</i> <i>See subsec. 12 of this section.</i>
<b>1</b> (1,b)*	<b>S.C.C. 4482, lines 3-5</b>	
<b>1</b> (1,c)*	<b>S.C.C. 4482, lines 8-11</b>	
<b>1</b> (1,d)*	<b>S.C.C. 4482, lines 11-13</b>	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1,e)*	New	
1 (2)*	C.C. 4487, entire S.C.C. 4482, lines 6-8 lines 13-16	
1 (3,a)*	S.C.C. 4482, lines 17-19	
1 (3,b)*	S.C.C. 4482, lines 19-20	
1 (3,e)*	S.C.C. 4482, lines 20-26	
1 (4)*	S.C.C. 4482, lines 26-32	
1 (5)*	S.C.C. 4482, lines 32-35	
1 (6)*	S.C.C. 4482, lines 36-40	
1 (7)*	S.C.C. 4482, lines 40-41	
1 (8)*	S.C.C. 4482, lines 41-48	
1 (9)*	S.C.C. 4482, lines 72-76	
1 (10)*	S.C.C. 4482, lines 77-79	
1 (11)*	S.C.C. 4482, lines 49-71	
1 (12)*	S.C.C. 4482, lines 112-115	
1 (13)*	C.C. 4484, entire 4485, entire 4486, entire 4499, lines 17-20 lines 1-7 lines 7-17 4500, lines 17-20 lines 7-17 4508, lines 9-10 lines 1-10 4513, lines 2-3 line 1	See sec. 7 of this bill. See sec. 8 of this bill.  See sec. 9 of this bill. See also subsec. 14 of this section. See sec. 10 of this bill.  See sec. 16 of this bill, as renumbered.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (13)*	lines 3-13 lines 13-32 4567, lines 20-22 lines 1-9 lines 9-20	See sec. 16 of this bill, as renumbered. See sec. 17 of this bill, as renumbered.  See sec. 18 of this bill, as renumbered. See sec. 19 of this bill, as renumbered.
1 (14)*	C.C. 4508, lines 9-10	
2	S.C.C. 4482, lines 80-94	
3	S.C.C. 4482, lines 95-99	
4	C.C. 4483, lines 1-4 lines 5-8 S.C.C. 4482, lines 100-102 lines 107-111	See sec. 5 of this bill.
5	C.C. 4483, lines 5-8 S.C.C. 4482, lines 103-106	
6	C.C. 4493, entire	Bill omits "odd-numbered" and substitutes "even-numbered" (line 4)
7	C.C. 4499, lines 1-7	
8	C.C. 4499, lines 7-17	
9	C.C. 4500, lines 1-17	
10	C.C. 4508, lines 1-10	
11	C.C. 4509, entire	Bill omits "as provided by section 4584" and substitutes "and taxed as moneyed capital in competition with banks as provided in section four thousand five hundred eleven (4511)."
12	C.C. 4510, lines 1-15 lines 15-22 lines 22-26	See sec. 14 of this bill. See sec. 13 of this bill.
13	C.C. 4510, lines 22-26	
14	C.C. 4510, lines 15-22	
15†	C.C. 4511, entire	"In competition with banks" is new. (lines 2 and 7)
16†	C.C. 4513, line 1 lines 3-13	
17†	C.C. 4513, lines 13-32	
18†	C.C. 4567, lines 1-9	
19†	C.C. 4567, lines 9-20	

\* Indicates subsection.

† As renumbered.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
20†	<b>C.C. 4609, lines 1-14</b> <i>lines 14-17</i>	<i>See sec. 21 of this bill as renumbered.</i> “Alphabetically” (line 6) is new.
21†	<b>C.C. 4609, lines 14-17</b>	The first sentence is new.
22†	<b>C.C. 4619, entire</b>	Bill omits “and other moneyed capital taxed at a flat rate as provided in section 4504” (lines 8-9)
23†	<b>C.C. 4620, entire</b>	Bill omits “and other moneyed capital taxed at a flat rate as provided in section 4504” (lines 6-7 and 22-23).
24†	<b>C.C. 4693, lines 1-10</b> <i>lines 10-19</i> <i>lines 19-29</i> <i>lines 29-31</i> <i>lines 31-42</i>	<i>See sec. 25 of this bill as renumbered.</i> <i>See sec. 27 of this bill as renumbered.</i> <i>Omitted as superfluous.</i> <i>See sec. 28 of this bill as renumbered.</i>
25†	<b>C.C. 4693, lines 10-19</b>	
26†	<b>New</b>	
27†	<b>C.C. 4693, lines 19-29</b>	
28†	<b>C.C. 4693, lines 31-42</b>	“And the actual cost, not exceeding ten dollars paid for a search of the records to ascertain the liens, if any, and the names of the owners thereof” (lines 1-4) is new, inserted because of sec. 26 as renumbered.

† As renumbered.

CODE COMMISSIONERS' BILL NO. 184

Subject: **TAXATION—COLLATERAL INHERITANCE TAX**

**No brief prepared. Bill withdrawn.**

## BRIEF OF CODE COMMISSIONERS' BILL NO. 185

Prepared by J. C. Mabry

**Subject: DRAINAGE****General Explanation**

C.B. 185, is a redraft of chapters 1 and 2, title fifteen, of the compiled code of Iowa, and of the amendments thereto, enacted by the 39th General Assembly.

Each of these chapters contains what purports to be a complete system of drainage law. Chapter 1 is the original drainage law, dating back to the code of 1873, with amendments thereto, as late as 38 G.A.

Chapter 2 was enacted in the main by the 30th G.A. with amendments since that time down to and including acts of 39 G.A.

Chapter 2 undoubtedly was originally intended to take the place of all the general drainage laws found in chapter 1, but during its progress through 30 G.A. there was some fear that it might in some manner disrupt drainage projects theretofore established or those in process of establishment, and C.C. 4895 was incorporated into it providing that the drainage act of 30 G.A. should be construed as an independent procedure additional to chapter 1 and not to be held to be a repeal of that chapter.

The purpose of this bill is to mould the two chapters into one entire, complete and comprehensive drainage law, which will eliminate all conflict between the provisions and preserve the provisions of each chapter in so far as they are not in conflict and in so far as each chapter treats of subjects not covered by the other.

Preliminary to the detailed explanatory brief accounting for sections and lines embodied in the bill, it is believed that a comparison of different sections and provisions will aid the legislator in understanding the irreconcilable conflict which exists between these two bodies of law, and the consequent need for revision.

Such a comparison of sections is herewith submitted:

**Jurisdiction of Board**

Ch. 1	C.C. 4777,	} Bill sec. 1 Duplicates.
Ch. 2	C.C. 4836,	

**Petition to Establish**

Ch. 1	C.C. 4778,	} Bill sec. 6	Conflicting. C.C. 4778, provides petition shall be signed by majority of residents of county
	4794,		
Ch. 2	S.C.C. 4837,		

owning land abutting on the improvement.

C.C. 4794, provides petition shall be signed by one hundred (100) voters of the county.

S.C.C. 4837, provides petition shall be signed by one or more landowners whose land will be affected or assessed for the expense.

These conflicts have been eliminated by the bill by adopting the provisions of S.C.C. 4837 which are now uniformly followed in all drainage procedure.

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#### Preliminary Proceedings on Petition

Ch. 1	C.C. 4778,	}	Bill secs.	Some conflict and all are more or less indefinite for a procedure of such importance all which the bill sections seek to cure.
	4794,			
Ch. 2	S.C.C. 4837,	}	8, 9, 13-15	

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#### Preliminary Hearing on Petition and Report of Engineer

##### (a) Notice

Ch. 1	C.C. 4778,	}	Bill secs.	Conflicting. C.C. 4778 makes meagre provision as to the character of notice and confines personal service to landowners who are residents of the county through or upon which the improvement will pass or abut and publication in a newspaper of the county as to all others. No provision as to notice to lien holders or incumbrancers, and no provision for adjournment for service on omitted parties.  C.C. 4838 is more complete in detail as to character of notice and manner of service and the bill adopts these provisions with a few modifications for completeness.
	4794,			
Ch. 2	C.C. 4838,	}	16-22	

##### (b) Hearing

Ch. 1	C.C. 4779,	}	Bill secs.	Conflicting. C.C. 4779 devotes only six and a half lines to the hearing and the only requisite for the establishment of the district is
	4794,			
Ch. 2	C.C. 4840,	}	23-24	

that the board finds it will be conducive to the public health, convenience or welfare, and in such case the language is mandatory.

C.C. 4840 after a finding that the improvement will be conducive to the public health, welfare, convenience and utility, vests the board with discretionary power to establish or not as it deems best.

The establishment at this stage in any event is only tentative but both sections read as if it were absolute and final.

(c) Engineer and Report

Ch. 1 C.C. 4778, } Bill secs.  
Ch. 2 C.C. 4837, } 13-14

Conflicting.

C.C. 4778 devotes only nine (9) lines to the entire duties of the engineer, including surveys, plats, and profiles. It is entirely lacking in such details as to the duties of the engineer as to leave the whole matter practically to his discretion.

C.C. 4837 makes more detailed provision, but yet not sufficient to safeguard the interests of all concerned and enable the board, contractors and others to proceed intelligently. The bill sections make the duties full and specific.

(d) Claims for Damages

Ch. 1 C.C. 4780, } Bill sec.  
Ch. 2 C.C. 4839, } 21

Conflicting.

C.C. 4780 provides claim shall be made to the board on or before the first day of the session set for hearing and says nothing about value of land taken for right of way.

C.C. 4839 provides that all claims for damage shall be filed in the office of the auditor at least five (5) days before the day set for hearing, and all claims not so filed will be waived, also that claims for land appropriated for right of way need not be filed.

The bill section adopts the latter provisions, and also that the board may for good cause shown extend the time for filing claims to the date of hearing.

## (e) Commissioners to Appraise Damages

Ch. 1 C.C. 4779, } Bill sec.  
Ch. 2 C.C. 4840, } 25

Conflicting.

C.C. 4779 makes no provision as to qualifications of commissioners to appraise damages, nor that they shall be one engineer and two freeholders not interested or related to any person who is interested.

C.C. 4840 provides some qualifications but neither section provides for an oath to examine, ascertain and faithfully assess, nor that they shall ascertain the value of all right of way required and for which no claim need be filed. The bill section supplies these defects.

## (f) Report of Commissioners to Appraise Damages

Ch. 1 C.C. 4779, } Bill sec.  
Ch. 2 C.C. 4841, } 26

Conflicting.

C.C. 4779 disposes of the whole matter of appraisement thus: "who shall proceed in the manner provided by law for the assessment of damages in the opening of roads", a most ridiculous provision, there being no similarity in the conditions or purposes. There is no provision as to any report or when it shall be filed or what it shall contain.

C.C. 4841 provides for filing a report at least five (5) days before the date fixed for the board to hear and determine the same, and that such report shall be in writing "showing the amount of damages sustained by each claimant". Neither section provides for any separate finding or report as to the value of lands appropriated for right of way.

The bill section supplies all these deficiencies.

## (g) Award of Damages by Board

Ch. 1 C.C. 4779, }  
Ch. 2 C.C. 4784, } Bill sec. 27  
4841, }

Conflicting.

C.C. 4779 treats the assessment of damages as final and makes no provision for review or hearing by the board, and no provision for claimants to have opportunity to make a showing or be heard but provides that those benefited shall pay or secure the damages awarded on such

terms as the county auditor shall deem just and proper, all which seems very crude. It assumes that the district is already permanently and finally established.

C.C. 4784 contains provisions similar to those in C.C. 4841, but relates more especially to reopening and repairing after a district has been finally established, covering the same phases of the subject as S.C.C. 4851.

C.C. 4841 in its provisions as to award of damages treats the district as not yet finally established, because it provides that upon consideration of the report and the amount of damages awarded, if the cost of construction and the amount of damages awarded, are not a greater burden than the land should bear, they may then establish the district.

The bill section eliminates these conflicts and inconsistencies by adopting the provisions of the latter section with slight modification.

(h) Final Establishment of District

Ch. 1	C.C. 4779,	} Bill secs. 27-28	Conflicting.
	4784,		
Ch. 2	C.C. 4841,		C.C. 4779 treats the district as established as soon as the board has determined that it will be conducive to the "public health, welfare and convenience" and before any award of damages.
			C.C. 4784 treats the district as finally and permanently established before the award of damages, but provides for a hearing of claims for damages before they are assessed.
			C.C. 4841 provides for a hearing as to the amount of damages to be awarded and costs and benefits to be assessed and then directs the board to determine whether these in the aggregate will create a greater burden than the land should justly bear before finally establishing the district.
			The bill sections adopt the provisions of the latter section.

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**Dividing Work**

Ch. 1      C.C. 4781, } Bill sec.      Conflicting.  
 Ch. 2      C.C. 4842, } 29

C.C. 4781 provides that there shall be as many divisions or sections as there are of separately owned tracts through which the improvement will be located, which means that there might be few or many, some extensive and some small.

C.C. 4842 provides for dividing into suitable sections having regard for the work to be done and numbering them consecutively from the beginning to the outlet.

The bill section follows the latter but changes the order of numbering so as to be from the outlet upward to the beginning.

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**Letting Contracts**

Ch. 1      C.C. 4782, } Bill secs.      Conflicting.  
 Ch. 2      S.C.C. 4843, } 34-37

C.C. 4782 makes no specific provision except notice in a paper of the county for four weeks, that each section shall be let to the lowest bidder who shall give bond in amount of ten (10) per cent of his bid, and implies that the auditor shall let the contracts.

S.C.C. 4843, provides that the board shall cause 2 weeks notice of date of letting contract to be published in a paper of the county, specifying the nature and amount of the work and time of commencement and completion, and if the cost of the improvement exceeds \$15,000, then two weeks additional publication in some contractors' journal. Each bidder must deposit with his bid a certified check or cash for ten per cent of his bid as a guaranty that he will in good faith enter into a contract and give bond if the work is awarded him, and that the contractor's bond shall be 25 per cent of his aggregate bid.

The conflicts are eliminated by the bill by adopting substantially the provisions of the latter section.

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**Monthly Estimates**

Ch. 1      C.C. 4782, } Bill sec.      Duplicate provisions combined in bill section.  
 Ch. 2      S.C.C. 4844, } 87

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**Completion and Final Payment**

Ch. 1	C.C. 4782,	} Bill secs. 88-90	Conflicting.  C.C. 4782 only requires certificate of completion to satisfaction of engineer to entitle contractor to draw balance of contract price.  S.C.C. 4844 requires approval of board in addition to certificate of engineer.  Bill section requires notice to those who will have to pay assessments with opportunity to file objections and be heard on report of completion and also provides on final approval of board, the contractor will not be entitled to draw balance if any liens for labor or material are on file against him.
Ch. 2	S.C.C. 4844,		

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**Appeals**

Ch. 1	C.C. 4790,	} Bill secs. 72-85	Conflicting.  All present provisions for appeal are meagre and indefinite. They are combined, harmonized and made complete by the bill sections so that every phase is fully covered.
Ch. 2	C.C. 4841, 4850, 4854, 4861, 4871, 4883,		

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**Drainage Warrants**

Ch. 1	C.C. 4782,	} Bill secs. 56-59	C.C. 4782 makes no provision regarding warrants, except their issuance.  The sections in Ch. 2 make various provisions as to issuance of warrants, lack of funds to pay, interest and calls. These are all preserved and arranged in logical order in the bill.
Ch. 2	S.C.C. 4844, C.C. 4845, 4846, 4847, 4848,		

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**Drainage Certificates**

Ch. 1	No provisions.	} Bill secs. 60-63	All provisions preserved in bill.
Ch. 2	C.C. 4874		

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**Drainage Bonds**

Ch. 1	C.C. 4795,	} Bill secs. 64-71	Conflicting.  C.C. 4795 provides for bonds with maturities not exceeding fifteen years with interest not exceeding 8 per cent, and at
Ch. 2	S.C.C. 4875,		



least 10 per cent of the issue made payable annually with no specific provision for the sale of the bonds.

S.C.C. 4875 provides for 20 year six per cent bonds and makes provision for their sale at not less than par and directs the application of the proceeds.

The bill sections adopt the provisions of the latter except it would fix a 15 year maturity instead of 20.

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#### Classification of Lands

Ch. 1      C.C. 4784, } Bill secs.  
Ch. 2      S.C.C. 4851, } 38-41-44

Conflicting.

C.C. 4784 provides for classification as "dry", "low", "wet" or "swampy", and does not fix any basic percentage of benefits, but provides generally that assessments shall not be in excess of benefits. Meagre provision is made as to what shall be taken into consideration or what the report of the commissioners shall contain.

S.C.C. 4851 provides for assessments of each forty acre tract or less according to "the legal or recognized subdivisions" on a basis of 100 per cent for lands receiving the greatest benefit and others in ratio thereto according to benefit. There is little in the way of specific directions as to what shall be taken into consideration in arriving at the percentages of benefits or as to what the report shall show.

The bill follows the provisions of the latter section, but lays down six general rules to be followed in classification and also the basis of assessment for lateral and sublateral ditches and drains and specifies what the report shall show, all which is essential to carry out the spirit and intent of the law to secure just and equitable assessments in proportion to benefits.

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C.C. 4915 to 4917 inclusive, relating to liens of subcontractors for labor and material are not codified in this bill, but have been transferred to and codified in commissioners' bill 254. This transfer is made to bring said sections in conjunction with other provisions of law relating to liens growing out of the construction of public works and improvements.

In so far as these two chapters are conflicting, the provisions of chapter 2 have been in the main followed and preserved in the bill.

There are subjects and phases covered in each chapter not treated in the other. All such provisions are preserved in the bill irrespective of which chapter they are in and arranged in logical order.

The following sections have been omitted as being duplicates of provisions covered by the bill or being in hopeless conflict with said provisions:

C.C. 4778-4781, inclusive, 4784-4794, inclusive, 4796, and 4806-4808, inclusive. C.C. 4869 is omitted as being covered by section 265 of bill.

C.C. 4887, 4895, and 4903 are omitted as being obsolete.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 4777, entire 4836, lines 1-7  <i>lines 8-10</i>	These provisions combined in harmony with general plan of bill to mould two complete and conflicting systems of drainage law into one complete, comprehensive and harmonious system. <i>See sec. 2 of bill.</i>
2	C.C. 4836, lines 8-10	Provision broadened to embrace protection from overflow as well as drainage to harmonize with Act 39 G. A. found in S.C.C. 4836-a1, for codification of which see sec. 3.
3	S.C.C. 4836-a1, entire	Definitive section to broaden the meaning of the term "levee".
4	S.C.C. 4837, lines 58-65  <i>lines 1-11</i> <i>lines 12-15</i> <i>lines 16-20</i> <i>lines 21-28</i> <i>lines 29-36</i> <i>lines 37-50</i> <i>lines 51-54</i> <i>lines 55-57</i> <i>lines 66-72</i> <i>lines 73-75</i>	Provision added that so far as practicable, location of levees and ditches shall be on division lines between owners, as near lines of government subdivisions as practicable and as easily accessible for drainage of each separately owned tract as practicable. <i>See sec. 6 of bill.</i> <i>See sec. 8 of bill.</i> <i>See sec. 9 of bill.</i> <i>See sec. 13 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 14 of bill.</i> <i>See sec. 32 of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 31, par. 3, and sec. 100 of bill.</i>
5	S.C.C. 4837, lines 66-72	Redrafted in more concise form to express true intent and meaning.
6	S.C.C. 4837, lines 1-11	Divided into paragraphs for clearness.  These requisites as to petition are the more recent and are in conflict with C.C. 4778, a section of the older system. The

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6		newer provisions are preserved and the conflicting ones eliminated.
7	<b>S.C.C. 4837, lines 29-36</b>	Line 36, "abutting" substituted for "adjoining".
8	<b>S.C.C. 4837, lines 12-15</b>	Lines 14-15, "in case the district is not finally established" substituted.
9	<b>S.C.C. 4837, lines 16-20</b>	Lines 15-16, "within thirty days after the filing of the petition" substituted "at its first session", to prevent vexatious delays.
10	<b>S.C.C. 4890, lines 1-3</b>  <i>lines 3-6</i> <i>lines 6-8</i> <i>lines 8-11</i> <i>lines 11-15</i>	The law at present is exceedingly fragmentary and loose in all its provisions relating to the engineering end of drainage. There is nothing businesslike about it and some provisions have been added, such as any sensible business man would want in his private affairs for self protection. <i>See sec. 138 of bill.</i> <i>See sec. 137 of bill.</i> <i>See sec. 140 of bill.</i> <i>See sec. 139 of bill.</i>
11	<b>S.C.C. 4837, lines 55-57</b>	The present provision is merely that the board "may recall the appointment at any time".
12	<b>C.C. 2886, entire 4891, lines 1-3</b>  <i>lines 4-9</i>	See also C.B. 121, sec. 8.  Cited here only so far as it may be made to apply to any assistant engineer. There is no such provision at present, but on most large projects such assistant is employed, without any regulation.  See also section 135 of bill. <i>See sec. 133 of bill.</i>
13	<b>S.C.C. 4837, lines 21-28</b>	The history of drainage in Iowa, shows that much of the almost endless litigation and waste of funds has grown out of the lack of specific provisions governing the engineering work. No mere general provision is sufficient. The bill section in paragraphs provides for specific details which have been approved by leading engineers and if adhered to will save much trouble, expense and litigation. C.C. 4778 contains nothing but the most general direction and S.C.C. 4837, but little more.
14	<b>S.C.C. 4837, lines 37-50</b>	This is another part of the engineering work as to which there is almost an entire absence of regulatory measures. The

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14		detail work provided for is essential to a clear understanding of all that is involved in any proposed district and especially by contractors who may wish to bid on the work, and afterwards carry it on.
15	<p data-bbox="371 526 628 555"><b>C.C. 4838, lines 1-12</b></p> <p data-bbox="504 700 632 729"><i>lines 12-32</i></p> <p data-bbox="504 731 632 760"><i>lines 33-38</i></p> <p data-bbox="504 762 632 791"><i>lines 39-53</i></p> <p data-bbox="504 793 632 822"><i>lines 54-57</i></p> <p data-bbox="504 824 632 853"><i>lines 57-67</i></p> <p data-bbox="504 855 632 884"><i>lines 67-70</i></p>	<p data-bbox="683 526 1192 689">Provision added that any additional surveys required shall be made and reported in compliance with the provisions of bill sections 13 and 14, there being now an entire absence of any provision governing such survey.</p> <p data-bbox="683 692 897 721"><i>See sec. 16 of bill.</i></p> <p data-bbox="683 723 897 752"><i>See sec. 17 of bill.</i></p> <p data-bbox="683 754 897 783"><i>See sec. 18 of bill.</i></p> <p data-bbox="683 785 897 814"><i>See sec. 20 of bill.</i></p> <p data-bbox="683 816 897 845"><i>See sec. 22 of bill.</i></p> <p data-bbox="683 847 897 876"><i>See sec. 19 of bill.</i></p>
16	<b>C.C. 4838, lines 12-32</b>	Provision added that any plan at this stage shall be adopted and entered of record as a "tentative" plan subject to amendment and change or final rejection or adoption. At present there is no distinction made in terms between a mere preliminary approval and a final adoption. Also requires day and hour of hearing to be fixed to the end that all interested parties may be advised.
17	<b>C.C. 4838, lines 33-38</b>	Provision added that in addition to publication of notice, three of the notices shall be posted for not less than twenty days, two within the district and one in the court house, and requiring proof of posting. Every person interested may not take the paper in which notice is published.
18	<b>C.C. 4838, lines 39-53</b>	
19	<b>C.C. 4838, lines 67-70</b>	In all provisions regarding service of notice, the bill sections provide that proof of notice must be on file in the auditor's office on the date set for hearing, otherwise jurisdiction would not be shown.
20	<b>C.C. 4838, lines 54-57</b>	Provision added that filing claim for damages or objections shall be deemed an appearance.
21	<b>C.C. 4839, entire</b>	Provision added giving board discretion on proper showing, to extend time for filing claims and objections. Other bodies performing similar duties are generally clothed with such discretion.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
22	C.C. 4838, lines 57-67	New time for hearing fixed so as to prevent unnecessary delay.
23	C.C. 4840, lines 1-9 lines 10-18 line 25 lines 19-29	} See sec. 24 of bill. } See sec. 25 of bill.
24	C.C. 4840, lines 10-18 line 25	Claims for right of way taken do not have to be filed. If there are no other claims for damage filed, there is no provision for ascertaining the value of right of way required. The bill section provides for appointment of commissioners for this purpose. Also that any additional surveys must be made and reported in compliance with sections 13 and 14.
25	C.C. 4840, lines 19-29	The first thing the board should do in locating and establishing a drainage project, is to be sure it has jurisdiction of all parties. This and other bill sections relating to preliminary steps make the procedure clear and specific. Additional qualifications of commissioners provided.
26	C.C. 4841, lines 1-10  lines 11-17 lines 8-22 lines 23-25 lines 25-28 lines 29-33 lines 34-36 lines 38-41 lines 41-46 lines 47-50 lines 51-53	Provisions of statute are too indefinite and leave too much to be guessed at as to what commissioners are to find and report. These provisions are redrafted and made specific as to what they shall find and report, dividing into paragraphs for clearness. It requires awards for right of way and for other damages to be separately ascertained and reported.  See sec. 27 of bill. See sec. 31 of bill. See sec. 27 of bill. See sec. 72 of bill. See sec. 74 of bill. See sec. 78 of bill. See sec. 83 of bill. See sec. 81 of bill. See sec. 83 of bill. See secs. 81 and 83 of bill.
27	C.C. 4841, lines 11-17 lines 23-25	Provisions made more specific as to hearing and finding on claims for damage and compensation for right of way. At present provision for appointment of an engineer is interjected into the midst of the proceedings of the board on claims for damages, based upon the report of an engineer previously appointed also the report of an engineer as one of the commissioners to assess damages. Such inter-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
27		jection is eliminated, but is absorbed by bill sec. 30 relative to a supervising engineer.
28	C.C. 4842, lines 1-4  lines 5-9 lines 10-14	Modified to require bond in double amount of damages or compensation, as a means of reasonable protection of important private right. <i>See sec. 29 of bill.</i> <i>See sec. 30 of bill.</i>
29	C.C. 4842, lines 5-9	Order reversed as to numbering sections as more practical.
30	C.C. 4842, lines 10-14	When the supervising engineer is employed the entire cost of the project has been quite definitely estimated and it would seem that the amount of his bond should bear some relation to the magnitude of the project he is to superintend, and should be for the benefit, not only of the district, but of all parties interested therein.
31	C.C. 4841, lines 18-22 S.C.C. 4837, lines 73-75	The time comes when the final surveys in detail for the whole work must be completed, not only as the working plan, but as a basis for letting the work and for all bids on work. There is no well defined provision for this in the law. It is properly the work of the supervising engineer who must give bond for accurate and faithful work. This bill section provides that from all surveys, notes, plats, reports, etc., on file, and from all necessary additional surveys he shall prepare the working plans, setting out all necessary details as set forth in three numbered paragraphs.
32	S.C.C. 4837, lines 51-54	Provisions broadened as to all reports, maps, plats, profiles and all schedules relating to assessment of damages and benefits belonging to district and remaining on file as matters of permanent record in drainage proceedings. The present provisions and practice are too loose in matters of such importance.
33	S.C.C. 4843, lines 1-12  lines 13-19 lines 20-24 lines 25-33  C.C. 4782, lines 1-9 lines 9-14	Provision added that notice shall fix the time to which bids will be received. <i>See sec. 34 of bill.</i> <i>See sec. 35 of bill.</i> <i>See sec. 36 of bill.</i>  <i>See sec. 87 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
33	<i>lines 14-17</i> <i>lines 18-24</i>	<i>See sec. 89 of bill.</i> <i>See secs. 91 and 92 of bill.</i>
34	<b>S.C.C. 4843, lines 13-19</b>	
35	<b>S.C.C. 4843, lines 20-24</b>	The law does not specify manner in which bids shall be made. The bill section makes the manner specific.
36	<b>S.C.C. 4843, lines 25-33</b>	The provision as to depositing cash in lieu of bond is omitted as no one has ever heard of a contractor doing that so far as we can learn.
37	<b>New</b>	The statute is silent as to the form of contract and it is too important a matter to be left without any specific requirements.
38	<b>S.C.C. 4851, lines 1-10</b>  <i>lines 11-23</i> <i>lines 24-27</i> <i>lines 28-30</i> <i>lines 31-43</i> <i>lines 43-44</i> <i>lines 44-48</i> <i>lines 49-64</i> <i>lines 65-70</i> <i>lines 71-76</i> <i>lines 77-81</i> <i>lines 82-91</i> <i>lines 92-95</i> <i>lines 96-98</i>	Provisions broadened to specify qualifications of commissioners, and provide for filling vacancies. <i>See secs. 39, 41 of bill.</i> <i>See secs. 40, 45 of bill.</i> <i>See secs. 40, 44 of bill.</i> <i>See sec. 45 of bill.</i> <i>See sec. 80 of bill.</i> <i>See sec. 46 of bill.</i> <i>See sec. 49 of bill.</i> <i>See sec. 50 of bill.</i> <i>See sec. 49 of bill.</i> <i>See sec. 51 of bill.</i> <i>See sec. 46 of bill.</i> <i>See sec. 45 of bill.</i> <i>See sec. 48 of bill.</i>
39	<b>S.C.C. 4851, lines 11-23</b>	Provides that board shall fix time for commissioners to begin work of classification, and that they shall pursue the work continuously till it is completed. See also sec. 41 of bill.
40	<b>S.C.C. 4851, lines 24-30</b>  <b>4853, lines 1-7</b> <i>lines 8-12</i> <i>lines 13-23</i>	The present statute lays down only the most general rules for classification and assessment of benefits and gives little suggestion as to what shall be taken into consideration. This bill section sets forth some specific rules to be followed drawn from the practice and experience of those who have dealt with the subject in all its phases.  <i>See sec. 47 of bill.</i> <i>See sec. 56 of bill.</i>
41	<b>S.C.C. 4851, lines 11-23</b> <b>C.C. 4871, entire</b>	There is much that is new in this bill section which has been gathered from those





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
45	S.C.C. 4851, lines 24-27 lines 31-43 lines 92-95 C.C. 4874, lines 56-58	These provisions are gathered from various parts of a section of 98 lines and combined into logical order.
46	S.C.C. 4851, lines 44-48 lines 82-91 C.C. 4893, entire	These provisions which are germane, combined for logical order, and providing that notice shall be served as in proceedings to establish district. Modified to provide for service on any agent of railroad company instead of nearest agent, as in some cases it might not be convenient to determine which is nearest.
47	C.C. 4874, lines 24-31  S.C.C. 4853, lines 8-12	Modified to make special assessments payable at same time and manner as other taxes, with same penalties for delinquency and same means of enforcement.  Balance of bill sec. 47 new, but very essential in keeping fiscal affairs in business like order.
48	C.C. 4874, lines 1-5 lines 49-53 S.C.C. 4851, lines 96-98	These widely separated provisions combined to avoid confusion as they are germane to the same subject. See also sec. 63 of bill.
49	S.C.C. 4851, lines 49-64 lines 71-76 C.C. 4874, lines 6-23  S.C.C. 4875, lines 30-33 lines 1-8 lines 9-11 lines 12-20 lines 21-25 lines 26-29 lines 34-40 lines 41-50 lines 51-53 lines 54-59	These widely separated provisions treat of the same thing, payment in installments. They appear to be in conflict, one providing for not less than ten nor more than twenty installments, the other for three installments. The ten to twenty installments draw interest and the three do not. They are both preserved and brought together in separate paragraphs of one section. The three installment plan without interest is to induce full payment by the time the work is completed, the other is for those who prefer a longer time and are willing to pay interest. In any event assessments of twenty dollars and less are not entitled to either installment plan.  <i>See sec. 64 of bill.</i> <i>See sec. 66 of bill.</i> <i>See sec. 67 of bill.</i> <i>See sec. 65 of bill.</i> <i>See sec. 68 of bill.</i> <i>See sec. 63 of bill.</i> <i>See sec. 69 of bill.</i> <i>See sec. 70 of bill.</i> <i>See sec. 71 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
50	S.C.C. 4851, lines 65-70	
51	S.C.C. 4851, lines 77-81	
52	C.C. 4871, lines 1-11 lines 12-22	See also sec. 72 of bill. See sec. 53 of bill.
53	C.C. 4871, lines 12-22	This section codified here, because it is a mere incident to a main district and its establishment is by the same procedure and once established it becomes a part of the main district. It has to do with lateral and sublateral ditches or drains across land separately owned and intervening between the main ditch and the land to be drained by the subdistrict improvement.  See also sec. 72 of bill.
54	C.C. 4863, entire  C.C. 4864, lines 1-10  lines 11-21	See also sec. 116 of bill.  Cited here because it recites some of the conditions which often call for a reclassification.  This deals with reclassification generally and is broad enough to cover reclassification for any and all purposes. Yet bill section 115 specifically provides for reclassification when extensive repairs or changes are to be made and the original classification would be inequitable for such purposes. See sec. 55 of bill.
55	C.C. 4864, lines 11-21	Redrafted, omitting some details which are a repetition of some of the provisions for original classification because it is the clear intent that the proceedings and rules shall be the same. Hence the bill section makes the intent clear that such provisions shall govern reclassification.
56	S.C.C. 4853, lines 13-23	
57	C.C. 4845, entire  S.C.C. 4844, lines 12-15 lines 7-8 lines 9-11	Section redrafted to make more specific.  Provision added that no additional presentation for payment either principal or interest shall be required to entitle holder to interest on overdue interest.  See sec. 88 of bill. See sec. 89 of bill.
58	C.C. 4846, entire	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
59	C.C. 4847, entire 4848, entire	Modified to provide that interest shall cease 30 days from date of mailing notice.
60	C.C. 4874, lines 32-35	
61	C.C. 4874, lines 36-45	Lines 40-41, "contractor or assignees" omitted as "bearer" covers all.
62	C.C. 4874, lines 46-49	
63	C.C. 4874, lines 49-55 S.C.C. 4875, lines 34-40	General provision also in bill sec. 48.
64	S.C.C. 4875, lines 1-8 C.C. 4795, lines 1-9 <i>lines 10-11</i> <i>line 12</i> <i>lines 13-28</i>	<i>See sec. 67 of bill.</i> <i>See sec. 66 of bill.</i> <i>Omitted as superfluous in view of provisions in S.C.C. 4875.</i>
65	S.C.C. 4875, lines 21-25	
66	S.C.C. 4875, lines 9-11 C.C. 4795, line 12	Time fixed for payment of interest June first and November first, being a sufficient time for semi-annual payments of taxes to be available.
67	S.C.C. 4875, lines 12-20 C.C. 4795, lines 10-11	Bill sec. 66 changes maturity of bonds to fifteen years. Experience has proven this a sufficient period.
68	S.C.C. 4875, lines 26-29	The bill section provides for fixing time and giving notice of the time within which assessments can be paid in cash before issue of bonds, in order that the board may ascertain the amount for which to issue bonds.
69	S.C.C. 4875, lines 41-50	More specific provision made as to what shall appear on the face of the bonds.
70	S.C.C. 4875, lines 51-53	
71	S.C.C. 4875, lines 54-59	
72	C.C. 4841, lines 25-28 4850, lines 15-18 <i>lines 1-14</i> 4854, lines 1-3 <i>lines 4-9</i> <i>lines 9-14</i> <i>lines 15-20</i> <i>lines 20-32</i> <i>lines 32-35</i> <i>lines 36-45</i> <i>lines 46-48</i> <i>lines 49-54</i>	<i>See sec. 107 of bill.</i>  <i>See sec. 74 of bill.</i> <i>See sec. 78 of bill.</i> <i>See sec. 136 of bill.</i> <i>See sec. 77 of bill.</i> <i>See sec. 75 of bill.</i> <i>See sec. 76 of bill.</i> <i>See sec. 133 of bill.</i> <i>See sec. 85 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
72	<p style="text-align: right;"><i>lines 55-58</i></p> <p><b>4861, lines 36-38</b></p> <p style="text-align: right;"><i>lines 17-22</i></p> <p style="text-align: right;"><i>lines 23-29</i></p> <p style="text-align: right;"><i>lines 30-36</i></p> <p style="text-align: right;"><i>lines 39-41</i></p> <p><b>4871, entire</b></p>	<p><i>See sec. 86 of bill.</i></p> <p><i>See sec. 118 of bill.</i></p> <p><i>See sec. 117 of bill.</i></p> <p><i>See sec. 119 of bill.</i></p> <p><i>Omitted as surplusage.</i></p> <p>See also secs. 52 and 53 of bill.</p> <p>Provisions for appeal from various actions of the board are scattered through the entire drainage law. It is the purpose in the bill to provide in one body for all appeals from final actions of the board and the various sections referring to appeals are cited, but the provisions are broad enough in the bill to cover appeals from any final action of the board and to set forth provisions as to the manner of taking and prosecuting appeals which will apply to all classes instead of having fragmentary provisions scattered as at present throughout the drainage law.</p>
73	<b>C.C. 4883, entire</b>	<p>This provision relates to appeals in inter-county districts, and the provision necessarily has to be varied from ordinary appeals sufficiently to apply to that particular kind of a district.</p> <p>See also sec. 74 of bill.</p>
74	<p><b>C.C. 4841, lines 29-33</b></p> <p><b>4854, lines 4-9</b></p> <p><b>4883, entire</b></p>	See also sec. 73 of bill.
75	<b>C.C. 4854, lines 32-35</b>	Provision added that transcript may be amended at any time before trial on request of either party or on order of court.
76	<b>C.C. 4854, lines 36-45</b>	Line 37, the provision "on or before the first day of the next succeeding term" is changed to "not less than five days before the convening of the next succeeding term". A party should not wait to the convening of court to file his petition setting forth the ground of his appeal.
77	<b>C.C. 4854, lines 20-32</b>	
78	<p><b>C.C. 4841, lines 33-37</b></p> <p><b>4854, lines 9-14</b></p> <p><b>4883, entire</b></p>	These provisions are redrafted in concise language so as to clearly define the class of appeals that shall be tried as ordinary actions at law and those that shall be tried in equity, and wherein the true intent and meaning of the statutes cited has been preserved.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
79	New	<p>But see citations of preceding section.</p> <p>This provision is deduced from numerous decisions of the supreme court on appeals from actions of the board in establishing or refusing to establish a district, in which it is held that in such a proceeding the board is performing a legislative function and not a judicial one and that its legislative and discretionary acts are not subject to review. See <i>Denny v. Des Moines County</i>, 143 Ia. 466.</p>
80	S.C.C. 4851, lines 43-44	<p>The cited provision relates to proceedings before the board on the question of the assessment of benefits, and the same rule would necessarily apply on an appeal from the action of the board in making assessments, and this is set out specifically in a section to itself relating to appeals, for clearness.</p>
81	C.C. 4841, lines 41-46 lines 52-53	<p>The provision here in relation to taxation of costs applies only to appeals relating to damages or compensation. In other appeals provision is made in bill section 83 for taxing of costs in the discretion of the court.</p>
82	New	<p>But see C.C. 4841, and other sections relating to appeals for the general principle which is laid down for hearings before boards of supervisors that amounts of damages and assessment of benefits may be increased or diminished or disallowed altogether.</p>
83	C.C. 4841, lines 38-41 lines 47-53	
84	C.C. 4894, lines 9-16 lines 1-9	<p><i>See sec. 144 of bill.</i></p>
85	C.C. 4854, lines 49-54	
86	C.C. 4854, lines 55-58	
87	S.C.C. 4844, lines 1-6  C.C. 4782, lines 9-14	<p>Modified to require the monthly estimates on which warrants are to be drawn for 80 per cent of the amount to be left on file in the auditor's office as a part of the permanent records of the district.</p>
88	S.C.C. 4844, lines 7-8	<p>Modified to require notice to interested parties of the date when the report of the completion will be heard by the board.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
88		It is proper that all interested parties should have the right to make any objections to the approval of the final report of the completion of the work and to be heard thereon if they desire. The law at present makes no provision for any hearing upon said report, but merely an examination by the board of supervisors. This is identical with the provision of the old drainage law found in C.C. 4782.
89	<b>S.C.C. 4844, lines 9-11 C.C. 4782, lines 14-17</b>	Modified to protect the district against liens that may be on file for labor or material by providing that warrants, certificates or bonds for the balance to be found due on final settlement shall not be delivered to the contractor until the expiration of 30 days after the completion of the work. This is very essential to protect the district against liens for labor and material that may be filed after the contractor has received his money and perhaps departed for other fields of labor.
90	<b>New</b>	There is no provision in the present law for the filing and hearing of objections to the report and certificate of completion of the work. The parties who are to pay for the improvement and for whose benefit it is constructed certainly should have the right before the contractor receives his entire pay to point out any particulars in which the work is not done or is not properly done before the contractor receives his money and is discharged.
91	<b>C.C. 4782, lines 18-24</b>	The cited section is a part of the old drainage law and the remainder not referred to in this bill section is identical with provisions of the newer drainage law which are covered by the bill. The law is very defective in that no specific provisions are made in case of the abandonment of work by the contractor before completion. There is only a slight hint of procedure in the section cited. It is an occurrence that too often happens to be left without any definite kind of procedure as to how a drainage project may be carried to completion if the contractor has abandoned the work. This and the next two bill sections make provisions to protect the district and carry the work to completion in case of abandonment.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
91	4849 (In part)	See also sec. 92 of bill.
92	C.C. 4782, lines 18-24 4849, (In part)	The same comment applies to this section as the preceding one. See also sec. 91 of bill.
93	New	See comment on two preceding sections. There are other provisions whereby a shortage of funds may be met by additional assessments and issues of certificates and bonds, but in order that the procedure may be complete for carrying on a project where the work has been abandoned and the district, perhaps, sustained loss, this provision is incorporated here to apply especially to a case of that kind.
94	C.C. 4860, entire	
95	C.C. 4859, lines 1-5	
96	S.C.C. 4858, lines 1-17  <i>lines 18-22</i> <i>lines 23-33</i> <i>lines 34-38</i> <i>lines 39-42</i> <i>lines 43-44</i> <i>lines 45-51</i>	Line 17, "ninety" is substituted for "thirty", it being common experience that "thirty" days will ordinarily be too short a time to complete such a work by the railroad company, especially taking into consideration the various seasons of the year at which such work might be required to be done. <i>See sec. 97 of bill.</i> <i>See sec. 98 of bill.</i> <i>See sec. 97 of bill.</i> <i>See sec. 99 of bill.</i> <i>See sec. 102 of bill.</i> <i>See sec. 101 of bill.</i>
97	S.C.C. 4858, lines 18-22 lines 34-38	Provision is here incorporated whereby the railroad company shall bear the expense of a bridge or culvert when the improvement is located at the place of the natural water way or place already provided by the railroad company for the flow of water, and this in order that the provision may be complete and specific in this particular connection.
98	S.C.C. 4858, lines 23-33	
99	S.C.C. 4858, lines 39-42  4858-a1, lines 1-7 lines 7-16	The provisions of these sections are broadened to require free passage over any public utility instead of being confined merely to the classes mentioned.  <i>See sec. 101 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
99	<i>lines 17-18</i> <i>line 19</i>	<i>See sec. 102 of bill.</i> <i>Omitted. No good reason appears for exempting lines of electric railways if they stand in the way of a drainage project. Sec. 99 of bill is made broad enough to include any utility.</i>
100	<b>S.C.C. 4837, lines 73-75</b>	As to provisions for equipment crossing highways see sec. 31 of bill, subsec. 3.
101	<b>S.C.C. 4858, lines 45-51</b> <b>4858-a1,</b> <b>lines 7-16</b>	Modified to provide thirty days in which the work shall be done, after receiving the written notice from the engineer. Also to provide for the written notice by the engineer instead of the contractor.
102	<b>S.C.C. 4858, lines 43-44</b> <b>4858-a1,</b> <b>lines 17-18</b>	The new act of the 39th G. A. leaves it indefinite as to the expenses of getting across a utility. This is an expense that should be covered by the contract under which the contractor is operating. If he does the work himself it is like any other part of his work. If the owner of the utility does it the contractor must pay for it. This bill section makes these matters clear.
103	<b>C.C. 4913, lines 1-7</b>  <i>lines 8-13</i> <i>lines 14-16</i>	Provisions made more explicit as to engineering work to harmonize with provisions of bill as to original establishment. <i>See sec. 104 of bill.</i> <i>See sec. 105 of bill.</i>
104	<b>C.C. 4913, lines 8-13</b>	Provisions made more specific with respect to proceedings for the annexation so as to harmonize with proceedings for original establishment.
105	<b>C.C. 4913, lines 14-16</b>	The provision out of which this bill section is made is a mere fragment and the bill enlarges it into a more specific form as to the procedure on the petition of land owners for annexation.
106	<b>C.C. 4856, entire</b>	Provision added that engineer shall specify particularly in his reports and upon his plats the parts of the survey, return and plat in the former proceeding he has utilized. This provision is necessary because the petitioners or their bondsmen are to be allowed credit for so much of the old surveys and plats as are utilized in the new proceeding.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
107	C.C. 4850, lines 1-14	Modified to eliminate cross references and also to provide that in order for the board to make changes contemplated in this section requiring an expenditure of more than ten per cent of the original costs of the improvement all persons whose land will be taken or whose assessments will be affected shall have the same notice with the right to file objections, be heard and take appeals as in the establishment of the original district. It is a provision urged by those who have had long experience in drainage matters. Provision is also added that where such expenditures exceed \$5,000.00 the work shall be let by bids in the same manner as for construction of the original improvement and this for the protection of those who must pay for the improvements.
108	C.C. 4857, entire 4902, entire	
109	C.C. 4873, lines 1-8 <i>lines 9-14</i>	<i>See sec. 110 of bill.</i>
110	C.C. 4873, lines 9-14	Last sentence added for completeness.
111 112 113 114 115	New New New New New	These five new sections are proposed in answer to a demand of contiguous drainage districts in some parts of the state which have been established at different times but lie in a general course of drainage from the upper to the lower end of a drainage basin, and where parties interested in the several districts are convinced that it would be far better for all the several districts to be consolidated into a single district. There is at present no provision of law for such a proceeding and these new sections are proposed in the belief that the drainage interests of the state will be greatly improved thereby.
116	C.C. 4861, lines 1-16 C.C. 4862, entire C.C. 4863, entire	Again it has been urged by those having long experience that in case of enlarging or reopening, deepening, widening, straightening or lengthening levees and drains where the expense will exceed ten per cent of the original cost of the improvement, those who will have to pay for it should receive the same notice with the right of filing objections, have hear-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
116		ings, and rights of appeal as in the establishment of an original district, and this bill section so provides. It certainly seems just that those who have the bills to pay shall have some right to be heard as to the extent and numbers of such improvements if they desire to do so.
117	C.C. 4861, lines 23-29	
118	C.C. 4861, lines 17-22	
119	C.C. 4861, lines 30-36	Modified to provide that where it becomes necessary to destroy hedge or trees outside of the right of way and the owner and the board cannot agree upon the price to be paid, the board shall proceed in the manner for taking private property for public use rather than organize and set in motion all the machinery necessary for the establishment of an entire district. The latter would be fraught with far greater expense and greater delay, which justifies the proposed change.
120	C.C. 4870, entire	Modified to provide that the board shall make specifications as to the manner in which the lateral drains of this kind shall be connected and maintained with main ditches and that the owner shall follow such specifications.
121	C.C. 4872, entire	Modified in language to specify more clearly the intent and meaning of the provisions of this section, some of which at present seem quite obscure. Also to provide that a competent engineer shall be employed to compute the ratio of discharge of waters from the several districts, otherwise it would be a matter of contention and often times stubborn controversy.
121-a1	C.C. 4852, entire	
122	C.C. 4885, lines 7-13 <i>lines 1-6</i>	Last sentence added for clearness. <i>See secs. 152 and 167 of bill.</i>
123	C.C. 4876, lines 1-4 <i>lines 5-11</i> <i>lines 12-21</i>	<i>See sec. 124 of bill.</i> <i>See sec. 125 and 127 of bill.</i>
124	C.C. 4876, lines 5-11	Modified to specify in detail by numbered paragraphs the matters that shall be contained in the mutual agreement. The law seems too indefinite in its present form.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
125	C.C. 4876, lines 12-21	See also sec. 127 of bill.
126	New	But see entire C.C. 4876, this being a matter of mutual agreement between parties. Instances have arisen where parties were able and desirous of constructing the improvement themselves. Their mutual agreement governs the amount each party is to pay or the ratio of his payments to the whole cost. There seems to be an urgent demand for the right in such instances for parties to construct their own improvements rather than to employ a contractor for that purpose. Hence the provisions of this and the next section.
127	C.C. 4876, lines 12-21	Modified so as to make the procedure of the board conditional upon the failure of the parties to the agreement for a period of ten days after the establishment of the district to elect to construct the improvement themselves.  See also sec. 125 of bill.
128	C.C. 4914, entire	There is much needless verbiage in the section from which this bill section is drawn and it has been redrafted in more direct and concise language with no intent to change the spirit and meaning of the original section.
129	C.C. 4888, entire	
130	New	But see C.C. 4803. This is a section of the old drainage law which should be preserved and it is incorporated in the bill with the general plan to have one complete and comprehensive system of drainage law.
131	C.C. 4803, entire	In addition to the remedy against such a trespass in the preceding section, the act is made a misdemeanor as codified in this bill section.  See also sec. 237 of bill.
132	C.C. 4855, entire	
133	C.C. 4854, lines 46-48 4891, lines 4-9	
134	C.C. 4896, entire	Section redrafted in more concise form.  Modified to provide that the amounts as ascertained and reported by the engineer

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
134		shall be approved by the board or boards as the case may be.
135	C.C. 4891, lines 1-4	Modified so that additional help may be employed only when work is so increased by drainage matters that regular officers by reasonable diligence cannot perform the same.
136	C.C. 4854, lines 15-20	These provisions are modified to enable the board to employ counsel for more than one district and apportion the expenses between the districts for which he performs services, and providing for his traveling expenses while engaged in the business and also for rendition of itemized statement of service and expenses to be allowed by the board.
137	S.C.C. 4890, lines 6-8  C.C. 4783, lines 3-4 <i>lines 1-2</i> <i>lines 5-7</i>	There are no specific provisions as to what witnesses and officers serving notices or any other kind of writs shall receive. It often happens there is much service of this kind in connection with districts and there should be some provision governing fees in such services. This bill section provides for fees and mileage of witnesses on the same basis as in district court and fees for officers the same as for like kind of services under other provisions.  <i>Omitted as covered by other sections of the bill.</i>
138	S.C.C. 4890, lines 3-6	Modified to provide that commissioners shall also receive necessary expenses of transportation while engaged upon their work and that they shall file verified account of time and expenses with the auditor.
139	S.C.C. 4890, lines 11-15	
140	S.C.C. 4890, lines 8-11	Provision added for itemized and verified accounts for services and expenses.
141	New	Much complaint has been made from time to time about "padded" statements in connection with expenses and services of drainage projects. There is no requirement at present expressly providing that such statements shall be under oath. Hence this penal section is added.
142	C.C. 4892, entire	Modified to provide that the board shall employ a competent engineer to make an

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
142		inspection of the improvements of the district as often as they deem advisable who shall report the conditions to the board with his recommendations for any necessary repairs or improvement. There are other provisions that repairs and improvements and extensions shall be made by the board or under its supervision and it is important to have a provision whereby a competent person may inspect the district when the board deems it advisable and report as to whether any repairs or improvements are required for efficient drainage.
143	C.C. 4889, lines 1-10  <i>lines 11-17</i>	The provision regarding the employment of watchmen is preserved in this bill section although it is generally deemed of doubtful value. The presumption is that the board would generally appoint some person in the district who is so situated as to observe any defects or changes requiring attention and in case of emergency in the breaking of a levee or cutting of a ditch or anything of that kind that required prompt action to repair it as an emergency measure. It may serve a proper purpose. <i>Omitted. Covered by other provisions.</i>
144	C.C. 4894, lines 1-9	
145	New	Since the enactment of chapter 20, title V, compiled code, beginning with C.C. 1214, the word "engineer" used in connection with civil engineer must mean a registered engineer, and, therefore, this definitive section.
146	S.C.C. 4877, lines 1-9  <i>lines 10-18</i> <i>lines 19-34</i> <i>lines 35-47</i> <i>lines 48-54</i>	Provision made clear that duplicate bond is to be filed with the auditor of each county, and also provision added that the sureties on the bond shall be approved by the auditor of the county in which the largest acreage is situated and that the bond shall run in favor of the several counties. <i>See sec. 147 of bill.</i> <i>See sec. 148 of bill.</i> <i>See sec. 149 of bill.</i> <i>See sec. 153 of bill.</i>
147	S.C.C. 4877, lines 10-18	Modified to provide that the engineer appointed by the commissioners of the several counties shall be one of the commissioners to examine and report, being on

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
147		the theory that he represents the interests of each county alike.
148	<b>S.C.C. 4877, lines 19-34</b>	Modified to require the engineer to make surveys, plats, field notes and the like in harmony with the provisions of sections 13 and 14 relating to districts wholly within one county, and also that such surveys shall be in duplicate and a copy filed in each of the counties.
149	<b>S.C.C. 4877, lines 35-47</b>	Modified to provide that notices shall be served in the same manner as when the district is wholly in one county, except that the auditor of each county shall give notice only to interested parties in his own county.
150	<b>C.C. 4878, entire</b>	Modified by adding provision that claim for land taken for right of way need not be filed in order to harmonize with provision relating to districts wholly within one county.
151	<b>C.C. 4879, entire</b>	<p>Modified by providing that the engineer selected by the joint boards shall constitute one of the commissioners. This takes the place of the provision where there are only two counties concerned, that the two commissioners shall select a third. In the provision relating to districts wholly in one county there is always a provision that one of the commissioners shall be an engineer, and there is every reason for preserving it in case of inter-county districts.</p> <p>The provision is also added that after considering the reports of the commission appointed for the preliminary inspection and report, they conclude that the project would not be conducive to public utility, welfare and convenience, or for any other reason the district should not be established they may dismiss the petition, or they may approve the plans and recommendations and tentatively establish the district as in districts wholly in one county, in which case they shall appoint a commissioner from each county to appraise damages and value of right of way required and proceed as in districts in one county, except that duplicates of their report shall be filed in the office of the auditor of each county.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
152	C.C. 4885, lines 1-6	Provision added that joint meetings held in either of the counties shall be valid and legal for the transaction of any business pertaining to the district.
153	S.C.C. 4877, lines 48-54	Redrafted for clearer statement of provisions.
154	S.C.C. 4880, lines 1-13 <i>lines 14-22</i> <i>lines 23-30</i>	<i>See sec. 155 of bill.</i> <i>See sec. 156 of bill.</i>
155	S.C.C. 4880, lines 14-22	
156	S.C.C. 4880, lines 23-30	Provisions added preserving rights of land owner to pay without interest or in installments all as provided where the district is wholly within one county, and also provides for issue of warrants, improvement certificates or bonds.
157	S.C.C. 4880-a1, entire	
158	S.C.C. 4882, lines 1-7  <i>lines 8-11</i> <i>lines 12-14</i> <i>lines 15-21</i>	Provision added that bond shall be for benefit of the district and all parties who may be entitled to liens for labor and material and that duplicates of the bond shall be filed with the auditor of each county. <i>See sec. 159 of bill.</i> <i>See sec. 162 of bill.</i> <i>See sec. 163 of bill.</i>
159	S.C.C. 4882, lines 8-11	The duties of the engineer are made the same as in districts wholly within one county in order that he may be governed by the provisions in detail for supervising engineers as set forth in chapter 1.
160	C.C. 4881, entire	
161	New	But see C.C. 4881 as the basis of this bill section, which enlarges the provisions to be in harmony with the bill covering contracts for work wholly in one county and in which numerous modifications are made for the better security of the interests of the district.
162	S.C.C. 4882, lines 12-14	Modified to require approval of the estimates by the board of supervisors before warrants, certificates or bonds are issued to the contractor, also providing that duplicates of such estimates shall be filed with the auditors of the several counties.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
163	<b>S.C.C. 4882, lines 15-21</b>	Modified to provide for fixing of time of hearing upon the report and certificate of the completion of the work to harmonize with provisions of the bill as to proceedings on completion of work wholly in one county.
164	<b>C.C. 4884, lines 1-7</b> <i>lines 8-16</i> <i>lines 17-25</i>	<i>See sec. 165 of bill.</i> <i>See sec. 166 of bill.</i>
165	<b>C.C. 4884, lines 8-16</b>	
166	<b>C.C. 4884, lines 17-25</b>	
167	<b>C.C. 4885, lines 1-6</b>	
168	<b>S.C.C. 4886, lines 1-12</b> <i>lines 13-20</i> <i>lines 21-38</i>	<i>See sec. 169 of bill.</i> <i>See sec. 170 of bill.</i>
169	<b>S.C.C. 4886, lines 13-20</b>	
170	<b>S.C.C. 4886, lines 21-38</b>	
171	<b>New</b>	This new section is added to cover particular cases, some of which have arisen in some parts of the state where there is constant trouble over open ditches in a city or town, a part or the whole of which is included in a drainage district, and such improvements would be much more common and much more efficient if provision could be made that instead of having open drains through a city or town which are constantly being filled up with rubbish and causing trouble of other kinds, such drains can be converted into covered drains, and this section is added for the purpose of meeting conditions of that kind.
172	<b>C.C. 4865, entire</b>	Provision in last two lines of C.C. 4865 omitted as being covered in sec. 173 of bill.
173	<b>C.C. 4867, entire</b>	
174	<b>C.C. 4866, entire</b>	
175	<b>C.C. 4868, entire</b>	
176	<b>C.C. 4897, lines 1-11</b>  <i>lines 12-21</i>	Provision added that assessments for such improvements shall not be in excess of benefits derived therefrom to be in harmony with drainage law and to be constitutional. <i>See sec. 177 of bill.</i>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
176	4904, lines 1-10 lines 10-11	Omitted to eliminate conflict with C.C. 4897. See also sec. 177 of bill.
177	C.C. 4897, lines 12-21	
178	C.C. 4898, entire	
179	C.C. 4899, lines 1-13 * lines 14-26	See sec. 180 of bill.
180	C.C. 4899, lines 14-26	
181	C.C. 4900, lines 1-8 lines 9-12 lines 13-20	See sec. 182 of bill. See sec. 183 of bill.
182	C.C. 4900, lines 9-12	
183	C.C. 4900, lines 13-20	The word "commissioners" changed to "trustees". Under provisions relating to management by trustees they are generally called trustees and not commissioners. The official name should be uniform.
184	C.C. 4901, entire	Cross references changed in lines 14 and 15 to direct references.
185	C.C. 4905, lines 1-6 lines 7-14 4918, lines 1-5 lines 6-18	See sec. 186 of bill. See sec. 186 of bill. There are two classes of districts which may be placed under the control of trustees, one maintaining a levee or operating a pumping station irrespective of costs as described in C.C. 4905, the other a district not containing a pumping station where the cost of construction is \$100,000, or more, and less than 25% of which has been spent for tile construction. In this latter class people who are familiar with the subject see no reason for such a distinction and the bill section proposes a modification by reducing the amount to \$50,000, and omitting the provision as to the percentage expended in tile construction. On general principles it would seem that any district that wishes to go under trustee management should be permitted to do so.
186	C.C. 4905, lines 7-14 4906, lines 1-10 lines 11-15 4918, lines 6-18	See sec. 191 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
186	<p><b>4920, lines 1-11</b>  <i>lines 12-16</i>  <i>lines 17-24</i></p>	<p><i>See sec. 191 of bill.</i>  <i>See sec. 187 of bill.</i>  Both C.C. 4906 and 4920 begin by providing that three or more persons may file a petition signed by the majority of the land owners. The requirement is that the petition may be signed by a majority and provision that it is to be filed by three or more persons seems somewhat ludicrous. When a petition is filed it makes no difference whether it is treated as being filed by one person or by all who signed the petition. It is in fact the petition of all who signed. The provision is added that petition shall specify to which class of districts it belongs.</p> <p>Time for election changed to "not less than forty days" to afford time for publication of notices.</p>
187	<p><b>C.C. 4906, line 6</b>  <b>4919, entire</b>  <b>4920, lines 17-24</b></p>	<p>These provisions are very fragmentary. The bill section makes the provisions specific and fixes the time in which the joint boards shall canvass the petition. It further provides that in intercounty districts a duplicate of the petition shall be filed in each county into which the district extends. Such provisions seem absolutely necessary in order to make it workable, and without them the boards have nothing as a guide.</p>
<p>188  189  190</p>	<p><b>New</b>  <b>New</b>  <b>New</b></p>	<p>Much complaint has been made in districts under trustee management that under the present statutes it is possible for trustees to perpetuate themselves in office and the management of the district sometimes to the detriment of others who are in the district. It has been suggested by those familiar with the conditions that for election purposes and no other, each district under trustee management should be divided into three subdistricts or election districts and each of which election districts shall be entitled to one trustee. The proposal seems reasonable and fair. Each district is to be designated by number and a plat made indicating its metes and bounds and they are to be as near equal in both acreage and voting population as practicable. Provision is also made that each trustee shall be a citizen of the United States, not less than twenty-</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
188 189 190		one years of age, a resident of, and owner of land in, the election district for which he is elected. It is believed that such provision will avoid much trouble and controversy in districts under trustee management and redound to the general good of all in the district.
191	C.C. 4906, lines 11-15 4920, lines 12-16	The provision regarding notices of election are very meagre at present and the bill section enlarges the provisions to bring them in harmony with provisions for other special elections.
192	C.C. 4932, lines 1-11  <i>lines 12-17</i>	Modified to require that before any election, the trustees shall have a certificate of the present record owner of each tract of land in the district. <i>See sec. 193 of bill.</i>
193	C.C. 4932, lines 12-17	
194	C.C. 4907, lines 6-8 <i>lines 1-5</i> <i>lines 9-22</i> <i>lines 23-31</i> <i>lines 32-33</i> <i>lines 34-35</i> 4930, lines 1-5 <i>lines 6-13</i> <i>lines 13-21</i>	<i>See sec. 199 of bill.</i> <i>See sec. 195 of bill.</i> <i>See sec. 196 of bill.</i> <i>See sec. 197 of bill.</i> <i>See sec. 200 of bill.</i>  <i>See sec. 195 of bill.</i> <i>See sec. 196 of bill.</i>
195	C.C. 4907, lines 9-22 4930, lines 6-13	Modified to change from 60% of land owners owning land within the district to 50%.
196	C.C. 4907, lines 23-31 4930, lines 13-21	Provision added that power of attorney shall specify the particular election for which it is to be used, indicating the day, month and year and shall be void for all elections thereafter.
197	C.C. 4907, lines 32-33	Provision added that the person casting the vote of any incompetent owner of land in the district shall deliver to the judges and clerks of the election a sworn statement, giving the name, age and place of residence of such incompetent person and making any false statement knowingly made punishable as perjury.
198	New	There is no provision as to the form of ballots. This section provides that the name of each person voted for shall be placed upon the ballot either in print-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
198		ing or legibly written and the number of the election district for which he is a candidate and each qualified voter shall be entitled to vote for one candidate for each district for which a trustee is to be elected.
199	C.C. 4907, lines 1-5 4921, lines 1-6 lines 7-8	<i>See sec. 200 of bill.</i>
200	C.C. 4907, lines 34-35 4921, lines 7-8	The present provisions are very obscure as to the canvass of the returns and this bill section makes it clear that the returns shall be canvassed by the board of supervisors on the Monday next following the election, and they make their return to the auditor and he shall issue certificates of election to the trustees.
201	C.C. 4908, entire 4922, entire 4923, entire 4924, entire	There is much conflict in the present statute with regard to terms of office of trustees. C.C. 4908 provides that the term shall be two years, C.C. 4923 provides that it shall be for three years and C.C. 4922 is a provision of rotation to get the term from a two year to a three year basis. The bill section follows C.C. 4922 and provides that after the next annual election after the act goes into effect three trustees shall be chosen one for one year, one for two years and one for three and thereafter at each annual election one trustee shall be elected and their term shall be for three years. This gets it upon a three year basis. C.C. 4908 should have been repealed when the other was enacted, but was not.
202	New	This section is intended to divide districts already under trustee management into election subdistricts in harmony with the plan as indicated in new sections 187 to 191 inclusive.
203	C.C. 4926, entire	
204	C.C. 4909, lines 3-6 lines 1-2 lines 6-7	<i>Omitted as being in conflict with the other provisions referred to and as contained in the bill. That section contemplated biennial elections at which all three trustees should be elected, while the other plan provides for annual elections at which one trustee shall be elected</i>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
209		to the auditor who shall draw warrants therefor.
210	C.C. 4910, lines 32-34	Provision added that the approval of the district judge shall be printed upon any bonds issued by the board of trustees and which would be necessary in order to negotiate the bonds.
211	C.C. 4910, lines 11-20 4928, lines 13-16	These are practically duplicate provisions drawn from C.C. 4910 and 4928. The provisions in the latter section are exceedingly brief and are in conflict with a like provision in C.C. 4910 in that it provides that any proceedings for reclassification shall be done under the board or boards of supervisors, while in the other section it provides that it shall be done under the supervision of trustees by special election called and conducted by them. They are combined and harmonized in this bill section.
212	New	But see C.C. 4910, lines 11-20. This bill section enlarges on the provision by providing what shall be upon the ballots for special elections for reclassification or readjustments of assessments and also that at the election to be held a separate ballot box shall be provided for the ballots on these propositions, which is a very necessary provision in order to secure certainty and prevent confusion.
213	C.C. 4911, entire 4929, entire	These are practically duplicate provisions taken from the two code sections, one provides that the report shall be signed by at least two members, the other by the chairman and the clerk. They are harmonized in the bill. One says nothing about publishing the report with the proceedings of the board of supervisors and the other provides for it. The bill section retains such provision.
214	C.C. 4910, lines 35-39 4931, entire	These are practically duplicate provisions drawn from the two cited sections, but are in conflict in that one provides the clerk shall receive pay at the rate of \$3.00 per day and the other that the trustees shall fix his compensation. One provides that the same person shall not draw compensation for services as clerk and trustee at the same time, the other says nothing about it. The provision is

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
214		retained in the bill section. The provision is also added that they shall file verified itemized statements for their services and their expenses.
215 216 217 218 219 220	New New New New New New	These new sections are added to meet an urgent demand that has frequently arisen from districts where trustee management has proven very unsatisfactory and too expensive. There is no provision of law at this time whereby a district which has gone under trustee management can transfer back to management by the board of supervisors, and it would seem but reasonable and just that if a district can go from supervisor to trustee management, it should also be permitted to go from trustee management to supervisor management. Trustee management is an experiment and it may prove costly and detrimental and a district should not be compelled to continue such a condition forever. The provisions offered may not be the best that could be devised, but they have been worked out with considerable care, and it would seem that a majority of the persons of the district who, in the aggregate own more than one-half of the acreage of the district, should have the right to determine whether the district shall continue under trustee management or be transferred again to board management. The bill provides just the steps to be taken in the matter of the transfer and it is believed by men of experience that such provisions will work satisfactorily in all such cases.
221	C.C. 4797, lines 1-15 lines 16-29 lines 30-34 lines 35-43 lines 44-49 lines 49-51	<i>See sec. 222 of bill.</i> <i>See sec. 223 of bill.</i> <i>See sec. 224 of bill.</i> <i>See sec. 225 of bill.</i> <i>Omitted as superfluous.</i>
222	C.C. 4797, lines 16-29	Notice to railroad company taken from lines 33-35.
223	C.C. 4797, lines 30-34	
224	C.C. 4797, lines 35-43	
225	C.C. 4797, lines 44-49	
226	C.C. 4798, lines 1-11	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
226	<i>lines 12-21</i> <i>lines 22-29</i>	<i>See sec. 227 of bill.</i> <i>See sec. 228 of bill.</i>
227	<b>C.C. 4798, lines 12-21</b>	
228	<b>C.C. 4798, lines 22-29</b>	
229	<b>C.C. 4799, lines 1-8</b> <i>lines 9-14</i>	<i>See sec. 230 of bill.</i>
230	<b>C.C. 4799, lines 9-14</b>	
231	<b>C.C. 4800, lines 5-9</b> <i>lines 1-4</i>	<i>See sec. 232 of bill.</i>
232	<b>C.C. 4800, lines 1-4</b>	
233	<b>C.C. 4801, lines 1-12</b> <i>lines 13-27</i> <i>lines 28-31</i>	<i>See sec. 234 of bill.</i> <i>See sec. 235 of bill.</i>
234	<b>C.C. 4801, lines 13-27</b>	
235	<b>C.C. 4801, lines 28-31</b>	
236	<b>C.C. 4802, entire</b>	
237	<b>C.C. 4803, entire</b>	The principle of this section is also embodied in sections 130 and 131 as applied to public drainage districts, but it is preserved here as applied to the system of private drainage as provided by this chapter.
238	<b>C.C. 4804, entire</b>	
239	<b>New</b>	But see C.C. 4803. This section is added to meet cases where the boundary line between adjoining owners is also the boundary line between two townships, in which case the controversy should be determined by the joint action of the board of trustees in the two adjoining townships.
240	<b>C.C. 4912, entire</b>	
241	<b>C.C. 4805, entire</b> <i>4806, entire</i> <i>4807, entire</i> <i>4808, entire</i>	<i>These three sections are omitted from the bill in view of highway laws now existing, and this omission has been taken care of in C.B. 118, sec. 14, which requires all highway authorities to provide, for the benefit of all private land owners, adequate means of drainage of their lands along and across highways and which the land owner may enforce by proper proceedings. The provisions of the three omitted sections would be en-</i>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
241		<i>tirely in conflict with present highway laws and even if their provisions could be enforced would be entirely improper under present provisions for the management and control of highways.</i>
242	S.C.C. 4912-a1, entire	
243	S.C.C. 4912-a2, entire	
244	S.C.C. 4912-a3. entire	
245	S.C.C. 4912-a4, entire	
246	S.C.C. 4912-a5, entire	
247	C.C. 4817, entire	
248	New	But see C.C. 4817. This is to meet those cases where it may be agreed upon between the county and federal authorities whereby a basis may be arrived at for the apportionment of costs of procuring right of way and maintenance of the levee, upon which the county authorities may, by proper proceedings, carry out such agreement by submitting the matter to the owners of land in the district to be voted upon.
249	New	But see C.C. 4817. This is a provision whereby in recognition of any agreement that may have been entered into between the United States and the board of supervisors as to costs of right of way, the engineer employed to make surveys and reports shall report separately from other items, the amount of such cost of right of way and of constructing and maintaining the levee, and providing also that in case the district is established there shall be a record made of any cooperative agreement.
250	C.C. 4818-4835, entire	These sections set up and provide the same machinery and proceedings substantially as provided for the ordinary drainage district without a levee. Practically the only difference is that the particular kind of district to be dealt

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
250		<p>with here is one having a levee as a part of the drainage improvement, as a part of the improvement for the control and drainage of the waters.</p> <p>The machinery and proceedings as set forth in chapter 1 of this bill are comprehensive and complete in every detail and apply to "levee and drainage districts". The district here dealt with is a "levee and drainage district".</p> <p>A comparison of the provisions in the sections cited with those found in chapter 1 of the bill ought to convince any reasonable mind that a repetition of them here would be a useless encumbrance in the code, as it would be practically a duplication from first to last. The manner of inaugurating proceedings, the manner of serving notices, having hearing, appointing engineer and commissioners, of making assessments, issuing warrants, certificates and bonds and the right of appeal, the manner of hearing appeals, and all these things are substantial repetitions of the provisions found in chapter 1. Therefore, instead of repeating those provisions in detail, this bill section proposes that all the proceedings relating to this kind of a district shall be as provided in chapter 1 of this title and this bill, except as otherwise provided in sections 247 to 249, inclusive. It will be remembered also that the chapter relating to pumping stations applies to districts with levees and there is no more reason for repeating the provisions found in chapter 1 of the bill than there is for repeating again here the provisions of chapter 4 which deals with drainage and levee districts with pumping stations.</p>
251	<b>C.C. 4933, lines 1-12</b> <i>lines 13-22</i> <i>lines 23-28</i> <i>lines 29-35</i>	<i>See sec. 252 of bill.</i> <i>See sec. 253 of bill.</i> <i>See sec. 254 of bill.</i>
252	<b>C.C. 4933, lines 13-22</b>	
253	<b>C.C. 4933, lines 23-28</b>	
254	<b>C.C. 4933, lines 29-35</b>	
255	<b>C.C. 4934, entire</b>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
256	C.C. 4935, entire	Modified to make laws relating to districts wholly within state applicable except as otherwise provided, but with provisions added authorizing boards in this state to enter into just agreements with boards of other states for joint management, repair and maintenance.
257	C.C. 4809, entire	
258	C.C. 4810, entire	
259	C.C. 4811, entire	
260	C.C. 4812, entire	
261	C.C. 4813, entire	
262	C.C. 4814, entire	
263	C.C. 4815, entire	
264	C.C. 4816, entire	
265	New	Added for purpose of preserving, unimpaired all rights of parties in pending litigation and the integrity of all existing districts and rights and obligations created by or growing out of prior existing laws.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 186

Prepared by J. C. Mabry

**Subject: WATER POWER IMPROVEMENT****General Explanation**

The general purpose is to combine and codify into one body two chapters relating to water power improvement. Both these chapters antedate hydro-electric power development and neither one is available for projecting and utilizing water power improvements in the modern sense. Recent investigations disclose that thousands of horse power could be made available for industrial development under proper provisions of law. While the bill preserves, with some modifications the ancient mill dam and race statute, the two bodies of law are combined and broadened by the proposals of the bill in an effort to promote and encourage water power development.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	This is a principle of public policy such as is made the foundation of the drainage laws of the state and the reasons therefor apply with equal force to water power improvement.
2	C.C. 4936, lines 1-6 lines 7-10 lines 10-17 4954, lines 1-8 lines 9-14	See sec. 3 of bill. See sec. 4 of bill. See also sec. 26 of bill. See sec. 26 of bill.
3	C.C. 4936, lines 7-10	The principle here stated is preserved but redrafted in different form and made more specific, and the exception added in cases where proceedings have been had for permanent diversion of water from its natural course.
4	C.C. 4936, lines 10-17	Provisions as to procedure in the main preserved, but made more specific as to descriptions of lands to be affected and broadening to cover "mill, factory or water plant".
5	New	The present law was enacted when the country was sparsely settled, most of the land unimproved and uncultivated. Such conditions were doubtless responsible for the entire absence of any provision as to

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5		surveys by which definite lines would be established and a plat showing the lands to be taken or affected. Such lack of provisions in this day would do great violence to private rights and this section is drawn in view of present day conditions.
6	C.C. 4939, entire	
7	C.C. 4937, lines 1-7  lines 8-10	It would be better to substitute the entire procedure for taking private property for works of internal improvement, but as this part of the law will rarely be invoked in view of subsequent provisions proposed it is left substantially as we find it. <i>Omitted as wholly superfluous in view of other statutes relating to property of minors and insane persons.</i>
8	C.C. 4938, entire	
9	C.C. 4940, lines 1-5 lines 6-8	<i>Omitted in view of bill section 5 which requires the engineer's report and plat to show just how all lands and improvements will be affected, and which a lay jury could not determine in the absence of such survey and plat.</i>
10	C.C. 4941, entire	
11	C.C. 4942, entire  4945, entire	Line 5, "works of internal improvement" changed to "eminent domain", to harmonize with commissioners' bill 187. <i>Omitted as obsolete.</i>
12	C.C. 4943, entire	Line 5, "order in the proceedings" changed to "notices in civil actions" because that is the manner to which reference is made.
13	C.C. 4944, entire	
14	C.C. 4949, entire	
15	C.C. 4946, entire	Lines 1-4. omitted and provision made that "if the court finds that the improvement is for the public welfare, benefit, utility and convenience" the license shall be granted conditioned upon the payment of the damages.
16	C.C. 4947, entire	Line 1, "licensee" substituted for "plaintiff"; "except as hereinafter provided" inserted.
17	C.C. 4950, entire	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18	C.C. 4948, entire	Lines 3-4, omitted as being indefinite as to meaning, and language substituted, beginning with "unless" in line 3 bill section, to clarify meaning.
19	C.C. 4951, entire	Lines 6-7, "if he does not own such banks or the land lying contiguous thereto" omitted as surplusage and provision substituted as found in lines 6 and 7 of bill section.  Lines 11-12, "such owner as occupies committing thereon no unnecessary waste or damage" omitted as surplusage, since he is required to pay for all the damage he does.
20	C.C. 4953	
21	C.C. 4952, entire	Penal provision is added as such an offense if maliciously perpetrated should be punished criminally.
22	New	Here begins a series of new sections and provisions designed to provide a means of water power development. Some of the present provisions are worked into the bill where they can be preserved and fitted in as a part of an entire body of law covering the whole subject, many of these provisions are patterned after the provisions of some of those states where water power improvement has become a large factor in industrial development.
23	New	Riparian rights by private contract.
24	New	Riparian rights through exercise of the power of eminent domain.
25	New	But see C.C. 4958.
26	C.C. 4954, entire	
27	New	No owner should be required to surrender any right for such purpose till his damages have been paid.
28	New	But see C.C. 4955, lines 1-4.
29	C.C. 4955, lines 5-13 <i>lines 1-4</i>	Modified to harmonize with other new provisions of the bill. <i>Omitted but see sec. 28 of bill.</i>
30	C.C. 4956, entire	
31	C.C. 4957, entire	Divided into paragraphs and with such modifications as to harmonize with the general purposes of the bill. Some of the

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
31		provisions are superfluous and might be omitted without changing the law as to rights either of individuals or corporations, but they are preserved in the bill with such additions as are necessary for completeness.
32	C.C. 4958, lines 1-9  <i>lines 10-11</i>	Line 7, "utilizing" omitted and inserted in later provision.  Line 9, "waterworks and canals" changed to "water power". "Completed" changed to "shall begin to utilize".  <i>See sec. 33 of bill.</i>
33	C.C. 4958, lines 10-11	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 187

Prepared by U. G. Whitney

**Subject: EMINENT DOMAIN****General Explanation**

Statutes which grant the right to condemn private property often specify the *particular* procedure to be followed in exercising the right. The drainage and highway laws are a good illustration. In other instances the right to condemn is granted and the condemnor is referred to the general condemnation statutes for his procedure. This bill deals with the general classes, and its object is twofold:

1. To enumerate, in one chapter, the conditions under which the state, counties, corporations and societies may exercise the right, and

2. To provide, in another chapter, a comprehensive, yet simple, procedure for condemnation for all cases not otherwise provided for.

The latter object is especially desirable because our present general statute consists of the old railroad condemnation act of 1853 with *attempts* at statutory modifications to meet modern conditions.

C.C. 4969, 4970, 4982, 5002-5007, 5010, 5012 and 5013 are contained in code commissioners' bills 176, 178, 190 and 200.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 4959, lines 1-7 lines 7-10 4963, lines 1-8 lines 8-15 lines 16-17	See sec. 20 of bill. See sec. 25 of bill. See sec. 20 of bill.
2	C.C. 4960, lines 1-11 lines 11-14	See sec. 20 of bill.
3	C.C. 4961, lines 8-15 lines 1-8	See sec. 51 of bill.
4 (1)*	C.C. 4965, lines 1-5 lines 5-8	See sec. 20 of bill.
4 (2)*	S.C.C. 4968-a1, entire	Bill omits "necessary and convenient use" and substitutes "reasonably necessary".

\* Indicates subsection.





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7	C.C. 4980, lines 5-7	
8	C.C. 4980, lines 10-14	The clause "except for wood and water stations" (part line 12) carried to sec. 9, par. 4, of bill.
9	C.C. 4983, lines 1-9 lines 10-17 4980, part line 12 4981, lines 1-3 lines 3-5 lines 6-10	See sec. 10 of bill.  See sec. 11 of bill. See sec. 12 of bill.
10	C.C. 4983, lines 10-17	
11	C.C. 4981, lines 3-5	
12	C.C. 4981, lines 6-10	
13	C.C. 4999, lines 1-5	
14	C.C. 4999, lines 8-17	
15	C.C. 5000, lines 1-8 lines 8-11 lines 11-16	See sec. 16 of bill. See sec. 63 of bill.
16	C.C. 5000, lines 8-11	
17	C.C. 5001, lines 1-5 lines 6-11	See sec. 18 of bill.
18	C.C. 5001, lines 6-11	
19	New	
20	C.C. 4959, lines 7-10 4960, lines 11-14 4963, lines 16-17 4965, lines 5-8	Duties of legal advisors made definite and comprehensive.
21	C.C. 4987, lines 3-27	Present law provides no form for application.
22	New	
23	C.C. 4978, lines 4-7 4984, lines 5-11	Read proviso "except as otherwise provided" with sec. 25 of bill.
24	C.C. 4991, entire	
25	C.C. 4963, lines 8-15	
26	New	
27	C.C. 4985, entire	
28	C.C. 4987, lines 5-18 lines 24-25	
29	C.C. 4987, lines 26-27	Effect of informality in signing is new.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
30	New	
31	C.C. 4987, lines 1-4 4988, line 1 lines 3-5 lines 2-3	"General circulation" is new. Publication much shortened.  <i>See sec. 32 of bill.</i>
32	C.C. 4988, lines 2-3	Reference to "railway" omitted.
33	New	
34	C.C. 4978, lines 7-8 4989, entire	"Either of the aforesaid notices" omitted as obsolete.
35	New	
36	C.C. 4986, entire	
37	New	
38	C.C. 4994, lines 1-4 lines 5-6 lines 6-8	<i>See sec. 39 of bill.</i> <i>See sec. 42 of bill.</i>
39	C.C. 4994, lines 5-6	Duty of sheriff to file entire record is new. Object is to keep record intact for final recordation.
40	New	
41	New	
42	C.C. 4968, lines 11-13 lines 1-5 lines 5-11  4994, lines 6-8	<i>See sec. 45 of bill.</i> <i>Omitted as unnecessary. See Town v. Ry.,</i> <i>179 Iowa 465, and cases cited.</i>
43	C.C. 4996, lines 1-3 lines 3-5 lines 5-9	<i>See sec. 45 of bill.</i> <i>See sec. 54 of bill.</i>
44	C.C. 4998, entire	
45	S.C.C. 4959-a1, lines 6-8 lines 1-6 C.C. 4964, lines 10-13 lines 1-10 4967, lines 6-11 lines 1-6 4968, lines 1-5 4978, lines 6-11 4984, lines 11-15 4995, lines 1-3 lines 3-5 lines 5-7	<i>See sec. 51 of bill.</i>  <i>See sec. 51 of bill.</i>  <i>See sec. 51 of bill.</i>          <i>See sec. 48 of bill.</i> <i>See sec. 49 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
45	4996, lines 3-5	<p>These sections show:</p> <ol style="list-style-type: none"> <li>1. That railway companies may take possession at once on payment of award to sheriff.</li> <li>2. That the state and county may not take possession until all appeals have lapsed or been finally determined.</li> </ol> <p>The rule in case of railroads is made uniform.</p>
46	New	
47	C.C. 4990, entire	<ol style="list-style-type: none"> <li>1. "Dwelling house, outhouse, orchard or garden" omitted and "residence or any part of the curtilage thereof" substituted.</li> <li>2. "Dam or reservoir" omitted and "improvement" substituted.</li> <li>3. No dispossession until actual payment of damages.</li> </ol>
48	C.C. 4995, lines 3-5	
49	C.C. 4995, lines 5-7	Last sentence new.
50	C.C. 4997, lines 1-4 <i>lines 4-7</i>	<i>See sec. 52 of bill.</i>
51	S.C.C. 4959-a1, lines 1-6 C.C. 4961, lines 1-8 4964, lines 1-10 4967, lines 1-6	<p>Modified to provide uniform rule in case of payment from public fund.</p> <p>"Corporation" changed to "condemnor".</p>
52	C.C. 4997, lines 4-7	
53	C.C. 4992, entire	"Corporation" changed to "applicant".
54	C.C. 4996, lines 5-9	"Corporation" changed to "applicant".
55	C.C. 4993, lines 1-6 <i>lines 6-8</i>	<p>Modified to secure comprehensive record.</p> <p><i>See sec. 61 of bill.</i></p>
56	New	
57	New	
58	C.C. 4993, line 5	See also sec. 55 of bill.
59	New	
60	New	
61	C.C. 4993, lines 6-8	"Corporation" changed to "condemnor".
62	New	Reversioner definitely indicated.
63	C.C. 5000, lines 11-16	Same as last above.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
64	C.C. 4979, entire	<p>Rewritten to avoid generality.</p> <p>C.C. 4979 evidently means:</p> <ol style="list-style-type: none"> <li>1. That a person seeking to condemn a road as one of necessity must proceed under the statutes governing condemnation of a railway right of way,</li> <li>2. That said road of necessity must be cared for as public roads are cared for, and</li> <li>3. That the non-user of a way of necessity works the same effect as the non-user of a railway right of way.</li> </ol> <p>The idea in No. 1 is omitted because the procedure provided in this bill is applicable to all cases not otherwise provided for.</p> <p>The idea in No. 2 is omitted because covered in sec. 4, subsec. 5, (last sentence) of bill.</p> <p>The idea in No. 3 is fully covered in this section.</p>
65	S.C.C. 4970-a1, entire	<p>See also C.B. 176, sec. 2.</p> <p>Applies to condemnation by counties the rule now applying to condemnation by cities and towns.</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 188

Prepared by J. C. Mabry

**Subject: BOARD OF RAILROAD COMMISSIONERS****General Explanation**

The purpose is to codify in one chapter the various widely separated provisions of law relating to the board of railroad commissioners and their duties. Some sections are combined in order to get like provisions together. Slight modifications are proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5014, lines 7-8 lines 10-17 lines 1-7 lines 9-10	“Secretary” included with commissioners in specifying ineligibility. } See sec. 2 of bill.
2	C.C. 5014, lines 1-7 lines 9-10	“Immediately after the new member has qualified” changed to “On the second Tuesday of January of each year”. The present form of the statute was adopted when the officer was appointive but now he is elective and takes his seat as other elective officers.
3	S.C.C. 5044, entire	Provision as to traveling expenses added.
4	C.C. 5206, entire	Codified to change location.
5	C.C. 5015, entire 5037, lines 31-34 lines 1-30 lines 35-41	“Interurban railway companies” new, but see C.C. 5238. See also C.B. 191, sec. 5. } See C.B. 191.
6	C.C. 5016, lines 1-10  lines 11-16 lines 18-34	Modified as to time within which repairs shall be made, leaving it to the discretion of the board.  Line 2, “its tracks, bridges and” inserted before “equipment”. This is very important and one of the main purposes for which the board employs an expert engineer. } See sec. 7 of bill. } See sec. 8 of bill.
7	C.C. 5016, lines 11-16	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	C.C. 5016, lines 18-34	
9	C.C. 5018, lines 1-7 lines 8-12 C.C. 5188, lines 1-9 lines 10-19 lines 20-26	See sec. 11 of bill.  See sec. 10 of bill. See C.B. 73, sec. 2, par. 10.
10	C.C. 5188, lines 10-19	
11	C.C. 5018, lines 8-12	
12	C.C. 5022, lines 1-11  lines 12-30 lines 31-41 lines 42-48 lines 49-50  lines 51-57 lines 58-66	Line 7, "commerce counsel" substituted for "attorney general". See C.C. 5049. See sec. 13 of bill. See sec. 14 of bill. See sec. 16 of bill. Omitted on recommendation of railroad commissioners, as never being invoked. See sec. 15 of bill. See sec. 17 of bill.
13	C.C. 5022, lines 12-30	
14	C.C. 5022, lines 31-41	
15	C.C. 5022, lines 51-57	
16	C.C. 5022, lines 42-48	
17	C.C. 5022, lines 58-66	
18	C.C. 5024, entire	Lines 1-6, "interstate business" substituted in lieu of full description of what would be such business.  Lines 17-20, "take necessary steps to prevent" substituted for "call the attention".
19	C.C. 5025, entire	Lines 1-6, worded to make more specific as to class of business referred to, being interstate business.
19-a1	C.C. 5186, lines 1-6 lines 6-18	See C.B. 73, sec. 2, subsec. 8.
20	C.C. 5189, entire	Codified to change location.  Line 20, merely transposed to different location. See lines 13-14 of bill section.
21	C.C. 5190, entire	Codified to change location.
22	C.C. 5191, entire	Codified here to change location.  Line 3, wording changed to eliminate superfluity and for conciseness.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
22		Line 19, "and the board shall enter of record such release" added.
23	<p><b>C.C. 5192, lines 1-14</b></p> <p><i>lines 14-29</i> <i>lines 30-48</i> <i>lines 49-56</i></p> <p><i>lines 57-60</i> <i>lines 61-67</i> <i>lines 68-69</i></p>	<p>Codified here to change location. See also sec. 24.</p> <p>Lines 13-14, modified as to manner of service.</p> <p><i>See sec. 26 of bill.</i></p> <p><i>See sec. 27 of bill.</i></p> <p><i>Omitted. Covered by provisions of secs. 23 to 28, inclusive, and to repeat language would merely be superfluous, because right of appeal and other remedies are otherwise provided for.</i></p> <p><i>See sec. 28 of bill.</i></p> <p><i>See sec. 25 of bill.</i></p> <p><i>Omitted as superfluous in view of other provisions covering subject of costs and expenses.</i></p>
24	<b>C.C. 5192, lines 1-14</b>	Covers same as sec. 23 except private parties separated from the board.
25	<p><b>C.C. 5192, lines 61-67</b></p> <p><i>5026, entire</i></p>	<p>Line 63, "commerce counsel" substituted for "attorney general" to harmonize with commissioners' bill 189.</p> <p><i>Omitted. See C.B. 189, sec. 7.</i></p>
26	<b>C.C. 5192, lines 14-29</b>	More concisely stated in bill section.
27	<b>C.C. 5192, lines 30-48</b>	Modified on recommendation of R. R. commissioners to provide better means of enforcement. Present provision not practicable.
28	<b>C.C. 5192, lines 57-60</b>	
29	<p><b>C.C. 5204, entire</b> <b>5205, lines 18-20</b></p> <p><i>lines 1-18</i></p>	<i>See C.B. 197, secs. 4, 6, and 7.</i>



## BRIEF OF CODE COMMISSIONERS' BILL NO. 189

Prepared by J. C. Mabry

Subject: **COMMERCE COUNSEL****General Explanation**

The main purpose of this bill is to segregate and define the duties of commerce counsel.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5045, lines 2-8 <i>line 1</i> <i>lines 9-13</i> <i>lines 14-20</i>	<i>Omitted as obsolete.</i> <i>See sec. 5 of bill.</i> <i>See sec. 2 of bill.</i>
2	C.C. 5045, lines 14-20	
3	C.C. 5046, lines 1-8  <i>lines 9-13</i>	Instead of the present language of the statute, the bill provides the same disqualification as for a railroad commissioner. <i>See sec. 4 of bill.</i>
4	C.C. 5046, lines 9-13	Line 13, omitted as superfluous.
5	C.C. 5045, lines 9-13	
6	S.C.C. 5047, entire  <i>C.C. 5048, entire</i>	Last 3 lines omitted as superfluous in view of general provision as to auditing and paying such claims. <i>Omitted. Covered by 39 G.A., ch. 209.</i>
7	C.C. 5049, entire	Divided into numbered paragraphs and duties stated in specific terms.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 190

Prepared by J. C. Mabry

**Subject: CONSTRUCTION AND OPERATION OF RAILWAYS****General Explanation**

Originally the statute of eminent domain was limited largely to use by railroads. This led to a number of sections relating to the construction and operation of railroads being placed in the chapter on eminent domain. One purpose of the bill is to codify these stray sections into the body of law where they belong. A few slight modifications are proposed on recommendation of the railroad commissioners and the commerce counsel.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5051, entire	
2	C.C. 5052, entire	
3	C.C. 5072, entire	
4	C.C. 5065, entire	Cross references changed to direct references.
5	C.C. 5074, lines 1-2 lines 6-9 lines 27-30  lines 3-5 lines 10-18 lines 19-26	Modified to harmonize with the present classification of railroads.  } See sec. 6 of bill. } See sec. 7 of bill.
6	C.C. 5074, lines 3-5 lines 10-18	Divided into numbered paragraphs specifying different types of fences for convenience of reference.
7	C.C. 5074, lines 19-26	
8	C.C. 5075, lines 1-9  lines 10-15 lines 16-19 lines 20-25	Lines 8-9, "The killing or injury of stock on the right of way shall be prima facie evidence of the right of the owner to recover" substituted to harmonize with the true intent of the law and the universal construction of the present language by the courts.  } See sec. 9 of bill. } See sec. 10 of bill. } See sec. 11 of bill.

BILL SEC. OF	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	C.C. 5075, lines 10-15	
10	C.C. 5075, lines 16-19	
11	C.C. 5075, lines 20-25	
12	C.C. 5078, entire	
13	S.C.C. 5079-a1, entire	
14	S.C.C. 5079-a2, entire	
15	S.C.C. 5079-a3, entire	
16	S.C.C. 5079-a4, entire	
17	C.C. 5012, entire	Codified here to change location and because of kinship with sec. 16.
18	C.C. 5013, entire	Codified here to change from its present location in Eminent Domain to the body of law of which it is properly a part.
19	C.C. 5002, lines 5-15  <i>lines 1-5</i> <i>lines 16-19</i> <i>lines 20-25</i> <i>lines 26-31</i>	Modified on the assumption that parties may agree upon terms. Also modified to harmonize with the present classification of highways and the bodies having jurisdiction. <i>See sec. 25 of bill.</i> <i>See sec. 20 of bill.</i> <i>See sec. 21 of bill.</i> <i>See sec. 22 of bill.</i>
20	C.C. 5002, lines 16-19	Modified to provide for setting forth changes desired and fix such date of hearing.  Line 19, "ten days" substituted for "reasonable".
21	C.C. 5002, lines 20-25	Modified to provide more specifically the scope of the hearing and the details thereof.
22	C.C. 5002, lines 26-31	C.C. 5002 is now located in the chapter on eminent domain where it does not belong. It is codified here to bring it to its proper location and is divided into four sections for convenience of reference, and modified only to make more specific the procedure.
23	C.C. 5003, lines 1-9	Codified to bring to proper location.  Lines 5-6, provision as to notice unnecessary as parties are free to negotiate for agreement if parties are unable to agree

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
23	<i>lines 10-15</i>	<p>respecting the same omitted as surplusage because if they do agree no such proceedings will be had.</p> <p>Line 6, modified to require facts and conditions on which relief is sought to be set out.</p> <p>Line 8, modified to require notice to be served as original notice.</p> <p><i>See sec. 25 of bill.</i></p>
24	C.C. 5003, lines 10-15	<p>Slight modification for more apt language.</p> <p>Line 15, modified to provide costs shall be discretionary.</p>
25	C.C. 5002, lines 1-5 5004, entire	Codified to bring to proper location.
26	C.C. 5005, entire	Codified to bring to proper location.
27	C.C. 5006, entire	Codified to bring to proper location.
28	C.C. 5007, lines 1-8  <i>lines 9-19</i>	<p>Codified to bring to proper location.</p> <p>Line 5, "safe and adequate farm crossing or roadway," substituted.</p> <p><i>See sec. 29 of bill.</i></p>
29	C.C. 5007, lines 9-19	<p>Line 12, "designating thereon the location and character of the crossing desired" substituted as a better expression.</p> <p>Line 15, "make written application" substituted for "may apply" as more explicit.</p> <p>Line 16, "to hear and determine his rights in this respect" added for completeness.</p> <p>Line 17, "shall hear" substituted for "shall have full authority to determine" as more explicit.</p> <p>Line 19, "and if it requires the railroad company to construct any crossing or roadway, fix the time for compliance with such order. The matter of costs shall be in the discretion of the board." added for completeness. Present provision too indefinite.</p>
30	C.C. 4982, lines 1-6 lines 14-15	<p>Codified here to bring to proper location.</p> <p>Lines 3-4, provision as to consent omitted as surplusage, since by consent of owner of land, pipe may be extended any distance.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
30	<i>lines 7-10</i> <i>lines 11-13</i> <i>lines 16-18</i>	<i>See sec. 31 of bill.</i> <i>See sec. 32 of bill.</i> <i>See sec. 33 of bill.</i>
31	<b>C.C. 4982, lines 7-10</b>	Lines 7-8, simple and direct language substituted for cumbersome expression.
32	<b>C.C. 4982, lines 11-13</b>	
33	<b>C.C. 4982, lines 16-18</b>	
34	<b>C.C. 5080, lines 1-11</b> <i>lines 12-21</i>	<i>See sec. 35 of bill.</i>
35	<b>C.C. 5080, lines 12-21</b>	In view of acts 39 G.A., S.C.C. 5079-a1 to 5079-a4, inclusive, the whole matter of interlocking switches should be transferred to the board of railroad commissioners which with its engineer is far better equipped to handle it properly.
36	<b>C.C. 5101, lines 1-8</b> <i>lines 9-14</i> <b>5103, lines 44-46</b> <i>lines 1-14</i> <i>lines 15-43</i>	<i>See sec. 37 of bill.</i>  <i>See sec. 39 of bill.</i> <i>Omitted as having been adjudicated unconstitutional and void. See C. R. I. &amp; P. R.R. vs. Railroad Commissioners, 212 Fed. Rep. 986.</i>
37	<b>C.C. 5101, lines 9-14</b>	
38	<b>C.C. 5102, entire</b>	
39	<b>C.C. 5103, lines 1-14</b>	Divided into numbered paragraphs for convenience of reference.
40	<b>C.C. 5105, entire</b>	Modified to make penalty apply to railroad company as well as its agents and operators.
41	<b>C.C. 5106, entire</b> <b>5107, entire</b>	The two sections combined as dealing with same subject.
42	<b>C.C. 5171, entire</b>	Lines 1-2, "any building" substituted for those specifically named.  Line 5, "for railroad purposes" added at suggestion of R. R. Commissioners, to clarify the meaning.
43	<b>C.C. 5172, entire</b>	Line 5, "used for railway purposes" added to clarify meaning as suggested by R. R. commissioners.  Line 13, same addition as in line 5 for same reason.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
44	S.C.C. 5172-a1, entire	Line 10, "provided however that" omitted as a useless and cumbersome expression.
45	S.C.C. 5172-a2, lines 1-8 <i>lines 9-24</i> <i>lines 25-31</i>	<i>See sec. 46 of bill.</i> <i>See sec. 47 of bill.</i>
46	S.C.C. 5172-a2, lines 9-24	
47	S.C.C. 5172-a2, lines 25-31	
48	S.C.C. 5172-a4, entire	
49	S.C.C. 5172-a3, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 191

Prepared by J. C. Mabry

**Subject: ELECTRIC WIRES, TRANSMISSION LINES AND FRANCHISES****General Explanation**

The power to grant franchises for the placing and maintenance of electric transmission lines upon the highways of the state is vested by S.C.C. 3038 and C.C. 3039 in the board of supervisors in each county.

The same power is vested in the board of railroad commissioners by C.C. 5037 to 5043, inclusive.

The result has been to place the regulation of electric transmission lines in one hundred different bodies.

The thirty-ninth general assembly attempted to correct this situation by providing that all grants made by boards of supervisors should be subject to the rules and regulations of the railroad commissioners. As a result the boards of supervisors were left with but a shadow of their former power.

This bill is but a confirmation of the action taken by the thirty-ninth general assembly. Furthermore, it eliminates the shadow of power left in the hands of the supervisors by the last legislature, as being illogical, and gives the railroad commissioners complete control over electric transmission lines.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5037, lines 1-9  <i>lines 10-17</i> <i>lines 18-26</i> <i>lines 27-34</i> <i>lines 35-41</i> S.C.C. 3038, entire	Modified to prohibit erection and maintenance without first obtaining franchise from board of railroad commissioners. See also sec. 2 of bill. <i>See sec. 3 of bill.</i> <i>See sec. 4 of bill.</i> <i>See sec. 5 of bill and C.B. 188, sec. 5.</i> <i>See sec. 6 of bill.</i> <i>Omitted for reasons set out in "general explanation".</i>
2	C.C. 5037, lines 1-9	Only general principle is preserved with such additions as to be specific and make a plain and practicable statute.
3	C.C. 5037, lines 10-17	Present law wholly inadequate as to form or contents of petition. We have set out in numbered paragraphs the requisites of the petition as it should be.
4	C.C. 5037, lines 18-26	Present statute does not fix number of publications, nor the place of hearing both of which the bill makes specific.

## C. B. 191 ELECTRIC WIRES, TRANSMISSION LINES AND FRANCHISES

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	C.C. 5037, lines 27-34	Modified to permit hearing of evidence and examination of route by an engineer as well as members of the board. Bill also provides for party asking franchise paying costs and expenses but no other consideration.
6	C.C. 5037, lines 35-41	There is nothing in the present law as to the form, terms or conditions of the franchise. The bill provides for all these necessary things.
7	New	The law is entirely silent as to the transfer of such a franchise and there should be some means of keeping track of who are the owners of such franchises and especially in view of subsequent provisions of the bill.
8	New	The law makes no provision for a record of franchises, and which is a very important matter.
9	C.C. 5039, entire	Modified in language only.
10	C.C. 5038, entire	Modified in language only.
11	C.C. 5040, entire	Provisions added for additional land for substations and transformers.
12	C.C. 5042, entire	Line 6, present law is contrary to general principle of law in such matters and ought not to prevail except in accordance with workmen's compensation law. Hence the added exception.
13	C.C. 5043, entire	
14	C.C. 5041, lines 1-9 lines 10-23 lines 24-28 lines 29-42	<i>See sec. 15 of bill.</i> <i>See sec. 16 of bill.</i> <i>See sec. 17 of bill.</i>
15	C.C. 5041, lines 10-23	
16	C.C. 5041, lines 24-28	Line 28, provision added to conform to any other specifications, rules or regulations that may be established.
17	C.C. 5041, lines 29-42	
18	New	The statute makes no provision for forfeiture of a franchise no matter how long it is unused or how much it is violated or abused. Parties can go into the business of obtaining franchises merely for the purpose of sale and barter to some one else or to keep some one else from



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18		getting a franchise along a given route. Hence these new provisions for forfeiture for nonuse or for violations of provisions or rules and regulations.
19	New	A valuable means of enforcement of rules and regulations.
20	New	Annual reports should be required setting forth conditions of property, any serious accidents, the cause thereof and any extensions or improvements.
21	New	Reasons are obvious.
22	C.C. 3039, entire	Utilizes a part of the law as it exists in the jurisdiction of the board of supervisors and codified here to bring all the law on the subject together. See also C.B. 128, sec. 6.
23	C.C. 5027, entire 5028, entire 5031, entire	Codified here because subject is germane.
24	C.C. 5032, entire	
25	C.C. 5029, entire	
26	C.C. 5030, entire	
27	C.C. 5033, entire	Line 8, "attorney general" changed to "commerce counsel". Line 11, same substitution as above.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 192

Prepared by J. C. Mabry

## Subject: VOTING TAXES IN AID OF RAILWAYS

## General Explanation

There are three distinct purposes for which taxes may be voted in aid of railways. For each purpose a separate machinery is set up and separate proceedings provided for, each varying from the others in greater or less degree, and yet so nearly alike that there is much repetition. The purpose of the bill is to preserve the three purposes, but providing a uniform method by which all such purposes may be carried out.

In order to do this it is necessary for some slight modifications to be made in order to secure a uniform plan for all.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<p><b>C.C. 5121, entire</b></p> <p><b>5123, lines 1-5</b> <i>lines 5-10</i></p> <p><b>5130, entire</b> <b>5135, entire</b></p>	<p>Subsecs. 2 and 3 incorporate the width of contiguous territory as drawn from the sections which apply to each of such purposes. Subsec. 2 being C.C. 5131, line 3, subsec. 3 being C.C. 5136, line 2, but modified by changing "2½" to "not to exceed 7½". This on recommendations of people who are specially interested as farmers and business men in the revival of an abandoned road.</p> <p><i>See sec. 14 of bill.</i></p>
2	<p><b>C.C. 5122, lines 1-3</b> <b>lines 51-54</b></p> <p><i>lines 1-7</i> <i>lines 8-21</i> <i>lines 22-26</i> <i>lines 27-29</i> <i>lines 30-36</i> <i>lines 36-39</i> <i>lines 39-46</i> <i>lines 47-50</i></p> <p><b>5131, lines 1-8</b> <i>lines 9-10</i> <i>lines 11-24</i></p>	<p>Modified as to requisites of petition so as to fit any one of the several purposes for which tax may be voted.</p> <p><i>See secs. 4 and 5 of bill.</i> <i>See secs. 6 and 7 of bill.</i> <i>See sec. 8 of bill.</i> <i>See secs. 9 and 10 of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 12 of bill.</i> <i>See sec. 13 of bill.</i></p> <p><i>See secs. 4 and 5 of bill.</i> <i>See secs. 6 and 7 of bill.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2	<p><i>lines 25-27</i>  <i>lines 27-40</i>  <i>lines 43-47</i>  <i>lines 47-50</i>  <i>lines 51-55</i>  <i>lines 56-60</i>            5132, <i>entire</i>  <b>5136, lines 1-3</b>  <i>lines 4-10</i>  <i>lines 11-16</i>  <i>lines 17-19</i>  <i>lines 20-24</i>  <i>lines 24-29</i>  <i>lines 29-31</i>  <i>lines 31-32</i>  <i>lines 33-37</i>  <i>lines 37-41</i>            5137, <i>entire</i></p>	<p><i>See sec. 8 of bill.</i>  <i>See secs. 9 and 10 of bill.</i>  <i>See sec. 10 of bill.</i>  <i>See sec. 12 of bill.</i>  <i>See sec. 13 of bill.</i>  <i>See sec. 6 of bill.</i>  <i>Omitted as useless.</i></p> <p><i>See secs. 4 and 5 of bill.</i>  <i>See secs. 6 and 7 of bill.</i>  <i>See sec. 8 of bill.</i>  <i>See secs. 9 and 10 of bill.</i>  <i>See sec. 11 of bill.</i>  <i>See sec. 5 of bill.</i>  <i>See sec. 13 of bill.</i>  <i>See sec. 6 of bill.</i>  <i>See sec. 10 of bill.</i>  <i>Omitted as useless.</i></p>
3	<b>C.C. 5133, entire</b>	
4	<p><b>C.C. 5122, lines 1-7</b></p> <p><b>5131, lines 9-10</b></p> <p><b>5136, lines 4-10</b></p>	<p>Modified as shown in this bill section to make provisions uniform as applied to all purposes for which such tax may be voted.</p> <p>Modified by providing that petition be filed in office of the auditor and as set forth also in bill sec. 5.</p> <p>Modified in this and sec. 5 by providing for filing in office of auditor and specifying proceedings thereon.</p>
5	<p><b>C.C. 5122, lines 1-7</b>  <b>lines 36-39</b>  <b>5131, lines 9-10</b>  <b>lines 40-42</b>  <b>5136, lines 4-10</b>  <b>lines 29-31</b></p>	
6	<p><b>C.C. 5122, lines 8-21</b>  <b>5131, lines 11-24</b>  <b>lines 56-60</b>  <b>5136, lines 11-16</b>  <b>lines 33-37</b></p>	<p>Provisions as to form of notice made specific, a very essential modification of present statute and also combining and harmonizing provisions to avoid repetition.</p>
7	<p><b>C.C. 5122, lines 8-21</b>  <b>5131, lines 11-24</b>  <b>5136, lines 11-16</b></p>	<p>Provisions made specific.</p> <p>Three provisions combined and harmonized for the sake of uniformity and to avoid repetition.</p>
8	<p><b>C.C. 5122, lines 22-26</b>  <b>5131, lines 25-27</b>  <b>5136, lines 17-19</b></p>	<p>Modified to harmonize and avoid repetition and make specific where provisions are indefinite.</p>
9	<b>C.C. 5122, lines 27-29</b>	<p>Modified to combine and harmonize for</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	5131, lines 27-31 5136, lines 20-24	sake of uniformity and to avoid repetition.
10	C.C. 5122, lines 27-29 5131, lines 27-40 lines 43-47 5136, lines 20-24 lines 37-41	Modified so as to make provision for canvass by board. Present provisions too indefinite, apparently leaving the whole matter to be determined by the auditor.
11	C.C. 5122, lines 30-36 5136, lines 24-29	Made more specific and of uniform application.
12	C.C. 5122, lines 39-46 5131, lines 47-50	
13	C.C. 5122, lines 47-50 5131, lines 51-55 5136, lines 31-32	Combined for the sake of uniformity and to avoid repetition. Lines 5-8 of bill section new but an essential provision.
14	C.C. 5123, lines 5-10 5134, entire 5138, entire	Reduced to a more concise statement of the provision. All combined for uniformity and to avoid repetition.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 193

Prepared by J. C. Mabry

**Subject: CATTLE GUARDS AND HIGHWAY CROSSINGS****General Explanation**

The general purpose of this bill is to codify C.C. 5073, but more especially to add some new provisions designed to prevent collisions with motor vehicles on railroad crossings. Such tragedies are so frequent and so disastrous to life and limb, that the law making power is derelict of its duty to the public if it does not adopt some measure that will tend to curtail such accidents.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5073, entire	Divided into numbered paragraphs for conciseness and convenience.
2	New	Makes provisions to require motor vehicle "stop signs" at dangerous crossings. Some such law as this and succeeding sections seem imperative.  The matter is placed in the jurisdiction of the board of railroad commissioners where it should be and such jurisdiction can be invoked by the board of supervisors of any county, and such board can act upon any information or complaint as presented to it.  In the absence of any action by any board, any railway company may at its own election erect the signs at any particular crossing.
3	New	Provisions for enforcing orders of board of railroad commissioners.
4	New	Specifications for "stop signs". These could be changed if something better can be devised.
5	New	Makes provisions where two or more tracks are involved in crossing.
6	New	Fixes speed limit and distance from crossing to which it applies.
7	New	Provisions for full stop at stop signs.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	New	Penal section which is necessary for enforcement would rarely have to be invoked except as to persistent law breakers.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 194

Prepared by J. C. Mabry

**Subject: LIABILITY FOR NEGLIGENCE OF EMPLOYEES****General Explanation .**

The codification of this one long section, setting out its various provisions in short separate sections under appropriate section headings. Much time has been wasted in search for the provision as to contributory negligence which lies buried in lines 23-25 of the present section. The bill visualizes these important provisions to the searcher.

No change in substance or meaning or even in language is proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5090, lines 1-8 <i>lines 9-19</i> <i>lines 20-32</i>	<i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i>
2	C.C. 5090, lines 9-19	
3	C.C. 5090, lines 20-32	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 195

Prepared by J. C. Mabry

**Subject: RAILWAY CROSSINGS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 5241-a1, entire	
2	S.C.C. 5241, lines 1-14 lines 21-22  <i>lines 15-20</i>	There is added "except in the exercise of its right of way as provided in this section". <i>See sec. 4 of bill.</i>
3	C.C. 5092, lines 1-5  <i>lines 6-11</i>	Exceptions added to harmonize with more recent legislation on the subject. <i>See sec. 4 of bill.</i>
4	C.C. 5092, lines 6-11 S.C.C. 5241, lines 15-20	Modified to provide for fine instead of forfeiture.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 196

Prepared by J. C. Mabry

**Subject: REGULATION OF CARRIERS AND DEFINITION OF TERMS****General Explanation**

To codify and draw together in a proper chapter scattered provisions relative to the same subject matter and which at present are hidden away in other chapters in which they do not belong. Some long sections are divided, and others relating to same phase of a subject combined.

No change in substance proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5173, lines 1-10 <i>lines 11-23</i>	Clear concise statement substituted without change in substance or meaning. <i>See sec. 5, first three paragraphs.</i>
2	S.C.C. 5019, lines 1-12 <i>lines 13-16</i> <i>lines 17-24</i>	Codified here to change location. <i>See sec. 4 of bill.</i> <i>See sec. 3 of bill.</i>
3	S.C.C. 5019, lines 17-24	Line 24, omitted as redundant.
4	S.C.C. 5019, lines 13-16	
5	C.C. 5173, lines 11-23 5176, lines 21-25 <i>lines 1-9</i> <i>lines 10-20</i>	<i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i>
6	C.C. 5176, lines 1-9	
7	C.C. 5176, lines 10-20	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 197

Prepared by J. C. Mabry

**Subject: FREE OR REDUCED TRANSPORTATION PROHIBITED****General Explanation**

The general purpose of the bill is to codify and rearrange separated sections dealing with the same or related matters. No change of law is proposed except a slight change by section 2 of the bill, relating to new industries, which proposes that contracts for reduced shipping rates may be made "for a specific period of time" as well as for a specified number of carloads.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 5201, lines 1-12</b> <i>lines 13-16</i> <i>lines 17-20</i>	Surplus language eliminated for more concise statement. <i>See sec. 3 of bill.</i> <i>See sec. 2 of bill.</i>
2	<b>C.C. 5201, lines 17-20</b>	"Or for specific period of time" is new to cover cases where product would not be in carload lots.
3	<b>C.C. 5201, lines 13-16</b>	
4	<b>C.C. 5205, lines 1-8</b> <i>lines 9-15</i> <i>lines 16-17</i> <i>lines 18-20</i>	<i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i> <i>See C.B. 188, sec. 29.</i>
5	<b>C.C. 5220, entire</b>	Cross reference changed to conform to arrangement of material in bill.
6	<b>C.C. 5205, lines 9-15</b> <b>5221, lines 1-35</b> <i>lines 36-40</i> <i>lines 41-51</i>	Arranged in paragraphs for convenience of reference. <i>See sec. 8 of bill.</i> <i>See sec. 7 of bill.</i>
7	<b>C.C. 5205, lines 16-17</b> <b>5221, lines 41-51</b>	To place provision with related matters.
8	<b>C.C. 5221, lines 36-40</b> <i>5222, entire</i>	<i>Omitted. Codified in C.B. 73.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 198

Prepared by J. C. Mabry

**Subject: SCHEDULES OF RATES AND CHARGES BY COMMON CARRIERS****General Explanation**

The codification of one section of seventy lines into ten short and concise sections for convenience and accessibility to the various provisions.

No other change proposed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 5179, lines 1-4</b> <i>lines 5-10</i> <i>lines 11-15</i> <i>lines 16-22</i> <i>lines 23-27</i> <i>lines 28-33</i> <i>lines 34-37</i> <i>lines 38-40</i> <i>lines 41-54</i> <i>lines 55-70</i>	<i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i> <i>See sec. 4 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 7 of bill.</i> <i>See sec. 8 of bill.</i> <i>See sec. 9 of bill.</i> <i>See sec. 10 of bill.</i>
2	<b>C.C. 5179, lines 5-10</b>	Line 5, "plainly state" changed to "plainly printed" and specifying the type.
3	<b>C.C. 5179, lines 11-15</b>	Line 11, see change made in bill sec.2. Line 14, "plainly" inserted preceding "printed".
4	<b>C.C. 5179, lines 16-22</b>	Line 22, "and kept for public inspection" omitted as superfluous.
5	<b>C.C. 5179, lines 23-27</b>	Line 27, "and kept for public inspection" omitted as superfluous.
6	<b>C.C. 5179, lines 28-33</b>	
7	<b>C.C. 5179, lines 34-37</b>	
8	<b>C.C. 5179, lines 38-40</b>	Line 40, "to which it may be a party" omitted as redundant.
9	<b>C.C. 5179, lines 41-54</b>	Reduced to a concise statement, omitting surplus words without changing meaning.
10	<b>C.C. 5179, lines 55-70</b>	Reduced to concise statement without any change of substance or meaning.

CODE COMMISSIONERS' BILL NO. 199

**Subject: CROSSINGS OF RAILWAYS AND DUTY OF EMPLOYEES**

**No brief prepared. Bill withdrawn.**

## BRIEF OF CODE COMMISSIONERS' BILL NO. 200

Prepared by J. C. Mabry

**Subject: INTERURBAN RAILWAYS****General Explanation**

To divide and codify long involved sections, combine others relating to the same matters, and bring C.C. 5010 which got out of place in the compiled code to its proper location.

There are slight modifications for the purpose of making certain provisions more specific, but nothing that materially changes the meaning or intent of the present law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5239, lines 1-4 lines 7-8  lines 5-6 lines 9-15 lines 16-17 lines 18-27. lines 28-33 lines 34-36 lines 14-16 lines 22-23	“Without expense to the county” inserted preceding “accept”. <i>See sec. 5 of bill.</i> <i>See sec. 4 of bill.</i> <i>Omitted as superfluous.</i> <i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 5 of bill.</i> <i>See sec. 5 of bill.</i>
2	C.C. 5239, lines 18-27	“When the board of supervisors shall find” substituted for language as to “opinion” of board.
3	C.C. 5239, lines 28-33 5010, entire	
4	C.C. 5239, lines 9-15	See also sec. 5 of bill.
5	C.C. 5239, lines 5-6 lines 14-16 lines 22-23	Provisions broadened to cover “all rights” of interurbans on highways and “from time to time”.
6	C.C. 5239, lines 34-36	
7	C.C. 5240, lines 1-7 lines 8-12	<i>See sec. 8 of bill.</i>
8	C.C. 5240, lines 8-12	Lines 10-12, specific provisions substituted for cross references.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
19	C.C. 5246, lines 23-29	Line 28, after "change" add provision that any person having interest may file objections.
20	C.C. 5246, lines 30-39	Line 39, provision that possession shall not be taken till compensation and damages have been finally determined and paid added. Statute now makes no such provision.
21	C.C. 5246, lines 1-9 5249, entire	Exception inserted at beginning to avoid conflict with other provisions.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 201

Prepared by J. H. Trewin

**Subject: CORPORATIONS FOR PECUNIARY PROFIT****General Explanation**

C. B. 201 modifies C.C. 5345 by placing loan and trust companies on the same basis as banks, with reference to fees and reports.

Lines 1-8 of C.C. 5421 are codified in section 3 of C. B. 18.

Lines 8-12 are omitted as not binding upon the legislature.

C. B. 201 repeals C.C. 5444, because C.C. 5453 affords a better method of effecting the same result.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5345, entire	"Or loan and trust business" is new (line 5).

## BRIEF OF CODE COMMISSIONERS' BILL NO. 202

Prepared by J. H. Trewin

**Subject: CORPORATE STOCK****General Explanation**

C. B. 202 codifies without modification two sections of chapter 2, title XVII, of the compiled code of Iowa.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5377, lines 1-6 lines 6-10 lines 10-12	<i>See sec. 3 of this bill.</i> <i>See sec. 2 of this bill.</i>
2	C.C. 5377, lines 10-12	
3	C.C. 5377, lines 6-10	
4	C.C. 5378, lines 1-5 lines 5-12 lines 12-19 lines 20-27	<i>See sec. 5 of this bill.</i> <i>See sec. 6 of this bill.</i> <i>See sec. 7 of this bill.</i>
5	C.C. 5378, lines 5-12	
6	C.C. 5378, lines 12-19	
7	C.C. 5378, lines 20-27	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 203

Prepared by J. H. Trewin

**Subject: COOPERATIVE ASSOCIATIONS****General Explanation**

C. B. 203 codifies two sections of chapter 3, title XVII, of the compiled code of Iowa and of the supplement to said code, and eliminates a conflict in the law with reference to the issuance of shares of capital stock.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5398, entire	Bill omits "and in such case the transfer to the association of such business at such valuation shall be equivalent to payment in cash for the shares of stock so issued" and substitutes "as determined by the executive council as in cases of other corporations" (lines 6-7) to eliminate the conflict between C.C. 5378 and C.C. 5398.
2	C.C. 5401, lines 1-5 lines 5-8 lines 8-15	See sec. 3 of this bill. See sec. 4 of this bill. Bill omits "subject to revisions by the association at any general or special meeting" as unnecessary (lines 1-2 of C.C. 5401).
3	C.C. 5401, lines 5-8	Bill omits "shall" and substitutes "may" (line 1), because in many cases an educational fund is unnecessary.
4	C.C. 5401, lines 8-15	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 204

Prepared by J. C. Mabry

**Subject: FAILURE OF CONSIDERATION OF WRITTEN CONTRACTS****General Explanation**

This bill codifies C.C. 5897 for the purpose of dropping the portion thereof which relates to negotiable instruments which is a uniform law and section C.C. 5942 relates to lack or failure of consideration in whole or in part, and governs so far as in conflict with C.C. 5897. This fragment of the law of negotiable instruments should not be hidden away under another subject and in another chapter, separated by more than fifty sections from a like provision in the uniform negotiable instrument law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5897, lines 1-2  lines 3-6	Line 2, after "except" add "as provided in the negotiable instrument law".  <i>Omitted as being governed by the negotiable instrument law, C.C. title XXI, ch. 6, and as being out of place in its present location.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 205

Prepared by J. H. Trewin

**Subject: INSURANCE DEPARTMENT****General Explanation**

The purpose of C. B. 205 is to simplify and clarify the language of the law relating to the insurance department, and to eliminate several duplicate provisions.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 5461, line 2</b> <i>lines 1-4</i> <b>S.C.C. 5460, lines 1-3</b> <i>lines 3-8</i> <i>lines 8-16</i> <i>lines 16-17</i> <i>lines 18-19</i> <i>lines 19-20</i> <i>lines 21-25</i>	<i>See bill 14.</i>  <i>See sec. 2 of this bill.</i> <i>See sec. 3 of this bill.</i> <i>See sec. 2 of this bill.</i> <i>See bill 34.</i> <i>See sec. 4 of this bill.</i> <i>See bill 32.</i>
2	<b>S.C.C. 5460, lines 3-8</b> <b>lines 16-17</b>	
3	<b>S.C.C. 5460, lines 8-16</b>	
4	<b>S.C.C. 5460, lines 19-20</b>	Modified by making more complete provision for filling vacancies.
5	<b>S.C.C. 5462, lines 1-5</b> <b>lines 8-10</b> <i>lines 5-7</i> <i>lines 10-19</i> <i>lines 19-24</i>	<i>See bill 32, sec. 2.</i> <i>See sec. 6 of this bill.</i> <i>Omitted as superfluous.</i>
6	<b>S.C.C. 5462, lines 10-19</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 206

Prepared by J. H. Trewin

**Subject: LIFE INSURANCE COMPANIES****General Explanation**

Substitute for C. B. 206 modifies S.C.C. 5478 by providing that the paid-up capital may be invested in municipal, school, or drainage bonds issued in this state.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 5478, entire	<p>“Or municipal, school or drainage bonds issued in this state” is new.</p> <p>“Employee” is new (last line).</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 207

Prepared by J. H. Trewin

**Subject: INSURANCE OTHER THAN LIFE****General Explanation**

C. B. 207 clarifies the law with reference to insurance other than life, and repeals C.C. 5605 since it is in conflict with S.C.C. 5496.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 5496, entire	Bill repeals C.C. 5605, because it is in conflict with S.C.C. 5496.
2	C.C. 5617, entire	
3	C.C. 5618, entire	Bill inserts "paid-up capital" and "stockholders" (lines 6, 10-12) to make sec. 3 correspond with sec. 1 of this bill.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 208

Prepared by J. H. Trewin

**Subject: BANKING DEPARTMENT****General Explanation**

C.B. 208 codifies four sections in chapter 1 of title XIX, by eliminating many duplicate provisions.

All of S.C.C. 5744 is contained in the provisions of C.B. 32.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 5741, entire 5742, lines 18-19 lines 1-7 lines 7-13 lines 13-19 lines 19-27 5749, line 2 entire	See sec. 2 of this bill. See sec. 3 of this bill. See sec. 2 of this bill. See sec. 4 of this bill.  See bill 14.
2	C.C. 5742, lines 1-7 lines 13-19	"1921" changed to "1925" to bring the section down to date.  Provision with reference to "60 days" is new.
3	C.C. 5742, lines 7-13	"Not more than three of whom shall belong to the same political party" is new, to conform to other laws regarding confirmation of appointments. Compare C.C. 5460, 1852, and 2319.
4	C.C. 5742, lines 19-27	"Prior to the expiration of said thirty days, the governor shall transmit to the senate for its confirmation an appointment for the unexpired portion of the regular term" is new, taken by implication from C.C. 5742.
5	C.C. 5752, entire	"At the time provided by law" substituted for specific date to harmonize with C.B. 255.

## CODE COMMISSIONERS' BILL NO. 209

**Subject: BUILDING AND LOAN ASSOCIATIONS**

No brief prepared. Bill withdrawn.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 210

Prepared by J. C. Mabry

## Subject: UNFAIR DISCRIMINATION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<p data-bbox="326 706 589 733">C.C. 6205, lines 1-34</p> <p data-bbox="463 1120 596 1147"><i>lines 35-38</i></p>	<p data-bbox="652 706 1160 758">The section prohibits two kinds of discrimination:</p> <ol data-bbox="652 779 1160 903" style="list-style-type: none"> <li data-bbox="652 779 1160 830">1. In the production, manufacture, sale or distribution.</li> <li data-bbox="652 851 1160 903">2. In purchasing for manufacture, sale or distribution.</li> </ol> <p data-bbox="652 924 1160 1110">In other respects the language of the two main paragraphs of the section is identical. By the use of "or" separating these two methods of discriminations, the same language in other respects can be applied to both and thus shorten the section by about one-half, which the bill does.</p> <p data-bbox="652 1120 1160 1193"><i>Omitted as entirely superfluous in view of the next section codified in bill section 2.</i></p>
2	C.C. 6206, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 211

Prepared by J. C. Mabry

**Subject: POOLS AND TRUSTS****General Explanation**

Much complaint has been made in recent years that various commodities, especially in food products, had been purchased in large quantities in order to get practical control of entire production, and that quantities thereof had been deliberately destroyed by those in control to create a shortage and demand exorbitant prices for the remainder. Also that such products had been purchased and held in storage with like intent until they were unfit for use. The main purpose of the bill is to broaden the law so as to cover such dealings and other means of extortion not now prohibited and fix heavy penalties therefor.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6227, lines 1-18 lines 19-25 6234, entire	<i>See sec. 4 of bill.</i> To cover acts of greater moral degeneracy than those already covered. To cover acts which reach the depths of business depravity. Last two subsections new.
2	C.C. 6229, entire 6236, entire	Combination of duplicate sections.
3	C.C. 6228, entire 6235, entire	Combination of duplicate sections.
4	C.C. 6227, lines 19-25	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 212

Prepared by O. K. Patton

**Subject: CERTAIN SPECIAL LIENS****General Explanation**

Title XXIV of the compiled code was made up of scattered sections of law dealing with certain classes of liens. It was thought desirable to have all of these provisions in a separate title in order that the general lien law might be codified into a harmonious whole.

C.B. 212 rewrites, resectionsizes, and rechapterizes the entire title in order to simplify and clarify a body of law not formerly considered as a whole. The few changes which are introduced are nearly all for the purpose of harmonizing the lien law contained in this title with the other parts of the compiled code which were enacted at a subsequent time, without making proper amendments to these provisions.

Chapter 7 of title XXI. "Warehousemen and Warehouse Certificates", is entirely repealed. This subject is completely covered by the Uniform Warehouse Receipts Act, chapter 8, title XXI. The Thirtieth General Assembly, which enacted the uniform law, did not repeal the existing law because of outstanding warehouse certificates, but there is no need for the further retention of the old law. (See 30 G.A., ch. 160, sec. 59.)

Chapter 7 of title XXIV of the compiled code, relative to "Subcontractor's Claims on Funds Due on Public Works" is rewritten in C.B. 254, in connection with compiled code sections 8427 to 8430, inclusive, dealing with bonds of contractors on public improvements.

## CHAPTER 1

## LANDLORD'S LIEN

**General Note.**

This chapter of the bill is a restatement of chapter 1, title XXIV, of the compiled code. There is *no* change in *meaning* from the present law; the chapter is merely broken up into shorter sections and to some extent rearranged.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6502, lines 1-4 lines 4-7 lines 7-14	See sec. 2 of bill. See sec. 3 of bill.
2	C.C. 6502, lines 4-7	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
3	C.C. 6502, lines 7-14	
4	C.C. 6503, lines 1-8 lines 8-10	See sec. 5 of bill.
5	C.C. 6503, lines 8-10	
6	C.C. 6504, lines 1-6 lines 6-9	See sec. 7 of bill.
7	C.C. 6504, lines 6-9	
8	C.C. 6505, entire	
9	C.C. 6506, entire	

## CHAPTER 2

## MECHANIC'S LIEN

## General Note

This chapter of the bill is a restatement of chapter 2, title XXIV, of the compiled code and of the supplement to said code. There is but *one* change in *meaning* from the present law. The method of giving notice in order to perfect a subcontractor's lien after the lapse of sixty days has been slightly changed. The compiled code chapter has been resectionized and rearranged, and by the use of a definitive section considerable repetition has been eliminated and the chapter shortened.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10 (1)*	C.C. 6507, entire	
10 (2)*	C.C. 6508, entire	
10 (3)*	New	Marked "new", but based upon expression "building, erection, or other improvement upon land" appearing in various places in chapter 2, of title XXIV, of the compiled code.
10 (4)*	New	Marked "new", but based upon expression "material, machinery or fixtures" appearing in various places in chapter 2, of title XXIV, of compiled code.
11	C.C. 6509, entire	For "erection, building or other improvement upon land" and "material, ma-

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11		chinery or fixtures" see sec. 10, subsecs. 3 and 4 of bill.
12	C.C. 6510, lines 1-4 <i>lines 5-9</i>	For "erection, building or other improvement" see sec. 10, subsec. 3 of bill. <i>See sec. 13 of bill.</i>
13	C.C. 6510, lines 5-9	
14	C.C. 6511, lines 1-5 <i>lines 5-10</i>	For "erection or other improvement", see sec. 10, subsec. 3 of bill. <i>See sec. 15 of bill.</i>
15	C.C. 6511, lines 5-10	
16	C.C. 6512, entire	"Shall constitute the building, erection or improvement provided and mentioned in this chapter" omitted as unnecessary.
17	C.C. 6513, lines 1-8  <i>lines 8-13</i> <i>lines 13-15</i> <i>lines 16-18</i>	"Whether contractor or subcontractor" omitted as unnecessary.  For "erection or other improvement", see sec. 10, subsec. 3 of bill. <i>See sec. 18 of bill.</i> <i>See sec. 27 of bill.</i> <i>See sec. 21 of bill.</i>
18	C.C. 6513, lines 8-13	For "except as otherwise provided in this chapter", see sec. 27, lines 4-9, of bill.
19	C.C. 6515, lines 1-8  <i>lines 8-17</i>	Method of serving notice is new, but change has been made to conform service of notice on residents of this state, in such cases, to the method used in the case of original notices.  A more specific way for serving notice in case of a nonresident is also provided. <i>See sec. 20 of bill.</i>
20	C.C. 6515, lines 8-17	Read "as hereinafter provided" with sec. 24 of bill.
21	C.C. 6513, lines 16-18	
22	C.C. 6514, lines 1-15	"An action by" omitted as unnecessary.  For "machinery or fixtures", see sec. 10, subsec. 4, of bill.  For "structure or other improvement upon land", see sec. 10, subsec. 3, of bill.  For "structure or other improvement", see sec. 10, subsec. 3, of bill.  "Provided there be such persons" omitted as unnecessary.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
22	<i>lines 16-23</i> <i>lines 23-31</i> <i>lines 32-37</i>	<i>See sec. 23 of bill.</i> <i>See sec. 24 of bill.</i> <i>See sec. 25 of bill.</i>
23	<b>C.C. 6514, lines 16-23</b>	For "structure or improvement" see sec. 10, subsec. 3, of bill.  For "machinery or fixtures" see sec. 10, subsec. 4 of bill.
24	<b>C.C. 6514, lines 23-31</b>	"Vacated and" and "sufficient" omitted as unnecessary.
25	<b>C.C. 6514, lines 32-37</b>	
26	<b>C.C. 6516, lines 1-5</b> <i>lines 6-9</i> <i>lines 10-19</i> <i>lines 20-25</i> <i>lines 25-50</i>	<i>See sec. 28 of bill.</i> <i>See sec. 27 of bill.</i> <i>See sec. 29 of bill.</i> <i>See sec. 30 of bill.</i>
27	<b>C.C. 6513, lines 13-15</b> <b>6516, lines 10-19</b>	For "erections or other improvements" see sec. 10, subsec. 3 of bill.
28	<b>C.C. 6516, lines 6-9</b>	
29	<b>C.C. 6516, lines 20-25</b>	For "erection or improvement" see sec. 10, subsec. 3 of bill.
30	<b>C.C. 6516, lines 25-50</b>	Lines 1 to 3 new, but merely introductory.  For "erection or other improvement" see sec. 10, subsec. 3 of bill.
31	<b>C.C. 6517, entire</b>	
32	<b>C.C. 6518, entire</b>	
33	<b>C.C. 6519, entire</b>	For "wherein the property is situated" see sec. 34 of bill.
34	<b>C.C. 6520, entire</b>	
35	<b>C.C. 6521, entire</b>	
36	<b>S.C.C. 6522, entire</b>	
37	<b>C.C. 6523, lines 1-5</b> <i>lines 5-6</i>	<i>See sec. 38 of bill.</i>
38	<b>C.C. 6523, lines 5-6</b>	

CHAPTER 3  
MINER'S LIEN

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
39	<b>C.C. 6524, entire</b>	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
41	<p>C.C. 6527, lines 1-5</p> <p>lines 5-22</p>	<p>For lien of forwarding and commission merchant, see chapter 5 of this bill.</p> <p>For lien of bailee for hire, see chapter 6 of this bill, and C.C. 6148.</p> <p>“Express company” omitted as covered by the word “carrier”.</p> <p>See secs. 43, 47, 48, 56, 57, 58, and 59 of bill.</p>
42	<p>C.C. 6528, lines 11-13</p> <p>lines 1-11 } lines 13-19 }</p>	<p>“Or no directions have been given for the disposition thereof” has been inserted in the section to cover the special case of carriers to which the redrafted section solely applies. See the expression “left with” in line 1, C.C. 6527.</p> <p>See secs. 43, 44, 46, 47, 48, 57, and 59 of bill.</p>
43 (1)*	C.C. 6529, lines 8-13	<p>“Or person designated in the waybill” has been added to section to make it more comprehensive.</p> <p>Read “within the time hereinafter prescribed” with sec. 46 of bill.</p>
43 (2-3)*	C.C. 6527, lines 5-9 6528, lines 1-11	<p>Provisions relative to time of giving notice have been entirely rewritten to modernize same.</p> <p>It seems unreasonable to require a carrier to retain lien encumbered property from 3½ to 4 months before disposing of same. Especially is this true of live stock. Therefore, the requirement that property be retained 3 months prior to notice has been reduced to 48 hours.</p> <p>All changes have been made in light of present day conditions in transportation and, to some extent, to harmonize same with C.C. 6154 and 6155.</p>
43 (4)*	New	Supplies an omission and makes provisions for notice more comprehensive.
44	C.C. 6528, lines 1-11 6529, lines 10-11	<p>Provisions relative to method of giving notice have been entirely rewritten.</p> <p>Indirect notice by posting and publication eliminated and direct notice by</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
44		<p>mail substituted therefor in case address of owner or consignee is known.</p> <p>Distinction in notice based upon valuation of property also eliminated and notice by mail made applicable in all cases. harmonizes with C.C. 6154, lines 3-7.</p> <p>For notice in case owner or his address is unknown, see sec. 47 of bill.</p>
45	New	Supplies omission and makes law more comprehensive and harmonizes with C.C. 6154, lines 5-7.
46	C.C. 6528, lines 12-14 6529, lines 4-6	<p>Provisions relative to method and time of sale entirely rewritten.</p> <p>Sale at "public auction" changed to "public or private sale".</p>
46 (1)*	C.C. 6529, line 2	
46 (2-3)*	C.C. 6528, lines 1-11	<p>Distinction in length of notice based upon valuation of property has been eliminated.</p> <p>"Fourteen days" and "four weeks" changed to "ten days" for nonperishable property and "five days" for live stock.</p>
47	C.C. 6527, lines 9-22 6528, lines 1-11	<p>Provisions relative to disposition of property when owner or his address is unknown, are entirely rewritten and the present archaic procedure before justices of the peace is eliminated. "Estray books" are now a curiosity.</p> <p>Length of time of advertising sale is made to conform to C.C. 6154, lines 30 to 36, and present distinction as to said time based upon valuation of property has been eliminated.</p>
48	C.C. 6527, lines 12-14 6530, lines 6-8  <i>lines 1-5 entire</i>	<p>Lines 3 to 6 are practically new, but make the law relative to sales in such cases comprehensive.</p> <p><i>See sec. 50 of bill.</i></p> <p><i>See sec. 51 of bill.</i></p>
49	New	Supplies an omission. Makes carrier's lien law comprehensive and harmonizes same with C.C. 6154, lines 41-47.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
50	C.C. 6528, lines 17-19 6530, lines 1-5	Provisions relative to application of proceeds rewritten to harmonize same with C.C. 6154, lines 36-41, and C.C. 6155, lines 13-15.
51	C.C. 6530, entire	Rewritten to harmonize same with sec. 50, subsec. 2 of bill.  Last sentence has been added in view of sec. 43, subsec. 4, and sec. 47 of bill.
52	New	Supplies omission. Makes carrier's lien law comprehensive. Harmonizes same with C.C. 6157.
53	C.C. 6531, lines 1-4  <i>lines 4-7</i>	"School fund" changed to "general fund", because refunds under sec. 54 of bill would be made from "general fund". <i>See sec. 54 of bill.</i>
54	C.C. 6531, lines 4-7	
55	New	Supplies omission. Makes carrier's lien law comprehensive and harmonizes same with C.C. 6156.

## CHAPTER 5

## FORWARDING AND COMMISSION MERCHANT'S LIEN

**General Note**

This chapter of the bill is a revamping of that part of chapter 6, title XXIV, of the compiled code, which deals solely with the lien of the forwarding and commission merchant. The enforcement provisions of the law on this subject are rewritten along the lines of the preceding chapter of the bill and for the purpose of adapting it to modern conditions and harmonizing it with the Uniform Warehouse Receipts Act.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
56	C.C. 6527, lines 1-5 6528, lines 17-19	
57	C.C. 6527, entire 6528, entire 6529, entire 6530, entire 6531, entire	Section is put in this form to avoid useless repetition. It is unnecessary to build up again machinery for enforcement of lien after making full provision for same in chapter 4 of this bill.



## CHAPTER 6

## ARTISAN'S LIEN

## General Note

This chapter of the bill is a revamping of that part of chapter 6, title XXIV, of the compiled code, which deals solely with the lien of that class of bailees for hire, known as artisans. The present language "property \* \* \* left with \* \* \* any bailee for hire shall be subject to a lien for the lawful \* \* \* charges and services thereon, or in connection therewith", has been rewritten into a strictly artisan's lien to overcome the uncertainty which now exists in the law. See *Duffy v. Hardy Auto Co.*, 180 Iowa 745, at 748, 749. This chapter of the bill is also based somewhat upon the common law lien of the artisan.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
58	C.C. 6527, lines 1-5	Made more specific and comprehensive.
59	C.C. 6527, entire 6528, entire 6529, entire 6530, entire 6531, entire	Section is put in this form to avoid useless repetition. It is unnecessary to build up again machinery for enforcement of lien after making full provision for same in chapter 4 of this bill.  Special provision made as to persons to be notified in enforcement proceedings.

## CHAPTER 7

## LIEN FOR CARE OF STOCK

## General Note

This chapter of the bill is a restatement of chapter 5, title XXIV, of the compiled code. There is *no* change in *meaning* from the present law; but there is some resectionizing and rearranging.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
60	C.C. 6526, lines 1-5  <i>lines 5-10</i> <i>lines 10-15</i> <i>lines 15-18</i>	"When received from the owner or any other person" omitted as unnecessary. <i>See sec. 61 of bill.</i> <i>See sec. 62 of bill</i> <i>See sec. 63 of bill.</i>
61	C.C. 6526, lines 5-10	
62	C.C. 6526, lines 10-15	"And property" inserted to make section more comprehensive.
63	C.C. 6526, lines 15-18	"And property" and "stock or" inserted to make section more specific and comprehensive.

## CHAPTER 8

## HOTEL KEEPER'S LIEN

**General Note**

This chapter of the bill is a restatement of that part of chapter 4, title XXIV, of the supplement to the compiled code, which deals solely with the hotel keeper's *lien*. The part of the chapter which deals with the *liability* of hotel keepers and steamboat owners is handled in the last chapter of the bill. The portion of the one-section chapter of the compiled code which is used, is broken up, in this instance, into six (6) sections, and by the use of a definitive section considerable repetition has been eliminated and the law condensed.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
64	<b>S.C.C. 6525, lines 39-42 line 56 (in part)</b> <i>lines 1-12</i> <i>lines 13-20</i> <i>lines 21-24</i> <i>lines 24-28</i> <i>lines 28-33</i> <i>lines 33-38</i> <i>lines 39-41</i> <i>lines 42-45</i> <i>lines 45-49</i> <i>lines 49-57</i> <i>lines 57-64</i> <i>lines 55-68</i>	Section is definitive in character and really based upon clauses appearing throughout C.C. 6525. <i>See sec. 70 of bill.</i> <i>See sec. 71 of bill.</i> <i>See sec. 72 of bill.</i> <i>See sec. 73 of bill.</i> <i>See sec. 74 of bill.</i> <i>See sec. 75 of bill.</i> <i>See secs. 65 and 66 of bill.</i> <i>See sec. 65 of bill.</i> <i>See sec. 66 of bill.</i> <i>See sec. 67 of bill.</i> <i>See sec. 68 of bill.</i> <i>See sec. 69 of bill.</i>
65	<b>S.C.C. 6525, lines 39-45 (in part)</b>	1. For "inn, rooming house or eating house keepers" see sec. 64, subsec. 2 of bill. 2. For "take and retain possession of," see sec. 65 of bill. 3. For "other property belonging to or under control of their guests or patrons," see sec. 64 of bill. 4. For "inn, rooming house or eating house", see sec. 64, subsec. 1 of bill. 5. For "or patron", see sec. 64, subsec. 3 of bill.
66	<b>S.C.C. 6525, lines 39-40 (in part) lines 45-49</b>	1. For "inn, rooming house or eating house keeper", see sec. 64, subsec. 2 of bill. 2. For "or patron", see sec. 64, subsec. 3 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
67	S.C.C. 6525, lines 49-57	1. For "inn keeper or", see sec. 64, subsec. 2 of bill. 2. For "other property", see sec. 64, subsec. 4 of bill. 3. For "inn or", see sec. 64, subsec. 1 of bill. 4. For "or boarder", see sec. 64, subsec. 3 of bill.
68	S.C.C. 6525, lines 57-64	1. For "or boarder", see sec. 64, subsec. 3 of bill. 2. For "inn keeper or", see sec. 64, subsec. 2 of bill. 3. For "inn or", see sec. 64, subsec. 1 of bill.
69	S.C.C. 6525, lines 65-68	For "or boarder", see sec. 64, subsec. 3 of bill.

## CHAPTER —

## LIABILITY OF HOTEL KEEPERS AND STEAMBOAT OWNERS FOR BAGGAGE

**General Note**

This chapter of the bill is a restatement of that part of chapter 4, title XXIV, of the supplement to the compiled code, which deals solely with the liability of hotel keepers and steamboat owners for baggage. There is *no* change in *meaning* from the present law. The law on this subject is rewritten in a separate chapter at the end of the bill in order that the Code Editor may transfer the matter when the permanent code is published, to a proper location, as the law on this subject has no place in a title on "Liens".

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
70	S.C.C. 6525, lines 1-12	
71	S.C.C. 6525, lines 13-20	
72	S.C.C. 6525, lines 21-24	
73	S.C.C. 6525, lines 24-28	
74	S.C.C. 6525, lines 28-33	
75	S.C.C. 6525, lines 33-38	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 213

Prepared by O. K. Patton

Subject: **MARRIAGES AND INCEST****General Explanation**

The purpose of this bill is twofold:

1. It enlarges the present law relative to making return of marriages so as to provide the proper basis for the proposed vital statistics law, chapter 10 of C.B. 260.

2. It transfers the present law relative to prohibited degrees of marriage from the title on "Criminal Law" to the title on "Domestic Relations" and thereby places all the law relative to void marriages in the chapter dealing with marriages.

The *first* change is desirable for the purpose of making the system of securing data relative to marriages *comprehensive*. It is in conformity, moreover, with the present practice which was based upon section 1372 of the compiled code. This section, however, was inadvertently repealed by 39 G.A., ch. 229, but the attorney general has ruled that the state board of health has the power under section 1264 of the compiled code to require the same data relative to marriages which was formerly required by section 1372. This data is now being required by the state board of health under the ruling of the attorney general. This bill covers the matter of marriage returns in a comprehensive manner, and removes the existing uncertainty brought about by 39 G.A., ch. 229. Other features of marriage statistics are covered in chapter 10 of C.B. 260.

The *second* change is desirable in order to bring all the provisions relative to void marriages together in one place and at the same time classify them along with other regulations governing marriages. Such provisions have no place in the "Criminal Law". The bill, however, leaves a section on "Incest" in the title on "Criminal Law" and incorporates the provisions transferred by the use of the words "which marriages are prohibited by law".

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6589, entire	Last line of C.C. 6589 broadened out to include all "degrees of consanguinity or affinity in which marriages are prohibited by law", so as to harmonize same with S.C.C. 8618. See sec. 6 of bill.
2	C.C. 6590, entire	1. Testimony by affidavit is required to conform with present practice. 2. Certificate by clerk is new to harmonize with affidavit plan of record.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2		<p>3. Last sentence of bill section is new to unify the record system as to proof of age and qualification with proof of consent of parents. See C.C. 6591, line 5.</p> <p>4. The result of these three changes will be to leave in the clerk's files in the case of each marriage an affidavit or certificate as to age and qualification, with an accompanying memorandum of the same on the license book. This will make the system of recording proofs of age and qualification and proofs of consent the same.</p>
3	New	This section will insure a proper return.
4	<p>C.C. 6596, lines 1-3</p> <p>lines 4-5</p>	<p>"Upon the blank provided for that purpose" is new. See sec. 3 of bill.</p> <p><i>Omitted. Provision for keeping book in "chapter eleven, title six" repealed by 39 G.A., ch. 229. See, however, C.B. 260, sec. 22, which reenacts the same matter as a part of the vital statistics law.</i></p>
5	New	<p>This section specifies the actual contents of a marriage return. It is based upon State Board of Health Form 5C, "Return of Marriages", which contains the data required by the state board from the county clerks.</p> <p>As explained in the "General Explanation" since the enactment of 39 G. A., ch. 229, the data called for in Form 5C is required under a rule of the state board of health. It seems more proper to prescribe matters of this kind by law. Under the plan proposed in ch. 10, C.B. 260, these original returns will be forwarded to the state registrar and take the place of Form 5C. This will make the plan uniform with the return of births and deaths.</p>
6 (1)*	<p>S.C.C. 8618, lines 1-4</p> <p>lines 4-8</p> <p>lines 8-9</p> <p>lines 9-12</p>	<p><i>See sec. 6 of bill, subsec. 2.</i></p> <p><i>See sec. 6 of bill, subsec. 3.</i></p> <p><i>See sec. 7 of bill.</i></p>
6 (2)*	S.C.C. 8618, lines 4-8	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6 (3)*	S.C.C. 8618, lines 8-9	
6 (4)*	C.C. 6600, entire	
7	S.C.C. 8618, lines 9-12	

\* Indicates subsection.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 214

Prepared by U. G. Whitney

**Subject: CONVEYANCE OF PROPERTY—INSANITY OR ABANDONMENT OF EITHER SPOUSE**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6606, entire	<p>Provision as to abandonment in lines 3 to 5 of sec. 1, of bill is new. Change is made to harmonize C.C. 6606 with C.C. 6610 which gives an abandoned spouse power to sell the actual property of the other. Proposed change confers same power to dispose of the right to a distributive share (dower right).</p> <p>“Or his or her duly appointed, qualified and acting guardian” in lines 5 and 6 of sec. 1 of bill, is new. Reason for addition is manifest.</p>





## BRIEF OF CODE COMMISSIONERS' BILL NO. 218

Prepared by U. G. Whitney

**Subject: ADOPTION**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 6686, lines 1-7</b>  <i>lines 7-13</i>	Approval by judge of district court substituted in all cases for approval by mayor or clerk of district court. Importance of adoption justifies change.  <i>See sec. 2 of bill.</i>
2	<b>C.C. 6686, lines 7-13</b> <i>6690-6710</i>	<i>Omitted as obsolete, archaic, and in conflict with child labor law, compulsory school law, and other modern statutes for the protection of children.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 219

Prepared by J. H. Trewin

**Subject: JUSTICE OF THE PEACE COURT—SECURITY FOR COSTS****General Explanation**

C.B. 219 modifies C.C. 6729 by eliminating the provision that resident corporations must give bond for costs, in certain cases.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6729, lines 1-6 lines 11-16 lines 6-11	<p><i>See sec. 2 of this bill.</i></p> <p>Bill omits "private or" (line 5 of C.C. 6729).</p> <p>Bill omits "within" and substitutes "at least" (line 2).</p> <p>Bill omits "commencement of the trial of the cause" and substitutes "time set in the original notice for hearing" (line 3); "shall state the grounds therefor" (line 4) is new.</p>
2	C.C. 6729, lines 6-11	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 220

Prepared by J. H. Trewin

## Subject: MUNICIPAL COURTS

## General Explanation

C.B. 220 clarifies ambiguities and remedies defects found in the municipal court law.

C.B. 220 repeals C.C. 6874, 6882, and 6892, making the law with reference to the matters contained in those sections, the same as with reference to the district court.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>S.C.C. 6840, lines 1-9</b> <i>lines 9-12</i>	<i>See secs. 15, 17, 19 and 20 of this bill.</i> Bill omits "whether organized under commission form of government or the general law for the incorporation of cities or towns," as unnecessary.  Bill omits "as shown by the last preceding state or United States census" because covered by C.C. 920.
2	<b>C.C. 6841, entire</b>	
3	<b>New</b>	No provision is made by the present law for election machinery for voters residing outside the city limits but within the civil townships forming part of the municipal court district.
4	<b>C.C. 6842, lines 1-10</b> <i>lines 11-13</i>	<i>See sec. 10 of this bill.</i>
5	<b>C.C. 6845, lines 1-10</b> <i>lines 11-14</i> <i>lines 14-19</i> <i>lines 19-22</i>	<i>See secs. 10 and 12 of this bill.</i> <i>Omitted as meaningless.</i> <i>See sec. 11 of this bill.</i> "But no district shall have more than four judges" (lines 8-9) is new.
6	<b>C.C. 6846, entire</b> <b>6856, lines 4-11</b> <i>lines 1-4</i> <i>lines 11-18</i>	<i>See bill 35, sec. 1.</i> <i>See sec. 22 of this bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7	C.C. 6847, entire 6848, lines 1-8 lines 8-12 6849, entire	<i>See secs. 13 and 23 of this bill.</i>
8	C.C. 6850, lines 1-4 lines 4-6	<i>Covered by C.C. 607.</i>
9	C.C. 6851, entire	Provision relative to "judges" omitted as being covered by C.B. 32, sec. 1.
10	C.C. 6842, lines 11-13 6845, lines 11-14 6900, lines 1-3 lines 3-5	<i>See sec. 11 of this bill.</i> Modified by providing that the city clerk, instead of the judge, may act as clerk of the municipal court.
11	C.C. 6845, lines 19-22 6900, lines 3-5	Modified by providing that the city clerk may act as clerk of the municipal court.
12	C.C. 6845, lines 11-14 6852, entire 6853, entire 6854, entire 6855, entire	
13	C.C. 6866, lines 1-2 lines 7-9 lines 2-5 lines 5-7	<i>See sec. 16 of this bill.</i> <i>See sec. 23 of this bill.</i> "With the words 'Municipal court of .....(inserting name of city), Iowa' thereon" is new (lines 1-3).
14	C.C. 6858, lines 1-5 lines 6-8 lines 8-10 lines 10-13	<i>See sec. 16 of this bill.</i> <i>See sec. 15 of this bill.</i> <i>See sec. 27 of this bill.</i> Bill omits "and juvenile proceedings" (line 5 of C.C. 6858). See bill 84, ch. 14, sec. 339.
15	C.C. 6858, lines 8-10 S.C.C. 6840, lines 9-12	
16	C.C. 6858, lines 6-8 6866, lines 2-5	C.C. 6858 provides that the court shall have no power to grant injunctions except where the issuance of the writ is auxiliary to the other relief demanded; C.C. 6866 provides that the judges shall have the same power in regard to injunctions as possessed by judges of the district court. Sec. 16 eliminates this conflict.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
17	<b>S.C.C. 6840, lines 9-12</b> <b>6844, lines 1-8</b> <b>lines 19-32</b> <i>lines 8-18</i> <i>lines 19-32</i>	<i>See secs. 18, 19, 20, and 21 of this bill.</i> <i>See also secs. 19 and 20 of this bill.</i>
18	<b>S.C.C. 6844, lines 8-18</b>	Modified by providing for transfer of certain cases to district, instead of municipal court.
19	<b>S.C.C. 6840, lines 9-12</b> <b>6844, lines 8-18</b>	"Except that certified copies of such records as have been filed in the district court may be filed with the clerk of the municipal court in lieu of original records," (lines 5-7) is new, to correspond with sec. 18.
20	<b>S.C.C. 6840, lines 9-12</b> <b>6844, lines 8-18</b>	"Not transferred under the two preceding sections" is new, to correspond with secs. 18-19.
21	<b>S.C.C. 6844, lines 8-18</b>	"The clerk of the district court shall have full power to certify and transcript such records of the superior court as come into his possession" is new (lines 1-3) to correspond with sec. 18.  "And certified copies thereof as may come into his possession, and certified copies made by him of said certified copies filed with him shall have the same force and effect as though they were certified copies of the original records" (lines 4-7) is new, to correspond with secs. 19-20.
22	<b>C.C. 6856, lines 11-18</b> <b>6857, lines 1-8</b> <i>lines 8-10</i> <i>lines 11-16</i> <i>lines 17-19</i> <i>lines 19-20</i> <i>lines 21-24</i>	<i>See sec. 23 of this bill.</i> <i>See sec. 39 of this bill.</i> <i>See sec. 23 of this bill.</i> <i>See sec. 39 of this bill.</i> <i>Covered by secs. 16 and 23 of this bill.</i>
23	<b>C.C. 6843, entire</b> <b>6857, lines 8-10</b> <b>lines 17-19</b> <b>6860, entire</b> <b>6864, lines 1-5</b> <i>lines 5-9</i>	<i>Omitted. This provision allows a defendant who is sued upon a promissory note and who happens to reside just outside the corporate limits of the city, to demand a change of venue to the district court and thereby delay the cause of</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
23	6863, entire 6866, lines 5-7 6867, entire	<i>action in some cases for several months.</i> "Which shall conform, as nearly as may be, to the rules of the district court of the district in which said municipal court is located" (lines 5-6) is new.
24	C.C. 6859, entire	"Actions of forcible entry and detainer" (lines 2-3) is taken from lines 3-4 of C.C. 8090. These actions are placed in Class "A" to conform to existing practice.
25	C.C. 6861, lines 2-5 lines 8-10 lines 1-2 lines 5-7 6862, lines 15-18 lines 1-7 lines 8-13 lines 13-14 lines 18-20	<i>Covered by sec. 23 of this bill.</i> <i>Covered by sec. 23 of this bill.</i> <i>Covered by sec. 23 of this bill.</i> <i>Covered by sec. 26 of this bill.</i> <i>Covered by sec. 23 of this bill.</i> <i>Covered by sec. 23 of this bill.</i>
26	C.C. 6862, lines 8-13	
27	C.C. 6858, lines 10-13 6865, entire	"Except as otherwise provided in this chapter" (lines 5-6) is new.
28	C.C. 6869, lines 3-7 lines 1-2	<i>Covered by sec. 23 of this bill.</i>
29	C.C. 6868, lines 3-9 lines 1-2	<i>Covered by sec. 23 of this bill.</i>
30	C.C. 6871, lines 1-4 lines 4-9 6881, entire 6870, entire	<i>Covered by C.C. 606 and sec. 2 of bill 32.</i> "Or in cities not having both such officers then the city clerk and the city treasurer" (lines 1-2) is new.
31	C.C. 6873, lines 1-6 lines 19-24 lines 6-19	Lines 1-3 are new. <i>See sec. 32 of this bill.</i>
32	C.C. 6873, lines 6-19	Bill omits "the age of said person, his occupation" (line 9 of C.C. 6873), because this information can not be secured from the poll list.  Bill omits lines 12-19 of C.C. 6873 and substitutes "The jury list may be revised annually on order of the judge." (lines 6-7).
33	C.C. 6875, entire 6876, entire 6877, entire 6880, entire	Sec. 33 omits many detailed provisions with reference to the drawing of the jury which appear in C.C. 6875, 6876, 6877, and 6880, since under the provisions of

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
33		<p>sec. 23 of this bill the procedure would be the same as in the district court.</p> <p>Bill omits "city auditor" and substitutes "jury commission" (line 6).</p>
34	<p><b>C.C. 6878, entire</b>  <b>6883, lines 2-3</b>  <i>lines 1-2</i>  <i>lines 3-13</i></p>	<p><i>Covered by sec. 23 of this bill.</i>  <i>See sec. 36 of this bill.</i></p> <p>Bill omits "on the first Monday of the succeeding month" and substitutes "at such time during the succeeding month as may be ordered by the judge or judges" (lines 2-3), so that jurors need not appear in court until they are needed for the trial of jury cases.</p>
35	<p><b>C.C. 6879, entire</b>  <b>6872, lines 4-5</b>  <i>lines 1-4</i></p>	<p><i>Covered by sec. 23 of this bill.</i></p>
36	<p><b>C.C. 6883, lines 3-13</b></p>	<p>"Civil" is new (line 3).</p>
37	<p><b>C.C. 6884, lines 7-8</b>  <b>lines 15-16</b>  <i>lines 1-6</i>  <i>lines 8-14</i></p>	<p><i>Covered by sec. 23 of this bill.</i>  <i>Covered by sec. 23 of this bill.</i></p>
38	<p><b>C.C. 6885, entire</b></p>	
39	<p><b>C.C. 6857, lines 11-16</b>  <b>lines 19-20</b>  <b>6893, entire</b></p>	
40	<p><b>C.C. 6887, lines 1-9</b>  <i>lines 10-13</i>  <i>lines 13-32</i></p>	<p><i>Covered by sec. 23 of this bill.</i>  <i>See sec. 42 of this bill.</i></p>
41	<p><b>C.C. 6886, lines 1-6</b>  <i>lines 6-14</i></p>	<p><i>Covered by secs. 23, 41, and 42 of this bill.</i></p> <p>The last sentence is new, for the purpose of avoiding two trials to a court and jury in cases of misdemeanors within the jurisdiction of the municipal court. As the law now is, the defendant may receive in the municipal court a trial in all respects the same as in the district court; if found guilty may appeal to the district court, and may appeal from its decision to the supreme court. See State vs. Grossheim, 79 Ia. 75.</p>
42	<p><b>C.C. 6887, lines 13-32</b></p>	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
43	S.C.C. 6890, lines 1-10 lines 15-16 <i>lines 11-14</i>	<i>See sec. 45 of this bill.</i>
44	New	Introduced to allow the testimony of any or all of the witnesses upon preliminary hearing to be reported, in the discretion of the court, to conform to existing practice.
45	S.C.C. 6890, lines 11-14	
46	S.C.C. 6888, entire	
47	C.C. 6889, entire	
48	C.C. 6891, lines 1-14 <i>lines 15-18</i>	<i>Covered by bill 25.</i>
49	C.C. 6894, entire	
50	C.C. 6895, entire	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 221

Prepared by J. H. Trewin

**Subject: SUPERIOR COURTS****General Explanation**

The purpose of C.B. 221 is to eliminate many duplicate provisions with reference to the method of election of judges of the superior courts, and to provide for the appointment of a judge after the establishment of a superior court.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 6908, lines 1-6</b> <i>lines 7-13</i> <i>lines 14-16</i> <i>lines 17-25</i> <i>lines 25-32</i>	<i>Omitted as obsolete.</i> <i>See sec. 3 of this bill.</i> <i>Omitted. Covered by C.B. 23.</i> <i>See sec. 3 of this bill.</i>
2	<b>New</b>	
3	<b>C.C. 6908, lines 14-16</b> <b>lines 25-32</b>	Bill omits "board of supervisors of said county" and substitutes "mayor" (line 3).  Bill omits "from the first Monday in January next ensuing after said election" (lines 26-27 of C.C. 6908). See sec. 8 of bill 20.
4	<b>C.C. 6911, entire</b>	Bill omits "general" and substitutes "city" (line 2).

## BRIEF OF CODE COMMISSIONERS' BILL NO. 222

Prepared by J. H. Trewin

**Subject: DISTRICT COURTS****General Explanation**

C.B. 222 repeals C.C. 6955, because it is in conflict with C.C. 6954; and clarifies the law in respect to the place of holding the district court.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6954, entire	<p>“The sessions of the court shall be held at the courthouse in the county seat” (lines 1-2) is new, taken by implication from the provisions of C.C. 6954.</p> <p>“And in counties in which the court is held in more than one place, at such place as the board of supervisors may provide” see lines 1-3 of C.C. 6954. Changed for clarity.</p> <p>The last sentence is new.</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 223

Prepared by J. H. Trewin

**Subject: Judges****General Explanation**

C.B. 223 modifies C.C. 6967 by requiring that all judges of courts of record must be attorneys at law, admitted to practice under the laws of the state.

<b>SEC. OF BILL</b>	<b>SOURCE OF BILL SECTION</b>	<b>EXPLANATORY NOTES</b>
<b>1</b>	<b>C.C. 6967, entire</b>	The first sentence is new.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 224

Prepared by J. H. Trewin

**Subject: COURT RULES FOR CONCILIATION****General Explanation**

C.B. 224 provides a method which may be adopted for the settlement of controversies by conciliation, and for the speedy determination of causes involving small amounts.

<b>SEC. OF BILL</b>	<b>SOURCE OF BILL SECTION</b>	<b>EXPLANATORY NOTES</b>
<b>1</b>	<b>New</b>	
<b>2</b>	<b>New</b>	
<b>3</b>	<b>New</b>	
<b>4</b>	<b>New</b>	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 225

Prepared by J. C. Mabry

**Subject: CLERK OF THE DISTRICT COURT****General Explanation**

To add one new provision requiring clerk to give notice to party or his attorney of money paid to clerk for such party.

Also codifying other sections for the purpose of logical arrangement and greater conciseness.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6972, entire	
2	New	It often occurs that money is paid to the clerk on judgments or for other reasons and the parties to whom it belongs are not aware of it for weeks or months. This section is for the purpose of requiring the clerk to give proper notice of such payments.
3	C.C. 6980, entire	
4	C.C. 6982, entire	Nominal fee of 10 cents, C.C. 6982, lines 40-41, omitted as this service should be free to soldiers. "To be paid by the county", C.C. 6982, line 44, omitted as obsolete.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 226

Prepared by J. H. Trewin

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**Subject: PARTIES TO ACTIONS****General Explanation**

C.B. 226 extends the provisions of C.C. 7085 under which several persons may join as parties plaintiff.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7085, entire	The last sentence is new.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 227

Prepared by J. H. Trewin

**Subject: PLACE OF BRINGING ACTIONS****General Explanation**

C.B. 227 modifies C.C. 7148 by providing for the place of bringing actions in connection with public drainage improvements.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7148, entire	"Or public drainage improvement" is new (line 3).

## BRIEF OF CODE COMMISSIONERS' BILL NO. 228

Prepared by J. H. Trewin

**Subject: MANNER OF COMMENCING ACTIONS****General Explanation**

C.B. 228 makes more complete the provisions for service of notice, in certain circumstances not provided for by the present law.

C.C. 7184 is repealed, because it is in conflict with C.C. 7180.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7163, entire	<p>“Or if, because of his sickness or other disability, personal service can not be made upon him” (lines 6-8) is new.</p> <p>“Or with the person having the care and custody of him, or with the head of the family where he resides” (line 9-11) is new.</p>
2	C.C. 7171, entire	<p>Bill omits “may” and substitutes “must” (line 3).</p> <p>“Or if the guardian institutes the action” is new.</p>
3	C.C. 7172, entire 2218, entire	Modified by providing a method for the service of all civil processes upon inmates of every institution in charge of the board of control.
4	C.C. 7173, lines 1-2 lines 2-5	<p><i>See sec. 8 of bill 129.</i></p> <p>Bill omits “defendant” and substitutes “a party to any action.”</p>
5	C.C. 7183, entire	
6	C.C. 7180, entire 7185, lines 1-3 lines 3-5	<p><i>See sec. 7 of this bill.</i></p> <p>Bill omits “printed” and substitutes “of general circulation.” (line 4).</p>
7	C.C. 7181, entire 7185, lines 3-5	
8	C.C. 7189, entire	“Or when the action is brought in the superior court” (line 3) is new.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 229

Prepared by J. H. Trewin

**Subject: PLEADINGS****General Explanation**

The State Bar Association at the Des Moines meeting unanimously adopted the report of the committee on law reform, recommending the abolition of the general equitable demurrer, and the substitution therefor of the method of attacking pleadings in equity provided by the rules of the federal court.

This bill was specifically approved by the Association at the Cedar Rapids meeting, and the bill was again endorsed at the Waterloo meeting.

In order to accomplish this, it was necessary to revise and codify the sections referred to in this bill, thus substituting the motion attacking pleadings in equity causes for the general demurrer, and leaving the law as it is in regard to demurrers in actions at law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	<b>C.C. 7208, lines 9-10</b> <i>lines 1-8</i> <i>lines 11-16</i> <b>7218, lines 1-3</b> <i>lines 3-5</i> <b>7222, lines 1-2</b> <i>lines 2-4</i> <b>7212, lines 1-3</b> <i>lines 3-5</i>	<i>See sec. 7 of this bill.</i> <i>See sec. 7 of this bill.</i> <i>See sec. 6 of this bill.</i> <i>See sec. 6 of this bill.</i> <i>See sec. 8 of this bill.</i>
2	<b>New</b>	Sections 2, 3, 4, and 5 of the bill are intended to facilitate the trials of causes in equity.
3	<b>New</b>	
4	<b>New</b>	
5	<b>New</b>	
6	<b>C.C. 7203, entire</b> <b>7209, lines 1-2</b> <i>lines 2-3</i> <i>lines 3-5</i> <b>7218, lines 3-5</b> <b>7222, lines 2-4</b>	<i>See sec. 7 of this bill.</i> <i>Omitted in conformity to the general tenor of the bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
7	C.C. 7208, lines 1-8 lines 11-16 7209, lines 2-3	
8	C.C. 7212, lines 3-5	Made more complete, to conform to the remainder of the bill.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 230

Prepared by J. H. Trewin

**Subject: DEPOSITIONS****General Explanation**

C.B. 230 modifies the law with reference to depositions, by providing:

1. That depositions may be taken on notice within or without the state.
2. That depositions may be taken, under certain conditions, in term time.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7362, entire	"Shall be verified" (line 1) is new.
2	C.C. 7392, entire	Bill omits "civil proceeding" and substitutes "proceeding" (line 1). Bill omits "resides within this state but in a different county from the place of trial" (lines 2-3 of C.C. 7392).
3	C.C. 7393, entire	Modified by allowing depositions to be taken on notice within or without the state.
4	C.C. 7394, entire	Bill omits "in either method" (lines 1-2 of C.C. 7394).
5	C.C. 7396, entire	Modified by providing that depositions may be taken under certain conditions in term time.
6	C.C. 7398, lines 1-7 lines 7-9 lines 9-14	See sec. 8 of this bill. See sec. 9 of this bill. Subsection 5 is new.
7	New	
8	C.C. 7398, lines 7-9	
9	C.C. 7398, lines 9-14	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 231

Prepared by J. H. Trewin

**Subject: TRIAL AND JUDGMENT****General Explanation**

C.B. 231 codifies three sections of chapter 12, title XXIX. It repeals C.C. 7451, and makes the appearance term the trial term in all actions.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7447, entire	<p>Bill omits "all the evidence offered in the trial shall be taken down in writing" (lines 1-2 of C.C. 7447), because covered by C.C. 7470.</p> <p>"And shall be entitled to a continuance to the second term for that purpose" is new (lines 4-5).</p> <p>"But no others" is new (lines 6-7).</p> <p>Lines 6-7 and 10-12 are omitted because covered by C.C. 7470.</p>
2	C.C. 7450, entire	<p>Bill omits "Except where otherwise provided" (line 1 of C.C. 7450).</p>
3	C.C. 7581, entire	<p>"Except abstracts of title attached to the pleadings" (lines 5-6) is new.</p> <p>Bill omits "who will pay the expenses of such record" (lines 7-8 of C.C. 7581).</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 232

Prepared by J. H. Trewin

## Subject: INSTRUCTIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7500, lines 1-2  <i>line 2</i> <i>line 3</i>	The following is new:  "The court may at any time before final submission of the case to the jury grant leave to any party to file a request for the giving of additional instructions."  <i>See sec. 2 of bill.</i> <i>See sec. 3 of bill.</i>
2	C.C. 7500, line 2 7502, entire 7504, lines 3-5  <i>lines 1-2</i> <i>lines 5-7</i>	Modified by making the language more definite as to indicating changes made in requested instructions.  <i>See sec. 3 of bill.</i> <i>Omitted.</i>
3	C.C. 7500, line 3 7504, lines 1-2	
4	C.C. 7503, lines 1-2 <i>lines 2-4</i>	<i>Omitted. Repealed. See Gibson v. Adams Express Co., 175 N. W. 331.</i>
5	C.C. 7501, entire  7505, entire	Bill omits "and objected to" in line 7. The word "objections" in line 8 is changed to the word "exceptions".

## BRIEF OF CODE COMMISSIONERS' BILL NO. 233

Prepared by J. H. Trewin

**Subject: COSTS****General Explanation**

C.B. 233 modifies C.C. 7614 by changing the mileage the costs of which may be assessed against the losing party, from seventy to one hundred miles.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7614, lines 1-5 lines 5-8	See sec. 2 of this bill. Bill omits "seventy" and substitutes "one hundred" (line 3).
2	C.C. 7614, lines 5-8	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 234

Prepared by U. G. Whitney

**Subject: EXAMINATION OF DEBTORS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7759, lines 1-7 lines 8-11	See C.B. 73, sec. 2, subsec. 13.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 235

Prepared by J. H. Trewin

**Subject: PROBATE COURT****General Explanation**

The purpose of C.B. 235 is to provide a method for the transfer of probate proceedings from the court of one county to that of another, when such transfer will be in the furtherance of justice.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7778, entire	The last sentence is new.
2	New	
3	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 236

Prepared by J. H. Trewin

**Subject: ESTATES OF DECEDENTS****General Explanation**

C.C. 7787 simply authorizes the clerk of the district court to perform certain duties in connection with the perfection of the records in reference to estates, and no provision is made therein for any adjudication thereon.

It was therefore thought advisable to repeal this section and substitute C.B. 236, which speaks for itself.

It is proper to state that at the Cedar Rapids meeting of the State Bar Association, this bill was apparently not understood, and was not approved; but at the Waterloo meeting it was approved in substance by the State Bar Association.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7787, entire	Modified by providing for an equitable action to determine the correct description of real estate in which the decedent had an interest, and the nature of such interest; the names of persons having an interest in such real estate, and the nature of such interest.
2	New	
3	New	
4	New	
5	New	



## BRIEF OF CODE COMMISSIONERS' BILL NO. 237

Prepared by J. H. Trewin

**Subject: WILLS AND LETTERS OF ADMINISTRATION****General Explanation**

C.B. 237 codifies part of chapter 3, title XXX, of the compiled code of Iowa and the supplement to said code, and should be read in connection with the rest of that chapter. It clarifies and strengthens the law with reference to wills and letters of administration.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7791, lines 1-8 lines 8-12	See sec. 2 of this bill.
2	C.C. 7791, lines 8-12	"Or to a trustee for the use or benefit of any such corporation" (lines 3-4) is new.
3	C.C. 7809, lines 1-5 lines 5-19	See sec. 4 of this bill.
4	C.C. 7809, lines 5-19	The language in lines 5-19 is clarified.
5	C.C. 7830, entire	Bill omits "in the same manner that administrators are required to dispose of and administer" the estates of decedents" (lines 2-4 of C.C. 7830). Bill omits "and dispose of" (line 5 of C.C. 7830).
6	New	See <i>Cunnius v. School District</i> , U. S. Supreme Court Reports, 49 Law Edition 1125, 198 U. S. 476.
7	S.C.C. 7832-a1, entire	Modified to cover assignments.
8	S.C.C. 7832-a2, entire	Modified to cover assignments. "And is authorized to execute the same" is new.
9	S.C.C. 7832-a3, entire	
10	S.C.C. 7832-a4, entire	Modified to cover assignments.

## CODE COMMISSIONERS' BILL NO. 238

**Subject: NOTICE OF SALE OF REAL ESTATE OF DECEASED PERSONS**

No brief prepared. Bill withdrawn.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 239

Prepared by J. H. Trewin

**Subject: DISTRIBUTION OF INTESTATE PROPERTY**

**General Explanation**

The purpose of C.B. 239 is to secure for the spouse of an intestate adopted child the same rights in the intestate's property as such spouse would have had if the intestate had not been an adopted child.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 7910, entire	Modified to correspond with C.C. 7904 and 7908.

## CODE COMMISSIONERS' BILL NO. 240

**Subject: COMPENSATION OF EXECUTORS AND ADMINISTRATORS**

No brief prepared. Bill withdrawn.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 241

Prepared by U. G. Whitney

**Subject: FORECLOSURE OF MORTGAGES ON PERSONAL PROPERTY**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8160, entire	<p>The present statute provides:</p> <p>“The same fees shall be collected as are provided by law in actions upon such contracts”.</p> <p>This doubtless refers to C.C. 7630 which provides a sliding scale of fees depending on whether the claim is paid before return day, before judgment, or after judgment.</p> <p>The ambiguity is apparent. Note the change in the proposed section.</p>
2	C.C. 8161, entire	<p>“Mortgagee” is new. The effect of this change, if adopted, will be to authorize the mortgagee himself to conduct the sale. See <i>Spencer v. Moran</i>, 80 Iowa 374; <i>Schier v. Dankwardt</i>, 88 Iowa 750.</p>
3	C.C. 8166, lines 1-6  <i>lines 6-18</i>	<p>Section rewritten and the ambiguous clause in the present law, “of which he has notice in writing,” avoided. <i>See sec. 4 of bill.</i></p>
4	C.C. 8166, lines 6-18	<p>Service of notice made more comprehensive.</p>
5	C.C. 8178, entire	<p>Present law broadened so as to embrace:</p> <ol style="list-style-type: none"> <li>1. Personal representatives of the mortgagee.</li> <li>2. Assignees of the mortgagee.</li> <li>3. Assignees of the property who have discharged the mortgage thereon.</li> </ol>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 242

Prepared by U. G. Whitney

**Subject: NUISANCES**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8185, entire	Sec. 1 of bill is a literal copy of C.C. 8185 and is reenacted for the purpose of incorporating at this point the subject matter embraced in sec. 2 of the bill.
2	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 243

Prepared by U. G. Whitney

**Subject: FORCIBLE ENTRY OR DETENTION**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8087, entire	Exactly follows present law except par. 2 is divided into two paragraphs in interest of clearness.
2	C.C. 8089, entire	Many inferior courts have erroneously ruled that in the removal of a tenant at will for the nonpayment of rent, both a thirty-day and a three-day notice were necessary. Such is not now the law, but the bill so modifies C.C. 8089 as to exclude any excuse for such a ruling.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 244

Prepared by J. H. Trewin

**Subject: PATERNITY OF ILLEGITIMATE CHILDREN****General Explanation**

The purpose of C.B. 244 is to provide for the payment of costs in actions to determine the paternity of an illegitimate child, when the defendant is found not guilty.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8366, entire	The last sentence is new.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 245

Prepared by J. H. Trewin

Subject: **CLERK OF SUPREME COURT****General Explanation**

C.B. 245 codifies without modification two sections with reference to the clerk of the supreme court, in order to transfer the provisions with reference to the appointment of the supreme court reporter to chapter 7, title II, of the compiled code of Iowa and of the supplement to said code, in connection with the other provisions of law relating to the supreme court reporter.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8478, entire 8479, entire	<p>“Within ninety days prior to the expiration of the term of office of the present clerk of the supreme court” omitted and “within ninety days prior to the first secular day in January, 1927” substituted, for definiteness.</p> <p>Provisions of C.C. 8478 and 8479 with reference to supreme court reporter codified in commissioners' bill no. 11.</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 246

Prepared by J. H. Trewin

Subject: **PROCEDURE IN SUPREME COURT****General Explanation**

C.B. 246 codifies part of chapter 3, title XXXII, with reference to procedure in the supreme court.

Sec. 8496 which is in terms repealed by this bill is covered by secs. 2, 5, and 7 of this bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8486, entire	"Municipal" (line 2) is new.
2	C.C. 8490, lines 1-3 lines 4-13	See sec. 3 of this bill. "And municipal" (line 1) is new. Bill omits "six months from the rendition" and substitutes "sixty days from the date of the entry of record" (lines 2-3). The commission recommends the shortening of the time for taking appeals in the belief that it would bring the causes to a final determination sooner, as the law's delays are much criticised.
3	C.C. 8490, lines 4-13	"Or order" is new (line 4).
4	C.C. 8491, entire	Bill omits "supreme court" and substitutes "court from which the appeal is taken" (lines 3-4).
5	C.C. 8495, entire	"Within the time allowed for taking the appeal" (lines 4-5) is new.
6	C.C. 8499, lines 1-4 lines 4-7	Omitted as superfluous. The first sentence is new. Bill omits "fifteen" and substitutes "forty" (line 3).
7	C.C. 8497, entire	"Under order of the chief justice" (line 2) is new. "As far as practicable" (lines 3-4) is new.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	C.C. 8500, entire	Bill omits "thirty days before the second term after the appeal was taken" and substitutes "five months after the entry of judgment or order appealed from" (line 2).
9	C.C. 8502, lines 1-5 lines 18-20 lines 5-18	<i>Omitted, because covered in part by C.C. 8503 and because lines 5-20 do not belong strictly to the law with reference to the supreme court.</i> It was thought advisable to allow an attorney the privilege of certifying the record without an order of the judge of the supreme court.
10	C.C. 8504, entire	"Or any judge thereof" (lines 2-3) is new.
11	C.C. 8528, lines 1-4 lines 4-7 lines 7-8 lines 8-12	<i>See sec. 12 of this bill.</i> <i>See sec. 13 of this bill.</i> <i>Omitted; thought best to leave this matter to the rules of court as provided by C.C. 8518.</i>
12	C.C. 8528, lines 4-7	"Which time may be extended by the court or any judge thereof upon showing that the failure to file the same within said time was the result of casualty or misfortune" (lines 3-6) is new. The rule in regard to filing petitions in most cases is most rigid. There have been, and no doubt will be in the future, cases where it ought to be within the power of the court or judge to extend the time.
13	C.C. 8528, lines 7-8	The last sentence is new. It was thought that a dissenting opinion should be allowed on a petition for rehearing as on the original hearing.



## BRIEF OF CODE COMMISSIONERS' BILL NO. 247 .

Prepared by J. C. Mabry

**Subject: CARRYING DANGEROUS WEAPONS****General Explanation**

There have been so many robberies and holdups in recent times that for the protection of life and property and the prevention of crime, there is a general demand for the extension of the right to carry dangerous weapons to packing plants, manufacturing and mercantile establishments where it is necessary or usual to keep watchmen or guards during the night time to protect such property. This right however should be exercised under proper restrictions.

Such is the purpose of this bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8582, entire	Line 2, after "companies" the following is inserted:  "Or any person, firm or corporation operating a mine or meat curing or packing plant, or operating a manufacturing or mercantile establishment where on account of the character of the property and the goods and merchandise manufactured, kept or stored in its buildings, it is necessary or usual to keep watchmen or guards in the nighttime to protect the same etc."
2	New	Such authority should be given under proper restrictions so that a record may be kept as to who the persons are who are so authorized, their names, residences and the particular reasons for granting the permit and the premises where the privilege is to be exercised.

• BRIEF OF CODE COMMISSIONERS' BILL NO. 248

Prepared by J. C. Mabry

**Subject: LARCENY**

**General Explanation**

The theft of automobiles has become so appalling, it is high time for some legislation on the subject in Iowa. Other states have enacted drastic laws against it, and congress has enacted a severe criminal statute to apply in interstate cases.

This bill takes the old larceny section as a basis for codification and broadens it by the addition of new sections to cover various phases of auto-thieving. It may not be the best that can be devised but it is strongly suggestive of "teeth" that should be put into the law to apply to this numerous class of criminals.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8645, entire	<p>Line 11, after "years" added "or in the county jail not more than one year or by fine of not more than \$1000.00 or by both such fine and imprisonment".</p> <p>The proposed change was strongly urged by the county attorneys and some of the judges of the state as a means of making convictions in some of the less aggravated cases, where it could not be done if it meant a penitentiary sentence.</p>
2 to 7, inc.	New	<p>The purpose of these new sections is obvious. They or some other drastic measures should be adopted in an effort to curb auto-thieving which is rampant everywhere.</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 249

Prepared by U. G. Whitney

**Subject: LASCIVIOUS CONDUCT WITH CHILDREN**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 8803, entire	<p>1. "In the presence" in line 2 of bill is new.</p> <p>2. "Or of corrupting the morals of such child" in line 6 of bill is new.</p> <p>These changes have been made to meet a very valuable suggestion by one of the judges of the district court.</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 250

Prepared by U. G. Whitney

**Subject: STATE POLICE****General Explanation**

The statutes which authorize the appointment of special law-enforcing officers are admitted by all those charged with duties pertaining thereto to be in a very unsatisfactory condition. In the first place the governor may appoint four such officers and pay them from a *general* appropriation. In the second place the *governor* and the *attorney general* may both make appointments and pay such appointees from a special annual appropriation of \$37,500.

The expenditure of this latter appropriation might, instead of being judiciously expended, easily result in a race between bitterly hostile officials to see who could first spend it.

This bill vests the appointment of special law-enforcing officials solely in the attorney general.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 9051, entire	"Municipal" has been added.
2	C.C. 9052, entire	
3	C.C. 9053, entire	"Special agents of departments of justice" has been added.
4	C.C. 9054, entire	
5	C.C. 9055, entire 9057, lines 1-4 lines 4-5 lines 5-7 lines 7-9 9058, entire 9059, lines 6-11 lines 1-5 9060, entire	See sec. 6 of bill. Omitted because fully covered by board of audit law. Omitted because inapplicable to the plan of the bill. Omitted. Unnecessary as a matter of law. See also sec. 10 of bill. See sec. 9 of bill. Omitted because fully covered by board of audit law.
6	C.C. 9057, lines 4-5	
7	C.C. 9062, entire	"Governor" omitted.
8	C.C. 9056, entire 9061, entire	See also sec. 9 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	C.C. 9059, lines 1-5 9061, entire	"County attorney" added.
10	C.C. 9059, lines 6-11	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 251

Prepared by U. G. Whitney

**Subject: SECURITY FROM WITNESSES IN CRIMINAL CASES****General Explanation**

The purpose of this bill is to furnish an aid to the enforcement of the law. The state is practically without any law under which it may hold material witnesses. A feeble attempt is made in C.C. 9186, but the penalty there provided is quite inadequate. The plan of the bill is to enable the prosecuting officers to have a material witness placed under bond for appearance at any time:

1. After a party has been arrested.
2. During or at the close of a preliminary examination.
3. After a holding to the grand jury.
4. When the indictment is returned.
5. When a trial information for an indictable offense has been filed by the county attorney.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	
2	New	
3	New	
4	C.C. 9187, entire 9188, entire	
5	New	See C.C. 9186, lines 6-7.
6	C.C. 9186, entire	See also sec. 13 of bill.
7	New	
8	New	
9	C.C. 9189, entire	Last sentence new.
10	New	
11	New	
12	New	
13	New	
14	New	
15	New	
16	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 252

Prepared by J. H. Trewin

**Subject: APPEALS IN CRIMINAL CASES****General Explanation**

C.B. 252 codifies without modification C.C. 9562, and transfers to the chapter relating to criminal appeals subdivision ten of C.C. 3190, enumerating the duties of the county attorney in connection with such appeals.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 9562, entire	"And filing" is new (line 5).
2	C.C. 3190, lines 41-52 <i>lines 1-40</i> <i>lines 53-59</i>	<i>See sec. 2 of bill 134.</i> <i>See sec. 2 of bill 134.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 253

Prepared by U. G. Whitney

**Subject: DISMISSAL OF CRIMINAL PROCEEDINGS****General Explanation**

The purpose of this bill is to furnish an aid to the enforcement of the law. The bill is similar to acts now existing in many of the sister states. The power to dismiss is left to the discretion of the court.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	
2	New	
3	C.C. 9589, entire	So modified as to bring it into harmony with the two preceding sections of the bill.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 254

Prepared by U. G. Whitney

**Subject: LABOR AND MATERIAL ON PUBLIC IMPROVEMENTS****General Explanation**

A remedy for labor and material men on a *private* improvement is one thing; a remedy for such men on a *public* improvement is a very different thing. A statute covering one subject cannot possibly cover the other. They are necessarily separate and distinct, but of equal importance. The mechanic's lien statute now covers the *private* improvements. The several sections revised and codified by this bill represent different legislative efforts to cover *public* improvements. A reading of the latter sections leaves the mind in much confusion. This bill is an attempt to draft a comprehensive measure covering claims for labor and material on *public* improvements, with S.C.C. 8427 as the basis of the bill. This section is the last voice of the legislature and establishes the policy of mandatorily requiring a bond on public improvements and also requiring the bond to carry a proviso for the payment of those who furnish labor or material. It has seemed absolutely necessary, in the interest of clearness and comprehensiveness, to largely depart from the terms of the present statutes.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 8427, lines 1-7  line 25 (in part) lines 7-11 lines 12-14 lines 15-21  lines 21-23 line 23 lines 24-27 lines 28-34 lines 34-40 lines 40-44	The word "maintenance" has been omitted. See subsec. 3.  <i>See sec. 2 of bill.</i> <i>See sec. 5 of bill.</i> <i>Omitted because these lines are a literal repetition of a part of C.C. 8431 and therefore already a part of the law.</i> <i>See sec. 5 of bill.</i> <i>See sec. 2 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 2 of bill.</i> <i>See sec. 6 of bill.</i> <i>See sec. 3 of bill.</i>
2	S.C.C. 8427, lines 7-11 line 23 lines 28-34	Last sentence is new.
3	S.C.C. 8427, lines 40-44	
4	New	The cost of surety bonds is always included in the contract price—in other



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4		words the public pays such costs. This section will meet some conditions where a surety can be avoided and a saving to the public effected.
5	<b>S.C.C. 8427, lines 12-14 lines 21-23</b>	
6	<b>S.C.C. 8427, lines 24-27 lines 34-40</b>	Note that this is only one of the conditions of the bond. Faithful compliance with the contract is covered by sec. 2 of the bill.
7	<p><b>C.C. 4915, lines 7-9</b>  <i>lines 1-7</i>  <i>lines 9-11</i>  <i>lines 11-12</i>  <i>lines 12-14</i>  <i>lines 14-18</i></p> <p><b>6532, lines 9-11</b>  <i>lines 1-7</i>  <i>lines 7-9</i>  <i>lines 11-12</i>  <i>line 13</i></p> <p><b>S.C.C. 8428, lines 7-9</b>  <i>lines 1-3</i></p> <p><i>lines 3-7</i>  <i>lines 10-11</i>  <b>8429, entire</b></p> <p><b>8430, entire</b></p>	<p>Place of filing made definite.  <i>See sec. 13 of bill.</i>  <i>See sec. 10 of bill.</i>  <i>See sec. 19 of bill.</i>  <i>See secs. 12 and 13 of bill.</i>  <i>Omitted because the bill clearly limits the liability of the public corporation to the amount retained under the contract—not less than 20 percent—and compels the bond to carry the balance of the burden of labor and material claims.</i></p> <p><i>See sec. 13 of bill.</i>  <i>Omitted for the reason last above.</i>  <i>See secs. 10 and 11 of bill.</i>  <i>See sec. 19 of bill.</i></p> <p><i>Omitted. Deemed inapplicable and unnecessary under the bill.</i>  <i>See sec. 16 of bill.</i>  <i>See secs. 10 and 11 of bill.</i>  <i>Omitted. The strict enforcement of such a provision would, under some conditions, work almost unlimited disaster to the public and to all private parties to the supposed contract.</i>  <i>Omitted. This bill is deemed complete and comprehensive and is intended to take the place of all other remedies.</i></p>
8	<b>New</b>	
9	<b>New</b>	Important on an issue of priority.
10	<b>C.C. 4915, lines 9-11 6532, lines 11-12 S.C.C. 8428, lines 10-11</b>	Liberality in filing claims seems desirable.
11	<b>C.C. 6532, lines 11-12 S.C.C. 8428, lines 10-11</b>	See note last above. Section of bill is practically new.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
12	C.C. 4915, lines 12-14	The present law on drainage improvements seems to require the withholding of 20% of the contract price.
13	C.C. 4915, lines 1-7 lines 12-14  6532, lines 1-7	Contracts for public improvements almost universally provide for the right to withhold a certain percentage of the price. The theory of the bill is:  1. Compel the withholding of at least 20% for the benefit of laborers and material men.  2. Compel the principal and surety on the bond to carry any deficiency on such claims after applying the 20%.
14	C.C. 4917, entire 6534, entire	This section provides a method under which the contractor may secure that which is being retained under the contract but otherwise these two sections are omitted, because the bond which is required when the contract is executed is distinctly conditioned to pay all claims for labor and material.
15	New	
16	C.C. 4916, lines 1-3 lines 3-5 6533, lines 1-3 lines 3-5 S.C.C. 8428, lines 3-7	<i>See sec. 21 of bill.</i>  <i>See sec. 21 of bill.</i>
17	New	
18	New	
19	C.C. 4915, lines 11-12 6532, line 13	
20	New	
21	C.C. 4916, lines 3-5 6533, lines 3-5	
22	New	
23	New	
24	New	
25	New	
26	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 255

Prepared by U. G. Whitney

**Subject: STATE PRINTING BOARD****General Explanation**

The time of making public reports and the time covered by said reports is here treated as a distinct subject matter. Said subject matters are now scattered in hopeless confusion throughout the code. The aim is to condense all such matters in small space in the chapter of our printing law dealing with "official reports and documents".

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 100, entire  101, entire	"Forty thousand copies of the Iowa official register" omitted because now covered by the state printing law. <i>Omitted because fully covered by state printing law.</i>
2	C.C. 259, lines 6-8  lines 1-6 lines 9-13 S.C.C. 241-a30, entire	The requirement for a "water mark" is now in the law relative to the executive council where it no longer belongs as all paper is now purchased by the printing board. <i>See C.B. 14.</i>  The temporary provision omitted.
3	C.C. 263, lines 12-16  lines 1-12	The duty of the executive council to keep account of paper is transferred to the printing board. <i>See C.B. 14.</i>
4	New	
5	S.C.C. 241-a62, entire 241-a64, lines 1-3 lines 4-5	See also sec. 8 of bill.  <i>Omitted as costly and impracticable.</i>
6	S.C.C. 241-a63, entire	See also secs. 10, 11, and 12 of bill.
7	S.C.C. 241-a62, par. 1	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	S.C.C. 241-a66, lines 1-3  lines 3-5 lines 5-6	Present statute provides for report in two portions. This section of bill avoids this condition.  <i>Omitted. Covered by sec. 6 of bill. See sec. 9 of bill.</i>
9	S.C.C. 241-a66, lines 5-6	"August" changed to "September".
10	S.C.C. 241-a63, (in part)	
11	S.C.C. 241-a63, (in part)	This preserves present law. See C.C. 2860.
12	S.C.C. 241-a63, (in part)	This preserves present law. See C.C. 5017.
13	S.C.C. 241-a74, entire	
14	New	Heretofore the original reports have been thrown away. This section of bill provides for their preservation.
15	S.C.C. 247-a3, entire	1. Custodian required to report to the governor as a matter of uniformity.  2. Provision as to inventory omitted because covered by S.C.C. 684-a4, et seq.
16	C.C. 275, entire	By this section of the bill, the distribution of the expense report is transferred to the chapter covering distribution of documents generally.
17	S.C.C. 241-a55, entire	This short section of bill is here repeated in order to place section 16 of bill in its proper location in the printing law.

## BRIEF OF CODE COMMISSIONERS' BILL NO. 256

Prepared by U. G. Whitney

**Subject: GUARDIANSHIP AND ESTATE MATTERS**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 6645, lines 1-6 lines 6-10 lines 10-12	See sec. 2 of bill. See sec. 3 of bill.
2	C.C. 6645, lines 6-10	"Present" changed to "personal".
3	C.C. 6645, lines 10-12	
4	S.C.C. 6652, lines 1-2 lines 2-5 lines 5-6	See sec. 5 of bill. See sec. 6 of bill.
5	S.C.C. 6652, lines 2-5	1. S.C.C. 6652 requires notice to be served "in the time" required for the service of original notices. The expression carries an element of doubt. Original notices are drawn and served with reference to the first day of some certain term of court, and the time of service varies. Now the probate court is always open. It has no "terms". The language of the bill is believed to be an improvement on the language of the present law.  2. The bill makes it certain that in case of service by publication, the petition need not be published.  3. The scheme of the bill is to provide an elastic and convenient system of service which will meet all the various conditions which may arise, and, at the same time fully protect all interested parties.
6	S.C.C. 6652, lines 5-6	
7	C.C. 6671, entire	Last sentence is new.
8	S.C.C. 7848, lines 3-5 lines 1-3 lines 5-6 7848-a1, entire	See sec. 10 of bill. See sec. 9 of bill.  See explanatory note to sec. 5 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	S.C.C. 7848, lines 5-6	
10	S.C.C. 7848, lines 1-3	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 257

Prepared by J. C. Mabry

**Subject: CIGARETTES AND TOBACCO****General Explanation**

The purpose of the bill is to gather into one chapter all the present law relating to those subjects. Five or six sections of the old cigarette law were left untouched by the acts of the 39th G.A. and apparently they were purposely left as a means of better enforcement. They were sections which were adapted to the former law of absolute prohibition. In that form they need modification to adapt them to the present mullet tax law. We find there was an old tobacco statute in existence which is reprinted in the supplement as Chapter 7-B of the same title in which the cigarette law is located. It seems quite logical to also codify that statute into the same chapter as the cigarette law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	But see S.C.C. 913-a3. This definitive section is for the purpose of avoiding the constant repetition of "person, firm or corporation".
2	S.C.C. 913-a1, lines 1-4 lines 5-13 913-a22, lines 1-4 lines 4-7	See sec. 3 of bill.  See sec. 3 of bill.
3	S.C.C. 913-a1, lines 5-13 913-a22, lines 4-7	"Whoever is found guilty thereof" changed to "any person who shall violate."
4	S.C.C. 913-a2, lines 1-5	Line 1, "upon the premises" changed to "at the home". At present a minor can purchase his cigarettes from a "bootlegger" in the alley and rush to an old building or a business block, a vacant lot or a farm building, to his parent and smoke to his heart's content while the bootlegger plies his trade in security. There should be no immunity anywhere, but we have ventured to propose a





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	S.C.C. 913-a3, lines 11-14	"Violated" changed to "been convicted of" to make more definite and certain so that the authorities could not hesitate about revocation.
9	S.C.C. 913-a3, lines 15-17	
10	S.C.C. 913-a4, lines 1-9  lines 10-13	Line 2, "issuing" changed to "granting"; "or the board of supervisors" inserted for completeness.  Line 3, "or county as the case may be" inserted.  <i>Omitted as being covered by C.C. 8431-8433.</i>
11	S.C.C. 913-a5, entire	
12	S.C.C. 913-a7, lines 1-6  lines 7-10	Line 3, "wrappers or tubes" inserted for completeness.  <i>See sec. 13 of bill.</i>
13	S.C.C. 913-a7, lines 7-10 913-a10, entire	Provisions combined for convenience and conciseness.
14	S.C.C. 913-a8, entire	Line 4, "or township" inserted for completeness.  Lines 14-15, provisions as to paying tax collected to treasurer of city or town.  <i>See sec. 17 of bill.</i>
15	S.C.C. 913-a9, entire	
16	S.C.C. 913-a11, entire	
17	S.C.C. 913-a12, entire	Provision added for paying into general fund of county in territory outside city or town, to supply evident omission.
18	S.C.C. 913-a13, lines 1-17  lines 18-26 lines 27-34 lines 35-42	Divided into numbered paragraphs and lettered subparagraphs.  <i>See sec. 19 of bill.</i> <i>See sec. 20 of bill.</i> <i>See sec. 21 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
19	S.C.C. 913-a13, lines 18-26	
20	S.C.C. 913-a13, lines 27-34	
21	S.C.C. 913-a13, lines 35-42	Line 35, "authorized" omitted as it is difficult to see how one could be authorized to do anything with intent to defraud the state.
22	S.C.C. 913-a14, lines 1-10 lines 11-16	"Unrevoked" added for certainty. <i>See sec. 23 of bill.</i>
23	S.C.C. 913-a14, lines 11-16	Line 12, "and return of stamps made by any dealer to whom the stamps were sold" added to prevent redemption from party not entitled to it and insure return of stamps before redemption.
24	S.C.C. 913-a15, entire	
25	S.C.C. 913-16, entire	A part of old cigarette law preserved as an enforcement measure.
26	S.C.C. 913-a17, entire	Preserved in old law as an additional means of enforcement. Lines 16-17, "wrappers or tubes" inserted for completeness.
27	S.C.C. 913-a18, entire	The provisions with regard to making sale are new but see state constitution section 4, subdiv. 2, article 9. Such goods now being an article of commerce that may be lawfully sold, there is no reason why they should be destroyed. The provisions from which this section is taken and modified were a part of the old prohibition law when the goods could not be lawfully sold at all.
28	S.C.C. 913-a20, entire	A part of the old law preserved as an additional means of enforcement.
29	S.C.C. 913-a21, entire	Line 1, "thirty" changed to "ten" and by "registered mail" inserted. There appears no good reason for delaying notice thirty days and there should be

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
29		some means of proving notice.
30	S.C.C. 913-a19, entire	This section is recast to adapt it to the provisions of the new law. The mere finding of the goods should not be prima facie evidence of guilt, but this coupled with his refusal to exhibit his permit on request should be.
31	S.C.C. 913-a23, entire	Line 4, provision added that execution shall not apply to cigarettes, cigarette papers, wrappers or tubes, to harmonize with provisions and intent of present law.
32	S.C.C. 913-a24, entire	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 258

Prepared by U. G. Whitney

**Subject: MUNICIPAL CORPORATIONS—COMMISSION FORM OF GOVERNMENT****General Explanation**

The general purpose of this bill is to correct an unfortunate error on the part of the 39th G.A.

Prior to the 39th G.A. cities acting under the commission form of government nominated by a primary:

1. Eight candidates for councilmen in cities having 25000 or more population, and

2. Four candidates for councilmen in cities having a population of from 2000 to 25000.

These eight or four candidates were nominated en masse—that is, in a body—without reference to any particular department or departments.

From the eight candidates the larger cities elected four councilmen, and from the four candidates the smaller cities elected two councilmen.

These four or two councilmen were elected just as they were originally nominated—without reference to any particular department.

After election, the council in the larger cities, assigned one department to each councilman and in the smaller cities two departments to each councilman.

The 39th G.A. in the enactment of Chap. 109, secs. 1-4, did three things:

1. Repealed the law which provided the procedure for the above and foregoing system.

2. Substituted an entirely new system under which each commission city is required to nominate and elect each councilman, in the larger cities, to one particular department, and in the smaller cities to two particular departments.

3. Provided that the new system should not apply to cities which had already adopted the commission form of government.

The sum total of the difficulty is that the present commission cities have, under the broad repeal of C.C. 4219, no statute under which to nominate and elect councilmen. It is hardly sufficient to say that the court would hold that old C.C. 4219 continues in force because the Code Editor has no other choice, in view of the repeal of the old system and the substitution of the new system, than to leave the old system out of the books.

The bill accurately preserves the procedure provided by the new act and makes it applicable to the present commission cities with four exceptions which are specified in section 26 of the bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	S.C.C. 4219, lines 81-85 lines 1-5	See sec. 2 of bill.

## MUNICIPAL CORPORATIONS—COMMISSION FORM OF GOVERNMENT C. B. 258

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	lines 6-7	} See sec. 3 of bill.
	lines 9-12	
	lines 8-9	} See sec. 4 of bill.
	lines 13-31	} See sec. 5 of bill.
	lines 32-33	} See sec. 6 of bill.
	lines 33-36	} See sec. 8 of bill.
	lines 36-49	} See sec. 7 of bill.
	lines 50-56	} See sec. 9 of bill.
	lines 56-57	} See sec. 10 of bill.
	lines 86-87	
	line 90	
	lines 91-93	} Omitted because unnecessary.
	lines 57-80	} Omitted as wholly unnecessary in view of sections 11 and 12.
	lines 87-89	
	lines 94-125	} See sec. 11 of bill.
	lines 126-149	} See sec. 12 of bill.
	lines 150-153	} See sec. 14 of bill.
	lines 154-159	} See sec. 15 of bill.
	lines 160-164	} See sec. 16 of bill.
	lines 165-168	} See sec. 17 of bill.
lines 168-197	} See sec. 19 of bill.	
lines 198-201	} See sec. 22 of bill.	
lines 201-203	} See sec. 18 of bill.	
lines 204-208	} See sec. 23 of bill.	
2	S.C.C. 4219, lines 1-5	
3	S.C.C. 4219, lines 6-7 lines 9-12	
4	S.C.C. 4219, lines 8-9	
5	S.C.C. 4219, lines 13-31	
6	S.C.C. 4219, lines 32-33	
7	S.C.C. 4219, lines 36-49	
8	S.C.C. 4219, lines 33-36	
9	S.C.C. 4219, lines 50-56	"In the first of the precincts as arranged by him" is new. This is inserted in order to harmonize the section with sec. 13 of bill.
10	S.C.C. 4219, lines 56-57 lines 86-87 line 90	
11	S.C.C. 4219, lines 94-125	
12	S.C.C. 4219, lines 126-149	
13	S.C.C. 4219-a1, entire	See also sec. 21 of bill.
14	S.C.C. 4219, lines 150-153	
15	S.C.C. 4219, lines 154-159	

## C. B. 258 MUNICIPAL CORPORATIONS—COMMISSION FORM OF GOVERNMENT

SEC. OF BILL.	SOURCE OF BILL SECTION	EXPLANATORY NOTES
16	S.C.C. 4219, lines 160-164	
17	S.C.C. 4219, lines 165-168	
18	S.C.C. 4219, lines 201-203	
19	S.C.C. 4219, lines 168-197	These few lines of bill take the place of the 30 lines in present statute.
20	New	Marked "new" but undoubtedly implied in present statute.
21	S.C.C. 4219-a1, entire	See also sec. 13 of bill.
22	S.C.C. 4219, lines 198-201	
23	S.C.C. 4219, lines 204-208	
24	S.C.C. 4224, lines 1-3 lines 3-9 lines 9-13 lines 13-14 lines 15-26  lines 26-28 lines 28-31	<i>See sec. 27 of bill.</i> <i>See sec. 28 of bill.</i> <i>See sec. 29 of bill.</i> <i>Omitted. These lines were originally enacted for a temporary purpose and have fully performed their function.</i> <i>See sec. 30 of bill.</i> <i>See sec. 31 of bill.</i>
25	S.C.C. 4219-a2, entire	
26 (1)*	S.C.C. 4219-a2, entire	The source of this subsection of bill is line 21 of C.C. 4219, which line is continued in force by S.C.C. 4219-a2.
26 (2)*	S.C.C. 4219-a2, entire	The source of this subsection of bill is lines 68-83 of C.C. 4219, which lines are continued in force by S.C.C. 4219-a2.
26 (3)*	S.C.C. 4219-a2, entire	The source of this subsection of bill is lines 102-112 of C.C. 4219, which lines are continued in force by S.C.C. 4219-a2.
26 (4)*	S.C.C. 4219-a2, entire	The source of this subsection of bill is lines 1-11 of C.C. 4224, which lines are continued in force by S.C.C. 4219-a2.

\* Indicates subsection.

## MUNICIPAL CORPORATIONS—COMMISSION FORM OF GOVERNMENT C. B. 258

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
27	S.C.C. 4224, lines 3-9	The word "and" in line 8 of S.C.C. 4224 is changed in the bill to "or".
28	S.C.C. 4224, lines 9-13	
29	S.C.C. 4224, lines 13-14	
30	S.C.C. 4224, lines 26-28	
31	S.C.C. 4224, lines 28-31	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 259

Prepared by U. G. Whitney

Subject: **COMMISSIONERS IN OTHER STATES**

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	C.C. 684, lines 1-4 lines 4-8	"Insular possessions" is new. <i>See sec. 12 of bill.</i>
2	C.C. 685, entire	
3	S.C.C. 683-a1, lines 1-4 lines 10-12  lines 5-9 lines 9-10	At the present time, commissioners in other states first secure their appointment and then present their qualifications to the governor. Much confusion has resulted from this system. This bill reverses the process by requiring the person desiring an appointment to first fully present his qualifications and on such showing the governor determines whether he will issue a commission. This bill follows the system provided for notary publics. <i>See sec. 4 of bill.</i> <i>See sec. 7 of bill.</i>
4	S.C.C. 693-a1, lines 5-9	The requirement that the oath may be taken before a "judge" has been omitted because judges do not, as a rule, have a seal nor do they ever have possession of the seal of the court.
5	New	
6	New	
7	S.C.C. 102, lines 2-3  line 1 lines 5-9 line 4  693-a1, lines 9-10	This section of bill transfers the fee of \$15.00 from the office of secretary of state to office of governor. <i>See sec. 18 of bill.</i> <i>Omitted because already embraced in S.C.C. 695.</i>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
8	S.C.C. 693-a2, lines 1-7  lines 7-9	1. Duplicate commissions are provided. See sec. 9 of bill.  2. In the interest of clearness it has been thought best to specify the actual form of the commission.  <i>See sec. 9 of bill.</i>
9	S.C.C. 693-a2, lines 3-4 lines 7-9	
10	S.C.C. 693-a5, entire	
11	S.C.C. 693-a3, entire	
12	C.C. 684, lines 4-8	
13	C.C. 688, entire	1. "And proof of deeds and other instruments" is new though doubtless implied in present law.  2. "Notary public" is new.
14	C.C. 686, entire	"Of any commissioner qualified as herein provided, and corresponding with that on file in the office of the secretary of state" has been omitted, and the following inserted in lieu thereof, to wit: "Of a person purporting to be a commissioner shall be deemed presumptively genuine".  Under the omitted clause it would seem that the signature and seal of one purporting to be a commissioner carries no presumption of genuineness.
15	C.C. 687, entire	
16	S.C.C. 693-a4, lines 1-2 lines 10-14  lines 2-10	Under this bill when an appointment is made by the governor of Iowa, a duplicate commission is filed with the governor of the foreign state, territory or possession, and when an appointment is made by the governor of a foreign state, a duplicate of the appointment must be filed with the governor of Iowa.  <i>See sec. 17 of bill.</i>
17	S.C.C. 693-a4, lines 2-10	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18	S.C.C. 102, line 1 lines 5-9	<p>S.C.C. 102 requires the secretary of state to collect a notary fee of \$5.00.</p> <p>S.C.C. 695 requires the governor to collect the same fee.</p> <p>To remove the conflict, the collection of the notary fee by the secretary of state has been omitted from section 18 of bill.</p> <p>S.C.C. 102 also requires the secretary of state to collect a fee of \$15.00 for commissions in other states.</p> <p>But the matter of issuing such commissions is wholly in the hands of the governor.</p> <p>To remove the conflict, the collection by the secretary of state of the fee for such commissions is omitted from section 18 of the bill.</p> <p>The result of these two changes is to leave the collection, in both cases, with the governor where it properly belongs.</p>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 260

Prepared by O. K. Patton

**Subject: PUBLIC HEALTH****General Explanation**

Code Commissioners' Bills 260, 261, and 262 provide for the consolidation of the offices of the present State Board of Health, State Dairy and Food Commissioner, Chief Oil Inspector, and State Hotel Inspector into one department to be known as the "**Department of Public Health and Safety**". These bills also transfer from the present Board of Medical Examiners, the Podiatry Examiners, the Board of Osteopathy, the Board of Chiropractic Examiners, the Nurses' Examining Committee, the Board of Dental Examiners, the Board of Optometry Examiners, the Pharmacy Commission, and the Embalmers' Examining Committee certain duties relative to the licensing of persons to practice the various professions represented by said boards, committees, and examiners. For a detailed statement relative to such transfer see the "General Explanation" at the beginning of the brief of Code Commissioners' Bill 262.

From the foregoing it is manifest that it will be necessary to consider Code Commissioners' Bills 260, 261, and 262 together, as they are interlocked and interdependent. The plan of presenting three bills in this connection is for the purpose of creating three new titles in the Code, each dealing with a distinctive but related subject-matter. The interlocking and interdependence referred to above are due to the mixed-up condition of the present statutes and not to the form of these bills.

These three bills not only simplify and harmonize a large number of conflicting and overlapping statutes, but they introduce economy and business methods into governmental organization, and establish a system of cooperation and coordination in the discharge of similar governmental functions. This is done by centralizing the administration of the various laws rewritten in the three bills and eliminating unnecessary overhead expense.

Under the consolidation features of Code Commissioners' Bill 260, which are further carried out in Code Commissioners' Bills 261 and 262, the following officers and heads of departments with the salaries indicated would be eliminated:

1. Four physician members of the State Board of Health, each at \$900.00 per year.....	\$3600
<small>(See 39 G.A., ch. 340, § 27.)</small>	
2. One engineer member of the State Board of Health at.....	\$2500
<small>(See 39 G.A., ch. 340, § 27.)</small>	
3. One Housing Commissioner at.....	\$2700
<small>(See Report of Expenses, 1920, p. 300 and pay rolls of Board of Health on file in office of Auditor of State.)</small>	
4. One Director of the Bureau of Venereal Diseases at.....	\$4000
<small>(See Report of Expenses, 1920, p. 302 and pay rolls of Board of Health on file in office of Auditor of State.)</small>	
5. One Hotel Inspector at.....	\$2400
<small>(See section 1090 of the Compiled Code.)</small>	
6. One Chief Oil Inspector at.....	\$2200
<small>(See 39 G.A., ch. 340, § 31.)</small>	

7. One Dairy and Food Commissioner at.....	\$3300
<small>(See 39 G.A., ch. 340, § 26.)</small>	
8. Three Pharmacy Commissioners each at \$900.00 per year.....	\$2700
<small>(See 39 G.A., ch. 340, § 28 and vouchers of Pharmacy Commission on file in office of Auditor of State.)</small>	
9. One Secretary and Treasurer of the Board of Dental Examiners	
at .....	\$600
<small>(See section 1383 of the Compiled Code.)</small>	

Total .....\$24,000

In lieu of the above administrative officers, Code Commissioners' Bills 260, 261, and 262 substitute a *State Board of Health and Safety* of three members devoting all their time to the general supervision of the work administered by the above officers. These bills do not take away any of the help employed in these offices as they now exist: the reductions which are made are in the overhead and not in the organization which exists for actually doing the work.

For example, it is thought that the physician member of the board can do the administrative work of the Director of the Bureau of Venereal Diseases as a part of the work now done by the Secretary of the State Board of Health, that the engineer member can carry on, in addition to the duties of the present Civil and Sanitary Engineer, the administrative functions of the Housing Commissioner and Hotel Inspector, and that the business-man member can discharge the administrative duties of the Dairy and Food Commissioner and Chief Oil Inspector. As a matter of fact, most of the actual work carried on by the above departments is field work and it seems unnecessary to have an independent administrative head for carrying on each one of these closely related activities. In this connection, however, it is to be noted that the actual division of labor is left to the board itself as a problem of administration to be solved from actual experience.

The bill does not fix the salary of the members of the State Board of Health and Safety—that matter is left to the legislature, but if the State paid each member \$5000 per annum it would be able to secure men of ability and at the same time obtain a group of administrative services for \$15,000, which are now costing \$24,000 a year.

This annual saving of \$9,000, however, would not be the largest saving under the consolidation plan provided in this bill. The largest saving would come in the elimination of duplication in the inspection services of the State, including the necessary cost of transportation and hotel expenses which is incident thereto.

At the present time the law authorizes the employment of the following number of persons and inspectors in the various inspection services of the State:

For petroleum products.....	22
<small>(See 39 G.A., ch. 340, § 31.)</small>	
For foods, dairy products, etc.....	40
<small>(See 39 G.A., ch. 340, § 26.)</small>	
For drugs (Pharmacy Commissioners).....	3
<small>(See 39 G.A., ch. 340, § 28.)</small>	
For hotels and restaurants.....	8
<small>(See section 1090 of Compiled Code and pay rolls of Hotel Inspector on file in office of Auditor of State.)</small>	

Total number of inspectors.....73

The inevitable result of such a large corps of inspectors doing work in related fields is unnecessary duplication of inspection. Unquestionably, a large amount of the inspection done by the above inspectors could be done by a much smaller group working under the same head. For example, there seems to be no reason why an inspector who collects samples of foods

could not at the same time collect samples of drugs. These samples must all be submitted to the state chemist for analysis. The inspector does not pass upon the purity in either case.

In like manner it would seem that an inspector who inspects hotels and restaurants could also inspect bakeries, confectioneries, butcher shops, and other food producing establishments. As indicated above a great many of the inspection services carried on by the state are not technical in character, hence, there seems to be no reason why such services cannot be consolidated. Thus a large amount of the traveling expense, which inevitably results from having several groups of inspectors traveling over the state making inspections which could be made by one group of inspectors, would be eliminated.

According to the *Report of Expenses, 1920*, issued by the Executive Council, and covering the period from June 30, 1918, to July 1, 1920, the *traveling* expense for such period of the inspectors of the several departments consolidated by this bill was as follows:

Oil inspectors .....	\$24,838.89
(See above <i>Report</i> , p. 534.)	
Drug inspectors (Pharmacy Commissioners).....	5,108.88
(See above <i>Report</i> , p. 311.)	
Dairy and food inspectors, etc.....	46,678.18
(See above <i>Report</i> , p. 320.)	
Hotel inspectors (two inspectors).....	3,884.95
(See above <i>Report</i> , p. 299.)	

Total traveling expense.....	\$80,510.90
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At the present time there are eight hotel inspectors instead of two as shown by the above report, which would bring the above figure up to about \$91,665.75 for the biennium. This figure excludes \$500.00 of the above expense of the Pharmacy Commission because about that amount was spent in connection with the commission's work in examining applicants for licenses to practice pharmacy and is, therefore, not taken into account as a cost incident to drug inspection.

If the present inspection services of the State were properly coordinated under one administrative head as provided in this bill it would be possible to eliminate one-half of the traveling expenses set out above—a total saving to the State in the biennium of \$45,832.87. Furthermore, it seems probable that the number of inspectors could be reduced at least one-third with a saving of \$75,984.00 to the State every biennium.

Some further savings would also be accomplished under the consolidation features of the bill. For example, each of the heads of the various departments consolidated has an assistant or a deputy. The Dairy and Food Commissioner and the Chief Oil Inspector have deputies. The Secretary of the State Board of Health has an Assistant Secretary, and the Pharmacy Commission has a Secretary-Treasurer. The total compensation paid these four employees in the course of the biennium is \$15,400.00. (See 39 G.A., ch. 340, §§ 26, 27, 28, and 31.) Under the plan of this bill the Secretary of the State Board of Health and Safety would take the place of these four officers. If his salary was \$3,000.00 per annum, there would still be a total saving to the state of \$9,400.00 in the biennium.

Attention is also called to the fact that under the present arrangement four of the departments consolidated by this bill have a chief clerk which costs the state \$13,240.00 every biennium. (See 39 G.A., ch. 340, §§ 26, 27, and 31 and pay rolls of Hotel Inspector on file in the office of the Auditor of State.) Under the consolidation plan one chief clerk at \$2,000.00 per annum will surely be sufficient. This would result in a saving of \$9,240.00 each biennium.

It is not the contention that the new Secretary of the State Board of

Health and Safety can do as much work as the four existing officials whose duties he would take over under the bill nor that one chief clerk can do as much work in a day as four chief clerks, but it is maintained that a \$3000.00 secretary with the ordinary stenographic help now employed in the departments at the rate of \$1200.00 a year can discharge the same duties which are now being done by four officials of about the same grade, and that likewise a \$2000.00 chief clerk with the present ordinary clerical help employed at the rate of \$960.00 a year can handle the work now being done by four chief clerks. It is merely a matter of fitting persons with the proper qualifications to the class of work to be done and paying them in accordance with the nature of the work which they perform. This is the way in which private businesses are conducted.

There would be other savings from the elimination of unnecessary employees, but that matter is left entirely to the new Board of Health and Safety created by this bill. The bill itself does not eliminate any of the help now employed in the departments consolidated. It merely places all the existing help under the new board and directs the board to make as many eliminations as possible.

Based upon the cost of maintaining the various departments consolidated by this bill as shown by the *Report of Expenses*, 1920, covering the period from July 1, 1918, to June 30, 1920, minus the savings indicated above, and figuring the compensation of the members of the State Board of Health and Safety at \$5,000 each, per annum, the total cost of carrying on the functions provided for in Code Commissioners' Bills 260, 261, and 262 will be approximately \$295,285.34 for the biennium. In like manner the total receipts for the biennium can also be determined.

From the figures in the above *Report of Expenses* and the records in the various offices and boards consolidated by this bill, the total amount of fees collected in the biennium by the departments consolidated will be as follows:

Oil inspection fees.....	\$106,819.49
(See above <i>Report</i> , p. 537.)	
Food and dairy licenses, etc.....	144,122.00
(See above <i>Report</i> , p. 328.)	
Oil meters (estimated) .....	30,000.00
(See 39 G.A., ch. 182, and records in office of Dairy and Food Commissioner.)	
Professional license fees (estimated).....	155,000.00
(See records in offices of various examining boards, committees, and commissions. This figure is based upon the fees provided for in C.B. 262, § 79.)	
Restaurant license fees .....	16,800.00
(See 39 G.A., ch. 199, § 5, and records in office of Hotel Inspector.)	
Hotel license fees.....	21,641.75
(See 39 G.A., p. XV.)	
<b>Total fees .....</b>	<b>\$474,383.24</b>

From these figures it will be observed that after subtracting the total cost of maintenance from the total receipts, there is left a balance of approximately \$180,000.00 which can be turned into the general revenues of the State every biennium.

According to the last *Report of Expenses*, issued by the Executive Council, the offices, departments, and boards consolidated by these three bills cost the State over \$64,000.00 more during the biennium than the fees received from said departments. In other words, under the present system, it costs the State approximately \$64,000.00 more every biennium to maintain the departments consolidated by these bills than it receives from said departments, while under the consolidation plan the State will receive approximately \$180,000.00 more every biennium than it expends—a total

saving of \$244,000.00 over the present system, or about the cost of holding one session of the legislature.

The above saving is a conservative figure because it takes into account only the initial saving which will result from the reduction in the number of heads of departments and from the elimination of duplication in the various inspection services of the State. No account has been taken of the possible saving from the reduction of stenographic and clerical help which would necessarily follow from the consolidations proposed. Nor does the above figure give consideration to the ultimate saving which must inevitably come from greater efficiency in administration—the result of the centralization of authority and the reorganization of the governmental agencies involved. Aside from the initial saving of nearly a quarter of a million dollars, the proposed consolidation is well worth considering merely from the standpoint of efficiency in administration.

(The "General Explanation" to the briefs of Code Commissioners' Bills 261 and 262 should also be read in connection with this bill.)

## CHAPTER 1

### STATE BOARD OF HEALTH AND SAFETY

#### General Note

This Chapter of the bill consists of a consolidation and revamping of chapter 1, title VI, and chapter 1, title VII, of the compiled code and of the supplement to said code, with certain other sections of said code and supplement dealing with the organization, powers, and duties of the offices of the present State Board of Health, Dairy and Food Commissioner, Hotel Inspector, Oil Inspector, and Pharmacy Commission.

The chapter creates the administrative head of the new Department of Public Health and Safety, defines its powers and duties, and provides the necessary support for carrying on its work. A board head is provided in the bill because this method of administration is in conformity with the past experience of Iowa. Twenty-five years ago, when the government and management of the state charitable, correctional, and penal institutions were consolidated under one head, a board head of organization was used—the State Board of Control. Twelve years ago, when the government and management of the state educational institutions of higher learning were consolidated under one head, a board head of organization was used—the State Board of Education. And now that it is proposed to consolidate the public health and safety agencies of the State under one head, experience dictates that the administrative head should be a board—not an individual.

The composition of the board was determined after carefully analyzing the large number of varied duties which the bill proposes to impose upon the board. The physician member, who may be either a regular physician, osteopath, or chiropractor, depending upon the selection of the Governor, is placed upon the board because of the large number of technical medical duties which are to be carried on by the board, like the enforcement of the Contagious and Infectious Disease Law, Venereal Disease Law, and Antitoxin and Vaccine Law. The engineer member is placed upon the board because of the duties imposed upon the board with reference to public water supplies, sewer systems, sewage treatment plants, garbage and refuse disposal plants, plumbing, and housing. The business-man member is placed upon the board because of the duties imposed upon the board

with reference to the production, manufacture, and distribution of foods, dairy products, commercial feeds, agricultural seeds, fertilizers, drugs, poisons, insecticides, fungicides, paints, and oils.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1)*	New	The subsections of this bill section marked "new" are really based upon various provisions scattered throughout the present law.
1 (2)*	New	
1 (3)*	S.C.C. 1326-a16, lines 8-15 lines 1-8 1326-a20, lines 6-10 lines 1-3 lines 3-5 lines 10-12	39th G.A. placed osteopaths and chiropractors upon equal footing with regular practitioners of medicine.  See also sec. 155 of bill. <i>See C.B. 262, sec. 109.</i>  <i>See C.B. 262, sec. 110.</i> <i>See C.B. 262, sec. 114.</i> <i>See C.B. 262, sec. 115.</i>
1 (4)*	New	
1 (5)*	New	
1 (6)*	New	
1 (7)*	New	
2	S.C.C. 1262, lines 11-12 lines 14-15  line 18 lines 1-4  lines 5-11 line 13 lines 13-14	The greater portion of this bill section is new but patterned upon board of control act. See C.B. 84. Certain features of the organization of present board of health, however, are preserved in the organization of new board of health and safety.  See also C.B. 262, sec. 13. <i>Omitted. Inapplicable to board of health and safety as organized under this bill. See sec. 7 of bill.</i> <i>See C.B. 262, sec. 16.</i> <i>Omitted as unnecessary.</i>

\* Indicates subsection.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2	<p>lines 15-17</p> <p>lines 17-18</p> <p>lines 18-19</p> <p>lines 19-20</p> <p>lines 20-22</p> <p>lines 22-26</p> <p>lines 26-29</p> <p>lines 29-31</p> <p>lines 31-33</p> <p>lines 34-37</p> <p>lines 37-38</p> <p>lines 38-40</p> <p>lines 40-47</p> <p>lines 48-58</p>	<p><i>Omitted. In conflict with reorganization features of bill.</i></p> <p><i>See secs. 11 and 35 of bill.</i></p> <p><i>See C.B. 262, secs. 14 and 16.</i></p> <p><i>See sec. 4 of bill, and C.B. 262, sec. 18.</i></p> <p><i>Omitted. Covered by C.B. 34.</i></p> <p><i>See sec. 4 of bill, and C.B. 262, sec. 18.</i></p> <p><i>See C.B. 262, sec. 20.</i></p> <p><i>See sec. 3 of bill.</i></p> <p><i>Omitted. Covered by C.B. 34.</i></p> <p><i>See sec. 30 of bill.</i></p> <p><i>See secs. 13 and 31 of bill.</i></p> <p><i>See sec. 34 of bill and C.B. 14.</i></p> <p><i>See sec. 33 of bill.</i></p> <p><i>Omitted. In conflict with reorganization plan of bill.</i></p>
3	<p><b>S.C.C. 1262, lines 29-31</b> <b>1442, lines 55-57</b></p> <p>lines 1-10</p> <p>lines 11-17</p> <p>lines 17-18</p> <p>lines 19-21</p> <p>lines 21-23</p> <p>lines 24-25</p> <p>lines 26-32</p> <p>lines 33-35</p> <p>lines 35-39</p> <p>lines 40-47</p> <p>line 47</p> <p>lines 48-50</p> <p>lines 51-54</p> <p>lines 57-63</p> <p>lines 64-68</p> <p>lines 68-70</p>	<p>Provisions relative to ineligibility of members of present board of health and of dairy and food commissioner made applicable to members of new board of health and safety.</p> <p><i>Omitted. In conflict with consolidation features of bill.</i></p> <p><i>See C.B. 261, sec. 53.</i></p> <p><i>See C.B. 261, sec. 54.</i></p> <p><i>See sec. 13 of bill.</i></p> <p><i>See C.B. 261, sec. 2, subsec. 3.</i></p> <p><i>Omitted. Covered by C.B. 14, sec. 25.</i></p> <p><i>See sec. 7 of bill.</i></p> <p><i>See sec. 11 of bill.</i></p> <p><i>Omitted. Covered by board of audit law. See C.B. 15.</i></p> <p><i>See sec. 7 of bill.</i></p> <p><i>See sec. 11 of bill.</i></p> <p><i>Omitted. See sec. 12 of bill.</i></p> <p><i>Omitted. Covered by board of audit law. See C.B. 15.</i></p> <p><i>See sec. 24 of bill.</i></p> <p><i>See C.B. 261, sec. 8.</i></p> <p><i>See C.B. 261, sec. 2, subsec. 1.</i></p>
4	<p><b>S.C.C. 1262, lines 19-20</b> <b>lines 22-26</b></p>	<p>See also C.B. 262, sec. 18.</p> <p>The greater portion of this bill section is new but patterned upon board of control act. See C.B. 84. Certain features of present board of health law, however, preserved in bill section.</p>
5	New	<p>Patterned upon board of control act. See C.B. 84.</p> <p>“Sixty day” provision will prevent with-</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5		holding of nominations until very close of session when no adequate time for consideration remains.
6	New	Patterned upon board of control act. See C.B. 84.
7	<p>S.C.C. 1262, lines 5-11</p> <p>1442, lines 26-32 lines 40-47</p>	<p>Qualifications of secretary omitted; thus the matter is left to the board of health and safety.</p> <p>1. Power of commissioner to employ help transferred to board of health and safety in conformity with consolidation features of bill.</p> <p>2. "Authorized by law" substituted for detailed list employees to harmonize with 39 G.A., ch. 340, sec. 26.</p> <p>3. "Approval * * * of state college of agriculture and mechanic arts" omitted as impracticable under consolidation plan of bill.</p>
8	New	Patterned upon board of control act. See C.B. 84.
9	<p>S.C.C. 899, lines 17-21 lines 23-24 lines 1-17 lines 21-23</p> <p>C.C. 1086, lines 3-6 lines 10-13 lines 1-3 lines 6-10</p>	<p>Provision relative to bonds of oil and hotel inspectors broadened so as to include every inspector and employee of board of health and safety collecting or handling public funds. Amount of bond in each case left to judgment of board.</p> <p>Approval of such bonds also placed in hands of board in lieu of approval by governor and secretary of state as in present law.</p> <p><i>See C.B. 261, sec. 164, and brief covering same.</i></p> <p><i>See sec. 14 of bill, subsec. 14.</i> <i>Omitted. In conflict with consolidation plan of bill.</i></p>
10	<p>C.C. 1472, lines 2-3</p> <p>lines 1-2 lines 3-8 lines 8-14</p>	<p>Provision as to seal of dairy and food commissioner made applicable to board of health and safety.</p> <p><i>See C.B. 261, sec. 2, subsec. 1.</i> <i>Omitted. Covered by sec. 7 of bill.</i> <i>Omitted. Obsolete. Salaries now covered by 39 G.A., ch. 340, sec. 26.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	<p><i>lines 14-15</i> <i>lines 16-18</i></p> <p><i>lines 18-19</i></p>	<p><i>See sec. 11 of bill.</i> <i>Omitted. Covered by board of audit law. See C.B. 15.</i></p> <p><i>Omitted. Covered by sec. 12 of bill.</i></p>
11	<p><b>S.C.C. 1262, lines 17-18</b> <b>1263, lines 1-2</b></p> <p><i>lines 2-3</i></p> <p><b>S.C.C. 1442, lines 33-35</b> <b>line 47</b> <b>C.C. 1472, lines 14-15</b> <b>1568, lines 9-10</b></p> <p><i>lines 1-2</i> <i>lines 3-4</i> <i>lines 4-6</i> <i>lines 6-8</i></p> <p><i>lines 8-9</i> <i>lines 10-13</i> <i>lines 13-14</i> <i>lines 14-16</i></p>	<p>Scattered provisions relative to payment of expenses of present board of health, sanitary engineer, dairy and food commissioner, and their assistants, rewritten as one section.</p> <p>See also sec. 35 of bill.</p> <p>See also sec. 35 of bill and C.B. 262, sec. 23.</p> <p><i>Omitted. Covered by board of audit law. See C.B. 15.</i></p> <p><i>See C.B. 261, sec. 2, subsec. 1.</i> <i>See C.B. 261, sec. 1, subsec. 2.</i> <i>Omitted. Covered by sec. 7 of bill.</i> <i>Omitted. Salary of inspector covered by 39 G.A., ch. 340, sec. 26.</i> <i>Omitted. Covered by board of audit law. See C.B. 15.</i> <i>Omitted. Covered by sec. 12 of bill.</i> <i>Omitted. Covered by sec. 7 of bill.</i></p>
12	<p><b>S.C.C. 903, lines 1-6</b> <i>lines 6-7</i></p> <p><i>lines 8-11</i> <i>lines 11-16</i></p> <p><b>C.C. 1443, entire</b></p>	<p>The present appropriation to dairy and food commissioner and chief oil inspector combined in bill section into a contingent fund for board of health and safety. This will make possible the consolidation by said board of the inspection services of state which thereafter may be carried on at a minimum cost.</p> <p><i>Omitted. In conflict with consolidation features of bill.</i> <i>See C.B. 261, sec. 165.</i> <i>See C.B. 261, sec. 31.</i></p>
13	<p><b>S.C.C. 1262, lines 37-38</b> <b>1442, lines 19-21</b></p>	<p>See also sec. 31 of bill.</p> <p>1. Provisions as to office of present board of health and dairy and food commissioner made applicable to board of health and safety.</p> <p>2. Provision as to "correspondence, documents, records" etc. omitted as unnecessary.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14 (1)*	C.C. 1264, lines 1-2  <i>lines 2-3</i> <i>line 3</i> <i>lines 4-7</i>  <i>lines 7-10</i> <i>lines 10-16</i>	Scattered throughout present law are numerous general duties of board of health. The bill brings together all of these general duties and sets out in this section all the powers and duties of board of health and safety.  See also sec. 28 of bill.  "Public health and safety" substituted for "health and life of the citizens of the state".  <i>See sec. 28 of bill.</i> <i>See sec. 12 of bill.</i> <i>See sec. 14 of bill, subsections 3, 5, and 19, and sec. 28 of bill.</i> <i>See sec. 14 of bill, subsection 12.</i> <i>See sec. 24 of bill.</i>
14 (2)*	C.C. 1264, lines 4-7  1266, lines 1-5  <i>lines 5-8</i> <i>lines 9-11</i> <i>lines 11-16</i>  <i>lines 16-19</i>	See also sec. 14 of bill, subsections 3, 5, and 19, and sec. 28 of bill.  Last sentence is new. See C.B. 91 for provisions relative to bacteriological laboratory.  <i>See sec. 14 of bill, subsection 3.</i> <i>See sec. 25 of bill, subsection 1.</i> <i>Omitted. Inapplicable under reorganization plan of bill. Matter covered by section 11 of bill.</i> <i>See sec. 25 of bill, subsection 1.</i>
14 (3)*	C.C. 1264, lines 4-7  1266, lines 5-8	See also sec. 14 of bill, subsections 2, 5, and 19, and sec. 28 of bill.  Present law condensed.
14 (4)*	C.C. 1265, lines 1-6 <i>lines 7-9</i>	Condensed to avoid verbiage. <i>See sec. 20 of bill.</i>
14 (5)*	C.C. 1264, lines 4-7  Rules State Board of Health, 1921, pp. 44-45	See also sec. 14 of bill, subsections 2, 3, and 19, and sec. 28 of bill.  Present law on this subject very meager. Rules of board of health, however, indicate a broad construction of existing law. This subsection makes clear and specific power of board of health and safety in reference to such matters.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14 (6)*	<b>C.C. 3648, lines 12-14</b>  <i>lines 1-11</i>  <i>lines 14-28</i> <i>lines 29-31</i> <i>lines 31-33</i>	Present law rewritten so as to provide for publication and amendment of plumbing code. <i>See C.B. 158, sec. 15 and brief covering same.</i> <i>Omitted as temporary.</i> <i>Omitted as impracticable.</i> <i>See C.B. 158, sec. 15 and brief covering same.</i>
14 (7)*	<b>C.C. 4114, entire</b> <b>4210, lines 1-6</b>  <i>lines 6-8</i>	Present law condensed and powers of board of health and safety in connection with housing law made clear. <i>Omitted as unnecessary. County attorney has such power by other provisions of law.</i>
14 (8)*	<b>C.C. 4213, entire</b>	
14 (9)*	<b>C.C. 1307, entire</b> <b>1308, entire</b> <b>1309, entire</b>	<ol style="list-style-type: none"> <li>1. Three sections condensed into one subsection.</li> <li>2. Present law broadened to include "vaccines".</li> <li>3. "And Safety" added to present label designation to harmonize with name of new board of health and safety.</li> </ol>
14 (10)*	<b>No specific section; implied from existing law.</b>	Bill section makes clear duty of board of health and safety relative to venereal disease law. The bill is in accordance with administrative interpretation given to said law.
14 (11)*	<b>C.C. 1338, lines 1-3</b> <i>lines 3-5</i>  <i>lines 5-7</i>	<i>Omitted. Covered by sec. 14 of bill, subsec. 19.</i> <i>Omitted. In conflict with reorganization plan of bill.</i>
14 (12)*	<b>C.C. 1264, line 3</b>	General powers of secretary of present board of health relative to enforcement of vital statistics law transferred to board of health and safety to harmonize with reorganization plan of bill.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14 (12)*	<p style="text-align: center;">lines 7-10</p> <p><b>S.C.C. 1376-a1,</b> lines 8-9 lines 1-2 lines 2-8 lines 10-11</p> <p style="text-align: center;"><b>1376-a23,</b> lines 7-9 lines 1-6 lines 9-11 lines 11-14 lines 14-21 lines 21-22</p>	<p><i>See sec. 191 of bill.</i> <i>See sec. 197 of bill.</i> <i>See sec. 24 of bill.</i></p> <p><i>See sec. 198 of bill.</i> <i>See sec. 197 of bill.</i> <i>See sec. 237 of bill.</i> <i>See sec. 238 of bill.</i> <i>See sec. 239 of bill.</i></p>
14 (13)*	<p><b>C.C. 1500, lines 1-8</b> lines 12-16 lines 9-12 lines 16-17</p> <p><b>1507, lines 1-9</b> lines 9-11</p>	<p>General powers of dairy and food commissioner relative to food establishments and cold storage plants transferred to board of health and safety to harmonize with consolidation features of bill.</p> <p><i>See also sec. 285 of bill.</i></p> <p><i>See sec. 288 of bill.</i></p> <p><i>See also sec. 285 of bill.</i> <i>Omitted. In conflict with 39 G.A., ch. 340, secs. 26 and 40.</i></p>
14 (14)*	<p><b>C.C. 1086, lines 1-3</b> <b>1088, entire</b> <b>S.C.C. 1094-a11,</b> <b>entire</b></p>	<p>Bill places inspection of hotels, restaurants, and food establishments under the board of health and safety in conformity with consolidation plan of bill. The sources cited merely show the uncertainty which exists in present law as to relationship between board of health and hotel inspector; it is doubtful if there is at present any organic connection between the two. The bill clarifies this situation. See "General Note" at head of chapter 11 in this brief.</p>
14 (15)*	<b>New</b>	<p>This addition is for purpose of keeping all duties of the board of health and safety in one section. It is in harmony with consolidation features of C.B. 261.</p>
14 (16)*	<b>New</b>	<p>This addition is for the purpose of keeping all the duties of the board of health and safety in one section. It is in har-</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14 (16)*		mony with reorganization features of C.B. 262.
14 (17)*	New	This subsection leaves the matter of internal organization in the hands of the board of health and safety in order that the consolidation and reorganization features of C.B. 260, 261, and 262 may be successfully carried out.
14 (18)*	New	This addition is self-explanatory.
14 (19)*	<p>C.C. 1264, lines 4-7</p> <p>S.C.C. 1306-a3, entire</p> <p>C.C. 1512, lines 1-3</p> <p>lines 3-5</p> <p>lines 5-6</p>	<p>Scattered sections of present law relative to power to make rules rewritten into one comprehensive provision. Bill confines such power strictly to administrative regulations.</p> <p>See also sec. 14 of bill, subsecs. 2, 3, and 5, and sec. 28 of bill.</p> <p>Power of dairy and food commissioner to make rules transferred to state board of health and safety to harmonize with consolidation features of bill.</p> <p><i>Omitted as unnecessary. Covered by general power to make rules.</i></p> <p><i>Omitted. Covered by sec. 26 of bill.</i></p>
15	<p>C.C. 4211, lines 12-17</p> <p>lines 1-12</p>	<p>1. "In the state" and "practicable" omitted as unnecessary.</p> <p>2. "Shall require" substituted for "is hereby authorized to apply and enforce".</p> <p>3. "Housing law" substituted for "this chapter". Such substitution is necessary because this bill section will no longer be a part of the chapter dealing with the housing law.</p> <p><i>See sec. 16 of bill.</i></p>
16	C.C. 4211, lines 1-12	Condensed to avoid verbiage.
17	C.C. 1270, lines 10-15	<p>1. "State board" substituted for "secretary" to harmonize with reorganization plan of bill.</p> <p>2. Cross reference omitted as unnecessary.</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
17	<p style="text-align: center;"><i>lines 1-3</i> <i>lines 3-6</i> <i>lines 6-9</i> <i>lines 15-22</i> <i>lines 22-24</i></p>	<p>3. "Regulations" omitted as covered by "rules". See sec. 1 of bill, subsec. 4.</p> <p>4. "Changed" omitted as covered by "amended". <i>See sec. 42 of bill.</i> <i>See sec. 43 of bill, subsec. 2.</i> <i>See sec. 44 of bill.</i> <i>See sec. 19 of bill.</i> <i>See sec. 65 of bill.</i></p>
18	New	Supplies an omission in present law.
19	C.C. 1270, lines 15-22	<p>1. "Published" substituted for "cause to be printed".</p> <p>2. "Regulations" omitted as covered by "rules".</p> <p>3. Present method of distribution of rules changed to insure availability of such rules to each local board of health.</p>
20	<p style="text-align: center;">C.C. 1265, lines 7-9 1271, lines 4-9</p> <p style="text-align: center;"><i>lines 1-2</i> <i>lines 2-4</i> <i>lines 9-12</i> <i>lines 12-17</i></p>	<p>1. "Carry out its lawful directions" is new.</p> <p>2. "Fail" substituted for "refuse or neglect".</p> <p>3. "Regulations" omitted as covered by "rules". <i>See sec. 43 of bill, subsec. 1.</i> <i>See sec. 53 of bill.</i> <i>See sec. 22 of bill.</i> <i>See sec. 21 of bill.</i></p>
21	C.C. 1271, lines 12-17	<p>1. "Regulation" omitted as covered by "rules". See sec. 1 of bill, subsec. 4.</p> <p>2. "Failed" substituted for "refused or neglected".</p>
22	C.C. 1271, lines 9-12	<p>1. "Police" omitted as covered by "peace". See C.C. 9053.</p> <p>2. "Regulation" omitted as covered by "rules". See sec. 1 of bill, subsec. 4.</p>
23	C.C. 1305, entire	<p>This bill section is a substitute for several scattered sections in present law of same purport. In some instances the source sections deal with the pharmacy commissioner and the dairy and food commissioner, but all such sections are rewritten to conform to consolidation features of bill.</p> <p>See also sec. 54 of bill.</p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
23	1440, entire 1469, entire 1481, entire S.C.C. 1532-a15, entire C.C. 1536, entire 1592, entire	"Assistants or authorized agents" substituted for "or the representative of either".  See also C.B. 261, sec. 19.
24	C.C. 907, entire 1264, lines 10-16 S.C.C. 1376-a1, lines 10-11 1442, lines 57-63	Bill combines present law relative to reports of state board of health, dairy and food commissioner, chief oil inspector, and registrar of vital statistics to harmonize with consolidation features of bill. Only such portions of present report law retained as applicable under reorganization plan of bill. Present law also harmonized with new printing law. See C.B. 255.
25 (1)*	C.C. 1266, lines 9-11 lines 16-19	1. Cross reference changed to conform with resectionized arrangement of bill. 2. Provision as to employment of assistants omitted as in conflict with 39 G.A. ch. 340, sec. 40.
25 (2)*	C.C. 1267, entire	1. Present law condensed and cross references changed to conform with resectionized arrangement of bill. 2. Provision as to employment of assistants omitted as in conflict with 39 G.A. ch. 340, sec. 40.
25 (3)*	S.C.C. 1376-a24, lines 1-10   lines 10-13	1. Present law condensed. 2. Provision as to employment of assistants omitted as in conflict with 39 G.A. ch. 340, sec. 40. <i>Omitted. In conflict with board of audit law. See C.B. 15.</i>
25 (4)*	S.C.C. 1310, entire	Present law condensed.
26	C.C. 1282, entire	Present law condensed and conflicting penalty provisions harmonized. See also secs. 55 and 88 of bill.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
26	<p data-bbox="440 426 632 457">1285, lines 1-17</p> <p data-bbox="513 515 642 547">lines 17-21</p>	<p data-bbox="696 327 1196 410">Provision relative to removal of infected person omitted as covered by sec. 69 of bill.</p> <p data-bbox="696 426 1103 457">See also secs. 55 and 88 of bill.</p> <p data-bbox="696 474 1157 505">Present law condensed and simplified.</p> <p data-bbox="696 522 1157 553">See also secs. 55, 87, and 88 of bill.</p> <p data-bbox="696 569 1196 644">Forfeiture provisions omitted as impracticable. It is doubtful if this provision has ever been enforced.</p>

## CHAPTER 2

## COUNCIL OF PUBLIC HEALTH AND SAFETY

**General Note**

This chapter is practically new but is based upon the present law creating and organizing the State Board of Health.

The Council of Public Health and Safety provided for in this chapter is to be an advisory body to the State Board of Health and Safety, created in chapter 1 of the bill.

The Board of Health and Safety created in said chapter will take the place of the Secretary of the present Board of Health. It will be recalled that the secretary of said board is declared by the present law to be the Public Health Commissioner of the State and to have all the powers and duties of the Board of Health when not in session: this means practically all the time as the present Board of Health holds only two regular sessions a year.

As a matter of fact, under the present law the Public Health Commissioner is really in practice the administrative head of the Public Health Department, while the State Board of Health, as it now exists, is only an advisory board to the Public Health Commissioner. Thus at the present time we have in the enforcement of public health legislation an *administrative* agency and an *advisory* agency.

Under this bill the State Board of Health and Safety, as created in chapter 1, becomes the *administrative* agency and the Council of Public Health and Safety, as created in this chapter, becomes the *advisory* agency. Thus the bill preserves the same relationship in the administration of the public health laws of the state as exist at the present time.

It will be noted that the Council of Public Health and Safety is to be composed of:

1. Nine scientists and technical men from the state educational institutions.

2. Nine professional men.

3. Five state officials.

The scientists and technical men from the state educational institutions are placed on the council in order to bring to the State Board of Health and Safety expert advice and to present the technical and scientific viewpoint in public health and safety matters.

The professional men are placed on the council to give representation

in public health and safety matters to the professions, the practice of which affects the public health and safety.

The State Veterinary Surgeon and the Dean of the Division of Veterinary Medicine at Ames are placed on the Council on account of the close relationship between animal health and public health. The Veterinary Surgeon was formerly a member of the State Board of Health in this State.

The members of the Executive Council are placed on the Council of Public Health and Safety to give representation to the State generally and to make possible the presentation of the layman's viewpoint in public health and safety matters. The members of the Executive Council are at present members of the State Board of Health.

This makes a body of twenty-three members—a body about the size of the Quarterly Conference held by the State Board of Control. This conference, under the present law, is made up of the heads of the several state institutions and the state agents, consisting in all of twenty-two persons.

A detailed study of the mass of public health and safety legislation on the statute books of this State, and the rules and regulations which have been promulgated thereunder, together with the additional duties which the bill proposes to impose upon the State Board of Health and Safety, created in chapter 1, will lead to the inevitable conclusion that such board must be surrounded by expert advisors in order to successfully carry out and administer the laws entrusted to it.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
27	C.C. 1268, lines 5-6  lines 1-5  lines 7-10	Bill gives members of executive council membership on council of public health and safety in lieu of present membership on board of health.  <i>Omitted. In conflict with reorganization plan of bill.</i>  <i>Omitted. Covered by board of audit law. See C.B. 15.</i>
28	C.C. 1264, lines 1-2  lines 2-3  lines 4-7	Under present practice the powers of state board of health set out in C.C. 1264, are largely advisory. Bill transfers these advisory powers to the council of public health and safety to harmonize with reorganization plan of bill.  See also sec. 14 of bill, subsec. 1.  See also sec. 14 of bill, subsec. 2.  See also sec. 14 of bill, subsecs. 3, 5, and 19.
29	New	Makes advisory functions of council comprehensive.
30	S.C.C. 1262, lines 34-37	Council meetings fixed for same time as present board of health meetings, because functions of council under the bill are practically the same as functions of present board of health.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
31	S.C.C. 1262, lines 37-38	See also sec. 13 of bill. Place of meetings of council made same as meeting place of present board of health.
32	New	Provides basis for close cooperation of council and board of health and safety.
33	S.C.C. 1262, lines 40-47	Time of selecting officers of council made same as time for selecting officers of present board of health. Clerical help of board of health and safety made available to council.
34	S.C.C. 1262, lines 38-40	Supplies for council to be obtained through board of health and safety to avoid unnecessary bookkeeping.
35	S.C.C. 1262, lines 17-18 1263, lines 1-2	See also sec. 11 of bill. Members of council are given their traveling expenses same as members of present board of health.
36	New	Publication of proceedings of council in report of board of health and safety recommended to avoid unnecessary expense of separate report.

## CHAPTER 3

## LOCAL BOARD OF HEALTH

**General Note**

This chapter of the bill is largely a revamping of chapter 2, title VI, of the Compiled Code and a few scattered provisions of the same purport taken from the following chapter of the Compiled Code and from the law relative to "County and Township Government".

The Compiled Code chapter has been resectionized and rearranged with the following changes and additions:

1. A chairman is provided for each Local Board with certain powers and duties to be exercised when the board is not in session.

2. The conflict in the present law as to the "health officer" and the "health physician" is eliminated by making the "health physician" in cities and towns the "health officer".

3. The duties of the Health Officer are made specific by setting out the duties of such officer as prescribed in the Rules of the State Board of Health.

4. In cities and towns, a permanent Sanitation and Quarantine Officer is made available for each Local Board.

5. Provision is made for the collection of costs in nuisance cases.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
37	<p><b>C.C. 1269, lines 1-4</b>  <i>lines 4-5</i>  <i>lines 5-6</i>  <i>lines 6-8</i>  <i>lines 9-10</i>  <i>lines 11-15</i>  <i>lines 15-18</i>  <i>lines 18-24</i>  <i>lines 24-27</i>  <i>lines 26-28</i>  <i>lines 28-29</i>  <i>lines 29-30</i>  <i>lines 30-32</i>  <i>lines 33-39</i></p> <p><b>3440, lines 1-5</b>  <i>lines 5-9</i></p>	<p>Present law rearranged for clearness.  <i>See sec. 39 of bill.</i>  <i>See sec. 40 of bill.</i>  <i>See sec. 43 of bill, subsec. 6.</i>  <i>See sec. 43 of bill, subsec. 5.</i>  <i>See sec. 43 of bill, subsec. 4.</i>  <i>See sec. 43 of bill, subsec. 3.</i>  <i>See sec. 49 of bill.</i>  <i>See sec. 50 of bill.</i>  <i>See sec. 49 of bill.</i>  <i>See sec. 50 of bill.</i>  <i>See sec. 53 of bill.</i>  <i>See sec. 50 of bill.</i>  <i>See secs. 61 and 75 of bill.</i></p> <p>See also sec. 43 of bill, subsec. 5, and C.B. 151, sec. 16.  <i>See C.B. 151, sec. 16.</i></p>
38	<b>New</b>	<p>Bill supplies a manifest omission in present law. It is highly important to have some local health authority with administrative powers available at all times. Since the council and trustees are in session only from time to time, such powers are vested by the bill in the chairman of the local board.</p>
39	<b>C.C. 1269, lines 4-5</b>	<p>Provision as to keeping records and performing other duties is new; implied from existing law.</p>
40	<b>C.C. 1269, lines 5-6</b>	<p>C.C. 1269 has for many years provided for a health physician to be appointed by local board of health. Since 32nd G.A., C.C. 3521 has also provided for appointment of a health physician but by the mayor. This confusion was further augmented by an amendment of 38 G.A. to C.C. 1269 providing that the health physician should be a member of the local board of health. Thus the question arises under present law as to which of the two health physicians is to be the member of the local board of health. Bill eliminates these conflicting provisions by rewriting C.C. 1269 in harmony with C.C. 3521. Thus the health physician appointed by the mayor is made member of the local board of health. but in rural townships where there is no health physician to act as a health officer, the local board of health is empowered to appoint such officer.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
41	C.C. 1273, entire	<p>1. Present law simplified and broadened to include all classes of cities and towns, except cities acting under special charter. This class of cities is omitted because the matter of assistance to local board of health is fully covered by C.C. 4446 and other provisions covering special charter cities.</p> <p>2. Cross references in C.C. 1273 refer to the civil service law. This feature is omitted, because under form of bill section, the civil service law would be applicable to a sanitation officer appointed in any city subject to said law.</p>
42	C.C. 1270, lines 1-3	
43 (1)*	C.C. 1271, lines 1-2	"Lawful orders" substituted for "regulations".
43 (2)*	C.C. 1270, lines 3-6	
43 (3)*	C.C. 1269, lines 15-18	<p>1. "Infectious and contagious diseases" omitted as covered by "quarantinable diseases". See sec. 56 of bill.</p> <p>2. "Terminate" and "by law" are new, but implied from existing law.</p>
43 (4)*	C.C. 1269, lines 11-15	<p>1. Present law condensed and rewritten so as to confine power to make rules strictly to administrative orders.</p> <p>2. "Law" is new, but implied from existing law.</p>
43 (5)*	C.C. 1269, lines 9-10  3440, lines 1-5	<p>1. "Subject to rules of state board" added to harmonize with sec. 14, subsec. 11.</p> <p>2. "Persons" substituted for "incorporated bodies". See C.C. 55, subsec. 13.</p> <p>See also sec. 37 of bill and C.B. 151, sec. 16.</p>
43 (6)*	C.C. 1269, lines 6-8	"Rules" substituted for "regulations" to harmonize with sec. 1 of bill, subsec. 4.
44	C.C. 1270, lines 6-9	1. Provision as to notice revamped to provide a time for rules to take effect.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
44		2. "Rules" substituted for "regulations" to harmonize with sec. 1 of bill, subsec. 4. 3. "In which said board has jurisdiction", is new, but supplies a manifest omission in present law.
45	Rules State Board of Health, 1917, p. 18.	Present law does not specify duties of health officer. This omission has been supplied from the 1917 rules of state board of health.
46	Rules State Board of Health, 1917, pp. 18 and 19.	See note to preceding section.
47	Rules State Board of Health, 1917, p. 19.	See note to second preceding section.
48	C.C. 1272, lines 1-5  <i>lines 5-14</i> <i>lines 14-20</i>	1. "Health officer, or sanitation officer" substituted for "physician" to harmonize with secs. 40 and 41 of bill. 2. Line 2 of C.C. 1272 omitted as verbiage. <i>See sec. 51 of bill.</i> <i>See sec. 49 of bill.</i>
49	C.C. 1269, lines 18-24 lines 26-28  1272, lines 14-20	1. Present law condensed and much repetition eliminated. 2. "Cellar, room, tenement building, or place occupied as a dwelling or otherwise" omitted as covered by "property, building, or other place".
50	C.C. 1269, lines 24-27 lines 28-29 lines 30-32	"Place of business" is new.
51	C.C. 1272, lines 5-14	1. Present law condensed and verbiage eliminated. 2. "Health officer, or the sanitation officer" substituted for "physician" to harmonize with secs. 40 and 41 of bill.
52	New	Supplies an omission in present law and makes possible the taxation of costs as provided in sec. 49.
53	C.C. 1269, lines 29-30  1271, lines 2-4	"Police" omitted as covered by "peace". See C.C. 9053.
54	C.C. 1305, entire	See also sec. 23 of bill.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
55	C.C. 1282, entire 1285, lines 1-17 lines 17-21	See also secs. 26 and 88 of bill. See also secs. 26, 87, and 88 of bill.

## CHAPTER 4

## CONTAGIOUS AND INFECTIOUS DISEASES

## General Note

This chapter is a revamping of chapter 3, title VI, of the Compiled Code. The Compiled Code chapter has been resectionized, rearranged, and rewritten to coordinate and harmonize the same with the rules of the State Board of Health and the decisions of the Supreme Court construing the provisions of said chapter. In some instances certain provisions contained in the rules of the State Board of Health have been incorporated into the bill in order to supply an omission in the present law of some essential feature and to provide a complete and harmonious body of law on the subject of contagious and infectious diseases.

All of the changes in the *meaning* of the present law are of a minor nature and have to do for the most part with administrative matters. The present law has been rewritten on the theory that all fundamental regulations should be prescribed in the statutes, but that minor details should be left to the rules and orders of the State Board of Health and Safety and the Local Boards of Health. In this way, it is possible to provide an elastic system of administration for the enforcement of public health and safety legislation.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
56 (1)*	New	Marked new, but implied from existing law.
56 (2)*	C.C. 1276, lines 1-3 lines 3-5 Rules State Board of Health, 1921, p. 20.	See also sec. 58 of bill. See sec. 58 of bill.
56 (3)*	C.C. 1274, lines 7-12	Cholera, leprosy, and bubonic plague are not listed in 1921 rules of state board of health as quarantinable diseases. These diseases, however, are listed in present law as quarantinable diseases and were so listed in 1917 rules of said board. Bill follows list as enumerated in present law. See also sec. 61 of bill.

\* Indicates subsection.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
56 (3)*	<p>lines 1-5 lines 5-7 lines 13-18 lines 19-25 lines 25-32 lines 32-36 lines 37-41 lines 41-48 lines 49-56 lines 57-64 lines 65-71 lines 71-76 lines 77-83 lines 83-88</p> <p>Rules State Board of Health, 1921, pp. 15, 21, and 22.</p>	<p>See secs. 60 and 66 of bill. See sec. 61 of bill. See secs. 79 and 80 of bill. See sec. 84 of bill. See sec. 82 of bill. See sec. 84 of bill. See sec. 81 of bill. See sec. 86 of bill. See sec. 77 of bill. See sec. 78 of bill. See sec. 83 of bill. See sec. 85 of bill. See sec. 67 of bill. See sec. 68 of bill.</p>
56 (4)*	New	This definition adopted to simplify and clarify law relative to care of persons infected with communicable diseases.
56 (5)*	New	See note to preceding section.
57	<p>C.C. 1275, lines 4-5 lines 15-17 lines 1-4 lines 5-14 lines 18-39</p> <p>Rules State Board of Health, 1917, pp. 1 and 2; 1921, p. 10.</p>	<p>See sec. 63 of bill. See sec. 64 of bill. Omitted. Under present law form of quarantine and warning signs prescribed by rules of state board of health. For this reason specification relative to temporary quarantine signs omitted and board of health and safety charged with duty of prescribing same in its rules.</p>
58	C.C. 1276, lines 1-3 lines 3-5	<p>See also sec. 56 of bill, subsec. 2.</p> <p>1. Present law broadened to include "quarantinable diseases" to harmonize with present rules of state board of health.</p> <p>2. Provisions for "oral" and "written" reports to the local board or to "one of its officers", "in accordance with the rules" of the two health boards, is new; present report law unsatisfactory.</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
58	Rules State Board of Health, 1921, p. 8.	
59	Rules State Board of Health, 1921, p. 9.	Omission in present law supplied from rules of state board of health.
60	C.C. 1274, lines 1-5	See also sec. 66 of bill. 1. For "contagious or infectious disease" see sec. 56 of bill, subsec. 1. 2. "Health officer or sanitation officer" added to harmonize with secs. 40 and 41 of bill and to provide an elastic system in local health administration.
61	C.C. 1269, lines 33-39 1274, lines 5-7 lines 7-12	See also sec. 75 of bill. See also sec. 56 of bill, subsec. 3. Present law clarified and condensed by elimination of long list of quarantinable diseases.
62	C.C. 1277, entire 1278, entire	Present law condensed to avoid verbiage.
63	C.C. 1275, lines 1-4	
64	C.C. 1275, lines 5-14	Present law condensed to avoid verbiage.
65	C.C. 1270, lines 22-24	"Removing an infected person for the purpose of isolation" is added to harmonize with sec. 61 of bill.
66	C.C. 1274, lines 1-5 62 Iowa 364 136 Iowa 419	See also sec. 60 of bill.  The present law as construed by the cases cited vests in local board of health power to establish temporary isolation hospitals. This power is specifically conferred upon said board by bill section.
67	C.C. 1274, lines 77-83	1. "And isolation" added to harmonize with section 61 of bill. 2. Cross reference changed to harmonize with resectionized arrangement of bill. 3. "Persons" omitted as covered by "person". See C.C. 55, subsec. 3. 4. "Condemned" omitted as unnecessary. 5. "Until the same have been properly fumigated or disinfected" added to harmonize with sec. 7 of bill.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
68	C.C. 1274, lines 83-88	"Chapter" substituted for "section" to harmonize with resectionized arrangement of bill.
69	C.C. 1279, entire	<p>1. Provision as to permission of local board of the jurisdiction from which a removal is to be made, is new, but see Rules State Board of Health, 1921, page 13.</p> <p>2. "Jurisdiction" of local board of health substituted for "city, town, or township"; no change in meaning.</p>
70	<p>C.C. 1281, lines 1-7</p> <p style="text-align: center;"><i>lines 7-9</i> <i>lines 9-11</i> <i>lines 11-14</i></p>	<p>1. Present law condensed to eliminate verbiage.</p> <p>2. Provision relative to permission of local board added to harmonize with sec. 69 of bill.</p> <p>3. Provision as to danger from such removal added for clearness.</p> <p><i>See sec. 71 of bill.</i> <i>Omitted as impracticable.</i> <i>See sec. 72 of bill.</i></p>
71	C.C. 1281, lines 7-9	<p>"Sanitation officer" added to harmonize with sec. 41 of bill.</p> <p>"As thoroughly isolated as possible" is new.</p>
72	<p>C.C. 1280, lines 11-13</p> <p style="text-align: center;"><i>lines 1-10</i> 1281, lines 11-14</p>	<p>Present law simplified and harmonized with sec. 86 of bill.</p> <p><i>Omitted as repetition.</i></p> <p>Expenses of "care and quarantine" omitted as covered by secs. 79, 80, and 86 of bill.</p>
73	C.C. 1283, entire	<p>"Detention hospital" substituted for "pesthouse or hospital for patients".</p> <p>For "infectious and contagious diseases" see sec. 56 of bill, subsec. 1.</p>
74	C.C. 1284, entire	<p>1. "Local authorities" substituted for "municipalities, or between boards of health thereof".</p> <p>2. "Detention hospitals" substituted for "pesthouses or hospitals".</p> <p>3. "Communicable" substituted for "infectious or contagious".</p> <p>4. "President" and "committee of three</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
74		members" omitted as inapplicable under reorganization plan of bill.
75	C.C. 1269, lines 33-39	<p>See also sec. 61 of bill.</p> <ol style="list-style-type: none"> <li>1. "Chapter" substituted for "section" to harmonize with resectionized arrangement of bill.</li> <li>2. "Isolation" added to harmonize with section 61 of bill.</li> <li>3. "Infectious or contagious diseases", "of any city or town", and "outside of such city or town" omitted as verbiage.</li> </ol>
76	Rules State Board of Health, 1917, p. 2.	
77	C.C. 1274, lines 49-56	Specification of things to be disinfected is new, but see rules state board of health, 1921, pages 11 and 12.
78	C.C. 1274, lines 57-64	<ol style="list-style-type: none"> <li>1. Present law broadened to include any communicable disease.</li> <li>2. "One of the officers of the local board" substituted for "mayor of the city or town, or to the township clerk" to harmonize with sections 38 to 41, inclusive, of bill.</li> </ol>
79	C.C. 1274, lines 13-18	<p>See also sec. 80 of bill.</p> <p>Primary duty of caring for quarantined person is imposed upon local board, but bill section gives such board right to delegate such duty to one of its officers. See secs. 38 to 41, inclusive, of bill. Thus bill provides for elasticity in local health administration.</p>
80	C.C. 1274, lines 13-18	<p>See also sec. 79 of bill.</p> <ol style="list-style-type: none"> <li>1. Bill section also based upon C.C. 1274, lines 19, 25, and 32 to 36, inclusive, of bill.</li> <li>2. Present law somewhat confused as to liability of county for care of quarantined and isolated persons. Sections 79 and 80 of bill clarify this situation in accordance with administrative interpretation of present law.</li> </ol>
81	C.C. 1274, lines 37-41	
82	C.C. 1274, lines 25-32	1. "Chapter" substituted for "section" to harmonize with resectionized arrangement of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
82		2. "One (1) of its officers" substituted for "mayor or township clerk". See secs. 38 and 39 of bill.
83	C.C. 1274, lines 65-71	1. "Chapter" substituted for "section" to harmonize with resectionized arrangement of bill. 2. "Fumigations or disinfections" added to harmonize with C.C. 1274, lines 33 and 34.
84	C.C. 1274, lines 19-25  lines 32-36	1. "By order of the mayor or township clerk as herein provided" omitted to harmonize with secs. 79 and 80 of bill. 2. "Or house of detention" omitted as covered by "separate house". "Except in cases removed to a separate house, or house of detention" omitted as covered by sec. 80 of bill.
85	C.C. 1274, lines 71-76	1. "Within a reasonable time" added to supply an omission in present law. 2. "Shall order the county auditor to draw warrants" omitted as unnecessary.
86	C.C. 1274, lines 41-48	
87	C.C. 1285, lines 17-21	See also secs. 26, 55, and 88 of bill. 1. "Communicable" substituted for "contagious". See sec. 56 of bill, subsec. 1. 2. "Punishment as provided in this chapter" substituted for "guilty of a misdemeanor". See sec. 88 of bill.
88	C.C. 1282, entire 1285, lines 1-17 lines 17-21	Secs. 26, 55, and 88 of bill are identical, but such repetition made necessary on account of rechapterized arrangement of bill. See also secs. 26 and 55 of bill. See also secs. 26 and 55 of bill. See also secs. 26, 55, and 87 of bill.

## CHAPTER 5

## VENEREAL DISEASES

## General Note

This chapter of the bill is a restatement of chapter 4, title VI, of the Compiled Code, and chapter 4-A, title VI, of the Supplement to said Code.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
93	C.C. 1289, lines 7-11	
94	C.C. 1289, lines 15-20	<p>1. Present law put in new form for purpose of clarification.</p> <p>2. "Person or persons" omitted, because only licensed physicians authorized to treat venereal diseases by laws of this state. See sec. 1 of bill, subsec. 3, and C.B. 262.</p>
95	<p>C.C. 1287, lines 5-6</p> <p>1288, lines 4-6</p> <p>1289, lines 14-15</p>	<p>Bill section brings together in one section various scattered provisions of present venereal disease law relative to forms to be supplied by state board of health.</p> <p>See also sec. 90 of bill.</p> <p>See also sec. 91 of bill.</p>
96	<p>C.C. 1290, entire</p> <p>1293, lines 6-15</p> <p>lines 1-6</p>	<p>1. Present law restated for purpose of clarification. A number of overlapping and uncertain provisions eliminated.</p> <p>2. "Contagious" and "infectious" omitted as covered by "communicable". See sec. 56 of bill, subsec. 1.</p> <p>See also secs. 97 and 120 of bill.</p> <p>1. Provision as to "examination", "quarantine", etc., omitted as covered by "take such measures as * * * in the case of other communicable disease".</p> <p>2. Provision as to "good character and reputation" omitted as impracticable. Such persons are fully protected under redraft of present venereal disease law as presented in this bill.</p> <p>3. "Except as otherwise provided in this chapter" added so that in event there are conflicting provisions in chapters 4 and 5 of bill, administrative officers will be governed by this chapter.</p> <p>See sec. 119 of bill.</p>
97		<p>1. Present law simplified.</p> <p>2. "Detention" and "interment or quarantine" omitted as covered by "isolation". See sec. 56 of bill, subsec. 5.</p> <p>3. "Health officer" omitted because in cities and towns he is member of local board of health. See secs. 37 and 40 of bill.</p>





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
104	<i>lines 9-11</i>	<p>of local board of health. See secs. 37 and 40 of bill.</p> <p>3. Cross reference omitted as unnecessary in view of form of section 102 of bill.</p> <p>4. "Secretary-executive officer" omitted to harmonize with reorganization plan of bill.</p> <p><i>See sec. 105 of bill.</i></p>
105	C.C. 1295, lines 9-11	"Microscopic examination" added to make present law clear.
106	C.C. 1294, lines 11-17	<p>1. "Chairman" substituted for "president" to harmonize with sec. 38 of bill.</p> <p>2. "Diagnosis" substituted for "isolation, interment, quarantine or release". The examination provided in bill section is for purpose of determining existence of disease and not for purpose of determining precautions which should be taken. Such matters intrusted to local board of health. See sec. 96 of bill.</p>
107	C.C. 1294, lines 41-45	<p>1. "Inspections" and "demanded" omitted as verbiage.</p> <p>2. "Venereal disease" substituted for "syphilis, gonococcus infection or chanroid". See sec. 89 of bill.</p>
108	C.C. 1294, lines 18-20	"Those representing the local board" added for clearness.
109	C.C. 1294, lines 20-21 lines 34-37	<p>1. "Isolation" substituted for "persons isolated, interned, or quarantined" to harmonize with sec. 56 of bill, subsec. 5.</p> <p>2. For payment of expenses in other cases of isolation, see secs. 80 and 83 to 86, inclusive, of bill.</p>
110	C.C. 1302, lines 1-10  <i>lines 10-21</i> <i>lines 21-27</i>	<p>1. "Magistrate" substituted for "mayor" and "municipal judge or justice of the peace". See C.C. 9051.</p> <p>2. "Chief of police" omitted as covered by "peace officer". See C.C. 9053.</p> <p><i>See sec. 111 of bill.</i></p> <p><i>See sec. 112 of bill.</i></p>
111	C.C. 1302, lines 10-21	"Regulations" omitted as covered by "rules". See sec. 1 of bill, subsec. 4.
112	C.C. 1302, lines 21-27	1. "Approval of the health officer" omitted to harmonize with sec. 104 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
112		Such approval a matter for local board of health. 2. "Secretary-executive officer" omitted to harmonize with reorganization plan of bill. 3. Cross references changed to harmonize with resectionized arrangement of bill.
113	C.C. 1292, entire	"Requirements" omitted as verbiage.
114	C.C. 1291, entire 1297, entire	Compiled code sections upon which this bill section based, combined and much repetition eliminated.
115	C.C. 1304, entire	1. "Article" substituted for "compound" and "alleged specific". 2. "Township" substituted for "county" and "village" to harmonize with local health organization. See sec. 37 of bill.
116	C.C. 1296, entire	"Sanitation officer" added to harmonize with sec. 41 of bill.
117	C.C. 1303, entire	"Punished as provided in this chapter" substituted for specific penalty provision. Matter fully covered by sec. 125 of bill.
118	C.C. 1287, lines 10-12 1306, lines 5-14  <i>lines 1-4</i> <i>lines 14-16</i>	1. Present law condensed to eliminate verbiage. 2. "Punished as provided in this chapter" substituted for specific penalty provisions. Matter fully covered by sec. 125 of bill. <i>See sec. 125 of bill.</i> <i>Omitted. Covered by C.B. 262, sec. 53.</i>
119	C.C. 1293, lines 1-6	1. Present law condensed to eliminate verbiage. 2. "Persons" omitted as covered by "person". See C.C. 55, subsec. 3.
120	C.C. 1293, lines 6-15  1294, lines 1-6	See also secs. 96 and 97 of bill and brief covering same. 1. "City, town or township" substituted for "county, municipality or community" to harmonize with local health organization. See secs. 37 and 40 of bill. 2. "Venereal disease" substituted for "syphilis" and "gonococcus infection or chaneroid". See sec. 89 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
121	C.C. 1294, lines 7-10	<p>1. "Intern or quarantine" omitted as covered by "isolated". See sec. 6 of bill, subsec. 5.</p> <p>2. "Until an examination can be made" substituted for "a reasonable length of time".</p> <p>3. "In the detention hospital" added to harmonize with secs. 97 and 98 of bill.</p>
122	S.C.C. 1306-a1, lines 1-4  lines 4-9	<p>"Or any person authorized by law to act as an obstetrician" omitted, because only licensed physicians authorized to act as obstetricians by laws of this state. See sec. 1 of bill, subsec. 3, and chapters 2 and 4 of C.B. 262.</p> <p><i>See sec. 124 of bill.</i></p>
123	S.C.C. 1306-a2, entire	<p>1. Present law condensed and clarified.</p> <p>2. "Or any person authorized by law to act as an obstetrician" omitted, because only licensed physicians authorized to act as obstetricians by laws of this state. See sec. 1 of bill, subsec. 3, and chapters 2 and 4 of C.B. 262.</p>
124	S.C.C. 1306-a1, lines 4-9.	<p>"Two preceding sections" substituted for "chapter" to harmonize with recharacterized arrangement of bill.</p>
125	C.C. 1306, lines 1-4 S.C.C. 1306-a4, entire	<p>"Guilty of a misdemeanor" omitted as verbiage.</p>

## CHAPTER 6

## DISPOSAL OF DEAD BODIES

## General Note

This chapter of the bill is a revamping of those portions of chapters 9 and 11. of title VI, and chapter 23, of title XII, of the Compiled Code and of the Supplement to said Code, relating to the disposal of dead bodies.

The above chapter 11 was enacted by the Thirty-ninth General Assembly and is commonly called the new Vital Statistics Law. As a matter of fact this law deals with the disposal of dead bodies as well as with the registration of vital statistics. Nevertheless, it was enacted without regard to the

provisions of chapters 9 and 23, referred to above, which also dealt with the disposal of dead bodies.

As a result those portions of the new vital statistics law which deal with the disposal of dead bodies are in conflict and overlap with certain provisions which existed at the time of its enactment dealing with the same subject.

The bill brings together in one chapter all the law relative to the disposal of dead bodies and rewrites, resectionizes, and rearranges said provisions into one harmonious whole. In this connection it has been necessary to supply a number of omissions in the present law. Most of these omissions have been taken from the rules of the present State Board of Health.

With the exception of the penalty provision in section 153, *all* the *changes* in the *meaning* of the present law are minor in character and have been made for one of the above purposes or to harmonize the present law with the reorganization features of the bill.

This chapter is written on the theory that all acts which must be done in connection with the disposal of a dead body should be dealt with by the law in one place, even though some of such matters may vitally concern the proper registration of vital statistics. For that reason the form of the death certificate and the provisions relative to filing the same are set out in this chapter which deals with the "Disposal of Dead Bodies" rather than in chapter 10 of the bill, which deals with "Vital Statistics".

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
126	<b>No specific section; implied from existing law.</b>	Bill section based on scattered provisions in present law.
127	<b>S.C.C. 1376-a5,</b> <b>lines 1-8</b>  <i>lines 9-11</i> <i>lines 12-20</i> <i>lines 21-24</i> <i>lines 25-28</i>  <b>1376-a9,</b> <b>lines 1-4</b> <i>lines 4-13</i> <i>lines 13-15</i> <i>lines 16-18</i> <i>lines 18-20</i> <i>lines 20-22</i> <i>lines 23-26</i> <i>lines 27-29</i> <i>lines 29-31</i> <i>lines 31-33</i> <i>lines 34-39</i>	"Bury or make other final disposition of" substituted for "interred, deposited in a vault or tomb, cremated or otherwise disposed of".  <i>See sec. 133 of bill.</i> <i>See sec. 145 of bill.</i> <i>See sec. 134 of bill.</i> <i>See sec. 138 of bill.</i>  See also secs. 128 and 133 of bill. <i>See secs. 129 and 130 of bill.</i> <i>See secs. 128 and 133 of bill.</i> <i>See sec. 148 of bill.</i> <i>See sec. 139 of bill.</i> <i>See sec. 148 of bill.</i> <i>See sec. 215 of bill.</i> <i>See sec. 216 of bill.</i> <i>See secs. 215 and 216 of bill.</i> <i>See sec. 216 of bill.</i> <i>See sec. 217 of bill.</i>
128	<b>S.C.C. 1376-a9,</b> <b>lines 1-4</b>  <b>lines 13-15</b>	Scattered provisions in present law of same purport condensed into one section.  See also secs. 127 and 133 of bill.  See also sec. 133 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
128	<p><b>1376-a19,</b>  <b>lines 9-10</b>  <i>lines 1-2</i>  <i>lines 2-8</i>  <i>lines 10-12</i>  <i>lines 12-14</i>  <i>lines 15-19</i>  <i>lines 20-22</i>  <i>lines 23-35</i></p> <p><b>C.C. 3448, lines 1-3</b>  <i>lines 3-5</i></p>	<p>See also sec. 201 of bill.  <i>See sec. 198 of bill.</i>  <i>See secs. 133 and 198 of bill.</i>  <i>See secs. 135 and 206 of bill.</i>  <i>See sec. 133 of bill.</i>  <i>See sec. 136 of bill.</i>  <i>See secs. 198 and 206 of bill.</i>  <i>See sec. 198 of bill.</i></p> <p>For duty of attending physician see sec. 130 of bill.  <i>See sec. 148 of bill.</i></p>
129	<p><b>S.C.C. 1376-a7,</b>  <b>lines 1-46</b></p> <p><b>lines 53-62</b>  <b>lines 65-71</b>  <i>lines 47-53</i>  <i>lines 62-64</i></p> <p><b>1376-a8,</b>  <b>lines 12-17</b>  <i>lines 1-5</i>  <i>lines 5-9</i></p> <p><i>lines 9-12</i>  <i>lines 17-19</i> }</p> <p><b>1376-a9,</b>  <b>lines 4-13</b></p>	<p>1. Present law relative to form of death certificate rearranged and divided into four parts for purpose of clearness, but no change made in meaning.</p> <p>2. "Executed on" substituted for "of".</p> <p>3. Provision with reference to "legal, social and sanitary purposes", omitted as verbiage.</p> <p>4. "Incorporated" and "of decedent" omitted as unnecessary.</p> <p><i>See sec. 130 of bill.</i>  <i>See secs. 133 and 135 of bill.</i></p> <p>See also sec. 130 of bill.  <i>See sec. 131 of bill.</i>  <i>Omitted, because health officer is always a physician in this state. See sec. 40 of bill.</i></p> <p><i>See sec. 131 of bill.</i></p> <p>See also sec. 130 of bill.</p>
130	<p><b>S.C.C. 1376-a7,</b>  <b>lines 47-53</b></p> <p><b>1376-a8,</b>  <b>lines 12-17</b></p> <p><b>1376-a9,</b>  <b>lines 4-13</b></p>	<p>See also sec. 129 of bill.</p>
131	<p><b>S.C.C. 1376-a8,</b>  <b>lines 1-5</b>  <b>lines 9-12</b>  <b>lines 17-19</b></p>	<p>1. "Or person acting as such" added to cover all possible contingencies.</p> <p>2. "Prior to the issuance of the permit" and "certification" omitted as verbiage.</p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
138		"Final disposition" substituted for "burial and other disposition".
139	<p data-bbox="361 816 603 845">C.C. 1346, lines 1-9</p> <p data-bbox="495 1048 631 1077"><i>lines 10-12</i></p> <p data-bbox="337 1079 631 1135">S.C.C. 1376-a9, lines 18-20</p>	<p data-bbox="680 416 1191 803">Regulations concerning shipping papers which must accompany a dead body were not repealed by new vital statistics law enacted by 39 G.A. This law, however, provided for an additional removal permit to be attached to outside box. As result, present law somewhat conflicting. Bill harmonizes conflicting provisions and clarifies present law, but preserves requirements of former law as well as addition made by 39 G.A. This is in accordance with interpretation of state board of health and is basis upon which present law is being administered.</p> <p data-bbox="680 820 1093 849">See also secs. 140 and 142 of bill.</p> <p data-bbox="680 866 1191 975">1. "Person or common carrier" substituted for "railway agent, express agent, baggagemaster, conductor, or other person acting as such".</p> <p data-bbox="680 992 1191 1081">2. "Or transportation by railway" omitted as covered by "public conveyance". <i>See sec. 146 of bill.</i></p>
140	C.C. 1346, lines 1-9	See also secs. 139 and 142 of bill and note to preceding section of brief. Note that death certificate provided in this bill section is different from certificate provided in sec. 129 of bill.
141	Rules State Board of Health, 1917, p. 46.	Omission in present law supplied from rules of state board of health.
142	<p data-bbox="365 1375 638 1404">C.C. 1342, lines 17-18</p> <p data-bbox="501 1442 617 1471"><i>lines 1-17</i></p> <p data-bbox="431 1500 610 1529">1346, lines 1-9</p>	<p data-bbox="680 1375 1198 1431">"Licensed" substituted for "recorded" to harmonize with C.B. 262, sec. 2.</p> <p data-bbox="680 1442 1198 1498"><i>See C.B. 262, sec. 10 and brief covering same.</i></p> <p data-bbox="680 1508 1198 1564">See also secs. 139 and 140 of bill and note to second preceding section of brief.</p>
143	Rules State Board of Health, 1917, p. 45.	Omission in present law supplied from rules of state board of health.
144	Rules State Board of Health, 1917, p. 47.	Omission in present law supplied from rules of state board of health.
145	S.C.C. 1376-a5, lines 12-20	"The state for final disposition" substi-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
145		tuted for "a registration district in Iowa for burial".
146	C.C. 1346, lines 10-12	<p>1. "Scientific" substituted for "anatomical".</p> <p>2. Last sentence of bill section is new; provides basis for existing rules of state board of health.</p>
147	New	This section marked "new" but based upon C.C. 1365 and Rules of State Board of Health, 1917, p. 48. 39 G.A., ch. 229, inadvertently repealed present law relative to disinterments. Bill restores said law which formerly appeared as C.C. 1365.
148	S.C.C. 1376-a9, lines 16-18 lines 20-22  C.C. 3448, lines 3-5	<p>"Or person acting as such" and "or removal" added to cover every contingency which may arise.</p> <p>Rewritten to harmonize with S.C.C. 1376-a9.</p>
149	S.C.C. 1376-a11, lines 1-4 lines 4-8 lines 8-12 lines 12-18	<p>Restated to avoid verbiage.</p> <p><i>See sec. 150 of bill.</i></p> <p><i>See sec. 151 of bill.</i></p> <p><i>See sec. 152 of bill.</i></p>
150	S.C.C. 1376-a11, lines 4-8	Power to extend time for return of burial permit transferred from local board of health to state board of health and safety.
151	C.C. 3446, lines 9-12 lines 1-9 3447, entire  S.C.C. 1376-a11, lines 8-12	<p><i>See C.B. 151, sec. 23.</i></p> <p>Certificate of death omitted to harmonize with new vital statistics law. Under this law no death certificate delivered to sexton. See sec. 148 of bill.</p>
152	S.C.C. 1376-a11, lines 12-18	
153	C.C. 1347, lines 2-7  lines 1-2 lines 7-10	<p>See also C.B. 262, sec. 85.</p> <p>"Forgery" substituted for "misdemeanor" because such an act is in fact forgery and should be punished as such.</p> <p><i>See sec. 154 of bill.</i></p> <p><i>See sec. 154 of bill and C.B. 262, sec. 86.</i></p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
153	<p><i>lines 10-14</i></p> <p><b>S.C.C. 1376-a22,</b> <b>lines 1-2</b></p> <p><b>lines 8-14</b></p> <p><b>lines 21-23</b></p> <p><i>lines 2-8</i></p> <p><i>lines 14-20</i></p> <p><i>lines 23-36</i></p>	<p><i>Omitted. Covered by C.B. 262, sec. 87.</i></p> <p>See also secs. 154 and 240 of bill and note to following section of brief.</p> <p>See also sec. 240 of bill.</p> <p>See also secs. 154 and 240 of bill.</p> <p><i>See sec. 154 of bill.</i></p> <p><i>See sec. 240 of bill.</i></p> <p><i>See sec. 241 of bill.</i></p>
154	<p><b>C.C. 1347, lines 1-2</b> <b>lines 7-10</b></p> <p><b>S.C.C. 1376-a22,</b> <b>lines 1-2</b> <b>lines 2-8</b> <b>lines 21-23</b></p>	<p>Penalty provisions of present law harmonized and simplified. It has been necessary to divide matter contained in S.C.C. 1376-a22 into several penalty clauses, because matter contained in new vital statistics law has been divided in this bill into two chapters, namely, "Disposal of Dead Bodies" and "Registration of Vital Statistics".</p> <p>See also secs. 153 and 240 of bill.</p> <p>See also secs. 153 and 240 of bill.</p>

## CHAPTER 7

## DEAD BODIES FOR SCIENTIFIC PURPOSES

**General Note**

This chapter of the bill is a restatement of some of the remaining provisions of chapter 9, title VI, of the Compiled Code which were not used in the preceding chapter of the bill, namely, the provisions dealing with the use of dead bodies for scientific purposes.

Although the present law has been resectionized and rearranged, the bill makes *only* the following *minor* changes in the meaning of the present law:

1. In sections 157 and 163, "state board" is substituted for "secretary of the state board" to harmonize with the reorganization features of the bill.

2. In section 159, "cremation" is added as a method of disposing of dissecting materials.

3. In section 161, the temporary record of five years is changed to a permanent record.

4. In sections 157 and 164, the right to notice of death and to inspect the body and record relative to the same has been extended to the nearest relative to harmonize with section 155.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
155	<p>S.C.C. 1326-a16, lines 8-15</p> <p>1326-a26, lines 6-8</p> <p>lines 1-5</p> <p>C.C. 1348, lines 1-14</p> <p>lines 14-18</p>	<p>1. 39 G.A. placed osteopathic and chiropractic colleges on an equal footing with medical college.</p> <p>2. Former law condensed and rewritten in accordance with above.</p> <p>3. "Of the state university" added, because there is no other medical college in state.</p> <p>See also sec. 1 of bill, subsec. 3.</p> <p><i>See C.B. 262, sec. 113.</i></p> <p><i>See sec. 156 of bill.</i></p>
156	C.C. 1348, lines 14-18	"Regulations" omitted as covered by "rules". See sec. 1 of bill, subsec. 4.
157	<p>C.C. 1349, lines 1-9</p> <p>lines 9-13</p>	<p>1. Present law condensed and rewritten to harmonize with sec. 155 of bill.</p> <p>2. "Superintendent" omitted as covered by "managing officer".</p> <p>3. "Secretary" omitted to harmonize with reorganization plan of bill.</p> <p><i>See sec. 158 of bill.</i></p>
158	C.C. 1349, lines 9-13 1350, entire	<p>1. Repetition eliminated.</p> <p>2. Cross reference changed to harmonize with rechapterized arrangement of bill.</p>
159	C.C. 1352, entire	<p>1. Cross reference changed to harmonize with rechapterized arrangement of bill.</p> <p>2. "Cremated" added. This method of disposal is common practice in modern medical colleges.</p>
160	<p>C.C. 1353, lines 1-17</p> <p>lines 17-21</p>	<p>1. Present law condensed and simplified.</p> <p>2. "Keep a record" substituted for "in a suitable book, make or cause to be made a legible record".</p> <p>3. "Box" and "cask" omitted as covered by "receptacle".</p> <p><i>See sec. 161 of bill.</i></p>
161	C.C. 1353, lines 17-21	<p>1. Present law rewritten to harmonize with secs. 155, 157, and 158 of bill.</p> <p>2. "Peace officers" substituted for "sheriff or his deputy". See C.C. 9053.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
161	1354, lines 5-8 lines 1-5 lines 8-10	3. "If the same is not required" omitted as of doubtful meaning and in conflict with sec. 158 of bill. 4. "One year or more after such body was received" omitted so as to preserve record of such bodies permanently. See also sec. 164 of bill. See sec. 164 of bill.
162	C.C. 1355, entire	
163	C.C. 1351, lines 1-10  lines 10-14	1. "Person" substituted for "coroner, undertaker, superintendent or managing officer of any public asylum, hospital, poorhouse or penitentiary". 2. "Secretary" omitted to harmonize with reorganization plan of bill. 3. "Misdemeanor, and upon conviction thereof" omitted as verbiage. See sec. 165 of bill.
164	C.C. 1354, lines 1-5 lines 5-8 lines 8-10	Present law rewritten to harmonize with sec. 161 of bill. Cross reference changed to harmonize with resectionized arrangement of bill. See also sec. 161 of bill.
165	C.C. 1351, lines 10-14	Cross reference changed to harmonize with rechapterized arrangement of bill.

## CHAPTER 8

## PUBLIC HEALTH NURSES

## General Note

This chapter of the bill is a restatement of those portions of chapter 8, title VI, of the Compiled Code and of the Supplement to said Code relating to public health nurses.

The bill makes *no change* in the *meaning* of the present law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
166	C.C. 1335, entire	Present law restated for clarification. "Visiting nurses" omitted as covered by "public health nurses".
167	C.C. 1336, entire	See note to preceding section.
168	C.C. 1337, entire	See note to second preceding section.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
174	C.C. 1358, lines 5-15	<p>1. Provision as to regular licensee of medical board omitted as covered by sec. 1 of bill, subsec. 3.</p> <p>2. "Maternity hospital" substituted for "hospital or ward or other institution or place". See sec. 169 of bill.</p> <p>3. Cross reference omitted as covered by "maternity hospital".</p>
175	C.C. 1358, lines 15-19	"Before issuing a license" substituted for "upon filing of application" and "physicians' certificate".
176	C.C. 1357, entire 1358, lines 23-26 lines 30-32	<p>1. Present law condensed by elimination of useless repetition.</p> <p>2. "License" substituted for "permit" to harmonize with sec. 171 of bill.</p>
177	C.C. 1358, lines 19-23  lines 26-30  lines 32-34	<p>"License" substituted for "permit" to harmonize with sec. 171 of bill.</p> <p>"Unless sooner revoked" omitted as covered by sec. 178 of bill.</p> <p>"Lying-in" omitted as covered by "maternity". See sec. 169 of bill.</p>
178	C.C. 1362, entire	<p>1 "License" substituted for "permit" to harmonize with sec. 171 of bill.</p> <p>2. "Violation of this chapter or any rule of the state board" substituted for "succeeding section" to make law more effective.</p>
179	<p>C.C. 1359, lines 1-7 lines 17-19 lines 20-21 lines 7-13  lines 13-17 lines 19-20 lines 21-25  1360, lines 4-8 lines 9-12 lines 1-4 lines 8-9</p>	<p>1. Present law condensed by elimination of useless repetition.</p> <p>2. "Persons" omitted as covered by "person". See C.C. 55, subsec. 3.</p> <p>3. "True, accurate and complete" omitted as verbiage.</p> <p>} See also sec. 180 of bill. <i>Omitted as covered by secs. 202, 204, and 211 of bill.</i> <i>See sec. 180 of bill.</i> <i>See sec. 181 of bill.</i> <i>See sec. 182 of bill.</i></p> <p>} See note at head of this section. <i>See sec. 183 of bill.</i> <i>See sec. 181 of bill.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
180	C.C. 1359, lines 13-17 lines 17-19 lines 20-21	} Sec also sec. 179 of bill.
181	C.C. 1359, lines 19-20 1360, lines 8-9	
182	C.C. 1359, lines 21-25	“Members of the state board of health” omitted as unnecessary.
183	C.C. 1360, lines 1-4	“Persons” omitted as covered by “person”. See C.C. 55, subsec. 3. “Procure” omitted as verbiage.
184	C.C. 1361, lines 1-6 lines 6-12	Present law condensed. <i>See sec. 185 of bill.</i>
185	C.C. 1361, lines 6-12	1. “City, town or township” omitted as verbiage. 2. “State board” substituted for “clerk of the city, town or township”, thereby requiring local board of health to report to state board in place of filing report with its own clerk.
186	C.C. 1363, lines 6-9 lines 1-6	Cross reference changed to “injunction proceedings”. <i>See sec. 187 of bill.</i>
187	C.C. 1363, lines 1-6	“Guilty of a misdemeanor” omitted as verbiage.

## CHAPTER 10

## REGISTRATION OF VITAL STATISTICS

**General Note**

This chapter of the bill is a restatement of those portions of chapter 11, title VI, of the Supplement to the Compiled Code which were not used in chapter 6 of the bill, namely, those portions relating to the registration of vital statistics. In this way the provisions of law which deal exclusively with the registration of vital statistics and with the disposal of dead bodies, respectively, are set off in separate chapters.

The bill makes only *four* important *changes* in the meaning of the new vital statistics law enacted by the Thirty-ninth General Assembly, although said law is broken up into shorter sections and to some extent rearranged. The changes referred to are as follows:

1. In section 189, the area of the registration districts is changed to avoid overlapping districts.

2. In sections 225 to 229, inclusive, and in sections 197, 230, and 236 provision is made for the registration of marriages and divorces.

3. In section 224, the time for payment of local registrars is changed from an annual period to such time as the State Registrar may deem expedient.

4. In sections 240 and 241, the penalties for violating provisions of the new Vital Statistics Law are modified to harmonize with other changes made in the bill.

In addition to the above changes there are a few *minor modifications* most of which have been made for the purpose of harmonizing the new Vital Statistics Law with the reorganization features of the bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
188	No specific section; implied from existing law.	This bill section based upon scattered provisions in present law.
189	S.C.C. 1376-a3, lines 1-3  lines 4-5	1. Present law creates overlapping registration districts, because each city and town is located in some township. Bill section overcomes this difficulty by creating strictly rural districts.  2. "Incorporated" omitted as unnecessary. <i>See sec. 190 of bill.</i>
190	S.C.C. 1376-a3, lines 4-5	"State board" substituted for "state registrar" to harmonize with reorganization plan of bill.
191	S.C.C. 1376-a1, lines 1-2	
192	S.C.C. 1376-a2, lines 5-9  lines 1-5	1. "Quarters" substituted for "apartments" to harmonize with other similar provisions in present law.  2. "Division" substituted for "bureau" to harmonize with sec. 14 of bill, subsec. 12.  3. "Seat of government" substituted for "state capitol at Des Moines". <i>Omitted. Matter covered by 39 G.A., ch. 340, sec. 27.</i>
193	S.C.C. 1376-a4, lines 1-5  lines 6-10	1. "In the state" omitted as unnecessary.  2. "Of vital statistics" omitted as covered by sec. 188 of bill, subsec. 1.  3. "County" substituted for "state" for clearness. <i>See sec. 196 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
193	<i>lines 10-12</i> <i>lines 13-16</i> <i>lines 16-17</i> <i>lines 17-23</i> <i>lines 23-26</i> <i>lines 26-28</i> <i>lines 28-30</i> <i>lines 30-31</i>	<i>See sec. 240 of bill.</i> <i>See sec. 194 of bill.</i> <i>See secs. 196 and 200 of bill.</i> <i>See sec. 195 of bill.</i> <i>See sec. 199 of bill.</i> <i>See sec. 200 of bill.</i> <i>See sec. 196 of bill.</i> <i>See sec. 200 of bill.</i>
194	<b>S.C.C. 1376-a4,</b> <b>lines 13-16</b>	
195	<b>S.C.C. 1376-a4,</b> <b>lines 17-23</b>	1. "State board" substituted for "state registrar" to harmonize with reorganization plan of bill.  2. "Birth and death" added for clearness.
196	<b>S.C.C. 1376-a4,</b> <b>lines 6-10</b>  <b>lines 16-17</b> <b>lines 28-30</b>	1. "State board" substituted for "state registrar" to harmonize with reorganization plan of bill.  2. "As laid down in this chapter" omitted as unnecessary.  See also sec. 200 of bill.
197	<b>S.C.C. 1376-a1,</b> <b>lines 2-8</b>          <b>1376-a18,</b> <b>lines 1-11</b>	1. Bill section groups together in one place general duties of state registrar. These duties scattered throughout new vital statistics law without logical arrangement.  2. "Subject to the direction of the state board" added to harmonize with reorganization plan of bill. Under bill, state board of health and safety made administrative head of vital statistics system of state.  1. Present law condensed by elimination of verbiage relative to "primary registration district" and "central bureau of vital statistics".  2. "Vital statistics" substituted for "births and deaths", because under bill marriage and divorce statistics are included with birth and death statistics as "vital statistics". See sec. 229 of bill.  1. "Furnish" substituted for "prepare,





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
198	<p style="text-align: center;">lines 2-8</p> <p style="text-align: center;">lines 20-22</p> <p style="text-align: center;">lines 23-35</p> <p style="text-align: center;">1376-a23, lines 1-6</p>	<p>See also sec. 133 of bill. "Law" substituted for "the provisions of this chapter" to harmonize with rechapterized arrangement of bill. See chapters 6 and 10 of bill.</p> <p>See also sec. 206 of bill. Present law condensed.</p> <p>"In a stamped, return envelope furnished by the state registrar" added to insure prompt return of certificates.</p> <p>1. "Relative to registration of vital statistics and the disposal of dead bodies" added to harmonize with rechapterized arrangement of bill. See chapters 6 and 10 of bill.</p> <p>2. Provision relative to "observation" or "complaint" omitted as verbiage.</p>
199	<p style="text-align: center;">S.C.C. 1376-a4, lines 23-26</p>	
200	<p style="text-align: center;">S.C.C. 1376-a4, lines 16-17 lines 26-28 lines 30-31</p>	<p>See also sec. 196 of bill.</p> <p>Present law restated for purposes of clarification and to harmonize same with resectionized and rechapterized arrangement of bill. See chapters 6 and 10 of bill.</p>
201	<p style="text-align: center;">S.C.C. 1376-a12, entire 1376-a13, lines 1-3 lines 3-6 lines 6-9 lines 10-16 lines 16-23 lines 23-30 1376-a19, lines 9-10</p>	<p><i>Omitted. Covered by sec. 202 of bill.</i></p> <p><i>See sec. 203 of bill.</i></p> <p><i>See sec. 204 of bill.</i></p> <p><i>See sec. 205 of bill.</i></p> <p><i>See sec. 207 of bill.</i></p> <p>See also sec. 128 of bill.</p>
202	<p style="text-align: center;">S.C.C. 1376-a14, lines 1-55 lines 57-59</p>	<p>S.C.C. 1376-a14 slightly rearranged for purpose of clearness and to avoid repetition, but without change in meaning.</p> <p>1. Provision relative to "legal, social and sanitary use" omitted as verbiage.</p> <p>2. "Executed on" substituted for "of".</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
202	<i>lines 55-56</i>	<p>3. "Incorporated" omitted as unnecessary.</p> <p>4. Provision as to legal paternity of child added to harmonize with ch. 24, title XXXI of the compiled code.</p> <p>5. "Item twelve" substituted for "item thirteen" and "item six" substituted for "item seven" to harmonize with rearrangement of subsections of S.C.C. 1376-a14.</p> <p>6. "As hereinafter provided" omitted as unnecessary. <i>See sec. 204 of bill.</i></p>
203	S.C.C. 1376-a13, lines 6-9	
204	S.C.C. 1376-a13, lines 10-16  1376-a14, lines 55-56	"Of the district in which the birth occurred" added for clearness.
205	S.C.C. 1376-a13, lines 16-23	Present law condensed by elimination of verbiage.
206	S.C.C. 1376-a19, lines 10-12  lines 20-22	<p>See also sec. 135 of bill.</p> <p>See also sec. 198 of bill.</p> <p>1. "United States standard form certificate" substituted for "therein" for clearness.</p> <p>2. Provision relative to rules of state board added to insure proper execution of certificate and to harmonize with sec. 14 of bill, subsec. 19.</p> <p>3. Provision as to obtaining information from "any other person" added to insure the securing of proper data in every case.</p>
207	S.C.C. 1376-a13, lines 23-30	<p>1. "Making a return of a birth" added to make present law more comprehensive.</p> <p>2. "Provided in this chapter" substituted for "contemplated by said following section" to harmonize with rearrangement of sections in new vital statistics law.</p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
216	S.C.C. 1376-a9, lines 27-29  lines 29-31 lines 31-33	For "firm or corporation" see sec. 188 of bill, subsec. 4.  See also sec. 215 of bill.
217	S.C.C. 1376-a9, lines 34-39	1. For "firm or corporation" see sec. 188 of bill, subsec. 4.  2. "Relative to the disposal of dead bodies and the registration of vital statistics" added because new vital statistics law is divided into two chapters in this bill. See chapters 6 and 10 of bill.
218	S.C.C. 1376-a18, lines 12-17	
219	S.C.C. 1376-a18, lines 33-44	1. "Organization" substituted for "cemetery company or association, or any church or historical society or association" to eliminate verbiage.  2. "Record" omitted as covered by "index".
220	S.C.C. 1376-a18, lines 45-52	"Ten cents per folio" omitted as confusing and uncertain in meaning.
221	S.C.C. 1376-a20, lines 1-4  lines 4-8 lines 8-14	"By law" substituted for "by this chapter", because new vital statistics law divided into two chapters by this bill. See chapters 6 and 10 of bill.  <i>See sec. 222 of bill.</i> <i>See sec. 224 of bill.</i>
222	S.C.C. 1376-a20, lines 4-8	Present law condensed.
223	S.C.C. 1376-a16, lines 11-14	"Chapter" substituted for "section" to harmonize with resectionized arrangement of bill.
224	S.C.C. 1376-a20, lines 8-14	1. "Chapter" substituted for "section" to harmonize with resectionized arrangement of bill.  2. "In the manner in which other claims are paid by the county" added for clearness.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
224		<p>3. "The treasurer of" omitted as unnecessary.</p> <p>4. "Or at such other times as he may deem expedient" added to make method of paying registrars more elastic. Present law unsatisfactory, because it is unreasonable to require registrars to wait one year before receiving any compensation.</p> <p>5. "Auditor" substituted for "treasurer", because all other claims against county are filed with auditor, who is clerk of board of supervisors. See C.C. 3148.</p> <p>6. "Under the provisions of this chapter" substituted for "at the rates fixed herein".</p>
225	New	<p>Bill section marked "new" but based upon C.C. 1372, lines 1 to 5 which were inadvertently repealed by 39 G.A., ch. 229. Attorney general, however, has ruled that state board of health has power under C.C. 1264 to require same data relative to marriages and divorces, which were formerly required by C.C. 1372. Acting under this opinion, state board of health is now requiring such data by its rules, but it seems more proper to prescribe matters of this kind by law. See C.B. 213 and brief covering same.</p>
226	New	<p>Bill section dependent upon C.B. 213, sec. 5, which proposes an addition to the "chapter on 'Marriage' in the title on 'Domestic Relations'". Actual contents of marriage certificate prescribed in law relative to marriage, rather than in law dealing with vital statistics, in order that required statistical data may be more completely obtained.</p>
227	New	<p>Bill section specifies actual contents of record book for divorces. It is based upon state board of health form "Record of Divorces" which contains data required by state board from county clerks. Such matter is more properly prescribed by law.</p>
228	New	<p>Bill section provides for completing</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
228		county records with reference to marriages and divorcees.
229	<b>New</b>	<p>Bill section provides for completing state records with reference to marriages and divorcees; it is marked "new", but based upon C.C. 1372, lines 5 to 7, which were inadvertently repealed by 39 G.A., ch. 229. Bill section varies from former law in respect to date of return. Such returns will hereafter be made for calendar year.</p> <p>By requiring forwarding of original marriage certificates to state registrar, certain duplicate records in county clerk's office are eliminated. Under present law, original marriage certificates filed with clerk, then copied in record book, and finally an abstract made on state board of health form 5C which is transmitted to state registrar. This leaves duplicate set of records in clerk's office.</p>
230	<b>S.C.C. 1376-a21,</b> <b>lines 1-5</b>  <i>lines 5-7</i> <i>lines 8-10</i> <i>lines 11-14</i> <i>lines 15-17</i> <i>lines 17-21</i>	<ol style="list-style-type: none"> <li>1. "Any" substituted for "legal or other" to eliminate verbiage.</li> <li>2. "Marriage" added to harmonize with sec 229 of bill.</li> </ol> <p><i>See sec. 233 of bill.</i>  <i>See sec. 235 of bill.</i>  <i>See sec. 231 of bill.</i>  <i>See sec. 234 of bill.</i>  <i>See sec. 232 of bill.</i></p>
231	<b>S.C.C. 1376-a21;</b> <b>lines 11-14</b>	"Or the requested record is not found" added to cover every contingency which may arise.
232	<b>S.C.C. 1376-a21,</b> <b>lines 17-21</b>	
233	<b>S.C.C. 1376-a21,</b> <b>lines 5-7</b>	<ol style="list-style-type: none"> <li>1. "All records and vital statistics" substituted for "copies of births and deaths" to make present law more comprehensive.</li> <li>2. "In this chapter" substituted for "herein prescribed" to harmonize with resectionized arrangement of bill.</li> </ol>
234	<b>S.C.C. 1376-a21,</b> <b>lines 15-17</b>	1. "Under these provisions" omitted as unnecessary.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
234		2. "As provided by law" substituted for "each month" to harmonize with C.C. 717. See C.B. 40.
235	S.C.C. 1376-a21, lines 8-10	1. "Marriage" added on account of sec. 229 of bill. 2. "State registrar" omitted because of sec. 230 of bill.
236	S.C.C. 1376-a25, entire	1. "Marriage" added on account of sec. 229 of bill. 2. "Continued" omitted as covered by "maintained". 3. "Political subdivisions" substituted for "several municipalities" for clearness.
237	S.C.C. 1376-a23, lines 11-14	1. "State board" substituted for "state registrar, either personally or by an accredited representative" to harmonize with reorganization plan of bill. 2. "Relative to the registration of vital statistics and the disposal of dead bodies" added because new vital statistics law is divided into two chapters in this bill. See chapters 6 and 10 of bill. 3. "Upon request" omitted as unnecessary.
238	S.C.C. 1376-a23, lines 14-21	1. "State board" substituted for "he" (state registrar) to harmonize with reorganization plan of bill. 2. "Said law" substituted for "any of the provisions of this chapter" to harmonize with similar change made in sec. 237 of bill. 3. "Corporation" omitted as covered by sec. 188 of bill, subsec. 4.
239	S.C.C. 1376-a23, lines 21-22	1. "State board" substituted for "state registrar" to harmonize with reorganization plan of bill. 2. "And of the chapter relative to the disposal of dead bodies" added, because new vital statistics law is divided into





of Health and Safety, the bill makes possible the elimination of a large amount of duplication in inspection and overlapping of jurisdictions in the administration of the above laws.

The purpose of the bill is made more apparent by a detailed examination of the history of the above laws.

The Food Sanitation Law as enacted by the Thirty-fifth General Assembly, chapter 201, included restaurants and hotels, although the Hotel Inspection Law (33 G.A. ch. 168) was then on the statute books. This left an apparent conflict between the jurisdiction of the Dairy and Food Commissioner and the Hotel Inspector as to hotels, unless 35 G.A., ch. 201, sec. 15 is considered as a partial repeal of 33 G.A., ch. 168.

The Hotel Inspection Law was materially altered by the Thirty-eighth General Assembly, chapter 182. This same legislature attempted to do away with the apparent conflict in the jurisdiction over hotels by amending the Food Sanitation Law by striking out the word "hotel" wherever it appeared in said law. It failed, however, to strike out the language "or other place or apartment used wholly or in part for the preparation for sale \* \* \* or distribution of any food." (See 38 G.A., ch. 202). As a result, there still remained an apparent overlapping of jurisdictions between the Hotel Inspector and the Dairy and Food Commissioner.

The Thirty-ninth General Assembly further augmented this overlapping of jurisdiction by the passage of the Restaurant Inspection Law without amending the Food Sanitation Law so as to exclude restaurants from the jurisdiction of the Dairy and Food Commissioner. (See 39 G.A., ch. 199). In practice, the Dairy and Food Commissioner has relinquished his jurisdiction over hotels and restaurants in favor of the Hotel Inspector, although he still retains his jurisdiction over all other food establishments in accordance with the terms of the original Food Sanitation Law.

As indicated above, the bill harmonizes all of these conflicts in the present law and places the administration of this group of similar regulations under the same administrative head. Although the present law is re-sectionized and rearranged, the bill makes only *minor changes in meaning*—all of which are for the purposes indicated above, except the following:

1. Bottling works and soda fountains are added to the list of places which must secure a license.

2. Hotel and restaurant kitchens are placed under the same regulations as bakeries, creameries, confectioneries, canneries, packinghouses, etc.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
242 (1)*	C.C. 1068, lines 1-5 lines 5-7	"Equipped" substituted for "kept". <i>Omitted as unnecessary.</i>
242 (2)*	C.C. 1072, lines 7-10 lines 1-7 lines 11-13 lines 14-16 1094-a6, entire	<i>See sec. 246 of bill.</i> <i>Omitted. Partly covered by C.C. 717 (See C.B. 40) and partly in conflict with consolidation features of bill. (See sec. 12 of bill and brief covering same.)</i>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
242 (3)*	No specific section; implied from existing law.	Bill section based upon scattered provisions in hotel inspection law.
242 (4)*	S.C.C. 1094-a1, lines 1-7 lines 9-11  lines 7-8	1. Present law condensed by elimination of verbiage. 2. "Equipped" substituted for "kept". <i>Omitted as unnecessary.</i>
242 (5)*	C.C. 1488, lines 8-12 lines 1-5 lines 5-8	<i>See sec. 242 of bill, subsec. 6.</i> <i>See secs. 248 and 257 of bill.</i>
242 (6)*	C.C. 1488, lines 1-5	"Restaurant or hotel kitchen" substituted for "restaurant". By this substitution conflict between present food sanitation law and hotel and restaurant inspection law harmonized. See "General Note" at head of this chapter.
242 (7)*	C.C. 1496, lines 1-3  lines 3-8 lines 8-13 lines 13-15 line 16 lines 16-17 lines 18-23 lines 23-34 lines 35-40	Present law condensed by elimination of verbiage. <i>See sec. 259 of bill.</i> <i>See sec. 251 of bill.</i> <i>See sec. 259 of bill.</i> <i>See sec. 253 of bill.</i> <i>See sec. 252 of bill.</i> <i>See secs. 251, 252, and 258 of bill.</i> <i>See sec. 259 of bill.</i> <i>See sec. 251 of bill.</i>
242 (8)*	No specific section; implied from existing law.	Bill section based upon scattered provisions in present food sanitation law, and hotel and restaurant inspection law.

\* Indicates subsection.

## LICENSES

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
243	C.C. 1071, lines 1-5  lines 5-8 lines 8-10  S.C.C. 1094-a4, lines 1-4 lines 4-8	"In this state" and herein provided" omitted as unnecessary. <i>See sec. 245 of bill.</i> <i>Omitted as unnecessary.</i>  <i>See sec. 245 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
243	<p style="text-align: center;"><i>lines 8-11</i>  <b>C.C. 1499, lines 1-7</b></p> <p style="text-align: center;"><i>lines 7-8</i>  <i>lines 9-10</i>  <i>lines 10-13</i>  <i>lines 13-15</i></p>	<p><i>Omitted as unnecessary.</i></p> <p>1. For "firm or corporation" see sec. 242 of bill.</p> <p>2. "Bottling works" and "soda fountain" are new. These places should be brought under closer supervision by the state.</p> <p>3. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.</p> <p><i>Sec sec. 246 of bill.</i></p> <p><i>See sec. 244 of bill.</i></p> <p><i>See sec. 247 of bill.</i></p> <p><i>Omitted as covered by C.C. 717. See C.B. 40.</i></p>
244	<p style="text-align: center;"><b>C.C. 1069, lines 1-9</b>  <i>lines 9-15</i></p> <p style="text-align: center;"><b>1070, lines 1-10</b>  <i>lines 10-11</i>  <i>lines 11-13</i></p> <p style="text-align: center;"><b>S.C.C. 1094-a2,</b>  entire  <b>1094-a3,</b>  <b>lines 1-10</b>  <i>lines 10-12</i>  <i>lines 12-14</i></p> <p style="text-align: center;"><b>C.C. 1499, lines 9-10</b></p>	<p>1. Present law greatly condensed.</p> <p>2. "At least thirty (30) days before the expiration of the existing license" substituted for "on or before January first of each year" in order that new licenses may be issued before first of year.</p> <p>3. "State board" substituted for "inspector of hotels" to harmonize with consolidation features of bill.</p> <p>See notes at head of this section.  <i>See sec. 275 of bill.</i></p> <p>See notes at head of this section.  <i>See sec. 245 of bill.</i></p> <p><i>Omitted as necessarily implied in sec. 243 of bill.</i></p> <p>See notes at head of this section.  <i>See sec. 245 of bill.</i></p> <p><i>Omitted as necessarily implied in sec. 243 of bill.</i></p> <p>"State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.</p>
245	<p style="text-align: center;"><b>C.C. 1070, lines 10-11</b>  <b>1071, lines 5-8</b></p> <p style="text-align: center;"><b>S.C.C. 1094-a3,</b>  <b>lines 10-12</b>  <b>1094-a4,</b>  <b>lines 4-8</b></p>	<p>Present law restated so as to include food establishments as well as hotels and restaurants.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
246	C.C. 1072, lines 1-7 S.C.C. 1094-a5, entire C.C. 1499, lines 7-8	<p>"In this state" omitted as unnecessary.</p> <p>1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.</p> <p>2. "Bottling works" and "soda fountain" added to harmonize with sec. 243 of bill.</p>
247	C.C. 1093, lines 7-9 <i>lines 1-4</i> <i>lines 4-7</i> S.C.C. 1094-a14, lines 7-8 <i>lines 1-4</i> <i>lines 4-7</i> C.C. 1499, lines 10-13	<p>1. Provision as to conviction omitted to harmonize with C.C. 1499, lines 10 to 13.</p> <p>2. "State board" substituted for "inspector of hotels" to harmonize with consolidation features of bill.</p> <p><i>Omitted. Covered by sec. 23 of bill.</i> <i>See sec. 288 of bill.</i></p> <p><i>Omitted. Covered by sec. 23 of bill.</i> <i>See sec. 288 of bill.</i></p> <p>Provision as to withholding license omitted as necessarily implied from other sections of this chapter of bill.</p>

## SANITARY CONSTRUCTION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
248	C.C. 1077, lines 1-7  <i>lines 7-13</i> <i>lines 13-16</i> S.C.C. 1094-a9, lines 1-8  <i>lines 8-14</i> C.C. 1488, lines 5-8	<p>Similar provisions in present food sanitation law and hotel and restaurant inspection law combined into one section with but slight change in meaning.</p> <p>1. "Drained" substituted for "plumbed".</p> <p>2. "Manager" and "agent" omitted as covered by "person in charge". <i>See secs. 249 and 274 of bill.</i> <i>See sec. 273 of bill.</i></p> <p>See also secs. 250 and 257 of bill.</p> <p>"Manager" and "agent" omitted as covered by "person in charge". <i>See secs. 249, 250, and 257 of bill.</i></p> <p>See also secs. 249 and 257 of bill.</p> <p>"Plumbed" omitted as covered by "drained".</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
249	<p>C.C. 1077, lines 7-13</p> <p>S.C.C. 1094-a9, lines 8-14</p> <p>C.C. 1488, lines 5-8</p>	<p>See note at head of preceding section.</p> <p>See also sec. 274 of bill.</p> <p>See also secs. 250 and 257 of bill.</p> <p>See also secs. 248 and 257 of bill.</p>
250	<p>S.C.C. 1094-a9, lines 1-8</p> <p>lines 8-14</p>	<p>See also secs. 248 and 257 of bill.</p> <p>See also secs. 249 and 257 of bill.</p>
251	<p>C.C. 1490, lines 7-11</p> <p>lines 1-5 lines 5-7</p> <p>1496, lines 8-13</p> <p>lines 18-23 lines 35-40</p>	<p>Sources upon which this section of bill based somewhat in conflict. Lines 35 to 38 of C.C. 1496, however, temporary in character in that they have special reference to slaughterhouses in existence in 1913 when enacted into law. For this reason, bill section made to conform with lines 7 to 11 of C.C. 1490 and extended to include hotel kitchens.</p> <p>For "building, room, basement" etc. see sec. 242 of bill, subsec. 6.</p> <p>See sec. 252 of bill.</p> <p>See sec. 258 of bill.</p> <p>"State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.</p> <p>See also secs. 252 and 258 of bill.</p>
252	<p>C.C. 1490, lines 1-5</p> <p>1496, lines 16-17 lines 18-23</p>	<p>1. "Hotel" added to harmonize with sec. 242 of bill, subsec. 6.</p> <p>2. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.</p> <p>See also secs. 251 and 258 of bill.</p>
253	<p>C.C. 1082, lines 5-6</p> <p>lines 1-3 lines 4-5</p> <p>1491, lines 1-4</p> <p>lines 4-6</p> <p>1496, line 16</p>	<p>See sec. 258 of bill.</p> <p>See sec. 262 of bill.</p> <p>See sec. 254 of bill.</p>
254	<p>C.C. 1491, lines 4-6</p>	
255	<p>S.C.C. 1094-a10, lines 8-10</p> <p>lines 1-4</p>	<p>See also sec. 264 of bill.</p> <p>See sec. 258 of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
255	<p><i>lines 4-8</i> <i>lines 10-11</i> <i>lines 11-12</i> <b>C.C. 1492, lines 1-10</b></p> <p><i>lines 10-12</i> <i>lines 13-16</i></p>	<p><i>See sec. 262 of bill.</i> <i>See secs. 256 and 260 of bill.</i> <i>See sec. 261 of bill.</i></p> <p>1. For "building, room, basement or cellar" and "preparation, manufacture, packing, canning, sale or distribution of food" see sec. 242 of bill, subsec. 6.</p> <p>2. For "floors as prescribed for such establishments" as used in line 2 of bill section, see sec. 251 of bill.</p> <p>3. "And shall be washed and scoured daily" omitted as covered by sec. 256 of bill, line 3.</p> <p><i>See sec. 256 of bill.</i> <i>See sec. 258 of bill.</i></p>
256	<p><b>S.C.C. 1094-a10,</b> <b>lines 10-11</b></p> <p><b>C.C. 1492, lines 10-12</b></p>	<p>See also sec. 260 of bill.</p> <p>"Washrooms" omitted as covered by "lavatories".</p>

## SANITATION IN CONDUCTING BUSINESS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
257	<p><b>S.C.C. 1094-a9,</b> <b>lines 1-8</b></p> <p><b>lines 8-14</b></p> <p><b>C.C. 1488, lines 5-8</b></p>	<p>See also secs. 248 and 250 of bill.</p> <p>See also secs. 249 and 250 of bill.</p> <p>See also secs. 248 and 249 of bill.</p>
258	<p><b>C.C. 1082, lines 1-3</b> <b>S.C.C. 1094-a10,</b> <b>lines 1-4</b> <b>C.C. 1489, entire</b> <b>1490, lines 5-7</b> <b>1492, lines 13-16</b> <b>1496, lines 18-23</b> <b>1498, entire</b></p>	<p>1. Present law materially condensed by elimination of useless repetition and use of definitions set out in sec. 242 of bill.</p> <p>2. Enumeration of specific articles like "receptacles, chutes, platforms, racks, tables, shelves" and "ice boxes, refrigerators, cooking utensils", etc. omitted as covered by expression "equipment".</p> <p>See also secs. 251 and 252 of bill.</p> <p>See also sec. 266 of bill.</p>
259	<b>C.C. 1496, lines 3-8</b>	Form of section changed for purposes of simplification.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
259	lines 13-15 lines 23-34	Conditional clauses transformed into positive prohibitions and much verbiage eliminated.
260	C.C. 1080, lines 1-2 lines 4-5 lines 2-4 S.C.C. 1094-a10, lines 10-11 Rules State Board of Health, 1921, p. 56.	See sec. 270 of bill.  See also sec. 256 of bill.
261	C.C. 1081, entire S.C.C. 1094-a10, lines 11-12 Rules State Board of Health, 1921, p. 56.	
262	C.C. 1082, lines 4-5 S.C.C. 1094-a10, lines 4-8	Provisions as to condemnation by inspecting officer omitted as unnecessary in view of form in which bill section is cast.
263	C.C. 1493, entire	1. "Operatives, employees, clerks" omitted as covered by "person".  2. For "building, room, basement or cellar * * * manufacture * * * of any food", see sec. 242 of bill, subsec. 6.
264	C.C. 1494, entire         S.C.C. 1094-a10, lines 8-10	1. "Or person" omitted as unnecessary. See C.C. 55, subsec. 3.  2. For "bakeshop, kitchen, dining room, confectionery, creamery, cheese factory", see sec. 242 of bill, subsec. 6.  3. "Live" omitted as covered by "sleep".  See also sec. 255 of bill.
265	C.C. 1495, entire	Present law condensed by elimination of verbiage and use of cross reference.  For "building, room, basement, cellar or vehicle" and "production, manufacture, packing, storage, sale, distribution and transportation of food", see sec. 242 of bill, subsec. 6.
266	C.C. 1497, lines 1-6 lines 6-8 1498, entire	See sec. 267 of bill.  See also sec. 258 of bill.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
267	C.C. 1497, lines 6-8	

## SPECIAL PROVISIONS IN RE HOTELS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
268	C.C. 1079, lines 1-13 lines 13-15	See sec. 269 of bill.
269	C.C. 1079, lines 13-15	
270	C.C. 1080, lines 2-4	
271	C.C. 1078, lines 1-6 lines 9-15 lines 6-9	"In this state" omitted as unnecessary. See sec. 272 of bill.
272	C.C. 1078, lines 6-9	"As may be later discovered" omitted as unnecessary.
273	C.C. 1077, lines 13-16	
274	C.C. 1077, lines 7-13	See also sec. 249 of bill.
275	C.C. 1069, lines 9-15 1083, lines 1-3 lines 3-7	See sec. 276 of bill.
276	C.C. 1083, lines 3-7	"State board" substituted for "hotel inspector" and "inspector" to harmonize with consolidation features of bill.

## FIRE PROTECTION IN HOTELS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
277	C.C. 1085, entire	"Labor commissioner" substituted for "commissioner of labor statistics". See C.B. 46.
278	C.C. 1084, lines 1-4 lines 5-8 lines 12-14 lines 4-5 lines 8-12	See sec. 280 of bill. See sec. 279 of bill.
279	C.C. 1084, lines 8-12	"State board" substituted for "inspector" to harmonize with consolidation features of bill.
280	C.C. 1084, lines 4-5	
281	C.C. 1073, entire	1. "Bedroom" omitted as covered by "sleeping apartment". See sec. 242 of bill, subsec. 3. 2. "Tensile" added for clearness.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
281		3. "State board" substituted for "state hotel inspector" to harmonize with consolidation features of bill.
282	C.C. 1074, entire	<p>1. "Maintained" omitted as covered by "posted".</p> <p>2. "Background" substituted for "paper or cardboard".</p> <p>3. "Bedroom" omitted as covered by "sleeping apartment". See sec. 242 of bill, subsec. 3.</p> <p>4. "Except in hotels which are of approved fireproof construction" omitted, because under sec. 281 of bill, such hotels not required to be equipped with rope fire escapes.</p>
283	C.C. 1075, entire	<p>1. "Extinguishers" omitted as covered by "extinguisher". See C.C. 55, subsec. 3.</p> <p>2. "Maintained" omitted as covered by "kept".</p> <p>3. "Supplied with" substituted for "kept and maintained".</p>
284	C.C. 1076, entire	Present law condensed by elimination of verbiage and plural words. See C.C. 55, subsec. 3.

## INSPECTION

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
285	<p>C.C. 1087, entire S.C.C. 1094-a7, lines 1-5</p> <p>lines 6-9</p> <p>C.C. 1500, lines 1-8 1507, lines 1-9</p>	<p>1. "State board" and "any inspector of said board" substituted for "inspector of hotels and his deputies" to harmonize with consolidation features of bill.</p> <p>2. Provision as to enforcement of "this chapter" omitted as covered by sec. 14 of bill, subsec. 14.</p> <p>3. "Coming within the provisions of this chapter" omitted as unnecessary. <i>Omitted as having no application under reorganization plan of bill.</i></p> <p>See also sec. 14 of bill, subsec. 13.</p> <p>1. "State board" substituted for "state dairy and food commissioner and his</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
285		<p>assistants" to harmonize with consolidation features of bill.</p> <p>2. For "building, room, basement, cellar or vehicle" see sec. 242 of bill, subsec. 6.</p>
286	<p><b>C.C. 1089, lines 1-9</b> <i>lines 10-12</i></p> <p><b>S.C.C. 1094-a8,</b> <b>lines 1-12</b> <i>lines 12-15</i></p> <p><i>C.C. 1090, entire</i></p> <p><i>1091, entire</i></p> <p><i>S.C.C. 1094-a12,</i> <i>entire</i></p> <p><i>C.C. 1092, entire</i></p> <p><i>S.C.C. 1094-a13,</i> <i>entire</i></p>	<p>1. Conflict relative to number of signers of complaint harmonized in accordance with restaurant inspection law enacted by 39 G.A.</p> <p>2. "In this state" omitted as unnecessary.</p> <p>3. "State board" substituted for "inspector" to harmonize with consolidation features of bill.</p> <p>4. For "firm or corporation" see sec. 242 of bill, subsec. 8.</p> <p>5. "Food establishment" added to make inspection law as to such places and hotels and restaurants uniform.</p> <p><i>Omitted as unnecessary and in conflict with sec. 247 of bill.</i></p> <p><i>Omitted so as to leave method of collection to state board of health and safety. Omitted. In conflict with consolidation features of bill. Matter fully covered by sec. 313 of bill.</i></p> <p><i>Omitted as having no application under reorganization plan of bill. Such employees would necessarily be discharged by state board of health and safety.</i></p> <p><i>Omitted so as to leave procedure of enforcing law to discretion of state board of health and safety.</i></p>
287	<b>New</b>	<p>Bill section added to coordinate administration of fire protection laws. It harmonizes with C.B. 45, sec. 11 and certain provisions of the municipal law.</p>

## ENFORCEMENT

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
288	<b>C.C. 1093, lines 4-7</b>	<p>Conflicting penalty provisions harmonized; penalty for second offense omitted.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
288	S.C.C. 1094-a14, lines 4-7 C.C. 1500, lines 9-12 lines 16-17 1501, entire	For "firm or corporation" see sec. 242 of bill, subsec. 8.
289	C.C. 1094, lines 1-11 lines 11-13 S.C.C. 1094-a15, lines 1-12 lines 12-14	1. Present law condensed and recast to harmonize with consolidation features of bill. 2. Injunction provision of hotel and restaurant inspection laws made applicable to food establishments. <i>See sec. 290 of bill.</i> <i>See sec. 290 of bill.</i>
290	C.C. 1094, lines 11-13 S.C.C. 1094-a15, lines 12-14	Present law condensed.

## CHAPTER 12

## COLD STORAGE

**General Note**

This chapter of the bill is a restatement of chapter 6, title VII, of the Compiled Code. With the exception of the consolidation features, there is but *one* change in the present law, although the Compiled Code chapter has been resectionized and rearranged. The change consists of a minor addition found in section 122 relative to the form of the notice to be used in places dealing in cold storage goods.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
291	C.C. 1502, entire	1. Definition of "food" put in this form to avoid useless repetition and to harmonize with C.B. 261, sec. 32, subsec. 32. 2. Definition of "person" based upon scattered provisions in present cold storage law.
292	C.C. 1503, lines 1-4 lines 8-10	1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill. 2. "Cold storage plant" substituted for

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
292	<p style="text-align: center;"><i>lines 4-8</i> <i>lines 11-14</i></p>	<p>“cold storage or refrigerating warehouse”. See sec. 291 of bill, subsec. 2. <i>See sec. 293 of bill.</i> <i>See sec. 294 of bill.</i></p>
293	C.C. 1503, lines 4-8	<p>“State board” substituted for “state dairy and food commissioner” to harmonize with consolidation features of bill.</p>
294	C.C. 1503, lines 11-14	<p>“State dairy and food commissioner” omitted to harmonize with reorganization features of bill.</p>
295	<p style="text-align: center;">C.C. 1505, lines 1-5</p> <p style="text-align: center;"><i>lines 5-16</i></p>	<p>1. “Licensee” substituted for “person, firm or corporation”.</p> <p>2. “State board” substituted for “state dairy and food commissioner or his assistants” to harmonize with consolidation features of bill. <i>See sec. 296 of bill.</i></p>
296	C.C. 1505, lines 5-16	<p>1. “Licensee” substituted for “person, firm or corporation”.</p> <p>2. Present law materially condensed.</p> <p>3. “State board” substituted for “state dairy and food commissioner” to harmonize with consolidation features of bill.</p>
297	<p style="text-align: center;">C.C. 1506, lines 1-7</p> <p style="text-align: center;"><i>lines 7-12</i></p>	<p>1. For “intended for human consumption”, see sec. 291 of bill, subsec. 1.</p> <p>2. “Regulations” omitted as covered by “rules”. See sec. 1 of bill, subsec. 4.</p> <p>3. “Under the authority hereinafter conferred” omitted as verbiage. <i>See sec. 299 of bill.</i></p>
298	C.C. 1504, entire	<p>1. Present law condensed and simplified.</p> <p>2. “State board” substituted for “state dairy and food commissioner” to harmonize with consolidation features of bill.</p>
299	C.C. 1506, lines 7-12	<p>“State board” substituted for “state dairy and food commissioner” to harmonize with consolidation features of bill.</p>
300	C.C. 1508, entire	<p>1. “State board” substituted for “state dairy and food commissioner” to harmonize with consolidation features of bill.</p>



incorporating into the new Code a large amount of matter which will almost instantly become obsolete.

July 5, 1923, is the date set by the bill for starting the new administrative machinery. This date has been fixed to avoid the expense of publication in the event that the bill is passed at a regular session of the legislature. If the bill is enacted into law at the regular session of the Fortieth General Assembly, it will take effect on July 4, 1923. The transition will then take place on the following day.

It will be observed that the bill does not legislate out of office any person now in office or holding a position under the laws of this State. In some instances it has been necessary to modify the duties and terms of office of certain officials, but generally speaking the official life of every person now in office is preserved as it now exists.

No mention is made in this chapter of the term of office of the Chief Oil Inspector nor of the Hotel Inspector. This is explained by the fact that the term of the Chief Oil Inspector ends June 30, 1923, and the term of the Hotel Inspector terminates at the first meeting of the State Board of Health in July, 1923. This meeting is never held until sometime after the fourth of the month.

The bill assumes that if the Fortieth General Assembly adopts the program contained therein, that the Governor will not appoint a successor to the present Chief Oil Inspector upon the termination of his term of office, but that the present inspector will hold over under section 663 of the Compiled Code until the new law takes effect on July 4, 1923, and the new Board of Health and Safety has taken over his office pursuant thereto. In the case of the Hotel Inspector the new Board of Health and Safety will take over his office just a few days before the expiration of his present term of office, hence no special provision is made for him.

Attention is also called to the fact that no mention is made in this chapter of the Director of the Bureau of Venereal Diseases nor of the Housing Commissioner. These offices are not statutory; they have been created by the State Board of Health. Consequently the tenure of the present occupants of these positions is dependent upon the life of the board itself. The present incumbents, however, were first appointed at a July meeting of the board and even if considered as appointed for a definite term, the bill cannot be deemed to legislate them out of office.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
307	New	<p>Date, June 30, 1923, an arbitrary date adopted for purpose of designating all members of state board of health on a given date so that such membership may be terminated on July 4, 1923.</p> <p>Under present law, the terms of members of state board of health in office on June 30, 1923, will expire as follows: one on June 30, 1923; one on June 30, 1924; one on June 30, 1925; one on June 30, 1926; and one on June 30, 1927. The term of present secretary will also expire on June 30, 1923.</p> <p>Thus the terms of one of the members</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
307		<p>of the board and the secretary expire 3 days before this act takes effect. It is assumed that the appointing board will not fill these vacancies, but that present incumbents will hold over under C.C. 663 until this act takes effect. But should the appointing board act under existing law, its appointees would be legislated out of office on July 4, 1923.</p> <p>Bill cuts off on July 4, 1923, the terms of the members of state board of health which under present law continue beyond June 30, 1923. Such members are not, however, legislated entirely out of office. They are continued under C.B. 262, sec. 141, as members of the board of medical examiners.</p>
308	New	<p>Effect of C.B. 261 is to abolish office of dairy and food commissioner, but this section continues present incumbent of said office as member of new board of health and safety. His services on said board will be of great value in carrying out various consolidations provided in C.B. 260 and 261.</p> <p>Term of present dairy and food commissioner expires on March 31, 1924. Under bill his term as member of state board of health and safety extended until July 1, 1925. This extension necessary in order to throw expiration of term in an odd-numbered year, because under section 5 of bill, appointments to state board of health and safety must be approved by senate.</p>
309	New	<p>The two members provided for in this section, together with present dairy and food commissioner, will constitute first board of health and safety under new reorganization plan.</p> <p>Date fixed for expiration of term of physician member and engineer member appointed under this section has been fixed so as to harmonize with sections 4 and 308 of bill.</p> <p>It will be observed that under provisions of this section and preceding section, term of one member of new board will expire on June 30, 1925, one on June</p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
309		30, 1927, and one on June 30, 1929. This gives proper basis for carrying out sections 5 and 310 of bill.
310	New	This section provides for continuation of board of health and safety provided in this chapter under provisions of sections 2 and 5 of bill.
311	New	No specific salary fixed for members of state board of health and safety, but it is suggested that \$5,000.00 per annum would probably attract men of type essential to successful carrying out of consolidations provided in bill. See "General Explanation" at beginning of this brief. In time salary of members will be provided in regular Salary Act.
312	New	This section merely authorizes new board of health and safety to employ such of the help now authorized for the various departments consolidated by this bill which may be necessary. In time matter of assistants and employees will be taken care of in regular Salary Act.
313	New	<p>Subsection 1 of this section is proposed because administration of Pure Drug Law placed by this bill in hands of new board of health and safety.</p> <p>Bill makes available to said board a technical expert in such matters. Salary fixed is same as salary of present secretary-treasurer of pharmacy commission who will become chief drug inspector under following section of bill.</p> <p>Subsection 2 of bill made necessary by fact that present Salary Act does not cover office of hotel inspector. (See 39 G.A., ch. 340.) Number of inspectors, however, and their salaries, as fixed in bill, same as now employed under present law.</p>
314	New	This section avoids legislating present secretary-treasurer of pharmacy commission out of office.
315	New	This section provides for changing nomenclature of all statutes so as to harmonize with nomenclature of this bill.
316	New	

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
317	New	
318	New	
319	New	
320	New	

## BRIEF OF CODE COMMISSIONERS' BILL NO. 261

Prepared by O. K. Patton

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**Subject: REGULATION AND INSPECTION OF FOODS, DRUGS, AND  
OTHER ARTICLES****General Explanation**

(The "General Explanation" to the brief of Code Commissioners' Bill 260 should also be read in connection with this bill.)

This bill rewrites, resectionizes, and rechapterizes the present law relative to dairy products, pure foods, eggs, agricultural seeds, commercial feeds, commercial fertilizers, pure drugs, poisons, insecticides, fungicides, paints, linseed oil, turpentine, petroleum products, and weights and measures in order to simplify and clarify a body of law not formerly considered as a whole. Most of the changes which are introduced are merely for the purpose of making the law dealing with the purity, adulteration, and labeling of a certain class of commodities uniform. All the important changes are administrative in character.

Thus the bill carries into effect the consolidation plan of Code Commissioners' Bill 260, by transferring from the Dairy and Food Commissioner to the State Board of Health and Safety, created by said bill, the administration of all the laws rewritten in this bill.

The bill also consolidates the office of the Chief Oil Inspector with the State Board of Health and Safety. This consolidation is made because of the duties which the present law imposes upon the State Board of Health with relation to petroleum products.

The present law provides the following:

1. "The state board of health shall make rules and regulations for the inspection of petroleum products, for the government of inspectors, and apparatus to be used." See section 900 of the Compiled Code and Rules State Board of Health (1921), pp. 59 to 67.

2. "The state board of health shall examine the particular design, mechanism, and workmanship" of all lamps or apparatus to be "used in burning the lighter products of petroleum for illuminating purposes" so as to determine the safety of such lamps or apparatus. See section 905 of the Compiled Code.

Thus it appears that the real head and policy determining agency of the oil inspection service of the state is vested by the *present* law in the State Board of Health. The present law, however, vests the actual enforcement of the petroleum products law in an independent department. Hence the State Board of Health has nothing to do with the enforcement of its own rules on this subject; the whole matter is placed in the hands of the Chief Oil Inspector. This is certainly impracticable and unscientific, and therefore, the bill proposes the consolidation mentioned above.

The bill also transfers from the Pharmacy Commission to the State Board of Health and Safety created in C.B. 260, the following duties:

1. The enforcement of the laws relative to the sale and distribution of poisons and habit-forming drugs. (Poison Law)
2. The enforcement of the laws relative to the manufacture, adulteration, and labeling of drugs. (Pure Drug Law)

The above consolidations and transfers will place the administration of the Pure Food Law and the Pure Drug Law in the same hands, which is the Federal plan and the method used in other states. Moreover, our present laws regulating these matters have been taken almost verbatim from the Federal act known as the Pure Food and Drugs Act of 1906. These laws were passed by the General Assembly in 1907. At that time the administration of the Pure Food Law was placed in the hands of the Dairy Commissioner and the Pure Drug Law in the hands of the Pharmacy Commission, but all analyses of drugs were to be made by the chemists of the Dairy Commissioner. Thus the Dairy and Food Commissioner has always had an important part in the administration of the Pure Drug Law; that is, the analyses of samples to determine whether they conform to said law. Therefore, with the consolidation of the office of the Dairy and Food Commissioner with the State Board of Health, it is but proper to transfer the administration of the Pure Drug and the Poison Law to the new Board of Health and Safety.

There is another reason for these transfers. At the present time the new Insecticide and Fungicide Act and the Pure Paints and Oils Law are administered by the Dairy and Food Commissioner. Furthermore, there is a section in the present Pharmacy Law which regulates the sale of insecticides and fungicides. This section is in conflict with the new Insecticide and Fungicide Law, which is patterned after the Federal act. As a result, there is an overlapping in the jurisdiction of the Pharmacy Commission and the Dairy and Food Commissioner. Hence, the proposed transfers will eliminate the conflict in jurisdiction and consolidate the administration of a body of similar legislation in the hands of the department best equipped to enforce the same.

The law relative to calcium carbide is entirely repealed by this bill. This law is no longer enforced and the Dairy and Food Commissioner has recommended that it be omitted from the new Code as obsolete. The bill carries out this recommendation.

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## CHAPTER 1

### GENERAL PROVISIONS

#### General Note

This chapter of the bill is a restatement of a large number of scattered provisions of the same purport, but each dealing with some particular article. By gathering these provisions into one chapter it has been possible to write a group of general sections applicable to all the articles dealt with in this bill which take the place of a large number of similar provisions dealing specifically with foods, drugs, insecticides, fungicides, oils, paints, etc.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (1)*	New	Definitive in character.
1 (2)*	<p><b>C.C. 1477, lines 1-2</b>  <i>lines 2-6</i>  <i>lines 6-12</i>  <i>lines 13-16</i>  <i>lines 17-20</i>  <i>lines 21-23</i>  <i>lines 24-38</i>  <i>lines 38-42</i>  <i>lines 42-43</i>  <i>lines 43-48</i>  <i>lines 49-58</i></p> <p><b>S.C.C. 1532-a1,</b>  <b>lines 17-19</b>  <i>lines 1-16</i>  <i>lines 20-22</i> }  <b>C.C. 1568, lines 3-4</b>  <i>lines 1-2</i>  <i>lines 4-6</i>  <i>lines 6-8</i>    <i>lines 8-9</i>    <i>lines 9-10</i>  <i>lines 10-13</i>    <i>lines 13-14</i>  <i>lines 14-16</i></p>	<p>1. "State board" substituted for "commissioner" and "board of health and safety" substituted for "dairy and food commissioner" to harmonize with consolidation features of bill.</p> <p>2. Provision for performance of duties by assistants is also based upon C.C. 1462, 1500, and 1535.</p> <p><i>See sec. 32 of bill, subsec. 32.</i>  <i>See sec. 13 of bill.</i>  <i>See secs. 9 and 40 of bill.</i>  <i>See sec. 13 of bill.</i>  <i>See sec. 43 of bill.</i>  <i>See secs. 11 and 40 of bill.</i>  <i>See secs. 9 and 40 of bill.</i>  <i>See sec. 32 of bill, subsec. 32.</i>  <i>See secs. 12 and 40 of bill.</i>  <i>See secs. 9 and 40 of bill.</i></p> <p><i>See sec. 99 of bill.</i></p> <p><i>See sec. 2 of bill, subsec. 1.</i>  <i>Omitted. Covered by C.B. 260, sec. 7.</i>  <i>Omitted. Salary of inspector covered by 39 G.A., ch. 340, sec. 26.</i>  <i>Omitted. Covered by board of audit law. See C.B. 15.</i>  <i>See C.B. 260, sec. 11.</i>  <i>Omitted. Covered by board of audit law. See C.B. 15.</i>  <i>Omitted. Covered by C.B. 260, sec. 12.</i>  <i>Omitted. Covered by C.B. 260, sec. 7.</i></p>
1 (3)*	No specific section; implied from existing law.	<p>1. This subsection based upon parts of various sections scattered throughout title VII of the compiled code. Some additions have been made to existing list of packages and containers.</p> <p>2. "Wrapper" and "wrapped form" have been worked into this definitive section on account of opinion of attorney general that "package" in existing law does not include articles sold in wrappers.</p>

\* Indicates subsection.

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1 (4)*	C.C. 1548, entire	This subsection also based upon parts of various sections scattered throughout title VII of compiled code.
1 (5)*	No specific section; implied from existing law.	This subsection based upon parts of various sections scattered throughout title VII of compiled code.
1 (6)*	C.C. 1555, entire	"National Formulary" has been added, because this book is also an important standard book for drugs and medicines.
2 (1)*	<p>C.C. 1439, entire</p> <p><b>S.C.C. 1442, lines 68-70</b>  <i>lines 1-10</i>  <i>lines 11-17</i>  <i>lines 17-18</i>  <i>lines 19-21</i>  <i>lines 21-23</i>  <i>lines 24-25</i>  <i>lines 26-32</i></p>	<p>1. "State board of health and safety" substituted for "commissioner", "state dairy and food commissioner", and "pharmacy commissioners" wherever the same appear in the sources upon which this bill section is based. Such changes are made to harmonize with consolidation features of bill.</p> <p>2. Scattered throughout present laws rewritten in this bill are numerous general duties. This bill section brings together all of such general duties and avoids much useless repetition.</p> <p>3. Word "title" as it appears in this subsection has been substituted for words "chapter" and "section" in present law, because all of said chapters and sections are part of "this title" under arrangement of this bill.</p> <p>4. Provisions for enforcement by "assistants", "appointees", "experts", etc. omitted. Covered by sec. 1 of bill, subsec. 2.</p> <p><i>Omitted to harmonize with the consolidation features of bill.</i></p> <p>See note 3 at head of this subsection.</p> <p><i>Omitted. In conflict with consolidation features of bill.</i></p> <p><i>See sec. 53 of bill.</i></p> <p><i>See sec. 54 of bill.</i></p> <p><i>See C.B. 260, sec. 13.</i></p> <p><i>See sec. 2 of bill, subsec. 3.</i></p> <p><i>Omitted. Covered by C.B. 14, sec. 25.</i></p> <p><i>See C.B. 260, sec. 7.</i></p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2 (1)*		
	<i>lines 33-35</i>	<i>See C.B. 260, sec. 11.</i>
	<i>lines 36-39</i>	<i>Omitted. Covered by board of audit law. See C.B. 15.</i>
	<i>lines 40-47</i>	<i>See C.B. 260, sec. 7.</i>
	<i>line 47</i>	<i>See C.B. 260, sec. 11.</i>
	<i>lines 48-50</i>	<i>Omitted. See C.B. 260, sec. 12.</i>
	<i>lines 51-54</i>	<i>Omitted. Covered by board of audit law. See C.B. 15.</i>
	<i>lines 55-57</i>	<i>See C.B. 260, sec. 3.</i>
	<i>lines 57-63</i>	<i>See C.B. 260, sec. 24.</i>
	<i>lines 64-68</i>	<i>See sec. 8 of bill.</i>
	<b>C.C. 1462, lines 1-3</b>	See notes 3 and 4 at head of this subsection.
	<i>lines 4-5</i>	<i>Omitted. Unnecessary.</i>
	<b>1472, lines 1-2</b>	See note 3 at head of this subsection.
	<i>lines 2-3</i>	<i>See C.B. 260, sec. 10.</i>
	<i>lines 3-8</i>	<i>Omitted. Covered by C.B. 260, sec. 7.</i>
	<i>lines 8-14</i>	<i>Omitted. Obsolete. Salaries now covered by 39 G.A., ch. 340, sec. 26.</i>
	<i>lines 14-15</i>	<i>See C.B. 260, sec. 11.</i>
	<i>lines 16-18</i>	<i>Omitted. Covered by board of audit law. See C.B. 15.</i>
	<i>lines 18-19</i>	<i>Omitted. Covered by C.B. 260, sec. 12.</i>
	<b>1483, lines 1-2</b>	See note 3 at head of this subsection.
	<i>lines 2-3</i>	<i>See sec. 2 of bill, subsec. 2.</i>
	<i>lines 3-6</i>	<i>See sec. 83 of bill.</i>
	<b>S.C.C. 1532-a12, lines 1-2</b>	
	<i>lines 2-4</i>	<i>Omitted. Covered by C.B. 260, sec. 7.</i>
	<i>lines 4-7</i>	<i>See sec. 2 of bill, subsec. 4.</i>
	<i>lines 7-9</i>	<i>See sec. 2 of bill, subsec. 2.</i>
	<b>C.C. 1535, lines 1-2</b>	See notes 3 and 4 at head of this subsection.
	<i>lines 2-3</i>	<i>See sec. 2 of bill, subsec. 4.</i>
	<i>lines 3-7</i>	<i>Omitted. Have no application to plan of this bill. Matter fully covered by general provisions of bill.</i>
	<i>lines 7-10</i>	<i>See secs. 3 and 6 of bill.</i>
	<b>1552, lines 1-2</b>	See note 3 at head of this subsection.
	<i>lines 2-6</i>	<i>Omitted. Have no application to plan of this bill. Matter fully covered by general provisions of bill.</i>
	<i>lines 6-10</i>	<i>See sec. 2 of bill, subsec. 4.</i>
	<b>1560, lines 1-2</b>	See note 3 at head of this subsection.
	<i>lines 2-6</i>	<i>Omitted. Have no application to plan of this bill. Matter fully covered by general provisions of bill.</i>
	<i>lines 6-10</i>	<i>See sec. 2 of bill, subsec. 4.</i>
	<b>1566, lines 1-2</b>	See note 3 at head of this subsection.

\* Indicates subsection.

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2 (1)*	<p style="text-align: center;"><i>lines 2-6</i></p> <p style="text-align: center;"><i>lines 6-10</i></p> <p style="text-align: center;"><b>1568, lines 1-2</b></p>	<p><i>Omitted. Have no application to plan of this bill. Matter fully covered by general provisions of bill.</i></p> <p><i>See sec. 2 of bill, subsec. 4.</i></p> <p>See note 3 at head of this subsection.</p>
2 (2)*	<p style="text-align: center;"><b>C.C. 1446, lines 47-48</b></p> <p style="text-align: center;"><i>lines 1-5</i></p> <p style="text-align: center;"><i>lines 5-7</i></p> <p style="text-align: center;"><i>lines 7-8</i></p> <p style="text-align: center;"><i>lines 9-22</i></p> <p style="text-align: center;"><i>lines 23-31</i></p> <p style="text-align: center;"><i>lines 31-35</i></p> <p style="text-align: center;"><i>lines 35-46</i></p> <p style="text-align: center;"><i>lines 49-50</i></p> <p style="text-align: center;"><b>1473, lines 1-3</b></p> <p style="text-align: center;"><i>lines 3-7</i></p> <p style="text-align: center;"><i>lines 7-8</i></p> <p style="text-align: center;"><i>lines 9-12</i></p> <p style="text-align: center;"><b>1483, lines 2-3</b></p> <p style="text-align: center;"><b>S.C.C. 1532-a12,</b></p> <p style="text-align: center;"><b>lines 7-9</b></p>	<p>1. Word "title" as it appears in this subsection has been substituted for words "chapter" and "section" in present law, because all of said chapters and sections are part of "this title" under arrangement of this bill.</p> <p>2. Specific provision for making rules relative to "cold storage", "marks", "tags", "insecticides", etc. omitted because covered by general language "provisions of this title".</p> <p>3. Approval of rules by executive council in C.C. 1473 omitted, because not found in other provisions authorizing making of rules and also because impracticable, as executive council would have to rely on recommendations of state board of health and safety.</p> <p>4. "Regulation" omitted. Covered by sec. 1 of bill, subsec. 5.</p> <p>See notes 1 and 4 at head of this subsection.</p> <p><i>See sec. 68 of bill.</i></p> <p><i>See sec. 72 of bill.</i></p> <p><i>Omitted. Specifications for marks and brands left to each registrant.</i></p> <p><i>See sec. 72 of bill.</i></p> <p><i>See sec. 69 of bill.</i></p> <p><i>See sec. 70 of bill.</i></p> <p><i>See sec. 71 of bill.</i></p> <p><i>See sec. 66 of bill.</i></p> <p>See notes 1, 3, and 4 at head of this subsection.</p> <p><i>See sec. 3 of bill.</i></p> <p><i>Omitted. Matters of office records and regulations left to state board of health and safety.</i></p> <p><i>See sec. 33 of bill.</i></p> <p>See note 4 at head of this subsection.</p> <p>See notes 1 and 4 at head of this subsection.</p>

\* Indicates subsection.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2 (2)*	C.C. 1539, entire	See notes 1, 2, and 4 at head of this subsection.
2 (3)*	S.C.C. 1442, lines 21-23	Former power to carry on activities provided in this subsection broadened to include all articles dealt with in this bill.
2 (4)*	<p>C.C. 1438, entire  1480, entire  1519, lines 23-26  lines 1-3  lines 3-8  lines 8-23</p> <p>S.C.C. 1532-a12,  lines 4-7</p> <p>C.C. 1535, lines 2-3  1552, lines 6-10  1560, lines 6-10  1566, lines 6-10  1591, entire</p>	<p>1. Word "title" in this subsection substituted for word "chapter" in present law, because all of said chapters are a part of "this title" under arrangement of this bill.</p> <p>2. "With the approval of the executive council" omitted on account of consolidation features of bill. See note 3 at head of subsection 2 of this bill section.</p> <p>3. Approval of number of bulletins to be printed transferred from executive council to state printing board to harmonize with 39 G.A., ch. 286—the new printing law.</p> <p><i>See sec. 3 of bill.</i>  <i>See secs. 5 and 6 of bill.</i>  <i>See sec. 7 of bill.</i></p>
3		<p>1. "State board" substituted for "commissioner", and "state dairy and food commissioner" to harmonize with consolidation features of bill.</p> <p>2. Scattered throughout present laws rewritten in this bill are numerous provisions authorizing the taking of samples. This bill section is a substitute for these scattered provisions and in effect extends power to take samples so as to include any article dealt with in this bill.</p> <p>3. For power of agents and assistants</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
3	<p><b>C.C. 1451, entire</b>  <b>1457, lines 5-20</b>  <i>lines 1-5</i></p> <p><b>1473, lines 3-7</b>  <b>1519, lines 1-3</b>  <b>S.C.C. 1532-a13,</b>  <i>lines 1-3</i>  <i>lines 15-16</i>  <i>lines 3-6</i>  <i>lines 6-8</i>  <i>lines 8-11</i>  <i>lines 11-15</i></p> <p><b>C.C. 1535, lines 7-10</b></p>	<p>to take samples, see sec. 1 of bill, subsec. 2.</p> <p>See also secs. 6 and 7 of bill.  <i>See sec. 16 of bill.</i></p> <p>The provisions relative to search warrant proceedings in C.C. 1457, which date back to Code of 1897, have been omitted. Sec. 6 of bill makes such provisions unnecessary. Said section is based on more modern provisions which have been enacted since C.C. 1457 was enacted. Furthermore, search warrant proceedings will still be possible under C.C. 9064, subdiv. 3. For transmittal of sample to county attorney in case of prosecution, see sec. 25 of bill.</p> <p><i>See sec. 4 of bill.</i>  <i>See sec. 6 of bill.</i>  <i>See sec. 7 of bill.</i>  <i>Omitted as unnecessary.</i></p> <p>See also sec. 6 of bill.</p>
4	<p><b>C.C. 901, lines 4-5</b>  <i>lines 1-3</i>  <i>lines 3-4</i>  <i>lines 6-9</i>  <i>lines 9-14</i>  <i>lines 15-20</i>  <i>lines 20-29</i>  <i>lines 29-34</i>  <i>lines 35-38</i></p>	<p>1. "State board" substituted for "chief oil inspector", "Commissioner", and "state dairy and food commissioner" to harmonize with consolidation features of bill.</p> <p>2. This bill section takes place of several scattered sections of same purport and in effect broadens power to enter premises, making law uniform as to all places handling articles dealt with in this bill.</p> <p>3. For power of "assistants, experts, chemists or agents" to enter premises, see sec. 1 of bill, subsec. 2.</p> <p><i>Omitted. Covered by C.B. 260, sec. 12.</i>  <i>See sec. 147 of bill.</i>  <i>See sec. 150 of bill.</i>  <i>See sec. 147 of bill.</i>  <i>See sec. 158 of bill.</i>  <i>See sec. 159 of bill.</i>  <i>See sec. 160 of bill.</i>  <i>See sec. 142 of bill.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	<p><i>lines 39-44</i>  <i>lines 44-48</i>  <i>lines 48-49</i>  <i>lines 50-52</i>  <i>lines 52-56</i>  <i>lines 57-61</i></p> <p><b>C.C. 911, lines 1-5</b>  <i>lines 5-6</i></p> <p><b>1464, lines 1-3</b>  <i>lines 4-6</i></p> <p><b>1467, entire</b></p> <p><b>S.C.C. 1532-a13,</b>  <b>lines 3-6</b></p> <p><b>C.C. 1587, lines 8-15</b>  <i>lines 1-7</i>  <i>lines 16-24</i>  <i>lines 25-26</i>  <i>lines 26-30</i>  <i>lines 31-33</i></p>	<p><i>See sec. 161 of bill.</i>  <i>See sec. 162 of bill.</i>  <i>See sec. 158 of bill.</i>  <i>See sec. 19 of bill.</i>  <i>Omitted. Covered by C.B. 14, sec. 25.</i>  <i>See secs. 19 and 156 of bill.</i></p> <p><i>Omitted. In conflict with the consolidation features of bill.</i></p> <p><i>See sec. 6 of bill.</i></p> <p><i>See also sec. 193 of bill.</i>  <i>See sec. 209 of bill.</i>  <i>See sec. 210 of bill.</i>  <i>See sec. 212 of bill.</i>  <i>See sec. 211 of bill.</i>  <i>Omitted. Covered by secs. 210 and 211 of bill.</i></p>
5	<p><b>C.C. 1475, lines 1-8</b></p> <p><i>lines 8-13</i>  <i>lines 13-17</i></p> <p><b>1519, lines 3-8</b></p>	<p>“State board” substituted for “commissioner” and “state dairy and food commissioner” to harmonize with consolidation features of bill.</p> <p>Provisions of “Pure Food Law” relative to duty of dealer to furnish samples broadened to include all dealers handling articles dealt with in this bill.</p> <p><i>See sec. 7 of bill.</i>  <i>See sec. 16 of bill.</i></p> <p>See also sec. 6 of bill. Size of sample provided in “Commercial Feed and Agricultural Seed Law” omitted. Such provisions are left to administrative rules to be adopted by state board of health and safety in light of experience in examining a particular article.</p>
6		<p>1. “State board” substituted for “state dairy and food commissioner” and “Commissioner” to harmonize with consolidation features of bill.</p> <p>2. This bill section takes place of several scattered sections of same purport, thus avoiding useless repetition and at same time broadening power to take samples so as to make it uniform for all articles dealt with in this bill.</p>

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
6	<p>C.C. 1452, lines 1-3  <i>lines 3-7</i></p> <p>1457, lines 5-20  1464, lines 4-6  1468, entire  1519, lines 3-8</p> <p>S.C.C. 1532-a13,  <i>lines 6-8</i></p> <p>C.C. 1535, lines 7-10</p>	<p>3. For power of "experts, chemists, agents, assistants", etc. to take samples without consent of owner, see sec. 1 of bill, subsec. 2.</p> <p>4. For "can, vessel, tub, box, pail," etc., see sec. 1 of bill, subsec. 3.</p> <p>5. Provision for payment for samples is practically new. For "contingent fund" referred to in bill see C.B. 260, sec. 12.</p> <p><i>See C.B. 260, sec. 21.</i></p> <p>See also secs. 3 and 7 of bill.</p> <p>See also sec. 5 of bill.</p> <p>See also sec. 3 of bill.</p>
7	<p>C.C. 1457, lines 5-20  1475, lines 8-13  1519, lines 8-23</p> <p>S.C.C. 1532-a13,  <i>lines 8-11</i></p>	<p>1. "State board" substituted for "state dairy and food commissioner" and "commissioner" to harmonize with consolidation features of bill.</p> <p>2. This bill section substitutes one uniform provision for preservation of samples in lieu of several varying methods found in present law. Section is based upon experience of officials in administering existing law.</p> <p>See also secs. 3 and 6 of bill.</p>
8	<p>S.C.C. 1442, lines 64-68</p>	<p>1. "State board" substituted for "commissioner" to harmonize with consolidation features of bill.</p> <p>2. "Contingent fund of the state board" substituted for "part of the expenses of his office". For such contingent fund, see C.B. 260, sec. 12.</p>
9		<p>1. Present law relative to foods, commercial feeds, agricultural seeds, commercial fertilizers, drugs, insecticides, fungicides, paints, and oils, all have labeling provisions. This and four following sections of bill bring together</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	<p data-bbox="326 1052 591 1104"><b>C.C. 1436, lines 6-18 lines 20-23</b></p> <p data-bbox="460 1193 591 1276"><i>lines 1-6 lines 18-20 lines 23-35</i></p> <p data-bbox="299 1286 591 1359"><b>S.C.C. 1445, lines 6-14 lines 56-60 lines 72-83</b></p> <p data-bbox="460 1369 591 1815"><i>lines 1-4 lines 4-6 lines 15-17 lines 17-20 lines 21-25 lines 26-29 lines 30-31 lines 32-33 lines 33-34 lines 35-37 lines 38-39 lines 40-41 lines 42-46 lines 47-51 lines 51-55 lines 61-64</i></p>	<p data-bbox="639 358 1142 638">all labeling provisions which are common to said articles. This avoids great deal of repetition. Furthermore, since said provisions are all enforced by same department, there is a marked advantage in having the general labeling requirements set forth in one place. Special labeling requirements which apply only to one article are set forth under special chapter dealing with such article.</p> <p data-bbox="639 654 1142 876">This method of treatment has resulted in some minor modifications in labeling specifications for certain articles, in order to make such requirements uniform for all articles dealt with in this bill, but there appears to be no reason for preserving such minor differences as now exist.</p> <p data-bbox="639 893 1142 1031">2. "Unless otherwise provided" in line 2 of bill section, has reference to specific labeling requirements for particular articles which appear in special chapters dealing with such articles.</p> <p data-bbox="639 1048 1142 1187">See also sec. 117 of bill, and notes 1 and 2 at head of this section. Subsection 1 of bill section substituted for lines 8-12 of C.C. 1436. Careful analysis will show no change in meaning.</p> <p data-bbox="639 1193 985 1224"><i>See secs. 13 and 118 of bill.</i></p> <p data-bbox="639 1224 996 1255"><i>See secs. 10 and 117 of bill.</i></p> <p data-bbox="639 1255 879 1286"><i>See sec. 119 of bill.</i></p> <p data-bbox="639 1297 1142 1359">See also secs. 40 and 41 of bill and notes 1 and 2 at head of this section.</p> <p data-bbox="639 1369 968 1400"><i>See secs. 14 and 15 of bill.</i></p> <p data-bbox="639 1400 1105 1431"><i>Omitted. Covered by sec. 19 of bill.</i></p> <p data-bbox="639 1431 1023 1462"><i>See sec. 32 of bill, subsec. 37.</i></p> <p data-bbox="639 1462 1009 1493"><i>See sec. 32 of bill, subsec. 7.</i></p> <p data-bbox="639 1493 1009 1524"><i>See sec. 32 of bill, subsec. 39.</i></p> <p data-bbox="639 1524 996 1556"><i>See sec. 34 of bill, subsec. 1.</i></p> <p data-bbox="639 1556 996 1587"><i>See sec. 35 of bill, subsec. 1.</i></p> <p data-bbox="639 1587 996 1618"><i>See sec. 34 of bill, subsec. 8.</i></p> <p data-bbox="639 1618 996 1649"><i>See sec. 35 of bill, subsec. 2.</i></p> <p data-bbox="639 1649 996 1680"><i>See sec. 35 of bill, subsec. 3.</i></p> <p data-bbox="639 1680 996 1711"><i>See sec. 32 of bill, subsec. 37.</i></p> <p data-bbox="639 1711 996 1742"><i>See sec. 32 of bill, subsec. 7.</i></p> <p data-bbox="639 1742 865 1773"><i>See sec. 13 of bill.</i></p> <p data-bbox="639 1773 996 1804"><i>See sec. 32 of bill, subsec. 4.</i></p> <p data-bbox="639 1804 996 1835"><i>See sec. 32 of bill, subsec. 6.</i></p> <p data-bbox="639 1835 1009 1866"><i>See sec. 32 of bill, subsec. 38.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	<i>lines 64-67</i> <i>lines 68-71</i> <i>lines 84-95</i> <i>lines 96-99</i>	<i>See sec. 32 of bill, subsec. 35.</i> <i>See secs. 14 and 15 of bill.</i> <i>See sec. 42 of bill.</i> <i>See sec. 32 of bill, subsec. 35.</i>
	<b>C.C. 1454, lines 1-10</b>	See also secs. 14, 40, and 41 of bill, and notes 1 and 2 at head of this section.
	<b>lines 24-31</b>	See also secs. 40, 41, and 65 of bill, and notes 1 and 2 at head of this section.
	<i>lines 10-13</i>	<i>See sec. 13 of bill.</i>
	<i>lines 13-24</i>	<i>See sec. 42 of bill.</i>
	<i>lines 31-33</i>	<i>Omitted as unnecessary.</i>
	<b>1461, lines 1-7</b>	See also secs. 14, 40, and 41 of bill, and notes 1 and 2 at head of this section.
	<b>lines 11-13</b>	See notes 1 and 2 at head of this section.
	<i>lines 7-11</i>	<i>See sec. 41 of bill, subsec. 4.</i>
	<b>1477, lines 13-16</b>	See also sec. 40 of bill and notes 1 and 2 at head of this section.
	<b>lines 38-42</b>	
	<b>lines 49-58</b>	
	<b>S.C.C. 1514, lines 1-13</b>	See also secs. 86 and 88 of bill and notes 1 and 2 at head of this section.
	<i>lines 14-21</i>	<i>See secs. 86 and 87 of bill.</i>
	<b>C.C. 1533, lines 1-9</b>	See also secs. 14, 113, and 114 of bill and notes 1 and 2 at head of this section.
	<i>lines 9-12</i>	<i>See secs. 113 and 114 of bill.</i>
	<b>1544, lines 8-15</b>	See also sec. 131 of bill and notes 1 and 2 at head of this section.
	<b>lines 17-19</b>	1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.
	<i>lines 1-3</i>	<i>See sec. 11 of bill.</i>
	<i>lines 3-7</i>	<i>See sec. 13 of bill.</i>
	<i>lines 16-17</i>	<i>See sec. 13 of bill.</i>
	<i>lines 20-39</i>	<i>See sec. 132 of bill.</i>
	<b>1546, entire</b>	See also secs. 11, 132, and 134 of bill and notes 1 and 2 at head of this section.
	<b>1551, lines 1-3</b>	See also sec. 136 of bill and notes 1 and 2 at head of this section.
	<b>lines 10-15</b>	
	<i>lines 3-6</i>	
	<i>lines 6-10</i>	<i>See secs. 11 and 136 of bill.</i>
		<i>See sec. 136 of bill.</i>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
9	<p>1557, entire</p> <p>1558, entire</p> <p>C.C. 1563, entire</p> <p>S.C.C. 1564, entire</p> <p>C.C. 1577, lines 1-7 lines 12-14 lines 7-12</p>	<p>See also secs. 14, 15, and 137 of bill and notes 1 and 2 at head of this section.</p> <p>See also secs. 11, 14, 15, and 138 of bill and notes 1 and 2 at head of this section.</p> <p>See also secs. 14, 15, and 137 of bill and notes 1 and 2 at head of this section.</p> <p>See also secs. 11, 14, 15, and 138 of bill and notes 1 and 2 at head of this section.</p> <p>See notes 1 and 2 at head of this section.</p> <p><i>See secs. 14 and 19 of bill.</i></p>
10	C.C. 1436, lines 18-20	<p>See also sec. 117 of bill.</p> <p>1. Provisions of Pure Drug Law relative to reducing size of type broadened to include all articles dealt with in this bill.</p> <p>2. Provision relative to rules of state board of health and safety is practically new, but based on general power in present law to make rules.</p>
11	<p>C.C. 1477, lines 24-38</p> <p>1515, lines 1-8 lines 17-21 lines 8-10 lines 10-11 lines 11-13 lines 13-17</p> <p>1544, lines 1-3</p> <p>1546, lines 9-13</p> <p>1551, lines 3-6</p> <p>1558, entire</p> <p>S.C.C. 1564, entire</p>	<p>Present law restated and verbiage eliminated.</p> <p>See also sec. 86 of bill.</p> <p><i>See secs. 12 and 87 of bill.</i></p> <p><i>See sec. 13 of bill.</i></p> <p><i>Omitted. Covered by sec. 9 of bill.</i></p> <p><i>See sec. 13 of bill.</i></p> <p>See also secs. 9 and 132 of bill.</p> <p>See also sec. 136 of bill.</p> <p>See also secs. 9, 14, 15, and 138 of bill.</p> <p>See also secs. 9, 14, 15, and 138 of bill.</p>
12	<p>C.C. 1477, lines 43-48</p> <p>1515, lines 8-10</p>	<p>“Except in so far as the provisions of this chapter may require to secure freedom from adulteration or misbranding” omitted as unnecessary on account of form in which bill is written.</p> <p>See also sec. 87 of bill.</p>
13	<p>C.C. 1436, lines 1-6</p> <p>S.C.C. 1445, lines 42-46</p> <p>C.C. 1454, lines 10-13</p> <p>1477, lines 6-12</p>	<p>See also sec. 118 of bill.</p> <p>This bill section substitutes one general provision on false labels and defacements in place of a number of like provisions</p>

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
13	lines 17-20 1515, lines 10-11 lines 13-17 1544, lines 3-7 lines 16-17 1559, entire 1565, entire	scattered throughout various labeling laws rewritten in this bill.
14	C.C. 1433, lines 1-7  <i>lines 7-13</i> S.C.C. 1445, lines 1-4 <i>lines 68-71</i>  C.C. 1453, lines 7-9 <i>lines 1-3</i> <i>lines 4-6</i> <i>lines 9-11</i> 1454, lines 1-10 1456, lines 1-5 <i>lines 5-7</i> 1460, entire  1461, lines 1-7 1471, lines 1-6  <i>lines 7-12</i> <i>lines 12-15</i> C.C. 1533, lines 1-9  1537, lines 1-3 <i>lines 3-6</i> <i>lines 6-7</i> 1538, lines 1-9 <i>lines 9-10</i> <i>lines 11-13</i> <i>lines 13-17</i>	See also sec. 15 of bill. For "firm or corporation, by himself, officer, servant or agent, or as the officer, servant, or agent of any other person, firm or corporation", see sec. 1 of bill, subsec. 4. <i>See sec. 24 of bill.</i> See also sec. 15 of bill. See also sec. 15 of bill. For "firm or corporation", see sec. 1 of bill, subsec. 4. See also sec. 15 of bill. <i>See sec. 32 of bill, subsec. 2.</i> <i>See sec. 32 of bill, subsec. 5.</i> <i>See sec. 24 of bill.</i> See also secs. 9, 40, and 41 of bill. See also sec. 40 of bill. <i>See sec. 16 of bill.</i> See also sec. 32 of bill, subsec. 3. For "person, firm, corporation, agent or employee", see sec. 1 of bill, subsec. 4. See also secs. 9, 40, and 41 of bill. See also sec. 15 of bill. For "firm or corporation by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation," see sec. 1 of bill, subsec. 4. <i>See sec. 24 of bill.</i> <i>See sec. 28 of bill.</i> See also secs. 9, 113, and 114 of bill. For "firm or corporation", see sec. 1 of bill, subsec. 4. See also sec. 15 of bill. <i>See sec. 19 of bill.</i> <i>See secs. 20 and 21 of bill.</i> See also sec. 15 of bill. <i>See sec. 19 of bill.</i> <i>See secs. 20 and 21 of bill.</i> <i>See sec. 28 of bill.</i>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	<p style="text-align: center;"><i>lines 17-19</i></p> <p><b>1549, entire</b></p> <p><b>1557, entire</b></p> <p><b>1558, entire</b></p> <p><b>1563, entire</b></p> <p><b>S.C.C. 1564, entire</b></p> <p><b>C.C. 1577, lines 7-12</b></p>	<p><i>Omitted as repetition.</i></p> <p>See also sec. 136 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also secs. 9, 15, and 137 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also secs. 9, 11, 15, and 138 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also secs. 9, 15, and 137 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also secs. 9, 11, 15, and 138 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also sec. 19 of bill.</p>
15	<p><b>C.C. 904, lines 12-15</b></p> <p style="padding-left: 20px;"><i>lines 1-3</i></p> <p style="padding-left: 20px;"><i>lines 4-5</i></p> <p style="padding-left: 20px;"><i>lines 5-9</i></p> <p style="padding-left: 20px;"><i>lines 9-12</i></p> <p style="padding-left: 20px;"><i>lines 15-20</i></p> <p style="padding-left: 20px;"><i>lines 20-26</i></p> <p style="padding-left: 20px;"><i>lines 26-27</i></p> <p style="padding-left: 20px;"><i>lines 27-34</i></p> <p style="padding-left: 20px;"><i>lines 34-40</i></p> <p style="padding-left: 20px;"><i>lines 40-42</i></p> <p style="padding-left: 20px;"><i>lines 42-45</i></p> <p><b>C.C. 1433, lines 1-7</b></p> <p><b>S.C.C. 1445, lines 1-4</b></p> <p style="padding-left: 20px;"><b>lines 68-71</b></p> <p><b>C.C. 1453, lines 7-9</b></p> <p style="padding-left: 20px;"><b>1471, lines 1-6</b></p>	<p>See also sec. 149 of bill.</p> <p><i>See sec. 145 of bill.</i></p> <p><i>See sec. 167 of bill.</i></p> <p><i>See sec. 148 of bill.</i></p> <p><i>See sec. 145 of bill.</i></p> <p><i>See sec. 150 of bill.</i></p> <p><i>See sec. 151 of bill.</i></p> <p><i>See sec. 19 of bill.</i></p> <p><i>See sec. 152 of bill.</i></p> <p><i>See sec. 168 of bill.</i></p> <p><i>See secs. 19, 168, and 169 of bill.</i></p> <p><i>See sec. 168 of bill.</i></p> <p>See also sec. 14 of bill.</p> <p>For "firm or corporation, by himself, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also sec. 14 of bill.</p> <p>See also sec. 14 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also sec. 14 of bill.</p> <p>See also sec. 14 of bill.</p> <p>For "person, firm, corporation, by him-</p>

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
15	<p style="text-align: center;">.</p> <p>1537, lines 1-3</p> <p>1538, lines 1-9</p> <p>1557, entire</p> <p>1558, entire</p> <p>1563, entire</p> <p>S.C.C. 1564, entire</p>	<p>self, officer, servant or agent, or as the officer, servant or agent of any other person, firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also sec. 14 of bill.</p> <p>See also sec. 14 of bill.</p> <p>See also secs. 9, 14, and 137 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also secs. 9, 11, 14, and 138 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also secs. 9, 14, and 137 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>See also secs. 9, 11, 14, and 138 of bill.</p> <p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p>
16	<p>C.C. 1441, lines 1-4  <i>lines 4-7</i></p> <p>C.C. 1456, lines 5-7  1457, lines 1-5  1475, lines 13-17</p>	<p>The language of compiled code sections used in this bill section has been broadened so as to be applicable to all articles dealt with in this bill.</p> <p><i>See sec. 28 of bill.</i></p>
17	<p>C.C. 1444, lines 20-27  <i>lines 1-2</i>  <i>lines 2-3</i>  <i>lines 3-4</i>  <i>lines 4-7</i>  <i>lines 7-8</i></p>	<p>1. Dealers in many of the articles regulated by title VII of compiled code are required to obtain licenses. The various laws providing for these licenses contain many similar provisions. This bill section brings together all of such provisions and thereby eliminates much useless repetition.</p> <p>2. "State board" substituted for "commissioner" and "dairy and food commissioner" to harmonize with consolidation features of bill.</p> <p><i>See sec. 44 of bill.</i></p> <p><i>See sec. 45 of bill.</i></p> <p><i>See sec. 44 of bill.</i></p> <p><i>See sec. 46 of bill.</i></p> <p><i>See sec. 47 of bill.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES	
17	<i>lines 8-9</i>	<i>See sec. 46 of bill.</i>	
	<i>lines 9-11</i>	<i>See sec. 47 of bill.</i>	
	<i>lines 12-17</i>	<i>See sec. 48 of bill.</i>	
	<i>lines 17-19</i>	<i>See sec. 45 of bill.</i>	
	<b>1448, lines 7-9</b>		
	<b>line 13</b>		
	<b>lines 16-17</b>		
	<i>lines 1-7</i>	<i>See sec. 51 of bill.</i>	
	<i>lines 9-13</i>	<i>See sec. 52 of bill.</i>	
	<i>lines 14-15</i>	<i>See sec. 54 of bill.</i>	
	<i>lines 17-19</i>	<i>See sec. 58 of bill.</i>	
	<i>lines 19-21</i>	<i>See sec. 56 of bill.</i>	
	<i>lines 21-23</i>	<i>See sec. 31 of bill.</i>	
	<i>lines 24-27</i>	<i>Omitted as argumentative and unnecessary.</i>	
	<i>lines 27-28</i>	<i>See sec. 60 of bill.</i>	
	<i>lines 28-30</i>	<i>See sec. 64 of bill.</i>	
	<i>lines 30-38</i>	<i>See sec. 60 of bill.</i>	
	<i>lines 38-44</i>	<i>See sec. 61 of bill.</i>	
	<i>lines 45-50</i>	<i>See sec. 62 of bill.</i>	
	<i>lines 51-53</i>	<i>See sec. 63 of bill.</i>	
	<i>lines 53-56</i>	<i>See sec. 62 of bill.</i>	
	<i>lines 57-61</i>	<i>See sec. 64 of bill.</i>	
	<i>lines 62-65</i>	<i>See sec. 63 of bill.</i>	
	<b>1482, lines 5-7</b>		
	<i>lines 1-2</i>	<i>See sec. 73 of bill.</i>	
	<i>lines 2-4</i>	<i>See sec. 74 of bill.</i>	
	<i>lines 4-5</i>	<i>See sec. 73 of bill.</i>	
	<i>line 7</i>	<i>See sec. 75 of bill.</i>	
<i>lines 7-11</i>	<i>See sec. 73 of bill.</i>		
<i>lines 11-12</i>	<i>See sec. 75 of bill.</i>		
<b>1487, lines 5-6</b>	Requirement of second offense as grounds for revocation of license modified so as to permit revocation for any "violation of any provision of this title". For penalty for second offense see sec. 20 of bill.		
<i>lines 1-4</i>	<i>See sec. 19 of bill.</i>		
<b>S.C.C. 1586, lines 23-25</b>			
<i>lines 1-3</i>	<i>See sec. 202 of bill.</i>		
<i>lines 3-8</i>	<i>See sec. 201 of bill.</i>		
<i>lines 8-9</i>	<i>See sec. 202 of bill.</i>		
<i>line 10</i>	<i>See sec. 203 of bill.</i>		
<i>lines 10-13</i>	<i>See sec. 204 of bill.</i>		
<i>lines 14-19</i>	<i>See sec. 205 of bill.</i>		
<i>lines 20-22</i>	<i>See sec. 203 of bill.</i>		
<i>lines 26-29</i>	<i>See sec. 203 of bill.</i>		
<i>lines 29-30</i>	<i>See sec. 31 of bill.</i>		
<i>lines 31-36</i>	<i>See sec. 217 of bill.</i>		
18	<b>New</b>	This new enforcement feature added to	

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18		existing penalties which in restated form appear in sections 20-23 of bill.
19	<p data-bbox="396 1487 666 1545">C.C. 901, lines 50-52 lines 57-61</p> <p data-bbox="470 1545 666 1632">902, lines 28-31 lines 1-7 lines 7-15</p> <p data-bbox="529 1715 666 1773">lines 16-26 lines 26-28</p> <p data-bbox="470 1773 666 1831">904, lines 26-27 lines 40-42</p>	<p data-bbox="722 437 1229 658">1. Scattered throughout various labeling and adulteration laws which are rewritten in this bill, appear twenty-six separate penalty provisions. Said penalties provide the punishment for offenses of about the same gravity, and hence there seems to be no reason for any distinction in such penalties.</p> <p data-bbox="722 679 1229 758">2. Minimum penalty, however, ranges from \$5.00 to \$100.00; maximum penalty, from \$20.00 to \$500.00.</p> <p data-bbox="722 779 1229 886">3. This bill section substitutes in lieu of said scattered penalty provisions one penalty for violation of any provision of the law rewritten in this bill.</p> <p data-bbox="722 907 1229 1094">4. Minimum and maximum penalties proposed in bill determined by taking more common minimum and maximum penalties in present law. Furthermore, experience shows it to be difficult to obtain conviction where penalty is severe for offenses of this kind.</p> <p data-bbox="722 1114 1229 1222">5. Minimum and maximum penalties fixed for first offenses also governed somewhat by penalty provided for second and third offenses in secs. 20 and 21 of bill.</p> <p data-bbox="722 1243 1229 1301">6. Jail sentence which appears in some of present penalty provisions retained.</p> <p data-bbox="722 1321 1229 1400">7. Expression "firm or corporation" omitted, as covered by sec. 1 of bill, subsec. 4.</p> <p data-bbox="722 1421 1229 1500">8. Provision as to violation of rules of state board practically new but exists in present law by implication.</p> <p data-bbox="722 1549 1030 1578">See also sec. 156 of bill.</p> <p data-bbox="722 1607 1229 1719"><i>See sec. 163 of bill. Omitted as unnecessary under the consolidation plan of this bill and covered by the board of audit law.</i></p> <p data-bbox="722 1719 963 1748"><i>See sec. 157 of bill.</i></p> <p data-bbox="722 1748 982 1777"><i>Omitted as repetition.</i></p> <p data-bbox="722 1806 1150 1835">See also secs. 168 and 169 of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
19	909, entire 912, lines 11-14	See also sec. 140 of bill.
	<i>lines 1-5</i>	<i>See sec. 142 of bill.</i>
	<i>lines 5-6</i>	<i>See sec. 144 of bill.</i>
	<i>lines 7-9</i>	<i>See sec. 142 of bill.</i>
	<i>lines 9-11</i>	<i>See sec. 144 of bill.</i>
	1427, lines 4-7	See notes 1 to 6 at head of this section.
	<i>lines 1-4</i>	<i>Omitted. Fully covered by "Pure Drug Law." See ch. 9 of this bill.</i>
	S.C.C. 1431, lines 1-4 lines 8-11	} See notes 1 to 6 at head of this section.
	<i>lines 5-8</i>	Provision as to prosecution of agent as principal omitted, as covered by "any person", in line 1 of bill section. <i>See secs. 20 and 21 of bill.</i>
	C.C. 1440, entire	See also C.B. 260, sec. 23 and notes 1 to 7 at head of this section.
	1459, entire	See notes 1 to 7 at head of this section.
	1463, entire	} See notes 1 to 6 at head of this section.
	1466, entire	
	1469, entire	See also C.B. 260, sec. 23 and notes 1 to 6 at head of this section.
	1470, lines 13-16	See notes 1 to 6 at head of this section.
	<i>lines 1-6</i>	<i>See sec. 50 of bill.</i>
	<i>lines 6-13</i>	<i>See sec. 29 of bill.</i>
	1481, entire	See also C.B. 260, sec. 23 and notes 1 to 7 at head of this section.
	1487, lines 1-4	See notes 1 to 7 at head of this section.
	S.C.C. 1532-a15, entire	See also C.B. 260, sec. 23 and notes 1 to 7 at head of this section.
	C.C. 1536, entire	See also C.B. 260, sec. 23 and notes 1 to 7 at head of this section.
	1537, lines 3-6	} See notes 1 to 6 at head of this section.
	1538, lines 9-10	
	1553, entire	
	1561, entire	
	1567, entire	
	1577, lines 7-12	See also sec. 14 of bill and notes 1 to 6 at head of this section.
	1592, entire	See also C.B. 260, sec. 23 and notes 1 to 7 at head of this section.
	1593, lines 1-4	See also sec. 215 of bill and notes 1 to 7 at head of this section.
	<i>lines 5-18</i>	<i>See sec. 215 of bill.</i>
	<i>lines 19-21</i>	<i>See sec. 216 of bill.</i>

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
19	1601, entire	See also sec. 208 of bill and notes 1 to 6 at head of this section.
20	<p>S.C.C. 1431, lines 5-8'</p> <p>C.C. 1537, lines 6-7</p> <p>1538, lines 11-13</p>	<p>1. In some of the twenty-six penalty provisions scattered throughout various labeling and adulteration laws rewritten in this bill are provisions establishing penalties for second offenses.</p> <p>2. This bill section provides such a penalty for the second conviction of "violating any of the provisions of this title", thus making law uniform as to second offenses of about same gravity.</p> <p>3. Minimum and maximum penalties for second offenses determined in same manner as minimum and maximum penalties for first offenses. See note at head of preceding section in this brief.</p> <p>4. Provision as to violation of rules of state board practically new but exists in present law by implication.</p> <p>5. Lines 7 to 9 of bill section are new, but supply an omission in present law.</p> <p>See also sec. 21 of bill.</p> <p>See also sec. 21 of bill.</p> <p>See also sec. 21 of bill.</p>
21	<p>S.C.C. 1431, lines 5-8</p> <p>C.C. 1537, lines 6-7</p> <p>1538, lines 11-13</p> <p>1479, entire</p>	<p>What has been said of second offenses in notes to sec. 20 of bill is true of third offenses. This bill section provides a uniform penalty for the third conviction of violating any provision of the law rewritten in this bill. Lines 7 to 9 of bill section supply same omission for third offenses as lines 7 to 9 of sec. 20 of bill supply for second offenses. Provision for violation of rules has also been added to harmonize with sec. 20 of bill.</p> <p>See also sec. 20 of bill.</p> <p>See also sec. 20 of bill.</p> <p><i>Omitted. Fully covered by general sections relative to notice. See C.C. 6725, 6726, 7164, 7176, etc.</i></p>
22	New	This section simplifies proof of former convictions.
23	New	This section simplifies prosecutions, be-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
23		cause it is difficult for a person to violate only one of the provisions of law rewritten in this bill.
24	C.C. 1433, lines 7-13 1453, lines 9-11 1471, lines 7-12	The language of compiled code sections used in this bill section broadened so as to be applicable to all articles dealt with in this bill.
25	C.C. 1474, lines 1-5 lines 5-8 lines 8-11 1540, lines 11-15 lines 1-5 lines 5-11	1. "State board" substituted for "commissioner" and "state dairy and food commissioner" to harmonize with consolidation features of bill. 2. Provisions of "Pure Food Law" and "Insecticide and Fungicide Law" relative to prosecutions broadened to include any violation of the provisions of this bill. <i>See sec. 26 of bill.</i> <i>See sec. 27 of bill.</i> <i>Omitted as verbiage. The idea contained in these lines runs generally throughout the bill.</i> <i>Omitted as unnecessary. No such right is given to violators of other labeling and adulteration laws.</i>
26	S.C.C. 1432, lines 9-12 lines 1-9 C.C. 1474, lines 5-8 S.C.C. 1532-a14, entire C.C. 1541, entire	<i>Omitted. Unnecessary. Peace officers are charged with the duty of enforcing all laws within their jurisdiction.</i> See note at head of preceding section. "County attorney" substituted for "attorney general" to harmonize with other similar provisions of present law upon which this bill section is based. See note at head of preceding section.
27	C.C. 1474, lines 8-11	See note at head of second preceding section.
28	C.C. 1441, lines 4-7 1471, lines 12-15 1538, lines 13-17	The language of compiled code sections used in this and the two following sections of bill broadened so as to be applicable to all articles dealt with in this bill.
29	C.C. 1470, lines 6-13	See note to preceding section. "State board" substituted for "dairy

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
29		and food commissioner'' to harmonize with consolidation features of bill.
30	C.C. 1458, entire	See note to second preceding section.
31	S.C.C. 903, lines 11-16  lines 1-6 lines 6-7  lines 8-11 C.C. 1448, lines 21-23  S.C.C. 1586, lines 29-30	Provision as to settlement between inspectors and chief inspector omitted so as to leave the matter in the hands of the state board of health and safety. <i>See C.B. 260, sec. 12.</i> <i>Omitted. In conflict with consolidation features of bill.</i> <i>See sec. 165 of bill.</i> Word "title" in this section substituted for words "chapter" and "section" in present law, because all of said chapters and sections are a part of "this title" under arrangement of this bill. See note at head of this section.

## CHAPTER 2

## ADULTERATION OF FOODS

## General Note

This chapter of the bill is a restatement of the provisions of the present Dairy Law and the Pure Food Law relating to food standards and adulterations. In the Code of 1897 and the Supplements thereto, these two laws were separated by over two thousand sections—the Dairy Law being in title XII and the Pure Food Law in title XXIV.

In the Compiled Code these two laws were placed following each other, but in separate chapters. This bill takes from said chapters the provisions dealing with food standards and adulteration, and revamps them into one chapter, so that hereafter all provisions relative to such standards and adulterations will be in one place. With the exception of the consolidation features, the bill makes *no change* in the *meaning* of the present law, but several provisions of a minor nature are added relative to the definition of butter, the medium of flavoring extracts, the adulteration of food and candy, and the sale of food by false name.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
32 (1)*		This bill section adds to definitions and standards of food contained in S.C.C. 1478, other similar definitions and standards scattered throughout various sections of the present law. It is more logical to have all food definitions and

\* Indicates subsection.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
32 (1)*	C.C. 1455, lines 10-12	standards in one place. The section has been examined and approved by the state chemist.
	<i>lines 1-10</i>	Part of definition of butter is new; it supplies an omission in present law.
	S.C.C. 1478, lines 125-127	<i>See sec. 36 of bill.</i>
	<i>lines 1-2</i>	"Milk fat" is preferable to "butter fat".
	<i>lines 3-8</i>	<i>See lines 1 and 2 of sec. 43 of bill.</i>
	<i>lines 9-11</i>	<i>See sec. 32 of bill, subsec. 8.</i>
	<i>lines 12-14</i>	<i>See sec. 32 of bill, subsec. 9.</i>
	<i>lines 15-18</i>	<i>See sec. 32 of bill, subsec. 10.</i>
	<i>lines 19-21</i>	<i>See sec. 32 of bill, subsec. 12.</i>
	<i>lines 22-24</i>	<i>See sec. 32 of bill, subsec. 11.</i>
	<i>lines 25-27</i>	<i>See sec. 32 of bill, subsec. 13.</i>
	<i>lines 28-30</i>	<i>See sec. 32 of bill, subsec. 14.</i>
	<i>lines 31-33</i>	<i>See sec. 32 of bill, subsec. 15.</i>
	<i>lines 34-38</i>	<i>See sec. 32 of bill, subsec. 16.</i>
	<i>lines 39-41</i>	<i>See sec. 32 of bill, subsec. 17.</i>
	<i>lines 42-44</i>	<i>See sec. 32 of bill, subsec. 18.</i>
	<i>lines 45-48</i>	<i>See sec. 32 of bill, subsec. 19.</i>
	<i>lines 49-52</i>	<i>See sec. 32 of bill, subsec. 20.</i>
	<i>lines 53-55</i>	<i>See sec. 32 of bill, subsec. 21.</i>
	<i>lines 56-58</i>	<i>See sec. 32 of bill, subsec. 22.</i>
	<i>lines 59-61</i>	<i>See sec. 32 of bill, subsec. 23.</i>
	<i>lines 62-64</i>	<i>See sec. 32 of bill, subsec. 24.</i>
	<i>lines 65-68</i>	<i>See sec. 32 of bill, subsec. 25.</i>
	<i>lines 69-72</i>	<i>See sec. 32 of bill, subsec. 26.</i>
	<i>lines 73-75</i>	<i>See sec. 32 of bill, subsec. 27.</i>
	<i>lines 76-80</i>	<i>See sec. 32 of bill, subsec. 28.</i>
	<i>lines 81-85</i>	<i>See sec. 32 of bill, subsec. 29.</i>
	<i>lines 86-88</i>	<i>See sec. 32 of bill, subsec. 30.</i>
	<i>lines 89-93</i>	<i>See sec. 32 of bill, subsec. 31.</i>
	<i>lines 94-101</i>	<i>See sec. 32 of bill, subsec. 41.</i>
	<i>lines 105-106</i>	<i>See sec. 32 of bill, subsec. 42.</i>
	<i>lines 107-109</i>	<i>See sec. 32 of bill, subsec. 43.</i>
	<i>lines 110-111</i>	<i>Omitted. Covered by sec. 15 of bill.</i>
	<i>lines 111-112</i>	<i>See sec. 37 of bill.</i>
	<i>lines 112-115</i>	<i>See sec. 32 of bill, subsec. 41.</i>
	<i>lines 116-120</i>	<i>See sec. 43 of bill.</i>
	<i>lines 121-122</i>	<i>See sec. 37 of bill.</i>
	<i>lines 123-124</i>	<i>See sec. 32 of bill, subsec. 43.</i>
	<i>lines 128-130</i>	<i>See sec. 32 of bill, subsec. 40.</i>
	<i>lines 131-137</i>	<i>See sec. 32 of bill, subsec. 33.</i>
	<i>lines 138-142</i>	<i>See sec. 32 of bill, subsec. 34.</i>
	<i>lines 143-147</i>	<i>See sec. 32 of bill, subsec. 36.</i>
32 (2)*	C.C. 1453, lines 1-3	
32 (3)*	C.C. 1460, entire	See also sec. 14 of bill.

\* Indicates subsection.

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
32 (4)*	S.C.C. 1445, lines 47-51	
32 (5)*	C.C. 1453, lines 4-6	
32 (6)*	S.C.C. 1445, lines 51-55	
32 (7)*	S.C.C. 1445, lines 17-20 lines 40-41	For "and clean", see sec. 35 of bill, sub-sec. 1.
32 (8)*	S.C.C. 1478, lines 3-8	"Or other suitable medium" is new. Modern chemistry has discovered several mediums, other than alcohol, which may be used in making flavoring extracts.
32 (9)*	S.C.C. 1478, lines 9-11	
32 (10)*	S.C.C. 1478, lines 12-14	
32 (11)*	S.C.C. 1478, lines 19-21	
32 (12)*	S.C.C. 1478, lines 15-18	
32 (13)*	S.C.C. 1478, lines 22-24	
32 (14)*	S.C.C. 1478, lines 25-27	
32 (15)*	S.C.C. 1478, lines 28-30	
32 (16)*	S.C.C. 1478, lines 31-33	
32 (17)*	S.C.C. 1478, lines 34-38	
32 (18)*	S.C.C. 1478, lines 39-41	
32 (19)*	S.C.C. 1478, lines 42-44	
32 (20)*	S.C.C. 1478, lines 45-48	
32 (21)*	S.C.C. 1478, lines 49-52	

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
32 (22) *	S.C.C. 1478, lines 53-55	
32 (23) *	S.C.C. 1478, lines 56-58	
32 (24) *	S.C.C. 1478, lines 59-61	
32 (25) *	S.C.C. 1478, lines 62-64	
32 (26) *	S.C.C. 1478, lines 65-68	
32 (27) *	S.C.C. 1478, lines 69-72	
32 (28) *	S.C.C. 1478, lines 73-75	
32 (29) *	S.C.C. 1478, lines 76-80	
32 (30) *	S.C.C. 1478, lines 81-85	
32 (31) *	S.C.C. 1478, lines 86-88	
32 (32) *	S.C.C. 1477, lines 2-6 lines 42-43	
32 (33) *	S.C.C. 1478, lines 131-137	
32 (34) *	S.C.C. 1478, lines 138-142	
32 (35) *	S.C.C. 1445, lines 64-67 lines 96-99	"Nut meats, chocolate or cocoa" added on account of nut and chocolate ice cream.
32 (36) *	S.C.C. 1478, lines 143-147	
32 (37) *	S.C.C. 1445, lines 15-17 lines 38-39	
32 (38) *	S.C.C. 1445, lines 61-64	
32 (39) *	S.C.C. 1445, lines 21-25	
32 (40) *	S.C.C. 1478, lines 128-130	

\* Indicates subsection.

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
32 (41)*	S.C.C. 1478, lines 89-93 lines 112-115	
32 (42)*	S.C.C. 1478, lines 94-104	
32 (43)*	S.C.C. 1478, lines 123-124	
32 (44)*	S.C.C. 1478, lines 107-109	
32 (45)*	S.C.C. 1478, lines 105-106	
33	C.C. 1473, lines 9-12	<p>1. "State board" substituted for "commissioners" to harmonize with consolidation features of bill.</p> <p>2. Approval by executive council omitted as impracticable under consolidation features of bill.</p>
34	S.C.C. 1445, lines 26-29 lines 32-33 C.C. 1476, lines 1-21	<p>1. "Strength or purity" omitted from subsec. 1 of this bill section, as covered by the word "quality".</p> <p>2. "To any extent" in subsecs. 2 and 3 of this bill section substituted for "wholly or in part".</p> <p>3. "Or by the state board" in last two lines of bill section added to harmonize with sec. 33 of bill. <i>See sec. 38 of bill.</i></p>
35	S.C.C. 1445, lines 30-31 lines 33-37	
36	C.C. 1455, lines 1-10	
37	S.C.C. 1478, lines 111-112 lines 121-122	
38	C.C. 1476, lines 22-24	<p>1. "Chocolates" omitted as covered by "candy".</p> <p>2. "Or poisonous colors or flavors or other ingredients deleterious or detrimental to health", omitted as covered by sec. 34 of bill, subsec. 5.</p> <p>3. "Paraffin" is new. This substance has become a common adulterant in candy making.</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
39	New	This section covers situation where articles are actually sold under some name other than one appearing on label.

## CHAPTER 3

## LABELING FOODS

## General Note

This chapter of the bill is a revamping of some of the remaining provisions of the present Dairy Law and the Pure Food Law not used in the preceding chapter of the bill, namely, the labeling provisions. In this way the adulteration and labeling provisions relative to foods are separated and set off in separate chapters.

It will be noted that the bill does not treat the adulteration and labeling of dairy products separately, as in the present law, but as a class of foods. This avoids much useless repetition. With the exception of the consolidation features, the bill makes only *one change* in the *meaning* of the present law; it unifies the size of type to be used in printing a certain class of labels.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
40	<p>S.C.C. 1445, lines 6-14  lines 56-60  lines 72-83</p> <p>C.C. 1454, lines 1-10  lines 24-31</p> <p>1456, lines 1-5</p> <p>1461, lines 1-7</p> <p>1477, lines 13-16  lines 24-38  lines 38-42  lines 43-48  lines 49-58</p>	<p>“Sections nine (9) to twelve (12)” of bill provide uniform labeling requirements for all articles dealt with in this bill. Much repetition avoided by incorporating these provisions by reference.</p> <p>See also secs. 9 and 41 of bill.</p> <p>See also secs. 9, 14, and 41 of bill.</p> <p>See also secs. 9, 41, and 65 of bill.</p> <p>See also sec. 14 of bill.</p> <p>See also secs. 9, 14, and 41 of bill.</p> <p>See also sec. 9 of bill.</p> <p>See also sec. 11 of bill.</p> <p>See also sec. 9 of bill.</p> <p>See also sec. 12 of bill.</p> <p>See also sec. 9 of bill.</p>
41		<p>“Sections nine (9) to twelve (12)” of bill provide uniform labeling requirements for all articles dealt with in this bill.</p>

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
41	S.C.C. 1445, lines 6-14 lines 56-60 lines 72-83  C.C. 1454, lines 1-10  lines 24-31  1461, lines 1-7  lines 7-11	See also secs. 9 and 40 of bill.  See also secs. 9, 14, and 40 of bill. "Imitation" substituted for "substitute" to harmonize with sec. 32 of bill, subsecs. 2 and 5.  See also secs. 9, 40, and 65 of bill. "Imitation" substituted for "substitute" to harmonize with sec. 32 of bill, subsecs. 2 and 5.  See also secs. 9, 14, and 40 of bill.  A variation in size of type will be noted in sources upon which bill section is based. This variation has been done away with by specifying one size of type for labeling of this kind.
42	S.C.C. 1445, lines 84-95 C.C. 1454, lines 13-24	"Imitation" substituted for "substitute" to harmonize with sec. 32 of bill, subsecs. 2 and 5.
43	C.C. 1477, lines 21-23 S.C.C. 1478, lines 116-120	

## CHAPTER 4

## PRODUCTION AND SALE OF DAIRY PRODUCTS

## General Note

This chapter of the bill is a restatement of the provisions of the present Dairy Law not used in the two preceding chapters of this bill. These provisions deal with milk dealer's licenses, testing of milk and cream, containers for milk and cream, trademarks, etc. With the exception of the consolidation features, the bill makes *no change* in the *meaning* of the present law, but resectionizes and rearranges the same.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
44	C.C. 1444, lines 1-2 lines 3-4	1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.  2. For "firm or corporation", see sec. 1 of bill, subsec. 4.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
44		3. "City or town" substituted for "municipal corporation".
45	C.C. 1444, lines 2-3 lines 17-19	
46	C.C. 1444, lines 4-7 lines 8-9	
47	C.C. 1444, lines 7-8 lines 9-11	"And the number of vehicles and places to be used" omitted as misleading since a license is issued for one vehicle and one place of business.
48	C.C. 1444, lines 12-17	For "firm or corporation", see sec. 1 of bill, subsec. 4.
49	C.C. 1465, entire	Pasteurization of buttermilk is new, but such treatment is as important for buttermilk as for skimmed milk.
50	C.C. 1470, lines 1-6	1. Present law much condensed. 2. For "corporation" and "employee", see sec. 1 of bill, subsec. 4.
51	C.C. 1448, lines 1-7	1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill. 2. Present law restated to clarify same. 3. For "or from his duly appointed agent or representative", see sec. 1 of bill, subsec. 2.
52	C.C. 1448, lines 9-13	
53	S.C.C. 1442, lines 11-17	1. "State board" substituted for "he" (commissioner) to harmonize with consolidation features of bill. 2. Considerable verbiage omitted. 3. For "firm or corporation", see sec. 1 of bill, subsec. 4.
54	S.C.C. 1442, lines 17-18 C.C. 1448, lines 14-15	
55	C.C. 1450, lines 6-13  <i>lines 1-6</i>	1. "State board" substituted for "dairy and food commissioner" to harmonize with consolidation features of bill. 2. For provision for obtaining standard test bottle and pipette, see sec. 53 of bill. <i>Omitted. Covered by sec. 51 of bill,</i>





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
65	C.C. 1447, entire  1454, lines 24-31	1. Present law condensed; see sec. 41 of bill. 2. For "firm or corporation", see sec. 1 of bill, subsec. 4. See also secs. 9, 40, and 41 of bill.
66	C.C. 1446, lines 49-50	"Packages" omitted to harmonize with sec. 1 of bill, subsec. 3.
67	C.C. 1584, lines 3-9  lines 1-3 lines 10-13	"State board" substituted for "commissioner" to harmonize with consolidation features of bill. See sec. 184 of bill. See sec. 197 of bill.
68	C.C. 1446, lines 1-5	1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill. 2. For "firm or corporation", see sec. 1 of bill, subsec. 4.
69	C.C. 1446, lines 23-31	1. Present law simplified. 2. For "firm or corporation", see sec. 1 of bill, subsec. 4. 3. For "other than milk and cream bottles", see sec. 70 of bill.
70	C.C. 1446, lines 31-35	"Servant" omitted, as covered by "agent".
71	C.C. 1446, lines 35-46	1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill. 2. For "firm or corporation", see sec. 1 of bill, subsec. 4.
72	C.C. 1446, lines 5-7 lines 9-22	1. Present law restated and much repetition avoided. 2. For "firm or corporation", see sec. 1 of bill, subsec. 4.

## CHAPTER 5

## PRODUCTION AND SALE OF EGGS

## General Note

This chapter of the bill is a restatement of chapter 4, title VII, of the Compiled Code, passed by the Thirty-eighth General Assembly. With the

exception of the consolidation features, the bill makes only *one change* in the *meaning* of said law, although the Compiled Code chapter is broken up into shorter sections and to some extent rearranged. The change referred to is the one found in section 80, which specifically requires the candling of eggs.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
73	C.C. 1482, lines 1-2 lines 4-5 lines 7-11	1. "State board" substituted for "dairy and food commissioner" to harmonize with consolidation features of bill. 2. For "firm or corporation", see sec. 1 of bill, subsec. 4. 3. "Trading in" omitted, as covered by "dealing in".
74	C.C. 1482, lines 2-4	
75	C.C. 1482, line 7 lines 11-12	
76	C.C. 1484, lines 1-4  <i>lines 4-9</i>	1. "Traffic in" omitted, as covered by "sell, offer or expose for sale". 2. For "firm or corporation", see sec. 1 of bill, subsec. 4. <i>See sec. 77 of bill.</i>
77	C.C. 1484, lines 4-9	
78	C.C. 1485, lines 12-16  <i>lines 1-4</i> <i>lines 5-8</i> <i>lines 8-12</i>	1. For "firm or corporation", see sec. 1 of bill, subsec. 4. 2. "Consignment" omitted as unnecessary. <i>See sec. 84 of bill.</i> <i>See sec. 81 of bill.</i> <i>See sec. 79 of bill.</i>
79	C.C. 1485, lines 8-12	"State board" substituted for "dairy and food commissioner" to harmonize with consolidation features of bill.
80	New	This section supplies manifest omission from egg law. Present law requires candling equipment, and specifies candling certificate and records to be kept, but does not specifically require candling.
81	C.C. 1485, lines 5-8	1. "State board" substituted for "dairy and food commissioner" to harmonize with consolidation features of bill. 2. For "or his representatives", see sec. 1 of bill, subsec. 2.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
82	C.C. 1486, entire	For "firm or corporation", see sec. 1 of bill, subsec. 4.
83	C.C. 1483, lines 3-6	1. "State board" substituted for "he" (commissioner) to harmonize with consolidation features of bill. 2. Provision relative to rules is new.
84	C.C. 1485, lines 1-4	1. For "firm or corporation", see sec. 1 of bill, subsec. 4. 2. "Deduction" substituted for "dockage" to clarify law.

## CHAPTER 6

## COMMERCIAL FEEDS

## General Note

This chapter of the bill is a restatement of chapter 7, title VII, of the Compiled Code and of the Supplement to said Code. In addition to the consolidation features, there are but *two* changes in the *meaning* of the present law. These changes are in connection with the definition of stock tonic and the provision relative to the counterfeiting of inspection fee tags, found in sections 85 and 97 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
85 (1)*	C.C. 1516, lines 1-15  lines 17-21 lines 15-17	1. "Commercial feed" substituted for "concentrated commercial feeding stuffs". 2. Specific enumeration of commercial feeds omitted as verbiage, since expression "and all materials of similar nature used for domestic animals" in lines 14 and 15 of C.C. 1516 covers all other existing commercial feeds not enumerated in present law. 3. For "'food' as defined in the chapter" etc., see sec. 32 of bill, subsec. 32.  <i>See sec. 85 of bill, subsec. 2.</i>
85 (2)*	C.C. 1516, lines 15-17	Present law has been difficult to apply because of peculiar nature of class of articles known as "condimental stock foods, patented proprietary or trade-marked stock or poultry feeds" and also

\* Indicates subsection.

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
85 (2)*		<p>because of uncertainty as to meaning of language just quoted. Therefore, this class of commercial feed has been covered by defining it as "stock tonic". This may broaden the present law somewhat by including "stock or poultry feeds" composed entirely of non-liquid drugs, but at any rate, it clarifies the present law.</p>
86	<p><b>S.C.C. 1514, lines 1-13</b>  <b>lines 14-21</b>  <b>C.C. 1515, lines 1-8</b></p>	<p>See also secs. 9 and 88 of bill.</p> <p>See also sec. 87 of bill.</p> <p>See also sec. 11 of bill.</p> <p>1. For "barrel, bag, pail, parcel or package", see sec. 1 of bill, subsec. 3.</p> <p>2. For "concentrated commercial feeding-stuffs", see sec. 85 of bill, subsec. 1.</p> <p>3. Labeling "as provided in sections forty (40) and one hundred seventeen (117) depending upon whether the preparation is a food or drug as defined in this title", substituted for specific labeling requirements set out in sources upon which bill section is based. Secs. 40 and 117 of bill incorporate by reference general labeling provisions set out in secs. 9 to 12 of bill. Hence, result of above substitution is to make general labeling requirements applicable to commercial feed, thus avoiding much useless repetition.</p> <p>There is another important reason for form of above substitution. Commercial feed as defined in sec. 85 of bill, subsecs. 1 and 2, is either a food as defined in sec. 32 of bill, subsec. 32, or a drug as defined in sec. 115 of bill. Chapters 2, 3, and 9 of bill deal with adulteration and labeling of foods and drugs. Thus, commercial feed is subject to labeling regulations prescribed in chapters of bill which deal with foods and drugs. In this way the provisions dealing specifically with commercial feed are kept in harmony with those dealing with food and drugs, and become additional thereto.</p> <p>In present law no such harmony was preserved and there always appeared to</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
86		be a conflict between the pure food law and the concentrated commercial feeding-stuffs act.
87	S.C.C. 1514, lines 14-21 C.C. 1515, lines 8-10	See also sec. 86 of bill. See also sec. 12 of bill. For "condimental stock food; patented, proprietary or trade-marked stock and poultry foods, claimed to possess medicinal or nutritive properties", see sec. 85 of bill, subsec. 2.
88	S.C.C. 1514, lines 1-13	See also secs. 9 and 86 of bill.
89	C.C. 1517, entire	<ol style="list-style-type: none"> <li>1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.</li> <li>2. For "concentrated commercial feeding-stuffs", see sec. 85 of bill, subsec. 1.</li> <li>3. The following words and phrases omitted as verbiage: <ol style="list-style-type: none"> <li>a. "Importer, manufacturer, *** or party".</li> <li>b. "Within the state of Iowa for use within the state".</li> <li>c. "And every feeding-stuff bearing a distinguishing name or trademark".</li> </ol> </li> <li>4. "Upon request" added to avoid useless filing of samples. The bill section leaves matter to discretion of state board of health and safety.</li> <li>5. Registration fee is new to cover expense incident to preservation of sample and affidavit relative thereto.</li> </ol>
90	C.C. 1518, lines 1-6	<ol style="list-style-type: none"> <li>1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.</li> <li>2. "Person" substituted for "manufacturer, importer, dealer or agent".</li> <li>3. "Solicit orders, deliver, *** or sell", is new.</li> <li>4. For "concentrated commercial feeding-stuffs defined in section fifteen hundred sixteen", see sec. 85, subsec. 1.</li> </ol>

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
90	<p style="text-align: center;"><i>lines 6-11</i> <i>lines 11-14</i> <i>lines 14-18</i> <i>lines 18-21</i> <i>lines 21-26</i> <i>lines 27-31</i></p>	<p>5. "In this state" and "in the state of Iowa for use within this state" omitted as verbiage.</p> <p><i>See sec. 95 of bill.</i></p> <p><i>See sec. 92 of bill.</i></p> <p><i>See sec. 93 of bill.</i></p> <p><i>See sec. 91 of bill.</i></p> <p><i>See sec. 93 of bill.</i></p> <p><i>See sec. 94 of bill.</i></p>
91	C.C. 1518, lines 18-21	
92	C.C. 1518, lines 11-14	<p>1. "Or agent of such manufacturer or importer" omitted as covered by "all other persons".</p> <p>2. For "any inspection or license fee provided in this chapter" as it appears in the bill section, see secs. 90 and 95 of bill.</p>
93	C.C. 1518, lines 14-18 lines 21-26	<p>1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.</p> <p>2. For "bag, barrel", see sec. 1 of bill, subsec. 3.</p> <p>3. For "concentrated commercial feeding-stuffs", see sec. 85 of bill, subsec. 1.</p> <p>4. "Except as hereinafter provided", omitted as verbiage.</p> <p>5. Provision as to prescribing form of tag omitted as being covered generally by last sentence of bill section.</p> <p>6. Provision as to adopting "regulations" omitted, as covered by sec. 2 of bill, subsec. 2.</p>
94	C.C. 1518, lines 27-31	<p>1. "Person" substituted for "dealer". For definition of "person", see sec. 1 of bill, subsec. 4.</p> <p>2. "To any other person" omitted as verbiage.</p> <p>3. For "concentrated commercial feeding-stuffs", see sec. 85 of bill, subsec. 1.</p>
95	C.C. 1518, lines 6-11	<p>1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
95		2. "Person" substituted for "manufacturer, importer, dealer or agent". For definition of "person", see sec. 1 of bill, subsec. 4.  3. For "condimental, patented, proprietary or trade-marked stock or poultry food, or both", see sec. 85 of bill, subsec. 2.
96	C.C. 1521, entire	
97	New	This section marked "new", but based upon C.C. 1531, lines 3 to 5, which were inadvertently repealed by 39 G. A., ch. 236, sec. 18.
98	S.C.C. 1520, entire	1. "State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.  2. For "concentrated commercial feeding-stuffs", see sec. 85 of bill, subsec. 1.

## CHAPTER 7

## AGRICULTURAL SEEDS

## General Note

This chapter of the bill is almost a literal copy of chapter 7-A of the Supplement to the Compiled Code, because this chapter as enacted by the Thirty-ninth General Assembly consists largely of the original Code Commission Bill covering this subject. In addition to the consolidation features, there are, however, four important changes:

1. In section 99, the list of noxious weeds is materially reduced to harmonize with the third change noted below.

2. In section 101, a meaningless and erroneous cross reference is corrected.

3. In section 109, a limitation is placed upon the present prohibition against selling agricultural seed containing *any* noxious weed seed, because it is impossible to produce agricultural seed absolutely free from *all* noxious weed seed.

4. C.C. 1532-a16 is omitted as unnecessary on the theory that the seed law could not be construed as relieving the vendor of liability for misrepresentation or breach of warranty.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
99	S.C.C. 1532-a1, lines 1-16	1. Verbiage eliminated.

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
99	lines 20-22	<p>2. "Agricultural seed" substituted for "agricultural seeds" throughout this chapter of bill to harmonize with the definition in this bill section.</p> <p>3. "Western" rye grass added to harmonize with S.C.C. 1532-a3. See sec. 101 of bill.</p> <p>4. "Quack grass", "Canada thistle", "buckhorn", "dodder (clover, alfalfa, or field)" omitted on account of S.C.C. 1532-a11.</p> <p>5. "Noxious weeds" are defined for purpose of providing a list of weed seeds which must appear on label under S.C.C. 1532-a3, when present in excess of a certain percentage fixed therein. Since S.C.C. 1532-a11 absolutely prohibits sale of agricultural seed containing any of weed seed just quoted, it is absurd to require listing of such weed seed on label. Such a requirement in effect tells one to give notice that he is violating the law, and is therefore useless.</p>
100	S.C.C. 1532-a2, entire	<p>1. "State board" substituted for "commissioner" to harmonize with consolidation features of bill.</p> <p>2. "Plants" omitted as covered by "plant". See C.C. 55, subsec. 3.</p>
101	S.C.C. 1532-a3, entire	<p>1. Verbiage eliminated.</p> <p>2. "Sapling" clover added to harmonize with S.C.C. 1532-a1. See sec. 99 of bill.</p> <p>3. "Sections fifteen hundred thirty-two-a four and fifteen hundred thirty-two-a five of this supplement" changed to "sections nine (9) and ten (10)". The cross reference as it stands in supplement is meaningless, but substituted cross reference refers to general labeling requirements provided for all articles dealt with in this bill.</p> <p>4. Disjunctive "or" substituted for conjunctive "and". This gives to present law its manifest meaning.</p>
102	S.C.C. 1532-a4, entire	



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
103	S.C.C. 1532-a5, entire	
104	S.C.C. 1532-a6, entire	
105	S.C.C. 1532-a7, entire	
106	S.C.C. 1532-a8, entire	
107	S.C.C. 1532-a9, entire	"State board" substituted for "dairy and food commissioner" to harmonize with consolidation features of bill.
108	S.C.C. 1532-a10, entire	<p>1. "Not possessed, offered or exposed for sale, or sold for seeding purposes within this state" omitted as covered by sec. 28.</p> <p>2. "Chapter" changed to "title" because provisions of chapter 1 of this bill are applicable to agricultural seeds.</p>
109	S.C.C. 1532-a11, entire	<p>Provisions relative to presence of enumerated weed seed in excess of certain percentages are new, but based upon percentage schedule in S.C.C. 1532-a3. The prohibition contained in S.C.C. 1532-a11 is similar to prohibition in former seed law. See Supplement 1913, sec. 5077-a15.</p> <p>The section in former law, however, was not an absolute prohibition, because of provisions of Supplement 1913, sec. 5077-a23, lines 10 to 14, inclusive, which allowed sale of agricultural seed containing noxious weed seed not in excess of 1 in every 10,000.</p> <p>The prohibition in new seed law, however, contains no limitation of this kind and therefore appears absolute.</p> <p>Seed men maintain that it is impossible to produce agricultural seed absolutely free from above enumerated weed seed. This position is also supported by opinion of state chemist who analyzes agricultural seed to determine its purity.</p> <p>At first it seemed as if new seed law, 39 G.A., ch. 236, had made it impossible to sell agricultural seed in this state, but the attorney general ruled that S.C.C.</p>

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
109	1532-a16, entire	1532-a11 meant freedom from weed seed enumerated therein, only to extent of percentage schedules contained in S.C.C. 1532-a3, which requires labeling of presence of such weed seed when in excess of such percentages.  The bill section is in conformity with said opinion and the interpretation given to the law by the officials administering the same.  <i>Omitted. Unnecessary.</i>

## CHAPTER 8

## COMMERCIAL FERTILIZERS

## General Note

This chapter of the bill is a restatement of chapter 8, title VII, of the Compiled Code. In addition to the consolidation features, there is but *one* minor change in the *meaning* of the present law, although the Compiled Code chapter is resectionized and rearranged. The change consists of the affidavit provision found in section 112 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
110	C.C. 1534, lines 5-8  <i>lines 1-5</i> <i>lines 8-10</i>	1. "State board" substituted for "dairy and food commissioner" to harmonize with consolidation features of bill.  2. "Within the state" omitted as unnecessary.  <i>See sec. 112 of bill.</i> <i>See sec. 111 of bill.</i>
111	C.C. 1534, lines 8-10	
112	C.C. 1534, lines 1-5	1. "State board" substituted for "dairy and food commissioner" to harmonize with consolidation features of bill.  2. "Person" substituted for "manufacturer, importer, or party".  3. "Within the state of Iowa" omitted as unnecessary.  4. Provision as to affidavit is new to assure accuracy in the certificate.
113		"Sections nine (9) to twelve (12)" of bill provide uniform labeling require-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
113	C.C. 1533, lines 1-9 lines 9-12	ments for all articles dealt with in this bill. Much repetition avoided by incorporating these provisions by reference. See also secs. 9, 14, and 114 of bill. See also sec. 114 of bill.
114	C.C. 1533, lines 1-9 lines 9-12	See also secs. 9, 14, and 113 of bill. See also sec. 113 of bill.

## CHAPTER 9

## ADULTERATION AND LABELING OF DRUGS

## General Note

This chapter of the bill is a restatement of chapter 15, title VI, of the Compiled Code, which consists of the Pure Drug Law enacted in 1907. In addition to the consolidation features there are but *three* changes in the *meaning* of the present law:

1. Section 117 requires all drugs to be labeled with the name and place of business of the manufacturer, dispenser, or dealer.

2. Section 118 prohibits therapeutic mislabeling the same as the present federal law.

3. Section 120 requires keeping of the Pharmacopoeia and National Formulary by drug dispensers.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
115	C.C. 1434, entire	1. "Substances" substituted for "medicines". 2. "Or for the destruction of parasites" omitted as covered by sec. 130 of bill.
116	C.C. 1435, entire	1. "Package" substituted for "bottle, box". 2. Present law materially condensed by elimination of verbiage.
117	C.C. 1436, lines 6-18 lines 18-20 lines 20-23	See also sec. 9 of bill. See also sec. 10 of bill. See also sec. 9 of bill. 1. "Except that the quantity of the contents need not be stated" is inserted in bill section so that subdivision 2 of sec. 9 will not apply to labeling of drugs. The present pure drug law does not require such labels to bear the quantity

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
117		<p>of contents in terms of weight, measure, or numerical count. This insertion is made necessary by use of cross references "sections nine (9) and ten (10)". These cross references are used in order to avoid useless repetition. Said sections provide uniform labeling requirements for all articles dealt with in this bill.</p> <p>2. Effect of above cross references is to add provisions of sec. 9, subsec. 3, to present requirements for labeling drugs. Said subsection requires name of manufacturer or dealer to be placed on each package of drugs. This omission from present law apparently an oversight.</p>
118	C.C. 1436, lines 1-6	<p>See also sec. 13 of bill.</p> <p>This bill section really consists of what is known as the "Sherley Amendment" to the national food and drugs act. It is incorporated into this bill to bring present law in harmony with federal act, because the present pure drug law was itself patterned after national pure drug law.</p>
119	C.C. 1436, lines 23-35	Considerable verbiage eliminated.
120	New	<p>If drugs are to be sold in accordance with standards established by United States Pharmacopoeia and National Formulary, it is important that latest editions of such publications be kept in all places in which drugs are dispensed.</p>

## CHAPTER 10

## SALE AND DISTRIBUTION OF POISONS

## General Note

This chapter of the bill revamps the present Poison Law, which dates back to 1880, and the Habit-forming Drug and Abortifacient Act, passed in its present form in 1911. These two laws are somewhat in conflict with each other and also with the Federal law dealing with the same matter. The bill rewrites the present law so as to make it a harmonious whole and at the same time to eliminate the conflicts with the Federal law, but no changes are made except for these purposes and for the purpose of carrying out the consolidation features of the bill.



## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
122	1430-a1, entire	
123	S.C.C. 1430, lines 10-12	For "firm or corporation", see sec. 1 of bill, subsec. 4.
124	S.C.C. 1430, lines 12-15	
125	C.C. 1428, lines 1-10 lines 14-17	<p>1. See also secs. 122 and 127 of bill, and explanatory notes opposite said sections in this brief for explanation of omission from bill section of following drugs: "cotton root", "ergot", "morphine", "opium and its preparations", "savin", "nitric", "hydrochloric, sulphuric, and oxalic acid", and "wood alcohol".</p> <p>2. "Cobalt" omitted as having no place in this list of poisons. It is a metal, used frequently in place of nickel. The salts of cobalt are poisonous, but they are rarely, if ever, used, and even inclusion of such salts in bill section would be impracticable.</p>
126	<p>C.C. 1412, lines 13-16 lines 33-34</p> <p>lines 1-5 lines 5-7 lines 7-13 lines 16-23 lines 23-27 lines 27-30 lines 30-33</p> <p>1428, lines 17-22</p>	<p>See also secs. 127 and 132 of bill. Also see C.B. 262, sec. 134.</p> <p>1. Only provision relative to excepting insecticides and fungicides from registration is taken from C.C. 1412, lines 13-16 and 33-34.</p> <p>2. Sales of "denatured alcohol", and "concentrated lye or potash" are not required to be registered, because do not contain any of poisons specified in sec. 125 of bill. Hence, effect of bill section is to leave law same as at present.</p> <p><i>See C.B. 262, secs. 2 and 133.</i> <i>See C.B. 262, sec. 137.</i> <i>See C.B. 262, sec. 134.</i> <i>See C.B. 262, sec. 86.</i> <i>See C.B. 262, sec. 134.</i> <i>See sec. 132 of bill.</i> <i>Omitted because covered by ch. 11 of bill, which is a codification of "the national insecticide act of June, nineteen hundred ten", adopted by 37 G.A. ch. 385.</i></p>
127		The primary purpose of bill section is to exclude "nitric, hydrochloric, sulphuric, and oxalic acid", and "wood

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
127	<p>C.C. 1412, lines 13-16</p> <p>1428, lines 1-10 lines 10-14</p> <p>8852, entire</p>	<p>alcohol" from sale restrictions and register provisions of present law, which are rewritten in secs. 125 and 126 of bill. The commercial purposes to which such acids and wood alcohol are now put, make it impracticable to regulate sale of same by provisions of said bill sections. Hence, only requirement preserved for this group of acids and wood alcohol is contained in labeling provisions of bill section.</p> <p>See also secs. 126 and 132 of bill. Also see C.B. 262, sec. 134.</p> <p>See also secs. 122 and 125 of bill.</p> <p>For "bottle, box", see sec. 1 of bill, subsec. 3.</p> <p>1. For "vial, box or parcel", see sec. 1 of bill, subsec. 3.</p> <p>2. "Arsenic, corrosive sublimate and prussic acid" omitted as covered by words "poisons enumerated in the second preceding section". "Prussic acid" is the old chemical term for "hydrocyanic acid".</p> <p>3. Penalty provision omitted as covered by secs. 19 to 23, inclusive, of bill.</p>
128	<p>C.C. 1428, lines 22-27</p> <p>1429, entire</p>	<p>1. Provision as to keeping record of sales of wood alcohol omitted as covered by manner in which provisions of C.C. 1428 have been rewritten in secs. 125 to 127, inclusive, of bill.</p> <p>2. Subsection 3 of bill section may appear to be in conflict with sec. 127 of bill, but a careful analysis will show that sec. 127 has application to wood or denatured alcohol, only when sold for mechanical purposes.</p>
129	C.C. 1428, lines 30-36	Penalty provision is omitted as covered by secs. 19 to 23, inclusive, of bill.

## CHAPTER 11

## INSECTICIDES AND FUNGICIDES

## General Note

This chapter of the bill is a restatement of chapter 9, title VII, of the Compiled Code. With the exception of the consolidation features the bill makes but *two* changes in the *meaning* of the existing law, although the Compiled Code chapter is resectionized and rearranged.

First, C.C. 1545, which grants an exemption from prosecution in certain cases to dealers in insecticides and fungicides, is omitted because no similar provision exists in the other labeling and adulteration laws which have been rewritten in this bill. There appears to be no good reason for giving such an exemption to this class of dealers when no similar exemption is given to food, drug, paint, oil, seed, and commercial feed dealers.

Second, C.C. 1547, which provides for the seizure and confiscation of mislabeled and adulterated insecticides and fungicides by a "libel proceedings", is omitted because such proceedings as a method of seizure are unknown to the law of this state.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
130	C.C. 1542, entire	
131	C.C. 1544, lines 8-15	See also sec. 9 of bill. "Sections nine (9) to eleven (11), inclusive," provide uniform labeling requirements for all articles dealt with in this bill.
132	C.C. 1412, lines 13-16  lines 27-30 1544, lines 20-39 1546, entire	See also secs. 126 and 127 of bill. Also see C.B. 262, sec. 134. Only provision relative to poison fly paper which is an insecticide, is taken from C.C. 1412, lines 13-16.  Present law considerably condensed. See also secs. 9, 11, and 134 of bill.
133	C.C. 1543, entire	1. For following provisions, see "paragraphs one (1) to three (3), inclusive, of section thirty-four (34)" of bill:  a. "If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength".  b. "If any substance has been substituted wholly or in part for the article".



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
133		<p>c. "If any valuable constituent of the article has been wholly or in part abstracted".</p> <p>2. Paragraphs 1 to 3 of sec. 34 of bill specify adulterations of foods. They are same as specified in present law for insecticides and fungicides. The cross reference quoted above is used in bill-section to avoid repetition.</p>
134	<p>C.C. 1546, lines 1-9</p> <p>1545, entire</p> <p>1547, entire</p>	<p>See also secs. 9 and 132 of bill.</p> <p><i>Omitted to make insecticide and fungicide law harmonious with other labeling and adulteration laws of this state. Omitted because "libel proceedings" are unknown to law of this state; hence section is useless. Furthermore, no similar confiscation provision is found in other labeling and adulteration laws rewritten in this bill</i></p>

## CHAPTER 12

## PAINTS AND OILS

## General Note

This chapter of the bill is a combination of chapters 10, 11, and 12, title VII, of the Compiled Code and of the Supplement to said Code. Chapters 11 and 12 are practically duplicates of each other, except one deals with linseed oil and the other with turpentine. All three chapters have many common provisions. By treating them in this way a great deal of useless repetition is avoided. With the exception of, the consolidation features, only *one* slight modification is made in the *meaning* of the present law. This change deals with the exemption relative to labeling small packages and is found in section 137 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
135	<p>C.C. 1550, entire</p> <p>1554, lines 2-5</p> <p>lines 1-2</p> <p>1556, lines 2-21</p> <p>lines 1-2</p>	<p><i>Omitted because of form in which bill section is cast. Said section establishes standards for paints and oils. Matter in omitted lines really covered by sec. 15 of bill, which prohibits dealing in any article "which is adulterated according to the provisions of this title".</i></p> <p><i>Omitted. See above note.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
135	1562, lines 2-23  <i>lines 1-2</i>	"Residue on treatment" substituted for "residue or treatment". "Or" was erroneously substituted for "on" by enrolling clerk, 34 G.A. <i>Omitted. See above note in italics.</i>
136	C.C. 1549, entire 1551, lines 1-3 lines 3-6 lines 6-10 lines 10-15	See also sec. 14 of bill. See also sec. 9 of bill. See also sec. 11 of bill. See also sec. 9 of bill. "Sections nine (9) to twelve (12)" of bill provide uniform labeling requirements for all articles dealt with in this bill. Much repetition avoided by incorporating these provisions by reference. Special attention called to fact that details of the provisions of C.C. 1551, lines 10 to 15, are covered in sec. 9 of bill, subsec. 2. By that subsection, size of packages exempt from statement of weight is left to rules of state board of health and safety.
137	C.C. 1557, entire 1563, entire	See also secs. 9, 14, and 15 of bill. 1. For "tank car, tank, barrel, keg or vessel", see sec. 1 of bill, subsec. 3. 2. For explanation of "section nine (9)", see note in this brief opposite sec. 136.
138	C.C. 1558, entire S.C.C. 1564, entire	See also secs. 9, 11, 14, and 15 of bill. 1. For "tank car, tank, barrel, keg, can, jug or vessel", see sec. 1 of bill, subsec. 3. 2. For explanation of "sections nine (9) to twelve (12)", see note in this brief opposite sec. 136.

## CHAPTER 13

## PETROLEUM PRODUCTS

**General Note**

This chapter of the bill is a restatement of chapter 7, title V, of the Compiled Code and of the Supplement to said Code. With the exception

of the consolidation features, the bill makes only *two changes* in the meaning of said law, although the present law is broken up into shorter sections and entirely rearranged. The changes referred to are as follows:

1. The conflicting provisions as to the labeling of gasoline, which appear in C.C. 901 and 912, are harmonized. See section 142 of bill.

2. The specifications for branding, the method of testing, and the time for remitting fees are omitted. These matters are left, under the bill, to the rules and orders of the State Board of Health and Safety on the theory that such matters are more properly subjects for administrative regulation than legislative control. See sections 147, 150, and 158 of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
139	No specific section; implied from existing law.	This section based upon parts of various sections scattered throughout ch. 7, title V, of the compiled code.
140	C.C. 908, entire  909, entire	"Conspicuously marked" substituted for "labeled or branded in plain, clear, legible letters".  "Containers" substituted for lines 5 to 7 of C.C. 908. See sec. 139 of bill, subsec. 1, for definition of "container".  See also sec. 19 of bill.
141	C.C. 910, entire	"State board" substituted for "chief oil inspector" and "or such state inspector or deputies as may be directed by him", to harmonize with consolidation features of bill. See "General Explanation" at beginning of brief.
142	C.C. 901, lines 35-38 912, lines 1-5 lines 7-9	1. Conflicts in sources of bill section harmonized by following closely provisions of C.C. 901.  2. "Given away" omitted as covered by "delivered".  3. For "packages", "casks", "barrels", "vessels", "cans", or "measures", see sec. 139 of bill, subsec. 1.
143	C.C. 913, entire	"Requirements of the preceding section" substituted for "this chapter", because the exemption created only applies to "the preceding section".
144	C.C. 912, lines 5-6 lines 9-11	1. For "barrel, cask, package or can", see sec. 139 of bill, subsec. 1.  2. "Keep" substituted for "keeping for use or using".
145	C.C. 904, lines 1-3 lines 9-12	1. For "company or corporation, or agent thereof" see sec. 1 of bill, subsec. 4.

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
145		<p>2. For "any product of petroleum for illuminating purposes", see sec. 139 of bill, subsec. 2.</p> <p>3. "Offer or expose for sale, or sell" substituted for "sell or attempt to sell" and "knowingly or negligently sell or cause to be sold".</p>
146	C.C. 900, entire Rules State Board of Health, 1921, p. 59, rule 1.	Provisions relative to "government of inspectors" and "approval by governor" omitted because entire matter of inspection of petroleum products placed in hands of state board of health and safety.
147	C.C. 901, lines 3-4 lines 9-14 Rules State Board of Health, 1921, pp. 61 and 62, rules 9 and 10.	Specifications for branding left to rules of state board of health and safety. These specifications are at present partly covered in statutes and partly in rules of state board of health.
148	C.C. 904, lines 5-9	<p>1. "Container" substituted for "barrel or package". See sec. 139 of bill, subsec. 1.</p> <p>2. "Except as otherwise provided by the rules of the state board" added to harmonize with existing rules of state board of health. See rules state board of health, 1921, page 64, rule 11.</p>
149	C.C. 904, lines 12-15	See also sec. 15 of bill.
150	C.C. 901, lines 6-9 lines 15-20	"Closed test" and "not less than one-half pint of oil to be used" omitted. Method of testing fully covered by rules state board of health, 1921, pages 60 and 61, rules 2 to 4, inclusive.
151	C.C. 904, lines 20-26	
152	C.C. 904, lines 27-34	<p>1. "Stage coach, omnibus" omitted as covered by "other means of public conveyance".</p> <p>2. Provision as to "temperature" and "open test" put in form to correspond with rule of state board of health. See rules state board of health, 1921, pages 60 and 61, rule 4.</p> <p>3. "For use" substituted for "lighting any lamp, vessel, or fixture of any kind".</p>
153	C.C. 905, lines 1-6 lines 6-16 lines 16-18	<p>See sec. 154 of bill.</p> <p>See sec. 155 of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
154	C.C. 905, lines 6-16	
155	C.C. 905, lines 16-18	
156	C.C. 901, lines 57-61	<p>See also sec. 19 of bill.</p> <p>1. "Illuminating oils" substituted for "petroleum products". See sec. 139 of bill, subsec. 2.</p> <p>2. Provision as to "notification" modified to harmonize with consolidation features of bill.</p>
157	C.C. 902, lines 16-26	<p>1. For "firms or corporations, officers or agents thereof" see sec. 1 of bill, subsec. 4.</p> <p>2. "Within the state" omitted as unnecessary.</p> <p>3. "Illuminating oils" substituted for "products of petroleum". See sec. 139 of bill, subsec. 2.</p> <p>4. "State board" substituted for "chief oil inspector of state" to harmonize with consolidation features of bill.</p>
158	C.C. 901, lines 15-20 lines 48-49	<p>1. "State board" substituted for "chief oil inspector" to harmonize with consolidation features of bill.</p> <p>2. "Made within the state" omitted as unnecessary.</p> <p>3. Time for remitting omitted so as to leave the matter in hands of state board of health and safety.</p>
159	C.C. 901, lines 20-29	<p>"State board" substituted for "chief inspector" to harmonize with consolidation features of bill.</p>
160	C.C. 901, lines 29-34	<p>"State board" substituted for "chief inspector" to harmonize with consolidation features of bill.</p>
161	C.C. 901, lines 39-44	<p>1. "State board" substituted for "chief oil inspector of state" to harmonize with consolidation features of bill.</p> <p>2. Provision as to delivery of certificate to inspector omitted as unnecessary under consolidation plan of bill.</p>
162	C.C. 901, lines 44-48	<p>1. "State board" substituted for "chief oil inspector of state" to harmonize with consolidation features of bill.</p>

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
163	C.C. 902, lines 1-7	<p>1. "State board" substituted for "inspector" to harmonize with consolidation features of bill.</p> <p>2. "Containers" substituted for "barrels and packages". See sec. 139 of bill, subsec. 1.</p>
164	<p>S.C.C. 899, lines 15-17 lines 21-23 lines 1-10</p> <p>lines 11-15 lines 17-21 lines 23-24</p>	<p><i>Omitted as in conflict with consolidation features of bill and covered in part by 39 G.A., ch. 340, sec. 31.</i></p> <p><i>See sec. 165 of bill.</i></p> <p><i>See C.B. 260, sec. 9.</i></p>
165	S.C.C. 899, lines 11-15 903, lines 8-11	<p>1. "State board" substituted for "executive council". Under consolidation plan of bill it is more logical to leave this matter in hands of state board of health and safety.</p> <p>2. Only provision relative to payment of branders is retained; other matters are covered generally by bill.</p>
166	<p>C.C. 906, lines 5-9</p> <p>lines 1-5</p> <p>907, entire</p>	<p>"State board" substituted for "executive council". Under consolidation plan of bill it is more logical to leave this matter in hands of state board of health and safety.</p> <p><i>Omitted as unnecessary and in conflict with consolidation features of bill.</i></p> <p><i>See C.B. 260.</i></p>
167	C.C. 904, lines 4-5	<p>1. Part of bill section is new; purpose is self explanatory.</p> <p>2. "Container" substituted for "barrel or package". See sec. 139 of bill, subsec. 1.</p>
168	C.C. 904, lines 34-40 lines 40-42 lines 42-45	<p>See also secs. 19 and 169 of bill.</p> <p>1. "Or employee of the state board" added to harmonize with consolidation features of bill.</p> <p>2. "Container" substituted for "package or barrel". See sec. 139 of bill, subsec. 1.</p>
169	C.C. 904, lines 40-42	<p>See also secs. 19 and 168 of bill.</p> <p>For "company, corporation or agent" see sec. 1 of bill, subsec. 4.</p>

## CHAPTER 14

## STANDARD WEIGHTS AND MEASURES

## General Note

This chapter of the bill is a revamping of that part of the present Weights and Measures Law, which deals exclusively with weight and measure *standards*. The law on this subject was entirely rewritten by Thirty-fifth General Assembly, chapter 266. The principal change made at that time was to place the administration of the law under the Dairy and Food Commissioner. Formerly this law was administered by a Chief Sealer of Weights and Measures appointed by the Governor. The act of the Thirty-fifth General Assembly, however, omitted a number of important standards of weight and measure. The bill restores these omissions; otherwise there are no *important* changes in the *meaning* of the present law, except those pertaining to the consolidation features of the bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
170	C.C. 1570, entire	<ol style="list-style-type: none"> <li>1. "State board" substituted for "commissioner" to harmonize with consolidation features of bill.</li> <li>2. Form of present law changed to conform with actual practice in securing standard weights and measures.</li> <li>3. Date of congressional act omitted so that bill section will be in harmony with subsequent acts of congress dealing with standard weights and measures.</li> </ol>
171	C.C. 1571, lines 1-8  <i>lines 8-13</i>	<p>Provision relative to division of yards into feet and inches, is new, but based upon sec. 3010 of Code of 1897, which apparently was inadvertently repealed by 35 G.A., ch. 266.</p> <p><i>See sec. 172 of bill.</i></p>
172	C.C. 1571, lines 8-13	
173	S.C.C. 1572, lines 1-4  <i>lines 4-6</i>	<p>Provision as to troy weights is new, but based upon sec. 3012 of Code of 1897. This provision was apparently inadvertently repealed by 35 G.A., ch. 266.</p> <p><i>Omitted as having no application to provisions of this chapter of bill, because avoirdupois pound is specified wherever same is intended.</i></p>
174	C.C. 1574, entire	<p>Last sentence is new, but based on sec. 3018, Code of 1897. This provision was apparently inadvertently repealed by 35 G.A., ch. 266.</p>

## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
175	C.C. 1573, entire	Provision fixing half bushel as basis standard for dry measures, is new, but based upon sec. 3014, Code of 1897. This provision was apparently inadvertently repealed by 35 G.A., ch. 266.
176	C.C. 1583, entire	
177	C.C. 1581, entire	See also secs. 178 and 187 of bill. 1. "Weighing ten ounces or more" omitted as unnecessary since drugs are specifically exempted from operation of this bill section. 2. "Lineal measure or surface measure" omitted as covered by "standard measure".
178	C.C. 1581, entire	See also secs. 177 and 187 of bill.
179	C.C. 1575, entire	1. "Articles", omitted as covered by "commodities". 2. "And no special agreement shall be made in writing", omitted as covered by sec. 177 of bill. 3. "Except when sold as provided in the two (2) following sections" inserted in this bill section to avoid existing conflict between C.C. 1580 and 1575.
180	C.C. 1580, lines 1-4 lines 4-6 lines 7-9 lines 9-39 lines 40-43	See sec. 182 of bill. See sec. 181 of bill. See sec. 182 of bill. See sec. 181 of bill.
181	C.C. 1580, lines 7-9 lines 40-43	"Section nine (9)" and "chapter relative to labeling foods" substituted for "section fourteen hundred seventy-seven", because C.C. 1477 is codified in said section and chapter.
182	C.C. 1580, lines 4-6 lines 9-39	"Within the state", omitted as unnecessary. Present law materially reduced by elimination of verbiage.
183	C.C. 1578, entire	
184	C.C. 1584, lines 1-3	
185	C.C. 1576, entire	
186	C.C. 1579, entire	
187	C.C. 1581, entire	See also secs. 177 and 178 of bill. 1. This bill section is also based upon



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
187		<p>sec. 3015 of the Code of 1897, which was repealed by 35 G.A., ch. 266. C.C. 1581, which apparently was a substitute for said code section, limited requirement that sales be made by standards fixed by law to "Dry Commodities". The purpose of this bill section is to require all sales to be by standard weight or measure, unless the parties otherwise agree.</p> <p>2. The last sentence of bill section is new, but purpose is manifest.</p>

## CHAPTER 15

## SALES OF CERTAIN COMMODITIES FROM BULK

## General Note

This chapter of the bill is a restatement of the sections of the present Weights and Measures Law which deal with sales from bulk. There is *no* change in the *meaning* of the present law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
188	<p>C.C. 1585, lines 1-7</p> <p>lines 7-14 lines 15-21 lines 21-23 lines 23-28</p>	<p>1. Considerable verbiage eliminated.</p> <p>2. "In this state" omitted as unnecessary.</p> <p>See sec. 189 of bill. See sec. 190 of bill. See sec. 191 of bill. See sec. 193 of bill.</p>
189	C.C. 1585, lines 7-14	<p>1. For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>2. "Cart, wagon or other vehicle used in such deliveries" omitted as verbiage.</p>
190	C.C. 1585, lines 15-21	"State board" substituted for "inspector". See sec. 1 of bill, subsec. 2.
191	C.C. 1585, lines 21-23	
192	<p>C.C. 1582, lines 7-13</p> <p>lines 1-7</p>	<p>For "firm or corporation", see sec. 1 of bill, subsec. 4.</p> <p>Omitted as covered by other provisions of this chapter, which require statement of weight in cases of bulk sales.</p>
193		"State board" substituted for "commissioner" to harmonize with consolidation features of bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
193	C.C. 1585, lines 23-28	1. For "or any of his assistants or inspectors", see sec. 1 of bill, subsec. 2. 2. "Article" omitted as covered by "commodity".
	1587, lines 8-15	See also sec. 4 of bill. 1. For "and his assistants", see sec. 1 of bill, subsec. 2. 2. "For the enforcement of this chapter and in the performance of their official duties, with or without formal warrant" omitted as verbiage.

## CHAPTER 16

## STATE AND CITY SEALERS

## General Note

This chapter of the bill is a restatement of the sections of the present Weights and Measures Law which deal with state and city sealers. The bill omits the provisions dealing with County Sealers, and County Lumber and Shingle Inspectors, because obsolete. There are no such county officers at the present time. Otherwise, the bill makes *no* changes in the *meaning* of the present law.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
194	C.C. 1569, lines 1-2	"State board" substituted for "commissioner" to harmonize with consolidation features of bill.
	lines 9-11	<i>See sec. 195 of bill.</i>
	lines 2-9	<i>Omitted as covered by sec. 2 of bill, subsec. 1.</i>
	lines 11-13	<i>See sec. 196 of bill.</i>
195	lines 13-17	<i>Omitted as having no application at the present time. This provision was enacted by 35 G. A. at time of revision of weights and measures law, evidently on theory that such provision was necessary because former sealer of weights and measures was a member of university faculty. See sec. 3019 of the Code of 1897.</i>
	lines 18-22	
195	C.C. 1569, lines 2-9	"State board" substituted for "state sealer". See sec. 1 of bill, subsec. 2.
196	C.C. 1569, lines 13-17	"State board" substituted for "he" (state sealer). See sec. 1 of bill, subsec. 2.



## C. B. 261 REGULATION AND INSPECTION OF FOODS, DRUGS, ETC. .

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
203	S.C.C. 1586, line 10 lines 20-22 lines 26-29	1. Date of expiration of license of gasoline pump made same as public scale. 2. For "meter", see sec. 201 of bill, subsec. 2.
204	S.C.C. 1586, lines 10-13	1. "Plate" substituted for "tag". 2. "Dairy and Food" omitted to harmonize with the consolidation features of bill.
205	S.C.C. 1586, lines 14-19	1. "Plate" substituted for "tag". 2. For "weighing device *** or meter" see sec. 201 of bill. 3. "Shall be punished as provided in chapter one (1) of this title" substituted for "misdemeanor". Said chapter contains general penalty provisions for violations of this title.
206	C.C. 1599, lines 1-5	
207	C.C. 1600, lines 1-5 lines 5-10	<i>Omitted as obsolete. Public scales are now inspected in accordance with chapter 18 of bill.</i>
208	C.C. 1601, entire	See also sec. 19 of bill. "Chapter one (1) of this title" provides general penalty provisions for violations of this title and is substituted for specific penalty provided in C.C. 1601.

## CHAPTER 18

## INSPECTION OF WEIGHTS AND MEASURES

## General Note

This chapter of the bill is a restatement of the sections of the present Weights and Measures Law which deal with inspections of weights and measures. There is but *one* minor *addition* to the present law. This is embodied in section 212 relative to cost of additional inspections. C.C. 1598, however, is omitted from the bill because obsolete in part and the subject matter of the section is covered generally by other provisions of the bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
209		"State board" substituted for "commis-

## REGULATION AND INSPECTION OF FOODS, DRUGS, ETC. G. B. 261

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
209	C.C. 1587, lines 1-7  1588, entire	sioner" to harmonize with consolidation features of bill. 1. For "and his assistants", see sec. 1 of bill, subsec. 2. 2. "Within the state", omitted as unnecessary. 1. For "firm or corporation", see sec. 1 of bill, subsec. 4. 2. Considerable repetition and verbiage eliminated.
210	C.C. 1587, lines 16-24	
211	C.C. 1587, lines 26-30	"State board" substituted for "inspector". See sec. 1 of bill, subsec. 2.
212	C.C. 1587, lines 25-26	"Unless additional inspections are made at the request of the owner of said scale" is new.
213	C.C. 1590, entire	"State board" substituted for "inspector". See sec. 1 of bill, subsec. 2.
214	C.C. 1589, entire  1598, entire	1. "Of this state" omitted as unnecessary. 2. "Chapter one (1) of this title" contains the general penalty provisions for violations of this title. <i>Omitted. Obsolete in part. Subject matter of lines 1-9 covered by this bill section and secs. 187 and 215 of bill. Subject matter of lines 9-15 covered by sec. 209 of bill.</i>
215	C.C. 1593, lines 1-4  lines 5-18	See also sec. 19 of bill. For "firm or corporation", see sec. 1 of bill, subsec. 4.
216	C.C. 1593, lines 19-21	"State board" substituted for "state dairy and food commissioner" to harmonize with consolidation features of bill.
217	S.C.C. 1586, lines 31-36  C.C. 1607, entire 1608, entire 1609, entire 1610, entire 1611, entire 1612, entire	"State board" substituted for "dairy and food commissioner" to harmonize with consolidation features of bill.  <i>Omitted. Obsolete. These provisions are no longer enforced because no necessity for such regulation.</i>

## BRIEF OF CODE COMMISSIONERS' BILL NO. 262

Prepared by O. K. Patton

**Subject: THE PRACTICE OF MEDICINE, SURGERY, PODIATRY,  
OSTEOPATHY, CHIROPRACTIC, NURSING, DENTISTRY,  
OPTOMETRY, PHARMACY, AND EMBALMING**

**General Explanation**

(The "General Explanation" to the briefs of Code Commissioners' Bills 260 and 261 should also be read in connection with this bill.)

This bill restates, resectionizes, and rechapterizes the present law relative to the practice of medicine and surgery, osteopathy and surgery, osteopathy, chiropractic, nursing, dentistry, dental hygiene, optometry, podiatry, pharmacy, and embalming. These are the professions the practice of which affects the public health and it is upon the theory of public protection that these so-called practice acts have been enacted.

The Pharmacy Practice Act was the first of these regulatory measures; it was enacted by the Eighteenth General Assembly in 1880 and was followed closely by the Medical Practice Act which was enacted in 1886. Since that time, nine additional professions in this field have been recognized and brought under the control of the State for the protection of the public health and safety.

Some of these acts have been patterned in part upon the pharmacy and medical practice acts and some have been taken from the laws of other states. The result has been that there now exists a wide variation in the *administrative* provisions of the nine practice acts rewritten in the bill, but there appears to be no sound reason for such variation. The same variation also exists in the *procedural* provisions of these practice acts, especially in connection with the revocation of licenses, (See *Recent Iowa Legislation* in the *Iowa Law Bulletin*, Vol. VII, No. 1, Nov. 1921, pp. 35-40.)

The bill eliminates these administrative and procedural variations and provides a uniform system for all the professions. In this connection two important changes are made in the present law.

First, the bill places all the business transactions, that is, the receipt of applications for examinations, the listing of qualified candidates, the issuing of licenses and renewals, the negotiation of reciprocal agreements, and the keeping of records in the hands of a central agency—the State Board of Health and Safety created in Code Commissioners' Bill 260. This one agency will do all the clerical and record work in connection with the licensing of persons to practice the several professions dealt with in the bill. In this way all the bookkeeping will be centralized in one office and can be systematized so as to eliminate unnecessary labor and useless records. At the present time the license records of these several professions are kept by a half dozen different secretaries. Moreover, a number of them are kept in private offices or homes. By having a central office of records this

unbusinesslike way of carrying on the affairs of the State will be eliminated.

Second, the bill places the enforcement of these various practice acts in the hands of the same central agency which does the book work and keeps the records, namely, the State Board of Health and Safety created in Code Commissioners' Bill 260. Under the present law the boards which conduct examinations also enforce these practice acts. For example, if a man sells drugs without a license it is the duty of the Pharmacy Commission to prosecute him; if a man practices medicine without a license it is the duty of the Medical Examiners to proceed against him. The trouble with this system lies in the fact that the members of these various examining boards do not spend all their time in the employ of the State; the major portion of their time is spent in the practice of their respective professions. Under the bill, the various examining boards are relieved of this irksome duty and the State Board of Health and Safety is made the State's policeman to enforce these various practice acts. The advantages of a central enforcement agency, always on the job, consisting of persons, a majority of whom are not engaged in the active practice of any of these professions, are manifest.

Thus, the two important changes made by the bill in the present law consist of:

1. The transfer of the ministerial and clerical duties in connection with the licensing of persons to practice certain professions from the present examining boards to the State Board of Health and Safety.

2. The transfer to the State Board of Health and Safety from the present examining boards the duty of enforcing these several practice acts.

In this connection, however, attention is called to the fact that the bill in no way affects the power or right of the several examining boards to pass upon the technical qualifications of applicants for licenses. The examining board for each profession will still determine what persons are to be licensed to practice that particular profession. In this respect the bill even goes further than the present law in that the nurse, optometry, embalmer, and podiatry examining boards are to be made up exclusively of persons belonging to those particular professions. In other words, the bill places all of the professions, the practice of which affects the public health, on an equal basis and treats them all exactly alike.

One further point is worthy of note. The administrative plan provided for in this bill is not new in Iowa; it is not an unheard of or untried plan. Indeed, the administrative plan set out in the bill has been in operation in this State since 1907, when the practice acts regulating nursing and embalming were enacted. Under these acts the ministerial and clerical duties in connection with the issuance of licenses are discharged by a central agency—the present State Board of Health—and the enforcement of these acts under the present law is also left to the same administrative head. Examinations, however, under both acts are conducted by a special group of examiners consisting of technical experts. This is exactly the plan provided in the bill.

Furthermore, under the present medical, optometry, and podiatry practice acts, although not specifically provided by law, practically the same administrative procedure is followed as under the acts regulating the practice of nursing and embalming. This is due to the fact that the present Secretary of the State Board of Health is ex officio secretary of the podiatry and optometry examining boards, and the physician members of the Board of Health are ex officio members of the Board of Medical Examiners.

Thus, under five of the present practice acts—medicine, nursing, embalming, podiatry, and optometry—there exists the same administrative plan as the one set out in the bill. Hence, the bill in effect merely extends the present plan of licensing physicians, nurses, embalmers, podiatrists, and optometrists to the licensing of osteopaths, chiropractors, dentists, and pharmacists. The large number of minor changes made in the present law is the result of considering these nine different practice acts as one body of legislation and revamping the same into one harmonious whole.

## CHAPTER 1

### GENERAL PROVISIONS

#### General Note

This chapter of the bill is a restatement of a large number of provisions of the same purport scattered throughout the various practice acts rewritten in the bill. By gathering these provisions into one chapter it has been possible to write a group of general sections applicable to all the professions dealt with in the bill which take the place of a large number of similar provisions dealing specifically with a particular profession.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
1	New	Definitive in character, avoids useless repetition in other sections of bill.

### LICENSES

#### General Note

This subdivision of chapter 1 of the bill is a restatement of all the provisions of the present practice acts which deal with licenses generally. These provisions have been brought together and moulded into one harmonious group of uniform provisions.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2		<p>1. Bill substitutes one section for thirteen provisions of same purport scattered throughout the nine practice acts rewritten in bill.</p> <p>2. "State board of health and safety" substituted for the various boards which now issue licenses under existing practice acts. This substitution, in effect, transfers actual issuance of licenses from present examining boards to new board of health and safety created in C.B. 260,</p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2	<p><b>S.C.C. 1312, lines 1-2</b>  <i>lines 2-4</i>  <i>lines 5-8</i></p> <p><i>lines 8-14</i>  <i>lines 15-21</i>  <i>lines 22-24</i></p> <p><i>lines 25-27</i>  <i>lines 27-31</i>  <i>line 31</i>  <i>lines 32-35</i></p> <p><i>lines 35-43</i></p> <p><b>1321-a2,</b>  <b>lines 1-5</b>  <i>lines 5-6</i></p> <p><b>1326-a2,</b>  <b>entire</b></p> <p><b>1326-a13,</b>  <b>entire</b></p> <p><b>1326-a18,</b>  <b>lines 4-5</b>  <i>lines 1-3</i>  <i>lines 6-8</i>  <i>lines 9-10</i>  <i>lines 11-12</i></p> <p><b>1326-a31,</b>  <b>lines 1-4</b>  <i>lines 5-10</i>  <i>lines 11-16</i>  <i>lines 16-18</i></p> <p><b>C.C. 1327, lines 5-7</b>  <i>lines 1-3</i></p>	<p>sec. 2. Only clerical work of issuing licenses, however, transferred by bill. Actual work of passing upon qualification of applicants for licenses left with examining board for each profession. See sec. 11 of bill.</p> <p><i>See sec. 95 of bill, subsec. 1.</i>  <i>Omitted as obsolete and inconsistent with present day standards. See Rules State Board of Medical Examiners, 1918, pages 8 to 15, inclusive.</i>  <i>See sec. 32 of bill.</i>  <i>See secs. 47 and 96 of bill.</i>  <i>Omitted as inconsistent with present day standards and the idea that reciprocal relations should be based upon "substantially equivalent requirements to those existing in this state". See sec. 43 of bill.</i>  <i>See secs. 42 and 47 of bill.</i>  <i>Omitted as covered by sec. 43 of bill.</i>  <i>See sec. 79 of bill, subsec. 2.</i>  <i>Omitted. Inapplicable to new administrative plan provided in bill. Matter fully covered by general provisions of bill.</i>  <i>Omitted. In conflict with secs. 47 and 49 of bill.</i></p> <p>See also sec. 97 of bill and notes at head of this section.  <i>See sec. 101 of bill.</i></p> <p>See notes at head of this section.</p> <p><i>See sec. 86 of bill.</i>  <i>See secs. 84 and 85 of bill.</i>  <i>Omitted as covered by C.C. 8785.</i>  <i>See secs. 84 and 85 of bill.</i></p> <p>See also sec. 70 of bill and notes at head of this section.  <i>See sec. 85 of bill.</i>  <i>See sec. 53 of bill, subsecs. 5 and 9, and sec. 58 of bill.</i>  <i>See secs. 59 and 91 of bill.</i></p> <p>See notes at head of this section.  <i>See secs. 70 and 92 of bill.</i></p>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
2	<i>lines 3-5</i>	<i>See secs. 70, 92, and 117 of bill.</i>
	<b>1328, entire</b>	See also secs. 70, 92, and 117 of bill and notes at head of this section.
	<b>1339, lines 4-7</b>	See also sec. 139 of bill and notes at head of this section.
	<i>lines 1-4</i>	<i>See sec. 139 of bill.</i>
	<b>1377, lines 1-3</b>	See notes at head of this section.
	<i>lines 3-8</i>	<i>See sec. 86 of bill.</i>
	<b>1385, lines 6-10</b>	See also sec. 127 of bill and notes at head of this section.
	<i>lines 1-2</i>	<i>See sec. 3 of bill.</i>
	<i>lines 2-4</i>	<i>See sec. 127 of bill.</i>
	<i>lines 4-6</i>	<i>See sec. 128 of bill.</i>
	<i>line 6</i>	<i>See sec. 79 of bill, subsec. 7.</i>
	<i>lines 10-12</i>	<i>See sec. 126 of bill.</i>
	<i>lines 12-14</i>	See sec. 121 of bill, subsec. 4, and sec. 126 of bill.
	<i>lines 14-17</i>	<i>See sec. 126 of bill.</i>
	<i>lines 18-21</i>	<i>See sec. 81 of bill.</i>
	1388, entire	} <i>Omitted as impracticable in view of sec. 8 of bill. No reason for requiring a double record of licenses. Doubtful if county record ever referred to. Persons desiring to know whether a person is licensed, naturally consult state record. Indeed, some of practice acts rewritten in bill do not require county record of licenses.</i>
	1407, entire	
	<b>1409, lines 5-7</b>	See notes at head of this section.
<i>lines 1-5</i>	<i>See sec. 86 of bill.</i>	
<i>lines 7-9</i>	<i>See sec. 83 of bill.</i>	
<b>1412, lines 1-5</b>	See also sec. 133 of bill and notes at head of this section.	
<i>lines 5-7</i>	<i>See sec. 137 of bill.</i>	
<i>lines 7-13</i>	<i>See sec. 134 of bill.</i>	
<i>lines 13-16</i>	<i>See C.B. 261, secs. 126, 127, and 132.</i>	
<i>lines 16-23</i>	<i>See sec. 86 of bill.</i>	
<i>lines 23-27</i>	<i>See sec. 134 of bill.</i>	
<i>lines 27-30</i>	<i>See C.B. 261, sec. 132.</i>	
<i>lines 30-33</i>	<i>Omitted. See C.B. 261, sec. 126 and brief covering same.</i>	
<i>lines 33-34</i>	<i>See C.B. 261, sec. 126.</i>	
3		1. Bill substitutes one "age and character provision" for eight similar provisions scattered throughout practice acts rewritten in bill.
		2. Bill, in effect, extends age and character qualifications of osteopathic, nurse,

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
3	<p><b>S.C.C. 1321-a3,</b>  <b>lines 10-11</b>  <i>lines 1-6</i>  <i>lines 7-9</i>  <i>lines 11-14</i>  <i>lines 15-17</i>  <i>line 18</i>  <i>lines 18-21</i></p> <p><b>1326-a7,</b>  <b>lines 5-7</b></p> <p><i>lines 1-4</i> }  <i>lines 8-11</i> }  <i>lines 12-14</i> }  <i>lines 15-17</i> }  <i>lines 18-23</i> }  <i>lines 23-24</i> }  <i>lines 24-29</i> }    <i>lines 29-31</i>  <i>lines 31-33</i>  <i>lines 34-37</i></p> <p><b>1326-a24,</b>  <b>lines 12-13</b>  <i>lines 1-5</i>  <i>lines 5-9</i>  <i>lines 10-12</i>  <i>lines 13-16</i>  <i>lines 17-19</i>  <i>lines 20-24</i></p> <p><i>lines 25-26</i></p> <p><b>1326-a28,</b>  <b>line 3</b>  <i>lines 1-3</i>    <i>lines 3-8</i>    <i>lines 9-14</i>    <i>lines 15-27</i></p>	<p>embalmer, dental, optometry, podiatry, and chiropractic acts to practice of medicine and pharmacy.</p> <p><i>See secs. 11, 13, 14, 15, and 18 of bill.</i>  <i>See sec. 32 of bill.</i>  <i>Omitted as covered by sec. 99 of bill.</i>  <i>See sec. 100 of bill.</i>  <i>See sec. 79 of bill, subsec. 5.</i>  <i>See secs. 43, 44, and 47 of bill.</i></p> <p>See also sec. 28 of bill and notes at head of this section.</p> <p><i>See sec. 28 of bill.</i>  <i>See sec. 79 of bill, subsecs. 1 and 4.</i>  <i>See sec. 79 of bill, subsecs. 2 and 5.</i>  <i>See sec. 107 of bill.</i>  <i>See sec. 79 of bill, subsec. 13.</i>  <i>Omitted as unnecessary in view of sec. 108 of bill, subsec. 1.</i>  <i>See sec. 25 of bill.</i>  <i>See sec. 23 of bill.</i>  <i>See sec. 26 of bill.</i></p> <p>See notes at head of this section.  <i>See sec. 112 of bill.</i>  <i>See sec. 34 of bill.</i>  <i>See sec. 112 of bill.</i>  <i>See sec. 5 of bill.</i>  <i>See sec. 79 of bill, subsec. 4.</i>  <i>Omitted as impracticable in view of sec. 8 of bill. No reason for requiring double record of licenses. Doubtful if county record ever referred to. Persons desiring to know whether a person is licensed, naturally consult state record. Indeed, some of practice acts rewritten in bill do not require county record of licenses.</i>  <i>See sec. 81 of bill.</i></p> <p>See notes at head of this section.  <i>Omitted as covered by secs. 4 and 58 of bill.</i>  <i>Omitted as covered by sec. 53 of bill, subsecs. 1, 2, 3, 4, and 6, and sec. 54 of bill, subsec. 1.</i>  <i>Omitted as covered by secs. 61, 62, and 63 of bill.</i>  <i>See sec. 68 of bill.</i></p>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
3	<p><b>C.C. 1329, lines 8-10</b>  <i>lines 1-5</i>  <i>lines 5-8</i>  <i>lines 10-12</i>  <i>lines 12-13</i>  <i>lines 13-16</i></p> <p><b>1340, lines 7-9</b>  <i>lines 1-5</i>  <i>lines 5-7</i>  <i>lines 9-17</i>  <i>lines 17-25</i></p> <p><b>1385, lines 1-2</b>  <b>1404, lines 1-3</b>  <i>lines 3-7</i>  <i>lines 7-13</i>  <i>lines 13-19</i>  <i>lines 19-24</i>  <i>line 24</i></p>	<p>See notes at head of this section.  <i>See secs. 11, 13, 14, and 18 of bill.</i>  <i>See sec. 32 of bill.</i>  <i>See sec. 118 of bill, subsec. 1.</i>  <i>See sec. 118 of bill, subsec. 2.</i>  <i>See sec. 119 of bill.</i></p> <p>See notes at head of this section.  <i>See secs. 11, 13, 14, and 18 of bill.</i>  <i>See sec. 32 of bill.</i>  <i>See sec. 140 of bill.</i>  <i>Omitted as covered by sec. 28 of bill.</i></p> <p>See notes at head of this section.  <i>See sec. 131 of bill.</i>  <i>See sec. 132 of bill.</i>  <i>See sec. 131 of bill.</i>  <i>See sec. 47 of bill.</i>  <i>See sec. 79 of bill, subsec. 5.</i></p>
4		<p>1. Bill substitutes one section for five provisions of same purport scattered throughout practice acts rewritten in bill. Chiropractic practice act also contains a similar provision. See S.C.C. 1326-a28, lines 1 to 3.</p> <p>2. Bill, in effect, extends power to refuse licenses found in medical, nurse, embalmer, podiatry, chiropractic, and osteopathic practice acts to board of health and safety in granting licenses to practice dentistry, optometry, and pharmacy.</p> <p>3. "State board of health and safety" in the first line of bill section substituted for various boards which now issue licenses under existing practice acts to harmonize with reorganization plan of bill.</p> <p>4. "District court" in the last line of bill section substituted for various boards which now issue licenses under existing practice acts to harmonize with secs. 53 to 56, inclusive, of bill.</p> <p>5. Power of present licensing boards to refuse to renew licenses found in nurse, embalmer, and podiatry practice acts omitted as impracticable. After license has been issued, no question should be raised as to qualifications of licensee except as provided in secs. 53 to 69, inclusive, of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	<b>C.C. 1316, lines 1-2</b>	
	<i>lines 2-3</i>	<i>See sec. 53 of bill, subsec. 3 and sec. 58 of bill.</i>
	<i>lines 3-5</i>	<i>See sec. 54 of bill.</i>
	<i>lines 5-6</i>	<i>See sec. 53 of bill, subsec. 6.</i>
	<i>lines 6-7</i>	<i>See sec. 53 of bill, subsecs. 2 and 3.</i>
	<i>lines 7-8</i>	<i>See sec. 53 of bill, subsec. 4.</i>
	<i>lines 8-12</i>	<i>See sec. 53 of bill, subsec. 1.</i>
	<i>lines 13-22</i>	<i>See sec. 54 of bill.</i>
	<i>lines 23-24</i>	<i>See sec. 53 of bill, subsec. 7.</i>
	<i>lines 25-27</i>	<i>See sec. 54 of bill.</i>
	<i>line 28</i>	<i>See sec. 53 of bill, subsec. 5.</i>
	<i>lines 29-42</i>	<i>See sec. 54 of bill.</i>
	<i>lines 43-44</i>	<i>See C.B. 260, sec. 241.</i>
	<i>lines 44-46</i>	<i>Omitted. See C.B. 260, sec. 241 and brief covering same.</i>
	<b>S.C.C. 1321-a6,</b>	
	<b>lines 1-3</b>	<i>See also sec. 53 of bill, subsec. 9, sec. 58 of bill, and notes at head of this section.</i>
	<i>lines 3-4</i>	<i>See sec. 53 of bill, subsecs. 1 and 2.</i>
	<i>lines 4-5</i>	<i>See sec. 53 of bill, subsec. 6.</i>
	<i>line 6</i>	<i>See sec. 53 of bill, subsecs. 3 and 4.</i>
	<i>lines 7-8</i>	<i>See sec. 53 of bill, subsec. 8.</i>
	<i>lines 8-9</i>	<i>Omitted, for harmonize with other practice acts rewritten in bill.</i>
	<b>1326-a17,</b>	
	<b>lines 1-3</b>	<i>See also sec. 58 of bill and notes at head of this section.</i>
	<i>lines 4-5</i>	<i>See sec. 53 of bill, subsec. 5.</i>
	<i>lines 6-8</i>	<i>See sec. 53 of bill, subsecs. 1 and 6, and sec. 85 of bill.</i>
	<i>line 9</i>	<i>See sec. 53 of bill, subsec. 2.</i>
	<i>lines 10-11</i>	<i>See sec. 53 of bill, subsec. 10.</i>
	<i>lines 12-13</i>	<i>See sec. 85 of bill.</i>
	<i>lines 14-15</i>	<i>See sec. 53 of bill, subsec. 7.</i>
	<i>lines 16-17</i>	<i>See sec. 53 of bill, subsec. 4.</i>
	<i>lines 18-22</i>	<i>See secs. 61 and 62 of bill.</i>
	<i>lines 23-29</i>	<i>See sec. 63 of bill.</i>
	<b>C.C. 1332, lines 1-2</b>	<i>See notes at head of this section.</i>
	<i>lines 2-3</i>	<i>See sec. 53 of bill, subsec. 1.</i>
	<i>lines 3-4</i>	<i>See sec. 53 of bill, subsec. 3.</i>
	<i>lines 4-6</i>	<i>See sec. 53 of bill, subsec. 9.</i>
	<i>lines 6-7</i>	<i>See sec. 58 of bill.</i>
	<i>lines 7-10</i>	<i>See sec. 61 of bill.</i>
	<i>lines 10-14</i>	<i>See sec. 62 of bill.</i>
	<i>lines 14-18</i>	<i>See sec. 65 of bill.</i>
	<i>lines 18-23</i>	<i>See sec. 63 of bill.</i>
	<i>lines 23-25</i>	<i>See sec. 58 of bill.</i>
	<i>lines 25-26</i>	<i>See sec. 64 of bill.</i>
	<b>1344, lines 1-2</b>	<i>See notes at head of this section.</i>
	<i>line 3</i>	<i>See sec. 53 of bill, subsec. 1.</i>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
4	<i>lines 3-4</i> <i>lines 4-5</i> <i>lines 5-6</i> <i>lines 6-7</i> <i>lines 7-10</i> <i>lines 10-15</i> <i>lines 15-18</i> <i>lines 18-23</i> <i>lines 24-26</i> <i>lines 26-28</i>	<i>See sec. 53 of bill, subsec. 4.</i> <i>See sec. 53 of bill, subsec. 3.</i> <i>See sec. 53 of bill, subsec. 9.</i> <i>See sec. 58 of bill.</i> <i>See sec. 61 of bill.</i> <i>See sec. 62 of bill.</i> <i>See sec. 65 of bill.</i> <i>See sec. 63 of bill.</i> <i>See sec. 58 of bill.</i> <i>See sec. 64 of bill.</i>
5	<p data-bbox="388 1000 659 1031"><b>C.C. 1313, lines 23-24</b></p> <i>lines 1-2</i>  <i>lines 2-3</i> <i>lines 3-6</i> <i>line 6</i> <i>lines 6-12</i> <i>lines 12-13</i> <i>lines 13-15</i> <i>lines 15-16</i> <i>lines 16-19</i> <i>lines 20-22</i> <i>lines 22-23</i> <i>lines 24-27</i> <i>lines 28-30</i> <i>lines 30-32</i>  <i>lines 33-34</i> <i>lines 34-39</i>  <p data-bbox="456 1653 636 1684"><b>1315, lines 1-3</b></p>	<p data-bbox="710 634 1211 768">1. Form of license based upon similar provisions scattered throughout seven of practice acts rewritten in bill. It is made uniform for all professions dealt with in bill.</p> <p data-bbox="710 789 1211 872">2. Bill substitutes "state board of health and safety" for the several licensing boards created by present practice acts.</p> <p data-bbox="710 893 1211 996">3. Provisions of dental, pharmacy, and optometry practice acts relative to placing number of record book on license made applicable to all licenses.</p> <p data-bbox="710 1031 1211 1089"><i>See secs. 11, 13, 14, 16, 18, and 20 of bill.</i></p> <p data-bbox="710 1089 934 1120"><i>See sec. 21 of bill.</i></p> <p data-bbox="710 1120 934 1152"><i>See sec. 32 of bill.</i></p> <p data-bbox="710 1152 934 1183"><i>See sec. 35 of bill.</i></p> <p data-bbox="710 1183 1053 1214"><i>See sec. 95 of bill, subsec. 2.</i></p> <p data-bbox="710 1214 934 1245"><i>See sec. 38 of bill.</i></p> <p data-bbox="710 1245 1053 1276"><i>See sec. 79 of bill, subsec. 1.</i></p> <p data-bbox="710 1276 934 1307"><i>See sec. 38 of bill.</i></p> <p data-bbox="710 1307 934 1338"><i>See sec. 35 of bill.</i></p> <p data-bbox="710 1338 934 1369"><i>See sec. 41 of bill.</i></p> <p data-bbox="710 1369 934 1400"><i>See sec. 38 of bill.</i></p> <p data-bbox="710 1400 934 1431"><i>See sec. 36 of bill.</i></p> <p data-bbox="710 1431 934 1462"><i>See sec. 6 of bill.</i></p> <p data-bbox="710 1462 1211 1520"><i>Omitted as unnecessary under consolidation plan of bill.</i></p> <p data-bbox="710 1520 934 1551"><i>See sec. 81 of bill.</i></p> <p data-bbox="710 1551 1211 1655"><i>Omitted as contrary to public policy. No person should be allowed under any circumstances to practice medicine until he has demonstrated his competency to do so.</i></p> <p data-bbox="710 1655 1126 1686">See notes at head of this section.</p> <p data-bbox="710 1707 1211 1810">"Examination or diploma" omitted as obsolete. All licenses are now issued upon examination or reciprocity. Matter fully covered by other provisions of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	lines 3-8	<i>Omitted as impracticable in view of sec. 8 of bill. No reason for requiring double record of licenses. Doubtful if county record ever referred to. Persons desiring to know whether a person is licensed, naturally consult state record. Indeed, some of practice acts rewritten in bill do not require county record of licenses.</i>
	<b>S.C.C. 1326-a24,</b> lines 13-16	See notes at head of this section.
	1331, lines 10-12	See also sec. 38 of bill and notes at head of this section.
	lines 1-7	<i>See sec. 118 of bill, subsec. 3.</i>
	lines 7-8	<i>See sec. 79 of bill, subsec. 7.</i>
	lines 8-10	<i>See secs. 36 and 38 of bill.</i>
	lines 12-13	<i>See sec. 79 of bill, subsec. 7.</i>
	lines 13-15	<i>See sec. 6 of bill.</i>
	lines 15-18	<i>See sec. 43 of bill.</i>
	lines 18-19	<i>See sec. 44 of bill.</i>
	lines 19-21	<i>See sec. 47 of bill.</i>
	lines 21-22	<i>See sec. 79 of bill, subsec. 8.</i>
	lines 22-25	<i>Omitted. See note opposite C.C. 1315 in this section of brief.</i>
	lines 26-29	<i>Omitted as inapplicable under reorganization plan of bill.</i>
	<b>C.C. 1341, lines 13-15</b>	See notes at head of this section.
	lines 1-7	<i>See sec. 140 of bill.</i>
	lines 7-8	<i>See sec. 34 of bill.</i>
	lines 8-10	<i>See sec. 79 of bill, subsec. 7.</i>
	lines 10-11	<i>See sec. 34 of bill.</i>
	lines 11-13	<i>See secs. 36 and 38 of bill.</i>
	lines 15-16	<i>See sec. 79 of bill, subsec. 7.</i>
	lines 16-20	<i>See sec. 6 of bill.</i>
	<b>1384, lines 5-7</b> <b>lines 13-15</b>	See notes at head of this section.
	lines 1-5	<i>See sec. 122 of bill.</i>
	lines 7-8	<i>See sec. 6 of bill.</i>
	lines 8-13	<i>See sec. 8 of bill.</i>
	lines 15-17	<i>See sec. 122 of bill.</i>
	lines 17-18	<i>See sec. 79 of bill, subsec. 1.</i>
	<b>1403, lines 4-6</b> <b>lines 12-13</b>	See notes at head of this section.
	lines 1-2	<i>See sec. 32 of bill.</i>
	lines 2-4	<i>Omitted as covered by sec. 131 of bill.</i>
	lines 6-8	<i>See sec. 6 of bill.</i>
	lines 8-12	<i>See sec. 8 of bill.</i>
	<b>1422, lines 1-3</b>	See also sec. 8 of bill and notes at head of this section.
	lines 3-5	<i>See sec. 79 of bill, subsec. 9.</i>
	lines 6-7	<i>See sec. 9 of bill.</i>
	lines 7-9	<i>See sec. 7 of bill.</i>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
5	<i>lines 9-10</i>	<i>See sec. 86 of bill.</i>
6	C.C. 1313, lines 28-30 S.C.C. 1331, lines 13-15 C.C. 1341, lines 16-20 1384, lines 7-8 1403, lines 6-8	Provisions of medical, nurse, embalmer, optometry, and dental practice acts as to "presumptive evidence" of certificates made applicable to other licenses dealt with in this bill.
7	S.C.C. 1321-a5, lines 10-11 <i>lines 1-5</i> <i>lines 5-7</i>  <i>lines 7-8</i> <i>lines 8-10</i>  1326-a15, entire C.C. 1392, lines 1-3  <i>lines 3-7</i> 1422, lines 7-9	Provisions of dental, osteopathy, podiatry, and pharmacy practice acts relative to displaying licenses made applicable to other licenses dealt with in this bill.  <i>See secs 70 and 102 of bill.</i> <i>Omitted as impracticable in view of sec. 8 of bill. No reason for requiring a double record of licenses.</i> <i>See sec. 79 of bill, subsec. 6.</i> <i>Omitted to harmonize with other practice acts rewritten in this bill.</i>  "Either personally or as proprietor, employee, or assistant" omitted as verbiage. <i>See sec. 120 of bill.</i> <i>See sec. 123 of bill.</i>
8	S.C.C. 1326-a6, lines 24-29  <i>lines 1-4</i> <i>lines 4-6</i> <i>lines 6-8</i> <i>lines 8-9</i> <i>lines 9-10</i> <i>lines 11-12</i> <i>lines 13-14</i> <i>lines 14-16</i> <i>lines 16-17</i> <i>lines 17-19</i> <i>lines 20-23</i> <i>lines 30-32</i> <i>lines 32-33</i> <i>lines 33-36</i>	Varying provisions of dental, pharmacy, osteopathic, embalmer, and optometry practice acts relative to record of licenses harmonized and made applicable to other licenses dealt with in this bill.  Provision as to "issuance, refusal, renewal, suspension or revocation of any license" omitted as unnecessary. Matter fully covered by other provisions of bill. <i>See sec. 13 of bill.</i> <i>See sec. 11 of bill.</i> <i>See sec. 14 of bill.</i> <i>See sec. 19 of bill.</i> <i>See sec. 17 of bill.</i> <i>See sec. 15 of bill.</i> <i>Omitted as temporary.</i> <i>See sec. 18 of bill.</i> <i>Omitted as temporary.</i> <i>See sec. 18 of bill.</i> <i>See sec. 34 of bill.</i> <i>See sec. 32 of bill.</i> <i>See sec. 35 of bill.</i> <i>See sec. 34 of bill.</i>





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
10	lines 17-18 1406, lines 12-14	8 of bill. No reason for requiring double record of licenses. See C.B. 260, sec. 142. See also sec. 79 of bill, subsec. 6 and notes at head of this section.
	lines 1-3	"Thirtieth day of June" substituted for "month of July" so that renewal period will be same for all licenses dealt with in this bill and will coincide with fiscal year. See sec. 79 of bill, subsec. 4.
	lines 3-5	See sec. 81 of bill.
	lines 5-8	Omitted as temporary.
	lines 8-11	Omitted as covered by sec. 24 of bill.
	lines 14-27	Omitted to harmonize with other practice acts rewritten in bill.
	1420, lines 9-12	See also sec. 79 of bill, subsec. 9 and notes at head of this section.  "Thirtieth day of June" substituted for "twenty-second day of March" so that renewal period will be same for all licenses dealt with in this bill and will coincide with fiscal year.
	lines 1-2	See sec. 79 of bill, subsec. 7.
	lines 3-7	See sec. 81 of bill.
	lines 7-9	Omitted as unnecessary under reorganization plan of bill.
lines 12-17	See sec. 80 of bill.	
lines 17-18	See sec. 86 of bill.	
1421, entire	Omitted. Inapplicable under reorganization plan of bill. Matter fully covered by sec. 82 of bill and sec. 4 of C.B. 40.	

## EXAMINING BOARDS

**General Note**

This subdivision of chapter 1 of the bill is a revamping of all the provisions of the present law relative to the composition, appointment, and organization of the various examining boards for the several professions dealt with in the bill. Such modifications have been made as were necessary to carry into effect the new administrative plan outlined in the "General Explanation" at the beginning of the brief.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11		Under present practice acts rewritten in bill there are five different methods of

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11		<p>appointing members of the nine examining boards. For example:</p>
		<p>1. Osteopathic, chiropractic, dental, and pharmacy examiners by governor.</p>
		<p>2. Part of nurse and embalmer examiners by state board of health and part hold office by virtue of membership on state board of health.</p>
		<p>3. Part of podiatry examiners by state board of medical examiners and part hold office by virtue of membership on state board of medical examiners.</p>
		<p>4. Part of optometry examiners by governor and part hold office by virtue of membership on state board of health.</p>
		<p>5. Medical examiners all hold office by virtue of membership on state board of health.</p>
		<p>Bill provides uniform method of appointment, namely, appointment by governor.</p>
		<p>In this way all professions treated alike. No sound reason for preserving present varied system.</p>
		<p>Furthermore, under consolidation plan provided in C.B. 260, it will be impossible to make up these boards by an ex officio membership.</p>
	<p>C.C. 1313, lines 1-2</p>	<p>See also secs. 13, 14, 16, 18, and 20 of bill.</p>
	<p>S.C.C. 1321-a3, lines 1-6</p>	<p>See also secs. 13, 14, 15, and 18 of bill and notes at head of this section.</p>
	<p>1326-a6, lines 4-6</p>	<p>See notes at head of this section.</p>
	<p>1326-a21, lines 1-3 lines 3-4</p>	<p>See secs. 13, 14, and 15 of bill.</p>
	<p>C.C. 1329, lines 1-5 1340, lines 1-5</p>	<p>See also secs. 13, 14, and 18 of bill and notes at head of this section.</p>
	<p>1379, lines 1-2</p>	<p>See also secs. 13 and 14 of bill and notes at head of this section.</p>
	<p>lines 4-5</p>	<p>See also sec. 18 of bill and notes at head of this section.</p>
	<p>lines 2-4</p>	<p>See sec. 15 of bill.</p>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
11	<p><i>lines 5-7</i> <i>lines 7-9</i> <i>lines 10-11</i></p> <p><b>1400, lines 1-2</b></p> <p><b>lines 4-6</b> <i>lines 2-3</i> <i>lines 3-4</i> <i>lines 6-8</i> <i>lines 8-10</i></p> <p><b>1413, lines 1-2</b></p> <p><b>lines 3-5</b> <i>lines 2-3</i> <i>lines 5-7</i> <i>lines 7-10</i> <i>lines 10-16</i> <i>lines 16-46</i></p>	<p><i>See sec. 18 of bill.</i> <i>See sec. 19 of bill.</i> <i>See sec. 20 of bill.</i></p> <p>See also sec. 13 of bill and notes at head of this section.</p> <p>See notes at head of this section. <i>See secs. 14 and 15 of bill.</i> <i>Omitted as covered by sec. 19 of bill.</i> <i>See sec. 18 of bill.</i> <i>See sec. 20 of bill.</i></p> <p>See also sec. 13 of bill and notes at head of this section.</p> <p>See also sec. 18 of bill. <i>See secs. 14 and 15 of bill.</i> <i>Omitted as covered by sec. 34 of bill.</i> <i>Omitted as covered by sec. 25 of bill.</i> <i>Omitted as obsolete.</i> <i>Omitted as impracticable under reorganization plan of bill.</i></p>
12	New	Bill provides uniform designation for the nine different examining boards. In this way considerable repetition avoided in other sections of bill.
13	<p><b>S.C.C. 1262, line 18</b></p> <p><i>lines 1-12</i></p> <p><i>line 13</i></p>	<p>Under present practice acts, number of members of the nine examining boards varies as follows:</p> <ol style="list-style-type: none"> <li>1. Podiatry, optometry, embalmer, nurse, and dental boards, five members.</li> <li>2. Pharmacy, osteopathic, and chiropractic boards, three members.</li> <li>3. Medical board, four members.</li> </ol> <p>Bill makes number of examiners on each board uniform, except dental board. Three members sufficient for this work, except in case of dentistry where large part of examination consists of practical work.</p> <p>See also C.B. 260, sec. 2.</p> <p>S.C.C. 1262 used as an authority for this bill section because C.C. 1313 makes physician members of state board of health ex officio the medical examiners. <i>See C.B. 260, sec. 2, and brief covering same.</i> <i>See sec. 16 of bill.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
13	<p><i>lines 13-18</i></p> <p><i>lines 18-19</i></p> <p><i>lines 19-20</i></p> <p><i>lines 20-22</i></p> <p><i>lines 22-26</i></p> <p><i>lines 26-29</i></p> <p><i>lines 29-58</i></p> <p><b>C.C. 1313, lines 1-2</b></p> <p><b>S.C.C. 1321-a3,</b> <b>lines 1-6</b></p> <p><b>1326-a6,</b> <b>lines 1-4</b></p> <p><b>1326-a21,</b> <b>lines 3-4</b></p> <p><b>C.C. 1329, lines 1-5</b> <b>1340, lines 1-5</b> }</p> <p><b>1379, lines 1-2</b></p> <p><b>1400, lines 1-2</b> <b>1413, lines 1-2</b> }</p>	<p><i>See C.B. 260, sec. 2, and brief covering same.</i></p> <p><i>See secs. 14 and 16 of bill.</i></p> <p><i>See sec. 18 of bill and C.B. 260, sec. 4.</i></p> <p><i>Omitted. Covered by C.B. 34.</i></p> <p><i>See sec. 18 of bill and C.B. 260, sec. 4.</i></p> <p><i>See sec. 20 of bill.</i></p> <p><i>See C.B. 260, sec. 2, and brief covering same.</i></p> <p>See also secs. 11, 14, 16, 18, and 20 of bill and note at head of this section.</p> <p>See also secs. 11, 14, 15, and 18 of bill and note at head of this section.</p> <p>See note at head of this section.</p> <p>See also secs. 14 and 15 of bill and note at head of this section.</p> <p>See also secs. 11, 14, and 18 of bill and note at head of this section.</p> <p>See also secs. 11 and 14 of bill and note at head of this section.</p> <p>See also sec. 11 of bill and note at head of this section.</p>
14		<p>1. Under present practice acts, professional qualifications of members of the nine examining boards vary as follows:</p> <p><i>a. Medical, osteopathic, chiropractic, dental, and pharmacy boards made up exclusively of persons from profession for which each particular board conducts examinations.</i></p> <p><i>b. Nurse, embalmer, and podiatry boards made up of two persons from profession for which each particular board conducts examinations, and three physicians.</i></p> <p><i>c. Optometry board made up of three optometrists and two physicians.</i></p> <p>Bill makes professional qualifications for all members of examining boards same, namely, the members of each board are to be persons licensed to practice profession for which such board conducts examinations. In this way all professions treated alike. No sound reason for prescribing different professional qualifica-</p>

C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
14	<p>S.C.C. 1262, lines 18-19</p> <p>C.C. 1313, lines 1-2</p> <p>S.C.C. 1321-a3, lines 1-6</p> <p>1326-a6, lines 6-8</p> <p>1326-a21, lines 3-4</p> <p>C.C. 1329, lines 1-5 1340, lines 1-5 1379, lines 1-2 1400, lines 2-3 1413, lines 2-3</p>	<p>tions for certain members of particular boards.</p> <p>Furthermore, policy of giving each profession an examining board made up exclusively of members of that particular profession in harmony with acts of 39th G.A. licensing osteopaths and chiropractors.</p> <p>2. "Licensed to practice" substituted for various expressions of same purport scattered throughout various sources upon which bill section is based.</p> <p>3. Last sentence of bill section necessary, because osteopathic examiners and dental examiners conduct examinations for practice of two different professions. In each instance, bill requires that examiners shall be practitioners of profession having the higher standards and in fact including the other profession.</p> <p>4. Under new osteopathic practice act, possible to have board of examiners conducting examinations in surgery who are not surgeons and who may never have had any training in this field of learning. As indicated above, bill eliminates this absurdity, not only as being unwise, but as having never been contemplated by legislature.</p> <p>See also sec. 16 of bill.</p> <p>S.C.C. 1262 used as an authority for this bill section, because C.C. 1313 makes physician members of state board of health ex officio the medical examiners.</p> <p>See also secs. 11, 13, 16, 18, and 20 of bill.</p> <p>See also secs. 11, 13, 15, and 18 of bill.</p> <p>See also secs. 13 and 15 of bill.</p> <p>See also secs. 11, 13, and 18 of bill.</p> <p>See also secs. 11 and 13 of bill.</p> <p>See also sec. 15 of bill.</p>
15		1. Under present practice acts require-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
15	<p>S.C.C. 1321-a3, lines 1-6 1326-a6, lines 11-12 1326-a21, lines 3-4</p> <p>C.C. 1379, lines 2-4 1400, lines 2-3 1413, lines 2-3</p>	<p>ment that members of various examining boards shall have been engaged in active practice varies as follows:</p> <p><i>a.</i> Members of dental, optometry, and pharmacy boards required to have been engaged in active practice <i>in this state</i> for period of five years.</p> <p><i>b.</i> Members of osteopathic board required to have been engaged in active practice for period of five years, but no requirement as to residence.</p> <p><i>c.</i> Members of chiropractic board required to have been engaged in active practice <i>in this state</i> for period of two years.</p> <p><i>d.</i> Members of podiatry board required to have been engaged in active practice <i>in this state</i>, but no period of practice specified.</p> <p><i>e.</i> No active practice requirement for members of nurse, embalmer, and medical boards.</p> <p>2. Bill provides same active practice requirement for members of all examining boards.</p> <p>See also secs. 11, 13, 14, and 18 of bill.</p> <p>See also secs. 13 and 14 of bill.</p> <p>For similar provision as to qualifications of examiners see S.C.C. 1326-a22, lines 16 to 19.</p> <p>See also sec. 14 of bill.</p>
16	<p>S.C.C. 1262, line 13 lines 18-19</p> <p>C.C. 1313, lines 1-2</p>	<p>See also sec. 14 of bill.</p> <p>S.C.C. 1262 used as an authority for this bill section, because C.C. 1313 makes physicians members of state board of health ex officio the medical examiners.</p> <p>See also secs. 11, 13, 14, 18, and 20 of bill.</p>
17	<p>S.C.C. 1326-a6, lines 9-10</p>	<p>Bill in effect extends disqualification pro-</p>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
17	C.C. 1380, entire 1401, entire	visions of the optometry, osteopathic, and dental practice acts to members of other examining boards dealt with in this bill.
18	<p>S.C.C. 1262, lines 19-20 lines 22-26 } C.C. 1313, lines 1-2 } S.C.C. 1321-a3, lines 1-6 1326-a6, lines 14-16 lines 17-19 1326-a22, lines 1-6 lines 6-9 lines 9-10 lines 10-13 lines 14-16 lines 16-19 C.C. 1329, lines 1-5 } 1340, lines 1-5 }</p>	<p>1. Under present practice acts, term of office of members of the nine examining boards varies as follows:</p> <p>a. Members of medical and dental boards serve for five years.</p> <p>b. Members of osteopathic, chiropractic, and pharmacy boards serve for three years.</p> <p>c. Members of podiatry, nurse, embalmer, and optometry boards serve for one year.</p> <p>2. Bill fixes uniform term of three years for members of all examining boards except dental board. Such term results in renewal of each examining board every three years. Term of dental examiners fixed at five years, because there are five members of the board. See sec. 13 of bill.</p> <p>3. Under present practice acts, terms of members of some of examining boards expire in March, April, June, and July. Bill provides for expiration of terms of all examiners on June 30th—the end of fiscal year.</p> <p>4. Rotation feature of bill section based upon pharmacy, chiropractic, osteopathic, dental, and medical practice acts.</p> <p>See also C.B. 260, sec. 4.</p> <p>See also secs. 11, 13, 14, 16, and 20 of bill.</p> <p>See also secs. 11, 13, 14, and 15 of bill.</p> <p><i>See sec. 21 of bill.</i> <i>See secs. 34, 89, and 90 of bill.</i> <i>See sec. 90 of bill.</i> <i>See sec. 20 of bill.</i> <i>Omitted as covered by sec. 15 of bill.</i></p> <p>See also secs. 11, 13, and 14 of bill.</p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
18	<p>1379, lines 4-5 lines 5-7</p> <p>1400, lines 6-8 1413, lines 3-5</p>	<p>See also sec. 11 of bill.</p> <p>See also sec. 11 of bill.</p>
19	<p>S.C.C. 1326-a6, lines 8-9</p> <p>C.C. 1379, lines 7-9</p>	<p>Bill section practically new, but based in part upon provisions of dental, osteopathic, and optometry practice acts. Requirement that all appointments be made from an approved list takes matter of appointments out of politics. Thus, responsibility for selection of proper persons to perform this work will rest largely upon professions concerned.</p> <p>A somewhat similar provision appears in optometry practice act. See C.C. 1400, lines 3 and 4.</p>
20	<p>S.C.C. 1262, lines 26-29</p> <p>C.C. 1313, lines 1-2</p> <p>S.C.C. 1326-a22, lines 14-16</p> <p>C.C. 1379, lines 10-11 1400, lines 8-10</p>	<p>Provisions of medical, chiropractic, optometry, and dental practice acts as to filling of vacancies with certain modifications made applicable to other examining boards provided for in bill.</p> <p>“In the same manner as original appointments” substituted for “by the board of appointment” to harmonize with sec. 11 of bill.</p> <p>See also secs. 11, 13, 14, 16, and 18 of bill.</p> <p>Provision relative to increasing or decreasing number of optometrists omitted as unnecessary.</p>
21	<p>C.C. 1313, lines 2-3</p> <p>S.C.C. 1326-a22, lines 6-9</p>	<p>Provisions of pharmacy, optometry, chiropractic, dental, and medical practice acts relative to officers with certain modifications made applicable to other examining boards dealt with in bill.</p> <p>Modified to harmonize with other practice acts rewritten in bill.</p> <p>1. “Chairman” substituted for “president”.</p> <p>2. “Secretary” substituted for “secretary-treasurer”, because under reorganization plan of bill, examining board will handle no funds.</p>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
21	<p><b>C.C. 1381, lines 1-2</b></p> <p><i>lines 2-4</i> <i>lines 4-6</i></p> <p><i>1382, entire</i></p> <p><b>1402, lines 1-3</b></p> <p><i>lines 3-5</i> <i>lines 5-7</i></p> <p><i>lines 7-9</i></p> <p><b>S.C.C. 1414, lines 1-3</b></p> <p><i>lines 3-9</i></p> <p><i>lines 9-17</i></p> <p><i>1415, entire</i></p>	<p>1. "Chairman" substituted for "president".</p> <p>2. "Treasurer" omitted, because under reorganization plan of bill, examining board will handle no funds.</p> <p><i>See sec. 32 of bill.</i></p> <p><i>Omitted as covered by secs. 36 and 38 of bill.</i></p> <p><i>Omitted. Obsolete and inapplicable under reorganization plan of bill.</i></p> <p>1. Modified to harmonize with other practice acts rewritten in bill.</p> <p>2. "Chairman" substituted for "president".</p> <p><i>See sec. 32 of bill.</i></p> <p><i>Omitted as covered by secs. 36 and 38 of bill.</i></p> <p><i>See sec. 34 of bill.</i></p> <p>1. Modified to harmonize with reorganization plan of bill.</p> <p>2. "Treasurer" omitted, because under reorganization plan of bill, the board will handle no funds.</p> <p><i>Omitted. Unnecessary under reorganization plan of bill. Secretary of pharmacy examiners will not handle any funds. All fees will be paid direct to state board of health and safety.</i></p> <p><i>Omitted. Under reorganization plan of bill, pharmacy examiners will not maintain an office. Hence, these lines will have no application. With transferal of enforcement of Pure Drug Law and Poisons and Narcotics Act to state board of health and safety by C.B. 261, necessity for such an office eliminated. See General Explanation to brief of C.B. 261.</i></p> <p><i>Omitted as unnecessary. See C.B. 260, sec. 28, subsec. 5.</i></p>
22	New	<p>1. Provides legal basis for practices of present examining boards. By proceeding in this way, considerable expense eliminated.</p> <p>2. "Section thirty-seven (37)" authorizes state board of health and safety to supply a clerk of examinations at request of any examining board.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
23	<p data-bbox="301 1363 567 1425"><b>S.C.C. 1263, lines 1-2</b> <i>lines 2-3</i></p> <p data-bbox="389 1456 567 1518"><b>1321-a7,</b> <b>lines 1-6</b></p> <p data-bbox="468 1643 585 1705"><i>lines 6-8</i> <i>lines 8-11</i></p> <p data-bbox="396 1736 602 1788"><b>1326-a6,</b> <b>lines 45-48</b></p>	<p data-bbox="641 337 1155 420">1. Under present law, compensation of members of the nine different examining boards varies as follows:</p> <p data-bbox="683 441 1155 493"><i>a.</i> Podiatry and optometry examiners receive \$5.00 a day.</p> <p data-bbox="683 513 1155 565"><i>b.</i> Dental examiners receive \$7.50 a day.</p> <p data-bbox="683 586 1155 638"><i>c.</i> Nurse and embalmer examiners receive \$8.00 a day.</p> <p data-bbox="683 658 1155 710"><i>d.</i> Pharmacy examiners receive \$10.00 a day. (See 39 G.A., ch. 340, sec. 28.)</p> <p data-bbox="683 731 1155 783"><i>e.</i> Chiropractic examiners receive \$15.00 a day.</p> <p data-bbox="683 803 1155 969"><i>f.</i> Medical examiners receive no compensation as such, but paid \$900.00 a year for all services rendered to state as members of board of health and certain examining boards. (See 39 G.A., ch. 340, sec. 27.)</p> <p data-bbox="683 990 1155 1062"><i>g.</i> Osteopathic examiners receive such compensation as board itself determines.</p> <p data-bbox="641 1083 1155 1249">2. Bill fixes uniform compensation of \$10.00 a day for members of each of the examining boards. No sound reason for variation which exists in present law. Services rendered by members of these various boards practically the same.</p> <p data-bbox="641 1270 1155 1353">3. Lines 4 to 6 of bill section added for purpose of clearness. Based upon present practice.</p> <p data-bbox="641 1373 1155 1456">See also C.B. 260, secs. 11 and 35. <i>Omitted. Covered by board of audit law. See C.B. 15.</i></p> <p data-bbox="641 1477 1155 1518">See also sec. 24 of bill.</p> <p data-bbox="641 1539 1155 1643">Provision as to physician members and secretary omitted as having no application under reorganization plan of bill. See sec. 14 of bill.</p> <p data-bbox="641 1663 1155 1725"><i>See sec. 25 of bill.</i> <i>Omitted. Covered by board of audit law. See C.B. 15.</i></p> <p data-bbox="641 1746 1155 1788">See also sec. 24 of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
23	<p>1326-a7, lines 31-33</p> <p>1326-a30, lines 8-12 lines 1-7</p> <p>lines 12-13 lines 13-30</p> <p>1330, lines 1-6</p> <p>lines 6-8 lines 8-12</p> <p>1345, lines 1-7</p> <p>lines 7-9 lines 9-10 lines 11-14</p> <p>C.C. 1383, entire</p> <p>S.C.C. 1410, lines 1-7</p> <p>lines 7-9 lines 9-12</p>	<p>See also sec. 24 of bill.</p> <p><i>Omitted. These lines have no application to reorganization plan of bill. Under bill, chiropractic examiners receive no funds.</i></p> <p><i>See sec. 25 of bill.</i></p> <p><i>Omitted as in conflict with sec. 24 of bill. See brief covering same.</i></p> <p>See also sec. 24 of bill.</p> <p>Provision as to physician members and secretary omitted as having no application under reorganization plan of bill. See sec. 14 of bill.</p> <p><i>See sec. 25 of bill.</i></p> <p><i>Omitted. Covered by board of audit law. See C.B. 15.</i></p> <p>See also sec. 24 of bill.</p> <p>Provision as to physician members and secretary omitted as having no application under reorganization plan of bill. See sec. 14 of bill.</p> <p><i>See sec. 25 of bill.</i></p> <p><i>See sec. 82 of bill.</i></p> <p><i>Omitted. Covered by board of audit law. See C.B. 15.</i></p> <p>See also secs. 24 and 25 of bill.</p> <p>Provision relative to compensation of treasurer omitted as in conflict with reorganization plan of bill. See sec. 21 of bill and brief covering same.</p> <p>See also sec. 24 of bill.</p> <p>Provision as to physician members and secretary omitted as having no application under reorganization plan of bill. See sec. 14 of bill.</p> <p><i>See sec. 25 of bill.</i></p> <p><i>Omitted. Covered by board of audit law. See C.B. 15.</i></p>
24		<p>1. Bill section practically new, but based in part upon sources cited. Under present law, expenses of various examining boards have been paid out of funds derived from examination and license fees. This has led to erroneous notion that funds in state treasury derived from ex-</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
24	<p>S.C.C. 1321-a7,            lines 1-6  1326-a6,            lines 45-48  1326-a30,            lines 8-12  1330, lines 1-6  1345, lines 1-7</p> <p>C.C. 1383, entire  S.C.C. 1410, lines 1-7</p>	<p>amination and license fees belong to professions from which such funds derived. As matter of law, these funds constitute a part of revenues of state, same as funds derived by taxation or from other fees.</p> <p>2. Furthermore, collection of examination and license fees under present law does not always take place at such times as to keep balance in particular funds from which to pay accruing claims, although ultimately collections amount to enough to cover all outstanding debts on part of state. This is not good business. Claims against state should be paid when due.</p> <p>3. For above reasons, bill provides fund for payment of all expenses in connection with conducting of examinations and issuance of licenses. At same time, under sec. 82 of bill, provision made for payment of all fees collected under this chapter into state treasury. Hence, in effect, bill does not make an additional appropriation, but merely substitutes a more businesslike method of bookkeeping for present system. Indeed, from fees collected under sec. 79 of bill, there will be more than enough income to maintain examining boards and pay for cost of issuing licenses. Surplus will be used to defray cost of enforcing various practice acts which have been enacted for protection of public health.</p> <p>See also sec. 23 of bill.</p> <p>See also sec. 23 of bill.</p> <p>For a similar provision see C.C. 1406, lines 8 to 11.</p> <p>See also secs. 23 and 25 of bill.</p> <p>See also sec. 23 of bill.</p>
25		<p>Bill section practically new, but based in part upon sources cited. Under reorganization plan of bill, supplies required by each examining board will be small. For this reason the bill provides that</p>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
25	<p><b>S.C.C. 1314, lines 4-6</b>  <i>lines 1-4</i>  <i>lines 6-7</i></p> <p><b>1321-a7,</b>  <b>lines 6-8</b></p> <p><b>1326-a7,</b>  <b>lines 29-31</b></p> <p><b>1326-a30,</b>  <b>lines 12-13</b></p> <p><b>1330, lines 6-8</b>  <b>1345, lines 7-9</b></p> <p><b>C.C. 1383, entire</b>  <b>S.C.C. 1410, lines 7-9</b></p>	<p>such supplies shall be drawn by state board of health and safety. This will simplify bookkeeping of supply department to a large degree.</p> <p><i>Omitted as covered by C.B. 260, sec. 11. See sec. 82 of bill.</i></p> <p>See also secs. 23 and 24 of bill.</p>
26	<p><b>S.C.C. 1326-a7,</b>  <b>lines 34-37</b></p> <p><b>1326-a23,</b>  <b>lines 5-7</b>  <i>lines 1-5</i></p>	<p>1. Provisions of osteopathic and chiropractic practice acts relative to quarters made applicable to all examining boards dealt with in bill.</p> <p>2. Last sentence of bill section new. Based upon present practice.</p> <p>Provision relative to clerical help omitted as inapplicable under reorganization plan of bill.</p> <p><i>See sec. 32 of bill.</i></p>
27	New	<p>Provides legal basis for what has long been custom under present practice acts. In some instances more than one representative has been permitted to attend these national gatherings. Although, some representation at such gatherings is desirable, it was felt that one representative at state expense was all that was justified.</p>

## EXAMINATIONS

**General Note**

This subdivision of chapter 1 of the bill is a restatement of all the general provisions of the present law relative to the conducting of examinations. Quite a number of additions have been made in view of the transfer of all the ministerial and clerical duties in connection with examinations to the State Board of Health and Safety.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
28	<p>S.C.C. 1326-a7,  lines 1-4  lines 5-7  lines 8-11</p> <p>1326-a27,  lines 1-4  lines 5-11  line 4</p>	<p>Bill section practically new, but based in part upon similar provisions in some of present practice acts. Section made necessary under reorganization plan of bill in which all clerical work in connection with the conducting of examinations and the issuance of licenses is to be carried on by state board of health and safety.</p> <p>See also sec. 3 of bill.</p> <p>For similar provision see C.C. 1340, lines 17 to 25.</p> <p><i>See sec. 79 of bill, subsec. 4.</i></p>
29	New	<p>Section made necessary in view of sec. 28 of bill by which all applications for examinations are filed with state board of health and safety. Last sentence of section makes available to state board of health and safety data on secondary schools which have been compiled by institutions of higher learning under state board of education.</p>
30	New	<p>Section is companion section to sec. 29 of bill and made necessary by sec. 28 of bill. It will be noted that approval of professional colleges left to examining board for each profession. Only clerical work will be handled by state board of health and safety.</p>
31	New	<p>Section is companion section to sec. 30 of bill. It makes available to each examining board data relative to professional schools which have been collected by authorities at State University.</p>
32		<p>Bill substitutes one section for eleven provisions of same purport scattered throughout practice acts rewritten in bill. Under present law, number of examinations authorized for various examining boards varies from one to five each year. Bill fixes maximum of four for all boards exclusive of examinations to be held at State University by three of boards. Number of examinations made elastic, because matter depends upon number of applicants from time to time. For this</p>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
32	<p>S.C.C. 1312, lines 8-14  C.C. 1313, lines 3-6  S.C.C. 1321-a3,  lines 7-9  1326-a6,  lines 30-32  1326-a23,  lines 1-5  C.C. 1329, lines 5-8  1340, lines 5-7  1381, lines 2-4  1402, lines 3-5  1403, lines 1-2  1416, lines 1-6  lines 6-12</p>	<p>reason determination of number of examinations left to state board of health and safety.</p> <p><i>Omitted as temporary.</i></p>
33	New	<p>Section is companion section to sec. 28 of bill. Since state board of health receives all applications for examinations it is necessary for such board to furnish list of eligible candidates to proper examiners.</p>
34	<p>S.C.C. 1321-a4,  lines 6-9  lines 1-6  lines 9-10  lines 11-15</p> <p>1326-a6,  lines 20-23  lines 33-36</p> <p>1326-a22,  lines 9-10</p> <p>1326-a24,  lines 5-9</p> <p>C.C. 1341, lines 7-8  lines 10-11</p> <p>1390, lines 5-8</p>	<p>1. Various provisions of present practice acts relative to power of various examining boards to make rules and regulations entirely rewritten in bill section to harmonize with reorganization plan of bill.</p> <p>2. Matter of grading examinations and basis of marking left to sound discretion of each examining board. Such matters should not be fixed by statute.</p> <p><i>See sec. 99 of bill.</i>  <i>See sec. 79 of bill, subsec. 4.</i>  <i>Omitted to harmonize with other practice acts rewritten in bill. Subject matter fully covered by sec. 81 of bill.</i></p> <p>See also secs. 89 and 90 of bill.</p> <p>For similar provision see C.C. 1413, lines 5 to 7.</p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
34	<p style="text-align: center;"><i>lines 1-5</i></p> <p style="text-align: center;"><i>C.C. 1391, entire</i></p> <p style="text-align: center;"><b>1402, lines 7-9</b></p>	<p><i>Omitted as unnecessary under reorganization plan of bill. Power to administer oaths covered by C.B. 39.</i></p> <p><i>Omitted. Inapplicable under reorganization plan of bill. Matter fully covered by sec. 82 of bill, sec. 4 of C.B. 40, and sec. 24 of C.B. 260.</i></p>
35	<p><b>C.C. 1313, line 6</b> <b>lines 16-19</b></p> <p><b>S.C.C. 1326-a6,</b> <b>lines 32-33</b> <b>lines 37-41</b></p>	<p>Provisions of medical and osteopathic practice acts as to nature and secrecy of examinations made applicable to all examinations dealt with in bill.</p>
36	<p style="text-align: center;"><b>C.C. 1313, lines 24-27</b></p> <p><b>S.C.C. 1331, lines 8-10</b> <b>C.C. 1341, lines 11-13</b> }</p>	<p>Provision of present practice acts relative to quorum for conducting examinations rewritten to harmonize with reduced number of examiners and made applicable to all examining boards provided for in bill. Exception as to dental examiners due to larger membership of such board. (See sec. 13 of bill.)</p> <p>For similar provisions see C.C. 1381, lines 4 to 6 and C.C. 1402, lines 5 to 7.</p> <p>See also sec. 38 of bill.</p>
37	<b>New</b>	<p>Section constitutes legal basis for practice which has long been in existence in connection with nurse, embalmer, optometry, and medical examinations. Bill makes available to all examining boards clerical assistance in employ of state board of health and safety.</p>
38	<p style="text-align: center;"><b>C.C. 1313, lines 12-13</b> <b>lines 15-16</b> <b>lines 22-23</b></p> <p><b>S.C.C. 1331, lines 8-10</b> <b>lines 10-12</b></p> <p style="text-align: center;"><b>C.C. 1341, lines 11-13</b></p>	<p>1. Bill section practically new, but based in part upon present nurse, embalmer, and medical practice acts. Under first two acts, examinations conducted by a committee and successful candidates reported to board of health for issuance of proper licenses.</p> <p>2. Bill section leaves clerical work in connection with issuance of all licenses authorized by this bill to state board of health and safety.</p> <p>See also sec. 36 of bill.</p> <p>See also sec. 5 of bill.</p> <p>See also sec. 36 of bill.</p>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
39	New	Section provides legal basis for practice which has long prevailed among some of present examining boards.
40	New	Section is companion section to sec. 39 of bill and is self-explanatory.
41	<p>C.C. 1313, lines 20-22 1317, lines 16-17</p> <p><i>lines 1-3</i> <i>lines 3-8</i> <i>lines 9-12</i> <i>lines 12-16</i> <i>lines 17-20</i> <i>lines 20-22</i></p> <p>S.C.C. 1326-a6, lines 42-44</p>	<p>Provisions of present medical and osteopathic practice acts made applicable to all examinations authorized by this bill.</p> <p><i>See sec. 61 of bill.</i> <i>See sec. 62 of bill.</i> <i>See sec. 65 of bill.</i> <i>See sec. 63 of bill.</i> <i>See sec. 58 of bill.</i> <i>See sec. 64 of bill.</i></p>

## RECIPROCAL LICENSES

## General Note

This subdivision of chapter 1 of the bill entirely revamps the meager provisions which exist in the present practice acts relative to the granting of licenses under reciprocal agreements. It has been necessary to add a number of provisions in order to provide a complete system under which the proper negotiations can be entered into with other states.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
42	S.C.C. 1312, lines 25-27	<p>Bill section practically new, but based in part upon present medical practice act. Board of medical examiners has for many years negotiated reciprocal agreements as basis for recognizing licenses issued in other states. Bill section is in conformity with such practice and with reorganization plan of bill.</p> <p>See also sec. 47 of bill.</p>
43		<p>1. Bill section practically new, but based in part upon sources cited.</p> <p>2. It will be noted that actual determination of states with which reciprocal agreements are to be negotiated left to the various examining boards. Only ministerial duties in connection with such</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
43	<p>S.C.C. 1321-a3, lines 18-21 1326-a14, lines 1-3 lines 8-12 line 4 lines 5-7 lines 13-18</p> <p>1326-a29, lines 1-4 line 4 lines 4-6</p> <p>1331, lines 15-18 C.C. 1342, lines 6-9 1386, lines 1-6 lines 7-11 lines 6-7 1423, lines 1-9 lines 9-14</p>	<p>negotiations placed in hands of state board of health and safety.</p> <p>3. Bill section also based in part upon practice of present board of medical examiners. See Rules State Board of Medical Examiners, 1918, page 16.</p> <p>See also secs. 44 and 47 of bill.</p> <p>See also sec. 47 of bill.</p> <p><i>Omitted as covered by sec. 3 of bill.</i> <i>Omitted as covered by secs. 105 and 106 of bill.</i> <i>Omitted to harmonize with other practice acts rewritten in bill.</i></p> <p>See also sec. 47 of bill. <i>See sec. 79 of bill, subsec. 5.</i> <i>Omitted as covered by sec. 3 of bill.</i></p> <p>See also secs. 44, 45, and 47 of bill. <i>See sec. 79 of bill, subsec. 2.</i> See also secs. 44 and 47 of bill. <i>See sec. 79 of bill, subsec. 8.</i></p>
44	<p>C.C. 1320, entire</p> <p>S.C.C. 1321-a3, lines 18-21 1331, lines 18-19 C.C. 1342, lines 9-10 1386, lines 1-6 lines 7-11 1423, lines 1-9</p>	<p>1. Subsec. 1 of bill section in effect makes provisions of present medical act relative to the protection of persons licensed to practice medicine in this state applicable to all licensees under bill.</p> <p>2. Subsec. 2 of bill section added as companion section to sec. 45 of bill.</p> <p>See also sec. 50 of bill.</p> <p>See also secs. 43 and 47 of bill.</p> <p>See also secs. 43, 45, and 47 of bill.</p> <p>See also secs. 43 and 47 of bill.</p>
45		<p>Bill in effect extends provisions of present dental practice act relative to period of active practice and practical examination to all licensees under bill at discretion of respective licensing boards.</p>

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
45	C.C. 1386, lines 1-6 lines 7-11	See also secs. 43, 44, and 47 of bill.
46	New	Supplies an omission in present law.
47	<p>S.C.C. 1312, lines 15-21</p> <p>lines 25-27</p> <p>1321-a3, lines 18-21</p> <p>1326-a14, lines 1-3 lines 8-12</p> <p>1326-a29, lines 1-4</p> <p>1331, lines 19-21</p> <p>C.C. 1342, lines 10-13</p> <p>1386, lines 1-6 lines 7-11</p> <p>1404, lines 19-24</p> <p>1423, lines 1-9</p>	<p>1. Bill section is companion section to sec. 42 of bill.</p> <p>2. "State board of health and safety" substituted for various examining boards now authorized to issue reciprocal licenses to harmonize with reorganization plan of bill.</p> <p>3. Provision as to average grade on examination taken in foreign state omitted. Matter covered by provision that reciprocal relations shall be based upon "substantially equivalent requirements to those existing in this state". See sec. 43 of bill.</p> <p>4. Lines 4 to 7 of bill section added to harmonize with sec. 45 of bill.</p> <p>See also sec. 96 of bill.</p> <p>See also sec. 42 of bill.</p> <p>See also secs. 43 and 44 of bill.</p> <p>See also sec. 43 of bill.</p> <p>See also sec. 43 of bill.</p> <p>See also secs. 43, 44, and 45 of bill.</p> <p>See also secs. 43 and 44 of bill.</p>
48	New	Constitutes companion section to secs. 45 and 47 of bill.
49	New	Constitutes companion section to secs. 45 and 47 of bill.
50	C.C. 1320, entire	<p>See also sec. 44 of bill.</p> <p>Bill in effect extends provisions of present medical act relative to graduates of state medical school to graduates of all colleges in this state in which any of professions dealt with in this bill are taught.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
51	New	Section added in view of secs. 47 and 50 of bill.
52	C.C. 1387, lines 1-3 lines 4-5  lines 3-4	Bill in effect makes provisions of present dental practice act relative to change of residence applicable to all professions dealt with in bill.  <i>See sec. 79 of bill, subsec. 12.</i>

## REVOCATION OF LICENSES

## General Note

This subdivision of chapter 1 of the bill entirely revamps the various provisions of the practice acts rewritten in the bill which deal with the revocation and suspension of licenses. The procedure for the revocation and suspension of all licenses, regardless of the profession, has been made the same—a judicial proceedings. Furthermore, the grounds of revocation and suspension have been made the same for all professions except in the case of practitioners of the healing art, in which instance, certain additional grounds have been provided.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
53 (1)*	C.C. 1316, lines 8-12  S.C.C. 1321-a6, lines 3-4 1326-a17, lines 6-8  C.C. 1332, lines 2-3 1344, line 3 1389, lines 4-5 lines 1-3	1. The several grounds for revocation and suspension of licenses issued under present practice acts rewritten in bill vary considerably, although there is a general similarity in them all.  2. Bill substitutes one general section for these various provisions in which ten separate grounds of revocation and suspension are specified.  1. Provision relative to fraud in present law broadened so as to include any kind of fraud.  2. Provision as to method of revocation omitted as covered by sec. 56 of bill.  See also sec. 53 of bill, subsec. 2.  See also sec. 53 of bill, subsec. 6 and sec. 85 of bill.  <i>See sec. 58 of bill.</i>

\* Indicates subsection.

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
53 (1)*	<i>line 6</i> <i>lines 6-8</i> <i>lines 8-9</i> <i>lines 9-10</i> <i>lines 11-14</i> <i>lines 15-16</i> <i>lines 17-22</i> <i>lines 22-24</i>	<i>See sec. 53 of bill, subsec. 5.</i> <i>See sec. 53 of bill, subsec. 4.</i> <i>See sec. 53 of bill, subsec. 3.</i> <i>See sec. 53 of bill, subsec. 7.</i> <i>See sec. 55 of bill.</i> <i>See secs. 61 and 62 of bill.</i> <i>See sec. 63 of bill.</i> <i>See sec. 68 of bill.</i>
53 (2)*	<b>C.C. 1316, lines 6-7</b> <b>S.C.C. 1321-a6,</b> <b>lines 3-4</b> <b>1326-a17,</b> <b>line 9</b>  <b>C.C. 1405, line 2</b> <i>lines 1-2</i> <i>line 3</i> <i>lines 3-8</i> <i>lines 8-11</i>	See notes at head of sec. 53 of bill, subsec. 1. See also sec. 53 of bill, subsec. 3. See also sec. 53 of bill, subsec. 1. "Incompetency" substituted for "gross malpractice". See also sec. 53 of bill, subsec. 3. <i>See sec. 58 of bill.</i> <i>See sec. 53 of bill, subsec. 4.</i> <i>See secs. 61, 62, and 63 of bill.</i> <i>Omitted to harmonize with other practice acts rewritten in bill and with new revocation procedure provided therein.</i>
53 (3)*	<b>C.C. 1316, lines 2-3</b> <b>lines 6-7</b>  <b>S.C.C. 1321-a6,</b> <b>line 6</b> <b>C.C. 1332, lines 3-4</b> <b>1344, lines 4-5</b> <b>1389, lines 8-9</b> <b>1405, line 2</b>	See notes at head of sec. 53 of bill, subsec. 1. See also sec. 58 of bill. See also sec. 53 of bill, subsec. 2. "Gross" omitted. See also sec. 53 of bill, subsec. 4.  See also sec. 53 of bill, subsec. 2.
53 (4)*	<b>C.C. 1316, lines 7-8</b> <b>S.C.C. 1321-a6,</b> <b>line 6</b> <b>1326-a17,</b> <b>lines 16-17</b> <b>C.C. 1344, lines 3-4</b> <b>1389, lines 6-8</b> <b>1405, line 3</b>	See notes at head of sec. 53 of bill, subsec. 1.  See also sec. 53 of bill, subsec. 3.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
53 (5)*	<p>C.C. 1316, line 28</p> <p>S.C.C. 1326-a17, lines 4-5</p> <p>1326-a31, lines 11-16</p> <p>C.C. 1389, line 6</p>	<p>See notes at head of sec. 53 of bill, subsec. 1.</p> <p>“Moral” omitted as covered by “turpitude”.</p> <p>Provision as to proof of conviction omitted as covered by other provisions of law.</p> <p>See also sec. 53 of bill, subsec. 9 and sec. 58 of bill.</p> <p>1. “Offense involving turpitude” substituted for “misdemeanor” and “felony”.</p> <p>2. Provision as to revocation of license omitted to harmonize with other practice acts rewritten in this bill. Matter fully covered by sec. 64 of bill.</p> <p>“Moral” omitted as covered by “turpitude”.</p>
53 (6)*	<p>C.C. 1316, lines 5-6</p> <p>S.C.C. 1321-a6, lines 4-5</p> <p>1326-a17, lines 6-8</p>	<p>See notes at head of sec. 53 of bill, subsec. 1.</p> <p>See also sec. 53 of bill, subsec. 1 and sec. 85 of bill.</p>
53 (7)*	<p>C.C. 1316, lines 23-24</p> <p>S.C.C. 1326-a17, lines 14-15</p> <p>C.C. 1389, lines 9-10</p>	<p>See notes at head of sec. 53 of bill, subsec. 1.</p>
53 (8)*	<p>S.C.C. 1321-a6, lines 7-8</p>	<p>See notes at head of sec. 53 of bill, subsec. 1.</p>
53 (9)*	<p>S.C.C. 1321-a6, lines 1-3</p> <p>1326-a31, lines 11-16</p>	<p>See notes at head of sec. 53 of bill, subsec. 1.</p> <p>See also secs. 4 and 58 of bill.</p> <p>See also sec. 53 of bill, subsec. 5 and sec. 58 of bill.</p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
53 (9)*	C.C. 1332, lines 4-6 1344, lines 5-6 1426, entire	See also sec. 58 of bill.
53 (10)*	S.C.C. 1326-a17, lines 10-11	See notes at head of sec. 53 of bill, subsec. 1.
54	C.C. 1316, lines 3-5 lines 13-22  lines 25-27 lines 29-42	Definition of "unprofessional conduct" in present medical practice act made applicable to osteopaths and chiropractors. In this way the three kinds of practitioners of the healing art treated alike.  1. "Gross" omitted to harmonize with preceding section of bill. 2. "To the detriment of the patient" omitted.  Condensed to avoid verbiage.
55	C.C. 1389, lines 11-14	
56	New	Section transfers power of various examining boards under present practice acts to revoke and suspend licenses to district court. In this way every accused licensee will be given hearing by judicial tribunal.
57	New	Section made necessary in view of preceding section.
58	C.C. 1316, lines 2-3 1317, lines 17-20 1318, entire S.C.C. 1321-a6, lines 1-3  1326-a17, lines 1-3 1326-a31, lines 11-16	Section converts power of various licensing boards under present practice acts to revoke and suspend licenses into a power to institute proceedings for such revocation and suspension through attorney general. Section similar to sec. 8 of C.B. 34.  See also sec. 53 of bill, subsec. 3.  <i>Omitted. Covered by sec. 68 of bill.</i>  See also sec. 4 of bill and sec. 53 of bill, subsec. 9.  See also sec. 4 of bill.  See also sec. 53 of bill, subsecs. 5 and 9.

\* Indicates subsection.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
58	<b>C.C. 1332, lines 6-7</b> <b>lines 23-25</b> <b>1344, lines 6-7</b> <b>lines 24-26</b> <b>1389, lines 1-3</b> <b>1405, lines 1-2</b> <b>1426, entire</b>	See also sec. 53 of bill, subsec. 9.
59	<b>S.C.C. 1326-a31,</b> <b>lines 16-18</b>	See also sec. 91 of bill.  Bill section practically new, but based in part upon chiropractic practice act. Bill section similar to secs. 8 and 9 of C.B. 34.
60	<b>New</b>	Section is companion section to secs. 56 and 57 of bill. Similar to sec. 4 of C.B. 34.
61	<b>C.C. 1317, lines 1-3</b> <b>S.C.C. 1326-a17,</b> <b>lines 18-22</b>  <b>C.C. 1332, lines 7-10</b> <b>1344, lines 7-10</b> <b>1389, lines 15-16</b>  <b>1405, lines 3-8</b>	Section practically new, but preserves provision found in sources cited that accused shall have right to public hearing. Section similar to sec. 13 of C.B. 34. See also sec. 62 of bill.  See also sec. 62 of bill.  Provisions relative to refusal and renewal of licenses omitted as covered by secs. 4 and 10 of bill.  See also sec. 62 of bill.  See also secs. 62 and 63 of bill.
62	<b>C.C. 1317, lines 3-8</b> <b>S.C.C. 1326-a17,</b> <b>lines 18-22</b> <b>C.C. 1332, lines 10-14</b> <b>1344, lines 10-15</b> <b>1389, lines 15-16</b> <b>1405, lines 3-8</b>	Section practically new, but based upon provision found in sources cited that accused shall be entitled to notice of hearing. Section similar to sec. 5 of C.B. 34.  See also sec. 61 of bill.  See also secs. 61 and 63 of bill.
63	<b>C.C. 1317, lines 12-16</b>	Entire procedure of hearing changed to conform with change in forum of hearing. Section similar to sec. 16 of C.B. 34.

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
63	S.C.C. 1326-a17, lines 23-29 C.C. 1332, lines 18-23 1344, lines 18-23 1389, lines 17-22 1405, lines 3-8	See also secs. 61 and 62 of bill.
64	C.C. 1317, lines 20-22 1332, lines 25-26 1344, lines 26-28	1. Bill section practically new, although provision as to effect of suspension or revocation found in present embalmer and medical practice acts. 2. Last sentence of bill section added for purpose of providing proper record in office in which original license issued. Bill section similar to sec. 18 of C.B. 34.
65	C.C. 1317, lines 9-12 1332, lines 14-18 1344, lines 15-18	Provisions of present embalmer, nurse, and medical practice acts relative to failure of licensee to appear, modified to conform to changed forum of revocation proceedings and made applicable to all licensees dealt with in bill.
66	New	Section self-explanatory and supplies omission in present practice acts.
67	New	Section provides for payment of witness fees and other costs in case defendant is insolvent.
68	S.C.C. 1326-a28, lines 15-27 C.C. 1389, lines 22-24	1. Under all present practice acts, except dental, chiropractic, and medical practice acts, finding of examining board in revocation proceeding is final. 2. Under present dental act there is an appeal from finding of examining board to governor. Under chiropractic act there is an appeal from board to district court and from district court to supreme court. Under medical act there is an appeal from board to district court which is final. 3. Sec. 58 of bill changes forum of revocation proceedings from examining boards to district court and this section treats all revocation proceedings alike and permits an appeal to supreme court in every instance. Section similar to sec. 19 of C.B. 34. For similar provision, see C.C. 1318.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
69	New	Section is companion section to sec. 68 of bill. Similar to sec. 20 of C.B. 34.

## USE OF TITLES AND DEGREES

**General Note**

This subdivision of chapter 1 of the bill broadens the present law relative to the use of titles and degrees and makes the same more comprehensive.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
70	<p>S.C.C. 1321-a5, lines 1-5</p> <p>1326-a31, lines 1-4</p> <p>C.C. 1327, lines 1-3 lines 3-5</p> <p>1328, entire</p> <p>1408, lines 3-9  lines 1-3</p>	<p>Section practically new, but based in part upon certain provisions of same purport scattered throughout some of practice acts rewritten in bill.</p> <p>See also sec. 102 of bill.</p> <p>See also sec. 2 of bill.</p> <p>See also sec. 92 of bill.</p> <p>See also secs. 92 and 117 of bill.</p> <p>See also secs. 2, 92, and 117 of bill.</p> <p>Prohibition against use of prefix "doctor" by optometrists omitted. Such licenses placed upon same basis as other licenses dealt with in bill.</p> <p>See sec. 130 of bill.</p>
71	New	Section is companion section to sec. 70 of bill and supplies as omission in present practice acts.

## ITINERANTS

**General Note**

This subdivision of chapter 1 of the bill is a restatement of the present law relative to itinerant physicians, osteopaths, and drug vendors. With the exception of the new administrative features, the bill makes only *one change* in the *meaning* of the present law; it harmonizes the conflict in the definitions of itinerant physician and itinerant drug vendor.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
72	C.C. 1319, lines 1-7	Rewritten to harmonize and conform with sec. 93 of bill.

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
72	<p><i>lines 7-10</i>  <i>lines 10-12</i>  <i>lines 12-15</i>  <i>lines 15-17</i>  <i>lines 17-22</i>  <i>lines 22-26</i></p> <p><b>S.C.C. 1326-a19,</b>  <b>lines 1-7</b></p> <p><i>lines 7-9</i>  <i>lines 9-11</i>  <i>lines 11-14</i>  <i>lines 14-17</i></p>	<p><i>See sec. 73 of bill.</i>  <i>See sec. 79 of bill, subsec. 10.</i>  <i>See sec. 74 of bill.</i>  <i>See sec. 78 of bill.</i>  <i>See secs. 85 and 86 of bill.</i>  <i>See secs. 75 and 94 of bill.</i></p> <p>Rewritten to harmonize and conform with sec. 103 of bill.</p> <p><i>See sec. 73 of bill.</i>  <i>See sec. 79 of bill, subsec. 10.</i>  <i>See sec. 74 of bill.</i>  <i>See sec. 78 of bill.</i></p>
73	<p><b>C.C. 1319, lines 7-10</b></p> <p><b>S.C.C. 1326-a19,</b>  <b>lines 7-9</b></p>	<p>“State board of health and safety” substituted for “state board of medical examiners” to harmonize with reorganization plan of bill.</p> <p>“State board of health and safety” substituted for “state board of osteopathic examiners” to harmonize with reorganization plan of bill.</p>
74	<p><b>C.C. 1319, lines 12-15</b></p> <p><b>S.C.C. 1326-a19,</b>  <b>lines 11-14</b></p>	<p>“State board of health and safety” substituted for “secretary” to harmonize with reorganization plan of bill.</p> <p>“State board of health and safety” substituted for “state board of osteopathic examiners” to harmonize with reorganization plan of bill.</p>
75	<p><b>C.C. 1319, lines 22-26</b></p>	<p>See also sec. 94 of bill.</p> <p>1. Exception in present medical act made applicable to osteopaths.</p> <p>2. “Three (3) preceding sections” substituted for “herein” to harmonize with resectionized arrangement of bill.</p>
76	<p><b>C.C. 1424, lines 1-4</b></p> <p><i>lines 4-5</i>  <i>lines 5-7</i>  <i>lines 7-14</i></p> <p><i>lines 14-16</i>  <i>lines 16-18</i></p>	<p>Rewritten to harmonize with sec. 72 of bill. Present law relative to itinerant vendor of drugs and itinerant physicians and osteopaths in conflict.</p> <p><i>See sec. 79 of bill, subsec. 11.</i>  <i>See sec. 77 of bill.</i>  <i>Omitted as having no application under consolidation plan of C.B. 260 and 261. See general explanation at head of briefs of said bills.</i>  <i>See sec. 86 of bill.</i>  <i>Omitted as unnecessary. Proof of existence of license simple matter.</i></p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
76	lines 18-25	Omitted. Inadvisable to allow drug vendors to assign their licenses.
77	C.C. 1424, lines 5-7	"State board of health and safety" substituted for "secretary of the commission" to harmonize with reorganization plan of bill.
78	C.C. 1319, lines 15-17 S.C.C. 1326-a19, lines 14-17	"State board of health and safety" substituted for "board".

## FEES

## General Note

In this subdivision of chapter 1 of the bill all of the provisions of the present practice acts rewritten in the bill which deal with fees are brought together and moulded into one harmonious whole. The present examination and license fees under these acts vary considerably. Indeed most of them appear to have been determined in an arbitrary way as there is no equality in the fees for closely related professions. The following table shows the wide variation in the fees fixed by the present law.

	EXAMINATION FEE	LICENSE FEE	RECIPRO-CITY FEE	RENEWAL FEE	ITINERANT FEE
Medicine and Surgery	\$10	none	\$50	none	\$250
Osteopathy and Surgery	\$10	\$5	\$25	none	\$250
Dentistry	\$20	none	\$25	\$1-biennially	none
Podiatry	\$15	none	\$50	\$2-annually	none
Osteopathy	\$10	\$5	\$15	none	\$250
Chiropractic	\$15	\$5	\$20	none	none
Optometry	\$15	none	\$15	\$1-annually	none
Nursing	\$5	\$1	\$10	none	none
Dental Hygiene	\$10	none	none	none	none
Pharmacy	\$5	none	\$10	\$2-annually*	\$100**
Embalming	\$5	\$1	\$10	\$1-annually	none

\* One dollar (\$1.00) is turned over to the State Pharmacy Association.

\*\* Fee for itinerant vendor of drugs.

The fees in the above table were practically all fixed at the time of the enactment of the original practice acts. For example, the examination fee of \$10.00 provided for in the present Medical Practice Act is the same as the fee fixed in the original act enacted in 1886. The same thing is true of nearly all of the fees in the various practice acts rewritten in this bill. In other words, there has been no change in the professional license fees of this State for many years, although the cost of maintaining and operating the state government has increased many fold.

Under the bill, most of the professional license fees have been raised to some extent. The new fees have been fixed by grouping certain professions together into classes. In this way, equality between the professions as a

class has been maintained. The reciprocity license fees have in each instance been fixed at twice the amount of the regular license fee, which it will be observed, covers the cost of the examination as well as the cost of issuing the license. The renewal fees have been fixed uniformly for all the professions on the basis of ten per cent of the original license fee.

The persons licensed to practice the various professions dealt with in this bill are given a virtual monopoly as a class for the purpose of rendering a certain service to the public. In return for this high privilege the State demands that each licensee shall possess certain educational and technical qualifications. In addition, it seems only just that the persons engaged in the practice of these various professions should contribute an equitable amount for the maintenance of the necessary agencies to determine the qualifications of all applicants for licenses to practice any of these professions and to see that no person engages in the practice of any such profession unless duly licensed. It is on this basis that the various fees found in the bill have been provided.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
79 (1)*	<p style="text-align: center;"><b>C.C. 1313, lines 13-15</b></p> <p style="text-align: center;"><b>S.C.C. 1326-a7, lines 12-14</b></p> <p style="text-align: center;"><b>C.C. 1384, lines 17-18</b></p>	<p>Regular surgeons, osteopathic surgeons, and dental surgeons placed upon same basis as to license fees.</p> <p>“Thirty-five dollars” substituted for “ten dollars”.</p> <p>See also sec. 79 of bill, subsec. 4.</p> <p>“Thirty-five dollars” substituted for the ten dollar examination fee and five dollar license fee.</p> <p>“Thirty-five dollars” substituted for “twenty dollars”.</p>
79 (2)*	<p style="text-align: center;"><b>S.C.C. 1312, line 31</b></p> <p style="text-align: center;"><b>1326-a7, lines 15-17</b></p> <p style="text-align: center;"><b>C.C. 1386, lines 6-7</b></p>	<p>“Seventy dollars” substituted for “fifty dollars”.</p> <p>See also sec. 79 of bill, subsec. 5.</p> <p>“Seventy dollars” substituted for “twenty-five dollars”.</p> <p>“Seventy dollars” substituted for “twenty-five dollars”.</p>
79 (3)*	<p style="text-align: center;"><b>C.C. 1395, line 6</b></p> <p style="text-align: center;"><i>lines 1-6</i> } <i>lines 7-10</i> }</p>	<p>Regular surgeons and osteopathic surgeons required to pay renewal fee same as dental surgeons under present law.</p> <p>“Three dollars and fifty cents” substituted for “fifty cents”.</p> <p><i>Omitted as covered by secs. 87 and 88 of bill.</i></p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
79 (3)*	<p>lines 10-13 lines 13-22</p> <p>lines 22-25 lines 26-29 lines 29-44</p>	<p>Omitted as covered by sec. 10 of bill. Omitted as in conflict with sec. 10 of bill which provides that all licenses shall expire annually and must be renewed in order to entitle licensee to continue his practice.</p> <p>Omitted as covered by sec. 87 of bill. See sec. 82 of bill. Omitted as in conflict with sec. 24 of bill which provides general appropriation for payment of all expenses of various examining boards. See brief covering same.</p>
79 (4)*	<p>S.C.C. 1321-a4, lines 9-10</p> <p>1326-a7, lines 12-14</p> <p>1326-a24, lines 17-19 1326-a27, line 4</p> <p>C.C. 1406, lines 1-3</p>	<p>Practitioners of healing art dealt with in this subsection placed upon equal basis as to license fees, because such practitioners engaged in a limited practice.</p> <p>“Twenty-five dollars” substituted for “fifteen dollars”.</p> <p>See also sec. 79 of bill, subsec. 1.</p> <p>“Twenty-five dollars” substituted for ten dollar examination fee and five dollar license fee.</p> <p>“Twenty-five dollars” substituted for fifteen dollar examination fee and five dollar license fee.</p> <p>“Twenty-five dollars” substituted for “fifteen dollars”.</p>
79 (5)*	<p>S.C.C. 1321-a3, line 18</p> <p>1326-a7, lines 15-17</p> <p>1326-a29, line 4</p> <p>C.C. 1404, line 24</p>	<p>See also sec. 79 of bill, subsec. 2.</p> <p>“Fifty dollars” substituted for “twenty-five dollars” to harmonize with podiatry reciprocity license fee.</p> <p>“Fifty dollars” substituted for “twenty dollars” to harmonize with podiatry reciprocity license fee.</p> <p>“Fifty dollars” substituted for “fifteen dollars” to harmonize with podiatry reciprocity license fee.</p>
79 (6)*		<p>Osteopaths and chiropractors required to</p>

\* Indicates subsection.

## C. B. 262 GENERAL PROVISIONS IN RE CERTAIN PROFESSIONS

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
79 (6)*	<p>S.C.C. 1321-a5, lines 7-8</p> <p>C.C. 1406, lines 12-14</p>	<p>pay renewal fee same as podiatrists and optometrists.</p> <p>“Two dollars and fifty cents” substituted for “two dollars”.</p> <p>See also sec. 10 of bill.</p> <p>“Two dollars and fifty cents” substituted for “one dollar”.</p>
79 (7)*	<p>S.C.C. 1331, lines 7-8 lines 12-13</p> <p>C.C. 1341, lines 8-10 lines 15-16</p> <p>1385, line 6</p> <p>1420, lines 1-2</p>	<p>Practitioners of professions auxiliary to healing art placed upon equal basis as to license fees.</p> <p>“Ten dollars” substituted for five dollar examination fee and one dollar license fee to harmonize with dental hygiene license fee of present law.</p> <p>“Ten dollars” substituted for “five dollars” to harmonize with dental hygiene license fee of present law.</p>
79 (8)*	<p>S.C.C. 1331, lines 21-22</p> <p>C.C. 1342, line 13</p> <p>1423, lines 9-14</p>	<p>“Twenty dollars” substituted for “ten dollars”.</p> <p>1. “Twenty dollars” substituted for “ten dollars”.</p> <p>2. Provision relative to fee charged by foreign state omitted as covered by sec. 44 of bill.</p>
79 (9)*	<p>C.C. 1342, lines 5-6</p> <p>1420, lines 9-12</p> <p>1422, lines 3-5</p>	<p>Dental hygienists and nurses required to pay same renewal fee as embalmers and pharmacists.</p> <p>See also sec. 10 of bill.</p> <p>“One dollar” substituted for “two dollars”. Additional dollar provided for in present law for support of state association taken care of in sec. 80 of bill.</p> <p>For length of renewal period see sec. 10 of bill.</p>
79 (10)*	<p>C.C. 1319, lines 10-12</p> <p>S.C.C. 1326-a19, lines 9-11</p>	<p>Provision relative to payment to treasurer of state for the use of state omitted as covered by sec. 82 of bill.</p>

\* Indicates subsection.



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
79 (11)*	C.C. 1424, lines 4-5	
79 (12)*	C.C. 1387, lines 3-4	Provision of present dental practice act made applicable to all licensees dealt with in bill.
79 (13)*	S.C.C. 1326-a7, lines 23-24	Provision of present osteopathic practice act made applicable to all applicants for licenses under bill.
80	C.C. 1420, lines 12-17	Provision of present pharmacy practice act relative to additional renewal fee for use of state association rewritten so as to be applicable to all of state associations of various professions dealt with in bill.
81	C.C. 1313, lines 33-34  S.C.C. 1326-a24, lines 25-26 C.C. 1385, lines 18-21 1406, lines 3-5 1420, lines 3-7	Provisions of present pharmacy, optometry, dental, medical, and chiropractic practice acts made applicable to all applicants for examinations under bill.  "Within three months thereafter" omitted, because under sec. 32 of bill there might not be meeting of board within such time.  Condensed to avoid verbiage.  "At the next regular meeting of the examining board" substituted for "within any period not exceeding twelve months next thereafter".
82	S.C.C. 1314, lines 6-7  1326-a6, lines 48-51 1345, lines 9-10 C.C. 1395, lines 26-29 1411, entire	1. Provisions of embalmer, optometry, osteopathic, medical, and dental practice acts relative to disposition of fees made applicable to all fees received under bill.  2. Bill section should be read in connection with sec. 24 of bill and brief covering same.  "For the use of the school fund" omitted. All fees should be used in the maintenance of examining boards.  Time for paying fees in state treasury covered by C.B. 40, sec. 4.

\* Indicates subsection.

## VIOLATIONS—CRIMES—PUNISHMENT

## General Note

This subdivision of chapter 1 of the bill is a restatement of a large number of penalty provisions scattered throughout the practice acts rewritten in the bill. The minor changes which have been made are for the purpose of uniformity.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
83	C.C. 1409, lines 7-9	<p>1. Provision of present optometry practice act made applicable to all persons practicing professions for which license required under provisions of bill.</p> <p>2. Provision as to payment of costs omitted as covered by other provisions of law.</p>
84	<p>C.C. 1321, lines 1-6 lines 15-20</p> <p>lines 7-11</p> <p>lines 11-15</p> <p>S.C.C. 1326-a18, lines 6-8 lines 11-12</p> <p>C.C. 1425, lines 1-7 lines 7-8</p>	<p>Provisions of present pharmacy, osteopathic, and medical practice acts relative to forgeries in procuring licenses simplified and made applicable to all applicants for licenses under bill.</p> <p>See also sec. 85 of bill.</p> <p>1. "State board of health and safety" substituted for "board of medical examiners" to harmonize with reorganization plan of bill.</p> <p>2. Provision with reference to filing of certificate omitted, because under bill such filing not required. See sec. 2 of bill and brief covering same.</p> <p><i>Omitted as verbiage. Matter fully covered by other provisions of bill.</i></p> <p><i>See sec. 86 of bill.</i></p> <p>See also sec. 85 of bill.</p> <p>See also sec. 85 of bill.</p> <p><i>See sec. 86 of bill.</i></p>
85	C.C. 1319, lines 17-22	<p>Provisions of present pharmacy, embalmer, chiropractic, osteopathic, and medical practice acts relative to fraud in procuring licenses condensed, harmonized with reorganization plan of bill, and made applicable to all applicants for licenses under bill.</p> <p>See also sec. 86 of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
85	<p>1321, lines 1-6 lines 15-20</p> <p>S.C.C. 1326-a17, lines 6-8 lines 12-13</p> <p>1326-a18, lines 6-8 lines 11-12</p> <p>1326-a31, lines 5-10</p> <p>C.C. 1347, lines 2-7 lines 1-2 lines 7-10 lines 10-14</p> <p>1425, lines 1-7</p>	<p>See also sec. 84 of bill and brief covering same.</p> <p>See also sec. 53 of bill, subsecs. 1 and 6.</p> <p>See also sec. 84 of bill.</p> <p>For penalty provision see sec. 86 of bill.</p> <p>See also C.B. 260, sec. 153. <i>See C.B. 260, sec. 154.</i> <i>See sec. 86 of bill and C.B. 260, sec. 154.</i> <i>Omitted as covered by sec. 87 of bill.</i></p> <p>See also sec. 84 of bill.</p>
86	<p>C.C. 1319, lines 17-22 1321, lines 11-15</p> <p>S.C.C. 1321-a8, entire</p> <p>1326-a18, lines 1-3</p> <p>C.C. 1333, entire</p> <p>1347, lines 7-10 1377, lines 3-8 1409, lines 1-5 1412, lines 16-23 1420, lines 17-18 1422, lines 9-10 1424, lines 14-16 1425, lines 7-8</p>	<p>1. Scattered throughout various practice acts rewritten in bill are fourteen penalty provisions varying from minimum penalty of \$25.00 to maximum penalty of \$500.00 or imprisonment in county jail for sixty days.</p> <p>2. Bill substitutes one penalty provision for above fourteen provisions and increases maximum penalty to \$1000.00, because of gravity of offenses involved.</p> <p>See also sec. 85 of bill.</p> <p>See also C.B. 260, sec. 154.</p>

## ENFORCEMENT PROVISIONS

## General Note

This subdivision of chapter 1 of the bill entirely revamps some fragmentary enforcement provisions in the present practice acts rewritten in the bill. A number of additions have been made to carry out the new ad-

ministrative plan outlined in the "General Explanation" at the beginning of the brief.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
87	New	<p>1. Section relieves present examining boards of duty of enforcing various practice acts rewritten in bill and imposes such duty upon new board of health and safety created by C.B. 260.</p> <p>2. Hereafter, state board of health and safety will be required to see that no person practices any profession dealt with in this bill without securing proper license.</p>
88	New	Section is companion section to preceding section; its purpose is self-explanatory.
89	S.C.C. 1326-a22, lines 9-10	<p>Section practically new, but based in part upon provision in present chiropractic act, which has been modified to cover duties imposed upon state board of health by secs. 2 and 87 of bill.</p> <p>See also secs. 34 and 90 of bill.</p>
90	S.C.C. 1326-a22, lines 9-10 lines 10-13	<p>Section practically new, but based in part upon provision in present chiropractic practice act which is modified so as to be applicable to all professions dealt with in bill.</p> <p>See also secs. 34 and 89 of bill.</p>
91	S.C.C. 1326-a31, lines 16-18 C.C. 1396, entire	<p>Section practically new, but based in part upon provisions in present dental and chiropractic practice acts.</p> <p>See also sec. 59 of bill.</p>
92	C.C. 1327, lines 1-3 lines 3-5 1328, entire 1378, lines 17-24 lines 1-11 lines 11-14 lines 14-16	<p>Section practically new, but based upon present nurse and dental practice acts.</p> <p>See also sec. 70 of bill.</p> <p>See also secs. 70 and 117 of bill.</p> <p>See also secs. 2, 70, and 117 of bill.</p> <p><i>See sec. 120 of bill.</i></p> <p><i>See sec. 121 of bill, subsec. 2.</i></p> <p><i>See sec. 121 of bill, subsec. 1.</i></p>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
94	<p style="text-align: center;">C.C. 1319, lines 22-26</p> <p>Rules of State Board of Medical Examiners, 1918, p. 26.</p>	<p>and surgeons', chiropractors, nurses, dentists, and optometrists" added in subsec. 4 of bill section, because of various practice acts licensing such persons which have been passed since enactment of medical practice act. See following chapters of bill.</p> <p>See also sec. 75 of bill.</p>
95 (1)*	S.C.C. 1312, lines 2-4	<p>1. "Board of health and safety" substituted for "state board of medical examiners" to harmonize with reorganization plan of bill. See sec. 28 of bill.</p> <p>2. "Accredited" substituted for "good standing" to harmonize with sec. 30 of bill.</p> <p>3. "Prescribed by the medical examiners" added for clearness in view of reorganization plan of bill.</p>
95 (2)*	C.C. 1313, lines 6-12	Rewritten to harmonize with Rules State Board of Medical Examiners, 1918, pp. 18 and 19.
96	S.C.C. 1312, lines 15-21	<p>See also sec. 47 of bill.</p> <p>Provision of present law made more comprehensive by description of "national board of medical examiners of Washington, D. C."</p>

\* Indicates subsection.

### CHAPTER 3

#### PRACTICE OF PODIATRY .

#### General Note

This chapter of the bill is a restatement of the provisions of the present Podiatry Practice Act not used in chapter 1 of the bill. These provisions are special in character and deal only with the practice of podiatry. With the exception of the new administrative features, the bill makes only *two* material changes in the *meaning* of the present law, although it resectionizes and rearranges the same.

The changes referred to are as follows:

1. Podiatry schools are required to teach the subjects in which applicants for licenses are examined.

2. Such schools are required to publish their requirements for graduation in a regularly issued catalogue.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
97	<p>S.C.C. 1321-a1, entire</p> <p>1321-a2, lines 1-5</p>	<p>1. Language of bill section adopted from the present medical practice act.</p> <p>2. "Title" substituted for "chapter" to harmonize with rechapterized arrangement of bill.</p> <p>3. Provision with reference to "chiroprody" omitted; chiroprody is art of treating diseases of hands and feet.</p> <p>See also sec. 2 of bill.</p>
98	<p>S.C.C. 1321-a9, entire</p>	<p>1. "Licensed physicians and surgeons" substituted for "physicians licensed by the state board of medical examiners" to harmonize with reorganization plan of bill. See sec. 2 of bill.</p> <p>2. "Osteopaths and surgeons" added in subsec. 2 of bill section to harmonize with new osteopathic practice act. See ch. 4 of bill.</p>
99	<p>S.C.C. 1321-a4, lines 1-6</p>	<p>1. Provision with reference to exemption from examination omitted as temporary.</p> <p>2. Subsec. 1 of bill section based upon S.C.C. 1321-a3, lines 11 to 14.</p> <p>3. "Prescribed by the podiatry examiners" added for clearness in view of reorganization plan of bill.</p>
100	<p>S.C.C. 1321-a3, lines 15-17</p>	<p>1. "State board of health and safety" substituted for "said board" to harmonize with reorganization plan of bill. See sec. 30 of bill.</p> <p>2. Subsec. 2 of bill section is new; it is important that statutes fix curriculum of such schools.</p> <p>3. Subsec. 3 of bill section is new; it is important that such schools be required to publicly announce their requirements for graduation.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
101	S.C.C. 1321-a2, lines 5-6	"Toes" omitted as covered by "toe". See C.C. 55, subsec. 3.
102	S.C.C. 1321-a5, lines 1-5	See also sec. 70 of bill. "Thereof" and "professional" omitted as verbiage.

## CHAPTER 4

## PRACTICE OF OSTEOPATHY AND SURGERY

## General Note

This chapter of the bill is a restatement of the provisions of the present Osteopathic Practice Act not used in chapter 1 of the bill. These provisions are special in character and deal only with the practice of "osteopathy" and "osteopathy and surgery". With the exception of the new administrative features, the bill makes *no material changes* in the *meaning* of the present law, although it resectionizes and rearranges the same. The minor changes which are made are for the purpose of uniformity and of harmonizing the Osteopathic Practice Act with the other practice acts rewritten in the bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
103	S.C.C. 1326-a3, entire  1326-a1, entire	1. Bill section makes clear the two classes of licensees provided for under new osteopathic practice act. 2. A considerable part of language of bill section adopted from present medical practice act.  <i>Omitted. Inapplicable under rechapterization arrangement of bill.</i>
104	S.C.C. 1326-a4, entire  1326-a5, entire	1. Podiatrists, nurses, and dentists added in subsec. 2 of bill section to harmonize with practice acts dealing with said professions. See chs. 3, 6, and 7 of bill. 2. Subsec. 2 of bill section added to harmonize with similar provision of medical practice act. See sec. 94 of bill.  <i>Omitted. Matter fully covered by sec. 152 of bill.</i>



SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
105	<p>S.C.C. 1326-a8, lines 1-4</p> <p>lines 4-5</p> <p>lines 5-19</p> <p>1326-a12, lines 1-3</p> <p>lines 4-9</p>	<p>1. Provision relative to osteopathic surgeon omitted. Covered by sec. 106 of bill.</p> <p>2. "Accredited" substituted for "in good standing" to harmonize with sec. 30 of bill.</p> <p>3. "As prescribed by the osteopathic examiners" added for clearness in view of reorganization plan of bill. <i>Omitted as unnecessary. Incorporation of school has nothing to do with standards or requirements for graduation. See sec. 108 of bill.</i></p> <p>Provision as to major surgery omitted as verbiage. <i>See sec. 106 of bill.</i></p>
106	<p>S.C.C. 1326-a9, entire</p> <p>1326-a12, lines 4-9</p>	<p>1. "Nine (9) months" added to harmonize with sec. 108 of bill, subsec. 2.</p> <p>2. "Accredited" substituted for "reputable" to harmonize with sec. 30 of bill.</p> <p>3. "As prescribed by the osteopathic examiners" added for clearness in view of reorganization plan of bill.</p> <p>4. Provision relative to "practitioner of osteopathy" omitted as covered by sec. 105 of bill.</p>
107	<p>S.C.C. 1326-a7, lines 18-23</p>	<p>1. "As herein defined" omitted as covered by sec. 108 of bill.</p> <p>2. "Attainments" substituted for "requirements".</p> <p>3. "Approved course" and "other equivalent school" omitted as covered by "accredited high school". See sec. 29 of bill.</p>
108	<p>S.C.C. 1326-a8, lines 5-19</p>	<p>1. "Or other secondary school" added to harmonize with sec. 29 of bill. See S.C.C. 1326-a7, line 23.</p> <p>2. "Four years" and "reputable" omitted as covered by "accredited high school". See sec. 29 of bill.</p>

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
108	1326-a10, entire 1326-a11, entire	3. "Osteopathic degree" substituted for "degree of doctor of osteopathy or of osteopathy and surgery". 4. "School" omitted as covered by "college". 5. S.C.C. 1326-a8 and 1326-a11 in conflict as to subjects which are to be taught in accredited college of osteopathy. Bill follows provisions of S.C.C. 1326-a11.  "Four (4) school years of nine (9) months each year" substituted for "thirty-six months or four terms of nine months each".
109	S.C.C. 1326-a16, lines 1-8  lines 8-15	Present law condensed by elimination of verbiage. <i>See C.B. 260, sec. 1, subsec. 3, and sec. 155.</i>

## CHAPTER 5

## PRACTICE OF CHIROPRACTIC

## General Note

This chapter of the bill is a restatement of the provisions of the present Chiropractic Practice Act not used in chapter 1 of the bill. These provisions are special in character and deal only with the practice of chiropractic. With the exception of the new administrative provisions, the bill makes only *one change* in the *meaning* of the present law, although it resectionizes and rearranges the same. The change referred to is the provision that chiropractic schools shall publish in a regularly issued catalogue their requirements for graduation.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
110	S.C.C. 1326-a20, lines 1-3  lines 3-4 lines 4-5 lines 6-10 lines 10-12	Subsec. 1 of bill section based largely on language in present medical practice act. <i>See secs. 111 and 114 of bill.</i> <i>See sec. 114 of bill.</i> <i>See C.B. 260, sec. 1, subsec. 3.</i> <i>See sec. 115 of bill.</i>
111	S.C.C. 1326-a20, lines 3-4	See also sec. 114 of bill.  1. Bill section practically new, but sub-

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
111		<p>sec. 1 based in part upon provision contained in source cited.</p> <p>2. Subsec. 2 of bill section similar to sec. 94 of bill, subsec. 5 and sec. 104 of bill, subsec. 2.</p>
112	<p>S.C.C. 1326-a24, lines 1-5</p> <p>lines 10-12</p> <p>1326-a25, lines 1-2</p> <p>lines 7-10</p> <p>lines 2-6 lines 6-7</p>	<p>“Written” omitted as covered by sec. 35 of bill.</p> <p>1. “Accredited” substituted for “recognized” to harmonize with sec. 30 of bill.</p> <p>2. “Incorporated” omitted—incorporation has nothing to do with the standards of a college.</p> <p>1. “State board of health and safety” substituted for “examining board” to harmonize with reorganization plan of bill.</p> <p>2. “Accredited” substituted for “standard” to harmonize with sec. 29 of bill.</p> <p><i>Omitted as covered by sec. 113 of bill.</i></p> <p><i>Omitted as temporary.</i></p>
113	<p>S.C.C. 1326-a26, lines 1-6</p> <p>lines 6-8</p>	<p>1. “School” omitted as covered by “college”.</p> <p>2. “Paragraph three (3) of the preceding section” substituted for enumeration of subjects to be taught in accredited college to avoid repetition.</p> <p>3. Subsec. 3 of bill section is new. Similar to sec. 108 of bill, subsec. 3.</p> <p><i>See C.B. 260, sec. 155.</i></p>
114	<p>S.C.C. 1326-a20, lines 3-4</p> <p>lines 4-5</p>	<p>See also sec. 111 of bill.</p> <p>“Now or hereafter” omitted as verbiage.</p>
115	<p>S.C.C. 1326-a20, lines 10-12</p>	<p>“Licensee” substituted for “chiropractor”.</p>

## CHAPTER 6

## PRACTICE OF NURSING

## General Note

This chapter of the bill is a restatement of the provisions of the present Nurse Practice Act not used in chapter 1 of the bill. These provisions are special in character and deal only with the practice of nursing. With the exception of the new administrative features, the bill makes only *two* material changes in the *meaning* of the present law, although it resectionizes and rearranges the same.

The changes referred to are as follows:

1. Training schools for nurses are required to teach the subjects in which applicants for licenses are examined.

2. Such schools are required to publish their requirements for graduation in a regularly issued catalogue.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
116	C.C. 1334, entire	See also sec. 117 of bill. Bill section practically new, but supplies an omission in present law; language taken largely from present medical act.
117	C.C. 1327, lines 3-5 1328, entire 1334, entire	See also secs. 70 and 92 of bill. See also secs. 2, 70, and 92 of bill. See also sec. 116 of bill.
118 (1)*	C.C. 1329, lines 10-12	1. "Accredited" substituted for "recognized as being in good standing" to harmonize with sec. 30 of bill. 2. "State board of health and safety" substituted for "state board of health of Iowa" to harmonize with C.B. 260, sec. 2.
118 (2)*	C.C. 1329, lines 12-13	
118 (3)*	S.C.C. 1331, lines 1-7	1. "Regulations" omitted as covered by "rules". 2. "Communicable" substituted for "infectious". See C.B. 260, sec. 56. 3. "Prescribed by the nurse examiners" added for clearness in view of reorganization plan of bill.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
119	C.C. 1329, lines 13-16	<p>1. "State board of health and safety" substituted for "state board of health" to harmonize with C.B. 260, sec. 2.</p> <p>2. Subsec. 2 of bill section is new; supplies omission in present law.</p> <p>3. Subsec. 3 of bill section is new; similar to sec. 113 of bill, subsec. 3.</p>

## CHAPTER 7

## PRACTICE OF DENTISTRY

**General Note**

This chapter of the bill is a restatement of the provisions of the present Dental Practice Act not used in chapter 1 of the bill. These provisions are special in character and deal only with the practice of dentistry and dental hygiene. With the exception of the new administrative features, the bill makes only *two* material changes in the *meaning* of the present law, although it resectionizes and rearranges the same.

The changes referred to are as follows:

1. Training schools for dental hygienists are required to teach the subjects in which applicants for licenses are examined.
2. Such schools are required to publish their requirements for graduation in a regularly issued catalogue.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
120	C.C. 1378, lines 1-11	<p>1. "Title" substituted for "chapter" to harmonize with rechapterization of bill.</p> <p>2. Provision with reference to fee omitted. Persons should not be permitted to practice dentistry even without pay, unless qualified to do so.</p> <p>3. Present law with reference to definition of dentistry condensed and simplified to eliminate verbiage.</p> <p>4. Language of subsec. 1 of bill section taken largely from present medical practice act.</p>
121 (1)*	C.C. 1378, lines 14-16 1397, lines 2-4  <i>lines 1-2</i>	<p>"State dental college" substituted for "reputable dental college", because state dental college is only dental college in state.</p> <p><i>See sec. 121 of bill, subsec. 2.</i></p>

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
121 (1)*	lines 4-7  lines 7-10  lines 10-13	Omitted. Matter fully covered by rules and regulations of State University. Omitted as temporary. Persons exempted by these lines were required to obtain licenses under original enactment. See 28 G.A., ch. 91. See sec. 121 of bill, subsec. 3.
121 (2)*	C.C. 1378, lines 11-14 1397, lines 1-2	"Osteopaths and surgeons" added to harmonize with new osteopathic act. See ch. 4 of bill.
121 (3)*	C.C. 1397, lines 10-13	"Community" and "compensation" omitted as repetition.
121 (4)*	C.C. 1385, lines 12-14	See also sec. 126 of bill.
122	C.C. 1384, lines 1-5       lines 15-17	1. Provision concerning regular and special meetings omitted as covered by sec. 32 of bill. 2. Provision with reference to issuance of license omitted to harmonize with sec. 2 of bill. 3. "Prescribed by the dental examiners" added for clearness in view of reorganization plan of bill. 1. "State board of health and safety" substituted for "board of dental examiners" to harmonize with reorganization plan of bill. 2. "Accredited" substituted for "reputable" to harmonize with sec. 30 of bill.
123	C.C. 1392, lines 3-7	Condensed to eliminate verbiage.
124	C.C. 1393, entire	Condensed to eliminate verbiage.
125	C.C. 1394, entire 1398, entire	Condensed to eliminate verbiage. Omitted. Covered by C.C. 55, subsec. 13.
126	C.C. 1385, lines 10-12 lines 12-14   lines 14-17	See also sec. 121 of bill, subsec. 4. "Section thirteen hundred seventy-eight" omitted. Covered by "practice of dentistry". See sec. 120 of bill. "Of this state" omitted as verbiage.

\* Indicates subsection.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
127	C.C. 1385, lines 2-4  lines 6-10	1. "State board of health and safety" added to harmonize with reorganization plan of bill. 2. "Accredited" and "or other secondary school" added to harmonize with sec. 29 of bill. See also sec. 2 of bill. "Dental examiners" substituted for "state board of dental examiners" to harmonize with sec. 12 of bill.
128	C.C. 1385, lines 4-6	1. Subsec. 2 of bill section is new; supplies omission in present law. 2. Subsec. 3 of bill section is similar to sec. 108 of bill, subsec. 3. See brief covering same.

## CHAPTER 8

## PRACTICE OF OPTOMETRY

**General Note**

This chapter of the bill is a restatement of the provisions of the present Optometry Practice Act not used in chapter 1 of the bill. These provisions are special in character and deal only with the practice of optometry. With the exception of the new administrative features, the bill makes only *three* material changes in the meaning of the present law, although it resectionizes and rearranges the same.

The changes referred to are as follows:

1. The amount of preliminary education is increased to four years.
2. The length of the course of study in optometry schools is increased to two years of nine months each year.
3. Such schools are required to publish their requirements for graduation in a regularly issued catalogue.

The above changes were recommended by the State Association of Optometrists.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
129	C.C. 1399, entire	Present law rewritten to conform with language of present medical practice act.
130	C.C. 1408, lines 1-3	
131	C.C. 1404, lines 3-7	1. "Four (4) years' study" substituted for "two years' study". This higher requirement recommended by state optometry association.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
131	lines 13-19	<p>2. "Or other secondary school" added to harmonize with sec. 29 of bill.</p> <p>3. "Accredited" substituted for "standard" to harmonize with sec. 30 of bill.</p> <p>1. "Pass an examination" substituted for "show proficiency".</p> <p>2. "Prescribed by optometry examiners" added for clearness in view of reorganization plan of bill.</p> <p>3. Provision with reference to registration by board omitted as covered by secs. 2 and 5 of bill.</p>
132	C.C. 1404, lines 7-13	<p>1. "Nine (9) months" substituted for "three months".</p> <p>2. "One hundred fifty (150) hours" substituted for "seventy-eight hours".</p> <p>3. These changes in standards of optometry schools recommended by state optometry association.</p> <p>4. Subsec. 3 of bill section is new. Similar to sec. 108 of bill, subsec. 3. See brief covering same.</p>

## CHAPTER 9

## PRACTICE OF PHARMACY

## General Note

This chapter of the bill is a restatement of the provisions of the present Pharmacy Practice Act not used in chapter 1 of the bill. These provisions are special in character and deal only with the practice of pharmacy. With the exception of the new administrative features, the bill makes *no material changes* in the *meaning* of the present law, although it resectionizes and rearranges the same. The incidental changes which are made are for the purpose of uniformity and of harmonizing the Pharmacy Practice Act with the other practice acts rewritten in the bill.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
133	C.C. 1412, lines 1-5	<p>See also sec. 2 of bill.</p> <p>"Poisons or chemicals for medicinal use" omitted as covered by "drugs and medicines". See sec 135 of bill.</p>
134	C.C. 1412, lines 7-13	<p>1. Rewritten for purpose of clarification.</p>





SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
136	<p style="text-align: center;"><i>lines 12-15</i></p> <p style="text-align: center;"><b>1418, lines 10-13</b></p> <p style="text-align: center;"><i>lines 1-10</i></p> <p style="text-align: center;"><i>1419, entire</i></p>	<p><i>See sec. 138 of bill.</i></p> <p>“Pharmacy examiners” substituted for “commission” to harmonize with sec. 12 of bill.</p> <p><i>Omitted. These lines enacted by 37th G.A. at time requirements for licenses to practice pharmacy increased and formed an exception in favor of persons who had started preparation under former requirements. No occasion for continuing exception as everyone entitled to its benefits has had five years in which to secure his right.</i></p> <p><i>Omitted. Assistants’ certificates are no longer issued since they give the holders no particular advantage over other drug clerks. See sec. 134 of bill, subsec. 1.</i></p>
137	C.C. 1412, lines 5-7	<ol style="list-style-type: none"> <li>1. “Compound” omitted as covered by “dispense”.</li> <li>2. “Poisons or chemicals” omitted as covered by “drugs and medicines”. See sec. 135 of bill.</li> <li>3. “Dentists and veterinarians” added because such persons write prescriptions same as physicians.</li> <li>4. “License” substituted for “registered” to harmonize with sec. 2 of bill.</li> </ol>
138	C.C. 1417, lines 12-15	<ol style="list-style-type: none"> <li>1. Provision with reference to accrediting and approving colleges added to harmonize with sec. 30 of bill.</li> <li>2. “Recognized standing” substituted for “reputable”.</li> <li>3. “School” omitted as covered by “college”.</li> <li>4. “From time to time” substituted for “the year nineteen hundred seventeen”.</li> </ol>

## CHAPTER 10

## PRACTICE OF EMBALMING

**General Note**

This chapter of the bill is a restatement of the provisions of the present Embalmer Practice Act not used in chapter 1 of the bill. These provisions are special in character and deal only with the practice of embalming. With

the exception of the new administrative features, the bill makes *no changes* in the *meaning* of the present law, although it resectionizes and rearranges the same.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
139	C.C. 1339, lines 1-4  lines 4-7	Provision as to preparation for transportation omitted as covered by C.B. 260, sec. 139.  See also sec. 2 of bill.
140	C.C. 1340, lines 9-17  1341, lines 1-7	1. "Accredited" substituted for "recognized as being in good standing" to harmonize with sec. 30 of bill.  2. "State board of health and safety" substituted for "state board of health of Iowa" to harmonize with C.B. 260, sec. 2.  1. "Prescribed by the Embalmer Examiners" added for clearness in view of reorganization plan of bill.  2. "Communicable" substituted for "infectious". See C.B. 260, sec. 56.

## CHAPTER 11

## TEMPORARY AND SPECIAL PROVISIONS

**General Note**

This chapter of the bill provides the necessary provisions for making the transition from the present examining boards to the new examining boards created in chapter 1 of the bill. By grouping all the temporary and special provisions into one chapter it has been possible to avoid adding to section after section throughout the bill the necessary temporary language to convert the present system into the new system. The advantage of this plan lies in the fact that when the new Code is printed, the Code Editor can omit this chapter entirely and thereby avoid incorporating into the new Code a large amount of matter which will almost instantly become obsolete.

July 5, 1923, is the date set by the bill for bringing the new examining boards into being. This date has been fixed to avoid the expense of publication in the event that the bill is passed at a regular session of the legislature. If the bill is enacted into law at the regular session of the Fortieth General Assembly, it will take effect on July 4, 1923. The transition will then take place on the following day.

It will be observed that the bill does not legislate out of office any member of an existing examining board, although in some instances it has been necessary to modify the terms of some of the present members.

SEC. OF BILL	SOURCE OF BILL SECTION	EXPLANATORY NOTES
141	New	Section takes care of present physician members of state board of health and provides for first medical examining board under sec. 11 of bill.
142	New	Under present law podiatry, nurse, optometry, and embalmer examiners serve for one year, hence the new examining boards for these professions can be made up anew.
143	New	Section places new appointees on proper basis so as to carry out rotation plan provided for in sec. 18 of bill.
144	New	Section takes care of present dental examiners and changes expiration of terms so as to harmonize with sec. 18 of bill.
145	New	Preceding section in effect shortens term of dental examiner whose term would expire on July 31, 1923, by one month. This section provides for his successor so as to make the full number of examiners on the first board of examiners under the bill.
146	New	Section takes care of present osteopathic examiners and changes expiration of terms so as to harmonize with sec. 18 of bill.
147	New	Section takes care of present chiropractic examiners and changes expiration of terms so as to harmonize with sec. 18 of bill.
148	New	Section takes care of present pharmacy commissioners and changes expiration of terms so as to harmonize with sec. 18 of bill.
149	New	Section provides for continuation of several examining boards provided for in this chapter under provisions of secs. 11 to 27 of bill.
150	New	
151	New	
152	New	
153	New	
154	New	
155	New	