

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

Fiftieth General Assembly

OF THE

STATE OF IOWA

EDITED BY
DWIGHT G. McCARTY
UNDER THE DIRECTION OF
SHERMAN W. NEEDHAM
SUPERINTENDENT OF PRINTING

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CERTIFICATE

STATE OF IOWA
Office of Superintendent of Printing

I, Sherman W. Needham, Superintendent of Printing, do hereby certify that the acts, laws and joint resolutions and the certificates by the Secretary of State of the publication or filing thereof contained in this volume have been prepared from the original enrolled acts on file in the office of the Secretary of State and are correct and are published under the authority of the statutes of this state and constitute the acts, laws and joint resolutions of the Fiftieth General Assembly of the State of Iowa.



Superintendent of Printing.

Section 11312 of the 1939 Code of Iowa is as follows:

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

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STATE ROSTER

List of state officers, judges of the supreme, district, superior and municipal courts, members of the general assembly and commissioners for this state in other states and other officers, commissions, boards, and appointive officers of the state of Iowa, prepared and furnished by the Honorable Wayne M. Ropes, Secretary of State, for insertion in the published volume of Session Laws for the Fiftieth General Assembly in accordance with the requirements of Section 221.3 of the 1939 Code of Iowa.

STATE OFFICERS

ELECTIVE

Official Address—Des Moines, Iowa

NAME	TITLE	RESIDENCE	POLITICS
Bourke B. Hickenlooper	Governor	Cedar Rapids	Republican
Robert D. Blue	Lieutenant Governor	Eagle Grove	Republican
Wayne M. Ropes	Secretary of State	Onawa	Republican
Chet B. Akers	Auditor of State	Ottumwa	Republican
W. G. C. Bagley	Treasurer of State	Mason City	Republican
Harry D. Linn	Secretary of Agriculture	Des Moines	Republican
John M. Rankin	Attorney General	Keokuk	Republican
David B. Long	Commerce Commissioner	Des Moines	Republican
Carl W. Reed	Commerce Commissioner	Cresco	Republican
B. M. Richardson	Commerce Commissioner	Cedar Rapids	Republican
Jessie M. Parker	Superintendent of Public Instruction	Lake Mills	Republican

STATE OFFICERS

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SENATORS IN GENERAL ASSEMBLY

Republicans

NAME	Residence	Age	Occupation	Dist	Counties Composing District	Former Legislative Service
Bekman E. K.	Ottumwa	42	Attorney	13	Wapello	48 49
Benson, Ralph E.	Jefferson	36	Farm Manager	48	Carroll, Greene, Sac	48 49
Berg, John P.	Cedar Falls	54	Merchant	38	Black Hawk, Grundy	46 46X 47 48 49
*Byers, Frank C.	Cedar Rapids	59	Attorney	26	Linn	43 44 45 45X 46 46X 47 48 49
*Clark, Clarence L.	Corydon	65	Abstractor of Titles	4	Lucas, Wayne	48 49
†Clem, A. D.	Sioux City	45	Attorney	32	Woodbury	
Cromwell, Fred	Burlington	37	Attorney	9	Des Moines	48 49
*Dykhouse, J. T.	Rock Rapids	52	Real Estate and Insurance	49	Lyon, O'Brien, Osceola, Sioux	47 48 49
*Elthon, Leo	Fertile	44	Farmer	41	Mitchell, Winnebago, Worth	45 45X 46 46X 47 48 49
*Emerson, S. Ray	Creston	53	General Contractor	5	Decatur, Ringgold, Union	49
*Evans, K. A.	Emerson	44	Farm Manager	8	Mills, Montgomery	47 48 49
Faul, George	Des Moines	44	Attorney and Ins. Executive	30	Polk	48 49
*Findlay, C. V.	Fort Dodge	76	Former Co. Supt. of Schools	27	Calhoun, Webster	37 38 38X 49
Foster, Harlan C.	Mt. Pleasant	56	Farmer	10	Henry, Washington	47 48 49
*Fuller, D. D.	Maquoketa	54	Banker	23	Jackson	49
*Goode, Dewey E.	Bloomfield	44	Produce and Fur Dealer	3	Appanoose, Davis	45 45X 46 46X 47 48 49
Hart, Stanley L.	Keokuk	46	Wholesale Merchant	1	Lee	47 48 49
Harvey, Robt. W.	Missouri Valley	67	Pharmacist	34	Crawford, Harrison, Monona	48 49
*Hattery, John R.	Nevada	45	Attorney	31	Boone, Story	49
Henningsen, O. H.	Clinton	59	Realtor and Insurance	22	Clinton	48 49
*Hess, R. E.	Kingsley	56	Attorney and Ins. Agent	46	Cherokee, Ida, Plymouth	49
Hill, G. R.	Clarion	54	Attorney	37	Hamilton, Hardin, Wright	46X 47 48 49
*Hunt, G. W.	Guttenburg	51	Attorney	36	Clayton	49
*Jones, Floyd	Osceola	43	Farmer and Cafe Operator	11	Clarke, Warren	49
*Keir, Robert	Spencer	37	Farmer	47	Clay, Dickinson, Emmet, Kossuth, Palo Alto	49
Leo, Richard V.	Dysart	54	Livestock Broker & Farmer	45	Tama, Benton	45X 48 49
*Long, Irving D.	Manchester	47	Attorney	33	Buchanan, Delaware	49
*Love, H. S.	Bridgewater	54	Produce Dealer	16	Adair, Madison	46 46X 47 48 49
*Lundy, Hugh W.	Albia	47	Attorney	15	Marion, Monroe	47 48 49
*Lynes, J. Kendall	Plainfield	39	Farmer	39	Bremer, Butler	49
Martin, Frank D.	Davenport	58	Retired	21	Scott	48 49
*Miller, Ai	Gray	57	Farmer	17	Audubon, Dallas, Guthrie	49
Mowry, Ross R.	Newton	60	Attorney	29	Jasper	48 49
Pelzer, Frank	Marne	66	Farmer	18	Cass, Shelby	46X 47 48 49
Pine, F. J.	Columbus, Jct.	49	Auto Dealer and Farmer	20	Louisa, Muscatine	47 48 49
†Schluter, Edwin C.	Clarence	55	Attorney	24	Cedar, Jones	

STATE SENATORS

SENATORS IN GENERAL ASSEMBLY—Continued
Republicans

NAME	Residence	Age	Occupation	Dist	Counties Composing District	Former Legislative Service
Shaw, Albert, J.	Pocahontas	66	Attorney	50	Buena Vista, Humboldt, Pocahontas	46 46X 47 48 49
Sjulin, Carl O.	Hamburg	52	Nurseryman	7	Fremont, Page	48 49
*Stewart, Paul P.	Maynard	66	Farmer	40	Allamakee, Fayette	47 48 49
*Turner, Oliver	Lenox	57	Farmer	6	Adams, Taylor	49
Vittetoe, Luke	Sigourney	56	Retail Druggist	12	Keokuk, Poweshiek	
*Watson, De Vere	Council Bluffs	49	Attorney	19	Pottawattamie	49
*Whitehill, B. C.	Marshalltown	67	Retired	28	Marshall	46X 47 48 49
Zastrow, Ralph W.	Charles City	52	Attorney	44	Chickasaw, Floyd	
*Zeigler, Jr., Sanford	Fairfield	51	Farmer	2	Jefferson, Van Buren	46 46X 47 48 49

Democrats

*Augustine, A. E.	Oskaloosa	52	Broker and Farmer	14	Mahaska	46X 47 48 49
*Johnson, Oscar E.	Kanawha	48	Druggist	43	Cerro Gordo, Franklin, Hancock	46 46X 47 48 49
*Mercer, Leroy S.	Iowa City	52	Printing and Publishing	25	Iowa, Johnson	45 45X 46 46X 47 49
Reilly, Robert C.	Dubuque	38	Merchant	35	Dubuque	48 49
Vrba, Ed.	Cresco	34	Farmer	42	Howard, Winneshiek	48 49

*Holdover Senators.
†To fill vacancy. Term expires December 31, 1944.

REPRESENTATIVES IN GENERAL ASSEMBLY
Republicans

NAME	Residence	Age	Occupation	County	Former Legislative Service
Anderson, Carl A.	Swedesburg	52	Farmer	Henry	
Avery, A. H.	Spencer	72	Insurance	Clay	44 45X 46 46X 48 49
Baldwin, C. E.	Eddyville	52	Publisher	Wapello	
Blatti, Arthur C.	New Hampton	56	Dairyman and Farmer	Chickasaw	49
Blewett, H. B.	Meservey	52	Farmer	Franklin	
Bockwoldt, M. F.	Ida Grove	66	Farmer and Feeder	Ida	49
Bonn, Walter H.	Victor	65	Attorney	Iowa	
Brindle, J. P.	Conrad	67	Farmer and Banker	Grundy	49

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

Bryson, C. A.	Iowa Falls	68	Attorney	Hardin	49
Burk, I. J.	Rippey	65	Farmer	Greene	48 49
Burma, Henry W.	Alison	47	Farmer	Butler	47 48 49
Butterfield, Dewey S.	Waterloo	44	Life Insurance	Black Hawk	49
Carlson, Robert	Sioux City	47	Oil Business	Woodbury	49
Carver, Glenn J.	Ruthven	50	Farming	Palo Alto	
Colburn, Jay C.	Harlan	49	Farmer	Shelby	49
Cooper, Elmer E.	Corning	59	Farmer	Adams	48 49
Cowan, James A.	What Cheer	65	Auto Salesman	Keokuk	
Cox, Harry E.	Fort Dodge	57	Dairyman and Farmer	Webster	
Datisman, B. L.	Inwood	64	Farmer	Lyon	
Dodds, Bert E.	Danville	57	Farmer	Des Moines	47 48 49
Donohue, D. A.	Tipton	31	Real Estate Broker	Cedar	
Doud, Jr., A. L.	Douds	45	Attorney	Van Buren	
Duffield, R. E.	Guthrie Center	67	Attorney	Guthrie	49
Dvorak, Raphael R. R.	Toledo	34	Attorney	Tama	48 49
Edwards, E. L.	Shannon City	57	Merchant	Union	49
Farmer, George E.	Cedar Rapids	55	Attorney	Linn	
Felton, Harold	Indianola	52	Grain and Feed Mfg.	Warren	49
Fimmen, W. R.	Bloomfield	43	Attorney	Davis	49
Fishbaugh, Jr., Earl C.	Shenandoah	33	Attorney	Page	46 46X 47 48 49
Gardner, Joe F.	Waverly	48	Salesman	Bremer	49
Gardner, John R.	Lisbon	67	Physician and Surgeon	Linn	47 48 49
Getscher, Edwin A.	Hamburg	29	Attorney	Fremont	
Good, C. G.	Ogden	69	Farming and Horse Breeder	Boone	47 49
*Graft, Don W.	Oskaloosa	30	Salesman	Mahaska	49
†Greene, A. C.	Denison	61	Former Sheriff	Crawford	48 49
Hall, J. R.	Malvern	64	Retail Lumber	Mills	48 49
Hawkins, R. B.	Leon	57	Attorney	Decatur	
Hedin, Philip T.	Davenport	60	Real Estate Salesman	Scott	
Heffner, John S.	Webster City	59	Farmer and Stockman	Hamilton	48 49
Hicklin, M. F.	Wapello	34	Attorney	Louisa	
Hoeness, S. G.	Winterset	62	Farmer	Madison	
Huston, T. H.	Crawfordsville	61	Farmer	Washington	
Hutchinson, Theo. C.	Algona	37	Attorney	Kossuth	49
Jessen, Peter A.	Exira	45	Oil Jobber	Audubon	49
Johnson, A. J.	Moorhead	51	Farmer	Monona	
Johnson, Carroll	Knoxville	29	Attorney	Marion	48 49
Judd, William N.	Clinton	55	Railroad Yardmaster	Clinton	47 48 49
Klemesrud, Theo.	Thompson	40	Newspaper Publisher	Winnebago	
Knowlton, W. P.	Decorah	57	Real Estate Broker	Winneshiek	48 49
Knudson, Herman M.	Mason City	55	Printer and Florist	Cerro Gordo	46 46X 48 49
Kruse, William	Charles City	52	Farmer	Floyd	48 49

STATE REPRESENTATIVES—Continued

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

NAME	Residence	Age	Occupation	County	Former Legislative Service
Kuester, G. T.	Griswold	54	Farmer	Cass	46 46X 47 48 49
*Kuhn, Thos. L.	Bedford	50	Former County Auditor	Taylor	
Lage, Alfred F.	Davenport	56	Retired	Scott	
Lane, Carroll A.	Carroll	37	Owner of Theatre	Carroll	
Latchaw, F. A.	Wilton Junction	58	Electrical Contractor	Muscatine	47 48 49
Long, Harvey J.	Clinton	48	Roofing Material	Clinton	49
Martin, S. A. (Steve)	Centerville	71	Ice Manufacturer	Appanoose	48 49
McFarlane, Arch W.	Waterloo	57	Fuel Dealer	Black Hawk	36 37 38 38X 39 42 42X 43 44 45 45X 46 46X 48 49
Miller, J. F.	Humboldt	56	Farmer and Grain Dealer	Humboldt	48 49
Mills, Ivan R.	Adair	64	Minister	Adair	49
Morrissey, Edward J.	Valeria	54	Farming and Livestock	Jasper	48 49
Moyle, B. S.	Maquoketa	58	Salesman	Jackson	49
Nelson, Harold F.	Sioux City	38	Attorney	Woodbury	49
Newsome, J. A.	Derby	64	Farming	Lucas	
Nielson, Andrew J.	Council Bluffs	53	Attorney	Pottawattamie	49
Noble, Kenneth C.	Sutherland	43	Newspaper Publisher	O'Brien	
Orebaugh, Sam	Des Moines	39	Attorney	Polk	
Peterson, Oscar	Alta	68	Farmer and Feeder	Buena Vista	
Pieper, Elmer	Waukon	55	Attorney	Allamakee	48 49
Prentis, X. T.	Mt. Ayr	46	Hatchery and Feeds	Ringgold	48 49
Pritchard, W. S.	Garner	71	Garage	Hancock	49
Reed, Wilson	Fairfield	69	Tax Consultant	Jefferson	49
Ritchie, Fred J.	Marcus	63	Farming	Cherokee	48 49
Robb, George H.	Estherville	61	Livestock	Emmet	
Robinson, Glenn E.	Colesburg	38	Attorney	Delaware	
Scott, E. W.	Lake View	62	Farming and Banking	Sac	46 46X 47 48 49
Scott, Geo. L.	West Union	55	Farmer	Fayette	46 46X 47 48 49
Seemann, Herbert G.	Jesup	51	Farming	Buchanan	49
Sharp, F. E.	Elkader	48	Attorney	Clayton	48 49
Shimanek, C. F.	Monticello	32	Attorney	Jones	48 49
Siefkas, Henry	Oseola	45	Farmer	Clarke	48 49
Sloane, Ted	Des Moines	39	Attorney	Polk	
Steinberg, Albert	Ames	52	Attorney	Story	48 49
Stinemates, George W.	Grant	65	Farmer	Montgomery	49
Te Paske, Anthony	Sioux Center	74	Attorney	Sioux	44
Troeger, Paul	Ottumwa	42	Teacher	Wapello	48
Tyrell, Jr., W. C.	Belmond	36	Farmer	Wright	
Walter, H. W.	Council Bluffs	31	Attorney	Pottawattamie	48 49
Walter, W. Eldon	Beaman	44	Farmer	Marshall	49

STATE REPRESENTATIVES—Continued

REPRESENTATIVES IN GENERAL ASSEMBLY—Continued

Wamstad, Brede.....	Osage.....	64	Farmer.....	Mitchell.....	39 40 40X 42 42X 43 44
Weichman, Harry E.....	Newhall.....	50	Farmer.....	Benton.....	47 48 49
Wellington, Thomas W.....	Ft. Madison.....	67	Retired Railway Mail Clerk	Lee.....	49
Whitehead, G. E.....	Perry.....	50	Editor, Publisher.....	Dailas.....	
Wichman, Henry.....	Malcom.....	60	Farmer.....	Poweshiek.....	48 49
Wilson, A. M.....	Albia.....	62	Real Estate Broker.....	Monroe.....	
Wilson, Melvin.....	Lake City.....	52	Rendering and Stockman.....	Calhoun.....	48 49
Wormley, Henry W.....	Kingsley.....	44	Attorney.....	Plymouth.....	

Democrats

Johannes, W. J.....	Ashton.....	52	Banker.....	Osceola.....	46 46X 47 48 49
Knippling, John.....	Elma.....	55	Farming.....	Howard.....	47 48 49
Less, Frank W.....	Cascade.....	37	Attorney.....	Dubuque.....	
Lynch, Mae A.....	Pocahontas.....	58	Attorney.....	Pocahontas.....	
Norland, Norman.....	Kensett.....	54	Farmer.....	Worth.....	
Poston, Gene.....	Corydon.....	59	Attorney and Farmer.....	Wayne.....	49
Swaner, John J.....	Iowa City.....	44	Dairy Products.....	Johnson.....	49
Tatum, William M.....	Logan.....	51	Attorney.....	Harrison.....	49
Utzig, Arnold.....	Dubuque.....	49	Shoe Merchant.....	Dubuque.....	
Yager, W. A.....	Spirit Lake.....	54	Real Estate Agent.....	Dickinson.....	45 45X 46 46X 47 48 49

†Don W. Graft, resigned April 13, 1943.

*Thos. L. Kuhn, resigned April 16, 1943.

†A. O. Greene, resigned April 26, 1943.

OFFICERS OF THE FIFTIETH GENERAL ASSEMBLY

OFFICERS OF THE HOUSE

<i>Speaker</i> —Henry W. Burma.....	Allison
<i>Speaker Pro Tempore</i> —A. H. Avery.....	Spencer
<i>Chief Clerk</i> —A. C. Gustafson.....	Des Moines
<i>Assistant Chief Clerk</i> —Hughes J. Bryant.....	Mason City
<i>Reading Clerk</i> —Tom Moore King.....	Coin
<i>Special Clerk</i> —Marie Jacobs.....	Iowa City
<i>Journal Clerk</i> —Phyllis Rogers.....	Coon Rapids
<i>Journal Clerk</i> —Charles Schalk.....	Iowa Falls
<i>Engrossing Clerk</i> —H. L. Peyton.....	Logan
<i>Enrolling Clerk</i> —Lillian Kanealy.....	Ames
<i>Enrolling Clerk</i> —Berniece Pope.....	Des Moines
<i>Clerk of Enrolled Bills</i> —Gretchen Stockham.....	Des Moines
<i>Speaker's Clerk</i> —Thelma Wylie.....	Des Moines
<i>Chief Clerk's Clerk</i> —Vera Bradshaw.....	Des Moines
<i>Index Clerk</i> —Katherine Crosby.....	Des Moines
<i>File Clerk</i> —William McGowan.....	Lake City
<i>Assistant File Clerk</i> —Paul Jones.....	Iowa Falls
<i>Bill Clerk</i> —Howard Erbe.....	McGregor
<i>Assistant Bill Clerk</i> —Bernard Lewis.....	Centerville
<i>Postmistress</i> —Mae Betsinger.....	Clinton
<i>Sergeant-at-Arms</i> —William Cree.....	Bloomfield
<i>Assistant Sergeant-at-Arms</i> —George Lord.....	Clinton
<i>Assistant Sergeant-at-Arms</i> —William Elmore.....	Des Moines

OFFICERS OF THE SENATE

<i>President</i> —Robert D. Blue.....	Eagle Grove
<i>President Pro Tempore</i> —Frank C. Byers.....	Cedar Rapids
<i>Secretary</i> —W. J. Scarborough.....	West Des Moines
<i>Assistant Secretary and Reading Clerk</i> —Ira A. Buckles.....	Lake City
<i>Journal Clerk</i> —Hope Hull.....	Fairfield
<i>Assistant Journal Clerk</i> —Edna Gillespie.....	Des Moines
<i>Engrossing Clerk</i> —Margaret Santee.....	Cedar Falls
<i>Enrolling Clerk</i> —Mary Margaret Heminger.....	Keosauqua
<i>Enrolled Bills Clerk</i> —Marie Spencer.....	West Des Moines
<i>Special Clerk</i> —Celia Gardner.....	Oxford Junction
<i>Special Clerk</i> —Hazel Peck.....	Des Moines
<i>Sergeant-at-Arms</i> —Frank Buck.....	Ames
<i>Assistant Sergeant-at-Arms</i> —Ira Gripp.....	Afton
<i>Chief Doorkeeper</i> —George Mammings.....	Grundy Center
<i>Bill Clerk</i> —John Olson.....	Calamus
<i>File Clerk</i> —Harry Upham.....	Fredericksburg
<i>Assistant File Clerk</i> —Robert B. Young.....	Washington
<i>Lieutenant Governor's Clerk</i> —Virginia Thompson.....	Eagle Grove
<i>Secretary's Clerk</i> —Mabel Monteith.....	Des Moines
<i>Postmistress</i> —Elsie C. Kent.....	Des Moines

STATE REPRESENTATIVES—Continued

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JUDICIAL DEPARTMENT
JUDGES OF THE SUPREME COURT

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

BOARD OF LAW EXAMINERS

John M. Rankin, ex officio, Chariman.....	Keokuk.....	Republican
R. S. Jackson.....	Muscatine.....	Republican
John W. Anderson.....	Sioux City.....	Democrat
H. G. Cartwright.....	Marshalltown.....	Republican
Wilson W. Cornwall.....	Spencer.....	Republican
R. E. Hatter.....	Marengo.....	

JUDGES OF DISTRICT COURT

First Judicial District		
J. R. Leary.....	Fort Madison	James S. Burrows..... Keokuk
Second Judicial District		
Elmer K. Daugherty.....	Ottumwa	Edward L. Simmons..... Centerville
Heinrich C. Taylor.....	Bloomfield	Harold V. Lewis..... Chariton
Third Judicial District		
Homer A. Fuller.....	Mt. Ayr	Geo. A. Johnston..... Creston
T. W. Miles.....	Corydon	
Fourth Judicial District		
Miles W. Newby.....	Onawa	Ralph C. Pritchard..... Sioux City
D. C. Browning.....	Sioux City	L. B. Forsling..... Sioux City
Fifth Judicial District		
W. S. Cooper.....	Winterset	E. W. Dingwell..... Adel
Norman R. Hays.....	Knoxville	
Sixth Judicial District		
Frank Beehly.....	Montezuma	J. G. Patterson..... Oskaloosa
P. J. Siegers.....	Newton	
Seventh Judicial District		
W. R. Maines.....	Davenport	George Claussen..... Clinton
Wm. W. Scott.....	Davenport	W. L. Keck..... Maquoketa
C. R. Stafford.....	Muscatine	
Eighth Judicial District		
Jas. P. Gaffney.....	Marengo	Harold D. Evans..... Iowa City
Ninth Judicial District		
Jos. E. Meyer.....	Des Moines	O. S. Franklin..... Des Moines
John J. Halloran.....	Des Moines	Loy Ladd..... Des Moines
Tom K. Murrow.....	Des Moines	C. Edwin Moore..... Des Moines
Tenth Judicial District		
Shannon B. Charlton.....	Manchester	R. W. Hasner..... Waterloo
A. B. Lovejoy.....	Waterloo	
Eleventh Judicial District		
Sherwood A. Clock.....	Hampton	H. E. Fry..... Boone
Dean W. Peisen.....	Eldora	Dwight G. Rider..... Fort Dodge
Twelfth Judicial District		
M. H. Kepler.....	Northwood	Tom Boynton..... Forest City
T. A. Beardmore.....	Charles City	Henry N. Graven..... Mason City

JUDICIAL DEPARTMENT—Continued

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

JUDGES OF THE MUNICIPAL AND SUPERIOR COURTS

Municipal Courts			
JUDGES	ADDRESS	CLERKS	REPORTERS
John Y. Luke.....	Ames.....	Loyall E. Thomas.....	Irene Sogard
W. A. McCullough.....	Clinton.....	Albert J. Meyer.....	
Allan Ardell.....	Council Bluffs.....	C. E. Fellingham.....	
John P. Tinley.....	Council Bluffs.....	C. E. Fellingham.....	
Ralph L. Powers.....	Des Moines.....	Walter R. Priebe.....	Ethel F. Katz
			Kathryne Miller
Don G. Allen.....	Des Moines.....	Walter R. Priebe.....	Ethel F. Katz
			Kathryne Miller
Charles S. Cooter.....	Des Moines.....	Walter R. Priebe.....	Ethel F. Katz
			Kathryne Miller
Harry B. Grund.....	Des Moines.....	Walter R. Priebe.....	Ethel F. Katz
			Kathryne Miller
Ray P. Scott.....	Marshalltown.....	Etta Northup.....	Minnie E. Grimm (Mrs.)
Berry J. Sisk.....	Sioux City.....	Harry E. Harbeck.....	J. V. Hamilton
George M. Paradise.....	Sioux City.....	Harry E. Harbeck.....	J. V. Hamilton
R. N. Jepson.....	Sioux City.....	Harry E. Harbeck.....	J. V. Hamilton
Geo. J. Sager.....	Waterloo.....	E. W. Koepke.....	Eve M. Leonard
Ben G. Howrey.....	Waterloo.....	E. W. Koepke.....	Eve M. Leonard
Superior Courts			
JUDGES	ADDRESS	CLERKS	REPORTERS
Harry S. Johnson.....	Cedar Rapids.....	Maude M. Krebs.....	Imogen Emery (Mrs.)
R. K. Brandt.....	Oelwein.....	H. J. Finders.....	Florence Lawther (Mrs.)
J. A. Concannon.....	Keokuk.....	J. A. Concannon.....	Kenneth A. Brown

NOTE—Superior Courts at Shenandoah and Grinnell have been discontinued.

COMMISSIONERS IN OTHER STATES

There have been no such commissions in force since 1930.

OFFICERS, COMMISSIONS, BOARDS AND APPOINTIVE OFFICERS

(Complete to time of going to press)

Name	Position	County from which originally chosen
Bourke B. Hickenlooper....	Governor	Linn
Leo J. Duster.....	Secretary to the Governor.....	Linn
Robert D. Blue.....	Lieutenant Governor.....	Wright
Wayne M. Ropes.....	Secretary of State.....	Monona
Ray E. Johnson.....	Deputy Secretary of State.....	Muscatine
Chet B. Akers.....	Auditor of State.....	Wapello
Frank M. Hanson.....	Deputy Auditor of State.....	Linn
W. G. C. Bagley.....	Treasurer of State.....	Cerro Gordo
Leslie B. Freese.....	Deputy Treasurer of State.....	Sac
Harry D. Linn.....	Secretary of Agriculture.....	Polk
Clyde Spry.....	Assistant Secretary of Agriculture.....	Woodbury
John M. Rankin.....	Attorney General.....	Lee
Floyd Philbrick.....	Assistant Attorney General.....	Linn
Don Hise.....	Assistant Attorney General.....	Polk
William F. McFarlin....	Assistant Attorney General.....	Poweshiek
Edward S. White, Jr....	Assistant Attorney General.....	Carroll
G. H. Clark, Jr.....	Special Assistant Attorney General.....	Ida
Jens Grothe.....	Special Assistant Attorney General.....	Floyd
Curtis W. Gregory.....	Special Assistant Attorney General.....	Dallas
Kenneth F. Neu.....	Special Assistant Attorney General.....	Cerro Gordo
Jessie M. Parker.....	Superintendent of Public Instruction.....	Winnebago
J. P. Street.....	Deputy Superintendent of Public Instruction.....	Cass
Carl W. Reed, Chm.....	} Iowa State Commerce Commission..... {	Howard
B. M. Richardson.....		Linn
David B. Long.....	} Secretary, Iowa State Commerce Commission..... {	Polk
George A. McCaughan...		Polk
James A. Lucas.....	Commerce Counsel.....	Taylor
Bourke B. Hickenlooper....	} Executive Council..... {	Linn
Wayne M. Ropes.....		Monona
Chet B. Akers.....	} Secretary, Executive Council..... {	Wapello
W. G. C. Bagley.....		Cerro Gordo
Harry D. Linn.....	Polk	
Wm. E. Brown.....	Monona	
P. F. Hopkins, Chm.....	} State Board of Control..... {	Cerro Gordo
D. R. McCreery.....		Linn
R. T. Pullen.....	} Secretary, Board of Control..... {	Clay
Warren L. Huebner.....		Polk
W. E. Jackson, Chm.....	} Board of Parole..... {	Des Moines
Clarence Godfrey.....		Monroe
Mrs. Virginia Bedell.....	} Secretary, Board of Parole..... {	Dickinson
Sam D. Woods.....		Polk
Fred W. Nelson, Chm.....	} State Tax Commission..... {	Story
D. L. Murrow.....		Wayne
H. A. Grantham.....	} Secretary, State Tax Commission..... {	Clinton
Elsie L. Dachroth.....		Polk
A. A. Hurst.....	} Iowa State Highway Commission..... {	Jackson
H. J. Ahlers.....		Plymouth
Fred Gilbert.....	} Chief Engineer..... {	Marshall
Sanford Zeigler, Jr.....		Jefferson
S. Ray Emerson.....	} Board of Social Welfare..... {	Union
Fred R. Write.....		Story
Mrs. Mary E. Huncke, Chm.	} Secretary, Board of Social Welfare..... {	Polk
King R. Palmer.....		Fayette
H. C. Beard.....	} Iowa Employment Security Commission..... {	Ringgold
D. H. Jenkins.....		Woodbury
J. R. Pefferle.....	} Sec. Iowa Employment Security Commission..... {	Polk
Claude M. Stanley.....		Adams
Carl B. Stoger.....	} Iowa Liquor Control Commission..... {	Tama
Charles F. Wilkins.....		Chickasaw
M. L. Curtis, Chm.....	} Chief Engineer..... {	Marion
Dick R. Lane.....		Scott
R. F. Swift.....	Shelby	

STATE OFFICERS—Continued

Name	Position	County from which originally chosen
Julius R. Jensen.....	Secretary, Iowa Liquor Control Commission.	Polk
Henry Shull, President.....	}	Woodbury
Lester Gillette.....		Clay
W. Earl Hall.....		Cerro Gordo
Richard H. Plock.....		Lee
Mrs. H. C. Houghton, Jr.....		Montgomery
Roy Loudon.....	} State Board of Education.....	Jefferson
W. S. Rupe.....		Story
Mrs. George L. Kyseth.....		Wright
John C. Reid.....		Linn
W. R. Boyd, Chm.....		Linn
W. G. Noth.....	} Finance Committee, Board of Education..	Linn
David A. Dancer.....		Polk
R. E. Stewart.....	} Secretary, State Board of Education and Finance Committee	Decatur
Mrs. Addison Parker.....		Wapello
E. B. Gaunitz.....	} State Conservation Commission.....	Polk
Fred Poyneer.....		Allamakee
J. D. Lowe.....		Linn
A. S. Workman.....		Kossuth
Frank Mattes.....		Mills
Fred Schwob.....	State Conservation Director.....	Sac
Karl W. Fischer.....	Commissioner of Public Safety.....	Polk
R. W. Nebergall.....	Chief, Bureau of Criminal Investigation.....	Benton
C. A. Kneeb.....	Chief, State Highway Patrol.....	Story
John Strohm.....	State Fire Marshal.....	Dallas
Dale Shaw (Acting).....	Superintendent of Motor Vehicle Registration	Clinton
Clarence A. Shirer.....	Superintendent of Operators and Chauffeurs License Division	Polk
Paul F. Hill, Director.....	Division of Safety Education.....	Butler
(On leave of absence..	In Armed Services)	Black Hawk
B. L. Woodcock, Act. Dir.	Division of Safety Education.....	Hardin
Gerald A. Sutton.....	Division of Radio Communication.....	Cass
Bourke B. Hickenlooper.....	State Fair Board, Ex-officio:	
Harry D. Linn.....	Governor	Linn
C. E. Friley.....	Secretary of Agriculture.....	Polk
	President, Iowa State College.....	Story
J. P. Mullen.....	State Fair Board, Elective:	
L. E. Sheldon.....	President, Iowa State Fair Board.....	Pocahontas
F. B. Cunningham.....	Vice President, Iowa State Fair Board.....	Ringgold
N. W. McBeath.....	Secretary, Iowa State Fair Board.....	Howard
Charles W. Grahl.....	Treasurer, Iowa State Fair Board.....	Polk
C. Fred Porter.....	Adjutant General.....	Polk
Charles R. Fischer.....	State Comptroller.....	Polk
Elmer P. Corwin.....	Commissioner of Insurance.....	Monona
Charles W. Harness.....	Industrial Commissioner.....	Muscatine
Gray Anderson.....	Labor Commissioner.....	Wapello
M. W. Ellis.....	Custodian	Marion
M. W. Ellis.....	Superintendent of Banking.....	Floyd
Ralph Eastburn.....	} State Banking Board.....	Floyd
Bert A. Gronstal.....		Jefferson
B. Frank Kauffman.....		Pottawattamie
Ben T. St. John.....		Polk
Chet B. Akers, Chm.....		Hamilton
Wayne M. Ropes.....	} State Printing Board.....	Wapello
John M. Rankin.....		Monona
Tom W. Purcell.....		Lee
Walter Sharp.....		Franklin
Sherman W. Needham.....		Des Moines
Bourke B. Hickenlooper.....	Superintendent of Printing.....	Story
T. G. Garfield.....	} State Library Commission.....	Linn
Jessie Parker.....		Story
Ora Williams.....		Winnebago
	Curator, Historical Department.....	Polk

STATE OFFICERS—Continued

Name	Position	County from which originally chosen
B. B. Druker.....	Law Librarian.....	Marshall
(On leave of absence..)	In Armed Services)	
Geraldine Dunham.....	Acting Law Librarian.....	Polk
Blanche A. Smith.....	Librarian, Iowa State Traveling Library....	Warren
Dr. Jeannette Dean Throckmorton	State Medical Librarian.....	Polk
Jessie M. Parker, Chm.....	} Board of Vocational Education and Re- habilitation	Winnebago
H. C. Shull.....		Woodbury
Charles W. Harness.....		Wapello
Forest E. Moore.....	Director of Division of Vocational Education	Story
George L. Brown, Chm.....	} State Board of Pharmacy Examiners.....	Monona
D. H. Redfield.....		Page
L. R. Henderson.....		Muscatine
J. F. Rabe.....	Sec., State Board of Pharmacy Examiners..	Cass
Mrs. George Kraetsch, Pres.	} Commission for the Blind.....	Polk
C. E. Laustrup.....		Pottawattamie
Leslie M. Hays.....		Benton
Mrs. Ethel Towne Holmes	Secretary, Commission for the Blind.....	Polk
Arthur C. Trowbridge.....	State Geologist.....	Johnson
L. M. Martin, Chm.....	} State Board of Engineering Examiners....	Pottawattamie
Maurice C. Miller.....		Polk
Howard R. Green.....		Linn
C. E. Ewen.....	} Secretary, Board of Engineering Examiners.	Scott
J. S. Dodds.....		Story
Wm. E. Brown.....		Monona
Jacob Ritter, President...	} Board of Examiners for Mine Inspectors..	Appanoose
William Anderson.....		Monroe
William Jervis.....		Polk
James Smith.....	} State Mine Inspectors.....	Monroe
William Abram.....		Jasper
E. A. Farnsworth.....		Appanoose
R. T. Rhys.....	} Secretary, State Mine Inspectors.....	Wapello
J. E. Jeffreys.....		Polk
George Duckworth.....		Appanoose
John M. Rankin, Chm.....	} Board of Law Examiners.....	Lee
John W. Anderson.....		Woodbury
Harold G. Cartwright.....		Marshall
Wilson Cornwall.....	} Code Editor.....	Clay
R. E. Hatter.....		Iowa
Robert S. Jackson.....		Muscatine
Frederick F. Faville.....	} Board of Educational Examiners.....	Woodbury
Jessie M. Parker, President.		Winnebago
Malcolm Price.....		Black Hawk
Earl A. Roadman.....	} Executive Secretary, Board of Educational Examiners	Woodbury
F. N. Olry.....		Crawford
Arthur Deamer.....		Linn
Wayland W. Osborn.....	Commissioner of Health.....	Marion
Walter L. Bierring, M.D...	} State Board of Health.....	Polk
Ex-Officio:		
Bourke B. Hickenlooper..		
Wayne M. Ropes.....		
W. G. C. Bagley.....		
Chet B. Akers.....		
Harry D. Linn.....	} Board of Medical Examiners.....	Boone
Appointive:		
Edward M. Myers, M.D...		Clarke
Herbert E. Stroy, M.D....		Page
A. O. Wirsig, M.D.....		Polk
A. C. Page, M.D.....		Dubuque
Frank P. McNamara, M.D.	} Board of Medical Examiners.....	Lee
Frank M. Fuller, M.D., Chm.		Pottawattamie
Aldis A. Johnson, M.D., Sec.		Clinton
Fred B. Morgan.....		

STATE OFFICERS—Continued

Name	Position	County from which originally chosen
John J. Hemingway, D.D.S., Chm.	Board of Dental Examiners.....	Bremer
Harry G. Bolks, D.D.S., Sec.		Woodbury
C. Herman Stewart, D.D.S....		Fremont
Frank B. Whinery, D.D.S....	Board of Optometry Examiners.....	Johnson
Robert C. Norman, D.D.S....		Guthrie
Alfred J. Meyer, Chm.....		Scott
John J. Brady, Sec.....	Board of Chiropractic Examiners.....	O'Brien
Henry W. Knutson.....		Cerro Gordo
R. L. Sheeler, D.C., Chm....		Pottawattamie
H. T. Opsahl, D.C., Sec.....	Board of Osteopathy Examiners.....	Winneshiek
C. B. Kerr, D.C.....		Story
H. B. Willard, D.O., Chm....		Delaware
D. E. Hannan, D.O., Sec.....	Board of Embalmer Examiners.....	Dallas
W. D. Andrews, D.O.....		Kossuth
A. L. Fleenor, L.E., Chm....		Hamilton
Al. M. Didesch, L.E., Sec....	Board of Podiatry Examiners.....	Dubuque
Paul D. McAuley, L.E.....		Cerro Gordo
C. H. Findley, Chm.....		Scott
Stewart E. Reed, Sec.....	Board of Cosmetology Examiners.....	Polk
V. E. Wicks.....		Cerro Gordo
Ray Tullis, Chm.....		Wapello
Inga Jepson, Sec.....	Board of Barber Examiners.....	Clinton
Nina Schneider.....		Pottawattamie
Pearl Ambrose.....		Black Hawk
L. D. Hamilton, Chm.....	Board of Basic Science Examiners.....	Woodbury
T. F. Thompson, Sec.....		Linn
L. W. Skinner.....		Pottawattamie
Charles H. Carter, Chm.....	Board of Nurse Examiners.....	Jefferson
Benjamin H. Peterson, Sec..		Linn
H. Earl Rath.....		Black Hawk
Joseph H. Bodine.....	Executive Secretary, Board of Nurse Examiners	Johnson
Frederic F. Smith.....		Buena Vista
G. W. Heitkamp.....		Dubuque
Sr. M. Petronilla, R. N., R. S.M., Chm.....	Board of Nurse Examiners.....	Cerro Gordo
Vera M. Sage, R.N.....		Des Moines
Mary L. Elder, R.N.....		Des Moines
Mother M. Maura, R.N., M. A.....	Executive Secretary, Board of Nurse Examiners	Linn
Dorothy Freriks, R.N.....		Cherokee
Wavie Stiles, R.N.....		Woodbury

CONDITION OF STATE TREASURY

Statement of the receipts and expenditures of the public money for the biennial fiscal period beginning July 1, 1940, and ending June 30, 1942, as prepared and furnished by C. Fred Porter, State Comptroller, for publication with the laws of the Fiftieth General Assembly in accordance with the requirements of Section 18, Article III, of the Constitution of the State of Iowa and Section 221.4 of the Code.

STATEMENT OF THE CONDITION OF THE TREASURY

Receipts, Disbursements and Balances in the Several Funds for Biennial Report
Ending June 30, 1942

	Balances July 1, 1941	Total Receipts	Total Available	Total Warrants Redeemed and Transfers	June 30, 1942 Balance
General revenue	\$ 4,279,230.96	\$ 23,528,970.56	\$ 27,808,201.52	\$25,607,033.78	\$ 1,674,850.57
Transfers				528,317.17	
Trust revenue	5,914,488.38	71,978,824.21	77,893,312.59	69,679,822.88	7,784,495.05
Transfers				428,994.71	
Primary Road					
Contingent	287,871.66		287,871.66	12,801.93	275,069.73
Soldiers' Bonus Tax	36,342.78	1,200,000.00	1,286,342.78	1,226,000.00	60,342.78
Soldiers' Bonus Bond	3,134.30		3,134.30		3,134.30
	<u>\$10,571,068.08</u>	<u>\$ 96,707,794.77</u>	<u>\$107,278,862.85</u>	<u>\$97,480,970.42</u>	<u>\$ 9,797,892.43</u>
			Balance July 1, 1940	\$ 10,571,068.08	
			Receipts	96,707,794.77	
				<u>\$107,278,862.85</u>	
			Disbursements	97,480,970.42	
				<u>\$ 9,797,892.43</u>	

Receipts, Disbursements and Balances in the Several Funds for Biennial Report
Ending June 30, 1942

	Balances July 1, 1940	Total Receipts	Total Available	Total Warrants Redeemed and Transfers	June 30, 1941 Balance
General revenue	\$ 1,674,850.57	\$ 24,288,800.10	\$ 25,963,650.67	\$21,951,090.40	\$ 3,462,509.95
Transfers				550,050.32	
Trust revenue	7,784,495.05	74,699,781.39	82,484,276.44	74,400,215.94	7,991,683.28
Transfers				92,377.22	
Primary Road					
Contingent	275,069.73		275,069.73	26,304.48	248,765.25
Soldiers' Bonus Tax	60,342.78	1,200,000.00	1,260,342.78	1,174,385.00	85,957.78
Soldiers' Bonus Bond					
Sale	3,134.30		3,134.30	192.00	2,942.30
	<u>\$ 9,797,892.43</u>	<u>\$100,188,581.49</u>	<u>\$109,986,473.92</u>	<u>\$98,194,615.36</u>	<u>\$11,791,858.56</u>
			Balance July 1, 1941	\$ 9,797,892.43	
			Receipts	100,188,581.49	
				<u>\$109,986,473.92</u>	
			Disbursements	98,194,615.36	
				<u>\$ 11,791,858.56</u>	

LAWS

OF THE

Fiftieth General Assembly

OF THE

STATE OF IOWA

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE
CAPITAL OF THE STATE, BEGUN ON THE ELEVENTH DAY OF
JANUARY, AND ENDED ON THE EIGHTH DAY OF APRIL,
A. D., 1943, IN THE NINETY-SEVENTH YEAR
OF THE STATE

APPROPRIATIONS

CHAPTER 1

GENERAL APPROPRIATIONS

S. F. 350

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1943, and ending June 30, 1945, funds for various departments and various divisions thereof, of the state of Iowa, for purposes provided by law, and to amend chapter seventy-four (74), Acts of the Forty-ninth General Assembly.

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

ATTORNEY GENERAL

1 SECTION 1. For the office of attorney general there is hereby ap-
2 propriated from the general fund of the state for each year of the
3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
4 of Thirty-three thousand eight hundred fifty-two dollars (\$33,852.00)
5 or so much thereof as may be necessary to be used in the following
6 manner:
7 For salary of attorney general\$ 6,000.00
8 For salaries, support, maintenance and miscel-
9 laneous purposes 27,852.00
10 Grand total of all appropriations for all purposes
11 for each year of the biennium for the office of
12 attorney general\$ 33,852.00

AUDITOR OF STATE

1	SEC. 2. For the office of auditor of state there is hereby appro-	
2	riated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of ninety-three thousand seven hundred dollars (\$93,700.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salary of auditor of state	\$ 5,000.00
7	For salaries, support, maintenance and miscel-	
8	laneous purposes	85,000.00
		<hr/>
9		\$ 90,000.00
	BUILDING AND LOAN DIVISION	
10	For salary of supervisor of savings and loan asso-	
11	ciations as fixed in section 9354.1, Code, 1939 ..	\$ 2,500.00
12	For traveling and miscellaneous expense	1,200.00
		<hr/>
13		\$ 3,700.00
14	Grand total of all appropriations for all purposes	
15	for each year of the bienninm for the office of	
16	auditor of state	\$ 93,700.00

BOARD OF CONTROL

1	SEC. 3 For the office of board of control there is hereby appro-	
2	riated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of eighty-one thousand one hundred seventy-nine dollars and eighty-	
5	five cents (\$81,179.85) or so much thereof as may be necessary to be	
6	used in the following manner:	
7	For salaries, members of the board (3 at \$3,850.00	
8	each)	\$ 11,550.00
9	For salaries, support, maintenance and miscel-	
10	laneous purposes	69,629.85
		<hr/>
11	Grand total of all appropriations for all purposes	
12	for each year of the biennium for the board of	
13	control	\$ 81,179.85

BOARD OF CONTROL - INSTITUTION STATE ROADS

1	SEC. 4. For the board of control-institution state roads there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1943, and ending June 30, 1945, the	
4	sum of seven thousand five hundred dollars (\$7,500.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For institution state roads	\$ 7,500.00
7	Grand total of all appropriations for all purposes	
8	for each year of the biennium for institution	
9	state roads	\$ 7,500.00

BOARD OF EDUCATION

1	SEC. 5. For the office of the board of education there is hereby
2	appropriated from the general fund of the state for each year of the

3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of forty-six thousand dollars (\$46,000.00) or so much thereof as may	
5	be necessary to be used in the following manner:	
6	For salary of chairman of the finance committee..\$	2,900.00
7	For salary of member of the finance committee....	2,900.00
8	For salary of secretary of board of education and	
9	of the finance committee	3,600.00
10	For salaries, support, maintenance and miscel-	
11	laneous purposes	36,600.00
12	Grand total of all appropriations for all purposes	
13	for each year of the biennium for the office of	
14	the board of education	\$ 46,000.00

BOARD OF PAROLE

1	SEC. 6. For the office of the board of parole there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of thirty-six thousand seven hundred seventy-seven dollars and fifty	
5	cents (\$36,777.50) or so much thereof as may be necessary to be	
6	used in the following manner:	
7	For salaries of board members	
8	Two (2) at \$2,700.00 each	\$ 5,400.00
9	One (1) at \$3,000.00	3,000.00
10	For salaries, support, maintenance and miscel-	
11	laneous purposes	28,377.50
12	Grand total of all appropriations for all purposes	
13	for each year of the biennium for the board of	
14	parole	\$ 36,777.50

BUREAU OF LABOR

1	SEC. 7 For the office of the bureau of labor there is hereby appro-	
2	riated from the general fund of the state for each year of the bien-	
3	niium beginning July 1, 1943, and ending June 30, 1945, the sum of	
4	twenty-four thousand four hundred dollars (\$24,400.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of labor commissioner	\$ 3,000.00
7	For salaries, support, maintenance and miscel-	
8	laneous purposes	21,400.00
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the bureau	
11	of labor	\$ 24,400.00

CLERK OF SUPREME COURT

1	SEC 8. For the office of the clerk of the supreme court there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1943, and ending June 30, 1945,	
4	the sum of ten thousand six hundred dollars (\$10,600.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of the clerk of the supreme court	\$ 3,600.00

7	For salaries, support, maintenance and miscel-	
8	laneous purposes	7,000.00
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the office of	
11	the clerk of the supreme court	\$ 10,600.00

COMMERCE COMMISSION

1 SEC. 9. For the department of the commerce commission there is
 2 hereby appropriated from the general fund of the state for each year
 3 of the biennium beginning July 1, 1943, and ending June 30, 1945,
 4 the sum of two hundred one thousand three hundred fifty dollars
 5 (\$201,350.00) or so much thereof as may be necessary to be used in
 6 the following manner:

GENERAL ADMINISTRATION

7	For salaries of commissioners (3 at \$3,850.00	
8	each)	\$ 11,550.00
9	For salaries, support, maintenance and miscel-	
10	laneous purposes	69,000.00
11	Total for general administration of commerce	
12	commission	\$ 80,550.00

CLASS RATE CASES

13		\$ 10,000.00
	MOTOR TRANSPORTATION DIVISION	
14	For salaries, support, maintenance and miscel-	
15	laneous purposes	\$ 98,500.00

WAREHOUSE DIVISION

16	For salaries, support, maintenance and miscel-	
17	laneous purposes	\$ 12,300.00
18	Grand total of all appropriations for all purposes	
19	for each year of the biennium for the depart-	
20	ment of the commerce commission.....	\$201,350.00

COMMISSION FOR BLIND

1 SEC. 10. For the office of the commission for the blind there is
 2 hereby appropriated from the general fund of the state for each year
 3 of the biennium beginning July 1, 1943, and ending June 30, 1945,
 4 the sum of fourteen thousand five hundred twenty dollars (\$14,520.00)
 5 or so much thereof as may be necessary to be used in the following
 6 manner:

7	For salary of secretary	\$ 2,400.00
8	For salaries, support, maintenance and miscel-	
9	laneous purposes	12,120.00
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the office of	
12	the commission for the blind	\$ 14,520.00

COMMISSION ON UNIFORM LAWS

1	SEC. 11. For the commission on uniform laws there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of three hundred dollars (\$300.00) or so much thereof as may be	
5	necessary to be used in the following manner:	
6	For traveling expenses of members of the com-	
7	mission on uniform laws	\$ 300.00
8	Grand total of all appropriations for all purposes	
9	for each year of the biennium for the com-	
10	mission on uniform laws	\$ 300.00

STATE COMPTROLLER

1	SEC. 12. For the office of state comptroller there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of fifty-nine thousand two hundred fifty-four dollars and seventy-one	
5	cents (\$59,254.71) or so much thereof as may be necessary to be	
6	used in the following manner:	
7	For salary of state comptroller	\$ 6,000.00
8	For salaries, support, maintenance and miscel-	
9	laneous purposes	\$ 53,254.71
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the office of	
12	state comptroller	\$ 59,254.71

CONSERVATION COMMISSION

1	SEC. 13 For the office of the conservation commission there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1943, and ending June 30, 1945, the	
4	sum of two hundred twelve thousand five hundred dollars (\$212,-	
5	500.00) or so much thereof as may be necessary to be used in the fol-	
6	lowing manner:	
7	For salaries, support, maintenance and miscel-	
8	laneous purposes of the office and maintenance	
9	of state parks, purchase of land and general	
10	improvements and for the construction, main-	
11	tenance and improvements of roads and high-	
12	ways in said parks	\$200,000.00
13	Land acquisition, Clear Lake, Iowa	12,500.00
14	Grand total of all appropriations for all purposes	
15	for each year of the biennium for the conser-	
16	vation commission	\$212,500.00

CUSTODIAN

1	SEC. 14. For the office of the custodian there is hereby appro-	
2	riated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of eighty-two thousand nine hundred dollars (\$82,900.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of custodian	\$ 2,500.00
7	For salaries, support, maintenance and miscel-	
8	laneous purposes	80,400.00
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the office of	
11	custodian	\$ 82,900.000

DEPARTMENT OF AGRICULTURE

1	SEC. 15. For the department of agriculture there is hereby ap-	
2	propriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of three hundred eighty-five thousand eight hundred four dollars	
5	(\$385,804.00) or so much thereof as may be necessary to be used in	
6	the following manner:	

MAIN OFFICE

7	For salary of secretary of agriculture	\$ 5,000.00
8	For salaries, support, maintenance and miscel-	
9	laneous purposes	125,504.00
10	Total for main office	\$130,504.00

(1) AGRICULTURE FARM COMMITTEE

11	For agricultural committee	\$ 2,000.00
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(2) AGRICULTURAL STATISTICS

12	For state aid	\$ 5,000.00
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(3) ANIMAL HEALTH AND VETERINARY

13	For the control and eradication of contagious and	
14	infectious livestock diseases including Bang's	
15	Disease, salaries and traveling expenses; as-	
16	stant state veterinarians (per diem and ex-	
17	penses), indemnities and miscellaneous pur-	
18	poses	\$137,500.00

(4) BEE INSPECTION

19	For state aid	\$ 4,500.00
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(5) BEEF PRODUCERS' ASSOCIATION

20	For state aid	\$ 5,000.00
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(6) CORN AND SMALL GRAIN GROWERS' ASSOCIATION

21	For state aid	\$ 2,750.00
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(7) CROP PEST CONTROL	
22	For state aid\$ 12,500.00
23	For state aid for the investigation and control of
24	plant diseases and for other purposes as ap-
25	proved by the secretary of agriculture, to be
26	administered by the vegetable growers' asso-
27	ciation 2,500.00
	<hr/>
28	Total for crop pest control\$ 15,000.00
(8) DAIRY ASSOCIATION	
29	For state aid\$ 5,000.00
(9) DAIRY CALF CLUB	
30	For state aid\$ 2,000.00
(10) ENTOMOLOGY	
31	For salaries, support, maintenance and miscel-
32	laneous purposes\$ 9,000.00
33	For barberry eradication 4,500.00
	<hr/>
34	Total for entomology\$ 13,500.00
(11) HATCHERY INSPECTION	
35	For state hatchery inspection fund\$ 9,000.00
(12) HORSE BREEDERS' ASSOCIATION	
36	For state aid\$ 5,000.00
(13) HORTICULTURAL SOCIETIES	
37	For state aid\$ 7,000.00
38	For vegetable growers' association 1,000.00
	<hr/>
39	Total for horticultural societies\$ 8,000.00
(14) POULTRY ASSOCIATION, SHORT COURSES AND ACHIEVEMENT SHOWS	
40	For state aid\$ 18,000.00
(15) SOIL CONSERVATION	
41	For salaries, support and miscellaneous purposes..\$ 8,000.00
(16) SWINE BREEDERS' ASSOCIATION	
42	For state aid\$ 5,000.00
(17) VETERINARY EXAMINERS	
43	For per diem and expense\$ 550.00
(18) WEATHER BUREAU	
44	For state aid\$ 5,000.00

(19) IOWA STATE SHEEP ASSOCIATION

45	For state aid	\$ 4,500.00
46	Grand total of all appropriations for all purposes	
47	for each year of the biennium for the depart-	
48	ment of agriculture and divisions thereof	\$385,804.00

DEPARTMENT OF HEALTH

1 SEC. 16. For the department of health there is hereby appro-
 2 priated from the general fund of the state for each year of the
 3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
 4 of two hundred thirty thousand one hundred twenty dollars (\$230,-
 5 120.00) or so much thereof as may be necessary to be used in the
 6 following manner:

GENERAL OFFICE

7	For salary of commissioner.....	\$ 6,000.00*
8	For salaries, support, maintenance and miscel-	
9	laneous purposes	75,150.00
10	For research and development of various serums	52,500.00
11	Total for general office	\$133,650.00

(1) BOARD OF BARBER EXAMINERS

12	For compensation, support, maintenance and mis-	
13	cellaneous purposes	\$ 17,360.00

(2) BOARD OF CHIROPRACTIC EXAMINERS

14	For compensation, support, maintenance and mis-	
15	cellaneous purposes	\$ 1,920.00

(3) BOARD OF COSMETOLOGY EXAMINERS

16	For compensation, support, maintenance and mis-	
17	cellaneous purposes	\$ 16,100.00

(4) BOARD OF DENTAL EXAMINERS

18	For compensation, support, maintenance and mis-	
19	cellaneous purposes	\$ 2,000.00

(5) BOARD OF EMBALMERS' EXAMINERS

20	For compensation, support, maintenance and mis-	
21	cellaneous purposes	\$ 1,250.00

(6) BOARD OF MEDICAL EXAMINERS

22	For compensation, support, maintenance and mis-	
23	cellaneous purposes	\$ 1,200.00

(7) BOARD OF OPTOMETRY EXAMINERS

24	For compensation, support, maintenance and mis-	
25	cellaneous purposes	\$ 750.00

*Note: State has been paying \$5,000.00. Fed. Govt. has been paying \$1,000. Fed. Govt. has withdrawn its support.

(8) BOARD OF OSTEOPATHY EXAMINERS

26	For compensation, support, maintenance and mis-	
27	cellaneous purposes	\$ 1,500.00

(9) LICENSURE AND REGISTRATION

28	For salaries, support, maintenance and miscella-	
29	neous purposes	\$ 7,350.00

(10) BOARD OF PODIATRY EXAMINERS

30	For compensation, support, maintenance and mis-	
31	cellaneous purposes	\$ 300.00

(11) VITAL STATISTICS

32	For salaries, support, maintenance and miscella-	
33	neous purposes	\$ 46,800.00

34	Grand total of all appropriations for all purposes	
35	for each year of the biennium for the de-	
36	partment of health and the various divisions	
37	thereof	\$230,120.00

DEPARTMENT OF PUBLIC INSTRUCTION

1 SEC. 17. For the department of public instruction there is hereby
 2 appropriated from the general fund of the state for each year of the
 3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
 4 of four hundred seventy-one thousand one hundred forty-five dollars
 5 (\$471,145.00) or so much thereof as may be necessary to be used in
 6 the following manner:

7	For salary of superintendent of public instruc-	
8	tion	\$ 4,500.00

9	For salaries, support, maintenance and miscella-	
10	neous purposes	45,195.00

11		\$ 49,695.00
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STATE AID TO PUBLIC SCHOOLS

12	For state aid to public schools:	
13	Normal training schools.....	\$100,000.00
14	Consolidated schools	125,000.00
15	Standard rural schools.....	90,000.00
16	Normal institutes	4,450.00
17	Mining camp schools.....	45,000.00
18	Mining camp schools (emergency).....	27,000.00
19	Handicapped children	30,000.00

20		\$421,450.00
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21	Grand total of all appropriations for all purposes	
22	for each year of the biennium for the depart-	
23	ment of public instruction.....	\$471,145.00

DISTRICT COURT

1	SEC. 18. For the judges of the district court there is hereby appro-	
2	2 appropriated from the general fund of the state for each year of the	
3	3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	4 of three hundred eighty thousand dollars (\$380,000.00) or so much	
5	5 thereof as may be necessary to be used in the following manner:	
6	6 For salaries of judges of the district courts of	
7	7 Iowa (70 judges).....	\$350,000.00
8	8 For traveling expenses of judges and court re-	
9	9 porters in and out of districts.....	30,000.00
		<hr/>
10	10 Grand total of all appropriations for all purposes	
11	11 for each year of the biennium for district	
12	12 court judges and reporters.....	\$380,000.00

EXECUTIVE COUNCIL

1	SEC. 19. For the office of the executive council there is hereby	
2	2 appropriated from the general fund of the state for each year of the	
3	3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	4 of two hundred fifty thousand dollars (\$250,000.00) or so much	
5	5 thereof as may be necessary to be used in the following manner:	
6	6 For salary of the secretary of the executive coun-	
7	7 cil	\$ 3,000.00
8	8 For salaries, support, maintenance and miscella-	
9	9 neous purposes	247,000.00
		<hr/>
10	10 Grand total of all appropriations for all purposes	
11	11 for each year of the biennium for the office of	
12	12 executive council	\$250,000.00

GEOLOGICAL SURVEY

1	SEC. 20. For the office of geological survey there is hereby appro-	
2	2 priated from the general fund of the state for each year of the	
3	3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	4 of twenty-seven thousand two hundred seventy-eight dollars	
5	5 (\$27,278.00) or so much thereof as may be necessary to be used in	
6	6 the following manner:	
7	7 For salaries, support, maintenance and miscella-	
8	8 neous purposes	\$ 18,608.00
9	9 Stream gaging and siltation.....	8,670.00
		<hr/>
10	10 Grand total of all appropriations for all purposes	
11	11 for each year of the biennium for geological	
12	12 survey	\$ 27,278.00

GOVERNOR

1	SEC. 21. For the office of the governor there is hereby appro-	
2	2 priated from the general fund of the state for each year of the	
3	3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	4 of twenty thousand five hundred dollars (\$20,500.00) or so much	

5	thereof as may be necessary to be used in the following manner:	
6	For salary of governor.....	\$ 7,500.00
7	For salaries, support, maintenance and miscella-	
8	neous purposes	13,000.00
		<hr/>
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the office of	
11	governor	\$ 20,500.00

GRAND ARMY OF THE REPUBLIC

1	SEC. 22. For the department of the grand army of the republic	
2	there is hereby appropriated from the general fund of the state for	
3	each year of the biennium beginning July 1, 1943, and ending June 30,	
4	1945, the sum of two thousand five hundred dollars (\$2,500.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscella-	
7	neous purposes	\$ 2,500.00
		<hr/>
8	Grand total of all appropriations for all purposes	
9	for each year of the biennium for the depart-	
10	ment of the grand army of the republic.....	\$ 2,500.00

DEPARTMENT OF HISTORY AND ARCHIVES

1	SEC. 23. For the department of history and archives there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of forty-one thousand three hundred dollars (\$41,300.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salary of curator.....	\$ 2,700.00
7	For salaries, support, maintenance and miscella-	
8	neous purposes	38,600.00
		<hr/>
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the depart-	
11	ment of history and archives.....	\$ 41,300.00

HISTORICAL SOCIETY

1	SEC. 24. For the historical society there is hereby appropriated	
2	from the general fund of the state for each year of the biennium	
3	beginning July 1, 1943, and ending June 30, 1945, the sum of thirty-	
4	eight thousand dollars (\$38,000.00) or so much thereof as may be	
5	necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscella-	
7	neous purposes	\$ 38,000.00
		<hr/>
8	Grand total of all appropriations for all purposes	
9	for each year of the biennium for the historical	
10	society	\$ 38,000.00

HERBERT HOOVER BIRTHPLACE SOCIETY

1	SEC. 25. For the Herbert Hoover birthplace society there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of one thousand two hundred dollars (\$1,200.00) or so much thereof	
5	as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscella-	
7	neous purposes for the birthplace of Herbert	
8	Hoover	\$ 1,200.00
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the Herbert	
11	Hoover birthplace society.....	\$ 1,200.00

INDUSTRIAL COMMISSIONER

1	SEC. 26. For the industrial commissioner there is hereby appro-	
2	priated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of forty-two thousand one hundred seventy dollars (\$42,170.00) or	
5	so much thereof as may be necessary to be used in the following	
6	manner:	
7	For the salary of industrial commissioner.....	\$ 3,450.00
8	For salaries, support, maintenance and miscella-	
9	neous purposes	38,720.00
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the industrial	
12	commissioner	\$ 42,170.00

INSURANCE COMMISSIONER

1	SEC. 27. For the office of the insurance commissioner there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1943, and ending June 30, 1945, the	
4	sum of forty-six thousand five hundred dollars (\$46,500.00) or so	
5	much thereof as may be necessary to be used in the following manner:	
6	For salary of insurance commissioner.....	\$ 5,000.00
7	For salaries, support, maintenance and miscella-	
8	neous purposes	41,500.00
9	Grand total of all appropriations for all purposes	
10	for each year of the biennium for the office of	
11	insurance commissioner	\$ 46,500.00

LIBRARY COMMISSION

1	SEC. 28. For the library commission there is hereby appropriated	
2	from the general fund of the state for each year of the biennium	
3	beginning July 1, 1943, and ending June 30, 1945, the sum of sixty-	
4	seven thousand three hundred ninety-nine dollars (\$67,399.00) or so	
5	much thereof as may be necessary to be used in the following manner:	

LAW DIVISION

6	For salaries, support, maintenance and miscella-	
7	neous purposes, (law library).....	\$ 17,124.00
8		<u>\$ 17,124.00</u>

MEDICAL DIVISION

9	For salary of medical librarian.....	\$ 2,500.00
10	For salaries, support, maintenance and miscella-	
11	neous purposes	9,695.00
12		<u>\$ 12,195.00</u>

TRAVELING DIVISION

1	For salary of traveling librarian.....	\$ 2,500.00
2	For salaries, support, maintenance and miscella-	
3	neous purposes	35,580.00
4		<u>\$ 38,080.00</u>
5	Grand total of all appropriations for all purposes	
6	for each year of the biennium for all divisions	
7	of the library commission.....	\$ 67,399.00

BOARD OF MINE EXAMINERS

1	SEC. 29. For the board of mine examiners there is hereby appro-	
2	riated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of one thousand five hundred dollars (\$1,500.00) or so much thereof	
5	as may be necessary to be used in the following manner:	
6	For per diem and expenses.....	\$ 1,500.00
7	Grand total of all appropriations for all purposes	
8	for each year of the biennium for the board of	
9	mine examiners	\$ 1,500.00

MINE INSPECTORS

1	SEC. 30. For the department of mine inspector there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the sum	
4	of nineteen thousand nine hundred twenty-five dollars (\$19,925.00)	
5	or so much thereof as may be necessary to be used in the following	
6	manner:	
7	For salaries, support, maintenance and miscella-	
8	neous purposes	\$ 14,925.00
9	For state aid to Iowa Coal Institute.....	5,000.00
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the depart-	
12	ment of mine inspectors.....	\$ 19,925.00

IOWA NATIONAL GUARD AND STATE GUARD

1	SEC. 31. For the Iowa national guard and state guard there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1943, and ending June 30, 1945, the	
4	sum of three hundred fifty thousand dollars (\$350,000.00) or so much	
5	thereof as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscella-	
7	neous purposes	\$350,000.00
8	Grand total of all appropriations for all purposes	
9	for each year of the biennium for the Iowa	
10	national guard and state guard.....	\$350,000.00
11	Section 5 Chapter 74 Acts of the 49th General Assembly is hereby	
12	repealed.	

BOARD OF PHARMACY EXAMINERS

1	SEC. 32. For the board of pharmacy examiners there is hereby	
2	appropriated for each year of the biennium beginning July 1, 1943,	
3	and ending June 30, 1945, the sum of twenty-five thousand two	
4	hundred eighty dollars (\$25,280.00) or as much thereof as may be	
5	necessary to be used in the following manner:	
6	For salary of secretary.....	\$ 2,580.00
7	For salaries, support, maintenance and miscella-	
8	neous purposes	13,200.00
9		\$ 15,780.00

UNIFORM NARCOTICS LAW DIVISION

10	For salaries, support, maintenance and miscella-	
11	neous purposes (legal sales).....	\$ 3,000.00
12	For salaries, support, maintenance and miscella-	
13	neous purposes in making investigations of	
14	illegal sales	\$ 6,500.00
15		\$ 9,500.00
16	Grand total of all appropriations for all purposes	
17	for each year of the biennium for the board of	
18	pharmacy examiners	\$ 25,280.00

PIONEER LAWMAKERS

1	SEC. 33. For the pioneer lawmakers there is hereby appropriated	
2	from the general fund of the state for each year of the biennium	
3	beginning July 1, 1943, and ending June 30, 1945, the sum of fifty	
4	dollars (\$50.00) or so much thereof as may be necessary to be used	
5	in the following manner:	
6	For miscellaneous purposes.....	\$ 50.00
7	Grand total of all appropriations for all purposes	
8	for each year of the biennium for the pioneer	
9	lawmakers	\$ 50.00

PRESIDENTIAL ELECTORS

1 SEC. 34. For the department of the presidential electors there is
 2 hereby appropriated for each year of the biennium beginning July 1,
 3 1943, and ending June 30, 1945, the sum of two hundred dollars
 4 (\$200.00) or so much thereof as may be necessary to be used in the
 5 following manner:

6	For miscellaneous purposes.....	\$	200.00
<hr/>			
7	Grand total of all appropriations for all purposes		
8	for each year of the biennium for the depart-		
9	ment of presidential electors.....	\$	200.00

STATE PRINTING BOARD

1 SEC. 35. For the state printing board there is hereby appropriated
 2 from the general fund of the state for each year of the biennium
 3 beginning July 1, 1943, and ending June 30, 1945, the sum of two
 4 hundred thousand dollars (\$200,000.00) or so much thereof as may
 5 be necessary to be used in the following manner:

6	For salary of superintendent.....	\$	3,300.00
7	For salaries, support, maintenance and miscella-		
8	neous purposes		16,575.00
<hr/>			
		\$	19,875.00

PRINTING AND BINDING

9	For necessary printing and binding authorized		
10	by law for the general assembly and for all state		
11	departments that have not been provided for in		
12	departmental appropriations	\$	180,125.00
<hr/>			
13	Grand total of all appropriations for all purposes		
14	for each year of the biennium for the state		
15	printing board	\$	200,000.00

PUBLIC SAFETY

1 SEC. 36. For the department of public safety there is hereby appro-
 2 priated from the general fund of the state for each year of the
 3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
 4 of nine hundred twenty-seven thousand six hundred five dollars
 5 (\$927,605.00) or so much thereof as may be necessary to be used
 6 in the following manner:

(1) DIVISION OF ADMINISTRATION

7	For salary of commissioner.....	\$	4,000.00
8	For salaries, support, maintenance and miscella-		
9	neous purposes		14,000.00
<hr/>			
10		\$	18,000.00

	(2) DIVISION OF HIGHWAY PATROL	
11	For salary of chief of patrol.....	\$ 3,200.00
12	For salaries, support, maintenance and miscella-	
13	neous purposes	446,600.00
		<u>449,800.00</u>
14		\$449,800.00
	(3) DIVISION OF OPERATORS AND CHAUFFEURS LICENSE	
15	For salaries, support, maintenance and miscella-	
16	neous purposes	\$112,460.00
		<u>112,460.00</u>
17		\$112,460.00
	(4) DIVISION OF MOTOR REGISTRATION	
18	For salary of superintendent.....	\$ 3,000.00
19	For salaries, support, maintenance and miscella-	
20	neous purposes	152,110.00
		<u>155,110.00</u>
21		\$155,110.00
	(5) DIVISION OF CRIMINAL INVESTIGATION	
22	For salary of chief of Bureau of investigation....	\$ 3,600.00
23	For salaries, support, maintenance and miscella-	
24	neous purposes	76,400.00
		<u>80,000.00</u>
25		\$ 80,000.00
	(6) DIVISION OF RADIO COMMUNICATION	
26	For salary of superintendent.....	\$ 2,400.00
27	For salaries, support, maintenance and miscella-	
28	neous purposes	55,025.00
		<u>57,425.00</u>
29		\$ 57,425.00
	(7) DIVISION OF FIRE MARSHAL	
30	For salary of fire marshal.....	\$ 3,000.00
31	For salaries, support, maintenance and miscella-	
32	neous purposes	20,700.00
		<u>23,700.00</u>
33		\$ 23,700.00
	(8) DIVISION OF SAFETY EDUCATION	
34	For salary of director.....	\$ 2,500.00
35	For salaries, support, maintenance and miscella-	
36	neous purposes	28,610.00
		<u>31,110.00</u>
37		\$ 31,110.00
38	Grand total of all appropriations for all purposes	
39	for each year of the biennium for the depart-	
40	ment of public safety, division of administra-	
41	tion, highway patrol, operators and chauffeurs'	
42	license, motor vehicle registration, criminal	
43	investigation, radio communication, fire mar-	
44	shal and safety education.....	
		\$927,605.00

REPORTER OF SUPREME COURT AND CODE EDITOR

1 SEC. 37. For the department of the reporter of the supreme court
 2 and code editor there is hereby appropriated from the general fund of
 3 the state for each year of the biennium beginning July 1, 1943, and
 4 ending June 30, 1945, the sum of thirteen thousand six hundred eighty
 5 dollars (\$13,680.00) or so much thereof as may be necessary to be
 6 used in the following manner:

7	For salary of reporter of supreme court and code	
9	editor	\$ 3,850.00
10	For salaries, support, maintenance and miscella-	
11	neous purposes	9,830.00
12	Grand total of all appropriations for all purposes	
13	for each year of the biennium for the depart-	
14	ment of the reporter of the supreme court and	
15	code editor	\$ 13,680.00

RELIEF OF FREDERICK M. HULL

1 SEC. 38. There is hereby appropriated from the general fund of
 2 the state for each year of the biennium beginning July 1, 1943, and
 3 ending June 30, 1945, the sum of three hundred sixty dollars (\$360.00)
 4 or so much thereof as may be necessary to be used in the following
 5 manner:

6	For relief of Frederick M. Hull.....	\$ 360.00
7	Grand total of all appropriations for each year of	
8	the biennium for relief of Frederick M. Hull....	\$ 360.00

SECRETARY OF STATE

1 SEC. 39. For the department of the secretary of state there is
 2 hereby appropriated from the general fund of the state for each year
 3 of the biennium beginning July 1, 1943, and ending June 30, 1945, the
 4 sum of forty thousand five hundred twenty dollars (\$40,520.00) or
 5 so much thereof as may be necessary to be used in the following
 6 manner:

GENERAL OFFICE

7	For salary of secretary of state.....	\$ 5,000.00
8	For salaries, support, maintenance and miscella-	
9	neous purposes	16,520.00
10		\$ 21,520.00

LAND OFFICE DIVISION

11	For salaries, support, maintenance and miscella-	
12	neous purposes	\$ 4,000.00

REAL ESTATE DIVISION

13	For salary of secretary.....	\$ 3,300.00
14	For salaries, support, maintenance and miscella-	
15	neous purposes	11,700.00
16		\$ 15,000.00

17	Grand total of all appropriations for all purposes	
18	for each year of the biennium for the depart-	
19	ment of the secretary of state.....	\$ 40,520.00

**SOLDIERS' BONUS BOARD
WORLD WAR ORPHANS' EDUCATIONAL AID**

1 **SEC. 40.** For the Iowa Soldiers' bonus board there is hereby appro-
2 priated from the general fund of the state for each year of the
3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
4 of four thousand dollars (\$4,000.00) or so much thereof as may be
5 necessary to be used in the following manner:

6 For the purpose of administration and aiding in
7 the education of children of soldiers, sailors,
8 marines and nurses.....\$ 4,000.00

SOCIAL WELFARE BOARD

1 **SEC. 41.** For the department of social welfare there is hereby
2 appropriated for each year of the biennium beginning July 1, 1943,
3 and ending June 30, 1945, the sum of two hundred seventy thousand
4 dollars (\$270,000.00) or so much thereof as may be necessary to be
5 used in the following manner:

6 For child welfare.....\$120,000.00
7 For aid to blind 150,000.00

8 Grand total of all appropriations for all purposes
9 for each year of the biennium for the depart-
10 ment of social welfare.....\$270,000.00

SPANISH AMERICAN WAR VETERANS

1 **SEC. 42.** For the Spanish American war veterans there is hereby
2 appropriated from the general fund of the state for each year of the
3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
4 of one thousand five hundred dollars (\$1,500.00) or so much thereof
5 as may be necessary to be used in the following manner:

6 For salaries, support, maintenance and miscella-
7 neous purposes\$ 1,500.00

8 Grand total of all appropriations for all purposes
9 for each year of the biennium for the Spanish
10 American War veterans.....\$ 1,500.00

STATE EMPLOYMENT SECURITY COMMISSION

1 **SEC. 43.** For the state employment security commission there is
2 hereby appropriated from the general fund of the state for each year
3 of the biennium beginning July 1, 1943, and ending June 30, 1945,
4 the sum of fifty-nine thousand eight hundred fifty-two dollars and
5 fifty-two cents (\$59,852.52) or so much thereof as may be necessary
6 to be used in the following manner:

7 For salaries, support, maintenance and miscella-
8 neous purposes\$ 59,852.52

9 Grand total of all appropriations for all purposes
10 for each year of the biennium for the state
11 employment security commission.....\$ 59,852.52

STATE FAIR BOARD

1 SEC. 44. For the state fair board there is hereby appropriated
 2 from the general fund of the state for each year of the biennium
 3 beginning July 1, 1943, and ending June 30, 1945, the sum of twenty
 4 thousand dollars (\$20,000.00) or so much thereof as may be necessary
 5 to be used in the following manner:

6	For maintenance, insurance, and operating ex-	
7	pense	\$ 20,000.00
		<hr/>
8	Grand total of all appropriations for all purposes	
9	for each year of the biennium for the state fair	
10	board	\$ 20,000.00

AGRICULTURAL SOCIETIES

1 SEC. 45. For the agricultural societies, there is hereby appro-
 2 priated from the general fund of the state for each year of the
 3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
 4 of one hundred forty thousand dollars (\$140,000.00) or so much
 5 thereof as may be necessary to be used in the following manner:

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

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

STATE TAX COMMISSION

1 SEC. 46. For the general office, the public utility division, the
 2 property division, the cigarette tax division, the inheritance tax
 3 division and the chain store tax division of the state tax commission
 4 there is hereby appropriated from the general fund of the state for
 5 each year of the biennium beginning July 1, 1943, and ending June
 6 30, 1945, the sum of one hundred fifty thousand dollars (\$150,000.00)
 7 or so much thereof as may be necessary to be used in the following
 8 manner:

9	For salaries of commissioners (3 at \$4,500.00	
10	each)	\$ 13,500.00
11	For salaries, support, maintenance, and miscella-	
12	neous purposes	136,500.00
		<hr/>
13	Grand total of all appropriations for all purposes	
14	for each year of the biennium for the general	
15	office, the public utility division, the property	
16	division, the cigarette tax division, the inheri-	
17	tance tax division and the chain store tax	
18	division of the state tax commission.....	\$150,000.00

SUPREME COURT

1	SEC. 47. For the supreme court there is hereby appropriated from	
2	the general fund of the state for each year of the biennium beginning	
3	July 1, 1943, and ending June 30, 1945, the sum of eighty-six thousand	
4	four hundred forty dollars (\$86,440.00) or so much thereof as may	
5	be necessary to be used in the following manner:	
6	For salaries of judges: (9 at \$7,500.00 each).....	\$ 67,500.00
7	For salary of bailiff.....	2,100.00
8	For salaries, support, maintenance and miscella-	
9	neous purposes	16,840.00
		<hr/>
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the supreme	
12	court	\$ 86,440.00

TREASURER OF STATE

1	SEC. 48. For the department of treasurer of state there is hereby	
2	appropriated from the general fund of the state for each year of the	
3	biennium beginning July 1, 1943, and ending June 30, 1945, the	
4	sum of forty-three thousand eight hundred three dollars (\$43,803.00)	
5	or so much thereof as may be necessary to be used in the following	
6	manner:	
7	For salary of treasurer.....	\$ 5,000.00
8	For salaries, support, maintenance and miscella-	
9	neous purposes	38,803.00
		<hr/>
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the depart-	
12	ment of treasurer of state.....	\$ 43,803.00

VOCATIONAL EDUCATION

1	SEC. 49. For the department of vocational education there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1943, and ending June 30, 1945, the	
4	sum of twenty-five thousand three hundred fifty dollars (\$25,350.00)	
5	or so much thereof as may be necessary to be used in the following	
6	manner:	
7	For salary of director.....	\$ 2,250.00
8	For salaries, support, maintenance and miscella-	
9	neous purposes	23,100.00
		<hr/>
10	Grand total of all appropriations for all purposes	
11	for each year of the biennium for the depart-	
12	ment of vocational education.....	\$ 25,350.00

VOCATIONAL REHABILITATION

1	SEC. 50. For the department of vocational rehabilitation there is	
2	hereby appropriated from the general fund of the state for each year	
3	of the biennium beginning July 1, 1943, and ending June 30, 1945, the	
4	sum of thirty-nine thousand dollars (\$39,000.00) or so much thereof	

5	as may be necessary to be used in the following manner:	
6	For salaries, support, maintenance and miscella-	
7	neous purposes	\$ 39,000.00
8	Grand total of all appropriations for all purposes	
9	for each year of the biennium for the depart-	
10	ment of vocational rehabilitation.....	\$ 39,000.00

1 SEC. 51. No department or commission of state shall expend any
 2 funds for the publication or distribution of books or pamphlets or
 3 reports unless the publication thereof be expressly required by law
 4 or approved by executive council.

Approved April 8, 1943.

CHAPTER 2
 APPROPRIATIONS

S. F. 337

AN ACT to appropriate from the general fund of the state of Iowa for the biennium beginning July 1, 1943, and ending June 30, 1945, to the board of education for the support, repairs, replacement or alterations of institutions under said board of education.

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

1 SECTION 1. There is hereby appropriated from the general fund
 2 of the state for each year of the biennium beginning July 1, 1943, and
 3 ending June 30, 1945, for the board of education for state institutions
 4 for salaries, support, maintenance, repairs, replacements or altera-
 5 tions of all institutions under the control of said board, the sum of
 6 seven million six hundred forty-eight thousand three hundred dollars
 7 (\$7,648,300.00) or so much thereof as may be necessary, and for the
 8 following purposes to-wit:

(1) STATE UNIVERSITY OF IOWA
 IOWA CITY

9	For the state university of Iowa there is hereby appropriated from	
10	the general fund of the state for each year of the biennium beginning	
11	July 1, 1943, and ending June 30, 1945, the sum of two million five	
12	hundred eighty thousand dollars (\$2,580,000.00) or so much thereof	
13	as may be necessary to be used in the following manner:	
14	(a) For salaries, support and maintenance.....	\$2,360,000.00
15	(b) For repairs, replacements or alterations.....	75,000.00
16	(c) For salary and wage increases to employees re-	
17	ceiving less than \$2000 annually, but in no case	
18	shall any salary affected under this item be in-	
19	creased to exceed \$2000.....	145,000.00
20	Total for the State University of Iowa.....	\$2,580,000.00

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

21 For the Iowa State College of Agriculture and Mechanic Arts
22 there is hereby appropriated from the general fund of the State for
23 each year of the biennium beginning July 1, 1943, and ending June
24 30, 1945, the sum of two million six hundred forty-two thousand five
25 hundred dollars (\$2,642,500.00) or so much thereof as may be neces-
26 sary to be used in the following manner:

27	(a) For salaries, support and maintenance.....	\$2,300,000.00
28	(b) For repairs, replacements or alterations.....	122,500.00
29	(c) For salary and wage increases to employees re- 30 ceiving less than \$2000 annually, but in no case 31 shall any salary affected under this item be in- 32 creased to exceed \$2000.....	150,000.00

33 1. There is hereby appropriated from the State
34 Treasury, out of any funds not otherwise appropriated
35 to the Iowa State College of Agriculture and Mechanic
36 Arts, for each year of the biennium beginning July 1,
37 1943, an additional sum of seventy thousand dollars
38 (\$70,000.00) or as much thereof as may be necessary.... 70,000.00

39 2. Of the moneys appropriated under paragraph 1,
40 the sum of thirty thousand dollars (\$30,000.00) or as
41 much thereof as may be necessary, shall be used during
42 each year of the biennium for research, pilot plant de-
43 velopment and other necessary studies and operations
44 designed to increase the profitable utilization of the
45 crops and products of Iowa agriculture, particularly in
46 processing for industrial and farm use. Without exclud-
47 ing other related and necessary research, it is speci-
48 fically authorized that studies shall be made of improve-
49 ments in the retting and processing of hemp and its by-
50 products in order to discover the possibilities of develop-
51 ing a permanent hemp industry in Iowa; the discovery,
52 development and processing of new grains, such as waxy
53 corn, having special industrial uses; the industrial utili-
54 zation of farm crops through fermentation and chemical
55 processes; the development of methods of separating the
56 constituents of farm products into those most useful in
57 industry and those most useful on the farm; and studies
58 in the economics of the development of local plants for
59 the processing of crops and products of agricultural
60 areas immediately adjacent.

61 3. Of the moneys appropriated under paragraph 1,
62 the sum of twenty thousand (\$20,000.00), or as much
63 thereof as may be necessary, shall be used in each year
64 of the biennium for increasing and improving the facili-
65 ties, buildings, equipment and personnel, and for provid-
66 ing for the necessary costs of conducting additional
67 studies and research on the development of farm crops
68 better adapted to agriculture in the State of Iowa and
69 for their increase and distribution. It is specifically di-

70 reected that during the period of the war emergency em-
 71 phasis should be laid upon the development and distribu-
 72 tion of better strains of hybrid corn with emphasis upon
 73 resistance to the European corn borer, upon the breeding
 74 of better soybeans and grains, and upon the development
 75 of types or varieties which may be of special value be-
 76 cause of their adaptability to industrial utilization.

77 4. Of the moneys appropriated under paragraph 1,
 78 the sum of ten thousand dollars (\$10,000.00), or as
 79 much thereof as may be necessary, shall be used for ad-
 80 ditional studies and research on the feeding, nutrition
 81 and management of livestock, particularly cattle, swine
 82 and sheep. These moneys may be used for all necessary
 83 facilities, buildings, equipment and personnel, and for
 84 providing for the necessary costs of operation.

85 5. Of the moneys appropriated under paragraph 1,
 86 the sum of ten thousand dollars (\$10,000.00), or as
 87 much thereof as may be necessary, shall be used for
 88 studying the more profitable utilization of the muck,
 89 peat, eroded and sand lands of Iowa. Without excluding
 90 other pertinent and relevant research, it is directed
 91 that special emphasis be placed upon the utilization of
 92 these lands for the commercial production of vegetable
 93 crops; upon the control of diseases and pests by breed-
 94 ing, crop rotation and direct treatment; upon the de-
 95 velopment of better quality and higher yields by appro-
 96 priate soil fertilization, drainage, irrigation, prevention
 97 of erosion; upon the control of drainage ditch sedimenta-
 98 tion; and upon the development of better facilities and
 99 methods of marketing.

100 Total for Iowa State College of Agriculture and
 101 Mechanic Arts.....\$2,642,500.00

(3) IOWA STATE TEACHERS COLLEGE CEDAR FALLS

102 For the Iowa State Teachers College there is hereby appropriated
 103 from the general fund of the state for each year of the biennium be-
 104 ginning July 1, 1943, and ending June 30, 1945, the sum of seven
 105 hundred twenty-five thousand dollars (\$725,000.00), or so much
 106 thereof as may be necessary to be used in the following manner:

107 (a) For salaries, support and maintenance.....\$ 685,000.00
 108 (b) For repairs, replacements or alterations..... 10,000.00
 109 (c) For salary and wage increases to employees re-
 110 ceiving less than \$2000 annually, but in no case
 111 shall any salary affected under this item be in-
 112 creased to exceed \$2000..... 30,000.00

113 Total for the Iowa State Teachers College.....\$ 725,000.00

(4) IOWA SCHOOL FOR DEAF
COUNCIL BLUFFS

114	For the Iowa School for Deaf there is hereby appropriated from	
115	the general fund of the state for each year of the biennium begin-	
116	ning July 1, 1943, and ending June 30, 1945, the sum of two hundred	
117	fifty-nine thousand one hundred dollars (\$259,100.00), or so much	
118	thereof as may be necessary to be used in the following manner:	
119	(a) For salaries, support and maintenance.....	\$ 240,000.00
120	(b) For repairs, replacements or alterations.....	2,100.00
121	(c) For salary and wage increases to employees re-	
122	ceiving less than \$2000 annually, but in no case	
123	shall any salary affected under this item be in-	
124	creased to exceed \$2000.....	17,000.00
125	Total for the Iowa School for Deaf.....	\$ 259,100.00

(5) IOWA SCHOOL FOR BLIND
VINTON

126	For the Iowa School for Blind there is hereby appropriated from	
127	the general fund of the state for each year of the biennium begin-	
128	ning July 1, 1943, and ending June 30, 1945, the sum of one hundred	
129	forty-three thousand dollars (\$143,000.00), or so much thereof as	
130	may be necessary to be used in the following manner:	
131	(a) For salaries, support and maintenance.....	\$ 135,000.00
132	(b) For repairs, replacements or alterations.....	3,000.00
133	(c) For salary and wage increases to employees re-	
134	ceiving less than \$2000 annually, but in no case	
135	shall any salary affected under this item be in-	
136	creased to exceed \$2000.....	5,000.00
137	Total for Iowa School for Blind.....	\$ 143,000.00

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

138	For the purpose of carrying out the purpose of chapter one hun-	
139	dered eighty-nine and seven-tenths (189.7), Code, 1939, there is here-	
140	by appropriated from the general fund of the state for each year of	
141	the biennium beginning July 1, 1943, and ending June 30, 1945, the	
142	sum of one million dollars (\$1,000,000.00) or so much thereof as	
143	may be necessary to be used in the manner and under the authority	
144	provided in said chapter.	
145	For salary and wage increases to employees receiving less than	
146	\$2000 annually, but in no case shall any salary affected under this	
147	item be increased to exceed \$2000, the sum of one hundred thousand	
148	dollars (\$100,000.00) or so much thereof as may be necessary.	
149	Total for Medical and Surgical Treatment of Indigent	
150	Patients at University Hospital.....	\$1,100,000.00

(7)—PSYCHOPATHIC HOSPITAL

151 For the psychopathic hospital at Iowa City, Iowa, there is hereby
 152 appropriated from the general fund of the state for each year of the
 153 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
 154 of one hundred eight thousand dollars (\$108,000.00) or so much
 155 thereof as may be necessary to be expended in the manner and under
 156 the authority provided in chapter one hundred seventy-three and one-
 157 tenth (173.1), Code, 1939, provided however that the amounts shall
 158 be available in monthly installments not exceeding nine thousand
 159 seven hundred dollars (\$9,700.00) and that said installments shall be
 160 expended only upon submission of bills in the manner provided in
 161 section thirty-four hundred eighty-two and twenty-eight hundredths
 162 (3482.28) of said chapter.

163 For salary and wage increases to employees receiving less than
 164 \$2000 annually, but in no case shall any salary affected under this
 165 item be increased to exceed \$2000, the sum of eight thousand dollars
 166 (\$8,000.00) or so much thereof as may be necessary.

167 Total for Psychopathic Hospital at Iowa City.....\$ 116,000.00

(8) BACTERIOLOGICAL AND HYGIENIC LABORATORY
STATE DEPARTMENT OF HEALTH

168 For the bacteriological and hygienic laboratory of the department
 169 of health there is hereby appropriated from the general fund of the
 170 state for each year of the biennium beginning July 1, 1943, and end-
 171 ing June 30, 1945, the sum of eighty thousand dollars (\$80,000.00)
 172 or so much thereof as may be necessary to provide for public health
 173 examination such as bacteriological, water and serological tests to
 174 determine the cause of infectious diseases, the origin and control of
 175 epidemics throughout the state of Iowa.

176 For salary and wage increases to employees receiving less than
 177 \$2000 annually, but in no case shall any salary affected under this
 178 item be increased to exceed \$2000, the sum of twenty-seven hundred
 179 dollars (\$2,700.00) or so much thereof as may be necessary.

180 Total for Bacteriological and Hygienic Laboratory,
 181 State Department of Health.....\$ 82,700.00

182 Grand total for all purposes to the board of education
 183 for all institutions under said board of education.....\$7,648,300.00

Approved March 25, 1943.

CHAPTER 3
APPROPRIATIONS

H. F. 361

AN ACT to appropriate from the general fund and from institutional industries of the state of Iowa for the biennium beginning July 1, 1943, and ending June 30, 1945, to the board of control for support of the institutions under said board of control.

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

1 SECTION 1. There is hereby appropriated from the general fund
2 and from the institutional industries fund of the state of Iowa for
3 each year of the biennium beginning July 1, 1943, and ending June 30,
4 1945, for the board of control of state institutions for salaries, support,
5 maintenance, repairs, replacements or alterations and miscellaneous
6 purposes for all institutions under the control of said board, the sum
7 of four million seven hundred sixty-two thousand dollars (\$4,762,-
8 000.00) or so much thereof as may be necessary to be used for the
9 following purposes, to wit:

STATE HOSPITAL FOR INSANE

Cherokee

1 SEC. 2. For the state hospital for insane at Cherokee, Iowa, there
2 is hereby appropriated from the general fund of the state for each
3 year of the biennium beginning July 1, 1943, and ending June 30,
4 1945, the sum of four hundred eighty-five thousand dollars (\$485,-
5 000.00) or so much thereof as may be necessary to be used in the
6 following manner:

	7 For salaries, support and maintenance.....	\$475,000.00
8	For repairs, replacements or alterations.....	10,000.00
9		\$485,000.00
10	Total for state hospital for insane, Cherokee.....	\$485,000.00

STATE HOSPITAL FOR INSANE

Clarinda

1 SEC. 3. For the state hospital for insane at Clarinda, Iowa, there
2 is hereby appropriated from the general fund of the state for each
3 year of the biennium beginning July 1, 1943, and ending June 30,
4 1945, the sum of four hundred eighty-five thousand (\$485,000.00)
5 or so much thereof as may be necessary to be used in the following
6 manner:

	7 For salaries, support and maintenance.....	\$475,000.00
8	For repairs, replacements or alterations.....	10,000.00
9		\$485,000.00
10	Total for state hospital for insane, Clarinda.....	\$485,000.00

STATE SCHOOL FOR FEEBLE-MINDED CHILDREN

Glenwood

1 SEC. 4. For the state school for feeble-minded children at Glen-
2 wood, Iowa, there is hereby appropriated from the general fund of
3 the state for each year of the biennium beginning July 1, 1943, and

4 ending June 30, 1945, the sum of four hundred fifty thousand dollars
 5 (\$450,000.00) or so much thereof as may be necessary to be used in
 6 the following manner:
 7 For salaries, support and maintenance.....\$440,000.00
 8 For repairs, replacements or alterations..... 10,000.00
 9
 10 Total for school for feeble-minded children, Glenwood..\$450,000.00

STATE HOSPITAL FOR INSANE

Independence

1 SEC. 5. For the state hospital for insane at Independence, Iowa,
 2 there is hereby appropriated from the general fund of the state for
 3 each year of the biennium beginning July 1, 1943, and ending June 30,
 4 1945, the sum of four hundred ninety-five thousand dollars (\$495,-
 5 000.00) or so much thereof as may be necessary to be used in the
 6 following manner:
 7 For salaries, support and maintenance.....\$485,000.00
 8 For repairs, replacements or alterations..... 10,000.00
 9
 10 Total for state hospital for insane, Independence...\$495,000.00

STATE HOSPITAL FOR INSANE

Mt. Pleasant

1 SEC. 6. For the state hospital for insane at Mt. Pleasant, Iowa,
 2 there is hereby appropriated from the general fund of the state for
 3 each year of the biennium beginning July 1, 1943, and ending June 30,
 4 1945, the sum of four hundred seventy thousand dollars (\$470,000.00)
 5 or so much thereof as may be necessary to be used in the following
 6 manner:
 7 For salaries, support and maintenance.....\$460,000.00
 8 For repairs, replacements or alterations..... 10,000.00
 9
 10 Total for state hospital for insane, Mt. Pleasant...\$470,000.00

STATE HOSPITAL FOR EPILEPTICS AND FEEBLE-MINDED

Woodward

1 SEC. 7. For the state hospital for epileptics and feeble-minded at
 2 Woodward, Iowa, there is hereby appropriated from the general fund
 3 of the state for each year of the biennium beginning July 1, 1943, and
 4 ending June 30, 1945, the sum of four hundred ten thousand dollars
 5 (\$410,000.00) or so much thereof as may be necessary to be used in
 6 the following manner:
 7 For salaries, support and maintenance.....\$400,000.00
 8 For repairs, replacements or alterations..... 10,000.00
 9
 10 Total for the state hospital for epileptics and feeble-
 11 minded, Woodward\$410,000.00

SOLDIERS' ORPHANS' HOME

Davenport

1 SEC. 8. For the soldiers' orphans' home at Davenport, Iowa, there
 2 is hereby appropriated from the general fund of the state for each
 3 year of the biennium beginning July 1, 1943, and ending June 30,
 4 1945, the sum of two hundred twenty thousand dollars (\$220,000.00)
 5 or so much thereof as may be necessary to be used in the following
 6 manner:

7	For salaries, support and maintenance.....	\$215,000.00
8	For repairs, replacements or alterations.....	5,000.00
9		<hr/>
10	Total for soldiers' orphans' home, Davenport.....	\$220,000.00

IOWA SOLDIERS' HOME

Marshalltown

1 SEC. 9. For the Iowa soldiers' home at Marshalltown, Iowa, there
 2 is hereby appropriated from the general fund of the state for each
 3 year of the biennium beginning July 1, 1943, and ending June 30, 1945,
 4 the sum of two hundred five thousand dollars (\$205,000.00) or so
 5 much thereof as may be necessary to be used in the following manner:

6	For salaries, support and maintenance.....	\$198,000.00
7	For repairs, replacements or alterations.....	7,000.00
8		<hr/>
9	Total for Iowa soldiers' home, Marshalltown.....	\$205,000.00

JUVENILE HOME

Toledo

1 SEC. 10. For the juvenile home at Toledo, Iowa, there is hereby
 2 appropriated from the general fund of the state for each year of the
 3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
 4 of one hundred fifteen thousand dollars (\$115,000.00) or so much
 5 thereof as may be necessary to be used in the following manner:

6	For salaries, support and maintenance.....	\$110,000.00
7	For repairs, replacements or alterations.....	5,000.00
8		<hr/>
9	Total for juvenile home, Toledo.....	\$115,000.00

STATE SANATORIUM

Oakdale

1 SEC. 11. For the state sanatorium at Oakdale, Iowa, there is hereby
 2 appropriated from the general fund of the state for each year of the
 3 biennium beginning July 1, 1943, and ending June 30, 1945, the sum
 4 of two hundred ninety-three thousand dollars (\$293,000.00) or so
 5 much thereof as may be necessary to be used in the following manner:

6	For salaries, support and maintenance.....	\$285,000.00
7	For repairs, replacements or alterations.....	8,000.00
8		<hr/>
9	Total for state sanatorium, Oakdale.....	\$293,000.00

MEN'S REFORMATORY

Anamosa

1 SEC. 12. For the men's reformatory at Anamosa, Iowa, there is
 2 hereby appropriated for each year of the biennium beginning July 1,
 3 1943, and ending June 30, 1945, the sum of three hundred sixty-three
 4 thousand dollars (\$363,000.00) from the following funds: \$313,000.00
 5 from the general fund of the state of Iowa, and \$50,000.00 from the
 6 industry funds of said institution which is hereby transferred to the
 7 salaries, support and maintenance, or to the repairs, replacement or
 8 alteration funds of the institution, or so much thereof as may be
 9 necessary to be used in the following manner:

10	For salaries, support and maintenance.....	\$355,000.00
11	For repairs, replacements or alterations.....	8,000.00
12		<u> </u>
13	Total for men's reformatory, Anamosa.....	\$363,000.00

TRAINING SCHOOL FOR BOYS

Eldora

1 SEC. 13. For training school for boys at Eldora, Iowa, there is
 2 hereby appropriated from the general fund of the state for each year
 3 of the biennium beginning July 1, 1943, and ending June 30, 1945, the
 4 sum of two hundred eleven thousand dollars (\$211,000.00) or so much
 5 thereof as may be necessary to be used in the following manner:

6	For salaries, support and maintenance.....	\$205,000.00
7	For repairs, replacements or alterations.....	6,000.00
8		<u> </u>
9	Total for training school for boys, Eldora.....	\$211,000.00

PENITENTIARY

Ft. Madison

1 SEC. 14. For the state penitentiary at Ft. Madison, Iowa, there
 2 is hereby appropriated for each year of the biennium beginning
 3 July 1, 1943, and ending June 30, 1945, the sum of four hundred
 4 twenty thousand dollars (\$420,000.00) from the following funds:
 5 \$400,000.00 from the general fund of the state of Iowa, and \$20,000.00
 6 from the industry funds of said institution, which sum is hereby
 7 transferred to the salary, support and maintenance fund or to the
 8 repairs, replacement or alteration fund of said institution, or so
 9 much thereof as may be necessary to be used in the following manner:

10	For salaries, support and maintenance.....	\$410,000.00
11	For repairs, replacements or alterations.....	10,000.00
12		<u> </u>
13	Total for state penitentiary, Ft. Madison.....	\$420,000.00

TRAINING SCHOOL FOR GIRLS

Mitchellville

1 SEC. 15. For the training school for girls at Mitchellville, Iowa,
 2 there is hereby appropriated from the general fund of the state for
 3 each year of the biennium beginning July 1, 1943, and ending June 30,

4 1945, the sum of ninety thousand dollars (\$90,000.00) or so much
 5 thereof as may be necessary to be used in the following manner:
 6 For salaries, support and maintenance.....\$85,000.00
 7 For repairs, replacements or alterations..... 5,000.00
 8
 9 Total for training school for girls, Mitchellville.....\$90,000.00

WOMEN'S REFORMATORY

Rockwell City

1 SEC. 16. For the women's reformatory at Rockwell City, Iowa,
 2 there is hereby appropriated from the general fund of the state for
 3 each year of the biennium beginning July 1, 1943, and ending June 30,
 4 1945, the sum of fifty thousand dollars (\$50,000.00) or so much there-
 5 of as may be necessary to be used in the following manner:
 6 For salaries, support and maintenance.....\$45,000.00
 7 For repairs, replacements or alterations..... 5,000.00
 8
 9 Total for women's reformatory, Rockwell City.....\$50,000.00

Approved March 11th, 1943.

CHAPTER 4

APPROPRIATION FOR STATE CAPITOL BUILDINGS AND GROUNDS

S. F. 357

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

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

1 SECTION 1. There is hereby appropriated out of the general fund
 2 of the State of Iowa the sum of thirty-one thousand four hundred
 3 dollars (\$31,400.00) to the custodian of the capitol buildings and
 4 grounds to be expended under authority of the Executive Council for
 5 the following purposes in the respective amounts:
 6 Outside woodwork of capitol building.....\$ 10,000.00
 7 Repairs to heating system, pipe covering and
 8 plumbing repairs\$ 3,900.00
 9 Repairs for stone work and steps.....\$ 4,500.00
 10 Electric wiring and materials.....\$ 2,500.00
 11 Replacement of woodwork and hardware.....\$ 3,000.00
 12 Insulation for Amos Hiatt School Building.....\$ 1,000.00
 13 Venetian Blinds\$ 1,500.00
 14 Painting and decorating interior of buildings.....\$ 3,000.00
 15 Carpet and Linoleum.....\$ 2,000.00
 16 Total.....\$ 31,400.00

Approved April 5, 1943.

CHAPTER 5

APPROPRIATION FOR MAINTENANCE OF IOWA STATE TAX COMMISSION

S. F. 332

AN ACT to make an appropriation to the Iowa State Tax Commission in the sum of thirty thousand dollars (\$30,000.00) for salary, support and maintenance for the period ending June 30, 1943.

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

1 SECTION 1. There is hereby appropriated from the general fund
2 of the state to the Iowa State Tax Commission the sum of thirty thou-
3 sand dollars (\$30,000.00) or so much thereof as may be necessary for
4 salaries, support and maintenance for the period ending June 30,
5 1943.

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Ottumwa
3 Daily Courier, a newspaper published at Ottumwa, Iowa, and in The
4 Herald, a newspaper published at Altoona, Iowa.

Approved March 30th, 1943.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier, Ottumwa, Ia., April 2, 1943, and The Herald, Altoona, Ia., April 8, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 6

STATE HIGHWAY COMMISSION EXPENDITURES

S. F. 343

AN ACT authorizing expenditures by the State Highway Commission from the primary road fund for the biennium July 1, 1943, and ending June 30, 1945.

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

1 SECTION 1. The state highway commission is hereby authorized to
2 expend from the primary road fund for each year of the biennium be-
3 ginning July 1, 1943, and ending June 30, 1945, not to exceed five mil-
4 lion one hundred thousand dollars (\$5,100,000.00) or so much thereof
5 as may be necessary to be used in the following manner:

(1) FOR SUPPORT OF THE IOWA HIGHWAY COMMISSION

6	For salaries	\$ 22,500.00
7	For traveling expenses	6,300.00
8	For office supplies	125.00
9	For miscellaneous expenses	375.00

10 \$ 29,300.00

(2) ENGINEERING, INSPECTION AND ADMINISTRATION
OF HIGHWAY WORK

11	For salaries	\$ 540,925.00
12	For travel	93,955.00
13	For office supplies	20,985.00
14	For miscellaneous purposes	65,901.00

15 Total for engineering, inspection and administration
16 of highway work\$ 721,766.00

(3) MAINTENANCE OF PRIMARY ROAD SYSTEM

17	For salaries and wages	\$1,939,000.00
18	For travel expenses	18,000.00
19	For material, supplies and service	1,260,934.00
20	For equipment, replacements and operation	1,111,000.00
21	Total for maintenance of primary road system	\$4,328,934.00
	(4) SECONDARY ROAD SYSTEM	
22	For inspection and testing of materials for secondary road work	
23	made at request of counties:	
24	For salaries	\$ 10,500.00
25	For travel	500.00
26	For inspection of materials for secondary road work	
27	by agencies employed by state highway commission	9,000.00
28		\$ 20,000.00
29	Grand total of all authorizations for all purposes for	
30	the state highway commission	\$5,100,000.00

1 SEC. 2 The state highway commission is further authorized to
 2 expend under the supervision and direction of the attorney general
 3 from the primary road fund for each year of the biennium beginning
 4 July 1, 1943, and ending June 30, 1945, not to exceed fifteen thousand
 5 dollars (\$15,000.00) for the purpose of paying costs and expenses of
 6 litigation arising from or pertaining to primary roads. Any balance
 7 unused during the first fiscal year of the biennium shall be carried
 8 over and augment the amount authorized for the second year of the
 9 biennium, and at the end of the biennium any balance remaining shall
 10 revert to the primary road fund.

Approved April 8, 1943.

CHAPTER 7

APPROPRIATION FOR IOWA COOPERATIVE COMMISSION AND COUNCIL
OF STATE GOVERNMENTS

S. F. 346

AN ACT to appropriate from the general fund of the state for the biennium beginning July 1, 1943, and ending June 30, 1945, funds for the Iowa Cooperative Commission and the Council of State Governments.

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

1	SECTION 1. For the Iowa Cooperative Commission and Council of	
2	State Governments there is hereby appropriated from the general	
3	fund of the state for each year of the biennium, beginning July 1, 1943,	
4	and ending June 30, 1945, two thousand dollars, or as much thereof	
5	as may be necessary, to be used in the following manner:	
6	For the support of the Iowa Cooperative commission...	\$ 500.00
7	For the support of the Council of State Governments....	1,500.00
8	Annual total of all appropriations for the Iowa Co-	
9	operative Commission and the Council of State Gov-	
10	ernments	\$ 2,000.00

Approved April 5, 1943.

CHAPTER 8

APPROPRIATION TO PAY STATE HIGHWAY COMMISSION WORKMEN'S
COMPENSATION CLAIMS

S. F. 348

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

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

1 SECTION 1. There is hereby appropriated to the industrial com-
2 missioner from the primary road fund for each year of the biennium
3 beginning July 1, 1943, and ending June 30, 1945, the sum of twenty
4 thousand dollars (\$20,000.00) or so much thereof as may be necessary
5 for the purpose of paying properly established claims of or on behalf
6 of employees or dependents of employees of the state highway com-
7 mission who are injured or killed while on duty, as provided by chapter
8 70, code, 1939.

Approved March 30th, 1943.

CHAPTER 9

APPROPRIATION FROM LIQUOR CONTROL FUND

S. F. 349

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

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

1 SECTION 1. There is hereby appropriated from the liquor control
2 act fund for each year of the biennium beginning July 1, 1943, and
3 ending June 30, 1945, to the office of the industrial commissioner the
4 sum of ten thousand dollars (\$10,000.00) or so much thereof as may
5 be necessary for the purpose of paying properly established claims of
6 or on behalf of employees of the liquor control commission who are
7 injured or killed while on duty as provided for in chapter 70, code,
8 1939.

1 SEC. 2. There is hereby appropriated from the liquor control act
2 fund for each year of the biennium beginning July 1, 1943, and ending
3 June 30, 1945, to the department of public safety, the sum of twenty-
4 six thousand dollars (\$26,000.00) or so much thereof as may be
5 necessary for use by the bureau of investigation in liquor control en-
6 forcement.

Approved April 5, 1943.

CHAPTER 10
AMENDMENT TO APPROPRIATION TO INDUSTRIAL AND
DEFENSE COMMISSION

S. F. 11

AN ACT to amend section seven (7) of chapter seventy-five (75) of the laws of the Forty-ninth (49th) General Assembly relating to the appropriation for the use of Iowa Industrial and Defense Commission.

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

1 SECTION 1. Amend Section seven (7) of Chapter seventy-five (75)
 2 of the laws of the Forty-ninth (49th) General Assembly by striking
 3 from line eighteen (18) the comma (,) following the word "thereof"
 4 and by striking the remainder of said line, and by striking all of
 5 lines nineteen (19) and twenty (20) thereof, and by inserting in lieu
 6 thereof the following: ". Any final balance at the end of the bien-
 7 nium after the payment of all obligations shall revert to the general
 8 fund of the state."

1 SEC. 2. This Act shall be in full force and effect from and after its
 2 passage and publication in the Marshalltown Times-Republican, a
 3 newspaper published at Marshalltown, Iowa, and the Lake Mills
 4 Graphic, a newspaper published at Lake Mills, Iowa.

Approved January 28, 1943.

I hereby certify that the foregoing act was published in the Marshalltown Times-Republican, Marshalltown, Ia., February 2, 1943, and the Lake Mills Graphic, Lake Mills, Ia., February 3, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 11
APPROPRIATION FOR REPAIRS TO STOP SLIDES OF GROUND ON
CAPITOL GROUNDS

S. F. 378

AN ACT to appropriate from the general fund of the state of Iowa for the period from the effective date of this act and ending June 30, 1945 the sum of five thousand dollars (\$5000.00) for the purpose of repairs to stop the slides of ground at the state capitol grounds.

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

1 SECTION 1. There is hereby appropriated from the general fund
 2 of the state of Iowa for the period from the effective date of this Act
 3 and ending June 30, 1945 the sum of five thousand dollars (\$5000.00)
 4 or so much as may be necessary for the office of custodian of the
 5 state capitol grounds to be used by express authority and direction
 6 of the executive council for repairs to stop the slides of ground on
 7 the state capitol grounds.

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

3 Creston News Advertiser, a newspaper published at Creston, Iowa,
4 and the Mount Ayr Record-News, a newspaper published at Mount
5 Ayr, Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Creston News Advertiser, Creston, Ia., April 12, 1943, and the Mount Ayr Record-News, Mount Ayr, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 12

GARDNER LOG CABIN

S. F. 389

AN ACT to authorize the purchase of and payment for certain property adjacent to and adjoining the Pillsbury Point Park in the town of Arnolds Park, Dickinson county, Iowa, and to contract for the vacation of a street or alley in said town.

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

1 SECTION 1. There is hereby set aside from the appropriation made
2 to the committee on retrenchment and reform, general contingent fund,
3 found in chapter one (1), section thirty-four (34), Acts of the Forty-
4 ninth (49th) General Assembly, the sum of ten thousand dollars, or so
5 much thereof as may be necessary to purchase all of the following
6 pieces of real estate adjoining the Pillsbury Point State Park:

7 The Gardner Log Cabin including all contents, and otherwise, one
8 cottage, one garage and one small store building situated on Lot A of
9 the Plat of Pillsbury Point Park in the town of Arnolds Park, Dickin-
10 son County, Iowa; the L. A. Witter property consisting of two (2) lots;
11 the Dr. C. E. Rector property consisting of two (2) lots; the Stacia
12 Kiely property consisting of one (1) lot.

1 SEC. 2. The committee on retrenchment and reform of the 50th
2 General Assembly are hereby authorized to purchase the property
3 described above after entering into an agreement with the Incorporated
4 Town of Arnolds Park for the vacating of the street or alley
5 without cost to the state which now separates the above described
6 properties, all adjacent to and adjoining Pillsbury Point Park on or
7 before June 30, 1943, and the state comptroller is hereby authorized to
8 draw his warrants for the purchase price not to exceed in total ten
9 thousand dollars payable from the appropriation contained in chapter
10 one (1), section thirty-four (34), Acts of the Forty-ninth (49th) Gen-
11 eral Assembly, and the treasurer of state is authorized to pay said
12 warrants when presented to him.

1 SEC. 3. When the title of the above described property is vested in
2 the state of Iowa the conservation commission shall have supervision
3 of said property and it shall be considered a part of the Pillsbury Point
4 Park.

1 SEC. 4. This act, being deemed of immediate importance, shall be
2 in full force and effect from and after its passage and publication in the

- 3 Spencer Daily Reporter, a newspaper published at Spencer, Iowa, and
 4 The Beacon, a newspaper published at Spirit Lake, Iowa.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Spencer Daily Reporter, Spencer, Ia., April 21, 1943, and The Beacon, Spirit Lake, Ia., April 22, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 13

APPROPRIATION TO THE GOVERNOR FOR OFFICIAL OCCASIONS

H. F. 492

AN ACT to make an appropriation from the general fund of the state to the governor for the purpose of defraying expenses incurred in connection with the Midwest Governors' Conference held on March 15, 1943, the presentation of the Silver Service to the battleship Iowa, on March 22, 1943, and for the purpose of defraying expenses in connection with occasions of an official nature.

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

1 SECTION 1. There is hereby appropriated from the general fund
 2 of the state to the Governor, the sum of eighteen hundred dollars
 3 (\$1800.00) for the purpose of defraying and paying expenses incurred
 4 in connection with the holding of the Midwest Governors' Conference
 5 in Des Moines, Iowa, on March 15, 1943, and with the presentation of
 6 the silver service to the battleship Iowa on March 22, 1943, and for
 7 further purpose of defraying any expenses that may be incurred
 8 between the effective date of this act and the 1st of July, 1945, in
 9 connection with any occasions of an official nature in which the office
 10 of the governor may engage. The comptroller shall issue his warrants
 11 against this appropriation upon certification to him by the Governor.

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

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Rockwell Tribune, Rockwell, Ia., April 21, 1943, and the Iowa Falls Citizen, Iowa Falls, Ia., April 22, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 14

EMERGENCY APPROPRIATION FOR THE DEPARTMENT OF HEALTH

H. F. 106

AN ACT to appropriate from the general fund of the state of Iowa for the period beginning March 15, 1943, and ending June 30, 1943, emergency funds for the department of health, of the state of Iowa, for the division of vital statistics.

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

1 SECTION 1. An act to appropriate from the general fund of the
 2 State of Iowa for the period beginning March 15, 1943, and ending

3 June 30, 1943, emergency funds for the Department of Health, of the
 4 State of Iowa, for the purpose of salaries, support, maintenance and
 5 miscellaneous purposes of the Division of Vital Statistics, under the
 6 Department of Health, the sum of eleven thousand dollars.

1 SEC. 2. This act being deemed of immediate importance shall be
 2 in full force and effect on its publication in the Argo Gazette, a news-
 3 paper published at West Union, Iowa, and in the Mason City Globe
 4 Gazette, a newspaper published at Mason City, Iowa.

Approved February 16th, 1943.

I hereby certify that the foregoing act was published in the Argo Gazette, West Union, Ia., February 24, 1943, and the Mason City Globe Gazette, Mason City, Ia., February 20, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 15

APPROPRIATION FOR SEWER PROJECT ADJACENT TO IOWA SOLDIERS' ORPHANS HOME IN DAVENPORT

H. F. 131

AN ACT to appropriate not to exceed the sum of twenty-six hundred fifty dollars for the purpose of paying one half of the cost of the construction and installation of a sewer, septic tank and disposal field in the city of Davenport, Iowa, in a public street named Eastern Avenue adjoining real estate owned by the state of Iowa and used for the Iowa Soldiers' Orphans Home.

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

1 SECTION 1 There is hereby appropriated from the State Treasury,
 2 out of any funds not otherwise appropriated, the sum of twenty-six
 3 hundred fifty dollars or so much thereof as may be necessary for the
 4 purpose of paying one half of the cost of constructing and installing
 5 a sewer in and a septic tank and disposal field adjacent to the street
 6 of Eastern Avenue in the City of Davenport, Iowa, which street adjoins
 7 property owned by the State of Iowa used for the purpose of the Iowa
 8 Soldiers' Orphans Home which sewer is to be in Eastern Avenue in
 9 the City of Davenport, Iowa, commencing approximately at the south
 10 line of Kimberly Road where the same joins Eastern Avenue and ex-
 11 tending southerly on Eastern Avenue to approximately Duck Creek
 12 all in the City of Davenport, Scott County, Iowa.

1 SEC. 2. The Iowa State Board of Control is authorized to expend
 2 the money herein appropriated for such purpose and to pay said sum
 3 to the city of Davenport, Iowa, on the completion of said sewer, septic
 4 tank and disposal field at the southerly terminus thereof, said sewer,
 5 septic tank and disposal field to be constructed in accordance with
 6 plans and specifications to be approved prior to construction by the
 7 Iowa State Board of Control.

Approved April 5, 1943.

CHAPTER 16

EMERGENCY APPROPRIATION FOR BOARD OF CONTROL

H. F. 162

AN ACT to provide an emergency appropriation for salaries, support, and maintenance for the institutions under the jurisdiction of the board of control.

WHEREAS, the 49th General Assembly appropriated four million, twenty-nine thousand, five hundred dollars (\$4,029,500) for each year of the biennium ending June 30, 1943, for salaries, support and maintenance for all the institutions under the State Board of Control, and

WHEREAS, it now appears that because of rapidly advancing cost of food, supplies and pay rolls, the appropriation will not be sufficient to meet all of the cost of operating these institutions to June 30, 1943, therefore

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

1 SECTION 1. That there is hereby appropriated from the general
2 fund of the state, the sum of two hundred eight thousand dollars
3 (\$208,000) or so much thereof as may be necessary to the State
4 Board of Control to meet any deficit which may arise in the salaries,
5 support and maintenance fund in any institution under its control
6 during the period ending June 30, 1943.

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the Mason City
3 Globe Gazette, a newspaper published in Mason City, Iowa, and in the
4 Atlantic News Telegraph, published in Atlantic, Iowa.

Approved February 11th, 1943.

I hereby certify that the foregoing act was published in the Mason City Globe Gazette, Mason City, Ia., February 15, 1943, and the Atlantic News Telegraph, Atlantic, Ia., February 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 17

APPROPRIATIONS

H. F. 494

AN ACT making an appropriation for payment of miscellaneous expenses of the Fiftieth General Assembly.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
2 state treasury, not otherwise appropriated, the following sums, or
3 as much thereof as may be necessary in payment of miscellaneous
4 expenses of the Fiftieth General Assembly:
5 Executive Council, for telephone, telegraph, express, mis-
6 cellaneous supplies and postage.....\$ 5,000.00
7 State Printing Board, printing for the Fiftieth
8 General Assembly 45,000.00
9 Younkers, for initialing page coats..... 3.42

10	Klipto Company, for annotation stickers.....	37.50
11	A. C. Gustafson, chief clerk of the House, postage and mis-	
12	cellaneous expenses after adjournment, (in addition to	
13	postage money advanced to the House Postmistress)....	75.00
14	W. J. Scarborough, secretary of the Senate, postage and	
15	miscellaneous expenses after adjournment (in addition	
16	to postage money advanced to the Senate Postmistress)	50.00
17	W. J. Scarborough, secretary of the Senate for additional	
18	compensation	115.00
1	SEC. 2. There is hereby appropriated a sum sufficient to pay the	
2	per diem compensation made necessary by House Concurrent Reso-	
3	lution 28 for services required by officers and employees of the Fiftieth	
4	General Assembly after final adjournment.	
1	SEC. 3. This act being deemed of immediate importance shall take	
2	effect and be in force from and after its publication in the Mason City	
3	Globe-Gazette, a newspaper published at Mason City, Iowa, and The	
4	Red Oak Express, a newspaper published at Red Oak, Iowa.	

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Mason City Globe Gazette, Mason City, Ia., April 20, 1943, and The Red Oak Express, Red Oak, Ia., April 22, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 18

INAUGURAL CEREMONIES

H. F. 142

AN ACT making appropriation to defray the expense of the inaugural ceremonies.

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

1 SECTION 1. There is hereby appropriated out of the funds of the
2 state treasury, not otherwise appropriated, the sum of three hundred
3 seventy-four dollars and thirty cents (\$374.30), or so much thereof as
4 may be necessary, to pay the expenses incurred on account of the in-
5 augural ceremonies and reception. Warrants shall be drawn upon the
6 treasury for the sum herein appropriated in favor of the Adjutant
7 General upon the filing of vouchers therefor with the State Comp-
8 troller.

1 SEC. 2. This act being deemed of immediate importance, shall take
2 effect and be in force from and after its passage and publication in the
3 Plain Talk, a newspaper published in the city of Des Moines, Iowa,
4 and the Mount Vernon Hawkeye-Record-Herald, a newspaper pub-
5 lished in the city of Mount Vernon, Iowa.

Approved February 8th, 1943.

I hereby certify that the foregoing act was published in the Plain Talk, Des Moines, Ia., February 11, 1943, and the Mount Vernon Hawkeye-Record-Herald, February 18, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 19

FORTY-NINTH GENERAL ASSEMBLY CAPITOL APPROPRIATIONS
APPROVED, SEGREGATED AND INVESTED FOR DURATION

S. F. 1

AN ACT to continue in force certain capitol appropriations made by the Forty-ninth General Assembly, to provide for the segregation of funds so appropriated and to provide for investment of said funds so appropriated, and to provide for the executive council and the joint legislative committee on retrenchment and reform to determine the availability of said funds and to amend chapters three (3) and sixteen (16) acts of the 49th General Assembly.

WHEREAS, the 49th General Assembly appropriated certain funds for capitol improvements, which by reason of the present war emergency it has been impossible to construct, and

WHEREAS, it is deemed advisable to continue such appropriations in force in order that the funds so appropriated may be available at the conclusion of the present war emergency, and the projects provided for therein may be constructed as soon thereafter as possible, thereby providing the state with needed improvements and at the same time giving employment to men returning to civil life; therefore

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

1 SECTION 1. That the appropriation made by the 49th General As-
2 sembly by Chapter 3 (S. F. 420) Acts of the 49th General Assembly,
3 by Chapter 16 (S. F. 419) Acts of the 49th General Assembly, by
4 Chapter 17 (S. F. 526) Acts of the 49th General Assembly, by Chapter
5 37 (H. F. 408) Acts of the 49th General Assembly, and for the Board
6 of Education for repairs, replacements or alterations for the Iowa
7 State College of Agriculture and Mechanical Arts by Chapter 4
8 (H. F. 288) Acts of the 49th General Assembly, or so much of said
9 appropriations as have not been, are not being, and cannot be used,
10 for the purposes for which same have been provided, because of
11 emergency restrictions covering such construction, be and the same
12 are hereby continued in full force and effect for the respective purposes
13 provided for in said Acts of the 49th General Assembly. That said
14 appropriations or the parts of same which, because of said emergency
15 restrictions, have not been used, are not being used, or cannot be used
16 for the purposes for which made, are hereby segregated and set up
17 as trust funds to be used for the purposes provided in the said Acts
18 of the 49th General Assembly at the conclusion of the present war
19 emergency, or at such time or times prior thereto as the Executive
20 Council and the Joint Legislative Committee on Retrenchment and
21 Reform may determine that any one or more of the projects provided
22 for therein may be constructed.

1 SEC. 2. The Executive Council and the Joint Legislative Commit-
2 tee on Retrenchment and Reform of the State of Iowa are hereby em-
3 powered to determine when any of said unexpended appropriations
4 shall be made available for use for the purposes provided for in said
5 Acts of the 49th General Assembly, and none of said appropriations
6 not used or being used at the time of the effective date of this act shall
7 be used until authorized by the Executive Council and the Joint Legis-
8 lative Committee on Retrenchment and Reform.

1 SEC. 3. The Treasurer of the State of Iowa is hereby empowered
2 to invest any of the funds so appropriated by the 49th General Assem-
3 bly and segregated by the provisions of section one (1) of this Act, in
4 bonds of the United States Government.

1 SEC. 4. Chapter sixteen (16) (Senate File 419) Acts of the 49th
2 General Assembly is amended by striking the sentence appearing in
3 lines six (6) and seven (7) of section four (4) of said Chapter, and
4 further by striking the words and figures "50th General Assembly"
5 in line four (4) of section five (5) and inserting in lieu thereof the
6 following: "General Assembly convening subsequent to the perform-
7 ance of said duties or any part of same".

1 SEC. 5. The provisions of all acts or statutes in conflict or incon-
2 sistent with the provisions of this act are hereby repealed.

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

1 SEC. 7. This act being deemed of immediate importance, shall be
2 in full force and effect from and after its publication in The American
3 Citizen, a newspaper published at Des Moines, Iowa, and The Davis
4 County Republican, a newspaper published at Bloomfield, Iowa.

Approved March 23rd, 1943.

I hereby certify that the foregoing act was published in The American Citizen, Des Moines, Ia., April 2, 1943, and The Davis County Republican, Bloomfield, Ia., March 30, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 20

NATIONAL ENCAMPMENT OF THE GRAND ARMY OF THE REPUBLIC

S. F. 297

AN ACT making an appropriation for the purpose of aiding in defraying the expenses of a national encampment of the Grand Army of the Republic to be held in this state.

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

1 SECTION 1. There is hereby appropriated out of any funds in the
2 State Treasury not otherwise appropriated the sum of five thousand
3 dollars (\$5,000) or so much thereof as may be necessary to be used
4 in defraying the expenses of a national encampment of the Grand
5 Army of the Republic to be held in Iowa, during the years nineteen
6 hundred forty-three (1943) or nineteen hundred forty-four (1944),
7 such funds to be paid out upon order of the executive council upon the
8 filing with the executive council of itemized claims showing the ex-
9 penses incurred, such claims to be approved by the State Commander
10 and Quartermaster of the Grand Army of the Republic.

Approved March 23, 1943.

CHAPTER 21

APPROPRIATION FOR PURCHASE OF THE KASSON

MEMORIAL BUILDING

S. F. 236

AN ACT to provide for the better preservation and usefulness of the archives of the state.

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

1 SECTION 1. There is hereby appropriated out of any funds not
2 otherwise appropriated the sum of nine thousand five hundred twenty
3 dollars and eighty-eight cents (\$9520.88) for the purpose of purchase
4 of the Kasson Memorial building, in accordance with an option thereon
5 secured by the Retrenchment and Reform committee of the Forty-
6 ninth General Assembly, in connection with a lease of the property as
7 a part of the State Department of History and Archives, and the
8 purchase of the ground on which said building is located, the title to
9 said real estate and building to be placed in the State of Iowa.

1 SEC. 2. There is also appropriated the sum of three thousand four
2 hundred dollars (\$3400.00) for the purpose of erecting a floor on the
3 gallery level of said building, and construction of a freight elevator
4 and other similar improvements, same to be done in accordance with
5 plans approved by the Trustees and the curator of the State Depart-
6 ment of History and Archives under supervision of the state architect.

1 SEC. 3. This act shall become a law and be of effect upon its
2 publication in the Cedar Falls Daily Record, a newspaper published at
3 Cedar Falls, Iowa, and in the Creston News-Advertiser, a newspaper
4 published at Creston, Iowa.

Approved April 5th, 1943.

I hereby certify that the foregoing act was published in the Cedar Falls Daily Record, Cedar Falls, Ia., April 13, 1943, and the Creston News-Advertiser, Creston, Ia., April 8, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 22

SUPREME COURT

H. F. 465

AN ACT to provide an emergency appropriation to cover remaining expenses incurred by the advisory committee of the supreme court on rules of procedure.

WHEREAS, the 49th General Assembly passed an act authorizing the Supreme Court to formulate and prescribe rules of civil proceedings for all courts of this state; and

WHEREAS, the Supreme Court with the aid of an Advisory Committee, entered upon the task of promulgating said rules; and

WHEREAS, the General Assembly failed to grant an appropriation for this work, and because of such failure, the Supreme Court has been obliged to rely upon an emergency grant by the committee on retrenchment and reform for such work; and

WHEREAS, the power to grant emergency appropriations having ceased at the commencement of the 50th General Assembly, the Supreme Court now requests an appropriation to cover the remaining costs incurred and to be incurred by it and its Advisory Committee, now, therefore;

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

1 SECTION 1. There is hereby appropriated from the general fund
2 of the state, not otherwise appropriated, the sum of one thousand
3 dollars (\$1000.00) or so much thereof as may be necessary to pay
4 the remaining expenses of the Supreme Court and its Advisory
5 Committee on rules of procedure.

1 SEC. 2. This Act being deemed of immediate importance shall
2 be in full force and effect from and after its passage and publication
3 in the Clear Lake Reporter, a newspaper published at Clear Lake,
4 Iowa, and in the Atlantic News-Telegraph, a newspaper published
5 at Atlantic, Iowa.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Clear Lake Reporter, Clear Lake, Ia., April 22, 1943, and the Atlantic News-Telegraph, Atlantic, Ia., April 20, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 23 APPROPRIATIONS

S. F. 355

AN ACT to make appropriations to Henry and Eleanor Broderson, Harlan, Iowa; to Daisy E. Johnson, Des Moines, Iowa; to Herman F. Graff, Minneapolis, Minnesota; to Dr. John Eiel, Osage, Iowa; to Nissen Hospital, Osage, Iowa; to H. R. Harris, Oskaloosa, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund
2 of the State of Iowa to Henry and Eleanor Broderson of Harlan,
3 Iowa, the sum of Six Hundred Dollars (\$600.00) in full settlement
4 of all claims which they may have against the State of Iowa for the
5 death of their minor son, Richard Broderson, resulting from a fall
6 from the third story window at Currier Hall, State University,
7 Iowa City, Iowa.

1 SEC. 2. There is hereby appropriated out of the general fund of
2 the State of Iowa to Daisy S. Johnson of Des Moines, Iowa, the sum
3 of Four Hundred Eighty-six and forty-one hundredths (\$486.41)
4 Dollars in full settlement of all claims which she may have against
5 the State of Iowa on account of expenses and legal fees incurred in
6 connection with quieting title action on land held by her under
7 erroneous patent from the state of Iowa.

1 SEC. 3. There is hereby appropriated out of the general fund of
2 the State of Iowa to Herman F. Graff of Minneapolis, Minnesota, the
3 sum of One Hundred Dollars (\$100.00) in full settlement of all claims

4 which he may have against the State of Iowa and the Iowa State
5 Highway Commission in connection with the death of his mother,
6 Mrs. Amelia Graff.

1 SEC. 4. There is hereby appropriated out of the general fund of
2 the State of Iowa to Dr. John Eiel of Osaga, Iowa, the sum of Eighty
3 (\$80.00) Dollars in full settlement of all claims which he may have
4 against the State of Iowa or the Iowa State Highway Commission for
5 services performed on behalf of Mrs. Amelia Graff of Osaga, Iowa,
6 now deceased.

1 SEC. 5. There is hereby appropriated out of the general fund of
2 the State of Iowa to Nissen Hospital of Osage, Iowa, the sum of
3 Forty-seven and twenty-five hundredths (\$47.25) Dollars in full
4 settlement of all claims which it may have against the State of Iowa
5 and the Iowa State Highway Commission for services performed on
6 behalf of Mrs. Amelia Graff of Osage, Iowa, now deceased.

1 SEC. 6. There is hereby appropriated out of the general fund of
2 the State of Iowa to H. R. Harris of Oskaloosa, Iowa, the sum of One
3 Hundred Ninety-five and sixty-two hundredths (\$195.62) Dollars
4 in full settlement of all claims which he may have against the State
5 of Iowa or the Iowa State Highway Commission in connection with
6 a collision with State Highway equipment on October 3, 1941.

Approved April 5, 1943.

CHAPTER 24
APPROPRIATIONS
S. F. 380

AN ACT to make appropriations to Henry W. Burma, Allison, Iowa, E. P. Donohue, New Hampton, Iowa, S. Ray Emerson, Creston, Iowa, O. H. Henningsen, Clinton, Iowa, Gus T. Kuester, Griswold, Iowa, and Melvin Wilson, Lake City, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund
2 of the State of Iowa, to Henry W. Burma, Allison, Iowa, the sum of
3 one hundred and ten dollars (\$110.00) in full settlement of all claims
4 which he may have against the State of Iowa on account of services
5 rendered as member of the State Office Building Legislative Com-
6 mittee.

1 SEC. 2. There is hereby appropriated out of the general fund of
2 the State of Iowa, to E. P. Donohue, New Hampton, Iowa, the sum of
3 one hundred and twenty dollars (\$120.00) in full settlement of all
4 claims which he may have against the State of Iowa on account of
5 services rendered as member of the State Office Building Legislative
6 Committee.

1 SEC. 3. There is hereby appropriated out of the general fund of
2 the State of Iowa, to S. Ray Emerson, Creston, Iowa, the sum of one
3 hundred and seventy dollars (\$170.00) in full settlement of all claims

4 which he may have against the State of Iowa on account of services
5 rendered as member of the State Office Building Legislative Com-
6 mittee.

1 SEC. 4. There is hereby appropriated out of the general fund of
2 the State of Iowa, to O. H. Henningsen, Clinton, Iowa, the sum of one
3 hundred and twenty dollars (\$120.00) in full settlement of all claims
4 which he may have against the State of Iowa on account of services
5 rendered as member of the State Office Building Legislative Com-
6 mittee.

1 SEC. 5. There is hereby appropriated out of the general fund of the
2 State of Iowa, to Gus. T. Kuester, Griswold, Iowa, the sum of eighty
3 dollars (\$80.00) in full settlement of all claims which he may have
4 against the State of Iowa on account of services rendered as member
5 of the State Office Building Legislative Committee.

1 SEC. 6. There is hereby appropriated out of the general fund of
2 the State of Iowa, to Melvin Wilson, Lake City, Iowa, the sum of
3 seventy dollars (\$70.00) in full settlement of all claims which he may
4 have against the State of Iowa on account of services rendered as
5 member of the State Office Building Legislative Committee.

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

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

Approved April 10th, 1943.

CHAPTER 25

APPROPRIATIONS

S. F. 381

AN ACT to make appropriations to Mr. and Mrs. J. C. Cottrell, Albia, Iowa; Modern Launderers and Dry Cleaners, Cedar Rapids, Iowa; Merrill Correll, Adair, Iowa; Max Rochholz, Adair, Iowa; J. F. Fastenow, Peterson, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund
2 of the State of Iowa to Mr. and Mrs. J. C. Cottrell, Albia, Iowa, the
3 sum of five hundred dollars (\$500.00) in full payment of all claims
4 they may have against the State of Iowa, for the murder of their
5 son by fellow inmate at Iowa Training School for Boys at Eldora,
6 on March 8, 1940.

1 SEC. 2. There is hereby appropriated out of the general fund of
2 the State of Iowa to Modern Launderers & Dry Cleaners, Cedar
3 Rapids, Iowa, the sum of fifty-four dollars and eight cents (\$54.08)

4 in full payment of all claims it may have against the State of Iowa
5 for cost of repairs to truck damaged in collision with Highway
6 Commission snow plow truck on March 10, 1941.

1 SEC. 3. There is hereby appropriated out of the general fund of
2 the State of Iowa to Merrill Correll, Adair, Iowa, the sum of two
3 hundred eight dollars (\$208.00) in full settlement of all claims
4 which he may have against the State of Iowa for salary due under
5 Section four hundred sixty-seven and twenty-five hundredths (467.25)
6 by reason of his induction into the United States Army.

1 SEC. 4. There is hereby appropriated out of the general fund of
2 the State of Iowa to Max Rochholz, Adair, Iowa, the sum of one
3 hundred fifty-six dollars (\$156.00) in full settlement of all claims
4 which he may have against the State of Iowa for salary due under
5 Section four hundred sixty-seven and twenty-five hundredths (467.25)
6 by reason of his induction into the United States Army.

1 SEC. 5. There is hereby appropriated out of the old age assistance
2 fund of the State of Iowa to J. F. Fastenow, Peterson, Iowa, the
3 sum of one hundred dollars (\$100.00) in full settlement of all
4 claims which he may have against the State of Iowa by reason of
5 burial of old age assistance recipient, Mary L. Friend.

1 SEC. 6. The State Comptroller is hereby authorized to issue his
2 warrant to the above named parties in the amounts stated, and the
3 State Treasurer is hereby directed to pay the same from the re-
4 spective funds above specified.

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

Approved April 20, 1943.

CHAPTER 26

APPROPRIATIONS

S. F. 372

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

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

1 SECTION 1. There is hereby appropriated out of the General Fund
2 of the State of Iowa to the following named persons the amounts set
3 opposite their respective names, to-wit:

4	Claimant	Address	Claim Number	Nature of Claim	Amount
5	James Lynn	Valley Springs,	H-59	Damage to auto	\$56.37
6		South Dakota			
7	T. R. Mills	Des Moines, Iowa	H-93A	Damage to auto	\$35.00
8					

9	Mrs. Anna	George, Iowa	H-105	Death of	
10	Harms			husband	\$1000.00
11	Otto A. Dahms	Sioux City, Iowa	H-123	Injury to	
12				claimant	\$55.50
13	Otto R. Dahms	Sioux City, Iowa	H-124	Damage to auto	\$65.00
14	Peter Johnson	Decorah, Iowa	H-125	Damage to auto	\$17.22
15	& Sons				
16	Russell Smith	Fairfield, Iowa	H-127	Damage to auto	\$125.00
17	Will McMurray	Newton, Iowa	H-129	Damage to auto	\$20.12
18	C. H. Jones	Bloomfield, Iowa	H-130	Damage to auto	\$12.60
19	Clyde Durham	Knoxville, Iowa	H-131	Damage to truck	\$233.56
20	Helen Derby	Albia, Iowa	H-132	Damage to auto	\$75.69
21	Long				
22	George Johnson	Decorah, Iowa	H-135	Damage to auto	\$18.02
23	Sid's Body Shop	Decorah, Iowa	H-137	Repairs to auto	\$86.63

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

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

Approved April 10th, 1943.

CHAPTER 27 APPROPRIATIONS

S. F. 373

AN ACT to make appropriations to Giles Funeral Home, Burlington, Iowa, Oral C. Johnson, Hamburg, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the old age as-
 2 sistance fund of the State of Iowa the following:

3 To Giles Funeral Home, Burlington, Iowa, the sum of one hundred
 4 dollars (\$100.00) in full settlement of all claims it may have against
 5 the State of Iowa on account of funeral expenses for burial of Stewart
 6 Elias Tucker, deceased recipient of old age assistance.

7 To Oral C. Johnson, Hamburg, Iowa, the sum of one hundred dollars
 8 (\$100.00) in full settlement of all claims he may have against the
 9 State of Iowa on account of funeral expenses for burial of James A.
 10 Beal, deceased recipient of old age assistance.

1 SEC. 2. The State Comptroller is hereby directed to issue his war-
 2 rants to the above named parties in the amounts stated, and the State

3 Treasurer is hereby directed to pay said warrants from the old age
4 assistance fund of the State of Iowa.

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

Approved April 8, 1943.

CHAPTER 28

APPROPRIATIONS

S. F. 376

AN ACT to make appropriations to the First National Bank of Council Bluffs, Iowa; Ray Butler, Arnolds Park, Iowa; LeFebure Corporation, Cedar Rapids, Iowa; Harry Jenkins, LaCrosse, Wisconsin; George F. Brown, Sioux City, Iowa; Paul Fellman, Davenport, Iowa; Earl Scherf and K. M. Rooker, Ottumwa, Iowa; Johnath Gauger, Boone, Iowa; City of Ames, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the State Sinking
2 Fund to the First National Bank of Council Bluffs, Iowa, the sum of
3 one hundred thirteen dollars and thirty-four cents (\$113.34) in full
4 settlement of all claims it may have against the State of Iowa on
5 account of assessment overpaid to the State Sinking Fund.

1 SEC. 2. There is hereby appropriated out of the funds of the State
2 Conservation Commission to Ray Butler of Arnolds Park, Iowa, the
3 sum of fifteen hundred dollars (\$1500.00) in full settlement of all
4 claims he may have against the State of Iowa, for loss of household
5 goods burned while being transported by State Conservation truck
6 on September 29, 1937.

1 SEC. 3. There is hereby appropriated out of the general fund of
2 the State of Iowa to the LeFebure Corporation of Cedar Rapids, Iowa,
3 the sum of one thousand two hundred fifty dollars (\$1250.00) in full
4 settlement of all claims which said corporation may have against the
5 State of Iowa on account of materials used in filling Executive Council
6 Order Number three thousand two hundred twenty-one (3221) for
7 printing in connection with renewing census records of the State of
8 Iowa.

1 SEC. 4. There is hereby appropriated out of the general fund of
2 the State of Iowa to Harry Jenkins of LaCrosse, Wisconsin, the sum
3 of eight dollars and eighty-five cents (\$8.85) in full settlement of all
4 claims which he may have against the State of Iowa on account of
5 fine assessed against him, contrary to reciprocal agreement between
6 Wisconsin and Iowa Motor Vehicle Departments.

1 SEC. 5. There is hereby appropriated out of the general fund of
2 the State of Iowa to George F. Brown of Sioux City, Iowa, the sum
3 of eighty dollars (\$80.00) in full settlement of all claims which he

4 may have against the State of Iowa on account of an injury received
5 at the Cherokee State Hospital on March 16, 1941.

1 SEC. 6. There is hereby appropriated out of the general fund of
2 the State of Iowa to Paul Fellman of Davenport, Iowa, the sum of
3 five hundred dollars (\$500.00) in full settlement of all claims which
4 he may have against the State of Iowa on account of injury received
5 by him while an inmate at the Fort Madison Penitentiary on August
6 25, 1936.

1 SEC. 7. There is hereby appropriated out of the funds of the
2 State Conservation Commission of the State of Iowa to Earl Scherf
3 and K. M. Rooker, Conservation Commission Officers of Ottumwa,
4 Iowa, the sum of three hundred seventy-one dollars and fifty-five
5 cents (\$371.55) in full settlement of all claims they may have against
6 the State of Iowa for legal fees charged them in connection with the
7 defense of a charge of wrongful arrest, from which they were ac-
8 quitted, said three hundred seventy-one dollars and fifty-five cents
9 (\$371.55) to be paid out as follows: To Wilbur Dull, one of the at-
10 torneys for the above named parties the sum of one hundred sixty-five
11 dollars (\$165.00). To John D. Moon, one of the attorneys for the
12 above named parties, the sum of two hundred one dollars and fifty-
13 five cents (\$201.55). To Arthur Dorothy, Court Reporter for the
14 above matter the sum of five dollars (\$5.00).

1 SEC. 8. There is hereby appropriated out of the general fund of
2 the State of Iowa to Johnath Gauger the sum of five hundred dollars
3 (500.00) in full settlement of all claims which he may have against
4 the State of Iowa on account of injuries received by him while an
5 inmate of the Anamosa Reformatory, on August 20, 1940.

1 SEC. 9. There is hereby appropriated out of the general fund of
2 the State of Iowa to the City of Ames, Iowa, the sum of two thousand
3 three hundred ninety-one dollars and nineteen cents (\$2,391.19) in
4 full settlement of all claims which the city may have against the State
5 of Iowa for special assessments for curb and gutter and stabilized
6 gravel 1939A and special assessments for curb and gutter and stabil-
7 ized gravel 1938B, City of Ames.

1 SEC. 10. The State Comptroller is hereby authorized to issue his
2 warrant to the above named parties in the amounts stated, and the
3 State Treasurer is hereby directed to pay the same from the respective
4 funds above specified.

1 SEC. 11. The acceptance of said sum by the above named parties
2 shall be in full settlement of all claims against the State of Iowa grow-
3 ing out of the above described claims.

Approved April 10th, 1943.

CHAPTER 29

APPROPRIATION

S. F. 358

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

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

1 SECTION 1. There is hereby appropriated to the state comptroller
2 from the motor vehicle fuel tax fund for each year of the biennium
3 beginning July 1, 1943, and ending June 30, 1945, the sum of four
4 thousand dollars (\$4,000.00) or so much thereof as may be necessary
5 for use in employing help and defraying other expenses in writing
6 motor vehicle fuel tax refund warrants and keeping necessary records.

Approved April 5, 1943.

CHAPTER 30

APPROPRIATIONS

S. F. 359

AN ACT to make appropriations to county treasurer of Worth county, Iowa, T. W. Coulter, Clarinda, Iowa, Chicago, Rock Island & Pacific Railway Company, Chicago, Illinois, Primghar Savings Bank, Primghar, Iowa, Dr. J. W. Peterson, Waterloo, Iowa, Standard Oil Company, Des Moines, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund
2 to the County Treasurer of Worth County, Iowa, the sum of four
3 hundred forty-five dollars and eighty-five cents (\$445.85) in full
4 settlement of all claims it may have against the State of Iowa for
5 assessments on state owned land, under the jurisdiction of the State
6 Conservation Commission.

1 SEC. 2. There is hereby appropriated out of the general fund
2 of the State of Iowa to T. W. Coulter, of Clarinda, Iowa, the sum of
3 one hundred dollars (\$100.00) in full settlement of all claims which
4 he may have against the State of Iowa, for damages to his truck in
5 a collision with Clarinda State Hospital farm wagon on December
6 24, 1942.

1 SEC. 3. There is hereby appropriated out of the funds of the De-
2 partment of Social Welfare to the Chicago, Rock Island & Pacific
3 Railway Company of Chicago, Illinois, the sum of one dollar and
4 thirty-two cents (\$1.32) in full settlement of all claims it may have
5 against the State of Iowa in connection with freight charges on freight
6 bill No. 36812.

1 SEC 4. There is hereby appropriated out of the State Sinking
2 Fund to the Primghar Savings Bank of Primghar, Iowa, the sum of
3 seventy-three dollars and ninety-four cents (\$73.94) in full settlement
4 of all claims which it may have against the State of Iowa for over-
5 payment of assessment to State Sinking Fund.

1 SEC. 5. There is hereby appropriated out of the general fund to
 2 Dr. J. W. Peterson of Waterloo, Iowa, the sum of fifty-five dollars
 3 and eighty-three cents (\$55.83) in full settlement of all claims which
 4 he may have against the State of Iowa for damages resulting from
 5 a collision with Highway Patrol car on November 11, 1942.

1 SEC. 6. There is hereby appropriated out of the general fund of
 2 the State of Iowa to the Standard Oil Company of Des Moines, Iowa,
 3 the sum of seventeen dollars and forty-five cents (\$17.45) in full set-
 4 tlement of all claims which it may have against the State of Iowa for
 5 various unpaid gasoline purchase items as listed in claim number
 6 eighty-one (81) of the Fiftieth General Assembly.

1 SEC. 7. The State Comptroller is hereby authorized to issue his
 2 warrant to the above named parties in the amounts stated, and the
 3 State Treasurer is hereby directed to pay the same from the re-
 4 spective funds above specified.

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

Approved April 8, 1943.

CHAPTER 31
 APPROPRIATIONS

S. F. 360

AN ACT to make appropriations to certain named persons to cover refunds on motor vehicle registration fees.

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

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

Name	Address	License No.	Amount of Refund
8 Albert Peterson	Stanton, Iowa	T69-573	\$65.00
9 Younker Brothers	Des Moines, Iowa	77-1135	\$25.00
10 Iowa Film Delivery	1415 Grand Avenue Des Moines, Iowa	77-1136	\$15.00
11 Hi-Lan Dairy	3902-6th Avenue Des Moines, Iowa	77-1142	\$15.00
12 7-Up—Iowa Company	1507 E. Grand Des Moines, Iowa	77-1141	\$15.00
13 7-Up—Iowa Company	1507 E. Grand Des Moines, Iowa	77-1139	\$15.00
14 Crescent Chevrolet Company	5th & Keo. Des Moines, Iowa	77-43434	\$10.00

20	Crescent Chevrolet Company	5th & Keo.		
21		Des Moines, Iowa	77-38226	\$10.50
22	Chambers Motor Company	1201 Walnut		
23		Des Moines, Iowa	77-42747	\$ 9.50
24	Chambers Motor Company	1201 Walnut		
25		Des Moines, Iowa	77-42749	\$ 9.50
26	Brady Motors	1210 Locust		
27		Des Moines, Iowa	T77-1263	\$ 7.50
28	Brady Motors	1210 Locust		
29		Des Moines, Iowa	T77-1264	\$ 7.50
30	Brady Motors	1210 Locust		
31		Des Moines, Iowa	T77-1265	\$ 7.50
32	Brady Motors	1210 Locust		
33		Des Moines, Iowa	T77-1266	\$ 7.50
34	Brady Motors	1210 Locust		
35		Des Moines, Iowa	T77-1268	\$ 7.50
36	Brady Motors	1210 Locust		
37		Des Moines, Iowa	T77-1269	\$ 7.50
38	Brady Motors	1210 Locust		
39		Des Moines, Iowa	T77-1271	\$ 7.50
40	Manbeck Motor Sales	1314 Locust		
41	Company	Des Moines, Iowa	77-12716	\$10.00
42	Jensen-Dunn Company	1401 Grand		
43		Des Moines, Iowa	77-43394	\$ 9.50
44	W. A. Tyler	Mount Pleasant,		
45		Iowa	44-2550	\$ 2.50
46	Gordon Elliott	Hinton Iowa	75-4997	\$ 2.00
47	Gordon Elliott	Hinton Iowa	75-5446	\$ 2.00
48	J. C. Dodson	Indianola, Iowa	91-3067	\$ 3.00
49	Oliver Sayles	West Branch, Iowa	16-3615	\$ 3.00
50	Bernice Blake	Eagle Grove, Iowa	99-2526	\$ 1.00

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

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

Approved April 8, 1943.

CHAPTER 32
APPROPRIATIONS

S. F. 317

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

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

1 SECTION 1. There is hereby appropriated out of the General Fund
2 of the State of Iowa to the following named persons the amounts set
3 opposite their respective names, to-wit:

	Claimant	Address	Claim Number	Nature of Claim	Amount
4	Paul J. Carlson	401 E. 8th St.	H-23	Collision	\$145.05
5		Muscatine, Iowa			
6	Edwin Navratil	915 Hull Ave. S.E.	H-24	Collision	24.50
7		Cedar Rpids, Iowa			
8	Oscar Thorsen	Ellsworth, Iowa	H-25	Damage to water main	4.65
9					
10	Glen Shoemaker	R. R. No. 2			
11		Waterloo, Iowa	H-26	Damage to auto	21.00
12	Cleo Vale	Tama, Iowa	H-27	Damage to auto	7.59
13	W. A. Schell	Runnells, Iowa	H-28	Damage to tire	15.00
14	Joe Kidd	Perry, Iowa	H-29	Damage to auto	6.88
15	Wade C. Harvey	Fairfield, Iowa	H-97	Damage to auto	25.00
16	C. A. Kenney	Pawnee City, Nebraska	H-100	Collision	148.90
17					
18	Harold Reed Dusenbery	Pawnee City, Nebraska	H-101	Collision	231.00
19					
20	Joe Vacek	Pawnee City, Nebraska	H-102	Collision	29.50
21					
22	LaVerne McGuire	Pawnee City, Nebraska	H-103	Collision	26.00
23					
24	Bob A. Losey	Pawnee City, Nebraska	H-104	Collision	7.50
25					
26	E. R. Forbes	Newton, Iowa	H-106	Damage to tire	47.56
27	A. C. Vandruff	Oakland, Iowa	H-107	Broken plate glass window	19.50
28					
29	Monroe Garland	Sioux City, Iowa	H-108	Damage to auto	12.57
30	Wm. Halvorsen	Storm Lake, Iowa	H-110	Damage to auto	43.05
31	Ira L. Bowersox	Selma, Iowa	H-115	Damage to farm plow	10.00
32					
33	Fort Dodge Bot- tling Works	Fort Dodge, Iowa	H-121	Damage to truck	10.00
34					
35					

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

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

Approved March 23, 1943.

CHAPTER 33
 APPROPRIATIONS

S. F. 316

AN ACT to make appropriations to the Independent School District of Muscatine, Iowa; Cecil H. Grantham, state auditor's office, State House, Des Moines, Iowa; Hazel J. Smith, Clarinda, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general
 2 fund of the State of Iowa to the Independent School District of Musca-
 3 tine, Iowa, the sum of Three Hundred Forty Dollars (\$340.00) in full
 4 settlement of all claims which it may have against the State of Iowa
 5 for tuition of High School students in charitable institutions.

1 SEC. 2. There is hereby appropriated out of the general fund of
 2 the State of Iowa, to Cecil H. Grantham, State Auditor's Office, State
 3 House, Des Moines, Iowa, the sum of One Hundred Fifty Dollars
 4 (\$150.00) in full settlement of all claims which he may have against
 5 the State of Iowa for salary due under Section 467.25, by reason of
 6 his enlistment in the United States Army.

1 SEC. 3. There is hereby appropriated out of the general fund of
 2 the State of Iowa, to Hazel J. Smith, Clarinda, Iowa, the sum of One
 3 Thousand Dollars (\$1,000.00), in full settlement of all claims which
 4 she may have against the State of Iowa in connection with the death
 5 of her husband, Roscoe D. Smith, Superintendent of Hospital for
 6 Insane at Clarinda, Iowa.

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

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

Approved March 23, 1943.

CHAPTER 34
APPROPRIATIONS

S. F. 318

AN ACT to make appropriations to A. J. Evans, undertaker, Knoxville, Iowa; Johnson Brothers, undertakers, Lisbon, Iowa; Watts Funeral Service, Murray, Iowa; McGregor Brothers & Coens, undertakers, Creston, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the old age as-
2 sistance fund of the State of Iowa the following:

3 To A. J. Evans, Undertaker, Knoxville, Iowa, the sum of One Hun-
4 dred Dollars (\$100.00) in full settlement of all claims he may have
5 against the State of Iowa on account of funeral expenses for burial
6 of Rachel A. Pope, deceased recipient of old age assistance.

7 To Johnson Brothers, Undertakers, Lisbon, Iowa, the sum of One
8 Hundred Dollars (\$100.00) in full settlement of all claims they may
9 have against the State of Iowa on account of funeral expenses for bur-
10 ial of Francis John McCullough, deceased recipient of blind assistance.

11 To Watts Funeral Service, Murray, Iowa, the sum of One Hundred
12 Sixty-seven Dollars and Eighty Cents (\$167.80) in full settlement of
13 all claims it may have against the State of Iowa on account of funeral
14 expenses for burial of Emma Brady and Jacob Walter, deceased re-
15 cipients of old age assistance.

16 To McGregor Brothers & Coens, Undertakers, Creston, Iowa, the
17 sum of One Hundred Dollars (\$100.00) in full settlement of all claims
18 they may have against the State of Iowa on account of funeral ex-
19 penses for the burial of Elizabeth Nelson, deceased recipient of blind
20 assistance.

1 SEC. 2. The State Comptroller is hereby directed to issue his war-
2 rants to the above named parties in the amounts stated, and the State
3 Treasurer is hereby directed to pay said warrants from the old age
4 assistance fund of the State of Iowa.

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

Approved March 23, 1943.

CHAPTER 35
APPROPRIATIONS

S. F. 303

AN ACT to make appropriations to Foster Funeral Home, Webster City, Iowa, W. O. Carson Funeral Home, Essex, Iowa, Roberts & Evans, Funeral Directors, Knoxville, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the old age as-
2 sistance fund of the State of Iowa the following:

3 To Foster Funeral Home, Webster City, Iowa, the sum of Seventy-

4 five* (\$75.00) in full settlement of all claims it may have against the
5 State of Iowa on account of funeral expenses for burial of Susie
6 Johnson, deceased recipient of old age assistance.

7 To W. O. Carson, Essex, Iowa, the sum of One Hundred Dollars
8 (\$100.00) in full settlement of all claims he may have against the
9 State of Iowa on account of funeral expenses for burial of Martin R.
10 Dean, deceased recipient of old age assistance.

11 To Roberts & Evans, Funeral Directors, Knoxville, Iowa, the sum
12 of One Hundred Dollars (\$100.00) in full settlement of all claims
13 they may have against the State of Iowa on account of funeral ex-
14 penses for burial of Elmer Nichols, deceased recipient of old age
15 assistance.

1 SEC. 2. The State Comptroller is hereby directed to issue his war-
2 rants to the above named parties in the amounts stated, and the State
3 Treasurer is hereby directed to pay said warrants from old age
4 assistance fund of the State of Iowa.

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

Approved March 23, 1943.

CHAPTER 36

APPROPRIATIONS

S. F. 304

AN ACT to make appropriations to Mrs. Anna Clark, Des Moines, Iowa, John R. Gardner, Lisbon, Iowa, Herman W. Walter, Council Bluffs, Iowa, F. J. Pine, Columbus Junction, Iowa, Sanford Zeigler, Jr., Fairfield, Iowa, B. C. Whitehill, Marshalltown, Iowa, J. Kendall Lynes, Plainfield, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the general fund
2 of the State of Iowa, to Mrs. Anna Clark, Des Moines, Iowa, the sum
3 of sixty-eight dollars and twenty-five cents (\$68.25) in full settle-
4 ment of all claims which she may have against the State of Iowa, for
5 injuries sustained by her on September 18, 1941, in connection with a
6 fall at State Historical Building.

1 SEC. 2. There is hereby appropriated out of the general fund of
2 the State of Iowa, to John R. Gardner of Lisbon, Iowa, the sum of
3 twenty dollars (\$20.00) in full settlement of all claims which he may
4 have against the State of Iowa on account of services rendered as
5 member of the Iowa Industrial and Defense Commission.

1 SEC. 3. There is hereby appropriated out of the general fund of
2 the State of Iowa, to Herman W. Walter of Council Bluffs, Iowa, the
3 sum of One hundred sixty dollars (\$160.00) in full settlement of all
4 claims which he may have against the State of Iowa on account of
5 services rendered as a member of Iowa Industrial and Defense Com-
6 mission.

*Note: In accordance with enrolled bill.

1 SEC. 4. There is hereby appropriated out of the general fund of
2 the State of Iowa, to F. J. Pine of Columbus Junction, Iowa, the sum
3 of one hundred ten dollars (\$110.00) in full settlement of all claims
4 which he may have against the State of Iowa on account of services
5 rendered as member of Iowa Industrial and Defense Commission.

1 SEC. 5. There is hereby appropriated out of the general fund of
2 the State of Iowa, to Sanford Zeigler, Jr., of Fairfield, Iowa, the sum
3 of one hundred thirty dollars (\$130.00) in full settlement of all
4 claims which he may have against the State of Iowa on account of
5 services rendered as member of Iowa Industrial and Defense Com-
6 mission.

1 SEC. 6. There is hereby appropriated out of the general fund of the
2 State of Iowa, to B. C. Whitehill, Marshalltown, Iowa, the sum of one
3 hundred thirty dollars (\$130.00), in full settlement of all claims which
4 he may have against the State of Iowa on account of services rendered
5 as member of the Iowa Industrial and Defense Commission.

1 SEC. 7. There is hereby appropriated out of the general fund of
2 the State of Iowa to J. Kendall Lynes, of Plainfield, Iowa, the sum of
3 Three hundred eighty-five dollars (\$385.00) in full settlement of all
4 claims which he may have against the State of Iowa for services as a
5 member of the Iowa School Code Commission.

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

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

Approved March 23, 1943.

CHAPTER 37

APPROPRIATIONS

S. F. 302

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

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

1 SECTION 1. There is hereby appropriated out of the General Fund
2 of the State to the following named persons, the amounts set opposite
3 their respective names, to-wit:

4 Claimant	Address	Claim 5 Number	Nature of 6 Claim	Amount
6 Leo Scholl	Anita, Iowa	H-2	Damage to 7 Hammer Mill	4.29
8 Robert E. Twaites	360 Bryant, 9 Dubuque, Iowa	H-4	Auto damage	29.75

10	B. J. Langdon	Missouri Valley,			
11		Iowa	H-5	Damage to tire	14.89
12	Chicago, Rock Island	Cedar Rapids,			
13	& Pacific Railway Co.	Iowa	H-6	Truck Damage	30.74
14	Harold Alleman	Route #1			
15		Clear Lake, Iowa	H-7	Auto damage	24.66
16	Kenneth Shanks				
17	and Maurice	Nora Springs,			
18	Merritt	Iowa	H-8	Collision	34.50
19	Southeastern Iowa	Packwood,		Damage to	
20	Telephone Company	Iowa	H-9	cable	10.00
21	Anderson	802 West Taylor			
22	Brothers	Creston, Iowa	H-10	Auto damage	1.30
23	Otis Cherry	Curlew, Iowa			
24	Hossack Motor				
25	Company	Emmetsburg, Iowa	H-11	Collision	27.33

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

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

Approved March 23, 1943.

CHAPTER 38

APPROPRIATIONS

S. F. 294

AN ACT to make appropriations to M. D. Synhorst, Orange City, Iowa; James Babcock, Drakesville, Iowa; Esther Deahl, Centerville, Iowa; Ben Brasser, Cherokee, Iowa; Dr. James McKenzie, Baxter, Iowa; M. W. Ellis, receiver of the American Trust and Savings Bank, LeMars, Iowa.

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

1 SECTION 1. There is hereby appropriated out of the General Fund
 2 of the State of Iowa, to M. D. Synhorst, Orange City, Iowa, the sum
 3 of \$150.00 in full settlement of all claims which he may have against
 4 the State of Iowa, for salary, by reason of his enlistment in the
 5 United States Navy.

1 SEC. 2. There is hereby appropriated out of the General Fund of
 2 the State of Iowa, to James Babcock, Drakesville, Iowa, the sum of
 3 \$55.21, in full settlement of all claims which he may have against the
 4 State of Iowa for personal injury suffered by him while cranking
 5 a gasoline engine on the 11th day of August, 1941, at Lake Wapello
 6 State Park, of which he is custodian.

1 SEC. 3. There is hereby appropriated out of the General Adminis-
 2 trative Fund of the Social Welfare Department of the State of Iowa
 3 to Esther Deahl, of Centerville, Iowa, the sum of \$7.50, same to be in
 4 full settlement of all claims which she may have against the State of
 5 Iowa, by reason of expense incurred by her while acting as Director
 6 of Social Welfare in Appanoose County.

1 SEC. 4. There is hereby appropriated out of the General Fund of
 2 the State of Iowa to Ben Brassler of Cherokee, Iowa, the sum of
 3 \$375.00 in full settlement of all claims which he may have against
 4 the State of Iowa for legal fees accrued in his defense as a Highway
 5 Patrolman on charge of false arrest, from which, upon trial, he was
 6 acquitted.

1 SEC. 5. There is hereby appropriated out of the General Fund of
 2 the State of Iowa, to Dr. James McKenzie of Baxter, Iowa, the sum of
 3 \$40.00 in full settlement of all claims which he may have against the
 4 State of Iowa for services performed by him for supervision of dip-
 5 ping sheep affected with scabies.

1 SEC. 6. There is hereby appropriated out of the General Fund of
 2 the State of Iowa, to M. W. Ellis, Receiver of the American Trust and
 3 Savings Bank of LeMars, Iowa, the sum of \$714.55, being in full set-
 4 tlement of all claims which he may have against the State of Iowa,
 5 by reason of a note and interest on same, given by Company K, 133
 6 Infantry, Iowa National Guard to the above named bank.

1 SEC. 7. The State Comptroller is hereby authorized to issue war-
 2 rants to the above named parties in the amounts stated in the preced-
 3 ing sections, and the Treasurer is hereby directed to pay the same
 4 from the General Fund of the State of Iowa. The acceptance of said
 5 amounts by the above named parties shall be in full settlement of all
 6 claims against the State of Iowa, growing out of their respective
 7 claims above described.

Approved March 30th, 1943.

CHAPTER 39 APPROPRIATIONS

S. F. 293

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

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

1 SECTION 1. There is hereby appropriated out of the General Fund
 2 of the State of Iowa to the following named persons the amounts set
 3 opposite their respective names, to-wit:

Claimant	Address	Claim Number	Nature of Claim	Amount
F. L. T. Edwards	Storm Lake, Iowa	H-13	Collision	\$24.95
Murry D. Johnson	Coin, Iowa	H-14	Collision	12.09
Henry Meinders	Latimer, Iowa	H-15	Collision	28.40
Dell Johnson	Cedar Rapids, Iowa	H-16	Collision	35.15

11	Warren E. Clark	Rockwell, Iowa	H-17	Collision	30.39
12	Central Iowa Oil				
13	Company	Ames, Iowa	H-18	Neon sign damage	3.50
14	Dr. O. F. Cox	Mallard, Iowa	H-19	Collision	9.00
15	Ralph Waterman	Waverly, Iowa	H-20	Collision	40.75
16	David Lewis	Mystic, Iowa	H-21	Collision	50.00
17	Rev. H. H. Steege	Garnavillo, Iowa	H-22	Collision	300.00
18	Marcus P. Floy	Thornton, Iowa	H-48	Loss of Hog	10.00
19	Fred Webber	Kent, Iowa	H-73	Injury to Horse	48.50
20	Mrs. Archer Myher	Estherville, Iowa	H-76	Collision	71.72
21	Joe Ford	Afton, Iowa	H-78	Collision	28.28
22	Ed Smid	Kamrar, Iowa	H-80	Damage to	
23				water main	8.05
24	L. C. Chase	Logan, Iowa	H-81	Collision	9.00
25	Joe Hansen	1425 Dodge Street	H-83	Auto damage	4.87
26		Dubuque, Iowa			
27	W. G. Block				
28	Company	Burlington, Iowa	H-90	Collision	43.76
29	Joseph Kjose	Elgin, Iowa	H-91	Collision	63.38

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

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

Approved March 23, 1943.

CHAPTER 40

APPROPRIATION TO MUSCATINE COUNTY TO PAY DRAINAGE ASSESSMENTS

S. F. 119

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

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

1 SECTION 1. There is hereby appropriated to Muscatine County,
 2 Iowa, the sum of One thousand four hundred eighteen dollars and
 3 eighty-eight cents (\$1,418.88) in payment of special assessments for
 4 drainage purposes imposed upon lands owned by the state of Iowa in
 5 Drainage District No. 13 of Muscatine, Iowa.

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

Approved March 17th, 1943.

GENERAL LAWS

CHAPTER 41

JURISDICTION OVER FEDERAL ACQUIRED REAL ESTATE IN IOWA

H. F. 136

AN ACT to amend sections four (4) and four and five-tenths (4.5), code, 1939, relating to federal acquirements of real estate within the state and jurisdiction thereover.

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

1 SECTION 1. Section four (4), Code, 1939, is hereby amended by
2 striking all of line four (4) after the word "exercise" and by substi-
3 tuting therefor the following: "jurisdiction thereover but not to the
4 extent of limiting the provisions of the laws of this state."

1 SEC. 2. Section four and five tenths (4.5), Code, 1939, is hereby
2 amended by inserting after the word "state" in line ten (10) the
3 following: ", and may exercise jurisdiction thereover but not to the
4 extent of limiting the provisions of the laws of this state. This sec-
5 tion shall not, in any manner or to any extent, modify, limit or affect
6 the title and ownership of the state to all wildlife as provided in sec-
7 tion seventeen hundred four (1704), Code, 1939."

Approved February 25th, 1943.

CHAPTER 42

COMPENSATION OF CHAPLAINS OF THE GENERAL ASSEMBLY

H. F. 65

AN ACT to amend section nineteen (19), code, 1939, relating to compensation of officers, employees and chaplains of the General Assembly.

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

1 SECTION 1. Section nineteen (19), Code, 1939, is amended by add-
2 ing after the second "the" in line one (1) the word "chaplains," and
3 by inserting a comma after the word "officers" in line one (1), and by
4 inserting after the word "such" in line six (6) the word "chaplains,"
5 and by inserting a comma after the word "officers" in lines six (6) and
6 seven (7).

Approved March 24, 1943.

CHAPTER 43

COMMITTEE ON RETRENCHMENT AND REFORM

S. F. 21

AN ACT to amend section thirty-nine (39), code, 1939, relating to the committee on retrenchment and reform.

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

1 SECTION 1. Section Thirty-nine (39), Code of Iowa, 1939, is
2 amended by striking all of said section and substituting in lieu thereof
3 the following:

4 "The chairman of the committees on Appropriations, Judiciary and
5 Ways and Means of the Senate and House of Representatives, respec-
6 tively, and two members from the Senate, to be appointed by the
7 President of the Senate, and two members of the House, to be ap-
8 pointed by the Speaker of the House, at each regular session of the
9 General Assembly, shall constitute a standing committee on Retrench-
10 ment and Reform. In the event there shall be more than one committee
11 on Appropriations, Judiciary or Ways and Means, in either the House
12 or the Senate, the Speaker of the House, or the President of the Senate,
13 as the case may be, shall designate which chairman of the two or more
14 committees on Appropriations, Judiciary or Ways and Means shall
15 sit on the Committee on Retrenchment and Reform. Any vacancy
16 occurring in the membership of the committee on Retrenchment and
17 Reform while the General Assembly is not in session shall be filled by
18 the presiding officer of the House in the event the vacancy occurs
19 in the membership of said committee from the House, and by the
20 President of the Senate in the event the vacancy occurs in the member-
21 ship of said committee from the Senate, provided, that in the event
22 such vacancy is from the chairmanship of either the committee on
23 Appropriations, Judiciary or Ways and Means, the appointment shall
24 be made from the membership of a standing committee of the House
25 or Senate, as the case may be, of the same designation as that by which
26 the member, whose place is vacant, qualified for membership on the
27 committee on Retrenchment and Reform."

1 SEC. 2. This act being deemed of immediate importance, shall be
2 in full force and effect from and after its publication in the Newton
3 Daily News, a newspaper published at Newton, Iowa, and the Ames
4 Daily Tribune, a newspaper published at Ames, Iowa.

Approved March 31st, 1943.

I hereby certify that the foregoing act was published in the Newton Daily News,
Newton, Ia., April 2, 1943, and the Ames Daily Tribune, Ames, Ia., April 2, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 44

ESTABLISHING A GENERAL FUND

S. F. 386

AN ACT to establish a general fund for the state of Iowa.

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

1 SECTION 1. The amount derived from taxes levied for state general
2 revenue purposes, and all other sources which are available for appro-
3 priations for general state purposes, and all other money in the state
4 treasury which is not by law otherwise segregated, shall be established
5 as a general fund of this state.

Approved April 10th, 1943.

CHAPTER 45

CREATION OF A STATE GENERAL CONTINGENT FUND AND EMERGENCY
RELIEF FUND

S. F. 345

AN ACT to provide for the disposition of the balance in the Iowa emergency relief fund, created in chapter one hundred forty-two (142) acts of the 49th General Assembly, by creating therefrom a general contingent fund and an Iowa emergency relief fund, both for the ensuing biennium and providing for the administration of said funds.

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

1 SECTION 1. Notwithstanding any provision for reversion or trans-
2 fer in section eighty-four and twenty-six hundredths (84.26) and
3 eighty-four and twenty-seven hundredths (84.27) as amended, revised
4 and codified by Chapter 62 (Senate File 514) Acts of the 49th General
5 Assembly, the balance existing on June 30th, 1943, in the Iowa Emer-
6 gency Relief Fund from funds paid into it under the provisions of
7 Chapter 142 (Senate File 245) Acts of the 49th General Assembly,
8 is hereby transferred to the funds created by and in the amounts set
9 out in sections two (2) and three (3) of this act.

1 SEC. 2. The General Contingent Fund of the State for the biennium
2 beginning July 1st, 1943, and ending June 30th, 1945, is hereby created
3 and said fund shall consist of the sum of six hundred thousand dollars
4 (\$600,000.00) transferred to it from the balance referred to in section
5 one (1) of this act. Said fund shall be administered by the joint
6 committee on retrenchment and reform and allocations therefrom may
7 be made only for contingencies arising during the biennium which
8 are legally payable from the funds of the state. No allocation from
9 said fund shall be made for the administration of or carrying out the
10 provisions of any act passed by the 50th General Assembly which
11 does not contain an appropriation. Nor shall the committee on
12 retrenchment and reform allocate any funds for any purpose or
13 project which was or should have been presented to the General
14 Assembly by way of a bill and which failed to become enacted into
15 law. A report of the dispositions made of the fund during the first

16 eighteen months of the biennium shall be made by the committee on
 17 retrenchment and reform to the State Comptroller prior to the con-
 18 vening of the 51st General Assembly and by him included in the
 19 printed budget. Any balance in said contingent fund as of June 30,
 20 1945, shall revert to the general fund of the state.

1 SEC. 3. The Iowa Emergency Relief Fund for the biennium begin-
 2 ning July 1, 1943 and ending June 30, 1945, is hereby created and said
 3 fund shall consist of the balance referred to in section one (1) hereof
 4 after the creation of the contingent fund provided for by section two
 5 (2) hereof, which shall be transferred to it and said Iowa Emergency
 6 Relief Fund shall be administered by the State Board of Social
 7 Welfare. Said fund shall exist for the purpose of caring for the
 8 unemployed and needy persons of the state, provided that before
 9 any county can receive aid from said fund, such county must have
 10 levied the maximum authorized by law for poor relief.

1 SEC. 4. This act shall go into effect on June 30th, 1943, following
 2 its publication in the Clinton Herald, a newspaper published at Clinton,
 3 Iowa, and in the Boone News-Republican, a newspaper published at
 4 Boone, Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Clinton Herald, Clinton,
 Ia., April 12, 1943, and the Boone News-Republican, Boone, Ia., April 13, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 46

STATE APPEAL BOARD

S. F. 356

AN ACT to amend chapter sixty-one (61) Acts of the Forty-ninth (49th) General Assem-
 bly relating to claims between the state of Iowa and others.

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

1 SECTION 1. Section four (4) of Chapter sixty-one (61) Acts of
 2 the forty-ninth (49th) General Assembly is amended by substituting
 3 a comma (,) for the period (.) in line five (5) after the word "Board"
 4 and adding thereafter the following, "and on any other claims or
 5 matters which the State Appeal Board or the Attorney General may
 6 direct.", and also by striking from lines five (5) and six (6) the
 7 following, "a compensation of not to exceed twenty-four hundred
 8 dollars (\$2400.00) per year" and inserting in lieu thereof the
 9 following, "such compensation as shall be fixed by the State Appeal
 10 Board and approved by the Governor,".

Approved April 8, 1943.

CHAPTER 47

STOPPAGE OF PAYMENT ON STATE WARRANTS UNREDEEMED WITHIN
SIX MONTHS

S. F. 383

AN ACT to provide for the cancellation and stoppage of payment on all state warrants unredeemed within six months of the date of issuance and to provide that the holders of such warrants shall have a claim against the state.

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

1 SECTION 1. The state comptroller shall stop payment on and
2 make void all state warrants dated prior to January 1, 1943, and
3 unredeemed by the state treasurer by June 30, 1943, and the state
4 treasurer shall not redeem any such warrant thereafter.

1 SEC. 2. On the first day of each quarter of each fiscal year of
2 the state the state comptroller shall stop payment on and make
3 void all state warrants dated six months or more prior to that date,
4 and the state treasurer shall not redeem any such warrant there-
5 after. Duplicates of all such warrants shall be issued by the state
6 comptroller and cancelled at once, and a list thereof furnished the
7 state treasurer.

1 SEC. 3. Upon presentation of any warrant voided as above pro-
2 vided by the holder thereof after said six months period, the state
3 comptroller is hereby authorized to issue to said holder a new war-
4 rant for the amount of the original check.

Approved April 20, 1943.

CHAPTER 48

REDUCTION OF TIME FOR REVERSION OF BALANCES TO THE GENERAL
FUND AND FILING CLAIM AGAINST THE STATE

S. F. 382

AN ACT to amend chapter sixty-two (62), acts of the Forty-ninth (49th) General Assembly, and section eighty-four and thirteen hundredths (84.13), code, 1939, to reduce, from six months to three months, the time when unencumbered balances of appropriations shall revert to the general fund at the end of the biennial fiscal term and to correspondingly reduce the time in which to file a claim against the state.

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

1 SECTION 1. Section one (1) of chapter sixty-two (62), Acts
2 of the Forty-ninth (49th) General Assembly, is amended by striking
3 from line thirteen (13) the words and figures, "December 31" and
4 inserting in lieu thereof the words, "September 30".

1 SEC. 2. Section two (2) of chapter sixty-two (62) Acts of the
2 Forty-ninth (49th) General Assembly, is amended by striking from
3 line six (6) the word, "six" and inserting in lieu thereof the word,
4 "three".

1 SEC. 3. Section eighty-four and thirteen hundredths (84.13),
 2 Code, 1939, is amended by striking from line three (3) of subsection
 3 one (1) the word "six" and inserting in lieu thereof the word, "three".

Approved April 20, 1943.

CHAPTER 49

APPROVAL OF STATE EMPLOYEE'S COMPENSATION

S. F. 347

AN ACT relating to the approval of compensation of employees of the state during the biennial fiscal period beginning July 1, 1943, and ending June 30, 1945.

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

1 SECTION 1. During the biennium beginning July 1, 1943, and end-
 2 ing June 30, 1945, the compensation paid employees of the state from
 3 appropriations made by the General Assembly, except employees of
 4 institutions under the State Board of Education, and except salaries
 5 specifically provided for by statute or appropriation act, shall be sub-
 6 ject to the approval of the Comptroller and the Governor.

Approved April 5, 1943.

CHAPTER 50

COMMISSIONS REGISTERED WITH THE SECRETARY OF STATE

H. F. 56

AN ACT to amend section eighty-seven (87), code, 1939, relating to the record of commissions filed with the secretary of state.

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

1 SECTION 1. That section eighty-seven (87), Code, 1939, be and the
 2 same is hereby amended by inserting after the word "office" in line
 3 six (6) thereof the words, "and forthwith forward to the state comp-
 4 troller a copy of said registration..'

Approved February 25th, 1943.

CHAPTER 51

COMPENSATION OF STATE EXAMINERS OF ACCOUNTS

H. F. 362

AN ACT to amend chapter 65, acts of the 49th General Assembly, relating to compensation of county, municipal, and school examiners, and their assistants.

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

1 SECTION 1. Chapter 65, Acts of the 49th General Assembly, is
 2 hereby amended by striking from line four (4) of section one (1) of
 3 said chapter, the following: "seven dollars (\$7.00)" and substituting
 4 in lieu thereof the words "eight dollars".

1 SEC. 2. This act shall be in force and effect until June 30, 1945.

Approved April 20, 1943.

CHAPTER 52

AUDIT OF CITIES AND SCHOOL DISTRICTS

H. F. 153

AN ACT to amend sections one hundred twenty-four (124) and one hundred twenty-four and one-tenth (124.1) of the 1939 code of Iowa relating to audits of cities and school districts and providing for filing of reports with the auditor of state.

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

1 SECTION 1. Amend section one hundred twenty-four (124) of the
2 1939 Code by adding to first paragraph as follows:
3 "If the city or school district elect to have the audit made by cer-
4 tified or registered public accountants, they must so notify the
5 auditor of state within sixty days after the close of the fiscal year
6 to be examined. If any city or school district does not file such
7 notification with the auditor of state within the required period, the
8 auditor of state is authorized to make the examination and cover
9 any period which has not been previously examined."

1 SEC. 2. Amend section one hundred twenty-four and one-tenth
2 (124.1) of the 1939 Code as follows: Strike out the last four lines
3 and insert in lieu thereof the following:
4 "Upon completion of such examination, a signed copy thereof
5 shall be filed by the accountant employed, with the auditor of state
6 within sixty days from the time that the report is filed with the city
7 or school district. If any report is not filed within the specified time,
8 the auditor of state shall make a demand upon the accountant
9 employed. Failure to file the report within ten days after such
10 demand is made shall bar such accountant from making any city
11 or school audits thereafter under the provisions of section one
12 hundred and twenty-four (124)."

Approved April 8, 1943.

CHAPTER 53

TRANSFER FROM PUBLIC DEPOSIT FUND TO STATE GENERAL FUND

S. F. 48

AN ACT to provide for the transfer of funds from "the state sinking fund for public deposits" to the state general fund.

WHEREAS the legislature caused to be placed in the state sinking fund for public deposits in the years 1933 to 1940, the sum of seven million, eight hundred one thousand, five hundred forty-two dollars, eighty-nine cents (\$7,801,542.89) of state license fees and taxes received from beer in order to hurry up the payment of claims against such fund; and

WHEREAS there is now a balance in said fund of two million, five hundred sixty-seven thousand, eight hundred nineteen dollars, thirty-six cents (\$2,567,819.36) with no outstanding claims; and

WHEREAS the taxpayers of Iowa would welcome all possible relief from taxes, therefore

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

- 1 SECTION 1. The State Treasurer is hereby ordered to transfer the
- 2 sum of two million dollars (\$2,000,000.00) from the state sinking fund
- 3 for public deposits to the state general fund.

Approved March 30th, 1943.

CHAPTER 54

STOPPAGE OF PAYMENT ON STATE TREASURY CHECKS UNREDEEMED WITHIN SIX MONTHS

S. F. 384

AN ACT to provide for the cancellation and stoppage of payment on all treasury checks unredeemed within six months of the date of issuance and to provide that the holders of such checks shall have a claim therefor against the state.

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

- 1 SECTION 1. The state treasurer shall stop payment on and make
- 2 void all treasury checks dated prior to January 1, 1943, and un-
- 3 redeemed by the state treasurer by June 30, 1943, and the state
- 4 treasurer shall not redeem any such check thereafter.

- 1 SEC. 2. On the first day of each quarter of each fiscal year of
- 2 the state the state treasurer shall stop payment on and make void
- 3 all treasury checks dated six months or more prior to that date,
- 4 and the state treasurer shall not redeem any such check thereafter.

- 1 SEC. 3. Upon presentation of any check voided as above pro-
- 2 vided by the holder thereof after said six months period, the state
- 3 treasurer is hereby authorized to issue to said holder, a new check
- 4 for the amount of the original check.

Approved April 20, 1943.

CHAPTER 55

SESSION LAWS

S. F. 227

AN ACT to amend chapter fifteen (15) and chapter thirteen (13), code, 1939, relating to the preparation of the laws, acts, and joint resolutions passed at each session of the General Assembly, transferring the preparation and indexing of the laws, acts and joint resolutions passed at each session of the General Assembly from the superintendent of printing to the reporter of the supreme court and code editor.

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

- 1 SECTION 1 Section two hundred fifteen (215), Code, 1939, is
- 2 amended by striking all of sub-paragraph numbered eleven (11)
- 3 thereof.

1 SEC. 2 Sections two hundred twenty-one and one-tenth (221.1),
 2 two hundred twenty-one and two-tenths (221.2), two hundred twenty-
 3 one and three-tenths (221.3), two hundred twenty-one and four-tenths
 4 (221.4), two hundred twenty-one and five-tenths (221.5), and two
 5 hundred twenty-one and six-tenths (221.6), Code, 1939, are hereby
 6 repealed.

1 SEC. 3. Section one hundred fifty-six (156), Code, 1939, is amend-
 2 ed by adding thereto the following numbered sub-paragraph:
 3 "5. Prepare the manuscript copy of all laws, acts and joint resolutions
 4 passed at each session of the general assembly, and arrange the same
 5 in chapters with comprehensive index and in such manner that each
 6 chapter will show the number of the house or senate file, and cause
 7 the same to be printed by the Superintendent of Printing. In so doing
 8 the code editor shall have the right to the possession of the enrolled
 9 acts and shall have sole charge of the editing and proof reading not-
 10 withstanding the provisions of section two hundred sixteen (216) of
 11 Code, 1939."

1 SEC. 4. Chapter thirteen (13), Code, 1939, is amended by adding
 2 thereto the following:

3 1. The size, style, type, binding, general arrangement and tables
 4 of the published acts of the forty-ninth (49th) general assembly shall
 5 be substantially followed in the future publication of the session laws.

6 2. The acts of each general assembly shall, as nearly as possible,
 7 be arranged in said published volume in the same consecutive order
 8 in which the same or similar subject matters are arranged in the Code.

9 3. The secretary of state shall prepare and deliver to the code
 10 editor for insertion in each published volume of session laws, a correct
 11 list of state officers and deputies, judges of the supreme, district,
 12 superior and municipal courts and members of the general assembly.

13 4. There shall also be inserted in each volume of the session laws,
 14 the statement of the condition of the state treasury as provided by
 15 the constitution. Said statement shall be furnished by the state comp-
 16 troller.

17 5. The enrolling clerks of the house and senate shall make arrange-
 18 ments whereby the code editor will receive suitable copies of all acts
 19 and resolutions as soon as the same are enrolled."

Approved April 8, 1943.

CHAPTER 56

PUBLICATION OF NEW EDITIONS OF THE IOWA CODE

S. F. 192

AN ACT to amend sections one hundred fifty-six (156), one hundred seventy (170) and one hundred seventy-one (171), code, 1939, relating to the publication of new editions to the code of Iowa.

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

1 SECTION 1. Strike from lines one (1) and two (2) of sub-section
 2 two (2) of section one hundred fifty-six (156), Code, 1939, the word
 3 "even-numbered" and insert in lieu thereof the word "odd-numbered".

1 SEC. 2. Strike from line three (3) of section one hundred seventy
2 (170), Code, 1939, the word "even-numbered" and insert in lieu
3 thereof the word "odd-numbered".

1 SEC. 3. Amend section one hundred seventy-one (171), Code,
2 1939, by adding thereto the following:

3 "All new editions of the code may be printed in one or two volumes
4 as shall be determined by the majority of a committee consisting of
5 the code editor, the chief justice of the supreme court and the super-
6 intendent of printing."

1 SEC. 4. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Manchester
3 Press, a newspaper published at Manchester, Iowa, and in the Villisca
4 Review, a newspaper published at Villisca, Iowa.

Approved March 30th, 1943:

I hereby certify that the foregoing act was published in the Manchester Press, Man-
chester, Ia., April 8, 1943, and the Villisca Review, Villisca, Ia., April 8, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 57

THE CODE OF IOWA

H. F. 29

AN ACT to amend section one hundred and sixty-eight (168), code, 1939, relating to the style of the code of Iowa.

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

1 SECTION 1. Section one hundred sixty-eight (168), Code, 1939,
2 is amended by striking from line five (5) the word "thirty-seven"
3 and inserting in lieu thereof the word "thirty-six".

1 SEC. 2. Further amend said section by striking from lines six
2 (6) and seven (7) the words "nine point type solid" and inserting in
3 lieu thereof the words "eight point type on a nine point base".

Approved February 4, 1943.

CHAPTER 58

STATE CAR DISPATCHER

H. F. 296

AN ACT to amend section three hundred eight and three-tenths (308.3), code, 1939, relating to the duties of the state car dispatcher and to the purchase of motor vehicles by the state car dispatcher.

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

1 SECTION 1. Section three hundred eight and three-tenths (308.3),
2 Code, 1939, is hereby amended by striking the words "one thousand"
3 in line thirteen (13) of subsection four (4) and by inserting in lieu
4 thereof the words "twelve hundred".

- 1 SEC. 2. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its passage and publication in the
 3 Nonpareil, a newspaper published in Council Bluffs, Iowa, and in The
 4 Humboldt Republican, a newspaper published in Humboldt, Iowa.

Approved March 19th, 1943.

I hereby certify that the foregoing act was published in the Nonpareil, Council Bluffs, Ia., March 24, 1943, and The Humboldt Republican, Humboldt, Ia., March 26, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 59

LOCAL BUDGET LAW EMERGENCY FUND

H. F. 186

AN ACT to amend section three hundred seventy-three (373), code, 1939, relating to the emergency fund, the method of transfer therefrom, and the vote necessary for said transfer to any other fund of the municipality for the purpose of meeting deficiencies.

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

- 1 SECTION 1. Section three hundred seventy-three (373), Code, 1939,
 2 is amended by striking from line eighteen (18) the word "unanimous-
 3 ly" and by inserting in line nineteen (19) after the word "by" the
 4 words "a two-thirds vote of".

- 1 SEC. 2. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication in
 3 the Van Buren Record and Keosauqua Republican, a newspaper pub-
 4 lished in Bonaparte, Iowa, and in the Adams County Free Press, a
 5 newspaper published at Corning, Iowa.

Approved February 17th, 1943.

I hereby certify that the foregoing act was published in the Van Buren Record and Keosauqua Republican, Bonaparte, Ia., February 25, 1943, and the Adams County Free Press, Corning, Ia., February 25, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 60

CENSUS

H. F. 79

AN ACT to amend sections sixty-three (63), four hundred twenty-nine (429), five thousand one hundred thirteen (5113), five thousand two hundred twenty-eight (5228), five thousand four hundred sixty-six (5466), five thousand six hundred twenty-four (5624), five thousand seven hundred ninety-one (5791), five thousand eight hundred thirteen and one tenth (5813.1), five thousand eight hundred thirteen and two tenths (5813.2), six thousand two hundred seventy-eight and one tenth (6278.1), six thousand three hundred twenty-seven (6327), six thousand four hundred thirty (6430), six thousand four hundred seventy-nine (6479), six thousand four hundred eighty-one (6481), six thousand five hundred seventeen (6517), six thousand five hundred eighty-seven (6587), six thousand six hundred one (6601), six thousand six hundred nine (6609), six thousand six hundred thirty-five (6635), six thousand six hundred ninety-one (6691), six thousand seven hundred eighty-two (6782), six

thousand eight hundred nine (6809), six thousand eight hundred eighteen (6818), six thousand eight hundred nineteen (6819), twelve thousand seven hundred seventy-two and one-tenth (12772.1), code, 1939, all relating to a state census.

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

1 SECTION 1. Section sixty-three (63), Code, 1939, is amended
2 by striking from line four (4) of sub-section twenty-six (26)
3 thereof, the words "state or".

1 SEC. 2. Section four hundred twenty-nine (429), Code, 1939,
2 is amended by striking from lines four (4) and five (5) thereof,
3 the words and punctuation "whether the same be a state or national
4 census,".

1 SEC. 3. Section five thousand one hundred thirteen (5113),
2 Code, 1939, is amended by striking from line twelve (12) thereof,
3 the word "state", and inserting in lieu thereof the word "federal".

1 SEC. 4. Section five thousand two hundred twenty-eight (5228),
2 Code, 1939, is amended by striking from line twenty-six (26)
3 thereof, the words "or state".

4 Further amend said section by striking from line thirty-five (35)
5 thereof, the words "or state".

1 SEC. 5. Section five thousand four hundred sixty-six (5466),
2 Code, 1939, is amended by striking from line five (5) thereof, the
3 words "state or".

1 SEC. 6. Section five thousand six hundred twenty-four (5624),
2 Code, 1939, is amended by striking from line two (2) thereof, the
3 words "state or".

1 SEC. 7. Section five thousand seven hundred ninety-one (5791),
2 Code, 1931, is amended by striking from line six (6) thereof, the
3 words "state or".

1 SEC. 8. Section five thousand eight hundred thirteen and one
2 tenth (5813.1), Code, 1939, is amended by striking from line five
3 (5) thereof, the words "state or".

1 SEC. 9. Section five thousand eight hundred thirteen and two
2 tenths (5813.2), Code, 1939, is amended by striking from line five
3 (5) thereof, the words "state or".

1 SEC. 10. Section six thousand two hundred seventy-eight and
2 one tenth (6278.1), Code, 1939, is amended by striking from line
3 seven (7) thereof, the word "state" and inserting in lieu thereof
4 the word "federal".

1 SEC. 11. Section six thousand three hundred twenty-seven (6327),
2 Code, 1939, is amended by striking from line eight (8) thereof,
3 the words "state or".

1 SEC. 12. Section six thousand four hundred thirty (6430),
2 Code, 1939, is amended by striking from line three (3) thereof, the
3 words "state or".

1 SEC. 13. Section six thousand four hundred seventy-nine (6479),
2 Code, 1939, is amended by striking from line two (2) thereof, the

3 words "state or national" and inserting in lieu thereof, the word
4 "federal".

1 SEC. 14. Section six thousand four hundred eighty-one (6481),
2 Code, 1939, is amended by striking from line four (4) thereof, the
3 words "state or national" and inserting in lieu thereof, the word
4 "federal".

1 SEC. 15. Section six thousand five hundred seventeen (6517),
2 Code, 1939, is amended by striking from lines four (4) and five (5)
3 thereof, the words "state or national" and inserting in lieu thereof,
4 the word "federal".

1 SEC. 16. Section six thousand five hundred eighty-seven (6587),
2 Code, 1939, is amended by striking from line four (4) thereof, the
3 words "United States or state" and inserting in lieu thereof the
4 word "federal".

1 SEC. 17. Section six thousand six hundred one (6601), Code,
2 1939, is amended by striking from line seven (7) thereof, the words
3 "state or".

1 SEC. 18. Section six thousand six hundred nine (6609), Code,
2 1939, is amended by striking from line five (5) thereof, the word
3 "state" and inserting in lieu thereof the word "federal".

1 SEC. 19. Section six thousand six hundred thirty-five (6635),
2 Code, 1939, is amended by striking from line five (5) thereof, the
3 words "or state".

1 SEC. 20. Section six thousand six hundred ninety-one (6691),
2 Code, 1939, is amended by striking from line four (4) thereof, the
3 words "state or national" and inserting in lieu thereof the word
4 "federal".

1 SEC. 21. Section six thousand seven hundred eighty-two (6782),
2 Code, 1939, is amended by striking from lines two (2) and three
3 (3) thereof, the words "state or national" and inserting in lieu
4 thereof the word "federal".

1 SEC. 22. Section six thousand eight hundred nine (6809), Code,
2 1939, is amended by striking from line five (5) thereof, the word
3 "state" and inserting in lieu thereof the word "federal".

1 SEC. 23. Section six thousand eight hundred eighteen (6818),
2 Code, 1939, is amended by striking from line three (3) thereof, the
3 the words "state or".

4 Further amend said section by striking from line six (6) thereof,
5 the words "state or".

1 SEC. 24. Section six thousand eight hundred nineteen (6819),
2 Code, 1939, is amended by striking from line four (4) thereof, the
3 words "state or".

1 SEC. 25. Section twelve thousand seven hundred seventy-two
2 and one tenth (12772.1), Code, 1939, is amended by striking from
3 line three (3) thereof, the words "state or".

Approved February 16th, 1943.

CHAPTER 61

IOWA EMERGENCY WAR ACT OF 1943

S. F. 240

AN ACT to provide for the protection of the lives and property of the people of the state of Iowa and to contribute to the national defense; to repeal chapter 75 of the Acts of the 49th General Assembly; to provide for the creation of the legislative committee on national defense coordination; to provide for the creation of the Iowa Industrial and Defense Commission and defining its powers and duties; to provide for the creation of the office of coordinator of civilian defense; to provide for the creation of county and local defense councils and defining their powers and duties; to authorize county boards of supervisors and cities and towns, including special charter cities and cities under the commission form of government to appropriate money for civilian defense and to carry out the purposes of this act; to provide for limitation of liability of the state, cities, towns and counties and officials thereof; to legalize acts and expenditures of the Iowa Industrial and Defense Commission and cities, towns, counties and school districts; to provide emergency war powers for the Governor, to empower governing bodies of cities and towns, including special charter cities and cities under the commission form of government to enact ordinances pertaining to defense and the war effort; to provide for penalties for the unlawful display of lights and use of streets and alleys and highways without permission of the Governor, state coordinator of defense or local defense corps ordering or proclaiming a blackout or practice blackout; to provide for increasing penalties for crimes committed during blackouts or practice blackouts and for larceny of property subject to rationing; to provide for coordination with regulations of the armed forces of the United States and providing for the appropriation of funds and the disbursement thereof to carry out the purposes of this act.

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

1 SECTION 1. Short title.

2 This Act shall be known and may be cited as the "Iowa Emergency
3 War Act of 1943".

1 SEC. 2. Declaration of policy.

2 On account of the war in which the United States of America is now
3 engaged, it is hereby declared that it is necessary to grant to the
4 Governor, and to other branches of government, the emergency war
5 powers and authorities hereinafter set forth. It is declared to be the
6 purpose of this Act, and the policy of the State of Iowa, to assist the
7 President of the United States as Commander in Chief of its armed
8 forces in the successful prosecution of the war; to cooperate with the
9 Federal Government and the several other States in the war effort;
10 to meet the extraordinary conditions and problems arising in this
11 State as a result of the war; and to establish and maintain such
12 organized effort as is necessary and proper generally to defend the
13 State of Iowa, procure the peace, health and safety, and preserve the
14 lives and property of its citizens.

1 SEC. 3. Iowa industrial and defense commission.

2 Chapter 75 of the Acts of the 49th General Assembly is hereby
3 repealed and there is hereby created and established, The Iowa
4 Industrial and Defense Commission for the general purposes of pro-
5 viding for the defense of the persons and property of the citizens of
6 this State, and the promotion and coordination of all activities relating
7 to the war effort, to the end that the lives and property of the citizens
8 of this State may be made more secure and their maximum cooperation
9 toward winning the war may be obtained.

1 SEC. 4. Membership.

2 The Iowa Industrial and Defense Commission shall be composed of
3 fifteen representative citizens of the State, appointed by the Governor,
4 who shall name one of them as Chairman of said Commission; and
5 in addition the Attorney General, the Adjutant General; and a Legis-
6 lative Committee on National Defense Coordination, from the mem-
7 bership of the 50th General Assembly, of whom two shall be the Chair-
8 men of the National Defense Committees of the House and Senate, and
9 one additional member shall be selected each by the Speaker of the
10 House of Representatives and the President of the Senate. All mem-
11 bers of the Commission, with the exception of those from the Legisla-
12 ture, and the Attorney General and Adjutant General, shall serve at
13 the pleasure of the Governor. In case of a vacancy in the Legislative
14 Committee, the presiding officer of the Legislature in which such
15 vacancy occurs, shall fill such vacancy. The Governor may appoint
16 technical advisors for the Commission, upon request of the Commis-
17 sion Chairman, or whenever he deems it necessary.

1 SEC. 5. Compensation.

2 The members of the Commission shall serve without compensation,
3 but shall be reimbursed for their actual and necessary expenses in-
4 curred in connection with the attendance of meetings of the State Com-
5 mission; or in the discharge of their duties as members thereof away
6 from their respective places of residence; as designated by the Chair-
7 man of the Commission.

1 SEC. 6. Office and equipment.

2 The Iowa Industrial and Defense Commission shall be provided with
3 appropriate office space, furniture, equipment, supplies, stationery
4 and printing, in the same manner as other State offices are supplied.

1 SEC. 7. Powers and duties.

2 The Iowa Industrial and Defense Commission shall have the follow-
3 ing powers and duties:

4 (a) To determine the time and places of its own meetings and to
5 prescribe its own rules of procedure.

6 (b) To cooperate with the President of the United States and with
7 all branches and agencies of the Federal Government having to do
8 with civilian or military defense or preparedness.

9 (c) To cooperate with similar defense agencies of other States of
10 the United States.

11 (d) To establish, regulate, assist in the maintenance of and to
12 cooperate with County and Local Defense Councils in the several com-
13 munities within the State.

14 (e) To supervise and approve the establishment and maintenance
15 of an adequate Citizens Defense Corps and a Citizens Service Corps
16 in the several communities within the State.

17 (f) To correlate all civilian war activity throughout the State in
18 order to avoid duplication and to provide the greatest degree of effi-
19 ciency.

20 (g) To establish plans for the defense of the lives, health and
21 welfare of the citizens of this State, and to safeguard them from
22 attack, and for the protection of the property of the State and its
23 citizens; including plans for the evacuation of residents from any

24 area and to care for evacuees and other victims of disaster; to plan
25 for the mobilization and interchange of police, fire and other protective
26 services between communities of the State; for the promotion of the
27 agricultural and industrial facilities of the State, and in general any
28 and all other plans which may be deemed proper or necessary to effect
29 the purposes of this Act.

30 (h) To direct the making of studies and surveys on all matters
31 within the State of Iowa which are or may be directly related to or
32 necessary to National Defense, including but not limited to; natural
33 resources, raw materials, industrial materials, manufacturing facili-
34 ties, agriculture, food and war supplies, consumers protection, Emer-
35 gency Medical Service, mobilization and coordination of police, fire,
36 sanitary services and utilities, maintenance of law and order, sabo-
37 tage, subversive activities and all other subjects which may be deemed
38 relevant to the war effort by the State Commission.

39 (j) To create committees either within or without its membership
40 to aid it in the discharge of its duties.

41 (k) To require and receive the assistance of any branch of the
42 State or local government or their officers or employees in carrying
43 out the provisions of this act.

44 (l) In general to take over, continue and supersede the work and
45 services of the Iowa Industrial and Defense Commission, created by
46 the 49th General Assembly, and to take over any unexpended balances
47 in the appropriation made by the 49th General Assembly for said
48 Iowa Industrial and Defense Commission, from the time this act
49 takes effect. Any balances still remaining unexpended in aforesaid
50 appropriation on June 30, 1943, shall revert to the general fund of
51 the State.

52 (m) To promulgate such orders, rules and regulations in coopera-
53 tion with the military authority of the Federal Government and with
54 the Office of Civilian Defense, as may be deemed necessary to organize,
55 maintain and operate complete protective services including aircraft
56 warning, observation and listening posts, information and control
57 centers, air raid warning facilities, the planning and execution of
58 blackouts, practice blackouts, air raid drills and all precautionary and
59 protective measures under actual conditions of enemy attack, and to
60 promulgate such orders, rules and regulations as may be deemed
61 necessary to carry out the purposes of this Act in time of actual or
62 imminent attack, or in preparatory drills affecting the conduct of
63 civilians during such attacks or drills, and in the movement or cessa-
64 tion of traffic by them.

65 (n) To employ and maintain such staff of necessary employees
66 and assistants as may be necessary to carry out the provisions of this
67 Act, and to fix their compensation.

1 SEC. 8. Coordinator of civilian defense.

2 There is hereby created the office of Coordinator of Civilian Defense,
3 who shall be named by the Commission and shall hold office subject
4 to removal at its will. Said Coordinator shall also be the Secretary of
5 the Commission. Said Coordinator shall receive such salary as the
6 Commission shall determine, together with reimbursement for his
7 necessary expenses. It shall be his duty, under the direction of the
8 Commission and in cooperation with the Federal Government, to en-

9 force and carry out the orders, rules and regulations of the State
10 Commission, to act as State Coordinator of the Citizens Defense
11 Corps and the Citizens Service Corps, to coordinate and cooperate with
12 County and Local Defense Councils and to advise and inform the Com-
13 mission with respect to all matters coming under its jurisdiction.

1 **SEC. 9. County defense council.**

2 There is hereby created in each County in the State, a County De-
3 fense Council, whose jurisdiction shall apply to the County in which
4 it is located and which shall be designated as "
5 County Defense Council", each such Council bearing the name of its
6 own County. A Defense Council having already been created in each
7 of the Counties and in certain cities of the State, through the efforts
8 of the Iowa Industrial and Defense Commission, in cooperation with
9 the Office of Civilian Defense of the United States, each of such County
10 and Local Councils shall continue their existence under the provisions
11 of this Act, but if it has not already done so, it shall increase its
12 membership to include the Chairman of the Board of Supervisors of
13 such County and the Mayor of each city and incorporated town within
14 such County. The membership otherwise shall be determined in size
15 by the County Council itself and shall include such representative
16 citizens of such County as may be deemed necessary to represent all
17 parts of the County, its citizenry and its interests. Any member of
18 a County Defense Council may be removed by its Chairman or by the
19 Council itself for failure or refusal to act, and the Chairman of any
20 County or Local Defense Council may be removed by the Governor
21 for his failure or refusal to act, or neglect of his duties, or misconduct
22 in office. In the event of a vacancy in the office of Chairman of a County
23 or Local Defense Council, the Governor shall fill such vacancy. The
24 members of County and Local Defense Councils shall serve without
25 pay or remuneration of any kind.

1 **SEC. 10. Powers and duties of county defense councils.**

2 A County Defense Council shall, under the direction of the State
3 Commission, within its County, be authorized and empowered:

4 (a) To cooperate with the Commission, with the President of the
5 United States, and with any Federal Department or agency having
6 to do with civilian or with military defense or preparedness.

7 (b) To cooperate with similar defense agencies of other counties
8 or States.

9 (c-1) To supervise the establishment of an adequate Citizens De-
10 fense Corps within the County, and for each separate city or town in
11 the County which in the opinion of the County Defense Council has
12 a sufficient personnel to justify its maintenance as an active and effi-
13 cient unit, or it may determine to organize and maintain such Defense
14 Corps upon a County basis if such appears to be most advantageous.

15 (c-2) The County Defense Council may request a city or town
16 within such County to organize a separate municipal Defense Council
17 having jurisdiction over such municipality, when in the opinion of
18 the County Defense Council such municipality has adequate facilities
19 to maintain and support a separate Council. In the event no such
20 municipal Council is organized, the County Defense Council shall
21 designate a Coordinator of Defense for such municipality, who shall
22 be responsible to the County Defense Council for the functioning of

23 defense activities in such municipality.

24 (c-3) To provide and maintain for the Citizens Defense Corps
25 within its jurisdiction, such adequate Control Centers, Air Raid
26 Warning Systems, and facilities for the transmission of Air Raid
27 Warnings, as may meet with the approval of the State Coordinator.

28 (d) To organize and maintain an adequate Citizens Service Corps
29 for war services and activities other than those rendered by the De-
30 fense Corps.

31 (e) To correlate all Defense activities within the County in order
32 to avoid duplication of effort to bring about efficiency.

33 (f) In conjunction with and under the direction of the State
34 Defense Commission to carry out within the County the provisions in
35 sub-sections (g) and (h) of Section (7) hereof.

36 (g) To carry out and enforce such rules, orders and regulations
37 as may be directed by the State Commission for the protection and
38 defense of the lives and property of the citizens of Iowa in air raids,
39 blackouts, practice blackouts, and any and all other precautionary and
40 protective measures relating to Civilian Defense.

41 (h) To maintain an office for its headquarters and for the preser-
42 vation of its records and property, and to employ such full time clerical
43 help or other assistance as may be necessary for the proper function-
44 ing of the Council, to fix the compensation of such employees and to
45 make such other expenditures for services, supplies, rent and ex-
46 penses as may be necessary.

47 (i) To have and receive property, or the use of property which it
48 may acquire by purchase or gift or by loan, from any individual or
49 from any other branch of the County, State or Federal Government.
50 When the need of such property is passed, then it may be disposed of
51 according to the terms of its acceptance.

52 (j) To appoint Air Raid Wardens and Auxiliary Police and that
53 all Air Raid Wardens and Auxiliary Police so appointed by the County
54 Defense Council, and while on duty, shall have the power and author-
55 ity to make arrest for any and all violations of this act.

1 **SEC. 11. Appropriation.**

2 There is hereby appropriated for the biennium beginning July 1,
3 1943, and ending June 30, 1945, for the use of the Iowa Industrial and
4 Defense Commission, the sum of One Hundred and Thirty Thousand
5 Dollars (\$130,000.00), or so much thereof as may be necessary for it
6 to perform its duties; and there is also appropriated the further sum
7 of One Hundred Thousand Dollars (\$100,000.00) as an emergency
8 fund to be drawn on to supplement such biennial appropriation, upon
9 proof of emergency need shown by the Iowa Industrial and Defense
10 Commission and upon a finding of the Executive Council that such
11 biennial appropriation is inadequate. Any unexpended or unobligated
12 balances remaining in the foregoing appropriation on June 30, 1945,
13 shall revert to the general fund of the State.

14 The legislative committee on national defense coordination shall
15 from time to time advise with the Iowa Industrial and Defense Com-
16 mission and shall have control of and supervision over the funds ap-
17 propriated herein. It shall in its discretion allocate from time to time
18 to the Iowa Industrial and Defense Commission by certification of
19 allocation to the comptroller, such portion of the appropriation herein

20 made as may be required for the expenses of the commission, disburse-
21 ment from the funds so allocated to be made by the comptroller upon
22 certification of the chairman and secretary of the commission.

1 **SEC. 12. Local budget and appropriation.**

2 The budget and control law to the contrary notwithstanding, each
3 County of the State is hereby authorized in its discretion, upon re-
4 quest of the County Defense Council, to appropriate from any fund,
5 or funds, which it may have on hand from time to time, such sums as
6 are necessary to pay the costs and expenses of County Defense Coun-
7 cils, and of any Citizens Defense Corps or Citizens Service Corps
8 established on a County basis, and necessary expenditures of County
9 War Bond Committees, provided, however, that all requests for such
10 funds shall first bear the approval of the County Defense Council.

1 **SEC. 13. Municipal appropriations.**

2 The budget and control law to the contrary notwithstanding, any
3 municipality as defined in Section 369, Code, 1939, including special
4 charter cities and cities under the commission form of government,
5 is authorized in its discretion, upon the request of the Local Defense
6 Council, to appropriate from any fund, or funds, which it may have
7 on hand, such sums as are necessary to pay the costs and expenses of
8 maintaining Defense Councils, units of Citizens Defense Corps and
9 Citizens Service Corps established within and for such city or town.

1 **SEC. 14. Limitation on liability.**

2 Nothing herein contained shall be construed to authorize any County
3 Defense Council or Municipal Defense Council, or any local unit of the
4 Citizens Defense Corps or Citizens Service Corps, to incur an indebted-
5 ness or to bind the State or any city, town or County therefor.

1 **SEC. 15. Legalizing expenditures.**

2 All expenditures which have heretofore been made by any city, town,
3 county or school district out of any public fund for the establishment
4 or maintenance of a Local Defense Council or of a Citizens Defense
5 Corps or Citizens Service Corps, under the auspices of the Iowa In-
6 dustrial and Defense Commission and the Office of Civilian Defense
7 of the United States, or in assisting in the organization or carrying
8 out of any other war activity instituted by any branch of the Federal
9 Government, are hereby legalized. Any use and expenditure by the
10 Iowa Industrial and Defense Commission of its funds for any of the
11 purposes set forth in this section is hereby legalized.

1 **SEC. 16. Emergency powers to the Governor.**

2 Upon the request of the President of the United States, or the Sec-
3 retary of War or the Secretary of Navy, officially stating that such
4 request is vital to the defense of the nation, and/or in the event of
5 actual or imminent attack, invasion, riot, sabotage or disaster, any
6 statute, franchise, law, rule or regulation within the State of Iowa to
7 the contrary notwithstanding, the Governor, upon the decision of the
8 necessity therefor by three members of the Executive Council other
9 than the Governor himself, and by a majority of the legislative Co-
10 ordinating Committee, and upon their direction, is hereby authorized
11 and empowered:

12 (a) To regulate, limit, restrict or close to traffic and public use
13 any public highway or waterway within the State, including streets in
14 cities and towns.

15 (b) To use the property and resources of the State for the war
16 effort.

17 (c) To use the facilities of the State government, including the
18 services of every officer and employee of the State of Iowa in the
19 performance of any service or duty relating to the war effort.

20 (d) To lease or lend to the United States of America any of the
21 property of the State.

22 (e) To authorize the temporary transfer of employment of any of
23 the officers and employees of the State of Iowa to the Federal Govern-
24 ment.

25 (f) Whenever in the opinion of three members of the Executive
26 Council, other than the Governor himself, and a majority of the
27 Legislative Coordinating Committee and a majority of the member-
28 ship of the Iowa Industrial and Defense Commission, it is necessary
29 for the better prosecution of the war, or whenever actual or imminent
30 attack makes such action necessary for the protection of the public,
31 or whenever requested by the President of the United States or War
32 or Navy Department, the Governor may, with the approval of three
33 members of the Executive Council, other than himself, and a majority
34 of the Legislative Coordinating Committee and a majority of the
35 membership of the Iowa Industrial and Defense Commission, in the
36 name of the State of Iowa, take immediate possession of any real
37 or personal property within the State and may use and employ the
38 same for such time and in such manner as he shall deem best to
39 accomplish the purposes of national defense. The taking and using
40 of any such property shall be with the right on the part of the owner
41 thereof, or any person having an interest therein, to have reasonable
42 compensation for the said property or for his interest therein or for
43 the use thereof.

44 (g) Expend in the interest of the defense and security of the
45 citizens of the State of Iowa such monies as may be appropriated for
46 that purpose.

1 **SEC. 17. Appropriation.**

2 There is hereby appropriated for the purposes set forth in the pre-
3 ceding section to be expended by the Governor, the sum of Twenty-
4 five Thousand Dollars (\$25,000.00).

1 **SEC. 18. Ordinances.**

2 The governing bodies of cities and towns, including special charter
3 cities and cities under commission form of government, are authorized
4 and empowered to enact ordinances not in conflict with the provisions
5 of this Act pertaining to defense and the war effort.

1 **SEC. 19. Violations and penalties.**

2 Whenever by order of the Governor or the State Coordinator of
3 Defense, or any local Defense Corps, a blackout or practice blackout
4 is proclaimed in any city, County or other area in the State, during
5 the designated period and in the designated area, it shall be unlawful
6 for any person to display any light or to use any street, alley or high-
7 way without the permission of the Governor, State Coordinator of

8 Defense or local Defense Corps ordering and proclaiming the black-
9 out or practice blackout, and the willful display of any light without
10 such permission, and the willful use of any street, alley or highway
11 without such permission shall constitute a misdemeanor and shall be
12 punishable by a fine of not more than One Hundred Dollars (\$100.00)
13 or by imprisonment in jail for not more than thirty days, and if such
14 unlawful act herein prohibited is perpetrated in time of actual inva-
15 sion or attack, it shall constitute the crime of treason and shall be
16 punishable as such as defined by the statutes of the State of Iowa.

1 **SEC. 20. Violation and penalties.**

2 Except as otherwise provided by this act, any person violating any
3 provision of this act, or any rule, order or regulation made pursuant
4 to and under authority of this act, shall be guilty of committing a
5 misdemeanor and upon conviction thereof be punished by a fine not
6 exceeding One Hundred Dollars (\$100.00) or imprisonment not ex-
7 ceeding thirty days or both.

1 **SEC. 21. Penalties increased for certain crimes.**

2 Whosoever shall be convicted of the crime of robbery, larceny from
3 a building, larceny from the person, breaking and entering a building
4 for the purpose of committing a crime, assault with a deadly weapon,
5 grand larceny, arson, rape or assault with intent to commit a felony,
6 when such crime has been committed in an area in which a blackout,
7 or practice blackout is in effect, or during an actual air raid or enemy
8 attack, shall be sentenced to penitentiary for life, or to a term of years
9 at the discretion of the court. Sentence for any term of years may be
10 imposed under this act, provisions of the indeterminate sentence law,
11 to the contrary notwithstanding.

1 **SEC. 22. Immunity.**

2 (a) Neither the State nor any political subdivision thereof, nor
3 the agents or representatives of the State or any political sub-division
4 thereof, shall be liable for personal injury or property damage sus-
5 tained by any person appointed or acting as a Civilian Defense worker,
6 or as a member of any agency engaged in any Civilian Defense
7 activities.

8 (b) Neither the State nor any political sub-division thereof, nor,
9 except in case of willful misconduct, shall the personnel of the Iowa
10 Industrial and Defense Commission, Local and County Defense
11 Councils, members of Citizens Defense Corps or agents or representa-
12 tives of the State, or any political subdivision thereof, be held civilly
13 liable for the death or injury to persons or damage to property arising
14 out of the performance of their duties in conducting any actual, or
15 authorized practice or drill in preparation for air raid attacks, inva-
16 sions, riots, insurrection or sabotage.

1 **SEC. 23. Coordination with armed forces of the United States.**

2 Anything in this Act to the contrary notwithstanding, no action
3 shall be taken under this Act, and no order, rule, or regulation made
4 pursuant thereto which is inconsistent with any relevant order, rule,
5 or regulation of the Armed Forces of the United States.

1 **SEC. 24. Liberality of construction.**

2 This Act shall be construed liberally in order to effectuate its
3 purposes.

1 **SEC. 25. Severability.**

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

1 **SEC. 26. Effective date and termination.**

2 This Act, being deemed of immediate importance, shall take effect
3 from and after its publication as provided by law in The Council
4 Bluffs Nonpareil, a newspaper published at Council Bluffs, Iowa,
5 and the State Center Enterprise, a newspaper published at State
6 Center, Iowa, and this Act shall remain in force until June 30, 1945.

Approved March 18th 1943.

I hereby certify that the foregoing act was published in The Council Bluffs Nonpareil, Council Bluffs, Ia., March 22, 1943, and the State Center Enterprise, State Center, Ia., March 25, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 62

MILITARY AND NAVAL STAFF OF THE GOVERNOR

S. F. 351

AN ACT to amend, revise and codify section four hundred sixty-seven and twenty-seven hundredths (467.27), code, 1939, relating to the military and naval staff of the Governor.

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

1 **SECTION 1.** Section four hundred sixty-seven and twenty-seven
2 hundredths (467.27), Code, 1939, is amended, revised and codified to
3 read as follows:

4 "The military and naval staff of the governor shall consist of the
5 adjutant general, who shall be the chief of staff; the assistant adjutant
6 general, who shall be the assistant chief of staff and such aides,
7 residents of the state, as the governor may appoint, or may detail
8 from the armed forces of the state.

9 "The aides appointed shall be commissioned at a rank not higher
10 than the military rank of colonel or the naval rank of captain, except
11 in the case of a person who holds or has held a higher rank in the
12 armed forces of the state or nation in which case the commission may
13 issue for such higher rank."

1 **SEC. 2.** This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Boone
3 News-Republican, a newspaper published at Boone, Iowa, and in the
4 Nevada Evening Journal, a newspaper published at Nevada, Iowa.

Approved April 6, 1943.

I hereby certify that the foregoing act was published in the Boone News-Republican, Boone, Ia., April 9, 1943, and the Nevada Evening Journal, Nevada, Ia., April 10, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 63
ADJUTANT GENERAL

H. F. 39

AN ACT to amend section four hundred sixty-seven and forty-two hundredths (467.42), code, 1939, relating to the appointment of the adjutant general by the Governor.

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

1 SECTION 1. Section four hundred sixty-seven and forty-two hun-
2 dredths (467.42), Code, 1939, is hereby amended by striking out the
3 comma (,) in line six (6) thereof following the word "guard" and
4 inserting in lieu thereof a period (.), and striking out all the remain-
5 ing part of said sentence following the word "guard" in line six (6)
6 and inserting in lieu thereof the words "When a majority of the
7 general officers and regimental commanders of the National Guard
8 are in Federal Military service in time of war, said appointment shall
9 be made by the governor without such recommendation. The Adju-
10 tant General shall have the rank of Brigadier General and hold office
11 for a term of four (4) years."

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the O'Brien
3 County Bell, a newspaper published at Primghar, Iowa, and in the
4 Spencer Times, a newspaper published at Spencer, Iowa.

Approved February 4, 1943.

I hereby certify that the foregoing act was published in the O'Brien County Bell, Primghar, Ia., February 17, 1943, and the Spencer Times, Spencer, Ia., February 11, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 64
PRIMARY ELECTION NOMINATION PAPERS

H. F. 261

AN ACT to amend section five hundred forty-six (546), code, 1939, relating to the signatures to nomination papers.

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

1 SECTION 1. Section five hundred forty-six (546), Code, 1939, is
2 amended by inserting the words "each of" after the word "in" in line
3 five (5) of paragraph two (2) of said section.

Approved March 24, 1943.

CHAPTER 65

DUTY OF CITY CLERK IN MUNICIPAL PRIMARY ELECTIONS

S. F. 17

AN ACT to amend section six hundred forty (640), code, 1939, relating to the duty of city and town officers in municipal primary elections, changing the duties from the city auditor to the city clerk.

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

- 1 SECTION 1. Section six hundred forty (640), Code, 1939, is
- 2 amended by striking from lines four (4) and five (5) the words
- 3 "city auditor" and by inserting in lieu thereof the words "city clerk".

Approved February 17th, 1943.

CHAPTER 66

MEETING OF PRESIDENTIAL ELECTORS

H. F. 49

AN ACT to amend sections nine hundred sixty-eight (968), nine hundred sixty-nine (969), and one thousand four (1004), code, 1939, all relating to presidential electors.

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

- 1 SECTION 1. Section nine hundred sixty-eight (968), Code, 1939,
- 2 is hereby amended by striking from lines seven (7) and eight (8)
- 3 the words "at noon on the second Monday in January", and inserting
- 4 in lieu thereof the words "on the first Monday after the second Wed-
- 5 nesday in December next".

- 1 SEC. 2. Section nine hundred sixty-nine (969), Code, 1939, is here-
- 2 by amended by striking from lines three (3), four (4), and five (5),
- 3 the words "at noon of the second Monday in January after their elec-
- 4 tion, or as soon thereafter as practicable", and inserting in lieu there-
- 5 of the words "on the first Monday after the second Wednesday in
- 6 December next following their election".

- 1 SEC. 3. Section one thousand four (1004), Code, 1939, is hereby
- 2 amended by striking from lines fifteen (15) and sixteen (16) the
- 3 words "second Monday in January", and inserting in lieu thereof the
- 4 words, "first Monday after the second Wednesday in December".

Approved February 27, 1943.

CHAPTER 67

COMMISSIONERS IN OTHER STATES

H. F. 34

AN ACT to repeal chapter sixty-four (64), code, 1939, relating to commissioners for Iowa in other states.

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

- 1 SECTION 1. Chapter sixty-four (64), Code, 1939, is hereby re-
- 2 pealed.

Approved February 5, 1943.

CHAPTER 68

FUNDS TO THE STATE COMMISSIONER OF LABOR TO MAKE REFUNDS

S. F. 257

AN ACT to make transfer of funds from the state general fund to the state commissioner of labor for the purpose of making refunds.

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

1 SECTION 1. The State Labor Commissioner is hereby ordered to
2 make refunds to all persons from whom he has collected an operator's
3 certificate fee, same not being required by any law of the State of
4 Iowa.

1 SEC. 2. The sum of three thousand two hundred dollars (\$3200.00)
2 or as much thereof as needed is hereby transferred from the state
3 general fund to the State Commissioner of Labor for the purpose of
4 this act.

1 SEC. 3 This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Daily
3 Iowegian and Citizen, a newspaper published in Centerville, Iowa,
4 and the Davis County Republican, a newspaper published in Bloom-
5 field, Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Daily Iowegian and Citizen, Centerville, Ia., April 12, 1943, and the Davis County Republican, Bloomfield, Ia., April 13, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 69

UNEMPLOYMENT COMPENSATION AS AFFECTED BY MILITARY SERVICE

H. F. 223

AN ACT to amend chapter seventy-seven and two-tenths (77.2), code, 1939, as amended, relating to the payment of unemployment compensation; to preserve the benefit rights of an individual entering the armed forces of the United States; to provide that such an individual shall not be disqualified for voluntarily leaving his employment to enter such armed forces; to provide that the time spent by such individual in such armed forces shall be excluded from the individual's base period; to provide that the benefit year of any such individual shall be extended by the time spent in such armed forces; and to repeal sections one (1) and two (2) of chapter one hundred six (106), Acts of the Forty-ninth General Assembly.

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

1 SECTION 1. Notwithstanding any other provision of Chapter
2 seventy-seven and two-tenths (77.2), Code, 1939, to the contrary, any
3 individual in good faith leaving his employment after March 31, 1940,
4 and prior to July 1, 1945, to join the armed forces of the United States,
5 and who does so join, or who attempting to so join is rejected, shall
6 not be disqualified under the provisions of subsection A of section
7 fifteen hundred fifty-one and eleven hundredths (1551.11-A), Code,
8 1939, for voluntarily leaving his employment.

1 SEC. 2. Any benefit year as defined in subsection P of section one
 2 thousand five hundred fifty-one and twenty-five hundredths
 3 (1551.25-P), Code, 1939, of any individual shall be extended by any
 4 time spent after March 31, 1940, and prior to July 1, 1945, by such
 5 individual after the beginning of such benefit year in the armed forces
 6 of the United States.

1 SEC. 3. Any calendar quarter commencing after March 31, 1940,
 2 and ending prior to July 1, 1945, the greater portion of which is spent
 3 by such individual in the armed forces of the United States, shall not
 4 be considered as any portion of the base period provided for in sub-
 5 section Q of section one thousand five hundred fifty-one and twenty-
 6 five hundredths (1551.25-Q), Code, 1939, as amended.

1 SEC. 4. Sections one (1) and two (2) of chapter one hundred six
 2 (106), Acts of the Forty-ninth General Assembly of Iowa, are hereby
 3 repealed.

Approved March 24, 1943.

CHAPTER 70

UNEMPLOYMENT COMPENSATION

H. F. 16

AN ACT to amend subsection I of section fifteen hundred fifty-one and twelve hundredths (1551.12), code of Iowa, 1939, as amended, relating to court review of decisions of the commission; and prescribing the records, papers and documents to be certified by the commission to the court.

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

1 SECTION 1. That the law as it appears in subsection I of section
 2 fifteen hundred fifty-one and twelve hundredths (1551.12), Code of
 3 Iowa, 1939, as amended, be and the same is hereby amended by strik-
 4 ing from lines twenty-two (22) to twenty-seven (27) inclusive the
 5 sentence which reads: "With its answer, the commission shall
 6 certify and file with said court all documents and papers and a tran-
 7 script of all testimony taken in the matter, together with its findings
 8 of fact and decision therein.", and insert in lieu thereof the follow-
 9 ing: "The commission shall within sixty days after notice of appeal
 10 has been served on the commission certify and file with said district
 11 court all documents and papers and a transcript of all testimony
 12 taken in the matter, together with its findings of fact and decision
 13 therein, or so much thereof as may be agreed upon by the parties to
 14 such appeal. Such agreement as to the records, papers and docu-
 15 ments to be certified shall be in writing, signed by the parties to the
 16 appeal, and shall be filed with the commission. A copy of such agree-
 17 ment shall be filed with the transcript of the records filed with the
 18 district court. With such transcript the commission shall file
 19 its answer."

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

1 SEC. 3. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication
 3 in the Traer Star Clipper, a newspaper published at Traer, Iowa,
 4 and in the Fairfield Daily Ledger, a newspaper published at Fairfield,
 5 Iowa.

Approved January 28, 1943.

I hereby certify that the foregoing act was published in the Traer Star Clipper, Traer, Ia., February 5, 1943, and the Fairfield Daily Ledger, Fairfield, Ia., February 6, 1943.
 WAYNE M. ROPES, *Secretary of State.*

CHAPTER 71

UNEMPLOYMENT COMPENSATION

S. F. 379

AN ACT to amend section fifteen hundred fifty-one and thirteen hundredths (1551.13), code, 1939, as amended, relating to contributions for unemployment compensation; to provide for war risk contributions on the payrolls of employers; to provide the manner in which the commission shall determine the contribution rates on certain employers for the periods from July 1, 1943 to and including December 31, 1945; and to provide the rate of contribution based upon increased payrolls.

WHEREAS, we are now in an all-out war;

AND WHEREAS, war time expansion of industry and insured employment has increased the payrolls of many employers substantially over their payrolls for the year 1940 with a corresponding increase in the potential post-war benefit liabilities against the pooled fund in reserve for the payment of benefits;

AND WHEREAS, unless corrected such condition would endanger the post-war solvency of the pooled fund out of which benefits are paid and would require higher contribution rates to be collected from employers generally during post-war years;

AND WHEREAS, many employers who have increased their payrolls many times are now paying less than the standard rate of 2.7% ;

AND WHEREAS, the pooled fund should be built up to meet the post-war needs and to avoid the post-war increases of contribution rates;

The legislature, therefore, declares that for the purpose of insuring adequate funds to meet post-war unemployment claims, and to more nearly equalize contribution rates according to the hazards imposed because of war efforts, the enactment of this measure is required.

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

1 SECTION 1. Section fifteen hundred fifty-one and thirteen hun-
 2 dredths (1551.13), Code of 1939, as amended, be and the same is hereby
 3 amended by adding thereto after subsection C-6 another subsection to
 4 be subsection C-7 as follows:

5 "7 (a) The provisions of this subsection shall become effective on
 6 the 1st day of July 1943, and shall apply, for the relevant contribution
 7 period, to each employer whose payroll for the year ending on the rele-

8 vant computation date exceeds by one hundred percent (100%) or
9 more his payroll for the calendar year 1940.

10 (b) The commission shall first determine as to each employer as of
11 December 31, 1942 computation date, whether this subsection applies
12 to him for the six months period starting July 1, 1943, and at what rate
13 he shall contribute hereunder on his payroll for that contribution pe-
14 riod. Thereafter the Commission shall determine as to each employer,
15 as of each subsequent computation date, whether this subsection
16 applies to him and at what rate he shall contribute hereunder on his
17 payroll for the ensuing year.

18 (c) Each such employer's contribution rate under this subsection,
19 on his payroll for the relevant contribution period, shall be the rate
20 shown by the following schedule on that line which includes the reserve
21 percentage his account had on the relevant computation date, and in
22 that column which includes the percentage by which his payroll for the
23 year ending on the relevant computation date exceeds his payroll for
24 the calendar year 1940.

25 (d)

SCHEDULE

Percent of Increase in Payroll, for Year
Ending on 'Computation Date', over
1940 payroll

Line	Reserve Per- centage (as of 'computa- tion date')	Contribution Rate, under this subsection.				
		100% but less than 150%	150% but less than 200%	200% but less than 300%	300% but less than 400%	400% or more
35	1. Under 4%	3.5%	4.0%	4.5%	5.0%	5.0%
36	2. 4% but less than 6%	3.0%	3.5%	4.0%	4.5%	5.0%
37	3. 6% but less than 8%	2.7%	3.0%	3.5%	4.0%	4.5%
38	4. 8% but less than 10%	2.7%	2.7%	3.0%	3.5%	4.0%
39	5. 10% but less than 12%	2.7%	2.7%	2.7%	3.0%	3.0%
40	6. 12% but less than 14%	2.7%	2.7%	2.7%	2.7%	3.0%
41	7. over 14%	2.7%	2.7%	2.7%	2.7%	2.7%

42 (e) This subsection also applies, in the case of any employer who
43 becomes newly subject to this chapter after 1942, to his first year of
44 coverage under this chapter.

45 (f) In applying this subsection to any employer who has no payroll
46 (covered by this chapter) in the calendar year 1940 his contribution
47 rate shall be determined by the last column in the above schedule.

48 (g) This subsection shall not apply for the relevant contribution
49 period to any employer who was subject to this chapter on the relevant
50 computation date but whose payroll for the year ending on that date
51 was below thirty thousand dollars (\$30,000), nor to any employer, not
52 thus subject, whose payroll for his first year of coverage under this
53 chapter was below thirty thousand dollars (\$30,000), unless it is fi-
54 nally determined that the application of this paragraph would invali-
55 date this subsection.

56 (h) The term 'reserve percentage' as used in this subsection shall
57 refer to the status of an employer's account as finally determined by
58 the commission under the provisions of section fifteen hundred fifty-
59 one and thirteen hundredths (1551.13), and shall be that percentage
60 that the balance of contributions credited to the employer's account as

61 of the computation date is of the employer's annual payroll for the pre-
62 ceding calendar year.

63 (i) The provisions of this sub-section shall apply only to the excess
64 of pay-roll of the employer over his pay roll for 1940. In addition to
65 the contribution provided for under this sub-section, the employer
66 shall pay contributions on an amount equal to his payroll for 1940,
67 calculated at the rate provided for in subsections four and five of this
68 section."

1 SEC. 2. The provisions of this act shall be and remain in full force
2 and effect from its effective date on July 1, 1943 to and including De-
3 cember 31, 1945.

1 SEC. 3. This act being deemed of immediate importance shall be in
2 full force and effect on the above date, and shall be published in the
3 Hamburg Reporter, a newspaper published at Hamburg, Iowa, and in
4 the Essex Independent, a newspaper published at Essex, Iowa.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Hamburg Reporter, Ham-
burg, Ia., April 29, 1943, and the Essex Independent, Essex, Ia., April 22, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 72

UNEMPLOYMENT COMPENSATION

H. F. 21*

AN ACT to amend section fifteen hundred fifty-one and thirteen hundredths (1551.13),
code, 1939, as amended, relating to rate of contribution and method of determining
rate, and providing for right of appeal by employer; amending chapter one hundred
three (103) of the acts of the Forty-ninth General Assembly of Iowa, relating to
the computation and assessments of contributions and procedure by which the em-
ployer may protest such assessments, and appeals from such assessments to the
commission and to the court.

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

1 SECTION 1. That subsection C of section fifteen hundred fifty-one
2 and thirteen hundredths (1551.13), Code, 1939, be and the same is
3 hereby amended by adding after paragraph five (5) of said subsec-
4 tion another paragraph to read as follows:

5 "6. Based upon the formula above provided in this section the
6 commission shall fix the rate of contribution for each employer. The
7 commission shall notify the employer of the rate so fixed. An
8 employer may appeal to the commission for a revision of the rate of
9 contribution so fixed within thirty days from the date of the notice
10 to such employer. The commission after such hearing may set aside
11 its former determination or modify it and may grant the employer a
12 new rate of contribution. The commission shall notify the employer
13 of this determination by registered mail. From this determination
14 the employer may appeal to the district court for further hearing.

*Note: H. F. 21 repealed by H. F. 499, 50th G. A. See chapter 73.

15 The manner in which such appeal shall be taken and heard shall be
 16 in accordance with the provisions of chapter one hundred three (103)
 17 of the Acts of the Forty-ninth General Assembly."

1 SEC. 2. That the law as it appears in chapter one hundred three
 2 (103) of the Acts of the Forty-ninth General Assembly of Iowa, be
 3 and the same is hereby amended by striking lines forty-five (45),
 4 forty-six (46) and forty-seven (47) of section one (1) of said
 5 chapter, and inserting in lieu thereof the following: "or in Polk
 6 County, within sixty days after the date of the notice to such em-
 7 ployer notifying such employer of his rate of contribution, or of the
 8 commission's determination as provided for in subsection C of sec-
 9 tion fifteen hundred fifty-one and thirteen hundredths (1551.13),
 10 Code, 1939, or subsection E of this section."

Approved February 4th, 1943.

CHAPTER 73

UNEMPLOYMENT COMPENSATION

H. F. 449

AN ACT to repeal House File twenty-one (21), Acts of the Fiftieth General Assembly of Iowa, and to amend section fifteen hundred fifty-one and thirteen hundredths (1551.13), code, 1939, as amended, relating to rate of contribution and method of determining rate, and providing for right of appeal by employer; amending chapter one hundred three (103) of the Acts of the Forty-ninth General Assembly of Iowa, relating to the computation and assessment of contributions and procedures by which the employer may protest such assessments, and appeals from such assessments to the commission and to the court.

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

1 SECTION 1. House File Twenty-one (21), Acts of the Fiftieth Gen-
 2 eral Assembly of Iowa is hereby repealed.

1 SEC. 2 That subsection C of section fifteen hundred fifty-one and
 2 thirteen hundredths (1551.13), Code, 1939, be and the same is hereby
 3 amended by adding after paragraph five (5) of said subsection an-
 4 other paragraph to read as follows:

5 "6. Based upon the formula above provided in this section the com-
 6 mission shall fix the rate of contribution for each employer. The com-
 7 mission shall notify the employer of the rate so fixed. An employer
 8 may appeal to the commission for a revision of the rate of contribution
 9 so fixed within thirty days from the date of the notice to such employ-
 10 er. The commission after such hearing may set aside its former
 11 determination or modify it and may grant the employer a new rate
 12 of contribution. The commission shall notify the employer of this
 13 determination by registered mail. From this determination the em-
 14 ployer may appeal to the district court for further hearing. The
 15 manner in which such appeal shall be taken and heard shall be in ac-
 16 cordance with the provisions of chapter one hundred three (103) of
 17 the Acts of the Forty-ninth General Assembly."

1 SEC. 3. That the law as it appears in chapter one hundred three
 2 (103) of the Acts of the Forty-ninth General Assembly of Iowa, be
 3 and the same is hereby amended by striking lines forty-five (45),
 4 forty-six (46) and forty-seven (47) of section one (1) of said chap-
 5 ter, and inserting in lieu thereof the following: "or in Polk County,
 6 within sixty days after the date of the notice to such employer notify-
 7 ing such employer of his rate of contribution, or of the commission's
 8 determination as provided for in subsection C of section fifteen hun-
 9 dred fifty-one and thirteen hundredths (1551.13), Code, 1939, or sub-
 10 section E of this section."

1 SEC. 4. That the law as it appears in Chapter one hundred three
 2 (103), Acts of the Forty-ninth General Assembly of Iowa, be further
 3 amended by striking paragraph two (2) of subsection F of said Act,
 4 and inserting in lieu thereof the following:

5 "The appeal shall be taken by the employer filing in the office of
 6 the clerk of the district court of such county his petition setting forth
 7 the errors complained of in the commission's ruling. The employer
 8 shall cause an original notice to be served upon the chairman of the
 9 commission in the same manner as provided for in ordinary actions
 10 in court. The commission shall within thirty days from the date on
 11 which said notice was served on the commission certify and file with
 12 the clerk of said court a copy of the records and proceedings upon
 13 which the rate of contributions or the assessment of contributions was
 14 established.

15 "The plaintiff shall file with the clerk of said court a bond for the
 16 use of the defendant, with sureties approved by the clerk, in penalty
 17 to be fixed and approved by the clerk of said court. In no case shall
 18 the bond be less than fifty dollars conditioned that the plaintiff shall
 19 perform the orders of the court."

1 SEC. 5. This act being deemed of immediate importance shall be
 2 in force and effect from and after its passage and publication in the
 3 Spencer Times, a newspaper published at Spencer, Iowa, and in the
 4 Le Mars Sentinel, a newspaper published at Le Mars, Iowa.

Approved March 24, 1943.

I hereby certify that the foregoing act was published in the Spencer Times; Spencer,
 Ia., April 1, 1943, and the LeMars Sentinel, LeMars, Ia., March 30, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 74

UNEMPLOYMENT COMPENSATION

H. F. 8

AN ACT to amend section fifteen hundred fifty-one and fourteen hundredths (1551.14),
 code of Iowa, 1939, relating to election and termination of employer's coverage; and
 to provide for the effective date of such amendment.

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

1 SECTION 1. That the law as it appears in section fifteen hundred
 2 fifty-one and fourteen hundredths (1551.14), Code of Iowa, 1939, as
 3 amended, be and the same is hereby amended by striking from lines

4 eleven (11) and twelve (12) of paragraph one (1) of subsection C of
 5 said section the following: "at least thirty days prior to such first day
 6 of January", and inserting in lieu thereof: "prior to the fifteenth day
 7 of February of such year".

8 That said section be further amended by striking from lines seven-
 9 teen (17) and eighteen (18) of paragraph two (2) of subsection C
 10 of said section the words: "at least thirty days prior to such first day
 11 of January", and by inserting in lieu thereof: "prior to the fifteenth
 12 day of February of such year".

1 SEC. 2. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its passage and publication in the
 3 Dysart Reporter, a newspaper published at Dysart, Iowa, and in the
 4 Iowa City Press Citizen, a newspaper published at Iowa City, Iowa.

Approved January 29th, 1943.

I hereby certify that the foregoing act was published in the Dysart Reporter, Dysart,
 Ia., February 4, 1943, and the Iowa City Press Citizen, Iowa City, Ia., February 2, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 75

UNEMPLOYMENT COMPENSATION WARRANTS

S. F. 338

AN ACT to amend section one thousand five hundred fifty-one and fifteen hundredths (1551.15) in chapter seventy-seven and two-tenths (77.2), code, 1939, relating to the control, management and use of the unemployment compensation fund; and to provide for the cancellation of outstanding warrants for the payment of benefits, and the issuance, in such cases, of warrants in lieu of the original warrants in the discretion of the commission.

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

1 SECTION 1. Amend section one thousand five hundred fifty-one
 2 and fifteen hundredths (1551.15), chapter seventy-seven and two-
 3 tenths (77.2), code, 1939, by adding thereto as subsection F the fol-
 4 lowing: "F. Cancellation of warrants. The state comptroller, as of
 5 January 1st, April 1st, July 1st and October 1st of each year. shall
 6 stop payment on all warrants for the payment of benefits which have
 7 been outstanding and unredeemed by the state treasurer for six
 8 months or longer. Should the original warrants subsequently be pre-
 9 sented for payment, warrants in lieu thereof shall be issued by the
 10 state comptroller at the discretion of and certification by the com-
 11 mission."

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

Approved April 1, 1943.

CHAPTER 76

UNEMPLOYMENT COMPENSATION

S. F. 47

AN ACT to correct the reference in the unemployment compensation act as to the method of obtaining service of notice in civil action on nonresident employing units; to provide the form and manner of service of the original notice, and the proof of service thereof; to provide optional method of service of original notice; to provide for venue of actions and continuances; and to define the duty of the secretary of state.

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

1 SECTION 1. Amend section fifteen hundred fifty-one and twenty
2 hundredths (1551.20, Code of 1939, by striking therefrom subsection
3 F, and inserting in lieu thereof the following:

4 1. **Original notice - form.** The original notice of suit filed with
5 the secretary of state shall be in form and substance the same as now
6 provided in suits against residents of this state, except that that part
7 of said notice pertaining to the return day shall be in substantially the
8 following form, to-wit:

9 "and unless you appear thereto and defend in the district court of
10 Iowa in and for county at the courthouse in
11, Iowa before noon of the sixtieth day following the
12 filing of this notice with the secretary of state of this state, default
13 will be entered and judgment rendered against you by the court if
14 then in session in said county, and if the court is not then in session
15 said default will be entered and judgment rendered by the court on
16 the first day of the first succeeding term or as soon thereafter as the
17 same may be reached."

18 2. **Manner of service.** Plaintiff in any such action shall cause the
19 original notice of suit to be served as follows:

20 a. By filing a copy of said original notice of suit with said secretary
21 of state, together with a fee of two dollars, and

22 b. By mailing to the defendant, and to each of the defendants if
23 more than one, within ten days after said filing with the secretary of
24 state, by restricted registered mail addressed to the defendant at his
25 last known residence or place of abode, a notification of the said filing
26 with the secretary of state.

27 3. **Notification to nonresident - form.** The notification, provided
28 for in section three (3), shall be in substantially the following form,
29 to-wit:

30 "To (Here insert the name of each defendant and
31 his residence or last known place of abode as definitely as known.)

32 "You will take notice that an original notice of suit against you, a
33 copy of which is hereto attached, was duly served upon you at Des
34 Moines, Iowa, by filing a copy of said notice of the day of
35, 19....., with the secretary of state of the
36 state of Iowa.

37 "Dated at, Iowa, this day of
38, 19.....

39
40 Plaintiff.

41 By
42 Attorney for Plaintiff."

43 4. "Restricted registered mail" defined. The term "restricted
44 registered mail" means mail which carries on the face thereof, in a
45 conspicuous place where it will not be obliterated, the indorsement,
46 "Deliver to addressee only", and which also requires a return receipt.

47 5. Optional notification. In lieu of mailing said notification to the
48 defendant in a foreign state, plaintiff may cause said notification to be
49 personally served in the foreign state on the defendant by any adult
50 person not a party to the suit, by delivering said notification to the
51 defendant or by offering to make such delivery in case defendant
52 refuses to accept delivery.

53 6. Proof of service. Proof of the filing of a copy of said original
54 notice of suit with the secretary of state, and proof of the mailing or
55 personal delivery of said notification to said nonresident shall be made
56 by affidavit of the party doing said acts. All affidavits of service shall
57 be indorsed upon or attached to the originals of the papers to which
58 they relate. All proofs of service, including the return registry receipt,
59 shall be forthwith filed with the clerk of the district court.

60 7. Actual service within this state. The foregoing provisions rela-
61 tive to service of original notice of suit on nonresidents shall not be
62 deemed to prevent actual personal service in this state upon the non-
63 resident in the time, manner, form and under the conditions provided
64 for service on residents.

65 8. Venue of actions. Actions against nonresidents as contem-
66 plated by this law may be brought in Polk county, or in the county in
67 which such services were performed.

68 9. Continuances. The court in which such action is pending shall
69 grant such continuances to a nonresident defendant as may be neces-
70 sary to afford him reasonable opportunity to defend said action.

71 10. Duty of secretary of state. The secretary of state shall keep
72 a record of all notices of suit filed with him, shall not permit said filed
73 notices to be taken from his office except on an order of court, and
74 shall, on request, and without fee, furnish any defendant with a certi-
75 fied copy of the notice in which he is defendant.

Approved April 5, 1943.

CHAPTER 77

AGRICULTURAL LABOR DEFINED AS USED IN UNEMPLOYMENT COMPENSATION

S. F. 292

AN ACT to amend section one thousand five hundred and fifty-one and twenty-five one hundredths, (1551.25-G(7)(d). of the 1939 code of Iowa, defining the meaning of the words "agricultural labor".

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

1 SECTION 1. Section one thousand five hundred and fifty-one and
2 twenty-five one hundredths (1551.25) is hereby amended by adding
3 thereto immediately following the words "Agricultural Labor" under
4 subsections G(7) (d) of said section the following:

5 The term "Agricultural labor", as used in this chapter includes all
6 services performed:

7 (a) On a farm, in the employ of any person, in connection with
8 cultivating the soil, or in connection with raising or harvesting any
9 agricultural or horticultural commodity, including the raising, shear-
10 ing, feeding, caring for, training, and management of livestock, bees,
11 poultry, and fur-bearing animals and wildlife.

12 (b) In the employ of the owner or tenant or other operator of a
13 farm, in connection with the operation, management, conservation,
14 improvement, or maintenance of such farm, its tools and equipment,
15 or in salvaging timber or clearing land of brush and other debris left
16 by a hurricane, if the major part of such service is performed on a
17 farm.

18 (c) In connection with the production or harvesting of maple sirup
19 or maple sugar or any commodity defined as an agricultural com-
20 modity in section 15 (g) of the Federal Agricultural Marketing Act,
21 as amended, or in connection with the the raising or harvesting of
22 mushrooms, or in connection with the hatching of poultry, or in
23 connection with the ginning of cotton, or in connection with the
24 operation or maintenance of ditches, canals, reservoirs or waterways
25 used exclusively for supplying and storing water for farming pur-
26 poses.

27 (d) In handling, planting, drying, packing, packaging, processing,
28 freezing, grading, storing, or delivering to storage or to market or
29 to a carrier for transportation to market any agricultural or horti-
30 cultural commodity; but only if such service is performed as an
31 incident to ordinary farming operations or, in the case of fruits and
32 vegetables, as an incident to the preparation of such fruits or vege-
33 tables for market. The provisions of this paragraph shall not be
34 deemed to be applicable with respect to service performed in con-
35 nection with commercial canning or commercial freezing or in con-
36 nection with any agricultural or horticultural commodity after its
37 delivery to a terminal market for distribution for consumption.

38 (e) As used in this Act, the term "farm" includes stock, dairy,
39 poultry, fruit, fur-bearing animal, and truck farms, plantations,
40 ranches, nurseries, ranges, greenhouses or other similiar structures
41 used primarily for the raising of agricultural or horticultural com-
42 modities and orchards.

43 (f) The phrase "agricultural labor" as used herein, shall be
44 construed to apply only to this Act and shall not be construed to
45 apply or define "agricultural labor" as used in the Workmen's Com-
46 pensation Act.

1 SEC. 2. All Acts or parts of Acts in conflict herewith are hereby re-
2 pealed insofar as they are inconsistent with any of the provisions of
3 this Act.

1 SEC. 3. Constitutionality. If any part or parts of this Act shall
2 be held unconstitutional such unconstitutionality shall not affect the
3 validity of the remaining part of this Act. The legislature hereby
4 declares that it would have passed the remaining parts of this Act
5 if it had known that such part or parts thereof would be declared
6 unconstitutional.

Approved April 20, 1943.

CHAPTER 78

UNEMPLOYMENT COMPENSATION

H. F. 5

AN ACT to amend the law as it appears in section fifteen hundred fifty-one and twenty-six hundredths (1551.26), code, 1939, relating to reciprocal benefit agreements; providing that the commission may enter into agreements with other states or the federal government relating to which state the contributions on the wages of employees who perform services for one employer in more than one state would be paid.

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

1 SECTION 1. That the law as it appears in section fifteen hundred
2 fifty-one and twenty-six hundredths (1551.26), Code, 1939, be
3 amended by adding thereto another section to read as follows: "C. The
4 commission is hereby authorized to enter into agreements with the
5 appropriate agencies of other states or the federal government admin-
6 istering unemployment compensation laws to provide that contribu-
7 tions on wages for services performed by an individual in more than
8 one state for the same employer may be paid to the appropriate agency
9 of one state."

1 SEC. 2. All acts, or parts of acts, in conflict with the provisions of
2 this act, are hereby made inoperative insofar as the provisions of this
3 act are concerned.

1 SEC. 3. This act being deemed of immediate importance shall be
2 in force and effect from and after its passage and publication in the
3 Tri County News, a newspaper published at Farmington, Iowa, and
4 in the Peterson Patriot, a newspaper published at Peterson, Iowa.

Approved February 4th, 1943.

I hereby certify that the foregoing act was published in the Tri-County News, Farmington, Ia., February 18, 1943, and the Peterson Patriot, Peterson, Ia., February 11, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 79

CIGARETTES

H. F. 11

AN ACT to amend section one thousand five hundred fifty-six and thirty-two hundredths (1556.32), code, 1939, providing for penalties for violation of the law relating to the licensing of the sale of cigarettes.

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

1 SECTION 1. Section one thousand five hundred fifty-six and thirty-
2 two hundredths (1556.32), Code, 1939, is hereby amended by insert-
3 ing a period after the words "thirty days" in line six (6) and by
4 striking out lines seven (7) and eight (8).

Approved February 11th, 1943.

CHAPTER 80

USE OF STATE PIER AT WEST OKOBOJI LAKE BY BOATS FOR HIRE

H. F. 205

AN ACT to amend section one thousand seven hundred three and two-hundredths (1703.02), code, 1939, relating to the privilege of boats licensed for hire using the state pier located on West Okoboji Lake at Arnolds Park, Dickinson county, Iowa.

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

1 SECTION 1. Section one thousand seven hundred three and two-
2 hundredths (1703.02), Code, 1939, is hereby amended by striking
3 all of lines twelve (12) to eighteen (18) inclusive, which read as
4 follows:

5 "Any boat licensed for hire under this chapter shall have the
6 rights and privileges incident to landing, mooring, and use of the
7 state pier located on West Okoboji lake at Arnolds Park, Dickinson
8 county, Iowa, upon payment to the conservation commission of an
9 annual fee of twenty-five dollars."

1 SEC. 2. This act being deemed of immediate importance shall
2 be in full force and effect from and after its passage and publication
3 in the Spencer Daily Reporter, a newspaper published at Spencer,
4 Iowa, and the Lake Park News, a newspaper published at Lake
5 Park, Iowa.

Approved April 6, 1943.

I hereby certify that the foregoing act was published in the Spencer Daily Reporter, Spencer, Ia., April 10, 1943, and the Lake Park News, Lake Park, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 81

WATER NAVIGATION REGULATIONS

H. F. 44

AN ACT to amend section one thousand seven hundred three and fourteen hundredths (1703.14), code, 1939, relating to water navigation regulations.

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

1 SECTION 1. Section one thousand seven hundred three and four-
2 teen hundredths (1703.14), Code, 1939, is hereby amended by
3 striking the word "windward" in line nine (9) thereof and substi-
4 tuting therefor the word "leeward".

Approved February 4, 1943.

CHAPTER 82

CONSERVATION COMMISSION CHARGE FOR PRINTED DATA

S. F. 111

AN ACT to amend section one thousand seven hundred three and forty-nine hundredths (1703.49), code, 1939, relating to general duties of the State Conservation Commission.

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

1 SECTION 1. Section one thousand seven hundred three and forty-
2 nine hundredths (1703.49), Code, 1939, is hereby amended by adding
3 at the end of the section the following:
4 "Upon the issuance of such data and information in printed form
5 to private individuals, groups or clubs, the Commission shall be
6 entitled to charge therefor the actual cost of printing and publication
7 as determined by the State Printer."

Approved February 18th, 1943.

CHAPTER 83

POWERS OF THE STATE CONSERVATION COMMISSION

S. F. 221

AN ACT to amend section one thousand seven hundred three and fifty one-hundredths (1703.50), code, 1939, by adding a sub-section pertaining to the specific powers of the state conservation commission.

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

1 SECTION 1. Section one thousand seven hundred three and fifty
2 one-hundredths (1703.50), Code, 1939, is hereby amended by adding
3 sub-section eight (8) as follows:
4 8. Control by shooting or trapping any fish, game, fur-bearing ani-
5 mals and protected birds for the purpose of preventing the destruction
6 of or damage to private or public property, but shall not go upon pri-
7 vate property for such purpose without the consent of the owner or
8 occupant thereof.

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

Approved February 24th, 1943.

I hereby certify that the foregoing act was published in the Buffalo Center Tribune, Buffalo Center, Ia., March 4, 1943, and the Wright County Monitor, Clarion, Ia., March 4, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 84

IMPROVEMENT OF STREAMS DRAINING INTO STATE-OWNED WATERS

H. F. 283

AN ACT to permit the state conservation commission to improve streams draining into state-owned lakes and other waters.

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

1 SECTION 1. Upon receiving consent in writing from the owner
 2 thereof, the state conservation commission may enter upon private
 3 lands containing waters and streams draining into state-owned lakes
 4 and streams, for any or all of the following purposes:
 5 1. Deepening;
 6 2. Filling;
 7 3. Widening;
 8 4. Contracting;
 9 5. Improving and protecting banks;
 10 6. Constructing spillways and discharge structures;
 11 7. Controlling erosion on land tributary thereto; and
 12 8. Providing structures or other works conducive to the regulation
 13 of stream flow.

1 SEC. 2. Any such agreement with any landowner shall give the
 2 commission jurisdiction of such land, waters, and streams to accom-
 3 plish the purposes set out in said agreement and in case any im-
 4 provement contemplated by section one (1) is for the sole purpose
 5 of improving any stream and not mainly for the purpose of preventing
 6 silting in a state-owned lake, then said agreement with the landowner
 7 shall include an easement of public access to said stream where im-
 8 proved and along the banks thereof.

1 SEC. 3. Any land created, by any such improvement, in areas now
 2 under the jurisdiction of the state will remain under such jurisdiction
 3 until otherwise disposed of.

Approved April 6, 1943.

CHAPTER 85

FIELD MEETS WITH LIVE BIRDS

S. F. 212

AN ACT to permit live birds to be used at regularly conducted field meets under official supervision and prescribing rules and regulations for such meets.

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

1 SECTION 1. Notwithstanding the provisions of section one thou-
 2 sand seven hundred seventy-eight (1778) of the Code, 1939, it shall
 3 be lawful to hold field meets or trials and retriever meets or trials
 4 where dogs are permitted to work in exhibition or contest whereby

5 the skill of dogs is demonstrated by retrieving dead or wounded game
6 birds which have been propagated by licensed game breeders within
7 the state or secured from lawful sources outside the state and law-
8 fully brought into the state. All such birds must be released on the
9 day of trials on premises where the trials are held.

10 Such birds released may be shot by official guns after having se-
11 cured a permit as herein provided.

12 Such permits may be issued by the director of the State Conserva-
13 tion Commission upon proper application and the payment of a fee
14 of two dollars for each trial held. A representative of the commission
15 shall attend all such trials and enforce the laws and regulations gov-
16 erning same.

17 Such permit shall authorize the holders thereof to kill eighty percent
18 of the birds released by the permittees on the day of the trials.

19 The person or persons designated by the committee in charge to do
20 the shooting for such trials shall be known as the official guns, and
21 no other person shall be permitted to kill or attempt to kill any of
22 the birds released for such trials.

23 Before any birds are released under this section, they must each
24 have attached a tag provided by the conservation commission and
25 attached by a representative of the conservation commission at a
26 cost of not more than ten cents for each tag. All tags are to remain
27 attached to birds until prepared for consumption.

28 It is unlawful for any person to hold, conduct, or to participate in
29 a field or retriever trial before the permit required by this section has
30 been secured or for any person to possess or remove from the trial
31 grounds any birds which have not been tagged as herein required.

32 Any person who shall violate any provision of this section, shall
33 upon conviction be punished as provided in section one thousand
34 seven hundred eighty-nine (1789), Code, 1939.

Approved April 9, 1943.

CHAPTER 86

QUAIL

H. F. 167

AN ACT to amend section one thousand seven hundred ninety-four and eleven thou-
sandths (1794.011), code, 1939, to change the open season on quail and the time for
shooting quail each day during the open season.

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

1 SECTION 1. Section one thousand seven hundred ninety-four and
2 eleven thousandths (1794.011), Code, 1939, is amended by striking
3 all that part of the table in said section opposite the word "QUAIL",
4 under the heading "Open Season", and inserting in lieu thereof the
5 following:

6 "November 1—November 30
7 Shooting allowed each open
8 day from eight thirty a. m.
9 to five thirty p.m."

Approved April 5, 1943.

CHAPTER 87

CLOSED SEASON ON WALL-EYED PIKE

H. F. 82

AN ACT to amend section seventeen hundred ninety-four and twenty-nine thousandths (1794.029), code, 1939, relating to the angling laws.

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

- 1 SECTION 1. Section seventeen hundred ninety-four and twenty-
- 2 nine thousandths (1794.029), Code, 1939, is hereby amended by
- 3 inserting in line ten (10) thereof preceding the word "pike" the
- 4 word "wall-eyed".

Approved February 17th, 1943.

CHAPTER 88

REMOVING CATCH AND POSSESSION LIMITS ON SHEEPSHEAD

H. F. 83

AN ACT to amend table A of section one thousand seven hundred ninety-four and twenty-nine thousandths (1794.029), code, 1939, relating to the daily catch and possession limits on fish, to correct conflict in the law.

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

- 1 SECTION 1. Table A of section one thousand seven hundred
- 2 ninety-four and twenty-nine thousandths (1794.029), Code, 1939,
- 3 is hereby amended by striking from said table, on the line horizontal
- 4 with the word "Sheepshead", the number "25" in the "Daily Catch
- 5 Limit" column and the number "50" in the "Possession Limit"
- 6 column.

Approved February 17th, 1943.

CHAPTER 89

FISH AND GAME

H. F. 103

AN ACT to amend section one thousand seven hundred ninety-four and twenty-nine thousandths (1794.029), code, 1939, relating to catfish season, size of large-mouth bass, size of wall-eyed pike.

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

- 1 SECTION 1. Section one thousand seven hundred ninety-four and
- 2 twenty-nine thousandths (1794.029), Code, 1939, is hereby amended
- 3 as follows:
- 4 1. In "Table A" opposite the word "Catfish" and under the column
- 5 designated "Open Season" strike the words and figures "May 1 to
- 6 May 30 in inland streams only and July 1 to November 30 in all inland

7 waters" and substitute therefor the words and figures "June* 15 to
8 November 30".

9 2. In "Table A" opposite the words "Large-mouth bass" and under
10 the column designated "Minimum Length or Weight" strike the figure
11 "12" and substitute therefor the figure "10".

12 3. In "Table A" opposite the words "Sand pike, Sauger pike, wall-
13 eyed pike" and under the column designated "Minimum Length or
14 Weight" strike the figure "13" and substitute therefor the figure "12".

15 4. In "Table B" opposite the words "Wall-eyed pike" and under
16 the column designated "Minimum Length or Weight" strike the figure
17 "13" and substitute therefor the figure "12".

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Denison
3 Review, a newspaper published in Denison, Iowa, and in the Lake View
4 Resort, a newspaper published in Lake View, Iowa.

Approved February 16th, 1943.

I hereby certify that the foregoing act was published in the Denison Review, Denison,
Ia., February 25, 1943, and the Lake View Resort, Lake View, Ia., February 25, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 90

CLOSED SEASON ON FROGS

H. F. 54

AN ACT to amend section one thousand seven hundred ninety-four and forty-five thou-
sandths (1794.045), code, 1939, relating to the closed season on frogs.

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

1 SECTION 1. Section one thousand seven hundred ninety-four and
2 forty-five thousandths (1794.045), Code, 1939, is amended by striking
3 from line three (3) thereof the following: "November 30 to June 1"
4 and inserting in lieu thereof the following: "December 1 to May 11".

Approved March 11th, 1943.

CHAPTER 91

OPEN SEASON ON FUR BEARING ANIMALS

H. F. 183

AN ACT to amend section one thousand seven hundred ninety-four and forty-nine
thousandths (1794.049), code, 1939, relating to the open season on fur-bearing
animals.

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

1 SECTION 1. Section one thousand seven hundred ninety-four and
2 forty-nine thousandths (1794.049), Code, 1939, is amended by in-

*Note: H. F. 103, 50th G. A., was amended by H. F. 447, 50th G. A., relating to cat fish
open season, by changing "June" to "April". See chapter 95. The word "June" is in
line 8 of section 1 of H. F. 103 in the enrolled act.

3 serring between lines twenty-two (22) and twenty-three (23) the
 4 following:
 5 "such open season on badger, mink, raccoon, skunk, opossum, civet
 6 cat, and muskrat to begin at noon on the first day thereof,".

Approved April 6, 1943.

CHAPTER 92
DISTURBING ANIMAL DENS

H. F. 50

AN ACT to amend section one thousand seven hundred ninety-four and fifty-two thousandths (1794.052), code, 1939, relating to the state game laws.

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

1 SECTION 1. Section one thousand seven hundred ninety-four and
 2 fifty-two thousandths (1794.052), Code, 1939, is hereby amended as
 3 follows:

4 1. Strike the words "in the" in line number four (4) and the word
 5 "presence" in line number five (5) and substitute therefor the words
 6 "by permission".

1 SEC. 2. Amend section one thousand seven hundred ninety-four
 2 and fifty-two thousandths (1794.052), Code, 1939, by adding to said
 3 section the following: "Provided however, that nothing in this sec-
 4 tion shall prohibit the owner thereof to destroy any such den to pro-
 5 tect his own property."

Approved February 25th, 1943.

CHAPTER 93
FISH AND GAME CONSERVATION

H. F. 46

AN ACT to repeal section seventeen hundred ninety-four and fifty-seven thousandths (1794.057), code, 1939, relating to agents of licensed fur dealers.

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

1 SECTION 1. Section seventeen hundred ninety-four and fifty-seven
 2 thousandths (1794.057), Code, 1939, is hereby repealed.

Approved February 16th, 1943.

CHAPTER 94

CLOSED WATERS FOR SEINING FISH IN THE MISSISSIPPI RIVER

H. F. 218

AN ACT to amend section one thousand seven hundred ninety-four and sixty-nine thousandths (1794.069), code, 1939, relating to seining for fish in the Mississippi river.

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

1 SECTION 1. Section one thousand seven hundred ninety-four and
2 sixty-nine thousandths (1794.069), Code, 1939, is amended by striking
3 the period (.) following the word "Iowa" at the end of the section and
4 by adding the following: "; that part of the Mississippi river known
5 as 'Le Claire Canal' located on the Iowa side of the river and along
6 the fractional sections two, three, eight, nine, and ten, township
7 seventy-eight north, range five, west of the fifth P. M., Le Claire
8 township, Scott county, Iowa; and that part of the Mississippi river
9 known as 'Bussy Lake' in sections five and eight, township ninety-two
10 north, range two, west of the fifth P. M., Clayton county, Iowa; that
11 part of the Mississippi river known as 'Davenport Harbor of Refuge'
12 covering an area between Credit Island and the Iowa shore, and be-
13 tween the causeway from the Iowa shore to Credit Island and the foot
14 of Credit Island, and legally described as sections three (3), four (4)
15 and nine (9), township seventy-seven (77) north, Range three (3)
16 east of the fifth (5th) P. M., Scott County, Iowa."

Approved April 9, 1943.

CHAPTER 95

FISH AND GAME

H. F. 447

AN ACT to amend section one thousand seven hundred ninety-four and twenty-nine thousandths (1794.029), code, 1939, as amended by House File 103, acts of the 50th General Assembly, relating to open season on catfish; and to amend section seventeen hundred ninety-four and thirty-eight thousandths (1794.038), code, 1939, relating to spearing carp in the Winnebago river in Worth and Cerro Gordo counties; and to amend section one thousand seven hundred ninety-four and seventy-one thousandths (1794.071), code, 1939, by providing for the use of basket traps in the Mississippi and Missouri rivers.

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

1 SECTION 1. Section one thousand seven hundred ninety-four and
2 twenty-nine thousandths (1794.029) of the Code of 1939 as amended
3 by House File 103* of the Acts of the 50th General Assembly is
4 hereby amended by striking from line eight (8) of Section one (1)
5 of House File 103 the word "June" and inserting in lieu thereof the
6 word "April".

1 SEC. 2. Section seventeen hundred ninety-four and thirty-eight
2 thousandths (1794.038), Code, 1939, is amended by striking the period

Note: For H. F. 103 see chapter 89.

3 in line sixteen (16) after the word "counties" and by adding a
4 comma (,) and the following words "and in Winnebago river in
5 Worth and Cerro Gordo counties."

1 SEC. 3. Section one thousand seven hundred ninety-four and
2 seventy-one thousandths (1794.071) is amended by adding thereto
3 the following:

4 "It shall also be lawful to use in the Mississippi and Missouri
5 Rivers basket traps made of wood except that the material in the
6 end opposite the throat shall be linen or cotton single mesh web with
7 meshes not less than one and one-half inches square or bar measure.
8 Basket traps shall be licensed and tagged as hoop nets."

1 SEC. 4. This act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Denison
3 Review, a newspaper published in Denison, Iowa, and in the Lake
4 View Resort, a newspaper published in Lake View, Iowa.

Approved March 26, 1943.

I hereby certify that the foregoing act was published in the Denison Review, Denison,
Ia., April 1, 1943, and the Lake View Resort, Lake View, Ia., April 1, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 96

LIMITATION ON SEINING IN BOUNDARY RIVERS

H. F. 47

AN ACT to amend section one thousand seven hundred ninety-four and seventy-four
thousandths (1794.074), code, 1939, relating to the kinds of fish that may be taken
by commercial fishermen.

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

1 SECTION 1. Section one thousand seven hundred ninety-four and
2 seventy-four thousandths (1794.074), Code, 1939, is hereby amended
3 as follows: Strike the period (.) after the word "time" in line eight
4 (8) and add the following: ", except that the above named fish may
5 not be taken by seines between May 15 and June 15, both dates ex-
6 clusive, each year."

Approved March 11th, 1943.

CHAPTER 97

CARRIER PIGEONS

S. F. 31

AN ACT to amend chapter eighty-six (86), code, 1939, relating to fish and game conser-
vation, to prohibit the killing, injuring or interfering with carrier pigeons, and
providing for a penalty for violation.

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

Chapter Eighty-six (86), Code, 1939, is amended by adding thereto the
following:

1 SECTION 1. It shall be unlawful for any person or persons, except
2 the owner or his representatives, to shoot, kill, maim, injure, steal,

3 capture, detain or to interfere with any homing pigeon, commonly
 4 called, "carrier pigeon", which shall at the time, have the name, initials
 5 or other identification of its owner, stamped, marked or attached
 6 thereon; or to remove any mark, band or other means of identification
 7 from such pigeon which has the name, initials or emblem of the owner
 8 stamped or marked upon it.

1 SEC. 2. Whoever shall violate the provisions of the foregoing section
 2 shall be punished as is provided in section one thousand seven
 3 hundred eighty nine (1789) of this Chapter.

Approved April 6, 1943.

CHAPTER 98

BEAVER DAMAGE ON PRIVATE AND PUBLIC LAND

S. F. 184

AN ACT to amend chapter eighty-six (86), code, 1939, to provide legal method for handling beaver property damage on private and public lands.

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

- 1 SECTION 1. Chapter eighty-six (86), Code, 1939, is hereby amended
 2 by adding a section as follows:
 3 1. When beaver shall at any time, in any locality, be causing substantial
 4 damage to public or private property, the commission may issue to
 5 any person, as provided herein, a permit to take and sell beaver. Such
 6 permit shall specify the number, the time and the place where and the
 7 method by which the beaver may be taken, provided however, that no
 8 permit shall be required of any one destroying beavers causing damage
 9 to his private property.
 10 2. The permittee shall report to the commission within ten (10)
 11 days after the taking of any beaver, the number taken and submit the
 12 skins and such other portions of all such beaver for inspection as may
 13 be required by the permit. Thereupon, if all requirements in the permit
 14 have been complied with, the commission or its appointed representative
 15 shall issue and affix to each beaver skin a distinctive tag,
 16 stamp or seal. Such tag, stamp or seal must remain affixed to each skin
 17 until finally processed. The permittee shall pay the commission a fee of
 18 one (1) dollar for each tag, stamp or seal so issued. It shall be unlawful
 19 for any person to buy, sell or transport any beaver skins which are
 20 untagged as provided by this act. The commission shall keep a record
 21 of each such tag, stamp or seal issued, to whom issued, and the date of
 22 issue.
 23 3. Any person who shall unlawfully take, possess, transport, sell or
 24 otherwise dispose of any beaver, or any part thereof or who shall violate
 25 any of the provisions of this act shall be punished as provided in
 26 section seventeen hundred eighty-nine (1789), Code, 1939.

1 SEC. 2. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its publication in the Spirit Lake
 3 Beacon, a newspaper published at Spirit Lake, Iowa, and in the Deni-
 4 son Review, a newspaper published at Denison, Iowa.

Approved February 27, 1943.

I hereby certify that the foregoing act was published in the Spirit Lake Beacon, Spirit Lake, Ia., March 4, 1943, and the Denison Review, Denison, Ia., March 11, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 99

FREE HUNTING AND FISHING PRIVILEGES TO PERSONS IN MILITARY AND NAVAL FORCES

S. F. 112

AN ACT to amend section one (1) of chapter one hundred ten (110), Acts of the 49th General Assembly, by granting free hunting and fishing privileges to persons in the military and naval forces of the United States during time of war.

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

1 SECTION 1. Amend section one (1) of chapter one hundred ten
 2 (110), Acts of the 49th General Assembly by adding the following:
 3 “, nor shall any person during the time the United States of America
 4 is engaged in war who is a member of the military or naval forces of
 5 the United States be required to have a license to hunt or fish in this
 6 state.”

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

Approved Feb. 5, 1943.

I hereby certify that the foregoing act was published in the Lyon County Reporter, Rock Rapids, Ia., February 18, 1943, and the Denison Review, Denison, Ia., February 11, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 100

FISH AND GAME LICENSES AND CONTRABAND ARTICLES

H. F. 42

AN ACT to amend chapter eighty-six and one-tenth (86.1), code, 1939, relating to fish and game licenses.

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

1 SECTION 1. Chapter eighty-six and one-tenth (86.1), Code, 1939,
 2 is hereby amended by adding thereto a new section as follows:
 3 “Penalties. Whoever shall violate any of the provisions of this
 4 chapter shall be fined not less than ten dollars (\$10.00) nor more
 5 than one hundred dollars (\$100.00), or be imprisoned in the county
 6 jail not more than thirty (30) days.”

Approved February 16th, 1943.

CHAPTER 101

OPEN SEASON FOR PHEASANTS

H. F. 320

AN ACT to amend section one thousand seven hundred ninety-four and eleven thousandths (1794.011), code, 1939, relating to open season for pheasants.

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

- 1 SECTION 1. Amend section one thousand seven hundred ninety-
- 2 four and eleven thousandths (1794.011), Code, 1939, by striking in
- 3 the column of the table headed "Open Season", opposite the word
- 4 "PHEASANTS—", the following: "November 12-November 14",
- 5 and inserting in lieu thereof the following: "October 28-October 30".

Approved April 8, 1943.

CHAPTER 102

FENCES

H. F. 393

AN ACT to amend section one thousand eight hundred forty-one (1841), code, 1939, relating to fences.

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

- 1 SECTION 1. Section one thousand eight hundred forty-one (1841),
- 2 Code, 1939, is amended by striking all of said section after the word
- 3 "grantees" in line six (6) and line seven (7) thereof and by inserting
- 4 in lieu thereof a period (.)

Approved April 6, 1943.

CHAPTER 103

CIVIL ENGINEERS

S. F. 13

AN ACT to amend section eighteen hundred sixty-nine and one-tenth (1869.1) of the 1939 code of Iowa relating to the collection of fees for the renewal of licenses of registered professional engineers.

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

- 1 SECTION 1. That section eighteen hundred sixty-nine and one-tenth
- 2 (1869.1) of the 1939 Code of Iowa shall be amended by adding the
- 3 following words at the end of said section:
- 4 "For the duration of any war in which the United States of America
- 5 is engaged the Board may, in its discretion, defer the collection of
- 6 renewal fees without penalty, which have or may become due from
- 7 registered professional engineers who are employed in the war effort,
- 8 and residing outside the State of Iowa, or who are members of the
- 9 Armed Forces of the United States, and may renew the engineering
- 10 certificates of said registered professional engineers."

Approved February 11th, 1943.

CHAPTER 104

ACCOUNTANCY

H. F. 22

AN ACT to amend section one thousand nine hundred five and six-hundredths (1905.06), code, 1939, relating to the definition of the practice of accountancy.

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

1 SECTION 1. Section one thousand nine hundred five and six-
2 hundredths (1905.06), Code, 1939, is amended by inserting at the
3 beginning thereof the following, "The term 'accountant' includes".

1 SEC. 2. Strike from section nineteen hundred five and six hun-
2 dredths (1905.06), Code, 1939, in line one (1) the word "All" and
3 substituting in lieu thereof the word "all".

Approved January 28, 1943.

CHAPTER 105

ACCOUNTANCY

H. F. 33

AN ACT to amend section one thousand nine hundred five and nine-hundredths (1905.09), code, 1939, relating to qualifications for license to practice accountancy.

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

1 SECTION 1. Section one thousand nine hundred five and nine-
2 hundredths (1905.09), Code, 1939, is amended by striking from
3 line five (5) of subsection two (2) the words "budget directors"
4 and inserting in lieu thereof the word "comptrollers".

Approved February 4, 1943.

CHAPTER 106

LIQUOR CONTROL ACT

H. F. 25

AN ACT to amend section nineteen hundred twenty-one and twenty-nine thousandths (1921.029), code, 1939, relating to the time of expiration of liquor permits.

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

1 SECTION 1. Section one thousand nine hundred twenty-one and
2 twenty-nine thousandths (1921.029), Code, 1939, is amended by
3 striking from lines three (3) and four (4) the following, "except as
4 provided in section 1921.028,".

Approved February 4th, 1943.

CHAPTER 107

BEER AND MALT LIQUORS

H. F. 9

AN ACT to amend section one thousand nine hundred twenty-one and ninety-nine thousandths (1921.099), code, 1939, relating to the issuance of state permits to holders of class "B" and class "C" beer permits, and providing for the payment of fees for such applications.

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

1 SECTION 1. Paragraph two (2) of section one thousand nine hun-
 2 dred twenty-one and ninety-nine thousandths (1921.099), Code,
 3 1939, is hereby amended by striking out after the comma (,) follow-
 4 ing the word "chapter" in line four (4) thereof the words "obtain a
 5 permit from the State Permit Board upon application made to the
 6 board and upon payment of a fee of three dollars." and inserting in
 7 lieu thereof the following:
 8 "also make application through such city or town council or Board
 9 of Supervisors for a state permit from the State Permit Board.
 10 Such applicant shall deposit with said application a fee of three
 11 dollars which shall be forwarded to the State Permit Board, together
 12 with the certification to the State Board of the issuance of such Class
 13 "B" or "C" permit."

1 SEC. 2. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its publication in the Cedar
 3 Rapids Tribune, a newspaper published in Cedar Rapids, Iowa, and
 4 the Charles City Daily Press, a newspaper published in Charles
 5 City, Iowa.

Approved February 4, 1943.

I hereby certify that the foregoing act was published in the Cedar Rapids Tribune, Cedar Rapids, Ia., February 11, 1943, and the Charles City Daily Press, Charles City, Ia., February 11, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 108

BEER AND MALT LIQUORS

H. F. 20

AN ACT to repeal section one thousand nine hundred twenty-one and one hundred one thousandths (1921.101), code, 1939, relating to tenure of class "B" permits issued to golf or country clubs.

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

1 SECTION 1. Section one thousand nine hundred twenty-one and
 2 one hundred one thousandths* (1921.101), Code, 1939, relating to
 3 tenure of class "B" permits issued to golf or country clubs, is hereby
 4 repealed.

Approved February 4th, 1943.

*Note: In accordance with the enrolled bill.

CHAPTER 109

BEER AND MALT LIQUORS

H. F. 10

AN ACT to amend section one thousand nine hundred twenty-one and one hundred nineteen thousandths, (1921.119), code, 1939, relating to the licensing of golf and country clubs to sell beer.

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

1 SECTION 1. Section one thousand nine hundred twenty-one and
2 one hundred nineteen thousandths, (1921.119), Code, 1939, is hereby
3 amended by striking from line eleven (11) of the same, the numbers
4 one thousand nine hundred twenty-one and one hundred seven
5 thousandths (1921.107), and substituting therefor the numbers one
6 thousand nine hundred twenty-one and one hundred eleven thou-
7 sandths (1921.111).

Approved January 27, 1943.

CHAPTER 110

BEER LICENSE FEES AND TAXES ALLOCATED TO STATE GENERAL FUND

S. F. 166

AN ACT to amend section one thousand nine hundred twenty-one and one hundred twenty-eight thousandths (1921.128), code, 1939, in reference to allocation of license fees and taxes collected upon beer.

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

1 SECTION 1. Section one thousand nine hundred twenty-one and
2 one hundred twenty-eight thousandths (1921.128), Code, 1939, is
3 hereby amended by striking lines three (3) and four (4) of subsection
4 "b" and inserting in lieu thereof "general fund."

Approved March 30th, 1943.

CHAPTER 111

LIMITATION ON LIQUOR JUDGMENTS OR INJUNCTIONS

H. F. 268

AN ACT to limit the time within which judgments or decrees obtained prior to January 1, 1930, under chapter six (6), title XII, code of 1897, or chapter ninety-eight (98), code, 1939, may be enforced against real or personal property and limiting the life of the lien or encumbrance on real or personal property of any such judgment or decree and providing for the renewal of liens or encumbrances.

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

1 SECTION 1. From and after January 1, 1944, no judgment or
2 decree of injunction entered prior to January 1, 1930, in any action
3 brought under the provisions of Chapter six (6), Title XII, Code

4 of 1897, and all acts amendatory thereto or under the provisions of
 5 Chapter ninety-eight (98), Code, 1939, and all acts amendatory
 6 thereto, shall be enforced against any real or personal property
 7 named or referred to in any such judgment or decree; and from and
 8 after January 1, 1944, any lien or encumbrance created on real or
 9 personal property by or under any such decree, shall expire unless
 10 action to renew such lien or encumbrance is brought prior to said
 11 date, and in the event action to renew same is brought prior to said
 12 date, such lien or encumbrance shall continue until said action goes
 13 to final judgment and decree, and any lien or encumbrance renewed
 14 under any such decree shall expire ten years from the date thereof.

1 SEC. 2. Nothing in this act shall affect litigation pending upon
 2 the effective date of this act.

1 SEC. 3. This act being deemed of immediate importance shall
 2 be in full force and effect from and after its publication in the Council
 3 Bluffs Nonpareil, a newspaper published at Council Bluffs, Iowa,
 4 and in the Griswold American, a newspaper published at Griswold,
 5 Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Council Bluffs Nonpareil,
 Council Bluffs, Ia., April 13, 1943, and the Griswold American, Griswold, Ia., April 14,
 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 112

ENFORCEMENT OF THE LAW ON THE PRACTICE OF PHARMACY

H. F. 24

AN ACT to amend and clarify section two thousand five hundred thirty (2530), code,
 1939, relating to the duties of health department inspectors in the enforcement of
 the law affecting the practice of pharmacy.

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

1 SECTION 1. Section two thousand five hundred thirty (2530),
 2 Code, 1939, is amended by inserting in line four (4) after the figures,
 3 "2523" the following, ", 2523.1".

Approved April 8, 1943.

CHAPTER 113

STERILIZATION OF DRINKING UTENSILS IN FOOD ESTABLISHMENTS

H. F. 260

AN ACT to provide for the public health and to amend section two thousand eight hun-
 dred twenty-seven (2827), code, 1939, relating to the use of common drinking cups
 in hotels, restaurants and food establishments, and providing for the sterilization
 of all drinking utensils used for dispensing beverages in food establishments.

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

1 SECTION 1. That section two thousand eight hundred twenty-seven
 2 (2827), Code, 1939, be amended by adding thereto the following:

3 "In all food establishments where beverages are dispensed, all
 4 glasses and drinking utensils intended for repeated use in dispensing
 5 beverages shall be sterilized before each use by the use of a chemical
 6 sterilizer or other methods approved by the secretary of agriculture.
 7 Any person who desires to use a method which has not been approved
 8 by the secretary of agriculture shall apply to the secretary of agricul-
 9 ture who upon application being made shall approve any method
 10 proven to be an effective bactericidal process."

Approved April 6, 1943.

CHAPTER 114

COLD STORAGE LOCKER PLANTS

H. F. 235

AN ACT to amend chapter one hundred thirty-four and one tenth (134.1), code, 1939, relating to cold storage locker plants.

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

1 SECTION 1. Section two thousand eight hundred seventy-two and
 2 one hundredth (2872.01), Code, 1939, is amended by striking sub-
 3 section two (2) and inserting in lieu thereof the following:

4 "‘Frozen food locker plant’ shall mean a location or establishment
 5 in which space in individual lockers is rented to persons for storage
 6 of frozen food and is equipped with a chill room, sharp freezing facili-
 7 ties and facilities for cutting, preparing, wrapping and packaging
 8 meats and meat products, fruits and vegetables.

9 "‘Branch frozen food locker plant’ shall mean a location or estab-
 10 lishment in which space in individual lockers is rented to persons for
 11 storage of frozen food after preparation for storage at a frozen food
 12 locker plant."

1 SEC. 2. Section two thousand eight hundred seventy-two and two
 2 hundredths (2872.02), Code, 1939, is repealed and the following
 3 enacted in lieu thereof:

4 "No person shall engage in the operation of a frozen food locker
 5 plant or a branch frozen food locker plant until he has obtained a
 6 separate license from the department for each such location or es-
 7 tablishment. Application for such license or licenses shall be made
 8 upon forms furnished by the department and shall contain the items
 9 required by it as to ownership, management, location, equipment, and
 10 other data concerning the business for which each license is desired."

1 SEC. 3. Section two thousand eight hundred seventy-two and four
 2 hundredths (2872.04), Code, 1939, is repealed and the following
 3 enacted in lieu thereof:

4 "The license fee for each such plant or branch plant shall be ten
 5 dollars for two hundred or less individual lockers with an additional
 6 two dollars for each additional one hundred individual lockers or
 7 major fraction thereof in either a frozen food locker plant or branch
 8 frozen food locker plant. Each such license shall expire on December
 9 31 of each year following the date of issue and no such license shall be
 10 transferable."

1 SEC. 4. Section two thousand eight hundred seventy-two and three
2 hundredths (2872.03), Code, 1939, is repealed and the following
3 enacted in lieu thereof:

4 "Upon receipt of an application for a license for a new plant accom-
5 panied by the required fee, the department shall inspect within thirty
6 days the plant or branch plant, its equipment, facilities, surrounding
7 premises, and if its operations comply with provisions of law and the
8 authorized rules and regulations of the department applicable to such
9 plants, the department shall issue such license."

1 SEC. 5. Section two thousand eight hundred seventy-two and six
2 hundredths (2872.06), Code, 1939, is amended by striking from line
3 two (2) the words, "refrigerated locker" and inserting in lieu thereof
4 the words, "frozen food locker plant".

1 SEC. 6. Section two thousand eight hundred seventy-two and seven
2 hundredths (2872.07), Code, 1939, is amended as follows:

3 1. Strike from lines one (1) and (2) the words, "refrigerated
4 locker plant" and insert in lieu thereof the words, "frozen food locker
5 plant";

6 2. Strike from line six (6) the word, "therewith" and insert in
7 lieu thereof the words, "with any provision of this chapter".

1 SEC. 7. Section two thousand eight hundred seventy-two and
2 eight hundredths (2872.08), Code, 1939, is amended by striking from
3 lines two (2) and three (3) the words, "refrigerated locker" and
4 insert in lieu thereof the words, "frozen food locker plant".

1 SEC. 8. Section two thousand eight hundred seventy-two and nine
2 hundredths (2872.09), Code, 1939, is amended as follows:

3 1. Strike from line two (2) the words, "refrigerated locker" and
4 insert in lieu thereof the words, "frozen food locker";

5 2. Strike from lines three (3) and four (4) the words, "twelve
6 degrees to fifteen degrees Fahrenheit" and insert in lieu thereof the
7 words, "ten degrees Fahrenheit or lower".

1 SEC. 9. Section two thousand eight hundred seventy-two and ten
2 hundredths (2872.10), Code, 1939, is amended by striking from lines
3 one (1) and two (2) the words, "refrigerated locker plants" and in-
4 sert in lieu thereof the words, "frozen food locker plants or branch
5 plants".

1 SEC. 10. Chapter one hundred thirty-four and one tenth (134.1),
2 Code, 1939, is amended by adding thereto the following:

3 "Any person who shall violate any provision of this chapter shall
4 be fined not less than twenty-five dollars nor more than one hundred
5 dollars or be imprisoned in the county jail not exceeding thirty days."

1 SEC. 11. This act being deemed of immediate importance shall be
2 in full force and effect after its passage and publication in The Mar-
3 shalltown Times Republican, a newspaper published at Marshalltown,
4 Iowa, and the Tripoli Leader, a newspaper published at Tripoli, Iowa.

Approved March 24, 1943.

I hereby certify that the foregoing act was published in the Marshalltown Times
Republican, Marshalltown, Ia., March 26, 1943, and the Tripoli Leader, Tripoli, Ia.,
March 31, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 115

STATE FAIR BOARD CONVENTION

H. F. 88

AN ACT to amend section two thousand eight hundred seventy-four (2874), code, 1939, relating to state fair board convention.

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

- 1 SECTION 1. Amend section two thousand eight hundred seventy-
- 2 four (2874), Code, 1939, by adding to the end thereof the following:
- 3 "9. The president, or an accredited representative, of the Iowa
- 4 swine producers association.
- 5 10. The president, or an accredited representative, of the Iowa
- 6 horse and mule breeders association.
- 7 11. The president, or an accredited representative, of the Iowa
- 8 sheep association."

Approved March 19th, 1943.

CHAPTER 116

COUNTY AND DISTRICT FAIRS DURING WAR EMERGENCY

S. F. 312

AN ACT to preserve state aid to county and district fair societies who do not hold fairs or file reports during and by reason of the war emergency.

WHEREAS the present war emergency with its attendant curtailment of transportation facilities has resulted in many fair societies temporarily discontinuing the holding of annual fairs, and

WHEREAS it is undesirable that any such societies should be thereby deprived of any right to state aid through circumstances beyond their control,

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

- 1 SECTION 1. Notwithstanding any provision or requirement in
- 2 sections two thousand nine hundred two (2902), to two thousand nine
- 3 hundred three (2903) inclusive, Code, 1939, if any society as defined
- 4 in section two thousand eight hundred ninety-four (2894), Code, 1939,
- 5 which held a fair prior to the year 1942 and received state aid, failed
- 6 or shall fail to file any report or hold an annual fair during and by
- 7 reason of the war emergency existing, state aid shall nevertheless be
- 8 resumed for such society beginning with the first fair held by it after
- 9 the year 1942.

Approved April 1, 1943.

CHAPTER 117

STATE AID FOR FARMER'S SHORT COURSES

H. F. 411

AN ACT to amend section two thousand nine hundred twenty-one (2921), code, 1939, to provide state aid for fairs and short courses in agriculture in counties having two farm aid associations.

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

1 SECTION 1. Section two thousand nine hundred twenty-one (2921),
 2 Code, 1939, is hereby amended by striking the period (.) at the end
 3 of subsection one (1) and by adding to subsection one (1) the fol-
 4 lowing:
 5 " , provided, however, that any county having two farm aid asso-
 6 ciations, organized under chapter 138, Code, 1939, and where the
 7 district fair is held in two places, may receive state aid for both a
 8 district fair and for a short course in agriculture and domestic science
 9 and in any year in which a district fair is not held in said county then
 10 said county will be entitled to aid for two agricultural short courses."

Approved April 8, 1943.

CHAPTER 118

IOWA STATE SHEEP ASSOCIATION

H. F. 87

AN ACT to recognize the Iowa State Sheep Association; to define the duties and objects of the association; and to aid in promoting the welfare of the sheep industry in Iowa.

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

1 SECTION 1. The organization known as the Iowa state sheep
 2 association shall be entitled to the benefits of this chapter by
 3 filing each year with the Department of Agriculture verified proof
 4 of its organization, the names of its president, vice president,
 5 secretary-treasurer, and that five hundred (500) persons are bona
 6 fide members, together with such other information as the Depart-
 7 ment of Agriculture may require.

1 SEC. 2. The duties and objects of the Iowa state sheep associa-
 2 tion shall be:
 3 1. To promote the welfare of the sheep industry in Iowa.
 4 2. To provide for practical and scientific instruction in the breed-
 5 ing, growing and feeding of sheep.
 6 3. To make demonstrations in the feeding and care of sheep, and
 7 publish subjects beneficial to the sheep industry.
 8 4. To aid in the orderly marketing of sheep and wool.
 9 5. To promote the consumption of lamb and mutton and the use
 10 of wool.
 11 6. To publish a breeders' directory.
 12 7. To aid and promote sheep-feeding contests, shows and sales.

13 8. To make an annual report of the proceedings and expenditures
14 to the Secretary of Agriculture.

1 SEC. 3. The association shall act by and through an executive
2 committee consisting of:

3 1. The president, vice president, and secretary-treasurer of the
4 association.

5 2. The dean of the division of agriculture of the Iowa State Col-
6 lege of Agriculture and Mechanic Arts, or a member of the faculty
7 of said college to be designated by the said dean.

8 3. The Secretary of Agriculture of the state of Iowa.

1 SEC. 4 The executive committee may employ one or more compe-
2 tent persons who shall carry out the provisions of this chapter under
3 the direction of the committee. Such persons shall hold office at the
4 pleasure of the committee.

1 SEC. 5. The officers of the association shall serve without com-
2 pensation, but shall receive their necessary expenses while engaged
3 in the business of the association.

Approved February 11th, 1943.

CHAPTER 119

ICE CREAM STANDARD OF MILK FAT

H. F. 216

AN ACT to amend the law as it appears in paragraphs 33, 34, and 35, section three thousand fifty-eight (3058) of the code of Iowa, 1939, relating to the standard by weight of milk fat in ice cream.

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

1 SECTION 1. That the law as it appears in Paragraph 33, Section
2 Three Thousand Fifty Eight (3058), Code of Iowa, 1939, be and the
3 same is hereby amended by adding thereto at the close of said Para-
4 graph 33 the following: "Provided that from and after the taking
5 effect of this act and until April 30, 1945, ice cream shall contain not
6 less than eight per cent by weight of milk fat."

1 SEC. 2. That the law as it appears in Paragraph 34, Section 3058,
2 Code of Iowa, 1939, be and the same is hereby amended by adding
3 thereto at the close of said Paragraph 34 the following:

4 "Provided that from and after the taking effect of this act and until
5 April 30, 1945, fruit ice cream shall contain not less than six per cent
6 by weight of milk fat."

1 SEC 3. That the law as it appears in Paragraph 35, Section 3058,
2 Code of Iowa, 1939, be and the same is hereby amended by adding
3 thereto at the close of said Paragraph 35 the following:

4 "Provided that from and after the taking effect of this act and
5 until April 30, 1945, nut ice cream shall contain not less than seven
6 per cent by weight of milk fat."

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

Approved February 16, 1943.

I hereby certify that the foregoing act was published in the Charles City Daily Press, Charles City, Ia., February 20, 1943, and the Oskaloosa Tribune, Oskaloosa, Ia., February 25, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 120

DAIRY INDUSTRY ACT

S. F. 258

AN ACT relating to the dairy industry, and to conserve and promote the prosperity and welfare of the Iowa dairy industry and of the state of Iowa by promoting the increased use and consumption of dairy products, whether processed or unprocessed, by providing for a research, educational, publicity, advertising and sales promotion campaign; to levy and impose an excise tax on butter fat produced in this state during the period from June 1 to June 15, inclusive, of each year and to provide for the collection thereof by the producer or dealer, for the purpose of creating a fund with which to conduct such research, educational, advertising publicity, and sales promotion campaign; to create the Iowa Dairy Industry Commission, and to vest the administration of this act in such commission; to provide for the particular duties and authority of said commission hereunder; and to provide penalties for violation of this act.

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

1 SECTION 1. As used in this Act:
 2 (a) The term "commission" shall mean the Iowa Dairy Industry
 3 Commission;
 4 (b) The term "person" shall mean individuals, corporations, part-
 5 nerships, trusts, associations, cooperatives, and any and all other
 6 business units.
 7 (c) The term "producer" shall mean and include every person who
 8 produces milk or cream from cows or goats and thereafter sells the
 9 same as milk, cream or other dairy products.
 10 (d) The term "dealer" shall mean and include any person who
 11 buys, sells, manufactures, processes or ships dairy products, or who
 12 acts as sales or purchasing agent, broker or factor of dairy products.

1 SEC. 2. There is hereby created an "Iowa Dairy Industry Com-
 2 mission" to be thus known and designated.
 3 This commission shall be composed of the Secretary of Agriculture
 4 of Iowa, the head of the Dairy Husbandry Department of Iowa State
 5 College, the head of the Dairy Industry Department of Iowa State
 6 College, and in addition thereto nine (9) members appointed by the
 7 Executive Committee of the Iowa State Dairy Association as
 8 immediately hereinafter provided.
 9 The Board of Directors of the Iowa State Dairy Association shall
 10 nominate for the office of Commissioners two (2) persons from each

11 congressional district within the State of Iowa as constituted as of
12 January 1, 1941, both of whom shall be actual milk or cream producers
13 and from this list as nominated and certified to the Executive
14 Committee of the Iowa State Dairy Association, the said Executive
15 Committee shall appoint one (1) of said nominees from each of said
16 districts. Said appointive commissioners shall serve until the expira-
17 tion of this Act as fixed herein. Any vacancy occurring shall be
18 filled by the said Executive Committee from nominations made by the
19 Board of Directors of the Iowa State Dairy Association in the manner
20 heretofore provided. The appointive members of the Commission shall
21 receive the sum of Five Dollars (\$5.00) per day for each day spent
22 in actual attendance on meetings of the Commission not exceeding
23 One Hundred Dollars (\$100.00) per annum, together with subsistence
24 expenses not exceeding Four Dollars (\$4.00) per diem, and mileage
25 at the rate of three and one-half cents (3½c) per mile.

1 SEC. 3. The powers and duties of the Commission shall include
2 the following:

3 (1) To elect a chairman, a treasurer, and from time to time such
4 other officers as it may deem advisable, and from time to time to adopt,
5 rescind, modify and amend all proper and necessary rules, regulations
6 and orders for the exercise of its power and the performance of its
7 duties, which such rules, regulations and orders shall have the force
8 and effect of law when not inconsistent with existing laws:

9 (2) To administer and enforce this Act, and do and perform all
10 acts and exercise all powers reasonably necessary to effectuate the
11 purpose of this Act;

12 (3) To employ at its pleasure and discharge at its pleasure such
13 attorneys, advertising counsel, advertising agencies, clerks, and
14 employees as it deems necessary, and to prescribe their duties and
15 powers and fix their compensation;

16 (4) To establish offices and incur any and all expense, and to
17 enter into any and all contracts and agreements for the proper
18 administration and enforcement of this Act;

19 (5) To report alleged violations of this Act to the Attorney General
20 of the State of Iowa;

21 (6) To conduct scientific research for the purpose of developing
22 and discovering the health, food, thereapeutic,* dietetic, and industrial
23 uses for products of milk or its derivatives;

24 (7) To make in the name of the Commission such advertising
25 contracts and other agreements as it deems necessary to promote the
26 sale and consumption of dairy products on either a state or national
27 basis;

28 (8) To keep accurate books, records, and accounts of all its dealings.
29 which books, records and accounts shall be open to inspection and
30 audit by the Board of Directors of the Iowa State Dairy Association
31 or its representatives.

1 SEC. 4. The Commission shall plan and conduct a campaign for
2 commodity advertising, publicity and sales promotion, research and
3 educational campaigns to increase the consumption of dairy products,

*Note: In accordance with enrolled bill.

4 and may contract for any advertising, publicity, and sales promotion,
5 research and educational service. To accomplish such purpose the
6 Commission shall have power and it shall be the duty of the
7 Commission to disseminate information as follows:

8 (a) Relating to dairy products and the importance thereof in pre-
9 serving the public health, the economy thereof in the diet of the people,
10 and the importance thereof in the nutrition of children;

11 (b) Relating to the manner, method and means used and employed
12 in the production, processing and marketing of dairy products in order
13 to comply with the laws of the state and nation regulating and safe-
14 guarding such production and marketing to insure a pure and whole-
15 some product;

16 (c) Relating to the method of the producer and dealer in producing
17 and handling dairy products in order to meet the standards imposed by
18 the state and the Federal Government to insure a pure and nutritious
19 product;

20 (d) Relating to the harmful effect on the public health that would
21 result from a breakdown of the dairy industry;

22 (e) Relating to the reasons why producers should receive a reason-
23 able return on their labor investment;

24 (f) Relating to the problem of furnishing the consumer at all times
25 with an abundant supply of high quality dairy products at reasonable
26 prices;

27 (g) Relating to the factors of instability peculiar to the dairy indus-
28 try, such as unbalanced production, influence of consumer purchasing
29 power, and price relative to the cost of other items of food in the nor-
30 mal diet of people, to the end that an intelligent and increasing con-
31 sumer demand may be stimulated;

32 (h) Relating to the possibilities of increasing consumption of dairy
33 products;

34 (i) Relating to such other, further and additional information as
35 shall tend to promote increased consumption of dairy products, and as
36 may foster a better understanding and more efficient cooperation be-
37 tween producers, and consuming public.

1 **SEC. 5.**

2 (a) There is hereby levied and imposed an excise tax of one cent
3 (1c) per pound or fraction thereof upon all butter fat produced in the
4 state of Iowa during the period beginning June 1st and terminating
5 June 15th inclusive, 1943, and annually thereafter during the same
6 period; provided, however, that the provisions of this section shall not
7 apply to butter fat in milk and cream produced outside the State of
8 Iowa, or to butter fat in milk and cream consumed upon the farm where
9 produced. For the purposes of computing the tax in markets where
10 butter fat tests are not available, or the butter fat content not definitely
11 known, the amount of butter fat in milk and cream shall be computed
12 on the basis of four percent (4%) in the case of milk, and thirty-two
13 percent (32%) in the case of cream.

14 (b) All taxes levied and imposed under this act shall be deducted
15 from the price charged by the producer and shall be collected by the
16 first dealer; provided however, that:

17 (1) Where the producer produces milk or cream from cows or goats
18 and thereafter sells the same as milk, cream, or other dairy products,

19 directly to the consumer the taxes aforesaid shall be held by such pro-
20 ducer.

21 (2) Where the producer sells milk, cream or other dairy products to
22 any dealer outside the state of Iowa the taxes aforesaid shall be due
23 and payable by such producer before the shipment is made, except that
24 the commission may make such agreements with extra state dealers
25 for the keeping of records and the collection of the taxes aforesaid as
26 are necessary to secure the payment of the said taxes within the time
27 fixed by this Act.

28 All the money collected or held as provided in this Section shall be
29 deposited with the Treasurer of the commission on or before the 15th
30 day of July for the use by the commission for the purpose of this Act.

31 The said Treasurer shall give a bond in such sum as shall be re-
32 quired by the Commission, but not less than twenty thousand dollars
33 (\$20,000.00).

1 SEC. 6. Every producer shipping milk, cream, or other dairy prod-
2 ucts to any dealer outside of Iowa who is not by agreement with the
3 Commission collecting the tax imposed by this act, and every first
4 dealer within the State of Iowa and every producer distributing milk,
5 cream, or other dairy products directly to the consumer, shall keep a
6 complete and accurate record of all butter fat taxed by this Act in milk
7 or cream produced, bottled, processed, or distributed by him during the
8 period of June 1 to June 15, inclusive, of each year. Such records shall
9 be in such form and contain such information as the commission shall
10 by rule or regulation prescribe and shall be preserved by the person
11 charged with their making for a period of two (2) years and shall be
12 offered or submitted for inspection at any time upon written or oral
13 request by the Commission or its duly authorized agent or employee.

1 SEC. 7. Every person charged by this Act or by agreement with
2 the Commission with the keeping of records provided for in this Act
3 shall at such times as the Commission may by rule or regulation
4 require, file with the Commission a return on forms to be prescribed
5 and furnished by the Commission stating the quantity of dairy
6 products produced, bottled, processed, or distributed, and butter fat
7 content of all milk or cream produced by, delivered to or purchased by
8 such person from the various producers of dairy products or their
9 agents in the State of Iowa during the period of time prescribed in
10 above subsection (a) Section 5. Such return shall contain such other
11 information as the Commission may require, and shall be made in
12 triplicate, one (1) copy of which shall be for the files of the person
13 making the return, and one (1) copy available at the office of such
14 person, for the use of his patrons, and the original filed with the
15 Commission.

1 SEC. 8. The State of Iowa shall not be liable for the acts of said
2 Commission or its contracts. All persons dealing with the Commission
3 shall be limited to the funds collected under the provisions of this
4 Act, and no member of the Commission or any employee or agent
5 thereof shall be liable on the contracts of the Commission. All salaries,
6 expenses, costs, obligations, and liabilities incurred by said Commission
7 shall be payable only from funds collected under the provisions of this
8 Act.

1 SEC. 9. The Commission shall have the power to cause its authorized
2 agents to enter upon the premises of any person charged by this Act or
3 by agreement with the Commission with the collection of the excise
4 tax imposed by this Act, and to cause to be examined by any such agent
5 any books, records, documents, or other instruments bearing upon the
6 amount of such tax collected or to be collected by such person; provided
7 that the Commission has reasonable ground to believe that all the tax
8 herein levied has not been collected, or that it has not been fully
9 accounted for as herein provided.

1 SEC. 10. The Commission shall on or before the first day of March
2 of each year make a full and complete report of its doings for the
3 previous calendar year to the Board of Directors of the Iowa State
4 Dairy Association, which report shall show the amount of money
5 received and the expenditures thereof, and shall be printed in the
6 annual Agricultural Year Book issued by the Secretary of Agriculture
7 of the State of Iowa.

1 SEC. 11. Any person who shall violate or aid in the violation of any
2 of the provisions of this Act upon conviction thereof shall be deemed
3 guilty of a misdemeanor and upon conviction thereof, shall be punished
4 by a fine not to exceed one hundred (100) dollars, or by imprisonment
5 in the county jail not to exceed thirty (30) days. All prosecutions for
6 alleged violations of the provisions of this Act shall be by the County
7 Attorney of the county in which such alleged violation occurred and
8 shall be instituted and conducted under the direction and authority of
9 the Attorney General of the State of Iowa.

1 SEC. 12. This Act shall be liberally construed. If any section,
2 sentence, clause or part of this Act is for any reason held to be
3 unconstitutional or invalid, such decision shall not affect the remaining
4 portions of this Act.

1 SEC. 13. The provisions of this Act shall be in force and effect only
2 from the effective date of this Act to the 31st day of May, 1945,
3 inclusive.

1 SEC. 14. This Act being deemed of immediate importance shall
2 take effect from and after its passage and publication in The Dumont
3 Journal, a newspaper published in Dumont, Iowa, and in the Inde-
4 pendent Republican, a newspaper published in Waverly, Iowa.

Approved April 10, 1943.

I hereby certify that the foregoing act was published in The Dumont Journal, Du-
mont, Ia., April 21, 1943, and the Independent Republican, Waverly, Ia., April 21, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 121

SUSPENDING FOR THE DURATION CERTAIN RESTRICTIONS ON
OLEOMARGARINE

S. F. 363

AN ACT to suspend the provisions of section three thousand ninety-three and one-tenth (3093.1), code, 1939, until six months after duration of the present war.

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

1 SECTION 1. The provisions of section three thousand ninety-three
2 and one-tenth (3093.1), Code, 1939, are hereby suspended from the
3 effective date of this act until six months after duration of the pres-
4 ent war.

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect from and after its publication in the Ames Daily
3 Tribune, a newspaper published at Ames, Iowa, and in the Clarksville
4 Star, a newspaper published at Clarksville, Iowa.

Approved April 10th, 1943.

I hereby certify that the foregoing act was published in the Ames Daily Tribune, Ames, Ia., April 21, 1943, and the Clarksville Star, Clarksville, Ia., April 22, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 122

LEASING COUNTY LIMESTONE QUARRY EQUIPMENT TO PRIVATE PERSONS

H. F. 317

AN ACT to permit boards of supervisors to lease equipment, used to crush rock in county limestone quarries, to private persons for the years 1943 and 1944 and to this end to amend section three thousand one hundred forty-two and ten hundredths (3142.10), code, 1939.

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

1 SECTION 1. Section three thousand one hundred forty-two and ten
2 hundredths (3142.10), Code, 1939, is amended by striking the period
3 (.) at the end thereof and adding the following:

4 “, and may, in its discretion, lease for agricultural purposes only
5 said equipment to private operators for any amount agreeable to
6 said board, for the years 1943 and 1944.”

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in The Nashua
3 Reporter, a newspaper published at Nashua, Iowa, and The Tipton
4 Advertiser, a newspaper published at Tipton, Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in The Nashua Reporter, Nashua, Ia., April 14, 1943, and The Tipton Advertiser, Tipton, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 123
NARCOTIC DRUGS

S. F. 339

AN ACT to amend section three thousand one hundred sixty-nine and three hundredths (3169.03), code, 1939, relating to narcotic drugs and license therefor, and to provide for the exemption of any persons engaged in producing or processing of hemp under contract from any license or fee.

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

1 SECTION 1. That Section three thousand one hundred sixty-nine and
2 three hundredths (3169.03), Code, 1939, is hereby amended by adding
3 the following paragraph:

4 "Any person, firm, or corporation engaged in growing cannabis for
5 the purpose of obtaining therefrom seed or fiber or engaged in the proc-
6 essing of hemp for either of such purposes under contract and holding
7 a federal license therefor shall be exempt from the provisions of this
8 section."

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Oskaloosa
3 Tribune, a newspaper published at Oskaloosa, Iowa, and the Manches-
4 ter Press, a newspaper published at Manchester, Iowa.

Approved April 5, 1943.

I hereby certify that the foregoing act was published in the Oskaloosa Tribune, Oskaloosa, Ia., April 9, 1943, and the Manchester Press, Manchester, Ia., April 8, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 124

LICENSE FEES FOR SCALES AND GASOLINE PUMPS

H. F. 13

AN ACT to amend, revise, and codify section three thousand two hundred sixty (3260), code, 1939, relating to license fees for scales and gasoline pumps.

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

1 SECTION 1. Section three thousand two hundred sixty (3260),
2 Code, 1939, is amended, revised and codified to read as follows:

3 "The license for a public scale shall expire on December 31 each
4 year and for a gasoline pump on June 30 of each year.

5 The license fee for each said license shall be Three Dollars per
6 annum, provided, however, the fee for gasoline pumps shall be One
7 Dollar and Fifty Cents (\$1.50) per annum, if paid within one month
8 from the date the said license is due.

9 A license fee on every gasoline pump is due the day any such pump
10 is placed in operation."

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

3 Community Press, a newspaper published at Maquoketa, Iowa, and
 4 in the Webster City Freeman-Journal, a newspaper published at
 5 Webster City, Iowa.

Approved February 8, 1943.

I hereby certify that the foregoing act was published in the Maquoketa Community Press, Maquoketa, Ia., February 11, 1943, and the Webster City Freeman-Journal, Webster City, Ia., February 12, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 125

LICENSE LABELS FOR PUBLIC SCALES AND GASOLINE PUMPS

S. F. 189

AN ACT to amend section three thousand two hundred sixty-one (3261), code, 1939, relating to form of license for public scales and gasoline pumps.

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

1 SECTION 1. Section three thousand two hundred sixty-one (3261),
 2 Code, 1939, is amended by

3 1. Strike from line two the words "metal plate" and substitute in
 4 lieu thereof the word "label".

5 2. Strike from line four the word "plate" and substitute in lieu
 6 thereof the word "label".

1 SEC 2. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication in
 3 the Bridgewater Times, a newspaper published at Bridgewater, Iowa,
 4 and in The Fontanelle Observer, Fontanelle, Iowa.

Approved March 17th, 1943.

I hereby certify that the foregoing act was published in the Bridgewater Times, Bridgewater, Ia., March 25, 1943, and The Fontanelle Observer, Fontanelle, Ia., April 1, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 126

INSPECTION FEES FOR SCALES FOR WEIGHING

H. F. 217

AN ACT to amend section three thousand two hundred sixty-seven (3267), code, 1939, relating to inspection fees for scales for weighing.

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

1 SECTION 1. Section three thousand two hundred sixty-seven (3267),
 2 Code, 1939, is amended by striking all of said section beginning with
 3 the word "Scales" in line four (4) and inserting in lieu thereof the
 4 following:

5 "Railroad track scales, ten dollars each;

- 6 All hopper and automatic scales, three dollars each;
 7 Platform scales:
 8 500 to 1,000 pounds beam capacity, one dollar each;
 9 1,001 to 30,000 pounds capacity, three dollars each;
 10 30,001 to 50,000 pounds capacity, five dollars each;
 11 50,001 pounds capacity and up, seven dollars each."

Approved March 17th, 1943.

CHAPTER 127

COUNTY SUPPORT FOR PATIENTS IN STATE SANATORIUM

S. F. 60

AN ACT to amend section three thousand three hundred ninety-nine (3399), code, 1939, relating to the liability for support by counties for patients in the state Sanatorium.

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

- 1 SECTION 1. Section three thousand three hundred ninety-nine
 2 (3399), Code, 1939, is amended by striking all of the first three (3)
 3 lines and inserting in lieu thereof the following:
 4 "Each county shall be liable to the state for the support in the state
 5 sanatorium of all patients having a legal settlement in that county, and
 6 the state shall be liable for such support when such patients have no
 7 legal settlement in this state, or when such settlement is unknown."

Approved March 16th, 1943.

CHAPTER 128

ADJUDICATION OF A FEEBLE-MINDED PERSON

H. F. 387

AN ACT to amend section three thousand four hundred twenty-one (3421) and section three thousand four hundred twenty-five (3425), code, 1939, relating to the adjudication of an alleged feeble-minded person.

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

- 1 SECTION 1. Section three thousand four hundred twenty-one
 2 (3421), Code, 1939, is hereby amended by striking from lines three
 3 (3), four (4), and five (5) the following: "the board of control on
 4 forms provided by said board", and inserting in lieu thereof the
 5 following: "said court".

- 1 SEC. 2. Section three thousand four hundred twenty-five (3425),
 2 Code, 1939, is hereby amended by striking from lines seven (7) and
 3 eight (8) the following: "on forms to be prepared and furnished
 4 by the board of control", and inserting in lieu thereof the following:
 5 "by the court".

Approved April 8, 1943.

CHAPTER 129

SALARY OF JUVENILE COURT PROBATION OFFICER

S. F. 178

AN ACT to amend section three thousand six hundred twelve (3612), code, 1939, concerning the compensation of probation officers in counties of less than thirty thousand (30000) population.

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

- 1 SECTION 1. Amend Section three thousand six hundred twelve
2 (3612), Code, 1939, as follows:
3 "Strike all of subsection one (1) and insert in lieu thereof:
4 'In and for any county having a population of less than thirty thou-
5 sand, not more than one probation officer who may serve part time
6 or in special cases only as may be required, who, on approval of the
7 judge of the district court in that county, may be paid the sum of five
8 dollars per day or fifty cents per hour for services actually rendered,
9 in no event more than eighteen hundred dollars per year.'"

Approved March 30th, 1943.

CHAPTER 130

AID TO DEPENDENT CHILDREN ACT

S. F. 239

AN ACT to provide a program of uniform state wide aid to dependent children; to prescribe the powers and duties of the state board of social welfare; the state department of social welfare; the county board of social welfare; and all counties and their boards of supervisors with regard to the foregoing matters; to provide for the application and granting of aid and the amount thereof; to provide for reconsideration, changes and termination of aid; to provide for appeals to the state board; to provide for the removal to other counties; to provide for funeral expenses; to provide for the confidential nature of reports; to provide for county appropriations and for a fund for aid to dependent children; to provide against fraudulent acts and the assignment of payments and the recovery of payments fraudulently obtained; to provide for the commencement of payments under this act; and to repeal sections thirty-six hundred forty-one (3641), thirty-six hundred forty-one and one-tenth (3641.1); thirty-six hundred forty-two (3642), and thirty-six hundred forty-three (3643), code of 1939, relating to widows' pensions; to repeal all other acts or parts of acts in conflict herewith; and to make an appropriation to carry out the provisions of this act.

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

- 1 SECTION 1. **Definitions.** As used in this Act:
2 1. "State department" means the state department of social welfare
3 provided for in section thirty-six hundred sixty-one and three
4 one-thousandths (3661.003), Code of Iowa, 1939.
5 2. "State board" means the state board of social welfare provided
6 for in section thirty-six hundred sixty-one and four one-thousandths
7 (3661.004), Code of Iowa, 1939.
8 3. "County board" means the county board of social welfare pro-
9 vided for in section thirty-six hundred sixty-one and ten one-
10 thousandths (3661.010), Code of Iowa, 1939.

11 4. A "dependent child" means a needy child under the age of sixteen
12 years, or under the age of eighteen years found to be regularly attend-
13 ing school, who has been deprived of parental support and care by
14 reason of death, continued absence from home, or physical or mental
15 incapacity or unfitness of either parent, and who is living with his
16 father, mother, grandfather, grandmother, brother, sister, stepfather,
17 stepmother, stepbrother, stepsister, uncle or aunt, in a place of resi-
18 dence maintained by one or more of such relatives as his or their home.

19 5. "Assistance" means money payments with respect to a dependent
20 child or children, including funeral expenses.

21 6. "Recipient" is the person to whom money payments with respect
22 to a dependent child or children are made.

1 **SEC. 2. Eligibility for aid to dependent children.** Assistance shall
2 be granted under this act to any needy dependent child who:

3 1. Is living in a suitable family home maintained by one or more of
4 the persons referred to in sub-section four (4) of section one (1) of
5 this act.

6 2. Has resided in the state for one year immediately preceding the
7 application for such assistance; or was born within the state within
8 one year immediately preceding the application, if the mother has
9 resided in the state for one year immediately preceding the birth of
10 said child, without regard to the residence of the person or persons
11 with whom said child is living.

12 3. Is not in a public institution and because of a physical or mental
13 condition, in need of continued care therein.

1 **SEC. 3. Application for assistance.** Application for assistance
2 under this act shall be made to the county board of the county in which
3 the dependent child resides or will reside in the event assistance is
4 granted. The application shall be in writing or reduced to writing in
5 the manner and upon the form prescribed by the state board. Such
6 application shall be made by an adult person with whom the dependent
7 child resides or will reside, and shall contain such information as may
8 be required by said application form. One application may be made
9 for several children of the same family if they reside or will reside
10 with the same person.

1 **SEC. 4. Investigation of application.** Whenever a county board
2 receives a notification of the dependency of a child or an application
3 for assistance, an investigation and record of the circumstances shall
4 promptly be made in order to ascertain the dependency of the child
5 and the facts supporting the application.

6 The investigations shall include visits to the home of the child and
7 of the person with whom the child will live during the time assistance
8 is granted.

1 **SEC. 5 Granting of assistance and amount of assistance.** Upon
2 the completion of an investigation the county board shall decide
3 whether the child is eligible for assistance under the provisions of this
4 act and determine the amount of such assistance. The county board
5 shall, within thirty days, notify the person with whom the child is
6 living or will be living, of the decision made. The county board may
7 require, as a condition of granting assistance, that a legal guardian-
8 ship be established over any child or children and in such cases the

9 assistance payments shall be made to such guardian, when appointed,
10 but no guardian shall be allowed to receive any assistance payments
11 for any dependent child or children unless such guardian shall bear
12 a relationship to the child or children embraced by paragraph four (4),
13 section one (1) of this Act. The dependent child for whom the grant
14 is made shall be originally charged to the county in which such child
15 resides when application is made.

16 The county board shall, on the basis of actual need, fix the amount
17 of assistance necessary for any dependent child, subject to the ap-
18 proval of the state department, with due regard to the necessary
19 expenditures of the family and the conditions existing in each case,
20 taking into consideration any other income or resources of any child
21 claiming assistance under this act and any private resources found
22 to be available to such child. Such assistance when granted shall be
23 sufficient, when added to all other income and support available to
24 the child, to provide such child with a reasonable subsistence com-
25 patible with decency and health, provided, however, that no monthly
26 assistance grant shall be made in excess of fifteen dollars per month
27 for one child, or, if there is more than one dependent child who will
28 receive assistance in the same home, the grant shall not exceed fifteen
29 dollars per month for one child and an additional ten dollars per
30 month for each additional child in the same home, and in no event
31 no more than fifty dollars per month for all children in one home.
32 Assistance, when granted, shall be paid monthly to an adult person
33 within the specified degrees of relationship and with whom the child
34 is living, from the fund for aid to dependent children established by
35 this Act, upon the order of the state department.

1 **SEC. 6. Periodic reconsideration, changes, and termination of**
2 **grants.** Any or all assistance grants made under this act shall be
3 subject to reconsideration at any time the county board deems neces-
4 sary and shall be reinvestigated and reconsidered by the county board
5 as frequently as may be required. After any such further investiga-
6 tion, the county board shall make further report to the state depart-
7 ment. Upon such report, assistance may be continued, renewed,
8 suspended, changed in amount, or entirely withdrawn, as the findings
9 of such reports warrant.

1 **SEC. 7. Appeal.** If an application is not acted upon by the county
2 board or the state department within a reasonable time after such
3 application is made, if it is denied in whole or in part, or if any award
4 of assistance is modified, suspended, or cancelled under any provision
5 of this act, the applicant or recipient may appeal to the state board.
6 The state board shall, upon receipt of such appeal, give appellant
7 reasonable notice and opportunity for a fair hearing before the state
8 board or its duly authorized representative or representatives.

9 An applicant whose application for assistance has been rejected, or
10 a recipient whose certificate for assistance has been cancelled or
11 modified, after a review hearing hereinabove provided, within thirty
12 days after notice of such action is given, may appeal from the decision
13 of the state board to the district court of the county in which the
14 applicant or recipient resides, by serving a ten days notice of such
15 appeal upon any member of the state board, in the manner required
16 for the service of an original notice in any civil action. Upon the

17 service of such notice, the state board shall furnish the applicant with
18 a copy of the application and all supporting papers, a transcript of
19 the testimony taken in a hearing, if any, and a copy of its decision.
20 The district court shall act as an appellate court to review the decision
21 of the state board to determine whether or not it has therein com-
22 mitted fraud or abused its discretion. The costs may be taxed to
23 appellant where the appeal is affirmed or may be remitted.

1 **SEC. 8. Removal from county.** When any child for whose benefit
2 a grant of assistance has been made removes or is removed from the
3 county giving assistance, it shall be the duty of the recipient to im-
4 mediately notify the county board of the county giving assistance of
5 the fact of such removal and of the city or town (or the nearest city
6 or town) and of the county to which the child has removed. If the
7 removal is into another county in the state, the county which has
8 been giving assistance shall continue the assistance for a period of
9 six months after the date of removal, but if the removal is out of the
10 state assistance shall immediately cease. Thereafter any assistance
11 can be granted only in the manner provided for herein as to obtaining
12 assistance, and can be only in and from the county in which the child
13 is then living.

1 **SEC. 9. Funeral expenses.** Upon the death of any child for whose
2 benefit assistance payments are being made or have been authorized,
3 a reasonable funeral expense for the burial of such child may be
4 paid by the state department, provided such expenses do not exceed
5 one hundred dollars, and the estate of the deceased or any life insur-
6 ance or payments by any death or funeral benefit association or
7 society paid by reason of the death of such child to the child's estate
8 or to any person legally liable for his support, are insufficient to defray
9 such funeral expenses. The person to whom such funeral expenses
10 are paid as above provided is hereby prohibited from soliciting, ac-
11 cepting, or contracting to receive any further compensation for
12 services rendered or articles furnished in connection with such funeral
13 except on written approval of the county board of the county to
14 which the assistance is chargeable and subject to such rules and
15 regulations as the state board shall prescribe.

1 **SEC. 10. Confidential nature of records.** All applications, inves-
2 tigations and records shall be privileged communications and shall be
3 confidential. They shall be subject to inspection and use only by per-
4 sons authorized by the state or county in connection with their official
5 duties directly connected with the administration of this act.

6 Any list or lists of names of applicants or recipients of assistance
7 authorized by this act or other lists compiled by the state department
8 of social welfare or its successors in the administration of this act are
9 hereby declared to be the personal property of the State of Iowa;
10 and no employee of the State of Iowa, or any other person shall give,
11 sell or furnish such lists or list to any persons or person for any pur-
12 pose except for use in the administration of this act, and as otherwise
13 herein provided. No person shall buy, give, furnish, sell or use such
14 list or lists, or any plate or card from which any such list could be
15 prepared, belonging to or used in the administration of aid to dependent
16 children in the State of Iowa for any commercial or political purpose,

17 and the violation of any of the provisions hereof is hereby made a
18 misdemeanor, punishable by a fine of not to exceed one thousand
19 dollars, or by imprisonment in the county jail not to exceed one year,
20 or by both such fine and imprisonment.

1 **SEC. 11. County appropriations.** The county board of supervisors
2 in each county in this state shall appropriate annually, and pay in the
3 manner hereinafter specified from the county poor fund, such sum
4 as shall result in the payment by such county of that portion of all
5 assistance and benefits payable with respect to dependent children
6 chargeable to the county under this act, which shall equal one-half
7 of all such assistance and benefits chargeable to the county exclusive
8 of such receipts and contributions to such fund other than state or
9 county funds, as may from time to time be legally received from any
10 source and credited to the state department and shall include in the
11 tax levy for such county the sum or sums so appropriated for that
12 purpose. The sums necessary as above provided shall be originally
13 determined upon the basis of an annual budget prepared by the county
14 board and approved by the state department. Should the sum so appro-
15 priated, however, be expended or exhausted during the year for
16 which it was appropriated, such additional sum shall be appropriated
17 by the board of supervisors from the county poor fund as shall be
18 sufficient to meet the obligation of the county to pay its share as
19 heretofore provided of all assistance and benefits with respect to
20 dependent children chargeable to the county. The appropriation pro-
21 vided in this section shall not exceed statutory tax limitations now
22 or hereafter provided, except that in counties having a population of
23 sixty thousand, or more, the board of supervisors may levy annually an
24 additional tax not to exceed one-fourth mill to carry out the provisions
25 of this act; and in counties having a population of over thirty-five
26 thousand and less than sixty thousand, the board of supervisors may
27 levy annually an additional tax not to exceed one-eighth mill to carry
28 out the provisions of this act.

1 **SEC. 12. Fund for aid to dependent children; reimbursement to**
2 **state.** There is hereby established in the state treasury a fund to
3 be known as the "fund for aid to dependent children" to which shall
4 be credited all funds appropriated by the state for the payment of
5 administrative expenses, assistance and benefits under this act, all
6 moneys received at any time for such purposes, and all funds paid
7 by counties to the state department as provided by this act. All
8 assistance and benefits under this act, and the administrative ex-
9 penses incident thereto, except compensation and expenses paid to
10 the county board members, shall be paid from said fund. The state
11 department shall report to the county board quarterly the total amount
12 of assistance and benefits paid during the preceding quarter to re-
13 cipients chargeable to the county. The county board shall promptly
14 report the same to the county board of supervisors which shall then
15 order paid from the county poor fund a sum representing the county's
16 share thereof determined in the manner heretofore provided, which
17 payment shall be credited to the fund for aid to dependent children.

1 **SEC. 13. Assistance not assignable.** Assistance granted under this
2 act shall not be transferable or assignable at law or in equity, and

3 none of the money paid or payable under this act shall be subject to
4 execution, levy attachment, garnishment, or other legal process, or
5 to the operation of any bankruptcy or insolvency law.

1 **SEC. 14. Fraudulent acts.** Whoever obtains, or attempts to ob-
2 tain, or aids or abets any person to obtain, by means of a wilfully
3 false statement or representation, or by impersonation, or any fraudu-
4 lent device, any assistance under this act to which the recipient is
5 not entitled, shall be guilty of a misdemeanor, and, upon conviction
6 thereof, shall be punishable by fine, not exceeding five hundred dollars
7 or by imprisonment in the county jail for not more than three months,
8 or by both such fine and imprisonment.

1 **SEC. 15.** No contribution or grant shall be received or accepted if
2 any condition is attached as to its use or administration other than
3 that it be used for assistance to dependent children as provided in this
4 act.

5 If any contribution or grant has been accepted, and thereafter the
6 same is discontinued or rejected, the county tax levy for the purpose
7 of this act shall not be increased more than one-half ($\frac{1}{2}$) mill and the
8 state appropriation shall not be increased more than seven hundred
9 fifty thousand dollars (\$750,000.00) in any one fiscal year by reason
10 of such discontinuance or rejection of any such contribution or grant.

1 **SEC. 16.** The selection of all persons as employees of the state
2 board in the administration of this act shall be governed by the pro-
3 visions of section three thousand six hundred sixty-one and nine thou-
4 sandths (3661.009), Code, 1939.

1 **SEC. 17. Recovery of assistance obtained by fraudulent act.** Who-
2 soever obtains, or attempts to obtain, or aids or abets any person to
3 obtain, by means of a wilfully false statement or representation, or
4 by impersonation or any fraudulent device, any assistance as defined
5 in this act to which the recipient is not entitled, shall be personally
6 liable for the amount of assistance thus obtained. Such amount may
7 be recovered from the offender or his estate in an action brought or
8 by claim filed in the name of the state, and upon recovery the state
9 shall pay the county a portion thereof equal to the amount paid by
10 the county with respect to such assistance and return the balance of
11 such recovery to the "fund for aid to dependent children".

1 **SEC. 18.** Questions of policy and control respecting administration
2 of this act shall vest and remain in the state agency of the State of
3 Iowa for the purposes of administering all provisions of this act. In
4 order to provide a uniform state-wide program for aid to dependent
5 children, the state board shall promulgate such rules and regulations
6 as may be necessary to make the provisions of this act uniform in
7 all of the counties of this State.

1 **SEC. 19. Constitutionality.** If any portion of this act shall be held
2 invalid, the remaining provisions shall be given full force and effect as
3 if the part held invalid had not been included herein.

1 **SEC. 20. Commencement of assistance payments.** This act shall
2 take effect as provided by law except as hereafter stated, but assistance
3 payments hereunder shall not begin until January 1, 1944.

1 SEC. 21. **Appropriation.** There is hereby appropriated from the
 2 general fund of the state, for the purposes of this act, the sum of
 3 three hundred seventy-five thousand dollars for the year ending
 4 June 30, 1944, and the sum of seven hundred fifty thousand dollars
 5 for the year ending June 30, 1945.

1 SEC. 22. **Repeal.** Sections thirty-six hundred forty-one (3641),
 2 thirty-six hundred forty-one and one-tenth (3641.1), thirty-six hun-
 3 dred forty-two (3642) and thirty-six hundred forty-three (3643),
 4 Code of Iowa, 1939, are hereby repealed but it is provided that such
 5 repeal shall not take effect, and payment of widows' pensions under
 6 the repealed statutes shall not cease, until January 1, 1944. All other
 7 acts or parts of acts in conflict herewith are hereby repealed.

Approved April 10th, 1943.

CHAPTER 131

PENITENTIARY AND MEN'S REFORMATORY

H. F. 138

AN ACT to amend section three thousand seven hundred forty-one (3741), code, 1939; to repeal section three thousand seven hundred forty-two (3742), code, 1939, relating to salaries at the state penitentiary and men's reformatory and to enact a substitute therefor.

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

1 SECTION 1. Section three thousand seven hundred forty-one (3741),
 2 Code, 1939, is hereby amended by striking therefrom all of lines five
 3 (5) to eight (8) inclusive, and inserting in lieu thereof the following:
 4 "2. Deputy warden, one hundred seventy-five dollars.
 5 3. Assistant deputy warden, one hundred fifty dollars.
 6 4. Chief clerk, two hundred dollars, of which fifty dollars shall be
 7 from the prison industry fund,"
 8 and by striking from said section all of lines eleven (11) to sixteen
 9 (16) inclusive and inserting in lieu thereof the following:
 10 "7. Physician, one hundred fifty dollars.
 11 8. Storekeeper, one hundred forty dollars.
 12 9. Record clerk, one hundred fifty dollars.
 13 10. Receiving officer, one hundred twenty-five dollars."

1 SEC. 2. Section three thousand seven hundred forty-two (3742),
 2 Code, 1939, is hereby repealed, and the following enacted in lieu there-
 3 of:
 4 "Captains, inspectors, turnkeys and guards shall receive the follow-
 5 ing monthly salaries, and in addition thereto shall receive from the
 6 institution a midshift meal when on duty:
 7 1. Captains, inspectors and turnkeys, one hundred thirty dollars.
 8 2. Guards, first class, one hundred twenty-five dollars.
 9 3. Guards, second class, one hundred ten dollars.
 10 4. Guards, third class, one hundred dollars."

1 SEC. 3. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its publication in the Daily Iowe-
 3 gian and Citizen, a newspaper published at Centerville, Iowa, and in
 4 the Ft. Madison Democrat, a newspaper published at Ft. Madison,
 5 Iowa.

Approved April 9, 1943.

I hereby certify that the foregoing act was published in the Daily Iowegian and Citizen, Centerville, Ia., April 12, 1943, and the Ft. Madison Democrat, Ft. Madison, Ia., April 12, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 132

PAROLE OF PRISONERS WHEN DETAINER IS FILED

H. F. 53

AN ACT to amend section three thousand seven hundred eighty-six (3786), code, 1939, relating to the powers of the state board of parole to parole persons after commitment to state penal institutions.

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

1 SECTION 1. Section three thousand seven hundred eighty-six
 2 (3786), Code, 1939, is hereby amended by adding thereto the follow-
 3 ing paragraph:

4 "Prisoners against whom detainers have been filed, may, after
 5 serving a portion of their sentence, be released by parole to the insti-
 6 tution or authorities filing the detainer."

Approved March 11th, 1943.

CHAPTER 133

PAROLES FOR MILITARY SERVICE

H. F. 31

AN ACT to amend section thirty-seven hundred ninety (3790), code, 1939, relating to the legal custody of paroled prisoners.

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

1 SECTION 1. Section thirty-seven hundred ninety (3790), Code,
 2 1939, is amended by adding thereto the following paragraph:

3 "During such time as the United States is at war the Board of
 4 Parole may relinquish the legal custody of a paroled prisoner to a
 5 Military or Naval Authority for the period of service by the prisoner
 6 in the armed forces of the United States."

1 SEC. 2. This act being deemed of immediate importance shall
 2 be in full force and effect from and after its passage and publication
 3 in The Burlington Hawk-Eye Gazette, Burlington, Iowa and The
 4 Spencer Times, Spencer, Iowa.

Approved January 28, 1943.

I hereby certify that the foregoing act was published in The Burlington Hawk-Eye Gazette, Burlington, Ia., February 3, 1943, and The Spencer Times, Spencer, Ia., February 4, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 134

PARDON OF PAROLED PRISONERS ENTERING MILITARY SERVICE

S. F. 44

AN ACT to repeal section three thousand eight hundred fifteen (3815), code, 1939, and enact a substitute therefor relating to the recommendation for pardon of paroled prisoners who enter the military, naval, or nursing service of the United States.

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

1 SECTION 1. Section three thousand eight hundred fifteen (3815),
2 Code, 1939, is hereby repealed and the following enacted in lieu
3 thereof:

4 "Said board shall also recommend to the governor the pardon of a
5 paroled prisoner who, during parole, and during any war, entered
6 the military, naval, or nursing service of the United States or of any
7 of the countries with which the United States may have been allied
8 or associated in such war, and who has been honorably discharged
9 from such service or who has died in such service."

1 SEC. 2. This act being deemed of immediate importance, shall be in
2 full force and effect from and after its publication in the Iowa By-
3 stander, a newspaper published at Des Moines, Iowa, and the Sidney
4 Argus-Herald, a newspaper published at Sidney, Iowa.

Approved January 29, 1943.

I hereby certify that the foregoing act was published in The Iowa Bystander, Des Moines, Ia., February 4, 1943, and The Sidney Argus-Herald, Sidney, Ia., February 11, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 135

OLD AGE ASSISTANCE

S. F. 103

AN ACT to repeal section three thousand eight hundred twenty-eight and nine thousandths (3828.009), code, 1939, and to enact a substitute therefor; and to amend section three thousand eight hundred twenty-eight and forty-two thousandths (3828.042), code, 1939, as amended by chapters 145 and 146, acts of the 49th General Assembly, relating to old age assistance.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight and
2 nine thousandths (~~3828.009~~), Code, 1939, is repealed and the following
3 enacted in lieu thereof:

4 "The amount of assistance shall be fixed with due regard to the
5 condition of the individual, including all resources available to the
6 applicant or recipient, household situation and community in each
7 instance, together with the essential need due to the individual's
8 mental and/or physical condition, subject to the rules, regulations and
9 standards adopted by the state board."

1 SEC. 2. Section three thousand eight hundred twenty-eight and
 2 forty-two thousandths, (3828.042), Code, 1939, as amended by chapter
 3 145, Acts of the 49th General Assembly, is hereby amended by striking
 4 all of said section following the period (.) after the word "fund"
 5 in line twenty-five (25) thereof and by substituting therefor the
 6 following: "At the end of each quarter of each fiscal year if the old
 7 age assistance revolving fund shall have a cash balance in excess of
 8 two hundred thousand dollars, the state comptroller shall transfer
 9 such excess to the old age assistance fund and shall notify the state
 10 board of such transfer. The amounts thus transferred shall supple-
 11 ment other allocations to the old age assistance fund and may be
 12 expended for the purposes and in the manner referred to in section
 13 3828.039."

1 SEC. 3. Other provisions of chapter one hundred eighty-nine and
 2 one-tenth (189.1), Code, 1939, to the contrary notwithstanding, the
 3 state and county welfare boards are hereby authorized and directed
 4 to review as soon as practicable, the case reports of all old age
 5 assistance recipients for the purpose of determining their present
 6 needs and adjusting assistance.

1 SEC. 4. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication in
 3 The American Citizen, a newspaper published at Des Moines, Iowa;
 4 and The Bremer County Independent and Waverly Republican,
 5 published at Waverly, Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in The American Citizen, Des Moines, Ia., April 16, 1943, and The Bremer County Independent and Waverly Republican, Waverly, Ia., April 14, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 136

FUNERAL EXPENSES PAID FROM OLD AGE ASSISTANCE FUND

S. F. 353

AN ACT to amend section three thousand eight hundred twenty-eight and twenty-one thousandths (3828.021), code, 1939, and section three thousand eight hundred twenty-eight and twenty-nine thousandths (3828.029), code, 1939, and section three thousand eight hundred twenty-eight and eighteen thousandths (3828.018), code, 1939, as amended by chapter one hundred forty-six (146), acts of the Forty-ninth General Assembly, all relating to funeral expenses paid from old age assistance fund.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight
 2 and twenty-one thousandths (3828.021), Code, 1939, is amended by
 3 striking from lines three (3) and four (4) commencing after the
 4 word "issued" in line three (3), the following: "and has not been
 5 canceled".

1 SEC. 2. Section three thousand eight hundred twenty-eight and
 2 eighteen thousandths (3828.018), Code, 1939, as amended by Chapter
 3 one hundred forty-six (146), Acts of the Forty-ninth General
 4 Assembly, is hereby amended by striking the word "committed" in
 5 line seventeen (17) of Section nine (9) of Chapter one hundred forty-
 6 six (146), Acts of the Forty-ninth General Assembly and inserting
 7 in lieu thereof the words "committed or admitted".

1 SEC. 3. Amend Section three thousand eight hundred twenty-eight
 2 and twenty-nine thousandths (3828.029), Code, 1939, by adding after
 3 the word "for" in line three (3), the words "funeral expenses or".

4 Also amend said section by striking from lines thirteen (13) and
 5 fourteen (14), the words and figures "Section three thousand eight
 6 hundred twenty-eight and eighteen thousandths (3828.018)" and
 7 inserting in lieu thereof the words and figures "Section three thousand
 8 eight hundred twenty-eight and twenty-one thousandths (3828.021)".

Approved April 15, 1943.

CHAPTER 137

TAX FOR RELIEF OF INDIGENT SOLDIERS, SAILORS, MARINES, AND NURSES

H. F. 318

AN ACT to amend section three thousand eight hundred twenty-eight and fifty-one thousandths (3828.051), code, 1939, relating to tax levy for the relief of indigent soldiers, sailors, marines and nurses and their indigent wives, widows and minor children.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight
 2 and fifty-one thousandths (3828.051), Code, 1939, is hereby amended
 3 by striking from lines one (1) and two (2) of said section the word
 4 "one-fourth" and inserting in lieu thereof the word "one".

Approved April 8, 1943.

CHAPTER 138

USE OF POOR FUND FOR WORKS PROJECTS

S. F. 34

AN ACT to amend chapter one hundred eighty-nine and four-tenths (189.4), code, 1939, relating to use of the poor fund by the county board of supervisors.

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

1 SECTION 1. That chapter one hundred eighty-nine and four-tenths
 2 (189.4), code, 1939, is hereby amended by adding thereto the follow-
 3 ing section:

4 "Notwithstanding the provisions of any laws to the contrary, the
 5 county board of supervisors shall have the power to use the poor fund

6 to join and cooperate with the United States Government, and/or
7 cities and towns within their boundaries, or both the United States
8 Government and cities and towns within their boundaries, in spon-
9 soring work projects, provided that the money used from the poor
10 fund for such purposes does not exceed the cost per month of supply-
11 ing relief to the certified persons working on projects who would be
12 receiving direct relief if they were not employed on said work proj-
13 ects."
14

Approved February 24th, 1943.

CHAPTER 139

TAX FOR SUPPORT OF THE POOR

S. F. 9

AN ACT to amend section three thousand eight hundred twenty-eight and one hundred fourteen thousandths (3828.114), code, 1939, relating to the levying of a poor tax for the support of the poor.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight and
2 one hundred fourteen thousandths (3828.114), Code, 1939, is hereby
3 amended by adding thereto the following:

4 "Should the one and one-half mill levy fail to provide adequate funds
5 to take care of the poor, then the board of supervisors, with the ap-
6 proval of the state comptroller, shall levy an additional tax of not to
7 exceed one and one-half mills in all counties except counties having a
8 population of over 100,000 and in such counties having more than
9 100,000 population the board shall be authorized to levy not to exceed
10 an additional three and one-half mills for poor relief to be entered on
11 the tax list and collected as the ordinary county tax. Such additional
12 tax shall be levied only during the years 1943 and 1944. Before any
13 such additional levy is made, a showing of the necessity for such addi-
14 tional levy shall be made to the state comptroller and no such additional
15 levy shall be made unless it shall be approved in writing by the
16 comptroller.

17 Before any county can receive aid from the Iowa emergency relief
18 fund for the aid of the poor, such county must have levied the maxi-
19 mum amount authorized by law for poor relief."

Approved April 3rd, 1943.

CHAPTER 140

COMPENSATION OF AMBULANCE ESCORTS OF THE UNIVERSITY HOSPITAL

H. F. 343

AN ACT to amend section three thousand eight hundred twenty-eight and one hundred fifty-two thousandths (3828.152), code, 1939, to allow the compensation of ambulance escorts of the university hospital to be fixed by the Iowa State Board of Education.

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

1 SECTION 1. Section three thousand eight hundred twenty-eight
2 and one hundred fifty-two thousandths (3828.152), Code, 1939, is
3 hereby amended by striking all of said section after the word "benefit"
4 in line eight (8) thereof, and inserting in lieu thereof the follow-
5 ing:

6 "The hospital authorities may, if necessary, appoint an attendant
7 to accompany such patient and discharged patients, and the com-
8 pensation of such attendant shall be fixed by the Iowa State Board
9 of Education and charged by the hospital as part of the costs of
10 transporting patients. The compensation paid to and the expenses
11 of the attendant shall be audited and paid in the same manner as
12 is provided by law for the compensation of an attendant appointed
13 by the court."

1 SEC. 2. This act, being deemed of immediate importance, shall
2 be in full force and effect from and after its passage and publication
3 in the Iowa City Press-Citizen, a newspaper published at Iowa City,
4 Iowa, and The Preston Times, a newspaper published at Preston,
5 Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Iowa City Press-Citizen, Iowa City, Ia., April 12, 1943, and The Preston Times, Preston, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 141

PUBLICATION OF SCHOOL DISTRICT PROCEEDINGS

H. F. 144

AN ACT to amend chapter one hundred fifty-eight (158), Laws of the Forty-ninth General Assembly, relating to provisions for publication or posting of quarterly summaries of proceedings and expenditures of school districts.

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

1 SECTION 1. Section two (2), Chapter one hundred fifty-eight (158),
2 Laws of the Forty-Ninth General Assembly, is hereby amended by
3 striking lines nineteen (19) to twenty-three (23) inclusive.

1 SEC. 2. This act being deemed of immediate importance shall be in
2 full force and effect upon and after its publication in the Public
3 Opinion, a newspaper published at Decorah, Iowa, and in the Griswold
4 American, a newspaper published at Griswold, Iowa.

Approved February 16, 1943.

I hereby certify that the foregoing act was published in the Public Opinion, Decorah, Ia., February 24, 1943, and the Griswold American, Griswold, Ia., February 24, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 142

JUNIOR COLLEGE AGREEMENTS FOR TRAINING OF AVIATION CADETS

S. F. 335

AN ACT to authorize junior colleges to enter into agreements for training aviation cadets and authorizing the issuance of anticipatory certificates.

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

1 SECTION 1. The board of Directors of any school district in the
2 State of Iowa in which a junior college has been established are
3 authorized to enter into an agreement with the Civil Aeronautics
4 Administration of the United States or any other branch of the
5 United States Government for the training and care of aviation
6 cadets.

1 SEC. 2. Any junior college which has entered into an agreement
2 or contract with the Civil Aeronautics Administration or any other
3 department of the Federal Government for the training of aviation
4 cadets is authorized to issue anticipatory certificates in an amount
5 not to exceed seventy-five per cent (75%) of the amount of such
6 agreement or of the funds estimated to be paid for the training and
7 care of aviation cadets.

1 SEC. 3. Such certificates shall be authorized by a duly adopted
2 resolution which shall specify as follows:
3 1. The group or contract being trained by said junior college for
4 which funds are to be anticipated.
5 2. The amount of certificates authorized.
6 3. The denomination of each certificate.
7 4. The rate of interest which each certificate shall bear which
8 shall not exceed five (5) % per annum payable annually.
9 5. The authorization of the chairman of the School Board and the
10 Secretary of the school district respectively to sign and countersign
11 such certificates.

1 SEC. 4. Each certificate shall recite as follows:
2 1. That said certificate shall be payable six (6) months from date
3 of issue or at the option of the obligor.
4 2. That said certificate is payable solely from funds accruing from
5 the Federal Government for services and care for training of said
6 aviation cadets.

1 SEC. 5. The series of certificates which anticipate said funds dur-
2 ing a given year shall be numbered consecutively and paid in the
3 order of numbering.

1 SEC. 6. Upon the signing of each of said certificates by the chair-
2 man of the Board, the certificates shall be delivered to the School
3 Secretary who shall countersign the same.

1 SEC. 7. The Treasurer shall sell said certificates in accordance
2 with the provisions of Chapter sixty-three (63) and shall credit
3 the amount received to the Civil Aeronautics Pilot Training Fund
4 and said fund shall be used solely for the purposes of training and
5 caring for the student aviation cadets covered by the agreement with
6 said Junior College with the Federal Government.

1 SEC. 8. The School Secretary shall enter on a record to be kept
 2 by him, the name and post office address of all persons to whom said
 3 certificates are issued with a particular designation of the certificates
 4 delivered to each person. Each subsequent holder shall present his
 5 certificates to the School Secretary for registration and his name and
 6 post office address shall, when so presented, be entered in lieu of
 7 that of such former holder.

1 SEC. 9. When the accruing funds in the hands of the School Sec-
 2 retary for the contract with the Federal Government covered by said
 3 anticipatory certificates are sufficient to pay the first retirable certi-
 4 ficate or certificates, the School Secretary shall, by United States
 5 Registered Mail, promptly notify the holder thereof as shown by his
 6 records of such fact and within thirty (30) days from and after
 7 the mailing of such letter to the holder of record of said certificate,
 8 all interest on such certificate shall cease.

1 SEC. 10. The provisions of this act shall terminate and be of no
 2 force or effect after the end of the present war.

1 SEC. 11. This act being deemed of immediate importance shall
 2 be in full force and effect from and after its publication in the Mason
 3 City Globe Gazette, a newspaper published at Mason City, Iowa, and
 4 the Eagle Grove Eagle, a newspaper published at Eagle Grove, Iowa.

Approved April 5, 1943.

I hereby certify that the foregoing act was published in the Mason City Globe Gazette,
 Mason City, Ia., April 7, 1943, and the Eagle Grove Eagle, Eagle Grove, Ia., April 8,
 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 143

HIGH SCHOOL TUITION FOR NONRESIDENT PUPILS

S. F. 334

AN ACT to amend section four thousand two hundred seventy-seven (4277), code, 1939,
 relating to the payment of tuition for nonresident pupils attending an approved
 public high school in another district and to repeal chapter one hundred fifty-nine
 (159), acts of the Forty-ninth (49th) General Assembly.

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

1 SECTION 1. Section four thousand two hundred seventy-seven
 2 (4277), Code, 1939, is amended by striking from line five (5) the
 3 word, "nine" and inserting in lieu thereof the word, "twelve".

1 SEC. 2. Chapter one hundred fifty-nine (159), Acts of the Forty-
 2 ninth (49th) General Assembly is hereby repealed.

1 SEC. 3. This act, being deemed of immediate importance, shall be
 2 in full force and effect from and after its passage and publication in
 3 the Newton Daily News, a newspaper published at Newton, Iowa, and
 4 the Cherokee Times, a newspaper published at Cherokee, Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Newton Daily News,
 Newton, Ia., April 13, 1943, and the Cherokee Times, Cherokee, Ia., April 13, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 144

SCHOOL DISTRICT EMERGENCY TAX AND BOND ISSUE

S. F. 249

AN ACT relating to the levying, under certain conditions, of a tax by school districts and the issuing of certificates or bonds in anticipation of the collection of such tax and providing for a special school fund.

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

1 SECTION 1. **Special school fund.** That the board of directors of
 2 any school district in which there is at the time of taking effect of
 3 this act, under process of construction, a school building or in which
 4 because of the destruction by fire prior to the taking effect of this act,
 5 it is necessary to construct a school building, or in which warrants
 6 issued for building, constructing, equipping or furnishing a school
 7 building, or for the operation of such school, are outstanding and
 8 unpaid, for the completion or construction of such building, or for
 9 the payment of such warrants, the funds of such district now pro-
 10 vided by bonds already voted, issued, or by tax receipts for the current
 11 year, or funds for which it is possible to provide are inadequate, may,
 12 if a majority of the votes cast are in favor of the proposition at an
 13 election in which the proposition is submitted to the people, certify
 14 an amount not exceeding twenty mills on the dollar of the taxable
 15 property of said district, and for a period of years not exceeding
 16 fifteen, to the board of supervisors; and the board of supervisors shall
 17 levy the amounts so certified and for the years so designated and the
 18 tax so levied shall be placed in a special school fund, and used only for
 19 the purpose of paying for the school site, the construction of said build-
 20 ing and the equipment thereof; or for the payment or settlement of
 21 such warrants so outstanding and unpaid, issued for building, con-
 22 structing, equipping or furnishing a school building, or for the opera-
 23 tion of such school; or for the purpose of paying bonds or certificates
 24 issued in anticipation of the tax so levied as provided in this act.

1 SEC. 2. **Special election.** The election provided for in the pre-
 2 ceding paragraph shall be called by the board of directors who shall
 3 fix the time and place thereof. Four (4) weeks' notice of such election
 4 shall be given by publication, one each week in some newspaper pub-
 5 lished in said district, or, if none be published therein, in some other
 6 part of the county in which said district is located, and also by posting
 7 in at least five (5) public places in said district for not less than ten
 8 (10) days next preceding such special election. Said posted and pub-
 9 lished notices shall set forth the time and place of holding such election
 10 and that the same will be held for the purpose of submitting to
 11 the voters of the district the proposition of voting for or against the
 12 levy of a special annual mill tax on all taxable property of the district
 13 to be used for the purpose of building, constructing, equipping or
 14 furnishing a school building or paying for a site thereof, or for the
 15 operation of such school; or for paying or settling warrants issued
 16 for any of the above purposes. The notices shall set forth the number
 17 of mills on the dollar to be raised annually (but not exceeding the
 18 maximum number of mills in this act provided for) and the number
 19 of years for which it shall be levied (not exceeding the number of
 20 years in this act provided for.)

3 publication in the Bremer County Independent, a newspaper published
 4 at Waverly, Iowa and the Mapleton Press, a newspaper published at
 5 Mapleton, Iowa.

Approved April 6, 1943.

I hereby certify that the foregoing act was published in the Bremer County Independent, Waverly, Ia., April 14, 1943, and the Mapleton Press, Mapleton, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 145

ESTIMATES FOR SCHOOL FUND TAXES

S. F. 336

AN ACT to amend section four thousand three hundred eighty-six (4386), code, 1939, and chapter one hundred sixty-seven (167), acts of the 49th General Assembly of Iowa relating to the amount that school districts may estimate for levy for the general fund of school districts.

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

1 SECTION 1. Section four thousand three hundred eighty-six
 2 (4386), Code, 1939, is amended by striking the words "one hundred"
 3 in line two (2) of the paragraph numbered 1, in said section and
 4 inserting in lieu thereof the words "one hundred fifteen"; said sec-
 5 tion is further amended by striking the word "seventy" in line two
 6 (2) of the paragraph numbered 2 in said section and inserting in
 7 lieu thereof the words "seventy-five"; and said section is further
 8 amended by striking the word "eighty" in lines one (1) and six (6)
 9 of the paragraph numbered 3 in said section and inserting in lieu
 10 thereof the words "one hundred".

1 SEC. 2. Chapter one hundred sixty-seven (167), Acts of the
 2 49th General Assembly is amended by inserting a period (.) in lieu
 3 of the comma (,) after the words and figures "One Hundred Dollars
 4 (\$100.00)" in line four thereof and striking the balance of said
 5 chapter.

1 SEC. 3. In all school districts where the maximum statutory al-
 2 lowances provided herein are not sufficient to meet the budget re-
 3 quirements, upon proper showing by any such school district the
 4 State Comptroller may authorize such district to levy an additional
 5 amount above the said maximum statutory allowance for each person
 6 of school age in the district, up to but not in excess of thirty-five per
 7 cent.

Approved April 10th, 1943.

CHAPTER 146

PERMANENT SCHOOL FUND INTEREST RATES AND LOANS

S. F. 19

AN ACT to amend section forty-four hundred seventy-three (4473), Forty-four hundred eighty-seven (4487), Forty-four hundred eighty-eight (4488), forty-five hundred six (4506), and Forty-five hundred seven (4507), code of Iowa, 1939, relative to permanent school fund interest rates and loans.

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

1 SECTION 1. Amend section forty-four hundred seventy-three (4473)
2 of the 1939 Code by striking the word "four" in line twenty-one (21),
3 and substituting in lieu thereof the words "three and one-half".

1 SEC. 2. Amend section forty-four hundred eighty-seven (4487)
2 of the 1939 Code by striking all of said section and substituting in lieu
3 thereof the following "Loans-officers may not borrow. The permanent
4 school fund shall be loaned out by the county auditor as it comes into
5 the hands of the county treasurer. No loan shall be made to the
6 county auditor, the treasurer, or a member of the board of supervi-
7 sors".

1 SEC. 3. Amend section forty-four hundred eighty-eight (4488) of
2 the 1939 Code by striking the word "four" in line four (4) and sub-
3 stituting in lieu thereof the words, "three and one-half".

1 SEC. 4. Amend section forty-five hundred and six (4506) of the
2 1939 Code by striking the words "three and one-half" in line eleven
3 (11) and substituting in lieu thereof the word "three".

1 SEC. 5. Amend section forty-five hundred seven (4507) of the 1939
2 Code by striking the words "three and one-half" in line five (5) and
3 substituting in lieu thereof the word "three".

1 SEC. 6. Amend section forty-five hundred seven (4507) of the
2 1939 Code by striking the words "three and one-half" from lines ten
3 (10) and eleven (11) and substituting in lieu thereof the word "three".

Approved March 23rd, 1943.

CHAPTER 147

INVESTMENT OF PERMANENT SCHOOL FUNDS IN GOVERNMENT BONDS

H. F. 4

AN ACT to amend section four thousand four hundred eighty-seven and one tenth (4487.1), code, 1939, relating to investment of permanent school funds.

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

1 SECTION 1. Section four thousand four hundred eighty-seven and
2 one tenth (4487.1), Code, 1939, is amended by inserting a new para-
3 graph before the last paragraph of said section as follows:
4 "The board of supervisors may also invest such funds in bonds of
5 the United States and said bonds shall likewise be registered in the
6 name of the county purchasing the same."

Approved March 19th, 1943.

CHAPTER 148

FLIGHT STRIPS ADJACENT TO PUBLIC HIGHWAYS

S. F. 375

AN ACT to authorize the Iowa State Highway Commission to cooperate with the public roads administration of the United States in the construction and maintenance of flight strips, and in the acquisition of right of way for such flight strips.

WHEREAS, the Defense Highway Act approved November 19, 1941, authorized the Commissioner of Public Roads of the United States to construct flight strips adjacent to public highways for the landing and take-off of aircraft and authorized the appropriation of funds therefor as a part of the National defense; and

WHEREAS, the said Commissioner of Public Roads desires to handle the construction and maintenance of such flight strips in any State through the State Highway Department of that State; and

WHEREAS, it appears that legislation is necessary to enable the Iowa State Highway Commission to cooperate with the United States Commissioner of Public Roads in the construction and maintenance of any such flight strips which may be located in this State, now, therefore:

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

1 SECTION 1. The term "flight strip" as used in this Act is construed
2 and defined to mean a field or area of various width and length, but
3 usually about five hundred feet wide and about one mile long, and
4 containing one runway for the landing and take-off of aircraft. The
5 runway itself is usually about one hundred fifty feet wide and about
6 one mile long. The excess width of the field or area over and above
7 the width of the runway itself is used for parking motor vehicles,
8 grounded planes, and for other necessary ground facilities.

1 SEC. 2. In order to facilitate the war effort, the Iowa State
2 Highway Commission, upon request of the Commissioner of Public
3 Roads of the United States, is hereby authorized to cooperate with
4 the Public Roads Administration of the United States in the location,
5 construction and maintenance of flight strips in this State. To that
6 end the State Highway Commission may make surveys, plans, specifi-
7 cations and estimates, acquire right of way for, and construct and
8 maintain such flight strips.

9 The State Highway Commission may enter into contracts in any
10 manner approved by the Commissioner of Public Roads for the
11 construction and maintenance of any such flight strips, or may
12 perform such construction and maintenance work by force account,
13 and may comply with the rules, regulations and instructions of the
14 Commissioner of Public Roads in the construction and maintenance
15 of such flight strips.

1 SEC. 3. The entire cost of the right of way, surveys, preliminary
2 engineering costs, construction and maintenance of such flight strips
3 shall be paid by the Federal Government or some agency other than
4 the State of Iowa. None of the cost of the right of way, construction
5 or maintenance of any such flight strips shall be paid by the State
6 of Iowa.

1 SEC. 4. In order to avoid delays, payment for right of way and
 2 for work on flight strips constructed or maintained by the State
 3 Highway Commission in cooperation with the United States Public
 4 Roads Administration, may be advanced from the primary road fund.
 5 When payment for such right of way or work on such flight strips is
 6 received by the State of Iowa from the Federal Government, the funds
 7 so received shall be credited to the primary road fund.

1 SEC. 5. The State Highway Commission shall have authority to
 2 purchase or to institute and maintain proceedings for the condemna-
 3 tion of the necessary right of way for flight strips and for the
 4 condemnation of land, including a sufficient roadway to such land
 5 by the most reasonable route, for the purpose of obtaining gravel
 6 or other suitable material with which to construct, improve or
 7 maintain such flight strips.

8 All the provisions of the law relating to the condemnation of land
 9 for public state purposes shall apply to the provisions hereof.

1 SEC. 6. The fact that the United States is at war and performance
 2 of the work herein authorized is urgently needed to facilitate the
 3 war effort, is hereby declared to create an emergency.

4 This Act, therefore, being deemed of immediate importance, shall
 5 be in full force and effect from and after its passage and publication
 6 in The Sioux County Capital, a newspaper published in Orange City,
 7 Iowa, and in the Boone News Republican, a newspaper published in
 8 Boone, Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in The Sioux County Capital,
 Orange City, Ia., April 15, 1943, and the Boone News Republican, Boone, Ia., April 13,
 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 149

ROADS ON STATE LANDS

H. F. 367

AN ACT to amend section four thousand six hundred thirty-four (4634), code, 1939,
 relating to the method of paying special assessments by the state for improvements
 on highways along or through state-owned lands.

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

1 SECTION 1. That section four thousand six hundred thirty-four
 2 (4634), Code, 1939, be amended by adding thereto the following:
 3 "When payments are to be made by the state executive council they
 4 shall be from any funds of the state not otherwise appropriated."

Approved April 20, 1943.

CHAPTER 150
SECONDARY ROADS

H. F. 36

AN ACT to amend section four thousand six hundred forty-four and two hundredths (4644.02), code, 1939, relating to the secondary road system.

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

- 1 **SECTION 1.** Section four thousand six hundred forty-four and two
2 hundredths (4644.02), Code, 1939, is amended by inserting after the
3 word "state" in line four (4) the following, "park and institutional".

Approved February 16th, 1943.

CHAPTER 151
COUNTY MAINTENANCE AND SUPERVISION OF SECONDARY ROADS

H. F. 27

AN ACT to repeal chapter two hundred forty-three (243) and to amend section four thousand six hundred sixty (4660), all of the code, 1939, relating to the maintenance and supervision of roads by county officers.

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

- 1 **SECTION 1.** Chapter two hundred forty-three (243), Code, 1939,
2 is hereby repealed.

- 1 **SEC. 2.** Section four thousand six hundred sixty (4660), Code;
2 1939, is amended by adding thereto the following:

3 "In addition to the above they shall specifically:

- 4 1. Keep all sluices, culverts, and bridges, and the openings thereof,
5 and all side ditches of the road, free from obstructions;
6 2. Provide such side ditches with ample outlets;
7 3. Remove loose stones and other impediments from the traveled
8 part of the highway;
9 4. Fill depressions and keep the road free from ruts, water pockets,
10 and mud holes;
11 5. Repair the approaches to bridges and culverts and keep such
12 approaches smooth and free from obstruction."

Approved March 11th, 1943.

CHAPTER 152
SUSPENSION OF FARM-TO-MARKET ROAD FUNDS

H. F. 41

AN ACT to suspend for the duration of the war, the provisions of section forty-six hundred eighty-six and twenty-seven hundredths (4686.27), code, 1939, relating to the reversion and reapportionment of farm-to-market road fund allotted to any county.

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

- 1 **SECTION 1.** The provisions of Section forty-six hundred eighty-
2 six and twenty-seven hundredths (4686.27), Code, 1939, relating to
3 the reversion and reapportionment of farm-to-market road funds al-

4 lotted to any county, are hereby suspended until two years after the
5 cessation of hostilities in the war which started in December of 1941
6 between the United States and each of the governments of Germany,
7 Italy and Japan.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect on its publication in Lockridge Times, a newspaper published
3 in Lockridge, Iowa, and The Sheldon Mail, a newspaper published in
4 Sheldon, Iowa, and be in force thereafter.

Approved January 29th, 1943.

I hereby certify that the foregoing act was published in the Lockridge Times, Lockridge, Ia., February 4, 1943, and the Sheldon Mail, Sheldon, Ia., February 3, 1943.
WAYNE M. ROPES, *Secretary of State.*

CHAPTER 153

SECONDARY ROAD CONSTRUCTION FUNDS

S. F. 234

AN ACT to amend section four thousand six hundred eighty-six and thirty-three hundredths (4686.33), code, 1939, relating to funds for secondary road construction.

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

1 SECTION 1. Section four thousand six hundred eighty-six and
2 thirty-three hundredths (4686.33), Code, 1939, is hereby amended by
3 striking the word "allocated" in line three (3) thereof and substituting
4 in lieu therefor the word "transferred".

5 Further amend said section by adding thereto the following: "Said
6 funds so transferred shall be expended as provided for by Chapter
7 two hundred forty (240), Code, 1939.

Approved April 10, 1943.

CHAPTER 154

REGISTRATION OF HIGHWAY ROUTES

H. F. 37

AN ACT to repeal chapter two hundred forty-nine (249), code, 1939, relating to registration of highway routes.

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

1 SECTION 1. Chapter two hundred forty-nine (249), Code, 1939,
2 is hereby repealed.

Approved March 11th, 1943.

CHAPTER 155
MOTOR VEHICLES

H. F. 243

AN ACT to amend section five thousand and one hundredth (5001.01), code, 1939, by amending sub-section 19 defining "where a vehicle is kept", by amending sub-section 23 defining "authorized emergency vehicles", by amending sub-section 40 defining "chauffeur"; to amend section five thousand one and two hundredths (5001.02), code, 1939, so as to exempt from registration any vehicle propelled by electric power obtained from overhead trolley wires, but not operated on rails; to amend sections five thousand one and three hundredths (5001.03), five thousand one and twelve hundredths (5001.12), five thousand one and thirteen hundredths (5001.13), five thousand one and twenty-seven hundredths (5001.27), five thousand two and one hundredth (5002.01), five thousand two and two hundredths (5002.02), five thousand two and three hundredths (5002.03), five thousand two and five hundredths (5002.05), five thousand two and six hundredths (5002.06), five thousand two and seven hundredths (5002.07), five thousand two and eight hundredths (5002.08), five thousand three and four hundredths (5003.04), five thousand eight and three hundredths (5008.03), five thousand eight and twenty-seven hundredths (5008.27), five thousand nine and one hundredth (5009.01), five thousand ten and seven hundredths (5010.07), and five thousand ten and eight hundredths (5010.08), code, 1939, by changing the term "motor vehicle" in each of such sections to "vehicle"; to amend section five thousand one and four hundredths (5001.04), code, 1939, relating to application for registration of a vehicle; to amend section five thousand one and ten hundredths (5001.10), code, 1939, relating to use of "registration applied for" cards; to amend section five thousand one and fifteen hundredths (5001.15), code, 1939, relating to files of the motor vehicle department; to amend section five thousand one and twenty-five hundredths (5001.25), code, 1939, relating to change of address or name of applicant for registration; to amend section five thousand two and five hundredths (5002.05), code, 1939, relating to dealer transfers; to amend section five thousand five and four hundredths (5005.04), code, 1939, so as to permit registered motor vehicle dealers to secure a waiver of the unpaid second installment of the current annual registration fee on all used trucks, truck tractors, road tractors, trailers and semi-trailers held by them for sale or trade, by listing the same on or before July fifth of each year with the county treasurer and the motor vehicle department and to further permit the re-registration of any such vehicle under the provisions of section five thousand eight and two hundredths (5008.02) at such time as a dealer ceases to hold any such vehicle for sale or trade; to amend section five thousand thirty-four and eleven hundredths (5034.11), code, 1939, relating to spot lamps on motor vehicles; to amend section five thousand thirty-four and fifty-six hundredths (5034.56), code, 1939, by providing that every motor vehicle transporting flammables shall carry red reflectors or red electric lanterns at night and that during daylight hours every truck shall carry not less than three red flags; to amend section five thousand thirty-four and fifty-seven hundredths (5034.57), code, 1939, so as to permit the use of reflectors by vehicles used for transportation of flammable liquids or gases; to amend section five thousand thirty-four and fifty-eight hundredths (5034.58), code, 1939, relating to the transportation of explosives by motor truck.

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

- 1 SECTION 1. Sub-section nineteen (19) of Section five thousand
- 2 and one hundredth (5000.01), Code, 1939, is hereby amended by
- 3 striking the words "it be different from that of the residence of the
- 4 owner" in lines three (3) and four (4), and insert in lieu thereof
- 5 the words "said owner is a non-resident of the State".
- 6 Sub-section twenty-three (23) of Section five thousand and one
- 7 hundredth (5000.01), Code, 1939, is hereby amended by striking
- 8 from line three (3) thereof the words "and such" and by adding
- 9 after the word "departments" in line four (4) thereof the words
- 10 "and such privately owned ambulances, rescue or disaster vehicles".
- 11 Sub-section forty (40) of Section Five Thousand and one hun-

12 dredth (5000.01), Code, 1939, is hereby amended by changing the
 13 period (.) at the end of the sub-section to a semicolon (;) and
 14 adding thereto the following:
 15 "provided however that a salesman or peddler driving a passenger
 16 car, light delivery truck, panel delivery truck or pickup truck shall
 17 not be deemed a chauffeur, and provided further that a person or
 18 an employee of such person operating a vehicle exclusively in
 19 connection with the business or farming operations of such person
 20 shall not be deemed a chauffeur."

1 SEC. 2. Section five thousand one and two hundredths (5001.02),
 2 Code, 1939, is hereby amended by adding thereto a new sub-section
 3 as follows:

4 "6. Any vehicle which is propelled by electric power obtained from
 5 overhead trolley wires, but not operated upon rails."

1 SEC. 3. Section five thousand one and three hundredths (5001.03),
 2 Code, 1939, is hereby amended by striking from lines one (1) and
 3 eighteen (18) thereof the word "motor".

1 SEC. 4. Section five thousand one and four hundredths (5001.04),
 2 Code, 1939, is hereby amended by inserting after the comma (,)
 3 following the word "residence" in line four (4) thereof the fol-
 4 lowing: "or to the department, if a non-resident,".

1 SEC. 5. Section five thousand one and ten hundredths (5001.10),
 2 Code, 1939, is hereby amended by adding after the comma (,) following
 3 the word "provided" in line four (4) thereof the following: "and
 4 receipt issued showing fee paid,".

1 SEC. 6. Section five thousand one and twelve hundredths (5001.12),
 2 Code, 1939, is hereby amended by striking the word "motor" from
 3 line two (2) thereof.

1 SEC. 7. Section five thousand one and thirteen hundredths
 2 (5001.13), Code, 1939, is hereby amended by striking from line one
 3 (1) the word "motor".

1 SEC. 8. Section five thousand one and fifteen hundredths (5001.15),
 2 Code, 1939, is hereby amended by striking from lines three (3) and
 3 four (4) thereof the words "using for such files the duplicate reg-
 4 istration receipts,".

1 SEC. 9. Section five thousand one and twenty-five hundredths
 2 (5001.25), Code, 1939, is hereby amended by striking from lines
 3 six (6) and seven (7) thereof the word "department" and inserting
 4 in lieu thereof the following: "county treasurer of the county in
 5 which the registration of said vehicle is of record". Further amend
 6 said section by striking from line thirteen (13) thereof the word
 7 "department" and inserting in lieu thereof the following: "county
 8 treasurer of the county in which the registration of said vehicle
 9 is of record".

1 SEC. 10. Section five thousand one and twenty-seven hundredths
 2 (5001.27), Code, 1939, is hereby amended by striking from lines
 3 three (3) and eight (8) the word "motor".

1 SEC. 11. Section five thousand two and one hundredth (5002.01),
2 Code, 1939, is hereby amended by striking from line two (2) the
3 word "motor".

1 SEC. 12. Section five thousand two and two hundredths (5002.02),
2 Code, 1939, is hereby amended by striking from lines two (2) and
3 five (5) the word "motor".

1 SEC. 13. Section five thousand two and three hundredths (5002.03),
2 Code, 1939, is hereby amended by striking from line six (6) thereof
3 the word "motor".

1 SEC. 14. Section five thousand two and five hundredths (5002.05),
2 Code, 1939, is hereby amended by striking from line two (2) thereof
3 the word "motor" and from lines three (3) and four (4) thereof
4 the words "of all motor vehicles" and adding after the word "dealers"
5 in line five (5) the words "of all vehicles subject to registration".

1 SEC. 15. Section five thousand two and six hundredths (5002.06),
2 Code, 1939, is hereby amended by striking from line two (2) thereof
3 the word "motor" and by inserting after the word "vehicle" in line
4 two (2) the words "subject to registration".

1 SEC. 16. Section five thousand two and seven hundredths
2 (5002.07), Code, 1939, is hereby amended by striking from line one
3 (1) thereof the word "motor".

1 SEC. 17. Section five thousand two and eight hundredths
2 (5002.08), Code, 1939, is hereby amended by striking from line one
3 (1) thereof the word "motor".

1 SEC. 18. Section five thousand three and four hundredths
2 (5003.04) Code, 1939, is hereby amended by striking from lines
3 three (3) and seven (7) thereof the word "motor". Said section
4 is further amended by striking the word "who" in line twelve (12)
5 thereof and inserting after the word "department" in said line
6 twelve (12) the following: ", on forms provided by the department.
7 The department".

1 SEC. 19. Section five thousand five and four hundredths (5005.04),
2 Code, 1939, is hereby amended by adding a new paragraph as fol-
3 lows: "Dealers registered under the provisions of this chapter
4 shall, on or before July 5 of each year, furnish the county treasurer
5 and the department with a list of all repossessed used trucks, truck
6 tractors, road tractors, trailers and semi-trailers held by them for
7 sale or trade, and on which the second installment of the current
8 annual registration fee has not been paid, and the payment of the
9 second installment shall then be waived, subject to the re-registration
10 of such vehicle under the provisions of Section 5008.02 at such time
11 as a dealer ceases to hold any such vehicle for sale or trade."

1 SEC. 20. Section five thousand eight and three hundredths
2 (5008.03), Code, 1939, is hereby amended by striking from line five
3 (5) thereof the word "motor".

1 SEC. 21. Section five thousand eight and twenty-seven hundredths
2 (5008.27), Code, 1939, is hereby amended by striking from line three
3 (3) thereof the word "motor".

1 SEC. 22. Section five thousand nine and one hundredth (5009.01),
2 Code, 1939, is hereby amended by striking from line three (3) thereof
3 the word "motor".

1 SEC. 23. Section five thousand ten and seven hundredths (5010.07),
2 Code, 1939, is hereby amended by striking from line three (3)
3 thereof the word "motor".

1 SEC. 24. Section five thousand ten and eight hundredths
2 (5010.08), Code, 1939, is hereby amended by striking from lines
3 four (4) and six (6) thereof the word "motor".

1 SEC. 25. Section five thousand thirty-four and eleven hundredths
2 (5034.11), Code, 1939, is hereby amended by striking from lines
3 one (1) and two (2) the following: ", except a private passenger
4 vehicle,".

1 SEC. 26. Section five thousand thirty-four and fifty-six hundredths
2 (5034.56), Code, 1939, is hereby amended by striking the word
3 "may" in line twelve (12) and inserting in lieu thereof the word
4 "shall" and by inserting after the word "reflectors" in line twelve (12)
5 the words "or red electric lanterns". Said section is further amended
6 by striking the period (.) in line thirteen (13) and inserting in lieu
7 thereof the following: ", and during daylight hours every truck
8 shall carry a sufficient number of red flags, not less than three."
9 Further amend said section by inserting after the word "truck" in
10 line two (2) thereof, the words "or truck tractor".

1 SEC. 27. Section five thousand thirty-four and fifty-seven hun-
2 dredths (5034.57), Code, 1939, is hereby amended by adding after
3 the word "lanterns" in line thirty (30) the words "or reflectors".
4 Further amend said section by inserting a comma (,) after the word
5 "truck" in line two thereof, and inserting after such comma (,)
6 the word* "or a truck tractor, a trailer, or a semitrailer, drawn by
7 a motor truck, or a truck tractor".

1 SEC. 28. Section five thousand thirty-four and fifty-eight hun-
2 dredths (5034.58), Code, 1939, is hereby amended by inserting after
3 the word "truck" in line two (2) thereof, the words "or truck
4 tractor".

Approved April 15, 1943.

*Note: In accordance with enrolled bill.

CHAPTER 156

USE OF EMBLEMS IN PLACE OF NEW REGISTRATION PLATES

S. F. 217

AN ACT to amend chapter two hundred fifty-one and one-tenth (251.1), code, 1939, section five thousand one and eighteen-hundredths (5001.18) of said chapter, code, 1939, and section five thousand twelve and five-hundredths (5012.05) of said chapter, code, 1939, relating to the re-assignment of registration plates, the issuance of distinctive emblems in place of new registration plates and providing for the display of said emblems, and approving such emblems heretofore issued.

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

1 SECTION 1. Section five thousand one and eighteen-hundredths
2 (5001.18), Code, 1939, is hereby amended by adding thereto a new
3 paragraph as follows:

4 "In lieu of issuing new registration plates each year for a vehicle
5 renewing registration, the department may reassign the registration
6 plates previously issued to such vehicle and may adopt and prescribe
7 a distinctive type of emblem indicating payment of registration fee,
8 which emblem shall be displayed in the upper righthand corner of
9 the windshield of the vehicle for which it is issued."

1 SEC. 2 Section five thousand twelve and five-hundredths (5012.05),
2 Code, 1939, is hereby amended by adding thereto a new paragraph
3 as follows:

4 "In lieu of plates, the department may furnish the county treasurers
5 appropriate distinguishing emblems as provided in Section 5001.18."

1 SEC. 3 All acts of the department relative to the preparation
2 and issuance of distinctive emblems and reassignment of 1942 regis-
3 tration plates instead of issuing new registration plates for the year
4 1943, is* hereby approved and confirmed and such emblems shall be
5 displayed as herein provided.

1 SEC. 4. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Ames Daily Tribune, a newspaper published at Ames, Iowa, and
4 the Nevada Evening Journal, a newspaper published at Nevada, Iowa.

Approved April 1, 1943.

I hereby certify that the foregoing act was published in the Ames Daily Tribune,
Ames, Ia., April 8, 1943, and the Nevada Evening Journal, Nevada, Ia., April 8, 1943.

WAYNE M. ROPES, *Secretary of State.*

*Note: In accordance with enrolled bill.

CHAPTER 157
MOTOR VEHICLES

H. F. 244

AN ACT to amend section five thousand three and three hundredths (5003.03), code, 1939, so as to except from the registration requirements thereof a person commuting from his residence in another state or whose employment is seasonal or temporary; to amend section five thousand eight and five hundredths (5008.05), code, 1939, by providing for the issuance upon the payment of a five dollar fee of transit plates for new motor vehicles purchased in Iowa by a non-resident for removal to his state of residence; to amend section five thousand eight and twenty-two hundredths (5008.22), code, 1939, by changing the time when the plates therein referred to must be returned to the county treasurer, by providing for the time in which the affidavit therein referred to must be filed with the county treasurer, and by adding a new sub-section permitting a refund of the registration fee for a vehicle placed in storage by an owner entering the military service of the United States; to amend section five thousand eight and twenty-three hundredths (5008.23), code, 1939, by definitely fixing the period covered by the refund of a registration fee and the time when such refund shall be made; to amend section five thousand eight and twenty-four hundredths (5008.24), code, 1939, relating to the authority of the motor vehicle department to make payment of refunds of registration fees; to amend section five thousand nine and two hundredths (5009.02), code, 1939, by changing the term "motor vehicle" to "vehicle", by changing the date of the surrender of registration plates therein referred to, and by providing that the provision therein permitting the payment of the registration fees for certain vehicles in two installments shall apply only when the annual registration fee is in excess of thirty dollars; to amend chapter two hundred fifty-one and one-tenth (251.1), code, 1939, by adding a new section authorizing the commissioner of public safety to designate a privately owned ambulance, rescue or disaster vehicle as an authorized emergency vehicle and issue a certificate of designation therefor, and to revoke such certificate upon showing of abuse thereof; and to amend section five thousand thirty-five and fifteen hundredths (5035.15), code, 1939, by providing for the manner in which an increased gross weight registration may be obtained for any vehicle held by a dealer for sale or trade, by further providing the manner in which an owner of a motor truck, truck tractor, road tractor, semi-trailer or trailer may obtain an increased gross weight registration therefor on or after July first of each year, and by further providing the manner in which an increased gross weight registration may be obtained for a truck converted to a truck tractor and a truck tractor converted to a truck.

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

1 SECTION 1. Section five thousand three and three hundredths
2 (5003.03), Code, 1939, is hereby amended by striking from lines
3 one (1) and two (2) the words "including any foreign corpora-
4 tion," and inserting in lieu thereof the following: "in addition to
5 those mentioned in Section 5003.02, but not including a person
6 commuting from his residence in another state or whose employment
7 is seasonal or temporary,".

1 SEC. 2. Section five thousand eight and five hundredths (5008.05),
2 Code, 1939, is hereby amended by adding thereto the following:
3 "Provided, however, that for any new motor vehicle purchased in
4 this state by a non-resident for removal to his state of residence
5 the purchaser shall make application to the county treasurer in the
6 county of purchase for a transit plate for which a fee of five dollars
7 shall be paid. The county treasurer shall issue a nontransferable
8 certificate of registration for which no refund shall be allowed;
9 and the transit plates shall be void thirty days after issuance".

1 SEC. 3. Section five thousand eight and twenty-two hundredths
2 (5008.22), Code, 1939, is hereby amended by striking from lines
3 eleven (11) and twenty (20), the words "within ten days", and by
4 inserting after the word "and" in lines twelve (12) and twenty (20)
5 the following: "within thirty days thereafter". Said section is fur-
6 ther amended by adding thereto a new subsection as follows:

7 "4. Such vehicle is placed in storage by the owner upon his
8 entering the military service of the United States in time of war,
9 then said owner shall return the plates to the county treasurer and
10 make affidavit regarding such storage and military service and
11 make claim for refund".

1 SEC. 4. Section five thousand eight and twenty-three hundredths
2 (5008.23), Code, 1939, is hereby amended by inserting after the
3 word "year" in line five (5) thereof, the following: "from date
4 of the return of the vehicle's plates to the county treasurer", and
5 by striking the words "refund is asked" from line nine (9) of the
6 section and inserting in lieu thereof, the following: "claim is
7 filed with the department".

1 SEC. 5. Section five thousand eight and twenty-four hundredths
2 (5008.24), Code, 1939, is hereby amended by striking from line six
3 (6) thereof, the word "theft" and inserting in lieu thereof, the
4 following: "sale to a person whose residence or place of business
5 is without the state, theft, storage by an owner entering the military
6 service of the United States in time of war".

1 SEC. 6. Section five thousand nine and two hundredths (5009.02),
2 Code, 1939, is hereby amended by striking the word "motor" in
3 line nine (9) and the words "on or" in line ten (10) and by in-
4 serting after the comma (,) following the word "inclusive" in line
5 twenty (20) the following: "when said annual registration fee
6 is in excess of thirty dollars,".

1 SEC. 7. Chapter two hundred fifty-one and one-tenth (251.1),
2 Code, 1939, is hereby amended by adding a new section following
3 section five thousand thirty-four and fifty-nine hundredths (5034.59),
4 as follows:

5 "The Commissioner is hereby authorized to designate a privately
6 owned ambulance, rescue or disaster vehicle as an authorized emer-
7 gency vehicle, and issue certificate of designation therefor, upon
8 written request being made on forms provided by the department
9 and showing necessity for such designation. Such certificate shall
10 at all times be carried with the Certificate of Registration of the
11 vehicle to which it refers and may be revoked by the Commissioner
12 upon showing of abuse thereof."

1 SEC. 8. Section five thousand thirty-five and fifteen hundredths
2 (5035.15), Code, 1939, is hereby amended by changing the period
3 (.) at the end of the first sentence to a semi-colon (;) and by adding
4 the following:

5 "provided, also, that with respect to a vehicle held by a dealer for
6 sale or trade, an increased gross weight registration may be ob-
7 tained for any such vehicle on or after April 10th of each year upon
8 change of ownership by payment of one-twelfth of the difference

9 between the annual fee for the higher gross weight and the amount
 10 of the fee for the gross weight at which it is registered, multiplied
 11 by the number of unexpired months of the year. Provided further
 12 that on or after July 1 of each year, the owner of a motor truck,
 13 truck tractor, road tractor, semi-trailer or trailer may, if his op-
 14 eration thereof has not resulted in a conviction under this section
 15 or an action then pending against him for violation of the same,
 16 increase the gross load of any such vehicle to a higher gross weight
 17 classification by payment of one-twelfth of the difference between
 18 the annual fee for the higher gross weight and the amount of the
 19 fee for the gross weight at which it is registered, multiplied by the
 20 unexpired months of the year.
 21 "And provided further, that upon conversion of a truck to a truck-
 22 tractor or a truck-tractor to a truck, an increased gross weight
 23 registration of the proper type may be obtained for any such vehicle
 24 by payment of one-twelfth of the difference between the annual fee
 25 for the higher gross weight and the amount of the annual fee for the
 26 gross weight at which it is registered, multiplied by the number of
 27 unexpired months of the year from the date of such conversion."

Approved April 9, 1943.

CHAPTER 158
 MOTOR VEHICLES
 H. F. 299

AN ACT to amend sections five thousand thirteen and four hundredths (5013.04), five thousand thirteen and six hundredths (5013.06), five thousand thirteen and seven hundredths (5013.07), five thousand thirteen and eight hundredths (5013.08), five thousand thirteen and nine hundredths (5013.09), five thousand thirteen and ten hundredths (5013.10), five thousand thirteen and twelve hundredths (5013.12), five thousand thirteen and fourteen hundredths (5013.14), five thousand thirteen and nineteen hundredths (5013.19), five thousand thirteen and twenty hundredths (5013.20), five thousand thirteen and twenty-two hundredths (5013.22), five thousand fourteen and two hundredths (5014.02), five thousand fourteen and seven hundredths (5014.07), five thousand fourteen and twelve hundredths (5014.12), and five thousand fourteen and thirteen hundredths (5014.13), code, 1939, and chapter one hundred seventy-three (173), acts of the 49th General Assembly, all relating to the application for and issuance of operator's and chauffeur's licenses, examination of applicant or holder of operator's or chauffeur's licenses, form of licenses issued, reports on traffic violations by operators and chauffeurs, suspension of operator's or chauffeur's licenses, and providing for issuance of duplicate license or extension certificates.

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

1 SECTION 1. Section five thousand thirteen and four hundredths
 2 (5013.04), Code, 1939, is hereby amended by adding after the
 3 figures "5013.19" in line six thereof the following: "or an instruc-
 4 tion permit as provided in section 5013.06".

1 SEC. 2. Section five thousand thirteen and six hundredths
 2 (5013.06), Code, 1939, is hereby amended by inserting after the
 3 word "and" in line six (6) thereof the following: "upon applicant
 4 meeting the requirements of section 5013.12, other than driving
 5 demonstration,".

- 1 SEC. 3. Section five thousand thirteen and seven hundredths
2 (5013.07), Code, 1939, is hereby amended by inserting after the
3 word "operator's" in line three (3) thereof, the words "or chauffeur's".
- 1 SEC. 4. Section five thousand thirteen and eight hundredths
2 (5013.08), Code, 1939, is hereby amended by adding the following:
3 "The applicant shall write his usual signature with pen and ink upon
4 the application in the space provided for signature."
- 1 SEC. 5. Section five thousand thirteen and nine hundredths
2 (5013.09), Code, 1939, is hereby amended by striking the word "age"
3 from line two (2) thereof, and inserting in lieu thereof the words
4 "date of birth, occupation".
- 1 SEC. 6. Section five thousand thirteen and ten hundredths
2 (5013.10), Code, 1939, is hereby amended by striking from line three
3 (3), thereof the word "or" and inserting after the word "permit" in
4 line three (3) a comma (,), and amend further by inserting after
5 the word "license" in line four (4) a comma (,) followed by the
6 words "or permit issued under section 5013.19".
- 1 SEC. 7. Section five thousand thirteen and twelve hundredths
2 (5013.12), Code, 1939, is hereby amended by substituting a comma
3 (,) for the period at the end of the first sentence thereof, and adding
4 thereto the following: "or whose driving record appears to the
5 department to justify such an examination."
- 1 SEC. 8. Section five thousand thirteen and fourteen hundredths
2 (5013.14), Code, 1939, is hereby amended by striking everything
3 after the word "licensee" in line six (6), and inserting in lieu
4 thereof the following: ", the full name, date of birth, occupation,
5 sex, residence address, a brief description of the licensee, and the
6 usual signature of the licensee. No license shall be valid unless it
7 bears the signature of the licensee."
- 1 SEC. 9. Section five thousand thirteen and nineteen hundredths
2 (5013.19), Code, 1939, is hereby amended by striking from lines
3 one (1) and two (2) thereof the words "Upon a written request
4 of a parent or guardian," and by striking the period (.) from line
5 five (5) and adding thereto the following:
6 "or at any other time when accompanied by a parent or guardian
7 who is a holder of a valid operator's or chauffeur's license, and who
8 is actually occupying a seat beside the driver, or the department,
9 in its discretion, may issue to a person fifteen years of age a re-
10 stricted license with such restrictions as the department deems nec-
11 essary and proper."
- 1 SEC. 10. Section five thousand thirteen and twenty hundredths
2 (5013.20), Code, 1939, is hereby amended by striking from line
3 three (3) thereof the words "or chauffeur's badge" and inserting
4 in lieu thereof the words "or extension certificate" and from line
5 seven (7) the words "or badge" and by inserting after the word
6 "license" and before the comma (,) in line eight (8) the words
7 "or extension certificate" and by striking from line eleven (11) the
8 words "or badge" and inserting in lieu thereof the words "or exten-
9 sion certificate".

1 SEC. 11. Section five thousand thirteen and twenty-two hun-
 2 dredths (5013.22), Code, 1939, is hereby amended by adding the
 3 following sentence thereto: ", and provided further that any chauff-
 4 feur's license issued on or after December 1 shall be valid for the
 5 month of December in addition to the year following."

1 SEC. 12. Section five thousand fourteen and two hundredths
 2 (5014.02), Code, 1939, is hereby amended by striking from line
 3 three (3) the words "and any chauffeur's" and from line four (4)
 4 the word "badge".

1 SEC. 13. Section five thousand fourteen and seven hundredths
 2 (5014.07), Code, 1939, is hereby amended by inserting after the
 3 word "state" in line three (3) the following: "or any city traffic
 4 ordinances, other than parking regulations,". Said section is further
 5 amended by striking all of the last sentence thereof.

1 SEC. 14. Section five thousand fourteen and twelve hundredths
 2 (5014.12), Code, 1939, is hereby amended by striking from line two
 3 (2) thereof the word "and" and inserting in lieu thereof following
 4 the word "year" the following: ", except that a license suspended
 5 because of incompetency to drive a motor vehicle shall be suspended
 6 until the department receives satisfactory evidence that the former
 7 holder thereof is competent to operate a motor vehicle and a refusal
 8 to reinstate shall constitute a denial of license within the provisions
 9 of section 5014.15;". Said section is further amended by inserting
 10 after the word "license" and before the word "shall" in line three
 11 (3) thereof the words "the department".

1 SEC. 15. Section five thousand fourteen and thirteen hundredths
 2 (5014.13), Code, 1939, is hereby amended by striking from lines
 3 two (2), three (3), and four (4) thereof the words "and the badge
 4 of any chauffeur whose license is suspended or revoked shall" and
 5 by striking from line seven (7) thereof the words "and any chauff-
 6 feur's badge".

1 SEC. 16. Section one (1), chapter one hundred seventy-three
 2 (173), Acts of the Forty-ninth General Assembly, is hereby amended
 3 by striking from line six (6) thereof the following: "sixteen (16)",
 4 and by inserting in lieu thereof the following: "fifteen (15)".

Approved April 20, 1943.

CHAPTER 159

CHAUFFEUR'S LICENSES

H. F. 477

AN ACT to amend chapter two hundred fifty-one and one-tenth (251.1), code, 1939, to provide for issuance by the county sheriff of a limited period chauffeur's license and to permit issuance by the department of a chauffeur's license to a person seventeen years of age.

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

1 SECTION 1. When a department uniformed examiner is not avail-
 2 able, the county sheriff may in his discretion accept from a person
 3 holding a valid operator's license of this state or a valid chauffeur's

4 license of another state, application to the department for a
 5 chauffeur's license accompanied by the regular fee therefor, and is
 6 hereby authorized to issue a license to operate a motor vehicle as a
 7 chauffeur, using forms provided by the department, to expire fifteen
 8 days from issuance. The entire fee and application shall be turned
 9 over to the department examiner on or before the date of expiration
 10 of such license and if the applicant does not appear within the
 11 calendar year for examination the license fee shall be considered an
 12 earned fee, but if upon examination the application is denied, the fee
 13 shall be returned to applicant by the department. No such license
 14 shall be issued to any person who has within the same calendar year
 15 been issued a license as herein provided or to any person previously
 16 denied any license by the department.

1 SEC. 2. Notwithstanding the provisions of subsection two (2) of
 2 section five thousand thirteen and four hundredths (5013.04), Code,
 3 1939, the department is hereby authorized to issue to a person
 4 seventeen years of age a license to operate a motor vehicle as a
 5 chauffeur, upon application showing the information and signatures
 6 required in section five thousand thirteen and ten hundredths
 7 (5013.10), Code, 1939.

1 SEC. 3. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication
 3 in *The Oxford Mirror*, a newspaper published at Oxford Junction,
 4 Iowa, and in the *Brooklyn Chronicle*, a newspaper published at
 5 Brooklyn, Iowa.

Approved April 9, 1943.

I hereby certify that the foregoing act was published in *The Oxford Mirror*, Oxford Junction, Ia., April 15, 1943, and the *Brooklyn Chronicle*, Brooklyn, Ia., April 15, 1943.
 WAYNE M. ROPES, *Secretary of State*.

CHAPTER 160

MOTOR VEHICLES

S. F. 218

AN ACT to amend chapter two hundred fifty-one and one-tenth (251.1), code, 1939, and to amend section five thousand thirteen and sixteen hundredths (5013.16), in said chapter, code, 1939; to repeal section five thousand thirteen and twenty-one hundredths (5013.21), in said chapter, code, 1939, and enact a substitute therefor relating to fees for licenses for operation of motor vehicles, extending the expiration date of such licenses and providing for issuance of licenses without examination.

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

1 SECTION 1. Section five thousand thirteen and sixteen hundredths
 2 (5013.16), Code, 1939, is hereby amended by striking the words "fifty
 3 cents" in line two (2) thereof and inserting in lieu thereof the words
 4 "seventy-five cents, except that fee for an operator's license issued to
 5 expire July 5, 1943, shall be fifty cents and that fee for an operator's
 6 license issued to expire subsequent to July 5, 1946, shall be fifty cents".

1 SEC. 2. Section five thousand thirteen and twenty-one hundredths
2 (5013.21), Code, 1939, is hereby repealed and the following enacted in
3 lieu thereof:

4 "The department is hereby authorized to extend the effective date
5 of any operator's license issued under the provisions of this chapter,
6 expiring according to its terms on July 5, 1943, for a period of three
7 years expiring July 5, 1946, without examination, upon application
8 made on or before expiration of such license, in such manner as the
9 department shall prescribe and payment of seventy-five cents fee
10 therefor, by issuance of a serially numbered receipt and extension
11 certificate to be attached to such license. Provided however, that
12 when there has been change in name of licensee the department shall
13 issue new license upon presentation of application and payment of
14 prescribed fee.

15 "Every operator's license issued for use subsequent to July 5, 1943,
16 and prior to July 5, 1946, shall expire July 5, 1946, and every operator's
17 license issued for use subsequent to July 5, 1946, shall expire on
18 July 5 of each even-numbered calendar year.

19 "Every operator's license extended or issued to expire July 5, 1946,
20 shall be renewed on or before its expiration upon application on forms
21 provided by the department, and examination, and payment of the
22 license fee specified herein, provided that a person holding a license
23 previously issued and against whom no notation appears of a traffic
24 violation or against whom no accident has been reported during the
25 preceding two years may be issued an operator's license without
26 examination."

1 SEC. 3. Chapter two hundred fifty-one and one-tenth (251.1),
2 Code, 1939, is hereby amended by adding a new section thereto as
3 follows:

4 "The effective date of a valid operator's license and of a valid
5 chauffeur's license to the extent that it permits the operation of a
6 motor vehicle as an operator, issued under the laws of this State, held
7 by any person at the time of entering the military service of the United
8 States or of the State of Iowa subsequent to September 19, 1940,
9 notwithstanding the expiration of such license according to its terms,
10 is hereby extended without fee until six months following the discharge
11 of such person from the military service, provided such discharge is
12 honorable and such person is not suffering from such physical
13 disabilities as to impair his competency as an operator and provided
14 further that such licensee shall upon demand of any peace officer
15 furnish satisfactory evidence of his military service. However, no
16 person entitled to the benefits of this act, charged with operating a
17 motor vehicle without an operator's license, shall be convicted if he
18 produces in court, within a reasonable time, a valid operator's or
19 chauffeur's license theretofore issued to him along with evidence of his
20 military service as above mentioned.

21 "The department is hereby authorized to renew any operator's
22 license falling within the provisions and limitations of the preceding
23 paragraph, without examination, upon application and payment of
24 fee made within six months following discharge from the military
25 service."

1 SEC. 4. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication in
 3 the Ida County Pioneer Record, a newspaper published at Ida Grove,
 4 Iowa, and in Herald Register, a newspaper published at Grinnell,
 5 Iowa.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Ida County Pioneer Record, Ida Grove, Ia., April 29, 1943, and the Herald Register, Grinnell, Ia., April 22, 1943.
 WAYNE M. ROPES, *Secretary of State.*

CHAPTER 161

OPERATING A MOTOR VEHICLE WHILE INTOXICATED

H. F. 463

AN ACT to amend section five thousand twenty-two and two hundredths (5022.02), code, 1939, relating to the penalty for operating a motor vehicle while intoxicated or under the influence of narcotic drugs, and providing as to revocation of operator's license in such case.

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

1 SECTION 1. Section five thousand twenty-two and two hundredths
 2 (5022.02), Code, 1939, is hereby amended by adding thereto a new
 3 paragraph as follows:
 4 "The court in pronouncing sentence may provide as to the period
 5 during which a new license to operate a motor vehicle shall not be
 6 issued to the defendant, provided said period shall be not less than
 7 sixty days nor more than one year from the date of revocation; and
 8 the clerk of court shall forthwith certify to the department a true
 9 copy of the judgment sentencing the defendant under this section.
 10 The department may receive an application for and shall grant a new
 11 license at the expiration of the period provided in the judgment of the
 12 court notwithstanding the provisions of sections 5013.04 and 5014.12."

Approved April 20, 1943.

CHAPTER 162

PULLING FOUR WHEELED TRAILERS BEHIND TRUCKS OR TRACTORS

H. F. 116

AN ACT to amend section five thousand twenty-four and fourteen hundredths (5024.14), code, 1939, relating to the pulling or towing of four-wheeled trailers behind trucks or farm tractors.

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

1 SECTION 1. Section five thousand twenty-four and fourteen hun-
 2 dredths (5024.14), Code, 1939, is amended by adding thereto the
 3 following:
 4 "This section shall not be applicable to a truck operating under an
 5 "A" license commonly known as a pick-up truck or light delivery

6 truck hauling less than one thousand pounds on said truck nor to a
7 farm tractor pulling or towing a four-wheeled trailer."

Approved April 8, 1943.

CHAPTER 163

MOTOR TRUCK LOADS

H. F. 30

AN ACT to amend section one (1) of chapter one hundred seventy-eight (178), acts of the 49th General Assembly, relating to the maximum loads on motor trucks.

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

1 SECTION 1. Section one (1) of chapter one hundred seventy-
2 eight (178), Acts of the 49th General Assembly, is amended by
3 striking from line four (4) the word, "license" and inserting in
4 lieu thereof the word, "registration".

Approved February 16th, 1943.

CHAPTER 164

PROCEDURE IN MISDEMEANOR VIOLATIONS OF MOTOR VEHICLE LAWS

H. F. 478

AN ACT to repeal sections five thousand thirty-seven and two hundredths (5037.02), five thousand thirty-seven and three hundredths (5037.03), and five thousand thirty-seven and four hundredths (5037.04), code, 1939, and to enact substitutes therefor; to amend chapter two hundred fifty-one and one-tenth (251.1), code, 1939, and section thirteen thousand four hundred sixty (13460), code, 1939, relating to making arrests, the issuance of summons, and memoranda for violations of said chapter, stopping of vehicles by peace officers, the issuance of summons in lieu of warrants for arrest by magistrates in case of misdemeanor and the procedure thereunder.

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

1 SECTION 1. Section five thousand thirty-seven and two hundredths
2 (5037.02), Code, 1939, is hereby repealed and the following enacted
3 in lieu thereof:

4 "Whenever a peace officer has reasonable cause to believe that a
5 person has violated any provision of this chapter punishable as a
6 misdemeanor, such officer may:

7 1. Immediately arrest such person and take him before a magistrate
8 of the county in which the apparent violation occurred; or

9 2. Without arresting the person, either

10 a. Prepare in triplicate a written summons to appear in court
11 containing the name and address of such person, the operator
12 or chauffeur license number if any, the registration number
13 if any of his vehicle, the offense charged, and the time when
14 and place where such person shall appear in court, which
15 shall be within the county in which the offense charged is
16 alleged to have been committed; or

17 b. Prepare in triplicate a memorandum of the alleged traffic
18 violation containing the name and address of such person,

19 the registration number if any of his vehicle, the offense
20 alleged to have been committed, and such other information
21 as may be prescribed by the commissioner."

1 SEC. 2. Section five thousand thirty-seven and three hundredths
2 (5037.03), Code, 1939, is hereby repealed and the following enacted
3 in lieu thereof:

4 "In lieu of bail the magistrate may release the arraigned person
5 upon his written promise to appear in court for trial at time and
6 place designated by such magistrate.

7 "If the officer prepares either a summons or a memorandum as
8 provided in the preceding section, the alleged offender shall be
9 requested to sign the same in triplicate, and if he does sign may be
10 released without arrest. In case a summons is issued, the signing
11 shall constitute a written promise to appear as stated in said
12 summons. The duplicate summons shall be presented to the person
13 named therein. If memorandum is prepared, the original shall be
14 retained by the officer, the duplicate sent to the department, and the
15 triplicate presented to the person named therein."

1 SEC. 3. Section five thousand thirty-seven and four hundredths
2 (5037.04), Code, 1939, is hereby repealed and the following enacted
3 in lieu thereof:

4 "Any person wilfully violating a summons to appear in court given
5 as provided in this chapter, is guilty of a misdemeanor, punishable as
6 provided in section 5036.01 regardless of the disposition of the charge
7 upon which he was summoned.

8 "An appearance in response to such summons may be made either
9 in person or by counsel."

1 SEC. 4. Chapter two hundred fifty-one and one-tenth (251.1),
2 Code, 1939, is hereby amended by adding thereto a new section as
3 follows:

4 "Any peace officer is authorized to stop any vehicle to require
5 exhibition of the driver's operator or chauffeur license, to serve a
6 summons or memorandum of traffic violation, to inspect the condition
7 of the vehicle, to inspect the vehicle with reference to size, weight,
8 cargo, bills of lading or other manifest of employment, and safety
9 equipment, or to inspect the registration certificate, the compensation
10 certificate, travel order, or permit of such vehicle."

1 SEC. 5. Section thirteen thousand four hundred sixty (13460),
2 Code, 1939, is hereby amended by adding thereto as new paragraphs,
3 the following:

4 "Whenever the preliminary information charges a misdemeanor
5 the magistrate may in his discretion issue a summons instead of a
6 warrant of arrest. The summons shall set forth substantially the
7 nature of the offense and shall command the person against whom
8 the complaint was made to appear before the magistrate issuing the
9 summons at a time and place stated therein.

10 "The summons may be served in the same manner as an original
11 notice in a civil action.

12 "If the person named in the summons is actually served as provided
13 herein and fails without good cause to appear as commanded by the
14 summons, he shall be considered in contempt of court and may be

15 punished by a fine of not more than twenty dollars. Upon such failure
 16 to appear, the magistrate shall issue a warrant of arrest for the offense
 17 originally charged, and institute proceedings in contempt as provided
 18 by chapter 536, Code, 1939.

19 "If after issuing a summons the magistrate becomes satisfied that
 20 the person to whom such summons has been directed will not appear,
 21 he may at once issue a warrant of arrest without waiting for the
 22 date mentioned in the summons."

Approved April 20, 1943.

CHAPTER 165

IOWA MOTOR VEHICLE FUEL TAX LAW

S. F. 323

AN ACT to amend, revise and codify chapter two hundred fifty-one and three-tenths (251.3), code, 1939, including sections five thousand ninety-three and one one-hundredths (5093.01) to five thousand ninety-three and thirty-nine one-hundredths (5093.39), both inclusive, and all acts and laws amendatory of said chapter and sections relating to the collection of license fees or taxes on motor vehicle fuel, including fuel oil and liquefied gas used or otherwise disposed of in the state of Iowa; to define motor vehicle fuel, motor fuel, fuel oil, liquefied gas, and other terms used in this act; to impose a license fee or tax of three cents (3c) per gallon or fraction thereof on motor vehicle fuel sold or used in the state of Iowa; to provide for reports for payment and collection of said license fee or tax; to provide for the licensing of distributors, dealers, retailers, station operators and transporters and the revocation of such licenses; to provide for the keeping of records and the making of reports on the part of persons handling said fuels and transporting same; to provide for refunding the license fee or tax paid under certain conditions when fuel is not used in propelling vehicles on the highways; to provide as to the purposes and objects for which the license fees or taxes collected shall be used, and to provide penalties for the violation of the provisions of this act.

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

1 SECTION 1. That Chapter two hundred fifty-one and three-tenths
 2 (251.3), Code, 1939, including sections five thousand ninety-three and
 3 one one-hundredths (5093.01) to five thousand ninety-three and
 4 thirty-nine one-hundredths (5093.39), both inclusive, and all acts
 5 and laws amendatory of said chapter and sections, are hereby amend-
 6 ed, revised and codified to read as follows.

1 SEC. 2 "5093.01. **Purpose.** It is the intent and purpose of this
 2 chapter to amend, revise, codify and supplement the existing laws of
 3 the State of Iowa relating to the collection of license fees on motor
 4 vehicle fuel, and to continue the policy of collecting for highway
 5 purposes an excise tax or license fee on all motor vehicle fuel used to
 6 propel motor vehicles on the highways of this State, and to provide
 7 such regulations as will prevent the evasion of the payment of such
 8 license fees and to insure the collection thereof and to that end to
 9 collect the license fee on all motor vehicle fuel in the State and from
 10 the first person receiving the same in this State for sale or use in this
 11 State and to require such person and all subsequent sellers to collect
 12 such license fee from purchasers to whom the same is sold for use
 13 or resale in this State so that said license fees shall be ultimately paid

14 by the person using said motor vehicle fuel in this State and to refund
15 to such user such license fees so paid by him on all motor vehicle fuel
16 not used in connection with the operation of motor vehicles on the
17 public highway."

1 SEC. 3. "5093.02. **Definition of terms.** The following words,
2 terms and phrases, for the purpose of this chapter, are defined as
3 follows:

4 1. The term 'distributor' shall mean any person who receives from
5 outside the State or who produces, refines, manufactures, compounds,
6 or blends within the State any motor vehicle fuel to be used within
7 the State or sold or otherwise disposed of within the State for use
8 in the state, including any person who shall order the delivery of
9 any motor vehicle fuel from a refinery or marine or pipe line ter-
10 minal to a point within the state of Iowa. Provided, however, a per-
11 son coming into the state traveling by motor vehicle may transport,
12 for his own use, in the ordinary motor vehicle fuel tank attached to
13 and forming a part of such motor vehicle, not more than twenty
14 gallons of motor vehicle fuel in passenger automobiles, and not more
15 than fifty gallons in trucks and busses without being considered a
16 distributor.

17 2. The term 'person' shall mean any individual, firm, partnership,
18 joint stock company, association, trust, estate, joint adventure,
19 and/or corporation, and any group or combination acting as a unit,
20 and the plural as well as the singular number. The term 'person'
21 shall also mean any receiver, trustee, conservator or representative
22 appointed by any state or federal court.

23 3. The term 'treasurer' shall mean the treasurer of the state of
24 Iowa.

25 4. The term 'motor vehicle fuel' shall mean any petroleum product
26 or other substance which alone or in combination with any other
27 petroleum product or other substance is capable of being used to
28 operate by combustion any internal combustion engine of the type
29 used in automobiles, trucks, airplanes, motor boats, tractors, or other
30 mechanical contrivances which are propelled by their own power and
31 which is practicable for use for such purpose, including the products
32 commonly known as gasoline, kerosene, naptha,* distillate, gas oil,
33 tractor fuel, benzine, benzol and liquefied gas.

34 5. The term 'motor fuel' shall mean those motor vehicle fuels which
35 alone and without being combined with other petroleum products or
36 other substances are capable of successfully operating by combustion
37 an internal combustion engine of the type used in automobiles and
38 trucks such as gasoline or other petroleum products or other sub-
39 stances having similar qualities, which have a flash point less than
40 one hundred degrees Fahrenheit as determined by the Tagliabue
41 closed cup test, or has an initial boiling point of less than three hun-
42 dred degrees Fahrenheit as determined by the method of the Ameri-
43 can Society of Testing Materials or has a ninety-five per cent dis-
44 tillation point at less than four hundred sixty-four degrees Fahren-
45 heit as determined by the method of the American Society of Testing
46 Materials.

*Note: In accordance with enrolled bill.

- 47 6. The term 'fuel oil' shall mean those motor vehicle fuels not within
48 the above specifications for motor fuel which either alone or when
49 combined with other petroleum products or other substances are
50 capable of being used as a fuel to propel motor vehicles upon the
51 public highways such as ordinary kerosene, distillate, diesel fuel and
52 gas oil or other petroleum products or other substances having
53 similar qualities.
- 54 7. The treasurer of the state is authorized and directed to issue and
55 have published, from time to time, regulations in conformity with the
56 provisions of this chapter, which shall provide more particularly
57 descriptions and specifications of the various kinds of fuel which
58 come within the classifications provided for in subsections 4, 5 and 6
59 of this section.
- 60 8. The term 'service station' shall mean any place where motor
61 vehicle fuel is sold and delivered into the fuel tanks of motor vehicles.
- 62 9. The term 'highway' shall mean any way or place of whatever
63 nature open to the use of the public as a matter of right for the pur-
64 pose of vehicular travel.
- 65 10. The term 'motor vehicle' shall mean any mechanical contrivance
66 propelled on the highways by an internal combustion engine, includ-
67 ing those contrivances used to transport passengers or freight and
68 those used for the purpose of constructing or repairing said highway.
- 69 11. The term 'license fee' shall mean 'excise tax or license fee'.
- 70 12. The term 'fuel oil dealer' shall mean a person engaged in selling
71 fuel oil at retail for use for such purposes as shall allow the purchaser
72 to obtain the same tax free under the provisions of this chapter.
- 73 13. The term 'fuel oil distributor' shall mean any person who
74 receives fuel oil from outside the state or who produces or manufac-
75 tures fuel oil within the state to be used or resold within the state
76 for such purposes as shall allow the purchaser to obtain the same tax
77 free under the provisions of this chapter.
- 78 14. The term 'tax free' when used in connection with the sale of
79 fuel oil shall mean a sale or purchase without the payment of the
80 motor vehicle fuel license fees imposed by the provisions of this
81 chapter.
- 82 15. The term 'certificate of purchase' shall mean a certificate in
83 such form as the Treasurer shall prescribe or approve, issued by a
84 fuel oil dealer to a distributor or fuel oil distributor, covering the
85 purchase by said fuel oil dealer showing the kind and quantity of
86 fuel oil purchased, from whom purchased, and such other informa-
87 tion as the Treasurer shall prescribe and in such certificate the maker
88 shall state and agree that he will not use or sell for use any of the
89 products covered by such certificate either alone or in combination
90 with other petroleum products as fuel for motor vehicles.
- 91 16. The term 'liquefied gas distributor' shall mean any person de-
92 fined as a distributor in paragraph 1 of this section engaged in dis-
93 tributing liquefied gas, provided that any person not engaged in
94 business in the state who would come within the definition, if he was
95 engaged in business within this state, may become licensed as a
96 liquefied gas distributor under this chapter in the same manner as
97 though he was engaged in business within the state, except that sales
98 made by such a distributor to persons in the State of Iowa shall be
99 construed as importations made by the distributor and the distribu-

100 tor shall report such sales in detail to the treasurer on forms pre-
101 scribed or approved by the treasurer.

102 17. The term 'liquefied gas dealer' shall mean any person, other
103 than a liquefied gas distributor, who is licensed to sell liquefied gas
104 for use in operation by combustion in any internal combustion engine
105 of the type used in automobiles, trucks, airplanes, motor boats, trac-
106 tors or other mechanical contrivances which are propelled by their
107 own power, as well as sales for other purposes.

108 18. The term 'liquefied gas retailer' shall mean any person other
109 than a licensed liquefied gas dealer or a liquefied gas distributor who
110 sells liquefied gas at retail only for uses other than the uses provided
111 in paragraph 4 of this section, and as such is permitted to sell same
112 to purchasers tax free.

113 19. The term 'liquefied gas motor fuel user' shall mean any person
114 a resident of, or having a place of business in, the State of Iowa, who
115 uses liquefied gas for any of the purposes set out in paragraph 4
116 of this section. Any person engaged in carrying out a construction
117 contract of any kind in the State of Iowa shall for the purposes of
118 this chapter be deemed to have a place of business in the state where
119 such contract is being carried out.

120 20. The term 'liquefied gas' shall mean and include all combustible
121 gases which exist in a gaseous state at sixty degrees (60°) Fahrenheit
122 and at fourteen and seven-tenths pounds (14.7 lbs.) per square inch
123 absolute."

1 SEC. 4. "5093.03 Tax imposed. A license fee of three cents (3c)
2 per gallon or a fraction of a gallon is hereby imposed on the sale or
3 use of all motor vehicle fuel sold or used in this state for any purpose
4 whatsoever, except that no license fee shall be imposed, on motor
5 vehicle fuel sold and exported from the State of Iowa, or on motor
6 vehicle fuel refined at a refinery in this state and stored thereat, or
7 on motor vehicle fuel imported into the state by boat, barge or pipe
8 line and stored at a marine or pipe line terminal so long as the same
9 remains in storage at such refinery, marine or pipe line terminal,
10 or on motor vehicle fuel sold to the United States of America or any
11 of its instrumentalities or agencies, unless permitted by the consti-
12 tution and laws of the United States, provided however that no
13 license fee shall be imposed on the motor vehicle fuel brought into
14 this state in the ordinary fuel tanks attached to and forming a
15 part of a motor vehicle operating upon the highways where such
16 amount does not exceed twenty gallons in the ordinary automobile
17 and fifty gallons in busses and trucks. Said license fee shall be paid
18 to the state of Iowa but once on any particular gallonage of motor
19 vehicle fuel. Any person selling, using or otherwise disposing of,
20 motor vehicle fuel within the state shall be liable for the license fees
21 herein provided for, unless the same shall have been previously paid.
22 Said license fee shall be advanced, remitted, collected and paid by the
23 persons and at the time and in the manner hereinafter provided. The
24 said license fees when paid shall be disposed of in the manner herein-
25 after provided.

26 No person shall sell liquefied gas within the state of Iowa for any
27 purpose except said person be licensed under this chapter as a dis-
28 tributor, a liquefied gas distributor, a liquefied gas dealer, or a lique-
29 fied gas retailer."

1 SEC. 5. "5093.04. Tax payable by whom. Said tax shall be
2 paid to the State of Iowa by the distributor, or other person who
3 imports or first receives said motor vehicle fuel in this state, or who
4 manufactures, compounds or blends motor vehicle fuel in this state,
5 at the times and in the manner provided in this chapter; provided,
6 however, that when motor vehicle fuel is received by a licensed dis-
7 tributor from a refinery, marine or pipe line terminal in this state,
8 only the licensed distributor receiving same therefrom shall be liable
9 for the tax thereon, and that any person ordering the delivery of
10 motor vehicle fuel from a refinery, marine or pipe line terminal in
11 this state to a person in the state who is not a licensed distributor
12 shall be liable for the tax. The interstate character of the transpor-
13 tation of motor vehicle fuel coming from without the state by pipe
14 line, boat or barge shall not be deemed to have been terminated by
15 the mere storage thereof at a marine or pipe line terminal in this
16 state. Any person not a licensed distributor who exports motor
17 vehicle fuel from a refinery, marine or pipe line terminal in this state
18 to another state shall secure from the treasurer an exporter's license
19 and shall report each exportation to the treasurer by United States
20 mail within forty-eight hours after such exportation; and provided
21 further that the operator of such refinery, marine or pipe line ter-
22 minal shall be required to keep, subject to inspection at any time by
23 the state treasurer, such records, and to render to the state treasurer
24 monthly such reports as the state treasurer may require to insure
25 proper enforcement of the provisions of this chapter. Such distributor
26 or other person having paid said tax, or being liable for its payment
27 shall collect the amount thereof from any person to whom said motor
28 vehicle fuel is sold in this state along with the selling price thereof,
29 provided that payment of the tax to the State of Iowa on liquefied
30 gas shall be made in the manner provided for in this chapter for the
31 payment and collection of the tax on liquefied gas. Liquefied gas sold
32 for any purpose other than the purposes set out in paragraph 4 of
33 section 5093.02 may be sold tax free, provided that on sales for the
34 purposes set out in paragraph 4 section 5093.02 the amount of the
35 tax shall be collected from the purchaser along with the selling price
36 thereof.

37 Every distributor and other person selling motor vehicle fuel or
38 fuel oil in this state, at wholesale or at retail, shall keep posted in a
39 conspicuous place most accessible to the public at their place or places
40 of business, including bulk plants, service stations, garages and
41 motor vehicle transports, a placard showing in words and/or figures
42 the same height and size but not less than one inch in height or size,
43 the price per gallon of each grade of motor vehicle fuel and fuel oil
44 offered for sale, the amount of state license fee per gallon thereon,
45 the federal excise tax per gallon thereon, and the total thereof. If
46 any rebate, discount, commission or other concession is granted by
47 distributors or persons engaged in the sale of motor vehicle fuel or
48 fuel oil of such nature as will reduce the cost or price to any purchaser
49 or consumer of such products, the conditions, quantity and amount
50 of such rebate, discount, commission or other concession shall be
51 posted as a part of the posted price. Provided, however, at all places
52 making wholesale sales only and upon motor vehicle transports, the
53 words and figures shall be of such size as to be plainly legible to the

54 public and as approved by the treasurer. All price placards shall be
55 subject to the approval of the treasurer. Any distributor or person
56 failing to post or keep posted the placard required by this section,
57 or who posts placards not approved by the treasurer as provided in
58 this section, or who sells any motor vehicle fuel or fuel oil at a price
59 which directly or indirectly, by any means or device, deviates from
60 the posted price set forth on the price placard approved by the
61 treasurer, shall be guilty of a misdemeanor and shall be punished by
62 a fine of one hundred dollars or imprisonment in the county jail for
63 thirty days. Nothing contained herein shall prohibit or restrict the
64 distribution of earnings to the members of any distributor or person,
65 nor to the distribution to consumers of road maps, publicity and other
66 advertising media carrying the name of the distributor, person or
67 produce. Each day the required placard remains unposted or an
68 unauthorized placard remains posted, or each deviation from the
69 posted price, shall be considered a separate offense. In the event of
70 a third conviction for the violation of any of the provisions of this
71 section, the state treasurer may revoke the license of such distributor
72 or person so convicted."

1 **SEC. 6. "5093.05 Licensing of distributors.** It shall be unlaw-
2 ful for any person to engage in business as a distributor in this state
3 without first having procured a distributor's license as provided in
4 this chapter. A person who has filed a proper application with the
5 treasurer and has complied with the provisions and met the require-
6 ments of this chapter and has shown to the satisfaction of the treas-
7 urer that he is a person of good moral character and desires honestly
8 to engage in business as a distributor, shall be granted a distributor's
9 license by the treasurer, authorizing said person to engage in business
10 in this state as a distributor, unless it appears to said treasurer from
11 any sources of information available to him that said person has
12 failed to pay motor vehicle fuel license fee due from him to the state
13 of Iowa, or that a distributor's license previously issued to said
14 person has been cancelled and said person cannot now be depended
15 upon to honestly and in good faith make and keep the records and
16 reports required of distributors, and pay the motor vehicle fuel license
17 fees which he would be required to pay under the provisions of this
18 chapter.

19 "A fee of one dollar shall be collected by the treasurer from each
20 person to whom a distributor's license is issued.

21 "Every distributor licensed under the provisions of this chapter
22 as a distributor may engage in the business as a liquefied gas dis-
23 tributor and shall be subject to all the provisions of this chapter relat-
24 ing to distribution of liquefied gas. It shall be unlawful for any person
25 who is not a distributor licensed under this chapter to engage in
26 business as a liquefied gas distributor in this state without first pro-
27 curing a liquefied gas distributor's license. All the provisions of this
28 chapter relating to distributors shall apply to liquefied gas distribu-
29 tors except as modified by this act.

30 "It shall be unlawful for any person to engage in business as a
31 liquefied gas dealer without first having procured a liquefied gas
32 dealer's license.

33 "Every person desiring to engage in business as a liquefied gas
34 dealer shall make under oath an application for a license therefor to

35 the treasurer on forms prescribed by him. The treasurer, if con-
36 vinced by the showing made in the application, or from any investiga-
37 tion he may make, that the applicant is of good moral character, and
38 is actually engaged, or about to engage in business as a liquefied gas
39 dealer, shall issue a license without fee. Every holder of such a license
40 shall keep a record of receipts and sales of liquefied gas on forms pre-
41 scribed or approved by the treasurer, and preserve said records for a
42 period of three years, which records shall be open to the inspection
43 of the treasurer or his agents or employees."

1 SEC. 7. "5093.06. **Application for distributor's license.** Every
2 person desiring to engage in business as a distributor or liquefied gas
3 distributor shall file a duly verified application with the treasurer
4 on forms provided by the treasurer, which shall contain the name
5 under which the business of distributor is to be transacted within the
6 state of Iowa and the place of such business. If such applicant is a
7 firm or copartnership, the application shall also contain the names
8 and addresses of the several persons constituting the same and if a
9 corporation or municipal subdivision, the correct name under which
10 it is authorized to transact business, the name of its principal officers,
11 resident agent or managing agent and attorney in fact.

12 "Said applicant must further state and agree in such application
13 that he will faithfully and honestly keep and preserve all the records
14 which the provisions of this act or the regulations of the treasurer
15 require him to keep and that he will report to the treasurer of State
16 all of the matter required by this chapter and that he will pay to the
17 State of Iowa all license fees on motor vehicle fuel due from him to
18 the State of Iowa in accordance with the provisions of this chapter.
19 Said application shall also contain such other information as the
20 treasurer shall demand or the forms prepared by him require."

1 SEC. 8. "5093.07. **Security required of distributor before li-**
2 **cence issued.** Each applicant for a distributor's or liquefied gas dis-
3 tributor's license, except agencies of the state and municipal corpora-
4 tions in the state or other governmental subdivisions of the state
5 shall, before the license is issued to him, file with the Treasurer of
6 State a bond payable to the State of Iowa in the sum of one thousand
7 dollars (\$1,000.00) and such additional sum or satisfactory property
8 statement as the Treasurer of State shall determine, which bond or
9 property statement is to be approved by the Treasurer of State."

1 SEC. 9. "5093.08. **Records required to be kept by distributor.**
2 Each distributor must keep a true and accurate record on such form
3 as the Treasurer of State may approve or prescribe of each con-
4 signment of motor vehicle fuel received by him showing the person
5 from whom received, the method of transportation employed in de-
6 livering the same to the distributor, and the identification of the
7 tank car, and of the truck if delivered by truck, the character of the
8 product and the disposition made thereof. Such distributor must
9 also preserve all invoices, bills of lading and other pertinent papers
10 in connection with the purchase and receipt of motor vehicle fuel
11 and all sales tickets, invoices and other pertinent papers in connection
12 with the sale of motor vehicle fuel, and to keep such records of pur-
13 chases and sales as the Treasurer of State shall prescribe. Said

14 distributor must likewise keep a record of his receipts and sales of
15 motor vehicle fuel on such form as the Treasurer of State may ap-
16 prove or prescribe and must make and transmit to the Treasurer of
17 State an inventory of all petroleum products on hand upon call
18 of the Treasurer of State, and each distributor must upon demand
19 of the Treasurer of State furnish a statement under oath reflecting
20 the contents of any records to be kept under the provisions of this
21 chapter. The records required by this section must be preserved by
22 the distributor for a period of three years after the making thereof
23 and all such records must be available at all times for the inspection
24 of the Treasurer of State or his representatives.

25 "The provisions of this section shall apply to and govern each
26 liquefied gas distributor. In addition each liquefied gas distributor
27 shall keep a record of all sales of liquefied gas for all purposes and
28 showing all sales of liquefied gas for use in automobiles, trucks, air-
29 planes, motor boats, tractors, and/or other mechanical contrivances
30 which are propelled by their own power, the said record to show the
31 date of sale, and the name and address of person to whom sold."

1 SEC. 10. "5093.09. **Monthly reports of distributors.** On or be-
2 fore the 20th day of each calendar month, each distributor of motor
3 vehicle fuel shall file in the office of the Treasurer of State at Des
4 Moines, Iowa, a report, duly verified under oath, on forms prescribed
5 and furnished by said treasurer, showing

6 "1. The total number of gallons of motor vehicle fuel received by
7 him from outside the state during the preceding calendar month, the
8 person from whom received, the date of receipt, unloading point, tank
9 car identification and invoiced gallonage of each tank car or other
10 receptacle in which motor vehicle fuel is imported into the State
11 of Iowa. If said motor vehicle fuel was imported by truck, said
12 report shall show the name of person from whom received, date of
13 receipt, the unloading point, the invoiced gallonage of each truck
14 load, the name of the manufacturer of the truck, the name of the
15 owner, the name of the person in charge of the truck when delivery
16 was made, and motor vehicle transport license number of the truck,
17 and number of the manifest covering each shipment, or load, and
18 (a) the total number of gallons thereof imported by boat, barge or
19 pipe line and stored at a marine or pipe line terminal and (b) the
20 total number of gallons thereof taken from such marine or pipe line
21 terminal storage during the preceding calendar month for sale or
22 use in this state or for transportation or shipment to points within
23 this state.

24 "2. The total number of gallons of motor vehicle fuel produced,
25 refined, manufactured, blended or compounded, and the date thereof,
26 and the place where such processing occurred and the materials used
27 therein and the source from which obtained, and (a) the total
28 number of gallons thereof refined at a refinery in this state and
29 stored at such refinery and (b) the total number of gallons thereof
30 taken from such refinery storage for sale or use in this state or for
31 transportation or shipment to points within this state.

32 "3. The total number of gallons of motor vehicle fuel received by
33 him from points within the state during the preceding calendar
34 month, the name of the person from whom received, the date of
35 receipt, unloading point, tank car identification and invoiced gallonage

36 of each tank car or other receptacle in which received. And if received
37 by truck, said report shall show the name of the person from whom
38 received, the date of receipt, unloading point, invoiced gallonage of
39 each truck load, the name of the manufacturer of the truck, the
40 name of the owner, the name of the person in charge of the truck
41 when delivery was made, and motor vehicle transport license number
42 of the truck. Said report shall also show whether the price paid for
43 such motor vehicle fuel included the license fee payable under the
44 provisions of this chapter. All such information as to gallonage re-
45 ceived from points within the state shall be only for the use and
46 guidance of the treasurer, if the license fee has been previously paid
47 on such gallonage and such gallonage shall not be included in the
48 gallonage on which the license fees are payable by said distributor
49 unless the license fees thereon have not been previously paid to the
50 State of Iowa.

51 "4. The total number of gallons exported from the State of Iowa,
52 the date of export, name of person to whom exported, destination,
53 tank car identification and railroad handling shipment, if by rail,
54 and if shipped by truck, name of manufacturer of truck, name of
55 owner, name of person in charge of truck, manifest number and
56 motor vehicle transport license number of truck.

57 "5. The total number of gallons of motor vehicle fuel sold to the
58 United States or its agencies on which the collection of a license fee
59 is not permitted by the constitution or laws of the United States,
60 and the name of the officer or particular agency of the United States
61 to whom sold.

62 "6. If said distributor holds a permit to sell, or use fuel oil as
63 provided by this chapter without the collection or payment of a tax
64 thereon, such report shall also show, the amount of fuel oil received
65 during the preceding calendar month and the amount disposed of and
66 the purpose for which it was used or sold for use, and such other
67 information in connection therewith as the treasurer may require.
68 Said report shall also be accompanied by the certificates of purchase
69 covering fuel oil sold for resale, and the distributor shall pay the tax
70 on such amount as was used or sold for use in motor vehicles.

71 "A distributor handling fuel oil may, if he desires, make his report
72 as to fuel oil on an inventory basis, by giving the treasurer thirty
73 (30) days' notice of an intention to so report. In that event he may
74 deduct the fuel oil on hand at the end of each month to determine
75 the gallonage on which the tax is to be computed. In such case, he
76 must show on his monthly report the gallonage on hand at the
77 commencement of each month, and so make his report on forms
78 prescribed by the treasurer as to show the amount of fuel oil sold or
79 used during the month, and the amount thereof covered by purchase
80 certificates and sales for non-taxable use and pay the tax on any
81 balance.

82 "A distributor may with the approval of the treasurer, in con-
83 nection with his fuel oil report, merely list the certificates of pur-
84 chase held by him covering fuel oil used or sold by him during the
85 preceding calendar month, and such certificates so listed may be
86 retained by the distributor subject to be inspected by the treasurer
87 or his representative.

88 "7. Said report shall contain such other information as the treas-
89 urer may demand or may be called for by the forms prepared by
90 him.

91 "If no motor vehicle fuel be received or produced during the pre-
92 ceding calendar month, a report shall be made to that effect on the
93 forms prescribed herein, and in the same manner. At the same time
94 he shall remit to the treasurer the amount of the license fee on motor
95 vehicle fuel produced or received by said distributor for sale or use
96 within the State of Iowa during the preceding calendar month on
97 which a license fee is payable under the provisions of this chapter;
98 provided, however, that in computing said amount a deduction of
99 three per cent of the invoiced gallonage received from outside the
100 state or produced, manufactured, compounded or blended within the
101 state, and which remained within the state may be made for evapora-
102 tion and loss.

103 "If, after the prescribed license fees are so remitted and paid, any
104 motor vehicle fuel in the possession of a licensed distributor is de-
105 stroyed by fire, lightning, storm or accident not caused by the fault
106 of such distributor or any employee thereof, before being sold or
107 used by him, upon proper application therefor and proof of such de-
108 struction or loss satisfactory to the Treasurer of State, the said
109 treasurer is authorized to certify to the amount of license fees so
110 paid thereon to the Comptroller of State as a refund. The Comp-
111 troller of State shall issue his warrant drawn on the motor vehicle
112 fuel fund in payment thereof and the same shall be paid in the same
113 manner and from the same fund as those refunds authorized in
114 section 5093.29 of this chapter. But no such claim for refund shall
115 be paid unless the treasurer was notified of said loss within ten days
116 after the same occurred and the claim was filed within thirty days
117 after such loss.

118 "If any distributor of motor vehicle fuel shall fail to remit on or
119 before the twentieth of each month to the Treasurer of State to cover
120 the license fees due on that date as shown by his report, a penalty
121 of ten per cent of the amount thereof shall immediately accrue and
122 become due and payable when such license fees are paid or collected.

123 "The provisions of this section shall apply to liquefied gas dis-
124 tributors, except as hereinafter provided. Liquefied gas distributors
125 shall also report under oath on forms prescribed and furnished by
126 the treasurer, the total number of gallons of liquefied gas imported
127 from outside the state, and also the total number of gallons of lique-
128 fied gas produced, refined, manufactured, blended or compounded
129 within the state, and the date thereof, and the place where such
130 processing occurred, and the materials used therein, and the date of
131 sale, name and address of the person to whom sold, and the quantity
132 in gallons of all liquefied gas sold or used by the liquefied gas dis-
133 tributor, for use in automobiles, trucks, airplanes, motor boats, trac-
134 tors and/or other mechanical contrivances which are propelled by
135 their own power, during the preceding calendar month. At the same
136 time each liquefied gas distributor shall remit to the treasurer the
137 amount of the license fees on the liquefied gas sold or used by him,
138 for use in automobiles, trucks, airplanes, motor boats, tractors,
139 and/or other mechanical contrivances propelled by their own power,
140 and on the liquefied gas sold by him to liquefied gas dealers."

1 SEC. 11. "5093.10. **Cancellation of distributor's license.** The
2 Treasurer may revoke any distributor's license issued under the pro-
3 visions of this chapter, where it appears to the satisfaction of the
4 treasurer, that the distributor holding such license has failed to
5 accurately or correctly make the reports, or keep the records re-
6 quired by this chapter, or has refused to give to the treasurer or
7 his representatives free access to his books and records, or has failed
8 to pay the license fees shown to be due by his reports, or determined
9 to be due by the Treasurer in accordance with the provisions of this
10 chapter, provided, however, that if said distributor disputes the cor-
11 rectness of the treasurer's finding as to the amount of tax due, he
12 may pay the amount demanded by the treasurer, under protest and
13 avoid a cancellation of his license on that account until the matter
14 has been determined by the court. And should the court determine
15 in the manner provided by this chapter that the amount thus paid is
16 in excess of the amount actually owing by said distributor at said
17 time, the excess shall be repaid to said distributor.

18 "Before the treasurer shall cancel any distributor's license he shall
19 advise the distributor of the charges against him, and shall give the
20 distributor an opportunity to be heard and to be represented by coun-
21 sel and to show cause why the license should not be cancelled. Such
22 notice of the charges and opportunity to show cause may be furnished
23 to the distributor by registered mail, addressed to him at his place
24 of business and must be mailed or served at least five days before the
25 day fixed by the treasurer for the hearing."

1 SEC. 12. "5093.11. **Treasurer may assess amount of license**
2 **fees due.** If the Treasurer of State should at any time receive com-
3 plaints or reports from any source that any licensed distributor is
4 suspected of evading the payment of the license fees provided by this
5 chapter or is failing to report all of the motor vehicle fuel received
6 by him and sold, used or otherwise disposed of by him in this state,
7 or should receive complaints or reports from any source that some
8 person is suspected of acting as a distributor without a license and
9 without the payment of the license fees imposed by this chapter upon
10 distributors, the Treasurer of State may, upon five days' notice to
11 such distributor or other person of the time and place of hearing and
12 the nature thereof, proceed to hold a hearing and to determine the
13 amount of license fee, if any, due from such licensed distributor or
14 other person on motor vehicle fuel not reported to the treasurer as
15 provided by this chapter, and said treasurer may adjourn said hear-
16 ing from time to time until the completion thereof. Said Treasurer
17 of State may use any information available to him to determine what
18 amount, if any, of license fees are owing by said distributor or other
19 persons. And he shall immediately assess the license fees in the
20 amount found due together with a penalty of one hundred per cent
21 of such amount. The findings of the said treasurer as to the amount
22 of license fees due, if any, shall be presumed to be the correct amount;
23 and in any litigation which may follow over the amount of said license
24 fees due, the certificate of the treasurer assessing the motor vehicle
25 fuel license fees and penalty shall be admitted in evidence and shall
26 constitute a prima facie case, and the burden shall be upon the dis-
27 tributor or other person to show the error in the treasurer's finding

28 and the extent of such error. In any litigation involving the amount
29 of motor vehicle fuel license fees due the State of Iowa, it shall be
30 presumed that the distributor or other person receiving motor vehicle
31 fuel from outside of this state, sold or used or otherwise disposed of
32 the same within this state, unless such distributor or other person
33 can show a different disposition of the product and it will be pre-
34 sumed that all petroleum products capable of being blended with
35 other petroleum products to produce motor vehicle fuel were so
36 blended unless the contrary appears by clear and satisfactory evi-
37 dence.

38 "The Treasurer of State may remit in whole or in part the penalty
39 herein provided for, if convinced that there was no intent to evade
40 the payment of the motor vehicle fuel license fees. And said penalty
41 in all events shall be considered as cumulative and shall not relieve
42 the person against whom it is assessed from the penal provisions of
43 this chapter."

1 **SEC. 13. "5093.12. Hearings before treasurer.** Hearings before
2 the treasurer authorized under the provisions of this chapter may be
3 held at the seat of government in Des Moines or elsewhere in the
4 state as the treasurer may direct. Any power granted to the treas-
5 urer in this chapter may also be exercised by his deputy, and the
6 treasurer is hereby authorized to appoint special deputies for the
7 purpose of conducting said hearings. The treasurer or his deputy
8 shall have the power to issue subpoenas, including subpoenas duces
9 tecum and to require the attendance of witnesses and the production
10 of books, records and papers. In the event any person shall refuse to
11 obey such subpoena, or after appearing refuses to testify, the treas-
12 urer shall certify the name of such person or persons to the District
13 Court of the county where said hearing is being held or any judge
14 thereof, and the Court or any judge thereof shall proceed with said
15 witness in the same manner as if said refusal had occurred in a pro-
16 ceeding in open Court."

1 **SEC. 14. "5093.13. Lien of license fees.** The certificate of the
2 treasurer assessing the amount of motor vehicle fuel license fees and
3 penalty due from a distributor or other person ascertained in accord-
4 ance with the provisions of this chapter, or from a distributor ascer-
5 tained from the report of such distributor, may be filed in the office
6 of the Clerk of the District Court of the county in which the place
7 of business of such distributor or other person is located. The Clerk
8 of the District Court upon receipt of the certificate shall, without
9 requiring the payment of any fee, file and index the same in the
10 manner now provided for judgments. And said treasurer may in like
11 manner, file a duplicate of said certificate in any other county where
12 the same shall in like manner be indexed. And the claim of the state
13 of Iowa as shown by said certificate or duplicate so filed shall be a
14 lien on the real estate of the person named therein as owing motor
15 vehicle fuel license fees, located in the county where said certificate
16 or a duplicate thereof is recorded for the amount shown by said cer-
17 tificate to be due, including penalty and interest from the date of said
18 filing to the same extent as a mortgage lien. Said lien may be fore-
19 closed in the same manner as real estate mortgage liens are fore-

20 closed, and the court in said proceedings shall enter judgment against
21 such distributor or other person for the amount found by the court
22 in the manner provided by this act to be due to the state, with interest
23 and the penalty as assessed by the treasurer, and may in the same
24 proceedings foreclose on any security which it may hold for the pay-
25 ment of said license fees, and may in the same proceedings entertain
26 suit on any bond which it may hold as security for the payment of
27 said fees.

28 "The treasurer may give notice of the amount of motor vehicle
29 fuel license fees and penalty due as ascertained by him by registered
30 mail to all persons having in their possession or under their control
31 any credits or other personal property belonging to such distributor
32 or other person or to any person owing any debts to such distributor
33 or other person. And thereafter such person so notified shall neither
34 transfer nor make any other disposition of such credit or other per-
35 sonal property or debts until thirty days shall have elapsed from and
36 after the receipt of such notice unless the Treasurer of State shall
37 have given his consent to a previous transfer or other disposition.
38 At the expiration of said thirty-day period said property shall be
39 released, unless in the meantime it shall have been attached by
40 process of Court or the holder thereof garnished. All persons so
41 notified, must, within five days after receipt of such notice, advise
42 the Treasurer of State, of any and all such credits or personal prop-
43 erty or debts in their possession or under their control, or owing by
44 them as the case may be.

45 "The amount of license fees imposed by this chapter, including
46 interest and penalty and costs that may accrue, shall be a lien in
47 favor of the state upon all franchises, property and rights to prop-
48 erty, whether real or personal, then belonging to or thereafter ac-
49 quired by the person liable for the payment of such license fees from
50 the date such taxes are due and payable as provided in this chapter
51 and remaining until the amount of the lien is paid or the property
52 sold in payment thereof. Such lien shall have priority over any lien
53 or encumbrance whatsoever except the lien of other state taxes hav-
54 ing priority by law, and except that such lien shall not have priority
55 over any bona fide mortgagee, pledgee, attaching creditor or pur-
56 chaser whose right shall have attached prior to the time the treas-
57 urer shall have filed his certificate in the office of the Clerk of the
58 Court as provided in this section.

1 SEC. 15 "5093.14. Permits to sell fuel oil tax free. Every
2 person desiring to engage in business as a fuel oil dealer shall apply
3 to the treasurer for a fuel oil dealer's permit, which permit shall be
4 in a form prescribed by the treasurer and shall entitle the holder
5 thereof to purchase fuel oil tax free from a distributor or a fuel oil
6 distributor in this state by issuing to the seller a certificate of pur-
7 chase therefor. But no such permit shall be issued until the applicant
8 therefor files with the treasurer a verified application on forms pre-
9 pared and furnished by the treasurer, stating the purpose for which
10 the permit is desired, the use the holder desires to make of it and
11 the nature of the business in which the applicant is engaged. In said
12 application the applicant must also agree not to use said fuel oils
13 either alone or in combination with other substances as fuel for motor

14 vehicles or sell any of said products for such use or to sell said prod-
15 ucts for resale and report to the treasurer of State promptly any sales
16 which may have been made where the amounts involved or the cir-
17 cumstances are such as to arouse suspicion that said products have
18 been purchased for use as fuel for motor vehicles either alone or in
19 combination with other substances. Said application must have en-
20 dorsed thereon the affidavit of a freeholder of the state as to the good
21 moral character of the applicant, if an individual or a group of in-
22 dividuals, and the officers of the corporation if a corporation. The
23 treasurer, if convinced by the showing made in the application or
24 from any investigation he desires to make that the applicant is of
25 good moral character and is actually engaged, or about to engage,
26 in business as a fuel oil dealer, shall issue a permit as herein provided.
27 The holder of a fuel oil permit may purchase fuel oil tax free only
28 from distributors or fuel oil distributors within this state and shall
29 sell tax free only for the purpose or use otherwise than as fuel for
30 motor vehicles.

31 "Every holder of such fuel oil permit shall keep a record of all
32 purchases and receipts of fuel oil and of all sales and deliveries there-
33 of, which record is to be kept in the manner and form prescribed by
34 the treasurer or approved by the treasurer or his representative and
35 which record is to be at all reasonable times open to the inspection of
36 the treasurer or his representatives.

37 "Every person desiring to engage in business as a liquefied gas
38 retailer shall make under oath, an application for license therefor to
39 the treasurer on forms prescribed by him, and in which the applicant
40 shall agree not to sell liquefied gas either alone or in combination
41 with other substances as motor vehicle fuel or sell same for resale
42 and report to the treasurer promptly any sales when the amounts or
43 circumstances are such as to arouse suspicion that liquefied gas has
44 been purchased for use as motor vehicle fuel. The treasurer, if con-
45 vinced by the showing made in the application or from any investi-
46 gation he may make that the applicant is of good moral character
47 and is actually engaged or about to engage in business as a liquefied
48 gas retailer, shall issue a permit without fee. Every holder of a per-
49 mit as liquefied gas retailer shall keep a record of receipts and sales
50 of liquefied gas sales on forms prescribed by the treasurer, and shall
51 preserve said records for a period of three years which records shall
52 be open to the inspection of the treasurer, or his agents and em-
53 ployees.

54 "Liquefied gas dealers and liquefied gas retailers shall purchase
55 liquefied gas only from distributors licensed under this chapter to
56 distribute liquefied gas. Sales by distributors to liquefied gas dealers
57 shall be made with the amount of the tax added; sales to liquefied
58 gas retailers shall be made tax free."

1 . SEC. 16 "5093.15 Fuel oil distributors. Every person desir-
2 ing to engage in business as a fuel oil distributor, except those who
3 already hold a distributor's license, shall apply to the treasurer for a
4 fuel oil distributor's license on forms to be prescribed and furnished
5 by the treasurer. The treasurer shall, if satisfied that the applicant
6 desires to honestly and in good faith engage in distributing fuel oil,
7 issue to such applicant a fuel oil distributor's license in a form pre-

8 scribed by the treasurer. The holder of a fuel oil distributor's license
9 may receive fuel oil from outside the state or manufacture or com-
10 pound fuel oil within the state either for sale or use, and may sell
11 for non-taxable resale or non-taxable use, and shall obtain a certifi-
12 cate of purchase covering each sale to fuel oil dealers.

13 "Each fuel oil distributor shall keep his fuel oil purchase certifi-
14 cates for a period of three years, and shall keep a record on such
15 form as the treasurer shall prescribe or approve of all purchases and
16 sales of fuel oil, and said purchase certificates and record shall at all
17 reasonable times be open to the inspection of the treasurer or his
18 representatives.

19 "A fee of one dollar (\$1.00) shall be collected by the treasurer for
20 each fuel oil distributor's license."

1 **SEC. 17. "5093.16. Revocation of fuel oil permits.** Any fuel
2 oil permit or fuel oil distributor's license issued under the provisions
3 of this chapter may be revoked by the treasurer upon five days' notice
4 to the holder to show cause why it should not be revoked, when the
5 treasurer is convinced from any information available to him that
6 the holder thereof has violated the undertaking in his application or
7 has issued or knowingly received any false certificates of purchase
8 and is knowingly either directly or indirectly, a party to the use of
9 the fuel oil received by him as fuel for motor vehicles, or has violated
10 any of the provisions of this chapter."

1 **SEC. 18. "5093.17. Treasurer may issue specifications.** The
2 treasurer is hereby authorized in regulations promulgated and pub-
3 lished by him to fix tests and specifications by end points and flash
4 points or otherwise for products which may be sold as fuel oil, and
5 to change and modify such tests and specifications from time to time
6 as conditions may in his judgment require."

1 **SEC. 19. "5093.18. Motor vehicle transport licenses.** Every
2 person desiring to operate any conveyance for the purpose of hauling,
3 transporting or delivering motor vehicle fuel in bulk, shall, before
4 entering upon the public highways of this state with such convey-
5 ance, apply for the registration thereof with the treasurer on such
6 forms as he shall provide and the treasurer, if satisfied that such ap-
7 plicant is of good moral character and desires to honestly engage in
8 the lawful and legitimate transportation of motor vehicle fuels on
9 the public highways, shall upon the payment by said applicant of a
10 motor vehicle fuel transport license fee in the sum of one dollar for
11 each conveyance, assign a license number to such person and shall
12 issue separate license cards for each conveyance to be operated over
13 the highways of this state. Said card shall show the license number
14 assigned, the motor number, if any, of the conveyance, and such other
15 information as the treasurer may prescribe and shall be conspicuously
16 displayed on the conveyance at all times during its operation on the
17 public highways of this state. The treasurer shall also furnish to the
18 licensee duplicate license plates for such conveyance so operated,
19 containing the number assigned to the licensee and the words 'Iowa
20 Motor Vehicle Fuel Transport License' or any abbreviation thereof
21 authorized by the treasurer. The authorized number plates shall be
22 attached conspicuously on the front and rear of such conveyance and

23 in such manner that they can be plainly seen and read at all times.
24 It shall be the duty of each holder of the motor vehicle fuel transport
25 license to secure from the treasurer under such conditions as the
26 treasurer may require, new number plates to replace any such plates
27 which may have been damaged to such an extent that the figures
28 thereon cannot be plainly read. The treasurer shall charge and
29 collect from each licensee a sum of one dollar for each set of two
30 license plates and seventy-five cents for each single plate assigned
31 as replacement of the damaged plate. Nothing contained in this section
32 shall be construed as relieving the owner or operator of such
33 conveyance from complying with any and all other provisions of the
34 existing law, including the law with reference to motor vehicles and
35 trucks.

36 "Each person operating such a conveyance must carry a manifest
37 record in permanent form to be designed and prescribed by the treasurer
38 of State, in which he shall enter under a separate number the
39 following information as to each cargo of motor vehicle fuel moved
40 in said conveyance, the date and place of loading, the date and place
41 of unloading, the person from whom the motor vehicle fuel was received
42 and the person to whom delivered, the nature and kind of
43 product, and the amount thereof and such other information as the
44 treasurer may in the forms prescribed by him, require. Said record
45 shall be kept for a period of three years, provided, however, that the
46 record of the manifest of past cargoes need not be carried on the
47 conveyance but must be preserved for the inspection of the treasurer
48 or his representatives at all reasonable times.

49 "All such persons must have and possess during the entire time
50 they are hauling or transporting motor vehicle fuel upon the highways
51 of this state an invoice, bill of sale, or other statement showing
52 the true name and address of the seller or consignor, the name of the
53 purchaser or consignee, or if said motor vehicle has not been sold, a
54 statement of the consignor of the purpose for which said motor
55 vehicle fuel is to be used and the number of gallons, and shall, at the
56 request of any sheriff, deputy sheriff, constable or any other representative
57 of the treasurer or other person authorized by law to inquire into or
58 investigate said matters, produce and offer for inspection said invoice,
59 bill of sale or other statement and shall permit such officer to inspect
60 and measure the contents of the vehicle. If any such person fails to
61 produce said invoice, bill of sale or other statement or if, when produced,
62 it fails to disclose the aforesaid information, then the said officer or
63 other person authorized to make said inquiry shall take and impound the
64 motor vehicle fuel together with the conveying equipment until the license
65 fees on said motor vehicle fuel together with penalty amounting to one
66 hundred per cent of said license fees have been paid. In case the license
67 fees, and penalty are not paid within forty-eight hours after taking
68 of said property, the treasurer may proceed to sell the same in the
69 mode and manner provided by law for the sale of personal property by
70 the sheriff under execution.

72 "Where a distributor desires to license more than one conveyance
73 he may apply for the licensing of all such conveyances in one application
74 on forms prescribed by the treasurer. But separate licenses shall
75 be issued for each conveyance.

76 "Every vehicle or conveyance using liquefied gas as a fuel for the
77 purpose of propelling said vehicle or conveyance shall be equipped
78 with a liquefied gas fuel tank separate from and in no way connected
79 with any cargo tank on any such vehicle or conveyance, or on any
80 truck, trailer or semi-trailer, and it shall be unlawful for any vehicle
81 or conveyance, while in operation, to use liquefied gas as a fuel from
82 cargo or transport tanks, trailers, or semi-trailer containers connected
83 with said vehicle or conveyance; a violation of this provision shall
84 be a misdemeanor on the part of either the operator or the owner,
85 and punishable by a fine of not more than two hundred dollars
86 (\$200.00) or imprisonment in the county jail for not more than
87 thirty (30) days."

1 SEC. 20. "5093.19. **Penalty for operating transport without**
2 **license.** It shall be unlawful for any person to operate a conveyance
3 transporting motor vehicle fuel in bulk upon the highways of this
4 state without the transport license provided by section 5093.18 and
5 any person found guilty of such unlawful act shall be fined not to
6 exceed one hundred dollars or imprisoned in the county jail not more
7 than thirty days, and each cargo transported shall be considered a
8 separate offense. The penalty herein provided shall be in addition to
9 any penalties which may have been suffered under the provisions of
10 section 5093.18.

11 "Persons transporting for their own use not to exceed one hundred
12 sixty-five (165) gallons in barrels or drums, shall not be regarded as
13 transporting in bulk."

1 SEC. 21. "5093.20 **Service station license.** Every person des-
2 siring to operate a service station in this state shall apply to the
3 treasurer for a service station license on such forms as the treasurer
4 may prescribe and the treasurer shall, if satisfied that the applicant
5 will faithfully comply with all the provisions of the law with reference
6 to motor vehicle fuels, issue to such person a service station license.
7 No person shall operate a service station in this state without such
8 license and shall keep said license conspicuously posted at such service
9 station and such license must be obtained for each service station
10 operated. Each license issued by the treasurer shall be assigned a
11 number.

12 "Each service station shall keep a record on forms prescribed by
13 the Treasurer of State of all motor vehicle fuel received at said service
14 station and the kind and character of the product, that is whether
15 distillate, kerosene, gasolene, etc., and the amount thereof and the
16 date of receipt and shall keep a record of the sales of all motor vehicle
17 fuel, provided, however, that the record of sales through the regular
18 pumps through which motor vehicle fuel is conveyed to the fuel
19 tanks of motor vehicles need not be shown in detail but the total of
20 such sales for each kind of motor vehicle fuel must be shown by days,
21 and a detailed record must be kept of sales made in any other manner
22 than through said pumps.

23 "Each service station shall keep such additional records as the
24 treasurer shall require and in such form as the treasurer shall pre-
25 scribe, and shall make and transmit to the treasurer whenever the
26 treasurer shall so demand a report reflecting the contents of such
27 records or any part thereof.

28 "Where one person operates more than one service station, he
29 may apply for the licensing of all in one application on forms pre-
30 scribed and furnished by the treasurer. But separate licenses shall
31 be issued for each service station."

1 **SEC. 22. "5093.21. Revocation of service station license.** A
2 service station license may be revoked by the treasurer upon five
3 days' notice to the holder to show cause why the same should not be
4 revoked if the treasurer finds the holder thereof is not making the
5 records or reports required of him, or is attempting to engage in
6 business as a distributor without a license to conduct said business,
7 or is in any other way directly or indirectly evading the laws of the
8 State of Iowa with reference to motor vehicle fuel license fees or is
9 aiding or encouraging others in such evasion."

1 **SEC. 23. "5093.22. Penalty for operating service station with-**
2 **out license.** It shall be unlawful for any person to operate a service
3 station in this state without a service station license and any person
4 convicted of such violation of the law shall be fined not less than
5 twenty-five dollars nor more than one hundred dollars or imprisoned
6 in the county jail not less than thirty days. And each day such person
7 so operates without a license may be considered a separate offense."

1 **SEC. 24. "5093.23. Trust funds.** Every sale of motor vehicle
2 fuel in this state, except the sale of fuel oil for purposes other than
3 use in propelling vehicles on the highway, shall be presumed to in-
4 clude as a part of the purchase price the license fee due the State of
5 Iowa under the provisions of this chapter. And every distributor or
6 other person selling motor vehicle fuel in this state and collecting the
7 license fees thereon as a part of the purchase price, shall hold said
8 license fees in trust for the State of Iowa unless the license fees on
9 said motor vehicle fuel have been previously paid to the State of Iowa.
10 And any person so receiving said license fees in trust and failing to
11 remit them to the Treasurer of State on or before the 20th of the
12 following month shall be guilty of embezzlement and upon conviction
13 shall be subjected to the penalty provided by law for such offense."

1 **SEC. 25. "5093.24. Report by carriers.** Every railroad com-
2 pany, pipe line, water transportation company and every operator of
3 a truck or other conveyance transporting motor vehicle fuel and
4 every carrier transporting motor vehicle fuel in bulk to a point in
5 the State of Iowa from any point within or outside of the State of
6 Iowa shall, through its local agent or agents, if a railroad company,
7 or water transportation company or pipe line and through the opera-
8 tor of the conveyance, if operating upon the public highway, on or
9 before the 10th of each calendar month, forward to the Treasurer of
10 State a report on forms furnished by him, showing the name of the
11 railroad or other carrier, the date of unloading, the identification of
12 each tank car or other conveyance, the place where said motor fuel
13 was delivered, the character or kind of product, the name of the con-
14 signor, the name of the consignee and the number of gallons of motor
15 vehicle fuel thus transported and delivered during the preceding cal-
16 endar month.

17 "Any carrier or operator of a conveyance transporting motor ve-
18 hicle fuel on the highways who violates the provisions of this chapter

19 shall upon conviction be fined not less than one hundred dollars, nor
20 more than two thousand dollars or be imprisoned in the county jail
21 not less than thirty days nor more than six months."

1 SEC. 26. "5093.25. **Records open to inspection of treasurer.**
2 All books and records required to be kept under the provisions of
3 this chapter or which the treasurer is authorized to require under
4 the provisions of this chapter, whether by the distributor, a service
5 station operator, a motor vehicle transport license holder or a railroad
6 company or other carrier, shall at all times be open to the inspection
7 of the Treasurer of State or his duly authorized representatives, and
8 it shall be lawful for the Treasurer of State or his representatives or
9 agents, or employees, to enter upon the premises where the business
10 of any such person is conducted, or wherever said records may be
11 found for the purpose of examining the same or any other records
12 relating to the payment or the liability for payment of any motor
13 vehicle fuel license fees due the State of Iowa and remain as long
14 as necessary to complete said inspection and examination. It shall
15 be lawful also for said treasurer or his agents, employees, or repre-
16 sentatives, to examine all of the equipment used by any of said
17 persons in the transaction of such business and to enter upon the
18 premises of any such persons for that purpose and they may examine
19 the storage tanks, and the connections and the facilities for trans-
20 ferring motor vehicle fuel from one tank to another and the facilities
21 that exist, if any, for the mixing or blending of such fuels and may
22 measure the capacity and contents of all tanks or other receptacles
23 containing motor vehicle fuel or capable of containing motor vehicle
24 fuel on the premises of any such person or being used by any such
25 person."

1 SEC. 27. "5093.26. **Information confidential - penalty.** All in-
2 formation obtained by the treasurer or his representatives, agents or
3 employees from the examining of the records required to be kept
4 under the provisions of this chapter shall be treated as confidential
5 and shall not be divulged except to a representative of the State hav-
6 ing some responsibility in connection with the collection of motor ve-
7 hicle license fees, or in proceedings brought to determine or collect
8 motor vehicle fuel license fees, or other proceedings brought under
9 the provisions of this chapter; provided, however, that the treasurer
10 shall make available for public information on or before the last day
11 of the month following the month in which the tax is required to be
12 paid the names of the distributors and the amount of the tax paid by
13 each and the amount due, if any, from each of said distributors. The
14 Treasurer, upon request of officials entrusted with enforcement of
15 the motor vehicle fuel tax laws of any other state, may forward to
16 such officials any information which he may have relative to the
17 exportation of motor vehicle fuel and fuel oil from this state to such
18 other state, provided said officials of such other state furnish to the
19 treasurer like information.

20 "Any person violating the provisions of this section, and disclosing
21 the contents of any records or reports required to be kept or made
22 under the provisions of this chapter, except as hereinabove provided
23 shall upon conviction be fined not less than one hundred dollars nor

24 more than one thousand dollars or be confined in the county jail not
25 less than thirty days nor more than six months."

1 SEC. 28. "5093.27. **Rewards.** The Treasurer is hereby author-
2 ized to pay out of funds collected under this chapter to any person
3 other than a state officer or employee receiving a regular salary, who
4 brings to his attention any evasion of the license fees imposed by this
5 chapter, such sum as he may deem proper not exceeding twenty-five
6 per cent of the amount of the license fees due the State of Iowa under
7 this chapter and the payment of which has been evaded, but such
8 reward shall not be paid hereunder until the collection of the license
9 fees, the evasion of which has been reported, has been made or the
10 person convicted of such evasion."

1 SEC. 29. "5093.28. **Refund.** Any person who shall use any mo-
2 tor vehicle fuel for the purpose of operating or propelling stationary
3 gas engines, farm tractors, air-crafts or boats or for cleaning or dye-
4 ing purposes or for any other purpose except in motor vehicles oper-
5 ated or intended to be operated upon the public highways of the
6 State and who shall have paid the license fees for such motor vehicle
7 fuel imposed by this chapter, either directly to the Treasurer or in-
8 directly by having the same added to the price of such fuel, and who
9 shall have obtained a permit therefor as provided in this chapter,
10 shall be reimbursed and repaid the amount of such license fees so
11 paid, upon presenting to the treasurer a claim for refund, which
12 claim shall be in a form prescribed by the treasurer and shall be
13 verified* by the oath of the claimant and shall have attached thereto
14 the original invoice or invoices showing the purchase of the motor
15 vehicle fuel on which a refund is claimed, and shall state the name
16 of the person from whom the motor vehicle fuel was purchased, the
17 date of purchase, the total amount of such motor vehicle fuel, that
18 the purchase price thereof has been paid and that said price included
19 the motor vehicle fuel license fee payable to the State of Iowa under
20 the provisions of this act, that such fuel was used by the claimant
21 otherwise than in motor vehicles operated or intended to be operated
22 upon the public highways of this state, the manner in which said
23 motor vehicle fuel was used and the equipment in which used. Said
24 claim shall also show whether or not the claimant used fuel for motor
25 vehicles operated upon the public highway from the same tanks or
26 other receptacles from which the motor fuel on which a refund is
27 claimed was kept or withdrawn.

28 "No refund shall be made on claims for motor vehicle fuel pur-
29 chased more than three calendar months prior to the filing of the
30 claim for refund.

31 "If the gross receipts from or the use of any stationary engine,
32 tractor, boat, aircraft, or other type of power driven machinery con-
33 stituting with the engine one unit, are subject to the tax imposed by
34 division IV of chapter 329.3 and chapter 329.4, no refund for motor
35 vehicle fuel used in the operating or propelling such machinery shall
36 be made until the person claiming such refund has established to the
37 satisfaction of the treasurer that such tax for such machinery has
38 been paid.

*Note: In accordance with enrolled bill.

39 "The treasurer shall have the right in order to establish the validity
40 of any claim for refund of motor vehicle fuel license fees, to require
41 the claimant to furnish such additional proof of the validity of the
42 claim as the treasurer may determine and by himself or through
43 his representatives, employees or agents to examine the books and
44 records of the claimant for such purpose and the failure of the
45 claimant to furnish such books and/or records for examination, shall
46 constitute a waiver of all rights to the refund on account of the trans-
47 action questioned.

48 "When motor vehicle fuel is sold to a person who shall claim to be
49 entitled to a refund of the motor vehicle fuel license fees herein im-
50 posed, the seller of such motor vehicle fuel, shall make out separate
51 invoices for each purchase on forms which shall be approved by the
52 treasurer showing the name and address of the seller and the name
53 and address of the purchaser, the number of gallons of motor vehicle
54 fuel so sold, written in words and figures, and the nature and kind
55 of fuel so sold, and the date of purchase, and shall state that the
56 purchase price includes the motor vehicle fuel license fee payable to
57 the State of Iowa, such invoice shall be legibly written and shall not
58 be the basis of a refund, if any corrections or erasures appear on the
59 face thereof.

60 "No tax refund shall be paid to any person, firm, or corporation
61 on any motor vehicle fuel used in any construction or maintenance
62 work which is paid for from public funds, but this provision shall not
63 not be construed as requiring payment of the tax herein imposed
64 with respect to the sale or use of fuel oil so used unless the same is
65 used as a fuel to propel motor vehicles operated upon the public high-
66 ways for the purposes of transportation.

67 "The right of any person to a refund under this chapter shall not
68 be assignable and the application for a refund shall be made by the
69 same person who purchased the motor vehicle fuel as shown in the
70 invoice by the person selling the same and by no other person and
71 the proceeds or amount of such refund, as determined by the treas-
72 urer, shall be paid to the person whose name appears on the seller's
73 invoice and to no other person.

74 "A liquefied gas dealer shall be entitled to refund of the tax on all
75 sales made by him for purposes other than the purposes set out in
76 paragraph 4 of section 5093.02. Application for such refund shall be
77 made within two months of sale, under oath on forms prescribed by
78 the treasurer.

79 "Any person licensed under this chapter to sell liquefied gas who
80 uses liquefied gas for any of the purposes set out in paragraph 4 of
81 section 5093.02 shall keep a record of all liquefied gas so used by him
82 on records prescribed by the treasurer."

1 **SEC. 30. "5093.29. Permits for refunds.** All applicants claim-
2 ing a refund under the provisions of this chapter, except distributors
3 applying for refund on motor vehicle fuel destroyed by accident be-
4 fore the use or sale thereof, shall obtain a permit from the treasurer
5 by application therefor on such form as he shall prescribe, which
6 application therefor shall be made under oath and shall contain among
7 other things, the name, address and occupation of the applicant, and
8 the nature of the business and a sufficient description for identifica-

9 tion of the machines and/or equipment in which the motor fuel is to
10 be used, for which refund may be claimed under such permit. The
11 permit shall bear a permit number and all applications for refund
12 shall bear the number of the permit under which it is claimed. It is
13 the duty of the treasurer to keep a permanent record of all permits
14 issued and a cumulative record of the amount of refund claimed and
15 paid thereunder. Such permit shall be obtained before or at the time
16 that the first application for refund is made under the provisions of
17 this chapter."

1 SEC. 31. "5093.30. Certain acts made unlawful. It shall be un-
2 lawful-

3 1. For any seller to issue or any purchaser to receive and retain
4 incorrect or false invoice or sales ticket in connection with the pur-
5 chase or sale of motor vehicle fuel, or fuel oil.

6 2. For any claimant to make any false statement in a claim for
7 refund or to alter any invoices or sales tickets, whether said invoice
8 or sales ticket is to be used to support a claim for refund or not.

9 3. For any holder of a distributor's license, a service station li-
10 cense, a fuel oil license, or motor vehicle transport license to make
11 any false, incorrect or materially incomplete records or reports re-
12 quired to be kept or made under the provisions of this chapter, or to
13 refuse to report to the treasurer as required by this chapter, or to
14 refuse to offer his books and records to the treasurer or his repre-
15 sentatives for inspection on demand.

16 4. For any person to display or attempt to use any license issued
17 under this chapter after the same has been revoked.

18 5. For any person to receive in this state from outside the state
19 any motor vehicle fuel for sale or use in this state, without report-
20 ing the same to the treasurer and paying the motor vehicle fuel
21 license fees thereon before the 20th of the calendar month following
22 the calendar month in which it was received in this state.

23 6. For any person holding a fuel oil permit, to sell by virtue of
24 said permit any fuel oil for use either alone or in combination with
25 other substances as motor vehicle fuel, or to issue any invoices or
26 sales tickets which do not have endorsed thereon the statement in
27 substance 'motor vehicle fuel license fees not included'.

28 7. For any fuel oil dealer or permit holder to sell fuel oil for any
29 purpose except for use for purposes other than as fuel for motor
30 vehicles.

31 8. For any fuel oil distributor to receive in this state from out-
32 side the state any motor vehicle fuel, except those fuels which class-
33 ify as fuel oil under the provisions of this chapter, to sell fuel oils
34 except to the holders of fuel oil dealers' permits where a certificate of
35 purchase is obtained from the purchaser, but nothing herein con-
36 tained shall be construed to prevent a person being both a fuel oil
37 distributor and a fuel oil dealer.

38 9. For any person to engage in business as a fuel oil dealer or a
39 fuel oil distributor without the permit or license provided for in this
40 chapter.

41 10. For any distributor or person to change or alter the price
42 placard until the same shall have been posted for a period of twenty-
43 four hours except to meet a posted competitive price in that com-
44 munity.

45 11. For any person employed or engaged in the sale or distribu-
46 tion of motor vehicle fuel, either directly or indirectly, to prepare or
47 notarize, for or on behalf of purchasers of motor vehicle fuel, any ap-
48 plication for a permit for refunds, as provided in section 5093.29, or
49 for any claim for refund of motor fuel tax, as provided in section
50 5093.28.

51 12. For any person to use liquefied gas for any of the purposes
52 set out in paragraph 4 of section 5093.02 without paying the tax.

53 13. For any person to sell or use liquefied gas for any of the pur-
54 poses set out in paragraph 4 of section 5093.02 without collecting the
55 tax.

56 14. For any person other than the holder of a license as a dis-
57 tributor, liquefied gas distributor, liquefied gas dealer, or liquefied
58 gas retailer, to sell liquefied gas for any purpose.

59 "Any person found guilty of any of the foregoing illegal acts shall
60 be fined not less than one hundred dollars nor more than one thou-
61 sand dollars or shall be imprisoned in the county jail not less than
62 thirty days nor more than six months.

63 "Any person who makes a false affidavit, whenever an affidavit is
64 required by this chapter or required under any rule or regulation
65 made by the treasurer, or required or provided on any form prescribed
66 by the treasurer shall be punished by imprisonment in the peniten-
67 tiary for not more than one year, or by imprisonment in the county
68 jail for such term as the court may determine, not exceeding six
69 months, or by a fine of not more than two thousand (\$2,000.00) dol-
70 lars, or by such combination of either imprisonment and fine as the
71 court may determine."

1 SEC. 32. "5093.31. Duties imposed on sheriffs, constables and
2 peace officers. It is hereby made the duty of all sheriffs, deputy
3 sheriffs, constables and other peace officers to see that the provisions
4 of this chapter are not violated, and to respond to the call of the
5 treasurer to make investigations in their respective counties and re-
6 port to the treasurer or his representatives and said officers are
7 authorized to stop conveyances suspected of transporting motor
8 vehicle fuel on the highways, and to investigate the cargo for that
9 purpose and to seize and impound said cargo and conveyance where
10 it appears that said conveyance is being operated in violation of the
11 provisions of this chapter."

1 SEC. 33. "5093.32. Treasurer to employ necessary help. The
2 treasurer is hereby empowered to employ such inspectors, auditors
3 and other help as he may deem necessary for the effective enforce-
4 ment of this chapter, the number and compensation of such employees
5 to be fixed by the Executive Council.

6 "There is hereby appropriated out of the money received under
7 the provisions of this chapter sufficient funds to pay for help em-
8 ployed by the treasurer in enforcing the chapter and for making such
9 refunds and paying such rewards as are provided for herein, and to
10 pay the cost of postage, equipment, supplies and printing, used by
11 the department."

1 SEC. 34. "5093.33. Other remedies available. The special rem-
2 edies provided under the provisions of this chapter to enable the

3 state to collect motor vehicle fuel license fees shall not be construed
4 as depriving the state of any other remedy it might have either at
5 law or in equity independent of this chapter. And the state shall have
6 the right to maintain an action at law for the collection of said license
7 fees and in connection therewith shall be entitled to a writ of attach-
8 ment without bond."

1 **SEC. 35. "5093.34. Distribution of proceeds.** The net proceeds
2 of all license fees and penalties collected under the provisions of this
3 chapter shall be distributed as follows:

4 "Four-ninths thereof shall be credited to the secondary road con-
5 struction fund of the several counties of the state. The treasurer
6 shall apportion said four-ninths portion among the counties of the
7 state in the ratio that the area of each county bears to the total area
8 of the state and shall on the first day of each month remit to the
9 treasurer of each county the amount apportioned to the secondary
10 road construction fund of the county.

11 "Three-ninths of said net proceeds shall be placed to the credit
12 of the State Highway Commission and such amount thereof as may be
13 required for said purpose shall be paid by the Highway Commission
14 to the counties of the state each year to reimburse said counties for
15 expenditures made by them for bridges, culverts, and rights-of-way*
16 on primary roads under the direction of the Highway Commission
17 and paid for out of county road fund or county bridge fund. Said pay-
18 ments are to be made at the times and in the manner and under the
19 circumstances prescribed by Section 4755-b5, Code of 1931. The
20 amount of said three-ninths portion not required for such purpose,
21 shall be credited to the primary road funds of the state.

22 "Two-ninths of said net proceeds shall be credited to the primary
23 road fund of the state."

1 **SEC. 36. "5093.35. Rules, regulations and approval forms.** The
2 treasurer is authorized and empowered to make such reasonable rules
3 and regulations relating to the administration and enforcement of
4 this chapter, as he may deem reasonable. Such rules and regulations
5 shall be effective on 30 days after one publication in a daily news-
6 paper published in the state of Iowa, certificate of publication to be
7 filed in the office of the treasurer.

8 "Whenever in this chapter the treasurer is authorized to prescribe
9 the form of record to be kept, he may in lieu thereof approve the
10 form of record being kept, and shall so approve such form of record
11 where it furnishes in reasonably accessible form the information
12 which the treasurer desires, and substantially complies with the pre-
13 scribed form."

1 **SEC. 37. "5093.36. Construction of chapter.** This chapter shall
2 not be construed or applied as to interfere with interstate commerce,
3 or to impose a license fee on any motor vehicle fuel before it comes to
4 rest in this state."

1 **SEC. 38. "5093.37. Pending actions not affected by repeal.** All
2 laws in conflict with this chapter are hereby repealed, and it is the
3 intention herein to substitute the provisions of this act for Chapter

*Note: In accordance with enrolled bill.

4 251.3, Code, 1939, and any and all acts amendatory thereof. The re-
 5 peal effected by the adoption of this chapter shall not be construed
 6 as relieving any person whatsoever from the payment of any motor
 7 vehicle license fee penalty or interest due or owing to the State of
 8 Iowa under any law hereby repealed, or to affect or terminate any
 9 prosecutions or other proceedings pending under such laws or to
 10 prevent the commencement or prosecution of any proceedings, legal
 11 or equitable, civil or criminal, for a violation of any such laws or for
 12 the collection of any motor vehicle fuel license fees with interest and
 13 penalty or for the obtaining of any refund or the enforcement of any
 14 other right accruing under the law as it existed prior to the taking
 15 effect of this chapter."

1 SEC. 39. "5093.38. Every liquefied motor fuel user shall an-
 2 nually before January 1st register with the treasurer on forms pre-
 3 scribed and provided by him every automobile, truck, airplane, motor
 4 boat, tractor or other mechanical contrivance owned by him and
 5 equipped to use liquefied gas for the purpose of propelling same. Upon
 6 registration of same the treasurer shall issue a serially numbered
 7 certificate which shall be carried on the windshield, or if there is no
 8 windshield, in a prominent place in the compartment occupied by the
 9 operator. A failure to so register shall constitute a misdemeanor
 10 punishable by fine of not more than one hundred (\$100.00) dollars, or
 11 imprisonment in the county jail for not more than thirty (30) days."

1 SEC. 40. "5093.39. This chapter may be cited as and shall be
 2 known as the Iowa Motor Vehicle Fuel Tax Law."

Approved March 30th, 1943.

CHAPTER 166

MOTOR VEHICLE FUEL SPECIFICATIONS

S. F. 289

AN ACT to amend section five thousand ninety-five and two-hundredths (5095.02), code, 1939, relating to motor vehicle fuel specifications.

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

1 SECTION 1. Section five thousand ninety-five and two-hundredths
 2 (5095.02), Code, 1939, is amended by striking all of lines two (2),
 3 three (3), and four (4) of subsection four (4) of said section and by
 4 inserting in lieu thereof the words:
 5 "exceed twenty-five hundredths of one per cent."

Approved March 17th, 1943.

CHAPTER 167

POWER OF COUNTY SUPERVISORS TO PROVIDE LIABILITY INSURANCE
FOR COUNTY EMPLOYEES

S. F. 118

AN ACT to amend section five thousand one hundred thirty (5130), code, 1939, relating to the general powers of the board of supervisors providing for the additional power to purchase and pay for liability and property damage insurance which shall insure against individual personal liability of county employees while in the performance of their duties.

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

1 SECTION 1. Section five thousand one hundred thirty (5130), Code,
2 1939, is amended by adding the following:
3 "To purchase and pay the premiums on liability and property dam-
4 age insurance covering and insuring county employees while in the
5 performance of their duties and operating an automobile, truck, road
6 grader, machinery, or other vehicles owned by the county, which
7 insurance shall insure, cover and protect against individual personal
8 liability the county employees or employee may incur. The amount
9 of insurance a county may purchase shall not exceed five thousand
10 dollars (\$5,000.00) for property damage or five thousand dollars (\$5,-
11 000.00) for personal injury or death of one person or ten thousand
12 dollars (\$10,000.00) for personal injury or death of more than one
13 person arising out of a single accident."

1 SEC. 2. This Act being deemed of immediate importance, shall be
2 in full force and effect from and after its passage and publication in
3 The Fairfield Daily Ledger, a newspaper published at Fairfield, Iowa,
4 and the Lockridge Times, a newspaper published at Lockridge, Iowa.

Approved April 5, 1943.

I hereby certify that the foregoing act was published in The Fairfield Daily Ledger, Fairfield, Ia., April 8, 1943, and the Lockridge Times, Lockridge, Ia., April 8, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 168

INCREASES IN SALARIES OF OFFICERS OF COUNTIES AND
SUBDIVISIONS THEREOF

H. F. 325

AN ACT to provide for increases in compensation for certain public officers and employees in counties and subdivisions thereof during the period from the effective date of this act to June 30, 1945, and to authorize a levy of one-half mill to provide funds in counties wherein the county general fund is insufficient to pay such increases.

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

1 SECTION 1. Notwithstanding any provision of law to the con-
2 trary, from the effective date of this act to June 30, 1945, assessors
3 who are by law compensated on a per diem basis, including assessors

4 employed by cities but whose compensation is paid by the county,
5 shall receive compensation at the rate of four and fifty hundredths
6 dollars (\$4.50) per day.

1 SEC. 2. Notwithstanding any provision of law to the contrary,
2 from the effective date of this act to June 30, 1945, county supervisors
3 shall receive compensation at the rate of six dollars (\$6.00) per
4 day for each day services are rendered as provided by law, except
5 in counties having a population in excess of one hundred twenty-five
6 thousand (125,000), county supervisors, for the period herein pro-
7 vided, shall receive an annual salary of two thousand five hundred
8 dollars (\$2500.00), which salary shall be in full payment of all serv-
9 ices rendered to the county by said supervisors except statutory mile-
10 age while actually engaged in the performance of official duties.

1 SEC. 3. Notwithstanding any provision of law to the contrary,
2 from the effective date of this act to June 30, 1945, full time deputy
3 sheriffs shall receive as compensation not less than fourteen hundred
4 dollars (\$1400.00) nor more than two thousand dollars (\$2000.00),
5 except in any county having within its limits a city with a population
6 of thirty-six thousand (36,000) or over, the annual salary shall be
7 not more than two thousand two hundred dollars (\$2200.00), the
8 amount to be fixed by the board of supervisors, provided that where
9 by law a chief deputy is appointed or a deputy other than a chief
10 deputy in charge of an office where court is held outside the county
11 seat, the board of supervisors shall fix the compensation of such chief
12 deputy or deputy in charge of the office where court is held outside
13 the county seat, at not to exceed two thousand two hundred dollars
14 (\$2200.00).

1 SEC. 4. Notwithstanding any provisions of law to the contrary,
2 from the effective date of this act to June 30, 1945, both inclusive,
3 except as otherwise provided for herein, the compensation of all
4 county officers and deputies whose compensation is fixed by law,
5 including deputy assessors employed by cities but whose compensa-
6 tion is paid by the county, shall be increased by the board of super-
7 visors as follows:

8 Salaries of one thousand two hundred dollars (\$1200.00) or less,
9 fifteen percent (15%) increase; salaries over one thousand two
10 hundred dollars (\$1200.00) and not over two thousand two hundred
11 dollars (\$2200.00) ten percent (10%) increase; salaries over two
12 thousand two hundred dollars (\$2200.00) and not in excess of two
13 thousand five hundred dollars (\$2500.00) five percent (5%) in-
14 crease, but such increase shall not bring the compensation of the
15 officer or deputy above two thousand five hundred dollars (\$2500.00),
16 and any increases granted since January 1, 1943, shall be taken into
17 consideration in carrying out the provisions of this act.

1 SEC. 5. During the period ending June 30, 1945, the compen-
2 sation of any county officer, deputy or employee not otherwise covered
3 by this act, whose compensation is now fixed by the board of super-
4 visors or by order of court, may by action of the board of super-
5 visors be increased over any maximum provided by law, but not in
6 excess of the schedule contained in section four (4) of this act, and
7 in any event any increase in salary granted to any such officer,

8 deputy or employee since January 1, 1943, shall be taken into con-
9 sideration in increasing salaries under the provision of this section.

1 SEC. 6. In those counties wherein the county general fund is
2 insufficient to pay the increases of salaries as provided in this act,
3 the board of supervisors is authorized to levy up to one-half mill in
4 addition to the levy as provided in section seven thousand one hun-
5 dred seventy-one (7171) of the 1939 Code of Iowa.

1 SEC. 7. This act being deemed of immediate importance shall
2 be in full force and effect from and after its publication in the
3 Waukon Republican and Standard, a newspaper published at Wau-
4 kon, Iowa, and in the Holstein Advance, a newspaper published at
5 Holstein, Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Waukon Republican and Standard, Waukon, Ia., April 14, 1943, and the Holstein Advance, Holstein, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 169

SUPPLIES FOR WAR SAVINGS BOND CAMPAIGNS

H. F. 40

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

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

1 SECTION 1. Until funds are made available from some other source
2 the Board of Supervisors of any county may, by resolution duly
3 adopted, appropriate from the general funds of the county in each
4 of the years 1943 and 1944 an amount they may deem necessary for the
5 purpose of paying expenses incidental to office of County War Bond
6 Committee for clerical help, rent, equipment, supplies, telephone and
7 incidentals (except transportation and postage) to aid in the sale
8 of War Savings Bonds and Stamps, and to conduct campaigns there-
9 for; and any supplies or equipment so provided by the county shall be
10 and remain the property of the county. The County War Bond Chair-
11 man shall file with the County Auditor each month a detailed sworn
12 statement of said expenses and the Board shall audit and allow only so
13 much thereof as it shall find reasonable and necessary.

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

Approved January 28, 1943.

I hereby certify that the foregoing act was published in the Montezuma Republican, Montezuma, Ia., March 4, 1943, and the Kingsley News-Times, Kingsley, Ia., February 4, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 170

COMPENSATION TO SHERIFF FOR BOARDING PRISONERS

H. F. 107

AN ACT to amend section five thousand one hundred ninety-one (5191), subsection eleven (11), code, 1939, relating to boarding of prisoners.

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

1 SECTION 1. Section five thousand one hundred ninety-one (5191),
2 subsection eleven (11), Code, 1939, is amended by striking the word
3 "twenty" in line two (2) and inserting in lieu thereof the word
4 "twenty-four" and by inserting after the word "meal" in line two
5 (2) the following: "in counties having a population of over forty
6 thousand, and in counties having a population of forty thousand or
7 less twenty-eight cents for each meal".

1 SEC. 2. This increase shall be in full force and effect for the
2 years 1943 and 1944 only.

1 SEC. 3. This act being deemed of immediate importance shall
2 take effect and be in force from and after its publication in the
3 Denison Bulletin, a newspaper published in Denison, Iowa, and in
4 the Republican Eagle, a newspaper published in Keosauqua, Iowa.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Denison Bulletin, Denison, Ia., April 15, 1943, and the Republican Eagle, Keosauqua, Ia., April 20, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 171

COMPENSATION OF COUNTY OFFICERS IN COUNTIES HAVING TWO
PLACES FOR HOLDING DISTRICT COURT

S. F. 148

AN ACT to amend section five thousand two hundred twenty (5220); section five thousand two hundred twenty-two (5222); section five thousand two hundred twenty-four (5224); section five thousand two hundred twenty-six (5226); section five thousand two hundred twenty-eight (5228); and section five thousand two hundred thirty (5230), code, 1939, relating to the compensation of the county auditor, county treasurer, county recorder, sheriff, county attorney, and clerk of the district court in counties having two places at which the district court is held.

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

1 SECTION 1. Section five thousand two hundred twenty (5220),
2 Code, 1939, is amended by striking from line twenty-six (26), the
3 words "over fifty thousand population".

1 SEC. 2. Section five thousand two hundred twenty-two (5222), is
2 amended by striking from line forty (40), the words "over fifty thou-
3 sand population".

1 SEC. 3. Section five thousand two hundred twenty-four (5224),
2 Code, 1939, is amended by striking from line twenty-six (26) the
3 words "over fifty thousand population".

1 SEC. 4. Section five thousand two hundred twenty-six (5226),
2 Code, 1939, is amended by striking from line twenty-six (26) thereof
3 the words "of fifty thousand population".

1 SEC. 5. Section five thousand two hundred twenty-eight (5228),
2 Code, 1939, is amended by striking from line forty-four (44) thereof
3 the words "over fifty-thousand population".

1 SEC. 6. Section five thousand two hundred thirty (5230), Code,
2 1939, is amended by striking from lines twenty-six (26) and twenty-
3 seven (27) thereof the words "over fifty thousand population".

Approved April 5, 1943.

CHAPTER 172

COUNTY SURVEYOR

S. F. 54

AN ACT to amend section fifty-four hundred ninety-six (5496), code, 1939, relating to the office of county surveyor.

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

1 SECTION 1. Section fifty four hundred ninety-six (5496), Code,
2 1939, is amended as follows:

3 Strike all of lines one (1) to six (6) inclusive and insert in lieu
4 thereof the following:

5 "The county surveyor shall receive the following fees:

6 1. For each day's service actually performed and travel necessary
7 in making a survey, such amount as may be agreed upon by said
8 surveyor and the person requesting the survey. In case of disagree-
9 ment, the amount shall be fixed by the Board of Supervisors."

Approved March 23, 1943.

CHAPTER 173

FREE PASSES ISSUED BY CARRIERS TO OFFICERS OF CITIES AND TOWNS

S. F. 149

AN ACT to amend section five thousand six hundred seventy-four (5674), code, 1939, relating to the acceptance by officers of cities and towns of free passes issued by railroad companies.

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

1 SECTION 1. That section five thousand six hundred seventy-four
2 (5674), Code, 1939, be amended by adding thereto the following:

3 "The provisions of this section shall not prohibit the acceptance and
4 use of free passes issued under the provisions of section Eight thou-
5 said one hundred twenty-eight (8128)."

Approved March 11th, 1943.

CHAPTER 174

CIVIL SERVICE COMMISSIONERS

S. F. 24

AN ACT to amend section fifty-six hundred eighty-nine (5689), code, 1939, relating to appointment and length of terms of civil service commissioners.

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

1 SECTION 1. That section fifty-six hundred eighty-nine (5689),
2 code, 1939, is hereby amended by inserting after the comma (,), fol-
3 lowing the word "mayor" in line four (4) of said section, the follow-
4 lowing: "one year after each regular municipal election,".

1 SEC. 2. The terms of civil service commissioners in office at the
2 time this act becomes effective are hereby extended until their suc-
3 cessors are appointed and qualified as provided in section one (1)
4 hereof.

Approved April 20, 1943.

CHAPTER 175

DOGS RUNNING AT LARGE IN CITIES AND TOWNS

S. F. 7

AN ACT to amend section fifty-seven hundred forty-five (5745), code, 1939, as amended by chapter 205 of the laws of the Forty-ninth General Assembly, by granting additional powers to cities or towns to regulate the seizure, collection, protection and disposal of dogs, and to enter into contracts therefor with certain societies or associations.

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

1 SECTION 1. Paragraph four (4) of section fifty-seven hundred
2 forty-five (5745), Code, 1939, as amended by Chapter two hundred
3 five (205) of the Laws of the Forty-ninth (49th) General Assembly,
4 is amended by adding thereto the following:

5 They, in lieu of the establishment and maintenance of pounds and
6 the employment of dog wardens or dog collectors, may contract with
7 any incorporated society or association for the prevention of cruelty
8 to animals, for the collection and protection of dogs, for the mainte-
9 nance of a shelter or pound for unlicensed or untagged dogs, and for
10 lost, strayed, or homeless dogs, for the destruction or other disposition
11 of seized dogs not redeemed as provided by law or ordinance, for the
12 disposal of dead animals and to assist in the collection of licenses upon
13 dogs. They shall incorporate in the contract the manner in which the
14 work shall be done and in which payments are to be made by them,
15 thereunder, and they may also direct the disposition of all dogs seized
16 as provided by law, and shall provide by ordinance for the cost of care
17 or disposition.

18 They shall have the power to anticipate the total cost of the services,
19 facilities and requirements so to be furnished by any such society or
20 association and may establish a fund into which all collections and

21 receipts herein contemplated shall be deposited and warrants drawn
 22 thereon to defray all expenses or to comply with any such contract.
 23 All such contracts shall be approved by them.
 24 Nothing herein contained shall be construed as affecting the validity
 25 of any contract now in force for the rendering of services or furnish-
 26 ing facilities contemplated by this act.

1 SEC. 2. The provisions of this Act shall be applicable to special
 2 charter cities.

Approved March 23rd, 1943.

CHAPTER 176

PARK COMMISSIONERS IN CITIES AND TOWNS

S. F. 167

AN ACT to amend, revise and codify section five thousand seven hundred eighty-seven (5787), code, 1939, relating to park commissioners in cities and towns.

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

1 SECTION 1. Section five thousand seven hundred eighty-seven
 2 (5787), Code, 1939, is amended, revised and codified to read as fol-
 3 lows:

4 "There shall be elected in all cities over thirty thousand population,
 5 three park commissioners whose terms of office shall be six years, one
 6 to be elected at each regular municipal election. At the first election
 7 following an official census enumeration wherein any city exceeds
 8 thirty thousand population three commissioners shall be elected and
 9 hold their offices respectively for two, four, and six years, their re-
 10 spective terms to be decided by lot, and their successors shall be elected
 11 for the full term of six years.

12 All other cities under thirty thousand population and towns may,
 13 by ordinance provide for the election of such park commissioners, but
 14 such ordinance shall not be in force until it has been submitted to the
 15 voters at a special or regular municipal election and approved by a
 16 majority of the votes cast at such election. In the event that such
 17 ordinance is approved by a majority of the votes cast at such election,
 18 the city council shall have the power to appoint three park commis-
 19 sioners to hold such office until the next regular city election.

20 Any city operating under the commission form of government having
 21 a department of parks and public property under a commissioner
 22 elected as superintendent thereof may, in its discretion whenever its
 23 population exceeds thirty thousand, so continue without electing the
 24 park commissioners required by this chapter."

1 SEC. 2. If on the effective date of this act any city may have a
 2 population of over thirty thousand and does not have park commis-
 3 sioners as required in this act, and there be insufficient time to elect
 4 commissioners as provided herein, then the mayor of such city shall,
 5 within ten days thereafter, appoint three park commissioners to hold
 6 office until the next regular municipal election.

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

Approved March 20, 1943.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier,
 Ottumwa, Ia., March 25, 1943, and the Eddyville Tribune, Eddyville, Ia., April 1, 1943.
 WAYNE M. ROPES, *Secretary of State.*

CHAPTER 177

TAX LEVY FOR PARK PURPOSES IN SPECIAL CHARTER CITIES

S. F. 4

AN ACT to amend section fifty-seven hundred ninety-two (5792) of the code of Iowa,
 1939, relating to the levy of taxes for park purposes.

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

1 SECTION 1. Section fifty-seven hundred ninety-two (5792) of the
 2 Code of Iowa, 1939, is hereby amended by inserting after the word
 3 "that" in line thirteen (13) thereof, the following: "in cities acting
 4 under special charter and".

Approved March 16th, 1943.

CHAPTER 178

DONATIONS FOR LIBRARY PURPOSES

H. F. 113

AN ACT to amend section five thousand eight hundred fifty (5850), code, 1939, relating
 to donations to cities and towns for library purposes, and to amend section five
 thousand eight hundred fifty-eight (5858), code, 1939, relating to the powers of
 library trustees.

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

1 SECTION 1. That section five thousand eight hundred fifty (5850),
 2 Code, 1939, is amended by striking the word "they" in line one (1),
 3 thereof, and by inserting in lieu of said word the following words,
 4 "Cities and towns".

1 SEC. 2. That section five thousand eight hundred fifty-eight (5858),
 2 Code, 1939, is amended by adding thereto the following subsection:
 3 "9. To accept gifts of real property, personal property, or mixed
 4 property, and devises and bequests, including trust funds; to take the
 5 title to said property in the name of said library; to execute deeds and
 6 bills of sale for the conveyance of said property; and to expend the
 7 funds received by them from such gifts, for the improvement of said
 8 library.

9 "This subsection shall apply to cities and towns, irrespective of
 10 their form of government."

Approved March 19th, 1943.

CHAPTER 179

MUNICIPAL HOSPITALS FOR TOWNS

H. F. 327

AN ACT to amend sections five thousand eight hundred sixty-seven (5867), five thousand eight hundred sixty-nine (5869), five thousand eight hundred seventy-one (5871), and five thousand eight hundred seventy-three (5873), code, 1939, relating to municipal hospitals.

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

1 SECTION 1. Section five thousand eight hundred sixty-seven
2 (5867), Code, 1939, is amended by adding after the word "cities" in
3 line one (1) the words "or towns", and by adding after the comma
4 (,) following the word "city" in line two (2) the word "town".

1 SEC. 2. Section five thousand eight hundred sixty-nine (5869),
2 Code, 1939, is amended by adding after the word "city" in line one
3 (1) the words "or town".

1 SEC. 3. Section five thousand eight hundred seventy-one (5871),
2 Code, 1939, is amended by inserting after the word "city" in line
3 four (4) the words "or town".

1 SEC. 4. Section five thousand eight hundred seventy-three (5873),
2 Code, 1939, is amended by inserting the words "or town" in line
3 one (1) after the word "city".

Approved April 8, 1943.

CHAPTER 180

PRIMARY ROAD EXTENSIONS IN CITIES AND TOWNS

H. F. 52

AN ACT to amend sections six thousand forty-four (6044), six thousand forty-five (6045), six thousand forty-seven (6047), and four thousand seven hundred fifty-five and twenty-five hundredths (4755.25) and to repeal sections six thousand forty-six (6046), and six thousand forty-nine (6049), code, 1939, all relating to the payment for improvements of extensions of primary roads in cities and towns.

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

1 SECTION 1. Section six thousand forty-four (6044), Code, 1939,
2 is amended by inserting a period after the word "fund" in line
3 nine (9) and striking the remainder of said section.

1 SEC. 2. Section six thousand forty-five (6045), Code, 1939, is
2 amended by striking from lines five (5) and six (6) the words
3 "board of supervisors" and inserting in lieu thereof the words
4 "state highway commission".

1 SEC. 3. Section six thousand forty-six (6046), Code, 1939, is
2 hereby repealed.

1 SEC. 4. Section six thousand forty-seven (6047), Code, 1939, is
2 amended as follows:

3 1. Strike from lines two (2) and three (3) the words "and the
4 action of the board thereon".

5 2. Strike from line ten (10) the words "allotted said county".

6 3. Strike from line eleven (11) the words "and the board of
7 supervisors".

1 SEC. 5. Section six thousand forty-nine (6049), Code, 1939, is
2 hereby repealed.

1 SEC. 6. Section four thousand seven hundred fifty-five and twenty-
2 five hundredths (4755.25), Code, 1939, is amended by striking from
3 line four (4) the figures "6049" and inserting in lieu thereof the
4 figures "6048".

Approved February 17th, 1943.

CHAPTER 181

BONDS FOR PUBLIC IMPROVEMENTS IN CITIES AND TOWNS

S. F. 88

AN ACT to repeal chapter two hundred twelve (212) Senate File two hundred eighty-four (284), acts of the Forty-ninth (49th) General Assembly, and to amend section six thousand one hundred twenty-five (6125), code, 1939, relating to the incurring of indebtedness and issuance of bonds for public improvements in cities and towns, including cities under special charter.

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

1 SECTION 1. Chapter two hundred twelve (212) Senate File two
2 hundred eighty-four (284) Acts of the forty-ninth (49th) General
3 Assembly is hereby repealed.

1 SEC. 2. Section six thousand one hundred twenty-five (6125), Code,
2 1939, is amended by inserting after the word "of" in line five (5) the
3 words "repaving, reconstruction, surfacing, resurfacing, or repairing
4 of streets previously improved by grading or in any manner authorized
5 by Chapter three hundred eight (308), Code, 1939, or", and by in-
6 serting after the word "for" in line sixteen (16) the words "repaving,
7 reconstruction, surfacing, resurfacing, or repairing of streets pre-
8 viously improved by grading or in any manner authorized by Chapter
9 three hundred eight (308), Code, 1939, or".

1 SEC. 3. The provisions of section six thousand one hundred twenty-
2 five (6125), Code, 1939, as amended by Section two (2) of this act shall
3 be applicable to cities acting under special charter and shall be con-
4 strued to enlarge and not to limit the powers granted to such cities by
5 their respective charters or by any other statute.

Approved April 3rd, 1943.

CHAPTER 182

MUNICIPAL PUBLIC UTILITY ELECTION

H. F. 57

AN ACT to amend section six thousand one hundred and forty-five (6145), code, 1939, providing for notice of election and time of holding election.

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

- 1 SECTION 1. Section six thousand one hundred and forty-five (6145),
- 2 Code, 1939, is amended by striking from line six (6) the word "ten"
- 3 and substituting the word "twenty" in lieu thereof.

Approved March 11th, 1943.

CHAPTER 183

TAX LEVY FOR PLAYGROUNDS AND SWIMMING POOLS IN
SPECIAL CHARTER CITIES

S. F. 5

AN ACT to amend sub-section twenty-five (25) of section sixty-two hundred eleven (6211) of the code of Iowa, 1939, relating to levy of taxes for maintenance, operation and improvement of playgrounds or swimming pools.

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

- 1 SECTION 1. Sub-section twenty-five (25) of section sixty-two hun-
- 2 dred eleven (6211) of the Code of Iowa, 1939, is hereby amended by
- 3 adding thereto the following: "In cities acting under special charter,
- 4 having established boards of park commissioners, which boards of
- 5 park commissioners carry on an active recreational or playground
- 6 program as a part of their public functions, such tax shall be at the
- 7 rate of not to exceed one (1) mill annually, to be levied in the same
- 8 manner as and in addition to the levy otherwise authorized by law
- 9 for general park purposes."

Approved March 16th, 1943.

CHAPTER 184

TAX FOR GARBAGE DISPOSAL IN CITIES AND TOWNS

S. F. 41

AN ACT to amend section six thousand two hundred eleven (6211), code, 1939, relating to the amount that may be levied in cities and towns for garbage disposal and street cleaning fund.

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

- 1 SECTION 1. Section six thousand two hundred eleven (6211), Code,
- 2 1939, is amended by striking all of subsection sixteen (16) thereof and
- 3 insert* in lieu thereof the following:

*Note: In accordance with enrolled bill.

- 4 "16. Garbage disposal and street cleaning fund. Within any sani-
 5 tary district the following amounts which shall be used only to pay
 6 the cost of the collection and disposal of garbage and such other
 7 material as may become dangerous to the public health, and for the
 8 oiling and sprinkling, flushing and cleaning of streets herein:
 9 a. Cities with a population of less than five thousand (5000) not
 10 to exceed two (2) mills;
 11 b. Cities with a population of five thousand (5000) and less than
 12 twenty-five thousand (25,000) not to exceed one (1) mill;
 13 c. Cities with a population in excess of twenty-five thousand
 14 (25,000) not to exceed three-quarters ($\frac{3}{4}$) mill.

Approved April 20, 1943.

CHAPTER 185

CITY OR TOWN HALL MAINTENANCE FUND

H. F. 254

AN ACT to amend section six thousand two hundred and eleven (6211), code, 1939, to give cities and towns power to levy one mill for city or town hall maintenance.

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

- 1 SECTION 1. Amend section six thousand two hundred and eleven
 2 (6211), Code, 1939, by adding the following after sub-section thirty-
 3 two (32) of said section:
 4 "33. City hall improvement, operation and maintenance fund. In
 5 cities and towns having a population of five thousand or less in which
 6 a city or town hall has been established or built, the city council or
 7 town council may levy not to exceed one mill and the money derived
 8 therefrom shall be used only to improve, operate and maintain such
 9 city or town hall.

Approved April 8, 1943.

CHAPTER 186

CITIES AND TOWNS

H. F. 17

AN ACT to amend section six thousand two hundred fifteen (6215), code, 1939, relating to transfer of funds of cities and towns.

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

- 1 SECTION 1. Amend section six thousand two hundred fifteen
 2 (6215) Code, 1939, by adding thereto the following: "A copy of said
 3 transfer, when approved by the judge of the district court, shall
 4 be filed with the State Comptroller."

Approved January 28, 1943.

CHAPTER 187

CITIES AND TOWNS CONSOLIDATED TAX LEVY

S. F. 182

AN ACT to repeal section six thousand two hundred seventeen (6217), code, 1939, relating to the consolidated tax levy in cities and towns, and section six thousand two hundred eighteen (6218), code, 1939, relating to the appropriation of levy in cities and towns.

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

1 SECTION 1. Section six thousand two hundred seventeen (6217)
2 of the Code of Iowa of 1939 is hereby repealed and the following en-
3 acted in lieu thereof:

4 "Section 6217 - **Consolidated levy.**

5 In lieu of any or all the separate annual levies for the General Fund
6 (section 6207), Grading Fund (subsection 1 of section 6211), Im-
7 provement Fund (subsection 3 of section 6211), City or Town Sewer
8 Fund (subsection 5 of section 6211), Water or Water Works Funds
9 (subsections 2 or 17 of section 6211), Gas, Electric Light or Power
10 Fund (subsection 10 of section 6211), Snow Removal Fund (sub-
11 section 31 of section 6211), Garbage Disposal Fund (subsection 16 of
12 section 6211), Drag Fund (section 6208), Bridge Fund (section 6209),
13 and Main Sewer Fund (section 6213), cities and towns may levy one
14 tax which shall not in the aggregate exceed the total amount of the
15 sum of the individual levies. There shall not be included in the city or
16 town consolidated tax levy any fund not applicable to such city or
17 town under the law. The funds to be included in such consolidated levy
18 shall be indicated in the budget and certificate of taxes, but one amount
19 may be budgeted and levied for the entire group of funds applicable
20 to the city or town making the levy."

1 SEC. 2 Section six thousand two hundred eighteen (6218) of the
2 Code of Iowa of 1939 is hereby repealed and the following enacted in
3 lieu thereof:

4 "Section 6218 - **Appropriation of levy.**

5 The city or town making such levy shall prior to the first day of
6 April thereafter, appropriate by ordinance in cities, and by resolution
7 in towns, the estimated revenue from such consolidated levy, together
8 with the estimated revenue from all other levies, to any or all of the
9 various purposes for which said levies are by law authorized. Funds
10 or levies so consolidated shall be placed in one fund to be known as
11 the consolidated fund, and all claims ordinarily paid from these sep-
12 arate levies referred to in this section for general operating purposes
13 shall be paid from this fund in accordance with the appropriations
14 previously adopted. Appropriations shall be made for the various
15 operating purposes in the amounts decided by the council, but in no
16 event shall transfers be made between appropriations except with the
17 approval of the state comptroller. The above-mentioned appropria-
18 tions shall also include receipts from sources other than taxation,
19 estimated unincumbered balances from the previous year, and any con-
20 templated transfer from funds other than those of the consolidated
21 group. In no event shall the total amount appropriated exceed the

22 amount proposed to be expended in accordance with subsection 3 of
23 section 370."

- 1 SEC. 3. This Act shall apply also to cities acting under special
2. charter.

Approved March 25, 1943.

CHAPTER 188

CITIES AND TOWNS

H. F. 35

AN ACT to amend section six thousand three hundred nine (6309), code, 1939, relating to the transfer of lots in cities and towns for use as schoolhouse sites.

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

- 1 SECTION 1. Section six thousand three hundred nine (6309),
- 2 Code, 1939, is amended by striking from lines forty-nine (49) and
- 3 fifty (50) the words and figures "sections 4195 and 4197" and
- 4 inserting in lieu thereof the following, "section 4216.03".

Approved February 4th, 1943.

CHAPTER 189

POLICE AND FIRE DEPARTMENT PENSIONS

H. F. 151

AN ACT to amend section six thousand three hundred fifteen and one-tenth (6315.1) of chapter three hundred twenty-two (322), code, 1939, relating to time served in the armed forces being included in period of service in police and fire departments of cities and towns.

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

- 1 SECTION 1. Section six thousand three hundred fifteen and one-
- 2 tenth (6315.1) of Chapter three hundred twenty-two (322), Code,
- 3 1939, is amended by inserting after the word "resigned" in line two
- 4 (2) of said section, the words "or obtained leave of absence"; and said
- 5 section is further amended by striking the word "or" in line six (6),
- 6 and by inserting before the word "and" in line seven (7) the words
- 7 "or in the war which began in December, 1941,".

- 1 SEC. 2. This act shall apply to cities acting under special charter.

Approved March 26, 1943.

CHAPTER 190

RETIRED DISABLED FIREMEN AND POLICEMEN

S. F. 115

AN ACT to amend section six thousand three hundred seventeen (6317), code, 1939, relating to retired firemen and policemen, including those in special charter cities.

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

1 SECTION 1. That section six thousand three hundred seventeen
2 (6317), Code, 1939, be hereby amended by striking from line four
3 (4) the words "or drawing pensions" and inserting in lieu thereof
4 the following: "by reason of mental or physical disability".

1 SEC. 2. The provisions of this Act shall be applicable to special
2 charter cities.

Approved April 8, 1943.

CHAPTER 191

RETIREMENT FOR POLICEMEN AND FIREMEN

H. F. 242

AN ACT to amend section six thousand three hundred twenty-six and ten-hundredths (6326.10), code, 1939, to provide for continuation of benefits for members of the policemen's and firemen's retirement system, who are serving in the armed forces of the United States; and to provide for the continuation of contributions for such members by the cities during the period of military service.

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

1 SECTION 1. Section six thousand three hundred twenty-six and
2 ten hundredths (6326.10), Code, 1939, is amended by adding the
3 following:

4 "Any member who voluntarily or by induction enters the military
5 service and who is serving in any branch of the armed forces of the
6 United States or its allies, shall have the period of such military serv-
7 ice included as part of his period of service in the department and
8 shall not be required to continue the contributions required of him
9 under this section during such period of military service, provided
10 that he shall within six months after he has been granted an honorable
11 discharge from such military service return and resume his duties
12 in the department, and provided further, that such member shall be
13 declared physically capable of resuming such duties upon examination
14 by the medical board."

1 SEC. 2. The cities, including special charter cities, which have a
2 retirement system as provided under this chapter, shall create a fund
3 for the purpose of paying the contributions to this fund of those mem-
4 bers who voluntarily or by induction enter the military service or who
5 are serving in the armed forces. Such fund shall be used for the
6 purpose of paying the contributions which are required of the mem-
7 bers under this section for a period during which such member is
8 serving in the armed forces and not later than six months after his

9 honorable discharge. Should any member who is physically fit, fail
 10 to return to the department within six months after his honorable
 11 discharge from the military service, the amount credited to his ac-
 12 count in this fund by the city, shall revert back to such city and such
 13 member or his representative shall not be entitled to claim any interest
 14 in the contribution so made by the city.

Approved April 6, 1943.

CHAPTER 192

TAX LEVY FOR PARKS AND CEMETERIES IN CITIES GOVERNED BY COMMISSION

H. F. 282

AN ACT to amend section six thousand five hundred seventy-eight (6578), code, 1939, relating to an annual tax levy for parks and cemeteries.

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

1 SECTION 1. That Section six thousand five hundred seventy-eight
 2 (6578), Code, 1939, is hereby amended by striking the word "five-
 3 eighths" appearing in line five (5) thereof and inserting in lieu
 4 thereof the word "one".

Approved April 9, 1943.

CHAPTER 193

COLLECTION OF TAXES IN CITIES UNDER SPECIAL CHARTER

S. F. 49

AN ACT to amend chapter two hundred twenty-six (226) of the laws of the Forty-ninth General Assembly, relating to collection of taxes in cities acting under special charter.

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

1 SECTION 1. Section two (2) of Chapter two hundred twenty-six
 2 (226) of the Laws of the Forty-ninth General Assembly is hereby
 3 amended by striking from line four (4) thereof the word "clerk" and
 4 substituting in lieu thereof the word "treasurer".

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

Approved March 23rd, 1943.

I hereby certify that the foregoing act was published in the Davenport Democrat and Leader, Davenport, Ia., April 12, 1943, and the Daily Times, Davenport, Ia., April 13, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 194

INCOME TAX

H. F. 18

AN ACT to amend sub-section eight (8) of section six thousand nine hundred forty-three and thirty-six thousandths (6943.036), code, 1939, relating to personal net income tax.

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

1 SECTION 1. Sub-section eight (8) of section six thousand nine
2 hundred forty-three and thirty-six thousandths (6943.036),
3 Code, 1939, relating to personal net income tax, is hereby amended
4 by striking out all following the comma in line seven (7) thereof and
5 substituting a period for the comma.

Approved February 11th, 1943.

CHAPTER 195

INCOME TAX REDUCTION

S. F. 157

AN ACT to provide for a credit on personal income tax imposed under the provisions of division two (II), chapter three hundred twenty-nine and three-tenths (329.3), code, 1939, for the years nineteen hundred forty-two (1942) and nineteen hundred forty-three (1943) and payable in the years nineteen hundred forty-three (1943) and nineteen hundred forty-four (1944).

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

1 SECTION 1. In the payment of the income tax imposed under the
2 provisions of Division Two (II) of Chapter three hundred twenty-nine
3 and three-tenths (329.3) for the year Nineteen hundred forty-two
4 (1942) and payable in the year Nineteen hundred forty-three (1943),
5 and for the year Nineteen hundred forty-three (1943) and payable in
6 the year Nineteen hundred forty-four (1944), fifty per centum (50%)
7 of the tax imposed shall be credited to the taxpayer and fifty per centum
8 (50%) of the tax imposed shall be accepted in full of the tax liability
9 for each of said years.

1 SEC. 2. The fifty per centum (50%) of the tax provided by section
2 one (1) of this act to be accepted in full of the tax liability shall be
3 payable in the same installments as provided for in Division two (II)
4 of Chapter three hundred twenty-nine and three-tenths (329.3), Code,
5 1939, but in any case where the entire amount of tax due and payable
6 for the year 1943 or 1944, is ten dollars (\$10.00) or less after the 50%
7 reduction has been made, the tax shall be paid in full in the first in-
8 stallment.

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

1 SEC. 4. The state tax commission shall have the power to make such
 2 regulations as are necessary for the administration of this act and in
 3 all cases where payments are, or have been made, of an amount in ex-
 4 cess of 50% of the tax properly due and payable in the years 1943 and
 5 1944, the commission shall make refunds to such taxpayers, and no
 6 applications for such refunds shall be necessary by the taxpayer. For
 7 taxes based upon 1943 and payable in 1944, the state tax commission
 8 shall provide, in its forms, for the collection of the tax based upon a
 9 payment of 50% of the amount which would otherwise be due and pay-
 10 able.

1 SEC. 5. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its publication in the Creston News
 3 Advertiser, a newspaper published at Creston, Iowa, and in the Oel-
 4 wein Register, a newspaper published at Oelwein, Iowa.

Approved February 11th, 1943.

I hereby certify that the foregoing act was published in the Creston News Advertiser,
 Creston, Ia., February 12, 1943, and the Oelwein Register, Oelwein, Ia., February 15,
 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 196

INCOME TAX REDUCTION

S. F. 325

AN ACT to extend the provisions of Senate File one hundred fifty-seven (157), Acts of
 the Fiftieth General Assembly, to individual income tax payers making a return on
 a fiscal year basis.

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

1 SECTION 1. The provisions of Senate File 157 Acts of the Fiftieth
 2 General Assembly shall apply to individual income tax payers making a
 3 return on a fiscal year basis. Such individual income tax payers mak-
 4 ing a return on a fiscal year basis shall be entitled to a fifty percent
 5 reduction in the amount of tax due and payable for any fiscal year end-
 6 ing during the calendar years of 1943 and 1944. Provided that any
 7 individual income tax payers making a return for a fiscal year ending
 8 between the dates of January 2, 1942, and December 30, 1942, inclusive,
 9 may at his election receive a reduction as provided in Senate File 157
 10 of fifty percent of the tax due and payable for the fiscal years ending
 11 in 1942 and 1943, but in no event shall any tax payer making an in-
 12 come tax return on a fiscal year basis receive the reduction provided by
 13 Senate File 157 for more than two fiscal years.

1 SEC. 2. This act being deemed of immediate importance shall be in
 2 full force and effect from and after its passage and publication in The
 3 Times-Republican, a newspaper published at Corydon, Iowa, and The
 4 Seymour Herald, a newspaper published at Seymour, Iowa.

Approved March 11th, 1943.

I hereby certify that the foregoing act was published in The Times-Republican, Cory-
 don, Ia., March 18, 1943, and The Seymour Herald, Seymour, Ia., March 18, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 197

INCOME TAX

H. F. 7

AN ACT to amend section six thousand nine hundred forty-three and forty-one thousandths (6943.041), code, 1939, relating to the computation of income tax returns.

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

- 1 SECTION 1. Section six thousand nine hundred forty-three and
2 forty-one thousandths (6943.041), Code, 1939, is hereby amended by
3 striking out all of sub-section seven (7).

Approved February 25th, 1943.

CHAPTER 198

MEDICAL CARE DEDUCTIONS FROM INCOME TAX

S. F. 82*

AN ACT to amend section sixty-nine hundred forty-three and forty-one thousandths (6943.041), code, 1939, and section sixty-nine hundred forty-three and forty-two thousandths (6943.042), code, 1939, relating to allowable deductions on gross income and computing that income for taxation purposes by adding deduction provisions for medical care.

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

- 1 SECTION 1. Section sixty-nine hundred forty-three and forty-one
2 thousandths (6943.041), Code, 1939, is amended by adding the follow-
3 ing: "Except as limited under paragraph (1) or (2), expenses paid
4 during the taxable year, not compensated for by insurance or other-
5 wise, for medical care or treatment or nursing as prescribed by a
6 well-recognized church or religious denomination in any hospital or
7 at home or in a sanatorium conducted and operated by such church
8 or denomination of the taxpayer, his spouse, or a dependent. The
9 term 'medical care', as used in this subsection, shall include amounts
10 paid for the diagnosis, cure, mitigation, treatment, or prevention of
11 disease, or for the purpose of affecting any structure or function of
12 the body."

- 13 "(1) A husband and wife who file a joint return may deduct only
14 such expenses as exceed 5 per centum of the aggregate net income
15 of such husband and wife, computed without the benefit of this sub-
16 section, and the maximum deduction for the taxable year shall be not
17 in excess of \$2,500 in the case of such husband and wife."

- 18 "(2) An individual who files a separate return may deduct only
19 such expenses as exceed 5 per centum of the net income of the tax-
20 payer, computed without the benefit of this subsection, and the maxi-
21 mum deduction for the taxable year shall be not in excess of \$2,500
22 in case of the head of a family, and not in excess of \$1,250 in the cases
23 of all other such individuals."

*Note: S. F. 82 repealed by S. F. 371, 50th General Assembly. See chapter 199.

1 SEC. 2. Section sixty-nine hundred forty-three and forty-two
2 thousandths (6943.042), Code, 1939, is amended by striking the period
3 after the word "expenses" in line four (4) and by inserting the words
4 "except as deductible under Section one (1) of this act."

1 SEC. 3. Returns and payment of income taxes affected by this act
2 made in the year 1943 for income received in 1942 and thereafter shall
3 be made in accordance with the provisions of this act.

1 SEC. 4. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Pocahontas Record-Democrat, a newspaper published at Poca-
4 hontas, Iowa, and The Storm Lake Register, a newspaper published
5 at Storm Lake, Iowa.

Approved March 16, 1943.

I hereby certify that the foregoing act was published in the Pocahontas Record-Democrat, Pocahontas, Ia., March 25, 1943, and The Storm Lake Register, Storm Lake, Ia., March 23, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 199

MEDICAL CARE DEDUCTIONS FROM INCOME TAX

S. F. 371

AN ACT to amend Senate File 82, acts of the Fiftieth (50th) General Assembly, relating to deductions for medical care when computing net income for taxation purposes.

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

1 SECTION 1. Senate File 82, Acts of the Fiftieth (50th) General
2 Assembly,* approved March 11, 1943, and now on file in the office of
3 the secretary of state, is amended by striking all of lines three (3) to
4 eleven (11), inclusive, of section one (1) and inserting in lieu thereof
5 the following:

6 "Except as limited under paragraphs (1) or (2), expenses paid
7 during the taxable year, not compensated for by insurance or other-
8 wise, for medical care of the taxpayer, his spouse, or any dependent.
9 The term 'medical care', as used in this subsection, shall include
10 amounts paid for the diagnosis, cure, mitigation, treatment, or pre-
11 vention of disease, or for the purpose of affecting any structure or
12 function of the body, and shall also include treatment or nursing as
13 prescribed by a well-recognized church or religious denomination in
14 any hospital or at home or in a sanatorium conducted and operated by
15 such church or denomination."

1 SEC. 2. This act, being deemed of immediate importance, shall be
2 in full force and effect from and after its passage and publication in
3 the Pocahontas Record, a newspaper published at Pocahontas, Iowa,

*Note: For S. F. 82, 50th G. A., see Chapter 198.

4 and the Storm Lake Register, a newspaper published at Storm Lake,
5 Iowa.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Pocahontas Record, Pocahontas, Ia., April 22, 1943, and the Storm Lake Register, Storm Lake, Ia., April 27, 1943.
WAYNE M. ROPES, *Secretary of State.*

CHAPTER 200

INCOME TAX

S. F. 22

AN ACT to amend section six thousand nine hundred forty-three and fifty-seven thousandths (6943.057), code, 1939, by striking therefrom paragraph eight (8) referring to false or fraudulent returns of income, corporation, and sales tax, and providing for a substitute therefor pertaining to the penalty for making such false return and to amend section six thousand nine hundred forty-three and forty-five thousandths (6943.045), code, 1939, pertaining to the making of an income tax return by every individual, to amend section six thousand nine hundred forty-three and forty-six thousandths (6943.046), code, 1939, pertaining to the making of an income tax return by every fiduciary and to amend section six thousand nine hundred forty-three and sixty-eight thousandths (6943.068), code, 1939, pertaining to the making of a corporation tax return by every corporation and to amend section six thousand nine hundred forty-three and fifty-three thousandths (6943.053) relating to the manner of making income tax returns; and providing a penalty for making any false or fraudulent return; and to amend sections six thousand nine hundred forty-three and forty-seven thousandths (6943.047) and six thousand nine hundred forty-three and fifty-four thousandths (6943.054), code, 1939, by striking the provision that income tax returns be made under oath.

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

1 SECTION 1. Amend section six thousand nine hundred forty-three
2 and forty-five thousandths (6943.045), Code, 1939, by adding and in-
3 serting after the word "make" in line seven (7) the following words
4 "and sign" and by striking from line eight (8) of said section the
5 words "under oath".

1 SEC. 2. Amend section six thousand nine hundred forty-three and
2 forty-six thousandths (6943.046), Code, 1939, by inserting after the
3 word "make" in line three (3) the words: "and sign" and by striking
4 from line three (3) of said section the word "under" and by striking
5 from line four (4) of said section the word "oath".

1 SEC. 3. Section six thousand nine hundred forty-three and fifty-
2 three thousandths (6943.053), Code, 1939, is amended by striking
3 from lines eight (8) and nine (9) the sentence which is in the fol-
4 lowing words: "The return shall be made under oath."

1 SEC. 4. Amend section six thousand nine hundred forty-three and
2 sixty-eight thousandths (6943.068), Code, 1939, by striking the words
3 "sworn to" in line two (2) of said section and inserting in lieu thereof
4 the word "signed".

1 SEC. 5. That paragraph eight (8) of section six thousand nine hun-
2 dred forty-three and fifty-seven thousandths (6943.057), Code, 1939,

3 be and the same hereby is repealed and the following enacted in lieu
4 thereof:

5 "8. Any person required to make, render, or sign any return or
6 supplemental return, who wilfully makes any false or fraudulent re-
7 turn, with intent to defeat or evade the assessment required by law
8 to be made, shall upon conviction for each such offense be punished
9 by imprisonment in the county jail for a term not exceeding one year
10 or in the state penitentiary for a term not exceeding five years, or by
11 a fine not exceeding five thousand dollars, or both."

1 SEC. 6. Section six thousand nine hundred forty-three and forty-
2 seven thousandths (6943.047), Code, 1939, is amended by striking
3 from lines sixteen (16) and seventeen (17) of subsection one (1) the
4 words "under oath,"; by striking the last sentence of subsection two
5 (2) of said section; and by striking from line one (1) of subsection
6 three (3) of said section the following: ", under oath,".

1 SECTION. 7. Section six thousand nine hundred forty-three and
2 fifty-four thousandths (6943.054), Code, 1939, is amended by striking
3 from line eight (8) of said section the following: ", under oath,".

1 SEC. 8. This act being deemed of immediate importance, shall be
2 in full force and effect from and after its publication in the Newton
3 Daily News, a newspaper published at Newton, Iowa, and the Red
4 Oak Express, a newspaper published at Red Oak, Iowa.

Approved March 11th, 1943.

I hereby certify that the foregoing act was published in the Newton Daily News,
Newton, Ia., March 16, 1943, and the Red Oak Express, Red Oak, Ia., March 15, 1943.
WAYNE M. ROPES, *Secretary of State.*

CHAPTER 201

INCOME TAX

H. F. 12

AN ACT to amend section six thousand nine hundred forty-three and ninety thousandths
(6943.090), code, 1939, to make that part of the income tax law providing for
jeopardy assessments applicable to retail sales tax.

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

1 SECTION 1. Section six thousand nine hundred forty-three and
2 ninety thousandths (6943.090), Code, 1939, is amended by inserting
3 in line six (6) between the words "in" and "sections" the following:
4 "section 6943.062 and".

Approved January 27, 1943.

CHAPTER 202

PHOTOGRAPHIC COPIES OF RECORDS OF THE TAX COMMISSION

S. F. 326

AN ACT to amend section six thousand nine hundred forty-three and ninety-two thousandths (6943.092), code, 1939, as amended by chapter two hundred thirty-four (234), Acts of the 49th General Assembly, and permitting the making of photostat or microfilm copies of the tax commission's records and the destruction of original records preserved photographically, and providing for the use of said photographic copies in evidence, when properly certified.

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

1 SECTION 1. That section six thousand nine hundred forty-three
2 and ninety-two thousandths (6943.092), Code, 1939, as amended by
3 Chapter two hundred thirty-four (234), Acts of the 49th General
4 Assembly, is hereby amended by adding thereto the following para-
5 graph:
6 "4. The commission may, at its discretion, make photostat, micro-
7 film or other photographic copies of records, reports and other papers
8 either filed by the taxpayer or prepared by the State Tax Commission.
9 When such photostat or microfilm copies have been made, the tax com-
10 mission may, at its discretion, destroy such original records in such
11 manner as prescribed by the commission. Such photostat or micro-
12 film copies, when no longer of use, may be destroyed as provided in
13 paragraph (3) of this section. Such photostat, microfilm, or other
14 photographic records shall be admissible in evidence when duly certi-
15 fied and authenticated by the officer having custody and control
16 thereof."

Approved April 6, 1943.

CHAPTER 203

REVOLVING AUDIT FUND FOR THE STATE TAX COMMISSION

S. F. 340

AN ACT to amend sections six thousand nine hundred forty-three and ninety-three one-thousandths (6943.093) and six thousand nine hundred forty-three and ninety-five one-thousandths (6943.095) code, 1939, creating a revolving audit fund from the special tax fund, providing for its administration and the payment of the compensation and expenses of the field audit staff of the tax commission therefrom.

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

1 SECTION 1. Section six thousand nine hundred forty-three and
2 ninety-three one-thousandths (6943.093) is amended by substituting
3 a semicolon (;) for the period (.) at the end of the section and adding
4 thereto following said semicolon (;) the following:
5 "provided that there is set aside from said fund the sum of fifty thou-
6 sand dollars (\$50,000.00) which is hereby created as the audit re-
7 volving fund to be administered by the State Tax Commission. All
8 receipts from collections of personal income, corporation income, sales
9 and use tax made as a result of the work of the field audit staff of the
10 commission shall be credited to said audit revolving fund and there

11 shall be paid therefrom the compensation and expenses of the field
 12 audit staff. At the end of each calendar quarter all amounts in said
 13 fund in excess of fifty thousand dollars (\$50,000.00) shall be trans-
 14 ferred to the special tax fund and the use tax fund in the same pro-
 15 portion as collections derived from said funds bear to the total col-
 16 lections going into the audit revolving fund during said quarter. The
 17 commission may, with the approval of the governor, employ such
 18 members of the field audit staff as required."

1 SEC. 2. Section six thousand nine hundred forty-three and ninety-
 2 five one-thousandths (6943.095) is amended by inserting after the
 3 word "employees" in line two (2) of the paragraph numbered two
 4 (2) a comma (,) and the following: "except the field audit staff pro-
 5 vided for in section 6943.093,".

1 SEC. 3. This act shall go into effect on July 1st, 1943, following its
 2 publication in the Clinton Herald, a newspaper published at Clinton,
 3 Iowa, and in the Nevada Evening Journal, a newspaper published at
 4 Nevada, Iowa.

Approved March 30th, 1943.

I hereby certify that the foregoing act was published in the Clinton Herald, Clinton,
 Ia., April 2, 1943, and the Nevada Evening Journal, Nevada, Ia., April 3, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 204

ALLOCATION OF REVENUES BY STATE TAX COMMISSION

S. F. 344

AN ACT to amend section sixty-nine hundred forty-three point one hundred (6943.100)
 code of Iowa, 1939, as amended by chapter two hundred thirty-seven (237) Acts of
 the 49th General Assembly relating to allocation of revenues of the income, corpora-
 tion and sales tax collected under the provisions of chapter three hundred twenty-
 nine point three (329.3), code of Iowa, 1939.

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

1 SECTION 1. Amend section sixty-nine hundred forty-three point
 2 one hundred (6943.100) by inserting a new paragraph after the word
 3 "chapter" in line nine as follows:

4 "2. The state tax commission is hereby authorized to expend from
 5 the revenue collected under the provisions of chapter three hundred
 6 twenty-nine point three (329.3) and chapter three hundred twenty-
 7 nine point four (329.4), Code of Iowa, 1939, annually, for each year
 8 of the biennium beginning July 1, 1943, and ending June 30, 1945,
 9 the sum of four hundred forty thousand dollars (\$440,000.00) or so
 10 much thereof as may be necessary for salaries, support and main-
 11 tenance of the personal and corporation income, sales and use tax
 12 divisions."

1 SEC. 2. Further amend said section by changing the figure two (2)
 2 in line ten (10) to the figure three (3).

Approved April 5th, 1943.

CHAPTER 205

USE TAX

H. F. 6

AN ACT to amend section six thousand nine hundred forty-three and one hundred twenty-three thousandths (6943.123), code, 1939, to make that part of the income tax law providing for jeopardy assessments applicable to use tax.

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

- 1 SECTION 1. Section six thousand nine hundred forty-three and
- 2 one hundred twenty-three thousandths (6943.123), Code, 1939, is
- 3 amended by inserting in line eight (8) between the words "in" and
- 4 "sections" the following:
- 5 "section 6943.062 and".

Approved January 28, 1943.

CHAPTER 206

CHAIN STORE TAX EXEMPTIONS

S. F. 233

AN ACT to amend section six thousand nine hundred forty-three and one hundred twenty-eight thousandths (6943.128), code, 1939, relating to exemptions from chain store taxation by adding thereto agricultural seeds, fertilizer and twine.

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

- 1 SECTION 1. Section six thousand nine hundred forty-three and one
- 2 hundred twenty-eight thousandths (6943.128), Code, 1939, is hereby
- 3 amended by inserting after the comma (,) following the word "feed"
- 4 in line three (3) of subsection three (3) thereof, the following words
- 5 and punctuation "agricultural seeds, (as defined in Section three
- 6 thousand one hundred twenty-seven, (3127), Code, 1939), fertilizer,
- 7 twine,".

- 1 SEC. 2. This Act being deemed of immediate importance shall be
- 2 in full force and effect from and after its passage and publication in
- 3 the Kossuth County Advance, a newspaper published in Algona, Iowa,
- 4 and West Union Argo-Gazette, a newspaper published in West Union,
- 5 Iowa.

Approved March 17th, 1943.

I hereby certify that the foregoing act was published in the Kossuth County Advance, Algona, Ia., March 23, 1943, and the West Union Argo-Gazette, West Union, Ia., March 24, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 207

HOMESTEAD TAX CREDIT

H. F. 81

AN ACT to amend section six thousand nine hundred forty-three and one hundred forty-three thousandths (6943.143), code, 1939, relating to securing the benefits of homestead exemption credits for and on behalf of persons receiving old age assistance under chapter one hundred eighty-nine and one-tenth (189.1).

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

1 SECTION 1. Section six thousand nine hundred forty-three and one
2 hundred forty-three thousandths (6943.143), Code, 1939, is hereby
3 amended by adding thereto the following sentence:

4 "The county old age assistance investigator shall make application
5 for the benefits of this chapter as the agent for and on behalf of per-
6 sons receiving assistance under Chapter one hundred eighty-nine and
7 one-tenth (189.1)."

Approved March 11th, 1943.

CHAPTER 208

HOMESTEAD TAX CREDIT FOR THE SPOUSE OF THOSE IN MILITARY SERVICE

S. F. 204

AN ACT to amend chapter two hundred thirty-nine (239) senate file two hundred forty-eight (248) acts and laws of the Forty-ninth (49th) General Assembly of the state of Iowa, relating to homestead tax credit for those in military service and to provide homestead tax credit for their spouse.

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

1 SECTION 1. Section two (2) of chapter two hundred thirty-nine
2 (239) Senate File two hundred forty-eight (248), Acts and Laws of
3 the Forty-ninth (49th) General Assembly of the State of Iowa, is
4 amended by striking from line eleven (11) after the word "service",
5 all the rest of the section and by inserting in lieu thereof the following:
6 "and where equitable or legal title of the homestead is in the spouse
7 of the person who is a member of or is inducted into the armed serv-
8 ices of the United States, the spouse shall be considered as occupy-
9 ing or living on the homestead during such service".

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

Approved April 10th, 1943.

I hereby certify that the foregoing act was published in the Storm Lake Pilot Tribune, Storm Lake, Ia., April 22, 1943, and the Eagle Grove Eagle, Eagle Grove, Ia., April 22, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 209

HOMESTEAD TAX CREDIT

S. F. 45

AN ACT to amend section six thousand nine hundred forty-three and one hundred forty-eight thousandths (6943.148), code, 1939, relating to homestead tax credit.

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

1 SECTION 1. Section six thousand nine hundred forty-three and one
2 hundred forty-eight thousandths (6943.148), Code, 1939, is hereby
3 amended by striking the comma (,) following the word "homestead"
4 in line eleven (11) and the words "or the state tax commission," in
5 line twelve (12).

1 SEC. 2. Further amend said section by inserting immediately
2 after line nineteen (19) as a new paragraph the following:
3 "Should the state tax commission determine, upon investigation,
4 that any claim for homestead credit has been allowed by any board of
5 supervisors which is not justifiable under the law and not substan-
6 tiated by proper facts, the commission may, at any time within one
7 year after the receipt by the state tax commission of the certification
8 of such credit by any county treasurer, set aside such allowance. No-
9 tice of such disallowance shall be given to the county auditor of the
10 county in which such claim has been improperly granted and a written
11 notice of such disallowance shall also be addressed to the claimant at
12 his last known address. Such claimant, or the board of supervisors,
13 may appeal from the action of the state tax commission in the same
14 manner, and in the same time, as provided by paragraph one (1) of
15 this section. In any case where a claim is so disallowed by the state
16 tax commission and no appeal is taken from such disallowance, any
17 amounts of credits allowed and paid from the homestead credit fund
18 shall become a lien upon the property on which said credit was orig-
19 inally granted, if still in the hands of the claimant, and not in the
20 hands of a bona fide purchaser, and any amount so erroneously paid
21 shall be collected by the county treasurer in the same manner as other
22 taxes and such collections shall be returned to the state tax commis-
23 sion and credited to the homestead credit fund. The state tax commis-
24 sion shall also have the authority to institute legal proceedings against
25 a homestead credit claimant for the collection of all payments made
26 on such disallowed credits."

1 SEC. 3. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in The Milepost,
3 a newspaper published at Ames, Iowa, and the New Hampton Ameri-
4 can, a newspaper published at New Hampton, Iowa.

Approved March 25th, 1943.

I hereby certify that the foregoing act was published in The Milepost, Ames, Ia., April 1, 1943, and the New Hampton American, New Hampton, Ia., March 30, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 210

TAXATION OF FEDERAL PROPERTY IN IOWA

H. F. 490

AN ACT to amend section four (4), code of Iowa, 1939, and sub-section one (1) of section six thousand nine hundred forty-four (6944), code of Iowa, 1939, and providing for the taxation of property of the United States of America in the state of Iowa when such taxation is consented to by the United States of America.

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

1 SECTION 1. Paragraph three (3) of section four (4), Code of
2 Iowa, 1939, is hereby amended by striking out the period (.) following
3 the words "United States" at the end of line three (3) of such
4 paragraph and adding the following words "except when taxation of
5 such property is authorized by the United States".

1 SEC. 2. Section six thousand nine hundred forty-four (6944),
2 Code, 1939, subsection one (1), is amended by adding after the period
3 at the end of said subsection the following:

4 "The exemption herein provided shall not include any real property
5 subject to taxation under any federal statute applicable thereto, but
6 such exemption shall extend to and include all machinery and equip-
7 ment owned exclusively by the United States or any corporate agency
8 or instrumentality thereof without regard to the manner of the affixa-
9 tion of such machinery and equipment to the land or building upon or
10 in which such property is located, until such time as the Congress
11 of the United States shall expressly authorize the taxation of such
12 machinery and equipment."

1 SEC. 3. Any assessments of property of the United States for
2 taxation in Iowa heretofore authorized by the United States and made
3 within the State of Iowa prior to the taking effect of this act are
4 hereby declared to be legalized and of full effect as if made in accord-
5 ance with the provisions of this act.

1 SEC. 4. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Waterloo
3 Daily Courier, a newspaper published at Waterloo, Iowa, and the Ida
4 County Pioneer Record, a newspaper published at Ida Grove, Iowa.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Waterloo Daily Courier, Waterloo, Ia., April 20, 1943, and the Ida County Pioneer Record, Ida Grove, Ia., April 29, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 211

EXTENDING TIME FOR FILING CLAIMS FOR EXEMPTIONS FOR THOSE
IN MILITARY SERVICE

S. F. 362

AN ACT to extend the time for filing claims for exemptions under sections six thousand nine hundred forty-six (6946), six thousand nine hundred forty-seven (6947) and six thousand nine hundred forty-eight (6948), code, 1939, for 1942 taxes payable in 1943 to July first, 1943.

WHEREAS, through misunderstanding as to the meaning of chapter two hundred forty-two (242), Acts of the 49th General Assembly numerous

persons entitled to tax exemptions under the provisions of section six thousand nine hundred forty-six (6946), Code, 1939, as amended, failed to file their claims therefor with the county auditor as provided by sections six thousand nine hundred forty-seven (6947) and six thousand nine hundred forty-eight (6948), Code, 1939, as amended, revised and codified by Chapter two hundred forty-two (242) Acts of the 49th General Assembly; and

WHEREAS, under said act claims for such exemptions for the 1942 taxes payable in 1943 were required to be filed with the county auditor on or before June 1, 1942,

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

1 SECTION 1. Notwithstanding the provision as to time of filing
2 found in sections six thousand nine hundred forty-seven (6947) and
3 six thousand nine hundred forty-eight (6948), Code, 1939, as amended,
4 revised and codified by Chapter two hundred forty-two (242) Acts
5 of the 49th General Assembly, any person coming within the pro-
6 visions of section six thousand nine hundred forty-six (6946), Code,
7 1939, as amended, who did not file claims for exemption on or before
8 June 1, 1942 for the 1942 taxes payable in 1943, shall nevertheless
9 not be denied such exemption for the 1942 taxes payable in 1943 by
10 reason of failure to file claim therefor on or before June 1, 1942,
11 provided claim therefor in the form provided for in section six
12 thousand nine hundred forty-seven (6947), Code, 1939, as amended,
13 revised and codified, is filed on or before July 1st, 1943.

1 SEC. 2. When at the time any such claim filed under the provisions
2 of section one (1) of this act is allowed the claimant has paid all or a
3 part of the 1942 taxes payable in 1943, the amount of the exemption
4 shall be credited against the unpaid amount of taxes, and if the amount
5 of the exemption exceeds the amount of tax unpaid, that part of the
6 exemption which is in excess of the amount unpaid shall be refunded
7 by warrant drawn by the county auditor upon the county treasurer
8 upon certification of the amount from the county treasurer.

1 SEC. 3. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Boone
3 News-Republican, a newspaper published at Boone, Iowa, and in
4 The Milepost, a newspaper published at Ames, Iowa.

Approved April 5th, 1943.

I hereby certify that the foregoing act was published in the Boone News-Republican,
Boone, Ia., April 8, 1943, and The Milepost, Ames, Ia., April 8, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 212
SOLDIER'S EXEMPTIONS
H. F. 2

AN ACT to amend section three (3), chapter two hundred forty-two (242), Acts of the
Forty-ninth (49th) General Assembly, relating to soldier's exemptions.

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

1 SECTION 1. Section three (3), Chapter two hundred forty-two
2 (242), Acts of the forty-ninth (49th) General Assembly, is hereby

3 amended by striking from line three (3) of said section the word
4 "June" and inserting in lieu thereof the word "July".

1 SEC. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Marshall-
3 town Times Republican, a newspaper published in the City of
4 Marshalltown, Iowa, and in the State Center Enterprise, a newspa-
5 per published in the City of State Center, Iowa.

Approved January 28, 1943.

I hereby certify that the foregoing act was published in the Marshalltown Times-
Republican, Marshalltown, Ia., February 2, 1943, and the State Center Enterprise, State
Center, Ia., February 4, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 213

DESCRIPTION OF TRACTS LISTED FOR TAXATION

H. F. 212

AN ACT to amend section six thousand nine hundred sixty-two (6962), code, 1939, relat-
ing to description of tracts.

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

1 SECTION 1. Section six thousand nine hundred sixty-two (6962),
2 Code, 1939, is hereby amended by adding at the end of said section
3 the following sentence:

4 "This section shall apply to known owners and unknown owners,
5 alike."

Approved April 8, 1943.

CHAPTER 214

COLLECTION OF TAX LEVIES UPON FREIGHT LINE AND EQUIPMENT COMPANIES

S. F. 341

AN ACT to amend section seven thousand seventy-six (7076), code, 1939, relating to
the collection of the tax levied on freight line and equipment companies.

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

1 SECTION 1. Section seven thousand seventy-six (7076), Code,
2 1939, is amended by striking the word "treasury" in line twelve (12)
3 and substituting in lieu thereof the words "tax commission" and fur-
4 ther by striking the word "treasurer" in line fourteen (14) and sub-
5 stituting in lieu thereof the words "tax commission".

Approved April 6, 1943.

CHAPTER 215

TAX LIST RECORDS OF THE COUNTY AUDITOR AND TREASURER

S. F. 207

AN ACT to amend sections seven thousand one hundred forty-five (7145), seven thou-
sand one hundred fifty-two (7152), seven thousand one hundred eighty-four (7184),
seven thousand one hundred eighty-eight (7188), seven thousand one hundred

ninety (7190), seven thousand one hundred ninety-three (7193), seven thousand one hundred ninety-seven (7197), seven thousand three hundred (7300), seven thousand three hundred one (7301), code, 1939, relating to the books to be kept by the auditor and treasurer showing the tax lists of real property taxes and personal property taxes by providing for tax lists that may not only be by books but by other records.

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

1 SECTION 1 Section seven thousand one hundred forty-five (7145),
2 Code, 1939, is amended by inserting after the word "book" in line
3 four (4) the words "or record" and by striking commencing with, in
4 line fourteen (14), after the period, all the remainder of the section
5 and by inserting in lieu thereof the following: "the total of all columns
6 of each page of each book or other record shall balance with the tax
7 totals."

1 SEC. 2. Section seven thousand one hundred fifty-two (7152),
2 Code, 1939, is amended by inserting after the word "books" in line
3 two (2) the words "or other records approved by the State Auditor".

1 SEC. 3 Section seven thousand one hundred eighty-four (7184),
2 Code, 1939, is amended by inserting after the word "books" in line
3 eight (8) the words "or other records approved by the State Auditor".

1 SEC. 4. Section seven thousand one hundred eighty-eight (7188),
2 Code, 1939, is amended by inserting after the word "books" in line
3 nine (9) "or other records approved by the State Auditor".

1 SEC. 5. Section seven thousand one hundred ninety (7190), Code,
2 1939, is amended by inserting after the word "book" in line three (3)
3 the words "or other record" and by adding after the word "thereon"
4 in line eight (8) the following words: "if the tax list maintained by
5 said treasurer is such that all delinquent personal taxes and delinquent
6 taxes of any preceding year are at all times therein recorded, then he
7 shall not be required to keep in his office, as a part of the records
8 thereof, a separate delinquent personal tax list."

1 SEC. 6 Section seven thousand one hundred ninety-three (7193),
2 Code, 1939, is amended by adding the following: "if the tax list re-
3 ceived each year by the treasurer is such that all delinquent real
4 estate and delinquent personal taxes of any preceding year are shown
5 against each parcel of the real estate on which the tax remains unpaid
6 for any year and the amount of such unpaid tax is shown, the treas-
7 urer shall not be required to make any further entry."

1 SEC 7. Section seven thousand one hundred ninety-seven (7197),
2 Code, 1939, is amended by inserting after the word "books" in line
3 seven (7) the words "or records".

1 SEC. 8 Section seven thousand three hundred (7300), Code, 1939,
2 is amended by inserting after the word "books" in line three (3) there-
3 of the words "or records" and by inserting after the words "books" in
4 line five (5) thereof the words "or other records".

1 SEC. 9. Section seven thousand three hundred one (7301), Code,
2 1939, is amended by inserting after the word "book" in line three (3)
3 thereof the words "or other record".

Approved April 5, 1943.

CHAPTER 216
ANNUAL COUNTY TAX LEVIES

S. F. 168

AN ACT to amend section seven thousand one hundred seventy-one (7171), code, 1939, relative to annual levies.

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

1 SECTION 1. Section seven thousand one hundred seventy-one
2 (7171), Code, 1939, is hereby amended by striking all of said section
3 following the word "revenue," in line nine thereof and inserting in
4 lieu thereof the following: "not to exceed three mills on a dollar in
5 counties having an assessed valuation of less than sixteen million
6 dollars (\$16,000,000.00), not to exceed two and one-half mills on a
7 dollar in counties having an assessed valuation of sixteen million
8 dollars (\$16,000,000.00) or more and less than twenty-six million
9 dollars (\$26,000,000.00), not to exceed two mills on a dollar in counties
10 having an assessed valuation of twenty-six million dollars (\$26,000,-
11 000.00) or more and less than thirty-two million dollars (\$32,000,-
12 000.00), and not to exceed one and one-half mills on a dollar in counties
13 having an assessed valuation of thirty-two million dollars (\$32,000,-
14 000.00) or more."

15 In all counties having a population of thirty-five thousand (35,000),
16 or more, and not more than forty thousand (40,000), and having an
17 ordnance plant located therein owned by the United States govern-
18 ment, the board of supervisors may, with the approval of the state
19 comptroller, levy not to exceed two mills on a dollar under the provi-
20 sions of this section.

Approved April 6, 1943.

CHAPTER 217
COURT EXPENSE FUND

S. F. 194

AN ACT to amend section seven thousand one hundred seventy-two (7172), code, 1939, relating to expenditures from the court expense fund, and legalizing expenditures heretofore made.

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

1 SECTION 1. Section seven thousand one hundred seventy-two (7172),
2 Code, 1939, is amended by striking from line two (2) the following:
3 ", by reason of extraordinary or unusual litigation", and by striking
4 from line four (4) the following: "the same," and inserting in lieu
5 thereof the following: "all expenses incident to the maintenance and
6 operation of the courts,".

1 SEC. 2. All expenditures heretofore made from the court expense
2 fund in the necessary maintenance and operation of the courts, are
3 hereby declared legal and valid.

1 SEC. 3. All laws or parts of laws in conflict herewith are hereby
2 repealed.

Approved April 1, 1943.

CHAPTER 218

TAX LEVIES FOR GENERAL STATE PURPOSES

S. F. 387

AN ACT to amend section seven thousand one hundred eighty-two (7182), code, 1939, relating to the annual tax levy for general state purposes.

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

1 SECTION 1. Section seven thousand one hundred eighty-two
2 (7182), Code, 1939, is amended by striking from the last two lines
3 the words, "general assembly, either by statute or joint resolution"
4 and insert in lieu thereof the words, "state comptroller under the
5 provisions of subsection 13-a of section 84.06 of the code".

Approved April 15, 1943.

CHAPTER 219

SOLDIERS' BONUS

S. F. 213

AN ACT to provide for the disposition of the excess revenues derived from the tax levies made under the provisions of chapter three hundred thirty-two (332) (House File 401) Acts of the Thirty-ninth (39th) General Assembly, for the purpose of retiring the bonds issued under said chapter three hundred thirty-two (332), after the bonds issued under said chapter have been fully retired, to extend the time for filing claims under said chapter and the payment of same from said excess revenues, and the disposition of the balance of the excess into the disability fund, and to provide for the state treasurer to draw on the county treasurers for the balance of said revenues; and to amend said chapter three hundred thirty-two (332) (House File 401) Acts of the Thirty-ninth (39th) General Assembly.

WHEREAS, the thirty-ninth (39th) General Assembly enacted chapter three hundred thirty-two (332) (House File 401), which act was approved at the General Election in November, 1922, and thereupon went into effect, and

WHEREAS, the provisions of said act were carried into effect, and bonds were issued and taxes levied as provided for therein and the bonus paid in accordance with the terms of the act, and the disability fund provided for therein was created, and

WHEREAS, in December, 1942, the last of the bonds issued under said act were retired and fully paid or provision made for the payment of those not presented, and there is now no outstanding bonded indebtedness by reason of the bonds issued under said chapter, and

WHEREAS, there was on January 31, 1943, over six hundred ninety-three thousand dollars (\$693,000.00) of tax revenues in the hands of the county treasurers of the counties of the state, collected by reason of the levies made under the provisions of said chapter for the retirement of said bonds, and which tax revenues are not needed for the retirement of said bonds, and

WHEREAS, there are persons who are qualified as beneficiaries under said chapter who did not file their claims within the time provided by said act, and

WHEREAS, said excess tax revenues should be devoted only to the general purposes for which they were enacted,

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

1 SECTION 1. Notwithstanding the provisions of sections one hun-
2 dred forty-one (141) and one hundred forty-two (142), Code of
3 Iowa, 1939, the Treasurer of State shall draw upon each county treas-
4 urer in the state for the amount of funds in the hands of each county
5 treasurer derived from the tax levies made in pursuance and as a re-
6 sult of the provisions of section eleven (11) of chapter three hundred
7 thirty-two (332) (House File 401) Acts of the thirty-ninth (39th)
8 General Assembly, including the levies made under sections six thou-
9 sand nine hundred eighty-seven (6987) and seven thousand one hun-
10 dred eighty-three and one-tenth (7183.1), Code, 1939. All funds de-
11 rived from said levies shall be placed by the State Treasurer in the
12 bonus fund provided for by section two (2) of said chapter, and said
13 bonus fund is hereby augmented by said tax revenues.

1 SEC. 2. Any beneficiary as defined in section four (4) of said
2 chapter three hundred thirty-two (332) (House File 401) Acts of
3 the thirty-ninth (39th) General Assembly who did not receive the
4 benefits of said act shall be entitled to receive the benefits of said act,
5 provided such person shall have on file an application therefor on or
6 before December 31, 1944, the provisions as to the time of filing in
7 section five (5) of said chapter to the contrary notwithstanding.

1 SEC. 3. All funds remaining in the bonus fund after the payment
2 of bonus benefits as provided for in section two (2) of this act shall
3 become an integral part of the disability fund provided for in section
4 eight (8) of said chapter three hundred thirty-two (332) (House File
5 401) Acts of the thirty-ninth (39th) General Assembly.

1 SEC. 4. Section eight (8) of chapter three hundred thirty-two
2 (332) (House File 401) Acts of the thirty-ninth (39th) General As-
3 sembly is amended by striking therefrom the last sentence in said
4 section eight (8).

Approved April 6, 1943.

CHAPTER 220

STATE INSTITUTION FUND FOR SUPPORT OF COUNTY PATIENTS AT STATE INSTITUTIONS

H. F. 14

AN ACT to amend chapter three hundred forty-five (345), code, 1939, to establish a state institution fund in each county, to provide for the levy of taxes for said fund, the determination of the amount of said levy and the disbursement of said fund in discharge of expenses incurred by counties in maintaining patients, including cost of commitment and transportation of patients, at Mount Pleasant State Hospital for the Insane, Independence State Hospital for the Insane, Clarinda State Hospital for the Insane, Cherokee State Hospital for the Insane, the State Sanitorium for the Treatment of Tuberculosis at Oakdale or any similar tuberculosis institution

established and maintained by any county under provision of law, the Glenwood State School for the Feeble-Minded, the Hospital for Epileptics and School for Feeble-Minded at Woodward, the Iowa Juvenile Home at Toledo, the Iowa Soldiers' Orphans Home at Davenport, the School for the Blind at Vinton, the School for the Deaf at Council Bluffs and the State Psychopathic Hospital at Iowa City, and to amend sections three thousand four hundred eighty-two and twenty-one hundredths (3482.21), three thousand six hundred one (3601), three thousand seven hundred three (3703), three thousand seven hundred twenty (3720), three thousand eight hundred twenty-eight and one hundred twenty-eight thousands (3828.128), four thousand seventy-four (4074), code, 1939; and to repeal sections three thousand four hundred seventy-seven and seven tenths (3477.7), three thousand six hundred three (3603), code, 1939, and to enact substitutes therefor; all relating to the payment of the expenses of maintaining persons at county expense in such state institutions and to provide that said costs shall be paid from the state institution fund herein created.

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

1 SECTION 1. That chapter three hundred forty-five (345), Code,
2 1939, is hereby amended by adding thereto the following section:
3 "The board of supervisors for each county shall establish a state
4 institution fund and shall at the time of levying other taxes, estimate
5 the amount necessary to meet the expense in the coming year of main-
6 taining county patients, including cost of commitment and transpor-
7 tation of patients at the Mount Pleasant state hospital for the insane,
8 Independence state hospital for the insane, Cherokee state hospital
9 for the insane, Clarinda state hospital for the insane, the state sani-
10 torium for the treatment of tuberculosis at Oakdale or any similar
11 tuberculosis institution established and maintained by any county
12 under the provisions of chapter 189.6, Code, 1939, the Glenwood state
13 school for the feeble-minded, the hospital for epileptics and school for
14 feeble-minded at Woodward, the Iowa juvenile home at Toledo, the
15 Iowa soldiers' orphans home at Davenport, the school for the blind at
16 Vinton, the school for the deaf at Council Bluffs, and the state psycho-
17 pathic hospital at Iowa City, and shall levy a tax therefor. Said fund
18 shall not be diverted to any other purpose. Should any county fail to
19 levy a tax sufficient to meet this expense the deficiency shall be paid
20 from the county general fund, same to be transferred to the state in-
21 stitution fund."

1 SEC. 2. Section three thousand four hundred seventy-seven and
2 seven-tenths (3477.7), Code, 1939, is hereby repealed and the follow-
3 ing is enacted in lieu thereof:

4 "All expenses required to be paid by counties for the support, cost
5 of commitment and transportation of patients in this hospital, shall
6 be paid by the board of supervisors from the state institution fund."

1 SEC. 3. Section three thousand four hundred eighty-two and
2 twenty-one hundredths (3482.21), Code, 1939, is hereby amended
3 by striking all of said section after the word "paid" in line eight (8)
4 and inserting in lieu thereof, the following:
5 "from the state institution fund."

1 SEC. 4. Section three thousand six hundred one (3601), Code,
2 1939, is hereby amended by striking the words "insane or county"
3 in line six (6) thereof and inserting in lieu thereof the words "state
4 institution".

1 SEC. 5. Section three thousand six hundred three (3603), Code
 2 1939, is hereby repealed and the following is enacted in lieu thereof:
 3 "All expense required to be paid by counties for the care, commit-
 4 ment and transportation of insane patients in state hospitals, shall be
 5 paid by the board of supervisors from the state institution fund."

1 SEC. 6. Section three thousand seven hundred three (3703), Code,
 2 1939, is hereby amended by inserting after the word "county" in line
 3 thirteen (13) thereof, the following:
 4 "from the state institution fund".

1 SEC. 7. Section three thousand seven hundred twenty (3720), Code,
 2 1939, is hereby amended by inserting after the word "county" in line
 3 nine (9) the following:
 4 "from the state institution fund".

1 SEC. 8. Section four thousand seventy-four (4074), Code, 1939,
 2 is hereby amended by striking the words "general county" in line
 3 six (6), and inserting in lieu thereof the words "state institution".

1 SEC. 9. Section three thousand eight hundred twenty-eight and
 2 one hundred twenty-eight thousandths (3828.128), Code, 1939, is
 3 hereby amended by striking the word, "poor" in line two (2) and
 4 inserting in lieu thereof the words, "state institution".

Approved March 17th, 1943.

CHAPTER 221

NO INTEREST AS PENALTY ON DELINQUENT TAXES OF PERSONS IN ARMED FORCES

H. F. 401

AN ACT to amend section seven thousand two hundred fourteen (7214), code, 1939, relating to interest as penalty on delinquent taxes.

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

1 SECTION 1. Section seven thousand two hundred fourteen (7214),
 2 Code, 1939, is hereby amended by adding at the end thereof the follow-
 3 ing: "No interest and penalties shall be charged on any such taxes due
 4 and payable in the years 1943 and 1944 when the same are levied on
 5 the property of a person serving in the armed forces of the United
 6 States."

Approved April 8, 1943.

CHAPTER 222

CANCELLATION OF TAX SALE CERTIFICATES

H. F. 326

AN ACT to amend section seven thousand two hundred seventy-one (7271), code, 1939, relating to the cancellation of certificate of purchase.

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

- 1 SECTION 1. Amend section seven thousand two hundred seventy-
- 2 one (7271), Code, 1939, by striking the word "eight" in line one and
- 3 substituting in lieu thereof the word "ten".

Approved March 24, 1943.

CHAPTER 223

AFFIDAVIT OF ADVERSE POSSESSION UNDER TAX DEED

H. F. 210

AN ACT to amend chapter two hundred fifty-seven (257) of the Laws of the Forty-ninth General Assembly relating to affidavits of adverse possession under tax deed.

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

- 1 SECTION 1. Chapter two hundred fifty-seven (257), of the Laws
- 2 of the Forty-ninth General Assembly is hereby amended by striking
- 3 the word "five" in line one and substituting in lieu thereof the word
- 4 "two".

Approved April 9, 1943.

CHAPTER 224

INHERITANCE TAX

H. F. 19

AN ACT to amend sections seven thousand three hundred seventeen (7317), seven thousand three hundred thirty-five (7335), seven thousand three hundred fifty (7350), seven thousand three hundred fifty-two (7352), and seven thousand three hundred sixty-three (7363), code, 1939, relating to inheritance tax.

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

- 1 SECTION 1. Section seven thousand three hundred seventeen
- 2 (7317), Code, 1939, is hereby amended as follows:
- 3 1. In line six (6) of subsection one (1) strike the comma following
- 4 the word "taxes" and insert the following: "owing by the decedent or
- 5 paid from the estate on Iowa property,".
- 6 2. Amend section seven thousand three hundred seventeen (7317),
- 7 Code, 1939, by striking from paragraph one (1), lines twelve (12),
- 8 thirteen (13), and fourteen (14), the words "the statutory fee of ex-
- 9 ecutors, administrators, or trustees estimated upon the appraised
- 10 value of the property" and by inserting in lieu thereof the following:

11 "the fee of executors, administrators, or trustees as allowed by order
12 of court".

13 3. In line nine (9) of subsection three (3) strike the word "estate"
14 and insert in lieu thereof the word "inheritance".

1 SEC. 2. Section seven thousand three hundred thirty-five (7335),
2 Code, 1939, is hereby amended by striking the comma following the
3 word "actions" in line five (5) and inserting the following: "to the
4 state tax commission or the representative of the estate or trust, if
5 any, otherwise to the person interested as heir, legatee, or trans-
6 feree,".

1 SEC. 3. Section seven thousand three hundred fifty (7350), Code,
2 1939, is hereby amended as follows:

3 1. Strike lines one (1), two (2), and three (3) and insert in lieu
4 thereof the following:

5 "Whenever an estate or interest for life or term of years in real
6 property shall be given to a party".

7 2. Strike from lines eight (8) and nine (9) the words "one year"
8 and insert in lieu thereof the words "eighteen months".

1 SEC. 4. Section seven thousand three hundred fifty-two (7352),
2 Code, 1939, is hereby amended by striking lines one (1) to five (5),
3 inclusive, and inserting in lieu thereof the following:

4 "Whenever an estate or interest for life or term of years in personal
5 property shall be given to one or more persons other than those es-
6 pecially exempt by this chapter and the remainder or deferred estate
7 to others, the clerk".

1 SEC. 5. Section seven thousand three hundred sixty-three (7363),
2 Code, 1939, is hereby amended by striking lines ten (10), eleven (11),
3 and that part of line twelve (12) down to and including the period and
4 inserting in lieu thereof the following:

5 "and that the receipt of the state tax commission for such tax
6 shall have been filed with the clerk showing such payment.".

1 SEC. 6. Amend section seven thousand three hundred seventeen
2 (7317), Code, 1939, by striking from paragraph one (1) thereof in
3 line seventeen (17) the word "ordinary".

Approved March 26, 1943.

CHAPTER 225

PERPETUAL EXISTENCE OF CORPORATIONS FOR PECUNIARY PROFIT

S. F. 313

AN ACT to amend sections eight thousand three hundred forty-three (8343), eight thousand three hundred forty-nine (8349), eight thousand three hundred fifty-seven (8357), eight thousand three hundred sixty (8360), eight thousand three hundred sixty-four (8364), eight thousand three hundred sixty-five (8365), eight thousand three hundred sixty-six (8366), and chapter three hundred eighty-four (384), code, 1939, relating to corporations for pecuniary profit; to authorize perpetual existence, and fix the fees of corporations having such existence.

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

1 SECTION 1. Subsection four (4) of section eight thousand three
2 hundred forty-three (8343), Code, 1939, is amended by striking the

3 word "termination" in line one (1) and two (2) and by inserting in
4 lieu thereof the word "existence".

1 SEC. 2. Section eight thousand three hundred forty-nine (8349),
2 Code, 1939, is hereby amended and revised to read as follows:

3 "8349 Incorporation fee. Corporations organized for a period
4 of years shall pay the secretary of state, before a certificate of in-
5 corporation is issued, a fee of twenty-five dollars together with a
6 recording fee of twenty-five cents per page, and, for all authorized
7 stock in excess of ten thousand dollars, an additional fee of one dollar
8 per thousand. Corporations organized to exist perpetually shall pay
9 to the secretary of state, before a certificate of incorporation is issued,
10 a fee of one hundred dollars together with a recording fee of twenty-
11 five cents per page, and, for all authorized stock in excess of ten
12 thousand dollars, an additional fee of one dollar ten cents per thou-
13 sand. Should any corporation increase its capital stock, it shall pay to
14 the secretary of state a recording fee of twenty-five cents per page and
15 in addition a fee which in case of corporations existing for a period of
16 years shall be one dollar per thousand of such increase and in case
17 of corporations empowered to exist perpetually shall be one dollar
18 and ten cents per thousand of such increase. The fees, except the
19 recording fees, required by this section to be paid, shall not be col-
20 lected from a corporation organized for the purpose of carrying into
21 effect a plan of reorganization approved in bankruptcy proceedings
22 under the laws of the United States or in a general equity receiver-
23 ship in a court of competent jurisdiction, for the period until the
24 termination of the time for which such fees were paid by the cor-
25 poration so reorganized."

1 SEC. 3. Subsection four (4) of section eight thousand three hun-
2 dred fifty-seven (8357), Code, 1939, is amended by striking the word
3 "termination" in lines one (1) and two (2) and by inserting in lieu
4 thereof the word "existence".

1 SEC. 4. Section eight thousand three hundred sixty (8360), Code,
2 1939, is amended by striking the last sentence thereof and substituting
3 in lieu of said sentence the following: "Where capital stock is in-
4 creased the certificate fee shall be omitted but there shall be paid a
5 recording fee of twenty-five cents per page and in addition a filing fee
6 which in case of corporations existing for a period of years shall be
7 one dollar per thousand of such increase and in case of corporations
8 empowered to exist perpetually shall be one dollar and ten cents per
9 thousand of such increase. Corporations providing for perpetual
10 existence by amendment to its articles shall, at the time of filing such
11 amendment, pay to the secretary of state a fee of one hundred dollars
12 together with a recording fee of twenty-five cents per page, and, for
13 all authorized capital stock in excess of ten thousand dollars, an
14 additional fee of one dollar ten cents per thousand."

1 SEC. 5. Section eight thousand three hundred sixty-four (8364),
2 Code, 1939, is amended by striking the period at the end of the section
3 and inserting in lieu thereof the following: "; provided however, that
4 in addition to the power herein granted to incorporate for a period of
5 years, corporations hereafter organized or now existing may have

6 perpetual existence by so providing in the articles of incorporation
7 or by amendment thereto pursuant to section 8360."

1 SEC. 6. Section eight thousand three hundred sixty-five (8365),
2 Code, 1939, is amended by striking the first sentence thereof, and by
3 inserting in lieu thereof the following: "Corporations existing for a
4 period of years may be renewed from time to time for the same or
5 shorter periods, or may be renewed to exist perpetually, if a majority
6 of the votes cast at any regular election, or special election called
7 for that purpose, at any time during the corporate life or within three
8 months after the termination thereof, be in favor of such renewal,
9 and if those voting for such renewal will purchase at its real value the
10 stock voted against such renewal."

1 SEC. 7. Section eight thousand three hundred sixty-six (8366),
2 Code, 1939, is revised and amended as follows:

3 "By inserting a period (.) following the word "succeeds" in the
4 third line thereof, and by striking all the remainder of said section as
5 it appears in the Code, 1939, so that said section as amended and
6 revised shall read* as follows: "Such renewals shall date from the ex-
7 piration of the corporate period which it succeeds."

1 SEC. 8. Chapter three hundred eighty-four (384), Code, 1939,
2 is amended by adding thereto the following section:

3 "Corporations having the right of perpetual existence shall peri-
4 odically pay the fees herein provided. Fifty years from the date of
5 incorporation or last renewal of such corporations for the construction
6 and operation, or the operation alone, of steam railways, interurban
7 railways and street railways, for the establishment and conduct of
8 savings banks, or for the transaction of the business of life insurance,
9 and each fifty years thereafter, and twenty years from the date of
10 incorporation or last renewal of such corporations for other purposes,
11 and each twenty years thereafter, there shall be paid to the secretary
12 of state a fee of one hundred dollars and an additional fee of one dollar
13 ten cents per thousand for all authorized stock in excess of ten thou-
14 sand dollars; and upon such payment being made the secretary of
15 state shall issue a certificate showing such payment. The period of
16 existence of any such corporation failing to pay such fees at the time
17 they are due shall thereupon terminate, provided, however, that any
18 such corporation may be renewed at any time within three months
19 thereafter."

1 SEC. 9. If any provision of this Act shall be declared invalid, such
2 invalidity shall not affect the validity of any portion of this Act which
3 can be given effect without such invalid part.

Approved March 30, 1943.

*Note: In accordance with enrolled bill.

CHAPTER 226

CORPORATIONS FOR PECUNIARY PROFIT

S. F. 10

AN ACT to amend section eight thousand three hundred sixty (8360), code, 1939, relating to amendments to articles of incorporation of certain corporations and the renewal thereof.

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

1 SECTION 1. Section eight thousand three hundred sixty (8360),
 2 Code, 1939, is amended by adding thereto the following:
 3 "Its articles of incorporation to the contrary notwithstanding, if
 4 three-fourths of the voting stock of any corporation organized under
 5 the provisions of chapter 384, with assets of the value of one million
 6 dollars or more, is owned by individuals owning not more than one
 7 share each of the voting stock thereof, said articles may be amended
 8 at any regular or special meeting of stockholders, when a notice in
 9 writing of the substance of the proposed amendment has been mailed
 10 by ordinary mail to each voting stockholder of such corporation not
 11 more than ninety nor less than sixty days prior to said meeting, by
 12 the affirmative vote of two-thirds of the voting stock represented at
 13 said meeting when said amendment is approved by the affirmative
 14 vote of two-thirds of the members of the board of directors at a
 15 meeting prior to the mailing of said notice.
 16 "If such corporation is renewed under the provisions of section
 17 8365, the voting stock of dissenting stockholders or any portion
 18 thereof may be purchased by the corporation at its option as provided
 19 in said section."

Approved February 11th, 1943.

CHAPTER 227

ISSUANCE OF PERMITS TO FOREIGN CORPORATIONS

S. F. 306

AN ACT to repeal chapter two hundred sixty-seven (267) (H. F. 278), Acts of the 49th General Assembly, and to amend section eight thousand four hundred twenty-three (8423), section eight thousand four hundred twenty-four (8424), section eight thousand four hundred twenty-six (8426), and chapter three hundred eighty-six (386), code, 1939, all relating to foreign corporations qualifying in the state, the issuance of permits, and the expiration and cancellation of permits of foreign corporations.

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

1 SECTION 1. Chapter two hundred sixty-seven (267) (H. F. 278),
 2 Acts of the 49th General Assembly, is hereby repealed.

1 SEC. 2. Amend section eight thousand four hundred twenty-four
 2 (8424), Code, 1939, by adding thereto as a separate paragraph the
 3 following:

4 "If said foreign corporation amends its articles of incorporation or
 5 files with the corporation official in the state of its incorporation any

6 certificate of increase or decrease in its capital stock, or any instru-
7 ment which affects its articles of incorporation, said corporation shall
8 file with the secretary of state a copy of said amendment, certificate,
9 or other instrument, certified by the official of the state of incorpora-
10 tion with whom it is filed. The fee for filing such copies shall be one
11 dollar for each instrument separately certified by the official of the
12 state of incorporation. The secretary of state shall issue to said cor-
13 poration a certificate for each such instrument, stating that said in-
14 strument has been filed with him."

1 SEC. 3. Amend, revise and codify section eight thousand four hun-
2 dred twenty-six (8426), Code, 1939, to read as follows:
3 "Upon complying with the provisions of sections 8420 to 8424 in-
4 clusive the secretary of state shall issue to such corporation a permit
5 in such form as he may prescribe, for the transaction of the business
6 of such corporation within the State of Iowa which permit shall au-
7 thorize the transaction of business in the state of Iowa from the date
8 thereof for the period that is permitted by the provisions of section
9 8364 unless by the terms of its articles or charter its corporate life
10 expires prior thereto, in which case the permit shall expire with the
11 life of the corporation."

1 SEC. 4. Chapter three hundred eighty-six (386), Code, 1939, is
2 amended thereto as a separate section immediately following section
3 8426, Code, 1939, the following:
4 "A foreign corporation which has a permit under this chapter may
5 requalify or renew its permit hereunder by fully completing the pro-
6 ceedings therefor at any time within three months before or after
7 the date upon which its permit expires by proceeding in the same
8 manner as in obtaining a permit in the first instance under the then
9 existing provisions of this chapter relating to obtaining a permit, in-
10 cluding the payment of fees. The permit of a foreign corporation shall
11 not be cancelled by the secretary of state for failure to renew or re-
12 qualify until three months after the expiration date of its permit and
13 no penalty or forfeiture under the provisions of sections 8430 and 8431
14 shall be effected or collected for any business transacted by the cor-
15 poration, its agents, officers, or employees, during the three-month
16 period following the expiration date of its permit."

1 SEC. 5 Amend section eight thousand four hundred twenty-three
2 (8423), Code, 1939, by striking the period (.) at the end of said sec-
3 tion and adding thereafter the following:
4 "if said corporation has existence for a period of years. If the cor-
5 poration has perpetual existence under its articles or charter it shall
6 make the filings as hereinbefore provided for and shall pay a filing
7 fee of one hundred dollars and a further fee of one dollar and ten
8 cents for each one thousand dollars of such money or property within
9 this state in excess of ten thousand dollars, and thereafter shall pe-
10 riodically pay the said fee as follows: in the case of a corporation
11 for the construction and operation, or the operation alone, of steam
12 railways, interurban railways, and street railways, or for the estab-
13 lishment and conduct of savings banks, every fifty years from the
14 date of qualification and in the case of all other corporations, every
15 twenty years from the date of qualification, and upon the failure to

16 make such payments within three months from the date same are
 17 due, the secretary of state shall cancel the permit of said corporation.
 18 The fees required by this section to be paid shall not be collected from
 19 a corporation organized for the purpose of carrying into effect a plan
 20 of reorganization approved in bankruptcy proceedings under the laws
 21 of the United States or in a general equity receivership in a Court of
 22 competent jurisdiction, until the period of time for which a permit
 23 to transact business within this State has previously been issued to the
 24 corporation so reorganized has elapsed."

Approved April 6, 1943.

CHAPTER 228

ANNUAL CORPORATION REPORTS

S. F. 333

AN ACT to amend section eight thousand four hundred forty, code, 1939, relating to annual reports of corporations.

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

1 SECTION 1. Section eight thousand four hundred forty (8440),
 2 Code, 1939, is amended by substituting a period (.) for the comma (,)
 3 after the figures "8442" in line six (6) of said section, and striking all
 4 of said section after said figures "8442" in line six (6).

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

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Humboldt Republican, Humboldt, Ia., April 16, 1943, and the Mount Pleasant News, Mount Pleasant, Ia., April 12, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 229

INCORPORATION OF CORPORATIONS NOT FOR PECUNIARY PROFIT

H. F. 76

AN ACT to amend, revise and codify section eight thousand five hundred eighty-two (8582), code, 1939, relating to the formation of corporations not for pecuniary profit, and to provide for a record in the office of the secretary of state of corporations not for pecuniary profit now and heretofore existing in the state of Iowa.

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

1 SECTION 1. Section eight thousand five hundred eighty-two
 2 (8582), Code, 1939, is hereby amended, revised, and codified to read
 3 as follows:

4 "Except as may be otherwise specifically provided in this chapter,
 5 any three or more persons of full age, a majority of whom shall be

6 citizens of the state, may incorporate themselves for the establishment
7 of churches, colleges, seminaries, lyceums, libraries, fraternal lodges
8 or societies, temperance societies, trades unions or other labor organ-
9 izations, commercial clubs, associations of business men, agricultural
10 societies, farmers granges, or organizations of a benevolent, char-
11 itable, scientific, political, athletic, military, or religious character.
12 The incorporators shall adopt, and sign and acknowledge the articles
13 of incorporation, stating the name by which the corporation or asso-
14 ciation shall be known, the location of its principal office or place of
15 business, its business or objects, the number of trustees, directors,
16 managers or other officers to conduct the same, the names thereof for
17 the first year, the time of its annual meeting and of annual meeting
18 of its trustees or directors and the manner in which the articles may
19 be amended. Said articles of incorporation shall be filed with the
20 secretary of state who shall, if he approves the same, endorse his
21 approval thereon, record same, and thereafter forward the same to
22 the county recorder of the county where the principal place of busi-
23 ness is to be located and there it shall be recorded and, upon recording,
24 be returned to the corporation. The said articles shall not be filed by
25 the secretary of state until a filing fee of five dollars is paid and upon
26 the payment of said fee and the approval of the articles by the secre-
27 tary of state, he shall issue to said corporation a certificate of incor-
28 poration as a corporation not for pecuniary profit. Amendments to
29 articles may be filed and receive approval as provided herein for ar-
30 ticles, and the fee therefor shall be five dollars in each instance, and
31 no amendment shall be effective until the same is approved and the
32 fee therefor is paid."

1 SEC. 2. Any corporation not for pecuniary profit, incorporated in
2 the State of Iowa prior to the effective date of this act, which may
3 seek to reincorporate or renew its corporate existence, shall proceed
4 in the same manner as provided in section one of this act.

1 SEC. 3. On or before the first day of October, 1943, the county
2 recorder in each county shall prepare and file in the office of the sec-
3 retary of state a complete alphabetical record, duly certified to by
4 the recorder, showing the name of the corporation, its place of busi-
5 ness, date of filing its articles of incorporation, and the book and page
6 where same are recorded in his office, of every corporation not for
7 pecuniary profit having filed articles of incorporation in the office
8 of the recorder of said county since July 4, 1893, together with the
9 same information as to any amendments to articles. The secretary of
10 state shall preserve the said records so filed by him as a part of the
11 permanent records of his office.

Approved April 6, 1943.

CHAPTER 230

SECRET FRATERNAL, BENEVOLENT, OR CHARITABLE ORDERS
AS CORPORATIONS

H. F. 344

AN ACT to amend chapter three hundred ninety-four (394), code, 1939, relating to corporations not for pecuniary profit.

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

1 SECTION 1 Chapter three hundred ninety-four (394), Code, 1939,
2 relating to corporations not for pecuniary profit is amended by adding
3 thereto the following sections:
4 1. Each grand lodge, state, supreme, or national, and all secret,
5 fraternal, benevolent, or charitable orders, lodges, organizations,
6 societies, or other bodies issuing charters to, and having subordinate
7 or auxiliary orders, lodges, organizations, societies, or other bodies
8 within this state, which may have been heretofore or may hereafter
9 be regularly established and chartered therefrom or thereby, together
10 with each and every subordinate or auxiliary lodge, encampment, tribe,
11 company, council, post, corps, department, society, or other designated
12 organization or body within this state under its properly designated or
13 chartered name as has heretofore been or may hereafter be established
14 and chartered within or for the State of Iowa by its respective grand
15 lodge, state, supreme, or national, or other governing body, and work-
16 ing under a charter or constitution from its respective grand lodge,
17 state, supreme, or national lodge, organization, or other governing
18 body which may have been heretofore or may hereafter be established
19 therefrom or thereby, including the following: Grand Lodge of Iowa of
20 Ancient, Free and Accepted Masons; The Grand Chapter of Royal Arch
21 Masons of Iowa; The Grand Council of Royal and Select Masters of
22 Iowa; The Grand Commandery of Knights Templar of Iowa; Supreme
23 Council of the Ancient and Accepted Scottish Rite of Freemasonry for
24 the Southern Jurisdiction of the United States; Imperial Council of the
25 Ancient Arabic Order of the Nobles of the Mystic Shrine for North
26 America; Grand Chapter of the Order of the Eastern Star of Iowa;
27 Supreme White Shrine; Mystic Order Veiled Prophets of the En-
28 chanted Realm; Daughters of Meokanna; Order of DeMolay; Rainbow
29 Girls; The Grand Lodge of Independent Order of Odd Fellows; The
30 Grand Encampment, I.O.O.F.; The Rebecca State Assembly, I.O.O.F.;
31 The Department Council Patriarch Militant, I.O.O.F.; The Farmers'
32 Alliance; The Grand Lodge Knights of Pythias of Iowa; Pythian Sister-
33 hood; Grand Army of the Republic; Women's Relief Corps Depart-
34 ment of Iowa; United War Workers; The Benevolent and Protective
35 Order of Elks of the United States of America; The Western Bohemian
36 Fraternal Association, Z.C.B.J.; The Bohemian Ladies Society, J.C.D.;
37 The Bohemian Benevolent Society, C.S.P.S.; The Bohemian Roman
38 Catholic Benevolent Society, C.R.K.J.P. of Iowa; The Women's
39 Christian Temperance Union; The Grand Lodge Fraternal Order of
40 Eagles; The Knights of Columbus; The Modern Woodmen of America;
41 The Woodmen of the World; The Ancient Order of United Workmen;
42 The American Legion; Catholic Workmen; The Western Bohemian
43 Catholic Union; Z.C.K.J.; the American Legion Auxiliary; Supreme
44 Court of the Independent Order of Foresters; Great Council of the Im-

45 proved Order of Red Men of the State of Iowa; The Loyal Order of
46 Moose; Home Nest of the Order of Owls; Catholic Daughters of Ameri-
47 ca; Ancient Order of Hibernians; Veterans of Foreign Wars of the
48 United States; Disabled American Veterans; United Spanish War Vet-
49 erans; the following college societies: Phi Beta Kappa, Delta Theta
50 Phi, Alpha Zeta, Delta Sigma Rho, Acacia, Alpha Gamma Rho, Alpha
51 Sigma Phi, Alpha Tau Omega, Alpha Theta Chi, Chi Phi, Beta Theta
52 Pi, Delta Chi, Delta Tau Delta, Delta Upsilon, Kappa Delta Phi,
53 Kappa Sigma, Lambda Chi Alpha, Phi Delta Theta, Phi Kappa Psi,
54 Pi Kappa Phi, Pi Phi Chi, Sigma Alpha Epsilon, Sigma Chi, Sigma
55 Nu, Sigma Phi Epsilon, Phi Gamma Delta, Phi Alpha Delta, Phi
56 Delta Phi, Phi Delta Chi, Delta Sigma Delta, Xi Psi Phi, Nu Sigma
57 Nu, Phi Chi, Phi Rho Sigma, Achoth, Alpha Chi Omega, Alpha Delta
58 Pi, Alpha Omicron Pi, Alpha Phi, Alpha Xi Delta, Chi Omega, Delta
59 Delta Delta, Delta Gamma, Delta Zeta, Gamma Phi Beta, Kappa Alpha
60 Theta, Kappa Delta, Kappa Kappa Gamma, Pi Beta Phi, Kappa Alpha
61 Psi, Gamma Eta Gamma, Bushnell Guild, Farm House, Silver Lynx,
62 Delta Sigma Pi; The Iowa Press Association, Boy Scouts of America,
63 Boy Scouts of America Local Councils, The Girl Scouts of America,
64 Camp Fire Girls of America, Camp Fire Girls of America Local Coun-
65 cils, and Pathfinder Club International; Firemen's Relief Association of
66 Iowa; Rotary International; Kiwanis International; Katolicky Sokol of
67 America; International Association of Lions Clubs; Chambers of
68 Commerce, Junior Chambers of Commerce, Iowa State Chapter of
69 the P. E. O. Sisterhood, and United Commercial Travelers of America
70 shall, upon compliance with the provisions of the next succeeding
71 section hereof, be and the same are hereby made and declared corpora-
72 tions not for pecuniary profit, within the State of Iowa, under the
73 name and title designated in the respective charters or constitutions
74 by which name they shall be capable of suing, and being sued, of
75 pleading and being impleaded in the several courts of this state, the
76 same as natural persons. And each of said organizations shall have
77 power to receive bequests of real and personal property, to hold and
78 to convey both real and personal property, to lease property, and do
79 all other things usually done by corporations for the purpose for which
80 organized, and in the absence of fraud or bad faith, the members,
81 officers, and trustees of any of the above named organizations shall
82 not be personally liable for its debts, obligations, or liabilities.

83 2. Before any grand lodge, state, national, or supreme, or any
84 secret, fraternal, benevolent, or charitable order, lodge, or organiza-
85 tion, society, or other body having subordinate or auxiliary orders,
86 lodges, organizations, societies, or other bodies within this state, or
87 any subordinate or auxiliary order, lodge, organization, society, or
88 other body within this state, working under a grand lodge, state,
89 national, or supreme organization, can become a corporation not for
90 pecuniary profit, as provided in the preceding section, it must file with
91 the secretary of state a copy of its charter or constitution duly certified
92 as a true copy thereof by its secretary or other like officer, as the case
93 may be, under the official seal thereof, if any, and such organization,
94 before a certificate of incorporation is issued by the secretary of state,
95 shall pay to that office a fee of five dollars. The Secretary of State shall
96 record same and forward same to the county recorder of the county
97 where the corporation headquarters or principal place of business is

98 located, and there it shall be recorded, and upon recording, returned
99 to the corporation.

Approved April 9, 1943.

CHAPTER 231

MEDICAL EXAMINATION FOR LIFE INSURANCE POLICIES

S. F. 108

AN ACT to amend section eight thousand six hundred and seventy-one (8671), the code, 1939, relating to medical examination for life insurance policies.

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

1 SECTION 1. That section eight thousand six hundred and seventy-
2 one (8671), The Code 1939, be amended by striking the word "two"
3 in line twenty-one (21) of said section and inserting the word "five"
4 in lieu thereof.

Approved March 11th, 1943.

CHAPTER 232

INSURANCE COMPANY INVESTMENTS

S. F. 50

AN ACT to amend paragraph six (6) of section eighty-nine hundred twenty-seven (8927), chapter four hundred four (404), code, 1939, as amended by chapter two hundred seventy-six (276) acts of the Forty-ninth (49th) General Assembly, to increase the amount that insurance companies organized under chapter four hundred four (404), code, 1939, may invest in corporate bonds and stocks.

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

1 SECTION 1. Paragraph Six (6) of Section Eighty-nine Hundred
2 twenty-seven (8927), Chapter Four Hundred Four (404), Code, 1939,
3 as amended by Chapter Two Hundred Seventy-six (276) Acts of
4 Forty-ninth (49th) General Assembly, is hereby amended as follows:
5 (a) by striking out the words and figures "twenty percent (20%)"
6 in the sixth and seventh lines of Section One (1) of said chapter Two
7 Hundred Seventy-six (276) and by inserting in lieu thereof the words
8 and figures "thirty percent (30%)";
9 (b) by inserting the words "capital and" after the word "its" and
10 before the word "surplus" in the eleventh line of said Section One
11 (1) of said Chapter Two Hundred Seventy-six.

Approved April 3rd, 1943.

CHAPTER 233

INSURANCE COMPANIES

S. F. 160

AN ACT to amend section eight thousand nine hundred forty-one (8941), code, 1939, relating to insurance and requirement of insurance companies.

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

- 1 SECTION 1. Subsection three (3) of section eight thousand nine
- 2 hundred forty-one (8941), Code, 1939, is amended by striking the
- 3 word "five" in line four (4) of said section, and by substituting there-
- 4 for the word "three".

Approved March 23, 1943.

CHAPTER 234

INSURANCE ON AIRCRAFT

S. F. 181

AN ACT to amend sections nine thousand twenty-nine (9029) and nine thousand forty-six (9046), code, 1939, relating to insurance and policies of insurance on aircraft.

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

- 1 SECTION 1. Section nine thousand twenty-nine (9029), Code, 1939,
- 2 is amended by inserting in line three (3) of subparagraph c after the
- 3 word "automobile" the following: "or aircraft".

- 1 SEC. 2. Section nine thousand forty-six (9046), Code, 1939, is
- 2 amended by inserting in line three (3) after the word "automobiles"
- 3 the following: "or aircraft".

Approved April 6, 1943.

CHAPTER 235

HAIL INSURANCE

S. F. 33

AN ACT to amend section nine thousand forty-three (9043), code, 1939, relating to returns to policyholders of associations transacting hail insurance business.

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

- 1 SECTION 1. Section nine thousand forty-three (9043), Code, 1939,
- 2 is amended by striking from line twelve (12) the word "sustained"
- 3 and inserting in lieu thereof the following: "and/or litigation".

- 1 SEC. 2. Section nine thousand forty-three (9043), Code, 1939, is
- 2 further amended by inserting after the words "losses or through" in
- 3 line seventeen (17) the following: "discounts, credits or".

1 SEC. 3. Section nine thousand forty-three (9043), Code, 1939, is
2 further amended by inserting after the words "assessment required
3 for the" in line eighteen (18) and nineteen (19) the following: "cur-
4 rent and/or".

1 SEC. 4. Section nine thousand forty-three (9043), Code, 1939, is
2 further amended by inserting after the words "payment of such losses"
3 in line twenty-five (25) the following: "or through discounts, credits".

1 SEC. 5. Section nine thousand forty-three (9043), Code, 1939, is
2 further amended by striking from line twenty-six (26) the period "."
3 and inserting after the word "dividends" in line twenty-five (25) and
4 twenty-six (26) the following: "during the current and/or succeeding
5 year".

Approved April 1st, 1943.

CHAPTER 236

RECIPROCAL OR INTER-INSURANCE EXCHANGE BONDS

S. F. 161

AN ACT to amend chapter four hundred eight (408) of title XX, code, 1939, relating to bonds executed by reciprocal or inter-insurance exchanges and providing for the acceptance thereof.

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

1 SECTION 1. That chapter four hundred eight (408) of Title XX of
2 the Code of Iowa, 1939, is amended by adding thereto and inserting
3 therein after section nine thousand ninety-four (9094) the following
4 section:

5 "9094.1. Fidelity or surety bonds executed by a reciprocal or inter-
6 insurance exchange pursuant to authority given by the Commissioner
7 of Insurance shall be received and accepted as company or corporate
8 bonds, provided, however, that such reciprocal companies before being
9 permitted to qualify for writing Fidelity or Surety bonds shall be
10 required to maintain a surplus of \$300,000."

1 SEC. 2. This Act being deemed of immediate importance shall
2 take effect and be in force from and after its publication in Plain
3 Talk, a newspaper published in Des Moines, Iowa, and in The Des
4 Moines Daily Record, a newspaper published in Des Moines, Iowa,
5 without cost to the State.

Approved April 1, 1943.

I hereby certify that the foregoing act was published in the Plain Talk, Des Moines, Ia., April 15, 1943, and The Des Moines Daily Record, Des Moines, Ia., April 14, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 237

EXPENSES OF THE DEPARTMENT OF BANKING

H. F. 214

AN ACT to amend section nine thousand one hundred forty-four (9144), code, 1939, relating to the payment of expenses of the department of banking of the state of Iowa.

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

- 1 SECTION 1. Section 9144, Code, 1939, is amended by striking there-
- 2 from the words "from banks and trust companies" in lines twenty-six
- 3 (26) and twenty-seven (27) of said section and substituting in lieu
- 4 thereof the following: "by the department".

Approved March 11th, 1943.

CHAPTER 238

SAVINGS BANKS

H. F. 215

AN ACT to repeal section nine thousand one hundred seventy-six (9176), code, 1939, and to amend section nine thousand one hundred seventy-seven (9177), code, 1939, to place savings banks and trust companies on a parity with state banks and national banks with respect to receiving deposits.

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

- 1 SECTION 1. Section Nine thousand one hundred Seventy-six (9176),
- 2 Code, 1939, is hereby repealed.

- 1 SEC 2. Section Nine thousand one hundred Seventy-seven (9177),
- 2 Code, 1939, is amended by striking the words "so received" in line
- 3 one (1) of said section, and further by striking the word "such" in
- 4 line two (2) of said section and inserting in lieu thereof the word
- 5 "the".

- 1 SEC. 3. This act being deemed of immediate importance, shall be
- 2 in full force and effect from and after its publication in the Fairfield
- 3 Daily Ledger, a newspaper published at Fairfield, Iowa, and in The
- 4 Burlington Hawkeye Gazette, a newspaper published at Burlington,
- 5 Iowa.

Approved February 25th, 1943.

I hereby certify that the foregoing act was published in the Fairfield Daily Ledger, Fairfield, Ia., March 2, 1943, and the Burlington Hawkeye Gazette, Burlington, Ia., March 1, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 239

INVESTMENT OF STATE BANK AND TRUST COMPANY FUNDS

H. F. 28

AN ACT to amend section nine thousand one hundred and eighty-three and one-tenth (9183.1), code, 1939, relating to investment of funds of state banks, savings banks, and trust companies.

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

- 1 SECTION 1. Section nine thousand one hundred eighty-three and
- 2 one-tenth (9183.1), Code, 1939, is amended by striking from line
- 3 nine (9) the words, "pursuant to the foregoing paragraphs" and
- 4 inserting in lieu thereof the following, "in federal housing securities
- 5 made pursuant to sections* 9183 or 9223".

Approved February 16th, 1943.

CHAPTER 240

BANKS AND TRUST COMPANIES

H. F. 340

AN ACT to amend section nine thousand two hundred twenty-three (9223), code, 1939, relating to the suspension of limitations on loans that may be made by savings and state banks of Iowa for the purpose of financing production, storage, or marketing of agricultural commodities and financing war production contracts, or war production facilities in general, or for any other purpose, to the extent that said loans are guaranteed or otherwise secured by the government of the United States or certain agencies thereof.

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

- 1 SECTION 1. That any limitations now provided by the law of the
- 2 State of Iowa as the same appears in section nine thousand two hun-
- 3 dred twenty-three (9223), Code, 1939, upon the amount that may
- 4 be loaned to any person, corporation, company, or firm by any savings
- 5 or state bank of the State of Iowa, is hereby suspended from the date
- 6 of the passage of this Act upon any loan made by such bank to any
- 7 person, corporation, company, or firm for the purpose of financing
- 8 the production, storage, or marketing of agricultural commodities, or
- 9 financing war production contracts or war production facilities in
- 10 general, or for any other purpose, to the extent that such loan is
- 11 secured or guaranteed by, or covered by commitments or agreements
- 12 to purchase by any Federal Reserve Bank or by the United States
- 13 Government or any department, bureau, board, commission, or agency
- 14 of the United States Government, or any corporation owned directly
- 15 or indirectly by the United States Government.

- 1 SEC. 2. This act, being deemed of immediate importance, shall
- 2 be in full force and effect from and after its passage and publication
- 3 in the South Marshall County Record, a newspaper published at Mel-

*Note: In accordance with the enrolled bill.

4 bourne, Iowa, and in the Daily Hawkeye-Gazette, a newspaper pub-
5 lished at Burlington, Iowa.

Approved March 26, 1943.

I hereby certify that the foregoing act was published in the South Marshall County Record, Melbourne, Ia., April 1, 1943, and the Daily Hawkeye-Gazette, Burlington, Ia., March 30, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 241

LOAN AND TRUST COMPANIES PAID CAPITAL

H. F. 38

AN ACT to amend section nine thousand two hundred fifty-nine (9259), code, 1939, relating to the amount of paid capital of loan and trust companies.

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

1 SECTION 1. Section nine thousand two hundred fifty-nine (9259),
2 Code, 1939, is amended by striking from line nine (9) the figures
3 "9160" and inserting in lieu thereof the following, "9217.1".

Approved February 17th, 1943.

CHAPTER 242

BANKS AND TRUST COMPANIES STOCKHOLDERS' ASSESSMENT AND LIABILITY

H. F. 48

AN ACT to amend sections nine thousand two hundred fifty-nine (9259), nine thousand two hundred eighty-three and forty-three hundredths (9283.43), and nine thousand two hundred eighty-three and fifty-nine hundredths (9283.59), code, 1939, relating to the assessment and liability of stockholders of banks and trust companies.

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

1 SECTION 1. Section nine thousand two hundred fifty-nine (9259),
2 Code, 1939, is amended by inserting a period after the word
3 "banks" in line twelve (12) and striking the remainder of said
4 section.

1 SEC. 2. Section nine thousand two hundred eighty-three and
2 forty-three hundredths (9283.43), Code, 1939, is amended as follows:

3 (1) By striking from lines ten (10), eleven (11), and twelve (12)
4 the following: "as contemplated and provided in sections 9246,
5 9247, 9248, and 9248-a1 of the code";

6 (2) By striking from lines thirteen (13) and fourteen (14) the
7 following: "under section 9251,";

8 (3) By striking from lines seventeen (17) and eighteen (18)
9 the following: "under sections 9252 and 9253 of the code, or
10 otherwise";

- 11 (4) By striking from lines twenty-four (24) and twenty-five (25)
 12 the following: "pursuit to section 9246,";
 13 (5) By striking from line twenty-six (26) the following: "for
 14 liability as provided by section 9251,";
 15 (6) By striking from lines thirty-one (31) and thirty-two (32)
 16 the following: "and as contemplated by sections 9251, 9252, and
 17 9253,".

1 SEC. 3. Section nine thousand two hundred eighty-three and fifty-
 2 nine hundredths (9283.59), Code, 1939, is amended by placing
 3 a period after the word "corporation" in line three (3) and striking
 4 the remainder of said section.

Approved February 17th, 1943.

CHAPTER 243

CLEARANCE OF CHECKS AT PAR

S. F. 81

AN ACT to provide for the clearing at par of checks drawn on any bank or trust company organized under the laws of this state and providing for penalties for violation thereof.

WHEREAS, the banks of this state vary widely in their practice of clearing checks; and

WHEREAS, the rates charged for clearance of checks by different banks differ in various localities; and

WHEREAS, such lack of uniformity in charges causes confusion and interferes with normal business in the community; therefore,

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

1 SECTION 1. Checks drawn on any bank or trust company organized
 2 under the laws of this state shall be cleared at par by the bank or
 3 trust company on which they are drawn.

4 This section shall not be applicable where checks are sent to banks
 5 or trust companies as special collection items.

1 SEC. 2. Any officer or employee of any such bank or trust company
 2 who violates the provisions of this act shall be guilty of a misde-
 3 meanor and, upon conviction thereof, shall be fined not less than ten
 4 dollars and not more than one hundred dollars for each such offense.

Approved February 17th, 1943.

CHAPTER 244

TRUST COMPANIES

H. F. 32

AN ACT to amend section nine thousand three hundred and four (9304), code, 1939, relating to the cash reserve required by trust companies organized under chapter four hundred sixteen (416) of the code.

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

- 1 SECTION 1. Section nine thousand three hundred four (9304),
- 2 Code, 1939, is amended by striking from line eight (8) the figures
- 3 "9201" and inserting in lieu thereof the following: "9270.1".

Approved February 11th, 1943.

CHAPTER 245

INVESTMENT OF FUNDS BY SAVINGS AND LOAN ASSOCIATIONS

S. F. 262

AN ACT to amend section nine thousand three hundred forty and one hundredth (9340.01), code, 1939, relating to investment of funds by savings and loan associations.

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

- 1 SECTION 1. Section nine thousand three hundred forty and one
- 2 hundredth (9340.01), Code, 1939, is hereby amended by striking the
- 3 period (.) at the end of the thirteenth (13th) line thereof and insert-
- 4 ing a comma (,) in place thereof and adding the following: "except
- 5 that investments in bonds or interest bearing obligations of the
- 6 United States shall not exceed 25% of assets."

Approved April 6, 1943.

CHAPTER 246

BONDED WAREHOUSES FOR AGRICULTURAL PRODUCTS ACT

H. F. 406

AN ACT to repeal chapter four hundred twenty-six (426), code, 1939, relating to bonded warehouses for agricultural products, and to enact a substitute therefor.

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

- 1 SECTION 1. Chapter four hundred twenty-six (426), Code, 1939,
- 2 is hereby repealed, and the following sections enacted in lieu thereof:
- 1 SEC. 2. **Terms defined.** As used in this chapter:
- 2 1. "Commission" shall mean the Iowa state commerce commission.
- 3 2. "Warehouse" shall mean any building, structure or other pro-
- 4 tected inclosure in this state used or useable for the storage of agri-
- 5 cultural products. Buildings used in connection with the operation
- 6 of the warehouse shall be deemed to be a part of the warehouse.

- 7 3. "Licensed warehouse" shall mean a warehouse for the operation
8 of which the commission has issued a license in accordance with the
9 provisions of section five (5) of this act.
- 10 4. "Agricultural product" shall mean any product of agricultural
11 activity suitable for storage in quantity, including refined or unrefined
12 sugar and canned agricultural products and shall also mean any
13 product intended for consumption in the production of other agri-
14 cultural products, such as stock salt, binding twine, bran, cracked
15 corn, soybean meal, commercial feeds, and cottonseed meal.
- 16 5. "Grain" shall mean wheat, corn, oats, barley, rye, flaxseed,
17 field peas, soybeans, grain sorghums, spelt, and similar agricultural
18 products.
- 19 6. "Bulk grain" shall mean grain which is not contained in sacks.
- 20 7. "Person" shall mean an individual, corporation, partnership, or
21 two or more persons having a joint or common interest in the same
22 venture, but shall not mean the United States or Iowa state govern-
23 ment or any subdivision or agency of either.
- 24 8. "Warehouseman" shall mean a person who uses or undertakes
25 to use a warehouse for the storage of agricultural products for com-
26 pensation.
- 27 9. "Licensed warehouseman" shall mean a warehouseman who
28 has obtained a license for the operation of a warehouse under the
29 provisions of section five (5) of this act.
- 30 10. "Delivery charge" shall mean the charge made by the ware-
31 houseman for receiving grain into and delivering grain from the
32 warehouse, exclusive of the warehouseman's other charges.

1 **SEC. 3. Duties and powers of the commission.** The commission
2 is authorized to exercise general supervision over the storage, ware-
3 housing, classifying according to grade or otherwise, weighing, and
4 certification of agricultural products. The commission may inspect
5 or cause to be inspected any warehouse and may require the filing of
6 reports describing any warehouse or the operation thereof. The
7 commission shall inspect or cause to be inspected every licensed
8 warehouse and the contents thereof not less than once every three
9 months. The commission may classify any warehouse in accordance
10 with its suitability for the storage of agricultural products and
11 shall specify in any license issued for the operation of any warehouse
12 the type or types and the quantity of agricultural products which
13 may be exclusively stored in such warehouse. The commission may
14 prescribe, within the limitations of this chapter, the duties of
15 licensed warehousemen with respect to the care of and responsibility
16 for the contents of licensed warehouses. The commission may from
17 time to time establish and publish standards for agricultural products
18 by which quality or value of such products may be judged or de-
19 termined. The commission may from time to time publish such data
20 in connection with the administration of this chapter as may be of
21 public interest. The commission shall have the duty of administra-
22 tion of the further provisions of this chapter.

1 **SEC. 4. Rules and regulations.** The commission shall from time
2 to time make such rules and regulations as it may deem necessary for
3 the efficient administration of the provisions of this chapter, and may
4 at its discretion designate an employee or officer of the commission to

5 act for the commission in any details connected with such administra-
6 tion, including the issuance of licenses and approval of warehouse
7 bonds in the name of the commission, but not including matters
8 requiring a public hearing or suspension or revocation of licenses.

1 **SEC. 5. Issuance of license.** The commission is authorized, upon
2 application to it, to issue to any warehouseman or to any person about
3 to become a warehouseman a license or licenses for the operation of a
4 warehouse or warehouses in accordance with the provisions of this
5 chapter and such rules and regulations as may be made by the
6 commission under the authority of section four (4) of this act. A
7 single license may be issued for the operation of two or more ware-
8 houses located in the same city or town and operated by the same
9 warehouseman. Licenses to a warehouseman to operate two or more
10 warehouses located in different cities or towns may be issued under
11 a single application but a separate license shall be issued for such
12 operation in each city or town.

1 **SEC. 6. Application for license.** Each application for a license or
2 licenses shall be in writing subscribed and sworn to by the applicant
3 or a duly authorized representative of the applicant. In addition to
4 any other information required by rule and regulation of the com-
5 mission the application shall include the following:

6 1. The name of the individual, partnership, or corporation making
7 the application, the names of all partners if applicant is a partnership,
8 and the names and titles of the principal officers if applicant is a
9 corporation.

10 2. The principal office or place of business of the applicant.

11 3. A general description of each warehouse as to storage capacity,
12 type of construction, mechanical equipment, if any, and condition.

13 4. The approximate location of each warehouse.

14 5. The type and quantity of agricultural product, or products
15 intended to be stored in each warehouse.

16 6. A complete financial statement for use of the commission in
17 the administration of this chapter.

18 7. A tariff on a form to be prescribed by the commission, for
19 storage, conditioning of stored products, and delivery charges.

1 **SEC. 7. License to specify type and quantity of products which**
2 **may be stored in licensed warehouses.** The commission shall determine
3 with respect to each application for a license whether the warehouse
4 or warehouses described in the application is or are suitable for the
5 proper and safe storage of the particular agricultural product or
6 products intended to be stored therein in the quantities specified in
7 the application, provided that no warehouse shall be found to be
8 suitable and safe for the storage of bulk grain unless such warehouse
9 is equipped with a fixed or portable mechanical device of a type in
10 common use as an adjunct to the movement of bulk grain. Each
11 license issued for the operation of a single warehouse shall specify
12 the type or types and quantities of agricultural products which may
13 be stored in such warehouse. Each license issued to a warehouse-
14 man for the operation of two or more warehouses in the same city or
15 town shall specify with respect to each warehouse the type or types
16 and quantities of agricultural product which may be stored in such

17 warehouse. It shall be unlawful for any licensed warehouseman to
18 accept for storage or to store in any licensed warehouse any agri-
19 cultural product or products other than the type or types and quanti-
20 ties specified in the license for the operation of such warehouse.

1 **SEC. 8. Tenure of license—renewal.** Each license issued under
2 section five (5) of this act shall terminate on the thirtieth day of June
3 next after the date of issuance, except that upon a showing satisfactory
4 to the commission that the minimum storage of certain products
5 usually occurs at some other season of the year, the commission may
6 set some other date for termination of licenses relating to the storage
7 of such products. Licenses may from time to time be renewed or
8 extended by a written instrument, which shall likewise terminate on
9 the next anniversary of the effective date of such renewal or extension.

1 **SEC. 9. Amendment of license.** The commission is authorized,
2 upon its own motion, or upon receipt of written application, to amend
3 any license previously issued by it, to change or modify the pro-
4 visions as to the type and quantity of agricultural products which
5 may be stored in the warehouse or warehouses in respect to which the
6 license was originally issued. Application for amendments to licenses
7 shall include the same information, except as to the financial condition
8 of the applicant, as required by section six (6) of this act to be included
9 in an original application. Applications for amendments of licenses
10 shall be considered by the commission on the same basis as applica-
11 tions for original licenses, and except as otherwise provided in this
12 chapter, a license when amended shall have the same status, as of
13 the date of the amendment, as though originally issued as amended.

1 **SEC. 10. Temporary permits.** Upon receipt of an application
2 for a license to operate a warehouse or an application for amendment
3 of a license, the commission in its discretion may issue a temporary
4 permit to the applicant for such reasonable time, not to exceed thirty
5 days, as in the judgment of the commission, may be necessary or
6 advisable to enable the applicant to comply with the further require-
7 ments of this chapter for obtaining a license or an amended license.
8 Such permit, for the temporary period specified in the permit, shall
9 have the same effect as a license and shall entitle and subject the
10 person to whom the permit is issued to the same rights and duties as
11 if he had obtained a license.

1 **SEC. 11. Suspension or revocation of license.** The commission is
2 empowered after hearing before it and upon complaint filed by the
3 commission or any person to suspend or revoke the license of anyone
4 licensed under this chapter for the violation of or failure to comply
5 with the provisions of this chapter or any rule or regulation made in
6 pursuance of the authority therefor granted under this chapter. A
7 verified complaint stating the grounds for suspension or revocation
8 shall be filed with the commission in triplicate, and thereupon the
9 commission shall serve the licensee complained against with a copy
10 of the complaint and a copy of the order of the commission fixing the
11 time for hearing thereon, which time shall be at least twenty days
12 from the date of service. If the commission determines that the
13 public good requires it, it may upon the filing of the complaint and

14 without hearing, temporarily suspend a license pending the determina-
15 tion by it of the complaint. Any licensee aggrieved by the decision
16 of the commission may appeal said decision to the district court by
17 service of notice of appeal upon the commission within thirty days
18 following the filing of the decision of the commission in the office of
19 the commission. The commission shall forthwith upon service of
20 notice of appeal certify the complete record of the proceedings before
21 it to the office of the clerk of the district court. The appeal shall
22 be tried by the court only upon the record so certified to the court.

1 **SEC. 12. Suspension or revocation of license for insufficiency of**
2 **bond or insurance.** Whenever the commission shall determine that a
3 bond filed under the provisions of section thirteen (13) of this act
4 and approved by the commission, is, or has become, insufficient to
5 secure the faithful performance of the obligations of the licensed
6 warehouseman, or whenever the commission shall determine that
7 insurance is not fully provided as required under section sixteen (16)
8 of this act it may require the licensed warehouseman to provide
9 additional bond or bonds or additional evidence of insurance coverage
10 so that the bond and insurance shall conform with the requirements
11 of sections thirteen (13), fourteen (14), and sixteen (16) of this
12 act, and unless such additional bond or bonds or additional evidence
13 of insurance coverage be provided within the time fixed by the com-
14 mission for the providing of the same, the license of the licensed
15 warehouseman concerned shall be suspended or revoked.

1 **SEC. 13. Bond required.** Any person applying for a license or
2 licenses to conduct a warehouse or warehouses in accordance with
3 this chapter shall, as a condition to the granting thereof, execute and
4 file with the commission a good and sufficient bond, other than
5 personal security, to secure the faithful performance of his obliga-
6 tions as a warehouseman under the terms of this chapter and the
7 rules and regulations prescribed hereunder, and of such additional
8 obligations as a warehouseman which may be assumed by him under
9 contracts with depositors of agricultural products in such warehouse.
10 Any person applying for an amended license under the provisions of
11 section nine (9) of this act shall, as a condition to the granting of the
12 amendment to his license, file such additional or substituted bond
13 or such amendment to a bond already on file as will result in a bonded
14 liability in total effect equivalent to the bonded liability which would
15 be required if such person were applying for an original license for
16 the storage of agricultural products of types and in amounts specified
17 in the application for an amended license.

1 **SEC. 14. Form, amount, sureties, and conditions of bond.** Each
2 bond required under section eleven (11) of this act shall be in such
3 form and shall contain such reasonable terms and conditions for the
4 protection of the public as the commission shall prescribe, and shall
5 be endorsed as surety by a bonding company authorized to do
6 business in this state. If the agricultural product intended to be
7 stored by the warehouseman, as specified in his application for a
8 license or for an amended license, is bulk grain, the minimum amount
9 of such bond shall be as follows: For intended storage of bulk grain
10 in any quantity less than forty thousand bushels the minimum amount

11 of the bond shall be three thousand dollars, plus one thousand dollars
12 for each four thousand bushels or fraction thereof in excess of twelve
13 thousand bushels up to a total of forty thousand bushels; for intended
14 storage of bulk grain in any quantity not less than forty thousand
15 bushels and not more than one hundred thousand bushels the minimum
16 amount of the bond shall be ten thousand dollars, plus one thousand
17 dollars for each six thousand bushels or fraction thereof in excess of
18 forty thousand bushels up to a total of one hundred thousand bushels;
19 for intended storage of bulk grain in quantities not less than one
20 hundred thousand bushels, the minimum amount of the bond shall be
21 twenty thousand dollars, plus one thousand dollars for each ten
22 thousand bushels or fraction thereof in excess of one hundred thousand
23 bushels. If the agricultural product or products intended to be
24 stored by the warehouseman, as specified in his application for a
25 license or amended license, are other than bulk grain, the quantity
26 of such product intended to be stored shall be valued at the fair
27 market price on the date of filing the application, and the minimum
28 amount of bond shall be determined with reference to such value as
29 follows: For intended storage of such products of a value less than
30 twenty thousand dollars the minimum amount of the bond shall
31 be three thousand dollars, plus one thousand dollars for each two
32 thousand dollars, or fraction thereof, of value in excess of six
33 thousand dollars up to twenty thousand dollars; for intended storage
34 of such products of a value not less than twenty thousand dollars
35 and not more than fifty thousand dollars the minimum amount of
36 the bond shall be ten thousand dollars plus one thousand dollars for
37 each three thousand dollars, or fraction thereof, of value in excess
38 of twenty thousand dollars up to fifty thousand dollars; for intended
39 storage of such products of a value not less than fifty thousand
40 dollars the minimum amount of the bond shall be twenty thousand
41 dollars plus one thousand dollars for each five thousand dollars, or
42 fraction thereof, of value in excess of fifty thousand dollars. If the
43 agricultural products intended to be stored by the warehouseman,
44 as specified in his application for a license or an amended license,
45 include both bulk grain and other agricultural products the minimum
46 amount of the bond shall be the total of the minimum amount which
47 would have been required for the exclusive storage of the bulk grain
48 plus the minimum amount which would have been required for the
49 exclusive storage of the agricultural products other than bulk grain.
50 One bond, cumulative as to minimum requirements, may be accepted
51 from a warehouseman operating warehouses in two or more cities
52 or towns.

1 **SEC. 15. Action on bond.** Any person injured by the breach of
2 any obligation of a warehouseman, for the performance of which a
3 bond has been given under any of the provisions of this chapter, may
4 sue on such bond in his own name in any court of competent juris-
5 diction to recover any damages he may have sustained by reason of
6 such breach.

1 **SEC. 16. Insurance required.** All agricultural products in storage
2 in a licensed warehouse, or a warehouse operated under temporary
3 permit as provided in this chapter, and all agricultural products which
4 have been deposited temporarily in a licensed warehouse pending

5 storage or for purposes other than storage, shall be kept fully insured
6 by the warehouseman for the current value of such agricultural
7 products against loss by fire, inherent explosion, or windstorm. Such
8 insurance shall be carried in an insurance company or companies
9 authorized to do business in this state, and evidence of such insurance
10 coverage in form to be approved by the commission shall be filed with
11 the commission. Such insurance shall be provided by, and carried in
12 the name of, the warehouseman. Holders of licensed warehouse
13 receipts, if any, shall have first claim against such insurance as their
14 interests may appear, and owners, other than the warehouseman,
15 of products not covered by licensed warehouse receipts shall have
16 second claim against such insurance as their interests may appear.

1 **SEC. 17. License required for the storage of bulk grain.** Except
2 as hereinafter provided it shall be unlawful for any person other than
3 a licensed warehouseman to place in storage or to accept for storage
4 any bulk grain, and except as hereinafter provided it shall be unlaw-
5 ful for any person to place bulk grain in storage in a warehouse other
6 a licensed warehouse. The provisions of this section shall not
7 apply to any person authorized to accept and store bulk grain under
8 the provisions of this chapter relating to temporary permits. The
9 provisions of this section shall not apply to the acceptance and storage
10 of bulk grain if authorized under the provisions of chapter 427, Code,
11 1939. The provisions of this section shall not apply to the acceptance
12 and storage of bulk grain by a person bonded and licensed under the
13 provisions of a United States law, if and to the extent that such
14 person is authorized under such United States law to accept and store
15 bulk grain. This section shall not apply to the storage of bulk grain
16 owned by the person storing the same.

1 **SEC. 18. Acceptance of bulk grain in a warehouse for purposes**
2 **other than storage.** Any warehouseman, whether or not licensed
3 under the provisions of this chapter, may accept a deposit of bulk grain
4 for the purpose of sale to the warehouseman, for the purpose of
5 processing and cleaning, for the purpose of shipping by the ware-
6 houseman for the account of the depositor, for purposes governed
7 by chapter 427, Code, 1939, or for any other purpose not inconsistent
8 with other provisions of this chapter. Bulk grain deposited with a
9 licensed warehouseman with instructions to hold for further in-
10 structions, or with instructions for any other disposition, may be
11 retained by him in a licensed warehouse for a period of ten days
12 or more provided that any retention for a period of more than nine
13 consecutive days shall, commencing with the tenth day, be deemed to
14 be a retention for storage pending other disposition of the bulk grain
15 and provided further that not later than the tenth day from date of
16 deposit of the bulk grain such licensed warehouseman shall issue ware-
17 house receipts therefor. Bulk grain deposited with an unlicensed
18 warehouseman for the purpose of processing or cleaning shall be
19 returned to the depositor or otherwise disposed of at his order within
20 ten days from the date of deposit of the grain. Bulk grain deposited
21 with an unlicensed warehouseman for the purpose of shipment for the
22 account of the depositor must be actually shipped within ten days of
23 the date of deposit of the grain. If bulk grain is deposited with an
24 unlicensed warehouseman for the purpose of sale to the warehouse-

25 man at a date later than the day of deposit, the price of sale must
26 be determined and evidenced by written agreement executed within
27 ten days from the date of deposit of the grain. If bulk grain is
28 deposited with an unlicensed warehouseman for any other purpose,
29 except as specified in chapter 427, Code, 1939, such grain must be
30 returned to the depositor or otherwise disposed of at his instructions
31 within ten days from the date of deposit of the bulk grain. If bulk
32 grain is deposited with an unlicensed warehouseman with instructions
33 to hold for further instructions and such instructions have not been
34 forthcoming the warehouseman on the tenth day shall return the bulk
35 grain to the depositor, providing that a deposit of such bulk grain
36 in a licensed warehouse for the account of the depositor shall be deemed
37 to be a return to the depositor, or at the election of the warehouseman,
38 may purchase such grain on the tenth day at not less than the local
39 market price at the close of business on such tenth day. Provided,
40 however, that in each instance of a deposit of grain by the United
41 States Government or any subdivision or agency thereof, a period of
42 thirty days shall be permitted in each instance where a period of ten
43 days is above specified, and action which is specified above to be taken
44 on the tenth day, shall be taken on the twenty-ninth day.

1 **SEC. 19. Issuance of warehouse receipts.** For all agricultural
2 products that become storage in a licensed warehouse, warehouse
3 receipts signed by the licensed warehouseman or his authorized agent
4 shall be issued by the licensed warehouseman. Such warehouse
5 receipts shall be in the form required or permitted by sections 9662
6 and 9663, Code, 1939, provided, however, that each receipt issued for
7 agricultural products, in addition to the matters specified in section
8 9662, Code, 1939, shall embody in its written or printed terms:

9 1. The delivery charge which will be made by the warehouseman.
10 2. The grade or other class of the agricultural products received
11 and the standard or description in accordance with which such
12 classification has been made; provided that such grade or other
13 class shall be stated according to the official standard of the United
14 States applicable to such agricultural products as the same may be
15 fixed and promulgated; provided, further, that until such official
16 standards of the United States for any agricultural product or
17 products have been fixed and promulgated, the grade or other class
18 thereof may be stated in accordance with any recognized standard or
19 in accordance with such rules and regulations not inconsistent here-
20 with as may be prescribed by the secretary of agriculture of the United
21 States.

22 3. A statement that the receipt is issued subject to the Iowa bonded
23 warehouse act and the rules and regulations prescribed thereunder.

24 4. The date of termination of the storage contract.

25 5. Such other terms and conditions as may be required by rules
26 and regulations of the commission.

1 **SEC. 20. Rights and obligations with respect to warehouse re-**
2 **ceipts.** Insofar as not inconsistent with the provisions of this chapter,
3 original or duplicate warehouse receipts issued by licensed ware-
4 housemen shall be deemed to have been issued under the provisions
5 of chapter 425, Code, 1939, and the provisions of sections 9668 to
6 9709, inclusive, shall be applicable to all transactions involving or

7 incidental to the issuance, negotiation, transfer, sale, endorsement,
8 and other dealings with or relative to such receipts, to transactions
9 involving the delivery or other disposition of storage products, and
10 to the rights, duties, liabilities, and privileges of licensed warehouse-
11 men and other persons dealing with such warehousemen.

1 **SEC. 21. Duplicate receipts.** While an original receipt issued
2 under provisions of this chapter is outstanding and uncanceled by the
3 warehouseman issuing the same no other or further receipt shall be
4 issued for the product covered thereby nor for any part thereof,
5 except that in case of a lost or destroyed receipt a new receipt, shown
6 to be a duplicate of the missing original receipt may be issued by the
7 warehouseman. Such duplicate of original receipt shall be endowed
8 with all rights appertaining to the original. Before issuing such
9 duplicate receipt, if it is a negotiable receipt, the warehouseman shall
10 require an indemnity bond that will fully protect all rights under the
11 missing original receipt.

1 **SEC. 22. Receipts covering warehouseman's own agricultural**
2 **products.** A licensed warehouseman may issue a warehouse receipt
3 for agricultural products owned by himself, and dispose of the title
4 to or interest in such products through the medium of such receipt.
5 Such warehouseman, at the time of such disposition of title to or
6 interest in such products shall be deemed to have the custody of such
7 products in the interest of the person acquiring such title or interest,
8 and to be the warehouseman for such products to the same degree and
9 with the same responsibility as though the receipt had been issued
10 against such products owned by the person acquiring such title or
11 interest. The rights of such person acquired through such receipt
12 shall be of the same standing as though such person had made the
13 deposit from owned agricultural products or as the owner of a
14 preferred interest in such products. The extent of interest or title
15 that may be transferred through the medium of such receipt will be
16 subordinate to the equivalent of the warehouseman's usual storage
17 charges, and shall be superior to any and all other interests that the
18 warehouseman may retain, or that he may transfer in any other
19 manner whatsoever.

1 **SEC. 23. Receipt for nonfungible products.** When requested by
2 the depositor of other than fungible agricultural products, a receipt
3 omitting the information specified in numbered paragraph two of
4 section nineteen (19) of this act may be issued if it has plainly and
5 conspicuously embodied in its written or printed terms a provision
6 that such receipt is not negotiable.

1 **SEC. 24. Termination of storage contracts.** Except as otherwise
2 provided herein, each storage contract shall terminate as to shelled
3 corn not later than April 1 following, and as to all other products not
4 later than the expiration date of the license under which it is issued.
5 Any contract to which the United States Government, any of its
6 subdivisions or any of its agencies is a party, however, may lawfully
7 provide for a termination of the storage on a date other than that
8 above specified. The owner of a receipt may terminate a storage
9 contract at will prior to the stated date of termination. A storage

10 contract shall have a forced termination, (1) on revocation of the
11 warehouse license or permit, (2) when the warehouseman, upon
12 taking reasonable action to so notify the commission and persons
13 having any ownership interest in the storage product, determines
14 that he will be unable to prevent ruinous deterioration of the products
15 in storage, or determines that goods in storage, because of odor,
16 leakage, inflammability, or explosive nature, will be liable to injure
17 other property, (3) on termination or lawful cancellation of bond
18 provided and failure of the warehouseman to immediately replace
19 same, (4) on termination or lawful cancellation of insurance by
20 insurance company, and failure of warehouseman to immediately
21 replace same.

1 **SEC. 25. Sale of storage products in the event of forced termina-**
2 **tion of the storage contract.** In the event of forced termination of a
3 storage contract as provided in section twenty-four (24) of this act,
4 the warehouseman shall provide such reasonable opportunity as the
5 circumstances will permit for the depositor or other person entitled
6 to delivery of the storage products to take possession of the storage
7 product. The warehouseman, in any event, however, may take such
8 prompt action as is necessary to minimize loss, and may sell such
9 products immediately at the best price obtainable, the proceeds of
10 such sale to be applied as though the sale had been held under section
11 twenty-six (26) of this act. The warehouseman in the event of
12 forced termination of a storage contract shall be responsible to the
13 depositor or to the holder of the warehouse receipt, for not less than
14 the fair market value of the storage product on the date of forced
15 termination of the storage contract less the lawful storage and
16 delivery charges of the warehouseman. Warehouse receipts, if any
17 have been issued in respect to products stored under the provisions
18 of this chapter, shall be conclusive evidence of the kind, quantity, and
19 quality of the products in respect to which such receipts were issued.

1 **SEC. 26. Sale of products on termination of storage period.** On
2 termination of the storage period other than forced termination as
3 defined in section twenty-four (24) of this act, in the absence of a
4 demand for delivery, or mutual agreement for other disposition of
5 the stored products, the warehouseman, if the storage product be
6 other than bulk grain, shall proceed under the provisions of section
7 9693, Code, 1939, for the satisfaction of his lien by sale. If the
8 storage product is bulk grain the warehouseman shall proceed for
9 the satisfaction of his lien by sale on the local market. Such sale
10 shall be made on the day of termination of the storage period, if a
11 market day, and if not a market day, on the next succeeding market
12 day. The sale price of bulk grain sold under the provisions of this
13 section shall be the best price obtainable but not less than the lowest
14 quoted local market price on the date of the sale.

1 **SEC. 27. Disposition of proceeds of sale.** After deducting from
2 the proceeds of any sale held under the provisions of section twenty-
3 six (26) of this act, an amount sufficient for satisfaction of the
4 warehouseman's lien, including the reasonable charges for attorney
5 fees, notice, advertisement, and sale, if any, the warehouseman shall
6 hold the balance, if any, for delivery on demand to the person to whom

7 he would have been bound to deliver or justified in delivering the
 8 goods. If delivery of such balance is not made within ten days from
 9 the date of realization thereof, the warehouseman shall pay such
 10 balance to the commission to be held by it for the account of the
 11 person entitled to such balance. Money received by the commission
 12 under the provisions of this section shall be kept in a separate account
 13 and due effort shall be made to find and pay to the person entitled
 14 thereto all such money, although at the discretion of the commission,
 15 any person receiving such money may be required as a condition of
 16 such receipt to surrender warehouse receipts or to file an indemnifica-
 17 tion bond with the commission. If the commission, within two years
 18 from the date of receipt thereof, has been unable to find and pay such
 19 money to the person or persons entitled to the same, such money
 20 shall be paid over to the treasurer of state as miscellaneous receipts.

1 **SEC. 28. Discrimination.** Every warehouseman conducting a ware-
 2 house licensed under this chapter shall receive for storage therein,
 3 so far as its authorized storage capacity permits, any product of the
 4 kind he is permitted by his license to store, and which may be tendered
 5 to him in a suitable condition for warehousing, in the usual manner
 6 and in the ordinary and usual course of business, without making
 7 any discrimination between persons desiring to avail themselves of
 8 warehouse facilities.

1 **SEC. 29. Rates.** The commission may from time to time prescribe
 2 a minimum charge for storage and a minimum delivery charge. Unless
 3 and until otherwise specified by rule of the commission, the minimum
 4 storage charge for bulk grain shall be as follows:

5 1. For the first four months or any part thereof, one-thirtieth of
 6 a cent per day per bushel.

7 2. For the next four months or any part thereof, one thirty-sixth
 8 of a cent per day per bushel.

9 3. Thereafter the minimum rate shall be one forty-fifth of a cent
 10 per day per bushel.

11 The minimum delivery charge for bulk grain shall be two cents per
 12 bushel.

13 The storage charges herein provided for shall commence on the date
 14 of issuance of the warehouse receipt. Provided, however, that a
 15 storage or delivery charge other than that specified above may be
 16 made, if such charge is required by the terms of a written contract
 17 with the United States Government, any of its subdivisions or
 18 agencies, providing copy of such contract is filed with the commission.

19 Rates for storage, conditioning of stored products and delivery
 20 charges shall be just, reasonable, and non-discriminatory, and every
 21 unjust, unreasonable and discriminatory charge for such services or
 22 any part thereof and not in accordance with tariffs as herein provided,
 23 is prohibited and is hereby declared to be unlawful.

24 It shall be the duty of every warehouseman at the time of making
 25 application for a license, to file a tariff with the commission and to
 26 publish the same, which shall contain rates to be charged for storage,
 27 conditioning of stored products, and delivery charges, such publication
 28 of tariff to be made by the applicant by posting the same in a conspicu-
 29 ous place at the place of business of the applicant. Such tariff shall
 30 be in a form as prescribed by the commission and shall become effective

31 at the time the license becomes effective.

32 In the event that a warehouseman desires to change, alter, or
33 amend a tariff at any time during the period in which his license is in
34 effect, he may do so by filing a new tariff with the commission and
35 by publishing the same by posting in a conspicuous place at his
36 place of business at which time the new tariff shall become effective.

1 **SEC. 30. Separate keeping of deposits.** Every warehouseman
2 conducting a warehouse licensed under this chapter shall keep the
3 agricultural products therein of one depositor so far separate from
4 agricultural products of other depositors, and from other agricultural
5 products of the same depositor for which a separate receipt has been
6 issued, as to permit at all times the identification and re-delivery of
7 the agricultural products deposited, except that, if authorized by
8 agreement or by custom, a warehouseman may mingle fungible
9 agricultural products with other agricultural products of the same
10 kind and grade, and shall be severally liable to each depositor for
11 the care and re-delivery of his share of such mass, to the same extent
12 and under the same circumstances as if the agricultural products
13 had been kept separate, except that as to grain for which nonnegotiable
14 receipts are issued the warehouseman may deliver like kinds of grain
15 of higher grade in such quantity as will equal in value at the ware-
16 house the grade and quantity of grain described in the receipt.

1 **SEC. 31. Inspecting and grading.** Grain, flaxseed, or any other
2 fungible agricultural product stored in a warehouse licensed under
3 this chapter for which no separate compartment is provided, and its
4 identity preserved, shall be inspected and graded by a person duly
5 licensed to grade the same.

1 **SEC. 32. License to classify, grade, or weigh.** The commission
2 may, upon presentation of satisfactory proof of competency, issue to
3 any person a license to classify any agricultural product or products,
4 stored or to be stored in a warehouse licensed under this chapter,
5 according to grade or otherwise and to certificate the grade or other
6 class thereof, or to weigh the same and certificate the weight thereof,
7 upon condition that such person agree to comply with and abide by the
8 terms of this chapter and of the rules and regulations prescribed
9 hereunder so far as the same relate to him. It shall be construed
10 that any person licensed under the United States Grain Standards
11 Act to grade grain is automatically licensed under the provisions of
12 this section to render such service, and consenting to render the
13 service will be assumed to be an agreement to abide by the terms
14 of this chapter so far as they relate to him. In cities and towns where
15 public weighing is prohibited by ordinance except by persons licensed
16 or otherwise authorized by such city or town, any person so authorized
17 if subject to regulations by the city or town will be construed to be
18 automatically licensed under the provisions of this section, and con-
19 senting to render the service will be assumed to be an agreement to
20 abide by the terms of this chapter so far as they relate to him.

1 **SEC. 33. Revocation of license to classify or weigh.** Any license
2 issued to any person to classify or to weigh any agricultural product
3 or products under this chapter may be suspended or revoked by the

4 commission whenever it is satisfied, after opportunity afforded to
5 the licensee concerned for a hearing, that such licensee has failed to
6 classify or to weigh any agricultural product or products correctly,
7 or has violated any of the provisions of this chapter or of the rules
8 and regulations prescribed hereunder, so far as the same may
9 relate to him or that he has used his license or allowed it to be used
10 for any improper purpose whatsoever. Pending investigation, the
11 commission, whenever it deems necessary, may suspend a license for
12 not to exceed thirty days without hearing.

1 **SEC. 34. Fees.** The commission shall charge, assess and cause to
2 be collected fees as follows: For each examination or inspection of
3 a warehouse when such examination or inspection is made in con-
4 nection with the commission's consideration of an application for a
5 license to operate a warehouse, ten dollars; for each examination or
6 inspection of a licensed warehouse which has been structurally
7 changed since issuance of the original license when such examination
8 or inspection is made in connection with the commission's considera-
9 tion of an application for an amended license, ten dollars; for the
10 renewal or extension of each license, twelve dollars; for the issuance
11 of a license, one dollar for each month or fraction thereof of the
12 period of time for which such license is issued. All such fees shall
13 be paid over to the treasurer of state as miscellaneous receipts.

1 **SEC. 35. Use of term "bonded warehouse".** Upon the filing, with
2 the approval by the commission, of a bond, in compliance with this
3 chapter, for the conduct of a warehouse, such warehouse may be
4 designated as "bonded" but no warehouse shall be designated as
5 "bonded" and no name or description conveying the impression that
6 it is so bonded, shall be used, unless a bond, as provided for in section
7 fourteen (14) of this act, has been approved by the commission and
8 is uncanceled and on file with the commission, nor unless the license
9 issued under this chapter for the conduct of such warehouse remains
10 in effect. Every warehouseman's license issued under the provisions
11 of this chapter shall be conspicuously displayed in the office of the
12 warehouse for the operation of which the license has been issued.

1 **SEC. 36. Licensed warehouseman to keep records.** Every licensed
2 warehouseman operating a licensed warehouse shall keep in a place
3 of safety complete and correct records of the storage and withdrawal
4 of all agricultural products handled in each warehouse which he is
5 licensed to operate, and complete records of all original and duplicate
6 receipts issued by him, returned to him and cancelled by him, which
7 records shall be always available for inspection by the commission.

1 **SEC. 37. Penalties—misdemeanor.** Every person who violates or
2 fails to comply with any of the provisions of this chapter or to comply
3 with any lawfully authorized order, direction, demand, or rule or
4 regulation of the commission shall be guilty of a misdemeanor and
5 upon conviction shall be punished by a fine not exceeding one
6 hundred dollars or by imprisonment in the county jail for a period
7 of not to exceed thirty days or by both such fine and imprisonment.

1 **SEC. 38. Further penalties—misdemeanors.** Every person who
2 fraudulently issues or aids in fraudulently issuing a warehouse receipt

3 for goods knowing it contains any false statement, every person
4 who issues a negotiable warehouse receipt for goods owned solely or
5 jointly by himself and does not state the fact of such ownership in
6 such receipt, every person, except in the cases provided for in sections
7 9674 and 9696, chapter 425, Code, 1939, who delivers goods out of
8 possession of a warehouseman knowing that a negotiable receipt, the
9 negotiating of which would transfer the right to possession of such
10 goods, is outstanding and uncanceled, without obtaining possession
11 of such receipt at or before the time of such delivery, and every per-
12 son who deposits goods to which he has no title, or upon which there
13 is a lien or mortgage, and who takes for such goods a negotiable re-
14 ceipt which he afterwards negotiates for value with intent to deceive
15 and without disclosing his want of title or the existence of the lien or
16 mortgage shall be guilty of a misdemeanor for each such offense, and
17 upon conviction shall be punished for each such offense by imprison-
18 ment in the county jail not exceeding one year, or by a fine not ex-
19 ceeding one thousand dollars, or by both.

1 **SEC. 39. Further penalties—felonies.** Every person who issues
2 or aids in issuing a warehouse receipt knowing that the goods for
3 which such receipt is issued have not been actually received by the
4 warehouseman, or are not under the actual control of the warehouse-
5 man at the time of issuing such receipt, every person who issues or
6 aids in issuing a duplicate or additional negotiable warehouse receipt
7 for goods knowing that a former negotiable receipt for the same goods
8 or any part of the them is outstanding and uncanceled, without plainly
9 placing upon the face of the warehouse receipt the word "duplicate",
10 except in the case of a lost or destroyed receipt, after proceedings as
11 provided for in section twenty-one (21) of this act and every person
12 who shall fraudulently and without proper authority use or shall false-
13 ly represent, forge, alter, counterfeit, or simulate any license issued
14 under this chapter, shall be guilty of a felony and upon conviction
15 shall be punished for each offense by imprisonment in the penitentiary
16 not exceeding five-years, or by a fine not exceeding five thousand dol-
17 lars, or by both.

1 **SEC. 40. Rule of construction.** If any section, clause, sentence,
2 or phrase of this act is for any reason held to be unconstitutional or
3 invalid, such decision shall not affect the validity of the remaining
4 portions of this act.

Approved April 6, 1943.

CHAPTER 247

REGISTRATION OF TRADEMARKS, LABELS, AND ADVERTISEMENTS

H. F. 247

AN ACT to amend chapter four hundred thirty (430), code, 1939, relating to the registration of trademarks, labels and advertisements, providing for a limitation of the registration, and for the renewal of registrations, and fees therefor, and for renewal of registrations heretofore made.

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

1 SECTION 1. Chapter four hundred thirty (430), Code, 1939, is
2 amended by adding thereto the following as a separate section fol-
3 lowing section nine thousand eight hundred seventy (9870).

4 "The registration provided for in sections nine thousand eight hun-
5 dred sixty-seven (9867) to nine thousand eight hundred seventy
6 (9870) inclusive shall expire twenty years from the date thereof as
7 shown on the certificate of registration provided for in section nine
8 thousand eight hundred sixty-eight (9868), and may be renewed at
9 any time within three months before or after the date of termination
10 by filing an application for renewal in the office of the secretary of
11 state and the payment of the fees provided for in section nine thou-
12 sand eight hundred sixty-eight (9868), provided that during the
13 period within which a registration may be renewed the registrant
14 shall have the exclusive right of registration of such label, trademark,
15 or form of advertisement. Upon renewal of a registration, a certificate
16 thereof shall be issued as in an original registration."

1 SEC. 2. Any label, trademark, or form of advertisement registered
2 under chapter four hundred thirty (430), Code, 1939, prior to October
3 5, 1923, shall expire and terminate on April 5, 1944, unless within
4 six months prior to April 5, 1944, the registration of same has been
5 renewed by filing an application for renewal thereof and the payment
6 of the fees provided for in chapter four hundred thirty (430). Upon
7 renewal, a certificate thereof shall be issued as in the case of an
8 original registration.

Approved April 8, 1943.

CHAPTER 248

RELEASE AND SATISFACTION OF CHATTEL MORTGAGES AND CONDITIONAL SALES CONTRACTS

H. F. 285

AN ACT to amend section ten thousand twenty-eight (10028), code, 1939, relating to release and satisfaction of mortgages and conditional sales contracts.

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

1 SECTION 1. Section ten thousand twenty-eight (10028), Code,
2 1939, is amended:

3 1. By inserting in line one (1) after the word "mortgage" the
4 following: ", conditional sales contract,".

- 5 2. By inserting in line five (5) after the word "mortgage" the
6 following: "or conditional sales contract".
- 7 3. By striking in lines five (5) and six (6) the following: "or
8 by the mortgagee or his authorized agent", and insert in lieu thereof,
9 the following: "or by the mortgagee, vendor, or their authorized
10 agents".
- 11 4. By inserting the words "or conditional sales contract" imme-
12 diately before the words "on the index book" in line seven (7).

Approved April 8, 1943.

CHAPTER 249

SECONDHAND WATCHES

S. F. 75

AN ACT to amend chapter two hundred eighty-five (285), acts of the Forty-ninth (49th) General Assembly, relating to secondhand watches.

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

- 1 SECTION 1. Section two (2) of chapter two hundred eighty-five
2 (285), Acts of the Forty-ninth (49th) General Assembly, is amended
3 by inserting in line two (2) after the word, "same" the word "a".

Approved February 11th, 1943.

CHAPTER 250

RECORDING OF BANKRUPTCY PETITIONS AND ORDERS

H. F. 168

AN ACT to amend sections ten thousand sixty-six (10066), ten thousand one hundred six (10106) and ten thousand one hundred eleven (10111), code, 1939, authorizing and requiring the recording of certified copies of petitions in bankruptcy and of orders approving trustees' bonds in bankruptcy; and to provide for the indexing thereof.

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

- 1 SECTION 1. Section ten thousand sixty-six (10066), Code, 1939,
2 is hereby amended by inserting immediately after the words "real
3 estate" in line three (3) the following:
4 "including certified copies of petitions in bankruptcy with or
5 without the schedules appended, of decrees of adjudication in bank-
6 ruptcy, and of orders approving trustees' bonds in bankruptcy"
- 1 SEC. 2. Section ten thousand one hundred six (10106), Code,
2 1939, is hereby amended by inserting immediately after the word
3 "affidavits" in line four (4) the following:
4 "and certified copies of petitions in bankruptcy with or without the
5 schedules appended, of decrees of adjudication in bankruptcy, and
6 of orders approving trustees' bonds in bankruptcy"

1 SEC. 3. Section ten thousand one hundred eleven (10111), Code,
 2 1939, is hereby amended by striking from line eight (8) the word
 3 "and" following the word "attorney" and inserting in lieu thereof
 4 a comma, and by striking from line eight (8) the semicolon after the
 5 word "affidavits" and inserting immediately after the word "affi-
 6 davits" the following:
 7 ", and certified copies of petitions in bankruptcy with or without
 8 the schedules appended, of decrees of adjudication in bankruptcy,
 9 and of orders approving trustees' bonds in bankruptcy;"

Approved April 15, 1943.

CHAPTER 251

RELEASE OF POWERS OF APPOINTMENT

S. F. 296

AN ACT to provide for the release of powers of appointment and the manner in which such powers may be released.

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

1 SECTION 1. A power to appoint which is exercisable by deed, by
 2 will, by deed or will, or otherwise, in whole or to any extent in favor of
 3 the donee of the power, his estate, his creditors, the creditors of his
 4 estate, or others, is releasable, either with or without consideration,
 5 by written instrument executed by the donee. If such instrument shall
 6 be executed and acknowledged in the manner provided for the execu-
 7 tion and acknowledgment of instruments affecting real estate and
 8 recorded with the County Recorder in the county in which the donee
 9 of the power resides or the county of last residence of the donor of the
 10 power or the county in which any real estate which may be subject to
 11 the power is located, such recording shall be deemed a sufficient
 12 delivery of such release.

13 A power to appoint described herein is releasable with respect to the
 14 whole or any part of the property subject to such power and is also
 15 releasable in such manner as to reduce or limit the persons or objects,
 16 or classes of persons or objects in whose favor such power would
 17 otherwise be exercisable.

18 It is hereby declared that such releases are in accordance with the
 19 public policy of this state and are valid and effectual whether here-
 20 tofore or hereafter made.

21 This Act being deemed of immediate importance shall be in full force
 22 and effect from and after its enactment and publication in the Ottumwa
 23 Daily Courier, a newspaper published at Ottumwa, Iowa, and the
 24 Cedar Rapids Gazette, a newspaper published at Cedar Rapids, Iowa.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier, Ottumwa, Ia., April 24, 1943, and the Cedar Rapids Gazette, Cedar Rapids, Ia., April 26, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 252

LEGALIZING IRREGULARITIES IN REAL ESTATE CONVEYANCES

S. F. 131

AN act to amend sections ten thousand seventy (10070), ten thousand seventy-one (10071) and ten thousand seventy-nine (10079), code, 1939, relating to conveyances of real property.

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

1 SECTION 1. Section ten thousand seventy (10070), Code, 1939, is
2 hereby amended by striking from line three (3) the figures "1900" and
3 by inserting in lieu thereof the figures "1930".

1 SEC. 2. Section ten thousand seventy-one (10071), Code, 1939, is
2 hereby amended by striking the last sentence, which reads as follows:
3 "This section shall only apply to conveyances executed prior to
4 January 1, 1915."

1 SEC. 3. Section ten thousand seventy-nine (10079), Code, 1939,
2 is hereby amended by striking from line three (3) the figures "1900"
3 and by inserting in lieu thereof the figures "1930".

1 SEC. 4. This act shall not affect pending litigation, nor shall it
2 operate to revive rights or claims previously barred, nor permit an
3 action to be brought or maintained upon any claim or cause of action
4 which is barred by any statute which is in force prior to July 4, 1943.

Approved April 5, 1943.

CHAPTER 253

ACKNOWLEDGMENTS BEFORE COMMISSIONED OFFICERS

OF THE ARMED FORCES

S. F. 30

AN ACT providing for the acknowledgment of instruments by persons serving in or with the armed forces of the United States before any commissioned officer and providing a form of certification of such acknowledgment, and legalizing all such acknowledgments heretofore made.

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

1 SECTION 1. That in addition to the acknowledgment of instruments
2 in the manner and form and as otherwise authorized by law, any per-
3 son serving in or with the Armed Forces of the United States may
4 acknowledge the same wherever located before any commissioned
5 officer in active service of the Armed Forces of the United States with
6 the rank of Second Lieutenant or higher in the Army or Marine Corps,
7 or Ensign or higher in the Navy or United States Coast Guard.
8 Neither the instrument nor the acknowledgment shall be rendered in-
9 valid by the failure to state therein the place of execution or ac-
10 knowledgment. No authentication of the officer's certificate of acknowl-

11 edgment shall be required, but the officer taking the acknowledgment
 12 shall endorse thereon or attach thereto a certificate substantially in
 13 the following form:

14 On this the day of, 19....., before me,
 15, the undersigned commissioned officer, personally
 16 appeared, known to me (or satisfactorily proven)
 17 to be serving in or with the armed forces of the United States and
 18 to be the person whose name is subscribed to the within instrument
 19 and acknowledged that he executed the same as
 20 voluntary act and deed.

21
 22 Signature of Officer.
 23

24 Rank of Officer and Command
 25 to which attached.

26 Such acknowledgments executed according to the above provisions
 27 shall be deemed of the same force and effect as acknowledgments
 28 executed before officers authorized to accept acknowledgments.

1 SEC. 2. Any acknowledgments heretofore made by any person
 2 serving in or with the Armed Forces of the United States in the man-
 3 ner as prescribed by this act, or substantially so, are hereby legalized
 4 and considered sufficient.

1 SEC. 3. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its publication in the Daily
 3 Hawkeye-Gazette, a newspaper published at Burlington, Iowa, and
 4 in the Nevada Evening Journal, a newspaper published in Nevada,
 5 Iowa.

Approved March 23, 1943.

I hereby certify that the foregoing act was published in the Daily Hawkeye-Gazette,
 Burlington, Ia., March 26, 1943, and the Nevada Evening Journal, Nevada, Ia., March
 29, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 254

CONVEYANCE OF HOMESTEADS

S. F. 128

AN ACT relating to conveyances of homesteads and legalizing conveyances of home-
 steads heretofore executed.

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

1 SECTION 1. Section ten thousand one hundred forty-seven
 2 (10147), Code, 1939, is hereby amended by adding at the end of said
 3 section the following: "If a spouse who holds only homestead and
 4 inchoate dower rights in said homestead specifically relinquishes
 5 homestead rights in said instrument it shall not be necessary for such
 6 spouse to join in the granting clause of the instrument."

1 SEC. 2. In all cases where conveyances, incumbrances, or contracts
 2 to convey or incumber homesteads have been executed prior to July

3 4th, 1943, where the spouse relinquished homestead rights but did not
 4 join in the granting clause, the rights of such spouse and the rights
 5 of anyone claiming by, through, or under such spouse shall be barred
 6 unless suit is brought to recover such rights prior to July 4th, 1944.

1 SEC. 3. This act shall not affect pending litigation, nor shall it
 2 operate to revive rights or claims previously barred, nor permit an
 3 action to be brought or maintained upon any claim or cause of action
 4 which is barred by any statute which is in force prior to July 4, 1943.

Approved April 5, 1943.

CHAPTER 255

LANDLORD AND TENANT

S. F. 98

AN ACT to amend section ten thousand one hundred sixty-one (10161), code, 1939, and to repeal section ten thousand one hundred sixty-two (10162), code, 1939, and enact a substitute therefor, relating to termination of tenancies.

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

1 SECTION 1. Section ten thousand one hundred sixty-one (10161),
 2 Code, 1939, is amended by striking from lines eleven (11) and twelve
 3 (12) the words "not later than November 1".

1 SEC. 2. Section ten thousand one hundred sixty-two (10162),
 2 Code, 1939, is hereby repealed and the following enacted in lieu
 3 thereof:

4 "Notice—how and when served. The written notice so required
 5 shall be given as follows:

6 "1. By delivery of notice in person on or before November 1 by
 7 one party to the other with acceptance of service thereon to be signed
 8 by the person receiving the notice, or

9 "2. By service on either party on or before November 1 by a
 10 person in behalf of the other party, in the same manner as original
 11 notices are served, or

12 "3. By either party sending to the other at his last known address,
 13 at least ten days before November 1, a notice by registered mail with
 14 a return receipt demanded."

Approved April 8, 1943.

CHAPTER 256

AUTHORIZING CEMETERY OFFICERS TO ATTEND MEETINGS AND SUBSCRIBE TO PERIODICALS

H. F. 61

AN ACT authorizing certain cemetery officers to attend meetings of cemetery officials and subscribe to periodicals devoted exclusively to cemetery management, and providing for certain expenses relative thereto.

WHEREAS, certain progressive communities have found that it is to the

best interests of their cemeteries to have certain delegates attend meetings of cemetery officials to exchange and get new ideas on cemetery control and management; and

WHEREAS there is some question about the legality of said communities allowing the expenses and dues of said delegates; and

WHEREAS, the payment of such expenses, dues, and subscriptions should be legalized for the best interests of the cemeteries in Iowa; therefore,

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

1 SECTION 1. That every city, county, town or township having a
2 cemetery under its control may delegate not to exceed two officials
3 from each cemetery so controlled to attend meetings of cemetery
4 officials, and that certain expenses, including association dues, not to
5 exceed twenty-five dollars, of said delegates may be paid out of the
6 Cemetery Fund of said city, county, town or township; that the ex-
7 pense of such delegates shall not exceed the expenses allowed under
8 Section fifty-six hundred eighty-three and one-tenth (5683.1) of the
9 1939 Code of Iowa.

1 SEC. 2. That the cemetery officials of every city, county, town or
2 township having a cemetery under its control may subscribe to one
3 or more publications devoted exclusively to cemetery management, but
4 said subscriptions may be paid out of the Cemetery Fund of the city,
5 county, town or township.

Approved April 5, 1943.

CHAPTER 257

RIGHTS OF ALIENS

H. F. 69

AN ACT to amend section ten thousand two hundred fifteen (10,215), code, 1939, relating to the rights of aliens in real property.

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

1 SECTION 1. Section ten thousand two hundred fifteen (10,215),
2 Code, 1939, is amended by striking from lines four (4) and five (5)
3 "the date mentioned in the last section*" and inserting in lieu thereof
4 the following: "July 4, 1888".

Approved February 11th, 1943.

CHAPTER 258

SALE BY COUNTIES OF TAX DEED PROPERTY

S. F. 2

AN ACT to amend section ten thousand two hundred sixty and four-tenths (10260.4) of the code, 1939, relating to sale of property acquired by counties by tax deed.

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

- 1 SECTION 1. Section ten thousand two hundred sixty and four-tenths
- 2 (10260.4) of the Code, 1939, is hereby amended by striking from line
- 3 6 thereof the following: "for cash and".

Approved April 1, 1943.

CHAPTER 259

LANDLORD'S LIEN

S. F. 74

AN ACT to amend chapter two hundred eighty-six (286), acts of the Forty-ninth (49th) General Assembly, relating to landlord's lien.

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

- 1 SECTION 1. Section one (1) of chapter two hundred eighty-six
- 2 (286), Acts of the Forty-ninth (49th) General Assembly is hereby
- 3 amended as follows:
- 4 1. Strike from line four (4) the words, "leasing lands";
- 5 2. Insert in line six (6) before the word, "attachment" the word,
- 6 "landlord's";
- 7 3. Strike from line nine (9) the word, "land" and insert the word,
- 8 "crops" in lieu thereof;
- 9 4. Strike from line fourteen (14) the word, "land" and insert the
- 10 word, "crops" in lieu thereof.

Approved April 5, 1943.

CHAPTER 260

MECHANIC'S LIENS

S. F. 56

AN ACT to amend sections ten thousand two hundred eighty-seven (10287) and ten thousand two hundred ninety-five (10295) of the code of Iowa, 1939, relating to mechanic's liens and the priority of mechanic's liens.

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

- 1 SECTION 1. Section ten thousand two hundred eighty-seven (10287),
- 2 Code, 1939, is amended by striking from lines four (4) to eight (8)
- 3 the following:
- 4 "except liens of which the contractor or sub-contractor, as the case
- 5 may be, has actual or constructive notice before the commencement

6 of the work or the furnishing of material;"
 7 and by substituting in lieu thereof, the following:
 8 "except liens of record prior to the time of the original commence-
 9 ment of the work or improvements;"

1 SEC. 2. Section ten thousand two hundred ninety-five (10295),
 2 Code, 1939, is amended by adding thereto the following:

3 "Any lien statement may be amended by leave of Court in further-
 4 ance of justice, except as to the amount demanded."

Approved February 11th, 1943.

CHAPTER 261

PUBLICATION OF PROPOSED LEGALIZING ACTS

H. F. 95

AN ACT to provide that chapter four hundred sixty (460), code, 1939, shall not apply to any bill legalizing the proceedings of or expenditure by the state or any political subdivision thereof in connection with any war emergency.

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

1 SECTION 1. Nothing contained in Chapter Four hundred sixty
 2 (460), Code, 1939, shall apply to any legalizing bill which may be in-
 3 troduced in either house of the General Assembly and which bill would
 4 legalize the proceedings of or expenditure by the State or any depart-
 5 ment, bureau, commission or officer thereof, or of counties, cities,
 6 towns, school districts within political subdivisions of the state, in
 7 connection with the war emergency existing since December 7, 1941.

1 SEC. 2. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and its publication
 3 in the Fairfield Daily Ledger, a newspaper published at Fairfield, Iowa,
 4 and in New Hampton American, a newspaper published at New Hamp-
 5 ton, Iowa.

Approved March 24, 1943.

I hereby certify that the foregoing act was published in the Fairfield Daily Ledger, Fairfield, Ia., March 27, 1943, and the New Hampton American, New Hampton, Ia., March 30, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 262

LEGALIZING TITLES TO REAL ESTATE

S. F. 129

AN ACT to amend various sections of chapter four hundred sixty-three (463), code, 1939, relating to legalizing acts affecting titles to real property.

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

1 SECTION 1. Section ten thousand three hundred eighty-four
 2 (10384), Code, 1939, is amended by striking from line three (3) the
 3 word "heretofore" and inserting after the word, "executed" in said line
 4 the following, "before July 4, 1943"; Also by striking from lines seven

5 (7) and eight (8) the words, "heretofore passed" and inserting in lieu
6 thereof the following, "passed before July 4, 1943".

1 SEC. 2. Section ten thousand three hundred eighty-five (10385),
2 Code, 1939, is amended by striking from line two (2) the words, "here-
3 tofore executed" and inserting in lieu thereof the following, "executed
4 before July 4, 1943".

1 SEC. 3. Section ten thousand three hundred eighty-six (10386),
2 Code, 1939, is amended by striking from line six (6) the figures, "1915"
3 and inserting in lieu thereof the following, "1930".

1 SEC. 4. Section ten thousand three hundred eighty-seven (10387),
2 Code, 1939, is hereby repealed.

1 SEC. 5. Section ten thousand three hundred eighty-seven and one-
2 tenth (10387.1), Code, 1939, is amended by striking from lines two (2)
3 and three (3) the word "heretofore" and inserting in line three (3)
4 after the word, "certified" the following, "before July 4, 1943".

1 SEC. 6. Section ten thousand three hundred eighty-eight (10388),
2 Code, 1939, is amended by striking from line two (2) the words, "here-
3 tofore executed" and inserting in lieu thereof the following, "executed
4 before July 4, 1943"; Also by striking from line fourteen (14) the
5 words, "heretofore recorded" and inserting in lieu thereof the follow-
6 ing, "recorded before July 4, 1943".

1 SEC. 7. Section ten thousand three hundred eighty-nine (10389),
2 Code, 1939, is amended by striking from line three (3) the figures,
3 "1909" and inserting in lieu thereof the figures, "1943".

1 SEC. 8. Section ten thousand three hundred ninety-one (10391),
2 Code, 1939, is amended by striking from line fifteen (15) the follow-
3 ing, "March 1, 1907" and inserting in lieu thereof the following, "July
4 4, 1933".

1 SEC. 9. Section ten thousand three hundred ninety-three (10393),
2 Code, 1939, is amended by striking from line three (3) the word "here-
3 tofore" and inserting in said line after the word, "made" the follow-
4 ing, "before July 4, 1943".

1 SEC. 10. Section ten thousand three hundred ninety-four (10394),
2 Code, 1939, is amended by striking from lines one (1) and seven (7)
3 the figures, "1920" and inserting in each instance the figures, "1930".

1 SEC. 11. Section ten thousand three hundred ninety-five (10395),
2 Code, 1939, is hereby repealed.

1 SEC. 12. Section ten thousand three hundred ninety-six (10396),
2 Code, 1939, is amended by striking from line three (3) the figures,
3 "1900" and inserting in lieu thereof the figures, "1930".

1 SEC. 13. Section ten thousand three hundred ninety-seven (10397),
2 Code, 1939, is amended by striking from line five (5) the figures,
3 "1900" and inserting in lieu thereof the figures, "1930".

1 SEC. 14. Section ten thousand three hundred ninety-eight (10398),
2 Code, 1939, is amended by striking from line three (3) the figures,
3 "1915" and inserting in lieu thereof the figures, "1930".

1 SEC. 15. Section ten thousand three hundred ninety-eight and one-
2 tenth (10398.1), Code, 1939, is amended by striking from line five (5)
3 the figures, "1931" and inserting in lieu thereof the figures, "1939".

1 SEC. 16. Section ten thousand three hundred ninety-nine (10399),
2 Code, 1939, is amended as follows:

3 1. Strike from line (1) the words, "heretofore made" and insert in
4 lieu thereof the following, "made before July 4, 1941";

5 2. Strike from lines nine (9) and ten (10) the following, "(code of
6 1897)" and insert in lieu thereof the following, "1897, or section 10447
7 of subsequent codes to and including the code of 1939".

1 SEC. 17. Section ten thousand four hundred (10400), Code, 1939,
2 is hereby repealed.

1 SEC. 18. Section ten thousand four hundred one (10401), Code,
2 1939, is amended as follows:

3 1. Strike from line two (2) the figures, "1913" and insert in lieu
4 thereof the figures, "1943";

5 2. Strike from line nine (9) the following, "code (code of 1897)"
6 and insert in lieu thereof the following, "Code of 1897 or sections 11878
7 to 11881, inclusive, of subsequent codes to and including the Code of
8 1939";

9 3. Strike from lines fifteen (15), seventeen (17) and twenty-two
10 (22) the following, "section 3295" and insert in lieu thereof in each
11 instance the word, "sections";

12 4. Strike from line twenty-three (23) the following, "this act" and
13 insert in lieu thereof the words, "this section".

1 SEC. 19. Section ten thousand four hundred one and one-tenth
2 (10401.1), Code, 1939, is amended as follows

3 1. Strike from line two (2) the words, "heretofore conveyed" and
4 insert in said line after the word, "been" the following, "conveyed
5 prior to January 1, 1943".

6 2. Strike from lines ten (10) and eleven (11) the following, "the
7 effective date of this act (43 GA, ch 276)" and insert in lieu thereof the
8 following, "January 1, 1943".

1 SEC. 20. Section ten thousand four hundred three (10403), Code,
2 1939, is amended as follows:

3 1. Strike from line four (4) the figures, "1903" and insert in lieu
4 thereof the figures, "1933";

5 2. Strike from line seven (7) the following, "code (code of 1897)"
6 and insert in lieu thereof the following, "Code of 1897 and sections
7 11897 to 11899, inclusive, of subsequent codes to and including the
8 Code of 1931";

9 3. Strike from line eleven (11) the word, "act" and insert in lieu
10 thereof the word, "section".

11 4. Strike from line ten (10) the word, "section" and insert in lieu
12 thereof the word, "sections".

1 SEC. 21. Section ten thousand four hundred five (10405), Code,
2 1939, is amended by inserting in line six (6) after the word, "Iowa"
3 the following, "prior to January 1, 1930".

1 SEC. 22. Section ten thousand four hundred six (10406), Code,
2 1939, is amended by striking from line twelve (12) the figure, "1915"
3 and inserting in lieu thereof the figures, "1930".

1 SEC. 23. This act shall not affect pending litigation, nor shall it
2 operate to revive rights or claims previously barred, nor permit an
3 action to be brought or maintained upon any claim or cause of action
4 which is barred by any statute which is in force prior to July 4, 1943.

Approved March 22nd, 1943.

CHAPTER 263

SALARIES OF MUNICIPAL COURT OFFICERS

H. F. 45

AN ACT to amend section ten thousand six hundred eighty-eight (10688), code, 1939, relating to salaries of municipal court officers.

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

1 SECTION 1. Section ten thousand six hundred eighty-eight
2 (10688), Code, 1939, is amended by striking from line thirty-three
3 (33) thereof the word "county" and inserting in lieu thereof the
4 word, "court".

Approved February 16th, 1943.

CHAPTER 264

COMPENSATION OF SHORTHAND REPORTERS

H. F. 160

AN ACT to amend section ten thousand eight hundred nine (10809) and section ten thousand eight hundred ten (10810), code, 1939, relating to compensation of shorthand reporters of the district courts.

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

1 SECTION 1. Section ten thousand eight hundred nine (10809),
2 Code, 1939, is hereby amended by striking out the word "ten" in line
3 two (2) and inserting in lieu thereof the word "eleven".

1 SEC. 2. Section ten thousand eight hundred ten (10810), Code,
2 1939, is hereby amended by striking out the words "twenty-four
3 hundred" in lines three (3) and four (4) and inserting in lieu thereof
4 the words "twenty-seven hundred".

1 SEC. 3. That this act shall be in force and effect until June 30, 1945.

Approved April 8, 1943.

CHAPTER 265

CLERK OF THE DISTRICT COURT

H. F. 51

AN ACT to amend section ten thousand eight hundred twenty-five (10825), code, 1939, relating to the duties of the clerk of the district court.

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

1 SECTION 1. Section ten thousand eight hundred twenty-five
2 (10825), Code, 1939, is hereby amended by adding thereto the
3 following:

4 "In the event of the death of a judge of the district court, the
5 clerk of the district court of the county in which said judge resided
6 at the time of his death shall immediately notify the state comp-
7 troller in writing of the date of the death of said judge."

Approved February 4th, 1943.

CHAPTER 266

CERTIFICATION OF JURY LISTS

H. F. 470

AN ACT to amend section ten thousand eight hundred sixty-nine (10869), code, 1939, relating to certification of jury lists.

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

1 SECTION 1. Section ten thousand eight hundred sixty-nine
2 (10869), Code, 1939, is amended by striking from line two (2) after
3 the word "be" the word "separately", by striking all of line fifteen
4 (15) after the word "foregoing", and all of line sixteen (16) and the
5 note thereunder, and inserting in lieu thereof the following: "grand
6 jury, petit jury, and/or talesmen lists"; and by striking from line
7 seventeen (17) the word "does", and inserting in lieu thereof the
8 word "do".

Approved April 8, 1943

CHAPTER 267

LIMITATION ON ACTIONS ON CLAIMS UNDER FEDERAL STATUTES

S. F. 43

AN ACT fixing the period of limitations within which actions may be begun with respect to certain claims arising out of federal statutes, when no period of limitation is prescribed therein.

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

1 SECTION 1. In all cases wherein a claim or cause of action has
2 arisen or may arise pursuant to the provisions of any Federal statute
3 wherein no period of limitation is prescribed, the holder of such claim

4 or cause of action may commence action thereon within but not after
 5 a period of six months after March 1, 1943, if such claim or cause of
 6 action arose prior to March 1, 1943, or within but not later than six
 7 months after the accrual of such claim or cause of action if such claim
 8 or cause of action arose after March 1, 1943.

1 SEC. 2. This Act being deemed of immediate importance shall be
 2 in full force and effect from and after its publication in the Daily
 3 Hawkeye Gazette, a newspaper published at Burlington, Iowa, and in
 4 the Ottumwa Daily Courier, a newspaper published at Ottumwa, Iowa.

Approved March 19th, 1943.

I hereby certify that the foregoing act was published in the Daily Hawkeye Gazette,
 Burlington, Ia., March 23, 1943, and the Ottumwa Daily Courier, Ottumwa, Ia., March
 23, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 268

SUSPENSION DUE TO WAR EFFORT OF NEWSPAPERS PUBLISHING OFFICIAL NOTICES

H. F. 403

AN ACT to amend section eleven thousand ninety-nine and one-tenth (11099.1), code,
 1939, relating to the defining of qualified newspapers for publishing proceedings
 and notices and providing for newspapers previously qualified to retain their quali-
 fication notwithstanding suspension of publication because of conditions attribut-
 able to the war effort.

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

1 SECTION 1. Section eleven thousand ninety-nine and one-tenth
 2 (11099.1), Code, 1939, is amended by striking the period (.) at the
 3 end of said section and substituting a semicolon (;) and adding to
 4 said section the following:
 5 "provided that any newspaper which has suspended publica-
 6 tion because of conditions attributable to the war effort
 7 subsequent to December 7, 1941, and which prior to the date
 8 of its suspension of publication was qualified under the fore-
 9 going provisions of this section, shall retain its qualification
 10 hereunder upon its resumption of publication in the event it
 11 resumes publication within one year after the cessation of
 12 hostilities."

Approved April 5, 1943.

CHAPTER 269

LIMITATIONS OF ACTIONS FOR RECOVERY OF INTERESTS IN
REAL ESTATE

S. F. 133

AN ACT to amend various sections of the code, 1939, relating to special limitations of actions in regard to the recovery of interests in real estate.

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

1 SECTION 1. Section eleven thousand twenty-one (11021), Code,
2 1939, is amended by striking from line seven (7) the words and fig-
3 ures, "January 1, 1890" and inserting in lieu thereof the following,
4 "January 1, 1930".

5 Further amend said section by striking from the last line the words
6 and figures, "March 1, 1914" and insert in lieu thereof the following,
7 "March 1, 1944".

1 SEC. 2. Section eleven thousand twenty-two (11022), Code, 1939,
2 is amended as follows:

3 1. Strike from line three (3) the figures "1905" and insert in lieu
4 thereof the figures, "1930";

5 2. Strike from lines ten (10) and eleven (11) the words, "the
6 taking effect of this act" and insert in lieu thereof the following, "July
7 4, 1943";

8 3. Strike from lines twenty (20) and twenty-one (21) the words,
9 "the taking effect of this act" and insert in lieu thereof the following,
10 "July 4, 1943".

11 4. Strike the last sentence in said section.

1 SEC. 3. Section eleven thousand twenty-four (11024), Code, 1939,
2 is amended by striking from lines two (2) and eleven (11) the figures
3 "1920" and inserting in each instance the figures, "1930" in lieu
4 thereof.

5 Further amend said section by striking from line fifteen (15) the
6 figures "1931" and inserting the figures "1943" in lieu thereof.

1 SEC. 4. Section eleven thousand twenty-seven (11027), Code, 1939,
2 is amended by striking from line eighteen (18) the word and figures
3 "July 4, 1919" and inserting in lieu thereof the following, "prior to
4 July 4, 1943".

1 SEC. 5. Section eleven thousand twenty-nine (11029), Code, 1939,
2 is amended by striking from line ten (10) the figures, "1905" and in-
3 serting the figures "1930" in lieu thereof.

4 Further amend said section by striking from lines eleven (11) and
5 fourteen (14) the figures, "1917" and inserting the figures "1945" in
6 lieu thereof.

7 Further amend said section by striking from line twenty-four (24)
8 the figures, "1915" and inserting the figures "1943" in lieu thereof.

1 SEC. 6. Section eleven thousand twenty-three (11023), Code,
2 1939, is hereby repealed and the following enacted in lieu thereof:

3 "Section 11022, Code, 1939, as amended by this act, shall not affect
4 pending litigation, nor shall it operate to revive rights or claims pre-

5 viously barred, nor permit an action to be brought or maintained upon
6 any claim or cause of action which is barred by any statute which is
7 in force prior to July 4, 1943."

Approved April 6, 1943.

CHAPTER 270

PUBLICATION OF COURT PROCEEDINGS

H. F. 225

AN ACT to amend chapter four hundred ninety (490), relating to publication of notice of filing petition in commencement of actions in district court, and section eleven thousand four hundred thirty-nine (11439), relating to assignment of cases, motions and demurrers, and to amend section eleven thousand four hundred forty-one (11441), relating to court calendar, and to amend section ten thousand eight hundred thirty-seven (10837), relating to filing fees, and to amend section eleven thousand three hundred forty-nine (11349), all of the code, 1939, relating to proof of publication, and to provide for publication in a daily newspaper of general circulation of the title of district court cases and all related matters, and the compensation therefor, in all counties having a population of one hundred sixty thousand or over.

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

1 SECTION 1. Chapter four hundred ninety (490), Code, 1939, is
2 amended by adding thereto as a new section the following: "When
3 the petition provided for in section eleven thousand one hundred
4 eleven (11111), Code, 1939, is filed with the clerk of the district court
5 in a county of one hundred sixty thousand population or over, the
6 names of the parties plaintiff and defendant in such action, the des-
7 cription of the real estate involved, if any, except for quieting title,
8 partition, and suits involving tax assessments, and the names of the
9 attorneys for the plaintiff, and the docket number assigned to such
10 case, may be published once in a daily newspaper having a general
11 circulation in said county; such paper to be designated by a majority
12 of the judges of the district court. Provided, that whenever there-
13 after such case is assigned for trial or any other pleadings are filed
14 therein, or court action taken with reference thereto, except general
15 orders of court for continuations, the title of such case and kind of
16 pleading shall be published, and if it is in an assignment for trial it
17 shall be carried in printed assignment from day to day until final
18 disposition."

1 SEC. 2. Section eleven thousand four hundred thirty-nine (11439),
2 Code, 1939, is amended by adding after the word "necessary" in line
3 eight (8) the following: ", which assignments as made from time to
4 time, whether of cases for trial or of hearings on motions or demur-
5 rers, in counties of a hundred sixty thousand or over, shall be published
6 and included in the related matters to be published as provided in
7 section one (1) of this act"

1 SEC. 3. Section eleven thousand four hundred forty-one (11441),
2 Code, 1939, is amended by adding thereto the following: ", but the
3 publication of the assignments as provided in section one (1) of this
4 act shall be in lieu of the publishing of a court calendar except that at

5 the commencement of each term the first two daily publications of said
6 paper shall be furnished free by the publisher to any attorneys who
7 shall request the clerk for the same."

1 SEC. 4. Section ten thousand eight hundred thirty-seven (10837),
2 Code, 1939, is amended by adding at the end of subsection one (1) the
3 following: "Provided that in counties of one hundred sixty thousand
4 or over the fee shall be two dollars, of which fifty cents shall be known
5 and designated as journal publication fee, to be charged and collected
6 for the purposes provided for in this act."

1 SEC. 5. Section eleven thousand three hundred forty-nine (11349),
2 Code, 1939, is amended by adding thereto the following: "Proof of
3 the publication of the filing in the district court of the petitions as
4 herein provided for, and a charge on the basis of fifty cents for each
5 petition, shall be made once each month by the publisher thereof,
6 presented to the clerk of the district court for verification and approv-
7 al, and filed with the county auditor to be presented to the board of
8 supervisors, which shall order the claim for such publications paid
9 from the district court funds."

1 SEC. 6. This act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publication in
3 the Daily Record, a newspaper published at Des Moines, Iowa, and
4 the Daily Reporter, a newspaper published at Sioux City, Iowa.

Approved February 17th, 1943.

I hereby certify that the foregoing act was published in the Daily Record, Des Moines,
Ia., February 20, 1943, and the Daily Reporter, Sioux City, Ia., February 22, 1943.
WAYNE M. ROPES, *Secretary of State.*

CHAPTER 271

FINDING OF FACTS BY REFEREES

S. F. 73

AN ACT to amend section eleven thousand five hundred twenty-seven (11527), code,
relating to the finding of facts by referees.

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

1 SECTION 1. Section eleven thousand five hundred twenty-seven
2 (11527), Code, 1939, is amended by striking from line one (1) the
3 word, "reference" and inserting in lieu thereof the word, "referee".

Approved February 11th, 1943.

CHAPTER 272

NOTICE OF APPOINTMENT OF EXECUTORS AND ADMINISTRATORS

H. F. 114

AN ACT to amend section eleven thousand eight hundred ninety (11890), code, 1939, relating to the notice of the appointment of executors and administrators.

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

- 1 SECTION 1. Section eleven thousand eight hundred ninety (11890),
- 2 Code, 1939, is amended by striking all of said section following the
- 3 word "be" in line seven (7), and substituting in lieu thereof the fol-
- 4 lowing, "entered in the probate record."

Approved March 11th, 1943.

CHAPTER 273

PAYMENT OF REAL ESTATE MORTGAGE CLAIMS NOT DUE FILED
IN ESTATES

S. F. 117

AN ACT to amend section eleven thousand nine hundred and sixty-four (11964), code, 1939, relating to demands not yet due in an estate and providing a time and method of payment thereof, provided the demand is secured by a mortgage on real estate.

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

- 1 SECTION 1. Section eleven thousand nine hundred and sixty-four
- 2 (11964), Code, 1939, is amended by adding the following thereto:
- 3 "Notwithstanding the provisions of section eleven thousand nine
- 4 hundred seventy-five (11975), Code, 1939, if a claim is filed on a de-
- 5 mand not yet due, which demand is secured by a mortgage on real
- 6 estate, it may be paid by the estate at the same time it could have
- 7 been paid if it had been due when filed."

Approved April 5, 1943.

CHAPTER 274

UNIFORM SIMULTANEOUS DEATH ACT

H. F. 275

AN ACT providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto.

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

- 1 SECTION 1. No sufficient evidence of survivorship. Where the
- 2 title to property or the devolution thereof depends upon priority of
- 3 death and there is no sufficient evidence that the persons have died
- 4 otherwise than simultaneously, the property of each person shall be

5 disposed of as if he had survived, except as provided otherwise in this
6 act.

1 **SEC. 2. Beneficiaries of another person's disposition of property.**
2 Where two or more beneficiaries are designated to take successively,
3 by reason of survivorship, under another person's disposition of
4 property, and there is no sufficient evidence that these beneficiaries
5 have died otherwise than simultaneously, the property thus disposed of
6 shall be divided into as many equal portions as there are successive
7 beneficiaries and these portions shall be distributed respectively to
8 those who would have taken in the event that each designated bene-
9 ficiary had survived.

1 **SEC. 3. Joint tenants or tenants by the entirety.** Where there is
2 no sufficient evidence that two joint tenants or tenants by the entirety
3 have died otherwise than simultaneously the property so held shall be
4 distributed one-half as if one had survived and one-half as if the
5 other had survived. If there are more than two joint tenants and all
6 of them have so died the property thus distributed shall be in the
7 proportion that one bears to the whole number of joint tenants.

1 **SEC. 4. Insurance policies.** Where the insured and the beneficiary
2 in a policy of life or accident insurance have died and there is no
3 sufficient evidence that they have died otherwise than simultaneously
4 the proceeds of the policy shall be distributed as if the insured had
5 survived the beneficiary.

1 **SEC. 5. Act not retroactive.** This act shall not apply to the dis-
2 tribution of the property of a person who has died before it takes
3 effect.

1 **SEC. 6. Act does not apply if decedent provides otherwise.** This
2 act shall not apply in the case of wills, living trusts, deeds, or con-
3 tracts of insurance wherein provision has been made for distribution
4 of property different from the provisions of this act.

1 **SEC. 7. Uniformity of interpretation.** This act shall be so con-
2 strued and interpreted as to effectuate its general purpose to make
3 uniform the law in those states which enact it.

1 **SEC. 8. Short title.** This act may be cited as the Uniform Simul-
2 taneous Death Act.

1 **SEC. 9. Repeal.** All laws or parts of laws inconsistent with the
2 provisions of this act are hereby repealed.

1 **SEC. 10. Severability.** If any of the provisions of this act or the
2 application thereof to any persons or circumstances is held invalid
3 such invalidity shall not affect other provisions or applications of the
4 act which can be given effect without the invalid provisions or appli-
5 cation, and to this end the provisions of this act are declared to be
6 severable.

Approved April 10th, 1943.

CHAPTER 275

INVESTMENT OF TRUST FUNDS

S. F. 109

AN ACT to amend section twelve thousand seven hundred seventy-two (12772), code, 1939, relating to investment of trust funds by fiduciaries.

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

1 SECTION 1. Section twelve thousand seven hundred seventy-two
2 (12772), Code, 1939, is amended by adding thereto immediately fol-
3 lowing subparagraph twelve (12) the following:
4 Life, endowment or annuity contracts of legal reserve life insurance
5 companies authorized to do business in the State of Iowa. The pur-
6 chase of contracts authorized by this subsection shall be limited to
7 executors or the successors to their powers when specifically author-
8 ized by will, and to guardians and trustees, in an amount not to exceed
9 25% of the value of the ward's property in possession of the fiduciary.
10 Such contract may be issued on the life or lives of a ward or wards or
11 beneficiary or beneficiaries of a trust fund created by will or trust
12 agreement, or upon the life or lives of persons in whose life or lives
13 such ward or beneficiary has an insurable interest. The proceeds or
14 avails of such contract shall be the sole property of the person or per-
15 sons whose funds are invested therein.

Approved March 11th, 1943.

CHAPTER 276

EMBEZZLEMENT BY PUBLIC OFFICERS

S. F. 35

AN ACT to amend section thirteen thousand twenty-seven (13027), code, 1939, relating to embezzlement by public officers.

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

1 SECTION 1. That section thirteen thousand twenty-seven, (13027),
2 Code, 1939, be amended by adding the following:
3 "The words 'officer or public officer' as used in sections thirteen
4 thousand twenty-seven (13027), thirteen thousand twenty-eight
5 (13028), and thirteen thousand twenty-nine (13029), Code, 1939, shall
6 be defined as any person who is elected, appointed or employed by the
7 State, County, Township, School District, Municipality, or any other
8 Public Body or Subdivision thereof."

Approved February 11th, 1943.

CHAPTER 277

MINORS IN BOWLING ALLEYS

S. F. 66

AN ACT to amend section thirteen thousand two hundred nineteen (13219), code, 1939, relating to permitting minors to enter and remain in nine or ten pin alleys.

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

1 SECTION 1. Section thirteen thousand two hundred nineteen
2 (13219), Code, 1939, is hereby amended by striking from said section
3 the words "or nine or ten pin alley" in line two (2), and the words "or
4 alley" in lines four (4) and five (5) of said section, and the words "or
5 alley" in line six (6) of said section, and the words "or nine or ten
6 pins" in line seven (7) of said section.

Approved April 3rd, 1943.

RULES OF CIVIL PROCEDURE

CHAPTER 278

RULES OF CIVIL PROCEDURE

Prescribed by the Iowa Supreme Court and reported to the Fiftieth General Assembly of Iowa, under the provisions of Chapter 311 (S.F. 25) of the Laws of the Forty-ninth General Assembly of Iowa, approved February 17, 1941.

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Editor's Note: These Rules were reported to the Fiftieth General Assembly and filed in the Senate and House January 29, 1943, within twenty days after the commencement of the session, and no changes were enacted at such session, as shown by the certificates attached to said Rules as deposited with and kept by the Secretary of State in accordance with Code Section 52. The comments, references and footnotes contained in the Rules as filed in the Senate and House, are reproduced here although they are not a part of the Rules according to Rule 370. The communication of the Chief Justice reporting the Rules is printed in the Journal of the Senate, January 29, 1943 on pages 209-210 and in the Journal of the House, January 29, 1943 on pages 249-250.

Chapter 311 of the Laws of the Forty-ninth General Assembly is as follows:

Section 1. The Supreme Court of the State of Iowa shall have the power to prescribe all rules of pleading, practice and procedure, and the forms of process, writs and notices, for all proceedings of a civil nature in all courts of this state, for the purpose of simplifying the same, and of promoting the speedy determination of litigation upon its merits. Said rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant.

Sec. 2. Any such rules and forms prescribed by the Supreme Court shall be reported by it to the General Assembly within twenty days after the commencement of a regular session and shall take effect July 4th following the adjournment of such session, with such changes, if any, as may have been enacted at such session; and thereafter all laws in conflict therewith shall be of no further force or effect.

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DIVISION I

OPERATION OF RULES

1. Applicability; Effective Date; Statutes Affected.

(a) **Applicability.** These Rules shall govern the practice and procedure in all courts of the State, except where they expressly provide otherwise, or statutes not affected hereby provide different procedure in particular courts or cases.

(b) **Effective Date.** These Rules will take effect on July 4, 1943. They govern all proceedings in actions brought after they take effect, and also further proceedings in actions then pending, except to the extent that in the opinion of the court in which the action is pending their application in a particular action pending when the Rules take effect would not be feasible, or would work injustice, in which event the former procedure applies.

(c) **Commencement of Action Pending Effective Date of Rules.** Where a defendant has been served with original notice prior to July 4, 1943 for a term of court to be convened after said date, the validity and effect of such notice and of the service thereof shall be determined by the statutes in force at the time of service. Service of original notice on all other defendants in the same or other actions, and the validity and effect thereof, shall be governed by these Rules.

(d) **Statutes Affected.** After these Rules take effect courts and litigation shall no longer be governed by the statutes listed in column 1 of the Table appended to these Rules as Appendix I, and the practice and procedure shall no longer be in accordance therewith.

DIVISION II

ACTIONS, JOINDER OF ACTIONS AND PARTIES*

(A) Parties Generally. Capacity

2. **Real Party in Interest.** Every action must be prosecuted in the name of the real party in interest. But an executor, administrator, guardian, trustee of an express trust; or a party with whom or in whose name a contract is made for another's benefit, or a party specially authorized by statute, may sue in his own name without joining the party for whose benefit the action is prosecuted.

(Code Secs. 10967, 10968.)

3. **Public Bond.** When a bond or other instrument given to the state, county, school or other municipal corporation, or to any officer or person, is intended for the security of the public generally, or of particular individuals, actions may be brought thereon, in the name of any person intended to be thus secured, who has sustained an injury in consequence of a breach thereof, except when otherwise provided.

(Code Sec. 10982.)

4. **Partnerships.** Actions may be brought by or against partnerships as such; or against any or all partners with or without joining the firm.

* (This division replaces chapters 485 and 486 of the Code and supersedes all sections therein which are not expressly retained.)

Judgment against a partnership may be enforced against partnership property and that of any partner served or appearing in the suit. A new action will lie on the original cause against any partner not so served or appearing. The Court may order absent partners brought in.

(Code Sec. 10983 with last sentence added.)

5. **Foreign Corporations.** Foreign corporations may sue and be sued in their corporate name, except as prohibited by statute.

(Code Sec. 10984 modified in view of Sec. 8427 denying right of unqualified foreign corporation to sue in certain cases.)

6. **Seduction.** An unmarried female may sue for her own seduction.

(Code Sec. 10985.)

7. **Assignees; Exception.** The assignment of a thing in action, except transfer of a negotiable instrument for value in good faith before maturity, shall be without prejudice to any defense, counterclaim or cause of action matured or not, if matured when pleaded, existing against the assignor in favor of the party pleading it.

(Code Sec. 10971.)

8. **Injury or Death of Minor.** A father, or if he be dead, imprisoned or has deserted the family, then the mother, may sue for the expense and actual loss of services resulting from injury to or death of a minor child.

(Code Sec. 10986.)

9. **Actions By and Against State.** The state may sue in the same way as an individual. No security shall be required of it. It may be sued as provided by any statutes in force at the time.

(Code Secs. 10990, 10990.1, 10990.2 and 10990.3.)

10. **Married Women; Husband and Wife.** A married woman may sue or be sued without joining her husband. If both are sued, she may defend in her own right; and if either fails to defend, the other may defend for both.

(Code Secs. 10992, 10993.)

11. **Desertion of Family.** When a husband has deserted his family, the wife may prosecute or defend in his name any action which he might have prosecuted or defended, and shall have the same powers and rights therein as he might have had; under like circumstances the husband shall have the same right.

(Code Sec. 10994.)

12. **Minors; Incompetents.** An action of a minor or any person judicially adjudged incompetent shall be brought by his guardian if he have one; otherwise the minor may sue by a next friend, and the incompetent by a guardian appointed by the Court for that purpose. The Court may dismiss such action or substitute another guardian or friend for the ward's benefit.

(Code Secs. 10995, 10996.)

13. **Defense by Incompetent, Prisoner, etc.** No judgment without a defense shall be entered against a party then a minor, or confined in a penitentiary, reformatory or any state hospital for the insane, or one judicially adjudged incompetent, or whose physician certifies to the Court that he appears to be mentally incapable of conducting his defense. Such defense

shall be by guardian ad litem; but the regular guardian or the attorney appearing for a competent party may defend unless the Court supersedes him by a guardian ad litem appointed in the ward's interest.

(Parts of Code Secs. 10989, 10997, 11000 modified and combined. Provision for cases certified by physician is new.)

14. **Guardian Ad Litem.** If a party, served with original notice, appears to be subject to Rule 13, the Court may appoint a guardian ad litem for him, or substitute another, in the ward's interest. Application for such appointment or substitution may be by the ward, if competent, or a minor over 14 years old; otherwise by his regular guardian or if there be none by any friend, or any party to the action.

As to insanity, etc., occurring pending suit, see Rule 17.

For class actions, see Rule 42.

For answer of guardian ad litem, see Rule 71.

(Other parts of Code Secs. 10998, 10999, 11000 combined. Eliminates appointment by the Clerk. Permits a co-defendant, as well as plaintiff, to apply for appointment.)

(B) Substitution of Parties

15. **Substitution at Death; Limitation.** Any substitution of legal representatives or successors in interest of a deceased party, permitted by statute, must be ordered within two years after the death of the original party. If his right survives entirely to those already parties, the action shall continue among the surviving parties without substitution.

(Substitution is now permitted by Code Sec. 10959 which is not affected by the Rules. This Rule is a limitation on the time for substitution. It is similar to Federal Rules 25-a-1, 25-a-2.)

16. **Transfer of Interest.** Transfer of an interest in a pending action shall not abate it, but may be the occasion for bringing in new parties.

(Code Sec. 10991.)

17. **Incapacity Pending Action.** If, during pendency of an action, a party is judicially adjudged incompetent, or confined in any state hospital for the insane, or if his physician certifies to the Court that he appears to be mentally incapable of acting in his own behalf, his guardian shall be joined with him, or, if there be none the Court shall appoint a guardian ad litem for any party thus adjudged, confined or certified.

(Sec. 11001 modified to adapt it to these Rules.)

18. **Nonabatement in Case of Guardianship.** When a guardianship shall cease by the death of the guardian, his removal, or otherwise, or by the decease of his ward, any action or proceeding then pending shall not abate, but his successor or the person for whom he was guardian, or the executor or administrator of such person, as the case may require, shall be substituted or joined as a party thereto; or, if no application is made for substitution, the Court may on its own motion, appoint a special guardian or administrator to represent the deceased party in the action.

(Code Sec. 12583 with additional provision permitting appointment of a special guardian or administrator.)

19. **Majority of Minor.** If a minor party attains legal majority, he shall continue as a party in his own right.

(New.)

20. Officers; Representatives. When any public official, or any administrator, express trustee or other person in a representative capacity, ceases to be such while a party to a suit, the court may order his successor brought in and substituted for him.

(New. Analogous to Federal Rule 25-d.)

21. Notice to Substituted Party. The order for substitution shall fix the time when the substituted party shall appear, and the notice to be given him. In case of substitution of a legal representative of a deceased party the notice shall be served as in case of original notices. In all other cases a shorter time may be prescribed.

(New. Code Sec. 10959 which is not affected by these Rules requires notice the same as original notice where a personal representative is substituted for a party who dies. This Rule is consistent with that statute and covers notice in other cases of substitution.)

(C) Joinder; Misjoinder and Nonjoinder

22. Actions Joined. A single plaintiff may join in the same petition as many causes of action, legal or equitable, independent or alternative, as he may have against a single defendant.

(Supersedes Code Sec. 10960. This and the following Rules adopt a policy of liberal joinder of both actions and parties. Rule 186 of Trial and Judgment permits separation for trial where possible prejudice or greater convenience warrants.)

23. Same; Multiple Plaintiffs. Any number of persons who claim any relief, jointly, severally or alternatively, arising out of or respecting the same transaction, occurrence or series of transactions or occurrences, may join as plaintiffs in a single action, when it presents or involves any question of law or fact common to all of them. They may join any causes of action, legal or equitable, independent or alternative, held by any one or more of them which arise out of such transaction, occurrence or series, and which present or involve any common question of law or fact.

(Supersedes Code Secs. 10960 and 10969, Analogous to Federal Rules 18-a, 20-a. See comment under Rule 22.)

24. Permissive Joinder of Defendants.

(a) **Generally.** Any number of defendants may be joined in one action which asserts against them, jointly, severally or in the alternative, any right to relief in respect of, or arising out of the same transaction, occurrence, or series of transactions or occurrences, when any question of law or fact common to all of them is presented or involved.

(b) **Special Provisions—Joint Common Carriers.** Sections 10977 to 10980 inclusive of the 1939 Code, relating to joint common carriers shall remain in force.

(Paragraph (a) is new. It is the substance of Federal Rule 20-a and supersedes all Iowa statutes as to optional joinder of defendants save those retained in the second paragraph.)

25. Necessary Parties; Nonjoinder.

(a) Except as provided in this Rule, all persons having a joint interest in any action shall be joined on the same side, but such persons failing to join as plaintiffs may be made defendants. This Rule does not apply to class actions under Rules 42-47, nor affect the options permitted by Sections 10975 and 10976 of the Code.

(b) A party is indispensable if his interest is not severable, and his absence will prevent the Court from rendering any judgment between the parties before it; or if notwithstanding his absence his interest would necessarily be inequitably affected by a judgment rendered between those before the Court.

(c) If an indispensable party is not before the Court, it shall order him brought in. When persons are not before the Court who, although not indispensable, ought to be parties if complete relief is to be accorded between those already parties, and when necessary jurisdiction can be obtained by service of original notice in any manner provided by these Rules or by statute, the Court shall order their names added as parties and original notice served upon them. If such jurisdiction cannot be had except by their consent or voluntary appearance, the Court may proceed with the hearing and determination of the cause, but the judgment rendered therein shall not affect their rights or liabilities.

For method of bringing in parties, see Rule 34.

(Code Secs. 10975 and 10976 are expressly retained by par. (a). Paragraphs (a) and (b) replace Code Secs. 10981 and 10972 and like Federal Rule 19-b, attempt a better statement of the difference between parties whose unavoidable absence does, and does not, defeat the action. For Iowa cases on indispensable parties, see *Gunner v. Town*, 228 Iowa 581, 293 N. W. 1 and *Todd v. Crisman*, 123 Iowa 699, 99 N. W. 686.)

26. Parties Partly Interested. A party need not be interested in obtaining or defending against all the relief demanded. Judgment may be given respecting one or more parties according to their respective rights or liabilities.

See Rules 186 and 121.

(New. See Federal Rule 20-a. Eliminates the need of complete mutuality between parties which heretofore often precluded joinder.)

27. Remedy for Misjoinder.

(a) **Parties.** Misjoinder of parties is no ground for dismissal of the action; but parties may be dropped by order of the Court on its own motion or that of any party at any stage of the action, on such terms as are just, or any claim against a party improperly joined may be severed and proceeded with separately.

For separate trials as to separate parties, see Rule 186.

(b) **Actions.** The only remedy for improper joinder of actions shall be by motion. On such motion the Court shall either order the causes docketed separately or strike those causes which should be stricken, always retaining at least one cause docketed in the original case. Before ruling on such motion, the party whose pleading is attacked may withdraw any of the causes claimed to be misjoined.

(New. Replaces the rule that misjoinder of actions was ground for demurrer or dismissal; retains advantages indicated in *Minnesota Loan & Trust Co. v. Hannan*, 215 Iowa 1060; also gives plaintiff the option to withdraw, or the Court the option to separately docket the actions misjoined. Cf. Code Secs. 10963, 10964, and Federal Rule 21, as to joinder of parties.)

28. Dependent Remedies Joined. An action heretofore cognizable only after another has been prosecuted to conclusion may be joined with the latter; and the Court shall grant relief according to the substantive rights of the parties. But there shall be no joinder of an action against an in-

demnitor or insurer with one against the indemnified party, unless a statute so provides.

(New. Taken from part of Federal Rule 18-b.)

(D) Counterclaims and Cross-claims

29. Compulsory Counterclaims. A pleading must contain a counterclaim for every cause of action then matured, and not the subject of a pending action, held by the pleader against any opposing party and arising out of the transaction or occurrence that is the basis of such opposing party's claim, unless its adjudication would require the presence of indispensable parties of whom jurisdiction cannot be acquired. A final judgment on the merits shall bar such a counterclaim, although not pleaded.

Indispensable parties are defined in Rule 25(b).

(This and the following Rules replace Code Sec. 11151. They are new and are similar to Federal Rule 13-a.)

30. Permissive Counterclaims. Unless prohibited by Rule or statute, a party may counterclaim against an opposing party on any cause of action held by him when the action was originally commenced, and matured when pleaded.

For prohibited counterclaims, see Code Sec. 12178, on replevin and Rule 275 on partition.

(This is the substance of Federal Rule 13-b and of Code Sec. 11151 (3), which prevents purchase of counterclaims after suit.)

31. Joinder of Counterclaims. A party pleading a counterclaim shall have the same right to join more than one cause of action as a plaintiff is granted under Rules 22 and 23.

See also Rules 72 and 74.

32. Counterclaim Not Limited. A counterclaim may, but need not, diminish or defeat recovery sought by the opposing party. It may claim relief in excess of, or different from, that sought in the opponent's pleadings.

(See Rules 355, 364. Federal Rule 13-c, and intended to eliminate the concept of offset which has heretofore frequently limited counterclaim procedure.)

33. Cross-Petitions.

(a) Against Coparties. A cross-petition may be filed by one party against a coparty, on a cause of action arising out of a transaction or occurrence which is the basis of the original action or any counterclaim therein. It may include the claim that such coparty is, or may be, liable to cross-petitioner for all or part of a claim asserted in the principal action against the cross-petitioner.

(Substance of Federal Rule 13-g.)

(b) Against New Parties. When a defendant to a petition, cross-petition or counterclaim will, if held liable thereon, thereby be entitled to a right of action against one not already a party, he may move to have such party brought in, to the end that the rights of all concerned may be determined in one action. Such motion must be supported by affidavit.

(Substitute for Code Sec. 11155. Taken from Wisconsin Rules. Analogous to Federal Rule 14.)

34. Bringing in New Parties; Procedure.

(a) When the presence of new parties is required to grant complete

relief as to a counterclaim or cross-petition, the Court shall order them brought in if jurisdiction can be obtained.

(Supersedes Code Sec. 11154.)

See also Rule 74.

(b) New parties shall be brought in by serving them with original notice pursuant to Division III of these Rules.

(E) Interpleader

35. Right of Interpleader. A person who is or may be exposed to multiple liability or vexatious litigation because of several claims against him for the same thing, may bring an equitable action of interpleader against all such claimants. Their claims or titles need not have a common origin, nor be identical, and may be adverse to, or independent of each other. Such person may dispute his liability, wholly or in part;

(This and the following Rules supersede Code Secs. 11002 to 11006, the only Iowa interpleader statutes. They liberalize the common law equitable interpleader in keeping with modern tendencies.)

36. Same; By Defendants. A defendant to an action which exposes him to similar liability or litigation may obtain such interpleader by counterclaim or cross petition. Any claimant not already before the Court may be brought in to maintain or relinquish his claim to the subject of the action, and on his default after due service, the Court may decree him barred of such claim.

For procedure to bring in, see Rule 34.

(Rules 35 and 36 incorporate the substance of Federal Rule 22(1) and supersede Code Secs. 11002, 11003.)

37. Deposit; Discharge. If a party initiating interpleader admits liability for, or nonownership of, any property or amount involved, the Court may order it deposited in court or otherwise preserved, or secured by bond. After such deposit the Court, on hearing all parties, may absolve the depositor from obligation to such parties as to the property or amount deposited, before determining the rights of the adverse claimants.

38. Substitution of Claimant. If a defendant seeks an interpleader involving a third person, the latter may appear and make himself a defendant in lieu of the original defendant, who may then be discharged on complying with Rule 37.

(Rules 36-38 embrace the substance of Code Secs. 11002-11004, inclusive.)

39. Injunction. After petition and returns of original notices are filed in an interpleader, the Court may enjoin all parties before it from beginning or prosecuting any other suit as to the subject of the interpleader until its further order.

For injunctions generally, see Rules 320 et seq.

(Taken in substance from Federal Interpleader Act, Title 28, U.S.C.A., Sec. 41(26).)

40. Costs. Costs may be taxed against the unsuccessful claimant in favor of the successful claimant and the party initiating the interpleader.

41. Sheriff or Officer; Creditor. When a sheriff or other officer is sued for taking personal property under a writ, or for the property so taken, he may exhibit such writ to the Court, with his affidavit that the property

involved was taken under it. The attaching or execution creditor shall then be joined with the officer as a defendant; or may join on his own application. Any judgment against the officer and creditor shall provide that the latter's property be first exhausted to discharge it.

See Rule 224.

(Code Secs. 11005, 11006.)

(F) Class Actions

42. Class Actions. If the persons composing a class are so numerous that it is impracticable to bring all before the Court, such number of them as will insure adequate representation of all may sue or be sued on behalf of all, where the character of the right involved is:

(a) joint or common, or held primarily by one who has refused to enforce it, thereby entitling the class or its members to do so; or

(b) several, and the action seeks to adjudicate claims which do, or may, affect specific property; or

(c) several, and a common question of law or fact affects the several rights, and a common relief is sought.

(Substance of Federal Rule 23-a, not differing greatly from Code Sec. 10974, but recommended as a substitute primarily to make the Federal precedents available.)

43. Virtual Representation. Where persons composing a class which may be increased by others later born, do or may make a claim affecting specific property involved in an action to which all living members of the class are parties, any others later born shall also be deemed to have been parties to the action and bound by any decree rendered therein.

(As bearing on the doctrine of virtual representation, see *John Hancock Mutual Life Ins. Co. v. Dower*, 222 Iowa 1377; *Buchan v. German American Land Co.*, 180 Iowa 911; *Harris v. Randolph*, 213 Iowa 772. This Rule requires all living members to be parties; not merely some of them as allowed by Rule 42 and by some of the above decisions.)

44. Shareholder's Actions. Shareholders in an incorporated or unincorporated association, who sue to enforce its rights because of its failure to do so, shall support their petition by affidavit, and allege their efforts to have the directors, trustees or other shareholders bring the action or enforce the right, or a sufficient reason for not making such effort.

(Substance of part of Federal Rule 23-b.)

45. Compromise or Dismissal. No class action shall be compromised or voluntarily dismissed without approval of the Court. In actions under Rule 42(a), notice of the proposed compromise or dismissal shall be given all members of the class in such manner as the Court may prescribe, otherwise notice may be given or omitted as the Court may direct.

For dismissal generally, see Rule 215.

46. Adequate Representation. Before final judgment in a class action, the Court shall inquire and determine that the parties before it adequately represent the class. If it deems such representation inadequate, it may order new parties brought in.

47. Default Judgment. No judgment by default for lack of appearance shall be entered in a class action. If no member of the class appears, the Court shall appoint an attorney to represent it, taxing his reasonable fees as costs in the case.

(New.)

DIVISION III**COMMENCEMENT OF ACTIONS***

48. **Commencing Actions.** A civil action is commenced by serving the defendant with an original notice.

49. **Tolling Limitations.** For the purpose of determining whether an action has been commenced within the time allowed by statutes for limitation of actions, whether the limitation inheres in the statute creating the remedy or not, the delivery of the original notice to the sheriff of the county in which the action is brought, with the intent that it be served immediately, which intent shall be presumed unless the contrary appears, shall also be deemed a commencement of the action.

(Supersedes Code Sec. 11012.)

50. **Contents of Original Notice.** The original notice shall be directed to the defendant, and signed by plaintiff or his attorney with the signer's address. It shall name the plaintiff, the court, and the city or town, and county where the court convenes. It shall state either that the petition is on file in the office of the Clerk of the Court where the action is brought, or that it will be so filed by a stated date, which must not be more than ten days after service. It shall notify defendant to appear before said court within the specified number of days after service required by Rule 53 or Rule 54, and that unless he so appears, his default will be entered and judgment or decree rendered against him for the relief demanded in the petition. A copy of the petition may be attached; but if it is not or if the service is by publication, the notice shall contain a general statement of the cause or causes of action and the relief demanded, and, if for money, the amount thereof.

(Rules 48 and 50 supersede Code Sec. 11055.)

51. **Same; Notice of No Personal Claim.** A defendant who unreasonably defends when the original notice states that no personal judgment is asked against him, shall pay the costs occasioned thereby.

(Code Sec. 11065.)

52. **By Whom Served.** Original notices may be served by any person who is neither a party nor the attorney for a party to the action.

(Supersedes Code Sec. 11058 and precludes the attorney from serving his own notice.)

53. **Time for Appearance.** A defendant served by publication only, must appear on or before the date fixed in the notice as published, which date shall not be less than twenty days after the day of last publication. If served in any other manner, the defendant shall appear within twenty days after the day the original notice is served on him in all cases where:

(a) a copy of the petition is attached to the original notice; or

(b) the petition is on file when the notice is served, and the notice so states.

* (This Division supersedes chapter 489 of the Code, except Sections 11056.1, 11063, 11072, 11073, 11074, 11077, 11091(1), and Sections 11092 to 11097, inclusive, which remain in force.)

Code chapters 487, 487.1 on Limitation of Actions remain unchanged except that Sec. 11012 is superseded by Rule 49 of this Division. Chapter 488 on Place of Bringing Action remains unchanged.)

In all other cases the defendant shall appear within thirty days after the day such notice is served. Unless he so appears, he will be in default; but if he does appear, he shall have time to move or plead as provided in Rule 85.

(Supersedes Code Sec. 11059. Rule 85 covers time to move or answer which is within five days after the appearance date.)

54. Same; Special Cases. Any statute of Iowa which specially requires appearance by a particular defendant, or in a particular action, within a specified time, shall govern the time for appearance in such cases, rather than Rule 53.

(Examples of such special requirements are Code Secs. 10990.1 et seq. in actions against the State; Secs. 5038.01-5038.14 in motor vehicle cases against non-residents; 49 G.A., chapter 303 in forcible entry and detainer. There are other statutes requiring appearance at or within a time differing from the general rule.)

55. Failure to File Petition. If the petition is not filed as stated in the original notice served, any defendant may have the case dismissed as to him, without notice, at plaintiff's cost; and may docket it for this purpose by filing his copy of the original notice, if need be.

For filing petition and copies, see Rule 82.
(Supersedes Code Sec. 11057.)

56. Personal Service. Original notices are "served" by delivering a copy to the proper person. Personal service may be made as follows:

(Code Sec. 11060 (1) is modified by dispensing with reading of the notice.)

(a) Upon any individual aged 18 years or more who has not been adjudged incompetent, either by taking his signed, dated acknowledgment of service endorsed on the notice; or by serving him personally; or by serving, at his dwelling house or usual place of abode, any person residing therein who is at least 18 years old, but if such place is a rooming house, hotel, club or apartment building, the copy shall there be delivered to such a person who is either a member of his family or the manager, clerk, proprietor or custodian of such place.

(This supersedes Code Sec. 11060. It liberalizes so-called "substituted service", but has been limited somewhat since the final tentative draft submitted to the bar.)

(b) Upon a minor under 18 years old, by serving either the guardian of his person or property, unless the notice is served on behalf of such guardian, or his parent, or some person aged 18 years or more who has his care and custody, or with whom he resides, or in whose service he is employed.

(Code Sec. 11080 modified to eliminate uncertainties.)

(c) Upon any person judicially adjudged incompetent but not confined in a state hospital for the insane, by serving the guardian of his person or property, unless the notice is served on behalf of such guardian, or his spouse, or some person aged 18 years or more who has his care and custody, or with whom he resides.

(Code Sec. 11069 modified.)

(d) Any person, whether competent or not, confined in a county home, or in any state hospital for the insane, or any patient in the State University of Iowa Hospital or its psychopathic ward, or any patient or inmate of any institution in charge of the Iowa Board of Control of the United

States, may be served by the official in charge of such institution or his assistant. Proof of such service may be made by the certificate of such official, if the institution is in Iowa, or his affidavit if it is out of Iowa.

(Code Secs. 11067, 11070, broadened to include Federal Institutions and State insane hospitals out of Iowa.)

(e) If any defendant is a patient in any state or Federal hospital for the insane, in or out of Iowa, or has been adjudged incompetent and is confined to a County Home, the official in charge of such institution or his assistant shall accept service on his behalf, if in his opinion direct service on the defendant would injuriously affect him, which shall be stated in such acceptane.

(Code Sec. 11068 broadened to include hospitals out of Iowa and county homes. Does not apply to the latter unless the defendant has been adjudged incompetent.)

(f) Upon a partnership, or an association suable under a common name, or a domestic or foreign corporation, by serving any present or acting or last known officer thereof, or any general or managing agent, or any agent or person now authorized by appointment or by law to receive service of original notice, or on the general partner of a partnership.

(Embraces parts of, but does not supersede, Code Secs. 11077, 11072, 11073, 11074. Also 11079 except as to individuals, for which see (g), infra.)

(g) If the action, whether against an individual, corporation, partnership or other association suable under a common name, arises out of or is connected with the business of any office or agency maintained by the defendant in a county other than where the principal resides, by serving any agent or clerk employed in such office or agency.

(Code Sec. 11079.)

(h) Upon any city or town by serving its mayor or clerk.

(Code Sec. 11075.)

(i) Upon any county by serving its auditor or the chairman of its board of supervisors.

(Code Sec. 11071.)

(j) Upon any school district, school township or school corporation by serving its president or secretary.

(Code Sec. 11076.)

(k) Upon the State, where made a party pursuant to statutory consent or authorization for suit in the manner provided by such statute or any statute applicable thereto.

(Such statutes are now Code Secs. 10990.1, 10990.2, 10990.3, and the method of service is prescribed in Sec. 10990.2.)

(l) Upon any individual, corporation, partnership or association suable under a common name which shall have filed in this state a consent to service, or shall be subject to service, in any special manner provided by the statutes of this state, either as provided in these Rules or as provided in any such consent to service, or in accordance with any such statute relating thereto.

(This includes such situations as non-resident motorists, various methods of serving corporations or their agents, such statutes as Code Secs. 8338.49, 8581.09, 1905.54 and 11072-11074, inclusive, and many others. Such service may be made as heretofore.)

(m) Upon a governmental board, commission or agency, by serving its presiding officer, clerk or secretary.

(New.)

57. Service on Sunday. Original notice shall not be served on Sunday unless the plaintiff, his agent or attorney endorses thereon his oath that personal service shall be impossible unless then made.

(Code Sec. 11064.)

58. Member of General Assembly. No member of the General Assembly shall be held to appear or answer in any civil action in any court in this state while such General Assembly is in session.

(Code Sec. 11089.)

59. Returns of Service.

(a) **Signature; Fees.** Iowa officers may make unsworn returns of original notices served by them, as follows: any sheriff or deputy sheriff, as to service in his own or a contiguous county; any other peace officer, or bailiff or marshal, as to service in his own territorial jurisdiction. The court shall take judicial notice of such signatures. All other returns, except those specified in Rules 56(d) and 56(e), shall be proved by the affidavit of the person making the service. If served in the State of Iowa by a person other than such peace officer acting within the territories above defined or in another state by a person other than a sheriff or other peace officer, no fees or mileage shall be allowed therefor.

(Supersedes Code Sec. 11066.)

(b) **Contents.** A return of personal service shall state the time, manner, and place thereof and name the person to whom copy was delivered; and if delivered under Rule 56(a) to a person other than defendant, it must also state the facts showing compliance with said Rule.

(Supersedes Code Sec. 11061.)

(c) **Endorsement and Filing.** If a sheriff receives the notice for service, he shall note thereon the date when received, and serve it without delay in his own or a contiguous county, and upon receiving his fees, shall either file it and his return with the clerk, or deliver it by mail or otherwise to the person from whom he received it.

(Supersedes Code Sec. 11062.)

60. Service by Publication; What Cases. After filing an affidavit that personal service cannot be had on an adverse party in Iowa, the original notice may be served by publication, in any action brought:

- (a) for recovery of real property or any estate or interest therein;
- (b) for the partition of real or personal property in Iowa;
- (c) to foreclose a mortgage, lien, encumbrance or charge on real or personal property;
- (d) for specific performance of a contract for sale of real estate;
- (e) to establish, set aside or construe a will, if defendant resides out of Iowa;
- (f) against a nonresident of Iowa or a foreign corporation which has property, or debts owing to it in Iowa, sought to be taken by any provisional remedy, or appropriated in any way;

(g) against any defendant who, being a nonresident of Iowa, or a foreign corporation, has or claims any actual or contingent interest in or lien on real or personal property in Iowa which is the subject of such action, or to which it relates; or where the action seeks to exclude such defendant from any lien, interest or claim therein;

(h) against any resident of the State who has departed therefrom, or from the county of his residence, with intent to delay or defraud his creditors, or to avoid service, or who keeps himself concealed with like intent;

(i) for divorce or separate maintenance or to modify a decree in such action, or to annul an illegal marriage, against a defendant who is a nonresident of Iowa or whose residence is unknown;

(j) to quiet title to real estate, against a defendant who is a nonresident of Iowa or whose residence is unknown;

(k) by an executor, administrator or guardian, in an action or proceeding to sell or mortgage real estate of a decedent or ward, against a party who is a nonresident of Iowa or whose residence is unknown or against unknown parties;

(l) against a partnership, corporation or association suable under a common name, when no person can be found on whom personal service can be made;

(m) to vacate or modify a judgment or for a new trial under Rules 252 and 253.

(Code Sec. 11081 with the addition of clauses l and m and part of k, which are new.)

61. **Same; Unknown Defendants.** The original notice against unknown defendants shall be directed to the unknown claimants of the property involved, describing it. It shall otherwise comply with Rule 50.

(Sec. 11083 modified.)

62. **Same; How Published.** Publication of original notice shall be made after the filing of the petition, once each week for three consecutive weeks in a newspaper of general circulation, published in the county where the petition is filed; such newspaper to be selected by the plaintiff or his attorney. Service is complete on the date of the last publication.

(Code Sec. 11104, which is not affected by these Rules, requires publication on the same day of the week when made in a newspaper published more often than once a week. Code Sec. 11084 modified to reduce publication to three weeks.)

63. **Same; Proof.** Before default is taken, proof of such publication shall be filed, sworn to by the publisher or an employee of the newspaper.

(Sec. 11085, modified.)

64. **Same; Actual Service.** Service of original notice in or out of Iowa according to Rule 56, supersedes the need of its publication.

65. **General Appearance.** A general appearance is any appearance except a special appearance. It is made either by:

(a) taking any part in a hearing or trial of the case, personally or by attorney, or

(b) by a written appearance filed with the clerk, or a notation on the appearance docket or oral announcement in open court;

(c) by filing a motion or pleading, other than under a special appearance.

See also Rule 87 limiting the effect of appearance alone.

(Code Sec. 11087.)

66. Special Appearance. A defendant may appear specially, for the sole purpose of attacking the jurisdiction of the court, but only before his general appearance. The special appearance shall be in writing, filed with the clerk and shall state the grounds thereof. If his special appearance is erroneously overruled, he may plead to the merits or proceed to trial without waiving such error.

See also Rule 104(a).

(Code Sec. 11088 modified to permit review after trial on the merits, which is new.)

DIVISION IV

PLEADINGS AND MOTIONS

67. Technical Forms Abolished. All common counts, general issues, demurrers, fictions and technical forms of action or pleading, are abolished. The form and sufficiency of all motions and pleadings shall be determined by these Rules, construed and enforced to secure a just, speedy and inexpensive determination of all controversies on their merits.

(Supersedes Code Sec. 11108. Abolishes demurrers and general denials and embraces 49 G. A. ch. 311, Sec. 1 (S.F. 25). Code Secs. 11213-11215, inclusive and Sec. 11217 are superseded generally as obsolete.)

68. Allowable Pleadings. The pleadings shall be: petition, answer, and such counterclaim, reply, amendment, cross-petition or petition of intervention, as these Rules allow.

For counterclaims, see Rules 29-32. For cross-petitions, see Rules 33, 34.

(Supersedes Code Sec. 11109. Excludes "Motions" from list of "Pleadings", so that Rules as to pleadings do not apply to motions and vice versa.)

69. Pleadings Defined. "Pleadings" as used in this Division, do not include motions. They are the parties' written statements of their respective claims or defenses. They shall be clear, concise, and avoid repetition or prolixity.

(Supersedes Code Sec. 11109, and makes plain that Rules for pleading do not embrace motions.)

70. Petition. The petition shall state whether it is at law or in equity, the facts constituting the cause or causes of action asserted, the relief demanded, and, if for money, the amount thereof.

For title, signature, etc., see Rule 78.

(Code Sec. 11111.)

71. Answers for Ward. All answers by guardians or guardians ad litem, or filed under Rule 14, shall state whether there is a return on file, showing that proper service has been had on the ward; and they shall deny all material allegations prejudicial to the ward.

(Supersedes Code Sec. 11116.)

72. Answer. The answer shall show on whose behalf it is filed, and specifically admit or deny each allegation or paragraph of the petition, which denial may be for lack of information. It must state any additional facts deemed to show a defense. It may raise points of law appearing

on the face of the petition to which it responds. It may contain as many defenses, legal or equitable, as the pleader may claim, which may be inconsistent. It may contain a counterclaim which must be in a separate division.

For counterclaims, see Rule 29 et seq. See also Rules 79, 105, 176, 110 and 103.

(Supersedes Code Secs. 11114, 11115, 11130, 11193, 11199. Abolishes general denials. Specific admission or denial is facilitated by requiring numbered paragraphs. See Rule 79.

Permits legal questions to be raised by answer at law as well as in equity.)

73. Reply. There shall be a reply to a counterclaim, and to new matter in an answer, responding thereto in the same manner that an answer responds to a petition, but not inconsistent with the petition. Points of law arising on the face of the answer may be raised by reply.

Under Rule 102 facts asserted in a reply are denied by operation of law.

For disposition of points of law raised by reply, see Rules 105, 176.

(Supersedes Code Secs. 11130, 11156, 11157. Abolishes implied denials of new matter.)

74. Cross Petition; Judgment. Any cross-petition under Rule 33, and the answer and reply as to it, shall be governed by these Rules. Where judgment in the original case can be entered without prejudice to the rights in issue under a cross-petition or counterclaim, it shall not be delayed thereby.

See also Rules 186 and 221.

(Rule 33 supersedes Code Sec. 11155.)

75. Interventions. Any person interested in the subject matter of the litigation, or the success of either party to the action, or against both parties, may intervene at any time before trial begins, by joining with plaintiff or defendant or claiming adversely to both.

(Code Sec. 11174.)

76. Same; Manner. Every intervenor shall file a petition, and a separate copy for each party against whom he asserts a right. The clerk shall transmit such copy to the attorney for the adversary party, who shall, without further notice, move or plead thereto within seven days from the date of filing unless the court fixes a shorter time and notice thereof is given.

(Code Sec. 11176, adapted to these Rules, and recognizing Supreme Court decisions that no notice of an intervention is required.)

77. Same; Disposition. The intervenor shall have no right to delay, and shall pay the costs of the intervention unless he prevails.

(Code Sec. 11175.)

78. Caption and Signature. Each appearance, notice, motion, or pleading shall be captioned with the title of the case, naming the court, parties, and instrument, and shall bear the signature and address of the party or attorney filing it. After the petition, the caption need name only the first of several coparties.

79. Numbered Divisions and Paragraphs. Each separate cause of action or defense must be stated in a separately numbered division. Every

(Requirement of the address is new.)

pleading shall be separated into numbered paragraphs, each of which shall contain, as nearly as may be, a distinct statement.

(Code Secs. 11112, 11113, 11117, 11119. Numbering of paragraphs required at law as well as in equity to facilitate specific admissions or denials.)

80. Verification Abolished; Affidavits.

(a) Pleadings need not be verified. Counsel's signature to every motion or pleading shall be deemed his certificate that there are good grounds for making the claims therein, and that it is not interposed for delay.

(b) Any motion asserting facts as the basis of the order it seeks, and any pleading seeking interlocutory relief, shall contain affidavit of the person or persons knowing the facts requisite to such relief. A similar affidavit shall be appended to all petitions which special statutes require to be verified.

(Supersedes Code Secs. 11160-11170, inclusive.

Where verifications are at present mandatory instead of optional, this Rule requires affidavit on personal knowledge.)

81. Correcting or Recasting Pleadings. On its own motion or that of any party, the court may order any prolix, confused or multiple pleading, to be recast in a concise single document within such time as the order may fix. In like manner, it may order any pleading not complying with these Rules to be corrected on such terms as it may impose.

(The first sentence is new and expressly sanctions a practice sometimes followed pursuant to the Court's inherent power. The second sentence covers Code Sec. 11120.)

82. Filing, Copies, Delivery. All motions and pleadings, with copy, shall be filed with the clerk, except that no copy of the petition need be filed if a copy was attached to the original notice served upon each defendant. Sufficient additional copies of all motions and pleadings shall be filed to afford a copy for each adverse party appearing, but if more than one such party appear by the same counsel, only one copy need be filed for such parties. It shall be the duty of the pleader to file the required copies with the original if he then knows of the appearances; otherwise, immediately upon receipt of notice thereof to be given by the clerk. The copies shall be mailed or delivered forthwith by the clerk to the attorney of record for the adverse party or parties, if appearance is by attorney; otherwise to the parties.

(Supersedes Code Secs. 11110, 11124, 11125. Requires copies of *all* motions, including those for continuance or change of venue. Requires delivery by the clerk, notice of motion be elsewhere eliminated.)

83. Failure to File Copies. The court may strike from the files, any pleading of which copies are not filed as above required.

(Supersedes Code Sec. 11124. Eliminates continuance for want of copy.)

84. Copy Fees. A fee of ten cents per hundred words for each copy shall be taxed with the costs, to be the property of the attorney filing the copy.

(Code Sec. 11124 with additional provision settling the ownership of copy fees.)

85. Time to Move or Plead.

(a) **Motions.** Motions attacking a petition must be filed within five days after the appearance date, unless some other motion allowed before

answer is already on file; and then within five days after such other motion is disposed of. All motions attacking subsequent pleadings must be filed within seven days after such pleading is filed.

(b) **Pleading.** Answer to a petition must be filed within five days after the appearance date, unless a motion is then on file, in which event answer must be filed within seven days after such motion is so disposed of as to require answer.

(c) **Reply.** Reply must be filed, if at all, within seven days after the answer to which it responds, unless a motion attacking such answer is then on file, in which event, reply must be filed within seven days after such motion is so disposed of as to permit a reply.

(d) **Answer or Reply to Amendments.** Answer or reply to any amendment, or any substituted or supplemental pleading, must be filed within seven days, unless a motion attacking it is then on file, and then within seven days from the time the motion is so disposed of as to require or permit answer or reply. If the petition be amended before time for answering it, this Rule shall not require answer to the amendment to be made prior to the time for answering the original petition.

(e) **Shortening Time.** The court may order any motion or pleading to be filed within a shorter time than above, but cannot require a defendant to answer sooner than five days after the appearance date.

(f) **Extending Time.** For good cause, but not ex parte, the court may extend the time to amend, answer or reply for not more than thirty days beyond the times above specified. Except on written stipulation of all parties, it shall have no power to extend any such time further, or to extend at all the time for filing any motion.

(g) **Petition for Removal to Federal Court.** The filing of a petition for removal to the Federal Court, accompanied by the bond required by the Removal Act, shall suspend the time for filing any motions or pleadings until an order of the Federal Court is filed in the State Court, remanding the cause, or until it is made to appear the removal has not been perfected, whereupon the times hereinabove fixed for motions or pleadings shall begin anew.

See Rule 86 as to when time for re-pleader begins to run.

(Supersedes Code Secs. 11121-11123, inclusive, and 11134, 11136, 11137. A motion "attacking a pleading" under paragraph (a) does not include such motions as for change of venue, continuance, cost bond, etc., time for which is regulated by other Rules. Raising points of law by answer or reply is not a "motion", though often used in lieu thereof.

Because any meritorious point can be raised in answer or reply, promptness is required if the party desires to invoke the motion instead.)

86. Pleading Over; Election to Stand. If a party required or permitted to plead further by an order or ruling, fails to do so within the required time, he thereby elects to stand on the record theretofore made. On such election, the ruling shall be deemed a final adjudication without further judgment or order; reserving only such issues, if any, which remain undisposed of by such ruling and election. The clerk shall forthwith mail or deliver to the attorneys of record a notice of the filing of such ruling or order and the time for further pleading or election shall run only from the day after such mailing or delivery.

(Based on Code Secs. 11147, 11148, modified to make election automatic, without further order, delay or formality.)

87. Appearance Alone. An appearance without motion or pleading shall have the effect only of submitting to the jurisdiction. The court shall have no power to treat such appearance as sufficient to delay or prevent a default or any other order which would be made in absence thereof, or of timely pleading.

For time for pleading, see Rules 85(a), 85(b); For Defaults, see Rule 65; For Appearances, see Rule 66.

(New.)

88. Amendments. Any pleading may be amended before a pleading has been filed responding to it. The court, in furtherance of justice, may allow later amendments, including those to conform to the proof and which do not substantially change the claim or defense. The court may impose terms, or grant a continuance with or without terms, as a condition of such allowance.

(Code Secs. 11182, 11183.)

89. Making and Construing Amendments. All amendments must be on a separate paper, duly filed, without interlining or expunging prior pleadings. They will be construed as part of the original pleading which remains in effect, unless they are a complete substitute therefor.

(Code Sec. 11184.)

90. Supplemental Pleading. A party may file a supplemental pleading alleging facts material to the case which have happened subsequent to the commencement of the action, or come to his knowledge since his prior pleading. This shall not be a waiver of the former pleading.

(Code Secs. 11221, 11224.)

91. Contract. Every pleading referring to a contract must state whether it is written or oral. If the contract is the basis of the action or defense, it must be set forth in full.

(Code Sec. 11129.)

92. Allegation of Time or Place. When time is not material, it need not be averred, and if averred, need not be proved. When it is material, the date or duration of a continuous act, must be alleged. The place need be alleged only when it is part of the substance of the issue.

(Code Secs. 11194, 11195.)

93. Exception. A claim in derogation of general law, or founded on any kind of exception, shall be so pleaded as to set forth such claim or exception.

(Code Sec. 11200.)

94. Judicial Notice; Statutes. Matters of which judicial notice is taken need not be stated in any pleading. But a pleading asserting any statute, or a right derived therefrom, shall refer to such statute by plain designation. The court shall judicially notice the statutes of any state, territory or other jurisdiction of the United States so referred to.

(Code Secs. 11198, 11211, modified to include judicial notice of all American statute law. The court need, however, notice only the statute. Any foreign judicial decision construing it must be pleaded as heretofore. The trial judge may require the parties to furnish him information satisfactory to him, apart from the pleading, as to the statute referred to. See Rule 136(d) as to Pre-trial Conferences.)

95. Unliquidated Damages. No order shall require any pleading to itemize or apportion unliquidated damages claimed therein, nor to attribute any part thereof to any portion of the claim asserted.

(New. The Rules on Interrogatories are intended to provide means for discovering such matters and they are to be eliminated from the pleadings.)

96. Malice. A party intending to prove malice to affect damages, must aver the same.

(Code Sec. 11216.)

97. Negligence; Mitigation. In an action by an employee against an employer, or by a passenger against a common carrier to recover for negligence, plaintiff need not plead or prove his freedom from contributory negligence, but defendant may plead and prove contributory negligence in mitigation of damages.

(Code Sec. 11210.)

98. Permissible Conclusions; Denials Thereof. Partnership, corporate or representative capacity; or corporate authority to sue or do business in Iowa; or performance of conditions precedent; or judgments of a court, board or officer of special jurisdiction, may be pleaded as legal conclusions, without averring the facts comprising them. It shall not be sufficient to deny such averment in terms contradicting it, but the facts relied on must be stated.

(Code Secs. 11205-11208, inclusive, with the addition of corporate authority to sue or do business in Iowa.)

99. Account; Bill of Particulars; Denial. A pleading founded on an account shall contain a bill of particulars thereof, by consecutively numbered items, which shall define and limit the proof, and may be amended as other pleadings. A pleading controverting such account, must specify the items denied, and any items not thus specified shall be deemed admitted.

For affidavit required for default, see Rule 232(a).

(Supersedes Code Secs. 11203, 11204.)

100. Denying Signature.

(a) **By Party.** If a pleading copies a writing purporting to be signed by an adverse party, such signature shall be deemed genuine for all purposes in the case, unless such party shall not only deny it, but support his denial by his own affidavit that it is not his genuine or authorized signature. He may, on application made during his time to plead, procure an inspection of the original writing.

(b) **By Nonparty.** If a pleading copies a nonnegotiable writing purporting to be signed by a nonparty to the action, such signature shall be deemed genuine, unless a party denies it, and supports his denial by affidavit, which denial, may be for lack of information.

(Supersedes Code Secs. 11218-11220, inclusive. The party's "own" affidavit required him to sign personally.)

101. Defenses to Be Specifically Plead. Any defense that a contract or writing sued on is void or voidable, or was delivered in escrow, or which alleges any matter in justification, excuse, release or discharge, or which admits the facts of the adverse pleading but seeks to avoid their legal effect, must be specially pleaded.

(Code Sec. 11209.)

102. What Admitted. Every fact pleaded and not denied in a subsequent pleading, as permitted by these Rules, shall be deemed admitted, except allegations of value or amount of damage. Allegations of a reply shall be deemed denied by operation of law.

(Code Secs. 11201, 11202.)

103. All Defenses in Answer. Every defense in bar or abatement, or to the jurisdiction after a general appearance, shall be made in the answer or reply, save as allowed by Rule 104. No such defense shall overrule any other. But a party who presents and tries a defense in abatement alone, shall not thereafter be allowed to plead in bar.

See Rules 72, 73, and 104.

(Supersedes Code Secs. 11115, 11132, 11199, 11222, 11223.)

104. Same; Exceptions. Every defense in law or fact to any pleading must be asserted in the pleading responsive thereto, if one is required, or if none is required, then at the trial, except that:

(a) Want of jurisdiction of the person, or insufficiency of the original notice, or its service must be raised by special appearance before any other appearance, motion or pleading is filed; and want of jurisdiction of the subject matter may be so raised;

See also Rule 66.

(b) Failure to state a claim on which any relief can be granted, may be raised by motion to dismiss such claim, filed before answer;

(c) Sufficiency of any defense may be raised by motion to strike it, filed before pleading to it.

(d) Such motions must specify wherein the pleading they attack is claimed to be insufficient.

(Supersedes Code Secs. 11130, 11149. Paragraphs (b) and (c) are substitutes for demurrer. The difference in terminology is because a claim may be dismissed, but a defense presents nothing affirmative to dismiss and so is stricken out.

This Rule does not compel the use of motions under paragraphs (b) and (c), and the point may, and generally should, be raised in the answer or reply. See Rule 110.)

105. Separate Adjudication of Law Points. The Court may in its discretion, and must on application of either party, made after issues joined and before trial, separately hear and determine any point of law raised in any pleading which goes to the whole or any material part of the case. It shall enter an appropriate final order before trial of the remaining issues, adjudicating the point so determined, which shall not be questioned on the trial of any part of the case of which it does not dispose. If such ruling does not dispose of the whole case, it shall be deemed interlocutory for purposes of appeal.

See also last sentence of Rule 176.

(Supersedes Code Sec. 11131. Applies only to "pleadings", not to "motions", which are always heard separately.)

106. Variance; Failure of Proof. No variance between pleading and proof shall be deemed material unless it is shown to have misled the opposite party to his prejudice in maintaining his cause of action or defense. But where an allegation or defense is unproved in its general meaning, this shall not be held a mere variance but a failure of proof.

(Code Secs. 11177-11180, inclusive.)

107. Special Action; Proper Remedy Awarded. In any case of mandamus, certiorari, appeal to the District Court, or for specific equitable relief, where the facts pleaded and proved do not entitle the petitioner to the specific remedy asked, but do show him entitled to another remedy, the court shall permit him on such terms, if any, as it may prescribe, to amend by asking for such latter remedy, which may be awarded.

(New. Analogous to Rule 352 of Appellate Procedure.)

108. Lost Pleading; Substitution. If an original pleading is lost or withheld, the Court may order a copy substituted, or a substituted pleading filed.

(Code Sec. 11227.)

109. Motion Defined. A motion is an application made by any party or interested person for an order. It may contain several objects which grow out of, or are connected with, the action. It is not a "pleading".

(Supersedes Code Secs. 11229, 11230.)

110. Failure to Move; Effect of Overruling Motion. No pleading shall be held sufficient for failure to move to strike or dismiss it. If such motion is filed and overruled, error in such ruling is not waived by pleading over or proceeding further; and the moving party may always question the sufficiency of the pleading during subsequent proceedings.

(Supersedes Code Secs. 11144, 11145. If there is no pleading over, the ruling is an adjudication under Rule 87.)

111. Motions Combined. Motions to strike, for a more specific statement; and to dismiss, shall be contained in a single motion and only one such motion assailing the same pleading shall be permitted, unless the pleading is amended thereafter.

(Supersedes Code Sec. 11135.1. Includes any motion attacking a pleading, but not motions for other purposes, such as change of venue, for costs, etc. Allows alternative and inconsistent divisions in a motion.)

112. Motion for More Specific Statement. A party may move for a more specific statement of any matter not pleaded with sufficient definiteness to enable him to plead to it and for no other purpose. It shall point out the insufficiency claimed and particulars desired.

(Supersedes Code Secs. 11127, 11128. This motion will no longer lie to obtain evidence or information necessary to prepare for trial as distinct from preparation to plead. Discovery should be pursued under Rules 135-139, 121-134.)

113. Striking Improper Matter. Improper or unnecessary matter in a pleading may be stricken out on motion of the adverse party.

(Supersedes Code Sec. 11197.)

114. Notice of Motion Unnecessary. A party who has been served with original notice or has appeared, shall take notice of all motions filed in the action which are adverse to him, and of the regular motion day on which they will be heard.

For motion days and submission and determination of motions, see Rule 117.

(Supersedes Code Sec. 11232. Copies which will reach counsel are sufficient notice.)

115. Discretionary Notice. The Court may require counsel to be apprised, in any manner it directs, of the time and place at which it will

hear or act on any motion, application or other matter other than at the regular motion day or pursuant to general assignment. This Rule shall be applied to expedite, not to delay, hearings and submissions.

(Supersedes Code Secs. 11233-11239, inclusive.)

116. Proof of Facts in Motions. Evidence to sustain or resist a motion may be by affidavit or in any other form to which the parties agree or the Court directs. The Court may require any affiant to appear for cross-examination.

(Supersedes Code Sec. 11231.)

117. Motion Days; Disposition of Motions.

(a) At least once each month, beginning on a day specified in advance by the judges of the judicial district, a motion day shall be held in each county. All motions made prior to trial on issues of fact, on file for twenty days or more, must then be submitted. Such motions not orally argued for any reason shall be deemed submitted without argument, unless they are then, or have previously been, set down for argument at some time, any place in the judicial district, not more than ten days thereafter, when they must be submitted without further postponement.

(b) The Court may order any motion submitted sooner than herein required, so as not to delay completing the issues or trial of the case.

(c) The trial court shall rule on all motions within thirty days after their submission, unless it extends the time for reasons stated of record.

(d) A "motion" within this Rule is any paper denominated as such, or any other matter requiring attention or order of court before the trial of the issues on their merits.

(Substitute for Code Secs. 11133, 11138 and part of Sec. 11439. Does not apply to motions after trial. If ruling within 30 days is occasionally impracticable, the same point can be raised by answer and get unlimited consideration; but the vast bulk of motions must be disposed of promptly.)

118. Specific Rulings Required. A motion, or other matter involving separate grounds or parts, shall be disposed of by separate ruling on each and not sustained generally.

(New.)

119. Order Defined. Every direction of the Court, made in writing and not included in the judgment or decree, is an order.

(Code Sec. 11240.)

120. When and How Entered. A judge may enter judgments, orders or decrees at any time after the matter has been submitted, effective when filed with the Clerk, regardless of where signed. The Clerk shall promptly mail or deliver notice of such entry, or copy thereof, to each party appearing, or to one of his attorneys.

For entry of record, see Rule 226.

For Clerk's notice to counsel, see Rule 86.

(Supersedes Code Secs. 11241, 11242, 11242.1, 11243, 11244 and similar statutes in other chapters.)

DIVISION V

DISCOVERY AND INSPECTION*

121. Interrogatories; Time; Nature. In actions other than actions in justice court or class B actions in municipal court a party may, after the appearance of an adversary and after filing his own pleading, file in duplicate not over thirty numbered interrogatories to be answered by such adversary, if they are necessary to enable the interrogating party adequately to prepare for trial. They may inquire as to the existence, nature, custody, control, condition or location of books or documents. They shall not require the adversary to disclose the names of the witnesses by whom or the manner in which he will establish his case.

(Supersedes Code Secs. 11185-11192, inclusive. The limit in number is from Massachusetts. The interrogatories are required to be separate from the pleadings because they should neither delay making up the issues, nor encumber the pleadings from which the issues are to be determined.)

122. Same; More than Thirty. Upon application to the Court and showing good cause therefor the Court may permit filing more than thirty interrogatories and may then specify the number which may be filed, and the time for filing and answering them.

(New.)

123. Same; Objections; Time to Answer. The Clerk shall deliver the copy of the interrogatories as provided in Rule 82. The party to whom the interrogatories are directed shall file either answers thereto or objections to their propriety within seven days after they are filed, unless the Court for good cause, but not ex parte, shall enlarge the time. If objections are filed to any of the interrogatories, the time for answering all the interrogatories shall be suspended until the objections are ruled on. At the hearing upon the objections, if it is determined that any of the interrogatories shall be answered, the Court shall fix the time within which the answers shall be made. This Rule shall not limit the right to object to the answers if offered in evidence.

(New.)

124. Same; Answers.

(a) Duplicate sworn answers shall be filed, separately answering each interrogatory responsively, and as fully as may be.

(b) Answers for a party not a natural person shall be by such representative or officer as has knowledge of the facts involved.

(New.)

125. Same; Insufficient Answers.

(a) Copy of the answers shall be delivered as provided in Rule 82.

(b) Within seven days thereafter, the interrogating party may file a motion to strike the answers or any part thereof for the reason that the same are unresponsive, or for any other proper reason.

* (This division supersedes Code Secs. 11185-11192, relating to interrogatories, Secs. 11316-11319, relating to production of papers, chapter 491.1, relating to mental examination, and Sec. 11127, so far as motions for more specific statement have heretofore been used to discover evidence. It also deals with other forms of discovery, except pre-trial procedure.)

(c) If these interrogatories are unanswered, or are answered in an incomplete or evasive manner, the interrogating party may within seven days after their delivery, or after the time for filing has expired, make application to the Court for an order requiring the answering person to be orally examined in court as to the information requested in the unanswered interrogatories or the interrogatories answered in an incomplete or evasive manner.

(New.)

126. Hearing on Application; Motions to Strike Also Heard. The Court shall fix a time and place of hearing upon the application and shall prescribe the manner and form of notice to be given to the interrogated person. If a motion to strike any of the answers has been filed, that motion may be heard at the same time.

(New.)

127. Oral Answers. An order for oral answers shall fix the time and place therefor, which shall be within the judicial district; but if the answering person lives over 100 miles from the place of the action the Court may in its discretion direct that such person shall not be required to appear in Court for oral examination, but that in lieu thereof, the oral deposition of such person may be taken at such time and place as the Court may prescribe, in the manner provided for the taking of depositions of witnesses. Rules as to witnesses generally will apply to such examination but no witness fees or mileage will be allowed.

(It is contemplated that ordinarily the party will be required to appear. Since he is not merely a witness, the Court has power to require this. However, if the answer is comparatively unimportant, or the evasion doubtful, deposition may be substituted.)

128. Oral Answers; Use of Answers. The answers to interrogatories, whether contained in the written answers or as secured by oral examination or by deposition may be used only as follows: (1) To contradict or impeach the testimony of the interrogated party as a witness. (2) As admissions of the interrogated party. If only part of the interrogatories and answers are offered in the evidence by a party, any other party may introduce all or any part of the interrogatories and answers which explain or are relevant to the part introduced. A party does not, by introducing such answers, make the interrogated party his own witness.

(This Rule illustrates the purpose of the interrogatories which is not to produce evidence for the record, but information to enable the party to prepare for trial.)

129. Production of Books or Documents.

(a) After issue is joined in any action, any party may file an application for the production or inspection of any books or papers, not privileged, which are in the control of any other party, which are material to a just determination of the cause, for the purpose of having them inspected or copied or photostated. The application shall state with reasonable particularity the papers or books which are called for, and state wherein they are material to a just determination of the cause, and state that they are under the control of the party from whom production is requested. The movant need not use such documents as evidence at the trial.

(b) The Court shall fix the time and place for hearing on the application, and prescribe the manner and form of giving notice to the party from whom production is asked, or to his attorney of record.

(Supersedes Code Secs. 11316-11319. Differs from present practice principally in eliminating statement as to facts to be proved, in requiring specification of the documents and in expressly requiring that issue shall have first been joined. Information necessary to specify the particular documents may be procured under Rule 121.)

130. **Same; Order.** The Court may order the production or inspection of such books and documents as, in its discretion, it deems material to a just determination of the cause, and on any terms or conditions it deems suitable to protect the documents, their owner, or any other person.

(New.)

131. **Inspection of Property.** On motion and hearing, as in Rules 126 and 129, a party may be ordered to permit his adversary to inspect, view, measure, survey or photograph any personalty or real estate or object or operation thereon, which is relevant to any issue. The order shall specify the time, manner, place and any terms upon which this shall be done.

(Similar to Federal Rule 34.)

132. **Physical or Mental Examination.** The Court may, in its discretion, proceeding as in Rules 126 and 129, order a physician to examine as to any physical or mental condition of a party which is in controversy in the action. The order shall specify the scope, time, place and manner of the examination and name the examiner. The party examined may have any representative present throughout any such examination.

(Broadens Code Chapter 491.1; similar to Federal Rule 35.)

133. **Physical or Mental Examination; Copy of Reports; Privilege.**

(a) The party thus examined shall be furnished on his request, with a copy of the examiner's findings and conclusions, stated in detail. He shall thereafter, deliver to the examining party a like report of the prior or subsequent findings of any other physician who examines him on the same subject.

(b) If the party examined thus requests and obtains the examiner's report, or takes the examiner's deposition, he waives any privilege in that action or any other involving the same controversy, regarding the testimony of any physician or other person as to the condition for which the examination was ordered.

(c) If either above request is not complied with, the Court, on motion may order compliance, or may exclude the testimony of any physician whose report is not thus furnished.

(New. The obligation to furnish reports is optional with the party examined and the waiver of privilege is not obligatory.

Federal Rule 35.)

134. **Noncompliance with Orders.** For disobedience to any order made under Rules 121-133 inclusive, the Court may make any further orders that are just, including but not limited to:

(a) Forbidding the disobedient party to avail himself of designated claims or defenses, or introduce designated documents, or objects, or testimony as to designated matters;

(b) Striking pleadings or parts thereof, or staying further proceedings until compliance, or dismissing the action or any part thereof, or treating the disobedient party as in contempt or default and rendering judgment accordingly;

(c) Any other order contemplated by these Rules.

(Analogous to Federal Rule 37.)

DIVISION VI

PRETRIAL PROCEDURE*

135. **Pretrial Calendar.** The Court may provide for a pretrial calendar in any county, which may extend to all actions, or be limited either to jury or nonjury actions.

136. **Pretrial Conference.** After issues are joined, the Court may in its discretion, and shall on request of any attorney in the case, direct all attorneys in the action to appear before it for a conference to consider:

(a) The necessity or desirability of amending the pleadings;

(b) Agreeing to admissions of facts, documents or records not really controverted, to avoid unnecessary proof;

(c) Limiting the number of expert witnesses;

(d) Settling any facts of which the Court is to be asked to take judicial notice;

(e) Any other matter which may aid, expedite or simplify trial of any issue.

137. **Pretrial Conference; Record.** On the request of any interested counsel or the Court, the reporter must record the entire conference, or any designated part thereof.

138. **Orders.** The Court shall make an entry reciting any action taken at the conference, which will control the subsequent course of the action relative to matters it includes, unless modified to prevent manifest injustice.

139. **Power not Enlarged.** The four foregoing Rules shall not abridge or enlarge the power of the Court to make orders without agreement of the parties.

(Federal Rule 16, but providing for a record of the conference, and making its calling mandatory on the request of either party.)

*The Rules in this division are new to Iowa. They are substantially the Federal Rules.

DIVISION VII
DEPOSITIONS AND PERPETUATION OF TESTIMONY*

(A) Depositions

140. Depositions Generally; Stipulation. Depositions shall be governed wholly by these Rules; but may be differently taken in any respect, if that be in accord with the written stipulation of the parties. Subject to the restrictions in Rule 141 a party may take the deposition of any person.

(New.)

141. Restrictions.

(a) The deposition of an adverse party, or of any person whose testimony is sought as a representative of such adverse party, or whose acts or conduct, made the subject of the deposition, is material to the rights asserted against such adverse party, may not be taken for purposes of discovery, nor at all unless ordered by the Court upon application, notice and hearing and a showing that the witness is or is about to go beyond the reach of a subpoena, or is for any other cause expected to be unable to attend at the time of trial. The application shall state the matter proposed to be inquired into. If the Court finds that the application is made in good faith, and not for purposes of discovery, and that it should be granted, it shall order the taking of the deposition and prescribe the scope of the examination, which shall in no event require such deponent to disclose the names of the witnesses by whom, or the manner in which the adverse party will establish his case.

(New. Under the Iowa decisions the practice heretofore has not permitted the taking of the deposition of an adverse party for any purpose. See Bagley v. District Ct. 218 Iowa 34, 254 N. W. 26. This Rule permits it upon order of court, but not for purposes of discovery. It also prohibits for such purpose, taking the deposition of a representative of an adverse party such as the driver of his car, his agent for whose acts he is sought to be held, etc. In this it is less liberal than the Federal Rules on Discovery. In permitting deposition of a party or representative to produce material evidence it is more liberal than the Iowa practice heretofore.)

(b) Depositions before answers are all filed, or of a person in prison, may be taken only by leave of Court, on such terms as the Court prescribes.

(Code Secs. 11339, 11340 are not affected. Code Sec. 11362 prohibiting taking on certain days is superseded as unnecessary.)

142. Defaults; Notice. If a party requires proof to obtain a judgment upon a default, he may take depositions, after serving notice on the attorney of record for the defaulted party, or, if none, on the Clerk. Parties in default need not be given notice as to depositions taken under any other Rule.

(Code Sec. 11378 modified.)

143. Scope of Examination. Subject to the restrictions in Rule 141 and unless otherwise ordered by the Court, a deponent may be examined on any relevant matter, not privileged or self-incriminating, concerning any claim or defense of any party to the action; and as to the existence, descrip-

* (There are no new Rules as to Evidence or witnesses, but Chapter 494 of the Code is superseded, as to Code Secs. 11316-11319, inclusive, by Division V, Supra, and as to Code Secs. 11358-11366, inclusive, 11368-11396, inclusive, and 11399-11407, inclusive, by this Division.)

tion, nature, custody, location or condition of any books, documents, or objects; and the location or identity of persons knowing relevant facts.

(New. Permits examination for purposes of discovery except as to parties, representatives, etc.)

144. Use of Depositions. Any part of a deposition, so far as admissible under the rules of evidence, may be used upon the trial or at an interlocutory hearing or upon the hearing of a motion in the same action against any party who appeared when it was taken, or stipulated therefor, or had due notice thereof, either;

(a) To impeach or contradict deponent's testimony as a witness; or

(b) For any purpose if, when it was taken, deponent was a party adverse to the offeror, or was an officer, director or managing agent of any adverse party which is not a natural person; or

(c) For any purpose, if the Court finds that the offeror was unable to procure deponent's presence at the trial by subpoena; or that deponent is out of the state or more than one hundred miles distant from the trial, and such absence was not procured by the offeror; or that deponent is dead, or unable to testify because of age, illness, infirmity or imprisonment.

(d) On application and notice, the Court may also permit a deposition to be used for any purpose, under exceptional circumstances making it desirable in the interests of justice; having due regard for the importance of witnesses testifying in open court.

(Cf. Federal Rule 26.)

145. Effect of Taking or Using.

(a) If a party offers only part of a deposition, his adversary may require him to offer all of it relevant to the portion offered; and any other party may offer other relevant parts.

(b) A party does not make deponent his own witness by taking his deposition or using it solely under Rules 144 (a), or 144 (b). A party introducing a deposition for any other purpose makes the deponent his witness, but may contradict his testimony by relevant evidence.

(Cf. Federal Rule 26.)

146. Substituted Parties; Successive Actions. Substitution of parties does not prevent use of depositions previously taken and filed in the action. If an action is dismissed, depositions legally taken therein may be used in any subsequent action involving the same subject matter, between the same parties, their representatives or successors in interest.

(Cf. Federal Rule 26.)

147. Oral Examination; Notice.

(a) Oral depositions may be taken only in this State, or outside it at a place within one hundred miles from the nearest Iowa point. But, on hearing, on notice, of a motion of a party desiring it, the Court may order it orally taken at any other specified place, if the issue is sufficiently important and the testimony cannot reasonably be obtained on written interrogatories.

(b) The party taking an oral deposition must first serve reasonable notice on all other parties not in default for want of appearance, stating the time and place thereof and the name and address of the deponent, or

if that is unknown, a description identifying him or the class or group to which he belongs. The Court, on motion of any party so served, may for good cause enlarge or shorten the time.

For manner of serving notice, see Rule 156. On objecting to notice, see Rule 158(a).

(Cf. Federal Rule 30.)

148. Conduct of Oral Examination. Deponent shall first be sworn by the officer before whom his deposition is taken. His testimony must be taken stenographically by such officer or a person acting in his presence under his direction and transcribed. The completed deposition must include all objections interposed, including those to the manner of taking it, to the officer's qualification, to any conduct or to any testimony. Evidence objected to shall be taken subject to the objection. Any adverse party may orally cross-examine the deponent; or if he does not participate orally, he may transmit to the officer written interrogatories, which the officer shall put to deponent, whose answers shall be recorded verbatim.

For questions which witness need not answer, see Rule 143.

For stipulating to modify any of the foregoing, see Rule 140.

(Cf. Federal Rule 30.)

149. Reading and Signing.

(a) No oral deposition reported and transcribed by an official reporter of the State of Iowa need be submitted to, or read or signed by the deponent.

(b) In other cases, the completed deposition shall be submitted to deponent and read by or to him, and the officer shall note thereon any changes deponent may direct, and his reasons for such direction. Deponent shall then sign the deposition, unless he is ill or cannot be found. If he refuses to sign, the officer shall record such refusal and the reasons given therefor, and himself sign it. A deposition not signed by deponent may, nevertheless, be used at the trial unless the Court holds, on motion to suppress under Rule 158(f), that deponent refused to sign it for reasons which require its rejection.

For waiving signature, reading, etc., see Rule 140.

(Cf. Federal Rule 30.)

150. On Written Interrogatories.

(a) A party may take depositions on written interrogatories after first serving all other parties not in default for want of appearance with copies thereof and with a notice stating the name, or title, and address of the officer to take them, and the name and address of the deponents.

(b) The adversary parties may thereafter, serve successive interrogatories on each other, but only as follows: cross-interrogatories within ten days after the notice; re-direct interrogatories within five days after the latter service; and re-cross interrogatories within three days thereafter. On application of any party, the Court may, for good cause shown, shorten or enlarge the time for serving any such succeeding interrogatories.

(c) Within the time required for cross-interrogatories, the adverse party may elect instead, to appear and orally cross-examine, by serving notice thereof on the party taking the deposition. The latter shall then within five days serve the former with notice of the date, hour and place where the deposition will be taken, which shall allow a reasonable time to

enable the adverse party to attend; and may also waive his original written interrogatories and examine the deponent orally.

For manner of service, see Rule 156.

(This Rule preserves the right of oral cross-examination.)

151. Answers to Interrogatories. The party taking a deposition on written interrogatories shall promptly transmit a copy of the notice and all interrogatories to the officer designated in the notice. The officer shall promptly take deponent's answers thereto and complete the deposition, all as provided in Rules 148 and 149, except that answers need not be taken stenographically.

152. Certification and Return; Copies.

(a) The officer taking any deposition shall certify thereon that the witness was duly sworn, and that the deposition is a true record of the testimony given and of all objections interposed. He shall seal it securely in an envelope endorsed with the title of the action and "Deposition of (name of witness)", and promptly file it with the Clerk or send it to him by registered mail.

(b) The Clerk shall immediately give notice of the filing of all depositions to all parties who have appeared in the action.

(c) On payment of his reasonable charges therefor, the officer shall furnish any party or the deponent with a copy of the deposition.

153. Before Whom Taken.

(a) No deposition shall be taken before any party, or any person financially interested in the action, or an attorney or employee of any party; or any person related by consanguinity or affinity within the fourth degree to any party, his attorney, or an employee of either of them.

(b) Depositions within the United States or a territory or insular possession thereof may be taken before any person authorized to administer oaths, by the laws of the United States or of the place where the examination is held.

(c) Depositions in a foreign land may be taken before a secretary of embassy or legation, or a consul, vice consul, consul-general or consular agent of the United States, or under Rule 154.

(Federal Rule 28.)

154. Letters Rogatory. A commission or letters rogatory to take depositions in a foreign land shall be issued only when convenient or necessary, on application and notice, and on such terms and with such directions as are just and appropriate. They shall specify the officer to take the deposition, by name or descriptive title; and may be addressed: "To the Appropriate Judicial Authority of (country)".

(Federal Rule 28.)

155. Subpoenas.

(a) On application of any party, or proof of service of a notice to take depositions under Rule 147 or Rule 150, the Clerk of the Court where the action is pending shall issue subpoenas for persons named or described in said notice or application. No such subpoena shall call for production of documents unless the Court on notice and hearing so orders.

(b) No resident of Iowa shall be thus subpoenaed to attend out of the county where he resides, or is employed, or transacts his business in person.

(Cf. Federal Rule 45-d and Code Sec. 11366, which is superseded.)

156. **Notice; Service.** Notices or interrogatories under Rules 147 to 160 inclusive may be served upon the party, or any attorney of record for him, either by personal delivery or by ordinary United States mail addressed to his address of record.

157. **Costs.**

(a) **Generally.** Costs of taking and proceeding to procure a deposition shall be advanced by the party taking it, and he cannot use it in evidence until such costs are paid. The costs shall be noted in the return or certificate, and taxed by the Clerk. The judgment shall award against the losing party only such portion of these costs as were necessarily incurred for testimony offered and admitted upon the trial.

(The last sentence requires the party taking the deposition to bear the cost of any portion taken for discovery.)

(b) **Failure to Attend.** The Court may order the party taking a deposition to pay the adverse party his costs and expenses, including reasonable attorney fees, for attending at the specified time and place for oral cross-examination (being entitled thereto), if the deposition is not then taken for absence of the party, or of the witness due to the party's failure to subpoena him.

(Federal Rule 30.)

158. **Irregularities; Objections.**

(a) **Notice.** All objections to any notice of taking any depositions are waived unless promptly served in writing upon the party giving the notice.

(b) **Officer.** Objection to the officer's qualification to take a deposition is waived unless made before such taking begins, or as soon thereafter as objector knows it or could discover it with reasonable diligence.

(c) **Interrogatories.** All objections to the form of any written interrogatory served under Rule 150 are waived unless the objector serves them on the interrogating party in the time allowed him for serving succeeding interrogatories, and, as to the last interrogatories authorized, within three days after the service thereof.

(d) **Taking Deposition.** Errors or irregularities occurring during an oral deposition as to any conduct or manner of taking it, or the oath, or the form of any question or answer; and any other errors which might thereupon have been cured, obviated or removed, are waived unless seasonably objected to when it is taken.

(e) **Testimony.** Except as above provided, testimony taken by deposition may be objected to at the trial on any ground which would require its exclusion if given by a witness in open court, and objections to testimony, or competency of a witness, need not be made prior to or during the deposition, unless the grounds thereof could then have been obviated or removed.

(f) **Motion to Suppress.** All objections to the manner of transcribing the testimony, or to preparing, signing, certifying, sealing, endorsing, transmitting, filing the deposition, or the officer's dealing with it, are waived unless made by motion to suppress it, or the part complained of, filed with reasonable promptness after the objector knows of, or could with reasonable diligence discover the defect. No such motion shall be sustained unless the defect is substantial and materially affects the right of some party.

(Cf. Federal Rules 32, 26-e.)

(B) Perpetuating Testimony

159. **Common Law Preserved.** The following Rules do not limit the Court's common law powers to entertain actions to perpetuate testimony.

160. **Before Action, Application.** An application to take depositions to perpetuate testimony for use in an action not yet pending, shall be entitled in the name of the applicant, be supported by affidavit, and show:

(a) that he expects to be a party to an action cognizable in some court of record of Iowa, which he is then unable to bring or cause to be brought;

(b) the subject matter of such action, and his interest therein;

(c) the facts to be shown by the proposed testimony, and his reasons for desiring to perpetuate it;

(d) the name or description of each expected adverse party, with address if known;

(e) the name and address of each deponent and the substance of his testimony. It shall be filed in the court where the prospective action might be brought.

(Rules 159-167 are similar in substance to Federal Rule 27.)

161. **Same; Notice.** The petitioner shall thereafter serve a notice upon each person named in the petition as an expected adverse party, together with a copy of the petition, stating that the petitioner will apply to the Court, at a time and place named therein, for the order described in the petition. At least twenty days before the date of hearing, the notice shall be served as provided for the service of original notices other than by publication; but if such service cannot with due diligence be so made upon any expected adverse party named in the petition, the Court may make such order as is just for service by publication or otherwise, or the Court upon a showing of extraordinary circumstances may prescribe a hearing upon less than twenty days notice.

162. **Same; Guardian Ad Litem.** Before hearing the application, the Court shall appoint some attorney to act as guardian ad litem for any party under legal disability or not personally served with notice, who shall cross-examine for his ward if any deposition is ordered, and unless an attorney has been so appointed the deposition shall not be admissible against such party in any subsequent action.

163. **When Ordered; Who Not Examined.** If satisfied that the petition is not for the purpose of discovery, and that its allowance may prevent future delay or failure of justice, and that applicant is unable to bring the contemplated action or cause it to be brought, the Court shall order the

testimony perpetuated, designating the deponents, the subject matter of their examination, when, where and before whom their deposition shall be taken, and whether orally or on written interrogatories.

(Excluding the purpose of discovery is a departure from the Federal Rules.)

164. Taking and Filing Testimony. Depositions shall be taken as directed in said order, and shall be otherwise governed by Rules 148 to 153 and 158. For the purpose of applying these Rules to depositions for perpetuating testimony, each reference therein to the Court in which the application was filed shall be deemed to refer to the Court in which the petition for such deposition was filed. Unless the Court enlarges the time, all such depositions must be filed therein within thirty days after the date fixed for taking them, and if not so filed cannot be later received in evidence.

(The last sentence is added to the Federal Rule.)

165. Use; Limitation. Any party to any later action involving any expected adverse party who was named in the application, and served with notice as hereinbefore required, or involving his privies or successors in interest, may use such deposition, or a certified copy thereof, if the deponent is dead or insane or his attendance cannot be obtained.

166. Perpetuating Testimony Pending Appeal. During the time allowed for taking an appeal from judgment of a court of record or during the pendency of such appeal, that Court may, on motion, allow testimony to be perpetuated for use in the event of further proceedings before it. The motion shall state the name and address of each proposed deponent, the substance of his expected testimony, and the reason for perpetuating it. If the Court finds such perpetuation is proper to avoid a failure or delay of justice, and the depositions are not sought for discovery, it may order them taken as in Rules 163 and 164. When taken and filed as thus provided, they shall be used and treated as though they had been taken pending the trial of the action.

DIVISION VIII

CHANGE OF VENUE*

167. Grounds for Change. On motion, the place of trial may be changed as follows:

(a) **County.** If the county where the case would be tried is a party and the motion is by an adverse party, the issue being triable by jury, and a jury having been demanded;

(b) **Interest of Judge.** Where the trial judge is directly interested in the action, or related by consanguinity or affinity within the fourth degree to any party so interested;

(c) **Prejudice or Influence.** If the trial judge, or the inhabitants of the county, are so prejudiced against the moving party, or if an adverse party has such undue influence over such inhabitants, that the movant cannot obtain a fair trial. The motion in such case shall be supported by affidavit

* (This Division supersedes chapter 495 of the Code except, however, that Code Sec. 11424 is superseded only insofar as it applies to civil actions. Code Secs. 11053, 11054 are also superseded.)

of the movant and three disinterested persons, none being his agent, servant, employee or attorney, not related to him by consanguinity or affinity within the fourth degree. The other party shall have a reasonable time to file counter affidavits. Affiants may be examined pursuant to Rule 116;

(d) **Agreement.** Pursuant to written agreement of the parties;

(e) **Fraud in Contract.** A defendant, sued in a county where he does not reside, on a written contract expressly performable in such county, who has filed a sworn answer claiming fraud in the inception of said contract as a complete defense thereto, may have the case transferred to the county of his residence. Within ten days after the transfer is ordered, he must file a bond in an amount fixed by the Court, with sureties approved by the Clerk, for payment of all costs; and any judgment rendered against him shall include in such costs a reasonable amount fixed by the Court for expenses incurred by plaintiff and his attorney by reason of the change.

(Combines Code Secs. 11408, 11411, 11412, 11413, but eliminates change for inability to obtain a jury or for undue influence of an attorney, and limits the persons whose affidavits may be used.)

168. **Limitations.** Change of venue shall not be allowed:

(a) In an appeal from a justice of the peace; or

(b) Under Rule 167(c) where the issues are triable to the Court alone, except for prejudice of the judge; or

(c) Until the issues are made up, unless the objection is to the judge; or

(d) After a continuance, except for a cause arising since such continuance or not known to movant prior thereto; or

(e) After one change, for any cause then existing, and known or ascertainable with reasonable diligence.

In no event shall more than two changes be allowed to any party.

(Code Secs. 11409, 11414 combined.)

169. **Subsequent Change.** Where the case is tried after a change of place of trial, and the jury disagrees or a new trial is granted, the Court may in its discretion allow a subsequent change, under Rule 167(a), (b), (c) or (d); subject to Rule 168.

(Code Sec. 11410.)

170. **Of Whole Case.** A change may be granted on motion of one of several co-parties; and the whole cause shall then be transferred, unless separate trials are granted under Rule 186.

(Supersedes and changes Code Sec. 11421.)

171. **Where Tried.** Unless the change is under Rule 167(e), the Court granting it shall order the trial held in a convenient county in the judicial district, or if the ground applies to all such counties, then of another judicial district. If the ground applies only to a judge, the Court in its discretion may refuse a change and procure another judge to try the case where it was brought, or the Supreme Court may designate such other judge.

(Supersedes Code Secs. 11415, 11416, 11417.)

172. **Costs.** Unless the change is under Rule 167(d) or 167(e), the order shall designate generally all costs occasioned by the change, which movant must pay before the change is perfected. Failure to make such payment within ten days from the order waives the change of venue.

(Supersedes Code Sec. 11423.)

173. **Transferring Cause.** When a change is ordered and the required costs paid, the Clerk shall forthwith transmit to the proper Court his transcript of the proceedings, with any original papers, of which he shall retain an authenticated copy. The case shall be docketed in the second Court without fee and shall proceed.

(Substitute for Code Sec. 11419, combined with Secs. 11420, 11422.)

174. **Jury Fees.** If the trial after change consumes more than one calendar day, the Court shall certify the number of days consumed; and the county where the action was brought shall pay the county where it was tried a sum equal to \$3.00 per day for each juror who tried the case.

(Supersedes Code Sec. 11424, so far as it relates to civil cases. That section also applies to criminal cases and as to those, is not affected by these Rules.)

175. **Action Brought in Wrong County.**

(a) An action brought in the wrong county may be prosecuted there until termination, unless a defendant, before answer, moves for its change to the proper county. Thereupon the Court shall order the change at plaintiff's cost, which may include reasonable compensation for defendant's trouble and expense, including attorney's fees, in attending in the wrong county.

(b) If all such costs are not paid within a time to be fixed by the Court, or the papers are not filed in the proper Court within twenty days after such order, the action shall be dismissed.

(Substitute for Code Secs. 11053, 11054. Does not affect Sec. 11051, which does not deal with change of venue.)

DIVISION IX TRIAL AND JUDGMENT*

(A) Trials

176. **Trials and Issues.** A trial is a judicial examination of issues in an action, whether of law or fact. Issues arise where a pleading of one party maintains a claim controverted by an adverse party. Issues are either of law or fact. An issue of fact arises on a material allegation of fact in a pleading which is denied in an adversary's pleading or by

* (This Division and the next supersede chapter 496 of the Code, except the following: Code Secs. 11430-11434, inclusive, as to taking evidence; Code Secs. 11456-11458, inclusive, as to reporting testimony; Code Secs. 11482, 11486, 11496.1, 11570, 11583 and 11584; Code Sec. 11560 as to costs in event of new trial; Code Secs. 11602-11607, inclusive, as to judgment liens; Code Secs. 11613-11620, inclusive, as to commissioner's deeds; Code Sec. 11621 as to penalty for not satisfying a paid judgment.

The several sections rewritten in or superseded by the Rules are noted under the appropriate Rules.

This Division and the next contain much new and changed matter, notation of which appears under the Rules introducing it.)

operation of law. All other issues are issues of law which must be tried first.

For allegations and denials of fact, see Rules 70-76, 100.

For denials by operation of law, see e.g., Rule 102.

For separate trial of law issue, see Rule 105.

(Combines Code Secs. 11426, 11427, 11428.)

177. Demand for Jury Trial.

(a) Jury trial is waived if not demanded according to this Rule; but a demand once filed may not be withdrawn without consent of all parties not in default.

(b) A party desiring jury trial of an issue must file a written demand therefor, either by endorsement on his pleading, or within ten days after the last pleading directed to that issue.

(c) Unless limited to a specific issue, every such demand shall be deemed to include all issues triable to a jury. If a limited demand is filed, any other party may, within ten days thereafter or such shorter time as the Court may order, file his demand for a jury trial of some or all other issues.

(This and the next Rule supersede Code Secs. 11429, 11519. Similar to Federal Rule 38 and part of 39.)

178. **To Court or Jury.** All issues shall be tried to the Court except those for which a jury is demanded. Issues for which a jury is demanded shall be tried to a jury unless the Court finds that there is no right thereto or all parties appearing at the trial waive a jury in writing or orally in open court.

(See comment under Rule 177.)

179. Findings by Court.

(a) The Court trying an issue of fact without a jury, whether by equitable or ordinary proceedings, shall find the facts in writing, separately stating its conclusions of law, and direct an appropriate judgment. No request for findings is necessary for purposes of review. Findings of a master shall be deemed those of the Court to the extent it adopts them.

(b) On motion joined with or filed within the time allowed for a motion for a new trial, the findings may be enlarged or amended, and the judgment modified accordingly. But a party, on appeal, may challenge the sufficiency of the evidence to sustain any finding, without having objected to it by such motion or otherwise.

(Supersedes Code Sec. 11435. Includes substance of part of Federal Rule 52.)

180. **Exceptions Unnecessary.** Exceptions to rulings or orders of Court are unnecessary whenever a matter has been called to the attention of the Court, by objection, motion or otherwise and the Court has ruled thereon.

This Rule has nothing to do with bills of exceptions to complete an otherwise incomplete record, for which see Rule 241.

(Supersedes and changes Code Secs. 11536, 11537, 11542, 11543.)

181. **Trial Assignments.** Trial courts shall provide by rule for placing actions on the calendar for trial to Court or jury, giving precedence to actions entitled thereto. Such rules shall provide that the Court must place any case on the assignment and compel its trial, on request of any party after issues are made up, and shall have no power thereafter to

grant any delay except on motion for continuance or consent of all parties in open court.

(Supersedes Code Secs. 11438, 11439 and part of Secs. 11440, 11441, relating to assignments and calendars. Code Sec. 11439 as to motions is superseded by Rule 117.)

182. Motions for Continuance.

(a) Motions for continuance shall be filed without delay after the grounds therefor become known to the party or his counsel. Such a motion may be amended only to correct a clerical error.

(b) A case shall not lose its place on the calendar when a party applies for time to seek a continuance, unless it is then continued at the option of the other party at applicant's costs, whereupon the Clerk shall forthwith enter judgment for costs unless otherwise ordered by the Court or agreed by the parties.

That the motion need not be served; see Rule 115.

(This and the next two Rules supersede Code Secs. 11442-11455, inclusive.)

183. Causes for Continuance.

(a) A continuance may be allowed for any cause not growing out of the fault or negligence of the applicant, which satisfies the Court that substantial justice will be more nearly obtained. It shall be allowed if all parties so agree.

(b) All such motions based on absence of evidence must be supported by affidavit of the party, his agent or attorney, and must show: (1) The name and residence of the absent witness, or, if unknown, that affiant has used diligence to ascertain them; (2) What efforts, constituting due diligence, have been made to obtain such witness or his testimony, and facts showing reasonable grounds to believe the testimony will be procured by the next term; (3) What particular facts, distinct from legal conclusions, affiant believes the witness will prove, and that he believes them to be true and knows of no other witness by whom they can be fully proved. If the Court finds such motion sufficient, the adverse party may avoid the continuance by admitting that the witness if present, would testify to the facts therein stated, as the evidence of such witness.

184. Objections; Ruling; Costs. The adverse party may at once, or within such reasonable time as the Court allows, file specific written objections to the motion for continuance, which shall be part of the record. Where the defenses are distinct, the cause may be continued as to any one or more defendants. Every continuance shall be at the cost of the movant unless otherwise ordered by the Court.

185. Consolidation. Unless some party objects, stating that he will be prejudiced thereby, the Court may consolidate separate actions which involve common questions of law or fact; or order a single trial of any or all issues therein. In such cases, it may make such orders concerning the proceedings as tend to avoid unnecessary cost or delay.

(Supersedes Code Sec. 11226.)

186. Separate Trials. In any action the Court may, for convenience or to avoid prejudice, order a separate trial of any claim, counterclaim, cross-claim, or of any separate issue of fact; or any number of any of them.

Any claim against a party may be thus severed and proceeded with separately.

As to separate trial of points of law see Rule 105.
(Supersedes Code Sec. 11437.)

187. Empanelling Jury.

(a) **Selection.** The Clerk shall prepare and deposit in a box separate ballots containing the names of all persons returned or added as jurors. At each jury trial he shall select sixteen jurors by closing and shaking the box to intermingle the ballots, and drawing them from the box without seeing the names. He shall list all jurors so drawn. Before drawing begins, either party may require that the names of all jurors be called, and have an attachment for those absent who are not engaged in other trials; but the Court may wait for its return or not, in its discretion.

(Supersedes Code Secs. 11459, 11477-11479 and changes them to omit some details.)

(b) **Oath or Examination.** The prospective jurors shall be sworn. The parties may then examine those drawn. The Court may conduct such examination as it deems proper. It may on its own motion exclude any juror.

(Cf. first sentence of Federal Rule 47.)

(c) **Challenges.** Challenges are objections to trial jurors, and may be either to the panel or to an individual juror. Coparties at the trial cannot sever their peremptory challenges, but must join in them unless the Court otherwise orders. The Court shall determine the law and fact as to all challenges, and must either allow or deny them.

(Combines Code Secs. 11460, 11461, 11474.)

(d) **Same; To Panel.** Before any juror is sworn, either party may challenge the panel, in writing, distinctly specifying the grounds, which can be founded only on a material departure from the statutory requirements for drawing or returning the jury. On trial thereof, any officer, judicial or ministerial, whose irregularity is complained of, and any other persons, may be examined concerning the facts specified. If the Court sustains the challenge it shall discharge the jury, no member of which can serve at that trial.

(Combines Code Secs. 11462-11465, inclusive.)

(e) **Same; To Juror.** Challenge to an individual juror, peremptory or for cause, must be made before the jury is sworn to try the case. A juror peremptorily challenged must be excused without reasons being given. On demand of either party to a challenge for cause, the juror shall answer every question pertinent to the inquiry, and other evidence may be taken.

(Combines Code Secs. 11466, 11467, 11468, 11473.)

(f) **Same; For Cause.** A juror may be challenged by either party for any of the following causes: (1) conviction of a felony; (2) want of any statutory qualification required to make him a competent juror; (3) physical or mental defects rendering him incapable of performing the duties of a juror; (4) consanguinity or affinity within the ninth degree to the adverse party; (5) being guardian, ward, master, servant, landlord or tenant of the adverse party, or a member of his family or in his employ; or being a client of any attorney engaged in the cause; (6) being

a party adverse to the challenging party in any civil action; or having complained of or been accused by him in a criminal prosecution; (7) having already sat upon a trial of the same issues; (8) having served as a grand or trial juror in a criminal case based on the same transaction; (9) when it appears the juror has formed or expressed an unqualified opinion on the merits of the controversy, or shows a state of mind which will prevent him from rendering a just verdict; (10) being interested in a question like the issue to be tried; (11) having requested, directly, or indirectly, that his name be returned as a juror for the regular biennial period; (12) having served in the District Court as a grand or petit juror during the last preceding calendar year.

Exemption from jury service is not a ground of challenge, but the privilege of the person exempt.

(Combines Code Secs. 11472, 11476.)

(g) **Number; Striking.** Each side may peremptorily challenge three jurors and must strike off two but before the examination of the jury commences the Court may in its discretion authorize and fix the number of additional peremptory challenges where there are two or more parties represented by different counsel. After all challenges for cause are completed, plaintiff and defendant shall alternately make or waive their peremptory challenges by appropriate notations on the jury list. Thereafter each side in like manner shall strike off two jurors from the list.

(Supersedes Code Sec. 11469 and permits award of additional peremptory challenges in certain cases.)

(h) **Vacancies.** After a peremptory challenge is exercised or a challenge for cause sustained, another juror shall be called and examined before further challenges are made, and shall be subject to being challenged or stricken as are other jurors.

(Code Sec. 11470.)

(i) **Jury Sworn.** The Clerk shall read the names of the twelve jurors who remain on the list after all others have been challenged or stricken. These shall constitute the jury and shall be sworn substantially as follows:

"You and each of you do solemnly swear (or affirm) that you will well and truly try the issues wherein is plaintiff and is defendant, and a true verdict render; and that you will do so solely on the evidence introduced and in accordance with the instructions of the Court; so help you God."

(Code Secs. 11471, 11471.1.)

188. **Saturday a Religious Day.** No juror whose religious faith requires him to keep the seventh day of the week can be compelled to attend on that day, prior to final submission of the case.

(Supersedes and alters Code Sec. 11475.)

189. **Alternate Jurors.** The Court may empanel one or two alternate jurors whose qualifications, powers, functions, facilities, and privileges shall be the same as regular jurors. After the regular jury is selected, the Clerk shall draw the names of two more persons than are to serve under this Rule, who shall be sworn and subject to examination and challenge for cause as provided in Rule 187. Each party must then strike off one such name, and the one or two remaining shall be sworn to try the case with the regular jury, and sit at the trial. Alternate jurors shall, in the

order they were drawn replace any juror who becomes unable to act, or is disqualified, before the jury retires, and if not so needed shall then be discharged.

(New.)

190. Returning Ballots to Box. When a jury is sworn, the ballots containing the names of those absent or excused from that trial shall be immediately returned to the box. Those containing the names of jurors sworn shall be set aside, and returned to the box immediately on the discharge of that jury.

(Combines Code Secs. 11480, 11481.)

191. Procedure After Jury Sworn. After the jury is sworn the trial shall proceed in the following order,

(1) The party having the burden of proof on the whole action may briefly state his claim, and by what evidence he expects to prove it;

(2) The other party may similarly state his defense and evidence;

(3) The first above party must then produce his evidence; to be followed by that of the adverse party;

(4) The parties will be confined to rebutting evidence, unless the Court in furtherance of justice, permits them to offer evidence in their original case;

(5) But one counsel on each side shall examine the same witness, unless otherwise permitted by the Court.

(Code Sec. 11485, modified by the last clause.)

192. Further Testimony for Mistake. At any time before final submission, the Court may allow any party to offer further testimony to correct an evident oversight or mistake, imposing such terms as it deems just.

(Code Sec. 11505.)

193. Adjournments. After trial begins, the Court may, in furtherance of justice, adjourn it for such time, and on such conditions as to costs or otherwise, as it deems just.

For admonishing jury on adjournment, see Rule 199(a).

(Code Sec. 11502.)

194. View. When the Court deems proper, it may order an officer to conduct the jury in a body to view any real or personal property, or any place where a material fact occurred, and to show it to them. No other person shall speak to them during their absence on any subject connected with the trial.

(Code Sec. 11496.)

195. Arguments. The parties may either submit the case or argue it. The party with the burden of the issue shall have the opening and closing argument. In opening, he shall disclose all points he relies on, and if his closing argument refers to any new material point or fact not so disclosed, the adverse party may reply thereto, which shall close the argument. A party waiving opening argument is limited, in closing, to reply to the adverse argument; otherwise the adverse party shall have the closing argument. The Court may limit the time for argument to itself, but not for arguments to the jury.

(Combines Code Secs. 11487, 11488 and 11490.)

196. Instructions. The Court shall instruct the jury as to the law applicable to all the material issues in the case and such instructions shall be in writing and in consecutively numbered paragraphs and shall be read to the jury without comment or explanation. At the close of the evidence, or such prior time as the Court may reasonably fix, any party may file written requests that the jury be instructed as set forth in such requests. Before argument to the jury begins, the Court shall furnish counsel with a preliminary draft of instructions which it expects to give on all controversial issues, which shall not be part of the record. Before reading them to the jury, the Court shall submit to counsel its instructions in their final form, noting this fact of record, and granting reasonable time for counsel to make objections after argument to the jury and before the instructions are read to the jury. Within such time, all objections to giving or failing to give any instruction must be made in writing or dictated into the record, out of the jury's presence, specifying the matter objected to and on what grounds. No other grounds or objections shall be asserted thereafter, or considered on appeal. But if the Court thereafter revises or adds to the instructions, similar specific objection to the revision or addition may be made in the motion for new trial, and if not so made shall be deemed waived. All instructions and objections, except as above provided, shall be part of the record.

(Supersedes Code Secs. 11491-11495, inclusive.)

197. Additional Instructions. While the jury is deliberating, the Court may in its discretion further instruct the jury, in the presence of or after notice to counsel. Such instruction shall be in writing, be filed as other instructions in the case, and be a part of the record and any objections thereto shall be made in a motion for a new trial.

(Supersedes Code Sec. 11506.)

198. What Jury May Take. When retiring to deliberate, the jury shall take with them all exhibits in evidence except as otherwise ordered. Depositions shall not be so taken unless all the evidence is in writing and none has been stricken out.

(Supersedes Code Sec. 11503.)

199. Separation and Deliberation of Jury.

(a) A jury once sworn shall not separate unless so ordered by the Court, who must then advise them that it is the duty of each juror not to converse with any other juror or person, nor suffer himself to be addressed on the subject of the trial; and that, during the trial it is the duty of each juror to avoid, as far as possible, forming any opinion thereon until the cause is finally submitted to him.

(b) On final submission, the jury shall retire for deliberation, and be kept together in charge of an officer until they agree on a verdict or are discharged by the Court. Such officer must not suffer any communication to be made to them, nor make any himself, except to ask them if they have agreed on a verdict, unless by order of Court; nor communicate to any person the state of their deliberations, or the verdict agreed upon before it is rendered.

(Combines Code Secs. 11497, 11498.)

200. Discharge; Retrial. The Court may discharge a jury because of any accident or calamity requiring it, or by consent of all parties, or when

on an amendment a continuance is ordered, or if they have deliberated until it satisfactorily appears that they cannot agree. The case shall be retried immediately or at a future time, as the Court directs.

(Combines Code Secs. 11500, 11501.)

201. Court Open for Verdict. The Court may adjourn as to other business while the jury is absent, but shall be open for every purpose connected with the cause submitted to the jury until it returns a verdict or is discharged.

(Code Sec. 11504; supersedes Code Sec. 11552.)

202. Food and Lodging. The Court may order the sheriff to provide suitable food and lodging at the expense of the county for a jury being kept together to try or deliberate on a cause.

(Code Sec. 11507.)

203. Rendering Verdict.

(a) **Majority.** Before verdict is returned, the parties may stipulate that it may be rendered by a stated majority of the jurors. In the absence of such stipulation a verdict must be unanimous.

(b) **Return; Poll.** The jury agreeing on a verdict shall bring it into court, where it shall be read to them, and inquiry made if it is their verdict. A party may then require a poll, which shall be by the Clerk of Court asking each juror if it is his verdict. If any juror expresses disagreement on such poll or inquiry, the jury shall be sent out for further deliberation; otherwise, the verdict is complete and the jury shall be discharged.

(c) **Sealed.** When, by consent of the parties and the Court, the jury has been permitted to seal its verdict and separates before it is rendered, such sealing is equivalent to a rendition and a recording thereof in open court, and such jury shall not be polled or permitted to disagree with respect thereto.

(Paragraph (a) is a substitute for Code Sec. 11483. Code Secs. 11058-11510, inclusive, are combined.)

204. Form and Entry of Verdict. The verdict shall be in writing, signed by a foreman chosen by the jury. It shall be sufficient in form if it expresses the jury's intent. It shall be filed with the Clerk, and entered of record after being put in form by the Court if need be.

For judgment on verdict, see Rule 222.

(Combines Code Secs. 11517, 11518 and part of Sec. 11508.)

205. Special Verdicts. The Court may require that the verdict consist wholly of special written findings on each issue of fact. It shall then submit in writing questions susceptible of categorical or brief answers, or forms of several special findings that the jury might properly make under the issues and evidence, or submit the issues and require the findings in any other appropriate manner. It shall so instruct the jury as to enable it to find upon each issue submitted. If the submission omits any issue of fact, any party not demanding submission of such issue before the jury retires waives jury trial thereof, and the Court may find upon it; failing which, it shall be deemed found in accord with the judgment on the special verdict. The Court shall direct such judgment on the special verdict and answers as is appropriate thereto.

(This and the following Rule supersede Code Secs. 11511-11514 and 11576. Cf. Federal Rule 49.)

206. Interrogatories. The jury in any case in which it renders a general verdict may be required by the Court, and must be so required on the request of any party to the action, to find specially upon any particular questions of fact, to be stated to it in writing, which questions of fact shall be submitted to the attorneys of the adverse party before argument to the jury is commenced. The instructions shall be such as will enable the jury to answer the interrogatories and return the verdict. If both are harmonious, the Court shall order the appropriate judgment. If the answers are consistent with each other, but any is inconsistent with the general verdict, the Court may order judgment appropriate to the answers notwithstanding the verdict, or a new trial, or send the jury back for further deliberation. If the answers are inconsistent with each other, and any is inconsistent with the verdict, the Court shall not order judgment, but either send the jury back or order a new trial.

(See comment under Rule 205.)

207. Reference. A "master" includes a referee, auditor or examiner. On a showing of exceptional conditions requiring it, the Court may appoint a master as to any issues not to be tried to a jury. The Clerk shall forthwith furnish the master with a copy of the order appointing him.

(Rule 207-214 supersede Code Secs. 11520-11535. Cf. Federal Rule 53.)

208. Same; Compensation. The Court shall fix the master's compensation and order it paid or advanced by such parties, or from such fund or property, as it may deem just. Execution may issue on such order at the master's demand. He shall not retain his reports as security for his compensation.

209. Same; Powers. The order may specify or limit the master's powers or duties or the issue on which he is to report, or the time within which he shall hold hearings or file his report; or specify that he merely take and report evidence. But except as so limited, he shall have and exercise power to regulate all proceedings before him; to administer oaths and to do all acts and take all measures appropriate for the efficient performance of his duties; to compel production before him of any witness or party, whom he may himself examine, or of any evidence on any matters embraced in the reference, and to rule on admissibility of evidence. He shall, on request, make a record of evidence offered and excluded. He may appoint a shorthand reporter whose fees shall be advanced by the requesting party.

210. Same; Speedy Hearing. Upon his appointment the master shall forthwith notify the parties of the time and place of their first meeting before him, which shall be within twenty days or such other time as the Court's order may fix. If a party so notified fails to appear, the master may proceed ex parte, or, in his discretion, adjourn to a future day, giving notice thereof to the absent party. It is the duty of the master to proceed with all reasonable diligence; and the Court, after notice to the master and the parties, may order him to expedite proceedings or make his report.

211. Same; Witnesses. Any party may subpoena witnesses before a master as for trial in open court; and a witness failing to appear or testify without good cause shall be subject to the same punishment and consequences.

212. **Same; Accounts.** The master may prescribe the form for submission of accounts which are in issue before him. In any proper case he may require or receive in evidence the statement of a certified public accountant who testifies as a witness. If any item submitted or stated is objected to, or shown insufficient in form, the master may require that a different form be furnished or that the accounts or any item thereof be proved by oral testimony or written interrogatories of the accounting parties, or in such other manner as he directs.

213. **Same; Filing Report.** The master shall file with the Clerk the original exhibits, and a transcript of the proceedings and evidence before him, if there be one; otherwise his summary thereof, with his report on the matters submitted to him in the order of reference, including separate findings and conclusions if so ordered. He may previously submit a draft of his report to counsel for their suggestions.

214. **Same; Disposition.** The Clerk shall forthwith mail notice of filing the report to all attorneys of record; and within ten days thereafter, unless the Court enlarges the time, any party may file written objections to it. Application for action on said report, or objections, shall be by motion, to be heard on such notice as the Court prescribes. The report shall have the same effect whether or not the reference was by consent; but where parties stipulate that the master's findings shall be final, only questions of law arising upon the report shall thereafter be considered. The Court shall accept the master's findings of fact unless clearly erroneous; and may adopt, reject or modify the report wholly or in any part, or recommit it with instructions.

215. **Voluntary Dismissal.** A party may, without order of Court, dismiss his own petition, counterclaim, cross-petition or petition of intervention, at any time before the trial has begun. Thereafter a party may dismiss his action or his claim therein only by consent of the Court which may impose such terms or conditions as it deems proper; and it shall require the consent of any other party asserting a counterclaim against the movant, unless that will still remain for an independent adjudication. A dismissal under this Rule shall be without prejudice, unless otherwise stated; but if made by any party who has previously dismissed an action against the same defendant, in any court of any state or of the United States, including or based on the same cause, such dismissal shall operate as an adjudication against him on the merits, unless otherwise ordered by the court, in the interests of justice.

(This and the next three Rules supersede Code Secs. 11562-11565, and adopt the substance of Federal Rule 41.)

216. **Involuntary Dismissal.** A party may move for dismissal of any action or claim against him, if the party asserting it fails to comply with these Rules or any order of Court. After the plaintiff has completed his evidence, a defendant may move for dismissal because plaintiff has shown no right to relief, under the law or facts, without waiving his right to offer evidence thereafter.

(The last sentence includes the present motion to direct verdict. Motion to dismiss under it is permissible in equity cases as well.)

217. **Effect of Dismissal.** All dismissals not governed by Rule 215 or not for want of jurisdiction or improper venue, shall operate as adjudications on the merits unless they specify otherwise.

218. Costs of Previously Dismissed Action. Where a plaintiff sues on a cause of action that was previously dismissed against the same defendant in any Court of any state or the United States the Court may stay such suit until the costs of the prior action are paid.

(New.)

(B) Judgments Generally.

219. Judgment Defined. Every final adjudication of any of the rights of the parties in an action is a judgment.

(Supersedes Code Sec. 11567.)

220. For Part; In Abatement. A party who succeeds in part only may have judgment expressly for the part on which he succeeds, and against him as to the rest. The findings and judgment must distinguish between matter in abatement and bar; and a judgment in abatement and not on the merits must so declare.

Bar or Abatement; see also Rule 103.

(Code Secs. 11568, 11569.)

221. As To Some Parties Only. Where the action involves two or more parties, the Court may, in its discretion, and though it has jurisdiction of them all, render judgment for or against some of them only, whenever the prevailing party would have been entitled thereto had the action involved him alone, or whenever a several judgment is proper; leaving the action to proceed as to the other parties.

See also Rule 74.

(Combines Code Secs. 11571, 11572.)

222. Judgment on the Pleadings, etc. Any party may, at any time, on motion, have any judgment to which he is entitled under the uncontroverted facts stated in all the pleadings, or on any portion of his claim or defense which is not controverted, leaving the action to proceed as to any other matter of which such judgment does not dispose.

(Code Sec. 11574 broadened to permit judgment on the pleadings.)

223. On Verdict. The Clerk must forthwith enter judgment upon a verdict when filed, unless it is special, or the Court has ordered the case reserved for future argument or consideration.

For judgment on special verdict, see Rule 205.

For judgment on election by standing on or failing to amend pleading, see Rule 87.

(Code Sec. 11575.)

224. Principal and Surety; Order of Liability. A judgment against principal and surety shall recite the order of their liability upon it. A "surety" includes all persons whose liability on the claim is posterior to that of another.

See Rule 41.

(Code Sec. 11577.)

225. On Counterclaim; Excess. If any party recovers judgment against an adverse party in excess of a judgment recovered by the latter against him, judgment shall be given for the excess, with any other affirmative relief to which either may be entitled.

(Code Sec. 11578, revised to conform to these Rules.)

226. By Agreement. Except in actions for divorce, separate maintenance and annulment of marriage, the Clerk shall forthwith enter any judgment upon which all parties agree in open court, or by writing filed with the Clerk; and execution may issue forthwith unless otherwise agreed.

(Supersedes Code Sec. 11579.)

227. Entry. All judgments and orders must be entered on the record of the court and clearly specify the relief granted or the order made.

See Rule 120.

(Code Sec. 11582.)

228. Notes Surrendered. The Clerk shall not, unless by special order of the Court, enter or record any judgment based on a note or other written evidence of indebtedness until such note or writing is first filed with him for cancellation.

(Code Sec. 11582.1, clarified.)

229. Affidavit of Identity. The Clerk shall not enter a personal judgment until the creditor, his agent or attorney, files an affidavit stating the full name, occupation and residence of the judgment debtor, to affiant's information and belief. If such residence is in an incorporated place of more than 5,000 population, the affidavit shall include the street number of debtor's residence and business address, if any. But a judgment entered or recorded without such affidavit shall not be invalid.

(New. Adapted from Minnesota Statutes. Intended to eliminate confusion as to identity of judgment defendant.)

(C) Defaults and Judgments Thereon.*

230. Default Defined. A party shall be in default whenever he (a) fails to appear as required in Rule 53 or 54; or, has appeared, without thereafter filing any motion or pleading as stated in Rule 87; or (b) fails to move or plead further as required in Rule 86, unless judgment has already resulted under Rule 87; or (c) withdraws his pleading without permission to replead, or withdraws his appearance or fails to present himself for trial; or (d) fails to comply with any order of Court or do any act which permits entry of default against him, under any Rule or statute.

(Supersedes Code Sec. 11587.)

231. How Entered. If a party not under legal disability or not a prisoner in a reformatory or penitentiary is in default under Rule 230(a), the Clerk, on demand of the adverse party, must forthwith enter such default of record without any order of Court. All other defaults shall be entered by the Court.

(Cf. Federal Rule 55(a).)

232. Judgment on Default. Judgment upon a default shall be rendered as follows:

(a) Where the claim is for a sum certain, or which by computation, can be made certain, the Clerk, upon request, shall make such computation as

* (The seven Rules in this Subdivision supersede Code Secs. 11587-11593, inclusive, and Sec. 11600. Code Sec. 11601 is not superseded. They conform the practice to a system not depending on terms of court for defaults or judgments, and otherwise depart from the existing statutory procedure.)

may be necessary, and upon affidavit that the amount is due, shall enter judgment for that amount, and costs against the party in default.

(b) In all cases the Court on request of the prevailing party, shall order the judgment to which he is entitled, and the Clerk shall enter the judgment so ordered. If no judge is holding court in the county, such order may be made by a judge anywhere in the judicial district as provided in Rule 120. The Court may, and on demand of any party not in default shall, either hear any evidence or accounting required to warrant the judgment or refer it to a master; or submit it to a jury if proper demand has been made therefor under Rule 177.

See Rules 13, 14, 17, and 71 as to hearings on default against incompetents, prisoners, etc., and guardians ad litem therein.

See Rules 46 and 47 as to required hearing in defaulted class suit.

(Cf. Federal Rule 55-b.)

233. Notice; Notice of Default in Certain Cases. When any judgment other than one in rem has been taken by default against a party served with notice delivered to another person as provided in Rule 56(a), the Clerk shall immediately give written notice thereof, by ordinary mail to such party at his last known address, or the address where such service was had. The Clerk shall make a record of such mailing. Failure to give such notice shall not invalidate the judgment.

(New.)

234. On Published Service. No personal judgment shall be entered against a person served only by publication, unless he has appeared.

(Supersedes Code Sec. 11600. Code Sec. 11601 is not affected by these Rules. It was held unconstitutional in *Raher v. Raher*, 150 Iowa 511, but has not been repealed by the legislature.)

235. Relief in Other Cases. The judgment may award any relief consistent with the petition and embraced in its issues; but unless the defaulting party has appeared, it cannot exceed what is demanded against him in the petition as limited by the original notice.

(Code Sec. 11573, modified to substitute "appearance" for "answer".)

236. Setting Aside Default. On motion and for good cause shown, and upon such terms as the Court prescribes, but not ex parte, the Court may set aside a default or the judgment thereon, for mistake, inadvertence, surprise, excusable neglect or unavoidable casualty. Such motion must be filed promptly after the discovery of the grounds thereof, but not more than sixty days after entry of the judgment. Its filing shall not affect the finality of the judgment or impair its operation.

For new trial after 60 days, see Rules 251-253.

(Fixes new time limit in lieu of expiration of term and broadens Code Sec. 11589 in other particulars.)

(D) Summary Judgments.

237. On What Claims. Summary judgment may be entered in an action, upon any claim therein, which is either:

(a) to recover a debt, or some other money demand which is liquidated, with or without interest, arising on a negotiable instrument, or on a recognizance, or on a judgment for a stated sum, or on any contract, express or implied, except quasi contract; or

(b) to recover a sum under a statute fixing its amount or creating a liability in the nature of a contract; or

(c) on a guaranty of a debt, or of some other claim that is liquidated; or

(d) to recover specific chattels, with or without damages for their detention, but any such claim for more than nominal damages which is unliquidated, may be severed and retained for separate trial as provided in Rule 186; or

(e) to quiet or settle title to real estate or any interest therein; or

(f) to discharge an invalid lien or mortgage.

(New. Taken from Connecticut.)

238. Procedure. Plaintiff making a claim described in Rule 237 may file a motion for summary judgment thereon at any time after defendant appears, before or after answer. He shall support the motion by affidavit of himself or some person with personal knowledge of the facts, verifying the claim and the amount of money, if any, yet due thereon, and his belief that no defense exists against it. The Clerk shall mail or deliver the copy of the motion as required in Rule 82. Judgment shall be entered as prayed in the motion unless within ten days after it is filed, or such other time as the Court may, for good cause, allow, the defendant resists it with affidavits showing facts which the Court deems sufficient to permit him to defend. Hearing on the motion, if thus resisted, shall be as provided in Rule 117. The Court may, on plaintiff's motion, strike any affidavits filed by defendant which it finds insufficient, frivolous or made only for delay.

(New. Connecticut practice adapted to conform to these Rules.)

239. On Motion in Other Cases. Judgments may be obtained on motion by sureties against principals or co-sureties for money due because paid by them as such; by clients against attorneys, by plaintiffs in execution against sheriffs, constables or other officers for money or property collected by them, and for damages; and in all other cases specially authorized by statute.

(Code Sec. 11608.)

240. Same; Procedure. If motion under Rule 239 is filed in an action already pending, the procedure shall be as in rule 238. Otherwise notice shall be served on the party against whom relief is sought at least ten days before the hearing thereof, stating when the motion will be filed and in plain ordinary language, its nature and grounds, fixing the time and place of the hearing thereon. If the motion is not filed by the day specified it shall be deemed abandoned, if it is filed, the Court shall hear it at the time fixed in the notice without further pleadings, and give judgment according to the very right of the matter.

For Declaratory Judgments, a species of special Action, see Rule 261, et seq.

(Supersedes Code Secs. 11609-11612, inclusive, adapting them to these Rules.)

DIVISION X

PROCEEDINGS AFTER JUDGMENT*

241. Bill of Exceptions.

(a) **When Necessary.** A bill of exceptions shall be necessary only to effect a showing of material portions of the record of the cause not shown by the court files, entries, or legally certified shorthand notes of the trial if any.

(b) **Affidavits.** Not more than five affidavits in support of any exception may be filed with the bill. Controverting affidavits, not exceeding five, may be filed within seven days thereafter; the Court, for good cause shown, may extend the time for filing such affidavits.

(c) **Certification; Judge; Bystanders.** The proposed bill of exceptions shall be promptly presented to the trial judge, who shall sign it if it fairly presents the facts. If he refuses, and counsel so certifies, and at least two bystanders attest in writing that the exceptions are correctly stated, the bill thus certified and attested shall be filed and become part of the record.

(d) **Same; Disability.** Whenever the Judge or master who tried the cause is for any reason unable to sign a bill of exceptions or certify the shorthand reporter's record, the same may be done by his successor, or by any Judge of the Court in which the proceeding was pending.

(Supersedes Code Secs. 11541 and 11547 and amplifies the latter. It leaves Code Secs. 11456-11458, inclusive, unchanged.)

242. **New Trial Defined.** A new trial is the re-examination in the same court of any issue of fact or part thereof, after a verdict, or master's report, or a decision of the Court.

(Code Sec. 11549.)

243. **Judgment Notwithstanding Verdict, etc.** Any party may, on motion, have judgment in his favor despite an adverse verdict, or the jury's failure to return any verdict;

(a) If the pleadings of the opposing party omit to aver some material fact or facts necessary to constitute a complete cause of action or defense and the motion clearly specifies such failure or omission; or

See also Rule 244(i).

(Supersedes Code Secs. 11553, 11554, and applies to failure of verdict as well as an adverse verdict.)

(b) If the movant was entitled to have a verdict directed for him at the close of all the evidence, and moved therefor, and the jury did not return such verdict, the Court may then either grant a new trial or enter judgment as though it had directed a verdict for the movant.

(New. Permits entry of proper judgment without a new trial where a verdict should have been directed.)

244. **New Trial.** The aggrieved party may, on motion, have an adverse verdict, decision or report or some portion thereof vacated and a new trial

* (This Division, with Division IX covers much of the statutory material in Chapter 496 of the Code. For sections in that Chapter not affected, see note to Division IX. This Division supersedes all of Chapter 552 relating to vacation of judgments, Code Sec. 12257 as to certain new trials and Code Secs. 11668, 11669, 11670, 11671, but not Sec. 11668.1 relating to Executions.)

granted, for any of the following causes, but only if they materially affected his substantial rights:

(a) Irregularity in the proceedings of the Court, jury, master, or prevailing party; or any order of the Court or master or abuse of discretion which prevented the movant from having a fair trial;

(b) Misconduct of the jury or prevailing party;

(c) Accident or surprise which ordinary prudence could not have guarded against;

(d) Excessive or inadequate damages appearing to have been influenced by passion or prejudice;

(e) Error in fixing the amount of the recovery, whether too large or too small, in an action upon contract or for injury to or detention of property;

(f) That the verdict, report or decision is not sustained by sufficient evidence, or is contrary to law;

(g) Material evidence, newly discovered, which could not with reasonable diligence have been discovered and produced at the trial;

(h) Errors of law occurring in the proceedings, or mistakes of fact by the Court.

(i) On any ground stated in Rule 243, the motion specifying the defect or cause giving rise thereto.

For setting aside Defaults, see Rule 236; other new Trials, see Rules 251 and 252.

(Supersedes, but contains the substance of Code Secs. 11550, 11548, adding inadequacy of damages to ground (d), and modifying clause (h) because of abolition of Exceptions.)

245. Motion; Affidavits. Motions under Rules 243 and 244 shall be in writing; and if based on grounds stated in Rule 244(b), 244(c), or 244(g) may be sustained and controverted by affidavits and heard pursuant to Rule 116.

(Part of Code Sec. 11551, adapted to these Rules.)

246. Stay. If motions under Rules 243 or 244 or petition under Rule 252 are timely filed, the Court may, in its discretion and on such terms, if any, as it deems proper order a stay of any or all further proceedings, executions or process to enforce the judgment, pending disposition of such motion or petition.

(New.)

247. Time for Motions and Exceptions. Motions under Rules 243 and 244 and bills of exception under Rule 241 must be filed within ten days after the verdict, report or decision is filed, or the jury is discharged, as the case may be, unless the Court, for good cause shown and not ex parte, grants an additional time not to exceed thirty days.

(Supersedes Code Secs. 11551, 11556.)

248. Nonwaiver. Any motion may be filed under Rules 243 or 244 without waiving the right to file or rely on any other of such motions.

(Code Sec. 11555.)

249. Issues Tried By Consent; Amendment. In deciding motions under Rules 243 or 244, the Court shall treat issues actually tried by express or

implied consent of the parties but not embraced in the pleadings, as though they had been pleaded. Either party may then amend to conform his pleadings to such issues and the evidence upon them; but failure so to amend shall not affect the result of the trial.

(Supersedes Code Secs. 11557, 11558, 11559.)

250. Conditional New Trial. The Court may permit a party to avoid a new trial under Rules 243 or 244 by agreeing to such terms or conditions as it may impose, which shall then be shown of record and a judgment entered accordingly.

(Supersedes Code Sec. 11561.)

251. Retrial After Published Notice.

(a) **Retrial.** Except in actions for divorce and annulment of marriage, if judgment is entered against a defendant who did not appear and was served only by publication, he or any person legally representing him may, within six months after entry of judgment, apply for retrial and on giving security for costs is then entitled to his defense and trial as though there were no judgment.

(Supersedes Code Secs. 11595 and 11598 and shortens the time from two years to six months.)

(b) **New Judgment.** After such retrial, the Court may confirm the judgment, or modify or set it aside and order a party to restore any money or property remaining in his possession under it, or to repay the value of any money or property he thus received.

For effect on title of good faith purchaser, see Rule 254.

(Code Sec. 11596.)

252. Judgment Vacated or Modified; Grounds. Upon timely petition and notice under Rule 253 the Court may correct, vacate or modify a final judgment or order, or grant a new trial on any of the following grounds:

- (a) Mistake, neglect or omission of the Clerk;
- (b) Irregularity or fraud practiced in obtaining the same;
- (c) Erroneous proceedings against a minor or person of unsound mind, when such errors or condition of mind do not appear in the record;
- (d) Death of a party before entry of the judgment or order, and its entry without substitution of his proper representative;
- (e) Unavoidable casualty or misfortune preventing the party from prosecuting or defending;
- (f) Material evidence, newly discovered, which could not with reasonable diligence have been discovered and produced at the trial, and was not discovered within the time for moving for new trial under Rule 244.

(Rules 252-256 supersede chapter 552 of the Code. They eliminate Code Sec. 12796; add and discard some grounds; make the proceedings uniformly by petition and notice, and otherwise adapt the chapter to the plan of these Rules. They also supersede Code Secs. 12255-12257; see Rule 251.)

253. Same; Petition, Notice, Trial.

(a) **Petition.** A petition for relief under Rule 252 must be filed in the original action within one year after the rendition of the judgment or order involved. It shall state the grounds for relief, and, if it seeks a new trial, show that they could not have been discovered in time to proceed

under Rules 236 or 244, and were discovered afterwards. Unless the pleadings in the original action alleged a meritorious action or defense the petition shall do so. It shall be supported by affidavit as provided in Rule 80(b).

(b) **Notice.** After filing the petition, and also within the year aforesaid, petitioner must serve the adverse party with an original notice in the manner provided in Division III of these Rules.

(c) **Trial.** The Court shall promptly assign the petition for trial, not less than twenty days after notice is served. The petition shall stand denied without answer; otherwise the issues and pleadings, and form and manner of the trial shall be the same, as nearly as may be, as in the trial of an ordinary action to the court, and with the same right of appeal. No new cause of action shall be introduced.

(d) **Preliminary Determination.** The Court may try and determine the validity of the grounds to vacate or modify a judgment or order before trying the validity of the cause of action or defense claimed.

(e) **Judgment.** After a stay under Rule 246, if the original judgment or order is affirmed, additional judgment shall be entered against the petitioner for the costs of the trial, and also, in the Court's discretion, for damages not exceeding ten per cent of the judgment affirmed.

254. Titles and Liens Protected.

(a) The title of a good faith purchaser to property sold under the original judgment shall not be affected or impaired by any judgment, order or proceeding under Rules 251 to 253 inclusive.

(b) If the original judgment is merely modified pursuant to either of said Rules, all liens or securities obtained under it shall be preserved in the modified judgment.

(Combines Code Secs. 12797 and 11597.)

255. **Other Proceedings Not Invoked.** Code Sections 12255-12257 inclusive shall not be invoked. Rules 252, 253 and 254 shall apply in lieu thereof.

(New. Supersedes the Code Sections specified which now appear in chapter 517, relating to Recovery of Real Property.)

256. **Judgment Discharged on Motion.** Where matter in discharge of a judgment has arisen since its rendition, the defendant or any interested person may, on motion in a summary way, have the same discharged in whole or in part, according to the circumstances.

(Code Sec. 11585.)

257. **Fraudulent Assignment; Motion.** The Court may, on motion, inquire into the assignment of a judgment, or its entry to the use of any party, and cancel the assignment or strike out such use, in whole or in part, whenever it determines the same to be inequitable, fraudulent or done in bad faith.

(Code Sec. 11586.)

258. **Execution; Duty of Officer.** An officer receiving an execution must execute it with diligence. He shall levy on such property of the judgment debtor as is likely to bring the exact amount, as nearly as practicable. He may make successive levies if necessary. He shall collect the things in

action, by suit in his own name if need be, or sell them. He shall sell sufficient property levied on to satisfy the execution, paying the proceeds, less his own costs, to the Clerk.

(Rules 258, 259 and 260 supersede and change Code Secs. 11664, 11668, 11669, 11670, 11671, but not Sec. 11668.1 which remains unaffected. The officer's endorsement is governed by Rule 259.)

259. Same; Endorsement. The officer shall endorse on the execution, the day and hour he receives it; and the levy, sale, or other act done by virtue of it, with the date thereof; and the date and amount of any receipts or payments toward its satisfaction. Each endorsement shall be made at the time of the act or receipt; but no levy or sale under the execution shall be impaired by failure to make any such endorsement at the time here provided.

(Preserves the levy despite failure of timely endorsement.)

260. Same; Levy on Personalty. Levy on personalty may be made under an attachment or general execution by either of the following methods, but no lien is created until compliance with one of them:

(a) By the officer taking possession of the property, and appending to the execution its exact description at length, with the date of the levy, and affixing his signature; or

(b) If the creditor or his agent first so request in writing, the officer may view the property, inventory its exact description at length, and append such inventory to the execution, with his signed statement of the number and title of the case, the amount claimed under the execution, the exact location of the property and in whose possession; and file with the county recorder of the county where the property is located his certified transcript of such inventory and statement. Such filing shall then be constructive notice of the levy to all persons. The Recorder shall index the transcript as a chattel mortgage and the officer shall release the same on the margin of the index whenever his writ is satisfied or the levy discharged.

(Paragraph (b) is new. It provides an alternative method of levy on personalty without taking possession.)

DIVISION XI

DECLARATORY JUDGMENTS*

261. Declaratory Judgments Permitted. Courts of record within their respective jurisdictions shall declare rights, status, and other legal relations whether or not further relief is or could be claimed. It shall be no objection that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form or effect, and such declarations shall have the force and effect of a final decree. The existence of another remedy does not preclude a judgment for declaratory relief in cases where it is appropriate. The enumeration in the next three Rules does not limit or restrict the exercise of the general power herein referred to.

(Substantially Sec. 1 of Uniform Declaratory Judgments Act and a substitute for Sec. 5 thereof. See also Federal Rule 57.)

262. Construing Contracts, etc. Any person interested in a contract, oral or written, or a will, or whose rights, status or other legal relations are

* (The Rules in this Division are new. There is no corresponding chapter in the Code.)

affected by a statute, or any municipal ordinance, rule, regulation, contract or franchise, may have determined any question of the construction or validity thereof or arising thereunder, and obtain a declaration of rights, status or legal relations thereunder.

(Substantially Sec. 2 of Uniform Declaratory Judgments Act with oral contracts, rules and regulations included.)

263. Before or After Breach. A contract may be construed either before or after there has been a breach thereof.

(Sec. 3, Uniform Act.)

264. Fiduciaries; Beneficiaries. Any person interested as or through an executor, administrator, trustee, guardian or other fiduciary, creditor, devisee, legatee, heir, next of kin or cestui que trust, in the administration of a trust or the estate of a decedent, insolvent, an infant or other person for whom a guardian has been appointed, may have a declaration of rights or legal relations in respect thereto:

(a) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others; or

(b) To direct executors, administrators, guardians, trustees or other fiduciaries, to do or abstain from doing any particular act in their fiduciary capacity; or

(c) To determine any question arising in the administration of the estate, guardianship or trust, including questions of construction of wills and other writings.

(Sec. 4 of Uniform Act extended to include all fiduciaries and all types of guardianships.)

265. Discretionary. The Court may refuse to render a declaratory judgment or decree where it would not, if rendered, terminate the uncertainty or controversy giving rise to the proceeding.

(Substantially Sec. 6 of Uniform Act.)

266. Supplemental Relief. Supplemental relief based on a declaratory judgment may be granted wherever necessary or proper. The application therefor shall be by petition in the original case. If the Court deems the petition sufficient, it shall, on such reasonable notice as it prescribes, require any adverse party whose rights have been adjudicated to show cause why such relief should not be granted forthwith.

267. Review. All orders, judgments or decrees under Rules 261-266 inclusive may be reviewed as other judgments, orders or decrees.

(Sec. 7, Uniform Act.)

(Similar to, but not identical with Sec. 8 of Uniform Act.)

268. Jury Trial. The right of trial by jury shall not be abridged or extended by Rules 261-267.

(Substitute for Sec. 9 of Uniform Act.)

269. "Person". The word "person", in Rules 261-268, shall include any individual or entity capable of suing or being sued under the laws of Iowa.

DIVISION XII**PARTITION OF REAL AND PERSONAL PROPERTY***

270. **The Action; Pending Probate.** Real or personal property may be partitioned by equitable proceedings. Where the entire interest in real estate is owned by a decedent on whose estate administration or probate is pending, the action cannot be begun until six months after the notice of the administrator's appointment, nor at any time while an application for authority to sell such real estate is pending in the probate proceeding.

(Supersedes Code Sec. 12310 and introduces prohibition when the court in probate has jurisdiction.)

271. **Petition.** The petition shall describe the property and plaintiff's interest therein. It shall name the other owners and all indispensable lienholders as defined in Rule 273(a), and state the nature and extent of each interest or lien, all so far as known.

(Supersedes Code Sec. 11312.)

272. **Abstracts.** The Court may order a complete abstract to be filed covering any real estate involved, requiring that any party produce any abstract he has or controls, and that plaintiff complete the same, or supply the whole if no part is available. The expense thereof shall be taxed as costs. Such abstracts shall be available for use of the Court or any party during the proceedings. A like order may be made as to plats and surveys.

(Supersedes and changes Code Sec. 12313.)

273. Parties.

(a) **Indispensable Parties.** All owners of undivided interests, and all holders of liens against less than the entire property are indispensable parties to any partition. All holders of any liens on personalty are also indispensable to its partition.

(b) **Optional Parties.** Other persons having actual, apparent, claimed or contingent interests, and holders of liens on the entire real estate, may also be made parties.

(Supersedes Code Secs. 12314, 12315, 12323.)

274. **Early Appearance.** After a petition is filed seeking partition of personalty only, the Court may order appearance and hearing at any specified time and place in the judicial district on not less than five days personal service of original notice on all defendants.

(New.)

275. **Joinder and Counterclaim.** Except as permitted by this Rule there shall be no joinder of any other cause of action and no counterclaim. But any party may perfect or quiet title to the property, or have an adjudication of the rights of any or all parties as to any or all matters growing out of or connected with it, including liens between them. Real and personal property owned by the same persons may be partitioned in the same action; and the same referee may act as to both.

(New, but the joinders permitted have nearly all been permitted heretofore by Supreme Court decisions.)

* (This Division supersedes chapter 522 of the Code. That chapter dealt primarily with real estate, but partition of personalty has been permitted by Supreme Court decisions.)

276. Jurisdiction of Property; Proceeds. The property or its proceeds shall be subject to the order of the Court until the right becomes fully vested. After a sale, each party, including holders of liens from which the property has been freed by the sale, shall have the same rights or interests in the proceeds as they had in the property sold, subject to a prior charge for costs.

(Supersedes Code Sec. 12316.)

277. Same; Estate Less Than Fee. The Court shall make suitable provision as to the proceeds of any share held for life or years or in remainder, which may be done by appointing a trustee for the proceeds involved.

(Substitute for Code Sec. 12350.)

278. Division or Sale. Property shall be partitioned by sale and division of the proceeds, unless a party prays for partition in kind by its division into parcels, and shows that such partition is equitable and practicable. But personalty which is subject to any lien on the whole or any part can only be partitioned by sale.

(Supersedes and changes Code Sec. 12326.)

279. Decree. The decree shall establish the shares and interests of the owners in the property. A decree for partition in kind shall appoint three referees unless the parties agree on a smaller number. A decree ordering a sale shall appoint one or more referees, and three disinterested freeholders to appraise the property, and may direct either a public or private sale. All other matters involved in the cause, including those relating to liens, may be determined by the same decree, or later supplemental decree or decrees.

Sale for less than appraisal, see Rule 291.

(Combines parts of Code Secs. 12325, 12326, 12327, 12343 and adds other provisions.)

280. Liens. The Court shall by supplemental decree, adjudge the nature, extent, priority or validity of any lien of any party, not previously determined, after causing the referees to give such notice to the interested parties as it may prescribe, and upon issues made up as the Court directs. No partition in kind shall be had until after such adjudication; but a sale need not wait thereon, and the pendency of any such controversy shall not delay distribution of the proceeds to any party not affected by the lien.

(Supersedes Code Secs. 12320, 12321, 12322, 12324.)

281. Sale Free of Liens. Personalty must be sold free of liens. Real property must be sold free of all liens, except those which are held against the entire property sold.

For initial or supplemental decree as to liens, see Rules 279 and 280.

(Supersedes Code Sec. 12323.)

282. Possession and Preservation of Property. The Court may order the referee to lease or take possession of any property involved in the action. It may also preserve the property either by injunction or by any other appropriate provision for its care and custody. Expenses incurred under this Rule, when allowed by the Court, shall be part of the costs.

(Supersedes and adds to Code Sec. 12328.)

283. Referees to Divide; Oath; Inability. Referees authorized to make partition in kind shall qualify by taking oath and need give no bond. If

they are unable to make such division, they shall so report to the Court, which will then order a sale of personal property without further notice. As to real estate, such report will be heard under Rule 286, whereupon any further decree of sale or otherwise, may be made which is proper under the exigencies of the case.

(New.)

284. Partition in Kind. The referees who partition real estate in kind shall mark out each parcel by visible monuments, and file report thereof. They may employ a surveyor or assistants to aid them, if necessary, whose fees and expenses, when allowed by the Court, shall be part of the costs.

(Code Sec. 12329 with provision for costs added.)

285. Same; Specific Allotment. The Court may, for good reasons shown, order referees making a partition in kind to allot a particular tract or article to a particular party.

(Supersedes Code Sec. 12331.)

286. Same; Report; Notice; Hearing. Referees shall file a report of their proposed partition in kind, describing with reasonable particularity the respective shares and the specific property allotted to each owner, with a plat of any real estate involved. The Court shall promptly fix a time and place of hearing thereon, and the referees shall give at least ten days notice thereof in such manner as the Court directs. On hearing, the Court may approve, modify or disapprove the report, and refer it to the same or different referees or order a sale.

(Supersedes Code Secs. 12330, 12333, 12334.)

287. Same; Decree; Recording.

(a) **Decree; Costs.** On approving a partition in kind, the Court shall enter a decree allotting each party the property or share set off to him, apportioning the costs among the allottees and entering judgment against each for his share thereof, which shall be a lien on the property allotted to him, and for which special execution may issue on demand of anyone interested.

Further as to costs, see Rule 293.

(b) **Recording.** If the decree involves real estate, the Clerk shall file with the recorder of his own county and each other county where any of the real estate lies, a certified transcript of so much of the decree as shows the book and page where it is recorded, the confirmation of the shares and interests in the property apportioned, the names of the parties found entitled to share therein, and an accurate description of each parcel allotted to each several owner. Such transcript shall be presented to the county auditor for transfer, and recorded in the deed records, and indexed as a conveyance of each parcel, with the name of the allottee as grantee and names of all other parties as grantors.

(Code Secs. 12334-12337 adapted to these Rules.)

288. Referees to Sell; Bond. A referee to make sale shall qualify by taking oath. No bond shall be required before sale unless the referee is to sell personalty or take possession of real estate, in which case he shall give such bond as the Court directs. Before conveying real estate, he shall also give bond for one hundred twenty-five percent of the total sale price,

payable to the parties entitled to the proceeds, conditioned for the faithful discharge of his duties in connection with the sale and its proceeds.

(Supersedes and changes Code Sec. 12341.)

289. Sales; Notice; Expense; Approval.

(a) **Approval.** All sales shall be subject to the approval of the Court, unless it dispenses with approval of a public sale of personalty, which may then be sold on full payment of the price bid.

(b) **Expense.** If authorized by the Court, referees may advertise the sale beyond the required notice, or employ an auctioneer, clerk or assistant; and the expense thereof when allowed by the Court, shall be part of the costs.

(c) **Notice of Public Sale.** The referees shall give notice of the time and place of any public sale, by two publications, at least six days apart, in some newspaper of general circulation in the county where the sale is to be held. The last publication shall be at least seven days prior to the sale in case of real estate, and at least four days prior thereto in case of personalty.

(Supersedes Code Sec. 12342.)

290. Report of Sale; Notice.

(a) **Generally.** The referees shall report all proposed sales to the Court, which in its discretion, may require a hearing thereon at a specified time and place, in which event the referees shall give notice to the interested parties as the Court then directs.

(b) **Notice Mandatory.** Such notice and hearing must be accorded to any party who, before the report is approved, files with the Clerk, a duplicate request therefor, bearing his name and the address to which notice is to be sent. The Clerk shall docket the request, and transmit the copy to any referee forthwith, or if none has been appointed, then as soon as appointment is made. The referee shall mail notice of the hearing to such party at his address shown in the request within a time prescribed by the Court, which may direct that other parties be also notified.

(Supersedes Code Sec. 12344 and introduces new requirement for notice to parties desiring it.)

291. Approving Sale; Conveyance. The Court by express order may approve a private sale though it be for less than the appraised value. No real estate shall be conveyed until the sale is approved by the Court; and no conveyance shall be made until the price is fully paid.

(Supersedes Code Secs. 12343, 12345.)

292. Deed; Validity. A referee's deed, recorded in the county where the land lies, shall be valid against all subsequent purchasers, and against all persons interested at the time, who were parties to the proceeding.

(Code Sec. 12346.)

293. Costs. All costs shall be advanced by the plaintiff, but eventually paid by all parties proportionately to their interests; except costs created by contests, which shall be taxed against the losing contestant unless otherwise ordered. No contest shall deprive plaintiff's attorney of the fee specified in Rule 294. If partition is in kind, costs shall be adjudged, and may be collected as provided in Rule 287(a). If partition is by sale, the

costs shall be paid from the proceeds and deducted from the shares of the parties against whom they are taxed. These remedies for collecting costs shall be cumulative of other remedies.

(Supersedes Code Sec. 12339 and makes further provisions relative to attorneys' fees in event of contest, and for collection of costs where partition is in kind.)

294. Attorney Fees. On partition of real estate, but not of personalty, the Court shall fix, and tax as costs, a fee in favor of plaintiff's attorney, which cannot exceed the following amount, computed on the sale price, or by appraisement if no sale is made:

1. On the first two hundred dollars or fraction thereof obtained, ten per cent;
2. On the excess of two hundred to five hundred dollars, five per cent;
3. On the excess of five hundred to one thousand dollars, three per cent; and
4. On all sums in excess of one thousand dollars, one per cent.

(Code Sec. 12340 without change in the schedule.)

295. Other Fees. Appraisers and referees in all partition suits, as well as any attorney employed by a referee with approval of the Court, shall receive such reasonable compensation as the Court allows, which shall be part of the costs.

(Code Sec. 12351, as amended 49 G.A., chapter 304.)

296. Final Reports. Unless all interested parties waive it in writing, the Court shall fix a time and place of hearing the referee's final report, and prescribe the time and manner of notice which the referees shall give to all interested persons.

(New.)

297. Paying Small Sums. Whenever a minor, having no legal guardian, is entitled to proceeds of a partition sale, not in excess of two hundred dollars, the Court may order the referee discharged of all liability therefor, by paying them to the minor's parent or natural guardian, or the person with whom he resides, for the use of such minor, and taking a receipt therefor.

(New. Cf. Code Sec. 12077.1 which is not affected by these Rules.)

298. Unborn Parties. When a person not in being may have a contingent or a prospective vested interest as a cotenant of real estate, the Court shall have jurisdiction over the interest of such person, and shall appoint a suitable guardian ad litem, to act for him in such proceeding, and Rules 12 to 14 shall apply in such cases. The decree of partition and the division or sale thereunder shall be of the same force and effect as to all such persons, or persons claiming by, through or under them, as though they were in being when the decree was entered, and the property or proceeds of the interest of such person shall be subject to the order of the Court until the right thereto becomes fully vested.

(Code Sec. 12351.1.)

DIVISION XIII
QUO WARRANTO*

299. For What Causes. A civil action in the nature of quo warranto, triable by equitable proceedings, may be brought in the name of the state against any defendant who is

(a) unlawfully holding or exercising any public office or franchise in Iowa, or an office in any Iowa corporation; or

(b) a public officer who has done or suffered to be done, an act which works a forfeiture of his office; or

(c) acting as a corporation in Iowa without being authorized by law so to act; or

(d) a corporation exercising powers not conferred by law, or doing or omitting acts, which work a forfeiture of its corporate rights or privileges; or

(e) a person or corporation claiming under a patent, permit, certificate of convenience and necessity or license of any nature which was granted by the state because of fraud, or mistake or ignorance of a material fact, or the terms of which have expired or been violated by the defendant, or which the defendant has in any manner forfeited. The action in such cases shall be to annul or vacate the patent, permit, certificate or license in question.

(Supersedes Code Sec. 12417. Makes the action equitable; broadens subdivision (e) and permits corporations to be defendants therein.)

300. By Whom Brought.

(a) The county attorney of the county where the action lies may bring it in his discretion, and must do so when directed by the Governor, General Assembly or the Supreme or District Court, unless he may be a defendant, in which event the Attorney General may, and shall when so directed, bring the action.

(b) If on demand of any citizen of the state, the county attorney fails to bring the action, the attorney general may do so, or such citizen may apply to the court where the action lies for leave to bring it. On leave so granted, and after filing bond for costs in an amount fixed by the court, with sureties approved by the clerk, the citizen may bring the action and prosecute it to completion.

(Supersedes Code Secs. 12419, 12420.)

301. No Joinder or Counterclaim. In such action there shall be no joinder of any other cause of action, and no counterclaim.

(Code Sec. 12418.)

302. Petition. The petition shall state the grounds on which the action is brought, and if it involves an office, franchise or right claimed by others than the defendant, it shall name them; and they may be made parties.

(Supersedes Code Secs. 12421-12423, inclusive. The notice and general procedure will be governed by these Rules on those subjects.)

* (This Division supersedes chapter 531 of the Code, except Secs. 12426, 12427, and 12431-12438, inclusive.)

303. Judgment.

(a) The judgment shall determine all rights and claims of all parties respecting the matters involved; and shall include any provision necessary to enforce their rights as so determined, or to accomplish the objects of the decision.

(b) The judgment shall also determine which party, if any, is entitled to hold any office in controversy.

(c) If a party is unlawfully holding or exercising any office, franchise or privilege, or if a corporation has violated the law by which it exists or been guilty of any act or omission which amounts to a surrender or forfeiture of its privileges, the judgment shall oust such party from such office or franchise, or forfeit such privilege, and forbid such party to exercise or use any such office, franchise or privilege.

(d) If a party has merely exercised powers or privileges to which he was not entitled, but which does not warrant forfeiture under the law, the judgment shall prohibit him from the further exercise thereof.

(Supersedes Code Secs. 12424, 12428, 12429.)

304. Costs.

(a) Judgment against any defendant or intervenor shall include judgment for the costs of the action. Judgment against a pretended corporation shall adjudge the costs against the person or persons acting as such.

(b) If the action fails, the court may adjudge the costs against any private individual who brought it; otherwise they shall be paid as provided by the statutes governing costs in criminal cases.

(Supersedes Code Secs. 12422, 12428, 12430. The general chapter on Contempt will be available to enforce the judgment.)

305. Corporation Dissolved. If the judgment dissolves a corporation, the court shall make appropriate orders for the dissolution as provided by the statutes in force.

(Preserves Code Secs. 12432-12438, inclusive.)

DIVISION XIV**CERTIORARI***

306. When Writ May Issue. A writ of certiorari shall only be granted when specifically authorized by statute; or where an inferior tribunal, board or officer, exercising judicial functions, is alleged to have exceeded its, or his proper jurisdiction or otherwise acted illegally.

(This Rule and Rule 308 supersede Code Sec. 12456. Examples of specific statutes authorizing certiorari are Secs. 12550, 2573.11, 6466-6470, 1905.53.)

307. Title. The petition shall be entitled in the name of the petitioner as plaintiff, against the inferior tribunal, board or officer as defendant.

(Supersedes Code Sec. 12459 and clarifies title. Contents of petition are governed by rules of pleading generally.)

308. Other Remedies. The writ shall not be denied or annulled because plaintiff has another plain, speedy or adequate remedy; but the relief

* (This Division supersedes chapter 533 of the Code.)

by way of certiorari shall be strictly limited to questions of jurisdiction or illegality of the acts complained of, unless otherwise specially provided by statute.

See also Rule 107 as to treating petition as one for other proper relief.

(Supersedes Code Sec. 12456. Allows jurisdiction or illegality to be thus challenged despite other remedies, if that is all the party seeks to raise.)

309. The Writ. The writ may be granted only by the District Court unless it is directed to that court or a Municipal or Superior Court; and then by the Supreme Court or a Justice thereof. It shall be issued by the Clerk of the Court where the petition is filed, under its seal. It shall command the defendant to certify to that court, at a specified time and place, a transcript of so much of defendant's records and proceedings as are complained of in the petition or as may be pertinent thereto, together with the facts of the case, describing or referring to them or any of them with convenient certainty; and also to have then and there the writ.

(Supersedes Code Sec. 12457. Dispenses with complete transcript where that is not necessary for the review. Writs ordered by a Justice will be issued by the Clerk of the Supreme Court, as is the present practice.)

310. Stay; Bond. The Court or Justice granting the writ may, in its or his discretion, stay the original proceedings, though no stay is asked. Such stay, when sought by plaintiff, can be granted only on his filing bond with penalty and conditions, including security for costs, prescribed by such court or justice, and sureties approved by it or its clerk.

(Supersedes Code Sec. 12458.)

311. Notice of Issuing Writ. The writ may issue without notice on filing the petition, unless it is filed before a final order or decree in the original proceedings, or the plaintiff seeks a stay. Before issuing the writ in the latter cases, the Court or Justice shall, and in any case may in his discretion, fix a time and place for hearing and prescribe reasonable notice to defendant thereof. Such hearing shall be confined to the sufficiency of the petition, what records or proceedings shall be certified, and the terms of any bond to be given.

(Combines and supersedes Code Secs. 12460, 12461, limiting the preliminary hearing and requiring it if certiorari precedes final disposition of the original case.)

312. Service of Writ. Unless the defendant accepts service of the writ, it shall be served by a sheriff or deputy sheriff. If directed to a court, service shall be on a Judge or Clerk thereof; if to a board or other tribunal on its Secretary, Clerk or any member. Service shall be by delivery of the original writ; and a copy, with return of service, shall be returned to the office of its issuance.

(Supersedes Code Sec. 12462.)

313. Return to Writ; By Whom. Where the writ is directed to a court, return thereto, if practicable, shall be made and signed by the Judge whose action is complained of, otherwise by any Judge of that court; where directed to an officer, he shall make and sign the return; where directed to a board or tribunal, return thereto shall be made and signed by its presiding officer, or its clerk or secretary.

(New.)

314. Defective Return. If the return is defective, the Court or Justice who issued the writ, on his own motion or that of any party, may order

a further return; or compel obedience to the writ or to such order, by attachment or citation for contempt.

(Supersedes Code Sec. 12463.)

315. Trial. When full return has been made, the Court shall fix a time and place of hearing, and hear the parties upon the record made by the return. In its discretion, it may receive any transcript of the evidence taken in the original proceeding, and such other oral or written evidence as is explanatory of the matters contained in the return. Such transcript and additional evidence shall be considered for the sole purpose of determining the legality of the proceedings, and the sufficiency of the evidence before the original tribunal, board or officer to sustain its, or his action, unless otherwise specially provided by statute.

(This and the following Rule supersede Code Sec. 12464.)

316. Judgment Limited. Unless otherwise specially provided by statute, the judgment on certiorari shall be limited to sustaining the proceedings below, or annulling the same wholly or in part, to the extent that they were illegal or in excess of jurisdiction, and prescribing the manner in which either party may proceed further, nor shall such judgment substitute a different or amended decree or order for that being reviewed.

317. Nature of Proceeding. The action shall be by ordinary proceedings, so far as applicable.

(Code Sec. 12465.)

318. Appeal. Appeal to the Supreme Court lies from a judgment of the district court in a certiorari proceeding, and will be governed by the Rules applicable to appeals in ordinary actions.

(Code Sec. 12466.)

319. Limitation. No writ of certiorari shall issue or be sustained unless the petition is filed within six months from the time the inferior tribunal, board or officer exceeded its jurisdiction or otherwise acted illegally.

(Supersedes Code Sec. 12467. Reduces time limit and makes date of filing petition the determining factor.)

DIVISION XV INJUNCTIONS*

320. Independent or Auxiliary Remedy. An injunction may be obtained as an independent remedy by an action in equity, or as an auxiliary remedy in any action. In either case, the party applying therefor may claim damages or other relief in the same action. An injunction may be granted as part of the judgment; or may be granted by order at any prior stage of the proceedings, and is then known as a temporary injunction.

(Supersedes Code Secs. 12512, 12513, 12514.)

321. Temporary; When Allowed. A temporary injunction may be allowed:

(a) when the petition, supported by affidavit, shows the plaintiff is entitled to relief which includes restraining the commission or continuance of some act which would greatly or irreparably injure him; or,

* (This Division supersedes chapter 535 of the Code.)

(b) where, during the litigation, it appears that a party is doing, procuring or suffering to be done, or threatens or is about to do, an act violating the other party's right respecting the subject of the action and tending to make the judgment ineffectual; or

(c) in any case specially authorized by statute.

For injunctions in interpleader actions, see Rule 39.
(Supersedes Code Sec. 12515.)

322. Endorsing Refusal. A court, or Justice of the Supreme Court, refusing a temporary injunction shall endorse the refusal on the petition therefor.

(This and the next Rule afford a substitute for Code Sec. 12523.)

323. Same; Statement Re Prior Presentation. A petition seeking a temporary injunction shall state, or the attorney shall certify thereon, whether a petition for the same relief, or part thereof, has been previously presented to and refused by any court or Justice; and if so, by whom and when.

(See comment under Rule 322.)

324. Same; Outside District. No temporary injunction shall be granted by a District Court different from the one where the action is, or will be, pending, except upon affidavit that the application therefor cannot be promptly made to the latter court.

(Supersedes Code Secs. 12517, 12518, 12520.)

325. Same; By Whom Granted. A temporary injunction may be granted by:

- (a) the court in which the action is or will be pending;
- (b) the Supreme Court or a Justice thereof;
- (c) any other district court, when permitted by Rule 324.

(Supersedes Code Sec. 12516.)

326. Same; Notice. Before granting a temporary injunction, the Court may require reasonable notice of the time and place of hearing therefor to be given the party to be enjoined. Such notice and hearing must be had for a temporary injunction to stop the general and ordinary business of a corporation, or the operations of a railway or of a municipal corporation, or the erection of a building or other work, or the board of supervisors of a county, or to restrain a nuisance.

(Supersedes Code Secs. 12530, 12521-12525, inclusive.)

327. Same; Bond. The order directing a temporary injunction must require that before the writ issues, a bond be filed, with a penalty to be specified in the order, which shall be one hundred twenty-five per cent of the probable liability to be incurred. Such bond with sureties to be approved by the clerk, shall be conditioned to pay all damages which may be adjudged against petitioner by reason of the injunction. But in actions for divorce, separate maintenance or annulment of marriage, the Court in its discretion may waive any bond, or fix its penalty in any amount deemed just and reasonable.

(Supersedes Code Secs. 12526, 12529.)

328. Same; Dissolution. A party against whom a temporary injunction is issued without notice may, at any time, move the court where the

action is pending to dissolve, vacate or modify it. Such motion shall be submitted to that court. But if the injunction was granted by a Justice or court of a different district under Rule 324, the court or Justice that ordered it shall hear the motion, if it be shown by affidavit that prompt hearing cannot be obtained in the court where the action is pending.

(Supersedes Code Secs. 12524, 12531, 12532, 12533, 12534.)

329. Enjoining Proceedings or Judgment; Venue; Bond. An action seeking to enjoin proceedings in a civil action, or on a judgment or final order, must be brought in the county and court where such proceedings are pending or such judgment or order was obtained, unless that be the Supreme Court, in which case the action must be brought in the court from which appeal was taken. Any bond in such action must be further conditioned to pay or comply with such judgment or order, or to pay any judgment that may be recovered against the petitioner on the cause of action enjoined.

(Supersedes Code Secs. 12527, 12528.)

330. Violation as Contempt. Violation of any provision of any temporary or permanent injunction shall constitute contempt and be punished accordingly.

(Supersedes Code Secs. 12535-12539, inclusive.)

DIVISION XVI

APPELLATE PROCEDURE*

331. From Final Judgment.

(a) All final judgments and decisions of courts of record may be appealed to the Supreme Court, except as provided in this Rule and in Rule 333.

(b) No interlocutory ruling or decision may be appealed, except as provided in Rule 332, until after the final judgment or order. No error in such interlocutory ruling or decision is waived by pleading over, or proceeding to trial. On appeal from the final judgment, such ruling or decision may be assigned as error, where shown to have substantially affected the rights of the complaining party.

(New. Makes all intermediate orders reviewable on appeal from any final judgment. Prohibits appeals before final judgment except upon allowance by the Supreme Court or the Chief Justice.)†

332. From Interlocutory Orders.

(a) Any party aggrieved by an interlocutory ruling or decision, including one appearing specially whose objections to jurisdiction have been overruled, may apply to the Supreme Court or any Justice thereof to grant an appeal in advance of final judgment. Such appeal may be granted, after notice and hearing as provided in Rules 347 and 353, on finding that such

* (This Division supersedes all of chapter 555 of the Code, and Rules 14-a1 and 15-a to 32, inclusive of the present Supreme Court Rules.) †

† Editor's Note: The Chief Justice advises that in this comment the words, "or the Chief Justice" should read, "or any Justice thereof."

‡ Editor's Note: The Chief Justice advises that this footnote should read, "This Division supersedes much of chapter 555 of the Code. The sections of chapter 555 that are superseded are listed in the Appendix."

ruling or decision involves substantial rights and will materially affect the final decision, and that a determination of its correctness before trial on the merits will better serve the interests of justice.

(b) The order granting such appeal may be on terms of advancing it for prompt submission. It shall stay further proceedings below, and may require bond.

(New.)

333. Amount in Controversy. Except where the action involves an interest in real estate, no appeal shall be taken in any case where the amount in controversy, as shown by the pleadings, is less than three hundred dollars, unless the trial judge, within thirty days after the judgment or order is entered, certifies that the cause is one in which appeal should be allowed. The right of appeal is not affected by any remission of any part of the verdict or judgment.

(Supersedes Code Sec. 12833. Increases amount necessary for appeal from one hundred dollars to three hundred dollars.)

334. Scope of Review. Review in equity cases shall be de novo. In all other cases, the Supreme Court shall constitute a court for correction of errors at law; and findings of fact in jury-waived cases shall have the effect of a special verdict.

335. Time for Appeal. Appeals to the Supreme Court must be taken within, and not after, thirty days from the entry of the order, judgment or decree, unless a motion for new trial or for judgment notwithstanding the verdict is filed as provided in Rule 247, and then within thirty days after the ruling on such motion.

(Supersedes Code Sec. 12832. Reduces time for appeal to thirty days.)

336. How Taken; Notice; Delivery. Appeal is taken and perfected by filing a notice with the Clerk of the court where the order, judgment or decree was entered, signed by the appellant or his attorney. It shall specify the parties taking the appeal, and the decree, judgment, order or part thereof appealed from. The Clerk shall forthwith mail or deliver a copy of such notice to the attorneys of record for all parties other than the appellant, or to any such party who has no attorney of record, at his last known address. No failure of the Clerk to mail or deliver any notice shall affect the validity of the appeal.

(Supersedes Code Secs. 12837, 12838, 12840. Substitutes filing with Clerk for service of notice of appeal.)

337. Supersedeas; Bond.

(a) No appeal shall stay proceedings under a judgment or order unless appellant executes a bond with sureties, to be filed with and approved by the Clerk of the court where the judgment or order was entered. The condition of such bond shall be that he will satisfy and perform the judgment if affirmed, or any judgment or order, not exceeding in amount or value, the obligation of the judgment or order appealed from, which the Supreme Court may render or order to be rendered by the trial court; and also all costs and damages adjudged against him on the appeal, and all rents of or damage to property during the pendency of the appeal, of which appellee is deprived by reason of the appeal.

(b) If the judgment or order appealed from be for money, the penalty of such bond shall be one hundred twenty-five per cent of the amount, including costs, unless, in exceptional cases, the trial court fix a larger

amount; in all other cases, an amount sufficient to save appellee harmless from the consequences of the appeal; but in no event less than three hundred dollars.

(c) No appeal shall vacate or affect the judgment or order appealed from; but the Clerk shall issue a written order requiring the appellee and all others to stay proceedings under it, or such part of it as has been appealed from, when the appeal bond is filed and approved.

(Supersedes Code Secs. 12858-12861, inclusive.)

338. Bond; Hearing on Sufficiency. If any party to an appeal is aggrieved by the Clerk's approval of, or refusal to approve, a supersedeas bond tendered by appellant, he may apply to the trial Court, on at least three days notice to the adverse party, to review the Clerk's action. Pending such hearing, the Court may recall or stay all proceedings under the order or judgment appealed from. On such hearing, it shall itself determine the sufficiency of the bond, and if the Clerk has not approved the bond, the Court shall, by written order, fix its conditions and determine the sufficiency of the security; or if the Court determines that a bond approved by the Clerk is insufficient in security or defective in form, it shall discharge such bond and fix a time for filing a new one; all as appears by the circumstances shown at the hearing.

(Supersedes Code Secs. 12865, 12866.)

339. Judgment on Bond. If the Supreme Court affirms the judgment appealed from, it may, on motion of the appellee, render judgment against appellant and the sureties on the appeal bond for the amount of the judgment, with damages and costs; or may remand the cause to the trial court for the determination of such damages and costs, and the entry of judgment on the bond.

(Supersedes Code Sec. 12872.)

340. Record on Appeal.

(a) Promptly after taking an appeal to the Supreme Court, appellant shall file with the Clerk of the trial court duplicate typewritten *abstract* of so much of the record in that court, including pleadings, evidence, rulings, orders, judgment and all proceedings in the case, as is material to the appeal. Where exhibits will be copied in full in the printed record, the abstract may so state and refer to them by letter, number or other appropriate designation, without copying them.

The reporter's transcript shall be filed at the same time; and these Rules relative to it shall also apply to Bills of Exceptions under Rule 241. The cost of the transcript shall be taxed in the trial court.

The Clerk shall forthwith notify the attorneys of record for the appellee of such filing.

(New. The record should be abstracted, that is, summarized and abridged, retaining the essentials. Only exhibits which will be copied in full in the record may be referred to by number alone. If their abbreviation is proposed it must be included in the typed abstract.)

(b) If the abstract does not embrace the whole record, and all evidence and proceedings in the transcript, depositions and exhibits, it shall include a concise statement of all points upon which appellant will rely on the appeal, which shall be limited thereto.

(The statement of points is required when appellant intends to ask review of errors of law which can be presented on part only of the record and such part alone is abstracted. It is then needed to enable the appellee to determine whether such part alone is sufficient.)

(c) Within twenty days after such filing, or such longer time as the trial court may allow or the parties agree to in writing, any other party to the appeal may, in like manner, file duplicate amendments to appellant's abstract, proposing corrections, substitutions or additions thereto. At the expiration of the time for amendment, either party, on not less than three days written notice, may present the proposed abstract and all such proposed amendments, if any, to the Judge before whom the case was tried, who shall settle any differences to the end that the abstract correctly shows the evidence and proceedings at the trial, and is in form as provided by these Rules. The Trial Court shall then append to appellant's proposed abstract an order settling the same with any corrections, substitutions or additions it has allowed in conformity with these Rules.

(New.)

(d) Testimony of witnesses may be abstracted wholly or in part in condensed or narrative form, but if any party to the appeal deems any portion thereof to be of particular importance, he may state or substitute that part in question and answer form. Any party dissatisfied with another's proposed narrative statement of any testimony may require the questions and answers comprising it to be substituted for such narrative statement.

(e) Formal parts of all exhibits, and more than one copy of any document, shall be omitted. Documents shall be abridged by omitting formal or irrelevant parts. This Rule shall also apply to exhibits to pleadings.

(f) The abstract allowed as above or under paragraph (h) hereof shall constitute the Record on which the cause shall be submitted on the appeal. The appellant shall cause it to be printed, so as also to contain in full any exhibits designated in the abstract by number alone, as provided in paragraph (a) hereof.

For correcting Record, see Rule 341.

(Note the different use of the term "abstract". When settled and printed it is called the "record".)

(g) The Supreme Court may impose or withhold costs for any addition or substitution of irrelevant matter, or the use of needless questions and answers for the narrative statement. To aid it in this respect only, the Clerk of the trial court, at the request of the aggrieved party, shall certify to the Supreme Court the reporter's transcript, depositions, exhibits and proposed abstract and amendments thereto.

(When sent up under this paragraph the transcript is not to be used in reviewing the case, but only in determining costs.)

(h) Instead of proceeding under paragraphs (b) and (c) hereof, the parties may file with or include in the abstract proposed by any party to the appeal, their written agreement that it is correct. The trial court shall thereupon certify that such abstract has been so agreed to, and is the Record on appeal.

(i) Abstracts and the printed Record shall contain a brief index of their contents, in which the pleadings shall appear in the order of their filing.

341. Correcting Record; Certification.

(a) If anything material to either party is omitted from the Record on appeal by error or accident, or is misstated therein, the parties by stipulation, or the trial court, either before or after the Record is transmitted to

the Supreme Court, or the Supreme Court on its own initiative or proper suggestion, may direct the correction thereof; and, if necessary, that further proceedings be had and a supplemental Record be prepared and certified in the trial court; or may require the Clerk of the trial court to certify to the Supreme Court any or all of the evidence or proceedings below.

(b) Any part or all of the record, including exhibits, in the trial court shall, at the request of the Supreme Court or any Justice thereof, be certified and transmitted by the Clerk of the court below to the Supreme Court.
(Supersedes Code Sec. 12854.)

342. Filing and Docketing.

(a) Within ninety days after filing notice of appeal, or such longer time as the trial court may grant on application and hearing, appellant shall file the printed record with the Clerk of the trial court, with one printed copy for the attorney or attorneys for each other party to the Record and for each such party not represented by attorney. The cause shall be entitled as it was in the court below, with the party taking the appeal called the appellant, and all other parties appellees. The Clerk shall mail or deliver a copy of the record to each of such attorneys or parties, as provided in Rule 336 or Rule 353, and shall endorse upon the other copy his certificate of such filing and mailing, and mail it, so endorsed, to the Clerk of the Supreme Court.

(b) When appellant files the printed Record in the trial court, he shall forthwith mail or deliver seventeen printed copies thereof, with a filing fee of three dollars, to the Clerk of the Supreme Court, who shall then docket the cause.

(c) If the printed record is not filed by the appellant with the Clerk of the trial court within ninety days after filing the notice of appeal or within such further time as fixed by the trial court, the appellee may file with the Clerk of the Supreme Court a copy of the final judgment or order appealed from, or other matters required, certified to by the Clerk of the trial court, and cause the case to be docketed, and the appeal upon motion shall be dismissed, or the judgment or order affirmed.

(Supersedes Code Sec. 12848.)

343. **Filing Briefs.** In all cases, whether in equity or at law, the appellant shall file his brief with the Clerk of the trial court within forty-five days after filing his Record, unless such time is enlarged in accordance with Rule 347(b) or suspended under Rule 348(d). He shall also file one "service copy" for the Clerk's certification, and copies for the other parties or their attorneys as provided in Rule 342, which copies the Clerk shall forthwith mail or deliver in like manner. The Clerk shall thereupon return the service copy to appellant's attorney, first certifying thereon the fact and date of his delivery or mailing copies of the brief, and to whom. Appellant shall thereupon transmit the service copy and seventeen other printed copies of his brief to the Clerk of the Supreme Court.

Within thirty days after appellant's brief is thus filed, the appellee shall serve and file his brief in like manner.

Appellant shall, within fifteen days thereafter file and serve his reply brief, if any, in like manner.

344. Form and Contents of Briefs.

(a) Appellant's opening brief shall contain:

(1) A Statement of the Case, not ordinarily to exceed one page, showing the nature of the action, what the issues were, and how they were decided, and what questions are presented by the appeal.

(2) A Statement of the Facts, stating the principal facts in narrative form, with references to the pages and lines of the Record to support each statement. But if such references are fully supplied in the Argument, they may be omitted from this Statement.

(3) A Statement of Errors relied on for reversal when the appeal presents questions of law; or a Statement of Propositions relied on, when it is triable de novo. The errors or propositions shall be separately stated and numbered, in substantially the order they are presented in the Divisions of the Brief.

(4) In Separately numbered Divisions:

(First) A Statement of the "error" or "proposition" relied on and discussed in that division, with references to the pages and lines of the Record, sufficient to show fully the manner in which the error arose and the ruling of the trial court thereon.

(Second) Separately numbered or lettered Brief Points substantially conforming to the "Statement of Errors" or "Propositions" and stating without argument the grounds of complaint of the ruling and citing authorities supporting each point.

(Third) The argument shall follow the statement of the brief points and authorities in each division, and be confined thereto. Errors or propositions not stated or argued shall be deemed waived.

(b) If two or more errors relied on present closely related propositions of law or fact, the brief points and arguments may be presented in one Division.

(c) Argument of any error which relates to the sufficiency of the evidence to sustain a ruling on any point shall supply full references to the pages and lines of the Record, unless such evidence is fully stated, with such references, in the Statement of Facts.

(d) Appellee's Brief and Appellant's Reply shall follow the above outline as nearly as may be, but without unnecessary repetition.

345. Printing and Costs. The Record and Briefs shall be printed on unruled, unglazed white paper, with type commonly known as small pica, and leaded lines. The printed portion of each page shall be four inches wide and seven inches long with margins of two inches. Headings, and matter specially emphasized may be printed in bold face type. The lines of the Record must be numbered consecutively on each page.

The cost of printing, not to exceed one dollar per page, shall be certified by the printer on the document filed; and the amount actually paid, when certified by the attorney, shall be taxed in the Supreme Court as costs.

Motions, applications and petitions may be typewritten.

(Note the requirement that the *printer* certify the cost of printing and the attorney the amount actually paid.)

346. Submission and Oral Argument. A party desiring to be heard orally shall so state at the end of his Brief; and unless he does so he will be heard orally only in reply to his adversary's oral argument, if any. The oral arguments shall conform to rules prescribed by the Supreme Court.

347. Writs and Orders in the Supreme Court.

(a) **Writs and Process.** The Supreme Court shall issue all writs and processes necessary for the exercise and enforcement of its appellate jurisdiction and in the furtherance of its supervisory control over all inferior judicial tribunals and officers thereof throughout the state; and may enforce its mandates by fine and imprisonment, and imprisonment may be continued until obeyed.

(b) **Orders.** Every application for an order in the Supreme Court shall be in writing, served upon the adverse party or his attorney of record, with a notice that it will come on for hearing before the Supreme Court or a Justice thereof at a stated time and place. By stipulation and arrangement with the Court or Justice the parties may fix the time and place of hearing.

(c) **Hearings.** No order shall be issued except upon reasonable notice and opportunity to make resistance, but if it be made to appear that great and irreparable loss would ensue if the matter were delayed, an order may be entered effective only until final order is made. The Supreme Court may hear oral arguments on an application for order if it deems them desirable; otherwise, the matter shall be submitted without oral argument. One or more Justices may act for the Court in such matters.

348. Motions to Dismiss.

(a) Appellee's motion to dismiss an appeal must be in writing, supported by written brief, and served on appellant and filed with the Clerk of the Supreme Court within ten days after filing the Record, if the grounds therefor then exist. If he desires to present the motion orally, he shall so request therein.

(b) The Chief Justice shall fix the time for submission of such motion, which must be not less than ten days after its filing. If he determines oral argument is desirable, he shall assign it for oral argument; otherwise he shall assign it for submission on the briefs. The Clerk shall forthwith notify each party of the time and manner of the submission.

(c) Appellant's resistance, if any, shall be served and filed not less than three days prior to the date fixed for such submission.

(d) The Court may rule on the motion to dismiss before requiring submission of the appeal or may order the motion submitted with the appeal. The time intervening between service of the motion and the Court's order overruling the motion, or providing that it be submitted with the appeal, shall be excluded in determining the time within which the parties' respective Briefs on the merits must be filed.

(e) If grounds for dismissal of an appeal arise after the Record is filed, appellee may file and serve such motion to dismiss and supporting brief. The Court shall then determine when, and on what notice, the same shall be heard, and whether submission of the appeal shall be stayed and may make appropriate orders respecting the time for filing briefs on the merits.

349. Remands. When a judgment is reversed for error in overruling a motion to direct a verdict, or a motion for judgment under Rule 243(b), or a motion to withdraw an issue from the consideration of the jury, and the granting of the motion would have terminated the case in favor of appellant, the Supreme Court may enter, or direct the trial court to enter final judgment as if such motion had been initially sustained; providing that, if it appears from the Record that the material facts relating thereto were not fully developed at the trial, or if, in the opinion of the Supreme Court, the ends of justice will be served thereby, a new trial shall be awarded of such issue or of the whole case.

(This is new as general practice but accords with what has occasionally been done in certain cases. See *Wilson v. Findley*, 223 Iowa 1281.)

350. Rehearings.

(a) No notice of intention to file a petition for rehearing need be given; but the petition and brief thereon shall be filed with the Clerk of the Supreme Court within thirty days after filing the opinion, or such longer time as the Chief Justice, on written application served on the opposing parties, may allow. The petition and supporting brief must be printed either separately or together. Petitioner shall file eighteen copies thereof, together with one additional copy for the attorney or attorneys for each other party to the appeal, and each party not represented by attorney. The Clerk shall mail or deliver one copy to each such attorney or party forthwith, but his failure shall not impair the petitioner's right to consideration of his petition. The opposing party shall have fifteen days after filing of the petition and brief, in which to file resistance thereto.

(b) The parties shall have such right to argue a petition for rehearing orally on its submission as the Court may prescribe by rule.

(c) The Court may deny a rehearing, modify its opinion or order a re-submission. If resubmission is ordered, it shall designate the time for filing briefs, and counsel shall be entitled to oral argument on the re-submission; but the order therefor may designate the point or points to be argued.

351. Procedendo. Unless otherwise ordered by the Court, no procedendo shall issue for thirty days after an opinion is filed, nor thereafter while a petition for rehearing, filed according to these Rules, is pending.

352. Certiorari or Appeal. If any case is brought to the Supreme Court by appeal or certiorari, and the Court is of the opinion that the other of these remedies was the proper one, the case shall not be dismissed, but shall proceed as though the proper form of review had been sought.

353. Service Generally. Whenever service on a party to an appeal is required or permitted under Rules 331-350 inclusive, it shall be made by delivering copy to his attorney of record, or if he have none, then by delivery to him or mailing to his last known address, or if no address is known, by leaving copy for him with the Clerk of the Supreme Court. Delivery of copy within this Rule means either handing it to the attorney or party, or leaving it at his office with his clerk or other person in charge thereof, or if no one is in charge leaving it in a conspicuous place therein; or if the office is closed or the person to be served has no office, leaving it at his dwelling house or usual place of abode with some person over

eighteen years of age residing therein; or mailing it to his office address. Service by mail is complete on mailing. Proof of service may be made by written acknowledgment, or by affidavit of the person making the service, who may be an attorney in the case or his clerk.

DIVISION XVII

COURTS OF JUSTICES OF THE PEACE*

354. Security for Costs. If a defendant in any cause of action in the justice court, at any time more than forty-eight hours prior to the time fixed in the notice for appearance, shall make and file an affidavit stating that he has a good defense in whole or in part, the plaintiff, if he is a non-resident of the state or a foreign corporation, before any other proceedings in the action, must file with the justice before whom such action is pending, a bond with sureties to be approved by such justice, in an amount not exceeding one hundred dollars to be fixed by such justice for the payment of all costs which may accrue in the action in the court in which it is brought, or in any other justice court to which it may be carried, either to the defendant or to the officers of the court. The filing of an application for security for costs shall not waive the right of a party to challenge the jurisdiction of the justice court, at the time fixed in the notice.

(Supersedes Code Sec. 10527.)

355. Counterclaims and Transfer to District Court. In an action commenced in justice court for the recovery of money only, where the sum claimed is in excess of twenty-five dollars, any defendant may have the same transferred to the district court by filing with the justice at least twenty-four hours prior to the time for appearance fixed in the notice, a bond with sureties approved by the justice, in double the amount claimed by the plaintiff but in no case less than one hundred dollars and conditioned that such defendant will pay any judgment with costs recovered by the plaintiff against the defendant in the district court. Upon the filing of such bond and the approval of the sureties by the justice, the justice shall forthwith transcript the action to the district court. Where the amount claimed by plaintiff is twenty-five dollars or less any defendant may transfer such a justice court action to the district court upon the filing of an affidavit stating that he has a counterclaim in an amount in excess of the jurisdiction of the court, arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim, and which upon transfer will be filed, and by filing a bond as above provided. Such affidavit and bond shall be filed at least twenty-four hours prior to the time fixed for appearance in the notice.

(See Rule 32. New. Modifies Code Sec. 10535.)

356. Proceedings Upon Transfer. Upon transfer of an action from the justice court to the district court, and within five days after the filing of the transcript in the district court the plaintiff shall file a written petition. When petition has been so filed, the defendant shall plead or move thereto within ten days after the filing of the transcript. Thereafter the rules of

* (This Division modifies and supplements chapter 474 of the Code. It supersedes Code Secs. 10527, 10535, 10596, 10597, 10584, 10588 and 10599.)

pleading and practice shall be the same as though the action had originally been commenced in the district court. If the petition is not filed as provided herein the action shall be dismissed at plaintiff's costs.

(New.)

357. Notice of Appeal. In cases of appeal from the justice court to the district court or superior court, notice of appeal may be given in either of the following ways:

(a) By the appealing party filing in the justice court on the day on which the judgment is rendered, a written statement signed by such party or his attorney, that such party is appealing from the judgment. It may be made by writing it in the justice's docket.

(b) By the appealing party serving notice of the appeal upon the appellee, his agent, or the attorney who appeared for him, within twenty days after the judgment appealed from is rendered. Such notice shall be served in the same manner as is provided for service of original notice. If the appellee is a non-resident or foreign corporation and does not appear by agent or attorney, or if for any reason it is not possible to make service of such notice upon the appellee, his agent or attorney, the notice of appeal may be served upon the justice who rendered the judgment appealed from.

(Supersedes Code Sec. 10596.)

358. Filing of Bond on Appeal. The appeal bond must be filed in the office of the Clerk of the court to which the appeal is taken, within twenty days after the rendition of the judgment appealed from. It shall be in an amount determined by the Clerk to be sufficient to secure the judgment and costs of appeal and with sureties approved by said Clerk.

(Supersedes Code Sec. 10584.)

359. Dismissal for Lack of Prosecution. Any justice court action which is appealed, transferred or taken up by writ of error for review, shall stand for trial or be dismissed for lack of prosecution the same as any case originally brought in the district or superior court.

(New.)

360. Judgment Upon Appeal on Dismissal for Lack of Prosecution. When any judgment has been appealed or taken up by writ of error for review and shall be dismissed in the district or superior court for lack of prosecution, the Clerk shall enter judgment against the party or parties appealing in accordance with the judgment of the justice court.

(New.)

361. Deposit of Money in Lieu of Bond. When a bond is required any party in lieu of filing a bond, may deposit money in the sum fixed or specified as the amount of the bond. The rights of parties in and to the money so deposited shall be the same as their rights under the bond if one had been filed. Money deposited with a justice in lieu of a bond shall be transmitted by the justice to the Clerk of the court to which the case is appealed, transferred or brought for review by writ of error.

(New.)

362. Additional Remedy Where Exemption Claimed. In any action in justice court where funds are sought to be reached by garnishment, or personal property has been levied upon under attachment or execution,

the debtor, in addition to other remedies provided by law, and by motion filed at any time before judgment is entered against the garnishee, or before sale of property taken under attachment or execution, may move for a release of the funds, or certain or all of the personal property on the ground that the same are exempt from attachment or execution. Such motion shall be heard forthwith and the showing or counter-showing may be by affidavit or oral testimony or both. The matter of entering judgment against the garnishee or the sale of personal property shall be postponed until the motion is disposed of.

(New.)

DIVISION XVIII MUNICIPAL COURT*

363. Filing and Docketing. Unless the petition in class "A" cases or the original notice in class "B" cases is filed with the Clerk of the court at least five days before the date set in the original notice for appearance, the defendant shall not be held to appear and answer. If the petition or original notice, as the case may be, is not so filed the defendant may have the case dismissed at plaintiff's cost, without notice, by filing a copy of the original notice with the Clerk and paying the filing fee. No new action shall be commenced in any court of this state based upon the same claim or demand unless the costs in such dismissed action are fully paid by the claimant and satisfied of record.

(New.)

364. Transfer to District Court; In Cases Brought in the Municipal Court. When any defendant files a counterclaim in an amount in excess of the jurisdiction of the Court, arising out of the transaction or occurrence that is the subject matter of plaintiff's claim, such defendant, by motion filed with such counterclaim, may have the case transferred to the district court, upon the filing in the municipal court of a bond in an amount, and within the time fixed and with sureties approved by the Court. The bond shall be conditioned for the payment of all court costs assessed or adjudged against such defendant by the district court in connection with such case.

(New. See Rule 32.)

365. Same; Manner and Proceedings. Upon transfer of an action from the municipal court to the district court the Clerk of the municipal court shall forthwith transmit to the Clerk of the district court a transcript of the proceedings, with any original papers, of which he shall retain an authentic copy. The case shall be docketed without fee. The rights of the parties and the practice and procedure shall be the same as in actions originally commenced in district court.

(New.)

* (These few Rules are additional to the statutes in chapter 475 of the Code, which are not affected.)

DIVISION XIX**RULES OF A GENERAL NATURE**

366. Computing Time; Holidays. In computing time under these Rules the first day shall be excluded and the last day included, and if the last day is a Sunday or holiday, the time shall extend to the next day not a Sunday or holiday. Holidays shall be only: January first, February twelfth and twenty-second, May thirtieth, July fourth, November eleventh, December twenty-fifth, the first Monday in September, the day of general election, and any day proclaimed or designated by the President or the Governor as a day of Thanksgiving.

(New.)

367. Death, Retirement or Disability of Judge.

(a) In the event of the death or disability of a Judge in the course of a proceeding at which he is presiding, or while a motion for new trial or for judgment notwithstanding the verdict, or for other relief, is pending, any other Judge of the District may be called in, or a Judge from another District may be assigned by the Chief Justice of the Supreme Court to hear or act upon the same, and, if in his opinion he can proceed with the matter or determine the motion he shall do so; otherwise he may order a continuance, declare a mistrial, order a new trial of all or any of the issues, or make such disposition of the matter as the situation warrants.

(b) In the event of the death or disability of a Judge who has under advisement an undecided motion, or case tried to him without a jury, any other Judge of the District may be called in, or a Judge from another District may be appointed by the Chief Justice of the Supreme Court to consider the same, and, if by a review of the transcript or a re-argument he can, in his opinion, sufficiently inform himself to enable him to render a decision, he shall do so; otherwise he may order a continuance, declare a mistrial, or order a new trial of all or any of the issues, or direct the recalling of any witnesses, or make such disposition of the matter as the situation warrants.

(c) In the event of the death, disability or retirement of a Judge before the record for appeal in any case tried by him shall have been settled, the same shall be settled by another Judge of the District, or by a Judge of another District appointed for that purpose by the Chief Justice of the Supreme Court.

((a), (b), and (c) are new.)

368. Appeal to District Court from Administrative Body. Where appeal to the District Court from an action or decision of any officer, body or board is provided for by statute and the statute does not provide for the formulation of the issues either before such officer, body or board, or in the District Court, the appellant shall file a petition in the District Court within ten days after perfecting the appeal, or within such time as may be prescribed by the Court. The appellee shall file motion or an answer to such petition within ten days thereafter, or within such further time as may be prescribed by the Court. Thereafter the rules of pleading and procedure in actions in the District Court shall be applicable.

(New.)

369. Effect of Notice by Posting. Except in probate proceedings, or where expressly authorized by statute, notice by posting shall not be recognized as having any effect, and where the Court is authorized to prescribe the notice to be given, notice by posting shall not be prescribed.

(New.)

370. Comments and Footnotes. All references to sources, comments, and footnotes are incorporated solely for convenience in the use of the Rules and do not form a part thereof.

371. Power of Supreme Court to Change. The Supreme Court shall have power to revoke, change or supplement any of these Rules which prescribe the procedure in that court. Under this power the Court may revoke, change or supplement any Rule in Division XVI hereof except Rules 331-339 inclusive. Any such change or addition shall take effect at such time as the Court shall prescribe.

APPENDIX I

STATUTES OF NO FURTHER FORCE AND EFFECT

(Column 1 of this table contains a list of statutes which are of no further force and effect. Column 2 shows what Rule or Rules of Civil Procedure have rendered each of these statutes of no further force and effect.)*

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10987	1(d)	11067	56(d)
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10990	9	11069	56(c)
10991	16	11070	56(d)
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10993	10	11075	56(h)
10994	11	11076	56(j)
10995	12	11078	60
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* (That a statute is shown in this table as superseded does not indicate that the procedure has been changed by these Rules. The greater portion of the statutes listed as of no further force and effect have been incorporated in the Rules, either verbatim or in substance or with slight modifications necessary to make them conform to the system of practice contemplated under the Rules.)

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CERTIFICATE

I, Wayne M. Ropes, Secretary of State of the State of Iowa, do hereby certify that the above and foregoing is a true and correct copy of the Rules of Civil Procedure prescribed by the Iowa Supreme Court and reported to the Fiftieth General Assembly of Iowa, which was filed and deposited with me on the 19th day of April, 1943.

In testimony whereof, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this fourth day of May, A. D. nineteen hundred and forty-three.

WAYNE M. ROPES, *Secretary of State.*

CERTIFICATE

I, W. J. Scarborough, Secretary of the Senate of the Fiftieth General Assembly of the State of Iowa, do hereby certify that the attached Rules of Civil Procedure, prescribed by the Iowa Supreme Court, were filed with me by the Chief Justice of said Court on January 29, 1943, which was within twenty (20) days after the commencement of the regular session of this Fiftieth General Assembly.

Done this 9th day of April, 1943.

W. J. SCARBOROUGH,
*Secretary of the Senate, Fiftieth
General Assembly of the State of Iowa.*

I, Wayne M. Ropes, Secretary of State of the State of Iowa, do hereby certify that the attached is a true copy of a certificate executed by W. J. Scarborough, Secretary of the Senate of the Fiftieth General Assembly, relating to the Rules of Civil Procedure prescribed by the Iowa Supreme Court, and filed in this office April 19, 1943.

In testimony whereof, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 21st day of April, A. D. nineteen hundred and forty-three.

WAYNE M. ROPES, *Secretary of State.*

CERTIFICATE

We, A. C. Gustafson, Chief Clerk, and Henry W. Burma, Speaker, of the House of Representatives of the Fiftieth General Assembly of the State of Iowa, hereby certify that the attached Rules of Civil Procedure, prescribed by the Iowa Supreme Court, were filed with us by the Chief Justice of said Court on January 29, 1943, which was within twenty (20) days after the commencement of the regular session of this Fiftieth General Assembly.

Done this 9th day of April, 1943.

A. C. GUSTAFSON, *Chief Clerk,*

HENRY W. BURMA,
*Speaker, House of Representatives, Fiftieth
General Assembly of the State of Iowa.*

I, Wayne M. Ropes, Secretary of State of the State of Iowa, do hereby certify that the attached is a true copy of a certificate executed by A. C. Gustafson, Chief Clerk, and Henry W. Burma, Speaker, of the House of Representatives of the Fiftieth General Assembly of the State of Iowa, relating to the Rules of Civil Procedure prescribed by the Iowa Supreme Court, and filed in this office April 19, 1943.

In testimony whereof, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 21st day of April, A. D. nineteen hundred and forty-three.

WAYNE M. ROPES, *Secretary of State.*

CERTIFICATE

We, Robert D. Blue, President of the Senate, W. J. Scarborough, Secretary of the Senate, H. W. Burma, Speaker of the House of Representatives, and A. C. Gustafson, chief clerk of the House of Representatives, of the Fiftieth General Assembly of Iowa, hereby certify that no changes in the Rules of Procedure prescribed by the Supreme Court of the State of Iowa and reported by it to the General Assembly on January 29, 1943, were enacted by the said Fiftieth General Assembly.

Signed this 15th day of April, 1943.

ROBERT D. BLUE, *President of the Senate.*

W. J. SCARBOROUGH, *Secretary of the Senate.*

HENRY W. BURMA,
Speaker of the House of Representatives.

A. C. GUSTAFSON,
*Chief Clerk of the House of Representatives
of the Fiftieth General Assembly of Iowa.*

I, Wayne M. Ropes, Secretary of State of the State of Iowa, do hereby certify that the attached is a true copy of a certificate executed by Robert D. Blue, President of the Senate, W. J. Scarborough, Secretary of the Senate, H. W. Burma, Speaker of the House of Representatives, and A. C. Gustafson, Chief Clerk of the House of Representatives, of the Fiftieth General Assembly of Iowa, relating to the Rules of Procedure prescribed by the Supreme Court of the State of Iowa, and filed in this office April 19, 1943.

In testimony whereof, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 21st day of April, A. D. nineteen hundred and forty-three.

WAYNE M. ROPES, *Secretary of State.*

LEGALIZING ACTS

CHAPTER 279

SWEDISH MUTUAL INSURANCE ASSOCIATION

S. F. 329

AN ACT to legalize the corporate acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of the Swedish Mutual Insurance Association of Polk County, Iowa, and to provide for the renewal of the charter of said Swedish Mutual Insurance Association of Polk County.

WHEREAS, the period of the corporate existence of the Swedish Mutual Insurance Association of Polk County, Iowa, a corporation organized under the laws of the State of Iowa, with its principal place of business in the City of Des Moines, Iowa, expired on the 23rd day of January, 1942, and the requirements of the law relative to the renewal of the corporate existence of said corporation were not fully complied with, particularly by reason of failure to file said renewal articles with the Secretary of State as required by statute within the statutory period of time prescribed therefor, and,

WHEREAS, the Swedish Mutual Insurance Association of Polk County, Iowa, has continued to conduct its business and affairs as a corporation, and,

WHEREAS, the members of the Swedish Mutual Insurance Company of Polk County, Iowa, met on the 17th day of January, 1942, for the purpose of, and did upon said date take the required action necessary to renew the corporate existence of said corporation for a period of twenty (20) years and did adopt amended and substituted articles of incorporation for said purpose, but the amended and substituted articles of incorporation were not filed with the Secretary of State until the 1st day of March, 1943, and,

WHEREAS, the Swedish Mutual Insurance Association of Polk County, Iowa, has paid to the Secretary of State the renewal fees and recording fees, has now filed such renewal articles with the Secretary of State and has in all other particulars complied with the provisions of the statute relating to renewals of corporations of its kind, now, therefore,

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

1 SECTION 1. That all proceedings had with respect to the renewal
2 of the corporate existence of the Swedish Mutual Insurance Associa-
3 tion of Polk County, Iowa, a corporation with its principal place of
4 business in Des Moines, Iowa, and all corporate acts of said corpora-
5 tion, its officers and directors, since the expiration of the corporate
6 existence of said corporation on the 23rd day of January, 1942, are
7 hereby legalized and shall have the same force and effect as though
8 the said proceedings had been had and adopted pursuant to law and
9 within the period prescribed by the statute, and shall be held and
10 considered as a renewal of the period of corporate existence of said
11 corporation, which expired on the 23rd day of January, 1942, and

12 all corporate acts and proceedings in connection with the renewal
 13 and extension of said corporation and the adoption of the renewal,
 14 amended and substituted articles of incorporation are hereby de-
 15 clared to be valid and legal.

1 SEC. 2. The Secretary of State is hereby authorized and directed
 2 to acknowledge and file for record all instruments relating to the
 3 renewal of said corporation previously delivered to him by said cor-
 4 poration and to issue a certificate of renewal to the Swedish Mutual
 5 Insurance Association of Polk County, Iowa, said renewal to extend
 6 the corporate existence of said corporation for a period of twenty
 7 (20) years from the 23rd day of January, 1942, which certificate
 8 of renewal shall have the same force and effect as though issued in
 9 full accord with the requirements of the statutes of this State.

1 SEC. 3. Nothing in this Act shall be deemed or construed to affect
 2 pending litigation, if any, involving said corporation.

1 SEC. 4. This Act being deemed of immediate importance shall
 2 take effect and be in force from and after its publication in Plain
 3 Talk, a newspaper published in Des Moines, Iowa, and in The Ameri-
 4 can Citizen, a newspaper published in Des Moines, Iowa, without cost
 5 to the State.

Approved April 5th, 1943.

I hereby certify that the foregoing act was published in the Plain Talk, Des Moines,
 Ia., April 15, 1943, and The American Citizen, Des Moines, Ia., April 16, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 280

H. A. PETERSEN COMPANY

H. F. 398

AN ACT to legalize the corporate acts and the renewal of the charter of the H. A. Petersen Company of Marshalltown, Iowa.

WHEREAS, at the expiration of the corporate existence of the H. A. Petersen Company of Marshalltown, Iowa, a corporation organized under the laws of Iowa, renewal articles were not adopted and filed with the secretary of state in full compliance with the statutes relating to renewals specifically within the time limitation prescribed for adoption and filing of such renewal; and

WHEREAS, the said corporation has now filed such renewal articles and has paid the statutory fees therefor and otherwise complied with the law, except as to the time of adopting and filing; now, therefore

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

1 SECTION 1. All proceedings had with respect to the renewal of
 2 the corporate existence of the H. A. Petersen Company of Marshall-
 3 town, Iowa, and all corporate acts of said corporation, its officers,
 4 and directors, since the expiration of the corporate existence of said
 5 corporation, are hereby legalized and are hereby declared to be of the

6 same force and effect as though the said proceedings had been adopted
7 pursuant to law and within the period prescribed by the statute, and
8 all corporate acts and proceedings of the said corporation and its
9 officers and directors, including the proceedings in connection with the
10 renewal articles of incorporation, are hereby declared to be valid
11 and legal.

1 SEC. 2. The secretary of state is hereby authorized and directed
2 to issue to said H. A. Petersen Company of Marshalltown, Iowa, a
3 certificate of renewal which shall have the same effect as though issued
4 upon proper application by said corporation.

1 SEC. 3. Nothing in this act shall be deemed or construed to affect
2 pending litigation, if any, involving said corporation.

1 SEC. 4. This act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication as provided
3 by law in the Marshalltown Times-Republican, a weekly newspaper
4 published at Marshalltown, Iowa, and the South Marshall County
5 Record, a newspaper published at Melbourne, Iowa, without expense
6 to the state.

Approved April 5, 1943.

I hereby certify that the foregoing act was published in the Marshalltown Times-Republican, Marshalltown, Ia., April 9, 1943, and the South Marshall County Record, Melbourne, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 281

WAVERLY GRAVEL AND TILE COMPANY

H. F. 379

AN ACT to legalize the corporate acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of the Waverly Gravel and Tile Company and to provide for the renewal of the charter of said Waverly Gravel and Tile Company.

WHEREAS, the period of the corporate existence of the Waverly Gravel and Tile Company, a corporation, organized under the laws of the State of Iowa, with its principal place of business in the city of Waverly, Iowa, expired on the 5th day of July, 1942, and through inadvertence, the same was not renewed within the period prescribed by statute, and

WHEREAS, the Waverly Gravel and Tile Company has continued thereafter to conduct its business and affairs as a corporation, and

WHEREAS, on the 10th day of October, 1942, a special meeting of the stockholders of said corporation was held, pursuant to a call of said meeting by the president for the purpose of renewing and extending the said corporation for a period of twenty years from the 5th day of July, 1942, and adopting the amended and substituted articles of incorporation, and

WHEREAS, the Waverly Gravel and Tile Company has filed the said amended and substituted articles of incorporation together with a notice of the renewal of said corporation with the secretary of state of the

State of Iowa and has paid the proper renewal fees and recording fees and has in all other particulars complied with the provisions of the statutes relating to renewals of corporations; now, therefore,

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

1 SECTION 1. All proceedings had with respect to the renewal of
2 the corporate existence of the Waverly Gravel and Tile Company, a
3 corporation, with its principal place of business in Waverly, Iowa, all
4 corporate acts of said corporation, its officers and directors, since the
5 expiration of the corporate existence of said corporation on the 5th
6 day of July, 1942, are hereby legalized and shall have the same force
7 and effect as though the said proceedings had been adopted pursuant
8 to law and within the period prescribed by the statute and shall be
9 held and considered as a renewal and extension of said corporation
10 which expired on the 5th day of July, 1942, and all corporate acts
11 and proceedings of said corporation including proceedings in
12 connection with the renewal and existence of said corporation and
13 the adoption of the renewal, amended and substituted articles of
14 incorporation, are hereby declared to be valid and legal.

1 SEC. 2. The secretary of state of the State of Iowa, is hereby
2 authorized and directed to acknowledge and file for record the notice
3 of renewal of said corporation previously delivered to him by said
4 corporation and to issue a certificate of renewal to the Waverly
5 Gravel and Tile Company, said renewal to extend the corporate
6 existence of said corporation for a period of twenty years from the
7 5th day of July, 1942, which certificate of renewal shall have the same
8 force and effect as though issued upon proper and timely application
9 by said corporation.

1 SEC. 3. Nothing in this act shall be deemed and construed to
2 affect pending litigation, if any, involving said corporation.

1 SEC. 4. This act being deemed of immediate importance shall
2 take effect and be in force from and after its passage and publication
3 in *The News*, a newspaper published in Shell Rock, Iowa, and in the
4 *Bremer County Independent*, a newspaper published in Waverly,
5 Iowa, without cost to the state.

Approved April 5, 1943.

I hereby certify that the foregoing act was published in *The News*, Shell Rock, Ia.,
April 15, 1943, and the *Bremer County Independent*, Waverly, Ia., April 14, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 282

HOWARD COUNTY

S. F. 15

AN ACT to legalize the action of the board of supervisors of Howard county, Iowa, in making expenditures from the poor fund of said county for the purchase of farm land for the county home or county farm.

WHEREAS, the Board of Supervisors of Howard County, Iowa, for the year 1942 paid out of the poor fund of said county the sum of nine thousand dollars (\$9,000.00) for the purchase of one hundred (100) acres of land adjoining the Howard County home and county farm, said one hundred (100) acres becoming a unit of the county home and county farm; and

WHEREAS, doubt has arisen as to the legality of such expenditures and the proceedings incident to the making of the same, and it is now deemed advisable to put such doubts at rest; now, therefore,

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

1 SECTION 1. That the action of the Board of Supervisors of Howard
2 County, Iowa, in making expenditures out of the poor fund of said
3 county for the year 1942 in the amount of nine thousand dollars
4 (\$9,000.00) for the purchase of one hundred (100) acres of land which
5 was added to the Howard County home and county farm is hereby legal-
6 ized and declared valid.

1 SEC. 2. This act being deemed of immediate importance, shall
2 be in full force and effect from and after its passage and publication
3 in the Cresco Plain Dealer, a newspaper published at Cresco, Iowa,
4 and the Elma New Era, a newspaper published at Elma, Iowa.

Approved March 19th, 1943.

I hereby certify that the foregoing act was published in the Cresco Plain Dealer, Cresco, Ia., April 8, 1943, and the Elma New Era, Elma, Ia., April 8, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 283

MUSCATINE ISLAND LEVEE DISTRICT

S. F. 58

AN ACT to authorize the joint boards of supervisors of Muscatine and Louisa counties acting as the governing body of Muscatine island levee district, to transfer jurisdiction of so much of said Muscatine island levee district as lies within the corporate limits of the city of Muscatine, Iowa, to said city, and requiring and empowering said city to repair, improve and maintain the same and providing procedure.

WHEREAS, there has been heretofore established under the laws of Iowa an inter-county levee district, known and designated as Muscatine Island Levee District, situated partly in Muscatine County and partly in Louisa County, said district extending along the Mississippi River with its southerly terminus in Louisa County and its northerly terminus within the corporate limits of the City of Muscatine, in Muscatine County; and

WHEREAS, there has also been constructed within the corporate limits of said City of Muscatine, a levee along the west bank of the Mississippi River extending from the northerly end of the levee improvement included in said Muscatine Island Levee District, for a distance of approximately thirteen hundred feet, which latter levee has been constructed and maintained solely by said City of Muscatine; and

WHEREAS, the City Council of the City of Muscatine desires to acquire jurisdiction over that part of the levee improvement in said Muscatine Island Levee District, situated within its corporate limits in order to combine the same as one improvement with the levee extension constructed by said city above described, and when such jurisdiction has been acquired, to maintain said levee and reinforce and repair the same, as may be deemed advisable in the interest of the public health, convenience and welfare of the citizens of Muscatine; and

WHEREAS, the Joint Boards of Supervisors of Muscatine and Louisa Counties, as the governing body of said Muscatine Island Levee District, believe that it will be to the best interest of said District and advantageous to the public health, convenience and welfare of the citizens of Muscatine if that part of said levee district and the levee improvement established and maintained therein, which is situated within the corporate limits of said City of Muscatine, shall be severed from said Muscatine Island Levee District, and jurisdiction thereof transferred to the City Council of said City of Muscatine, or the Levee Improvement Commission of said city, as the case may be; and

WHEREAS, there is some question as to whether or not the present statutes of the State of Iowa pertaining to drainage and levee districts provide for the necessary procedure to effect such severance and transfer of jurisdiction; and

WHEREAS, there are no outstanding obligations or indebtedness owing by said Muscatine Island Levee District; now therefore

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

1 SECTION 1. That if the City Council of the City of Muscatine, Iowa,
2 shall deem it for the best interest of said city, to pass, by majority
3 vote, a resolution requesting the Joint Boards of Supervisors of
4 Muscatine and Louisa Counties, to permit said city to take over, con-
5 trol and maintain that part of the levee improvement constructed
6 in said levee district and situated within the corporate limits of said
7 City of Muscatine, and to sever from said Levee District that part
8 thereof lying wholly within the limits of the City of Muscatine, the
9 said City Council shall, upon the passage and adoption of such reso-
10 lution, cause the same to be certified to said Joint Boards of Super-
11 visors of Muscatine and Louisa Counties and a copy thereof filed with
12 the auditor of each of said counties, and thereupon said resolution
13 shall be spread upon the records of said levee district by the sec-
14 retary thereof.

1 SEC. 2. Upon the filing of said resolution the said Joint Boards
2 of Supervisors shall fix a time and place for the hearing of said re-
3 quest and cause notice of the time and place thereof to be given to all
4 land owners whose lands are situated within said Muscatine Island

5 Levee District, as well as to all lien holders or other persons inter-
6 ested in said district or in the lands included therein, naming said
7 land owners and lien holders generally, such notice to be given by
8 one publication thereof in a newspaper of general circulation in the
9 City of Muscatine, Iowa, and in the City of Wapello, Iowa, at least
10 fifteen days before the date of such hearing. Such notice shall pro-
11 vide that any such land owners or others interested in said district
12 may file objections to the action proposed to be taken, or that they may
13 appear in person at such hearing to present any objections to such
14 proposed action.

1 SEC. 3. Upon said hearing, if it shall appear to said Joint Boards
2 of Supervisors that it will be to the best interests of said levee dis-
3 trict and that the health, convenience and welfare of the citizens of
4 Muscatine will be promoted by such action, the Joint Boards of Su-
5 pervisors shall by resolution, duly adopted by a majority vote, cause
6 so much of said levee district as lies within the corporate limits of
7 the City of Muscatine to be severed from said district and jurisdic-
8 tion thereof to be transferred to said City Council of the City of
9 Muscatine, who shall thereafter control the same, and said City of
10 Muscatine shall be responsible for the maintenance and upkeep of
11 the levee improvement in that part of said levee district lying wholly
12 within the corporate limits of said City of Muscatine, from and after
13 the date of such transfer.

1 SEC. 4. Appeal. Any person who is aggrieved by such action may
2 appeal therefrom in the manner and time provided by Secs. 7513 to
3 7527 inclusive of the Code of Iowa in so far as applicable.

1 SEC. 5. After that part of said levee district lying within the cor-
2 porate limits of the City of Muscatine, has been transferred to the
3 jurisdiction of said city, as above provided, the same shall be con-
4 trolled, maintained and repaired in the same manner as provided for
5 drainage districts lying wholly within the corporate limits of a city
6 or town by Section 7637 of the Code of Iowa, and the management,
7 control, and maintenance of said levee improvement shall thereafter
8 be vested in the Levee Improvement Commission of said city, and
9 the cost thereof financed in the manner provided by Sections 6823-
10 6825 of the Code of Iowa.

1 SEC. 6. This Act being deemed of immediate importance shall
2 take effect upon publication in the Muscatine Journal published
3 at Muscatine, Iowa, and the Wapello Republican published at Wapello,
4 Iowa, at no cost to the state of Iowa.

Approved February 8th, 1943.

I hereby certify that the foregoing act was published in the Muscatine Journal, Mus-
catine, Ia., February 10, 1943 and the Wapello Republican, Wapello, Ia., February 11,
1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 284

REVISION OF CHAPTER LEGALIZING ACTS OF NOTARIES PUBLIC AND
ATTORNEYS IN FACT

S. F. 130

AN ACT to amend, revise, and codify chapter four hundred sixty-one (461), code, 1939, relating to legalization of acts of notaries public, acknowledgments, and instruments executed by attorneys in fact.

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

- 1 SECTION 1. Chapter four hundred sixty-one (461), Code, 1939, is
2 amended, revised, and codified to read as follows:
3 "The following acts and instruments are hereby legalized and de-
4 clared to be as valid as though all defects and irregularities therein as
5 set forth below had never existed; nothing in this section, however,
6 shall affect pending litigation:
7 1. Official acts performed before 1930 by notaries public during the
8 time that they held over in office without qualifying after the expira-
9 tion of the preceding term, if such notaries public have since qualified.
10 2. Acknowledgments taken before 1930 by notaries public outside
11 their jurisdiction.
12 3. Acknowledgments taken and oaths administered by mayors
13 under section 691, Code, 1897, or section 1216 of subsequent codes to
14 and including the Code of 1939, in proceedings not connected with
15 their offices.
16 4. Acknowledgments of deeds, mortgages, school fund mortgages
17 and contracts taken and certified before 1930 by any county auditor,
18 deputy county auditor, or deputy clerk of the district court although
19 such officer was not authorized to take such acknowledgments at the
20 time they were taken.
21 5. Acknowledgments taken and certified as provided by the Code
22 of 1873, which were taken and certified after September 29, 1897,
23 and prior to April 14, 1898, by officers having authority under the
24 Code of 1873 to take and certify acknowledgments, as though such
25 acknowledgments were taken and certified according to the provisions
26 of the Code of 1897, and as though the officers were authorized to
27 take and certify acknowledgments.
28 6. Acknowledgments taken, certified, and recorded before 1930 in
29 the proper counties, and which are defective only in the form of the
30 certificate of the officer taking the acknowledgment or because made
31 before an official not qualified to take such acknowledgment but who
32 was qualified to take acknowledgments generally.
33 7. Acknowledgments taken outside the United States before 1930
34 by officers authorized by section 10092 to take such acknowledgments,
35 whether or not a certificate of authenticity as provided by section
36 10093 is attached to such instrument; and the certificate of acknowl-
37 edgment of such officer is hereby made conclusive evidence that such
38 officer was duly qualified to make such certificate of acknowledgment.
39 8. Any instrument affecting real estate executed before 1930 by
40 an attorney in fact for the grantor where a duly executed and sufficient
41 power of attorney was on file in the county where the land was situated,
42 although the instrument was executed and acknowledged in the form
43 of 'A, attorney in fact for B', instead of 'B, by A, his attorney in fact';

44 or if such instrument is duly recorded and there is no record in the
45 county where the land is situated of a power of attorney authorizing
46 the attorney in fact to so act.

47 9. Any written instrument and the recording thereof, recorded
48 prior to 1930 in the office of the recorder of the proper county, although
49 there is attached to the instrument a defective certificate of acknowl-
50 edgment."

1 SEC. 2. This act shall not affect pending litigation, nor shall it
2 operate to revive rights or claims previously barred, nor permit an
3 action to be brought or maintained upon any claim or cause of action
4 which is barred by any statute which is in force prior to July 4, 1943.

Approved April 5, 1943.

CHAPTER 285

LEGALIZING DEFECTIVE CITY OR TOWN PLATS

S. F. 132

AN ACT to amend sections ten thousand four hundred sixteen (10416) and ten thousand four hundred seventeen (10417), code, 1939, relating to legalizing improperly signed or acknowledged plats.

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

1 SECTION 1. Section ten thousand four hundred sixteen (10416),
2 Code, 1939, is amended as follows:

3 1. Strike from line two (2) the figures "1895" and insert in lieu
4 thereof the figures, "1920";

5 2. Insert in line nine (9) after the word, "defective" the following,
6 "or because of a failure to fully comply with all of the provisions of
7 chapter 321 of the Code, 1939, or corresponding statutes of earlier
8 codes,".

1 SEC. 2. Section ten thousand four hundred seventeen (10417),
2 Code, 1939, is amended by striking from line four (4) the words and
3 figures, "of the code (Code 1897)" and inserting in lieu thereof the
4 following, "of the Code, 1897 and sections 6289 to 6299, inclusive, of
5 subsequent codes to and including the Code, 1939,".

1 SEC. 3 Section ten thousand four hundred sixteen (10416), Code,
2 1939, is further amended by striking all of said section following the
3 period (.) in line twenty-eight (28), and inserting in lieu thereof the
4 following: "After January 1, 1944, no action shall be brought to
5 establish, enforce, or recover any right, title, interest, lien, or condition
6 existing at the time of the platting, adverse to or against a clear, abso-
7 lute, and unqualified title in fee simple in the owner or owners."

1 SEC. 4. This act shall not affect pending litigation, nor shall it
2 operate to revive rights or claims previously barred, nor permit an
3 action to be brought or maintained upon any claim or cause of action
4 which is barred by any statute which is in force prior to July 4, 1943,
5 nor shall it affect any action which may be brought on or before
6 January 1, 1944.

Approved March 30th, 1943.

CHAPTER 286

MONONA COUNTY HAITZ DRAINAGE DISTRICT NUMBER 17

H. F. 134

AN ACT to legalize proceedings of the board of supervisors of Monona county, Iowa, for account of Haitz drainage district Number 17 in said county with respect to the levy of supplemental and additional assessments to pay the cost of improvements in and for said drainage district and with respect to the issuance of bonds for account of said drainage district in anticipation of the collection of the unpaid portion of said assessments.

WHEREAS, the board of supervisors of Monona County, Iowa, for and on account of Haitz Drainage District Number 17 in said county did heretofore on April 1, 1939 and on December 21, 1942, pursuant to published notices and hearings, levy and confirm supplemental and additional assessments upon the several lots and tracts of land in said drainage district to pay the cost of improvements in and for said drainage district, and on December 21, 1942, by resolution, did order and provide for the issuance of bonds to the amount of twenty-six thousand dollars in anticipation of the collection of the unpaid portions of said assessments; and

WHEREAS, doubts have arisen concerning the legality or validity of said proceedings and bonds and it is deemed advisable to put said doubts, as well as any and all others at rest;

Now, Therefore, Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. All proceedings of the board of supervisors of Monona
2 County, Iowa, with respect to the levy and confirmation of supple-
3 mental and additional assessments upon the several lots and tracts
4 of land in Haitz Drainage District Number 17 in said county, and
5 with respect to the issuance of bonds in anticipation of the collection
6 of the unpaid portion of said assessments be and the same are hereby
7 legalized and validated, and that drainage bonds in the principal
8 amount of twenty-six thousand dollars, dated January 1, 1943, issued
9 pursuant to said proceedings, are hereby legalized and validated.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the Onawa
3 Democrat, a newspaper published in Onawa, Iowa, and in the Whiting
4 Argus, a newspaper published in Whiting, Iowa, all without expense
5 to the state.

Approved February 16, 1943.

I hereby certify that the foregoing act was published in the Onawa Democrat, Onawa, Ia., February 25, 1943, and the Whiting Argus, Whiting, Ia., February 25, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 287

MONONA COUNTY FARMERS AND GARRETSON DRAINAGE DISTRICT

H. F. 135

AN ACT to legalize proceedings of the board of supervisors of Monona county, Iowa, for account of Farmers and Garretson drainage district in said county with respect to the levy of assessments to pay the cost of improvements in and for said drainage district and with respect to the issuance of bonds for account of said drainage district in anticipation of the collection of the unpaid portion of said assessments.

WHEREAS, the board of supervisors of Monona County, Iowa, for and on account of Farmers and Garretson Drainage District in said county, did heretofore on October 20, 1938, and December 21, 1942, pursuant to published notices and hearings, levy and confirm assessments upon the several lots and tracts of land in said drainage district to pay the cost of improvements in and for said drainage district and on December 21, 1942, by resolution, did order and provide for the issuance of bonds to the amount of twenty-eight thousand dollars in anticipation of the collection of the unpaid portion of said assessments; and

WHEREAS, doubts have arisen concerning the legality or validity of said proceedings and bonds, and it is deemed advisable to put said doubts as well as any and all others at rest;

Now, Therefore, Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. All proceedings of the board of supervisors of Monona
2 County, Iowa, with respect to the levy and confirmation of assessments
3 upon the several lots and tracts of land in Farmers and Garretson
4 Drainage District in said county, and with respect to the issuance of
5 bonds in anticipation of the collection of the unpaid portion of said
6 assessments, be and the same are hereby legalized and validated, and
7 that drainage bonds in the principal amount of twenty-eight thousand
8 dollars dated January 1, 1943, issued pursuant to said proceedings
9 are hereby legalized and validated.

1 SEC 2. Nothing in this act shall affect pending litigation.

1 SEC 3. This act, being deemed of immediate importance, shall take
2 effect and be in force from and after its publication in the Onawa
3 Sentinel, a newspaper published in Onawa, Iowa, and in the Mapleton
4 Press, a newspaper published in Mapleton, Iowa, all without expense
5 to the state.

Approved February 16, 1943.

I hereby certify that the foregoing act was published in the Onawa Sentinel, Onawa, Iowa, February 25, 1943, and the Mapleton Press, Mapleton, Ia., February 25, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 288

CONTINENTAL AMUSEMENT COMPANY

S. F. 154

AN ACT to legalize the corporate acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of the Continental Amusement Company, and to provide for the renewal of the charter of said Continental Amusement Company.

WHEREAS, the period of the corporate existence of the Continental Amusement Company, a Corporation, organized under the laws of the State of Iowa with its principal place of business in the City of Des Moines, Iowa, expired on the 1st day of April, 1941, and the requirements of the law relative to the renewal of the corporate existence were not fully complied with, and,

WHEREAS, the Continental Amusement Company has continued thereafter to conduct its business and affairs as a Corporation, and,

WHEREAS, the stockholders of the Continental Amusement Company met on July 5th, 1941 for the purpose of, and did upon said date vote to extend and renew the corporate existence of said Corporation for a period of twenty (20) years, and did adopt Amended and Substituted Articles of Incorporation for said purpose, but the Certificate of Renewal and the Amended and Substituted Articles of Incorporation were not filed with the Secretary of State until September 16, 1941, and the Notice of Renewal of the Corporate existence was published in Plain Talk, a newspaper of general circulation in Polk County, Iowa on September 18, 25, 1941 and upon October 2 and 9, 1941, and the Affidavit of such publication was filed with the Secretary of State on October 14, 1941, and

WHEREAS, the Continental Amusement Company has paid to the Secretary of State the renewal fees and recording fees, and has in all other particulars complied with the provisions of the statutes relating to renewals of Corporations, now, therefore,

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

1 SECTION 1. That all proceedings had with respect to the renewal
2 of the corporate existence of the Continental Amusement Company, a
3 Corporation, with its principal place of business in Des Moines, Iowa,
4 and all corporate acts of said Corporation, its officers and directors,
5 since the expiration of the corporate existence of said Corporation on
6 the 1st day of April, 1941, are hereby legalized and shall have the
7 same force and effect as though the said proceedings had been had and
8 adopted pursuant to law and within the period prescribed by the
9 statute, and shall be held and considered as a renewal and extension
10 of the period of the corporate existence of said Corporation, which
11 expired on April 1, 1941, and all corporate acts and proceedings of
12 said Corporation, including the proceedings in connection with the
13 renewal and extension of said Corporation and the adoption of the re-
14 newal, amended and substituted Articles of Incorporation, are hereby
15 declared to be valid and legal.

1 SEC. 2. The Secretary of State is hereby authorized and directed
2 to acknowledge and file for record the Notice of Renewal of said Cor-
3 poration previously delivered to him by said Corporation, and to issue

4 a Certificate of Renewal to the Continental Amusement Company, said
 5 renewal to extend the corporate existence of said Corporation for a
 6 period of twenty (20) years from April 1, 1941, which Certificate of
 7 Renewal shall have the same force and effect as though issued in
 8 full accordance with the requirements of the statutes of this State.

1 SEC. 3. Nothing in this Act shall be deemed or construed to affect
 2 pending litigation, if any, involving said Corporation.

1 SEC. 4. This Act being deemed of immediate importance shall
 2 take effect and be in force from and after its publication in Plain Talk,
 3 a newspaper published in Des Moines, Iowa, and in The Des Moines
 4 Daily Record, a newspaper published in Des Moines, Iowa, without
 5 cost to the State.

Approved March 20, 1943.

I hereby certify that the foregoing act was published in the Plain Talk, Des Moines, Ia., April 1, 1943, and The Des Moines Daily Record, Des Moines, Ia., April 2, 1943.
 WAYNE M. ROPES, *Secretary of State.*

CHAPTER 289

SAUL-EDMUND FURNITURE COMPANY

S. F. 253

AN ACT to legalize the corporate acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and renewed articles of incorporation of the Saul-Edmund Furniture Company and to provide for the renewal of the charter of said company.

WHEREAS, the period of the corporate existence of the Saul-Edmund Furniture Company, a corporation organized under the laws of the state of Iowa, with its principal place of business in the city of Ottumwa, Iowa, expired on the 19th day of April, 1942, and through inadvertence the same was not renewed within the period prescribed by statute, and,

WHEREAS, the Saul-Edmund Furniture Company has continued thereafter to conduct its business and affairs as a corporation, and,

WHEREAS, on the 15th day of July, 1942, at special meeting of the stockholders called for the purpose of extending and renewing the said corporation for a period of twenty years from April 19, 1942, and adopting the amended and renewed articles of incorporation, and,

WHEREAS, the Saul-Edmund Furniture Company has filed the said amended and renewed articles of incorporation together with a certificate of renewal of the said corporation with the secretary of state of the state of Iowa, and has paid the proper renewal fees and recording fees, and has in all other particulars complied with the provisions of the statutes relating to renewals of corporations, now, therefore;

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

1 SECTION 1. All proceedings had with respect to the renewal of the
 2 corporate existence of the Saul-Edmund Furniture Company, a cor-
 3 poration with its principal place of business in Ottumwa, Iowa, and

4 all corporate acts of said corporation, its officers and stockholders,
 5 since the expiration of the corporate existence of said corporation on
 6 the 19th day of April, 1942, are hereby legalized and shall have the
 7 same force and effect as though the said proceedings had been adopted
 8 pursuant to law and within the period prescribed by the statute, and
 9 shall be held and considered as a renewal and extension of the period
 10 of the corporate existence of said corporation, which expired on April
 11 19, 1942, and all corporate acts and proceedings of said corporation,
 12 including the proceedings in connection with the renewal and exten-
 13 sion of said corporation and the adoption of the amended and re-
 14 newed articles of incorporation, are hereby declared to be valid and
 15 legal.

1 SEC. 2. The secretary of state is hereby authorized and directed
 2 to acknowledge and file and record the certificate of renewal of said
 3 corporation previously delivered to him by said corporation, and to
 4 issue a certificate of renewal to the Saul-Edmund Furniture Company,
 5 said renewal to extend the corporate existence of said corporation for
 6 a period of twenty years from April 19, 1942, which certificate of
 7 renewal shall have the same force and effect as though issued upon
 8 proper and timely application by said corporation.

1 SEC. 3 Nothing in this act shall be deemed or construed to affect
 2 pending litigation, if any, involving said corporation.

1 SEC. 4. This act, being deemed of immediate importance, shall be
 2 in full force and effect from and after its passage and publication in
 3 the Ottumwa Daily Courier, a newspaper published at Ottumwa, Iowa,
 4 and the Eddyville Tribune, a newspaper published at Eddyville, Iowa,
 5 without expense to the State of Iowa.

Approved March 20th, 1943.

I hereby certify that the foregoing act was published in the Ottumwa Daily Courier,
 Ottumwa, Ia., March 26, 1943, and the Eddyville Tribune, Eddyville, Ia., April 1, 1943.
 WAYNE M. ROPES, *Secretary of State.*

CHAPTER 290

BUTLER COUNTY

H. F. 294

AN ACT to make permanent a certain temporary transfer of funds of Butler county,
 Iowa, made by authority of the state comptroller.

WHEREAS, on application of the board of supervisors of Butler County,
 Iowa, the state comptroller, on the tenth day of December, 1937, author-
 ized and approved a temporary transfer of ten thousand dollars from the
 bovine tuberculosis eradication fund of said county to the county fund of
 said county; and

WHEREAS, by order of the board of supervisors of said county there has
 been returned to said bovine tuberculosis eradication fund from the coun-
 ty fund the sum of fifteen hundred dollars on February 3, 1942, and the
 sum of five hundred dollars on June 30, 1942; and

WHEREAS, the maximum levy for the county fund has been inadequate to raise sufficient funds to return in full the funds temporarily transferred; and

WHEREAS, there are ample funds in the bovine tuberculosis eradication fund for all anticipated needs and said bovine tuberculosis eradication fund will not require the return of any more of the funds temporarily transferred; therefore

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

1 SECTION 1. The temporary transfer of ten thousand dollars from
2 the bovine tuberculosis eradication fund of Butler County, Iowa, to
3 the county fund of said county, approved by the state comptroller,
4 of date December 10, 1937, and duly made, is hereby made a perma-
5 nent transfer to the extent of eight thousand dollars and the same
6 is hereby legalized and made valid.

1 SEC. 2. This act, being deemed of immediate importance, shall take
2 effect and be in full force from and after its passage and publication
3 in the Allison Tribune, a newspaper published at Allison, Iowa, and
4 in the Clarksville Star, a newspaper published at Clarksville, Iowa,
5 both of said publications to be without expense to the State of Iowa.

Approved April 5, 1943.

I hereby certify that the foregoing act was published in the Allison Tribune, Allison, Ia., April 14, 1943, and the Clarksville Star, Clarksville, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 291

ALLISON INDEPENDENT SCHOOL DISTRICT

H. F. 295

AN ACT to make permanent a certain temporary transfer of funds of the Allison Independent School District, Allison, Iowa, made by authority of the state comptroller.

WHEREAS, on application of the directors of the Allison Independent School District the state comptroller authorized and approved a temporary transfer of one thousand dollars from the school house fund to the school house site fund of the Allison Independent School District; and

WHEREAS, the school house fund has sufficient funds to meet all demands thereon and will not require the return of the fund transferred to the school house site fund; and

WHEREAS, there are no funds in the school house site fund; therefore

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

1 SECTION 1. The temporary transfer of one thousand dollars from
2 the school house fund of the Allison Independent School District,
3 Allison, Iowa, to the school house site fund of the Allison Independent
4 School District approved by the state comptroller is hereby made a
5 permanent transfer and the same is hereby legalized and made valid.

1 SEC. 2. This act being deemed of immediate importance shall take
 2 effect and be in full force from and after its passage and publication
 3 in the Allison Tribune, a newspaper published at Allison, Iowa, and
 4 in the Dumont Journal, a newspaper published at Dumont, Iowa, both
 5 of said publications to be without expense to the State of Iowa.

Approved April 5, 1943.

I hereby certify that the foregoing act was published in the Allison Tribune, Allison, Ia., April 14, 1943, and the Dumont Journal, Dumont, Ia., April 14, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 292
 POTTAWATTAMIE COUNTY
 H. F. 348

AN ACT to legalize the expenditure of certain funds in 1935, 1937, 1938, and 1940 by Pottawattamie county.

WHEREAS, in 1935, 1937, 1938, and 1940 Pottawattamie County paid the following sums from the fund set out before each sum, when said sums should have been paid from the general county fund:

Paid from	For	Amount
1935		
Court Expense Fund	Workmen's compensation.....	\$ 23.85
Maintenance Fund	Workmen's compensation.....	924.48
Construction Fund	Workmen's compensation.....	270.15
Juvenile Fund	Workmen's compensation.....	5.00
Poor Fund	Workmen's compensation.....	917.94
	Total.....	\$2141.42
1937		
Juvenile Fund	Workmen's compensation.....	\$ 49.96
Construction Fund	Workmen's compensation.....	655.53
Maintenance Fund	Workmen's compensation.....	1719.67
1938		
	Total.....	\$2425.16
Juvenile Fund	Workmen's compensation.....	\$ 26.32
Juvenile Fund	Property Drainage	6.48
Juvenile Fund	Public Liability	21.06
Juvenile Fund	Workmen's compensation.....	28.14
Poor Fund	Workmen's compensation.....	45.29
Poor Fund	Workmen's compensation.....	37.32
	Total.....	\$ 164.61
1940		
Construction Fund	Workmen's compensation.....	\$ 351.34
Construction Fund	Workmen's compensation.....	1122.18
	Total.....	\$1473.52

; and

WHEREAS, said expenditures were shown as items nine (9), eight (8), ten (10), and five (5) respectively in the annual reports for the years in which such payments were made; now, therefore,

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

1 SECTION 1. The payments of \$2141.42 for the year 1935, \$2425.16
2 for the year 1937, \$164.61 for the year 1938, and \$1473.52 for the year
3 1940, by Pottawattamie County from the wrong funds as set out above
4 are hereby declared to be legal and proper and the amounts so paid are
5 hereby declared to be proper expenditures for the funds from which
6 they were paid.

Approved April 9, 1943.

CHAPTER 293

CLINTON COUNTY

H. F. 468

AN ACT to legalize action of the board of supervisors of Clinton county, Iowa in making expenditures from the Clinton county insane fund to the poor relief fund.

WHEREAS, the Board of Supervisors of Clinton County, Iowa, transferred during the years 1940, 1941, and 1942 the total sum of Twenty-Six Thousand Six Hundred Ninety-One Dollars and Twenty Cents from the Insane Fund of said County to the Poor Relief Fund; and

WHEREAS, this transfer should be approved and legalized; now, therefore,

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

1 SECTION 1. That the transfer during the years 1940, 1941, and
2 1942 in the County of Clinton, State of Iowa, of the sum of Twenty-Six
3 Thousand Six Hundred Ninety-One Dollars and Twenty Cents from
4 the Insane Fund to the Poor Relief Fund is hereby made a permanent
5 transfer.

1 SEC. 2. Nothing in this Act shall affect pending litigation.

1 SEC. 3. This act, being deemed of immediate importance, shall be
2 in full force and effect from and after its passage and publication in
3 the Davis County Republican, a newspaper published at Bloomfield,
4 Iowa, and the Herald, a newspaper published at Clinton, Iowa.

Approved April 5, 1943.

I hereby certify that the foregoing act was published in the Davis County Republican, Bloomfield, Ia., May 4, 1943, and the Herald, Clinton, Ia., April 28, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 294

LEGALIZING TRANSFER OF FUNDS IN TOWN OF COIN, IOWA

H. F. 369

AN ACT to make permanent a temporary transfer of certain funds from the bond fund to the cemetery fund in the town of Coin, Iowa.

WHEREAS, in 1935 the town of Coin became trustee under the will of Mr. Ed. F. Rose for \$2,000 to be used for perpetual cemetery care; and

WHEREAS, the said town of Coin invested \$1,500 of this money in United States Bonds and deposited the remainder of \$500 in a Permanent Cemetery Fund; and

WHEREAS, to this Cemetery Fund certain other funds were added, and withdrawals to pay cemetery expense were made from time to time, so that in April of 1942 there was a shortage of \$826.50; and

WHEREAS, it does not appear that the town officials used any part of these funds for their personal use but that their acts were the result of ignorance of the law; and

WHEREAS, the state comptroller has authorized the town of Coin to make a temporary transfer of \$626.50 from the Bond Fund of said town to the Cemetery Fund which amount, together with accrued interest of \$200 on the United States Bonds, will make up the deficit in the Cemetery Fund; now, therefore,

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

1 SECTION 1. The temporary transfer in 1942 of \$626.50 by the
2 town of Coin, Iowa, from the Bond Fund of said town to the Cemetery
3 Fund of said town, which temporary transfer was authorized by the
4 state comptroller, is hereby made permanent and the same is hereby
5 legalized and made valid.

Approved April 5, 1943.

CHAPTER 295

OSCEOLA COUNTY

H. F. 381

AN ACT to legalize and validate the expenditures by the board of supervisors of Osceola county, Iowa, made for expenses incurred by the Osceola county ration board.

WHEREAS, the Board of Supervisors of Osceola County, Iowa, has expended a total sum of one hundred thirty-five dollars and eighteen cents during the period from November 10, 1942, to February 20, 1943, to cover the necessary expenses for the operation of the Osceola County Ration Board during such period, and

WHEREAS, doubt has arisen as to the legality and validity of such expenditures, now therefore

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

1 SECTION 1. The act of the Board of Supervisors of Osceola County,
2 Iowa, in making expenditures in the sum of one hundred thirty-five
3 dollars and eighteen cents during the period from November 10, 1942,
4 to February 20, 1943, in payment of necessary expenses for the
5 operation of the Osceola County Ration Board, is hereby legalized
6 and declared valid.

1 SEC. 2. This act being deemed of immediate importance shall
2 take effect and be in full force from and after its publication in the
3 Sibley Gazette Tribune, a newspaper published in Sibley, Iowa, and
4 in the Ocheyedan-Arrow, a newspaper published in Ocheyedan, Iowa,
5 both of said publications to be without expense to the state.

Approved April 8, 1943.

I hereby certify that the foregoing act was published in the Sibley Gazette Tribune,
Sibley, Ia., May 13, 1943, and the Ocheyedan Arrow, Ocheyedan, Ia., May 13, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 296

LEGALIZING CITY OF LANSING COUNCIL EXPENDITURES

H. F. 382

AN ACT to legalize the actions of the city council of the city of Lansing, Iowa, with respect to the expenditure of funds for the management of the city hall and memorial building.

WHEREAS, in the year nineteen hundred thirty-nine the city of Lansing, Iowa, erected a building which has been and is being used jointly as a city hall and a memorial hall building, and

WHEREAS, the cost of construction of the said building was defrayed from two separate bond issues, one being memorial building bonds as provided under the provisions of chapter thirty-three (33), Code, 1939, and the other being city hall bond issues, and

WHEREAS, the city council of the city of Lansing, Iowa, has expended funds derived from memorial building levies for the maintenance and management of the said building, and

WHEREAS, doubts have arisen as to the legality of the acts of the council in expending such funds in view of the provisions of section four hundred ninety-one (491) of Chapter thirty-three (33), Code, 1939, which requires the appointment of a commission to manage and control any buildings erected under such chapter; now therefore,

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

1 SECTION 1. The proceedings had and taken and all the acts per-
2 formed by the city council of Lansing, Iowa, with respect to the
3 expenditure of funds for the maintenance and management of the
4 building erected and used in the city of Lansing, Iowa, as a memorial
5 hall building and as the city hall are hereby legalized and validated.

Approved April 5, 1943.

CHAPTER 297
KOSSUTH COUNTY
H. F. 388

AN ACT to legalize and validate the proceedings of the board of supervisors of Kossuth county, Iowa, with reference to the conveyance of real estate held for the benefit of permanent school fund, to P. P. Zerfass; and to authorize and direct the issuance of a patent to said real estate by the Governor and secretary of state.

WHEREAS, on March 28, 1922, one N. C. Rice and Harriett Rice, his wife, executed to Kossuth County, Iowa, a school fund mortgage covering the following-described real estate in Kossuth County, Iowa, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Fifteen (15), Township Ninety-seven (97) North, Range Twenty-seven (27), West of the Fifth P. M., and

WHEREAS, said mortgage having become in default, was foreclosed by Kossuth County, Iowa, and sold at public execution sale, and pursuant to said foreclosure proceedings a Sheriff's Deed was issued to the State of Iowa by the Sheriff of Kossuth County, Iowa, on May 20, 1935, covering said real estate, and

WHEREAS, on or about the 22nd day of May, 1935, the Board of Supervisors of Kossuth County, Iowa, negotiated a sale of said real estate to one P. P. Zerfass, and at the direction of said Board a Warranty Deed to said premises was executed to said purchaser, said Deed being executed on behalf of Kossuth County, Iowa, by the County Auditor, and

WHEREAS, the grantee in said Deed paid the full purchase price and took possession of said premises and has made valued improvements on said property since the purchase of the same, and

WHEREAS, doubts have arisen as to the legal sufficiency of the proceedings and as to the authority of the said Board of Supervisors to sell said real estate, and as to the validity of the Deed executed by the County Auditor conveying said premises, and it is deemed advisable to put said doubts, and all others that may arise, forever at rest, now, therefore,

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

1 SECTION 1. That all proceedings taken by the Board of Supervisors
2 of Kossuth County, Iowa, authorizing the conveyance of real estate
3 situated in Kossuth County, Iowa, described as follows, to-wit:
4 The Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter
5 (NE $\frac{1}{4}$) of Section Fifteen (15), Township Ninety-seven
6 (97) North, Range Twenty-seven (27), West of the Fifth
7 P. M.,
8 and the conveyance thereof to P. P. Zerfass, are hereby legalized,
9 validated and confirmed as transferring to the said P. P. Zerfass all
10 right, title and interest of Kossuth County and/or the permanent
11 school fund of the State of Iowa, in and to said real estate.

1 SEC. 2. Upon the receipt by the Secretary of State of a proper
2 Certificate of Sale executed by the Auditor of Kossuth County, Iowa,
3 showing that the full amount of the purchase price has been paid by
4 the purchaser, the Governor and Secretary of State are authorized

5 and directed to issue a patent to the above-described real estate, to
6 P. P. Zerfass.

1 SEC. 3. Nothing in this Act shall be deemed or construed to affect
2 pending litigation.

1 SEC. 4. This Act being deemed of immediate importance, shall
2 take effect and be in force from and after its passage and publication
3 in the Kossuth County Advance, a newspaper published at Algona,
4 Iowa, and in the Algona Upper Des Moines, a newspaper published at
5 Algona, Iowa.

Approved March 26, 1943.

I hereby certify that the foregoing act was published in the Kossuth County Advance,
Algona, Ia., April 6, 1943, and the Algona Upper Des Moines, Algona, Ia., April 1, 1943.
WAYNE M. ROPES, *Secretary of State.*

CHAPTER 298

CITY OF BURLINGTON

H. F. 456

AN ACT to legalize proceedings of the city of Burlington, Iowa, with respect to the acquisition by said city of a municipal water works plant and system and the issuance of revenue bonds to pay for same, and providing for the creation of a board of water commissioners to manage and control the operation of such system.

WHEREAS the City Council of the City of Burlington, Iowa, did heretofore negotiate with Citizens Water Company for the acquisition of the water works plant and system furnishing water and water service in and to said City, and by proceedings heretofore taken did provide for such acquisition and for the issuance of Water Revenue Bonds of said City to the amount of two hundred twenty-eight thousand eight hundred dollars to pay part of the cost thereof, and also did provide for the creation of a board of water commissioners to manage and control the operation of such system; and

WHEREAS doubts have arisen concerning the legal sufficiency or validity of said proceedings and bonds and it is deemed advisable to put said doubts as well as any and all others at rest.

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

1 SECTION 1. That all proceedings of the City Council of the City of
2 Burlington, Iowa, with respect to the acquisition of a municipal water
3 works plant and system by said City and the issuance of revenue bonds
4 to pay for same and providing for the creation of a board of water
5 commissioners to manage and control the operation of such system,
6 are hereby declared to be legally sufficient according to their import.

1 SEC. 2. That nothing in this Act shall affect pending litigation.

1 SEC. 3. That this Act being deemed of immediate importance shall
2 take effect and be in force from and after its publication in the Daily

3 Hawk-Eye Gazette, a newspaper published in Burlington, Iowa, and
4 in The Davis County Republican, a newspaper published in Bloom-
5 field, Iowa, all without expense to the state.

Approved March 19th, 1943.

I hereby certify that the foregoing act was published in the Daily Hawk-Eye Gazette, Burlington, Ia., March 26, 1943, and The Davis County Republican, Bloomfield, Ia., March 30, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 299

JOINT DRAINAGE DISTRICT NO. 3 DICKINSON AND OSCEOLA COUNTIES

H. F. 488

AN ACT to legalize the proceedings of Joint Drainage District No. 3 (Dickinson and Osceola counties) for payment of an attorney's fee in the case of Elizabeth Hartz, et al., vs. Osceola county, Geo. B. Brunson, treasurer of Osceola county, individually, et al., arising out of payment of drainage bonds of said district.

WHEREAS, Elizabeth Hartz, et al., brought suit against Osceola county, Geo. B. Brunson, treasurer of Osceola county, individually, et al., on account of the payment of certain bonds of Joint Drainage District No. 3 (Dickinson and Osceola counties), and

WHEREAS, it was necessary that Geo. B. Brunson employ counsel to defend said action, and

WHEREAS, the action was successfully defended and Geo. B. Brunson paid \$425.00 attorney's fee in said action, and

WHEREAS, it was the opinion of the joint boards of supervisors that Joint Drainage District No. 3 (Dickinson and Osceola counties) should pay the attorney's fee incurred, as above mentioned, and the joint boards paid Geo. B. Brunson \$425.00 to reimburse him for said expense, and

WHEREAS, some doubt has arisen as to the legality of said payment; now, therefore,

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

1 SECTION 1. The proceedings of the joint boards of supervisors of
2 Dickinson and Osceola counties, relative to the payment from the
3 funds of Joint Drainage District No. 3 of \$425.00 to Geo. B. Brunson
4 to reimburse him for legal expense incurred in the case of Elizabeth
5 Hartz, et al., vs. Osceola county, Geo. B. Brunson, et al., are hereby
6 legalized and declared valid.

1 SEC. 2. This act being deemed of immediate importance shall take
2 effect from and after its publication in the Sibley Gazette-Tribune,
3 a newspaper published at Sibley, Iowa, and the Ocheyedon Arrow, a
4 newspaper published at Ocheyedon, Iowa, said publications to be
5 without expense to the State.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Sibley Gazette-Tribune, Sibley, Ia., May 20, 1943, and the Ocheyedon Arrow, Ocheyedon, Ia., May 20, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 300

WORTH COUNTY

S. F. 136

AN ACT to legalize the action of the board of supervisors of Worth county, Iowa, in making expenditures from the Worth county maintenance and construction funds for the purpose of paying workmens compensation insurance.

WHEREAS, the Board of Supervisors of Worth County, Iowa, for the year 1937 paid out of the Maintenance Fund of said County the sum of \$1205.11 and for the year 1938 the sum of \$866.60 for Workmens Compensation Insurance; and

WHEREAS, the Board of Supervisors of Worth County, Iowa, for the year 1937 paid out of the Construction Fund of said County the sum of \$90.02 and for the year 1938 the sum of \$395.44 for Workmens Compensation Insurance; and

WHEREAS, all of said payments should have been paid from the General County Fund of said County; and

WHEREAS, there are not sufficient funds in the General Fund of said County to reimburse said Maintenance and Construction funds; and

WHEREAS, doubts have arisen as to the legality of such expenditures and the proceedings incident to the making of the same, and it is now deemed advisable to put such doubts at rest; now, therefore,

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

- 1 SECTION 1. That the action of the Board of Supervisors of Worth
- 2 County, Iowa, in making expenditures for Workmens Compensation
- 3 Insurance from the Maintenance fund of said County for the year 1937
- 4 in the amount of \$1205.11 and for the year 1938 in the sum of \$866.60
- 5 and from the Construction Fund of said County for the year 1937 in
- 6 the amount of \$90.02 and for the year 1938 in the amount of \$395.44
- 7 are hereby legalized and declared valid as though such expenditures
- 8 had been made from the general fund of said county.

Approved March 20th, 1943.

CHAPTER 301

STRATFORD MUTUAL TELEPHONE COMPANY

H. F. 487

AN ACT to legalize the corporate acts and proceedings in connection with the renewal of the corporate existence and the adoption of the amended and substituted articles of incorporation of the Stratford Mutual Telephone Company, and to provide for the renewal of the charter of said Stratford Mutual Telephone Company.

WHEREAS, the period of the corporate existence of the Stratford Mutual Telephone Company, a corporation, organized under the laws of the State of Iowa with its principal place of business in the Town of Stratford, Iowa, expired on the 28th day of March, 1943, and the requirements of the law relative to the renewal of the corporate existence were not fully complied with, and,

WHEREAS, the Stratford Mutual Telephone Company is and should continue to conduct its business and affairs as a Corporation, and,

WHEREAS, the stockholders of the Stratford Mutual Telephone Company met on February 9, 1943, for the purpose of voting, and did upon said date after due notice vote to extend and renew the corporate existence of said Corporation for a period of twenty (20) years from March 28, 1943, and did adopt Amended and Substituted Articles of Incorporation for said purpose, but the Certificate of Renewal and the Amended and Substituted Articles of Incorporation were not filed with the Secretary of State until March 26, 1943, and no certificate of Renewal of the Corporate existence of said Company was issued by the Secretary of State to said Company.

WHEREAS, the Stratford Mutual Telephone Company has deposited with the Secretary of State its said certificate of Renewal and the amended and substituted Articles of Incorporation for recordation as aforesaid and has deposited as a tender for payment to the Secretary of State the renewal fees and recording fees, and has in all other particulars complied with the provisions of the statutes relating to renewals of Corporations, now, therefore,

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

1 SECTION 1. That all proceedings had with respect to the renewal
2 of the corporate existence of the Stratford Mutual Telephone Company,
3 a Corporation, with its principal place of business in Stratford, Iowa,
4 and all corporate acts of said Corporation, its officers and directors,
5 since the expiration of the corporate existence of said Corporation on
6 the 28th day of March, 1943, are hereby legalized, and all corporate
7 acts and proceedings of said Corporation, including the proceedings
8 in connection with the renewal and extension of said Corporation and
9 the adoption of the renewal, amended and substituted Articles of
10 Incorporation, are hereby declared to be valid and legal.

1 SEC. 2. The Secretary of State is hereby authorized and directed
2 to file for record the said certificate of Renewal and the amended and
3 substituted Articles of Incorporation of said Corporation previously
4 delivered to him by said Corporation, and to issue a Certificate of
5 Renewal to the Stratford Mutual Telephone Company, said renewal
6 to extend the corporate existence of said Corporation for a period of
7 twenty (20) years from March 28, 1943, which Certificate of Renewal
8 shall have the same force and effect as though issued in full accord with
9 the requirements of the statutes of this State.

1 Sec. 3. Nothing in this Act shall be deemed or construed to affect
2 pending litigation, if any, involving said Corporation.

1 SEC. 4. This Act being deemed of immediate importance shall take
2 effect and be in force from and after its publication in the Stratford
3 Courier, a newspaper published in Stratford, Iowa, and in the Freeman
4 Journal, a newspaper published in Webster City, Iowa, without cost to
5 the State.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Stratford Courier, Stratford, Ia., April 29, 1943, and the Freeman Journal, Webster City, Ia., April 23, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 302
RINGGOLD COUNTY

H. F. 222

AN ACT to make permanent certain temporary transfers of funds of Ringgold county, Iowa, made by authority of the state comptroller.

WHEREAS, on application of the board of supervisors of Ringgold County, Iowa, the state comptroller, on the seventh day of August, 1935, authorized and approved a temporary transfer of ten thousand dollars from the county bond interest fund of said county, to the county fund of said county, which transfer was duly made, and

WHEREAS, on application of the board of supervisors of Ringgold County, Iowa, the state comptroller, did on the sixteenth day of November, 1939, authorize and approve a temporary transfer of five thousand dollars, from the court fund of said county, to the county fund of said county, which transfer was duly made, and

WHEREAS, the maximum tax levy for the county fund of said county has been insufficient to raise sufficient funds to return the above sums transferred to each of said funds, and

WHEREAS, neither the bond interest fund of said county nor the court fund of said county has required the sum so transferred, and it now appears that said sums will not be required by either of said funds; therefore,

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

1 SECTION 1. The temporary transfer of ten thousand dollars from
2 the county bond interest fund of Ringgold County, Iowa, to the county
3 fund of said county, approved by the state comptroller, of date August
4 7, 1935, and duly made, is hereby made a permanent transfer.

1 SEC. 2. The temporary transfer of five thousand dollars from the
2 court fund of Ringgold County, Iowa, to the county fund of said county,
3 approved by the state comptroller, of date November 16, 1939, and
4 duly made, is hereby made a permanent transfer.

1 SEC. 3. This act, being deemed of immediate importance, shall take
2 effect, and be in full force from and after its publication in the Mount
3 Air Record-News, a newspaper published at Mount Ayr, Iowa, and in
4 the Diagonal Reporter, a newspaper published at Diagonal, Iowa, both
5 of said publications to be without expense to the state.

Approved April 5, 1943.

I hereby certify that the foregoing act was published in the Mount Ayr Record-News, Mount Ayr, Ia., April 15, 1943, and the Diagonal Reporter, Diagonal, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 303
WOODBURY COUNTY

S. F. 123

AN ACT to legalize action of the board of supervisors of Woodbury county, in making expenditures from the court expense fund for the purpose of paying the salaries and expenses of officers and employees of the juvenile court of Woodbury county.

WHEREAS, the Board of Supervisors of Woodbury County, has for the past three years paid salaries and the expense of officers and employees of the Juvenile Court from the court expense fund of Woodbury County, Iowa; and

WHEREAS, doubts have arisen as to the legality of such proceedings and expenditures and it is deemed advisable to put such doubts at rest; now, therefore,

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

1 SECTION 1. The action of the Board of Supervisors of Woodbury
2 County, Iowa, in making expenditures for salaries and expenses of
3 the officers and employees of the Juvenile Court of Woodbury County
4 in the year 1940, in the sum of five thousand seven hundred twelve
5 dollars, fifty-four cents (\$5,712.54) from the court expense fund, is
6 hereby declared to be legal, valid and binding.

1 SEC. 2. The action of the Board of Supervisors of Woodbury
2 County, in making expenditures for salaries and expenses of officers
3 and employees of the Juvenile Court of Woodbury County, Iowa, in the
4 year 1941, in the sum of six thousand nine hundred forty-six dollars,
5 sixty cents (\$6,946.60) from the court expense fund, is hereby
6 declared to be legal, binding and valid.

1 SEC. 3. The action of the Board of Supervisors of Woodbury County,
2 in making expenditures for salaries and expenses of officers and
3 employees of the Juvenile Court of Woodbury County, Iowa, in the
4 year 1942, in the sum of six thousand nine hundred dollars, ninety-six
5 cents (\$6,900.96) from the court expense fund, is hereby declared to
6 be legal, valid and binding.

1 SEC. 4. Nothing in this Act shall affect pending litigation.

1 SEC. 5. This act being deemed of immediate importance, shall be
2 in full force and effect from and after its passage and publication in
3 the Sioux City Journal-Tribune, a newspaper published at Sioux City,
4 Iowa, and the Pierson Progress, a newspaper published at Pierson,
5 Iowa, such publication to be without expense to the state.

Approved March 23, 1943.

I hereby certify that the foregoing act was published in the Sioux City Journal-Tribune, Sioux City, Ia., April 13, 1943, and the Pierson Progress, Pierson, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 304

WOODBURY COUNTY

S. F. 122

AN ACT to legalize the action of the board of supervisors of Woodbury county, in making expenditures from the poor fund of said county for the repairs and remodeling of office building used by poor relief offices.

WHEREAS, the Board of Supervisors of Woodbury County, Iowa, for the year 1941 paid out of the poor fund of said county the sum of eighteen thousand two hundred ninety and 39/100 dollars (\$18,290.39) for the repairs and remodeling of the office building used by the poor relief offices, said office building located in Sioux City, Woodbury County, Iowa, on real estate described as the East fifty feet (E. 50') of Lots Five (5) and Six (6), Block Thirty-eight (38), Sioux City East Addition, and

WHEREAS, doubt has arisen as to the legality of such expenditures and the proceedings incident to the making of the same, and it is now deemed advisable to put such doubts at rest; now, therefore,

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

1 SECTION 1. That the action of the Board of Supervisors of Wood-
2 bury County, in making expenditures out of the poor fund of said
3 county for the year 1941 in the amount of eighteen thousand two
4 hundred ninety and 39/100 dollars (\$18,290.39) for the repairs and
5 remodeling of the office building used by the poor relief offices, said
6 office building located in Sioux City, Woodbury County, Iowa, on real
7 estate described as the East Fifty feet (E. 50') of Lots Five (5) and
8 Six (6), Block Thirty-eight (38) Sioux City East Addition, is hereby
9 legalized and declared valid.

1 SEC. 2. This Act being deemed of immediate importance, shall be
2 in full force and effect from and after its passage and publication in
3 the Sioux City Journal-Tribune, a newspaper published at Sioux City,
4 Iowa, and the Sloan Star, a newspaper published at Sloan, Iowa.

Approved March 20th, 1943.

I hereby certify that the foregoing act was published in the Sioux City Journal-Tribune, Sioux City, Ia., April 13, 1943, and the Sloan Star, Sloan, Ia., April 15, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 305

WOODBURY COUNTY

S. F. 121

AN ACT to legalize action of the board of supervisors of Woodbury county, instructing the county auditor of said county to make necessary adjustments as of January 1, 1942 in order that tax sale certificates and real estate acquired by the county under the tax sale of January 23, 1935 and under the tax sale of March 8, 1935 be placed in the same status as tax sale certificates and real estate acquired under the provisions of section seventy-two hundred fifty-five-b1 (7255-b1) of the 1935 code of Iowa.

WHEREAS, the Board of Supervisors of Woodbury County, Iowa, at a meeting held on the first day of November, 1941, adopted Resolution No. 788, which resolution reads as follows:

"WHEREAS, the Board of Supervisors of Woodbury County, Iowa, acting under the provisions of Section 7255-B1 of the 1931 Code of Iowa, purchased Real Estate at the Tax Sale of January 23, 1935, and at the Tax Sale of March 8, 1935, as evidenced by the Tax Sale Register in the office of the County Treasurer, and

"WHEREAS, the Board of Supervisors of Woodbury County, Iowa, advanced funds from the County General Fund in payment of the amounts as shown by the Tax Sale Certificates, and

"WHEREAS, the County Treasurer, instead of requiring payment from the County General Fund for Subsequent Taxes certified to the County Auditor, has certified the tax in the same manner as if the certificates of sale had been issued to the county under section 7255-B1 of the 1935 Code of Iowa, and

"WHEREAS, the Board of Supervisors still holds for the County General Fund some of the Tax Sale Certificates acquired under the sale of January 23, 1935, and the sale of March 8, 1935, and in addition holds title under County Treasurer deed to Real Estate by virtue of the said Tax Sale Certificates, and

"WHEREAS, the Board of Supervisors of Woodbury County, in order to avoid confusion and errors in future apportionment of funds, desire that the Tax Sale Certificates on hand and the Real Estate held acquired under Tax Sale Certificates of the sales of January 23, 1935 and March 8, 1935, be placed in the same status as if issued and acquired under the provisions of Section 7255-B1 of the 1935 Code of Iowa.

"NOW THEREFORE, the Board of Supervisors of Woodbury County, Iowa, hereby instruct the County Auditor as of January 1, 1942, to make such adjustments as may be required in order that the Tax Sale Certificates on hand and the Real Estate acquired under the Tax Sales of January 23, 1935, and March 8, 1935, be placed in the same status as if issued and acquired under the provisions of Section 7255-B1 of the 1935 Code of Iowa."

WHEREAS, doubts have arisen as to the legality of such proceedings and it is deemed advisable to put such doubts at rest; now, therefore,

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

1 SECTION 1. The action of the Board of Supervisors of Woodbury
2 County, Iowa, instructing the County Auditor to make necessary
3 adjustments to place the Tax Sale Certificates and the Real Estate
4 acquired by Woodbury County under the Tax Sale of January 23, 1935,
5 and the Tax Sale of March 8, 1935, in the same status as if acquired
6 under the provisions of Section seventy-two hundred fifty-five-B1
7 (7255-B1) of the 1935 Code of Iowa, is hereby declared to be legal,
8 valid and binding.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act being deemed of immediate importance, shall take
2 effect and be in force from and after its passage and publication in the
3 Sioux City Journal-Tribune, a newspaper published in Sioux City,

-
- 4 Iowa, and in the Anthon Herald, a newspaper published in Anthon,
5 Iowa, without expense to the state.

Approved March 20th, 1943.

I hereby certify that the foregoing act was published in the Sioux City Journal-Tribune, Sioux City, Ia., April 13, 1943, and the Anthon Herald, Anthon, Ia., April 14, 1943.
WAYNE M. ROPES, *Secretary of State.*

SPECIAL LAWS

CHAPTER 306

IOWA NEBRASKA BOUNDARY LINE

H. F. 437

AN ACT to establish the boundary line between Iowa and Nebraska by agreement; to cede to Nebraska and to relinquish jurisdiction over lands now in Iowa but lying westerly of said boundary line and contiguous to lands in Nebraska; to provide that the provisions of this Act become effective upon the enactment of a similar and reciprocal law by Nebraska and the approval of and consent to the compact thereby effected by the Congress of the United States of America and to declare an emergency.

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

1 SECTION 1. That on and after the enactment of a similar and re-
2 ciprocal law by the State of Nebraska, and the approval and consent
3 of the Congress of the United States of America, as hereinafter pro-
4 vided, the boundary line between the States of Iowa and Nebraska
5 shall be described as follows:

6 Commencing at a point on the south line of section 20, in town-
7 ship 75 N., range 44 W. of the fifth principal meridian, produced 861½
8 feet west of the S. E. corner of said section, and running thence north-
9 westerly to a point on the south line of lot 4 of section 10, in township
10 15 N., of range 13 E. of the sixth principal meridian, 2,275 feet east
11 of the S. W. corner of the N. W. ¼ of the S. E. ¼ of said section 10;
12 thence northerly, to a point on the north line of lot 4 aforesaid, 2,068
13 feet east of the center line of said section 10; thence north, to a point
14 on the north line of section 10, 2,068 feet east of the quarter section
15 corner on the north line of said section 10; thence northerly, to a point
16 312 feet west of the S. E. corner of lot 1, in section 3, township 15 N.,
17 range 13 E., aforesaid; thence northerly, to a point on the section line
18 between sections 2 and 3, 358 feet south of the quarter section corner
19 on said line; thence northeasterly, to the center of the S. E. ¼ of the
20 N. W. ¼ of section 2 aforesaid; thence east, to the center of the W. ½
21 of lot 5, otherwise described as the S. W. ¼ of the N. W. ¼ of section
22 1, in township 15, range 13, aforesaid; thence southeasterly, to a point
23 on the south line of lot 5 aforesaid, 1,540 feet west of the center of
24 section 1. last aforesaid; thence south 2,050 feet, to a point 1,540 feet
25 west of the north and south open line through said section 1; thence
26 southwesterly, to the S. W. corner of the N. E. ¼ of the S. W. ¼ of
27 section 21, in township 75 N., range 44 W. of the fifth principal
28 meridian; thence southeasterly, to a point 660 feet south of the N. E.
29 corner of the N. W. ¼ of the N. E. ¼ of section 28, in township 75 N.,
30 range 44 W., aforesaid; and said line produced to the center of the
31 channel of the Missouri river; thence up the middle of the main
32 channel of the Missouri river to a point opposite the middle of the main
33 channel of the Big Sioux river.

34 Commencing again at the point of beginning first named, namely,
35 a point on the south line of section 20, in township 75 N., range 44 W.
36 of the fifth principal meridian, produced 861½ feet west of S. E. corner
37 of said section, and running thence southeasterly to a point 660 feet
38 east of the S. W. corner of the N. W. ¼ of the N. W. ¼ of section 28,

39 in township 75 N., range 44 W. of the fifth principal meridian, and said
40 line produced to the center of the channel of the Missouri river; thence
41 down the middle of the main channel of the Missouri river to the
42 northern boundary of the State of Missouri.

43 The said middle of the main channel of the Missouri river referred
44 to in this act shall be the center line of the proposed stabilized channel
45 of the Missouri river as established by the United States engineers'
46 office, Omaha, Nebraska, and shown on the alluvial plain maps of the
47 Missouri river from Sioux City, Iowa, to Rulo, Nebraska, and identified
48 by file numbers AP-1 to 4 inclusive, dated January 30, 1940, and file
49 numbers AP-5 to 10 inclusive, dated March 29, 1940, which maps are
50 now on file in the United States engineers' office at Omaha, Nebraska,
51 and copies of which maps are now on file with the secretary of state of
52 the State of Iowa and with the secretary of state of the State of
53 Nebraska.

1 SEC. 2. The State of Iowa hereby cedes to the State of Nebraska
2 and relinquishes jurisdiction over all lands now in Iowa but lying
3 westerly of said boundary line and contiguous to lands in Nebraska.

1 SEC. 3. Titles, mortgages, and other liens good in Nebraska shall
2 be good in Iowa as to any lands Nebraska may cede to Iowa and any
3 pending suits or actions concerning said lands may be prosecuted to
4 final judgment in Nebraska and such judgments shall be accorded full
5 force and effect in Iowa.

1 SEC. 4. Taxes for the current year may be levied and collected by
2 Nebraska or its authorized governmental subdivisions and agencies on
3 lands ceded to Iowa and any liens or other rights accrued or accruing,
4 including the right of collection, shall be fully recognized and the
5 county treasurers of the counties affected shall act as agents in carry-
6 ing out the provisions of this section: *Provided*, that all liens or
7 other rights accrued or accruing, as aforesaid, shall be claimed or
8 asserted within five years after this act becomes effective, and if not
9 so claimed or asserted, shall be forever barred.

1 SEC. 5. The provisions of this act shall become effective only upon
2 the enactment of a similar and reciprocal law by the State of Nebraska
3 and the approval of and consent to the compact thereby effected by the
4 Congress of the United States of America. Said similar and reciprocal
5 law shall contain provisions identical with those contained herein for
6 the cession to Iowa of all lands now in Nebraska but lying easterly of
7 said boundary line described in section 1 of this act and contiguous
8 to lands in Iowa and also contain provisions identical with those
9 contained in sections 3 and 4 of this act but applying to lands ceded to
10 Nebraska.

1 SEC. 6. Whereas an emergency exists, this act shall be in full force
2 and effect, subject to conditions as hereinabove expressed from and
3 after its publication in the Sioux City Journal, a newspaper published
4 at Sioux City, Iowa, and in the Nonpareil, a newspaper published at
5 Council Bluffs, Iowa.

Approved April 15th, 1943.

I hereby certify that the foregoing act was published in the Sioux City Journal,
Sioux City, Ia., April 20, 1943, and the Nonpareil, Council Bluffs, Ia., April 17, 1943.

WAYNE M. ROPES, *Secretary of State.*

JOINT RESOLUTIONS

CHAPTER 307

CHAPLAINS AND CURRENT LEGISLATIVE EXPENSE

H. J. R. 2

A JOINT RESOLUTION fixing the Compensation of the chaplains of the Fiftieth General Assembly, and making an appropriation therefor, and for miscellaneous expense.

WHEREAS, it has been customary for the Senate and House of the Iowa Assembly to open each daily session with prayer offered by chaplains, and

WHEREAS, it is desirable that these chaplains be secured from among the clergymen throughout the state of Iowa, and

WHEREAS, some reasonable compensation should be provided to compensate and assist in defraying the expenses of such chaplains; therefore,

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

1 SECTION 1. That the compensation to be allowed the chaplain of-
2 ficiating at the opening of each House with prayer each day during
3 the Fiftieth General Assembly shall be five dollars (\$5.00) for each
4 House, and that sufficient funds are hereby appropriated to provide
5 such compensation. No member or employee of the General As-
6 sembly shall be entitled to said compensation.

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

1 SEC. 3. This act being deemed of immediate importance shall be
2 in force and effect from and after its publication in The Malvern
3 Leader, a newspaper published at Malvern, Iowa, and the Graphic
4 & News, a newspaper published at Lake City, Iowa.

Approved January 29th, 1943.

I hereby certify that the foregoing act was published in The Malvern Leader, Malvern, Ia., February 4, 1943, and the Graphic & News, Lake City, Ia., February 4, 1943.
WAYNE M. ROPES, *Secretary of State.*

CHAPTER 308

INVESTIGATION OF THE IOWA GREAT LAKES SEWAGE DISPOSAL SYSTEM

S. J. R. 3

A JOINT RESOLUTION to provide for the investigation by the Iowa State Conservation Commission and the State Department of Health under the supervision of the attorney general, of the problem of maintenance and operation of the Iowa Great Lakes sewage disposal system, and reporting the results thereof, together with proposals for legislation to the 51st General Assembly and providing funds therefor.

WHEREAS the 47th General Assembly enacted Chapter one hundred (100) (Senate File 278) Acts of the 47th General Assembly providing for the improvement of state owned lakes in Dickinson county, Iowa, and appropriating funds to be used in conjunction with federal funds in order to carry out the purposes of said act, and as a result a project of sewer and sewage diversion works was undertaken and completed with the said appropriation and appropriations made in the 48th General Assembly by Chapters thirteen (13) (Senate File 196) and thirty-seven (37) (Senate File 371) Acts of the 48th General Assembly, together with federal funds, and

WHEREAS, the revenues paid for the services of said project have been each year insufficient to pay the cost of the operation and maintenance of said project and the State of Iowa has had to pay the deficiency in operating and maintenance costs, which deficiency has averaged in excess of six thousand dollars (\$6,000.00) per year, and said deficiency will increase as replacements and extraordinary repairs are required, and

WHEREAS it is desirable that said sewer project, which is commonly known as the "Iowa Great Lakes Sewage Disposal System", be placed on a self-sustaining basis, and the necessity of the state paying deficiencies be eliminated, and

WHEREAS the solution of such problem involves the making of preliminary studies both from the standpoint of technical engineering and sanitary problems, the economic aspect, and legal phases and it is advisable that such investigations be made of all the problems and phases involved preliminary to the convening of the 51st General Assembly to the end that appropriate legislation may be considered and if advisable, adopted,

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

1 SECTION 1. The Iowa State Conservation Commission and the
2 State Department of Health are hereby directed forthwith to investigate all phases of the maintenance and operation of the Iowa Great
3 Lakes Sewage Disposal System for the purpose of determining all
4 facts with reference thereto bearing on costs of operation and main-
5 tenance and possible necessary improvements and additions, and the
6 relation of property in the vicinity which may be benefited by its
7 existence and operation, including facts which would aid in assessing
8 any operational, maintenance or construction costs on a benefit basis
9 and any necessary or proper legislation. The said investigation shall
10 be under the general direction and supervision of the Attorney Gen-
11 eral who shall co-ordinate the investigation, including the legal phases
12 thereof, and the preparation of a report of the results thereof including
13 proposals for legislation. Authority is granted for the employment of
14

15 special assistance, including that of a professional or technical char-
16 acter to aid in carrying out the purposes hereof upon approval of the
17 Governor and the Attorney General, provided that the employment
18 of special counsel shall be in the manner provided by section 152, Code,
19 1939. The expenses of the investigation and any other expenses shall
20 be paid from the funds made available hereby, upon certification to
21 the Comptroller by the Attorney General.

1 SEC. 2. A report of the investigation including the factual results
2 and conclusions, and any recommendations, and any proposals as to
3 legislation shall be prepared and completed on or before December
4 15th, 1944, and the Attorney General shall cause five hundred copies
5 of same to be printed and placed in the hands of the members of the
6 51st General Assembly upon the convening thereof in regular session.

1 SEC. 3. The Committee on Retrenchment and Reform is hereby
2 directed at its first meeting after July 4, 1943, to make available and
3 allocate from the General Contingent Fund for the ensuing biennium
4 the sum of five thousand dollars (\$5,000.00) or so much thereof as
5 may be necessary for the purpose of defraying the costs and expenses
6 of the investigation herein provided for. In the event that said sum
7 shall be insufficient the Committee on Retrenchment and Reform is
8 authorized to allocate such additional funds as the committee in its
9 discretion may determine are reasonably necessary to properly com-
10 plete said investigation.

Approved April 5, 1943.

CHAPTER 309

PRESENTATION OF SILVER SERVICE TO THE NEW BATTLESHIP IOWA

S. J. R. 4

A JOINT RESOLUTION providing for the re-presentation of the silver service pre-
sented to the old Battleship Iowa and now in possession of the state of Iowa to the
new Battleship Iowa commissioned on February 22, 1943.

WHEREAS, the battleship IOWA, recently commissioned, is the fourth
capital ship of the United States Navy to bear the name of our state and is
probably the most powerful naval vessel in the world and will be a worthy
successor to the gallant battleship IOWA that played such an important
and vital part in the naval engagements of the Spanish-American War, and

WHEREAS, the legislature of Iowa appropriated money for and had
designed and manufactured a silver service for the officers' mess of the
battleship Iowa in the year 1897, and such service was used on the gallant
ship IOWA from that year until the ship was decommissioned and de-
stroyed as a result of naval experiments in 1923, and

WHEREAS, said silver was thereafter returned by the Navy Department
to the custody of the State of Iowa and has since reposed on display in the
Iowa State Department of History and Archives, and

WHEREAS, it is the desire of the people of the State of Iowa that this
mighty new battleship bearing the name of our state shall have returned

to it at such time as may be convenient for its reception, this silver service that carries with it the pride and traditions of our state:

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

1 SECTION 1. That the silver service presented to the battleship
2 IOWA by the State of Iowa on or about 1897 and now in the possession
3 of the State of Iowa in the Department of History and Archives, be
4 and the same is hereby offered for re-presentation to the battleship
5 IOWA commissioned on February 22, 1943, for the officers' mess,
6 subject to acceptance thereof by the Navy Department or such other
7 proper authority as may be designated to receive it, for use on such
8 ship for such time as the battleship IOWA shall remain in commission
9 and in the service of the United States of America.

1 SEC. 2. That a copy of this joint resolution be forwarded to the
2 Navy Department and to the Commanding Officer of the battleship
3 IOWA, and that an invitation be extended hereby to the Commanding
4 Officer of the battleship IOWA to visit the State House in Des Moines
5 at his earliest convenience to receive said silver service, and that the
6 same be presented at a joint session of the General Assembly at such
7 time as may be mutually convenient to the General Assembly and the
8 receiving officer, and under such formalities as may be later desig-
9 nated by concurrent resolution of the General Assembly.
10

1 SEC. 3. That in the event it is not possible for the Commanding
2 Officer of the battleship IOWA to come to Iowa to receive said silver
3 service, that such other method of presentation thereof may be used
4 as, in the discretion of the legislature, if it be in session at that time,
5 or of the Executive Council, if the legislature be not then in session,
6 may be by them directed.

1 SEC. 4. That in the event the Navy Department or other proper
2 naval authority shall direct that the silver service, after its presenta-
3 tion, be retained in the custody of the State of Iowa until the cessation
4 of hostilities, that the state undertake to retain such custody and
5 trusteeship of said silver in its Department of History and Archives,
6 or other suitable protective place, and to deliver the same after the
7 conclusion of hostilities of the present war, at such time and place as
8 may be suggested by the Navy Department, and the Executive Council
9 is authorized to comply therewith in such manner as it shall deem
10 proper.

Approved March 16th, 1943.

CHAPTER 310

COMMITTEE FOR THE CENTENNIAL OF THE STATEHOOD OF IOWA

S. J. R. 5

A JOINT RESOLUTION providing for the appointment of a committee for the centennial of the statehood of Iowa, and providing an appropriation therefor.

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

1 SECTION 1. That in view of the approaching centennial of the
2 statehood of Iowa, the state having been admitted to the Union on

3 December 28, 1846, the Governor of Iowa is hereby authorized to
 4 appoint a committee of not to exceed fifteen (15) persons for the pur-
 5 pose of considering and preparing plans for a proper celebration of
 6 the centennial of the Iowa statehood during the year nineteen hundred
 7 forty-six (1946) at the Capitol at Des Moines, Iowa, and in the various
 8 parts of Iowa, such program for a celebration to be of a character
 9 suitable to advance the educational and historical interest of the people
 10 of the state of Iowa in the development of our state during its first
 11 one hundred (100) years. Said committee is hereby instructed to pre-
 12 pare plans and programs for such celebration and submit the same
 13 to the 51st General Assembly of Iowa for such action as it may deem
 14 proper.

1 SEC. 2. There is hereby appropriated from the general fund of
 2 the state of Iowa the sum of five hundred dollars (\$500.00) for each
 3 year of the biennium from July 1, 1943, to July 1, 1945, to be used by
 4 the Committee above named for stationery, postage, printing, and
 5 clerk hire, and other miscellaneous expenses.

Approved April 5, 1943.

CHAPTER 311

DELEGATES TO THE COMMISSIONING OF THE BATTLESHIP IOWA

S. J. R. 2

A JOINT RESOLUTION providing for the attendance of certain state officials at the commissioning of the Battleship Iowa and for the payment of expenses therefor.

WHEREAS, on the morning of February 22, 1943, at 11:45 o'clock A. M. at the Navy Yard, New York, the United States Battleship Iowa will be commissioned, and

WHEREAS, the United States Battleship Iowa is one of the largest and most powerful battleships ever to be built in the world and will be used against our Axis foes, and

WHEREAS the prospective commanding officer and officers have requested Governor Bourke B. Hickenlooper and Mrs. Bourke B. Hickenlooper, Lieutenant Governor Robert D. Blue and Mrs. Robert D. Blue, Senator B. C. Whitehill of Marshall County, the chairman of the Military Affairs Committee of the Senate and the Hon. John R. Gardner of Linn County, Chairman of the Military Affairs Committee of the House of Representatives and the Adjutant General of the State of Iowa to attend the commissioning ceremonies of the United States Battleship Iowa, and

WHEREAS it is important that the great State of Iowa participate in and be represented at the commissioning ceremonies of the Battleship Iowa in view of the honor bestowed upon our State in the naming of this battleship, now, therefore,

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

1 SECTION 1. That Governor Bourke B. Hickenlooper and Mrs.
 2 Bourke B. Hickenlooper, Lieutenant Governor Robert D. Blue and Mrs.

3 Robert D. Blue, the Senator B. C. Whitehill of Marshall County,
 4 Chairman of the Military Affairs Committee of the Senate and the
 5 Hon. John R. Gardner of Linn County, Chairman of the Military
 6 Affairs Committee of the House of Representatives and the Adjutant
 7 General of the State of Iowa be appointed and designated as delegates
 8 to attend and represent the State of Iowa at the Commissioning
 9 ceremonies of the United States Battleship Iowa on the morning of
 10 February 22, 1943 at 11:45 o'clock A. M. at the Navy Yard, New
 11 York, and that each delegate be reimbursed as to his or her actual ex-
 12 penses, and that said amounts be allowed and paid from General
 13 Funds not otherwise appropriated.

1 SEC. 2. This Joint Resolution being deemed of immediate impor-
 2 tance shall be in full force and effect from and after its publication in
 3 Daily Iowegian and Citizen, a newspaper published at Centerville, Iowa
 4 and the Red Oak Express, a newspaper published at Red Oak, Iowa.

Approved, 1943.

This bill, having remained with the governor three days (Sunday excepted), the general assembly being in session, has become a law this 24th day of February, A. D. 1943.

WAYNE M. ROPES, *Secretary of State*.*

I hereby certify that the foregoing act was published in the Daily Iowegian and Citizen, Centerville, Ia., February 26, 1943, and the Red Oak Express, Red Oak, Ia., February 25, 1943.

WAYNE M. ROPES, *Secretary of State*.

CHAPTER 312

POST-WAR REHABILITATION COMMISSION

S. J. R. 6

A JOINT RESOLUTION to provide for the appointment of a post-war rehabilitation commission by the Governor to study the problems of economic and social readjustments following the termination of the war and to report its recommendations and findings to the 51st General Assembly, and to authorize necessary expenditures for the functioning of said commission from the state general fund.

WHEREAS, there will be ten million (10,000,000) or more men and women in the Armed Services and Auxiliaries to return to peacetime employment after the war is over; and

WHEREAS, There will be millions of men and women to be transferred from war industries to peacetime employment; and

WHEREAS, The magnitude of this undertaking is such that it would be unwise to postpone its study until the war is over; and

WHEREAS, It is of the greatest importance that any Post-War plan for the State of Iowa shall be adapted to the economic resources and conditions peculiar to this State, in preference to some ready-made plan coming from Washington; and

*Code section 51.

WHEREAS, it behooves the States to be prepared to enact state legislation and recommend Federal legislation dealing with serious problems arising from Post-War economy; therefore,

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

1 SECTION 1. The Governor shall appoint a commission of twenty-
2 five (25) persons, residents of the State of Iowa, known as the
3 Post-War Rehabilitation Commission, which commission shall, as far
4 as may be possible, include a representative of the Iowa Industrial
5 and Defense Commission, agriculture, labor, highway and building
6 construction, transportation, industry, education, social welfare, the
7 newspapers, small businesses, professions and other broad economic
8 and social interests. Included in the said membership will be two
9 (2) members from the present membership of the State Senate and
10 two (2) members from the present membership of the House of
11 Representatives.

1 SEC. 2. The duties of the commission shall be:

2 1. To adopt such rules of procedure in the conducting of its meetings
3 as may be feasible and necessary to carry out the purposes of the
4 commission.

5 2. To elect, by a majority vote, a permanent chairman of the
6 commission at the first meeting of the commission.

7 3. To make a thorough study of the problems which will confront
8 the State of Iowa on the termination of the war as to the re-
9 employment of the men and women discharged from the armed
10 forces of the United States government, the re-employment of men
11 and women now being employed in industries now engaged in war
12 work, or substantially so, the conversion of industries now engaged in
13 war production into peacetime production, the readjustment of
14 farming into peacetime production, the re-establishment of persons
15 with farming training upon farms with consideration of proper
16 financing facilities, social welfare needs following the termination of
17 the war, and other economic matters of vital interest to the State of
18 Iowa.

19 4. To meet, confer or cooperate with other groups, local, state or
20 national, that are studying this subject, to invite and consider
21 suggestions from interested individuals and group, and disseminate
22 and distribute any information from time to time to persons, groups,
23 or the public, as it may deem expedient, for the broad purposes of
24 the creation of the commission.

25 5. To consider and act upon such other matters in connection with
26 Post-war problems, and preparation to meet them, as the Governor
27 may direct. The Governor shall have power to direct the co-operation
28 and co-ordination of any and all other state agencies with this
29 committee in furtherance of the purposes of this resolution.

30 6. To recommend to the 51st General Assembly for legislative
31 enactment any measures deemed to be feasible and expedient to carry
32 out a post-war plan of economic and social readjustment, which
33 recommendations will be filed by the first day of the 51st General
34 Assembly.

35 7. To make a complete report to the 51st General Assembly of all
36 of its doings, meetings, transactions, reports and expenditures, which

37 report will be filed by the first day of the 51st General Assembly, and
 38 to take such steps and put into effect such measures, not prohibited
 39 by law, as may facilitate the purposes of this resolution.

1 SEC. 3. The said commission will meet not oftener than once every
 2 three months, except oftener upon the recommendation of the
 3 Governor, in the City of Des Moines, at a place to be arranged in
 4 advance by the Executive Council.

1 SEC. 4. The Governor shall have the power to fill any vacancies.

1 SEC. 5. All state and local public officers and employees shall
 2 co-operate with this commission by supplying it with such data and
 3 facts which the commission may deem necessary in its deliberation
 4 from time to time.

1 SEC. 6. The members of the commission shall receive no compensa-
 2 tion for their services, except their actual and necessary expenses
 3 to be audited by the comptroller of the State and paid from the general
 4 fund of the State.

1 SEC. 7. The Executive Council shall provide necessary clerical
 2 help and office supplies and provide for publishing reports by such
 3 commission, which expenditures are to be certified by the chairman
 4 and audited by the comptroller of the state and paid from the general
 5 fund of the state.

Approved April 16, 1943.

CHAPTER 313

CONTINUING ACCOUNTING PROCEDURE APPROPRIATION

S. J. R. 9

A JOINT RESOLUTION to provide that the unexpended balance remaining in the fund appropriated to the executive council, by section eighteen (18) of chapter one (1), acts of the Forty-ninth (49th) General Assembly, for the purpose of revising the accounting and accounting procedure of the state including the payment of consultants, shall not revert to the general fund at the expiration of the current biennial fiscal term but shall continue to be available for the purposes enumerated in said act and for additional purposes.

WHEREAS, there has been appropriated to the executive council of the state by section eighteen (18) of chapter one (1), Acts of the Forty-ninth (49th) General Assembly, the sum of three thousand dollars for each year of the biennium beginning July 1, 1941, and ending June 30, 1943, for the purpose of revising the accounting and accounting procedure of the state including the payment of consultants, and

WHEREAS, the executive council has diligently employed said fund for the purposes enumerated in said act, but has not and will not be able to complete its work by June 30, 1943, and,

WHEREAS, there is urgent need to continue the work of revising the accounting system of the state, and,

WHEREAS, the balance unexpended from the total amount of six thousand dollars appropriated by said act is sufficient to continue the work of the executive council if said balance does not revert to the general fund on July 1, 1943, and

WHEREAS, all unexpended balances from appropriations made in the biennial appropriation act automatically revert to the general fund at the end of the biennium for which they were appropriated unless the general assembly shall manifest a contrary intention as to any particular fund by appropriate action; now therefore,

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

1 SECTION 1. The unexpended balance remaining on June 30, 1943,
2 in the fund appropriated by section eighteen (18) of chapter one (1),
3 Acts of the Forty-ninth (49th) General Assembly, in the total amount
4 of six thousand dollars for the purpose of revising the accounting and
5 accounting procedure of the state including the payment of consultants
6 shall not revert to the general fund of the state on July 1, 1943, but
7 shall continue to be available from and after that date by the executive
8 council for the purposes enumerated in said act and for the additional
9 purpose of purchasing an accounting machine for use in the state
10 comptroller's office.

1 SEC. 2. This act, being deemed of immediate importance, shall be
2 in full force and effect from and after its passage and publication in
3 the Community Press, a newspaper published at Maquoketa, Iowa,
4 and the Jefferson Bee, a newspaper published at Jefferson, Iowa.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Community Press, Maquoketa, Ia., April 22, 1943, and the Jefferson Bee, Jefferson, Ia., April 27, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 314

COMMISSION TO STUDY SCHOOL LAW CODIFICATION

S. J. R. 10

A JOINT RESOLUTION for the appointment of commission to make further study of the matter provided for in chapter one hundred fifty-two (152) (S. F. 291) acts of the 49th General Assembly, providing the scope of the work of the commission, and providing for a report of the commission to the Governor and making an appropriation to carry out the provisions of the resolution.

WHEREAS, House File 300, a bill prepared and sponsored by the commission for recodification and recommendation of school laws as defined and set out in Chapter 152 laws of the 49th General Assembly, was not filed as provided in said Chapter 152 and in fact the report of said commission as proposed by House File 300 was not filed until February 12, 1943, over one month after the convening of the 50th General Assembly, and

WHEREAS, said bill when filed contained 437 pages and attempted to establish far reaching changes in our school system and its laws, and

WHEREAS, there is merit in many provisions of said bill which is so voluminous as to demand serious and detailed study by the legislature and the public, and

WHEREAS, time has not been available for such study in this session because of the lateness of the introduction of the bill with its many innovations and interlocking provisions, and

WHEREAS, the public, the school boards, the taxpayers and the great majority of our citizens who are vitally interested in schools have had no reasonable opportunity to examine and study this proposed legislation.

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

1 SECTION 1. There is hereby created a commission of seven to carry
2 out the provisions of this resolution, two members of said commission
3 shall be appointed by the Speaker of the House from the membership
4 of the House in the 50th General Assembly; two members shall be
5 appointed by the Lieutenant Governor from the membership of the
6 Senate in the 50th General Assembly, and three members shall be
7 appointed by the Governor. Said appointments shall be made on or
8 before the 20th day of May, 1943, and immediately thereafter said
9 commission shall organize. The members of the commission shall
10 receive no compensation but shall receive their actual expenses
11 incurred in the performance of their duties to be paid from the funds
12 hereinafter provided. The Attorney General and the Code Editor shall
13 advise and counsel the commission in the performance of its duties
14 and aid in the preparation of any reports or proposed bills. Any
15 expense of the office of the Attorney General or the Code Editor in
16 connection therewith shall be paid from the funds hereinafter
17 provided. The commission may call upon the Superintendent of Public
18 Instruction for such aid, assistance and counsel from time to time as
19 it may deem necessary or proper in carrying on the work of the
20 commission, and may employ such assistance as it may deem necessary
21 upon approval of the governor.

1 SEC. 2. The commission shall have all the powers and authority
2 given the commission appointed under the provisions of Chapter 152
3 (S. F. 291) Acts of the 49th General Assembly. It shall investigate
4 all the matters directed to be investigated under said Chapter 152
5 Acts of the 49th General Assembly and in making said investigation
6 shall use House File 300 of the 50th General Assembly as a basis,
7 provided that this shall not be construed as a limitation on the scope
8 of the commission's investigation. It shall give particular attention
9 to the tax structure of the State of Iowa in so far as it concerns the
10 school system of the state, and make recommendations with reference
11 to same, and shall have access to all records and data in the hands of
12 the commission created by the 49th General Assembly.

1 SEC. 3. The commission shall make a report, including drafts of
2 proposed bills to effect its recommendations, to the Governor on or
3 before July 1, 1944, and thereupon the Governor shall cause to be
4 printed one thousand copies of said report, including the drafts of
5 proposed bills, and cause copies of same to be mailed to the elected
6 members of the 51st General Assembly on or before November 10,

7 1944, and make available copies to other interested parties. The
 8 expense thereof shall be paid from the funds hereinafter provided for.
 9 Upon the making of said report to the Governor, the commission shall
 10 stand discharged of its duties hereunder.

1 SEC. 4. There is hereby appropriated from the General Fund of
 2 the State the sum of five thousand dollars to defray all expenses of
 3 carrying out this Joint Resolution. Payments shall be made by
 4 warrants drawn by the Comptroller upon certification by the Chairman
 5 of the Commission.

1 SEC. 5. This Joint Resolution being deemed of immediate impor-
 2 tance shall be in full force and effect from and after its publication in
 3 the Ida County Pioneer Record, a newspaper published at Ida Grove,
 4 Iowa, and in the Tipton Conservative, a newspaper published at
 5 Tipton, Iowa.

Approved April 15, 1943.

I hereby certify that the foregoing act was published in the Ida County Pioneer
 Record, Ida Grove, Ia., April 29, 1943, and the Tipton Conservative, Tipton, Ia., April
 22, 1943.

WAYNE M. ROPES, *Secretary of State.*

CHAPTER 315

APPROPRIATION FOR GENERAL ASSEMBLY OFFICERS AND EMPLOYEES

H. J. R. 1

A JOINT RESOLUTION fixing the compensation of officers and employees of the Fiftieth General Assembly.

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

1 SECTION 1. Pursuant to the provisions of section nineteen (19)
 2 of the Code, 1939, it is provided that the daily compensation of all
 3 officers and employees of the Fiftieth General Assembly be as follows,
 4 to be paid in accordance with the rules of the Senate and House:

OFFICERS AND EMPLOYEES OF THE SENATE

5	Secretary of the Senate.....	\$9.00
6	Assistant Secretary and Reading Clerk of the Senate.....	7.50
7	Engrossing Clerk	7.00
8	Enrolling Clerk	7.00
9	Enrolled Bills Clerk	7.00
10	Journal Clerk	7.00
11	Assistant Journal Clerk	7.00
12	Clerk to Lieutenant Governor.....	5.00
13	Clerk to Secretary	5.00
14	Bill Clerk	4.00
15	File Clerk	4.00
16	Assistant File Clerk	4.00
17	Sergeant-at-arms	5.00
18	Assistant Sergeant-at-arms	4.50

19	Chief Doorkeeper	4.50
20	Doorkeepers	4.00
21	Postmistress	4.00
22	Committee Clerks	4.25
23	Matrons	4.00
24	Janitors	4.00
25	Telephone Messenger	3.25
26	Lieutenant Governor's Page	3.25
27	Pages	3.25
28	Secretary's Page	3.25

HOUSE OFFICERS AND EMPLOYEES

29	Chief Clerk	\$10.00
30	Assistant Chief Clerk	7.50
31	Reading Clerk	7.00
32	Journal Clerks	7.00
33	Engrossing Clerk	7.00
34	Enrolling Clerks	7.00
35	Special Clerk	7.00
36	Clerk of Enrolled Bills.....	7.00
37	File Clerks	4.00
38	Supply Clerk	4.00
39	Bill Clerks	4.00
40	Speaker's Clerk	5.00
41	Chief Clerk's Clerk	5.00
42	Committee Clerks	4.25
43	Postmistress	4.00
44	Sergeant-at-arms	5.00
45	Assistant Sergeant-at-arms	4.50
46	Porters	4.00
47	Telephone Messenger	3.25
48	Chief Doorkeeper	4.50
49	Doorkeepers	4.00
50	Chief Clerk's Page	3.25
51	Speaker's Page	3.25
52	Pages	3.25
53	Assistant Electricians	4.50
54	Matrons	4.00

JOINT LEGISLATIVE HELP

55	1st Assistant in Law and Economics Research.....	\$9.00
56	2nd Assistant in Law and Economics Research.....	7.50
57	Assistants in General Research and Clerk.....	5.50
58	Stenographers and Typists for Law Library.....	4.25
59	Pages to Librarian and his office.....	3.25
60	Stenographers for Law and Economics Division.....	4.25
61	Matrons	4.00
62	Elevator Tenders	4.00
63	Janitors	4.00
64	Postoffice Assistant	4.00
65	Postoffice Mail Carrier	4.00

66	Special Police for parking	4.00
67	Photostat Operator	4.50

1 SEC. 2. It is further provided that the president and secretary of
2 the senate and the speaker and chief clerk of the house shall be
3 authorized to pay compensation to persons acting as temporary
4 officers or employees, prior to the premanent* organization of their
5 respective houses, in the positions set forth in section one (1) and at
6 the same scale of compensation as set forth therein.

1 SEC. 3. This act being deemed of immediate importance shall be
2 in force and effect from and after its publication in the Daily Iowegian
3 and Citizen, a newspaper published at Centerville, Iowa, and The
4 Red Oak Express, a newspaper published at Red Oak, Iowa.

Approved January 23, 1943.

I hereby certify that the foregoing act was published in the Daily Iowegian and Citizen, Centerville, Ia., January 29, 1943, and the Red Oak Express, Red Oak, Ia., February 1, 1943.

WAYNE M. ROPES, *Secretary of State.*

*Note: In accordance with enrolled bill.

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GOVERNOR HICKENLOOPER

- S. F. 385 To amend section eighty-four and six hundredths (84.06), Code, 1939, relating to the budget report of the State Comptroller.

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